

**TOWN OF PLATTSBURGH
TOWN BOARD PUBLIC HEARING
August 3, 2009**

PUBLIC HEARING AGENDA

The notice of public hearing was read by the Clerk for the record.

The Public Hearing was called to order at 6:15 pm, prevailing time at the Town Hall on the Banker Road, Plattsburgh, New York to hear all interested persons relative to: Local Law #3 of the year 2009 entitled; A Local Law Regulating The Control Of Dogs in the Town of Plattsburgh and revoking in their entirety the following local laws, (1) Local Law No. 3 for 1985 (2) Local Law No. 3 for 1992 and (3) Local Law No. 4 for 1992

Call to Order: Rickey J. Collins, Town Clerk- 6:15 pm

Reading of the Public Notice of the Meeting published in the edition of the *Press Republican*:

Public Comment:

- 1. Acceptance of Written Comments into the Record of the Hearing**
- 2. Open Public Hearing to the Floor for Public Comment:** Deb Blake pointed out a typo in Local Law #3, Section 5, letter E. Martin D. Mannix commented that the initial local dog laws came about as a result of dangerous situations in Champlain Park with a number of dogs forming packs, threatening the safety of the community. Within three years, the law became town wide and has served as a very effective law ever since. Bernard C. Bassett is pleased to see strong laws taking effect and recognizes potential for the law to create a safer community in several different ways. Diane Drollette inquired about the regulations for invisible fencing as a means of keeping dogs away from passersby. David Duquette responded that invisible fence is an adequate barrier, given that the dog is not aggressive or able to penetrate the fence's boundaries.

**Closing of the Public Hearing Adjournment: Gerard A. Renadette
Sheila A. Brockway**

The public hearing closed at 6:37 PM

Members:

	<u>Present</u>	<u>Absent</u>
Bernard C. Bassett, Supervisor	X	
Sheila A. Brockway, Councilor	X	
Gerard A. Renadette, Councilor	X	
Martin D. Mannix, Councilor	X	
Thomas E. Wood, Councilor	X	
Rickey J. Collins, Town Clerk	X	
James J. Coffey, Town Attorney	X	

Comments:

**TOWN OF PLATTSBURGH
TOWN BOARD PUBLIC HEARING
August 3, 2009**

PUBLIC HEARING AGENDA

The notice of public hearing was read by the Clerk for the record.

The Public Hearing was called to order at 6:46 pm, prevailing time at the Town Hall on the Banker Road, Plattsburgh, New York to hear all interested persons relative to: Local Law #4 of the year 2009 entitled a Local Law regulating the sheltering of dogs in the Town of Plattsburgh .

Call to Order: Rickey J. Collins, Town Clerk- 6:46 pm

Reading of the Public Notice of the Meeting published in the edition of the *Press Republican*:

Public Comment:

1. Acceptance of Written Comments into the Record of the Hearing

2. Open Public Hearing to the Floor for Public Comment: Bernard C. Bassett and Thomas E. Wood discussed the definition of the term “permanent structure” as stated on page 2 Section 4 of Local Law #4. Gerard A. Renadette offered a possible solution of striking “permanent structure” and replacing it with “adequate housing” to alleviate any ambiguity associated with the former term. James J. Coffey thinks it is a good suggestion; Bernard C. Bassett later stated that the law would be corrected. John St. Germain questioned the reasoning behind having two laws instead of one. James J. Coffey answered that laws are to have only one purpose- having two laws will be helpful in enforcing them.

**Closing of the Public Hearing Adjournment: Gerard A. Renadette
Shelia Brockway**

The public hearing closed at 7:15 PM

Members:	<u>Present</u>	<u>Absent</u>
Bernard C. Bassett, Supervisor	X	
Sheila A. Brockway, Councilor	X	
Gerard A. Renadette, Councilor	X	
Martin D. Mannix, Councilor	X	
Thomas E. Wood, Councilor	X	
Rickey J. Collins, Town Clerk	X	
James J. Coffey, Town Attorney	X	

Comments:

**TOWN OF PLATTSBURGH
TOWN BOARD MONTHLY MEETING
August 3, 2009**

The meeting was called to order at 7:15 p.m. by the presiding officer at the Town Hall on the Banker Road.

MEMBERS: **Bernard C. Bassett, Supervisor**
 Martin D. Mannix, Councilperson
 Thomas E. Wood, Councilperson
 Sheila A. Brockway, Councilperson
 Gerard A. Renadette, Councilperson
 Rickey J. Collins, Town Clerk
 James J. Coffey, Town Attorney

RESOLUTION NO. 09-247

Approve Minutes of the Previous Meeting

RESOLVED, that the minutes of July 20, 2009 be approved and the reading of the minutes be dispensed with.

Motion by: Sheila A. Brockway

Seconded by: Martin D. Mannix

Discussion:

Roll Call: YES NO

Thomas E. Wood	x
Sheila A. Brockway	x
Gerard A. Renadette	x
Martin D. Mannix	x
Bernard C. Bassett	x

Carried:

PUBLIC RECOGNITION

Present: Steve Stone, Amber Stacey, Muriel Burdeau, Deb Blake, N. Bacon, John St. Germain, Diane Drollette, Herman Drollette

Comments:

RESOLUTION NO. 09-248

Abstract 2A

RESOLVED, that the abstract of audited claims **No.8A-09 (91708-91820)** and in the amount of (\$1,442,699.14), be received as reviewed by the Audit Committee and the Supervisor is hereby authorized to pay said abstracts.

Motion: Gerard A. Renadette

Seconded by: Sheila A. Brockway

Discussion:

Roll Call: Yes No

Thomas E. Wood	x
Sheila A. Brockway	x
Gerard A. Renadette	x
Martin D. Mannix	x
Bernard C. Bassett	x

Carried:

RESOLUTION NO. 09-249

Elaine Woods LDC, Inc. Board Appointment

WHEREAS, Resolution 09-207 appointing Phil Corell as CEO/CFO created a vacancy on the LDC, Inc Board; and

WHEREAS, the Town Board is desirous of filling the vacant seat created by Mr. Corell's resignation; now therefore be it

RESOLVED, that Elaine Woods from 137 Gene LeFevre Road, Cadyville, NY 12918 be appointed as Board Member to the LDC, Inc. for a term to expire December 31, 2010; and be it further

RESOLVED, that a copy of this resolution be given to Ms. Sears-Mack, LDC Board President and Mr. Corell CEO/CFO .

Motion: Thomas E. Wood

Seconded by: Sheila A. Brockway

Discussion:

Roll Call:	<u>YES</u>	<u>NO</u>
Thomas E. Wood	x	
Sheila A. Brockway	x	
Gerard A. Renadette	x	
Martin D. Mannix	x	
Bernard C. Bassett	x	

Carried:

RESOLUTION NO. 09-250

Champlain Park Pump Station Periodic Estimate

No. 4 Contract No. 2 Electrical

WHEREAS, Dan Courneene, from Mountain Lake Electrical Inc., has submitted Periodic Estimate for Payment No.4 covering the Period of June 27, 2009 to July 25, 2009, in the amount of \$3,277.50 (\$7,033.94); and

WHEREAS, Ronald J. Laberge, PE Consulting Engineer for the Town of Plattsburgh, has reviewed said Payment No. 4, and has acknowledged his approval for said payment request; now, therefore, it is

RESOLVED, that the Supervisor is hereby authorized to make Payment No.4 in the net amount of \$3,277.50 to Mountain Lake Electrical Inc., 102 Trade Road Plattsburgh, New York; and, it is further

RESOLVED, that said payment is to be made payable from the Champlain Park Pump Station Account and that a copy of this resolution be given to the Budget Officer.

Motion: Gerard A. Renadette

Seconded by: Thomas E. Wood

Discussion:

Roll Call: Yes No

Thomas E. Wood	x
Sheila A. Brockway	abstain
Gerard A. Renadette	x
Martin D. Mannix	x
Bernard C. Bassett	x

RESOLUTION NO. 09-251

Request for Payment Periodic Estimate No.2 for

Moffit Road Water

WHEREAS, Luck Brother Inc. has submitted request No. 2 for payment on work done from September 5, 2008 to July 16, 2009 for Moffit Road water ; and

WHEREAS, Laberge Group has reviewed and verified said work; now therefore be it

RESOLVED, that the Supervisor is hereby authorized to make Payment No.2 for Voucher dated July 17, 2009 in the amount of \$89,535.42 as periodic Estimate No. 2 payment to Luck Brother, Inc. and it is further

RESOLVED, that said payment is to be made payable to Luck Brothers Inc.73 Trade Road , Plattsburgh, New York 12901 from the Moffit Road Water Project and that a copy of this resolution be given to the Budget Officer.

Motion: Martin D. Mannix

Seconded by: Sheila A. Brockway

Discussion: Gerard A. Renadette commented that he is discouraged to see the Southbound portion of Interstate 87 less complete than the Northbound lane. Martin D. Mannix also expressed his disappointment with the DOT. Bernard C. Bassett acknowledged the difficulties with the project but remains optimistic about the results.

Roll Call: Yes No

Thomas E. Wood	x
Sheila A. Brockway	x
Gerard A. Renadette	x
Martin D. Mannix	x
Bernard C. Bassett	x

Carried:

RESOLUTION NO. 09-252

Professional Service Agreement for Legal Services

For the Possible Creation of a Sewer District on

Cumberland Head

WHEREAS, the Town of Plattsburgh Town Board finds and determines that in order to protect and safeguard the Town, its residents and their property with respect to certain agreements, negotiations and/or contracts pertaining to sewer districts that the Town Board may require specialized legal services; and

WHEREAS, Jack Tabner, Esq. of Tabner, Ryan and Keniry of 18 Corporate Woods Boulevard, Albany, New York 12211, has in the past provided similar services to assist the Town regarding sewer districts; and

WHEREAS, the firm of Tabner, Ryan and Keniry has offered to provide said services as described in the Professional Service Agreement for Legal Services which is attached to this Resolution; and

WHEREAS, The Town of Plattsburgh Town Board now desires to retain the law firm of Tabner, Ryan and Keniry to perform services related to the possible creation of a Sewer District on Cumberland Head; now therefore be it

RESOLVED, that after review of the Agreement by the Town Attorney, the Supervisor be authorized to enter into the Agreement with the law firm of Tabner, Ryan and Keniry located at 18 Corporate Woods Boulevard, Albany, New York 12211, and that a copy be given to the Budget Officer.

Motion: Gerard A. Renadette
Seconded by: Martin D. Mannix

Discussion: Gerard A. Renadette expressed his concern with the lack of information regarding retainer fees and max/min pay for the project. Bernard C. Bassett expressed his confidence in Jack Tabner both fiscally and as a resource to the Town.

Roll Call: Yes No

Thomas E. Wood	x
Sheila A. Brockway	x
Gerard A. Renadette	x
Martin D. Mannix	x
Bernard C. Bassett	x

Resolution No. 09- 253

Authorizing the Supervisor To Enter Into Contract With Lawrence Zimmerman To Represent The Town Of Plattsburgh During Litigation With Lowes Home Center Inc.

WHEREAS, the Town of Plattsburgh has become involved in real property tax assessment review proceedings and,

WHEREAS, the Beekmantown Central School District and Clinton County have interest in Town proceedings concerning challenges to assessments made on properties that may affect each governing body, and

WHEREAS, it has become necessary to hire an expert to prepare a commercial assessment and to defend the current level of valuation placed on property by the Town of Plattsburgh and work toward a settlement, and

WHEREAS, the Clinton County Real Property Tax Committee and the Ways and Means Committee have discussed this item and approved the sharing of said expense with the Town of Plattsburgh and the Beekmantown Central School District; therefore, be it

RESOLVED, that the Town of Plattsburgh Town Board hereby authorize the Supervisor to enter into a contract with Lawrence Zimmerman of Hiscock & Barclay to represent the Town of Plattsburgh; and it is further

RESOLVED, that the Supervisor authorize the Budget Officer to make initial full payment for litigation to Hiscock Barclay with reimbursement to the Town from the County in the amount of 26% and the School District in the amount of 48% leaving the Town's balance not to exceed 26% of total cost to represent the Town vs. Lowe's Home Center Inc. (Parcel No. 206.4-4-1.2) and that a copy be given to the Budget Officer.

Motion: Martin D. Mannix

Seconded by: Sheila A. Brockway

Discussion:

Roll Call:	<u>YES</u>	<u>NO</u>
Thomas E. Wood	x	
Sheila A. Brockway	x	
Gerard A. Renadette	x	
Martin D. Mannix	x	
Bernard C. Bassett	x	

Carried:

Resolution No. 09-254

**AUTHORIZING ADOPTION BY THE TOWN OF
PLATTSBURGH OF LOCAL LAW NO. 3 OF THE
YEAR 2009 ENTITLED "A LOCAL LAW
REGULATING THE CONTROL OF DOGS IN
THE TOWN OF PLATTSBURGH AND REVOKING
IN THEIR ENTIRETY THE FOLLOWING LOCAL
LAWS: (1) LOCAL LAW NO. 3 FOR 1985, (2)
LOCAL LAW NO. 3 FOR 1992 AND (3) LOCAL
LAW NO. 4 FOR 1992"**

WHEREAS, a Resolution was duly adopted by the Town of Plattsburgh for a Public Hearing to be held by said Town of Plattsburgh on August 3, 2009, at 6:15 p.m. to hear all

interested parties on a proposed Local Law entitled “A Local Law Regulating the Control of Dogs in the Town of Plattsburgh and Revoking in their Entirety the Following Local Laws: (1) Local Law No. 3 for 1985, (2) Local Law No. 3 for 1992, and (3) Local Law No. 4 for 1992,” and

WHEREAS, notice of said Public Hearing was duly advertised in the Plattsburgh Press Republican, the official newspaper of said Town on the 24 day of July, 2009, and

WHEREAS, said Public Hearing was duly held on August 3, 2009, at 6:15 p.m. at the Town of Plattsburgh Town Hall, 151 Banker Road, Town of Plattsburgh, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, the Town of Plattsburgh, after due deliberation, finds it is in the best interest of said Town of Plattsburgh to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Plattsburgh hereby adopts Local Law No. 3 for 2009 entitled “A Local Law Regulating the Control of Dogs in the Town of Plattsburgh and Revoking in their Entirety the Following Local Laws: (1) Local Law No. 3 for 1985, (2) Local Law No. 3 for 1992, and (3) Local Law No. 4 for 1992.” A copy of said Local Law is attached hereto and made a part hereof, and be it further

RESOLVED, that the Town Clerk be and he is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Plattsburgh, and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

Motion: Thomas E. Wood

Seconded by: Sheila A. Brockway

Discussion:

Roll Call:

Yes No

Thomas E. Wood	x
Sheila A. Brockway	x
Gerard A. Renadette	x
Martin D. Mannix	x
Bernard C. Bassett	x

Carried:

PLATTSBURGH OF LOCAL LAW NO. 4 OF THE

**YEAR 2009 ENTITLED "A LOCAL LAW REGULATING
THE SHELTERING OF DOGS IN THE TOWN OF PLATTSBURGH"**

WHEREAS, a Resolution was duly adopted by the Town of Plattsburgh for a Public Hearing to be held by said Town of Plattsburgh on August 3, 2009, at 6:46 p.m. to hear all interested parties on a proposed Local Law entitled "A Local Law Regulating the Sheltering of Dogs in the Town of Plattsburgh" and

WHEREAS, notice of said Public Hearing was duly advertised in the Plattsburgh Press Republican, the official newspaper of said Town on the 24th day of July, 2009, and

WHEREAS, said Public Hearing was duly held on August 3, 2009, at 6:46 p.m. at the Town of Plattsburgh Town Hall, 151 Banker Road, Town of Plattsburgh, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, the Town of Plattsburgh, after due deliberation, finds it is in the best interest of said Town of Plattsburgh to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Plattsburgh hereby adopts Local Law No. 4 for 2009 entitled "A Local Law Regulating the Sheltering of Dogs in the Town of Plattsburgh." A copy of said Local Law is attached hereto and made a part hereof, and be it further

RESOLVED, that the Town Clerk be and he is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Plattsburgh, and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

Motion: Gerard A. Renadette
Seconded by: Sheila A. Brockway

Discussion:

Roll Call:	<u>Yes</u>	<u>No</u>
Thomas E. Wood	X	
Sheila A. Brockway	X	
Gerard A. Renadette	X	
Martin D. Mannix	X	
Bernard C. Bassett	X	

Carried:

ADJOURNMENT

RESOLVED, that this Town Board meeting be adjourned at 7:50 PM.

Motion by: Sheila A. Brockway
Seconded by: Gerard A. Renadette

Discussion:

Roll Call:

YES

NO

Thomas E. Wood	x
Sheila A. Brockway	x
Gerard A. Renadette	x
Martin D. Mannix	x
Bernard C. Bassett	x

Carried:

Motion to go into Executive Session

Motion by:

Seconded by:

Time:

Motion to come out of Executive Session

Motion by:

Seconded by:

Time:

Roll Call:

YES

NO

Thomas E. Wood	X
Sheila A. Brockway	X
Gerard A. Renadette	X
Martin D. Mannix	X
Bernard C. Bassett	X

Roll Call:

YES

NO

Thomas E. Wood	X
Sheila A. Brockway	X
Gerard A. Renadette	X
Martin D. Mannix	X
Bernard C. Bassett	X

Carried:

Carried:

Respectfully Submitted,

Rickey J. Collins, Town Clerk