

**TOWN OF PLATTSBURGH
TOWN BOARD MONTHLY MEETING
December 7, 2009**

The meeting was called to order at 6:35 p.m. by the presiding officer at the Town Hall on the Banker Road.

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

**Resolution No.09-364
the Previous Meeting**

Approve Minutes of

RESOLVED, that the minutes of November 16, 2009, and November 23, 2009 be approved and the reading of the minutes be dispensed with.

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

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:

PUBLIC RECOGNITION

Present: Dan Heath, John Andrus, Andrew Bouyea, Matt Bouyea, Stephanie Joyce, Shelly Bouyea, Philip S. Moore, Debbie Blake

Comments: John Andrus submitted and read aloud a letter regarding the Cumberland Head Sewer vote.

Committee Reports
See Attached

Notice of Public Hearings

NOTICE is hereby given that the Town Board of the Town of Plattsburgh located on the Banker Road, in the Town of Plattsburgh, Clinton County New York, on Thursday, November 5, 2009 at 6:35p.m. and December 7, 2009 at 6:35 prevailing will meet and review and hold a public hearing noted for the purpose of hearing and considering any objections which may be made.

The Town of Plattsburgh will hold two public hearings to receive public comment on a possible grant application to the New York State Office of Community Renewal under the 2009 Economic Development Open Round Grant Program. The Public Hearings will be held on November 5, 2009, at and December 7, 2009.

Funding under the 2009 Open Round Grant Program is part of the Community Development Block Program and may be used by municipalities for general economic development activities that create and/or retain permanent, private sector job opportunities principally for low-and moderate-income persons, through the expansion and retention of business and industry in New York State.

The purpose of the first hearing is to provide an objective and neutral forum for considering overall community needs and potentially competing or alternative proposals for Community Development Block Grant funding within the Town's jurisdiction.

Signed by Rickey J. Collins
Town Clerk

Date: 12/07/2009

Comments: Debbie Blake questioned who will be writing the grant and what role the LDC will be playing in administering the funds. Counselor Mannix spoke about Schluter's positive growth; he also appreciates the City of Plattsburgh's cooperation and dedication of Empire Zone acreage to Schluter. Counselor Renadette commented on the substantial salaries for the jobs being created.

Resolution No. 09-365

Abstract 12A -09

RESOLVED, that the abstract of audited claims **No.12A-09- 93828-94023** in the amount of (\$ 884,872.07), be received as reviewed by the Audit Committee and the Supervisor is hereby authorized to pay said abstracts.

Motion: Sheila A. Brockway
Seconded by: Gerard A. Renadette
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
Resolution No.09-366 **Codes and Zoning Department Monthly Report**

RESOLVED, to receive and place on file a report from Stephen Imhoff, Codes Enforcement Officer for the month of October 2009.

Motion: Martin D. Mannix
Seconded by: Sheila A. Brockway

Discussion: Supervisor Bassett commented on the number of permits requested and issued during the month of October as a sign of continued growth within 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

Carried:

Resolution NO. 09-367 **Highway Superintendent Monthly Report**

RESOLVED, to receive and place on file a report from Fred Lavene, Superintendent of Highways, for the month of November 2009.

Motion: Gerard A. Renadette
Seconded by: Thomas E. Wood

Discussion: Supervisor Bassett commented on the savings as a result of warm weather so far this year.

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.09-368 **Parks And Recreation Department Monthly Report**

RESOLVED, to receive and place on file a report from Melanie Defayette, Recreation and Youth Services Director, for the month of October and November 2009.

Motion: Sheila A. Brockway
Seconded by: Thomas E. Wood

Discussion: Supervisor Bassett discussed the excellent recreation program, thanks to Mel Defayette and her team. Counselor Renadette commented on the pool fees increase, which he believes is unrelated to the lower than usual attendance. Counselor Mannix believes the Town of Plattsburgh has the finest recreation department north of Albany. Counselor Brockway noted the variety of programs available for children, seniors, and everyone in between.

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.09-369

Planning Department Monthly Report

RESOLVED, to receive and place on file a report from Phil VonBargen, Planning and Engineering Department Head, for the month of December 2009.

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. 09-370

**Amend Resolution 09-332 Champlain Park
Manhole Replacement and Sewer Rehabilitation
SEQRA Type 2 Action**

WHEREAS, Resolution 09-332, Champlain Park Manhole Replacement and Sewer Rehabilitation SEQRA Type 2 Action, was passed; and

WHEREAS, an incorrect section was copied as Section 614.5 (C) with the correct section being 617.5 (C) ; therefore be it

RESOLVED, that Resolution 09-332 be amended to read “the proposed Champlain Park Manhole and Sewer Rehabilitation project is considered a Type II action per sections 617.5 (c) 1 and 2 of the State Environmental Quality Review Act and not subject to review be corrected and submitted.” and be it further

RESOLVED, that a copy of this Resolution be given to the Budget Officer

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	

Resolution No. 09-371 **Request For Payment Periodic Estimate No. 3 for**
Moffit Road Water

WHEREAS, Luck Brothers Inc. has submitted request for payment, request number 2, for work done from July 17, 2009 to October 23, 2009 for the 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.3 for Voucher dated November 13, 2009 in the amount of \$211,263.54 as periodic Estimate No .3 payment to Luck Brothers, Inc.; and, it is further

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

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

Discussion: Counselor Renadette said that considering the allocated funds, the project came in under budget. There were also comments regarding the added expenses due to the DOT having to go below the interstate.

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. 09-372

Road Dedication in Eaglefeather Subdivision

WHEREAS, the Town of Plattsburgh Planning Board has reviewed and approved the Eaglefeather Subdivision 2008; and

WHEREAS, the related water improvements, paved road, street lights and other facilities have been constructed have been inspected by the Superintendent of Highways, Water and Sewer Superintendent, Building and Grounds and the Planning Department; and

WHEREAS, the applicant shall prepare a final warranty deed to the Town of Plattsburgh for the new roads constructed in the subdivision conveying a total of 700 (+/-) feet of new paved road, 500 +/- feet of 8 inch SDR-35 PVC Sanitary Sewer Main within the new road R.O.W. , 700+/- feet of 8 inch water main and hydrants and one street line pole, identified as Feathers Drive on the subdivision plan and which road names have been verified with the 911 Emergency Agency ; now, therefore it is

RESOLVED, to receive and place on file a letter dated November 9, 2009 from the Town Planning Assistant, Deputy Highway Superintendent; W&S Superintendent and Building and Grounds Director; and it is further

RESOLVED, that the Town Board of the Town of Plattsburgh does hereby, upon the final warranty deed being acceptable to the Town Planning Attorney, dedicate 700+/- feet of paved road , 500 +/- feet of 8 inch SDR-35 PVC Sanitary Sewer Main within the new road R.O.W. , 700+/- feet of 8 inch water main and hydrants and one street line pole, identified as Feathers Drive within the Eaglefeather Subdivision 2008 as public Town roads subject to the applicant submitting to the Town of Plattsburgh a one year road warranty deposit in the amount of \$1,400.00 ([700lf@\\$2.00](#) per foot= \$1,400.00) ; and it is further

RESOLVED, that the Town Board, subject to the applicant authorizing the Town of Plattsburgh to convert his 3% construction deposit, plus accrued interest, which is deposited with the Town and redeposit \$1,400.00 of said deposit to satisfy the One Year Road Warranty Deposit requirement and the Town Board does further authorize the Accounting Department to return any remaining balance of construction deposit

RESOLVED, that the Town Board does in addition require the applicant to work with the Town of Plattsburgh Highway Department to complete the installation of the required road signage as stated in Resolution 09-351; and, be it further

RESOLVED, that the Town Planning Attorney is hereby authorized and directed that upon acceptance of the deed is directed to record said deed after being so informed the specified subdivision requirements have been met; and be it further

REASOLVED, that a copy of this resolution it given to the Accounting, Building and Grounds, Planning, Highway, and Wastewater Departments.

Motion: Sheila A. Brockway

Seconded by: Gerard A. Renadette

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. 09-373

Request For Right of Way Deletions

WHEREAS, The Town of Plattsburgh received a letter from Fred Lavene, Town of Plattsburgh Highway Superintendent, in regard to a request from Emergency Services to make Right Of Way deletions; and

WHEREAS, the following Right of Ways, Sportsman Drive, North County Shopping Center, and Botany Lane are located in the Town of Plattsburgh; therefore be it

RESOLVED, that the Town Board of the Town of Plattsburgh hereby accepts the Right of Way change request from Fred Lavene and Emergency Services and that Sportsman Drive, North County Shopping Center and Botany Lane be taken off the County list as road right of ways ; and be it further

RESOLVED, that a certified copy of this Resolution be given to the Clinton County Emergency Preparedness Office, the Clinton County Planning Board and the Town of Plattsburgh Planning Department.

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	

Resolution No. 09-374

Request For Pleasant Acres Way To Be Removed From The County 911 Listing As A Road

WHEREAS, The Town of Plattsburgh has received a letter from Fred Lavene, Town of Plattsburgh Highway Superintendent, in regard to a request from Emergency Services to remove private road names no longer needed; and

WHEREAS, the name of said road to be taken off the County list is Pleasant Acres Way; therefore, be it;

RESOLVED, that the Town Board of the Town of Plattsburgh hereby approves the request from Fred Lavene to remove said road name; and be it further

RESOLVED, that a certified copy of this Resolution be given to the Clinton County Emergency Preparedness Office and the Clinton County Planning Board relative to the name of said roads to be removed in the Town of Plattsburgh and a copy be given to the Planning Department.

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	

Resolution No. 09-375

AUTHORIZING TOWN ATTORNEY JAMES J. COFFEY TO EXECUTE ON BEHALF OF THE TOWN OF PLATTSBURGH A STIPULATION OF DISCONTINUANCE REGARDING AN ARTICLE 7 PROCEEDING ENTITLED OGDENSBURG BUILDING SUPPLY CO., PETITIONER v. EFFA L. SULLIVAN, ASSESSOR OF THE TOWN OF PLATTSBURGH AND THE TOWN OF PLATTSBURGH, RESPONDENTS.

WHEREAS, an Article 7 Proceeding under the Real Property Tax Law was commenced by Ogdensburg Building Supply Co., as Petitioner, against Effa L. Sullivan, Assessor of the Town of Plattsburgh and the Town of Plattsburgh, as Respondents; and

WHEREAS, said Petitioner and Respondent have agreed that the special proceeding be discontinued on the merits without costs to either party as to Parcel 206.-2-3.1 owned by Petitioner; now therefore; be it

RESOLVED, that James J. Coffey, Esq. is hereby authorized on behalf of the Town of Plattsburgh to execute a Stipulation of Discontinuance, a copy of which is attached hereto and made a part hereof.

Motion: Sheila A. Brockway

Seconded by: Gerard A. Renadette

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	

Resolution No.09-376 **Resignation of Paul Lamoy As An Alternate Planning Board Member**

RESOLVED, to receive and place on file a letter of resignation from Paul Lamoy as a alternate member of the Town of Plattsburgh Planning Board effective November 16, 2009; and be it further

RESOLVED, that the Supervisor, on behalf of the Town Board, send a letter of appreciation thanking Mr. Lamoy for his past service to the Town and wishing him well with his future endeavors and new position as Town Councilor ; and be it further

RESOLVED, that a copy of this Resolution be given to the Phil Von Bargaen , Planning Department Head and Robert Pearl Planning Chairperson.

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

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.09-377 **APPOINTMENTS OF SPECIAL ELECTION INSPECTORS FOR CUMBERLAND HEAD SEWER DISTRICT**

WHEREAS, on October 5, 2009, the Town Board of the Town of Plattsburgh duly adopted Resolution 09-310 scheduling a Special Town Election on Wednesday, December 9, 2009 in the matter of the establishment of the Cumberland Head Sewer District; and

WHEREAS, the Town Board has determined that four (4) Inspectors of elections are needed on this date between the hours of 12:00 PM - 8:00 PM at the Cumberland Head Fire Department, 1 Fire House Lane; now, therefore it is

RESOLVED, that the Town Board does hereby appoint the following individuals to serve as inspectors/ballot clerks in the aforementioned special election:

1. Claire Bainbridge
2. Debbie Blake
3. John Hebert
4. Susan Sabin

and, it is further

RESOLVED, that election inspectors will be compensated at the same rate of pay as Primary Day election workers; and it is further

RESOLVED, that the Supervisor forward a certified copy of this Resolution to the appointed inspectors and an oath of office will be taken prior to the scheduled vote; and be it further

RESOLVED, that the Budget Officer be given a copy of this Resolution.

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

Discussion: Supervisor Bassett commented on Mr. Andus's letter, shared the voting process, and noted that the Town has strictly adhered to the advice of special council throughout this process. Supervisor Bassett also noted that the diverse group of inspectors are experienced and trained by the Board of Election. Counselor Mannix expressed concern with anyone doubting the honesty of the inspectors.

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	

Resolution No.09-378

Water & Wastewater Utilities Dept.
Purchase Request for Two New Trucks

RESOLVED, to receive a letter dated December 4, 2009, from David E. Comfort, Director Water & Wastewater Utilities, requesting permission to solicit for bids and purchase of two (2) new 2009/2010 Trucks, one pickup and one cab and chassis for use by the Town of Plattsburgh Water & Wastewater Department. At this time no options exist from New York State Office through the General Services Standards and Purchase Group.

RESOLVED, that the Town Board does hereby grant permission to Mr. Comfort to solicit bids and pending acceptability of said bid prices, to order said trucks and the Supervisor is hereby authorized to sign any related documents required for their purchase; and it is further

RESOLVED, that payment for said purchase will be made partially payable from the 2009 Water & Wastewater Department Budget Equipment & Capital Outlay Account # WS-1610-2000 with additional offset in cost via utilization of proceeds from the sale of one surplus Camel vac-truck (to the City of Plattsburgh) and that a copy of this Resolution be given to the Budget Officer.

Motion: Shelia Brockway
Seconded by: Gerard Renadette

Discussion:

Motion to Table; Gerard A. Renadette, 2nd Sheila A. Brockway- all yes

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	

Resolution No. 09-379

**Town To Hire Accounting Firm To Audit For
Plattsburgh Housing Co. LLC**

WHEREAS, Plattsburgh Housing Co. LLC has filed a Notice of Petition and Petition Requesting that certain real property located in the Town of Plattsburgh at 2025 Rt. 22B have its assessment reduced from \$660,000.00 to \$345,583.00; and

WHEREAS, the attorney for the petitioner Dirk J. Oudemool, Esq. has provided the Town Attorney, James J. Coffey, with Petitioner's financial statements for the said property for the following calendar years, 2005, 2006, 2007 and 2008; and

WHEREAS, the Town Attorney has recommended that the Town hire an accounting firm to audit the aforementioned financial statements; therefore be it

RESOLVED, that the Town Attorney is hereby authorized to engage the services of an accounting firm to audit the said financial statements.

Motion: Sheila A. Brockway
Seconded by: Thomas E. Wood

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	

RESOLVED, to receive and place on file a report from Art Brault, Building Maintenance Supervisor, for the month of November 2009.

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

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 7:48 PM.

Motion by: 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:

Motion to go into Executive Session
Motion by: Martin D. Mannix
Seconded by: Sheila A. Brockway
Time: 7:33

Motion to come out of Executive Session
Motion by: Gerard A. Renadette
Seconded by: Sheila A. Brockway
Time: 7:45

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:

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:

Respectfully Submitted,

Rickey J. Collins, Town Clerk