

**TOWN OF PLATTSBURGH
TOWN BOARD WORK SESSION
May 9, 2011**

Resolution No. 011-164

**AGREEMENT BETWEEN THE TOWN OF
PLATTSBURGH AND VERIZON WIRELESS
REGARDING BLUFF POINT WATER TANK,
CONSULTING FEES and FAA TOWERLIGHTING**

WHEREAS, in the course of proceeding toward construction of the Bluff Point Water Tank cell site, it was determined that certain FAA filings on behalf of the Town of Plattsburgh would be necessary to secure an appropriate ruling on water tank lighting; and

WHEREAS, The Town of Plattsburgh has employed the Center for Municipal Solutions (CMS) to assist with its various filings associated with this project; and

WHEREAS, a dispute arose between the Town of Plattsburgh and Verizon Wireless regarding payment to the Center for Municipal Services; and

WHEREAS, representatives of the Town of Plattsburgh have been in contact with Michael E. Cusack, Esq., the attorney for Verizon Wireless; and

WHEREAS, Mr. Cusack has presented to the Town of Plattsburgh the attached letter of Agreement resolving said dispute; and

WHEREAS, James J. Coffey, attorney for the Town of Plattsburgh, and Richard Comi of the Center for Municipal Services have reviewed said letter of Agreement and found it to be a satisfactory Resolution of the dispute; NOW, THEREFORE be it

RESOLVED, that the Supervisor of the Town of Plattsburgh is hereby authorized to execute the attached Agreement to resolve this matter.

Motion: Paul D. Lamoy

Motion To Table: Paul D. Lamoy

Seconded by: Gerard A. Renadette Seconded by: Gerard A. Renadette

Discussion:

Roll Call:	<u>Yes</u>	<u>No</u>
Thomas E. Wood	x	
Gerard A. Renadette	x	
Martin D. Mannix	absent	
Paul D. Lamoy	x	
Bernard C. Bassett	x	

Carried: Tabled May 9, 2011 No action

Resolution No. 011-168 Authorizing Adoption of the Local Law No. 3 of Year 2011 “Small Wind Energy Facilities”

WHEREAS, the Town Board of the Town of Plattsburgh has considered the proposed Local Law No. 3 of 2011 Small Wind Energy Facilities. A Local law providing regulations of Wind Energy Facilities (the “Local Law”); and

WHEREAS, the Local Law was duly introduced at the monthly Meeting of the Town Board as [Introductory] Local Law No. 3 of 2011 on March 18, 2011; and

WHEREAS, the required public hearing on said proposed local law was duly held on April 4th, 2011; and

WHEREAS, adjoining Towns have been provided with a copy of proposed local law and no comments have been received therefrom; and

WHEREAS, the Town Board has previously declared the adoption of said local law (“action”) to be an Type 1 action and did declare itself as lead Agency in connection with the proposed local law and did determine that no other agency is involved in the adoption of such regulation and has conducted its review of the application pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, said Part 617 of the Environmental Conservation Law provides for an involved agency to review any action for the purpose of determining the effect of said action on the environment; and

WHEREAS, said determination of the effect of said action on the environment will be necessary to determine whether a Draft Environmental Impact Statement (DEIS) is required; and

WHEREAS, the Town Board is considered an involved agency in accordance with State Laws for the purpose of assessing the effect of this “action” on the environment and whether or not said effect is significant enough to warrant the preparation of a Draft Environmental Impact Statement (DEIS); and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination, and.

WHEREAS, it is the opinion of the members of the Town Board that the best interests of the Town of Plattsburgh will be served by the adoption of said Local Law,

NOW THEREFORE IT IS, RESOLVED, that the Town Board of the Town of Plattsburgh, after review of the said proposed Local Law (Action), review and consideration of comments made at the public hearing on the project, the completed EAF long form, and related materials, accordingly the Town Board issues the attached negative declaration under SEQRA for the Local Law, determining that the "Action" will NOT have a significant effect on the environment, and the preparation of a DEIS is NOT required; and, be it further

RESOLVED, that the Town Board of the Town of Plattsburgh does hereby authorize and direct the Supervisor to complete and have prepared and to execute a "Notice of No Significant Environmental Impact" (NEGATIVE DECLARATION) for this "Action"; and, be it further

RESOLVED, that the "Notice of No Significant Environmental Impact" (NEGATIVE DECLARATION), Local Law and all related material shall be maintained on file at the Town Hall Offices of the Town Board and available for Public Inspection, and, the reasons for the decision are stated in the attached negative declaration, and be it further

RESOLVED, that introductory Local Law No. 3 of the year 2011 entitled "Wind Energy Facilities Law" be and the same hereby is adopted as Local Law No. #3 of the year 2011; and, it is further

RESOLVED, that the Town Attorney for the Town, acting for the Town Clerk, be and he hereby is directed to cause said Local Law No. 3 of the year 2011 to be duly filed with the Department of State of the State of New York, as required by Section 27, subdivision 1, of the Municipal Home Rule Law. This resolution shall be effective immediately

Motion: Gerard A. Renadette

Seconded by: Paul D. Lamoy

Discussion:

Roll Call:	<u>Yes</u>	<u>No</u>
Thomas E. Wood	x	
Gerard A. Renadette	x	
Martin D. Mannix	x	
Paul D. Lamoy	x	
Bernard C. Bassett	x	

Carried: PASSED AND ADOPTED BY THE TOWN BOARD OF THE TOWN OF PLATTSBURGH on the 9^h day of May, 2011.

TOWN CLERK Town of Plattsburgh

Resolution No. 011-169 Authorizing Adoption of the Local Law No. 4 of Year 2011” Extension of Solid Waste Management Facilities Moratorium”

WHEREAS, the Town Board of the Town of Plattsburgh has considered the proposed Local Law No. 4 of 2011 Extension of Solid Waste Management Facilities Moratorium. A Local law extending moratorium on solid waste facilities (the “Local Law”); and

WHEREAS, the Local Law was duly introduced at the monthly Meeting of the Town Board as [Introductory] Local Law No. 4 of 2011 on April 4, 2011; and

WHEREAS, the required public hearing on said proposed local law was duly held on April 18th, 2011; and

WHEREAS, adjoining Towns have been provided with a copy of proposed local law and no comments have been received therefrom; and

WHEREAS, the Town Board has previously declared the adoption of said local law (“action”) to be Type 2 action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, it is the opinion of the members of the Town Board that the best interests of the Town of Plattsburgh will be served by the adoption of said Local Law,

NOW THEREFORE IT IS, RESOLVED, that the Town Board of the Town of Plattsburgh, after review of the said proposed Local Law (Action), review and consideration of comments made at the public hearing on the project, and, be it further

RESOLVED, that introductory Local Law No. 4 of the year 2011 entitled “Extension of Solid Waste Management Facilities Moratorium” be and the same hereby is adopted as Local Law No. 4 of the year 2011; and, it is further

RESOLVED, that the Town Attorney for the Town, acting for the Town Clerk, be and he hereby is directed to cause said Local Law No.4 of the year 2011 to be duly filed with the Department of State of the State of New York, as required by Section 27, subdivision 1, of the Municipal Home Rule Law. This resolution shall be effective immediately

Motion: Martin D. Mannix

Seconded by: Thomas E. Wood

Discussion: None

Roll Call:	<u>Yes</u>	<u>No</u>
Thomas E. Wood	x	
Gerard A. Renadette	x	
Martin D. Mannix	x	
Paul D. Lamoy	x	
Bernard C. Bassett	x	

Carried: Yes

Carried: PASSED AND ADOPTED BY THE TOWN BOARD OF THE TOWN OF PLATTSBURGH on the 9th day of May, 2011.

TOWN CLERK TOWN OF PLATTSBURGH

Resolution No. 011-170

1073 State Route 3 Unsafe Conditions

WHEREAS, the Town Board has received correspondence from Allen Reece, Code Enforcement Officer regarding abandoned, unsafe and unsanitary conditions around and in the dwelling at 1073 State Route 3, Parcel # 205.-2-4 owner William Boyea; and

WHEREAS, Mr. Reece has requested that the Town Board take action under Local Law #1 of the year 1983, regarding unsafe buildings; and therefore it be

RESOLVED, that the Town Board does hereby authorize the Code Enforcement Officer to take the actions necessary to abate the unsafe conditions as required in aforementioned Local Law; and it is further

RESOLVED, that by order of this Resolution, the junk and debris be picked up and hauled away with the cost thereof to be levied upon the taxes of this property in accordance with Local Law No. 1 of the year 1983 entitled "Unsafe Buildings Law"; and it is further

RESOLVED, that Mr. Reece report to the Town Board with actions taken and timetables for compliance and completion date of such action if the owner has not started any action within 30 days of this Resolution; and be it further.

RESOLVED, that this Resolution supersede Resolution 011-166 and a copy of this Resolution be given to the Budget Officer, Codes Enforcement Officer, Town Assessor and Town Clerk.

Motion: Gerard A. Renadette

Seconded by: Paul D. Lamoy

Discussion:

Roll Call:	<u>Yes</u>	<u>No</u>
Thomas E. Wood	x	
Gerard A. Renadette	x	
Martin D. Mannix	x	
Paul D. Lamoy	x	
Bernard C. Bassett	x	

Carried: Yes