

**TOWN OF PLATTSBURGH
TOWN BOARD MONTHLY MEETING
December 2, 2021**

The meeting was called to order at 6:01 p.m. by the presiding officer at the Town Hall on the Banker Road. Pledge

MEMBERS:	<u>PRESENT</u>	<u>ABSENT</u>
Michael S. Cashman, Supervisor	x	
Thomas E. Wood, Councilor	x	
Meg E. Bobbin, Councilor	x	
Barbara E. Hebert, Councilor	x	
Charles A. Kostyk, Councilor	x	
Kathryn B. Kalluche, Town Clerk	x	
James J. Coffey, Town Attorney	x	

Resolution No.021-208

Approve Minutes of the Previous Meeting

RESOLVED, that the minutes of October 21 and 28, 2021 be approved and the reading of the minutes be dispensed with.

Motion: Thomas E. Wood

Seconded by: Charles A. Kostyk

Discussion: none

Roll Call:	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
				x	
Thomas E. Wood	x				
Meg E. Bobbin	x				
Barbara E. Hebert	x				
Charles A. Kostyk	x				
Michael S. Cashman	x				

Public Comment- none

Kathryn B. Kalluche
12/6/21

**TOWN OF PLATTSBURGH
TOWN BOARD MONTHLY MEETING
December 2, 2021**

Resolution No. 021-209

Abstract 12A- 21

RESOLVED, that the abstract of audited claims **No.12A-21** for \$19,880.08, **Abstract 12A-21** prepays for the amount \$158,154.68 be received as reviewed by the Audit Committee and the Supervisor is hereby authorized to pay said abstracts.

Motion: Barbara E. Hebert

Seconded by: Meg E. Bobbin

Discussion: none

Roll Call:

<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
			x	

Thomas E. Wood	x
Meg E. Bobbin	x
Barbara E. Hebert	x
Charles A. Kostyk	x
Michael S. Cashman	x

Kate Skell
12/6/21

**TOWN OF PLATTSBURGH
TOWN BOARD MEETING
December 2, 2021**

Resolution No. 021-210

Temporary Emergency Dog Control Services

WHEREAS, Katie Kalluche, Town Clerk has meet with a perspective candidate as currently the town is in need of licensed Dog Control services; and,

WHEREAS, Jody Perrea is a licensed DCO and currently serving in neighboring towns is willing to contract with the Town of Plattsburgh, as an independent contractor for sharing such responsibility on an as needed or emergency basis; now therefore be it

RESOLVED, that the Supervisor enter into the attached Agreement between the Town of Plattsburgh, a municipal corporation existing pursuant to the Laws of the State of New York, having its principal office and place of business at 151 Banker Road, Plattsburgh, Clinton County, New York, herein after the "Town", and Jody Perrea herein after the "Contractor"; and, be it further

RESOLVED, in consideration of the mutual promises herein contained, the Town does engage the Contractor to furnish emergency dog control services to the Town commencing November 22, 2021 and ending December 31, 2021, as in the attached Agreement; and be it further

RESOLVED, that after the Town Attorney's review, the Supervisor be authorized to sign said Agreement between Jody Perrea and the Town of Plattsburgh to follow the provisions of Article 7 of the Agriculture and Markets Law and any rules and regulation promulgated pursuant thereto in relation to the seizure, holding, care, redemption and disposition of seized dogs, in The Town of Plattsburgh; and be it further

RESOLVED, that a copy of this Resolution be given to the Town Clerk and Finance Manager.

Motion: Meg E. Bobbin

Seconded by: Charles A. Kostyk

Discussion: none

Roll Call:

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
				x	
Thomas E. Wood	x				
Meg E. Bobbin	x				
Barbara E. Hebert	x				
Charles A. Kostyk	x				
Michael S. Cashman	x				

Katie Kalluche
12/6/21

**TOWN OF PLATTSBURGH
TOWN BOARD MONTHLY MEETING
December 2, 2021**

Resolution No.021-211

**Appointment of Sherman Rebideau as a Member
of the Zoning Board Of Appeals**

WHEREAS, Sherman Rebideau, a resident of the Town of Plattsburgh, is willing to continue to serve as a full time member of the Zoning Board of Appeals; therefore, be it

RESOLVED, that as per Local Law #1 of 1999 and with the attached letter of recommendation of Stephen M. Imhoff, Codes Enforcement Department Head, and the Town Board does hereby reappoint Mr. Rebideau to the Zoning Board of Appeals for a five (5) year term to expire December 31, 2026; and, be it further

RESOLVED, that Mr. Rebideau take an oath of office within thirty days of this appointment and a copy of this Resolution be given to the ZBA Board Chairperson, Mr. Rebideau and to Steve Imhoff, Department Head.

Motion: Barbara E. Hebert

Seconded by: Meg E. Bobbin

Discussion: Yes

Roll Call:

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
				x	
Thomas E. Wood	x				
Meg E. Bobbin	x				
Barbara E. Hebert	x				
Charles A. Kostyk	x				
Michael S. Cashman	x				

*For 021-211
12/6/21*

**TOWN OF PLATTSBURGH
TOWN BOARD MEETING
December 2, 2021**

Resolution NO.021-212

**Clinton County Snow and Ice Agreement for
2021-2022, 2022-2023, and 2023-2024 Snow Season**

WHEREAS, the Town of Plattsburgh currently provides snow and ice control services to the County of Clinton for county roads during the winter season; and

WHEREAS, the Clinton County Highway Superintendent met with Town Highway Superintendents where it was determined that the towns would enter into annual Snow and Ice Agreements with the County for the purpose of providing snow and ice control services; now, therefore it is

RESOLVED, that the Supervisor be authorized and approval as to form by the Town Attorney, to sign the Contract for 2021-2022, 2022-2023 and 2023-2024 snow and ice seasons, dated October 22, 2021 with the County of Clinton for snow removal, sanding and treating County roads for the 2021-2024 seasons based on the number of miles and rates according to said Agreement; and it is further

RESOLVED, that the Town of Plattsburgh agrees to comply with the terms and conditions in said Agreement; and be it further

RESOLVED, that a copy of this Resolution be given to the Finance Manager and Superintendent DuBrey and a copy for Clinton County Highway Department.

Motion: Charles A. Kostyk

Seconded by: Meg E. Bobbin

Discussion: none

Roll Call:

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
				x	
Thomas E. Wood	x				
Meg E. Bobbin	x				
Barbara E. Hebert	x				
Charles A. Kostyk	x				
Michael S. Cashman	x				

Kathy Hebert
12/6/21

TOWN OF PLATTSBURGH

TOWN BOARD MONTHLY MEETING

DECEMBER 2, 2021

**Resolution No.021-213 FINDINGS, RESOLUTIONS AND
ORDER OF THE TOWN OF PLATTSBURGH PURSUANT
TO ARTICLE 17 OF THE NEW YORK GENERAL
MUNICIPAL LAW REGARDING THE PROPOSED
ANNEXATION TO THE TOWN OF PLATTSBURGH OF
CERTAIN TERRITORY LOCATED ON LEMAY AVENUE
IN THE CITY OF PLATTSBURGH.**

WHEREAS, pursuant to “The Plattsburgh Compact Between the City and the Town” dated as of April 16, 2021 (the “Compact”), the City of Plattsburgh Common Council, and the Town of Plattsburgh Town Board, made a commitment to resolve the conflicts of past administrations, and to focus on mutually beneficial solutions, shared goals, and regional successes to establish a strong foundational bedrock to last far into the future, by adopting a specific framework to accomplish numerous goals, including: the resolution of all pending litigation between the municipalities; a binding path to resourcefully and efficiently adjusting the boundaries of the City of Plattsburgh (“the City”) and the Town of Plattsburgh (the “Town”) so that both municipalities mutually benefit; a joint planning initiative for areas where the communities intersect; and a joint infrastructure initiative, which includes the water and waste-water systems and the Plattsburgh Organics Recycling Plant; and

WHEREAS, pursuant to that certain Settlement Agreement dated as of April 16, 2021 between the City and Town (the “Settlement Agreement”); the parties agreed to a binding Settlement Agreement in which the City and Town agreed, in consideration of each component of the Settlement Agreement, to mutually discontinue certain litigation between the parties, and the City and Town agreed to commit to, among other things, facilitate the legal process allowing the Town to expeditiously adjust its boundaries to include a certain parcel located at 15/27 LeMay Drive in the City, owned by the County of Clinton (the “County”), as further described below, in an effort to forge a more positive relationship between the neighboring communities and encourage and pursue a more cooperative and mutually beneficial resolution to outstanding controversies, including certain litigation matters referred to in the Settlement

Agreement as the “Falcon Seabord Litigation” and the “Reeves Lane Annexation Litigation” between the City and the Town; and

WHEREAS, a Petition for Annexation pursuant to Article 17 of the New York General Municipal Law (the “Municipal Annexation Law”), together with exhibits thereto, having been filed with the Town September 13, 2021 by the County (the “LeMay Drive Annexation Petition” or “Petition”), as owner of certain real property in the City consisting of an approximately 18.05+/-acre parcel of uninhabited land located at 15/27 LeMay Drive in City, identified as Clinton County Tax Map Parcel Nos. 220.-4-31.2 and 220.-4-32 (the “Property”), for the annexation of the Property to the City (the “LeMay Drive Annexation”); and

WHEREAS, on September 21, 2021, a Notice of Joint Hearing On Petition to Annex Territory From the City of Plattsburgh, New York to the Town of Plattsburgh, New York (the “Notice”) was made to members of the public, with a copy of such Notice sent: to Peru Central School District, the City of Plattsburgh School District and the South Plattsburgh Fire Department on October 4, 2021; and

WHEREAS, a joint hearing of the governing Boards of the City Town having been held on October 21, 2021, in accordance with Section 704 of the Municipal Annexation Law, the Town Board of the Town hereby makes the following findings and thereupon adopts the following resolutions and order based upon such findings, all in accordance with Section 704 of the General Municipal Law of the State of New York:

FINDINGS

1. The LeMay Drive Annexation Petition was filed in the office of the Town Clerk and, upon information and belief, in the office of the City Clerk, September 13, 2021. A copy of the letter from Michael E. Zurlo, dated September 9, 2021 together with the LeMay Drive Annexation Petition, together with exhibits thereto, is attached hereto as **Exhibit A**.

2. Pursuant to the provisions of Section 704 of the General Municipal Law of the State of New York (hereinafter the "General Municipal Law" or "GML"), the Town and the City together jointly caused notice of the required joint public hearing on the Petition to be published in the *Press-Republican*, the official newspaper of the City and Town, on September 21, 2021.

3. The joint public hearing of the City Council and the Town Board, as the two governing boards of the involved municipalities, was held at the 41 City Hall Place, Plattsburgh, New York 12901, in accordance with the notices as published, posted and mailed.

4. In attendance at the joint hearing were, among others, (i) the City Mayor and members of the City Council, (ii) the Attorney for the City; (iii) the Town Supervisor and the members of the Town Board and (iv) Attorneys for the Town.

5. The Mayor of the City presided as the Chair at the hearing by agreement of the members of the participating Boards.

6. Comments were received from certain members of the public in attendance at the joint public hearing, including Mr. Wallace Day, Chairman of the Board of Fire Commissioners for the South Plattsburgh Fire Department, who submitted a letter of concern regarding the proposed annexation's impact on bonding ability for the Fire District. Officials of both the City and Town offered comment as well. All of the persons who spoke and raised questions, comments, concerns or issues are documented as set forth in the stenographic record of the proceedings attached hereto as **Exhibit B**.

7. The Special Counsel for the Town has advised the Town Board of Trustees as to her review of the Petition and her determination that the Petition appears to be compliant with the spirit and substance of Section 703 of the General Municipal Law. Accordingly, the Town hereby determines that the Petition substantially complies in form and content with the provisions of Article 17 of the General Municipal Law, and specifically finds that (i) the Petition appears to have been properly signed by the owner of a majority in assessed valuation of the Property, as provided by Section 703 of the General Municipal Law of the State of New York; (ii) the Petition has attached thereto the required certificate of the assessor of the City of Plattsburgh, County of Clinton, New York, certifying the foregoing; and (iii) the signatures on the Petition appear to have been properly authenticated as required.

8. The Town, conducting an uncoordinated environmental review of this action, and in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), reviewed (i) the potential adverse environmental effects, if any, related to the proposed annexation and (ii) the Town Board's review of the proposed annexation under SEQR. A copy of the full Environmental Assessment form, Parts 1, 2 and 3, along with Resolution dated November 18, 2021, classifying the action as "Unlisted" is attached hereto as **Exhibit C**.

9. To the extent applicable to the Town, as the municipal entity to which the Property is proposed to be annexed, the Town acknowledges that it will be bound by (1) the provisions of subdivision 1 of Section 707 of the General Municipal Law as to the disposition of real and personal property, if any, owned by the City, and (ii) the provisions of subdivision 1 of Section 708 of the General Municipal Law as to the assumption by the Town of its apportioned share of indebtedness and/or contract or other liabilities, if any, for which the City is liable. To the best of the Town's knowledge, other than the Compact and related agreements thereto, no agreements have been entered into by and between the City and the Town related to the foregoing matters.

10. During the Joint Public Hearing, the Town Senior Planner, Trevor Cole, submitted a memo into the record in support of the proposed annexation, a copy of which is annexed hereto and made a part hereof as **Exhibit D**.

11. The Clinton County Administrator submitted a letter dated October 13, 2021, in support of the proposed annexation, a copy of which is annexed hereto and made a part hereof as **Exhibit E**. Such correspondence has been deemed part of the record of proceedings of the Joint Public Hearing.

12. In considering the proposed annexation of the Property, the City and Town must determine whether the proposed annexation is in the over-all public interest of the Property, the City, the Town and certain statutorily referenced districts. GML § 705(1)(e). In light of the foregoing, and all of the information duly provided and considered, the Town hereby makes the following specific findings and determination in accordance with Section 711 of the General Municipal Law of the State of New York that the proposed annexation of the Property is in the overall public interest:

A. The Property is uninhabited and contiguous to the municipal boundaries of the Town and isolated from the adjoining City by the Delaware-Hudson Railroad.

B. The Multi-modal Transport Facility, an auxiliary use of the Plattsburgh International Airport (wholly located in the Town), operates a facility on the Property. The proposed annexation will place the Multi-Modal Facility within the same municipal jurisdiction as the adjacent and related Plattsburgh International Airport.

C. The Property is served with public water and sewer services by the Town through an agreement with the City. The proposed annexation will allow the Property to receive municipal water, and sewer service from the Town, without the need for separate agreements.

D. The Property is served with electricity from New York State Electric & Gas (“NYSEG”), and not by the Plattsburgh Municipal Lighting District.

E. The Property is owned by Clinton County, and as such, there will be no adverse tax impact to either the City or Town directly resulting from the LeMay Drive Annexation.

F. The County is in full support of the LeMay Drive Annexation and deems it to be in the overall public interest to approve of same.

G. The City and Town have entered into a Memorandum of Understanding to coordinate review of projects that are substantially contiguous to the Town/City boundary or could in some way be impactful.

H. If annexed, the Town would be able to readily provide emergency services, including professional police, fire and EMS services, to the Property.

I. In response to Mr. Wallace’s concerns regarding the impact on bonding ability of the South Plattsburgh Fire District (“SPFD”), it is noted that the Property is currently not within the SPFD service area; rather, it is serviced by City fire protection. The SPFD has one outstanding bond for fire station construction and another shorter term bond for a ladder truck. The SPFD will receive an increase in assessed valuation as a result of the Property being annexed into the Town, due to the fact the Property will add \$1,000,000 of assessed value subject to SPFD jurisdiction. As a result, we find the LeMay Drive Annexation will not have a detrimental impact on the SPFD.

J. The LeMay Drive Annexation will not result in baroque or unnatural boundaries, and will make use of the Delaware-Hudson Railroad as a natural and practical municipal boundary between the Town and the City.

K. The overarching directive of the Municipal Annexation Law (GML, Article 17) is that the competing municipalities enter into agreements that are both mutually beneficial to them, and fair and reasonable for the area to be annexed. The Town has calculated that the provision of all of services, which are currently available will in all likelihood continue to be available from the Town if the Property was to be annexed as proposed. Additionally, the provision of such services to the Property, if annexed, will improve upon the current unity of purpose, facilities and community that exists in the area. Annexation will (i) enhance the provision of services to the Property; (ii) better coordinate the delivery of municipal services; (iii) promote new intermunicipal cooperative efforts between the City and the Town (including long-term planning with respect to municipal services).

L. Services to be undertaken by the Town for the benefit of the Property will be provided directly by the Town, by the use of Town employees and will be more efficient both as to service and by direct responsibility of departments and personnel.

Based upon the foregoing and upon careful review and evaluation, it is hereby determined that the potential benefits of the LeMay Drive Annexation as provided herein are likely to outweigh any potential detriments to the City and the Town. The Town also finds the approval of the LeMay Drive Annexation, can and very likely will achieve the benefits of annexation while at the same time accomplishing the requisite unity of purpose and facilities to constitute a community and maintaining the core nature of the City and Town.

RESOLUTIONS

NOW, THEREFORE, based upon all of the foregoing findings, upon motion of Councilor Meg . Bobbin as seconded by Councilor Thomas E. Wood , it is hereby:

RESOLVED, that the LeMay Drive Annexation Petition substantially complies in form and content with Article 17 of the GML; and it is further

RESOLVED, that the LeMay Drive Annexation is hereby deemed to be in the overall public interest; and it is further

RESOLVED, that the LeMay Drive Annexation is hereby approved by the Town.

The question of the adoption of the foregoing Resolutions was duly put to a vote on roll call, which resulted as follows:

	Yea	Nay	Absent	Abstain
Michael S. Cashman	[x]	[]	[]	[]
Barbara E. Hebert	[x]	[]	[]	[]
Charles A. Kostyk	[x]	[]	[]	[]
Meg Bobbin	[x]	[]	[]	[]
Tom Wood	[x]	[]	[]	[]

The Resolutions were thereupon duly adopted this 2nd day of December, 2021.

IT IS HEREBY ORDERED, that copies of the foregoing findings, resolutions and determinations set forth therein, all of which are hereby incorporated by reference into this Order, together with the LeMay Drive Annexation Petition, Meeting Notice, written objections, if any, and testimony and minutes of proceedings taken and kept on the matter of the LeMay Drive Annexation, be filed in the offices of the clerks of the City and Town as the affected local governments.

Dated: December 6, 2021



EXHIBIT A

(Zurlo Letter and the LeMay Drive Annexation Petition with Exhibits)

EXHIBIT B

(The Stenographic Record of the Proceedings)

EXHIBIT C

(A copy of the full Environmental Assessment form and Resolution)

EXHIBIT D

(Memo of the Town Senior Planner, Trevor Cole In Support of the Proposed Annexation)

EXHIBIT E

(Letter From the Clinton County Administrator In Support of the Proposed Annexation)

**TOWN OF PLATTSBURGH
TOWN BOARD MONTHLY MEETING
December 2, 2021**

Resolution No. 21-214

**11 Plattsburgh LLC, Subdivision 2021
(Pristine Drive)
Dedication of Road and Utilities**

WHEREAS, the Town of Plattsburgh Planning Board has reviewed and approved the 11 Plattsburgh LLC Subdivision 2021; and

WHEREAS, the developer has submitted a deed for conveyance of improvements to the Town representing approximately eight hundred and ninety plus or minus (890 ft +/-) of new public road, public sewer, storm drainage and turnaround improvements; and

WHEREAS, the Town Superintendent of Highways has conducted and/or supervised on-site inspection of the constructed improvements and submitted a letter dated August 18, 2021, recommending the acceptance and dedication of said improvements and new road extension; and

WHEREAS, the Applicant has provided a check to the Town of Plattsburgh in the amount of \$12,375.00 for the cost of Type 6 topcoat asphalt to be installed by the Town Highway Department within three years following acceptance of said road; and

WHEREAS, the Town Planning & Community Development Department has conducted on-site inspections, reviewed the final as-built subdivision plans, coordinated with involved departments and has determined the as-built conditions to be in compliance with the approved Detailed Preliminary Plans, Planning Board conditions of approval, and Town Zoning Ordinance regulations; now, therefore be it

RESOLVED, that the Town Board hereby receives and places on file the Town Superintendent of Highways letter dated August 18, 2021 recommending the acceptance and dedication of said improvements and new road extension; and it is further

RESOLVED, that the Town Board of the Town of Plattsburgh does hereby, upon the final warranty deed being found acceptable to the Town Attorney, accept and dedicate the 890 ± ft. of binder-topped road extension identified as Pristine Drive as a Public Town Road.

RESOLVED, that copy of this resolution and the documents referenced herein be provided to the Highway Superintendent, Planning & Community Development Department, and the Developer of 11 Plattsburgh LLC. Subdivision 2021.

Motion by: Charles A. Kostyk

Seconded by: Barbara E. Hebert

Discussion: none

Roll Call:

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
				x	
Thomas E. Wood	x				
Meg E. Bobbin	x				
Barbara E. Hebert	x				
Charles A. Kostyk	x				
Michael S. Cashman	x				

Handwritten signature and date:
12/6/21

**TOWN OF PLATTSBURGH
TOWN BOARD MEETING
December 2, 2021**

Resolution No. 021-215

**Town of Plattsburgh Web Site Management
Independent Contractor/Consultant Agreement**

WHEREAS, the consulting firm Kimmel Services LLC located at 15 Duke Avenue, Cadyville, New York, has prepared and submitted a proposal between the Town of Plattsburgh and Kimmel Services to provide website development and management on a contractual basis for 2022; therefore, be it

RESOLVED, that the Town of Plattsburgh, a municipal corporation organized and existing under and by virtue of the laws of the State of New York with offices and principal place of business at 151 Banker Road, Plattsburgh, New York, party of the first part, and David Kimmel (the "Contractor"), now residing at 15 Duke Ave, Cadyville NY 12918, party of the second part, in consideration of the promises, mutual covenants and Agreement attached, do hereby mutually agree to the attached Agreement; and, be it further

RESOLVED, that Mr. Kimmel is an independent contractor and shall not be considered an employee or agent for the Town and as Contractor is hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this Agreement or his right, title or interest herein; and, be it further

RESOLVED, that, after review by the Town Attorney, the Supervisor is duly authorized and empowered to execute the attached Agreement on behalf of the Town of Plattsburgh; and be it further

RESOLVED, a copy this Resolution and said Agreement be given to the Finance Manager and Mr. Kimmel.

Motion to waive the read and straight to vote: Meg E. Bobbin

Seconded by: Thomas E. Wood

Discussion: none

Roll Call:

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
				x	
Thomas E. Wood	x				
Meg E. Bobbin	x				
Barbara E. Hebert	x				
Charles A. Kostyk	x				
Michael S. Cashman	x				

Handwritten signature: Kimmel
12/6/21

**TOWN OF PLATTSBURGH
TOWN BOARD MONTHLY MEETING
December 2, 2021**

Resolution NO. 21-216

**3% Site Plan Return Deposit for Adirondack
Federal Credit Union Site Plan & SUP2020-**

WHEREAS, the Town of Plattsburgh Planning Board has reviewed and approved all requirements of the Adirondack Federal Credit Union Site Plan & Special Use Permit 2020; and

WHEREAS, the Planning and Community Development Department has coordinated inspection of said project and reports all requirements have been met and completed; therefore, be it

RESOLVED, that the Supervisor is hereby authorized and directed to release the deposit in the amount of \$ 1,534.09, plus accrued interest to date; and it is further

RESOLVED, that a certified copy of this Resolution be forwarded, by the Planning and Community Development Department Secretary, with the return of deposit to Adirondack Federal Credit Union.

Motion: Thomas E. Wood

Seconded by: Charles A. Kostyk

Discussion: none

Roll Call:

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
				x	
Thomas E. Wood	x				
Meg E. Bobbin	x				
Barbara E. Hebert	x				
Charles A. Kostyk	x				
Michael S. Cashman	x				

Handwritten signature: Thomas E. Wood
12/6/21

**TOWN OF PLATTSBURGH
TOWN BOARD MONTHLY MEETING
December 2, 2021**

Resolution No. 021-217

**Request to Purchase a Truck Sander for the
Building and Grounds Maintenance Department**

WHEREAS, it is necessary to maintain equipment for the continued maintenance and improvements of Town Building and Grounds within the Town of Plattsburgh; and

WHEREAS, Procedures for Purchase of Commodities, Equipment or Goods and Contract Values requires the Town to solicit price quotes for amounts in excess of \$5,000.00; and

WHEREAS, Richard Rascoe, Building and Grounds Department Head has solicited prices and is requesting permission to place an order for a truck sander; and

WHEREAS, quotes have been received and the lowest total estimated cost of a truck sander with installation, is from Hutting Chrysler Dodge Jeep Ram 4651 Route 9 Plattsburgh, New York, 12901 for \$6,400.00; therefore be it

RESOLVED, that the Town Board approve the purchase as recommended and that the Building and Grounds Department head is hereby authorized to make said purchase; and be it further

RESOLVED, that payment be made payable from 2021 Building and Grounds Budget Account # A-1620-2000 and that a copy of this Resolution be given to the Finance Manager and Building and Grounds Department Head , Richard Rascoe.

Motion: Charles A. Kostyk

Seconded by: Thomas E. Wood

Discussion: Yes

Roll Call:	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
				x	

Thomas E. Wood	x
Meg E. Bobbin	x
Barbara E. Hebert	x
Charles A. Kostyk	x
Michael S. Cashman	x

Handwritten signature: Kelly Fuller
12/6/21

**TOWN OF PLATTSBURGH
TOWN BOARD MONTHLY MEETING
December 2, 2021**

Resolution NO. 21-218

Appointment Of Court Clerk Pam St. John

RESOLVED, to receive and place on file a letter dated November 24, 2021 from Town Justice Joyce and Town Justice Elect Kristofer Michaud appointing Pamela St. John as full time Court Clerk for the Town of Plattsburgh Town Justices for 2022; and, be it further

RESOLVED, that a copy of this Resolution be placed in Ms. St. John's personnel files; and, be it further

RESOLVED, that Ms. St. John take an oath of office within thirty days of this Resolution

Motion: Barbara E. Hebert

Seconded by: Charles A. Kostyk

Discussion: Yes

Roll Call:

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
				x	
Thomas E. Wood	x				
Meg E. Bobbin	x				
Barbara E. Hebert	x				
Charles A. Kostyk	x				
Michael S. Cashman	x				

Kathy Hall
12/6/21

**TOWN OF PLATTSBURGH
TOWN BOARD MONTHLY MEETING
December 2, 2021**

Resolution NO. 21-219

Appointment Of Court Clerk Justin Dunham

RESOLVED, to receive and place on file a letter dated November 24, 2021 from Town Justice Joyce and Town Justice Elect Kristofer Michaud appointing Justin Dunham as full time Court Clerk for the Town of Plattsburgh Town Justices for 2022; and, be it further

RESOLVED, that a copy of this Resolution be placed in Mr. Dunham's personnel files; and, be it further

RESOLVED, that Mr., Dunham take an oath of office within thirty days of this Resolution

Motion: Thomas E. Wood

Seconded by: Barbara E. Hebert

Discussion: Yes

Roll Call:

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
				x	
Thomas E. Wood	x				
Meg E. Bobbin	x				
Barbara E. Hebert	x				
Charles A. Kostyk	x				
Michael S. Cashman	x				

Justin Dunham
12/6/21

**TOWN OF PLATTSBURGH
TOWN BOARD MONTHLY MEETING
December 2, 2021**

Resolution NO. 021-220

**Part Time Appointment in the Justice Court –
Justin Dunham**

WHEREAS, the Supervisor has received a letter of request from Justice Joyce and Justice Elect Michaud asking for temporary part-time help as a justice court clerk; and

WHEREAS, Justin Dunham as the skills and training to perform the necessary duties, has agreed to work on a temporary basis to support the Department's needs, therefore, be it;

RESOLVED, that the Town Board does hereby authorize the hiring and part time appointment of Justin Dunham effective December 15, 2021 at the rate of \$22.03 per hour; and be it further

RESOLVED, that the Supervisor is hereby authorized to sign all necessary documents for Mr. Dunham's appointment; and it is further

RESOLVED, that a certified copy of this Resolution be given to the Justices', be placed in Mr. Dunham's file and one be forwarded to the Clinton County Department of Personnel for Civil Service final approval and filing

Motion: Charles A. Kostyk

Seconded by: Meg E. Bobbin

Discussion: Yes

Roll Call:	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
				x	
Thomas E. Wood	x				
Meg E. Bobbin	x				
Barbara E. Hebert	x				
Charles A. Kostyk	x				
Michael S. Cashman	x				

Justin Dunham
12/6/21

**TOWN OF PLATTSBURGH
TOWN MONTHLY MEETING
December 2, 2021**

RESOLVED, that this Town Board meeting be adjourned at 6:21 PM.

Motion by: Barbara E. Hebert

Seconded by: Charles A. Kostyk

Discussion: none

Roll Call:	<u>Yes</u>	<u>No</u>	<u>Carried</u>
			x
Thomas E. Wood	x		
Meg E. Bobbin	x		
Barbara E. Hebert	x		
Charles A. Kostyk	x		
Michael S. Cashman	x		

Kater
12/2/21

**TOWN OF PLATTSBURGH TOWN BOARD
WORK SESSION AGENDA
December 9, 2021**

The meeting was called to order at 6:00 PM by the presiding officer at the Town of Plattsburgh Town Hall, 151 Banker Road.

	<u>Present</u>	<u>Absent</u>
MEMBERS: Michael S. Cashman, Supervisor	x	
Thomas E. Wood, Councilor	x	
Meg E. Bobbin, Councilor	x	
Barbara E. Hebert, Councilor	x	
Charles A. Kostyk, Councilor	x	
Kathryn B. Kalluche, Town Clerk	x	
James J. Coffey, Town Attorney	x	

Public Comments – none

Supervisor's Report

Draft Resolutions

021-xxx Minutes
021-xxx Monthly Reports
021-xxx Appointments to Park and Recreation Advisory Committee
021-xxx Reappointment of Elizabeth Duhaime to the Finance Committee
021-xxx Drug and Alcohol Testing
021-221 Appointment of Robin Burgess as Deputy Town Clerk
021-222 Local Law #1 of 2021 Annex Certain Property Located at 15/27 Lemay Drive
in the City of Plattsburgh
021-xxx Appointment of Town of Plattsburgh Delegate for the 2022 Association of
Towns Meeting

Committee Reports -

Town Board meeting be adjourned at 6:09 PM.

**TOWN OF PLATTSBURGH
TOWN BOARD WORK SESSION MEETING
December 9, 2020**

Resolution No. 021-222

LOCAL LAW NO. 1 OF THE YEAR 2021

**A LOCAL LAW ANNEXING CERTAIN PROPERTY LOCATED AT 15/27 LEMAY
DRIVE IN THE CITY OF PLATTSBURGH**

Be it enacted by the Town Board of the Town of Plattsburgh, County of Clinton, State of New York (the "Town Board") as follows:

**SECTION 1
PURPOSE AND INTENT**

The purpose of this Local Law is to complete the annexation of approximately 18.05 +/- acres of uninhabited territory located at 15/27 LeMay Drive, identified as Clinton County Tax Map Parcel Nos. 233.6-1-2.1, and as further described in Section 3 herein (the "LeMay Drive Property") from the City of Plattsburgh (the "City") to the Town of Plattsburgh (the "Town").

**SECTION 2
FINDINGS**

The Town Board finds, pursuant to that certain "Plattsburgh Compact Between the City and the Town" dated as of April 16, 2021 (the "Compact"), the City of Plattsburgh Common Council ("City Council"), and the Town Board, made a commitment to resolve the conflicts of past administrations, and to focus on mutually beneficial solutions, shared goals, and regional successes to establish a strong foundational bedrock to last far into the future, by adopting a specific framework to accomplish numerous goals, including: the resolution of all pending litigation between the municipalities; a binding path to resourcefully and efficiently adjusting the boundaries of the City and the Town such that both municipalities mutually benefit; a joint planning initiative for areas where the communities intersect; and a joint infrastructure initiative.

The Town Board finds that, pursuant to that certain Settlement Agreement dated as of April 16, 2021 between the City and Town (the "Settlement Agreement"); the parties agreed to a binding Settlement Agreement in which the City and Town agreed, in consideration of each component of the Settlement Agreement, to mutually discontinue certain litigation between the parties, and the City and Town agreed to commit to, among other things, facilitate the legal process allowing the Town to expeditiously adjust its boundaries to include a certain parcel located at 15/27 LeMay Drive in the City, owned by the County of Clinton (the "County"), as further described below, in an effort to forge a more positive relationship between the neighboring communities and encourage and pursue a more cooperative and mutually beneficial resolution to outstanding controversies.

SECTION 3
ANNEXATION OF PARCEL

The Town Board of the Town of Plattsburgh does hereby annex the LeMay Drive Property described as follows:

Parcel One

ALL THAT CERTAIN PIECE OR PARCEL OF LAND situate along NYS Rt. 22 on the former Plattsburgh Air Force Base in the City of Plattsburgh, County of Clinton, State of New York, being parcel 45 (Tax# 233.006-1-2.1) as shown on sheet S5 of the subdivision plans entitled PARC SUBDIVISION PHASE III, IV & V CITY OF PLATTSBURGH, NY, prepared by AES Northeast, PLLC, Scott B. Allen, L.S. and recorded in the office of the Clinton County Clerk as PL-B-349 through PL-B-357, more particularly described as follows:

BEGINNING at a point having a Northing of 1702843.39 and an Easting of 725455.94, which point lies at the southeast of the premises being described herein;

Thence along the following three (3) courses and distances:

1. S 35°09'53" W, 883.41 feet;
2. N 23°06'28" W, 1301.32 feet;
3. N 22°47'10" W, 271.51 feet to a point in the bounds of NYS Rt. 22;

Thence along the bounds of NYS Rt. 22 the following two (2) courses and distances:

1. N 69°55'10" E, 179.40 feet;
2. N 66°16'07" E, 179.50 feet;

Thence S 42°40'27" E, 1168.21 feet to the point or place of beginning.

Containing herein 18.05 acres of land more or less.

Subject to all easements and rights of ways as shown on said subdivision plans.

Environmental Easements shall be a superior interest to all prior easements, rights of way, agreements, and to any and all interests in said parcel.

Subject to all easements and rights of ways as shown on said subdivision plans.

Environmental Easements shall be a superior interest to all prior easements, rights of way, agreements, and to any and all interests in said parcel.

The LeMay Drive Property Annexation shall be effective immediately upon the filing of this Local Law in the office of the Secretary of State. The effective date of the

Roll Call:	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
				x	
Thomas E. Wood	x				
Meg E. Bobbin	x				
Barbara E. Hebert	x				
Charles A. Kostyk	x				
Michael S. Cashman	x				

AGREEMENT

THIS AGREEMENT made this 1st day of January 2022 between the **TOWN OF PLATTSBURGH**, a municipal corporation with its principal place of business located at 151 Banker Road, Plattsburgh, New York 12901, party of the first part, and **JAMES J. COFFEY, ESQ.**, residing at 42 Lake Breeze Drive, Plattsburgh, New York 12901, and having a place of business located at 39 Broad Street, Plattsburgh, New York 12901, party of the second part.

WITNESSETH:

WHEREAS, on January ____, 2022, the party of the first part duly adopted a resolution at a meeting of its Town Board retaining the party of the second part on a contract basis as attorney for the Town of Plattsburgh during the calendar year 2022; and

WHEREAS, the party of the second part, after conferring with the Supervisor of the party of the first part, has agreed to render the requested legal services for the party of the first part, including attending Town Board meetings, preparing resolutions, preparing legal documents, counseling the Supervisor, the Town Board, and the heads of other departments of the party of the first part;

NOW, THEREFORE, it is hereby mutually agreed by and between the parties hereto as follows:

1. **Duties:** The party of the first part hereby retains the party of the second part to render legal services on matters referred to him by the Supervisor and/or the Town Board of the Town of Plattsburgh and the party of the second part agrees to render such services to the party of the first part. The services required of the party of the second part shall be attendance at all meetings of the Town Board of the Town of Plattsburgh, unless excused from a particular meeting by the Supervisor of the party of the first part by reason of illness or a conflict with an overriding commitment; counseling the Supervisor and members of the Town Board of the party of the first part and department heads of the party of the first part with reference to municipal matters pertaining to the party of the first part; assisting in the preparation of required resolutions for consideration by the Town Board of the party of the first part; and performing such other legal services for the party of the first part as may be agreed upon by the parties hereto.

2. **Term:** The term of this Agreement shall be for the period commencing January 1, 2022 and ending December 31, 2022.

3. **Additional Duties:** Appearances for the party of the first part in a court of record shall not be covered by this agreement unless the party of the second part agrees to render such services as part of this Agreement. In addition, the parties may from time to time agree that certain matters fall outside the normal duties as contemplated by this agreement, and in such cases, the parties may mutually agree on the additional compensation that would be appropriate in such cases.



Joint Council for Economic Opportunity
of Clinton and Franklin Counties, Inc.

AGREEMENT

This AGREEMENT made this 1st day of January, 2022 by and between the JOINT COUNCIL FOR ECONOMIC OPPORTUNITY OF CLINTON and FRANKLIN COUNTIES, INC., a New York not-for-profit corporation having its principle place of business at 54 Margaret Street, Plattsburgh, New York, herein after referred to as the party of the first part, and the TOWN OF PLATTSBURGH, having its principle place of business at St. Josephs Outreach Center, 1349 Military Turnpike Plattsburgh New York; herein after referred to as the party of the second part.

WITNESSETH

In consideration of the agreement hereinafter contained, the parties hereto, for themselves, have mutually agreed and do agree with each other as follows:

1. The party of the second part agrees to pay the party of the first part the sum of twenty one thousand one hundred twenty three dollars. (\$21,123.00.) for the portion of the Community Outreach Program administered by the party of the first part with the TOWN OF PLATTSBURGH, for the period commencing January 1, 2022 and ending December 31, 2022.
2. The party of the first part and the party of the second part reserve the right to terminate this agreement on thirty (30) days written notice.
3. The party of the first part shall provide necessary employment, fringe, travel, supplies and support services to the party of the second part to assure an effective Community Outreach Program in the municipality of the second part.
4. The party of the second part agrees to provide to the party of the first part the sum equal to one half (\$10,561.50) by January 31, 2022 and the remaining balance of \$(10,561.50) by June 1, 2022.

CLINTON COUNTY

54 Margaret Street | Plattsburgh, NY 12901
Phone: 518-561-6310 | Fax: 518-562-2947
www.jceo.org

FRANKLIN COUNTY

17-19 Webster Street | Malone, NY 12953
Phone: 518-483-7022 | Fax: 518-483-3129
www.jceo.org





Joint Council for Economic Opportunity
of Clinton and Franklin Counties, Inc.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first written above.

SEAL:

JOINT COUNCIL FOR ECONOMIC
OPPORTUNITY OF CLINTON AND FRANKLIN
COUNTIES, INC.

By: Nicole Ran
(Executive Director)

BY: _____
(Town Supervisor)

📍 CLINTON COUNTY

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As of 01/03/2022 04:32PM, the Laws database is current through 2021

Chapters 1-833

Real Property Tax *LAW*

§ 523. Board of assessment review. 1. (a) In each local government there shall be a board of assessment review. In each village, except a village which has enacted a local law as provided in subdivision three of section fourteen hundred two of this chapter, there may be a board of assessment review constituted pursuant to this section.

(b) The board of assessment review shall consist of not less than three nor more than five members appointed by the legislative body of the local government or village or as provided by subdivision five of ~~section fifteen hundred thirty-seven of this chapter, if applicable.~~ Members shall have a knowledge of property values in the local government or village. Neither the assessor nor any member of his or her staff may be appointed to the board of assessment review. A majority of such board shall consist of members who are not officers or employees of the local government or village.

(c) The terms of office of members of the board of assessment review shall be five years and shall commence on the first day of October and terminate on the thirtieth day of September, five years thereafter. In the case of the first board appointed under the provisions of this title, however, the terms shall be of such length that not more than one will expire in each of the first five years after the members of such board are appointed.

(d) Each member of a county, city or town board of assessment review shall attend the training required by subdivision two of this section. Individual members of a village board of assessment review, as constituted pursuant to this section, may attend the course of training offered by the commissioner but are not required to do so.

(e) The members of the board of assessment review shall annually choose one of their number to serve as chairman of such board. Within five days after a person is so designated, the board of assessment review shall notify the clerk of the local government of the designation.

(f) Within twenty days of when a person is appointed to the board of assessment review or designated chairman of such board, the clerk of the local government shall notify the commissioner and the county director of real property tax services of the appointment or designation.

(g) The legislative body of the local government or village may adopt a resolution providing that the members of the board of assessment review shall be paid for their respective services. Such resolution, if adopted, shall fix the amount of such compensation.

(h) The board of assessment review in Nassau county may appoint a secretary who shall perform such confidential duties and such other duties as are necessary to enable the board of assessment review to properly and efficiently carry out the provisions of this title. The compensation of such secretary shall be fixed by the legislative body of the local government.

2. Training. (a) Upon the initial appointment or reappointment of an individual to a board of assessment review, that appointee shall attend a training course as shall be prescribed by the commissioner. The commissioner shall prescribe an introductory training course for initial appointees and a supplementary training course available to all members of boards of assessment review. Neither training course shall extend beyond four hours in length. The introductory training course shall include, but shall not be limited to, the functions, duties and responsibilities of the board of assessment review, assessment review, assessment procedures, and exemption administration. The supplementary training course shall include but shall not be limited to real property tax legislation, judicial decisions, and administrative opinions.

(b) is an officer, director, partner or employee of an entity which is an owner or lessee of such property; or

(c) is an officer, director, partner or associate of a law firm or real estate firm which has a financial interest with the owner or lessee of such property; or

(d) legally or beneficially owns or controls stock of a corporation which is an owner or lessee of such property, provided, however, ownership of stock shall not constitute an interest where such stock is listed on a major stock exchange or is sold on the over the counter market and the value thereof is less than ten thousand dollars.

January 4, 2022



Dear Supervisor Cashman and Town Board members,

This letter serves as my notice to you of my intention to retire from employment at the Town of Plattsburgh. After 33 years of serving the public in the Town's Parks & Recreation Department, my last day will be March 7th of 2022.

I am grateful for the support that the Town Boards have provided this department over the years. It enabled us to expand the opportunities for our residents to enjoy new programs and add sustainable amenities in the parks.

Sincerely,

A handwritten signature in purple ink that reads "Melanie Defayette". The signature is fluid and cursive, with a long horizontal stroke at the end.

Melanie Defayette

Town Youth & Recreation Director