**Res. 021- 151 FINDINGS, RESOLUTIONS AND ORDER OF THE TOWN OF PLATTSBURGH PURSUANT TO ARTICLE 17 OF THE NEW YORK GENERAL MUNICIPAL LAW REGARDING THE PROPOSED ANNEXATION OF PROPERTY LOCATED ON REEVES LANE.**

**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 that will 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, commence and facilitate the legal process allowing the City to expeditiously adjust its boundaries to include the City-owned parcels located at 205 Reeves Lane (Tax Map No. 220.-4-32) and 217 Sharron Avenue (Tax Map No. 233.7-1-14), while providing payments established in a 5-year District Protection Program; and

**WHEREAS**, a request pursuant to Section 706 of Article 17 of the New York General Municipal

Law (the “Municipal Annexation Law”) having been filed with the Town Board of the Town on April 20, 2021 by the City (the “Reeves Lane Annexation Request”), as owner of certain real property in the Town consisting of an approximately 224+/-acre parcel of uninhabited land on Reeves Lane in the Town, identified as Clinton County Tax Map Parcel Nos. 220.-4-31.2 and 220.-4-32 (collectively, the “Property”), for the annexation of the Property to the City (the “Reeves Lane Annexation”); and

**WHEREAS,** on July 20, 2021, a Notice of Public Meeting On the Matter of Annexation of certain Territory From the Town of Plattsburgh to the City of Plattsburgh (the “Notice”) was made to members of the public, with a copy of such Notice sent: to Beekmantown Central School District, Peru Central School District, EMT of CVPH on July 20, 2021; to the Town of Plattsburgh District No. 3 Fire Department on July 22, 2021, and to the South Plattsburgh Fire Department on July 23, 2021; and

**WHEREAS**, the Notice stated, in part, that the members of the governing board of the Town shall meet on August 26, 2021 to receive evidence and information concerning the Reeves Lane Annexation

Request; and

**WHEREAS**, a meeting of the governing Board of the Town having been held on August 26, 2021, in accordance with Section 706 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 706 of the General Municipal Law of the State of New York:

# FINDINGS

1. The Property is uninhabited and contiguous to the municipal boundaries of the City, allowing for annexation pursuant to Section 706 of the General Municipal Law of the State of New York (hereinafter the "General Municipal Law" or "GML").
2. The Reeves Lane Annexation Request was delivered by representatives of the City to the Town Board on April 20, 2021. A copy of the April 20, 2021 request is attached hereto as **Exhibit A**.
3. Pursuant to the provisions of Section 706(2) of the GML, the Town caused a written copy of the required Notice to be provided to Beekmantown Central School District, Peru Central School District, EMT of CVPH, Town of Plattsburgh District No. 3 Fire Department and South Plattsburgh Fire Department. A copy of the Notice is attached hereto as **Exhibit B.** D. Notice of the August 26, 2021 public meeting was duly posted by the Town.
4. A public meeting was held by the Town on August 26, 2021 to consider, in part, the

Reeves Lane Annexation Request. Comments were received from various members of

the public in attendance at the public meeting. Officials of both the City and Town offered comment as well.

1. The City Council, as the lead agency for the Type I, coordinated 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 the potential adverse environmental effects, if any, related to the Reeves Lane Annexation and on August 9th, 2021, the City Council readopted and reaffirmed its previous negative determination of environmental significance ("Negative Declaration") for the Reeves Lane Annexation. A copy of the City’s August 9th SEQRA resolution is attached hereto as **Exhibit C**. As an involved agency, the Town

Board hereby adopts the City’s Negative Declaration.

1. In considering whether to consent to the Reeves Lane Annexation Request, the Town must determine whether the proposed annexation is in the over-all public interest. GML § 706(2). In light of the foregoing, and all of the information duly provided and considered, the Town Board hereby makes the following specific findings and determination in accordance with Sections 706 and 711 of the GML that the Reeves Lane Annexation is in the overall public interest:
   1. In accordance with the terms of the Compact, the Settlement Agreement, and related documents thereto, the Town will receive a five-year District Protection Program payment in lieu of reduced tax revenue resulting from approval of the Reeves Lane Annexation. Notwithstanding the offsetting District Protection Program payment, the tax revenue estimated to be lost due to the Reeves Lane Annexation is deemed relatively modest, in the amount of $40,327.77 total over 5 years.
   2. 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.
   3. The Town and City have entered into a Memorandum of Understanding to jointly develop a citizens advisory panel for a former Compost Facility located on the Property, and as part of such agreement, the City will coordinate with the Town and provide certain information and a minimum of 90 days’ prior notice to resume operation at such facility.
   4. The City has stated in good faith that it will adopt zoning that is compatible with the Town’s new Smart Growth Zoning.
   5. If annexed, the City would be able to readily provide emergency services, including professional police, fire and EMS services, to the Property.
   6. Upon annexation, the Property will potentially have access to more affordable energy rates, thereby reducing overall energy costs within the Property and promoting reliance on renewable energy, which is in conformance with the

City’s 100% renewable energy policy.

* 1. The Reeves Lane Annexation will not result in baroque or unnatural boundaries.

Based upon the foregoing and upon careful review and evaluation, it is hereby determined that the potential benefits of the Reeves Lane 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 Reeves Lane 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 Barbara E. Hebert as seconded by Councilor Charles A. Kostyk , it is hereby:

**RESOLVED**, that City’s request for the Town’s consent to the proposed Reeves Lane Annexation substantially complies with Section 706 of the General Municipal Law; and it is further

**RESOLVED**, that the Reeves Lane Annexation is hereby deemed to be in the overall

public interest; and it is further

**RESOLVED**, that the Reeves Lane Annexation is hereby approved by the Town.

**Motion to waive the reading a go straight to vote**: Barbara E. Hebert

**Seconded by**: Charles A. Kostyk

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 ] | [ ] | [ ] | [ ] |

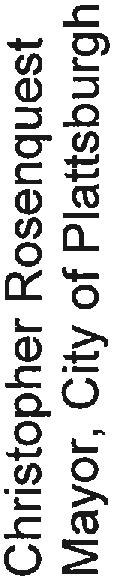
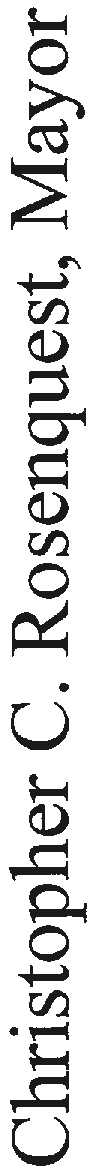
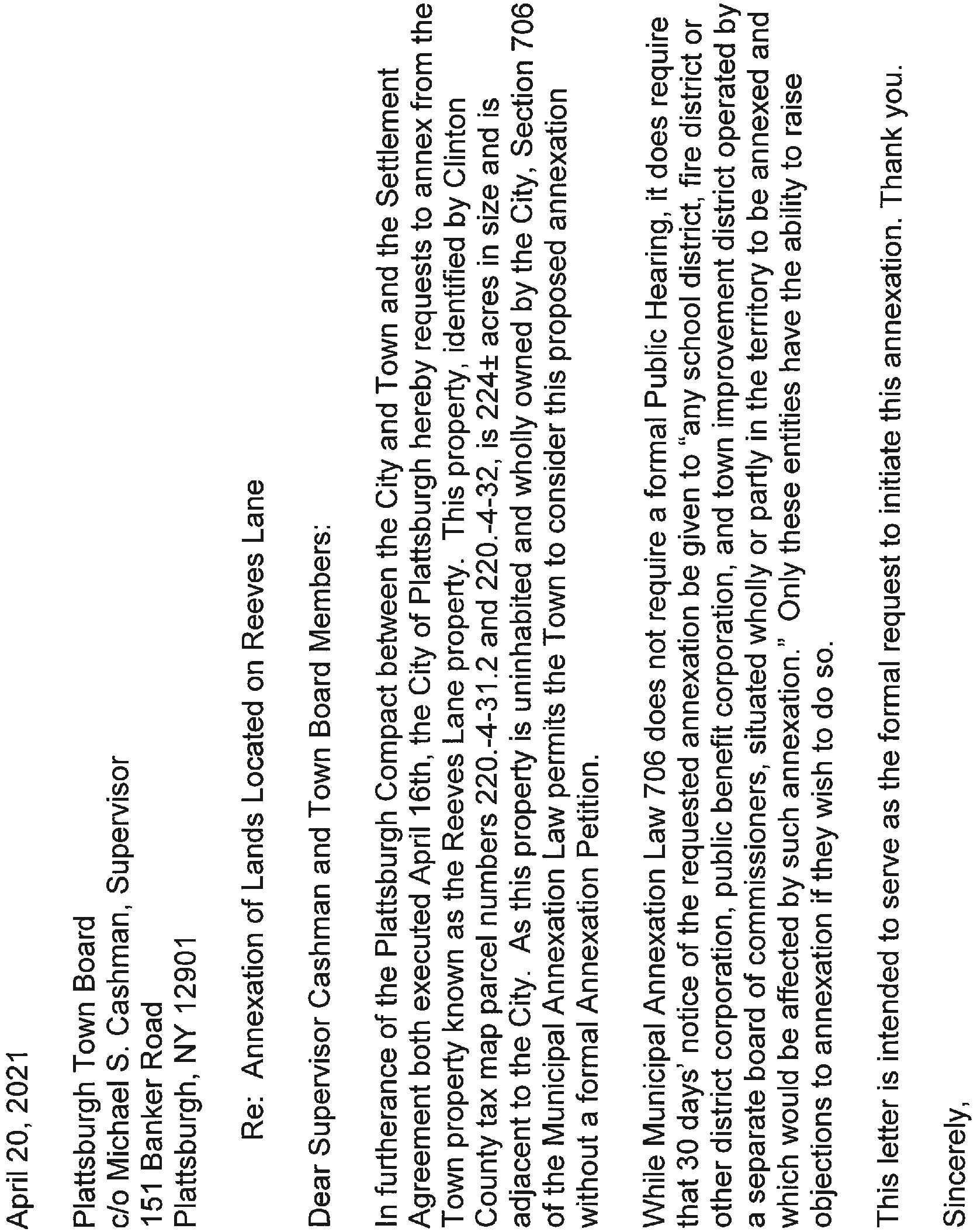
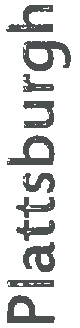
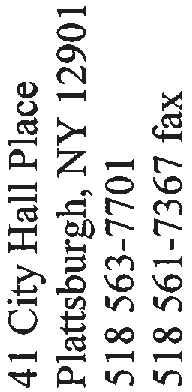
The Resolution was thereupon duly adopted this 26th day of August, 2021.

**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 Annexation Request, Meeting Notice, written objections, if any, and testimony and minutes of proceedings taken and kept on the matter of the Reeves Lane Annexation, be filed in the offices of the clerks of the City and Town as the affected local governments.

Dated: August 26, 2021

# EXHIBIT A

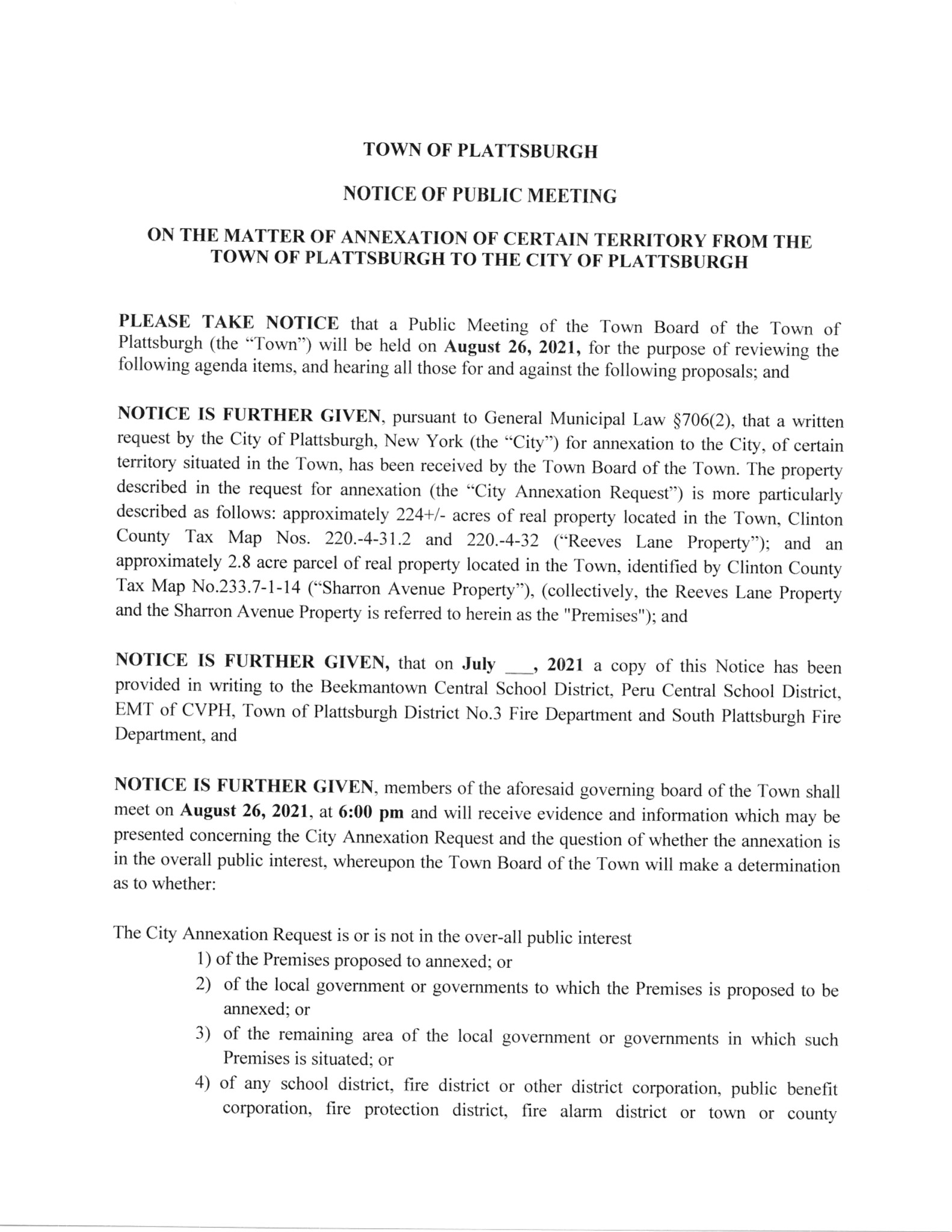


# EXHIBIT B

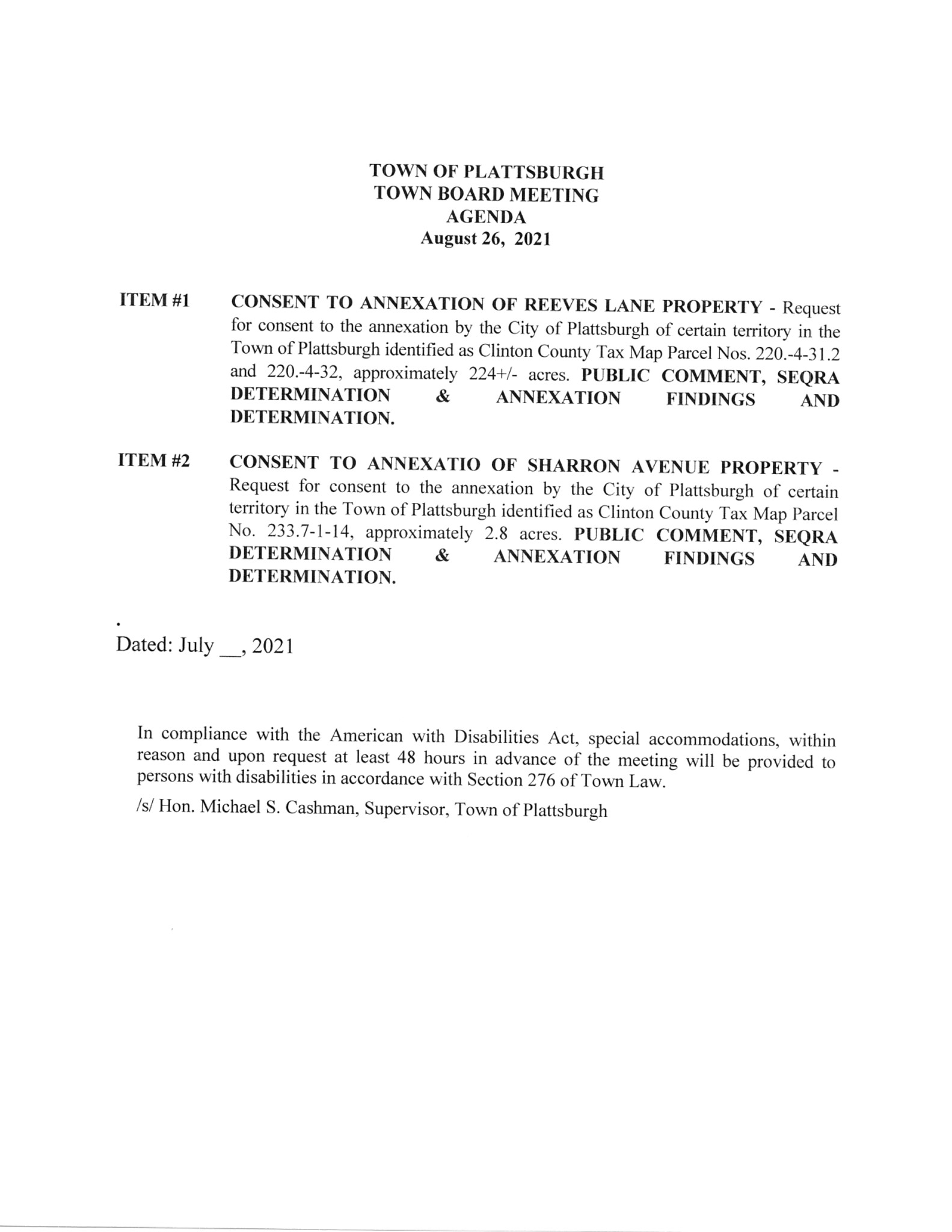
Dear \_\_\_\_\_\_\_\_\_\_\_\_

Enclosed is a notice of a Public Meeting to be held at the Town Hall of the Town of Plattsburgh regarding he annexation of two parcels of land (Reeves Lane 224 acres +/- and Sharron Avenue 2.8 acres +/-) currently located in the Town of Plattsburgh by the City of Plattsburgh.

You are receiving this notice because the annexation of one or both of these parcels will impact your school, fire district or ambulance district. If you have any questions regarding this matter, feel free to contact me. Sincerely yours,







# EXHIBIT C

