

**TOWN OF PLATTSBURGH
TOWN BOARD SEMI-MONTHLY MEETING
September 21, 2023**

The meeting was called to order at 6:00 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	
Barbara E. Hebert, Councilor	x	
Charles A. Kostyk, Councilor	x	
Dana M. Isabella, Councilor	x	
Kathryn B. Kalluche, Town Clerk	x	
James J. Coffey, Town Attorney	x	

Resolution No. 023-205

Accept Minutes of the Previous Meeting

RESOLVED, that the minutes of **July 20, 2023** and **July 27, 2023** be accepted and the reading of the minutes be dispensed with.

Motion: Charles A. Kostyk
Seconded by: Thomas E. Wood
Discussion: None

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

Public Comment - None

Resolution No. 023-206

Abstract 9B- 23

RESOLVED, that the abstract of audited claims **No. 9B-23** for \$356,442.02, **Abstract 9B-23** prepays for the amount \$149,690.53 be received as reviewed by the Audit Committee and the Supervisor is hereby authorized to pay said abstracts.

Motion: Barbara E. Hebert
Seconded by: Dana M. Isabella
Discussion: None

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

Resolution No. 023-207

Disposal of Obsolete Equipment

WHEREAS, it has been has determined that the equipment listed below are obsolete and no longer needed; and

- 2003 International Dump Truck (#42)
- 1997 International Dump Truck (#9)
- 1990 Ford E-350 Ambulance (#14)
- Marathon Crack Sealer
- Tow Behand Air Compressor
- Caterpillar 155kw Standby Generator
- Pull Behind Power Curb Machine
- 35 Gallon Portable Fuel Tank
- 8' Fiberglass Utility Boady
- 2009 Cam Superline Trailer

WHEREAS, the equipment will be put out for bid through International Auction for the proper disposal; therefore, be it

RESOLVED, that the Town Board does hereby authorize the sale of said equipment; and, it is further

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

Motion: Thomas E. Wood
Seconded by: Charles A. Kostyk
Discussion: Charles A. Kostyk, Barbara E. Hebert

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

Resolution No. 023-208

**Resolution to Hold Public Hearing for Local Law
No. 3 of 2023: Amending Solar Energy Local Law**

WHEREAS, the Town has been studying the potential impacts of solar energy facilities under the 2018 Solar Energy Local Law; and

WHEREAS, the Town Board has received a draft amendment to the local law and recommendation for adoption of an amendment to the local law regulating the siting, construction, and operation of solar energy facilities; and

WHEREAS, the same has been placed on the desk of the all the members of the Town Board this date, together with a Full Environmental Assessment Form (“EAF”) Part I, as having been prepared for such a public hearing on such proposed Local Law is necessary; and

WHEREAS, Part 617 of the Environmental Conservation Law - "State Environmental Quality Review Act", Section 8-0113 (SEQRA herein) provides for the review of any "ACTION" to determine the effect of said Action on the environment, along with any related administrative procedures for the implementation, authorization or approval of said Action; and

WHEREAS, Part 617.12 (b)-(2) of SEQRA, provides that “the adoption of changes in the allowable uses within any zoning districts affecting 25 or more acres,” mandates the proposed amendments to said Local Law be defined as a TYPE I ACTION which requires specific acts by the Town of Plattsburgh prior to the adoption or rejection of said proposed amendments; and

WHEREAS, 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 of Plattsburgh Town Board is identified as an involved agency in accordance with SEQRA for the purpose of assessing the effect of this Local Law 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, a coordinated review will be conducted, and the Town of Plattsburgh Planning Board shall request to be designated lead Agency; and

WHEREAS, the Town Board of Town of Plattsburgh, as the project sponsor, is required to review and use the EAF to determine the significance of said proposed amendments; now, therefore be it

RESOLVED, the Town Board does hereby determine that the proposed Local Law amendment is a TYPE I ACTION and a coordinated review under SEQRA will be conducted, and, be it further

RESOLVED, the Town of Plattsburgh Town Board shall notify all involved or interested agencies of the proposed amendment, and request to be designated lead Agency; and be it further

RESOLVED, that the Town of Plattsburgh Town Board does hereby receive and place on file the draft Local Law and SEQRA Part I Long Form EAF; and, it is further

RESOLVED, the Town Board acknowledging receipt of the proposed Local Law No. 3 the Year 2023 entitled Solar Energy Local Law, the accompanying Full EAF part 1, and after review of the same, finds that the effect of such regulation would be town wide and finds that such action be a Type 1 action and hereby does declare itself as Lead Agency in connection with the proposed Local Law and having further found that no other agency is involved in the adoption of such regulation; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to cause notice of a public hearing on the proposed amendment to the Solar Local Law to be published in the Press Republican, in accordance with Town Law; and it is further

RESOLVED, that a public hearing be held on October 5th, 2023 at 6:05 p.m. for the purpose of hearing all persons for and against this proposed Local Law to be held at Town of Plattsburgh Town Hall Offices, 151 Banker Road, Plattsburgh, New York 12901; and be it further

RESOLVED, that the Town Clerk is hereby directed to post, publish and mail notice of the public hearing as required, to adjacent municipalities, any involved or interested agencies, and the Clinton County Planning Board.

Motion: Charles A. Kostyk

Seconded by: Dana M. Isabella

Discussion: Thomas E. Wood, Michael S. Cashman

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

Resolution No. 023-209

**Resolution for Type II SEQRA Action –
Local Law No. 4 of 2023 – Amending
Local Law No. 1 of 2023**

WHEREAS, proposed Local Law No. 4 of 2023 would amend Local Law No. 1 of 2023 of the Town of Plattsburgh which imposed a twelve-month moratorium on applications for Tier 3 Solar Energy Facilities and Battery-Based Energy Storage Systems to only include Battery-Based Energy Storage Systems and end the moratorium on Tier 3 Solar Energy Facilities; and

WHEREAS, Part 617 of the Environmental Conservation Law - "State Environmental Quality Review Act" (SEQRA), provides for the review of any "ACTION" to determine the effect

of the action on the environment, along with any related administrative procedures for the implementation, authorization or approval of the action; and

WHEREAS, the adoption of a moratorium on land development or construction is a Type II action under 6NYCRR Part 617 requiring no further environmental review; now, therefore be it

RESOLVED, that the Town of Plattsburgh's Planning Board after a review of proposed Local Law No. 4 of 2023 does hereby determine that the proposed project is a Type II action requiring no further environmental review.

Motion: Barbara E. Hebert
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				
Barbara E. Hebert	x				
Charles A. Kostyk	x				
Dana M. Isabella	x				
Michael S. Cashman	x				

Resolution No. 023-210

Resolution to Hold a Public Hearing for Local Law No. 4 of 2023 a Local Law Amending Local Law No. 1 of 2023

WHEREAS, proposed Local Law No. 4 of 2023 would amend Local Law No. 1 of 2023 of the Town of Plattsburgh which imposed a twelve-month moratorium on applications for Tier 3 Solar Energy Facilities and Battery-Based Energy Storage Systems to only include Battery-Based Energy Storage Systems and end the moratorium on Tier 3 Solar Energy Facilities; and

WHEREAS, due consideration has been given to the adoption of Proposed Local Law No. 4 of 2023 by all members of the Town Board who were present; and

WHEREAS, it was the considered opinion of all members of the Town Board who were present that a public hearing should be held on the 5th day of October, 2023 at 6:10 P.M., at the Plattsburgh Town Hall, 151 Banker Road, Plattsburgh, New York, to consider the adoption of Proposed Local Law No. 4 of 2023;

NOW, on motion duly made and seconded, it was

RESOLVED, that a public hearing be held on the 5th day of October, 2023 at 6:10 P.M., at the Plattsburgh Town Hall, 151 Banker Road, Plattsburgh, New York, on the question of the enactment of Proposed Local Law No. 4 of 2023; and be it further

RESOLVED, that a Notice of Hearing on Proposed Local Law No. 4 of 2023 shall be published in the Press Republican not less than five (5) days prior to that hearing; and be it further

RESOLVED, that the Town Clerk shall post that Notice on the bulletin board maintained by the Town Clerk pursuant to Town Law 30 (6), and on the Town of Plattsburgh website, for a period of not less than five (5) days prior to that public hearing.

Motion: Dana M. Isabella

Seconded by: Barbara E. Hebert

Discussion: Charles A. Kostyk, Barbara E. Hebert

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

Resolution No. 023-211

Tentative Budget Filed for 2024

WHEREAS, the 2024 Tentative Budget for the Town of Plattsburgh will be duly filed on September 30, 2023 in the Town Clerk's Office; now therefore be it

RESOLVED, that the Town Board of the Town of Plattsburgh does hereby receive and place on file the 2024 Tentative Budget with the Town Clerk per Town Law, section 106 (3); and be it further

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

Motion: Barbara E. Hebert

Seconded by: Dana M. Isabella

Discussion: Thomas E. Wood, Michael S. Cashman

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

Resolution No. 023-212

Pro-Housing Certification Program Resolution

WHEREAS, the Town of Plattsburgh (hereinafter “local government”) believes that the lack of housing for New York residents of all ages and income levels negatively impacts the future of New York State’s economic growth and community well-being; and

WHEREAS, the housing crisis has negative effects at regional and local levels, we believe that every community must do their part to contribute to housing growth and benefit from the positive impacts a healthy housing market brings to communities;

WHEREAS, we believe that supporting housing production of all kinds in our community will bring multiple benefits, including increasing housing access and choices for current and future residents, providing integrated accessible housing options that meet the needs of people with sensory and mobility disabilities, bringing economic opportunities and vitality to our communities, and allowing workers at all levels to improve their quality of life through living closer to their employment opportunities;

WHEREAS, we believe that evidence showing that infill development that reduces sprawl and supports walkable communities has significant environmental and public health benefits; and

WHEREAS, we believe that affirmatively furthering fair housing and reducing segregation is not only required by law, but is essential for keeping our community strong and vibrant;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that Town of Plattsburgh, in order to take positive steps to alleviate the housing crisis, adopts the Pro- Housing Communities pledge, which will have us endeavor to take the following important steps:

1. Streamlining permitting for multifamily housing, affordable housing, accessible housing, accessory dwelling units, and supportive housing.
2. Adopting policies that affirmatively further fair housing.
3. Incorporating regional housing needs into planning decisions.
4. Increasing development capacity for residential uses.
5. Enacting policies that encourage a broad range of housing development, including multifamily housing, affordable housing, accessible housing, accessory dwelling units, and supportive housing.
- 6.

Motion: Thomas E. Wood

Seconded by: Dana M. Isabella

Discussion: Michael S. Cashman

Roll Call:

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

Resolution No. 023-213

Resolution to Hold Public Hearing for Local Law No. 5 of 2023: Amending Local Law No. 4 of 2007 Flood Damage Prevention

WHEREAS, the Town participates in the National Flood Insurance Program (NFIP); and

WHEREAS, the new Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) have been completed for the Town by the Federal Emergency Management Agency (FEMA); and

WHEREAS, the New York State Department of Environmental Conservation has advised the Town that it must adopt a new local law to reflect updated federal and state regulations; and

WHEREAS, in order to remain a participant in the National Flood Insurance Program (NFIP) a new law must be adopted by December 7, 2023; and

WHEREAS, Local Law No. 5 of 2023, A Local Law amending Local Law No. 4 of 2007 for Flood Damage Prevention, has been prepared; and

WHEREAS, the same has been placed on the desk of the all the members of the Town Board this date, together with a Full Environmental Assessment Form (“EAF”) Part I, as having been prepared for such a public hearing on such proposed Local Law is necessary; and

WHEREAS, Part 617 of the Environmental Conservation Law - "State Environmental Quality Review Act", Section 8-0113 (SEQRA herein) provides for the review of any "ACTION" to determine the effect of said Action on the environment, along with any related administrative procedures for the implementation, authorization or approval of said Action; and

WHEREAS, Part 617.12 (b)-(2) of SEQRA, provides that “the adoption of changes in the allowable uses within any zoning districts affecting 25 or more acres,” mandates the proposed amendments to said Local Law be defined as a TYPE I ACTION which requires specific acts by the Town of Plattsburgh prior to the adoption or rejection of said proposed amendments; and

WHEREAS, 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 of Plattsburgh Town Board is identified as an involved agency in accordance with SEQRA for the purpose of assessing the effect of this Local Law 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, a coordinated review will be conducted, and the Town of Plattsburgh Planning Board shall request to be designated lead Agency; and

WHEREAS, the Town Board of Town of Plattsburgh, as the project sponsor, is required to review and use the EAF to determine the significance of said proposed amendments; now, therefore be it

RESOLVED, the Town Board does hereby determine that the proposed Local Law amendment is a TYPE I ACTION and a coordinated review under SEQRA will be conducted, and, be it further

RESOLVED, the Town of Plattsburgh Town Board shall notify all involved or interested agencies of the proposed amendment, and request to be designated lead Agency; and be it further

RESOLVED, that the Town of Plattsburgh Town Board does hereby receive and place on file the draft Local Law and SEQRA Part I Long Form EAF; and, it is further

RESOLVED, the Town Board acknowledging receipt of the proposed Local Law No. 5 the Year 2023 a Local Law amending Local Law No. 4 of 2007 Flood Damage Prevention, and after review of the same, finds that the effect of such regulation would be town wide and finds that such action be a Type 1 action and hereby does declare itself as Lead Agency in connection with the proposed Local Law and having further found that no other agency is involved in the adoption of such regulation; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to cause notice of a public hearing on the proposed amendment to the Flood Damage Prevention Local Law and it be published in the Press Republican, in accordance with Town Law; and it is further

RESOLVED, that a public hearing be held on October 12th, 2023 at 6:05 p.m. for the purpose of hearing all persons for and against this proposed Local Law to be held at Town of Plattsburgh Town Hall Offices, 151 Banker Road, Plattsburgh, New York 12901; and be it further

RESOLVED, that the Town Clerk shall post that Notice on the bulletin board maintained by the Town Clerk pursuant to Town Law 30(6), and on the Town of Plattsburgh website, for a period of not less than five (5) days prior to that public hearing and copies be given to Steve Imhoff, Codes Enforcement Officer, and Trevor Cole, Senior Planner.

Motion: Barbara E. Hebert
Seconded by: Charles A. Kostyk
Discussion: Michael S. Cashman

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

RESOLVED, that this Town Board meeting be adjourned at 6:22 PM.

Motion by: Barbara E. Hebert
Seconded by: Charles A. Kostyk
Discussion: None

	<u>Yes</u>	<u>No</u>	<u>Carried</u>
			x
Thomas E. Wood	x		
Barbara E. Hebert	x		
Charles A. Kostyk	x		
Dana M. Isabella	x		
Michael S. Cashman	x		

Minutes Respectfully Submitted by:

Katie Kalluche, Town Clerk