

**TOWN OF PLATTSBURGH
TOWN BOARD SEMI-MONTHLY MEETING
November 16, 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	

Also in attendance: Barb Miner and Gillian Miner

Resolution No. 023-255

Accept Minutes of the Previous Meeting

RESOLVED, that the minutes of **September 21, 2023** and **September 28, 2023** be accepted and the reading of the minutes be dispensed with.

Motion: Thomas E. Wood

Seconded by: Charles A. Kostyk

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

Supervisor’s Comments – Battlefield Memorial Gateway Phase 1 Completion & ribbon cutting on November 17 – many thanks to partners

Resolution No. 023-244

**Adoption of Subdivision Regulation
Amendments for the Town of Plattsburgh 2023**

WHEREAS, the Town of Plattsburgh Town Board (hereafter referred to as the “Town Board”) adopted a Town Comprehensive Plan in 2010 and Town Center Smart Growth Plan on

November 21, 2019, which necessitated a review and update of currently adopted Subdivision Regulations for the Town, as last revised on June 19, 1978; and

WHEREAS, the Town Board, received a draft of the proposed Subdivision Regulations for the Town of Plattsburgh (herein referred to as the “Proposed Subdivision Regulations”) for review dated last revised July 14, 2023, which would replace the existing Subdivision Regulations for the Town of Plattsburgh in its entirety; and

WHEREAS, the application was referred to the Town of Plattsburgh Planning Board and Clinton County Planning as required by Local and State Law; and

WHEREAS, the Town Board, as the only involved agency pursuant to the State Environmental Quality Review Act (hereinafter “SEQRA”) with respect to environmental review of the recension and of the current Town of Plattsburgh Subdivision Law last revised, June 19, 1978 and adoption of the of the Proposed Subdivision Regulations, declared itself SEQRA lead agency for this action on October 5, 2023 and conducted a full review of the Proposed Subdivision Regulations using Part I, Part II, and Part III FEAF forms; and

WHEREAS, the Town Board also held a public hearing on October 19, 2023 for the Proposed Subdivision Regulations, where all interested and concerned parties were afforded an opportunity to be heard, and their comments were considered by the Board prior to the adoption of this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Plattsburgh in regular session duly convened as follows:

1. The Town Board considered all the reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions.
2. Town Board has compared the proposed action with the criteria for Determining Significance in 6 NYCRR 617.7 (c) and determined that the proposed action will not have a significant adverse impact on the environment.
3. The Town Board issues a Negative Declaration of Significance for this action.
4. The Town Board hereby rescinds the existing Subdivision Regulations, Town of Plattsburgh, as last revised June 19, 1978 and adopts the Town of Plattsburgh Subdivision Regulations, as last revised July 14, 2023, which shall effective this date.

Motion: Dana M. Isabella

Seconded by: Thomas E. Wood

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. 023-256

Abstract 11B- 23

RESOLVED, that the abstract of audited claims **No. 11B-23** for \$742,518.98, **Abstract 11B-23** prepays for the amount \$153,453.69 be received as reviewed by the Audit Committee and the Supervisor is hereby authorized to pay said abstracts.

Motion: Dana M. Isabella
Seconded by: Charles A. Kostyk
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. 023-257

Financial Software Upgrade

WHEREAS, the Town of Plattsburgh ("Town" herein) would like to upgrade the town's current accounts payable process to gain efficiencies and reduce costs; and

WHEREAS, the town's financial software provider, Tyler technologies is offering an accounts payable automation process which will lower costs and increase efficiencies; therefore be it

RESOLVED, that after the review of the Town Attorney and approval the Supervisor is authorized to execute the agreement for the Town of Plattsburgh and Tyler Technologies and a copy of this Resolution be given to the Finance Manager.

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				

Resolution No. 023-258

Employee Assistance Services (EAS)

WHEREAS, the Town of Plattsburgh ("Town" herein) has had an annual contract with the Clinton County Mental Health Association, Inc., doing business as Employee Assistance Services ("Agency" herein), whereby Agency provides informational services to the Town as an employer and, among other services, provides counseling to employees of the Town; and

WHEREAS, the Agency will submit to the Town its Town of Plattsburgh Employee Assistance Services Annual Report from January 1, 2024 to December 31, 2024 upon completion in January 2025; and

WHEREAS, the Town Board has provided, within the General Fund of the Town of Plattsburgh 2024 Budget, sufficient funds to pay for the renewal of a one-year contract with Agency: now, therefore, it is

RESOLVED, that the one-year renewal contract submitted by the Agency is approved and the Supervisor is authorized to execute the same for the Town for the year 2024; and, be it further

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

Motion: Dana M. Isabella

Seconded by: Charles A. Kostyk

Discussion: Michael S. Cashman, Thomas E. Wood

	<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. 023-259

Recreation Program Contract of Services for Bowling Program

WHEREAS, Parks and Recreation utilizes instructional services for programs in the Town of Plattsburgh; and

WHEREAS, the Youth Services and Recreation Director recommends contract services for program and said person get a W9; now, therefore be it

Beth Christon \$440 – **Bowling** (January 7, 2024 – February 25, 2024)

RESOLVED, that the Supervisor is authorized to sign all necessary documents necessary for these short-term contract services.

Motion: Dana M. Isabella
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				

Resolution No. 023-260 **Planning Board Member**
Reappointment of Anne Brandell

WHEREAS, Anne Brandell is willing to continue to serve as a Planning Board member; therefore, be it

RESOLVED, that the Town Board of the Town of Plattsburgh does hereby reappoint Ms. Brandell, a resident of the Town of Plattsburgh, to the Planning Board as a regular Board Member for a term to expire December 31, 2030; and, be it further

RESOLVED, that Ms. Brandell take the oath of office within thirty days of this Resolution and the Supervisor send a letter of reappointment and appreciation to Ms. Brandell; and, be it further

RESOLVED, that a copy of this Resolution be given to the Planning & Community Department Head, and a certified copy also be given to Ms. Brandell.

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. 023-261

October 2023 Budget Amendment

WHEREAS, the Town may need to amend the 2023 budget to reflect changes in revenues and expenditures during the year; and

WHEREAS, the budget amendments will be offset from existing fund balance or additional revenues; therefore be it

RESOLVED, that the Town Board of the Town of Plattsburgh authorize the following budget amendment as attached; and be it further

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

Motion: Dana M. Isabella

Seconded by: Charles A. Kostyk

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. 023-262

Resolution Authorizing Adoption by the Town Board of the Town of Plattsburgh of Local Law No. 6 of 2023 – a Local Law, Amending Local Law No. 2 of the Year 2007, Redefining Income for Property Owned by Persons 65 Years of age or Older who Meet Certain Income Limitations and Other Requirements as set Forth in Section 467 of the Real Property Tax Law.

WHEREAS, a Resolution was duly adopted by the Town Board of the Town of Plattsburgh for a Public Hearing to be held by said Governing Body on November 16, 2023 at 6:05pm at the Town of Plattsburgh, 151 Banker Road, Plattsburgh, New York to hear all interested parties on proposed Local Law No. 6 of 2023 - a Local Law, Amending Local Law

Local Law No. 6 for 2023

A LOCAL LAW, AMENDING LOCAL LAW NO. 2 OF THE YEAR 2007, REDEFINING INCOME FOR PROPERTY OWNED BY PERSONS 65 YEARS OF AGE OR OLDER WHO MEET CERTAIN INCOME LIMITATIONS AND OTHER REQUIREMENTS AS SET FORTH IN SECTION 467 OF THE REAL PROPERTY TAX LAW.

Be it enacted by the Town Board of the Town of Plattsburgh, State of New York as follows:

Section 1.

The purpose of this Local Law is to increase the maximum income ceiling from \$26,000 to \$33,800 for the partial real property tax exemption for property owned by persons 65 years of age or older who meet certain income limitations and other requirements as set forth in section 467 of the Real Property Tax Law and amends Local Law No. 2 of the year 2007.

Section 2.

Real property owned by persons sixty-five (65) years of age and over shall be exempt from the Town's General Municipal Real Property Tax (but not from special ad valorem taxes or special assessments) to the extent of fifty per centum (50%) of assessed valuation if the combined income (as defined by Section 467 of the Real Property Tax Law and as modified by Section 3 of this Local Law) of the owners for the income tax year two years prior to the date of making application for exemption does not exceed thirty-three thousand eight hundred and 00/100 Dollars (\$33,800).

Real Property owned by persons sixty-five (65) years of age and over shall be exempt from the Town's General Municipal Real Property Tax (but not from special ad valorem taxes or special assessments) to the extent of the percentages set forth below if the income (as defined by Section 467 of the Real Property Tax Law and as modified by Section 3 of this Local Law) of the owner or combined income (as defined by Section 467 of the Real Property Tax Law and as modified by Section 3 of this Local Law) of the owners for the income tax year two years prior to the taxable status date does not exceed the annual income set forth below opposite each percentage of exemption:

Annual Income	Percentage of Assessed Valuation Exempt from Taxation
\$33,800 or less	50%
More than \$33,800 but less than \$34,800	45%
\$34,800 but less than \$35,800	40%
\$35,800 but less than \$36,800	35%

\$36,800 but less than \$37,700	30%
\$37,700 but less than \$38,600	25%
\$38,600 but less than \$39,500	20%
\$39,500 but less than \$40,400	15%
\$40,400 but less than \$41,300	10%
\$41,300 but less than \$42,200	5%

Section 3.

In computing the income of the owner or the combined income of the owners of real property for the income tax year two years prior to the taxable status date of making application for the exemption, all Veterans disability compensation as defined in Title 38 of the United States Code shall not be included in annual income for determining exemption eligibility and percentages.

In computing the income of the owner or the combined income of the owners of real property for the applicable income tax year, any social security benefits that were not included in applicant's Federal Adjusted Gross Income shall not be included in annual income for determining exemption eligibility and percentages.

In computing the income of the owner or the combined income of the owners of real property for the applicable income tax year, any distributions received from an individual retirement account or individual retirement annuity that were included in the applicant's federal adjusted gross income shall be considered income.

Section 4.

All provisions of Section 467 of the Real Property Tax Law of the State of New York shall apply to this Local Law and all property owners seeking a partial exemption from taxation shall be required to comply with all provisions of Section 467 of the Real Property Tax Law of the State of New York except as otherwise specifically provided by this Local Law.

Section 5.

This local law shall amend local law No. 2 of the year 2007.

Section 6.

This local law shall immediately take effect upon filing with the New York State Secretary of State and shall apply to the taxable status date next succeeding the date on which this local law shall have become effective.

No. 2 of the Year 2007, Redefining Income for Property Owned by Persons 65 Years of age or Older who Meet Certain Income Limitations and Other Requirements as set Forth in Section 467 of the Real Property Tax Law; and

WHEREAS, notice of said Public Hearing was duly advertised in the Press Republican, the official newspaper of said Town, on November 8, 2023; and

WHEREAS, said Public Hearing was duly held on November 16, 2023 at 6:05pm at 151 Banker Road, Plattsburgh, New York and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of Plattsburgh, after due deliberation, finds it in the best interest of said Town to adopt said Local Law; therefore, be it

RESOLVED, that the Town Board of the Town of Plattsburgh hereby adopts said Local Law No. 6 of 2023 entitled a Local Law, Amending Local Law No. 2 of the Year 2007, Redefining Income for Property Owned by Persons 65 Years of age or Older who Meet Certain Income Limitations and Other Requirements as set Forth in Section 467 of the Real Property Tax Law, a copy of which is attached hereto and made a part of this Resolution; and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Plattsburgh, and to give due notice of the adoption of said Local Law to the Secretary of the State of New York.

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. 023-263

Resolution Authorizing Adoption by the Town Board of the Town of Plattsburgh of Local Law No. 7 of 2023 – a Local Law, Amending Local Law No. 2 of the Year 2007, Redefining Income for Partial Real Property Tax Exemption for Property Owned by Disabled Persons who Meet Certain Income Limitations and Other Requirements as set Forth in Section 459-C of the Real Property Tax Law.

WHEREAS, a Resolution was duly adopted by the Town Board of the Town of Plattsburgh for a Public Hearing to be held by said Governing Body on November 16, 2023 at 6:10pm at the Town of Plattsburgh, 151 Banker Road, Plattsburgh, New York to hear all interested parties on proposed Local Law No. 7 of 2023 - a Local Law, Amending Local Law No. 2 of the Year 2007, Redefining Income for Partial Real Property Tax Exemption for Property Owned by Disabled Persons who Meet Certain Income Limitations and Other Requirements as set Forth in Section 459-C of the Real Property Tax Law; and

WHEREAS, notice of said Public Hearing was duly advertised in the Press Republican, the official newspaper of said Town, on November 8, 2023; and

WHEREAS, said Public Hearing was duly held on November 16, 2023 at 6:10pm at 151 Banker Road, Plattsburgh, New York and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of Plattsburgh, after due deliberation, finds it in the best interest of said Town to adopt said Local Law; therefore, be it

RESOLVED, that the Town Board of the Town of Plattsburgh hereby adopts said Local Law No. 7 of 2023 entitled a Local Law, Amending Local Law No. 2 of the Year 2007, Redefining Income for Partial Real Property Tax Exemption for Property Owned by Disabled Persons who Meet Certain Income Limitations and Other Requirements as set Forth in Section 459-C of the Real Property Tax Law, a copy of which is attached hereto and made a part of this Resolution; and be it further

RESOLVED, that the Town Clerk be, and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Plattsburgh, and to give due notice of the adoption of said Local Law to the Secretary of the State of New York.

Motion: Dana M. Isabella

Seconded by: Charles A. Kostyk

Discussion: None

Local Law No. 7 for 2023

A LOCAL LAW, AMENDING LOCAL LAW NO. 2 OF THE YEAR 2007, REDEFINING INCOME FOR PARTIAL REAL PROPERTY TAX EXEMPTION FOR PROPERTY OWNED BY DISABLED PERSONS WHO MEET CERTAIN INCOME LIMITATIONS AND OTHER REQUIREMENTS AS SET FORTH IN SECTION 459-C OF THE REAL PROPERTY TAX LAW.

Be it enacted by the Town Board of the Town of Plattsburgh, State of New York as follows:

Section 1.

The purpose of this Local Law is to increase the maximum income ceiling from \$26,000 to \$33,800 for the partial real property tax exemption for property owned by disabled persons who meet certain income limitations and other requirements as set forth in Chapter 59, Part K of the NYS Laws of 2023. The amendment increases the sliding scale as outlined below:

Section 2.

Real property owned by disabled persons shall be exempt from the Town's General Municipal Real Property Tax (but not from special ad valorem taxes or special assessments) to the extent of fifty per centum (50%) of assessed valuation if the combined income (as defined by Section 459-c of the Real Property Tax Law and as modified by Section 3 of this Local Law) of the owners for the income tax year two years prior to the date of making application for exemption does not exceed thirty-three thousand eight hundred and 00/100 Dollars (\$33,800).

Real Property owned by disabled persons shall be exempt from the Town's General Municipal Real Property Tax (but not from special ad valorem taxes or special assessments) to the extent of the percentages set forth below if the income (as defined by Section 459-c of the Real Property Tax Law and as modified by Section 3 of this Local Law) of the owner or combined income (as defined by Section 459-c of the Real Property Tax Law and as modified by Section 3 of this Local Law) of the owners for the income tax year two years prior to the taxable status date does not exceed the annual income set forth below opposite each percentage of exemption:

Annual Income	Percentage of Assessed Valuation Exempt from Taxation
\$33,800 or less	50%
More than \$33,800 but less than \$34,800	45%
\$34,800 but less than \$35,800	40%
\$35,800 but less than \$36,800	35%

\$36,800 but less than \$37,700	30%
\$37,700 but less than \$38,600	25%
\$38,600 but less than \$39,500	20%
\$39,500 but less than \$40,400	15%
\$40,400 but less than \$41,300	10%
\$41,300 but less than \$42,200	5%

Section 3.

In computing the income of the owner or the combined income of the owners of real property for the income tax year two years prior to the taxable status date of making application for the exemption, all Veterans disability compensation as defined in Title 38 of the United States Code shall not be included in annual income for determining exemption eligibility and percentages.

In computing the income of the owner or the combined income of the owners of real property for the applicable income tax year, any social security benefits that were not included in applicant's Federal Adjusted Gross Income shall not be included in annual income for determining exemption eligibility and percentages.

In computing the income of the owner or the combined income of the owners of real property for the applicable income tax year, any distributions received from an individual retirement account or individual retirement annuity that were included in the applicant's federal adjusted gross income shall be considered income.

Section 4.

All provisions of Section 459-c of the Real Property Tax Law of the State of New York shall apply to this Local Law and all property owners seeking a partial exemption from taxation shall be required to comply with all provisions of Section 459-c of the Real Property Tax Law of the State of New York except as otherwise specifically provided by this Local Law.

Section 5.

This local law shall supersede local law No. 2 of the year 2007.

Section 6.

This local law shall immediately take effect upon filing with the New York State Secretary of State and shall apply to the taxable status date next succeeding the date on which this local law shall have become effective.

Roll Call:

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
Thomas E. Wood	x			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 6:26 PM.

Motion by: Charles A. Kostyk
Seconded by: Dana M. Isabella
Discussion: None

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

Minutes Respectfully Submitted by:

Katie Kalluche, Town Clerk