

**TOWN OF PLATTSBURGH
TOWN BOARD MONTHLY MEETING
September 3, 2013**

The meeting was called to order at 7:00 p.m. by the presiding officer at the Town Hall on the Banker Road.

	Present	Absent
MEMBERS: Bernard C. Bassett, Supervisor	X	
Thomas E. Wood, Councilor	X	
Martin D. Mannix, Councilor	X	
Paul D. Lamoy, Councilor	X	
Gerard A. Renadette, Councilor	X	
Rickey J. Collins, Town Clerk	X	
James J. Coffey, Town Attorney	X	

Resolution No.013-255

Approve Minutes of the Previous Meeting

RESOLVED, that the minutes of August 19 and 26, 2013 be approved and the reading of the minutes be dispensed with.

Motion by: Thomas E. Wood

Seconded by: Martin D. Mannix

Discussion:

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

PUBLIC RECOGNITION

Present: Debbie Blake, Patrick Bowen, Dan Heath, Jim Gray

Comments

Resolution No. 013-256

Abstract 9A

RESOLVED, that the abstract of audited claims **No.9A-13(1847-1926)** for \$135,409.33 **Abstract 9A-13 (320-337)** prepays for the amount \$547,921.02 be received as reviewed by the Audit Committee and the Supervisor is hereby authorized to pay said abstracts.

Motion: Gerard A. Renadette

Seconded by: Paul D. Lamoy

Discussion: Yes

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

Resolution NO. 013-257

Dog Control Officer's Monthly Report

RESOLVED, to receive and place on file a report from David Duquette, Dog Control Officer for the month of August 2013.

Motion: Thomas E. Wood

Seconded by: Martin D. Mannix

Discussion: Yes

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

Thomas E. Wood	x
Martin D. Mannix	x
Paul D. Lamoy	x
Gerard A. Renadette	x
Bernard C. Bassett	x

Resolution No. 13-258

Parks and Recreation Department Monthly Report

RESOLVED, to receive and place on file a report from Melanie Defayette, Recreation and Youth Services Director, for the month of July 2013.

Motion: Thomas E. Wood

Seconded by: Paul D. Lamoy

Discussion:

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

Thomas E. Wood	x
Martin D. Mannix	x
Paul D. Lamoy	x
Gerard A. Renadette	x
Bernard C. Bassett	x

Resolution 13-259

**RESOLUTION TO SET A PUBLIC HEARING
FOR LOCAL LAW #2 AWARD PURCHASE
CONTRACT ON THE BASIS OF BEST
VALUE**

WHEREAS, Proposed Local Law No. 2 of 2013 would provide that the Town of Plattsburgh may award purchase contracts on the basis of best value, as authorized by an amendment made to General Municipal Law §103; and

WHEREAS, due consideration has been given to the adoption of Proposed Local Law No. 2 of 2013, by all members of the Town Board ; and

WHEREAS, it is the considered opinion of all members of the Town Board who are present that a public hearing should be held on the 16th day of September, 2013, at 7:05 p.m. at the Plattsburgh Town

Hall, 151 Banker Road, Plattsburgh, New York, to consider the adoption of Proposed Local Law No. 2. of 2013;

NOW, on motion duly made and seconded, it is

RESOLVED, that a public hearing be held on the 16h day of September, 2013, at 7:05 P.M., at the Plattsburgh Town Hall, 151 Banker Road, Plattsburgh, New York, on the question of the enactment of Proposed Local Law No. 2 of 2013; and, be it further

RESOLVED, that a Notice of Hearing on Proposed Local Law No. 2 of 2013 shall be published in the Town’s official newspaper, the *Press Republican*, not less than five (5) days prior to that hearing; and, be it further

RESOLVED, that the Town Clerk shall post said Notice on the bulletin board maintained by the Town Clerk pursuant to Town Law §30(6), and on the Town of Plattsburgh web site, for a period of not less than five (5) days prior to that public hearing and a copy of this Resolution shall be given to the Finance Manager and the Town Clerk.

Motion: Gerard A. Renadette

Seconded by: Paul D. Lamoy

Discussion:

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

Resolution No. 013-260

Special Use Compliance for NYSEG’s Route 22 and Archie Bordeau Road Project

WHEREAS, New York State Electric & Gas (NYSEG) has applied for approval to construct a 130 foot height monopole tower with three individual 6 foot standard microwave antennas, two individual 5 foot yagi antenna’s, two whip antennas, security camera and a 12 foot working platform placed at a height of 90’ above ground, along with related ground support equipment within an 80 foot by 80 foot fenced compound which encloses a 10 foot by 12 foot pre-fabricated shelter; all proposed improvements are needed to improve NYSEG’s basic and emergency communications and operations; and,

WHEREAS, said projects improvement will occur at NYSEG’s existing Regional Service Center at Route 22 and Archie Bordeau Road, Tax map No. 245.0-4-17.1 ; and,

WHEREAS, the application was reviewed for compliance with Town code; and

WHEREAS, the Town Board has reviewed the proposed facility under SEQRA and determined that there will be no impact to the environment; therefore be it

RESOLVED, that a Special Use permit be granted to NYSEG for a wireless facility at property 245.-0-4.17.1 Route 22 and Archie Bordeau Road with the following conditions to be completed prior to the issuance of the Building Permit and start of construction;

1. NYSEG shall provide the Town with proof of the required insurance per Section 24 of Town Law and the Commercial General Liability insurance policy shall specifically include the Town and its officers, boards, employees, committee members, attorneys, agents, and consultant as additional named insures.
2. NYSEG as required per Section 21 of Town Law shall, provide a Performance Security Bond in the amount of \$25,000.00 to be in place with the Town.
3. NYSEG will acknowledge in writing to the Town that they shall indemnify the Town utilizing the language in Section 25 of the Town's Local Law as follows:

Section 25. Indemnification.

- A) Any application for Wireless Telecommunication Facilities that is proposed for Town property, pursuant to this Law, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the Town, and its officers, boards, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising there from, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the Town, or its servants or agents. With respect to the penalties, damages, or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the Town; and, be it further

RESOLVED, that a copy be given to the Planning and Codes Departments, Deputy Town Attorney, Finance Manager, and Dick Comi, Town Consultant.

Motion: Martin D. Mannix

Seconded by: Gerard A. Renadette

Discussion: Yes

