

**TOWN OF PLATTSBURGH
TOWN BOARD MONTHLY MEETING
September 7, 2023**

The meeting was called to order at 6:00 p.m. by the presiding officer at the Town Hall on 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: Rick Hazen

Resolution No. 023-189

Accept Minutes of the Previous Meeting

RESOLVED, that the minutes of **July 6, 2023** and **July 13, 2023** be accepted and the reading of the minutes be dispensed with.

Motion: Charles A. Kostyk

Seconded by: Barbara E. Hebert

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. 023-190

Abstract 9A- 23

RESOLVED, that the abstract of audited claims **No. 9A-23** for \$610,634.41, **Abstract 9A-23** prepays for the amount \$8,472,029.47 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. 023-191

Monthly Department Reports

RESOLVED, to receive and place on file Monthly Department Head Reports.

Building and Grounds – **July 2023**
 Codes and Zoning – **July 2023**
 Dog Control Officer – **July 2023**
 Historian –
 Highway Superintendent – **July 2023**
 Justice Court –
 Parks and Recreation – **July 2023**
 Planning and Community Development – **July/August 2023**
 Safety Committee –
 Supervisors Financial Report – **July 2023**
 Tax Receiver –
 Town Clerk – **July 2023**
 Water/Wastewater – **July 2023**

Motion: Charles A. Kostyk
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. 023-192

**Highway Department Request to Purchase
a Pro Series Sure Trac Equipment Trailer**

WHEREAS, the Highway Department needs an equipment trailer to replace an existing trailer that recently failed its New York State inspection; 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, the Highway Department obtained 4 quotes and is requesting permission to purchase an equipment trailer; therefore be it

RESOLVED, the purchase of a Pro Series Sure Trac Equipment Trailer be awarded to A Plus Auto Care, Inc. in Gouverneur, New York in the amount of \$14,300.00 be approved; and it is further

RESOLVED, that said purchase be made payable from the 2023 Highway Equipment Capital Outlay #DAA.5130.2000 Budget and that a copy of this Resolution be given to the Highway Superintendent and the 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. 023-193

**Proclamation in Recognition of the 25th
Commemoration of the Battle of Plattsburgh**

WHEREAS, on this distinguished day, we gather to honor and commemorate a pivotal event in our shared history: the anniversary of the Battle of Plattsburgh. A tale woven deeply into both the Town and the City of Plattsburgh; and

WHEREAS, on this occasion, as we gather, we are reminded of the events that unfolded throughout September 6-11, 1814, upon the shores of Lake Champlain, where our forebears showcased unparalleled resilience and valor. This battle of significant importance in the War of 1812 will forever serve as a reminder of the North Country's indomitable spirit and the sacrifices made to defend our cherished homeland; and

WHEREAS, this week's array of events seeks to enlighten, involve, and pay tribute to the Battle of Plattsburgh's enduring legacy; a glimpse of our illustrious past; and

WHEREAS, with the anniversary of the Battle of Plattsburgh upon us, let it serve as a poignant moment to reminisce, ponder, and reaffirm our allegiance to the values that sculpt our magnificent nation. May the bravery and dedication of those preceding us remain etched in our hearts, propelling us forward in all our pursuits; and

NOW, THEREFORE, BE IT PROCLAIMED, that we, the Town Board of the Town of Plattsburgh, along with our residents, come together in unity and spirit to celebrate the 25th Commemoration of the Battle of Plattsburgh.

We express our gratitude for all of the volunteers that have shown unwavering dedication and commitment to providing a platform for citizens and visitors alike to engage in educational, cultural, and reflective activities that pay homage to the significance of this historic event.

To all of those involved in the continued celebration and remembrance, we thank you.

Motion: Dana M. Isabella

Seconded by: Barbara E. Hebert

Discussion: Michael S. Cashman

	<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. 023-194

**Request to Attend New York
Upstate Chapter APA Conference**

WHEREAS, the Town of Plattsburgh Planning & Community Development Department Staff are required to maintain professional training and development; and

WHEREAS, it is in the best interest of the Town Planning & Community Development Department to update technical knowledge and new regulation information regarding comprehensive planning, zoning, complete streets, solar energy, case law, subdivision and site plan reviews; now, therefore be it

RESOLVED, that Trevor Cole be allowed to attend the New York Upstate Chapter American Planning Association Annual Conference held on September 15, 2023 in Syracuse, New York; and, be it further

RESOLVED, that \$349.00 for lodging, \$60.00 for parking and meals, and \$50.00 for registration be charged to the Planning & Community Development Budget, account number AAA.8020.4410.0000; and, be it further

RESOLVED, that a copy of this Resolution be given to the Finance Manager and Planning & Community Development Department Head.

Motion: Charles A. Kostyk

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. 023-195

Bank Accounts

WHEREAS, in order to consolidate bank accounts to gain efficiencies and reduce costs the Finance Manager requests the closing of the six bank accounts listed below and open one new bank account in TDBANK ; therefore be it

RESOLVED, that the Town Board of the Town of Plattsburgh authorize the Supervisor to close the following accounts:

Glens Falls National Bank

General	XXXXXXX013
Trust and Agency	XXXXXXX985
Payroll Account	XXXXXXX042

TDBank

Water and Sewer	XXXXXXX170
Capital Pojects Water	XXXXXXX167
Capital Pojects Water	XXXXXXX021

and be it further

RESOLVED, that the Supervisor is hereby authorized to open a new bank account at TDBank; and, it is further

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

Motion: Barbara E. Hebert
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. 023-196

Disposal of Obsolete Equipment

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

Dell OptiPlex 5060 Tower – Service Tag # 5RV8PY2
Dell OptiPlex 3040 Tower – Service Tag # GYMYJH2
Dell Monitor – CN-0F532H-74445-93L-BLPS
Dell Monitor – CN-0F532H-74445-93L-BJFS
HP LaserJet 1020 Printer – Serial #CNBKB34253
Brother - HL-L2350DW – Serial #U64964M0N989341

WHEREAS, the computer/equipment will be turned over to the Building and Grounds Department for the proper disposal; therefore, be it

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

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

Motion: Charles A. Kostyk
Seconded by: Barbara E. Hebert
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. 023-197

**Publish a Request for Proposals (RFP) Intended
for Professional Marketing and Branding Services**

WHEREAS, the Town recognizes its identity and role as a thriving hub of economic activity in the North Country; and

WHEREAS, the Town is actively marketing itself as an ideal location to site commercial, residential, and industrial development; and

WHEREAS, the Town has identified the need to create an identifiable brand that represents the Town of Plattsburgh that can be used in our digital and print marketing collateral as well as email, letterhead, business cards and other visual content; and

WHEREAS, the Town of Plattsburgh is seeking proposals from qualified New York State Marketing and Branding Firms to provide professional branding services to the Town of Plattsburgh; and

WHEREAS, respondents should be familiar with the scope of services outlined in the Town of Plattsburgh's request for proposals for such services; and

WHEREAS, The Town of Plattsburgh will rank the responses received on an evaluation and certification that the firm provides services to municipal clients, technical skills, experience, and reference information. The Town of Plattsburgh reserves the right to reject any or all proposals and to conduct interviews at its sole discretion. Responses must be submitted electronically in PDF form to the Planning & Community Development Department: jessicak@townofplattsburgh.org and Town Clerk: katiek@townofplattsburgh.org, with the subject title "Professional Branding Services" and received by 12:00 pm, October 11th, 2023. Additional information regarding this Request for Proposals may be obtained by contacting the Town of Plattsburgh Planning & Community Development Department at (518)-562-6850 during business hours Monday – Friday; now, therefore be it

RESOLVED, that the Town Board of the Town of Plattsburgh does hereby authorize the Supervisor to solicit and receive proposals for professional marketing and branding services, and that the Town Clerk shall post notice on the Town Clerk's bulletin board and post on the Town's Website; and, it is further

RESOLVED, that a copy of this Resolution be given to the Town Planning & Community Development, and the Town Clerk.

Motion: Charles A. Kostyk

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. 023-198

**Facility Access Upgrade Schematic
Design Proposal-AEDA**

WHEREAS, the Town of Plattsburgh Town Hall is an important public facility, asset, and resource; and

WHEREAS, the Town of Plattsburgh Town Hall facility access is in need of assessment and design for possible upgrades; and

WHEREAS, the Town of Plattsburgh has a two-year term contract with AEDA, located at 1246 State Route 3, Plattsburgh, NY; and

WHEREAS, AEDA has provided an adequate scope of services and lump sum quote for approximately \$10,000; now, therefore be it

RESOLVED, the Town of Plattsburgh Town Board, upon approval and recommendation of the Town Attorney, does hereby accept the proposal and scope of services as submitted by AEDA in the letter dated August 28, 2023; and it is further

RESOLVED, that the Supervisor is hereby authorized and directed to execute the Agreements for said professional consulting services; and be it further

RESOLVED, that a copy of this Resolution be given to the Finance Manager and Planning Department Head.

Motion: Barbara E. Hebert

Seconded by: Dana M. Isabella

Discussion: Michael S. Cashman, Charles A. Kostyk

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

Resolution No. 023-199

**3% Site Plan Return Deposit for Poirier
Multi-Family Housing Site Plan 2020**

WHEREAS, the Town of Plattsburgh Planning Board has reviewed and approved all requirements of the Poirier Multi-Family Housing Site Plan 2020; and

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

RESOLVED, that the Supervisor is hereby authorized and directed to release the said deposit in the amount of \$1,287.90 plus accrued interest to date; and it is further

RESOLVED, that a certified copy of this Resolution be forwarded by the Planning & Community Development Department Secretary, with the return of deposit to Chad Poirier.

Motion: Charles A. Kostyk

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. 023-200

Advertise for 2023 Budget Work Session

WHEREAS, each year, as a part of the Budget process, the Town Board meets to discuss Budgets with Town Departments to determine current issues, future needs and program goals that will require funding in the new Budget; and

WHEREAS, it is important that the community has opportunity to observe the Budget process and learn about Department needs and goals; therefore, be it

RESOLVED, that the Town Board will hold Budget Work Session on October 14th, 2023 to be scheduled between the hours of 8 am to 12 pm at the Town Hall complex on 151 Banker Road; and, be it further

RESOLVED, that the Town Clerk publish this announcement in the official newspaper for the Town of Plattsburgh, the Press Republican, have a copy posted on the Clerk's Bulletin Board and a copy to be posted on the Town's website.

Motion: Barbara E. Hebert

Seconded: Charles A. Kostyk

Discussion: Barbara E. Hebert, Michael S. Cashman

	<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. 023-201

August 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: Charles A. Kostyk

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				

Plattsburgh, NY

Budget Adjustment Register

Adjustment Detail

Packet: GLPKT10060 - Budget Adjustment August 2023

Adjustment Number	Budget Code	Description	Adjustment Date
BA0023007	2023 Adopted Budget	Budget Adjustment August 2023	8/30/2023

Summary Description:

Account Number	Account Name	Adjustment Description	Before	Adjustment	After
AAA.1010.2000.0000	EQUIP. & CAP. OUTLAY	Budget Adjustment August 2023	1,500.00	-50.00	1,450.00
August: -50.00					
AAA.1010.8000.0000	NYS RETIREMENT	Budget Adjustment August 2023	3,600.00	50.00	3,650.00
August: 50.00					
AAA.1110.4410.0000	CONF. CONV. SCHOOL	Budget Adjustment August 2023	3,500.00	-800.00	2,700.00
August: -800.00					
AAA.1110.4700.0000	CONTRACTUAL SERVICES	Budget Adjustment August 2023	10,000.00	-400.00	9,600.00
August: -400.00					
AAA.1110.8000.0000	NYS RETIREMENT	Budget Adjustment August 2023	11,500.00	800.00	12,300.00
August: 800.00					
AAA.1111.4110.0000	GEN. SUPPLIES	Budget Adjustment August 2023	3,000.00	400.00	3,400.00
August: 400.00					
AAA.1330.8000.0000	NYS RETIREMENT	Budget Adjustment August 2023	7,900.00	650.00	8,550.00
August: 650.00					
AAA.1330.8000.0000	NYS RETIREMENT	Budget Adjustment August 2023	7,900.00	-650.00	7,250.00
August: -650.00					
AAA.1355.4601.0000	LEGAL NOTICES	Budget Adjustment August 2023	150.00	125.00	275.00
August: 125.00					
AAA.1355.4710.0000	LEGAL CONSULTATION	Budget Adjustment August 2023	29,000.00	-125.00	28,875.00
August: -125.00					
AAA.1410.2000.0000	EQUIP. & CAP. OUTLAY	Budget Adjustment August 2023	1,000.00	300.00	1,300.00
August: 300.00					
AAA.1410.4110.0000	GEN. SUPPLIES	Budget Adjustment August 2023	800.00	600.00	1,400.00
August: 600.00					
AAA.1410.4600.0000	LEGAL NOTICES	Budget Adjustment August 2023	900.00	-300.00	600.00
August: -300.00					
AAA.1410.4900.0000	DUES, SUBS., ETC.	Budget Adjustment August 2023	100.00	10.00	110.00
August: 10.00					
AAA.1410.8000.0000	NYS RETIREMENT	Budget Adjustment August 2023	5,300.00	-10.00	5,290.00
August: -10.00					
AAA.1410.8000.0000	NYS RETIREMENT	Budget Adjustment August 2023	5,300.00	-600.00	4,700.00
August: -600.00					
AAA.1430.4410.0000	CONFERENCES	Budget Adjustment August 2023	3,000.00	-2,000.00	1,000.00
August: -2,000.00					
AAA.1430.8000.0000	NYS RETIREMENT	Budget Adjustment August 2023	29,500.00	4,900.00	34,400.00
August: 4,900.00					
AAA.1610.4700.0000	CONTRACTUAL SERVICES	Budget Adjustment August 2023	17,000.00	-2,500.00	14,500.00
August: -2,500.00					
AAA.1610.4720.0000	IT CONSULTING SERVICES	Budget Adjustment August 2023	35,000.00	2,500.00	37,500.00
August: 2,500.00					
AAA.1620.4112.0000	SUPPLIES, CLEANING	Budget Adjustment August 2023	3,000.00	1,000.00	4,000.00
August: 1,000.00					
AAA.1620.4112.1000	PARK CLEANING SUPPLIES	Budget Adjustment August 2023	2,500.00	-1,000.00	1,500.00

Budget Adjustment Register
Packet: GLPKT10060 - Budget Adjustment August 2023

August: -1,000.00					
<u>AAA.1620.4230.1000</u>	PARK TELEPHONE	Budget Adjustment August 2023	2,900.00	500.00	3,400.00
August: 500.00					
<u>AAA.1620.4850.1000</u>	PARK INSURANCE	Budget Adjustment August 2023	12,200.00	5,300.00	17,500.00
August: 5,300.00					
<u>AAA.1620.8000.0000</u>	NYS RETIREMENT	Budget Adjustment August 2023	52,500.00	-5,300.00	47,200.00
August: -5,300.00					
<u>AAA.1620.8000.0000</u>	NYS RETIREMENT	Budget Adjustment August 2023	52,500.00	-500.00	52,000.00
August: -500.00					
<u>AAA.1990.4000.0000</u>	CONTINGENT ACCT.	Budget Adjustment August 2023	40,000.00	-2,900.00	37,100.00
August: -2,900.00					
<u>AAA.6772.4710.0000</u>	SENIOR TRIPS	Budget Adjustment August 2023	8,675.00	-800.00	7,875.00
August: -800.00					
<u>AAA.6772.8000.0000</u>	NYS RETIREMENT	Budget Adjustment August 2023	1,540.00	800.00	2,340.00
August: 800.00					
<u>AAA.7310.4000.0000</u>	CONTR. EXPENSES,	Budget Adjustment August 2023	71,000.00	-3,400.00	67,600.00
August: -3,400.00					
<u>AAA.7310.4410.0000</u>	CONF.CONV.MEETING	Budget Adjustment August 2023	1,000.00	-1,000.00	0.00
August: -1,000.00					
<u>AAA.7310.8000.0000</u>	NYS RETIREMENT	Budget Adjustment August 2023	14,500.00	4,400.00	18,900.00
August: 4,400.00					
<u>DAA.5110.1100.0000</u>	P.S. OVERTIME	Budget Adjustment August 2023	3,000.00	-1,000.00	2,000.00
August: -1,000.00					
<u>DAA.5112.1100.0000</u>	P.S. OVERTIME	Budget Adjustment August 2023	3,000.00	1,000.00	4,000.00
August: 1,000.00					
<u>DAA.5112.4100.0000</u>	GAS FOR VEHICLES	Budget Adjustment August 2023	6,500.00	1,000.00	7,500.00
August: 1,000.00					
<u>DAA.5112.4600.0000</u>	EQUIPMENT RENTAL	Budget Adjustment August 2023	1,000.00	-1,000.00	0.00
August: -1,000.00					
<u>DAA.5130.4200.0000</u>	MACH.REPAIR/SERV.	Budget Adjustment August 2023	160,000.00	-5,600.00	154,400.00
August: -5,600.00					
<u>DAA.5130.4300.0000</u>	TOOLS,OTHER IMPLEMENTS	Budget Adjustment August 2023	6,000.00	-1,000.00	5,000.00
August: -1,000.00					
<u>DAA.5130.4400.0000</u>	MISC. SUPPLIES	Budget Adjustment August 2023	3,500.00	1,000.00	4,500.00
August: 1,000.00					
<u>DAA.5130.4800.0000</u>	VEHICLE & EQUIPMENT INSUR	Budget Adjustment August 2023	37,000.00	5,600.00	42,600.00
August: 5,600.00					
<u>SWB.8340.2000.0000</u>	EQUIP. & CAP. OUTLAY	Budget Adjustment August 2023	0.00	2,500.00	2,500.00
August: 2,500.00					
<u>SWB.8340.4170.0000</u>	WATER METERS	Budget Adjustment August 2023	6,000.00	-2,500.00	3,500.00
August: -2,500.00					
<u>SWC.8340.2000.0000</u>	EQUIP. & CAP. OUTLAY	Budget Adjustment August 2023	30,000.00	15,000.00	45,000.00
August: 15,000.00					
<u>SWC.8340.4110.0000</u>	SUPPLIES/MATERIALS	Budget Adjustment August 2023	2,000.00	4,000.00	6,000.00
August: 4,000.00					
<u>SWC.8340.4170.0000</u>	WATER METERS	Budget Adjustment August 2023	65,865.00	-1,500.00	64,365.00
August: -1,500.00					
<u>SWC.8340.4170.0000</u>	WATER METERS	Budget Adjustment August 2023	65,865.00	-4,000.00	61,865.00
August: -4,000.00					
<u>SWC.8340.4170.0000</u>	WATER METERS	Budget Adjustment August 2023	65,865.00	-15,000.00	50,865.00
August: -15,000.00					
<u>SWC.8340.4590.0000</u>	REPAIRS	Budget Adjustment August 2023	15,000.00	1,500.00	16,500.00
August: 1,500.00					

Budget Adjustment Register

Packet: GLPKT10060 - Budget Adjustment August 2023

<u>WSA.1610.2000.0000</u>	EQUIP. & CAP. OUTLAY	Budget Adjustment August 2023	250,000.00	-3,000.00	247,000.00
August: -3,000.00					
<u>WSA.1610.4000.0000</u>	MISCELLANEOUS	Budget Adjustment August 2023	4,500.00	3,000.00	7,500.00
August: 3,000.00					

Budget Adjustment Register

Packet: GLPKT10060 - Budget Adjustment August 2023

Budget Code Summary

Budget	Budget Description	Account	Account Description	Before	Adjustment	After
2023	2023 Adopted Budget	AAA.1010.2000.0000	EQUIP. & CAP. OUTLAY	1,500.00	-50.00	1,450.00
		AAA.1010.8000.0000	NYS RETIREMENT	3,600.00	50.00	3,650.00
		AAA.1110.4410.0000	CONF. CONV. SCHOOL	3,500.00	-800.00	2,700.00
		AAA.1110.4700.0000	CONTRACTUAL SERVICES	10,000.00	-400.00	9,600.00
		AAA.1110.8000.0000	NYS RETIREMENT	11,500.00	800.00	12,300.00
		AAA.1111.4110.0000	GEN. SUPPLIES	3,000.00	400.00	3,400.00
		AAA.1330.8000.0000	NYS RETIREMENT	7,900.00	0.00	7,900.00
		AAA.1355.4601.0000	LEGAL NOTICES	150.00	125.00	275.00
		AAA.1355.4710.0000	LEGAL CONSULTATION	29,000.00	-125.00	28,875.00
		AAA.1410.2000.0000	EQUIP. & CAP. OUTLAY	1,000.00	300.00	1,300.00
		AAA.1410.4110.0000	GEN. SUPPLIES	800.00	600.00	1,400.00
		AAA.1410.4600.0000	LEGAL NOTICES	900.00	-300.00	600.00
		AAA.1410.4900.0000	DUES, SUBS., ETC.	100.00	10.00	110.00
		AAA.1410.8000.0000	NYS RETIREMENT	5,300.00	-610.00	4,690.00
		AAA.1430.4410.0000	CONFERENCES	3,000.00	-2,000.00	1,000.00
		AAA.1430.8000.0000	NYS RETIREMENT	29,500.00	4,900.00	34,400.00
		AAA.1610.4700.0000	CONTRACTUAL SERVICES	17,000.00	-2,500.00	14,500.00
		AAA.1610.4720.0000	IT CONSULTING SERVICES	35,000.00	2,500.00	37,500.00
		AAA.1620.4112.0000	SUPPLIES, CLEANING	3,000.00	1,000.00	4,000.00
		AAA.1620.4112.1000	PARK CLEANING SUPPLIES	2,500.00	-1,000.00	1,500.00
		AAA.1620.4230.1000	PARK TELEPHONE	2,900.00	500.00	3,400.00
		AAA.1620.4850.1000	PARK INSURANCE	12,200.00	5,300.00	17,500.00
		AAA.1620.8000.0000	NYS RETIREMENT	52,500.00	-5,800.00	46,700.00
		AAA.1990.4000.0000	CONTINGENT ACCT.	40,000.00	-2,900.00	37,100.00
		AAA.6772.4710.0000	SENIOR TRIPS	8,675.00	-800.00	7,875.00
		AAA.6772.8000.0000	NYS RETIREMENT	1,540.00	800.00	2,340.00
		AAA.7310.4000.0000	CONTR. EXPENSES,	71,000.00	-3,400.00	67,600.00
		AAA.7310.4410.0000	CONF.CONV.MEETING	1,000.00	-1,000.00	0.00
		AAA.7310.8000.0000	NYS RETIREMENT	14,500.00	4,400.00	18,900.00
		DAA.5110.1100.0000	P.S. OVERTIME	3,000.00	-1,000.00	2,000.00
		DAA.5112.1100.0000	P.S. OVERTIME	3,000.00	1,000.00	4,000.00
		DAA.5112.4100.0000	GAS FOR VEHICLES	6,500.00	1,000.00	7,500.00
		DAA.5112.4600.0000	EQUIPMENT RENTAL	1,000.00	-1,000.00	0.00
		DAA.5130.4200.0000	MACH.REPAIR/SERV.	160,000.00	-5,600.00	154,400.00
		DAA.5130.4300.0000	TOOLS,OTHER IMPLEMENTS	6,000.00	-1,000.00	5,000.00
		DAA.5130.4400.0000	MISC. SUPPLIES	3,500.00	1,000.00	4,500.00
		DAA.5130.4800.0000	VEHICLE & EQUIPMENT INSURAN	37,000.00	5,600.00	42,600.00
		SWB.8340.2000.0000	EQUIP. & CAP. OUTLAY	0.00	2,500.00	2,500.00
		SWB.8340.4170.0000	WATER METERS	6,000.00	-2,500.00	3,500.00
		SWC.8340.2000.0000	EQUIP. & CAP. OUTLAY	30,000.00	15,000.00	45,000.00
		SWC.8340.4110.0000	SUPPLIES/MATERIALS	2,000.00	4,000.00	6,000.00
		SWC.8340.4170.0000	WATER METERS	65,865.00	-20,500.00	45,365.00
		SWC.8340.4590.0000	REPAIRS	15,000.00	1,500.00	16,500.00
		WSA.1610.2000.0000	EQUIP. & CAP. OUTLAY	250,000.00	-3,000.00	247,000.00
		WSA.1610.4000.0000	MISCELLANEOUS	4,500.00	3,000.00	7,500.00
2023 Total:				965,930.00	0.00	965,930.00
Grand Total:				965,930.00	0.00	965,930.00

Budget Adjustment Register

Packet: GLPKT10060 - Budget Adjustment August 2023

Fund Summary

Fund	Before	Adjustment	After
Budget Code:2023 - 2023 Adopted Bidget Fiscal: 2023			
AAA	372,565.00	0.00	372,565.00
DAA	220,000.00	0.00	220,000.00
SWB	6,000.00	0.00	6,000.00
SWC	112,865.00	0.00	112,865.00
WSA	254,500.00	0.00	254,500.00
Budget Code 2023 Total:	965,930.00	0.00	965,930.00
Grand Total:	965,930.00	0.00	965,930.00

Resolution No. 023-202**Salt Purchase Order for 2023-2024**

RESOLVED, to receive and place on file a letter dated August 31, 2023 from Greg Burnell, Highway Superintendent, requesting permission to purchase 2800 tons of highway road salt for use by the Town of Plattsburgh Highway Department thru Clinton County in the amount of \$239,372.00; and, it is further

RESOLVED, that the Town Board does hereby grant permission to Greg Burnell to order said salt and the Supervisor is hereby authorized to sign any related documents required for said purchase; and, it is further

RESOLVED, that payment for said purchase be made payable from the 2023-2024 Highway Budget accounts DAA.5142.4200.0000 and DAA.5148.4200.0000; and, be it further

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

Motion: Dana M. Isabella

Seconded by: Barbara E. Hebert

Discussion: Barbara E. Hebert, Michael S. Cashman, Dana M. Isabella

	<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. 023-203**Settlement Agreement Between the
Town and City of Plattsburgh**

WHEREAS, the City of Plattsburgh and the Town of Plattsburgh entered into a Sewer Service Agreement on the 19th day of October 2006; and,

WHEREAS, the Agreement commenced January 1, 2007, and has a termination date of December 31, 2039; and,

WHEREAS, during the past year disputes have arisen between the Town and the City regarding said contract; and

WHEREAS, pursuant to the Agreement a mediation conference was held on August 8, 2023, during which the parties orally agreed to draft a document outlining the steps the parties could take to resolve their current dispute; and

WHEREAS, pursuant to the Agreement a mediation conference was held on August 8, 2023, during which the parties orally agreed to draft a document outlining the steps the parties could take to resolve their current dispute; and

WHEREAS, the Town and the City have developed a Settlement Agreement a copy of which is attached and made a part hereof; and

WHEREAS, one of the purposes of the Settlement Agreement is to draft and adopt an Addendum to the Sewer Service Agreement to memorialize longer term solutions; and

WHEREAS, until an Addendum is agreed to by the parties, the Sewer Service Agreement shall remain in full force and effect; and

WHEREAS, said Settlement Agreement has been reviewed by Trevor Cole, Senior Planner of the Planning and Community Development Department, Scott Stoddard, Director of the Water and Wastewater Department; and

WHEREAS, James Coffey, the Town Attorney, has reviewed the Agreement and recommends its adoption by the Town in that he believes that it is in the best interests of the Town; now, therefore be it

RESOLVED, that the Supervisor is hereby authorized to sign the Agreement and any related documents on behalf of the Town.

Motion: Barbara E. Hebert

Seconded by: Charles A. Kostyk

Discussion: Barbara E. Hebert, 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				

SETTLEMENT AGREEMENT

This Settlement Agreement is entered into as of this 7th day of September, 2023, by and between, the Town of Plattsburgh (hereafter "Town"), located at 151 Banker Road, Plattsburgh, New York, and City of Plattsburgh (hereafter "City"), located at 41 City Hall Place, Plattsburgh, New York, and

WHEREAS, on or about October 19, 2006, the City and Town entered into a Sewer Service Agreement which allows for the City to treat sewage emanating from the Town ("Sewer Service Agreement"); and

WHEREAS, similar to many older industrial cities, a portion of the City's sewage transmission infrastructure contains Combined Sewers which are single underground pipes that convey both sanitary sewage and stormwater to the City pollution control plant rather than separate sanitary and stormwater pipes. A separate sanitary pipe would convey sewage to the treatment plant and a separate storm water pipe would convey storm water directly to surface waters. The combined system has Combined Sewer Overflows ("CSO") which are underground relief mechanisms that can allow the discharge of some of the combined stormwater and sewage directly to surface water when excessive stormwater enters the system ("CSO Event"); and

WHEREAS, the United States Environmental Protection Agency ("USEPA") CSO Control Policy requires each CSO community—including the City—to develop and implement a CSO Long Term Control Plan ("LTCP") that evaluates alternatives and recommends a series of improvement projects that, when implemented, reduce or eliminate CSO discharges and ensure that any remaining CSO discharges do not cause or contribute to violations of water quality standards. The LTCP is an extensive evaluation of the collection system and identifies the best, yet reasonable and feasible, improvements to reduce the frequency, duration and intensity of CSO Events; and

WHEREAS, the City developed a LTCP approximately one year after the execution of the Agreement which was approved by both USEPA and the New York State Department of Environmental Conservation ("DEC"). Upon information and belief, the City remains in compliance with the approved LTCP and has met its obligations under the LTCP; and

WHEREAS, over the past few decades, many of the City's combined single pipes have been replaced and remediated by the City with the goal of maintaining and providing separate sewage and stormwater conveyance pipes where practical, reducing combined discharges and protecting water quality; and

WHEREAS, even upon the completion of these capital projects, during periods of high precipitation, the City sporadically experiences CSO Events at some locations and pursuant to DEC regulations, the City monitors and reports CSO Events to the DEC.; and

WHEREAS, from the effective date of the Agreement through mid-2022, private development in the Town and the City which proposed to connect to the City's sewage conveyance system was not disallowed by DEC and by extension the USEPA pursuant to the Clean Water Act

as DEC apparently took the position that most new development did not constitute a “sewer extension”; and

WHEREAS, this changed in mid-2022, when the regional office of DEC began applying and implementing its regulations in a manner such that most new development “upstream” of the City’s CSOs would be deemed a “sewer extension” and would require specific approval from DEC. It is the understanding of the parties that the regional DEC office will not issue the necessary approval for new development which they now define as an “extension” unless the developer demonstrates there is a CSO Offset, which can be accomplished through separation, flow equalization, increased hydraulic capacity or some other demonstrated steps to mitigate CSO Events; and

WHEREAS, flow equalization can take different forms, but generally requires that sewage be held temporarily onsite until it can be conveyed to the City’s pollution control plant at such times when such transmission will not cause a CSO Event. Separation involves separating stormwater pipes from sewage pipes. Increased hydraulic capacity generally involves larger or additional pipes; and

WHEREAS, a CSO Offset is a gallon per gallon calculation. The offset relies upon use of CSO “credits” which are acquired by the system Owner (here, the City) whenever the City infrastructure is improved in a way that allows for flow equalization, separation or increased hydraulic capacity; and

WHEREAS, the City has acquired approximately 465,315 gpd of CSO offset credits resulting from capital improvement projects separating stormwater pipes from certain City infrastructure. As of early 2023, 277,920 gpd of the City’s CSO credits have already been allocated to development projects within the Town through agreements made directly with the property owner/developer (“County Airport Project”) and the City. Currently the City has approximately 187,395 CSO credits in its “bank”; and

WHEREAS, the recent new regulatory interpretation and implementation of “sewer extensions” in mid-2022 prompted immediate concern from both the City and Town to the extent new development within the City and the Town may be significantly delayed and/or stopped; and

WHEREAS, the parties recognize that this creates a shared problem that may affect the ability to develop with the region; and

WHEREAS, in January of 2022, at the City’s expense, it engaged with CDM Smith, an engineering consultant company, to evaluate the City collection system’s ability to convey additional flows (hereafter “CDM Smith Model”). CDM Smith completed a flow model and analysis to demonstrate the City collection system’s hydraulic capacity, even with a potential “full build out” per the Town’s smart growth plan, and the City is currently sharing the results of that study with DEC with one of the goals being to identify the need, if any, for CSO Offsets prior to DEC approving sewer extensions; and

WHEREAS, the Town has commenced an arbitration process in relation to a certain

Sewer Service Agreement and the City has commenced a special proceeding in Clinton County Supreme Court per Index No. 2023-00023423 seeking to stay arbitration; and

WHEREAS, the parties engaged in a mediation conference on August 8, 2023 during which the parties agreed to draft a settlement document outlining the steps the parties will take to resolve their current dispute and construct a framework that enhances their ability to work together to avoid and/or resolve future disputes;

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein, the Parties agree as follows:

1. Forthwith, the City and Town shall collaborate and apply for DEC sewer extension approval, upon reliance of the CDM Smith Model, for all current and known future impacted projects, including but not limited to the County Airport Project, Cliffs Phase 1, Housing Vision, Home 2 Suites, and Hutting auto dealership.
2. In the event the DEC does not approve said requested sewer extensions upon the City and/or Town's request per the CDM Smith Model, the City shall convey 110,000 gpd of its CSO credits to the Town within fifteen (15) calendar days of the DEC's final disapproval notice for the Town's use and allocation in its sole discretion.
3. In the event the Town fails to use all or part of the CSO credits conveyed by the City within three (3) years of its written receipt thereof, the unused CSO credits shall be re-conveyed by the Town back to the City. In addition, if the DEC at some point negates the need for CSO credits for the project for which the credits were applied, these CSO credits shall be re-conveyed by the Town back to the City.
4. Notwithstanding section 2, above, the Town shall implement and require equalization where feasible. This equalization requirement shall be utilized as a temporary bridge by the Town in which the equalization requirement shall expire upon increased hydraulic capacity, separation, and/or DEC acceptance of the current hydraulic capacity per the CDM Smith Model or other mitigation. In light of the existing pump stations already proposed, the Town shall use its best efforts to have the developer implement and utilize equalization for the County Airport Project and Cliffs Phase 1.
5. Town shall measure, analyze and prevent Inflow and Infiltration ("I and I") from the Town's sewage collection system as soon as practicable but no later than twelve (12) months from the date of this Agreement. The Town shall seek to obtain maximum CSO Credits for the Town's prior, current, and future work in minimizing I and I. Any CSO Credits created by the Town's efforts in minimizing I and I shall be used by the Town for Town projects, in its sole discretion, but such Town generated CSO Credits shall be used prior to using the CSO Credits conveyed by the City per section 2 above.
6. Town and City shall mutually share information, studies, employee resources to pursue development, equalization, and/or DEC approval of the CDM Smith Model.
7. Town and City shall collaborate and contribute political and financial resources for grant applications and grant management for improvements that will develop CSO Offsets or reduce the need for CSO offsets.

8. Town and City shall engage key stakeholders to advance the concepts and goals of this Settlement Agreement.
9. Town and City commit to drafting and adopting an addendum, in good faith, to the Sewer Service Agreement to memorialize longer term solutions to this shared problem, which addendum shall include a pro-rated cost sharing mechanism for potential local grant matches for increased hydraulic capacity, separation or other mutually beneficial improvements. For the avoidance of doubt, unless and until such addendum is agreed to by the parties, the Sewer Service Agreement shall remain in full force and effect.
10. Upon the execution of this Agreement, per the approval of the Town Board and City Common Council, the pending arbitration and special proceeding shall be withdrawn without prejudice to the re-filing of the same upon a material breach of this Settlement Agreement, if necessary and warranted.
11. In addition to the provisions of Paragraph 10, the parties reserve all rights in the event there is an uncured material breach of this Settlement Agreement.
12. This Settlement Agreement shall be governed by and construed in accordance with the laws of the State of New York.
13. This Settlement Agreement shall not become effective until it has been signed by all Parties hereto and the signed execution pages delivered by each party to the other.
14. Any notices regarding this agreement must be in writing.
15. In the event of any difference of opinion or dispute between any of the parties with respect to the construction or interpretation of this Settlement Agreement or the alleged breach thereof which cannot be settled amicably by agreement of the parties, the parties agree to participate in at least four hours of mediation in accordance with the mediation rules then obtaining of the American Arbitration Association and the parties agree to share equally in the costs of the mediation. In the event the mediation does not resolve the matter, the dispute shall be submitted to and determined by arbitration by a single arbitrator in Plattsburgh, New York, in accordance with the rules then obtaining of the American Arbitration Association and judgment upon the award shall be final, binding and conclusive upon the parties in the highest court, state or federal, having jurisdiction.

IN WITNESS WHEREOF, the aforesaid Parties, intending to be legally bound hereby, have executed this Settlement Agreement.



Michael Cashman



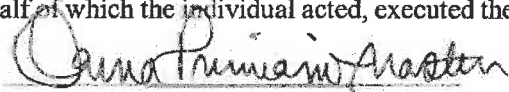
Christopher Rosenquest

STATE OF NEW YORK

}
} ss:
}

COUNTY OF CLINTON

On this 8th day of September in the year 2023, before me, the undersigned, a Notary Public in and for the said State, personally appeared **Michael Cashman** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

DONNA PRIMIANO-MASTEN
Notary Public, State of New York
No. 01PR4939266
Qualified in Clinton County
Commission Expires Oct. 3, 2026

STATE OF NEW YORK

}
} ss:
}

COUNTY OF CLINTON

On this 7th day of September in the year 2023, before me, the undersigned, a Notary Public in and for the said State, personally appeared **Christopher Rosenquest** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

DEAN SCHNELLER
Notary Public-State of New York
No. 02SC6196165
Qualified in Clinton County
Commission Expires Nov. 3, 2024

RESOLVED, that this Town Board meeting be adjourned at 6:19 PM.

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

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

Minutes Respectfully Submitted by:

Katie Kalluche, Town Clerk

