

Public Hearing

A Public Hearing of the Malone Town Board was held Wednesday, April 19, 2023 at the Malone Town Offices, 27 Airport Rd., Malone, NY, commencing at 6:00 p.m. pertaining to the Town of Malone Proposed Local Law #1-2023.

PRESENT: Deputy Supervisor Terrence Maguire
Councilor Paul Walbridge
Councilor Jody Johnston
Councilor Brian Taylor

ABSENT: Supervisor Andrea Stewart

RECORDING SECRETARY: Denice Hudson, Town Clerk

ALSO PRESENT: Highway Superintendent Mike Andrews
Code Officer Michael McMahon

Kelsey Oshea	Kris Moore
Paul Moore	Aaron Poupore
Patrick Poupore	Brooke Kenny
Andrew Poupore	Andrea Dumas
Wallace Poupore	Christopher Poupore
Bruce Burditt	Michael Murphy
Theresa Murphy	Alicia Legland
Calvin Martin	Mary Beth LaMay
Joey Douglas	Stan Bashaw
Natally Batiston	Kimby Selkirk
John St. Mary	Katie Poupore
Lori Poupore	David Fisher
Jenny Pronto	Keith Derrington
John Forcier	Mike Contessa
Alyssa Kealy	

Deputy Supervisor Maguire opened the Public Hearing on Local Law #1-2023 Imposing a Moratorium on Installation of Renewable Natural Gas Systems at 6:05 p.m. stating it is a public hearing. We are looking for information, not answering questions, just taking notes and listening to everyone that wishes to speak.

Calvin Martin stated it is not in any way shape or form renewable. Diesel, oil or any other petroleum product is not renewable. That's a bit of slight of hand by gas companies. It is useful, used with wind and solar energy to get through periods where wind and solar are not putting our electrons, but it is not renewable. Mr. Martin urges the Board to drop from moratorium, just natural gas or methane, same thing.

David Fisher, the President of New York Farm Bureau, asked the Town Board to do their due diligence and obtain information as there is much out there. He understands the need for due diligence and appreciates the Town's time. Mr. Fisher stated he has visited many places across the United States and Europe and there are many digesters out there. They are very common and have been used for years. There are more than a couple dozen operating in New York State which play a role in turning waste into energy. Digesters are proven to be safe and very costly. One way a farm can diversify. Encouraged the Board to work with farming community to understand projects before making decisions such as these. There are many ways we can work together to solve this issue.

Mary Beth Lamay provided letters of support for renewable energy. Ms. Lemay stated she has had the privilege of working with many individuals at the public hearing. Dairy farmers want to make a living, make it well, and responsibly to build a future for children and at the same time, reduce odor. Appreciate the Board listening and consider letters reviewing comments.

Town of Malone
Public Hearing
Regular Board Meeting
April 19, 2023

Deputy Supervisor Maguire stated the letters will be part of the record.

Mike Contessa of Champlain Agronomics stated he has had the privilege of working with Papas Dairy and Carsada and looks forward to continuing to work with them. The pressures affecting farms have intensified. Increased regulations, shrinking markets and overtime rules threaten sustainability. To remain viable, dairy farms are being forced to diversify to bring in non-milk revenue. Renewable natural gas through digestion is front and center. It can create a new revenue stream but can reduce methane emissions. There seems to be an abundance of misinformation. Mr. Contessa stated he read the proposed local law and indicated there are plentiful resources available to the Town who have worked on projects and encourages the Board to use these resources. He presented a Board illustrating where digestion projects exist in the northeast today, converting methane from manure to energy. Farm RNG systems are designed by professional engineers guided by standards set forth by natural conservation service to include redundant safety control mechanism and robust 24/7 monitoring and control capabilities. Malone has a rich heritage grounded in agriculture. Agricultural land use is a staple component of this town's character. Respectfully asks that the Town vote no on the proposed moratorium to preserve agricultural's continuing viability in Malone.

Alyssa Kealy stated that for 30 years NEDPA has served as voice, resource and network for dairy forms in the northeast. Supports farm-based manure treatment strategies that can be implemented by farms free of unnecessary and overly restricted municipal barriers. Ms. Kealy is speaking in opposition to proposed local law because of the detrimental impact it will have on farms in the community. Anaerobic digestors can help the state meet its climate goals. RNG projects can produce renewable fuel sources that can fuel vehicles and other industries. Farms and anaerobic digestors can only be a significant part of municipalities focus on creating partnerships rather than restrictive barriers. These offer an effective strategy to treat manure by creating an enhanced crop fertilizer than undigested manure, significantly reduce the methane emissions and produce revenue stream. Partners need to have a clear understanding of local law and what applies to specific projects. Two farms in the Town have made significant investments in these projects. The proposed moratorium would have an effect of stifling the ag communities' efforts to adopt farm-based manure treatment strategies that convert manure to energy in a way that negatively impacts the area and regional farms and local economies they support. Encourages the Town to take a collaborative approach to find a win win for the Town and the broader ag community. Asks that the Town Board vote no on proposed moratorium.

David Moore of Carsada Dairy voiced concerns surrounding proposed moratorium. We are fortunate to represent four generations of the Moore family and the Poupore family. Business needs to continue to evolve, and anaerobic digester has long been a dream on our farm. Monetary support for digester projects has been very minimal. Anaerobic digestors offer dairy farms an effective strategy to treat manure, create an enhanced crop fertilizer free of odors, to significantly reduce methane emissions, general recycled bedding source and provide farm additional revenue stream. Moratorium is not the solution. Project delays will result in significant financial stress for the farms. We are proud of the rich heritage of agriculture in Franklin County and strides the dairy farm is making. Franklin County dairy farms need the opportunity to compete. Mr. Moore welcomes any questions or concerns at any time.

Jenny Pronto is a Project Manager for projects at Papas and Carsada. Offered to speak to the Board and answer any questions.

Mark Salzman Vice President and General manager of Liberty Utilities stated they support farmer's dreams and goals, and that Liberty is glad they are able to put gas in system and have customers benefit from it and benefit from environmental benefits.

Andrea Dumas stated she supports local farmers to help diversify their income and believes we should do whatever we can to support farmers.

Rick Haken stated this is not reinventing the wheel and safety is the number one concern. Renewables are safe and a good all-around opportunity.

John Forcier stated he is a professional engineer and digester expert who has been involved in several farms in New York, Vermont and other states to design and/or oversee to make sure things are done properly. Mr. Forcier stated the systems are safe, lots of duplicate and tried safety features. It has been his passion for the past 20 years to save family farms and the environment to have baseline business to supplement their farm. Really good thing to help the environment. It is 90% odor reduction.

Mike Murphy of Childstock Farms supports renewables as they reduce odors and on farm energy costs and provide revenue sources that enable local dairy farmers to better manage their costs. Urges the Board to consider the environmental and economic consequences of eliminating access.

David Fisher encouraged the Board to seek answers to any questions they have with the Commissioner of Ag and Markets, DEC or NYSEDA. He offered to facilitate.

Deputy Supervisor Maguire stated that the Board has a lot of information to digest and if there are no more public comments, we will close the hearing, consult with attorney and reserve a decision on the moratorium at this time. He further stated to be clear the Board is trying to get information, which is the whole purpose. I look to my right and left, no one is against farms, no one against lack of manure smell, the Board wants to make an informed decision.

Mr. Martin asked the Board to read the Liberty application as written by Attorney Avzali and that it is not for a digester, it is compressed natural gas decompressor. A CNG decompressor is an entirely different critter. Supports a digester. The moratorium is about all natural gas processes.

Councilor Johnston stated the Town Board speaks for itself. No one else speaks for us. We are here speaking and listening and speaking for ourselves. As far as guessing the reasons for the Local law, you do not know why it took place. We sit down and discuss. That is why this process is happening.

Motion – Councilor Johnston

Second – Councilor Walbridge

Resolved (#114 – 2023) to close the Public Hearing at 6:40 p.m.

CARRIED (4 - 0) – Deputy Supervisor Maguire - Aye Councilor Walbridge – Aye

Councilor Johnston - Aye Councilor Taylor – Aye Supervisor Stewart – Absent

Regular Meeting

CALL TO ORDER: Deputy Supervisor Maguire called the meeting to order at 6:43 p.m., with a pledge to the flag.

MINUTES:

Approval of March 22, 2023 regular meeting

Motion – Councilor Walbridge

Second – Councilor Johnston

Resolved (#115 – 2023) to accept the Minutes of March 22, 2023, and to place in file.

CARRIED (4 - 0) – Deputy Supervisor Maguire - Aye Councilor Walbridge – Aye

Councilor Johnston - Aye Councilor Taylor – Aye Supervisor Stewart – Absent

Town of Malone
Public Hearing
Regular Board Meeting
April 19, 2023

Approval of April 3, 2023 Special Meeting

Motion – Councilor Johnston

Second – Councilor Taylor

Resolved (#116 – 2023) to accept the Minutes of April 3, 2023, and to place in file.

CARRIED (3 - 0) – Deputy Supervisor Maguire - Abstain Councilor Walbridge – Aye Councilor Johnston - Aye Councilor Taylor – Aye Supervisor Stewart – Absent

Approval of April 13, 2023 Special Meeting

Motion – Councilor Walbridge

Second – Councilor Johnston

Resolved (#117 – 2023) to accept the Minutes of April 13, 2023, and to place in file.

CARRIED (3 - 0) – Deputy Supervisor Maguire - Aye Councilor Walbridge – Aye Councilor Johnston - Aye Councilor Taylor – Abstain Supervisor Stewart – Absent

REPORTS:

Motion – Councilor Walbridge

Second – Councilor Johnston

Resolved (#118 - 2023) to accept the following reports for review and filing as written and placed in the file: Justice Fisher – March 2023; Justice Main – March 2023; Airport Manager – March 2023; NYS Comptroller, Justice Court Fund – February 2023, March 2023; and Town Clerk – March 2023.

CARRIED (4 - 0) – Deputy Supervisor Maguire - Aye Councilor Walbridge – Aye Councilor Johnston - Aye Councilor Taylor – Aye Supervisor Stewart – Absent

OLD BUSINESS:

Sand & Gravel and Hauling Bid Results

SAND & GRAVEL BID 2023 April 12, 2023				
BIDDER	Gravel	Sand	Certificate of Non-Collusion	Mining Permit
H & C Robinson Contractors, Inc.		\$6.60 Per Yard	Y	Y
Crestline Sand & Gravel, LLC	\$8.95 Per Ton			
Titus Mountain Sand & Gravel, LLC		\$6.00 Per Ton Screened Sand	Y	Y
Titus Mountain Sand & Gravel, LLC	\$10.75 Per Ton			

HAULING OF PAVING MATERIALS April 12, 2023				
BIDDER			Certificate of Non-Collusion	
Collins & Company Transport, Inc.	\$4.50 First 10 miles \$.25 Per Mile after 10 miles	Hourly Tri-Axle Flow Boy 35 Ton \$150.00/Hour Quad-Axle Flow Boy 38 Ton \$165/Hour	Y	

The Board asked Highway Superintendent Andrews for his recommendation on the gravel bid. Superintendent Andrews indicated Crestline has a good quality product and what we used last year. Made a recommendation of Crestline for the award of the gravel bid.

Motion – Councilor Johnston

Second – Councilor Taylor

Resolved (#119 - 2023) to award 2023 Gravel bid to Crestline Sand & Gravel, LLC.

CARRIED (4 - 0) – Deputy Supervisor Maguire - Aye Councilor Walbridge – Aye Councilor Johnston - Aye Councilor Taylor – Aye Supervisor Stewart – Absent

The Board further asked Highway Superintendent Andrews for his recommendation on the sand bid. Superintendent Andrews indicated after completing the ton/yard conversion as well as the distance and volume, he recommends H & C Robinson Contractors, Inc. for the award of the sand bid.

Motion – Councilor Walbridge

Second – Councilor Johnston

Resolved (#120 - 2023) to award 2023 Sand bid to H & C Robinson Contractors, Inc.

CARRIED (4 - 0) – Deputy Supervisor Maguire - Aye Councilor Walbridge – Aye Councilor Johnston - Aye Councilor Taylor – Aye Supervisor Stewart – Absent

Collins & Company was the only bid received for hauling, and after a meeting between Highway Superintendent Andrews and Budget Officer Hudson, it is recommended that the Board award the hauling bid to Collins & Company.

Motion – Councilor Taylor

Second – Councilor Johnston

Resolved (#121 - 2023) to award 2023 Hauling of Paving Materials bid to Collins & Company Transport, Inc.

CARRIED (4 - 0) – Deputy Supervisor Maguire - Aye Councilor Walbridge – Aye Councilor Johnston - Aye Councilor Taylor – Aye Supervisor Stewart – Absent

SUPERVISOR REPORTS:

Motion – Councilor Walbridge

Second – Councilor Taylor

Resolved (#122 - 2023) Permission for Deputy Supervisor Maguire to sign final contract amount Airport Lighting and Signage grant.

CARRIED (4 - 0) – Deputy Supervisor Maguire - Aye Councilor Walbridge – Aye Councilor Johnston - Aye Councilor Taylor – Aye Supervisor Stewart – Absent

Motion – Councilor Walbridge

Second – Councilor Johnston

Resolved (#123 - 2023) Permission for Deputy Supervisor Maguire to sign letter proposal for building permit review/engineering services with LaBella.

CARRIED (4 - 0) – Deputy Supervisor Maguire - Aye Councilor Walbridge – Aye Councilor Johnston - Aye Councilor Taylor – Aye Supervisor Stewart – Absent

Motion – Councilor Johnston

Second – Councilor Taylor

Resolved (#124 - 2023) Permission for Deputy Supervisor Maguire to sign MCF Physical for John Kissane, and add to the Franklin County Self Insurance Plan

CARRIED (4 - 0) – Deputy Supervisor Maguire - Aye Councilor Walbridge – Aye Councilor Johnston - Aye Councilor Taylor – Aye Supervisor Stewart – Absent

Motion – Councilor Walbridge

Second – Councilor Johnston

Resolved (#125 - 2023) Permission for Deputy Supervisor Maguire to sign MCF updated Roster.

CARRIED (4 - 0) – Deputy Supervisor Maguire - Aye Councilor Walbridge – Aye Councilor Johnston - Aye Councilor Taylor – Aye Supervisor Stewart – Absent

Motion – Councilor Johnston

Second – Councilor Taylor

Resolved (#126 - 2023) Permission for the Town of Malone to be a Joint Applicant on Parkway Properties Malone LLC/GPS Estates, LLC application for installation of sanitary sewer line along NYSDOT right-of-way.

CARRIED (4 - 0) – Deputy Supervisor Maguire - Aye Councilor Walbridge – Aye Councilor Johnston - Aye Councilor Taylor – Aye Supervisor Stewart – Absent

SUPERINTENDENT OF HIGHWAY REPORTS:

Superintendent Andrews put forth a recommendation for hiring an advertised seasonal laborer position. His recommendation was to hire Cody Lamica for the position.

Motion – Councilor Johnston

Second – Councilor Taylor

Resolved (#127 - 2023) to hire Cody Lamica for the seasonal laborer position at \$17.00/hour, 40 hours per week for 14 weeks, with a start date after completion of pre-employment requirements.

CARRIED (4 - 0) – Deputy Supervisor Maguire - Aye Councilor Walbridge – Aye Councilor Johnston - Aye Councilor Taylor – Aye Supervisor Stewart – Absent

CORRESPONDENCE:

From Johnson & Laws, LLC: Claim of Scott Phillip Lewis v. Town of Malone, et al.

From Town of Duane: Shared Service Resolution.

FOIL Request and Response from Bergmann Architects/Engineers/Planners.

From Franklin County Treasurer: Foreclosure Auction set for May 17, 2023 at 10:00 a.m. at Moe's.

From Friends of the North Country: Board update NYS CDBG Housing Rehab Grant 689HR305-21.

FOIL Request and Response from Law Offices of Elizabeth A. Byrne, LLC.

From Charter Communications: Upcoming Changes

From Burke Moore Law Group: Damage to Facilities Belonging to Charter Communications, Inc. and/or Time Warner Cable Company, Teboville Road from July 16, 2022

NEW BUSINESS:

Motion – Councilor Walbridge

Second – Councilor Johnston

Resolved (#128 - 2023) to grant permission to Budget Officer to make the following journal entry as per Comptroller Notice for February 2023 from A690 Clearinghouse \$5,630.50 to A980 Revenues (A2610 Court Fines Fees) \$5,630.50.

CARRIED (4 - 0) – Deputy Supervisor Maguire - Aye Councilor Walbridge – Aye Councilor Johnston - Aye Councilor Taylor – Aye Supervisor Stewart – Absent

Motion – Councilor Walbridge

Second – Councilor Johnston

Resolved (#129 - 2023) to grant permission to Budget Officer to make the following journal entry as per Comptroller Notice for February 2023 from A690 Clearinghouse \$5,630.50 to A980 Revenues (A2610 Court Fines & Fees) \$5,630.50.

CARRIED (4 - 0) – Deputy Supervisor Maguire - Aye Councilor Walbridge – Aye Councilor Johnston - Aye Councilor Taylor – Aye Supervisor Stewart – Absent

Motion – Councilor Johnston

Second – Councilor Taylor

Resolved (#130 - 2023) to grant permission to Budget Officer to make the following journal entry as per Comptroller Notice for March 2023 from A690 Clearinghouse \$7,577.00 to A980 Revenues (A2610 Court Fines Fees) \$7,577.00.

CARRIED (4 - 0) – Deputy Supervisor Maguire - Aye Councilor Walbridge – Aye Councilor Johnston - Aye Councilor Taylor – Aye Supervisor Stewart – Absent

Motion – Councilor Taylor

Second – Councilor Walbridge

Resolved (#131 - 2023) to grant permission to Budget Officer to make the following journal entries pertaining to expenditures from water funds – from A1355.4 (Assessor Contractual) to A1355.1 (Assessor Personal) \$175.00; from FW8310.4 (West Water Contractual) to FW2702 (Refund of Prior Year Expenditures) \$1,034.80; and FE8310.4 (East Water Contractual) to FE2701 (Refund of Prior Year Expenditures) \$4,910.98.

CARRIED (4 - 0) – Deputy Supervisor Maguire - Aye Councilor Walbridge – Aye Councilor Johnston - Aye Councilor Taylor – Aye Supervisor Stewart – Absent

BILLS FOR AUDIT & PAYMENT:

Motion – Deputy Supervisor Maguire

Second – Councilor Walbridge

Resolved (#132 - 2023): that the following bills, having been audited,

∴ *Batch No. 1151*

Voucher Nos. 299-361

<i>General Fund (A)</i>	<i>\$ 68,279.64</i>
<i>Part Town General Fund (B)</i>	<i>1,498.76</i>
<i>Highway Townwide (DA)</i>	<i>7,669.11</i>
<i>Highway Outside (DB)</i>	<i>208,166.80</i>
<i>Trust & Agency (T)</i>	<i>33,016.30</i>
<i>Airport Capital Projects (H4)</i>	<i>7,410.05</i>
<i>Landfill Closure Capital Project (H7)</i>	<i>1,120.00</i>
<i>East Side Water Fund (FE)</i>	<i>234.67</i>
GRAND TOTAL	\$337,395.33

Town of Malone
Public Hearing
Regular Board Meeting
April 19, 2023

ADJOURN:

At 7:07 p.m.

Motion – Councilor Taylor

Second – Councilor Walbridge

Resolved (#133 - 2023) there being no further business to come before the Board that it adjourn, with the next meeting to be May 10, 2023 at 6:00 p.m., preceded by IDA Meeting at 5:45 p.m.

CARRIED (4 - 0) – Deputy Supervisor Maguire - Aye Councilor Walbridge – Aye Councilor Johnston - Aye Councilor Taylor – Aye Supervisor Stewart – Absent

RESPECTFULLY SUBMITTED,

Denice A. Hudson

DENICE A. HUDSON, TOWN CLERK