

TOWN OF MALONE
PUBLIC HEARING &
REGULAR MEETING
August 17, 2022

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A Public Hearing and Regular Meeting of the Town Board of the Town of Malone, County of Franklin and the State of New York was held at the Town Offices, 27 Airport Road, Malone, NY on the 17th day of August 2022 at 6:00 p.m.

PRESENT: Andrea Stewart Supervisor
Terry Maguire Deputy Supervisor
Jody Johnston Councilor
Brian Taylor Councilor
Paul Walbridge Councilor

ALSO PRESENT: Denice Hudson, Budget Officer
Jean Marlow, Town Clerk
Michael Andrews, Highway Superintendent
John Manley, Deputy Highway Superintendent
Bruce Burditt, Airport Manager
Matt Jones, Malone
Pat Sherwin, Malone
George Rockhill, Jr., Malone
Kevin Hart, Malone
John Bashaw II, Malone EMS
Al Durant, Malone
Gary Spinner, Malone

Supervisor Stewart called the Public Hearing to order with the Pledge of Allegiance.

Public Hearing – Establishment of Ambulance District

The Town Clerk read the Legal Notice then Supervisor Stewart opened up the hearing for public comments.

Bruce Burditt asked how much does the Town of Malone pay each year to the Fire District. Supervisor Stewart responded that the agreement was for approximately \$464,000.00.

Pat Sherwin asked when and why did the Fire and Rescue Departments separate. John Bashaw from Malone EMS responded that the department split in 2001. The reason for the split was that they were unable to find enough volunteers and needed to hire staff. Mr. Sherwin then asked if grants were available to help fund some of their needs. The response was that there are not a lot of grants available for EMS districts, if they could get one it would be a single use grant, they need consistent funding to support a building, staffing and equipment replacement as necessary. Mr. Sherwin also asked if they were paid for their services. Mr. Bashaw responded that they are paid for some services but not all. Mr. Sherwin also had a concern that this would compete with a local private business and that there is a lot of people living off of a fixed income, to add more to the tax bill will be a hardship. He also stated that he thought Alice Hyde Medical Center was going to be adding to their transport department and would reduce the number of transports needed from the Malone EMS. They said transport and 911 are two different areas and one would not affect the other.

George Rockhill asked if the town agrees to this Ambulance District will the town be buying the ambulances. It was stated that no, the district is set by Village and Town and they contract with an agency, that agency is responsible for all aspects of their operation.

Pat Sherwin said after listening and learning more about it he is in favor of the Town of Malone Ambulance District being formed.

Supervisor Stewart closed the hearing at 6:25 p.m.

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REGULAR MEETING:

MINUTES:

RESOLUTION 216 - 2022 – Minutes

On a motion of Councilor Walbridge seconded by Councilor Johnston the following resolution was

ADOPTED Ayes 5 Stewart, Maguire, Johnston, Taylor, Walbridge
Nays 0

Resolved to approve the following minutes:

July 27, 2022 – Public Hearing

RESOLUTION 217 - 2022 – Minutes

On a motion of Deputy Supervisor Maguire seconded by Councilor Walbridge the following resolution was

ADOPTED Ayes 3 Stewart, Maguire, Walbridge
Nays 0

Resolved to approve the following minutes:

July 28, 2022 – Special Meeting

**Councilor Johnston and Councilor Taylor abstained from voting as they were not present at this Special Meeting.*

REPORTS:

RESOLUTION 218 - 2022 – Reports

On a motion of Councilor Taylor seconded by Councilor Johnston the following resolution was

ADOPTED Ayes 5 Stewart, Maguire, Johnston, Taylor, Walbridge
Nays 0

Resolved to approve the following reports:

*Airport Manager – July 2022
Code Officer – July 2022
Justice Fisher – July 2022
Justice Main – July 2022
Town Clerk – July 2022
Budget to Actual – July 2022
Supervisor's Report – July 2022*

OLD BUSINESS:

The Franchise agreement between the Town of Malone and Spectrum Northeast, LLC is being reviewed by the town attorney. There is nothing new to report.

SUPERVISOR REPORT:

Supervisor Stewart congratulated the Franklin County Fair Board for a successful event this year.

RESOLUTION 219 - 2022 – Expenditure for Housing Rehab Program, Project MA-21-05

On a motion of Councilor Taylor seconded by Councilor Johnston the following resolution was

ADOPTED Ayes 5 Stewart, Maguire, Johnston, Taylor, Walbridge
Nays 0

Resolved to authorize a capital expenditure of \$8,800.00, plus administrative, project delivery, and other soft costs, in accordance with the Town of Malone Housing Rehabilitation Program, for project #MA-21-05.

Airport Lighting & Signage Grant Update: The FAA grant total is \$703,884.00, as Additive 1 was not funded by the FAA, only the base bid amount. This grant has been fully executed and submitted. Supervisor Stewart requested permission to sign the contract with Baseline King Corp. as the contractor for the project. They were the lowest bidder.

RESOLUTION 220 - 2022 – Agreement with Baseline King - Contractor for Airport Lighting and Signage Project

On a motion of Councilor Johnston seconded by Deputy Supervisor Maguire the following resolution was

ADOPTED Ayes 5 Stewart, Maguire, Johnston, Taylor, Walbridge
Nays 0

Resolved to give permission for Supervisor Stewart to sign the agreement with Baseline King Corp as the contractor for the Airport Lighting and Signage Project.

There was a pre-construction meeting today for the Airport Lighting and Signage project. Supervisor Stewart, Budget Officer Hudson, Airport Manager Burditt and Mr. King from Baseline King were in attendance at the town offices and via zoom was Highway Superintendent Andrews, the airport engineers and representatives from the FAA. They reviewed the parameters of bid, the work schedule and logistics. Baseline King will be starting work on Monday, August 22, 2022 and estimates this project to take a month.

Ambulance District: Proposal as it pertains to the Public Hearing held earlier.

The board members thanked the Malone EMS and Northern Ambulance for the service they provide to our community. They feel strongly that this Ambulance District is needed in our community, for safety and growth.

RESOLUTION 221 - 2022 – Ambulance District

On a motion of Supervisor Stewart seconded by Councilor Johnston the following resolution was

ADOPTED Ayes 5 Stewart, Maguire, Johnston, Taylor, Walbridge
Nays 0

**There was a roll call vote to adopt this resolution: Councilor Taylor – Aye, Councilor Johnston – Aye, Supervisor Stewart – Aye, Deputy Supervisor Maguire – Aye, Councilor Walbridge – Aye.*

Resolved to adopt the following:

RESOLUTION OF THE TOWN OF MALONE TOWN BOARD

Whereas the Town of Malone, Franklin County, is desirous of providing and/or arranging for ambulance services to its residents and the Town desires that such service have sufficiently trained and skilled emergency medical technicians serving on its ambulances available to serve persons situated in the Town;

Whereas the town has prepared a map, plan and report that is in such detail as is acceptable to the Malone town board; and

Whereas the map, plan and report have been filed in the office of the town clerk pursuant to Section 209-c of the Town Law in advance of the adoption of this resolution; and

Whereas the town board has adopted an order and entered the same in the minutes of its proceedings reciting a description of the boundaries of the proposed ambulance district sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum estimated amount proposed to be expended annually for the improvement, and the cost of the district to the typical property, and the fact that a map, plan and report describing the same are on file in the town clerk's office for public inspection and specifying the time when and place where said board will meet and hold a public hearing to hear all persons interested in the subject thereof, concerning the same; and

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Whereas a copy of such order has been published at least once in the official paper of the Town of Malone, the first publication thereof which was not less than ten (10) nor more than twenty (20) days before the date set therein for the hearing had preceding this resolution; and

Whereas a copy of the order was posted on the sign-board of the town maintained pursuant to subdivision six of section thirty of this chapter, not less than ten (10) nor more than twenty (20) days before the day designated for the hearing since had on this issue; and

Whereas a public hearing was held on the 17th day of August, 2022 at 7 pm at the at the Town's offices with a street address of: 27 Airport Road, Malone, NY 12953, and

Whereas the board has determined that the notice of hearing was published and posted as required by law, and is otherwise sufficient; and

Whereas the board has determined that all of the property and property owners within the proposed district are benefited by the proposed district; and

Whereas the board has determined that all of the property and property owners benefited are included within the limits of the proposed district; and

Whereas the board has determined that the establishment of an ambulance district. A description is as follows:

All of that portion of the Town of Malone, Franklin County, New York which lies outside of the Village of Malone.

It is hereby resolved that subject to permissive referendum, that the Town of Malone establish an ambulance district for the benefit of all of the property and property owners in the proposed ambulance district; and

It is further resolved that such ambulance district shall include all of that portion of the Town of Malone, Franklin County, New York, which lies outside of the Village of Malone. It is anticipated that the Village of Malone will agree to extend the ambulance district into the village, so as to include the limits of the entire town.

It is further resolved that such ambulance district shall become effective immediately after approval of the voters or thereafter as may be required by law or in case no petition is successfully filed, after the time to petition for a referendum has expired.

It is hereby ordered that, the clerk of the Town of Malone shall file this resolution in the office of the Clerk of the Town and make such resolution available for public inspection.

It is further ordered that, the clerk of the Town of Malone shall cause to be prepared and have available for distribution proper forms for a petition seeking a public referendum and shall distribute a supply to any person requesting the same.

It is further ordered that, if, after the expiration of the time for filing a petition requesting that the matter be submitted to a referendum of the property owners of the proposed ambulance district, no such petition has been filed with the town clerk, the town clerk is directed to file a certificate stating such fact in the office of the county clerk;

It is further ordered that, upon the filing of such a certificate in the office of the Franklin County Clerk, the Board shall adopt a final order establishing the ambulance district.

This resolution has received the affirmative vote of at least a majority of the Board of the Town of Malone, Franklin County, as signed below and such resolution is hereby approved.

RESOLUTION 222 - 2022 – Malone EMS Roster

On a motion of Councilor Johnston seconded by Councilor Taylor the following resolution was ADOPTED Ayes 5 Stewart, Maguire, Johnston, Taylor, Walbridge
Nays 0

Resolved to give permission for Supervisor Stewart to sign the updated Malone EMS roster.

American Legion Ballfield Grant: Supervisor Stewart and Budget Officer Hudson met with Greg Paye from the American Legion Post 219. The town is working with them to assist with a \$125,000.00 grant that Assemblyman Billy Jones is proposing for their ballfield. The grant requires a municipal entity to be involved.

RESOLUTION 223 - 2022 – Preliminary Application for State and Municipal Facilities Grant

On a motion of Councilor Taylor seconded by Councilor Johnston the following resolution was ADOPTED Ayes 5 Stewart, Maguire, Johnston, Taylor, Walbridge
Nays 0

Resolved to give permission for Supervisor Stewart to sign the Preliminary Application for State and Municipal Facilities Program Grant on behalf of American Legion for ballfield for upgrades as nominated by Assemblyman Billy Jones for a grant total of \$125,000.00.

YMCA Lease Agreement: All of the changes have been made and it has been reviewed by the town attorney.

RESOLUTION 224 - 2022 – YMCA Lease Agreement

On a motion of Councilor Walbridge seconded by Deputy Supervisor Maguire the following resolution was

ADOPTED Ayes 5 Stewart, Maguire, Johnston, Taylor, Walbridge
Nays 0

Resolved to approve and give permission for Supervisor Stewart to sign the lease agreement with the YMCA for a period of July 1, 2022 to June 30, 2027.

BOARD MEMBER / COMMITTEE ITEMS:

Councilor Walbridge: The Rec Park is working on finalizing things for the new building and is still fundraising for the Splash Pad and Pool. The summer activities at the park have been very well attended. The End of Summer bash will be taking place this weekend.

Deputy Supervisor Maguire thanked John Shea and crew from FA who helped out with Soccer field.

Councilor Johnston: Work continues on the ball field. The infield clay and sod are done, new fences should be up by mid-September. With the funding from Assemblyman Jones, next year they would like to put up a building for storage, locker rooms, a possible concession stand, a ticket booth and restrooms.

Councilor Taylor: The electrical project at the Pavilion is complete.

SUPERINTENDENT OF HIGHWAYS:

- All roads scheduled in the 2022 284 Agreement have been completed, including shoulders.
- Installed drainage for the Pavilion which will help for the Fly In and Farmers Market.
- Met with Airport Manager Burditt in preparation for the Fly In. Together they created a list of projects that need to be done.
- Paved the parking lot at the Town Offices.
- The highway crew will be going back to road maintenance, cleaning up ditches, hot patching, etc.

Councilor Walbridge congratulated Superintendent Andrews, Deputy Superintendent Manley and the highway crew for a job well done.

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AIRPORT MANAGER:

Airport Manager Burditt updated the Board on the upcoming Malone Fly In. Buses have been parked up front by the road for the sponsor advertisements. Boy Scout Troop 61 will be parking cars. There are 35 vendors signed up to participate. There will food trucks and a bar. Two bands will be performing on Saturday and one on Sunday. Transportation will be provided again this year to go the Wilder Farm. A Paraglider and Lifenet plane will be there on Saturday. On Sunday, if available there will be a Lifenet helicopter, if not the plane will be back. State police will be in attendance with drones on both days. There will be two planes and one helicopter doing rides.

CORRESPONDENCE:

From Jeffrey Hyde: Memorandum of Notice of Intent to Retire. Board motion accepting retirement date.

RESOLUTION 225 - 2022 – Jeffrey Hyde Retirement

On a motion of Councilor Taylor seconded by Councilor Johnston the following resolution was ADOPTED Ayes 5 Stewart, Maguire, Johnston, Taylor, Walbridge
Nays 0

Resolved to accept the retirement date from Jeffrey Hyde, his last day of work being August 11, 2022.

From Stavitsky & Associates, LLC: Notice of Electronic Filing Wal-Mart Real Estate Business Trust v. Board of Assessment Review, et al.

From Hodgson Russ, LLC: Notice of Electronic Filing SLIC Network Solutions, Inc. v. Assessor for the Town of Malone, NY, et al.

From Franklin County Supreme and County Courts: Judicial Assignment Notice SLIC Network Solutions v. Assessor for the Town of Malone, NY, et al.

From Franklin County Self-Insurance Plan: Adopted 2023 Budget for Franklin County Self-Insurance Plan. Town portion for 2023 budget is \$70,154.

From Town Clerk Jean Marlow: Resignation from position as Town Clerk/Receiver of Taxes.

RESOLUTION 226 - 2022 – Jean Marlow Resignation

On a motion of Supervisor Stewart seconded by Councilor Walbridge the following resolution was ADOPTED Ayes 5 Stewart, Maguire, Johnston, Taylor, Walbridge
Nays 0

Resolved to accept, with regret, the resignation from Jean Marlow as Town Clerk/Receiver of Taxes.

RESOLUTION 227 - 2022 – Advertise for Town Clerk/Receiver of Taxes

On a motion of Supervisor Stewart seconded by Deputy Supervisor Maguire the following resolution was ADOPTED Ayes 5 Stewart, Maguire, Johnston, Taylor, Walbridge
Nays 0

Resolved to advertise for the position of Town Clerk/Receiver of Taxes. To be posted on the website, sign board, social media and at least one time in the Malone Telegram.

From Passero Associates: FFY '23-25 DBE Goal has been approved by FAA.

From Friends of the North Country, Inc.: NYS Office of Community Renewal 2021 Housing Rehabilitation Grant 689HR305-21 Client Status Report.

NEW BUSINESS:

RESOLUTION 228 - 2022 – Journal Entry

On a motion of Councilor Johnston seconded by Deputy Supervisor Maguire the following resolution was

ADOPTED Ayes 5 Stewart, Maguire, Johnston, Taylor, Walbridge
Nays 0

Resolved to give permission for Budget Officer to make the following journal entry for brush & weeds expenditures - from DA9030.8 (Social Security) to DA5140.4 (Brush & Weeds Contractual) \$176.24.

RESOLUTION 229 - 2021 – Bills for Audit and Payment

On a motion of Deputy Supervisor Maguire seconded by Councilor Walbridge the following resolution was

ADOPTED Ayes 5 Stewart, Maguire, Johnston, Taylor, Walbridge
Nays 0

Resolved to approve the following:

BILLS FOR AUDIT & PAYMENT:

Batch No. 984

Voucher Nos. 692-756

<i>General Fund (A)</i>	<i>\$87,547.69</i>
<i>General Fund – Part Town (B)</i>	<i>724.55</i>
<i>Highway Townwide (DA)</i>	<i>176.24</i>
<i>Highway Outside (DB)</i>	<i>46,594.29</i>
<i>East Side Water (FE)</i>	<i>183.43</i>
<i>Trust & Agency (T)</i>	<i>32,684.86</i>
<i>Escrow (H2)</i>	<i>1,150.00</i>
<i>Consolidated Highway Capital Improvement (H3)</i>	<i>95,687.73</i>
<i>Airport Capital Project (H4)</i>	<i>1,250.00</i>
<i>Landfill Closure Capital Project (H7)</i>	<i>560.00</i>

GRAND TOTAL **\$266,558.79**

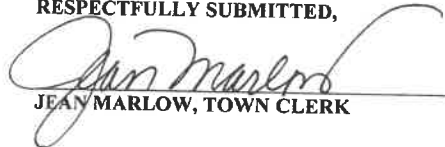
RESOLUTION 230 - 2021 – Adjourn

On a motion of Councilor Walbridge seconded by Councilor Taylor the following resolution was

ADOPTED Ayes 5 Stewart, Maguire, Johnston, Taylor, Walbridge
Nays 0

Resolved to adjourn the Regular Meeting at 7:15 p.m. The next Regular Town Board meeting is scheduled for September 14, 2022 at 6:00 p.m., preceded by the Town of Malone IDA meeting.

RESPECTFULLY SUBMITTED,


JEAN MARLOW, TOWN CLERK