A regular meeting of the Town Board of the Town of Malone, County of Franklin and State of New York was held at the Town Offices, 27 Airport Road, Malone, NY on the 14th day of June 2023 at 6:00 p.m.

#### PRESENT:

Andrea Stewart, Supervisor Jody Johnston, Councilor Paul Walbridge, Councilor Denice Hudson, Budget Officer, Town Clerk Michael Andrews, Highway Superintendent Michael McMahon, Code Officer Marlan Gero, Chateaugay Resident Scott Smith, Malone Resident Bruce Monette Jr, Malone Resident Mary Parker, Dickinson Resident Charles Clookey, Dickinson Resident Taylor Collins, Burke Resident Fred Soucis, Malone Resident Maurice Cromp, Burke Resident Brian Monette, Malone Resident Tom Arnold, Malone Resident Marc Pepin, Malone Resident Carol Van. Riper, Malone Resident Bruce Burditt, Airport Manager Kiel Otis, Town Highway Employee

Terrance Maguire, Deputy Supervisor Brian Taylor, Councilor Alex Violo, Malone Telegram Abby Monica, Deputy Town Clerk John Manley, Deputy Highway Superintendent Alex Violo, Malone Telegram Nicole Gero, Chateaugay Resident Zach White, Malone Resident Chris Monette, Malone Resident Joe Clookey, Dickinson Resident Tracie Collins, Malone Resident Tom Sherwin, Malone Resident Melvin Quick, North Bangor Resident Don Miller, Constable Resident Bruce Monette, Malone Resident Dale Covey, Bangor Resident Jan Miletich, Malone Resident Ed Lockwood, Malone Resident Carla Gerber, Malone Resident

James Boyea, Malone Resident

CALL TO ORDER: Supervisor Stewart called the Regular Meeting to order at 6:00 PM with the Pledge of Allegiance.

#### Alice Hyde Medical Center:

Michelle LeBeau and John Remillard from University of Vermont Alice Hyde Medical Center spoke about future plans for the hospital. Remillard stated they want to have a bright future for Alice Hyde Medical Center, they want to redefine and strengthen core services such as primary, specialty, inpatient, nursing home, cancer and emergency room departments.

Remillard stated the hospital will become a critical accesses hospital which is a federal designation way to reimburse rural hospitals and keep them financially stable. Stated he is hoping this goes into effect by October 1, 2023. Services will not change; this will provide Alice Hyde with an additional 4 million dollars a year. Alice Hyde is in partnership with Hudson Headwaters which is a federally qualified health center. They will be here this fall in a small office space starting off with a doctor and a nurse practitioner. The goal is for them to build a major health center on the hospital campus. Remillard mentioned a grant program called Transformation Four to revolutionize and improve the hospital campus. The major highlights are an expanded and modernized ER, Behavioral health centers, Geriatrics, and fast track service for patients who come to the emergency room with minor illnesses. Modernize the surgical services, inpatient unit, build a new specialty office building, and logistic building that will house generators, boilers, and important infrastructure on the campus. Alice Hyde would like us to consider this idea.

Councilmen Johnson stated it is nice to build new buildings, but we need to recruit doctors back that left. It is great to get a new yard but with no doctors all you're doing is dressing it up and sending them to another hospital, such as maternity, and general surgeons that we don't have anymore. The public and I are worried about not being able to retain them doctors to stay here after we recruit them.

Michelle LeBeau stated they have a recruiter physician team, working diligently with people across the border, such as Dr. Alizori who has roots in Montreal and is helping the team recruit doctors from that aera. We are hoping with this new plan they will constantly have back-up doctors in case one decides to leave, they will have a replacement. We struggle in GI and General surgery, we strive in prenatal care, the first 38 weeks of pregnancy, I do not see a maternity department in our future simply because the numbers are low and shrinking. LeBeau and Remillard thanked the board for listening to them and considering this plan.

#### Low Road and River Road Posting:

Joe Clookey stated he wants to address the board tonight to try and compromise on the closure of Low Road and River Road, instead of closing the road restricting the hours of use. I spoke to one resident on that road and one of the complaints was the early morning and late-night traffic. Ask the board if it was a consideration to restrict the hours.

Supervisor Stewart stated I'm not sure, I know the initial decision was based on the fact we are doing major construction and repair to roads, probably half a million dollars' worth and the concern that the roads get degraded by the heavy weight of those vehicles and I don't know if the hours of operation would solve that problem, but we will take that into consideration.

Joe Clookey stated that if close these roads they will only have Duane Street to get out of Titus, that road is posted as of right now, we have limited access getting to and from Titus. There have been other routes mentioned like Fayette Road that are not reasonable for heavy truck drivers, due to very sharp corners, extreme grates, two tractor trailers meeting on them corners would be very unsafe. Low road is basically straight there is no corners besides one.

Councilmen Johnson stated that's not true there are a couple corners on the low road.

Clookey stated every trucker in this room can tell you they take a shorter route to save fuel and cost to the customer. Asked the board if we have a plan for a public hearing for the closure before we ask the law.

Supervisor Stewart stated it is not a law because it is a posting and all that is required is we make a public notice. If we were to react to the law, it would be for something more in deep like creating a truck route or things like as.

Clookey stated the timing of this in my opinion is very poor as we truck drivers are suffering, you are now eliminating a natural pit. One thing I wish the board would consider is the timing of this, Titus is not the only business who utilizes town roads. I don't understand why the Town of Malone is having such a problem. I hope you don't do this to all of the pits including the one Franklin County is in the process of buying. Gave the board members a sheet with a list of all the pits in each town and asked us to compare.

Councilmen Johnson stated just to be clear we are not posting the Johnson Road where Titus is we are not saying you cannot get product out of there.

Tom Arnold asked what the wording will be on the posting.

Superintendent Andrews stated it'll say no commercial traffic, local delivery only. It is more or less through traffic, the way everyone is interpreting short cuts.

Arnold stated to me local is community and should be worded differently because that is how I'd take it.

Scott Smith stated the hills are so steep that if someone is following the tractor trailer and isn't able to stop the truck from going downhill the person behind it is going to die. A lot of truckers avoid Duane Street due to the children. I would like to ask the board if they would please reconsider this decision. Smith thinks we are making the wrong decisions due to safety reasons. Asked the board to get a panel and talk one on one and possibly go for a ride in a truck.

Clookey stated there is no enforcement on traveling on the Low and River Road due to no law being passed. The town cannot just decide to put up a poster without a law. Sense you did not write a law it cannot be enforceable by the New York State Police, that is the law. Clookey told Deputy Maguire he had a letter, but it was not from the New York State Police. Posted signs can be hung up in the spring because of a law, your Highway Superintendent cannot just go around throwing up posted signs anytime he wants.

Deputy Maguire states it is disobeying a traffic device. We will let New York State Police decide that.

Zachary White asked when the last time the Low Road and River Road were paved.

Superintendent Andrews answered the question saying Low Road has been eight years, the River Road has been 15 years.

White stated he pays fuel taxes for maintenance on the road, Main Street is getting redone due to the traffic. It's unfortunate that when you drive on roads you have to replace them, but I thought the reason we paid taxes was for roads to be fixed and maintained.

William Payne states the reason they take these backroads is to detour the Town of Malone. There will be more traffic on Main Street.

Melvin Quick is concerned about people's safety if the trucks have to take different streets such as Duane Street and Teboville Road. Stated the town is putting people's life at risk.

Clookey asked when the final decision will be made and when the next board meeting will be.

Supervisor Stewart stated the actual final decision has been made, I would expect that we may discuss that a little further tonight, but I don't know if it will change the decision. The next board meeting is on the 28<sup>th</sup>.

White stated we won't be able to go into the village on Duane Street so what are we expected to do from the 26 till the village opens it.

Supervisor Stewart stated I have seen a lot of trucks go up Hillsdale Terrace, I don't know I'm not into that kind of business. I realize it is posted to local traffic only. I think the reason the town gave so much lee time was for planning and allowed us to do our job as a municipality and I think for me personally a better working relationship than what I've seen in the field and heard about. Do I expect this to last forever, I don't know. I do expect that this posting would last minimally for this season to allow our newly black top road that our tax payers pay a lot of money for, I realize you pay road tax, we all pay gasoline tax, registration and all sorts of taxes that New York State blesses us with, we do get a portion of that back for programs, but our job is to look out for the safety of our residents, provide them the best we can. I expect that a lot of people won't like this decision, but I think there would be some measure of respect from the people who do business here but don't necessarily live here and deal with this on a day-to-day basis. That is my comment on it.

Councilmen Johnson said it was you Mr. Clookey who suggested doing a group get together to figure out the best way to manage this. Were here let's talk about it, what type of things were you talking about or possibly changing. Is there a possibility of directional flow where you guys aren't coming and going on the Low Road at the same time, not chewing up sides of the pavement? When you pass a car, you won't be going down the middle of the road. This is part of the concern we are dealing with because people are talking about the safety of pedestrians, and the cars that get one-third of the road also have a say in this. That is something we could look into in the future is directional flow. On any road you can drive around you can see the edges getting chipped away due to two trucks meeting at the same time.

Clookey suggested restricting the hours of the road. I think that is a good idea the directional flow, but I don't want to speak for everyone.

Councilmen Johnson stated we had this conversation a few weeks ago with the farmers that they think we don't care about them that's not how this works, there is no animosity towards trucks. We know how important you are, we know what you do for the community. There is no one here trying to create an issue. We have twelve thousand taxpayers and every single one of them deserves to have someone represent them. Councilmen Johnson went ahead and thanked everyone for what they do and for coming forward with the concerns. We cannot keep turning back to these same roads because of the damage that is being done to them. We have others road that need to be done. We aren't built to the specs of the state or county roads and that's why these roads take a lot more damage than the other roads do.

Deputy Maguire stated we've entered a big partnership with Titus Mountain to get the Johnson Road finished. We will move mountains to get that road taken care of so we would never say you can't come up this road, find a new road out to county route. It is the same issue with these roads because we would never say you are ruining our town roads you can't come off of it and try to pick out a couple roads you can. Deputy Maguire addresses Scott Smiths concerns with safety. He states the Low Road is pretty steep to Scott so if anyone loses breaks on that road anyone behind them is going to die too. Any road that has any kind of grate we can say that we are just trying to find the best roads, so we are not, like you say, throwing money out. We do not mind having to put the pavement down but having to redo the road. Maguire uses the example take a drive down the river road look at the sides of the road. I'm not saying there have ever been any incidents I am just saying look at what they are doing to the roads it is in bad shape.

Zachary White states, if we were to go bull run road or to hit the Teboville road even with the work that has been done on the Teboville road will that road even be accessible. What is the difference in the condition between the roads than the River and Low Road. I think they are all built the same as any road so why can't we run them; it makes no sense.

Superintendent Andrews addresses Zachary Whites question. He states on the Teboville road majority of it is gravel, it is a lot cheaper for me to put a man in a grater than it is for a ton of black top. Take a look at the condition of the River road with that being black topped. In my opinion let the black top sit. The Teboville road is in 70 % better condition than the River road is. That stretch to route 11 is 70% better shape than that River Road is in. Every trucker in here knows the minute that the road is open it will be ran, and the black top won't be set, not cured and not ready. I don't know what the board will make of that but I, myself think the black top needs to be set before we start throwing 60-70 tons all day long on the road.

Brian Monette stated you said before the river road has been 15 years, Jodi just said the road you just built has been ten years. If you're wondering why the river road is in such bad shape maybe it is because it is 5 years past its life expectancy.

Superintendent Andrews states I can't speak for Jodi but where Jodi comes up with the 10 years is through the New York State Cornell local program, New York State only allows us minimum 10 years. He uses low road as an example and says the money I am putting on the road the town can not receive another penny for that road for a minimum of 10 years and that is statewide through the program. I drew numbers for the last two years just on cold and hot patches on the River road, 5,347 dollars basically wasted, and I know no one in this room likes to waste money.

Taylor Collins I am 100% with the farmers I do business with the farmers, but we post these roads to the truck, but farmers carry way more weight without disbursing it down these roads. We get banned but the farmers can use it to get to the fields and the roads take more pounding from them. I am spending an unbelievable amount of money every year on new equipment, I've got four axel trailers now to take away the weight. I go out and do what New York State tells me to do to disburse this weight. So how is it fair to us that are spending the money trying to do the right thing versus someone who is not, and they are allowed to use it. I agree 110% they have to get to their fields, but we obey the law, and it is like we are getting punished.

Deputy Maguire addressed Collins and told him he 100% agrees with him.

Superintendent Andrews addressed Taylor as well. He stated a year ago the DEC went to Albany on part of the agriculture. Albany wanted absolutely nothing to do with touching the agriculture.

Clookey asks Counselor Johnson if he will entertain the idea of looking at directional flow for trucks?

Councilor Johnson states sure I don't see an issue with that. Anything we can do to limit the damage and being able to disburse the traffic. One way empty and take the other way full. There are ways to do that to limit the weight on them roads. We work as a board, and we will come up with a decision that works best.

Taylor Collins asked would it be possible this will be lifted next year after the black top settles. I do agree that you spend a lot of money on it. Would it be reconsideration for spring next year. Maybe take a look at it next year because it may be a lot stiffer and has a chance to harden.

Councilor Johnson states I can't answer that I do not know much about that stuff. Our Highway Superintendent will be able to address that when that time comes.

Deputy Maguire states absolutely we will. Anything we do we usually go back and take a look at later on.

Supervisor Stewart states you are dealing with black top, but you are also dealing with shoulders that have not been done yet. You wouldn't want to put anything on it till that is done either.

Superintendent Andrews states I started doing something new on my shoulders last year. The state does millings we do a shared service, I haul the milling to the highway department. Last year I put the millings on the shoulder of the Wheeler Road just to see the gravel and the millings seem to be much better than the gravel and crushed stone. The heavy trucks, tractors and traffic don't seem to be drawing it out. So going forward with the roads I am paving this year I am going to put millings in the shoulders instead of the gravel.

Melvin Quick asked Superintendent Andrews how wide are the shoulders with the millings. Superintendent Andrews states 3 feet. Melvin asked if he would consider going four. Andrews states if there is room and the homeowners are fine with it.

James Boyea stated he thinks every one of us people need to go to Titus Mountain, get in a dump truck or a tractor trailer in the passenger seat and come out the way you are telling us to come out and go up through chasm falls and you will change your mind.

Supervisor Stewarts thanks everyone for their input and states we will keep you posted literally and figuratively.

#### Carla Gerber

Carla Gerber has addressed the town board with a few concerns regarding her residence. Gerber states she has a problem with Highway Superintendent Mike, she has asked him several times to come up and analyze something on her property. Concerned that there is a spring on the other side of the road, and it is seeping into her property and makes a swamp. States she had an Amish person come in two years ago and put a pipe in her ground to try and empty the water. Gerber says it is not helping it is coming from underneath the road into her property. States about a week ago she came and asked the Superintendent if he would go up and explain the problem as to why the water is in her property, states he hasn't been up. Gerber states that she is giving him two weeks to go up to her property and check to see if something could be done. Gerber states she wants a drain, or a ditch put in across the road.

Superintendent Andrews addresses Mrs. Gerber and states first I've all I would like to defend myself the day you asked me to go up there you were not there, Mr. Burkholder was. I asked Mr. Burkholder if you were there, and he claimed you were nowhere to be around. When I talked to you at my office that same day you wanted me to go up you said you would not be home but still wanted me to go up and check it out, am I correct? Gerber said no that is not correct she was home.

Superintendent Andrews stated with the issue you have like I spoke with you Mrs. Gerber, I don't understand where you want me to put water, the other side of the road is completely downhill, the only water on that road is rainwater. Carla Gerber told Superintendent Andrews that he needs to put a ditch on the other side of the road so it can seep off to the lower road. Superintendent Andrews states if my highway committee has time, we will set up an appointment and go up there and show them what I explained to you.

Carla Gerber states maybe I should show them because it won't help me and maybe my taxes should be reduced because my property becomes a swamp. You need to come up and look to my side and see what the situation is, it is hard to explain.

Superintendent Andrews states I went up there the other day in the pouring rain. There is a swamp near you, behind you is water but the rest is uphill. I don't understand. I will get in touch with my committee, and we will get a day to go up. Unfortunately, you gave me a time limit of two weeks and I am not sure if we will be able to be there within two weeks because I do have other obligations.

Minutes: For review and approval

Resolution: 172-2023- Minutes

Upon motion by Deputy Maguire, second by Councilor Walbridge the following resolution was.

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

Nays 0

Resolved to approve the following minutes:

May 24, 2023- Regular Meeting

Minutes: For review and approval

Resolution: 173-2023- Minutes

Upon motion by Councilor Walbridge, second by Councilor Johnston the following resolution was.

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

Nays 0

Resolved to approve the following minutes:

May 31, 2023- Special Meeting

Minutes: For review and approval

Resolution: 174-2023- Minutes

Upon motion by Councilor Johnston, second by Councilor Walbridge the following resolution was.

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

Nays 0

Resolved to approve the following minutes:

June 8th, 2023- Special Meeting

### Reports:

### RESOLUTION 175-2023 - Reports

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

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

Nays 0

Resolved to approve the following reports:

Code Officer- May 2023

Justices Main and Fisher- May 2023

Supervisor's Report- May 2023

Budget to Actual- May 2023

Receiver of taxes- May 2023

Airport Manager- May 2023

Town Clerk- May 2023

NYS Comptroller, Justice Court Fund- May 2023

#### **OLD BUSINESS:**

#### **SUPERVISORS REPORTS:**

Supervisor talks about how the Planning Board has 3 vacancies currently and Chuck Dievendorf came to see me and is very interested in joining the Planning Board.

#### RESOULTION 176-2023 - Planning Board

On a motion by Supervisor Stewart, seconded by Deputy Supervisor Maguire the following resolution was.

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

Nays 0

Approved to appoint Chuck Divendorf to fill a term that expires September 8, 2026.

### **BOARD MEMBER/COMMITTEE ITEMS:**

Councilor Taylor states the courts are very busy and doing a great job. Deputy Maguire would like to thank budget officer Hudson for everything she has done to help towards the baseball field. I was out of town, but I read in the newspaper that everything went great. Supervisor states the Town and Highway department both received the Red, White & Blue Reward and that is a huge compliment. Councilor Johnston states he wants to thank everyone again for helping with the ballfield for the opening weekend. It was a slow start at first but then the ball started rolling and it was a very proud moment for everyone there. Councilor Walbridge states he is proud to be a part of this and enjoyed it very much.

#### **SUPERVISOR REPORTS:**

Superintendent says on behalf of the seasonal hiring. We started taking Boces students and we had two young gentlemen that came through the program. I received a call from Kevin St. Halire the Boces teacher and he asked if we would be interested in taking a junior in the afternoons. If we did not take this individual, she would only be going to school for half a day. I told Kevin the student is more than welcome to; I will come back at noon and pick her up at the office when she gets here and bring her with the crew. It is a young lady, every guy there was impressed with this young lady. She was on the paver with the guys, grabbing the shovels. With that being said I spoke to her instead of the two morning young gentlemen because I liked her work ethic a lot better. She did everything the guys asked of her, she just wants to learn. I asked her if she would be interested in one of the seasonal positions, we have open. She was totally ecstatic. I would like to make a recommendation that we hire Kallee Poirier for the full-time seasonal position. Then on the second one I had an individual stop in the garage to see me, he was very interested and asked if he could do it on a part-time basis. With the experience this individual has coming with him, I ask that we hire Alan Marshall for 20 hours a week in a part time position. Superintendent stated he received a call today from Charle Labois the Western Star that we ordered January 2022 will be delivered next Wednesday. Andrews wants to report that Clark Road, Wheeler Road, Hicks Road, Low Road are all paved. We have approximately three and a quarter miles left. Will be back to blacktopping Tuesday morning as Monday is a holiday. Auctions International ended last night, there are six items will counteroffer on.

#### Resolution 177-2023- Auctions International Bids

On a motion by Deputy Maguire, seconded by Councilor Johnston, the following resolution was. Adopted Ayes 5 Stewart, Maguire, Johnston, Walbridge and Taylor

Nays 0

Approval for the Highway Superintendent to accept the Bids and counteroffer Bids as he sees fit for Auctions International.

#### Resolution 178-2023- Hire Kallee Poirier Full Time Seasonal Help

On a motion by Deputy Maguire, seconded by Councilor Johnston, the following resolution was. Adopted Ayes 5 Stewart, Maguire, Johnston, Walbridge and Tylor.

Navs 0

Approval to hire Kallee Poirier as the Full Time Seasonal Help, pending confirmation of preemployment, physical and approval from personnel.

#### Resolution 179-2023- Hire Alan Marshall Part Time

On a motion by Councilor Johnston, seconded by Deputy Maguire, the following resolution was.

Adopted Ayes 5 Stewart, Maguire, Johnston, Taylor and Walbridge

Nays 0

Approval to hire Alan Marshall as a Part Time Employee, pending confirmation of preemployment, physical and approval from personnel.

#### **CORRESPONDENCE:**

From Councilman Eugene Cook Town of Huntington: Resolution regarding voter's identification process.

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

From NYS Department of Taxation & Finance: Town of Malone Equalization Rate for 2023 Assessment Roll.

From US Army of Engineers: FY23 Site Visit Summary.

Supervisor Stewart stated we received an email today with a draft write up of a proposal for site review law and some other information related to that subject. We talked about that at a prior meeting. If you have time to read, digest and ask questions about that we will probably put it on the agenda for discussion for the 28<sup>th</sup>.

### Resolution 180-2023- Board Motion

Permission for Budget Officer to make the following Journal Entry as Per Comptroller Notice for May 2023 and from A690 Clearinghouse \$3,567.55 to A980 Revenues \$3,657.55 (A2610 court & fine fees).

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

Nays 0

Approved by the board for the Budget Officer to make the following journal entry.

#### Resolution 181-2023- Board Motion

Permission for the Budget Officer to make the following Journal entry for Public Safety Signs from A1990.4 (Contingency) to A13010.4 (Public Safety-Contractual) \$2,189.95.

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

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

Nays 0

Approved by the board for the Budget Officer to make the following journal entry.

#### **EXECUTIVE SESSION:**

BILLS FOR AUDIT & PAYMENT: Batc		Batch No. 1188
		Voucher Nos. 462-516
	General Fund (A)	\$36,724.54
	Part Town General Fund (B)	81.20
	Highway Outside (DB)	30,279.21
	East Side Water Fund (FE)	175.67
	Trust & Agency (T)	31,586.52
	Escrow Capital Project (H2)	1,400.00
	Consolidated Highway Improvement (H	(3) 1,443.510
	Airport Capital Project Fund (H4)	9,237.77
	GRAND TOTAL	\$110,928.41

## **RESOLUTION 182-2023 Bills**

Upon Motion by Deputy Maguire, second by Councilor Johnston the following resolution was.

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

Nays 0

Resolved to pay the bills listed.

# Resolution 183-2023- Temporary Liquor License Sign Off

On a motion by Councilor Taylor, seconded by Councilor Johnston, the following resolution was Adopted Ayes 5 Stewart, Maguire, Taylor, Johnston, and Walbridge.

Nays 0

Approval for Supervisor Stewart to sign Temporary Liquor Licenses with the proper paperwork, without having to call a special Board Meeting.

## RESOLUTION 184-2023 Adjourn

Upon Motion of Councilor Walbridge, second by Councilor Taylor the following resolution was.

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

Nays 0

Resolved to adjourn regular board meeting at 7:33 P.M on June 14th, 2023.

The next Regular Board Meeting will be June 28th, 2023, at 6:00 P.M. at 27 Airport Rd. Malone, NY 12953.

RESPECTFULLY SUBMITTED,

Abby Monica, Deputy Town Clerk