

TOWN OF MALONE
REGULAR MEETING
June 28, 2023

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 28th day of June 2023 at 6:00 p.m.

PRESENT:

Andrea Stewart, Supervisor
Paul Walbridge, Councilor

Jody Johnston, Councilor

ALSO PRESENT:

Denice Hudson, Budget Officer, Town Clerk
Michael Andrews, Highway Superintendent
Bruce Burditt, Airport Manager
Ken Tacy, Burke Resident
Bobby Blassingame, Malone Resident

Abby Monica, Deputy Town Clerk
John Manley, Deputy Highway Superintendent
Mike McMahon, Code Officer
Janet Tacy, Burke Resident

ABSENT:

Terry Maguire, Deputy Supervisor

Brian Taylor, Councilor

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

MINUTES: For review and approval

RESOLUTION 185-2023 - Minutes

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

ADOPTED Ayes Stewart, Johnston, Walbridge

Nays 0

Resolved to approve the following minutes:

June 14, 2023 - Regular Board Meeting Minutes

OLD BUSINESS:

Supervisor Stewart discussed how she spoke to our attorney O'Toole and the Code Officer Mike McMahon about the Site Plan Local Law and there were some concerns. They had a conference call specifically about Section 8 about the garage and porch sales that they do not exceed seven (7) days and if they take place more often than five (5) times in a calendar year it would come under this. The reason for that is if it's going on for longer than five (5) days a year it is technically business and that is under a different criterion. This would cover oversite for any project that isn't specifically covered under our other local laws. States a lot of times things come in that technology is just faster than we think of about laws.

RESOLUTION 186-2023- Introduce Local Law #2- 2023 Site Plan Review

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

ADOPTED Ayes 3 Stewart, Walbridge, Johnston

Nays 0

WHEREAS, on June 28, 2023, the Town Board of the Town of Malone introduced a proposed law entitled "Local Law Number 2 of 2023, Site Plan Review,"

WHEREAS, the Town Board of the Town of Malone recognizes the need for site plan review for land uses within the Town, and

WHEREAS, the Town of Malone's current zoning law does not adequately meet the Town's objectives, which include:

- A. To protect and promote the health, safety, and general welfare of the Town,
- B. To protect and promote a clean, wholesome, attractive environment,
- C. To maintain the continued development of the economy of the Town, and

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WHEREAS, site plan review and approval for land uses will meet the objectives of the Town and its residents, and

WHEREAS, consideration is warranted of a proposed local law to amend the current zoning code of the Town of Malone to establish site plan review that protect and promote the health, safety and welfare of the community, and

WHEREAS, Section 20, subsection 4 of New York State's Municipal Home Rule Law allows for the introduction of a proposed local law by a member of a Town Board, and

NOW THEREFORE, the Town Board of the Town of Malone hereby introduces the proposed "Local Law 2 of 2023, Site Plan Review," a copy of which is attached hereto and made a part hereof, and the Town Clerk is hereby directed to enter said proposed local law into the minutes of this meeting.

Town of Malone Proposed Local Law #2 of 2023
Chapter 79
Article V
Site Plan Review

The Town Board of The Town of Malone, Franklin County, New York, does hereby ordain and enact the Town of Malone Site Plan Review Law pursuant to the authority and provisions of section 10 of the New York State Municipal Home Rule Law and section 274-a of the Town Law.

79-25. Purpose.

Through site plan review, it is the intent of this local law to promote the health, safety and general welfare of the Town. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the town and, in addition, such environment is deemed essential to the maintenance and continued development of the economy of the town and the general welfare of its inhabitants.

79-26. Authorization of Planning Board to Review Site Plans.

The Planning Board is hereby authorized to review and recommend site plans for land uses within the town as hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this local law.

79-27. Applicability.

A. All new land use activities within the town shall require site plan review and approval before being undertaken, except the following:

1. Construction of one- or two-family dwelling and ordinary accessory structures, and related land use activities.
2. Landscaping or grading which is not intended to be used in connection with a land use reviewable under the provisions of this local law.
3. Ordinary repair or maintenance or interior alterations to existing structures or uses.
4. Exterior alterations or additions to existing structures which would not increase the square footage of the existing structure by more than 25%; and having a cost value of less than \$5,000.
5. Nonstructural agricultural or gardening uses not involving substantial timber cutting.
6. Signs under 10 square feet.
7. The sale of agricultural produce and temporary structures related to sale of agricultural produce.
8. Garage, lawn and porch sales not exceeding seven days. If such sales take place more often than five (5) times in any calendar year, site plan approval will be required.

B. Any person uncertain of the applicability of this local law to a given land may apply in writing to the Town Board for a written jurisdictional determination.

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79-28. Effect on Existing Uses.

This law does not apply to uses and structures which are lawfully in existence as of the date this local law becomes effective. Any use which would otherwise be subject to this law, that has been discontinued for a period of two years or more shall be subject to review pursuant to the terms of this law before such use is resumed. Any use or structure shall be considered to be in existence provided the same has been substantially commenced as of the effective date of this local law and fully constructed and completed within one year from the effective date of this local law and fully constructed and completed within one year from the effective date of this local law.

79-29. Relationship of this Law to other Laws and Regulations.

This local law in no way affects the provisions or requirements of any other federal, state, or local law or regulations. Where this local law is in conflict with any other such law or regulation, the more restrictive shall apply. It is not the intent of this law to supersede the local regulations set forth in section 79-18.4 of this chapter.

79-30. Procedure.

Prior to undertaking any new land use activity except for uses specifically excepted in section 79-27(A)(1) of this local law, a site plan approval by the Town Board is required. Applicants for site plan approval should follow the recommended procedures related to the sketch plan conference as hereinafter set forth. Applicants must comply with all other procedures and requirements of this local law.

- A. Sketch Plan. A sketch plan conference shall be held between the Planning Board and applicant to review the basic site design concept and to determine the information to be submitted with the site plan prior to the preparation and submission of a formal site plan. The Planning Board will review the basic site design concept, advise the applicant as to potential problems and concerns and to generally determine the information to be required on the site plan. In order to accomplish these objectives, the applicant shall provide the following:
 1. A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation, and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations;
 2. An area map showing the parcel under consideration for site plan review, and all properties, subdivisions, streets, rights-of-way, easements and other pertinent features within 200 feet of the boundaries of the parcel; and
 3. A topographic or contour map of adequate scale and detail to show site topography.
- B. The Planning Board shall provide the applicant with comments on the sketch plan within 60 days of the sketch plan conference.

79-31. Application for site plan approval.

An application for site plan approval shall be made in writing to the Code Enforcement Officer, with the chairman of the Planning Board copied and shall be accompanied by information drawn from the following checklist. The Planning Board may require additional information, if necessary, to complete its review.

- A. Plan checklist for all site plans (prepared by New York State registered architect, engineer or surveyor):
 1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing.
 2. North arrow, scale and date;
 3. Boundaries of the property plotted to scale;

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4. Existing buildings;
5. Existing watercourses and bodies of water;
6. Location of any slopes 5% or greater;
7. Grading and drainage plan, showing existing and proposed contours, rock outcrops, depth to bed rock, and soil characteristics;
8. Location, design, type of construction, proposed use, and exterior dimensions of all buildings;
9. Location, design and type of construction of all parking and truck loading areas, showing access and egress;
10. Location of outdoor storage, if any;
11. Provision for pedestrian access;
12. Location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences;
13. Description of the method of sewage disposal and location, design and construction materials of such facilities;
14. Description of the method of securing public water and location, design and construction materials of such facilities;
15. Location of fire and other emergency zones, including the location of fire hydrants;
16. Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
17. Identification of water source; if well, locate on drawing;
18. Location, size and design and type of construction of all proposed signs;
19. Location and proposed development of all buffer areas, including existing vegetation cover;
20. Location and design of outdoor lighting facilities;
21. Identification of the location and amount of building area proposed for retail sales or similar commercial activity;
22. General landscaping plan and planting schedule;
23. An estimated project construction schedule;
24. Record of application for and approval status of all necessary permits from state and county officials;
25. Identification of any state or county permits required for the project's execution;

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- 26. SEQR documents
- 27. Copy of property deed and a listing of all deed restrictions; and
- 28. Other elements integral to the proposed development as considered necessary by the planning board.
- B. Where it is deemed appropriate, the Town Planning Board may waive any of the administrative requirements of this article based on its findings as set forth in the public record on said application.

79-32. Public Hearing and Approvals.

- A. Within 31 days after receipt of the completed application, the Planning Board shall review the application, site plan, and supporting data, and shall make a written recommendation to the Town Board of approval, approval with conditions, or disapproval of the site plan.
- B. The failure of the Planning Board to make a recommendation within 31 days following the receipt of a complete application or such longer period as may be agreed to by the applicant, shall be deemed a recommendation for the approval of the development plan as submitted. The Planning Board may, at its sole discretion, hold a public hearing within its time frame to provide a recommendation.
- C. Public Hearing. Within 31 days following receipt by the Town Board of the report of the Planning Board, or its failure to act as above provided, the Town Board may conduct a public hearing. Such hearing shall be advertised in the Town's official newspaper, or if there is none, in a newspaper of general circulation in the Town of Malone at least ten (10) days before the public hearing.
- D. Public Notice. If the Town Board and/or the Planning Board determines that a public hearing shall be held, all property owners within ½ mile of the subject property as measured from the boundary line of the property involved in either direction shall be notified, in writing, at least ten days prior to the public hearing.
- E. Town Board Decision. Within 62 days after the public hearing, if one is held, or 62 days after the receipt of the Planning Board's recommendation if no hearing is held, the Town Board shall render a decision to approve, approve with conditions, or deny the site plan, and shall forward the decision to the Code Enforcement Officer, file said decision with the town clerk, and mail such decision to the applicant. Any extension of this sixty-two-day period may be granted upon consent of both the applicant and the Town Board. If the Town Board fails to act within the sixty-two-day period or the extension period that has been granted, the site plan shall be considered denied.
- 1. Upon approval of the site plan and payment by the applicant of all fees and reimbursable costs due to the town, the Town Board shall endorse its approval on a copy of the final site plan and shall forward a copy to the applicant, code enforcement officer, and file same with the town clerk.
- 2. Upon disapproval of a site plan, the Town Board shall inform the code enforcement officer and the code enforcement officer shall deny a zoning permit to the applicant. The Town Board shall also notify the applicant in writing of its decision and its reasons for disapproval. Such disapproval shall be filed with the town clerk. A copy of the minutes may suffice for this notice.
- 3. The Town Board may conditionally approve the final site plan. If the Town Board conditionally approves the site plan, the site plan initially submitted shall be considered to

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be the preliminary site plan, and the applicant may prepare his final detailed site plan and submit it to the Town Board for approval. If more than six months have elapsed between the time of the Town Board's report on the preliminary site plan and the submission of the final site plan, and if the Town Boards finds that conditions have changed significantly in the interim, the Town Board may require a resubmission of the preliminary site plan for further review and possible revision prior to accepting the proposed final site plan for review.

79-33. Review of Site Plan.

- A. The Town Board's review of the site plan shall include, as appropriate, but is not limited to, the following general considerations:
 1. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
 2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls. This includes the maximum feasible redesign of private roads to conform to existing public access and rights-of-way.
 3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
 4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 5. Adequacy of stormwater and drainage facilities.
 6. Adequacy of water supply and sewage disposal facilities.
 7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 8. In the case of an apartment complex or other multiple dwelling, the adequacy of useable open space for play areas and informal recreation.
 9. Protection of adjacent or neighboring properties against noise, glare, odor, dust, unsightliness, or other objectionable features.
 10. Adequacy of on-site refuse storage, including appropriate screening and rodent control measures.
 11. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 12. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding, and/or erosion.
 13. Overall impact on the neighborhood including compatibility of design consideration.
- B. Consultant Review. The Planning Board and/or Town Board may consult with the Town Code Enforcement Officer, highway department, County Planning Agency, and other local county officials, in addition to representatives of federal and state agencies, including, but not limited to, the Soil and Water Conservation District, the State Department of Transportation and the State Department of Environmental Conservation.
- C. Required Fee: An application for site plan review shall be accompanied by a fee amount that is set from time to time by Town Board resolution.
- D. Reimbursable Costs. Costs incurred by the Town for outside consultant fees or other expenses in connection with the review of a proposed site plan may be charged to the applicant. The Town Board has the discretion to require an applicant to pay anticipated fess and costs into escrow, held by the Town, by resolution. Any unused funds paid into escrow shall be returned to the applicant upon final determination of the application, or withdrawal of the application.

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79-34. Application for Final Detailed Site Plan Approval.

A. The final detailed site plan shall conform substantially to the preliminary site plan that has received conditional (preliminary) site plan approval. It shall incorporate any revisions or other features that may have been recommended by the Town Board. All such compliances shall be clearly indicated by the applicant on the appropriate submission.

79-35. Action on Detailed Final Site Plan Application.

- A. Within 62 days of the receipt of a complete application for final site plan approval, the Town Board shall render a decision to the applicant and the code enforcement officer.
- B. Upon approval, an application for final site plan approval by the Town Board shall endorse its approval on a copy of the final site plan and shall forward a copy to the applicant, code enforcement officer, and file same with the town clerk.
- C. Upon disapproval of a final site plan, the Town Board shall so inform the code enforcement officer and the code enforcement officer shall deny a zoning permit to the applicant. The Town Board shall also notify the applicant in writing of its decision and its reasons for disapproval. Such disapproval shall be filed with the town clerk. A copy of the minutes may suffice for this notice.

79-36. Supplemental Regulations Pertaining to Site Plan Approval.

- A. Expiration of site plan approval. Such site plan approval shall automatically terminate one year after the same if granted unless significant work has been done on the project. The Town Board may authorize one or more extensions for additional one-year periods.
- B. Inspection of Improvements. The code enforcement officer shall be responsible for the overall inspection of site improvements including coordination with the Planning Board and Town Board and other agencies, as appropriate.
- C. Performance Guarantee.
 - 1. No zoning permit shall be issued until all improvements shown on the site plan are installed or a sufficient performance guarantee, approved by the Town Board, has been posted for improvements. The sufficiency of such performance guarantee shall be determined by the Town Board after consultation with the Code Enforcement Officer, Planning Board and Town Attorney.
 - 2. The Town Board shall have the option of requiring a performance bond or other financial guarantee in an amount sufficient to restore property to its original condition if the applicant fails to comply with the conditions of the site plan approval.
 - D. Revisions. No property shall be utilized in a manner different than in an approved site plan unless a revised site plan has been approved, even if the revised use, by itself, represents a use not requiring site plan approval.

79-37. Appeal of Decision.

Any person aggrieved by any decision of the Town Board or any officer, department, board or bureau of the town, may apply to the supreme court for a review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within thirty (30) days after the filing of a decision in the office of the town clerk.

79-38. Enforcement.

Any person, corporation, partnership, association of other legal entity who shall violate any of the provisions of this local law, or any conditions imposed by a permit pursuant hereto shall be guilty of an offense and subject to a fine of not more than two hundred fifty dollars (\$250) or by penalty of two hundred fifty dollars (\$250) to be recovered by the Town in a civil action. Every person or entity shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect, or refusal shall continue.

79-39. Severability.

The provisions of this local law are severable. If any article, section, paragraph or provision of this local law shall be invalid, such invalidity shall apply only to the article, section, paragraph or provision(s) adjudged invalid, and the rest of this local law shall remain valid and effective.

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RESOLUTION 187-2023- Full Environmental Assessment Form

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

ADOPTED Ayes 3 Stewart, Johnston, Walbridge

Nays 0

WHEREAS, on June 28, 2023, the Town Board of the Town of Malone introduced a proposed local law entitled “Local Law 2 of 2023 Site Plan Review,” and

WHEREAS, adoption of the proposed local law would involve site plan review and approval for all new land use activities, and

NOW THEREFORE, the Town Board of the Town of Malone hereby declares itself lead agency for purposes of SEQRA review.

AND THEREFORE, the Town Board of the Town of Malone finds that the adoption of the current version of the proposed local law entitled “Local Law 2 of 2023 Site Plan Review,” would qualify as a Type I action under SEQRA because it would involve a change in allowable uses within at least one district affecting 25 or more acres of the district under 6 NYCRR 617.4(b)(2).

AND THEREFORE, the Town Board of the Town of Malone further resolves that the proposed action is classified as a Type I Action under SEQRA.

AND THEREFORE, the Town Board of the Town of Malone will continue its SEQRA review of the proposed local law by preparing a Full Environmental Assessment Form.

AND THEREFORE, the Town Board of the Town of Malone will review any relevant submissions and comments related to the proposed local law in order to make a determination of environmental significance under SEQRA.

AND THEREFORE, the Town Board of the Town of Malone further resolves to conduct a public hearing on the proposed local law on August 2, 2023, at 6:00 PM at Town Hall, 27 Airport Road, Malone, New York and directs the Town Clerk to provide notice of the same.

AND THEREFORE, the Town Clerk of the Town of Malone is hereby directed to enter this resolution into the minutes of this meeting.

RESOLUTION 188-2023- Referral to Franklin County Planning Agency

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

ADOPTED Ayes Stewart, Walbridge, Johnston

Nays 0

WHEREAS, the Town Board of the Town of Malone has introduced a proposed local law entitled “Local Law 2 of 2023 Site Plan Review,” to amend the current town code, and

WHEREAS, on June 28, 2023, the Town Board of the Town of Malone declared itself lead agency for purposes of SEQRA review of the proposed action and completed Part 1 of the Full Environmental Assessment Form, and

WHEREAS, the Town Board of the Town of Malone is required to refer any adoption or amendment of a zoning ordinance or local law to the County Planning Agency pursuant to GML 239-m.

NOW, THEREFORE, Town Board of the Town of Malone hereby refers the proposed local law entitled “Local Law 2 of 2023 Site Plan Review,” to the Franklin County Planning Agency for a report and recommendation thereon, a copy of which is attached hereto and made a part thereof, and the Town Clerk is hereby directed to enter said proposed local law into the minutes of this meeting.

AND IT IS FURTHER RESOLVED, that the Town Clerk is directed to transmit a copy of this resolution and the completed portions of the Full Environmental Assessment Form Part 1 to the Franklin County Planning Agency.

AND IT IS FURTHER RESOLVED, that failure of the Franklin County Planning Agency to provide said report and recommendation to the Town Board within thirty (30) days after receipt of the referral by the Town Planning Board shall be deemed approval of the proposed local law.

Auctions International:

Superintendent Andrews states on the 8 items we counteroffered they were denied. About 80% of the items have been picked up, we should get a total amount later this week or next week. The items we didn't sell will go back out on the next auction.

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Airport Meeting with Passero Associates:

Supervisor Stewart states they had a meeting yesterday with the airport manager, Denice, the engineers and an intern. We went over the airport improvement plans and upcoming projects that we initially had on our 5-year plan and keep our money where it needed to be. We discussed getting state grants in the future. Bruce the airport manager showed them around and showed them the height of the fence on 2-3 about how it goes down into a hole and has drainage. Discussed putting reflecting balls on top of the fence for safety. Stewart states getting a design grant for the fence as well for the drainage and construction next year potentially for both.

SUPERVISORS REPORTS:

Supervisor Stewart states late this afternoon she received an e-mail request from the village engineer from dank asking for a letter of support for a grant application, they are looking to get federal funding for wastewater discharge and updating their plant and would like to submit a letter on behalf of the Town, as long as the Board approves.

RESOLUTION 189-2023 – Letter of Support to Village of Malone

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

ADOPTED Ayes 3 Stewart, Walbridge, Johnston

Nays 0

Approved to allow the Supervisor to submit and send out a letter of support to the Village.

RESOLUTION 190-2023- Special Event Permit Application

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

ADOPTED Ayes 3 Stewart, Walbridge, Johnston

Nays 0

Approved to allow Supervisor Stewart to sign the Permit Application as long as the proper documentation is received.

RESOLUTION 191-2023- Board Motion

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

ADOPTED Ayes 3 Stewart, Walbridge, Johnston

Nays 0

Approved to authorize capital expenditure of \$11,750.00 for project #MA-21-01

RESOLUTION 192-2023- Board Motion

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

ADOPTED Ayes 3 Stewart, Johnston, Walbridge

Nays 0

Approved to authorize capital expenditure of \$18,090.00 for project #MA-21-08

RESOLUTION 193-2023- Intermunicipal Cooperation Agreement

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

ADOPTED Ayes 3 Stewart, Walbridge, Johnston

Nays 0

Approval for Supervisor Stewart to sign off on the Intermunicipal Cooperation Agreement with Malone Central School District

Update on FEMA Flood Mapping Process:

Supervisor Stewart states she went to a meeting relating to the FEMA Flood Mapping Process that has been going on sense 2019. It was all about formulas and the amount of water they come up with in the streams, lakes and rivers in Franklin County that are prone to flooding. They plan on getting digital flood maps.

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The maps on Malone are from the late 70's mid 80's and some towns maps are non-existent. There is an overlay that Franklin County Soil and Water will put on top of the GIS system that we have for properties to try and get a better idea of exactly what the flood plain area is. The digital flood maps will be a huge help to the code office, people getting mortgages who need certificates stating if they need flood insurance or not.

BOARD MEMBER/COMMITTEE ITEMS:

Councilor Johnston states he has a meeting tomorrow June 29 at 6PM with Malone Minor Hockey at the village office. A lot of people still come out and support the baseball team with all this rain. I've heard a lot of great feedback and great things from people. Very proud of everything with the Town, Mike and his employees very making this possible. Two Players moved up into a frontier league. They form great relationships with the people in this town, and we hate to see them go, but this is what it is all about them getting to move on. It gives opportunities for more players to come in and create their relationship with the town. All I hope for is success. Councilor Walbridge states they are meeting with all the players at 4:20 before the game and doing player profiles on Wild Country. A couple of players don't speak English so I couldn't get them on, all they could do was smile and nod their head. It was great to meet all the players and see their faces because none of them had ever been interviewed before. We are going to cover Billy Jones night on July 6th, Founders night July 11th, the regular last home game of the season and play offs. We have 63 events set up for this summer and have already started. I had a meeting with Kim Kiser, Matt Maneely, Myself and Kelly Tavernia. Councilor Walbridge stated Kim is unbelievable as a general manager, gives such motivation and is very creative. I am very proud of Malone, Franklin County, the community, Jodi, people part of the committee and getting this all going. It is great seeing these kids when they are there, trying to get autographs, playing catch with the players, running out on the field, it is such a family event. It is heartwarming.

Superintendent of Highway Reports:

Superintendent Andrews stated Wednesday the Western Star truck that we ordered in January 2022 arrived. I, Denise, and Mark Lamondie went over the truck, went through the truck, got through the spec sheets and accepted the truck, while the rest of the crew was black topping. Blacktopping is done, we just finished the River Road quarter after 5 today. All blacktopping on 284 is done. Id like to thank Town of Bellmont, Town of Dickinson, and the Village DPW. The three municipalities helped us significantly with the shared services. Yesterday our paver broke down, got a mile left to go. I called Ed Adams at the county to tell him what was going on. He asked where I was, I told him, and he said he would have me a paver there in 10 minutes. I'd like to thank him and also the Franklin County Highway Department for bringing us that paver. Sense I've been working here this is the first time we have hired blacktopping companies and Taylor Collins and the company are complete professionals, unbelievable to deal with, they are amazing. I had a very good experience with them. We got done 8 miles in 13 days and I want to say good job by my highway crew. The hauling from them saved us a lot of time. I know the residents were the greatest fans of closing the roads, but the paving crew said it was so much safer, they don't have to worry about cars coming up behind them. In previous years we have had employees get hit by traffic going by the paver. Everyone seemed to be very happy where we paved. Next week we will start on the shoulders starting on Wheeler Road. Mark Believes that the lift pump which is \$1,700 is what is wrong with the paver. We decided not to order the part due to the fact the county gave us their paver, so it wasn't a rush to order this part. The mechanics are going to go through it tomorrow again to make sure 100% that it is what's wrong.

CORRESPONDENCE:

From FFA: Aeronautical study concerning Wind Turbine 57B.

Airport Manager Bruce Burditt spoke on this and thanked Supervisor Andy and Deputy Town Supervisor and Abby Monica for their help on getting the proper paperwork and maps. I spent the weekend in front of google maps plotting points for Franklin County. This project is calling out for 96 wind towers. It is going from Malone-Burke town line to the Canadian Border in Churubusco, it shows that on the map. We have so many towers we don't need more. On the GSI page there are 12 spelled out on page 7. They are encroaching on air space upwards to 337 feet.

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They are encroaching on air space upwards to 337 feet. The original set that was put out in Chateauguy is 400 feet high, the second batch that is more towards Churubusco those are 500 feet high, and the newly proposed ones are 700 feet high. Turbines will increase take off minimums and obstacle departures procedure, the runway 1-4 at Malone. We already have an obstacle right there and lost 400 feet of our runway, we can't lose any more of this airspace for departures and takeoffs. It also affects runway 5 takeoff minimums and obstacle procedures; it changes that also. I sent in a request to not do this project but when I spoke to a man from the FFA he said we need to spell out the 12 towers for air space. The 12 towers are spelled out on the map, you can see how close they are to the airport. One of these towers, number 856, is in the Town of Malone, on the Donohue Road. I talked to the guy, the website is atrocious to try and make a public comment. I made a statement and printed it out if anyone would like to use what I said. I am asking the board, employees, highway department and spouses to please submit a public comment which is due July 17th. We passed this information along to Steph Stefanik, Billy Jones and the Mayor Andrea Dumas. I will help anybody with the website, as it is not the easiest to navigate. They want the public comments all electronically. We have to stop this project, or we are going to lose even more air space. It is a departure obstruction; we would have to have a steeper intact for the climb out and this is the same as an approach or back up. Instead of using a standard rate of climb you got to increase your rate of climb, but when you increase the rate, it slows the plane down and puts less air over the wings which could cause a stall, a complete wing failure and drop on average 1,000 feet before you can recover from that stall, having to climb at such a higher rate is making it that much harder on the pilots. It is the same as landing you don't want to come in and land like a bomb, when you change the tactic on the wings the plane is going to dive bomb and end up in a death spiral. It is a lot more dangerous on the departure and the approach. All the runways are affected by the wind towers and adding more would make it dangerous for aircraft. It is more than just Malone-Dufort Airport that is affected by this, which is why we need to stop this. Councilor Johnson states it is not just recreational aircraft that is affected by this it is also emergency aircraft, charter flights, businessmen who fly in as well. We really need to do something about this because it is affecting us in a bad way and could hurt this county if we can't use our airport correctly. Budget Officer Hudson asks if there was any way they could correspond to this situation because it is a severe safety issue, and we should some way put it up on our webpage and get the word out to people.

From Friends of the North Country: NYS Office of Community Renewal 2021 Housing Rehabilitation Grant 589HR305-21 Update.

From Liberty Utilities: Adjustment of Rates to Enhance Service to Customers.

From Franklin County Solid Waste: Notice of Intent to Establish Lead Agency for Lake Clear and Malone transfer Station Improvement Projects. Request Town of Malone agree to Solid Waste acting as Lead Agency.

RESOLUTION 194-2023—County of Franklin Lake Clear and Malone Transfer Station

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

ADOPTED Ayes- 3 Stewart, Walbridge, Johnston

Nays 0

Allow Franklin County to Establish Lead Agency for Lake Clear and Malone.

NEW BUSINESS:

Marriage Officiant License: Deputy Town Clerk Monica spoke about how the new Marriage Officiant License works. It will be posted on the Town of Malone Webpage.

RESOLUTION 195-2023- Board Motion

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

ADOPTED Ayes 3 Stewart, Johnston, Walbridge

Nays 0

TOWN OF MALONE
REGULAR MEETING

June 28, 2023

Permission for the Budget Officer to make the following Journal Entries to accommodate Payroll decisions made at Budget Time: from A1330.1 Tax Receiver Personal Services to A1410.1 Town Clerk Personal Services for \$25,040.00 from A1460.1 Records Management Personal Services to A1410.1 Town Clerk Personal Services for \$1,100.00 and from A1220.0 Supervisor Personal Services to A1410.1 Town Clerk Personal Services for \$3,000.00.

RESOLUTION 196-2023- Board Motion

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

ADOPTED Ayes 3 Stewart, Johnston, Walbridge

Nays 0

Permission for Budget Officer to make the following Journal Entries to accommodate Payroll decisions made at Budget Time from B3620.1 Safety Inspection Personal Services to B8010.1 Zoning Personal Services \$30,660.00.

BILLS FOR AUDIT & PAYMENT:

Batch No. 1195

Voucher Nos. 519-389, 540-548, 550-553

<i>General Fund (A)</i>	\$ 7,887.80
<i>Part Town General Fund (B)</i>	1,739.21
<i>Highway Outside (DB)</i>	54,186.77
<i>East Side Water Fund (FE)</i>	3,229.50
<i>West Side Water Fund (FW)</i>	3,229.50
<i>Trust & Agency (T)</i>	615.70
<i>Airport Capital Project Fund (H4)</i>	32,752.99
<i>Landfill Capital Reserve (H5)</i>	6,000.00
<i>Consolidated Highway Improvement (H3)</i>	245,531.56
<i>GRAND TOTAL</i>	<i>\$360,173.03</i>

Public Speaker:

Mr. Bobby Blassingame stated to the board he was happy to be here. He started doing community work when he found out we had no community leaders. He stated he went to the Board of Elections Saturday and stated he would love to be a leader for the community. He wants to start having community meetings at The Red Roof Inn and anyone is welcome. Blassingame states we had a beautiful Juneteenth here at the Parks and Recreation and he was happy to be part of it. He states he is going to keep up with our meetings the best he can, he appreciates everything Supervisor Stewart does and continues to do. Told our board if we need any help with anything for the town he'd love to help. Blassingame gave the board members and the residents his card.

RESOLUTION 197-2023 Adjourn

Resolved to adjourn regular meeting at 7:05 P.M on June 28th, 2023.

The next Regular Board Meeting will be July 12, 2023, at 6:00 P.M. at 27 Airport Rd. Malone, NY 12953.

RESPECTFULLY SUBMITTED,


Abby Monica, Deputy Town Clerk