

TOWN OF MALONE
REGULAR MEETING
March 08, 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 8th day of March 2023 at 6:00 p.m.

PRESENT:

Andrea Stewart, Supervisor
Terrance Maguire, Deputy Supervisor
Jody Johnston, Councilor
Brian Taylor, Councilor
Paul Walbridge, Councilor
Denice Hudson, Budget Officer
Nicole Guerin, Town Clerk
Michael Andrews, Highway Superintendent
John Manley, Deputy Highway Superintendent
Michael McMahon, Code Officer
Alex Violo, Malone Telegram
Bruce Burditt, Airport Manager
Emilee Brand, Resident

Supervisor Stewart called the Regular Meeting to order with the Pledge of Allegiance.

MINUTES: For review and approval

RESOLUTION 67-2023 - Minutes

Upon motion by Councilor Johnston, second by Councilor Taylor the following resolution was ADOPTED Ayes 4 Stewart, Johnston, Taylor, Walbridge

Nays 0

Resolved to approve the following minutes:

February 22, 2023 - Regular Board Meeting Minutes

Reports:

RESOLUTION 68-2023 - Reports

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

Nays 0

Resolved to approve the following reports:

Justice Fisher - February 2023

Airport Manager – February 2023

Airport Lease Manger – February 2023

Code Officer – February 2023

Town Clerk – February 2023

SUPERVISORS REPORTS:

RESOLUTION 69-2023 – Retirement Notification

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

Nays 0

Accepts the resignation of Robert Hammond with an end date of 3/24/2023 @ 3:30 PM with regret and the board wishes him well.

RESOLUTION 70-2023 -MCF Physicals

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

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

Permission for Supervisor Stewart to sign the following physicals for MCF Mark Trede, Scott Fairchild, Michael Dias, E. Phillip Delarm Jr. and add them to the Franklin County Self Insurance plan.

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RESOLUTION 71-2023 – Denise McClain/Part-Time Court Clerk

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

was

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

Nays 0

To change the hiring status of Denise McClain from Independent Contractor to Part-Time Court Clerk at the same rate of pay effective March1, 2023.

RESOLUTION 72 -2023 -Variance Secretary

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

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

Nays 0

Appointing Nicole Guerin as Secretary to Variance Board.

RESOLUTION 73-2023 – Local Law #1 2023

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

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

Nays 0

Resolved to approve the following resolution:

**TOWN OF MALONE TOWN BOARD RESOLUTION
TO INTRODUCE LOCAL LAW #1 OF 2023 OF THE
TOWN OF MALONE, NEW YORK IMPOSING A MORATORIUM ON
INSTALLATION OF RENEWABLE NATURAL GAS SYSTEMS**

WHEREAS, the Town Board of the Town of Malone recognizes the growing potential for renewable natural gas system proposals in the Town of Malone, 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 farmland and agricultural economy and culture.
- B. To protect and promote scenic and environmental resources by minimizing the impact of Renewable Natural Gas Systems on Malone’s scenic and environmental resources.
- C. To take advantage of renewable energy resources in a way that is consistent with the nature and character of the Town, and

WHEREAS, a moratorium on such projects may be necessary to allow time for amendment of the Town of Malone’s current zoning ordinance to allow for the use of Renewable Natural Gas Systems while meeting the objectives of the Town and its residents, and

WHEREAS, consideration is warranted of a proposed local law to enact a moratorium on the construction and installation of Renewable Natural Gas Systems in the Town of Malone in order for the Town to establish a plan for well-sited Renewable Natural Gas projects in order to 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

WHEREAS, the Town Board of the Town of Malone hereby introduces the proposed “Local Law #1 of 2023 Imposing a Moratorium on the Construction and Installation of Renewable Natural Gas Systems and their Components,” 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.

**Local Law #1 of 2023 of the Town of Malone, New
York Imposing a Moratorium on Installation of
Renewable Natural Gas Systems**

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Be It Hereby Enacted By The Town Board Of The Town of Malone, New York As

Follows:

Section 1. Title

This Local Law shall be referred to as a “Local Law Imposing a Moratorium on the Construction and Installation of Renewable Natural Gas Systems and their Components”.

Section 2. Purpose, Intent and Enactment of Moratorium

Pursuant to the statutory powers vested in the Town of Malone to regulate and control land use in order to protect the health, safety and welfare of its residents, the Town Board of the Town of Malone hereby declares a twelve (12) month moratorium on the acceptance of applications for Building Permits for Renewable Natural Gas Systems, and hereby amends the Code of the Town of Malone to provide for such moratorium.

Whereas, the Town of Malone is a community with abundant agricultural land desirable to persons or entities seeking to develop renewable natural gas systems; and

Whereas, the Town of Malone’s agricultural economy and the market for renewable energy continue to evolve. It is necessary from time to time to modify Town regulations to better suit current economic conditions and community needs to insure both the Town economy and residents’ quality of life are maintained and enhanced; and

Whereas, the zones in which the issuance of such building permits may be too numerous so that the ability of the Town of Malone to protect the health, safety and welfare of its residents is adversely affected; and

Whereas, the Town of Malone intends to adopt a comprehensive zoning regulation concerning the location and permitting of Renewable Natural Gas Systems within the Town of Malone and wishes time to draft and adopt said regulations; and

Now, for the foregoing reasons the Board of Trustees of the Town of Malone hereby enacts a 12 month Moratorium on the acceptance of applications building permits for Renewable Natural Gas Systems, and hereby amends the Code of the Town of Malone to provide for such moratorium

Section 3. Scope of Controls

During the effective period of this Local Law, the Code Enforcement Officer shall not issue any new building permits for Renewable Natural Gas Systems.

Section 4. Term

The moratorium imposed by this Local Law shall be in effect for a period of twelve (12) months from the effective date of this Local Law.

The Board of the Town of Malone may, by additional Local Law, extend the moratorium period for a period not to exceed six (6) months or, alternatively, terminate said moratorium prior to its expiration.

Section 5. Validity

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 6. Effective Date

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This Local Law shall take effect immediately upon its adoption by the Town Board of the Town of Malone and the filing thereof with the New York Secretary of State.

RESOLUTION 74-2023

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

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

Resolved to approve the following:

**TOWN OF MALONE TOWN BOARD RESOLUTION
TO REFER THE TOWN OF MALONE
PROPOSED LOCAL LAW ENTITLED
LOCAL LAW #1 OF 2023 IMPOSING A MORATORIUM ON
INSTALLATION OF RENEWABLE NATURAL GAS SYSTEMS
TO THE MALONE PLANNING BOARD FOR A REPORT
AND RECOMMENDATION THEREON**

WHEREAS, the Town Board of the Town of Malone has introduced a proposed local law entitled “Local Law #1 of 2023 Imposing a Moratorium on the Construction and Installation of Renewable Natural Gas Systems and their Components,” to amend the current town code, and

WHEREAS, the Town Board of the Town of Malone finds it in the best interest of the Town to refer the proposed local law to the Planning Board for a report and recommendation there,

NOW, THEREFORE, Town Board of the Town of Malone hereby refers the proposed local law entitled “Local Law #1 of 2023 Imposing a Moratorium on the Construction and Installation of Renewable Natural Gas Systems and their Components,” to the Town of Malone Planning Board 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 to the Town of Malone Planning Board.

AND IT IS FURTHER RESOLVED, that the Town of Malone Planning Board is directed to prepare and transmit a report and recommendation on the proposed local law to the Town Board within thirty (30) days after receiving said referral.

AND IT IS FURTHER RESOLVED, that failure of the Town of Malone Planning Board 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.

RESOLUTION 75-2023

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

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

**TOWN OF MALONE TOWN BOARD RESOLUTION
THAT ENACTMENT OF THE PROPOSED LOCAL LAW ENTITLED
LOCAL LAW #1 OF 2023 IMPOSING A MORATORIUM ON
INSTALLATION OF RENEWABLE NATURAL GAS SYSTEMS
IS SUBJECT TO SEORA AND CLASSIFYING CONSIDERATION OF THE
PROPOSED LOCAL LAW AS A TYPE I ACTION UNDER SEORA**

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WHEREAS, on March 8th 2023 the Town Board of the Town of Malone introduced a proposed local law entitled “Local Law #1 of 2023 Imposing a Moratorium on the Construction and Installation of Renewable Natural Gas Systems and their Components,” and

WHEREAS, adoption of the proposed local law would involve a change in allowable uses within at least one district affecting 25 or more acres of the district, 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 #1 of 2023 Imposing a Moratorium on the Construction and Installation of Renewable Natural Gas Systems and their Components,” 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 review 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 April 19th, 2023, at 6:00 PM at the 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 76-2023

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

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

**TOWN OF MALONE TOWN BOARD RESOLUTION
TO REFER THE TOWN OF MALONE PROPOSED LOCAL LAW ENTITLED
LOCAL LAW #1 OF 2023 IMPOSING A MORATORIUM ON
INSTALLATION OF RENEWABLE NATURAL GAS SYSTEMS
TO THE FRANKLIN COUNTY PLANNING AGENCY PURSUANT TO GML 239-M**

WHEREAS, the Town Board of the Town of Malone has introduced a proposed local law entitled “Local Law #1 of 2023 Imposing a Moratorium on the Construction and Installation of Renewable Natural Gas Systems and their Components,” to amend the current town code, and

WHEREAS, on March 8, 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.

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NOW, THEREFORE, Town Board of the Town of Malone hereby refers the proposed local law entitled “**Local Law #1 of 2023 Imposing a Moratorium on the Construction and Installation of Renewable Natural Gas Systems and their Components,**” 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.

RESOLUTION 77-2023 -2022 Annual Monitoring Report for Landfill

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

Nays 0

Approved to accept 2022 Landfill report and be submitted to the DEC.

SUPERINTENDENT OF HIGHWAY REPORTS:

Mechanic Position vacancy with Retirement of Robert Hammond- “Will be hard to replace” Superintendent Andrews is requesting the Town Board to promote Neil Beaney in house to the full-time mechanic position upon Robert Hammond’s Retirement beginning 3/27/2023.

RESOLUTION 78-2023

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

Nays 0

Resolved to Promote Neil Beaney to the Full-Time Mechanic position starting March 27, 2023.

Motor Equipment Operator-

RESOLUTION 79-2023

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

Nays 0

Resolved to advertise for the MEO position on the Town website, social media, Telegram and the Town Office Public Board.

Seasonal Laborer-

RESOLUTION 80-2023

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

Nays 0

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

Nays 0

Resolved to advertise for the Seasonal Laborer position on the Town website, social media, Telegram and the Town Office public board.

Hauling and Paving Material Bid 2023 Season

RESOLUTION 81-2023

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

Nays 0

Resolved to post for Hauling and Paving material bids on Social media, Telegram, website and white board. Sealed bids will be accepted at the Town Office 27 Airport Rd Malone during

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normal business hours until 10:00 AM March 22, 2023, at which time they will be opened and real aloud.

Sand and Gravel Bid 2023

RESOLUTION 82-2023

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

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

Nays 0

Resolved to post for Sand and Gravel bid on social media, Telegram, Website and the white board. All sealed bids will be accepted starting March 29th, 2023, at the Town Office 27 Airport Rd Malone until opening on April 12th 2023 at 10:00 AM.

Superintendent Andrews also stated when the guys aren't plowing, they are doing all spring maintenance. Getting the equipment ready for spring including loaders, tractors, sweepers, putting new engines on the water tanks.

CORRESPONDENCE:

From NYS Unified Court System: 2022 Court Audit

From Town Clerk Guerin: Request to attend the 41st NYS Town Clerk's Conference in Syracuse April 23-25, 2023, all expenses paid by the Town.

RESOLUTION 83-2023

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

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

Nays 0

Approved to allow Town Clerk Nicole Guerin to attend the NYSTCA Conference on April 23rd-April 25th, 2023, with all expenses paid by the Town of Malone.

From Friends of the North Country: Town received NYS CDBG 2021 Housing Rehab Grant 689HR305-21 update.

Notice of Claim: Scott Phillip Lewis v. Franklin County, NY Town of Malone, and Village of Malone. NYMIR letter of assigned counsel.

Small Claims Court: Hearing James Snyder v. Town of Malone sent to Attorney and Insurance.

Town of Westville: Town of Malone received Westville's Shared Services Resolution.

NEW BUSINESS:

RESOLUTION 84-2023: Journal Entry

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

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

Nays 0

Resolved to give permission for the budget Officer to make the following Journal entry for 2022 Expenditures: From DB5310.1 (Machinery Personal Services) \$32,000.00, DB5130.4 (Machinery Contractual) \$18,000.00 and DB9060.8 \$7,458.11 (Hospital & Medical Insurance) to DB5130.2 (Machinery-Equipment) \$57,458.11.

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Baseball Field/Equipment Materials:

RESOLUTION 85-2023

On a motion by Supervisor Stewart seconded by Deputy Maguire the following resolution was ADOPTED Ayes 4 Stewart, Maguire, Taylor, Walbridge

Nays 0

Resolved to accept quotes for materials and equipment as listed on the specification sheet for the baseball field.

MSD-222 New Position Duties Statement: Temporary Court Clerk

RESOLUTION 86-2023

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

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

Nays 0

Approved to hire a temporary Deputy Court Clerk, if needed in the future.

EXECUTIVE SESSION:

RESOLUTION 87-2023

Supervisor Stewart called for Executive session to discuss 2 personnel matters, litigation, at 6:39 P.M. Including Town Board and Budget Officer

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

Nays 0

Resolved Return to Regular Session at 7:18 P.M. No action taken.

BILLS FOR AUDIT & PAYMENT:

Batch No. 1119,1122

Voucher Nos. 188,189-223,225

<i>General Fund (A)</i>	\$28,471.58
<i>Part Town General Fund (B)</i>	809.22
<i>Highway Townwide (DA)</i>	3,074.60
<i>Highway Outside (DB)</i>	13,438.61
<i>Trust & Agency (T)</i>	2,525.65
<i>Airport Capital Project (H4)</i>	4,966.92
<i>East Side Water (FE)</i>	12,824.43
<i>West Side Water (FW)</i>	36,773.23

Grand Total **\$102,884.24**

RESOLUTION 88-2023

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 89-2023

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

Nays 0

Allowing supervisor to change the regular board meeting date from April 12th to April 19th, 2023. Only One meeting in April.

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RESOLUTION 90-2023

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

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

Nays 0

Resolved to adjourn public board meeting at 7:22 P.M on March 8th, 2023.

ADJOURN:

The next Regular Board Meeting will be March 22nd, 2023 at 6:00 P.M. at 27 Airport Rd. Malone, NY 12953.

RESPECTFULLY SUBMITTED,

NICOLE GUERIN, TOWN CLERK