

TOWN OF MALONE
REGULAR MEETING
May 11, 2022

A 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 11th day of May 2022.

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
Mike Andrews, Highway Superintendent
John Manley, Deputy Highway Superintendent
Alex Violo, Malone Telegram
Bridget Cook, Zoglin Group
Philip Hans, Economic Development & Tourism
Judge June Fisher, Town Justice Court
Chris Stroud, Cipriani Energy via Webex

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

Presentation by Cipriani Energy for Community Solar Project at 176 Bare Hill Road

Chris Stroud from Cipriani Energy stated they are proposing a Community Solar farm on 7 acres of land at 176 Bare Hill Road. It is a 2.0 megawatt ground mounted solar array that would have a life span of 25-35 years. This would service the needs of 200 homes; local community members can sign up and receive a savings of ten percent.

Cipriani has submitted two variances; one is a Use Variance because there are soils of statewide importance involved. The other is an Area Variance because it exceeds the maximum 7000 sq. ft. allowed in the Town's Solar Law. Mr. Stroud stated the objective tonight is to answer questions and start the SEQRA process. He then reviewed the Environmental Assessment form and after some discussion offered to provide a glare study. It was decided to add the FAA to the agencies asked to review the Full Environmental Assessment form and grant the Town lead agency status. The board members reviewed the site map and discussed going forward with the following resolution:

RESOLUTION 125 - 2022 – SEQRA – Community Solar Farm 176 Bare Hill Road

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 approve the following resolution:

**TOWN OF MALONE TOWN BOARD RESOLUTION
THAT THE PROPOSED COMMUNITY SOLAR FARM
TO BE LOCATED AT 176 BARE HILL ROAD
IS SUBJECT TO SEQRA AND CLASSIFYING CONSIDERATION OF THE
PROPOSED ACTION AS A TYPE I ACTION UNDER SEQRA**

WHEREAS, on or about September 3, 2021, Yellow 17, LLC filed an application for a Zoning Permit for the “Malone Solar Project” to be located at 176 Bare Hill Road in the Town of Malone (the “Proposed Action”), and

WHEREAS, as part of its application for a Zoning Permit, the Applicant submitted a Full Environmental Assessment Form dated August 26, 2021, and

WHEREAS, on or about February 11, 2022, Yellow 17, LLC filed a response to a deficiency letter for the Proposed Action with supplemental materials in support of its application, and

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WHEREAS, pursuant to the Town of Malone Solar Law §6(G), the project is classified as a Large-Scale Solar Energy System because it will have a surface area of more than 7,000 sq.ft, and

WHEREAS, the proposed action will also involve forthcoming applications to the Town for a Use Variance, Special Use Permit, and Site Plan Approval, 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 Proposed Action would qualify as a Type I action under SEQRA because as a Large-Scale Solar Energy System requiring a Special Use Permit As a Large-Scale Solar Energy System, it is required to be classified as a Type I action pursuant to the Town of Malone Solar Law §6(H)(4),

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 any relevant submissions and comments related to the proposed action in order to make a determination of environmental significance under SEQRA.

AND THEREFORE, the Town Board of the Town of Malone shall hold a public hearing related to SEQRA review of the proposed Action on June 22, 2022 at 6:00 PM at Malone Town Hall.

AND THEREFORE, the Town Clerk of the Town of Malone is hereby directed to enter this resolution into the minutes of this meeting. In addition, submit the proposed EAF and Public Hearing Notice documents to the interested agencies: DEC, NYSERDA, FAA, SHPO and the Planning Board.

Presentation by Phil Hans - Office of Economic Development & Tourism

Mr. Hans discussed several tourism grant opportunities: Destination Development Program, Destination Co-op Marketing Program, Large and Small, Destination Even Sponsorship Program. He provided a handout with detailed information and he welcomes calls to discuss with anyone interested.

MINUTES:

RESOLUTION 126 - 2022 – Minutes

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

ADOPTED Ayes 4 Maguire, Johnston, Taylor, Walbridge
Nays 0

Resolved to approve the following minutes:

April 27, 2022 – Regular Meeting

**Supervisor Stewart abstained from voting, as she was not present at this meeting.*

RESOLUTION 127 - 2022 – Minutes

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

ADOPTED Ayes 3 Maguire, Johnston, Taylor
Nays 0

Resolved to approve the following minutes:

April 29, 2022 – Special Meeting

**Supervisor Stewart and Councilor Walbridge abstained from voting, as she was not present at this meeting.*

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REPORTS:

RESOLUTION 128 - 2022 – Reports

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 the following reports:

Airport Service Worker – April 2022
Justices Fisher and Main – April 2022
Code Office – April 2022
Town Clerk – April 2022
Budget to Actual – April 2022
Supervisor’s Report – April 2022

OLD BUSINESS:

Sand and Gravel Bid: Superintendent Andrews discussed the Sand and Gravel bid with the board. Supervisor Stewart asked about Item #4 gravel. Superintendent Andrews explained that each plant would produce a different variation of this item. After some discussion, the following resolution was adopted:

RESOLUTION 129 - 2022 – Sand and Gravel Bid

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

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

Resolved to approve the Sand and Gravel bid as presented by Superintendent Andrews with a bid opening date of June 1, 2022 at 10:00 a.m. To be advertised in the Malone Telegram, website, social media and the signboard.

There will be a Special Meeting on June 2, 2022 at 10:00 a.m. to award the bid.

Auctions International: All of the information regarding the surplus items has been sent to Auctions International for posting. They will let Superintendent Andrews know when the auction will start, then it will run for 2 weeks. There was a discussion of holding a Special Meeting to award if necessary. Superintendent Andrews thanked Mark and Cindy from the Highway Department for all of the work that was put in to getting these items ready and listed. Once the items are posted on the Auctions International site a notice will go on social media to let the public know about the auction.

FOIL Response to James Snyder

Airport Lighting & Signage Improvement Bid: The bid opening was held May 10, 2022 at 2:00 p.m. The bid results were as follows:

<u>Bidder</u>	<u>Base Bid</u>	<u>Bid Additive 1</u>	<u>Total</u>
Kobo Utility Construction	\$959,145.00	\$437,860.00	\$1,397,005.00
Baseline King Corp.	\$703,884.00	\$322,749.00	\$1,026,633.00

RESOLUTION 130 - 2022 – Airport Lighting & Signage Improvement Bid Award

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, on the recommendation from our engineers, to accept the bid from Baseline King Corp. in the amount of \$1,026,633.00 for the Airport Signing and Lighting Improvements.

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SUPERVISOR REPORT:

Supervisor Stewart thanked the board and staff for the outstanding job done while she was away.

FY22 Army Corps of Engineers River Inspection: In attendance, there were four representatives from the Army Corp of Engineers, a representative from Billy Jones office, Andrea Dumas who was there in her capacity as Mayor, Legislator and Representative of the office of Dan Stec, an interested town resident, and a representative from Brookfield. From the town, Supervisor Stewart, Deputy Supervisor Maguire, Councilor Taylor and Highway Superintendent Andrews attended. There was no representative from DEC present for the inspection. The inspection went well and the report will be sent to us within 60 days.

RESOLUTION 131 - 2022 – *Malone Golden Age Agreement for 2022*

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 Malone Golden Age Agreement with modifications to Paragraph C.

RESOLUTION 132 - 2022 – *Airport Lighting & Signage Application for Federal Assistance*

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

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

Resolved to give permission for Supervisor Stewart to sign the application for Federal Assistance SF-424 Airport Lighting and Signage Improvements (Construction) totaling \$1,176,186.00.

SUPERINTENDENT OF HIGHWAYS:

-The Highway employees took a vote to go to a 10 hour/4 day a week schedule starting May 30, 2022.

-Work has been done on the Riley Road. Residents are very happy with the progress that is being made on their road.

-Culverts are caught up, sweeping is done.

-284 Agreement: Superintendent Andrews, Deputy Supervisor Maguire and Councilor Johnston did a drive around to look at the roads and came up with 6 roads that they agree will be worked on this year. Superintendent Andrews has concerns about the black top prices increasing; the numbers will have to be monitored closely to be sure we do not go over budget. If any roads cannot be completed this year from this 284 Agreement, they will be first on the list for next year.

The culvert on Webster Street does not need to be replaced. That is why that number is a lot lower than it was in the past. Superintendent Andrews and Deputy Superintendent Manley inspected the culvert and do not see a need to replace it. That is a \$60,000.00 savings from what was anticipated for this road project. Culverts for Teboville Road project are included in the amount on 284 Agreement. Supervisor Stewart commended Superintendent Andrews, the Highway Committee and Budget Officer Hudson for the work and planning that they put in to creating a this 284 Agreement.

RESOLUTION 133 - 2022 – *284 Agreement*

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

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

Resolved to give permission to Supervisor Stewart and board members to sign the 284 Agreement as presented by Superintendent Andrews.

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BOARD MEMBER / COMMITTEE ITEMS:

Councilor Taylor is looking in to having the cemeteries mowed before Memorial Day.

CORRESPONDENCE:

From NYS Department of Transportation and Assemblymen Jones: 2022-2023 Apportionment Balances and Cumulative Rollover Balance. Town of Malone Eligibility totals \$464,311.46 plus \$52,770.00 new POP funding, for a total of \$517,081.46.

The Board thanked Highway Superintendent Andrews and Budget Officer Hudson for their work on getting the information together and submitted to be able to obtain these funds.

From Friends of the North Country: Client Project Status Report

March 2, 2022 Planning Board Minutes: Supervisor Stewart will reach out the Planning Board to let them know the process for better communication.

From Mary Scharf: Resignation from Planning Board.

RESOLUTION 134 - 2022 – Mary Scharf – Resignation from Planning Board

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

Resolved to accept with regret the resignation of Mary Scharf from the Planning Board.

Supervisor Stewart will post on Social Media that there is an opening on the Planning Board for anyone interested.

From Bruce Burditt: Resignation as Airport Service Worker.

RESOLUTION 135 - 2022 – Bruce Burditt – Resignation as Airport Service Worker

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 accept the resignation of Airport Service Worker Bruce Burditt.

RESOLUTION 136 - 2022 – Appoint Bruce Burditt as Airport Manager

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 appoint Bruce Burditt as Airport Manager. To finish out the term through 12/31/2023.

From the Honorable Craig P. Carriero: Order transferring James Snyder claim to Town of Bangor.

From Malone Lodge of Elks: Invitation to Flag Day Ceremony on Sunday, June 12th at 1:00 p.m.

NEW BUSINESS:

RESOLUTION 137 - 2022 – Journal Entry

On a motion of Deputy Supervisor Maguire seconded by Councilor Taylor 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 for Payroll Decisions made at Budget Time from A1460.1 Records Management Personal Services to A1410.1 Town Clerk Personal Services for \$400.00.

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RESOLUTION 138 - 2022 – Cindy Gadway – Part Time Clerk for Highway Dept.

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 appoint Cindy Gadway as Part Time Clerk for the Highway Department at a rate of \$20.50 per hour, effective May 2, 2022.

EXECUTIVE SESSION:

RESOLUTION 139- 2022 – Executive Session

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 go in to Executive Session at 7:20 p.m. to discuss several personnel matters, to include the Board Members, Budget Officer Hudson and Judge Fisher.

**Judge Fisher left the Executive Session at 7:55 p.m.*

**Budget Officer Hudson left the Executive Session at 8:15 p.m.*

RESOLUTION 140- 2022 – Executive Session

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

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

Resolved to return to Regular Session at 8:27 p.m., with no action taken in Executive Session.

Councilor Maguire expressed his disappointment with DEC, as they did not show up for the River Inspection today.

RESOLUTION 141 - 2022 – Bills for Audit and Payment

On a motion of Deputy Supervisor Maguire seconded by Councilor Johnston 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. 914

Voucher Nos. 427-467

<i>General Fund (A)</i>	<i>\$30,046.47</i>
<i>Part Town (B)</i>	<i>2,958.60</i>
<i>Highway Outside (DB)</i>	<i>4,362.15</i>
<i>East Side Water Fund (FE)</i>	<i>3,354.03</i>
<i>West Side Water Fund (FW)</i>	<i>3,229.50</i>
<i>Garage Reserve Fund</i>	<i>3,555.00</i>
<i>Escrow Capital Project</i>	<i>3,035.00</i>
<i>Airport Capital Project</i>	<i>14,372.32</i>
<i>GRAND TOTAL</i>	<i>\$64,913.07</i>

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RESOLUTION 142 - 2021 – Adjourn

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

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

Resolved to adjourn the Regular Meeting at 8:29 p.m. The next Regular Town Board Meeting is scheduled for May 25, 2022 at 6:00 p.m.

RESPECTFULLY SUBMITTED,

JEAN MARLOW, TOWN CLERK