

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, New York on the 24th day of May, 2023 at 6:00 p.m.

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

RECORDING SECRETARY: Denice Hudson, Town Clerk/Budget Officer

ALSO PRESENT: Abby Monica, Deputy Clerk
Highway Superintendent Mike Andrews
Code Officer Michael McMahon
Marc Pepin, Resident
Bruce Burditt, Airport Manager
June Fisher, Town of Malone Justice

CALL TO ORDER: Supervisor Stewart called the meeting to order at 6:00 p.m., with a pledge to the flag.

Supervisor Stewart called for a Moment of Silence for Earl Lavoie. Mr. Lavoie served as Town Supervisor from 1978 through 1982, served at all levels of government and was an active community member.

Marc Pepin, Town of Malone Resident, was invited to speak by Supervisor Andrea Stewart. He read the following statement:

“Thank you all for serving our community as members of this board. I know and respect many of you on personal and professional levels. For those of you who don’t know me, my name is Marc Pepin. I grew up in the village of Malone and have owned and lived either on the Low Road or Webster St. since 1985. I currently live and own a home on the corner of Low Road and Webster.

I am here to ask you to consider closing the Low Road to heavy truck traffic on a permanent basis. I must preface this by saying that I own two such trucks and have in the past used the Low Road for travel. My trucks would be barred from using this access should you decide to take this action.

I understand some major repairs are on the docket for the Low Road this summer. With that expenditure in mind, I believe it is a perfect opportunity to stop the heavy truck traffic from destroying the road in a few short years.

I have witnessed the change from a quiet country road to all-out, non-stop trucking of material from Titus Mountain to areas as far away as Potsdam, Massena, Canton and Ogdensburg.

The average number of heavy truck trips down and up the Low Road is 60-100, or 30-50 round trips five to six days a week. I have personally documented this while spending many complete days at my home. These trucks are legal to weigh between 80,000 and 120,000 pounds fully loaded (40-60 tons). The sub-straight construction and narrow width of the Low Road are contributing factors to the dis-repair the road is in. When these trucks meet on Low Road, many times they must leave the blacktop and drive on the shoulder. This causes the blacktop to crumble.

Mike Andrews can tell you the man-hours and material his men spend on the Low Road and Webster streets regularly.

Village, town and county roads are not built to the same specs as state and interstate roads. The cost to build a road with the Sub-straight material capable of

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handling this volume of heavy trucks is astronomical. The sooner we can get these trucks routed to a state highways, the better off all of our town roads will be.

I have noticed the Meehan Road is signed to limit such truck traffic to local deliveries only. Meehan connects St. Rt's 11 and 11B. The Meehan Road remains in very good condition today, no doubt in part due to this posting.

I understand the Johnson Road is being improved to help accommodate the truck traffic. Closing the Low Road would have minimal effect on the the [sic] trucks travel time and would save the road physically. Not to mention, the safety of all our residents, many who walk, walk with children in strollers, or their dogs.

In your discussions, I trust Mr. Maguire will share his knowledge and experience related to the weight of these trucks and the effect they have on roadways. Thank you for your time and consideration. And again, thank you again for your continued service to our community."

Deputy Supervisor Maguire asked Highway Superintendent Andrews his opinion, and Superintendent Andrews 100% agrees with Mr. Pepin. Further, he stated with the money the taxpayers are paying improving these roads, He feels with this being done to the Low Road, it is the same thing is going to happen to the River Road. His crew has been working on the Low Road and River Road replacing 10 tiles and the traffic has been non-stop, the numbers Mr. Pepin provided are not far-fetched at all. With regard to Meehan Road, even with farm vehicles, it has only been topped one time in 20 years, and it is his belief that is due to the traffic that is not allowed on the road. He doesn't believe what Mr. Pepin is asking is wrong. A resident on the Webster Street Road discussed this issue with Mr. Andrews. Where the trucks are coming from and where they are going, there is a way to remain on roads that are built for that.

After more discussion regarding road construction, traffic travel, weight limits, enforcement and safety, as well as notification to owners of businesses, for conversation to inspection, how much time are we talking about, it was determined 30 days' notice was reasonable, with follow-up to businesses. The following motion was presented

Motion – Deputy Supervisor Maguire

Second – Councilor Taylor

Resolved (#155 – 2023) to post River Road and Low Road to oversized trucks with sign stating, "No Thru Truck Traffic, Local Deliveries Only".

**CARRIED (5 - 0) – Supervisor Stewart – Aye Deputy Supervisor Maguire – Aye
Councilor Johnston - Aye Councilor Walbridge – Aye Councilor Taylor – Aye**

Notice will be published in the Malone Telegram with an effective date of 30-days from this date.

MINUTES:

Approval of May 10, 2023 public hearing and regular meeting

Motion – Councilor Walbridge

Second – Councilor Maguire

Resolved (#156 – 2023) to accept the Minutes of May 10, 2023, and to place in file.

**CARRIED (4 - 0) – Supervisor Stewart – Aye Deputy Supervisor Maguire – Aye
Councilor Johnston - Aye Councilor Walbridge – Aye Councilor Taylor – Abstain**

REPORTS:

Motion – Councilor Johnston

Second – Councilor Walbridge

Resolved (#157 - 2023) to accept the following reports for review and filing as written and placed in the file: NYS Comptroller, Justice Court Fund – April 2023, Supervisor's Report – January, February, March, April 2023.

**CARRIED (4 - 0) – Supervisor Stewart – Aye Deputy Supervisor Maguire – Aye
Councilor Johnston - Aye Councilor Walbridge – Aye Councilor Taylor – Aye**

OLD BUSINESS:

Motion – Councilor Walbridge

Second – Deputy Supervisor Maguire

Resolved (#158 - 2023) to update Code Fees for Annual Fire & Safety Inspection to include penalty for non-payment, \$30.00 if paid within 30 days, \$60.00 if unpaid day 31-60, \$90.00 if unpaid day 61-90, \$110.00 if unpaid day 91-120.

CARRIED (5-0) Supervisor Stewart – Aye Deputy Supervisor Maguire – Aye Councilor Walbridge – Aye Councilor Johnston – Aye Councilor Taylor – Aye

SUPERVISOR REPORTS:

Draft Proclamation for Knights of Columbus celebrating 125th Anniversary presented for approval.

Motion – Deputy Supervisor Maguire

Second – Supervisor Stewart

Resolved (#159 - 2023) Permission for Supervisor Stewart to send Proclamation to Knights of Columbus celebrating 125 years of service.

CARRIED (5 - 0) – Supervisor Stewart – Aye Deputy Supervisor Maguire – Aye Councilor Johnston - Aye Councilor Walbridge – Aye Councilor Taylor – Aye

BOARD MEMBER/COMMITTEE ITEMS:

ACIP/Fence: The revised narrative for the Perimeter Fencing project was good and the Board asked the Clerk to notify the Engineers.

Councilor Johnston stated the Malone Minor Hockey Agreement has been signed by all parties. He further discussed the opening day for the Malone Border Hounds, June 9, 2023. There will be festivities opening night, but there will also be soft openings on other nights as there are individuals who are unable to attend opening night who should be recognized, namely Billy Jones and Jim Bessette. There was additional discussion regarding parking, concession stand, food trucks, etc., and potential promotions. He announced Greg Paye will throw out the first pitch.

Councilor Walbridge commended Superintendent Andrews and his crew for all of the work they have done stating “we are thankful to have you”.

SUPERINTENDENT OF HIGHWAY REPORTS:

Superintendent Andrews asked the Board to extend the closure of Johnson Road through August 31st as his crew continues to work and it is in the best interest of public safety.

Motion – Deputy Supervisor Maguire

Second – Councilor Johnston

Resolved (#160 - 2023) to allow Highway Superintendent Andrews to extend closure of Johnson Road through August 31, 2023.

CARRIED (5 - 0) – Supervisor Stewart – Aye Deputy Supervisor Maguire – Aye Councilor Johnston - Aye Councilor Walbridge – Aye Councilor Taylor – Aye

Notice will be placed on website, sign board and published in the Malone Telegram.

Superintendent Andrews advised the new low boy was delivered today and the new truck will arrive at 5th Wheel tomorrow for a bracket and light installation and will be delivered to the Town after.

The Auctions International auction has been set for May 30th through June 13th. Superintendent Andrews thanked Cindy Gadway, Mark Lamondie and Neil Beaney for their work on pulling everything together. Notice will be placed on the website, sign board and published in the Malone Telegram.

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Supervisor Stewart shared with the board the Shared Services Binder to show services received and given. She stated that the amount of shared services yearly is between \$40,000 and \$70,000, depending on the year on both sides of the equation. She further stated that it is a county initiative to report findings and we receive money from the State.

CORRESPONDENCE:

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

From New York State Public Service Commission: Order Approving Renewal of Franchise Agreement.

NEW BUSINESS:

Motion – Deputy Supervisor Maguire

Second – Councilor Johnston

Resolved (#161- 2023) to grant permission to Budget Officer to make the following journal entry as per Comptroller Notice for April 2023 from A690 Clearinghouse \$4,588.00 to A980 Revenues \$4,588.00 (Court Fines & Fees).

CARRIED (5 0) – Supervisor Stewart – Aye Deputy Supervisor Maguire – Aye Councilor Johnston - Aye Councilor Walbridge – Aye Councilor Taylor – Aye

Motion – Councilor Taylor

Second – Councilor Walbridge

Resolved (#162 2023) to grant permission to Budget Officer to make the following journal entry for Trust & Agency Expenditures: From A960.8 (Hospital & Medical Insurance) to A9010.8 (State Retirement) \$3.35.

CARRIED (5 0) – Supervisor Stewart – Aye Deputy Supervisor Maguire – Aye Councilor Johnston - Aye Councilor Walbridge – Aye Councilor Taylor – Aye

EXECUTIVE SESSION:

At 6:52 p.m.

Motion – Deputy Supervisor Maguire

Second – Councilor Walbridge

Resolved (#162 - 2023) that the Town Board enters into Executive Session pertaining to proposed, pending or current litigation, with Board Members and Town Clerk.

CARRIED (5- 0) – Supervisor Stewart – Aye Deputy Supervisor Maguire – Aye Councilor Johnston - Aye Councilor Walbridge – Aye Councilor Taylor – Aye

At 7:15 p.m.

The executive session ended with no action taken.

Motion – Supervisor Stewart

Second – Councilor Walbridge

Resolved (#163 – 2023) to return to regular session.

CARRIED (5- 0) – Supervisor Stewart – Aye Deputy Supervisor Maguire – Aye Councilor Johnston - Aye Councilor Walbridge – Aye Councilor Taylor – Aye

Motion – Councilor Taylor

Second – Deputy Supervisor Maguire

Resolved (#164 – 2023)

**TOWN OF MALONE TOWN BOARD RESOLUTION
TO ENTER INTO AN ESCROW AGREEMENT WITH ST. LAWRENCE GAS
TO REIMBURSE THE TOWN FOR CERTAIN ENGINEERING
EXPENSES RELATED TO THE BUILDING PERMIT REVIEW OF
THE PROPOSED NATURAL GAS DECOMPRESSION SYSTEM**

WHEREAS, ST. LAWRENCE GAS seeks to construct a pad site and skid mounted natural-gas decompression system to be connected to an existing ST. LAWRENCE GAS transmission line at 367 Rt. 51 in the Town of Malone (the “Project”); and

WHEREAS, ST. LAWRENCE GAS made an application for a building permit for the Project dated March 8, 2023 (the "Application"); and

WHEREAS, the Town has retained LaBella Associates, DPC, an engineering firm (the "Professionals") to assist it in the review of the Application. The Professionals will be billing the Town on a time and material basis for such services; and

WHEREAS, ST. LAWRENCE GAS has agreed to pay money into escrow to defray certain expenses related to the Professionals' review of the Application; and

NOW, THEREFORE, Town Board of the Town of Malone hereby authorizes the Town Supervisor to enter into an escrow agreement with ST. LAWRENCE GAS.

AND IT IS FURTHER RESOLVED, that the Town Supervisor is authorized to enter into a confidentiality agreement with ST. LAWRENCE GAS on behalf of the Town for the handling of sensitive documents contain specific information about systems, assets, places or things which are vital to the state's energy infrastructure and the disruption, incapacitation, or destruction of which could jeopardize the health, safety, welfare, or security of the state, its residents or its economy, and are therefore classified as "critical infrastructure" in accordance with Section 89(5)(b)(i) of the Public Officers Law.

CARRIED (5-0) – Supervisor Stewart – Aye Deputy Supervisor Maguire – Aye
Councilor Johnston - Aye Councilor Walbridge – Aye Councilor Taylor – Aye

BILLS FOR AUDIT & PAYMENT:

Motion – Deputy Supervisor Maguire

Second – Councilor Johnston

Resolved (#165 - 2023): that the following bills, having been audited,

: Batch No. 1172, 1173

Voucher Nos. 419-450, 452

General Fund (A)	\$ 22,009.36
Part Town General Fund (B)	185.22
Highway Townwide (DA)	89.08
Highway Outside (DB)	3,674.58
Trust & Agency (T)	30,171.69
Consolidated Highway Improvement (HE)	122,983.00

GRAND TOTAL \$179,112.93

ADJOURN:

At 7:18 p.m.

Motion – Councilor Walbridge

Second – Deputy Supervisor Maguire

Resolved (#166 - 2023) there being no further business to come before the Board that it adjourn, with the next meeting to be June 14, 2023 at 6:00 p.m., preceded by an IDA Meeting at 5:45 p.m.

CARRIED (5-0) – Supervisor Stewart – Aye Deputy Supervisor Maguire – Aye
Councilor Johnston - Aye Councilor Walbridge – Aye Councilor Taylor – Aye

RESPECTFULLY SUBMITTED,



DENICE A. HUDSON, TOWN CLERK