### TOWN OF MALONE PUBLIC HEARING-LOCAL LAW #1-2022 October 26, 2022

A Public Hearing was held Wednesday, October 26, 2022 at 6:00 p.m. at the Town Offices, 27 Airport Road, Malone, New York. The purpose of the hearing was to hear all interested parties and citizens regarding proposed Local Law #1-2022, to protect the health, safety and welfare of the residents of the Town of Malone by prohibiting the deposit and/or tracking of mud and other debris onto the Town Highways, and to prohibit the plowing of snow on Town Highways or right-of-ways by private snow removal equipment.

PRESENT:

Andrea Stewart

Supervisor

Terry Maguire

Deputy Supervisor

Jody Johnston

Councilor

ABSENT:

Brian Taylor Paul Walbridge Councilor Councilor

ALSO PRESENT:

Denice Hudson, Budget Officer Cindy Gadway, Deputy Town Clerk Mike Andrews, Highway Superintendent

John Manley, Dep. Highway Superintendent Bruce Burditt, Airport Manager

Mike, McMahon, Code Officer June Fisher, Town Justice

Judith Gonyea Henry Gonyea Michael Paul? Tom Arnold, Malone Henry Traverse, Malone

Brian Gokey Nathan Race Chris Monette

Alex Violo, Malone Telegram

Bruce Monette Henry Traverse Gwendolyn Hallsnik

Supervisor Stewart opened the Public Hearing at 6:00 p.m. and Deputy Town Clerk Cindy Gadway read the Public Hearing Notice.

Supervisor Stewart read the following purposes and definitions: "the purpose of the local law is to protect the health, safety and welfare of the residents of the Town of Malone, by prohibiting the depositing and or tracking of mud and other debris onto Town highways and to prohibit the plowing of snow on Town highways or right-of-ways by private snow removal equipment. The term "debris" shall refer to dirt, wood, coal ash, mud, stones and other materials not naturally on Town highways. No person, firm or corporation shall deposit or track debris as defined herein onto any Town highway or highway right-of-way. No person, firm or corporation shall plow any snow on Town highways or plow any snow onto any Town highways, right-of-ways while engaging in the plowing of private property or driveways. There are the usual repeal and conflict of law, separability clauses that go along with any proposed local law. This local law will take effect immediately upon adoption and filing with the secretary of state as required by law."

Supervisor Stewart ask that anyone wishing to address the board please state your name and all comments be directed to the Town Board with the understanding we are here for your input, we are not here to debate.

Gwendolyn Hallsnik of 200 Johnson Road spoke first and stated she lives across from Titus Mountain, is new in town and just moved here in January. She questioned the definition of debris in the ordinance because the town explicitly exclude sand and gravel which are normally found on town roads but not usually found on paved town roads, which Johnston Road is a paved road. The sand and gravel that comes out of the driveway from the gravel pit makes it kind of like a dirt road a lot of the summer time and makes her house unbearable in terms of the dust. Allergic to dust she has to take antihistamines daily and new prescriptions for inhaler because the dust that comes off the road fills her house and covers everything. It's an endless cleaning task. She feels Titus needs to pave even 20 feet in of the driveway that gravel trucks use to exit the property would solve the problem. She wondered if you would consider this a violation of the ordinance?

Henry Traverse of RFD 3, Malone spoke next and feels this local law is aimed mostly at the farmers but stated there are situations such as pot holes, in particular the Creighton Road and getting current roads fixed right and in a safe manner before we pass a new law. He felt a new design of farmer's equipment tires so they don't take up so much mud when they leave the fields

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would help. He voiced concerns on the safety of farmers if they have to scrape and clean the roads and allowances should be made for them.

Supervisor Stewart stated for the record the Creighton Road is a County Road and will make them aware of Mr. Traverse concern.

Tom Arnold, owner of a concrete business in Malone, spoke next and asked if they're on a jobsite, its muddy, they come out and get debris on the road, is that something he will have to be responsible for?

Supervisor Stewart stated there's a level of common sense with most of these provisions. There's a difference between a little bit of mud and a dumping of mud or manure or grease or gravel.

Tom Arnold stated he doesn't expect but in some cases in the spring of the year its muddy everywhere and in that case we would have to charge the customer for clean-up.

Bruce Monette of Titus Mountain, spoke next and understood the issue Gwendolyn Hallsnik has with the dust issue and we might be able to change the traffic pattern to fix it. We identify it gets dusty and feel bad for you. He stated he's attending because of the section of the Johnston Road that's seasonally maintained. That section of the road that connects the upper mountain to the lower mountain is very important for Titus to maintain and had sidewalk conversations often in the past. The Town approved a property subdivision a long time ago and Titus has been developing it as vigorously as possible and have plans to continue to develop it. Not being able to maintain that road at a ski center in the wintertime has potential to create a very negative impact.

Henry Gonyea, property owner on the Pigeon Road, spoke next and voiced his displeasure on calling the Highway Superintendent to have some road work done and was told he had to go to the board to get work done. He doesn't understand why he has to call someone else to get work done when it's the superintendent's job to do work on the highways.

Supervisor Stewart advised this is a public hearing and his concerns are a separate issue from what's being discussed now but will take it under advisement.

### RESOLUTION 296-2022 - Public Hearing Closed.

Upon motion of Supervisor Stewart, seconded by Deputy Supervisor Maguire the following resolution was

ADOPTED Ayes 3 Stewart, Maguire, Johnston Nays 0

Resolved to close the Public Hearing at 6:15 p.m.

Supervisor Stewart thanked everyone for their input and advised no action would be taken on this local law tonight. The board will take everyone's comments and concerns under advisement and will probably bring this up for discussion at our next regular town board meeting which is November 16<sup>th</sup>.

Supervisor Stewart asked Highway Superintendent Andrews if he had anything he wished to say regarding Mr. Gonyea's concern.

Highway Superintendent Andrews stated when Mr. Gonyea called with his concern, he explained as least financially-wise the Pigeon Road was not a road on our 284 for the year 2022. We could not financially gravel the entire Pigeon Road but there is gravel stockpiled at the highway garage and as of Monday, the crews are going around using what gravel we have left for the 2022 year and are fixing the worse spots possible. His response to Mr. Gonyea's comment "you control the money" was "I do not control the money and that's why if you want the entire road done, I asked you to come and express your concern which I appreciate, and in the 2023 year that's a whole different budget. That's a whole different budget and all different road to be repaired."

RESPECTFULLY SUBMITTED,

#### TOWN OF MALONE **PUBLIC HEARING** CALLFIREMEN AGREEMENT October 26, 2022

A Public Hearing was held Wednesday, October 26, 2022 at 6:15 p.m. at the Town Offices, 27 Airport Road, Malone, New York. The purpose of the hearing was to consider the approval of a 3-year Agreement with the Malone Call Firemen, Inc., for Fire Protection and the proposed tax levy amounts as follows:

\$477,611.00 2023 2024 \$491,940.00 \$506,700.00 2025

Supervisor PRESENT: Andrea Stewart

> Deputy Supervisor Terry Maguire

Councilor Jody Johnston

Councilor ABSENT: Brian Taylor Councilor

Paul Walbridge

#### ALSO PRESENT:

Denice Hudson, Town Clerk/Budget Officer Cindy Gadway, Deputy Town Clerk Mike Andrews, Highway Superintendent John Manley, Dep. Highway Superintendent Bruce Burditt, Airport Manager Michael McMahon, Code Officer

Brian Gokey, Malone Callfiremen Alex Violo, Malone Telegram Henry Badore, Malone

Supervisor Stewart opened the Public Hearing at 6:20 p.m.

Deputy Clerk Cindy Gadway read the Public Hearing Notice.

Supervisor Stewart acknowledged Brian Gokey from Malone Callfiremen was present and the contract was negotiated on the Town's behalf by Council Members Jody Johnston and Deputy Supervisor Terry Maguire and Brian Gokey and thanked them for the work that went into this proposed 3-year agreement.

Councilor Johnston thanked Brian Gokey and his department for the last couple of years dealing with COVID and increased calls and everything his department went through. The relationship built with the Malone Callfiremen and the Town of Malone is a good working relationship. Negotiations are good, straight forward, we know your needs, you know what our parameters are and we always seem to be able to work it out. There were a couple of years you reluctantly took zeros because the Town just couldn't do it and it made negotiations painful for us too because we understand the importance. When we came out of these negotiations we all came out okay, recognizing the need for your department and what you do for us every day, again within the parameters we can do as a municipality. The Town appreciates you and your department and the way this all went.

Brian Gokey stated his department appreciates the Town Board and they are glad they could help out the last couple of years. Our expenses did go up during the pandemic and continue to go up but we did get through. As stated, expensed are still going up, cost of fuel, everything, new trucks. We appreciate the Town working with us on a 3-year contract.

Henry Badore inquired if rescue work is able to bill insurance companies?

Supervisor Stewart stated the EMS already does but is not sure if the law passed that allows fire departments to do that.

# TOWN OF MALONE PUBLIC HEARING CALLFIREMEN AGREEMENT October 26, 2022

Brian Gokey stated there is a proposal to allow fire department that have ambulances to charge for that. In 2012 we separated the EMS from the fire side because the call volume was too much. We were running 1400 call a year with all volunteers. To provide for paid staff, on 24-7, we split the organization. The EMS is a separate organization. They do bill insurance companies, Medicaid, Medicare and as most people know the reimbursement rate as you see for hospitals is not enough to help support but it's better than nothing. They are struggling for funding but they are getting along. The fire department does not charge for service. We contract with the Town of Malone

Supervisor Stewart stated there was some provision that was going to allow for rescue or emergency services, I presume at accidents scenes or other scenes.

Brian Gokey stated there are some places in the state that some departments are able to charge if they use the jaws of life or other technical equipment. That's nothing we've done or gotten into yet. Were okay where we are.

Henry Badore understands and realizes they put their life on the line every time they go out the door.

#### RESOLUTION 297-2022 - Public Hearing Closed

Upon motion of Supervisor Stewart, seconded by Councilor Johnston the following resolution was ADOPTED Ayes 3 Stewart, Maguire, Johnston Nays 0

Resolved to close the Public Hearing at 6:23 p.m.

#### RESOLUITON 298-2022- Callfiremen 3-Year Agreement

Upon motion of Deputy Supervisor Maguire, seconded by Councilor Johnston the following resolution was

ADOPTED Ayes 3 Stewart, Maguire, Johnston Nays 0

Resolved to adopt the Malone Callfiremen 3-Year Contract and echo that COVID was very difficult on Malone Callfiremen, all our fire service, our EMS. These guys and girls came through for us and went out every day and did their job, put a mask on, weren't scared and did business like it was no big deal to them and we appreciate and thank them for that.

RESPECTFULLLY SUBMITTED,

CINDY GADWAY, DEPUTY TOWN CLERK

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 26th day of October 2022 at 6:30 p.m.

PRESENT:

Andrea Stewart, Supervisor

Terry Maguire, Deputy Supervisor

Jody Johnston, Councilor

ABSENT:

Brian Taylor, Councilor

Paul Walbridge, Councilor

ALSO PRESENT: Denice Hudson, Budget Officer/Town Clerk

Cindy Gadway, Deputy Town Clerk

Michael Andrews, Highway Superintendent John Manley, Deputy Highway Superintendent Michael McMahon, Building Code Inspector

Bruce Burditt, Airport Manager Alex Violo, Malone Telegram Henry Gonyea, Malone Judith Gonyea, Malone

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

#### **MINUTES:**

#### **RESOLUTION 299-2022 - Minutes**

Upon motion of Councilor Johnston, seconded by Deputy Supervisor Maguire the following resolution was

Adopted

Ayes 3 Stewart, Maguire, Johnston

Nays 0

Resolved to approve the following minutes:

October 12, 2022 – Regular Meeting

#### **RESOLUTION 300-2022- Minutes**

Upon motion of Deputy Supervisor Maguire, seconded by Councilor Johnston the following resolution was

Adopted

Stewart, Maguire, Johnston Ayes 3

Navs 0

Resolved to approve the following minutes:

October 12, 2022 - Budget Work Session

#### **RESOLUTION 301-2022- Minutes**

Upon motion of Supervisor Stewart, seconded by Deputy Supervisor Maguire the following Resolution was

**ADOPTED** 

Ayes 3 Stewart, Maguire, Johnston

Nays 0

Resolved to approve the following minutes:

October 14, 2022-Budget Work Session

#### REPORTS:

### RESOLUTION 302-2022- Reports

Upon motion of Deputy Supervisor Maguire, seconded by Councilor Johnston the following Resolution was ADOPTED Ayes 3

Stewart, Maguire, Johnston Nays 0

Resolved to accept the Airport Lease Manager Report for September 2022.

#### **OLD BUSINESS:**

Franchise Agreement between the Town of Malone and Spectrum Northeast, LLC. Supervisor Stewart reported she spoke with the Town Attorney and he is still in the process of dealing with Spectrum and a new franchise Agreement.

Local Law #1. The board is not acting on the proposed Local Law as there is some research to

Malone Callfiremen Contract. The board acted on the Callfiremen Contract at the prior Public

#### SUPERVISORS REPORTS:

Centralized Arraignments. Judge June Fisher request the board adopt a resolution wherein the Town joins the other surrounding townships in the County in support of a centralized arraignment part. Judge Fisher explained a Centralized Arraignment Part is a place near the jail where people arrested overnight will be housed at the jail until morning until when one of the Justices' from the participating towns will be assigned different weeks will arraign all these people. The same thing will happen during the day for anyone arrested, they will be arraigned at 7:00 at night by the assigned justice. This will relieve the Justices' from having to get up and arraign during the middle of the night. This is something the state is pushing. It will be more secure, easier to do and more streamline.

Deputy Supervisor Maguire asked the downside of this for the Town of Malone

Justice Fisher stated there isn't any as far as she can see. It isn't going to cost the Town of Malone anything. The Justices' are going to do it as part of their job, our salary stays the same whether we come at night or go to the Central Arraignment Part. Matt Sheavers said there's literally no downside for the Towns as far as he can see.

Councilor Johnston asked what the impact could be on the jail in bringing in a half dozen people

Justice Fisher said there is a meeting November 9th with Judge Hobbs and Matt Sheavers to discuss some of these questions and the fact of a new Sheriff on January 1st. It's our understanding everyone is on board with this. It's not clear how it will impact the jail, they will need a holding room and computer system for this to happen. Details such as ancillary agencies, impact on the southern end of the county, transportation all have to be worked out but we hope to have it up and running by the end of next year. Matt Sheavers is getting a plan from other

Councilor Johnston said the concept is great and the plan makes sense but worries about the cost as were not only Town tax players but County tax payers also. What kind of impact will that do?

Deputy Supervisor Maguire brought up the bail reform era and 12 hour holding limit but coming up with a plan to hold someone 11 hours and 59 minutes.

Supervisor Stewart there are logistical issues to work out for sure but in concept it's a great plan.

The board thanked Judge Fisher for representing the Town and having the Town's best interest in mind and for volunteering for another committee.

RESOLUTION 303-2022 - Centralized Arraignment Part

Upon motion of Deputy Supervisor Maguire, seconded by Councilor Johnston the following resolution was

ADOPTED Ayes 3 Stewart, Maguire, Johnston Nays 0

Resolved to support the following resolution:

#### CENTRALIZED ARRAIGNMENTS

WHEREAS, Franklin County is submitting a plan for the counsel at initial appearance coverage for arraignments in local courts; and

WHEREAS, the plan provides for the centralized arraignment part conducted twice a day at the Franklin county Jail rather than at the town or village location of the arrest; and

WHEREAS, the plan requires the cooperation of the various local tan and village justices; and

WHEREAS, the plan shall assure consistency in representation as well as in the afterhours schedules of the various town and village justices; and

WHEREAS, this program will promote efficiencies among the town and village justices as well as county operations providing for mutual cooperation of the county's municipalities.

#### NOW, THEREFORE, BE IT

**RESOLVED**, that the Town of Malone hereby indicates its support for the County's plan for counsel at initial appearance coverage for arraignments in local courts.

Budget Update. Budget Officer Denice Hudson stated following 2 work sessions the tentative budget is ready to be presented as preliminary at public hearings. The budget is underneath the tax cap at \$53,468.00 from approximately -\$111,680.00 which is a savings of \$160,000.00.

The preliminary rates are: Village-\$4.62 per 1,000 (down \$05.from 2022)

Town- \$9.14 per 1,000 (up \$.15 from 2022)

The EDU rates are: West Side \$166.6279 (up from \$90 last year)
East Side \$141.38317 (about the same as last year)

Deputy Supervisor Maguire thanked the budget officer as not only did she offer to go over everyone's budget but everyone took her up on that. It makes a big difference when we sit down to find some cuts and to understand why lines are high and low. Every budget was submitted on time.

Supervisor Stewart realized the work put into this with all department heads even before the board involvement. It was a collaborative effort all across the board and the results were good. The detailed work sessions helped fine tune some of these. With the commitments for additional equipment for the highway so that in part is the increase. We have yet to close on the long-term financing for the West Side Water District but we know what the figures are for that.

Public Hearings for Budget.

RESOLUTION 304-2022 - West Side Water District Public Hearing

Upon motion of Supervisor Stewart, seconded by Deputy Supervisor Maguire the following resolution was

ADOPTED Ayes 3 Stewart, Maguire, Johnston

Nays 0

Resolved to schedule the West Side Water District Public Hearing for 5:30 p.m. on Monday, November 7<sup>th</sup>.

RESOLUTION 305-2022- East Side Water District Public Hearing.

Upon motion of Supervisor Stewart, seconded by Deputy Supervisor Maguire the following resolution was

ADOPTED Ayes 3 Stewart, Maguire, Johnston

Nays 0

Resolved to schedule the West Side Water District Public Hearing for 5:40 p.m. on Monday, November 7<sup>th</sup>.

RESOLUTION 306-2022- 2023 Town of Malone Budget Public Hearing.

Upon motion of Supervisor Stewart, seconded by Deputy Supervisor Maguire the following resolution was

ADOPTED Ayes 3 Stewart, Maguire, Johnston

Nays 0

Resolved to schedule the 2023 Town of Malone Budget Public Hearing for 5:50 p.m. on Monday, November  $7^{th}$ .

Notices to be published one time in the Malone Telegram immediately. Once the board goes through the public hearing process, depending on what comes up, we will most likely consider adopting the budget on the  $16^{\rm th}$  of November.

Airport.

<u>Windcone Operation</u> – Correspondence was received regarding the issues with the new windcone remaining on and the remedial work that needs to be done which is offset by the various underruns with the existing project.

RESOLUTION 307-2022-Baseline to Complete Airport Work

Upon motion of Supervisor Stewart, seconded by Deputy Supervisor Maguire the following resolution was

ADOPTED Ayes 3 Stewart, Maguire, Johnston Nays 0

Resolved to allow Baseline to perform the remedial work necessary in the amount of \$2,132.64 which will be covered under the grant, with the Town portion to be \$106.63.

Wildlife Hazard Site Visit Option for Fence Project – A hazard site visit is needed in order for the FAA to consider our perimeter fence to be 8 feet verses what their preference is. The board needs decide to have the USDA perform this visit and not be reimbursement or go through the bid process to have the cost covered under a future grant.

Bruce Burditt inquired whether we should get a BIL Infrastructure Grant which came out in January and again in September. This had been discussed one time on a teleconference.

Budget Officer Denice Hudson stated upon review of the email, it's looks like because it's below the thresh hold as a fundable standalone, we can't do it under bill but she will confirm with Mary Kay Genthner.

RESOLUTION 308-2022-Airport Hazard Site Visit

Upon motion of Deputy Supervisor Maguire, seconded Supervisor Stewart the following resolution was

Stewart, Maguire, Johnston Ayes 3 ADOPTED

Nays 0

Resolved to go forward with having the USDA perform the one-day hazard site visit at the cost to the Town of \$2,646.00.

Supervisor Stewart stated the issue with approving a draft proposal is they will do it in conjunction with a site survey they are doing in Potsdam which should produce some savings all the way around.

Airport Lighting Project.- Bruce Burditt reference an email and estimate for the runway identifier light on runway 2-3 as it's out for repair. When Baseline comes up to finish the rest of the lighting project, they finish this at the same time.

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

Councilor Johnston updated the board on the most recent Rec Park Commission meeting. The meeting covered the new building and renovations and project moving along with the splash park, splash pad and the pool.

#### SUPERINTENDENT OF HIGHWAYS REPORT:

Snow Removal Equipment: All snow removal equipment has been completely maintenance and are ready for snow.

Grading Roads/Cutting Shoulders: Weather conditions have allowed the cutting of shoulders and we have a crew of 3 grading 6 roads that need gravel. In response to Mr. Gonyea's remark crews will be getting up to the Pigeon Road to fix the worse parts of it.

CHIPS Reimbursement Update: Notification was received from Jarrod at NYS DOT of additional monies available for CHIPS reimbursement. An additional \$16,656.02 will be received for a grand total of \$517,081.88 to be received for 2022.

Proposed Purchase of 2023 Chevy 2500 4x4 Crew Cab with Auction Surplus Money - The Highway Superintendent previously met with highway committee regarding use of auction surplus money from items that were sold in the last year to purchase a new truck.

The Superintendent proposed the purchase of a 2023 Silverado 2500HD Crew Cab through OSG State Contract from DeNooyer out of Albany, the winning bidder on the State Contract The new truck to be used by the Superintendent which will free up the truck he now drives. His current truck will be equipped with a plow for the crew and is more feasible going into the fleet that we have. Auction proceeds still remaining is \$70,000 and the cost of the new truck to be \$50,577.50.

#### RESOLUTION 309-2022- Purchase of 2023 Silverado 2500HD Crew Cab

Upon motion of Councilor Johnston, seconded by Deputy Supervisor Maguire the following resolution was

Ayes 3 ADOPTED Stewart, Maguire, Johnston

Nays 0

Resolved to approve the purchase of the new truck.

New Western Star Dump Truck: Mike spoke with Charlebois on the new Western Star Dump Truck and advised it should arrive in Vermont on Friday, will go down 6 exits to Tenco and within 2-4 weeks will be received completely done and set up and ready to plow snow.

#### **CORRESPONDENCE:**

A letter of declination was received from Jean Lyng for the Deputy Floater Clerk position so we will be going back to the drawing board on that position.

#### **NEW BUSINESS:**

### RESOLUTION #310-2022-Appointment of Malcolm Miner - Planning Board

Upon motion of Supervisor Stewart, seconded by Deputy Supervisor Maguire the following

ADOPTED Ayes 3 Stewart, Maguire, Johnston Nays 0

Resolved to reappoint Malcolm Miner to the Planning Board for another term ending 9/8/2029.

A reminder to everyone, there are a couple vacancies on that particular board so if you know of

## RESOLUTION #311-2022-Appontment of Wanda Murtagh - Board of Assessment Review

Upon motion of Supervisor Stewart, seconded by Councilor Johnston the following resolution ADOPTED

Stewart, Maguire, Johnston Ayes 3 Nays 0

Resolved to reappoint Wanda Murtagh to a full term to the Board of Assessment Review for a

Deputy Supervisor Maguire thanked Wanda Murtagh once again for stepping up. It's tough to get people to fill these spots. Not only to her but everyone who serves on these boards.

### RESOLUTION #312-2022 -Bills for Audit & Payment

Upon motion of Deputy Supervisor Maguire, seconded by Councilor Johnston the following resolution was **ADOPTED** 

Ayes 3 Stewart, Maguire, Johnston Nays 0

Resolved to approve the following:

#### **BILLS FOR AUDIT & PAYMENT:** Batch No. 1031

Voucher Nos. 925-957, 959

General Fund (A) \$ 5,653.14 General Fund - Part Town (B) Highway Townwide (DA) 370.19 8,184.77 Highway Outside (DB) 10,089.57 Trust & Agency (T) Airport Capital Project (H4) 29,263.52 585,851,66 Sewer Fund (G) 11,820.00

GRAND TOTAL \$651,232.85

The next regular Town Board meeting is scheduled for November 16th at 6:00 p.m. which will be

**RESOLUTION #313-2022-** <u>Adjourn.</u>
Upon motion of Supervisor Stewart, seconded by Councilor Johnston the following resolution was ADOPTED Ayes 3 Stewart, Maguire, Johnston Nays 0

Resolved to adjourn the Regular Meeting at 7:10 p.m.

RESPECTFULLY SUBMITTED,

CINDY GADWAY, DEPUTY TOWN CLERK