

**TOWN OF MALONE
REGULAR MEETING
August 24, 2016**

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 Rd., Malone, NY on the 24th day of August, 2016.

PRESENT: Howard Maneely ----- Supervisor
John Sullivan ----- Deputy Supervisor
Mary Scharf ----- Councilor
Edward Lockwood ----- Councilor
Louise Taylor ----- Councilor

RECORDING SECRETARY: Deborah Hutchins, Town Clerk
Denice Hudson, Budget Officer
Lillian Anderson-Duffy, Town Attorney

ALSO PRESENT: Bruce Mallette, Highway Superintendent
Despo Baltoumous, Malone Telegram
Brandon Bruce, Friends of the North Country
Brian Langdon, Village of Malone
Mary Fredenburgh, Malone
Joe Garso, North Woods Engineering, Saranac Lake
Donna Kissane, Franklin County Government
Bruce Burditt, Malone
Archie McKee, Village of Malone
Andrea Dumas, Village of Malone
Bruce Mallette, Malone
Nancy Legacy, Malone
Joseph Riccio, Malone
Carl Sherwin, Malone

PUBLIC HEARING: A public hearing was held beginning at 5:30 PM with the Town Clerk reading the Public Hearing Notice as follows:

The Town Board of the Town of Malone intends to submit an application on or about September 28, 2016 for U.S. Department of Housing and Urban Development Community Development Block Grant (CDGB) Program funds, administered by the New York State Office for Community Renewal (OCR). In the Annual Competitive Round for Towns funding activities available include Housing Rehabilitation, up to \$500,000

The Town is notifying the public to give residents the opportunity to attend the public hearing to identify and comment on the needs and priorities of the community and to consider the potential benefits and impacts of the proposed OCR program before the application is submitted. The public hearing will provide an overview of the OCR program and provide an opportunity for attendees to ask questions and comment. An application will be developed in accordance with the Town's Citizen Participation Process, as well as the Community Development and Anti-displacement Plans. Friends of the North Country, Inc. will prepare the application on behalf of the Town, and questions regarding the program can be directed to the Town Supervisor, Howard Maneely, or to Friends of the North Country, Inc, at the address and phone number provided below.

The Public Hearing will be held on August 24, 2016 at the Malone Town Hall located at 27 Airport Road, Malone, NY 12953 at 5:30 P.M., and will provide an overview of the OCR program and an opportunity for public discussion and comments on overall community needs and to review the details of the proposed project, related issues, and to hear comment before the application is submitted. Reasonable accommodations will be made available for persons with disabilities. Written and verbal comments will be considered and, if appropriate, incorporated into the Community Development Plan and OCR program design. The Town's Community Development, Anti-displacement and Citizen Participation Plans will be available for review at the Town Office, at the Public Hearing and at the offices of Friends of the North Country, Inc. **Questions and comments or public requests for copies of documents identified in this notice can be arranged for by writing to:** Scott Campbell, Executive Director, Friends of the North Country, Inc., P.O. Box 446, 1 Mill Street, Keeseville, NY 12944, phone 518-834-9606 or 888-355-3662 (toll free).

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At this time Brandon Bruce, Friends of the North Country, addressed those present regarding the NYS Community Development Grant, a federally funded program administered by the Housing Trust Fund Corporation-Office of Community Renewal. He stated that there is a total of \$15,000,000 in funds available state wide this year. A Town may apply for up to \$500,000. Included activities are housing rehabilitation, home ownership, manufactured housing replacement, well and septic replacement. Funding benefits are for low to moderate income people and application is due September 28, 2016. Councilor Scharf asked how much money is geared for the project housing project itself. Mr. Bruce stated there is about \$370,000. Councilor Scharf then asked if the Town applied for the full \$500,000, could the remaining balance be able to be used for individual homes. Mr. Bruce indicated he did not see why it couldn't but stated he wasn't as familiar with the project as is Scott Campbell from his office. Councilor Scharf requested that a definite answer would be appreciated as this would be very advantageous to the Town to rehabilitate some low income homes. Further discussion was held on this and how the process would work if there was a wait list already. Councilor Scharf explained that there is a list already as this process was done previously on other grants that did not get funded. It was requested that the Board be informed tomorrow by Mr. Bruce or his associate, Scott Campbell. Councilor Scharf reviewed the grant letter that Mr. Bruce brought for the Town. She explained that there should be letters of support to accompany the grant application. With no further comments or questions, the Public Hearing was closed at 5:45 PM.

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

Supervisor Maneely then introduced Joe Garso, North Woods Engineering, to provide an update on the Solar Landfill Project.

Mr. Garso reviewed the documents provided explaining that it is a 3.55 megawatt solar generation project at the former landfill. The Town operated this landfill but the land was actually owned by the Village. Bids were received last year and an award was made for solar generation to offset Village uses. After this, the county decided to do the same plan of action and made an award to the same company. The Village and County made an arrangement through an inner-municipal agreement to co-locate the two solar arrays on the former landfill. A presentation was also made at the last Town Planning Board meeting explaining the project. Mr. Garso further explained some details stating that there will be an 8' chain link fence for security and solar panels are supported by a ballast system (tub that sits on the ground and gets filled with concrete and all is set on top of the ground). One change that would be beneficial to the Town is that maintenance that would occur such as mowing would no longer need to be done. Anything inside the fence would be maintained by the solar company. The only item the Town would still be responsible for would be the sampling. The SEQR process still needs to be done and it is assumed the Town would be the lead agency for this project. A question and answer period was then held.

Town Attorney, Lillian Anderson-Duffy read the following resolution for approval:

RESOLUTION OF INTENT TO CLAIM LEAD AGENCY STATUS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE PROPOSED SOLAR FARM AT THE MALONE LANDFILL

WITNESSETH:

WHEREAS, Green Power Developers, LLC, (hereinafter referred to as "Developer") of 1869 Lanes Mills Road, Lakewood, New Jersey 08701, on behalf of the Village of Malone, has submitted a proposal to the Malone Planning Board and the Malone Code Officer requesting site plan approval for an approximate 1.6 MW above-grade ballast-mounted photovoltaic system with raised racking system (hereinafter referred to as a "solar farm") to be installed at the former Malone Landfill, a 62.4 acre site; and

WHEREAS, the former Malone Landfill is on property owned by the Village of Malone and located within the Town of Malone. The Landfill was subject to closure by the State of New York and said closure was addressed in a written Agreement between the Town and Village of Malone on November 22, 1991; and

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WHEREAS the Town of Malone has certain continuing duties to monitor and safeguard the former landfill, the cap thereon and its subject groundwater, as well as to pay for all post-closure monitoring costs from a Landfill Closure Account held by the Town of Malone; and

WHEREAS the Town of Malone is subject to an ongoing New York State Department of Environmental Conservation January 2, 1987 Consent Order Case # R5-0395-86-2 as later modified on December 30, 1994, which addresses the Town's obligations and duties regarding the Landfill closure; and

WHEREAS, based on the above, the Town of Malone has jurisdictional authority and standing to determine its approval of said Solar Farm and by Resolution #185-2015 the Malone Town Board preliminarily classified the proposed action as an "Unlisted Action" pursuant to New York State Environmental Quality Review Act ("SEQRA") 6 NYCRR 617 (ak), identified the involved agencies for purposes of a coordinated SEQRA review which included the New York State Department of Environmental Conservation, the Village of Malone, County of Franklin, and the Franklin County Solid Waste Authority and assumed Lead Agency status for purposes of a coordinated SEQRA review; and

WHEREAS, all of the aforesaid involved agencies consented to the Town of Malone Board assuming Lead Agency status for the SEQRA review of this project; and

WHEREAS the DEC, by correspondence dated August 24, 2015 has required that prior to the commencement of construction of the project, that a detailed plan must be submitted by the Developer of the project and approved by Materials Management staff which includes measures for maintaining cap integrity, stormwater controls for the site, changes to future post-closure monitoring and maintenance of the site, and any other environmental impacts that may arise as a result of the project; and that a SPDES General Permit for Stormwater Discharges Associated from Construction Activity (GP-0-10-001) will be required; and

WHEREAS by Resolution number 217-2015 the Malone Town Board directed the Developer of the subject project to

- a) submit a plan as described above in the DEC correspondence dated August 24, 2015, to the DEC and four copies of the Plan to the Town of Malone Board for approval by both the DEC Materials Management and the Malone Town Board; and
- b) Prepare a full Environmental Assessment Form and submit same with four copies thereof, to the Malone Town Board; and
- c) Submit an application to the DEC, with four copies to the Town of Malone Board, for a SPDES General Permit, (GP-0-10-001), as described above; and

WHEREAS, subsequently, Franklin County and the Village of Malone entered into an Inter-Municipal Agreement whereby Franklin County and the Village of Malone shall install and operate separate solar projects on the aforesaid landfill, each occupying a separate subdivided parcel on the 62.4 acre landfill site; and

WHEREAS Green Power Developers will construct the photovoltaic system on said site for both Franklin County and Village of Malone; HESP Solar will be the investor and owner of the photovoltaic systems, in accordance with a Power Production Lease Agreement entered into between the Village and HESP Solar; and

WHEREAS on behalf of Franklin County and the Village of Malone, HESP Solar, LLC, as Applicant Sponsor, submitted a Full Environmental Assessment form, an Operation and Maintenance Report, Engineering Report, and a Stormwater Pollution Prevention Plan, all of which was prepared by North Woods Engineering PLLC, revising the description of the project to a 3.55 MW above ground ballast-mounted photovoltaic system.

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NOW THEREFORE, BE IT RESOLVED that:

The Malone Town Board:

1. Acknowledges receipt of the above referenced documents and joint application submitted on behalf of Franklin County and the Village of Malone; and
2. Determines that each solar project located contiguously on the same landfill site shall be incorporated as one project to be reviewed as a single project in accordance with SEQRA; and
3. Asserts that its Lead Agency Status continues and applies to the combined projects for purposes of SEQRA review; and
4. Identifies that the involved agencies for the combined projects are New York State Department of Environmental Conservation, the Village of Malone, County of Franklin, and the Franklin County Solid Waste Authority; and
5. Determines that the proposed action continues to be classified as an Unlisted Action pursuant to New York State Environmental Quality Review Act ("SEQRA") 6 NYCRR 617 (ak); and
6. Directs the Town Clerk to transmit to each of the aforesaid involved agencies, the Full Environmental Assessment Form with a copy of this Resolution, with the request that each involved agency notify the Town, within thirty (30) calendar days of its consent to the Town of Malone serving as Lead Agency in the environmental review of this project, in accordance with 6 NYCRR Section 617.6(b)(3) and that any involved agency which objects to the Town of Malone acting as Lead Agency shall so notify the Town Supervisor, in writing, within 30 days of its receipt of all of the above referenced documents.

RESOLUTION 208-2016

On a motion of Councilor Scharf, seconded by Deputy Supervisor Sullivan, the following resolution was

ADOPTED Ayes 5 Maneely, Scharf, Sullivan, Lockwood, Taylor
Nays 0

Resolved that the Town of Malone intends to claim lead agency status pursuant to the State Environmental Quality Review Act for the proposed Solar Farm at the Malone Landfill.

APPROVAL OF MINUTES

RESOLUTION 209-2016

On a motion of Councilor Scharf, seconded by Deputy Superintendent Sullivan, the following resolution was

ADOPTED Ayes 5 Maneely, Scharf, Sullivan, Lockwood, Taylor
Nays 0

Resolved that the minutes of the July 27, 2016 Regular Meeting and August 1, 2016 Special Meeting be approved.

REPORTS

RESOLUTION 210-2016

On a motion of Deputy Supervisor Sullivan, seconded by Councilor Lockwood, the following resolution was

ADOPTED Ayes 5 Maneely, Scharf, Sullivan, Lockwood, Taylor

Resolved to accept the following reports for review and filing as written and placed in file: Supervisor's Report – 02/2016, 03/2016, 04/2016, 05/2016 and 06/2016, Airport Rent/Lease Report – 08/2016, Justices Gardner and Robert Reports – 07/2016, Town Clerk Report – 07/2016, Airport Manager Report – 07/2016 and Code Officer Report – 07/2016.

OLD BUSINESS:

SUPERVISOR REPORT

RESOLUTION 211-2016

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

ADOPTED Ayes 5 Maneely, Scharf, Sullivan, Lockwood, Taylor
Nays 0

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Resolved for approval for Justice Court to submit JCAP Grant Application not to exceed \$10,000 for an 8x8x8 holding cell to provide a secure environment for incarcerated defendants awaiting court appearance.

RESOLUTION 212-2016

On a motion of Deputy Supervisor Sullivan, seconded by Councilor Scharf, the following resolution as

ADOPTED Ayes 5 Maneely, Scharf, Sullivan, Lockwood, Taylor
Nays 0

Resolved for approval for Malone Central School District to use the old Mustang Football field for soccer practice during the 2016-2017 school year.

Report of Final Equalization Rate at 84.00 per NYS Department of Taxation and Finance.

Public Hearing notification for landowners requesting inclusion in to Franklin County Agricultural District scheduled for September 1, 2016 at 11:00 a.m. in the Chambers of Franklin County Legislature.

Notification of solar inspection to be completed on Monday, August 29th at 1:30 p.m. Supervisor Maneely will be present for this inspection. Lillian Anderson-Duffy stated that the Town's solar farm at the airport is the first its kind in our region as is the County's solar farm on the landfill. Supervisor Maneely read a document containing more detailed information of what the inspection will entail.

BOARD MEMBER/COMMITTEE ITEMS

Councilor Scharf stated that Howard has been working with Complete Streets to get a sidewalk along Route 11 (going to Walmart) and will be applying for a grant. Complete Streets has also ordered bicycle racks to be placed at several locations to include the Wead Library, Post Office, County buildings and other locations.

Deputy Supervisor Sullivan presented the following resolution to the Board:

WHEREAS many people in Franklin County are interested in saving local historical architecture and

WHEREAS the Debar Pond Lodge is an example of a local historical building in need of restoration and

WHEREAS the Town of Duane is actively seeking New York State help in restoring the Lodge.

THEREFORE IT BE RESOLVED that the Town of Malone supports the Town of Duane in its efforts to save the Debar Pond Lodge.

RESOLUTION 213-2016

On a motion of Deputy Supervisor Sullivan, seconded by Councilor Scharf, the above resolution as read was

ADOPTED Ayes 5 Maneely, Scharf, Sullivan, Lockwood, Taylor
Nays 0

Councilor Lockwood stated that the Recreation Park has come up with a new application sheet for field usage in order to scheduling planning of the fields. It shows that during the month of July a total of 31,041 people used the Recreation Park. He also stated that there were six swimmers this year for lessons so there is room for opportunity there as well to get more kids involved. Councilor Scharf asked that a copy of the application be sent to the Chamber. Councilor Scharf stated that the tourism committee she is working on showed that the Rec Park is one of the major attractions to the area bringing revenue to the County.

Councilor Lockwood reviewed the information he distributed to all earlier regarding the Civic Center applying for a grant through the Village. They are in the final stages of writing the grant and Councilor Lockwood requested that the Town write a letter of support for this grant application.

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RESOLUTION 214-2016

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

ADOPTED Ayes 5 Maneely, Scharf, Sullivan, Lockwood, Taylor
Nays 0

Resolved to approve that the Town send a letter of support to Malone Minor Hockey in support of their grant application.

Councilor Lockwood then stated that he has met with Bruce Mallette regarding scheduling to haul in the fill to the Recreation Park as previously approved.

SUPERINTENDENT OF HIGHWAYS

Request for permission to attend NYSAOTSOH Conference.

RESOLUTION 215-2016

On a motion of Councilor Lockwood, seconded by Councilor Scharf, the following resolution was

ADOPTED Ayes 5 Maneely, Scharf, Sullivan, Lockwood, Taylor
Nays 0

Resolved to approve permission for Bruce Mallette to attend the NYSAOTSOH training conference in Lake Placid on September 13 – 16, 2016 at a cost of \$279.00 and approval for the Budget Officer to send in the check now.

Superintendent Mallette provided updates:

- Working on Shova Road tearing out bridge and preparing footers.
- Doing some hot patching, shoulder work and repairing washouts.
- Had been on Whitten Road and will be returning after Shova Road completed. Plan to get all culverts in and gravel this year to let settle over winter.

CORRESPONDENCE:

From DEC – Compliance Order.

Lillian Anderson-Duffy reported on letter from DEC requesting compliance by the Highway Department on various items to be completed by 08/31/2016. Supervisor Maneely explained that he spoke to the pilot today about his tank issue. Superintendent Mallette stated that all that is left to be completed relies on this pilot and is nothing to do with the Town. Lillian asked if proof of the monthly inspections on the tanks has been provided and Superintendent Mallette stated that this has been done. He stated that the DEC is looking for information on the most current ones (that the pilots have) which are on his computer to send to DEC. Lillian stated that this information should be sent right in tomorrow.

Superintendent Mallette stated that they also are requesting a letter regarding a water/oil separator in the front of the garage and he has the paperwork on this as well. The last fine refers to Larry Kelly's tank that needs the gauge and warning alarm. Lillian referred to missing information on tanks owned by third parties. Superintendent Mallette stated that the floor drain issue may require a SPDES permit. Superintendent Mallette stated that when Russ Mulvey was here to provide PBS training, he asked for an email address for the two pilots that have the tanks here. Bruce Burditt stated that he did provide the email addresses to Superintendent Mallette who indicated he has not seen that email. Lillian Anderson-Duffy requested these email addresses be resent. Discussion was held on getting this pilot to comply with the order. Lillian Anderson-Duffy will contact him on this issue tonight.

From the Town Planning Board – recommendation that Town Board approve the Solar project involving both the Village of Malone and Franklin County.

NEW BUSINESS:

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RESOLUTION 216-2016

On a motion of Councilor Scharf, seconded by Councilor Lockwood, the following resolution was

ADOPTED Ayes 5 Maneely, Scharf, Sullivan, Lockwood, Taylor
Nays 0

Resolved that permission be granted for Budget Officer to make the following journal entries, as per the Comptroller notice for June: From A690 Clearinghouse \$10,484.50 to A980 Revenues \$10,484.50 (A2610 court fines & fees).

RESOLUTION 217- 2016

On a motion of Councilor Lockwood, seconded by Councilor Scharf, the following resolution was

ADOPTED Ayes 5 Maneely, Scharf, Sullivan, Lockwood, Taylor
Nays 0

Resolved to approve the quote from Statewide Aqua Store, Inc. to do repairs on the East Side water tank at a price of \$5,745.00. The Town shall provide an 80' man lift to ensure access to the tank.

EXECUTIVE SESSION:

RESOLUTION 218-2016

On a motion of Town Attorney Anderson-Duffy, seconded by Councilor Scharf, the following resolution was

ADOPTED Ayes 5 – Maneely, Scharf, Lockwood, Sullivan, Taylor
Nays 0

Resolved that the Town Board enter into Executive Session at 7:03 p.m. to discuss collective negotiations under the Taylor Law with the Town Board members and Town Attorney.

RESOLUTION 219-2016

On a motion of Deputy Supervisor Sullivan, seconded by Councilor Scharf, the following resolution was

ADOPTED Ayes 5 - Maneely, Scharf, Lockwood, Sullivan, Taylor
Nays 0

Resolved that the Town Board return to Regular Session at 7:15 p.m.

BILLS FOR AUDIT & PAYMENT:

RESOLUTION 220-2016

On a motion by Councilor Scharf, seconded by Councilor Taylor, the following resolution was

ADOPTED Ayes 5 Maneely, Scharf, Sullivan, Lockwood, Taylor
Nays 0

Resolved that the following bills, having been audited and approved for payment, Vouchers #699-758

General Fund (A) – Abstract #13	\$ 70,889.40
Part Town General (B) – Abstract #13	292.67
Highway Townwide (DB) – Abstract #16	30,299.21
East Side Water (FE) – Abstract #7	2,000.00
Trust & Agency (T) – Abstract #30	30,705.35
GRAND TOTAL:	\$134,186.63

ADJOURN:

RESOLUTION 221-2016

With no further business, on a motion by Supervisor Sullivan, seconded by Councilor Scharf, the meeting was adjourned at 7:18 PM. The next regular meeting is scheduled for September 14, 2016 at 6:00 PM with an IDA meeting to precede at 5:45 PM.

RESPECTFULLY SUBMITTED,

DEBORAH A. HUTCHINS, TOWN CLERK