A regular meeting of the Malone Town Board was held Wednesday, August 5, 2015 at the Malone Town Offices, 27 Airport Rd., Malone, NY, commencing at 6:00 p.m.

PRESENT:Supervisor Howard Maneely
Deputy Supervisor Paul Walbridge
Councilor Mary Scharf
Councilor Louise Taylor
Councilor John Sullivan

RECORDING SECRETARY: Denice Hudson, Town Clerk

ALSO PRESENT: Andrea Stewart, Budget Officer Bruce Mallette, Highway Superintendent Lillian Anderson-Duffy, Attorney Despo Baltoumas, <u>Malone Telegram</u> Michael Lamitie, Malone Charles Gardner, Malone

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

EXECUTIVE SESSION:

At 6:03 p.m. Motion – Supervisor Maneely Second – Councilor Scharf

Resolved (#213 - 2015) that the Town Board enters into Executive Session pertaining to the employment history of, and matters leading to, the employment, discipline, suspension, discripted or pertaining to a particular percent with Decard Marghers.

the employment history of, and matters leading to, the employment, discipline, suspension, dismissal or removal of a particular person, with Board Members, Attorney, Justices Lamitie and Gardner to be present.

CARRIED (5-0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye

At 6:20 p.m. the executive session ended with no action taken. Motion – Supervisor Maneely Second – Councilor Scharf

Resolved (#214 – 2015) to return to regular session. CARRIED (5-0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf – Aye

MINUTES:

Approval of August 5, 2015 regular meeting and August 11, 2015 special meeting. **Motion** – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (#215 - 2015) to accept the Minutes of August 5, 2015 regular meeting and August 11, 2015 special meeting and place in file.

CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye

<u>REPORTS</u>:

Motion – Deputy Supervisor Walbridge Second – Councilor Sullivan

Resolved (#216 – 2015) to accept the following reports for review and filing as written and placed in the file: Supervisor Report - 7/2015, NYS Comptroller – Court report for 5/2015 and 7/2015, Justices Lamitie and Gardner – 7/2015, Airport Lease Manager Report – as of 8/24/2015.

CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf – Aye

OLD BUSINESS:

Lead Agency Status for Landfill Solar Project

Restrictions are plan approval prior to commencement of construction, and Construction Stormwater – a SPDES General Permit will be required. Attorney

Anderson-Duffy reviewed SEQR Regulations, and stated even if the ultimate outcome would be a condition negative declaration, conditioned on the applicant complying with requirements that the DEC has set forth, under 617.7(d)(1) of the SEQR Regulations for an unlisted action, a condition negative declaration is to be the outcome, the applicant has to have completed a full EAF, there has to be a coordinated review, and there has to be imposed SEQR conditions that mitigate all significant environmental impact as well as our having to publish a notice of the condition negative DEC in the environmental news bulletin giving a 30 day comment period. I was unable to reach Erin, who is the environmental analyst who signed the correspondence from the DEC. In researching the regulations, I drew up proposed Resolution if you would consider and pass. It would be my advice that you do pass, which recites that Green Power Developers have applied for permission to install a solar farm at the former Malone landfill, that we have by a prior resolution preliminary classified as an unlisted action, we have set forth the involved agencies for coordinate review, and one of those agencies is the DEC, and we declared our intention to assume lead agency status, and as Supervisor Maneely has noted, we have received consent from all involved agencies as well as DEC today that we serve in this capacity. However, the the DEC correspondence provides that the developer provide an in depth plan, and this plan has to be approved by DEC before any construction can commence, that would include any measures for maintain CAP integrity, storm water controls, any changes to post closure monitoring, maintenance of site and other environmental impact. That is a pretty extensive plan. I am recommending that we will need anyway even if the outcome is, at the very least, if it a condition negative declaration, you are going to need a full EAF. The engineer can very well do and quite easily, and the engineer is in the best position to provide the plan that is required by the DEC. In the resolution I have set forth that information. This is such a worthwhile project, and provides for all of our goals to provide for solar power and reduce power costs for the Village, we have already started our own solar project. We cannot avoid the SEQR law, it is very important. As have been informed by DEC both by local Raybrook officials and counsel for DEC from Albany, this is the first project of its kind in the state, and the Village could very well be considered for an environmental award. There are certain steps set out in SEQR law.

Motion – Councilor Scharf

Second – Deputy Supervisor Walbridge

Resolved (#217 – 2015) to REQUIRE DEVELOPER OF PROPOSED SOLAR FARM AT FORMER MALONE LANDFILL TO COMPLETE FULL ENVIRONMENTAL ASSESSMENT FORM, APPLY FOR A SPDES PERMIT AND SUBMIT A PLAN TO THE MALONE TOWN BOARD AND DEC ADDRESSING ENVIRONMENTAL ISSUES.

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 approximately 1.6 MW abovegrade ballast-mounted photovoltaic system with raised racking system (hereinafter referred to as "solar farm") to be installed at the former Malone Landfill, a 62.4 acre site; and

WHEREAS, 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 and declared its intention to assume Lead Agency Status; and

WHEREAS, all of the involved agencies have consented in writing 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, 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.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Malone does hereby direct the Developer of the subject project to:

- 1. 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
- 2. Prepare a full Environmental Assessment Form and submit same with four Copies thereof, to the Malone Town Board; and
- 3. 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.

CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf – Aye

<u>Highway Truck Bid</u>

Superintendent Mallette reviewed specs and recommend that we go with Western Star with Charlebois, which is the lowest bid. Warranty is separate. You have coverage on truck. They do offer extended warranty. It is my recommendation on warranty to go with factory warranty, and with the exception of cooling and wiring, you can get the five year plan for \$1,500.00 total. That is my recommendation. The Power Train is warrantied for five years.

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (#218 – 2015) to allow Highway Department to purchase Western Star truck for \$139,970 from Charlesbois Inc. adding the extended warranty package on cooling and wiring.

CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf – Aye

Superintendent Mallette expects to see the truck sometime in November.

SUPERVISOR REPORTS:

Motion – Deputy Supervisor Walbridge

Second – Councilor Sullivan

Resolved (#217 – 2015) to appoint Bruce Burditt, Highway Superintendent Bruce Mallette and Deputy Highway Superintendent Mike Andrews as authorized individuals to file NOTAMS on behalf of Malone-Dufort Airport.

CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf – Aye

Motion – Councilor Scharf

Second – Deputy Supervisor Walbridge

Resolved (#217 – 2015) to grant Supervisor Maneely permission to sign application for Jonathan Mitchell for the Franklin County Tech Rescue Team. CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye

Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf – Aye

Preconstruction Meeting for Installation of AWOS

Had preconstruction meeting yesterday and all went well. Signed notice to proceed. They have started construction today. We will have weather station before

winter. Councilor Scharf stated we also spoke of the weather station that will be used by the public, which is in the works.

Request from Malone Central Schools for use of Former Mustang Field

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (#218 - 2015) to grant permission to Malone Central School District to use the former Malone Mustang field for soccer practice during the 2015-2016 school year.

CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf – Aye

Councilor Scharf stated we can put that on our list for Shared Services.

Motion – Councilor Scharf

Second – Councilor Sullivan

Resolved (#219 – 2015) to grant Supervisor Maneely permission to sign Consultant Agreement with Passero for Fuel Farm Engineering Design Construction and Administration at a cost of \$42,500.00.

CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf – Aye

Indian Trails PILOT Agreement

Received Agreement.

Motion – Councilor Taylor

Second – Deputy Supervisor Walbridge

Resolved (#220 – 2015) to reappoint Malcolm Miner to a seven year term on the Malone Recreation Commission, to expire March 1, 2022.

CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf – Aye

Rec Commission Meeting tomorrow for Jack and Louise to attend.

Standard Work Day

Motion – Deputy Supervisor Walbridge

Second – Councilor Sullivan

Resolved (#221 – 2015) to adopt standard work day and reporting resolution for Louise LaBerge, Court Clerk; Sharon Hyde, Court Clerk; Ashly Hammond, Court Clerk; Amy Hewitt, Assessor; Deborah Hutchins, Data Collector; Denice Hudson, Town Clerk/RMO/Tax Receiver/Registrar; Diana Grant, Deputy Clerk/Receiver; Robert Crossman, Code Enforcement; and Andrea Stewart, Secretary/Bookeeper, for New York State Retirement System.

Before adopted, Lillian had had a question for everyone's benefit. Budget Officer Stewart explained that in January we set standard work day for all of these positions, and for other positions as well. As a follow-up to it, they wanted the actual individuals with those titles, what their reporting days per month would be, and we submitted information for those that submit the calendars, but neglected to submit information for everyone that uses the time clock.

CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf – Aye

BOARD MEMBER/COMMITTEE ITEMS:

Councilor Scharf started with letter from Barbara Morris and Wayne Walbridge regarding Malone Rec Park Commission.

Motion – Councilor Scharf

Second – Deputy Supervisor Walbridge

Resolved (#222 - 2015) to accept Barbara Morris' letter of resignation from the Malone Rec. Park Commission, with regret, and accept Wayne Walbridge as replacement to the Rec Commission.

CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf – Aye

Councilor Scharf spoke to Greg at APEX Solar and he stated National Grid's engineer has not inspected the transformer and that was last week. Expecting any day. Until they do inspection, we are stopped. Everything is ready to go once inspection is complete.

Complete Streets created Annual Report for 2014-2015 as our year is over in June. Highlights of this past year include installation of sidewalk to the Malone Rec Park on Duane Street, new sidewalk on Elm Street, new sidewalk connecting Park Street to Medical Center entrance, blank out sign "No Turn on Red" on Elm and Main Streets, purchasing paint machine for Village Department of Public Works, asking Family Dollar to install new sidewalk to connect existing sidewalks, which they did. Complete Streets has constructed and/or reconstruction 2263 feet of sidewalk.

Priority projects for 2015-2016 are a sidewalk from Indian Trails Apartments to Davis School, the intersection between State Street and College Avenue, and a sidewalk along Jane Street.

Councilor Scharf further stated she has been appointed Chairman.

Deputy Supervisor Walbridge commended Complete Streets Board and Councilor Scharf on her work for Complete Streets. There is nothing better than having our community safe.

Councilor Scharf stated there are two positions open on the Complete Streets Committee and requests that the Board approve Wayne Miller and Erin Streiff to those positions.

Motion – Councilor Scharf

Second – Councilor Taylor

Resolved (#223 – 2015) to approve two new more Board members, Wayne Miller and Erin Streiff, to the Complete Streets Committee.

CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf – Aye

<u>SUPERINTENDENT OF HIGHWAYS</u>:

Superintendent Mallette stated the department will start blacktopping sometime next week.

CORRESPONDENCE:

Request from NYSDEC to serve as lead agency for Robinson's Upstate Pit Mining Permit.

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (#224 – 2015) to allow New York State Department of Environmental Conservation to act as lead agency for the Robinson's Upstate Pit.

CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf – Aye

NEW BUSINESS:

Motion – Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (#225 - 2015) to grant permission for Assessor and Data Collector to attend training for Lake Front Valuation in the North Country on September 17, 2015 in Lake Placid, with all necessary expenses (mileage) to be paid by the Town of Malone upon confirmation of attendance.

CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf – Aye

Motion – Councilor Taylor

Second – Councilor Scharf

Resolved (#226 – 2015) to grant permission to Budget Officer Stewart to transfer \$6,441.00 from A690 Clearing House to A2610 Fines/Fees – (980 revenues) as per NYS Comptroller Notice for May 2015; and \$7,599.30 for July 2015.

CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf – Aye

EXECUTIVE SESSION:

At 7:05 p.m. Motion – Deputy Supervisor Walbridge

Second – Councilor Sullivan

Resolved (#227 - 2015) that the Town Board enters into Executive Session pertaining to the employment history of, and matters leading to, the employment, discipline, suspension, dismissal or removal of a particular person, with Board Members, Attorney, Highway Superintendent and Budget Officer to be present.

CARRIED (5-0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye

At 7:15 p.m. the executive session ended

Motion – Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (#228 – 2015) to return to regular session.

CARRIED (5-0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf – Aye

Motion – Deputy Supervisor Walbridge

Second – Councilor Scharf

(**Resolved** (#229 - 2015) to appoint Kathlynn Cook effective 8/31/2015 to the Highway Clerk Position at a pro-rated salary of \$22,000.00 at 30 hours per week, to start August 31, 2015.

CARRIED (5-0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf – Aye

BILLS FOR AUDIT & PAYMENT:

Motion – Deputy Supervisor Walbridge Second – Councilor Taylor

Resolved (#230 - 2015): that the following bills, having been audited, Vouchers #695 - 747 to be paid: General Fund (A) – Abstract #15 \$87,163.10 387.92 Part Town General (B) – Abstract #14 Highway Townwide (DA) – Abstract #13 2,428.14 Highway Outside (DB) – Abstract #15 15,471.28 Airport Capital Project (H4) – Abstract #9 7,873.75 Trust & Agency (T) – Abstract #32 27,255.04 \$140,579.23 Grand Total:

CARRIED (5- 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan – Aye Councilor Taylor - Aye Councilor Scharf - Aye

Press Republican Reporter Denise Raymo had questions about Audit Report and Employee evaluations. She wanted to know where the evaluations were kept, who has them, and are they completed? Supervisor Maneely stated they are not completed. Ms. Raymo further asked if there was a list as to which ones have been completed, the

number of employees that have been evaluated and how many are yet to be evaluated. Supervisor stated it has been placed on the back burner as we have been a busy board.

Ms. Raymo stated there was information that was made public there where accusations regarding an investigation were being made. Attorney Anderson-Duffy Duffy stated we are not commenting to the press on anything involving Mark Besio and the investigation that is going on regarding his Airport Manager's position. Ms. Raymo inquired as to if it was a criminal investigation, or a town council investigation? Attorney Anderson-Duffy stated it was the Town's investigation and that we are comporting the Civil Service Law and that is all we are going to say at this point.

Ms. Raymo further asked with regard to the Audit, is it usual that the individual Judge's would respond? Supervisor Maneely stated they are elected officials, so yes. Ms. Raymo further asked if it struck the Board as strange that every deficiency or recommendation was not either of the Judge's fault, . . . there were too few employees, the Town Council's fault; computer problems, NCourt's fault; County Jail's fault civil service did not provide proper paperwork; former Justice Cositore's fault there were money shortages; Town Council's fault, a system error fault, civil service again. Supervisor Maneely stated the State did not say that, and we have not addressed it yet, but we will. The Justice Court response was to the State. The Town Council was not given a chance to response.

With regard to the Highway Department, changes have been made to the Highway Department. Employees are now required to sign individual time cards and Town Supervisor reviews payroll processing. There is a Highway Committee.

Ms. Raymo asked if there was a window as far as when responses need to be filed regarding Audit. Town Clerk Hudson stated it is November 19th, as per the Notice published in the newspaper.

As far as employee evaluations, Attorney Anderson-Duffy stated at this point the issue of status as to where the Town Board is in examining the performance of the employees is not subject to disclosure at this time. As tax payers' dollars pay the salary for the employees, performance evaluations are so crucial. Ms. Raymo asked if you are not conducting evaluations, how the taxpayers know their money is being used in an efficient manner. Attorney Anderson-Duffy stated the Town Board is moving a pace with regard to the performance evaluations, which were just started. Ms. Raymo stated it has been nine months since it was stated to be a priority. Attorney Anderson-Duffy stated right now the Town is not going to speak any further regarding performance of its employees. It is not subject to disclosure to the press.

Despo Macneill inquired regarding the PILOT agreement with Indian Trails. Supervisor Maneely stated it is a PILOT program for taxes that the Town will need to respond to. Ms. Macneill stated Councilor Sullivan made a good point that I did not understand. Councilor Sullivan stated that if they wanted long term, they should have in that built in increases due to inflation. Deputy Supervisor talked about reopening every 10 years to reexamine the PILOT. Attorney Anderson-Duffy believes all the criteria that are used to determine money with all municipalities is subject to statutory mandate and would need to be researched again to inform the Board what that standard is.

ADJOURN:

At 7:25 p.m. Motion – Deputy Supervisor Walbridge Second – Councilor Sullivan

Resolved (#231 - 2015) there being no further business to come before the Board that it adjourn, with the next meeting to be September 9, 2015 at 6:00 p.m., preceded by IDA meeting at 5:45 p.m.

CARRIED (5- 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye

RESPECTFULLY SUBMITTED,

DENICE A. HUDSON, TOWN CLERK