

**TOWN OF MALONE
REGULAR MEETING
September 25, 2019**

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 25th day of September, 2019.

PRESENT:	Andrea Stewart	Supervisor
	Terry Maguire	Deputy Supervisor
	Ed Lockwood	Councilor
	Candy Gadway	Councilor

ABSENT:	Louise Taylor	Councilor
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ALSO PRESENT:

Denice Hudson, Budget Officer	Ashley Hart, Malone
Jean Marlow, Town Clerk	James & Jo Fisher, Malone
Bruce Mallette, Highway Superintendent	Marilyn Spaulding, Malone
Bruce Burditt, Airport Manager	Hannah Emond, Malone
Kati Jock, Malone	Michael Emond, Malone
Alex Tobes, Malone	Matt Molmar, Malone
Jacob Harning, Malone	Mark Mainville, Malone
Dominic Reome, Malone	Lydia, Elijah, Charlotte & Caleb
Chastity Miller, Ft. Covington	Brown, North Bangor
Paul Langdon, Malone	Bill & Phyllis Laymon, Malone
James Button, Malone	Bruce Cromp, Malone
EJ Conzola, Malone Telegram	Jean Mainville, Malone
	Sheree Denny, Malone

Supervisor Stewart called the meeting to order at 6:00p.m. with a pledge of allegiance to the flag.

The members of the New Covenant Church came in to discuss their tax exempt status as it pertains to their local property taxes.

Ashley Hart spoke first. The church filed their paperwork, for their property tax exemption, 3 days late and were denied their exemption. They went through the grievance process, as directed, and were also denied their exemption citing not wanting to set a precedent. In the past when they were a few days late they did not lose their exemption. They have also done some research and the language for leniency gives a lot of room to accommodate their request. She stated it is concerning as a member of the community and the church that there was no grace shown in this case. They meet all of the requirements, it was simply a human error.

She also wanted to let the Board know how much the New Covenant Church does for the community. They host several events that are of no charge to the community. An \$8,000.00 tax bill would be a huge hit for the small church. If there is anyway it can be overturned she would like the Board to consider.

Supervisor Stewart said that the board will have to look in to this to see what, if anything, the board can do at this time. She is not sure they have the power to overturn a decision made by the Grievance Board.

Matt Molmar, pastor of the church and part of the church since 1978 also spoke. He has spent his whole life here. He reiterated the sentiments of Ms. Hart, but also wanted to add he feels almost offended that they are being held to such a strict letter of the law approach to this situation. They have filed diligently each year. It was a basic human/administrative error as they went through some changes. Precedent has been mentioned but there has been leniency in the past. When paperwork was handed in after the first in the past, it was not only processed, no mention or notification of not receiving the exemption on time was ever brought to their attention.

Mark Mayville, who is the person who was in charge of this task stated he filed so many times over the years that he came to forget that there was a specific date. He usually filed in February, but had on 3 occasions filed even later in the month of March, without any notice of being late.

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Councilor Gadway stated that if there is a way the board can help, they will, but they will need some time to look in to it.

Lydia Brown, Administrator for New Covenant Church, asked that in the meantime can the late fees be waived while everyone has time to work through this. Supervisor Stewart let her know that late fees on the current school tax bill is out of our jurisdiction.

Supervisor Stewart thanked the members for coming and let them know that someone will be in touch with updates.

MINUTES:

RESOLUTION 233 -2019 – Minutes

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

ADOPTED Ayes 4 Stewart, Maguire, Gadway, Lockwood
Nays 0

Resolved to approve the Minutes of the September 12, 2019 Regular Meeting.

RESOLUTION 234 -2019 – Reports

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

ADOPTED Ayes 4 Stewart, Maguire, Gadway, Lockwood
Nays 0

Resolved to accept the following reports:

Office of the State Comptroller, Justice Court Fund – August 2019

Airport Lease Manager – August 2019*

Code Office – August 2019

*There will need to be discussion on one of the hangars, regarding whether to keep it as for use by two planes or to change it to use for one large plane. The airport committee will need to get together to discuss.

OLD BUSINESS:

-There were resolutions made at the last board meeting in regards to the Temporary Court Clerk position, and appointing a specific person to that position. Unfortunately, it did not work out there for the paperwork for this position was not submitted.

RESOLUTION 235 -2019 – Highway Garage Insulation Bid

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

ADOPTED Ayes 4 Stewart, Maguire, Gadway Lockwood
Nays 0

Resolved to approve of the following, to be advertised in the Malone Telegram, website, Facebook and posted on our bulletin board:

The Town of Malone is seeking separate sealed bids for the following:

1. The application of a polyurethane industrial roof coating on the exterior (outside) of the 18,500 square foot roof of the Highway Garage.
2. The installation of 5 inches of closed cell spray foam to the interior (underside) of the 18,500 square foot roof of the Highway Garage and the ignition barrier over the top of the spray foam. Removal of fiberglass prior to the application of spray foam, where needed.
3. A combined bid encompassing all work for both options, one and two.

Individual bidders for either #1 or #2 must take notice that the work associated with Bid #1 must be completed prior to the commencement of bid #2.

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The Town Board acknowledges the time constraints on potential bidders and the challenges of our cold and/or wintry weather, however each bid component must be completed no later than May 29, 2020.

Each sealed bid must include a certificate of Non-Collusion AND a certificate of Liability Insurance, and clearly indicate on the exterior envelope Bid #1, Bid #2 or Bid #3. Each bid should include all removal and disposal costs of debris.

These projects are subject to Article 8. Section 220 of the NYS Labor Law. The prevailing rate of wages can be found by entering PRC# 2019012444 for the Roof Coating of Highway Garage bid, and PRC# 2019012445 for the Cell Spray Foam Installation bid, at the proper location on the NYS Dept. of Labor's website (<http://labor.ny.gov>).

Sealed bids will be received during regular business hours at the office of the Malone Town Clerk, 27 Airport Road, Malone NY 12953 until 10 AM on October 9, 2019, at which time bids will be publicly opened and read aloud.

The Town of Malone is tax-exempt. It is the intent of the Malone Town Board to award these bids to the lowest responsible bidder, however the Board reserves the right to accept or reject any or all bids and to waive any informalities.

SUPERVISOR REPORTS:

-Attended FEMA meeting at the 911 Building. It was a 2 hour session giving an overview of FEMA's plan to update our flood maps for the area. They will eventually be available to access on websites.

RESOLUTION 236 -2019 – Malone Call Fireman Physicals

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

ADOPTED Ayes 4 Stewart, Maguire, Gadway, Lockwood
Nays 0

Resolved to give permission to Supervisor Stewart to sign the Malone Call Fireman Physicals for Steven Savage and Gary Spinner, and add them to the Franklin County Self Insurance Plan.

-*Citizens Advocate PILOT*: There have been a series of meetings and discussion over the last few months regarding the PILOT. Research has been done on various aspects of the law that allows this, and all the necessary requirements. After going over all of this we have been presented with a resolution. All entities understand what is allowed in these programs, and it has been brought to the Town of Malone for consideration and approval. This has already been, or will be approved by the Village of Malone as they are the host entity, The Town needs to approve it, as we are the taxing entity. The other jurisdictions do not formally vote on this. As a result, the following resolution was adopted:

RESOLUTION 237 -2019 – Citizens Advocate PILOT

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

ADOPTED Ayes 4 Stewart, Maguire, Gadway, Lockwood
Nays 0

Resolved to execute the following resolution:

RESOLUTION OF THE COUNCIL MEMBERS OF THE TOWN OF MALONE AUTHORIZING THE EXECUTION OF A PAYMENT IN LIEU OF TAX ("PILOT") AGREEMENT BY AND AMONG THE VILLAGE OF MALONE, THE TOWN OF MALONE, MALONE HOUSING DEVELOPMENT FUND COMPANY, INC. AND MALONE LIMITED PARTNERSHIP

WHEREAS, the Town of Malone (the "Town") desires to encourage a sufficient supply of adequate, safe and sanitary dwelling accommodations properly planned for persons with low incomes; and

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WHEREAS, Malone Housing Development Fund Company, Inc., a to-be-formed Article XI New York private housing finance law corporation and a New York not-for-profit corporation (the “HDFC”), and Malone Limited Partnership, a to-be-formed New York limited partnership (the “Partnership”), have identified property located at Harrison Place, Village and Town of Malone, County of Franklin, State of New York (the “Property”), for the purpose of the construction on the Property of a housing project for persons of low income, said project to consist of: (i) the acquisition of the Property; (ii) the construction of forty (40) units of housing for persons of low income thereon (the “Improvements”); (iii) first floor community and commercial space; and (iv) the acquisition and installation therein and thereon of certain machinery, equipment, furniture, fixtures and other tangible personal property (the “Equipment”, and collectively with the Property and the Improvements, the “Project”); and

WHEREAS, the HDFC will be formed for the purpose of providing residential rental accommodations for persons of low-income; and

WHEREAS, the HDFC will acquire fee title to the Property, as nominee for the Partnership, and will convey its equitable and beneficial interests in the Property to the Partnership in furtherance of the development of the Project; and

WHEREAS, the HDFC’s and the Partnership’s plan for the use of the Property constitutes a “housing project” as that term is defined in the Private Housing Finance Law of the State of New York (“PHFL”); and

WHEREAS, the HDFC will be a “housing development fund company” as the term is defined in Section 572 of the PHFL and Section 577 of the PHFL authorizes the Council Members to exempt the Project from real property taxes; and

WHEREAS, the HDFC will be a general partner of the Partnership; and

WHEREAS, the Partnership and the HDFC will be willing to enter into a PILOT Agreement whereby they will make annual payments in lieu of taxes to the Town as set forth in the PILOT Agreement presented to this Council Members for approval;

NOW THEREFORE, BE IT RESOLVED that the Council Members hereby exempt the Project from real property taxes to the extent authorized by Section 577 of the PHFL and approve the proposed PILOT Agreement among the Village of Malone, the Town of Malone, the Partnership and the HDFC, in substantially the form presented at this meeting, providing for annual payments as set forth in such agreement.

FURTHER RESOLVED, that upon the formation of the Partnership and the HDFC, the Supervisor of the Town of Malone is hereby authorized to execute and deliver the foregoing PILOT Agreement on behalf of the Town of Malone.

FURTHER RESOLVED, that this resolution shall take effect immediately.

PILOT Payment Schedule:

year	PILOT PAYMENT-Residential	PILOT PAYMENT COMMERCIAL	TOTAL ANNUAL PAYMENT
1	\$21,348.00	\$4,656.00	\$26,004.00
2	\$22,095.18	\$4,818.96	\$26,914.14
3	\$22,868.51	\$4,987.62	\$27,856.13
4	\$23,668.91	\$5,162.19	\$28,831.10
5	\$24,497.32	\$5,342.87	\$29,840.19
6	\$25,354.73	\$5,529.87	\$30,884.59
7	\$26,242.14	\$5,723.41	\$31,965.56
8	\$27,160.62	\$5,923.73	\$33,084.35
9	\$28,111.24	\$6,131.06	\$34,242.30
10	\$29,095.13	\$6,345.65	\$35,440.78
11	\$30,113.46	\$6,567.75	\$36,681.21
12	\$31,167.43	\$6,797.62	\$37,965.05
13	\$32,258.29	\$7,035.54	\$39,293.83
14	\$33,387.33	\$7,281.78	\$40,669.11
15	\$34,555.89	\$7,536.64	\$42,092.53

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James Button of Citizens Advocates thanked the board and said they are excited to get started.

-Reminder: There is a Rec Park work session on September 26, 2019 at 6:00p.m.

BOARD MEMBER/COMMITTEE ITEMS:

Deputy Supervisor Maguire and Councilor Lockwood attended the Rec Park meeting. Jen Hathaway and Paul Walbridge are being proactive to get a jump on next summer season. They felt this season was successful, and are already coming up with ideas for next year. The ice will be in at the Malone Civic Center for Columbus Day weekend.

SUPERINTENDENT OF HIGHWAYS REPORTS:

-Superintendent Mallette would like permission to go out to bid on the surplus scrap metal he has accumulating at the Highway garage. As a result, the following resolution was adopted:

RESOLUTION 238 -2019 – Scrap Metal Bid

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

ADOPTED Ayes 4 Stewart, Maguire, Gadway, Lockwood
Nays 0

Resolved to go out to bid for surplus scrap metal, accepting bids until October 9, 2019 at 10:30a.m.

-Councilor Gadway asked for an update on culverts on Webber Road, she was also asked about when Studley Hill Road will be graded. Superintendent Mallette said the work will start next week.

-Superintendent Mallette said he will be going out to check up on the Webster Street Road issue that Supervisor Stewart left a message about.

CORRESPONDENCE:

-*From Scott Miller*: A request to serve another term on the Town of Malone Planning Board. As a result, the following resolution was adopted:

RESOLUTION 239 -2019 – Appointment of Scott Miller to Planning Board

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

ADOPTED Ayes 4 Stewart, Maguire, Gadway, Lockwood
Nays 0

Resolved to reappoint Scott Miller to the Town of Malone Planning for a new term ending 9/8/2026.

-From Douglas Beane: A request to serve another term on the Board of Assessment Review. As a result, the following resolution was adopted:

RESOLUTION 240 -2019 – Appointment of Douglas Beane to the Board of Assessment Review

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

ADOPTED Ayes 4 Stewart, Maguire, Gadway, Lockwood
Nays 0

Resolved to reappoint Douglas Beane to the Board of Assessment Review for a term ending 9/30/2024.

-*From James F. Gaughran*, NY State Senator invitation to attend a round table discussion on how Albany can help local government with issues, priorities and concerns.

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NEW BUSINESS:

RESOLUTION 241 -2019 – Journal Entries

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

ADOPTED Ayes 4 Stewart, Maguire, Gadway, Lockwood
Nays 0

Resolved to give permission for Budget Officer to make the following Journal Entry as Per Comptroller Notice for August 2019: From A690 Clearinghouse \$8,282.12 to A980 Revenues \$8,282.12 (A2610 Court fines & fees).

RESOLUTION 242 -2019 – Special Meeting to present Budget

On a motion of Supervisor Stewart, seconded by Councilor Gadway, the following resolution was

ADOPTED Ayes 4 Stewart, Maguire, Gadway, Lockwood
Nays 0

Resolved to schedule a Special Meeting to present the Budget to the board on Wednesday, October 2, 2019 at 2:00p.m.

RESOLUTION 243-2019 – Executive Session

On a motion of Supervisor Stewart seconded by Councilor Gadway, the following resolution was

ADOPTED Ayes 4 Stewart, Maguire, Gadway, Lockwood
Nays 0

Resolved to go into Executive Session at 6:30p.m., with the board members present, to discuss the employment history of, and matters leading to the employment, discipline, suspension, dismissal or removal of a particular person

At 7:00p.m. Budget Officer Hudson was asked to join the Executive Session.

RESOLUTION 244-2019 – Executive Session

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

ADOPTED Ayes 4 Stewart, Maguire, Gadway, Lockwood
Nays 0

Resolved to return from Executive Session at 7:06p.m. There was action taken in Executive Session. The minutes pertaining to that subject matter will be available within 7 days.

**These Executive Session minutes can be found immediately following the minutes of this meeting.*

RESOLUTION 245-2019 – Bills for Audit and Payment

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

ADOPTED Ayes 4 Stewart, Maguire, Gadway, Lockwood
Nays 0

Resolved to approve the following:

BILLS FOR AUDIT & PAYMENT: *Voucher Nos.656-700*
Batch Nos. 268

<i>General Fund (A)</i>	<i>\$ 38,573.47</i>
<i>Part Town (B)</i>	<i>52.96</i>
<i>Highway Townwide (DA)</i>	<i>3,827.13</i>
<i>Highway Outside (DB)</i>	<i>56,648.68</i>
<i>Trust & Agency (T)</i>	<i>30,762.46</i>
<i>East Side Water (FE)</i>	<i>10,640.00</i>
<i>Sewer Fund (G)</i>	<i>11,593.00</i>
<i>GRAND TOTAL</i>	<i>\$152,097.70</i>

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RESOLUTION 246-2019 – Adjourn

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

ADOPTED Ayes 4 Stewart, Maguire, Gadway, Lockwood
Nays 0

Resolved to adjourn the meeting at 7:07 p.m. The next regular Town Board meeting is scheduled for October 9, 2019 at 6:00p.m., preceded by an IDA Meeting at 5:45p.m.

RESPECTFULLY SUBMITTED,

JEAN MARLOW, TOWN CLERK