

**TOWN OF MALONE
REGULAR MEETING
December 18, 2024**

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 18th day of December 2024 at 6:00 p.m.

PRESENT:

Andrea Stewart, Supervisor
Brian Taylor, Councilor

Jody Johnston, Councilor
Paul Walbridge, Councilor

ALSO PRESENT:

Abby Monica, Town Clerk
John Manley, Deputy Highway Superintendent
Bridget Cook, Heath & O'Tool
Michael Quinn, Cipriani Energy

Michael Andrews, Highway Superintendent
Alex Violo, Malone Telegram
Matt Liponis, Cipriani Energy
Greg Lawrence, Cipriani Energy

ABSENT:

Terrence Maguire, Deputy Supervisor

CALL TO ORDER: Supervisor Stewart called the Regular Meeting to order at 6:00 PM with the Pledge of Allegiance.

MINUTES: For review and approval

RESOLUTION 301-2024 – Minutes

Upon motion by Councilor Walbridge, second by Councilor Johnston the following resolution was

ADOPTED Ayes 4 Johnston, Stewart, Taylor, Walbridge
Nays 0

Approval of November 20, 2024 Regular Meeting Minutes, with a notation to resolution 292-2024.

Reports:

RESOLUTION 302-2024- Reports

Upon motion by Councilor Johnston, second by Councilor Taylor the following resolution was ADOPTED Ayes 4 Stewart, Taylor, Johnston, Walbridge

Nays 0

Resolved to approve the following reports

Code Officer- November 2024

NYS Comptroller, Justice Court Fund- October 2024

Airport Manager- November 2024

Justice Fisher- November 2024

Town Clerk- November 2024

Supervisor's Report- November 2024

Budget to Actual- November 2024

Judge Main- November 2024

OLD BUSINESS:

RESOLUTION 303-2024- Full Environmental Impact Statement 176 Bare Hill Road

Upon motion by Supervisor Stewart , second by Councilor Johnston the following resolution was ADOPTED Ayes 4 Stewart, Taylor, Johnston, Walbridge

Nays 0

WHEREAS, on or about September 3, 2021, Yellow 17, LLC filed an application for a Zoning Permit for the “Malone Solar Project” to be located at 176 Bare Hill Road in the Town of Malone (the “Proposed Action”), and

WHEREAS, as part of its application for a Zoning Permit, the Applicant submitted a Full Environmental Assessment Form dated August 26, 2021, and

WHEREAS, on or about February 11, 2022, Yellow 17, LLC filed a response to a deficiency letter for the Proposed Action with supplemental materials in support of its application, and

WHEREAS, on or about October 12, 2022, Yellow 17, LLC filed supplemental materials in support of its application, and

WHEREAS, the Town Board adopted a Resolution on May 11, 2022, which classified

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WHEREAS, the Town Board adopted a Resolution on May 11, 2022, which classified the project as a Type I Action under the New York State Environmental Quality Review Act (“SEQRA”), and

WHEREAS, the Town Board assumed lead agency status pursuant to 6 NYCRR 617.6(b)(1), and

WHEREAS, the Town Board conducted public hearings on the proposed project on June 22, 2022, and July 13, 2022, and

WHEREAS, on November 16, 2022, the Town Board made a Positive Declaration of Environmental Significance, requiring preparation of a DEIS, and

WHEREAS, on or about June 26, 2023, the Applicant filed a draft Environmental Impact Statement Scoping Document for the Malone Solar Project and held a public hearing on the scoping document on September 13, 2023, and

WHEREAS, the Final Scoping Document was accepted by the Town Board on September 27, 2023, and

WHEREAS, the Applicant submitted a Draft Environmental Impact Statement (“DEIS”) in November 2023 and submitted a revised DEIS on or about February 6, 2024. The DEIS was deemed adequate for public review on March 6, 2024 and a public hearing was held on March 27, 2024 with the public comment period ending April 12, 2024.

WHEREAS, the Applicant submitted updated studies since the DEIS, and

WHEREAS, pursuant to SEQRA, the Town Board accepted and filed the FEIS on November 20, 2024, and

WHEREAS, the Town has now completed its review of the potential impacts of the project; considered relevant environmental impacts, facts and conclusions disclosed in the FEIS, and weighed and balanced relevant environmental impacts; and taken a hard look at the potential significant adverse impacts together with the proposed mitigating measures and based on said review has prepared a Findings Statement which is annexed hereto and incorporated in its entirety into this resolution, and

NOW THEREFORE, the Town Board hereby adopts the annexed Findings Statement on the Project pursuant to the provisions of SEQRA.

AND THEREFORE, the Town Board, pursuant to 6 NYCRR 617.11(d), certifies that the requirements of SEQRA have been met, and that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Project is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided of minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

AND THEREFORE, the Findings Statement shall be filed, distributed and maintained, as necessary, pursuant to 6 NYCRR 617.11 and 617.12.

Supervisor Stewart and the Board discussed what the next steps will be in regard to this permit.

RESOLUTION 304-2024- 176 Bare Hill Road

Upon motion made by Councilor Walbridge seconded by Supervisor Stewart the following resolution was

ADOPTED Ayes 4 Stewart, Johnston, Walbridge, Taylor

Nays 0

Table any other decisions on permitting anything until the Board of Variance and Appeals reviews all permits and documents.

RESOLUTION 305-2024- FFA Approval- Perimeter Fence

Upon motion made by Councilor Walbridge seconded by Councilor Taylor the following resolution was

ADOPTED Ayes 4 Stewart, Johnston, Walbridge, Taylor

Nays 0

Permission for Supervisor Stewart to sign contract for the perimeter fence project.

RESOLUTION 306-2024- 2023 Financial Audit

Upon motion made by Councilor Walbridge seconded by Councilor Johnston the following

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resolution was

ADOPTED Ayes 4 Stewart, Johnston, Walbridge, Taylor

Nays 0

Permission to accept the 2023 Financial Audit.

SUPERVISORS REPORTS:

RESOLUTION 307-2024- MCF Physicals

Upon motion made by Councilor Taylor seconded by Councilor Johnston the following resolution was

ADOPTED Ayes 4 Stewart, Johnston, Walbridge, Taylor

Nays 0

Permission for Supervisor Stewart to sign MCF Physicals for Scott Fairchild and Michael Fouse and add them to Franklin County Self Insurance Plan.

RESOLUTION 308-2024- Vacation and Paid Holiday

Upon motion made by Councilor Taylor seconded by Councilor Walbridge the following resolution was

ADOPTED Ayes 4 Stewart, Johnston, Walbridge, Taylor

Nays 0

Permission to approve the following Vacation and Paid Holidays per CSEA Contract.

Vacation

In the interest of conformity for the Town Offices and Town Highway Department, effective January 1, 2025, the following change is adopted for paid vacation:

- a) After completion of one (1) year of employment, an employee shall receive five (5) days paid vacation.
- b) After completion of two (2) years of employment, an employee shall receive ten (10) days paid vacation.
- c) After completion of five (5) years of employment, an employee shall receive fifteen (15) days paid vacation.
- d) After completion of ten (10) years of employment, an employee shall receive twenty (20) days paid vacation.
- e) After completion of twenty (20) years of employment, an employee shall receive twenty-five (25) days paid vacation.
- f) After completion of thirty (30) years of employment, an employee shall receive thirty (30) days paid vacation.

Paid Holidays

Employees shall receive thirteen (13) paid holidays in each fiscal year as follows:

New Year's Day	Martin Luther King Day
President's Day	Good Friday
Memorial Day	Juneteenth
Independence Day	Labor Day
Columbus Day	Veteran's Day
Thanksgiving Day	Day after Thanksgiving
Christmas Day	

Notice of Public Hearing: Branch Commercial Development, LLC.

Sale of Sewer Pump

- Town of Gouverneur picked-up Pump as approved at 11/20 Board Meeting and paid \$25,000.00.

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Increase Revenue in General Fund by \$25,000.00 (A2665 Sale of Equipment) and Increase Expenditures (A1620.2 Building Equipment) \$25,000.00.

RESOLUTION 309-2024- Journal Entry

Upon motion made by Supervisor Stewart seconded by Councilor Taylor the following resolution was

ADOPTED Ayes 4 Stewart, Johnston, Walbridge, Taylor
Nays 0

Permission for Budget Officer to make the following journal entry Increase Revenue in General Fund by \$25,000.00 (A1620.2 Building Equipment) \$25,000.00

RESOLUTION 310-2024- EMS Contract for 2025

Upon motion made by Councilor Johnston seconded by Councilor Taylor the following resolution was

ADOPTED Ayes 4 Stewart, Johnston, Walbridge, Taylor
Nays 0

Permission for Supervisor Stewart to sign EMS Contract for 2025 as Budgeted.

RESOLUTION 311-2024- Dog Control Agreement for 2025

Upon motion made by Councilor Taylor seconded by Councilor Walbridge the following resolution was

ADOPTED Ayes 4 Stewart, Johnston, Walbridge, Taylor
Nays 0

Permission for Supervisor Stewart to sign Dog Control Agreement for 2025 as Budgeted.

Malone Adult Center: Follow up on ARPA Fund designation for Generator. The center is fully operational as an Emergency Shelter.

RESOLUTION 312-2024- ARPA Funds- Town Office

Upon motion made by Supervisor Stewart seconded by Councilor Johnston the following resolution was

ADOPTED Ayes 4 Stewart, Johnston, Walbridge, Taylor
Nays 0

WHEREAS, the American Rescue Plan (ARPA) Coronavirus Local Fiscal Recovery Fund, enacted in June, 2021 provides funding to State, Local and Tribal governments to address the myriad of economic, financial, and public safety needs due to the Covid 19 pandemic, and

WHEREAS, the Town of Malone submitted a request to receive funds under this program, and

WHEREAS, the Town of Malone has been allocated \$869,535.84 as follows: \$434,767.91

was received in July, 2021 and July 2022, respectively, by the Office of the NYS Comptroller, and **WHEREAS**, specific criteria for use of these monies include a response to the public health emergency and its negative economic impacts and loss of revenue, capital improvements in public facilities to meet pandemic operational needs and/or mitigation tactics, with monies to be obligated by the end of 2024, and expended by the end of 2026, and

WHEREAS, on May 10, 2023, \$317,425.37 of remaining ARPA Funds were designated to Capital Improvements to Town of Malone facilities, roads, and infrastructure

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Malone does hereby designate \$63,450.00 of these designated funds for upgrades and addition to the entrance of the Town Office Building to including, but not limited to, updated security lighting, cameras and electrical upgrades; \$30,000.00 of these designated funds to IT and Communication upgrades; \$22,000.00 of these designated funds to Parking Lot Upgrades and Expansion.

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Change in Hours of Borders of Canada:

Supervisor Stewart gave an update in regard to the change in hours of Borders to Canada. She did receive a couple letters back and the hours have changed again. Unsure of what times exactly, but they have made a change in times.

BOARD MEMBER/COMMITTEE ITEMS:

RESOLUTION 313-2024- Agreement with Town and Village of Malone, Malone Minor Hockey, and Malone Joint Recreation Commission.

Upon motion made by Councilor Johnston seconded by Councilor Walbridge the following resolution was

ADOPTED Ayes 4 Stewart, Johnston, Walbridge, Taylor
Nays 0

Permission for Supervisor Stewart to sign an agreement between Town of Malone, Village of Malone, Malone Joint Recreation Commission and Malone Minor Hockey.

RESOLUTION 314-2024- Baseball Field Bleachers

Upon motion made by Supervisor Stewart seconded by Councilor Johnston the following resolution was

ADOPTED Ayes 4 Stewart, Johnston, Walbridge, Taylor
Nays 0

Permission to approve the Purchase Order for the American Legion Baseball Field Bleachers, contingent on receipt of acknowledgement from the State.

SUPERINTENDENT OF HIGHWAY REPORTS:

RESOLUTION 315-2024- Purchase of Rider, Trimmer, and Push Mower

Upon motion made by Supervisor Stewart seconded by Councilor Johnston the following resolution was

ADOPTED Ayes 4 Stewart, Johnston, Walbridge, Taylor
Nays 0

Permission to purchase a 72inch diesel Rider for \$17,041.72, Trimmer for \$424.00 and Push Mower between \$400- \$500.

CORRESPONDENCE:

FOIL Response: 74 Hemlock Dr. (w/ enclosures)

FOIL Response re: Malone Town Court Revenue (w/o attachments)

From Charter Communications: Upcoming Change

Notice to Proceed Taxiway A Rehabilitation Project

RESOLUTION 316-2024- Remaining Money in Tax Collection

Upon motion made by Supervisor Stewart seconded by Councilor Johnston the following resolution was

ADOPTED Ayes 4 Stewart, Johnston, Walbridge, Taylor
Nays 0

Permission for Tax Receiver to pay the remaining \$854.41 in tax collection to Budget Officer.

From NYS Department of Environmental Conservation: Approval to use monies in escrow for installation of river state gage to activate EAP.

From Charter Communications: Upcoming Changes.

From Harris Beach PLLC: Verified Petition Liberty Utilities for expedited Modification to its Certificate of Public Convenience and Necessity.

From Justice Fisher: Quote for Audit of Justice Court Operations.

From Public Service Commission: Ruling Concerning Procedural and Technical Conference pertaining to Liberty Utilities (St. Lawrence Gas) Corp. for Gas Service.

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RESOLUTION 317-2024- John Parcell, Audit

Upon motion made by Councilor Taylor seconded by Councilor Johnston the following resolution was

ADOPTED Ayes 4 Stewart, Johnston, Walbridge, Taylor
Nays 0

Permission to move forward with John Parcell for Audit of Justice Court Operations.

NEW BUSINESS:

RESOLUTION 318-2024- Journal Entry

Upon motion made by Councilor Walbridge seconded by Councilor Taylor the following resolution was

ADOPTED Ayes 4 Stewart, Johnston, Walbridge, Taylor
Nays 0

Permission for Budget Officer to make the following Journal Entry as Per Comptroller Notice for October 2024 from A690 Clearinghouse \$6,133.00 to A980 Revenues \$6,133.00 (A2610 court fines & fees.)

RESOLUTION 319-2024- Signatories

Upon motion made by Councilor Johnston seconded by Councilor Walbridge the following resolution was

ADOPTED Ayes 4 Stewart, Johnston, Walbridge, Taylor
Nays 0

Permission for all banking accounts with NBT Bank, N.A. (except for Justice Court Accounts) list Town Supervisor Andrea Stewart, Deputy Supervisor Terrence Maguire and Bookkeeper/Budget Officer Denice Hudson as signatories.

RESOLUTION 320-2024- Journal Entry

Upon motion made by Councilor Walbridge seconded by Supervisor Stewart the following resolution was

ADOPTED Ayes 4 Stewart, Johnston, Walbridge, Taylor
Nays 0

Permission for Budget Officer to make the following Journal Entry for Payroll Purposes: A1355.1 (Assessor Personal) to A1410.1 (Town Clerk Personal) \$1,636.18 and A1355.1 (Assessor Personal) to A1110.1 (Justice Personal Services) \$2,763.40.

RESOLUTION 321-2024- Journal Entry

Upon motion made by Councilor Taylor seconded by Councilor Walbridge the following resolution was

ADOPTED Ayes 4 Stewart, Johnston, Walbridge, Taylor
Nays 0

Permission for Budget Officer to make the following Journal Entry for Change if Revenue Code: B2555 (Building Permits) to B2110 (Zoning Fees-Variances) \$250.00.

RESOLUTION 322-2024- Journal Entry

Upon motion made by Councilor Taylor seconded by Councilor Johnston the following resolution was

ADOPTED Ayes 4 Stewart, Johnston, Walbridge, Taylor
Nays 0

Permission for Budget Officer to make the following Journal Entry for purchase of Paver: DB5112.2 (Improvement Capital Outlay) \$125,000.00, DB5110.1 (General Repairs Personal Services) \$500.00, DB5130.1 (Machinery Personal Services) \$17,500.00, DB9010.8 (State Retirement) \$1,100.00, DB9060.8 (Health & Medical Insurance) \$1,481.25, DB9030.8 (Social Security) \$4,000.00 for a total of \$149,581.25 to DB5130.2 (Machinery Equipment).

BILLS FOR AUDIT & PAYMENT:

Batch No. 1589, 1590, 1591
Voucher Nos. 943-1035, 1037-1039

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Voucher Nos. 943-1035, 1037-1039

<i>General Fund (A)</i>	<i>\$52,268.56</i>
<i>General Fund (A)</i>	<i>55,000.00</i>
<i>Part Town General Fund (B)</i>	<i>7,403.00</i>
<i>Highway Townwide (DA)</i>	<i>16,575.35</i>
<i>Highway Outside (DB)</i>	<i>14,683.81</i>
<i>East Side Water (FE)</i>	<i>253.20</i>
<i>Trust & Agency (T)</i>	<i>37,142.32</i>
<i>Trust & Agency (T)</i>	<i>240.38</i>
<i>Airport Capital Projects (H4)</i>	<i>25,717.45</i>
<i>Landfill Closure Capital Project (H7)</i>	<i>1,340.00</i>
<i>Highway Equipment (H1)</i>	<i>50,000.00</i>
<i>Consolidated Highway (H3)</i>	<i>123,000.00</i>
<i>GRAND TOTAL</i>	<i>\$383,624.07</i>

RESOLUTION 323-2024 Bills

Upon Motion by Councilor Taylor, second by Councilor Johnston the following resolution was.

ADOPTED Ayes 4 Stewart, Johnston, Taylor, Walbridge

Nays 0

Resolved to pay the bills listed.

RESOLUTION 324-2024 Adjourn

Upon Motion of Councilor Johnston and seconded by Councilor Walbridge the following resolution

Was ADOPTED Ayes 4 Stewart, Johnston, Taylor, Walbridge

Nays 0

Resolved to adjourn the regular meeting at 7:04 p.m. The next Organizational Board Meeting will be on January 8, 2025 at 6:00 p.m. at 27 Airport Rd. Malone, NY 12953.
RESPECTFULLY SUBMITTED,

Abby Monica, Town Clerk