

TOWN OF MALONE
REGULAR MEETING
Public Hearing
September 13, 2023

A regular meeting and public hearing 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 13th day of September 2023 at 6:00 p.m.

PRESENT:

Andrea Stewart, Supervisor
 Jody Johnston, Councilor
 Paul Walbridge, Councilor

Terrance Maguire, Deputy Supervisor
 Brian Taylor, Councilor

ALSO PRESENT:

Denice Hudson, Budget Officer
 Michael Andrews, Highway Superintendent
 Michael McMahon, Code Officer
 Jerry Mallette, Malone Resident
 Bruce Burditt, Airport Manager
 Jodi Hunt, Jetra Tech
 Dryden Lataburc, Cipriani Energy Group
 Mary Scharf, Malone Resident
 Craig Tatro, Constable Resident

Abby Monica, Town Clerk
 John Manley, Deputy Highway Superintendent
 Alex Violo, Malone Telegram
 Gary Mallette, Malone Resident
 Alicia Stoklosa, Cipriani
 Michael Quinn, Cipriani Energy Group
 Bridget Cook, Heath and Tool
 Elizabeth Bowles, Planning Board Member
 Carla Gerber, Malone Resident

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

Moment of silence for Bruce Lane.

PUBLIC HEARING

Town Clerk Abby Monica to read Public Notice

Bridget Cook, the Towns Attorney discussed what the public hearing is for. Alisha Stoklosa from Cipriani Energy Group discussed the changes from the consultant comments that will be made and be incorporated in the final draft. She is hoping they can get the revised final draft done by September 25th to be able to have it done for the September 27th board meeting. Michael Quinn from Cipriani spoke on the project that is currently in the works, it is a 2-megawatt AC project, little less than 10 acres and 2.25 Miles outside of the Village. Nautilus and Cipriani currently work together on this project, Nautilus is the owner of Yellow, LLC. Jodi Hunt, environmental consultant spoke regarding the scoping statement. She stated they will be able to add the things requested in the consultant comments. There were a couple consultant comments that were not answered tonight as there was not enough clarification, they will be answered by September 25th when they final draft is written up. Hunt stated on the panels there is an antiglare coating put on all panels at the manufacturer and they also do an antiglare test on all panels before they get put in place. The panels are made to absorb sunlight, to produce electricity and they are rotating panels and follow the sun. Quinn mentioned there is going to be an event happening at The Local Library on September 26, 2023 regarding solar panels. Bruce Burditt Airport Manager asked if there were various levels of glare applications and the Cipriani group confirmed there is only one level on every panel.

Resolution 246-2023- Close Public Hearing

Upon motion by Supervisor Stewart second by Councilor Johnston the following resolution was ADOPTED Ayes 5 Stewart, Johnston, Taylor, Walbridge, Maguire

Nays 0

Permission to close the public hearing at 7:00PM

Request to Address the Board:

Mary Scharf- Mary thanked Airport Manager Bruce Burditt and Highway Superintendent Mike Andrews with help at the Malone Fly-In. Mary has asked the board for consideration in helping to refurbish the historic fountain on Main Street.

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She states it is important to keep this fountain well as it is from the 1870's and it is important to keep historic memorials. Malone has been nominated as an historic town to visit and she wants to keep it this way because it makes people want to visit, helps local business and makes tourist want to move here to Malone, NY. Mary did a tour in 2021 and after that tour people moved here from California, Florida, Oregon, and Vermont. Mary states they have been in contact with the original company who made this fountain. They are willing to refurbish the fountain, but it is \$21,900 and another \$12,000 to have the company pick it up and bring it back from Arkansas. The Malone Board members agreed to think about this but recommended having someone local do the welding. "This helps local business, and it would mean more if someone local fixed a historical artifact," stated Councilor Johnston. All board members agreed this is something they will have to discuss this, and we should try to find someone local to do this.

Jerry Mallette- Jerry raised concerns about the wind towers law. Supervisor Stewarts states on our website has a copy of the Local Law regarding the wind towers and depending on the size the State takes over. Mallette also had concerns with the end of the Limekin Road about how it is very rough and would like it to be under consideration to be done as soon as possible. Superintendent Andrews states it is on the list of things to be done but we must look at financials and take other things into consideration.

Jane Gomez- Gomez has addressed the board regarding Hillsdale Terrace Road and how the trucks are destroying the roads and shaking the houses. She states she attended the Village meeting, and the Village stated it was the Town and Highway Superintendent Mike Andrews that told them they needed to put the bag over the sign regarding traffic. Supervisor Stewart and Superintendent Andrews both stated they do not have any control over what the Village does and does not do, and they never told them to cover the sign on the bottom of Hillside Terrace Road. Superintendent Andrews states it is a Village Road, and we have no control over what they do with their roads. The Village reached out to me and barrowed my weight limit signs and no disrespect to the mayor she made the decision to open that road to truck traffic, it was not my decision. Gomez states she is going to discuss this again with the Village again.

Carla Gerber- Gerber expressed her concerns with her property and how it keeps flooding. She brought a letter to the board meeting that she sent into the town in July of 2021. Superintendent Andrews has gone up to see her property multiple times and has expressed to her that unfortunately nothing we as the town will do can help her property. Superintendent Andrews has explained to her that putting in a bigger ditch will not help as her property is wet land and the ditch will get flooded. Supervisor Stewart spoke and stated she has done research on her property and spoke with Chasity Miller from Franklin County Soil and Water, and they provided a map from the DEC showing Ms. Gerber's property is considered a wetland. Geber does not agree and has decided she is going to get into contact with the DEC and see what they can do for her.

Craig Tatro- Tatro expressed his concerns with the crushed asphalt that the county is using on the roads. He states that the road is breaking and going into the water that leaks into his basement and he did research on it and claims it has toxic and hazardous chemicals in it. He believes it is contaminating soil and water and would like the Town of Malone to have the county stop using the crushed asphalt. Superintendent Andrews and Supervisor Stewart explained that we cannot make them stop as we do not run them, and they got a mining permit from the DEC regarding the projects they are doing. Tatro stated he did research on the internet, and it shows that it has cancer chemicals in it. He went to the DEC, county and tried to talk to the state but no one gave him answers. Superintendent Andrews states if it were so toxic the Department of Transportation would not allow anyone to use it on the roads. Andrews asked Tatro if he did any personal test on the samples, he has brought into us and if not, he needs to go to Atlantic Testing Laboratories in Canton New York to get it evaluated. Councilor Johnston stated The DEC gave them the mining permits unfortunately there is nothing we as the town can do as stopping them, we can ask them and tell them our concerns, but they do not have to do it.

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MINUTES: For review and approval

RESOLUTION 247-2023 - Minutes

Upon motion by Councilor Johnston, second by Deputy Maguire the following resolution was ADOPTED Ayes 5 Stewart, Johnston, Taylor, Walbridge, Maguire

Nays 0

Resolved to approve the following minutes:

September 13, 2023 - Regular Board Meeting Minutes

Reports:

RESOLUTION 248-2023 - Reports

Upon motion by Councilor Walbridge, second by Deputy Maguire the following resolution was ADOPTED Ayes 5 Stewart, Johnston, Taylor, Walbridge, Maguire

Nays 0

Resolved to approve the following reports:

Airport Manager- September 2023

Code Office- September 2023

Justice Fisher- September 2023

Town Clerk- September 2023

Budget to Actual- September 2023

Judge Main- September 2023

Supervisor's Reports- September 2023

SUPERVISORS REPORTS:

RESOLUTION 249-2023- MCF Physical

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

ADOPTED Ayes- 5

Nays- 0

Permission for Supervisor Stewart to sign MCF Physical for Shawn Monica and Gerald Fisher and add on to the Franklin County Self Insurance Plan.

RESOLUTION 250-2023- Budget Tax Cap

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

ADOPTED Ayes- 5

Nays- 0

Public Meeting will be held on September 27th, 2023 at 6:15 P.M regarding the 2024 Budget Tax Cap.

Franklin County- Congressionally Directed Spending (CDS) Project Administered under the USDA Reconnect Piolet Program.

BOARD MEMBER/COMMITTEE ITEMS:

Councilor Walbridge states Deputy Maguire and him attended the Village meeting on Monday September 11, 2023 and the Town has agreed to a 1-Year Contract with Malone Minor Hockey team.

SUPERINTENDENT OF HIGHWAY REPORTS:

Highway Superintendent Andrews states they have started getting the sand and salt ready on Monday and they should be all done with it Monday or Tuesday the following week. His crew has been putting in culverts and shoulders and been working on the Johnson Road as well. Andrews would like to thank Code Officer Mike McMahon for helping with the addition as it is coming along nicely and is almost finished.

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CORRESPONDENCE:

RESOLUTION 251-2023- Friends of the North County

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

ADOPTED Ayes- 5

Nays- 0

To authorize capital expenditure of \$62,900.00, plus administrative, project delivery, and other soft costs, in accordance with the Town of Malone Housing Rehabilitation Program, for project # MA-21-07.

From NYSEG: Improve Customer Service.

From National Grid: Notice of claim

RESOLUTION 252-2023- Chris Kelley

Upon motion made by Councilor Walbridge, seconded by Deputy Maguire the following resolution was

ADOPTED Ayes- 5

Nays- 0

Appoint Chris Kelley to the Variance Board for term ending 11/18/2030

From Charter Communications: Renewal of agreement with The Walt Disney Company.

NEW BUSINESS:

RESOLUTION 253-2023- Journal Entry

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

ADOPTED Ayes- 5

Nays- 0

Permission for Budget Officer to make the following Journal Entry for tax payment from A199.04 (Contingency) to A1950.4 (Tax and Assessment on Municipal Property) \$95.20.

RESOLUTION 254-2023- Journal Entry

On a motion made by Councilor Taylor seconded by Deputy Maguire the following resolution was

ADOPTED Ayes- 5

Nays- 0

Permission for Budget Officer to make the following Journal Entry for equipment purchase from DB9961.9 (Highway Equipment Reserve) \$2,506.00 and DB9060.8 (Hospital and Medical Insurance) \$4,696.52 to DB5130.2 (Machinery/Equipment a total of \$7,202.52.

RESOLUTION 255-2023- Town of Malone Rehabilitation Program

On a motion made by Councilor Walbridge seconded by Councilor Johnston the following resolution was

ADOPTED Ayes- 5

Nays- 0

To authorize a change order expenditure of \$4,800.00, in accordance with the Town of Malone Housing Rehabilitation Program for project #MA-21-02.

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RESOLUTION 256-2023- Fuel Price

On a motion made by Councilor Walbridge seconded by Deputy Maguire the following resolution was

ADOPTED Ayes 5
Nays-0
Aviation fuel price of \$5.77 effective 9/14/2023.

RESOLUTION 257-2023-Standard workday Resolution (RS2418).

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

ADOPTED Ayes-5
NAYS-0
Adopt the Standard Workday Resolution (RS2418).

BILLS FOR AUDIT & PAYMENT:

Batch No. 1253
Voucher Nos. 730-771, 774-780, 784

<i>General Fund (A)</i>	<i>\$47,190.03</i>	
<i>Part Town General Fund (B)</i>	<i>50.00</i>	
<i>Highway Outside (DB)</i>	<i>96,256.33</i>	
<i>East Side Water Fund (FE)</i>	<i>199.61</i>	
<i>Trust & Agency (T)</i>	<i>31,055.43</i>	
<i>Airport Capital Project (H4)</i>	<i>21,677.83</i>	
<i>Sub-Total</i>	<i>\$196,429.23</i>	
<i>Additional Approvals:</i>		
<i>Community Development Grant (CD)</i>	<i>\$107,464.80</i>	
<i>Airport Capital Project (H4)</i>	<i>68,414.19</i>	
<i>Sub-Total</i>	<i>\$175,878.99</i>	
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GRAND TOTAL \$372,308.22

RESOLUTION 258 -2023 Bills

Upon Motion by Deputy Maguire, second by Councilor Walbridge the following resolution was.
ADOPTED Ayes 5 Stewart, Johnston, Taylor, Walbridge, Maguire
Nays 0
Resolved to pay the bills listed.

RESOLUTION 259 -2023 Adjourn

Upon Motion of Councilor Walbridge, second by Deputy Maguire the following resolution was.
ADOPTED Ayes 5 Stewart, Johnston, Taylor, Walbridge, Maguire
Nays 0
Resolved to adjourn regular board meeting at 8:10 P.M on September 13, 2023.
The next Regular Board Meeting will be September 27, 2023, at 6:00 P.M. at 27 Airport Rd.
Malone, NY 12953.
RESPECTFULLY SUBMITTED,

Abby Monica, Town Clerk