

A regular meeting of the Malone Town Board was held Wednesday March 25, 2009 at the Malone Town Offices, 27 Airport Road, Malone, New York, commencing at 6:00pm and preceded at 5:00pm by a Joint Town/Village Meeting to review the Economic Development Plan prepared by Camoin Associates.

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

ABSENT: Councilor Irving Caplan

ALSO PRESENT: Susan Hafter, Town Clerk
Lillian-Anderson Duffy, Town Attorney
Lenora Richards, Village Trustee Todd LePine, village Trustee
Andrea Dumas, Malone Jim Ellis, ANCA, Tupper Lake
Chris LaBarge, Malone Jack Brown, Malone
Frank Cositore, Malone Mark Gonyea, Malone
John McCarthy, Malone Veronica King, Malone
Jean Pond, Malone Hugh Hill, Malone
Connie Jenkins, Malone Telegram
Denise Raymo, Press-Republican

At 6:00pm Supervisor Maneely called the Regular Meeting to order with a Pledge to the Flag.

MINUTES & REPORTS:

* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Taylor to accept the minutes of the regular meeting of March 11, 2009 as presented and place on file.

CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR (4-0).

* On the motion of Supervisor Walbridge with a second thereto by Deputy Councilor Sullivan to accept the following reports as presented and place on file: **Justice Court – 2/2009**

CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR (4-0).

OLD BUSINESS:

Bid Results – a decision on the 3/18/09 bids for sand & gravel was **Tabled** to allow the Superintendent more time for consideration.

West-Side Sewer District – John McCarthy, a resident of Malone, within the West-Side District asked when the installation of the sewer pump might take place, allowing him service on the line. Supervisor Maneely replied that he is still looking for money for the installation and will redouble his efforts.

Public Hearing//Restore NY/Holiday Inn Express-

At 6:15 pm, with notice provided and read aloud, Supervisor Maneely opened the Public Hearing on the Town of Malone Application for funds through Restore New York, Round 3 intended for the proposed Holiday Inn Express project on Rt. 11 West.

Chris LaBarge – Malone resident and developer of the Holiday Inn project, explained that the project site encompasses 3 parcels with a road through the center to the Holiday Inn in the back. The two roadside parcels are intended for a restaurant, for which **Mr. LaBarge** says he has a commitment, and possibly a convenience store. The hotel itself will include 16 suites as well as a number of regular rooms and an indoor pool with “water amenities”. He reported that he has a local commitment for funding of the project. **Hugh Hill**, President of the Malone Chamber of Commerce asked when the construction is to begin. **Mr. LaBarge**, answered that the Restore New York awards are announced at the end of June, and he will break ground in July. He expects the construction to take 8- 9 months. He said he has gone out to bid for a project manager who will be paid a flat fee. **Mark Gonyea**, chairman of the Town of Malone Planning Board asked whether all of the involved parties have been notified, as per the SEQR process, noting particularly the FAA. **Supervisor Maneely**, replied that Mr. LaBarge received a notice today from the FAA regarding a presumed hazard, which can’t be determined until a review of the project height and other factors is done. He added that the Town of Malone did not receive a notice. **Mr. Gonyea**, said that as Lead Agency, the Town of Malone should proceed cautiously. **Mr. LaBarge**, said the FAA review is a normal process that last 60 days, after which the FAA will seek comments by letter to neighboring landowners and local pilots. **Mr. Gonyea** said his

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concern is about the possibility of the Town losing potential Restore NY funding for a viable project, if this one proves not to be. **Mr. LaBarge** guaranteed that he will not submit the application for Restore NY unless and until the FAA has given the project clearance. He added that the project could be modified, if necessary to meet FAA specifications. **Lillian Anderson-Duffy**, Malone Town Attorney said that the Town may not be able to proceed with the Holiday Inn SEQR process tonight, as the FAA was not named in the EAF as an involved or interested party. **Jean Pond**, Malone resident and businesswoman asked about the terms of the Restore NY program. **Mr. LaBarge** explained that the maximum allowed is based on population of the Town, and has to be matched in-kind by the developers. Based on an expected project total of \$8 million, his request is \$1.5 million. **Frank Cositore**, a Malone resident, attorney and developer said he agrees with Attorney Anderson-Duffy, in that the FAA should be made an interested party. He said amending the current SEQR will be quicker than starting over, if this one is not approved. He added that his project and that of Mr. LaBarge are not competing, but complementary, and that his comments are from his standpoint as an attorney. **At 6:44 pm**, with no further comments from the public or Board, Supervisor Maneely closed the Public Hearing.

SEQR / Holiday Inn Express – Letters of approval for the Town of Malone to act as lead agency on the Holiday Inn Express project have been received from NYS DOT, NYS DEC, NYS DOH, Village of Malone, Franklin County IDA, Empire Zone region and the Town Planning Board. Town Attorney Anderson-Duffy recommended the Town Board amend Resolution #8-2008 to include the FAA .

* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Sullivan:

Resolution #5-2009

Whereas, the Town Board of the Town of Malone has determined that the FAA should be named as an involved agency in the SEQR process for the Holiday Inn Express project being developed on Rt.11 West, and

Whereas, Town of Malone Resolution #8-2008 was duly adopted as follows:

Whereas, the Town Board of the Town of Malone is in receipt of a Environmental Assessment Form (EAF) Part 1, relating to the proposed construction of a Holiday Inn Express Hotel on Rt. 11 West, by Branch Commercial Development, LLC; and

Whereas, the Malone Town Board and Malone Town Attorney have reviewed the EAF and find the action does not involve any federal agency, but does involve one or more state and local agencies, those being identified as NYS DOT, NYS DOH, NYS DEC, the Village of Malone, the Town of Malone Planning Board, the Franklin County I.D.A. and the NYS Empire Zone;

Now Therefore, Be It

Resolved: that the Town Board of the Town of Malone does hereby find the above named action to be subject to New York State Environmental Quality Review (SEQR) process and has given it a preliminary classification as "Unlisted"; and

Be It Further

Resolved: that the Town Board of the Town of Malone does hereby claim, upon the approval of other identified involved agencies, Lead Agency Status in regard to the SEQR process for this project.

Now therefore, be it

Resolved: that the Town Board of the Town of Malone does hereby name the Federal Aviation Administration (FAA) as an Involved Agency for the purpose of SEQR in the Holiday Inn Express Project on Rt. 11 West in the Town of Malone, and further

Resolved: that the Malone Town Board requests FAA approval for the Town of Malone to serve as Lead Agency for said project.

CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR (4-0).

No further action was taken on the SEQR for the Holiday Inn project, and the issue was **Tabled** until the FAA has responded.

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SUPERINTENDENT OF HIGHWAYS REPORT:

- Superintendent Livernois thanked and commended Deputy Superintendent Thomas Shanty for his management of the Highway Department during the Superintendent's absence. He reported the following Highway activities: tiling job at the West Street playground; trimming and cutting back trees on Junction Rd.; tearing down snowplows

CORRESPONDENCE:

- from Franklin County Legislature- PILOT request

*On the motion of Councilor Taylor with a second thereto by Deputy Supervisor Walbridge to approve the Franklin County proposal to enter into a Payment in Lieu of Taxes agreement with St. Lawrence Gas Company, pertaining to the proposed natural gas line in Franklin County.

CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR (4-0).

- from US Dept of the Army to Franklin County – pertaining to the Willow Street bridge replacement

-from Dean Lefebvre – a request for a resolution supporting the proposed Adirondack Club & Resort development project in Tupper Lake

* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Sullivan

Resolution #6-2009

WHEREAS the Adirondack Club and Resort is a proposed four season, recreational resort development project in the Town of Tupper Lake; and

WHEREAS the Adirondack Club and Resort proposes to develop the ski area (formerly known as Big Tupper), as well as residential structures, commercial structures, and associated infra-structure; and

WHEREAS the Adirondack Club and Resort has shown that they understand the importance of the natural environment within the Adirondack Park; and

WHEREAS the Adirondack Club and Resort has consulted with, and included all relevant parties in the on-going development of plans for the project; and

WHEREAS the Adirondack Club and Resort will provide a large, balanced, and needed economic boost to the Tupper Lake area, and the entire Adirondack region; and

WHEREAS the Village and Town of Tupper Lake have already acknowledged their support of area economic development, and the Adirondack Club and Resort, thru the Economic Development Strategy of 2007; and

WHEREAS the Adirondack Club and Resort is seeking support from the greater Adirondack and New York State area, in an effort to finalize the necessary approvals from the various regulatory agencies

NOW THEREFORE BE IT RESOLVED

That the Town Board of the Town of Malone hereby supports, the Adirondack Club and Resort; and

BE IT FURTHER RESOLVED that the undersigned recognize the need to balance the environmental issues, while recognizing the economic benefits; and

BE IT FURTHER RESOLVED that the undersigned encourage all parties, and regulatory agencies, to come together to reach final permit approval from all necessary agencies and entities, in a timely manner; and

BE IT FURTHER RESOLVED that the undersigned encourage all area elected representatives, from local to federal level, to provide further support of the Adirondack Club and Resort by passing similar resolutions and in any other way they deem appropriate.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR (4-0).

EXECUTIVE SESSION:

* At 6:55 pm, on the motion of Supervisor Maneely with a second thereto by Deputy Supervisor Walbridge that the Board enter into Executive Session to discuss Contract Negotiations, with all Board Members to be in attendance.

CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR (4-0).

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At, 7:10 pm the Executive Session ended and the Regular Meeting resumed.

BILLS FOR AUDIT & PAYMENT:

* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Taylor that the following bills, vouchers # 263-289, having been audited, be paid:

General Fund	\$ 26,172.72
Part Town General	46.29
Trust & Agency	28,770.07
Chips Fund	364.22
Highway DA	1,140.39
Highway DB	1,236.68
East Side Water Fund	<u>412.03</u>
Grand Total	\$ 58,142.40

CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR (4-0).

ADJOURN:

* At 7:12 pm, on the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Taylor, there being no further business to come before the Board, that it duly adjourn, with the next regular meeting to be held on Wednesday, April 8, 2009 commencing at 6:00pm with the Town IDA meeting at 5:45 pm.

CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR (4-0).

RESPECTFULLY SUBMITTED,

SUSAN M. HAFTER, TOWN CLERK
04/07/2009