

A regular meeting of the Malone Town Board was held Wednesday, June 25th 2008 at the Malone Town Offices, 27 Airport Rd, Malone, New York, commencing at 6:00PM.

PRESENT: Deputy Supervisor Paul Walbridge
 Councilor Louise Taylor
 Councilor John Sullivan
 Councilor Irving Caplan

ABSENT: Supervisor Howard Maneely

ALSO PRESENT: Susan Hafter, Town Clerk
 Andrea Stewart, Budget Officer/Bookkeeper
 Lillian-Anderson Duffy, Town Attorney
 Bob Crossman, Code Officer

Gerry Landry, Malone	Chester Lawrence, Malone
John Fountain, Malone	Shaun Lawrence, Owls Head
Jeff King, Chateaugay	Ben Dixon, Malone
David Dupuis, Malone	Ben Dixon, Jr., Malone
Randy Brunelle, Malone	Mary Fredenburg, Malone
Bryan J. Hughes, Malone	Charles Lawrence, Malone
Chris A. LaBarge, Malone	David R. Nichols, Malone
Lee Mulverhill, Malone	Chad Lawrence, Malone

AT 6:00 PM, DEPUTY SUPERVISOR WALBRIDGE CALLED THE MEETING TO ORDER WITH A PLEDGE TO THE FLAG.

ADDRESS TO BOARD:

Chester Lawrence, Malone resident, requested time to address the Board regarding the environmental review/traffic study of the former MIREP racetrack, now known as Malone Speedway. Mr. Lawrence is concerned about the safety of entering and exiting the raceway, with only one (1) access on Rt. 11. He said that the traffic study done for MIREP calls for two (2). **Attorney Anderson-Duffy** reported that she had received a letter from Attorney Nathan Race, on behalf of the racetrack owners, saying that everything about speedway operation was to be identical to when it was MIREP. As such, the comprehensive SEQR done at the time of MIREP (mid-1990's) was considered to cover the new enterprise, and a new study unnecessary. Now that conditions do not appear to be the same, the Town Attorney recommends a supplemental Environmental Impact Statement (EIS), and advises the Town to not issue a Certificate of Occupancy until that is done. She said sound dampening was a huge issue and part of the mitigation was to be a cedar hedge along a painted fence. **Bryan Hughes**, Attorney for the Malone Raceway said that there are actually four (4) entrances and exits with two (2) on Brainardsville Road (CR24). There was discussion about ingress and egress to the site, past and present. The Town Attorney said any change to the original plan is subject to new study. **Gerry Landry**, of Malone, expressed concerns about any deviation from the original SEQR. He also asked whether the Town was listed as 'Other Insured' on the project liability policy. **John Fountain** stated that **Town Code Officer Crossman** has approved the project every step of the way and was ready to issue a Certificate of Occupancy. He added that if the raceway was not allowed to open now, it would be a "death stroke". He said the only reason Mr. Lawrence objects to the plan is money – he wants to get paid for use of his land. **Ben Dixon** a resident of Goodman Road agreed that the controversy would "go away" if Mr. Lawrence got paid. **Attorney Anderson-Duffy** said the problem lies with a change in alliances. **Attorney Hughes** asked for an abeyance to allow time to review the impact statement with Attorney Anderson-Duffy.

* On the motion of Councilor Caplan with a second thereto by Councilor Taylor to postpone any action on Malone Speedway issues for one week, with a special meeting to be held on July 2nd at 6:00pm for further review.

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

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MINUTES:

*On the motion of Councilor Caplan with a second thereto by Councilor Taylor to accept the minutes of the June 11, 2008 - regular meeting as presented and place on file.

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

REPORTS:

* On the motion of Councilor Sullivan with a second thereto by Councilor Taylor to accept following reports as presented and place on file: Justice Court – May 2008

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

OLD BUSINESS:

SEQR Trooper Barracks – Attorney Anderson-Duffy reviewed with the Board a SEQR form for unlisted actions, as presented for the proposed construction of new Trooper Barracks on Route 11 West.

* On the motion of Councilor Taylor with a second thereto by Councilor Sullivan:

**Town of Malone
Resolution #7-2008**

BE IT RESOLVED: That the Malone Town Board, by way of consent from the NYSDEC, NYSDOT and the Village of Malone, does hereby assume Lead Agency status for the purpose of SEQR, relating to the construction of New York State Police Troop “B” Station on Rt. 11 West in the Town of Malone; and

BE IT FURTHER RESOLVED: That the Malone Town Board determines the above noted project to be and Unlisted Action under SEQR guidelines; and

BE IT FURTHER RESOLVED: That the Project sponsor shall be required to submit a full EAF to the Town before a SEQR declaration may be made.

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

SEQR Holiday Inn Express – Developer Chris LaBarge has asked the Town of Malone to act as Lead Agency for his proposed project to build a Holiday Inn Hotel on Rt. 11 West. A completed Environmental Assessment Form, Part 1 has been given to the Board for review. The Attorney and Board reviewed the form and asked additional questions about the project, which Mr. LaBarge answered.

* On the motion of Councilor Sullivan with a second thereto by Councilor Taylor:

**Town of Malone
Resolution #8-2008**

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

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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.

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

Draft Comprehensive Plan – Attorney Anderson-Duffy has prepared a list of findings as to the draft comprehensive Plan for the Town of Malone. She advised the Board that she approves the draft document as to form, but does have a few notes of interest and some recommendations. She added that the maps were not with the document for her review. Some issues that require further study are: Scenic Corridor, Boat House Overlay Zone & Map, Definitions for Guest Cottages and Mobile Homes, Planning Board Authority, Zoning Board of Appeals: and under Zoning – River Protection Zone and Adult Use. Deputy Supervisor Walbridge thanked Attorney Anderson-Duffy for the preparation and presentation of her findings, which the Board will take under consideration.

Councilor Caplan excused himself from the remainder of the meeting at 7:35pm.

SUPERVISOR REPORTS:

Roads Designation – Supervisor Maneely, in his absence, left a letter for the Board asking them to seriously consider changing the designation of certain roads that are receiving damage from heavy truck traffic.

* On the motion of Councilor Sullivan with a second thereto by Councilor Taylor to change the designation of the following roads: River, Thomas Hill, Goodman and Porter in the Town of Malone to **No Trucks- Local Traffic Only- Farm Equipment Exempt**, with the designation to become official upon the publishing of this notice and the posting of appropriate signage on these roads.

CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR (3-0).

NEW BUSINESS:

SPED Meeting - Clerk Hafter announced that there will be a meeting of the Committee for Town and Village of Malone Strategic Plan for Economic Development (SPED) on Tuesday July 15th at 7:00pm. Camoin Associates, as consultant for the project, will host the kick-off for Phase 2, with all Town and Village officials urged to attend.

* On the motion of Councilor Sullivan with a second thereto by Councilor Taylor that the Town Meeting Room be available for the Plan for Economic Development committee meeting, Tuesday, July 15th 2008 at 7:00 pm, if the Village Meeting Room is unavailable.

CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR (3-0).

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MEETING SCHEDULE CHANGE –

* On the motion of Councilor Taylor with a second thereto by Councilor Sullivan to amend the Malone Town Board Regular Meeting Schedule for the months of July and August 2008 as follows: One meeting only in July to be held Wednesday, July 16th commencing at 6:00pm; and one meeting only in August to be held Wednesday, August 13th commencing at 6:00pm – and allowing for Special Meetings to be called if and when necessary.

CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR (3-0).

BILLS :

*On the motion of Councilor Taylor with a second thereto by Councilor Sullivan, that the following bills, vouchers # 501 -520, having been audited, be paid:

General Fund	\$ 21,966.30
Part Town General Fund	500.00
Trust & Agency	<u>28,235.75</u>
TOTAL:	\$ 50,702.05

CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR (3-0).

ADJOURN:

*On the motion of Councilor Taylor with a second thereto by Councilor Sullivan, there being no further business to come before the board, that it duly adjourn, with the next regular meeting to be held Wednesday July 16th 2008 to commence at 6:00pm and to be preceded an I.D.A. meeting at 5:45pm; and with a special meeting, regarding Malone Speedway, scheduled for July 2nd 2008 to commence at 6:00 pm.

CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR (3-0).

RESPECTFULLY SUBMITTED,

Susan M. Hafter, Town Clerk
July 8, 2008