

A regular meeting of the Malone Town Board was held Wednesday, July 16<sup>th</sup> 2008 at the Malone Town Offices, 27 Airport Rd, Malone, New York, commencing at 6:00PM, and preceded by a Public Hearing at 5:15PM and an IDA meeting at 5:45PM.

### PUBLIC HEARING

**At 5:15pm** Supervisor Maneely opened the public hearing regarding the designation and posting of River Road, Thomas Hill Road, Goodman Road and Porter Road as follows:

**“Closed to Truck Traffic, Local Deliveries Only, Farm Equipment Exempt”**

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

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

Brent Stewart, Village Mayor	Andrea Dumas, Malone
Calvin Martin, Malone	M. Frances Neligan, Malone
Thomas Neligan, Malone	H. Bruce Russell, Bellmont
Sandy LaBarre, ?	John Melville, Malone
Scott Miller, Malone	Deborah Miller, Malone
Steve Bailey, Malone	Alain Forjet, Malone
Franz Fredericks, Malone	John Fountain, Malone
Ben Dixon, Malone	Chris LaBarge, Malone
Judith Gonyea, Malone	Henry Gonyea, Malone
David Dupuis, Malone	Ken Carre, Malone
Tim Marlow, Malone	Jerry Barse, Brushton
Jamie St. Hilaire, Brushton	Scott Smith, Malone
Bryan J. Hughes, Malone	William Payne, Malone
Tammy LaValley, Malone	Liz Fessenden, Malone
Muffy Charlebois, Malone	Lynn Crock, Malone
Kristen Walton, Malone	Stephen Bernier, Chateaugay
Nikita Marshall, Malone	Linda LaFave, Malone
Rudolf Gzyk, Massena	Darcy Fargo, <u>Malone Telegram</u>
Denise Raymo, <u>Press-Republican</u>	Fox Channels 44
WPTZ Channel 5	

**Steve Bailey**, owner of North Star Trucking and a resident of Goodman Road, said it is not the duty of a legislative body to put business out of an area. He said the problem with these roads is speed and enforcement. He said they should be posted at 45mph.

**Tom Neligan**, a resident of Thomas Hill Road said this is a new problem. He said truckers go 70 mph now when the roads are posted at 55mph, and they would do the same if posted at 45mph. He also questioned whether the trucks might be traveling overweight.

**Tom Arnold**, owner of Malone Lumber and Ready Mix, said his business runs one small truck back and forth from Titus to Malone daily. They have had one problem with speed that has been corrected. He noted that truckers do pay a state road tax that is supposed to be used for road maintenance.

**William Payne**, a driver for North Star Trucking says he and the other drivers do their best to stay away from heavily populated areas. He also said they do not speed - they do the limit, as their job requires. In answer to Mr. Neligan he said the loads are weighed and carried “according to the book”. He said the trees should be trimmed and roads should be widened to improve the “sight line”.

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**John Melville**, a resident of River Road said the last three (3) years have been terrible for residents on this road. He said speeding is such a problem that people cannot walk, jog or bike the road safely anymore, and their quality of life has changed. He said the “sight line” can’t be changed because the topography does not allow for widening of the road and there are many curves that can’t be straightened.

**Bruce Russell**, Supervisor of the Town of Bellmont said his Town uses these roads to get materials for their road work. He asked how much the Town of Malone is willing to cost their neighbors. He said the problem is with enforcement and that the State, County and Village Police should be taking care of the problem.

**Alan Fresette**, a driver for **North Star Trucking**, said the River Road route is safer than the Duane Street route, and that is why the truckers choose it.

**Ken Carre**, a resident of River Road said that the situation is unfortunate, but noted that there are speeders in all types of vehicles, not just big trucks. He said the problem is the road itself being too narrow, with no shoulders in parts. He said the road is not adequate to handle the large trucks and suggested that it be widened. He also commented on the scenic nature of the roads, saying the heavy truck traffic doesn’t fit in.

**Brent Stewart**, Malone Village Mayor, suggested that the three (3) Highway Superintendents – County, Town and Village meet to study and discuss this road situation and make a recommendation as to the best travel route or solution. He said it is clear that most truck drivers have respect for safety and the law, but property owners on these roads have valid concerns. He said all three governments should be responsible to the people to find a solution. He noted that Titus Mt. Sand and Gravel helps to support Titus Ski Mountain and no one wants either business to fail.

**Fran Neligan**, a resident of Thomas Hill Road, said she walks all of the roads under discussion. She said although a lower speed limit has been posted on River she is afraid now to walk on Thomas Hill as the speed limit has not been changed, and trucks travel it at 55mph.

**Franz Fredericks**, manager of Titus Mt. Sand & Gravel, said he has spoken to his drivers regarding speed and safety on these roads. He said he spoke with Supervisor Maneely later, and thought the problem had been resolved. He said the Troopers have not indicated a big problem with speeders. He said the size of the trucks may make it appear that they are going faster than they really are.

**Scott Miller**, a resident of Duane Rd. (Co. Rt. 25), said dump trucks are a necessary evil, and the problem is in enforcement of the law. He added that the only sidewalks on his road are from the Rec Park toward the village center.

**Ben Dixon**, who lives at the corner of Goodman Road and St. Rt. 11, says that where he is located the problem is that everyone stops at the corner and he hears the “jake brakes” but he is not complaining and does not want the roads closed to trucks.

**John Fountain** of Franklin Street (Rt. 11B), said trucks go by his home all the time, but every truck is “feeding a family”. He does not think the trucks should be traveling Duane Street because there are so many children there. He noted that the Village Police are doing a good job of enforcement on 11B and village-wide.

**Calvin Martin** asked why the problem is occurring this particular summer. He said the traffic is “off scale” for the area infrastructure.

**John McCarthy**, Malone resident, said he “smelled anti-wind sentiments”. He reminded everyone that there have been huge projects in this area since the 1950’s, (notably the St. Lawrence Seaway and prisons) and the resulting inconveniences are the price of progress. He agreed that enforcement is the key.

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**Supervisor Maneely** said the State Troopers have been very cooperative, and said they will do more patrol in this area.

**Henry Gonyea**, owner of River Road Enterprises and a resident of River Road, said there are three (3) separate speed zones on the road and there should be just one. He said there is a problem with the big trucks breaking up the blacktop.

**Chris LaBarge**, local developer, agreed with Mayor Stewart that this is a problem that should be addressed by the three governments, perhaps sharing the maintenance of the roads. He also agreed that Titus Ski Mountain must be kept alive.

**Bryan Duquette** who is in the excavation business, said there were many common sense comments tonight, but that he can't imagine the truck drivers speeding on these roads – they wouldn't dare. He said Alvin Livernois has been with the Town Highway Department for nearly 40 years, and that all the roads in Malone are probably built to the same specs, yet the Town uses Webster and Low Roads to haul 500-600 loads a year from Titus Mountain. He said if the Highway Department was on the other side of Town they would probably use River, Goodman, porter and Thomas Hill Roads themselves.

**At 5:55pm**, Supervisor Maneely closed the Public Hearing, thanked all who participated and said the Town Board will take all comments into consideration and request a meeting among the Superintendents of Highways for County, Town and Village.

**5:55pm** – Town of Malone IDA meeting

### **REGULAR MEETING**

**At 6:00pm**, Supervisor Maneely called the regular meeting of the Malone Town Board to order with a pledge to the flag.

#### **ADDRESS TO BOARD:**

**Insurance** - Patrick Maguire Sid Spear Agency addressed the Board regarding the Town Insurance policies for 2008/2009. He said that he was able to keep the Town's coverage the same while reducing the premium from last year by about \$400.00.

\* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Taylor accept the quote from Pat Maguire of Sid G. Spear, Inc. for Town insurance coverage for the 2008-2009 year, through Trident Ins. Co. , in the amount of \$47,186.00.  
**CARRIED WITH ALL MEMBERS VOTING IN FAVOR (5-0).**

#### **MINUTES:**

\*On the motion of Councilor Sullivan with a second thereto by Councilor Taylor to accept the minutes of the June 25, 2008 regular meeting and the minutes of the July 2, 2008 special meeting as presented and place on file.

**CARRIED WITH ALL MEMBERS VOTING IN FAVOR (5-0).**

#### **REPORTS:**

\* On the motion of Deputy Supervisor Walbridge with a second thereto by councilor Caplan to accept the following reports as presented and place on file:

**Supt. of Highways – 6/2008                      Airport Manager – 6/08**

**Town Clerk/Registrar – 6/2008              Code Officer – 6/08**

**CARRIED WITH ALL MEMBERS VOTING IN FAVOR (5-0).**

#### **OLD BUSINESS:**

**Malone Raceway – SEQR** – Bryan Hughes, Attorney for Malone Raceway said that the traffic study update

has not yet been forwarded by John Carr, their engineer. He said all other issues have been addressed. Supervisor Maneely asked about the cedar hedge. Town Attorney Anderson-Duffy said the sponsors would like to wait until fall to give the plants a better

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chance of survival. The Supervisor said that a Certificate of Occupancy may be able to be issued upon all other conditions met and a provision that the hedge will be in place by start of the 2009 race season.

**Holiday Inn Express SEQR** - Approvals for the Town of Malone to take Lead Agency status for the Holiday Inn Express project were received from NYSDOT, Village of Malone, Franklin County EDA and Empire Zone. Approvals are still needed from NYSDOH, NYSDEC and Malone Town Planning Board.

**SUPERVISOR REPORTS:**

**Town Assessor request –**

\* On the motion of Supervisor Maneely with a second thereto by Councilor Taylor to authorize Assessor Cashman to  
Take two weeks unpaid vacation, as requested.

**CARRIED WITH ALL MEMBERS VOTING IN FAVOR (5-0).**

**Village/Town/Minor Hockey FYI** – as per Village Clerk LaValley, negotiations are needed between for a new agreement for 8/2008

**Capital Reserve Expenditure –**

\* Upon the recommendation of Budget Officer Stewart and on the motion of Supervisor Maneely with a second thereto by Deputy Supervisor Walbridge to utilize funds from the Capital Reserve for Highway Equipment, subject to permissive referendum, toward the purchase of a plow, per

**RESOLUTION # 9-2008**

**RELATING TO THE AUTHORIZATION OF THE EXPENDITURE OF \$142,404.00 FROM THE TOWN OF MALONE CAPITAL RESERVE FOR HIGHWAY EQUIPMENT, TOWARDS THE PURCHASE OF ONE, NEW 2008 Sterling LT9511 TRUCK WITH DUMP BOX, PLOW, WING AND MATERIAL SPREADER.**

**WHEREAS**, the Malone Town Board, upon the recommendation of the Superintendent of Highways, and during Budget sessions held in October, 2007, has determined to purchase the above described item at a total cost of \$167,404.00, with \$25,000 to be expended directly from the 2008 Town budget, item DB5130.2, and the balance to be paid out of the Reserve; and

**WHEREAS**, Article 7 of the Town Law and Article 2 of the General Municipal Law of the State of New York requires that before such funds may be expended from such reserve funds, a resolution subject to a permissive referendum must be adopted by the Town Board,

**NOW, THEREFORE, BE IT**

**RESOLVED:** That this Board go on record as authorizing the expenditure of \$142,404.00 from said Capital Reserve Fund, subject to a permissive referendum, and be it further

**RESOLVED:** That the Town Clerk be directed to advertise the adoption of this resolution in the official town newspaper.

**CARRIED WITH ALL MEMBERS VOTING IN FAVOR (5-0).**

**BOARD MEMBER /COMMITTEE ITEMS:**

**Councilor Caplan** reported on recent issues with the North Country Animal Shelter and the inspection thereof by the State Department of Ag. & Markets. Malone DCO, Shirley Morton, who runs the shelter, believes she received unwarranted criticisms on the most recent inspection. Councilor Caplan contacted Assemblywoman Duprey and Senator Little. The Senator sent her aide, Paul Maroun to visit the shelter to judge for himself. He

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found the facility to be pleasant, clean and orderly. He said that he will address the issue of fairness in inspections. Attorney Anderson-Duffy noted that the shelter will be re-inspected soon.

**Supervisor Maneely** announced that the Town is adopting a cat from the NCAS.

**Deputy Supervisor Walbridge** spoke of the success of the Town's sports complex, noting that there were 500-600 people participating, as players or spectators, on a recent Saturday. He said the Town Board should be proud of its accomplishment. Supervisor Maneely added that he has made available, on a trial basis, the bathroom in the Pilot's Building for supervised use during the games.

**CORRESPONDENCE:**

**From John Carr, Blue Mountain Engineering** – a request for permission for a sewer lateral connection on behalf of Gary Carstens for the new NYS Troopers Barracks to be constructed on Route 11 West. Supervisor Maneely **tabled** action on this request until the Town has an agreement with the Village for sewer use.

**From Wayne Walbridge, Malone Central School District Superintendent**– notice of a 7/30/08 meeting from 9 – 11 am @ Malone Golf Club pertaining to potential opportunities for shared transportation services with local municipalities

**From Pizza Hut** – liquor license renewal notice received 7/3/08

**From Annette Holowka, Animal Health Inspector with NYS Ag & Markets** – the North Country Animal Shelter compliance report dated 6/20/08 relating to shelter services for the Town of Malone and other towns.

**From William Sullivan, Franklin County Youth Bureau** – 2008 monitoring report of the Rec Park Swim Program

**From Burley Guminiak** – the 11<sup>th</sup> Annual BGA Golf Tournament to be 8/1/08 in Canton

**From Carly Walbridge** – pertaining to the West Street playground

**From NYS Unified Court System** – 2008 Justice Court Assistance Program

**NEW BUSINESS:**

**Training Request –**

\* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Taylor to allow the Judges and Court Clerk to attend the annual training held in Potsdam on July 28 & 29, 2008, with all necessary expenses paid by the Town.

**CARRIED WITH ALL MEMBERS VOTING IN FAVOR (5-0).**

**Golden Age Club –**

\* On the motion of Councilor Sullivan with a second thereto by Councilor Caplan to grant permission to the Supervisor to sign the 2008 agreement with the Malone Golden Age Club, providing services to seniors of Malone, for \$3000 as budgeted.

**CARRIED WITH ALL MEMBERS VOTING IN FAVOR (5-0).**

**Landfill –**

\* On the motion of Councilor Sullivan with a second thereto by Councilor Taylor to allow the Supervisor to sign Amendment #15 with Stearns & Wheler

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for the semi-annual groundwater monitoring of the closed landfill for 2008-2009, as required by a DEC consent order signed by both the village and town in 1993.

**CARRIED WITH ALL MEMBERS VOTING IN FAVOR (5-0).**

**BILLS FOR AUDIT & PAYMENT:** \*On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Taylor, that the following bills, vouchers # 527 - 595, having been audited, be paid:

General Fund	\$15,304.56
Part Town General	91.25
Highway DA	1,051.84
Highway DB	32,107.05
Chips Fund	7,048.13
Airport Capital Project Fund	1,600.00
East Side Water	257.95
Trust & Agency	<u>28,282.12</u>
Grand Total	\$ 85,742.90

**CARRIED WITH ALL MEMBERS VOTING IN FAVOR (5-0).**

**Discharge of Mortgage -**

\* On the motion of Supervisor Maneely with a second thereto by Councilor Sullivan to discharge the mortgage obligation of Mildred Dumas, as the mortgage has been paid off.

**CARRIED WITH ALL MEMBERS VOTING IN FAVOR (5-0).**

**Reality Check – Youth Tobacco Issues** – At 6:45 PM– Linda LaFave introduced to the Board three members of a group she advises, known as “Reality Check”. The three gave a presentation on the way the tobacco industry directs their advertising toward youth. They are battling this practice and smoking in general and have several strategies. They asked the town Board to consider passing some resolutions and adopting policy that would further their efforts.

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

**Resolution #10  
Smoke-free Movies**

**Whereas** tobacco use is the leading cause of preventable death and disability in the United States;

**Whereas** youth ages 12-20 are one-sixth of the U.S., population but buy one-quarter of all movie tickets;

**Whereas** most U.S. movies with tobacco imagery are rated G, PG or PG-13, and three-quarters of all U.S. live-action films rated PG-13 and 40 percent of films rated G or PG released 1999-2005 feature tobacco;

**Whereas** exposure to smoking in movies is the primary influence on half of all new adolescent smokers;

**Whereas** each year an estimated 390,000 teens start smoking because of exposure to smoking in movies and 120,000 will die prematurely as a result;

**Whereas** the tobacco industry has had a long, documented history of promoting tobacco use and particular brands on screen, while obscuring its true role;

**Whereas** the U.S. Centers for Disease Control and Prevention in 2002, 2003 and 2005 listed smoking in movies as a primary reason why the decline in teen smoking rates has stalled;

**Whereas** the World Health Organization, American Medical Association, National PTA, American Heart Association, American Lung Association, American Legacy Foundation, American Academy of Pediatrics, American Academy of Allergy, Asthma, and Immunology, Society for Adolescent Medicine, L.A. County Department of Health Services and others endorse getting smoking out of movies rated G, PG and PG-13;

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**Now, therefore be it resolved** that the Malone Town Board endorses the four objectives of the Smoke Free Movies Campaign:

1. Rate new smoking movies "R", with the sole exceptions being when the tobacco presentation clearly and unambiguously reflects the dangers and consequences of tobacco use or is necessary to represent smoking of a real historical figure;
2. Require producers to certify on screen that no one on the production received anything of value in consideration for using or displaying tobacco;
3. Require strong anti-smoking ads before any movie with tobacco use, regardless of rating;
4. Stop identifying tobacco brands.

**Resolution #11-2008  
Smoke Free Libraries**

**WHEREAS**, Smoking is the number one cause of preventable death in the United States; and

**WHEREAS**, Each day more than 4,000 youth try smoking for the first time, and another 2,000 youth become regular daily smokers; and

**WHEREAS**, The Surgeon General has concluded that tobacco advertising contributes to youth smoking rates; and

**WHEREAS**, An estimated 1/3 of adolescent experimentation with smoking can be directly attributed to tobacco advertising and promotional activities; and

**WHEREAS**, In 2003 tobacco companies spent \$13.4 billion to market cigarettes in the United States; and

**Whereas**, These marketing expenditures tend to overwhelm and counteract efforts by school systems, government, and the medical community to decrease smoking rates, particularly when advertisements are displayed in educational and health care settings; and

**WHEREAS**, In the fall of 2003, the National Association of Attorneys General (NAAG) and four tobacco companies (Philip Morris, RJ Reynolds (Reynolds America), US Smokeless Tobacco Company and Santa Fe Tobacco Company) reached an agreement to eliminate tobacco advertising in the classroom program versions of *Time*, *Newsweek* and *US News and World Report*; and

**WHEREAS**, Reality Check surveyed 233 school libraries across New York and found that magazines carried in school libraries contained tobacco ads thus encouraging youth to begin smoking; and

**WHEREAS**, School is a place where children and teenagers can learn and grow in a safe and secure environment; and

**WHEREAS**, Schools and school libraries should not be an outlet for the tobacco industry to target youth and find replacement smokers; and

**WHEREAS**, In June of 2005, NAAG, tobacco companies and magazine publishers reached an arrangement that eliminates all tobacco advertisement in *Newsweek*, *Sport Illustrated*, *People* and *Time* going to schools including school libraries.

**THEREFORE BE IT RESOLVED** that The Town Board of the Town of Malone hereby expresses its opposition to tobacco advertisements in magazines in the school setting including school libraries and enthusiastically supports the tobacco advertisement free arrangement reached between NAAG, the tobacco companies and the publishers of *Newsweek*, *Time*, *Sports Illustrated* and *People* to eliminate tobacco advertising from editions of these four magazines that are sent to school setting, including school libraries.

**BE IT FURTHER RESOLVED** because there are still many magazines in school libraries that contain tobacco advertisements, the Town Board of the Town of Malone

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supports future efforts of Reality Check and the Attorney General to limit tobacco company access to youth by eliminating tobacco advertising in all editions of all magazines in schools.

**BE IT FURTHER RESOLVED** because *Ebony, Essence, Jet, Outdoor Life, Field and Stream* and *Popular Science* are carried in so many school libraries, these magazines should be included in the tobacco advertisement free arrangement immediately.

**A Commitment to Community Health  
Saying "No Thanks" to the Tobacco Industry**

**WHEREAS**, 400,000 Americans die each year from tobacco-related illnesses and millions more continue to suffer from lung cancer, emphysema, and heart disease caused by smoking; and

**WHEREAS**, each day in the U.S., about 4,000 youth try their first cigarette and each day another 1,000 kids under 18 years of age become new regular daily smokers; and

**WHEREAS**, more than 6.3 million children under age 18 alive today will eventually die from smoking-related disease, unless current rates are reversed; and

**WHEREAS**, the Surgeon General has concluded that nicotine is a powerfully addictive drug similar to cocaine and heroin; and

**WHEREAS**, tobacco industry financial support of organizations, elected officials and community events is made possible by addicting, deceiving, disabling and killing millions of Americans; and

**WHEREAS**, Philip Morris documents reveal the true intent of its corporate giving is "to advance the company's communications, public affairs, and government relations agendas" to prevent meaningful regulation of the tobacco industry;

**THEREFORE**, the Town Board of the town of Malone pledges to

- neither accept nor solicit any financial contributions, sponsorships, grants or gifts from any tobacco company or executive, or from retail stores that exclusively sell tobacco products, (with the exception of *Master Settlement* funds)
- not allow sampling, distribution and/or promotion of tobacco products at events we conduct,
- not use written, audiovisual or internet materials produced by tobacco companies to facilitate smoking cessation or in the provision of tobacco education.

**CARRIED WITH ALL MEMBERS VOTING IN FAVOR (5-0).**

**ADJOURN:**

\*On the motion of Deputy Supervisor Walbridge 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 8/13/2008.

**CARRIED WITH ALL MEMBERS VOTING IN FAVOR (5-0).**

Respectfully submitted,

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Susan M. Hafter, Town Clerk  
July 21, 2008