

A regular meeting of the Malone Town Board was held Wednesday, August 13th 2008 at the Malone Town Offices, 27 Airport Rd, Malone, New York, commencing at 6:00PM.

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
Alvin Livernois, Highway Superintendent
Mark Gonyea, Planning Board Chairman

Brent Stewart, Village Mayor	Tammy LaValley, Village Clerk
John McCarthy, Malone	Steve Hardy, Malone
Chris LaBarge, Malone	Christine Marshall, Brandon
Gary Carstens, Saratoga	John Carr, Bangor
Mary Freedenberg, Malone	John Melville, Malone
Giles Legacy, Malone	Liz Fessenden, Malone
Roger Prue, Malone	

At 6:00pm, Supervisor Maneely called the meeting to order with a pledge to the flag.

MINUTES:

*On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Taylor to accept the minutes of July 16, 2008 regular meeting as presented and file.

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

REPORTS:

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

Supt. of Highways – 7/08	Airport Manager – 7/08
Justice Court – 7/08	Town Clerk/Registrar – 7/08
Code Officer – 7/08	

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

OLD BUSINESS:

Troopers Barracks – (Tabled 7/16/08, by Supervisor Maneely, pending a sewer agreement w/ village) – The Town has received a request from John Carr of Blue Mountain Engineering, 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. The request was also made to the Malone Village Board at their meeting held Monday, August 11th 2008, where the engineer was told that procedurally they must get Town approval first. Mayor Stewart expressed concerns about maintenance of the proposed lateral from the Barracks to the I.D.A. line. He said the design is apt to create blockages where it enters the I.D.A. line because of light flow over a long distance. Supervisor Maneely proposed an alternate plan, where a single gravity fed lateral would be installed on Town property to service several properties along Rt.11. He set a meeting for tomorrow morning with Tim Burley of Burley-Guminiak Engineers, John Carr, Gary Carstens, Mayor Stewart and himself to discuss this and other issues regarding the sewer connection for the Troopers Barracks. Village Clerk, Tammy LaValley, noted that there was an error in today's Malone Telegram which stated the Village had charged Wal-Mart a \$70,000.00 tap-on fee for sewer service. The actual fee, set by discretion of the Village Board was \$30,000.00.

* On the motion of Councilor Taylor with a second thereto by Deputy Supervisor Walbridge to provisionally approve, pending measurement of grades, a sewer tap-on to the I.D.A. line by Blue Mountain Engineering for the proposed New York State Troopers Barracks to be built on Rt. 11W in the Town of Malone.

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

08/13/2008

Roads posting issue, update – Supervisor Maneely, Town Highway Superintendent Livernois, Village DPW Superintendent Smith and Franklin County Highway Superintendent Lewis together inspected the River and Thomas Hill Roads and discussed possible solutions to the heavy truck traffic concern. They determined the best course of action to be posting of a 35 mph speed limit on the full length of both roads.

* On the motion of Councilor Sullivan with a second thereto by Deputy Supervisor Walbridge to request a speed limit change from the NYS DOT, through the Franklin County Highway Department, for River Road and Thomas Hill Road in the Town of Malone; with each to be posted at 35mph for the entire length.

Discussion – Councilor Sullivan and Deputy Supervisor Walbridge each commented that if change in speed limit doesn't solve the problem, the issue will be revisited. John McCarthy said that enforcement should not be an issue. As a former State Trooper he knows that pressure can be put on truckers to stay within the limit. He also said the problem with increased truck traffic should be temporary as it is related to construction of wind turbines in neighboring towns. In the meantime, he said, we shouldn't jeopardize local businesses that use these routes such as Titus Mountain Sand & Gravel.

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

Malone Raceway – SEQR/traffic study, update –No report has been received from the engineers or sponsors of this project.

Holiday Inn Express SEQR status- Letters approving lead agency status for the Town of Malone, in regard to this project, have been received from all involved/interested parties. Chris LaBarge, project sponsor, said the Planning Board has reviewed the plans, but that he still needs to provide them with some paperwork.

* On the motion of Supervisor Maneely with a second thereto by Councilor Caplan:

RESOLUTION #13-2008

Whereas, the Town of Malone has, by consent of all interested and involved agencies, assumed the status of Lead Agency in regard to the Holiday Inn Express Hotel project to be built on Route 11 West in the Town of Malone; and

Whereas, the Town Board acknowledges the referral to and awaits the pending recommendation from the Town Planning Board in regard to this project;

Now, Therefore, Be It

Resolved: that the Town Board of the Town of Malone does hereby determine the project to be and Unlisted Action under New York SEQR regulations; and

Be It Further

Resolved: that, as authorized under Chapter 617 Section 3(b)(ii) of NYS SEQR regulations, the Malone Town Board will determine the significance of the project within 20 days of receipt of all pertinent information.

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

SUPERVISOR REPORTS:

Lake Titus Protective Association (LTPA) – Supervisor Maneely received a report that the Fire Pump serving Lake Titus water- bound properties is not working. He arranged for repair and temporary loan of another pump through the Malone Call Firemen.

Town/Village Malone Economic Development Plan – A Public Forum has been scheduled by Camoin Associates for 7:00PM September 9th 2008 at the Great Hall, NCCC, Malone Campus to gather public information and opinion in regard to a developing economic Plan for the Town and Village of Malone.

08/13/2008

North Country Animal Shelter – A recent follow- up inspection of North Country Animal Shelter by NYS Ag & Markets found all to be in compliance.

Certiorari Proceeding: K-Mart vs. Town of Malone- Attorney Anderson-Duffy and Assessor Cashman will discuss this issue and advise the Town Board.

Brownfield Opportunity Areas – In order to continue with the Town and Village joint BOA project, a steering committee must be appointed and trained. The Village Mayor has appointed Trustee Hafter and Clerk LaValley, with a third member yet to be named. Village Clerk LaValley said the training, set for October 28th and 29th in Albany will be paid for by the grant, and is required for eligibility. She advised the Town Board that the Village has accepted the proposal from C. T. Male to administer the Pre-Nomination Phase of the B.O.A. program. Supervisor Maneely appointed Councilor Taylor, Budget Officer Stewart and Planning Board Chairman Mark Gonyea to the steering committee and approved them for training.

SUPERINTENDENT OF HIGHWAYS:

Road Work - The re-building of a portion of Bare Hill Road is almost done. Once National Grid moves a pole, the road will be paved.

Building – A “new” 50’ x 80’ highway equipment storage building is nearing completion. The building has been created from recycled materials from two demolished hangars.

Future Plans – The Superintendent intends to begin ditching on the Webster Street (road) in preparation for rebuilding a portion of that road next year. He also asked for suggestions from the Board for “topping” projects for this fall, as he has some CHIPs money available. Supervisor Maneely has asked that the Highway Department build a hitching post and lean-to at the Town Pavilion to shelter horses driven (by the Amish) to the Farmers Market.

BOARD MEMBER/COMMITTEE ITEMS:

Councilor Caplan reported that everything is going well at North Country Animal Shelter. Paul Maroun of Senator Little’s office and Assemblywoman Janet Duprey have both recently visited there and found it to be clean and the animals happy. The most recent inspection by the NYS also found everything to be in order.

Councilor Sullivan reported on a call from the Malone Mustangs (youth football) asking for the bathrooms at the Town Pavilion to be made available to them during practices and games. Supervisor Maneely said the bathrooms are not yet connected to the sewer line; it will require a pump and therefore will not be available this season. He added that he arranged for Adirondack Energy to provide a porta-potty for their use, and that they may need to obtain additional units. He said a trial solution was to allow use of the bathroom in the pilot’s lounge, but airport users reported too much activity.

Councilor Taylor reported that she received a request from American Legion youth baseball to have the Town mow the area adjacent to Rt. 11 at to the ball field, as balls get lost there. Supervisor Maneely said it cannot be done, and that an alternative suggestion is to reposition home plate so that balls are hit away from the road.

CORRESPONDENCE:

- From Malone Chamber of Commerce - request for the 2008 budgeted amount of \$6,000 from the Town of Malone

- From Malone Planning Board – minutes from 7/7/08

- From NYS Unified Court System – pertaining to the need for an audit of Justice Court by the Board members

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- From NYSDEC – pertaining to Titus Mountain's registered Land Clearing Debris Landfill (for construction debris)
- From YMCA – CC of a request to NYSDOT for a review of the crosswalk situation near their facility
- From Dept of Social Services – an overview of services for the heating season

ADDRESS TO BOARD:

Comprehensive Plan - Liz Fessenden, a seasonal resident of Lake Titus, addressed the Board with L.T.P.A. concerns regarding the Town of Malone Comprehensive Plan. She said that most summer residents will not be able to attend the Public Hearing if it is held after Labor Day. She is concerned that their input will not be heard. Steve Hardy of Malone concurred, saying that "most of the people who are concerned" with the Plan will not be present. Budget Officer Stewart reminded those assembled that the Comprehensive Plan document is for the entire Town, and that a great deal of time has been spent on Lake Titus issues within the meetings already held. She added that the Draft Comprehensive Plan is on the Town of Malone website, and will be updated to its final draft form. Seasonal residents (and all others) can keep track of any changes there, as well as make comment by e-mail or letter. Supervisor Maneely assured Ms. Fessenden that written comments will carry as much weight as those made in person at the Public Hearing. Supervisor Maneely set a joint Town Board/Planning Board work session for 6:00PM, Tuesday, September 2nd 2008 to work on the comprehensive Plan.

EXECUTIVE SESSION:

* At 7:07PM , 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 and the Town Attorney to be in attendance.

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

At 7:20PM, the Executive Session ended and the Regular Meeting resumed, with no action taken.

BILLS FOR AUDIT & PAYMENT:

*On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Taylor, that the following bills, vouchers # 598 - 658, having been audited, be paid:

General Fund	\$ 63,524.93
Part Town General	2,421.01
Highway DB	53,366.83
Hwy Equip Reserve	142,404.00
Chips Fund	4,353.68
Airport Capital Project Fund \$	7,561.75
East Side Water	292.30
Trust & Agency	<u>33,986.15</u>
Grand Total	\$307,910.55

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

ADJOURN:

*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 6:00PM Wednesday September 10th 2008.

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

RESPECTFULLY SUBMITTED,

Susan M. Hafter, Town Clerk
August 15th 2008

