

A regular meeting of the Malone Town Board was held Wednesday August 19<sup>th</sup> 2009, at the Malone Town Offices, 27 Airport Road, Malone, New York, commencing at 6:00 pm.

**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  
Jim Feeley, County Manager                      John Tubbs, Director, County IDA  
Jim Ward, St. Lawrence Gas                      Jim Duval, St. Lawrence Gas  
Connie Jenkins, Malone Telegram

At 6:00 pm Supervisor Maneely called the 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 the July 15<sup>th</sup> 2009, as presented and place on file.

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

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

Supervisor's report -7/2009  
Town Clerk/Registrar – 7/2009    Supt. of Highways – 7/2009  
Airport Manager – 7/2009              Code Officer – 7/2009

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

**OLD BUSINESS:**

**Great American Plaza** - Supervisor Maneely reported that Gordon Development has provided an asbestos abatement study for the former Great American building. The Supervisor will urge David Ray, a representative of Gordon, for a start date for demolition.

**Parallel Taxiway B** - the Parallel Taxiway "B" construction project is ready to go, with the exception of formal FAA approval.

**Robinson land purchase** – the transfer of land, necessary for Bare Hill Road improvements, from Robinson to the Town of Malone, has been completed.

**Town/Village Sewer Agreement** – Supervisor Maneely reported that Village and

Town representatives met to discuss an agreement between Village and Town to accommodate service to the West Side Sewer District. The Village wants to first address an update to the original agreement between the municipalities for sewer service to the Town IDA. Supervisor Maneely said that the document has been referred to Attorney Anderson-Duffy.

\* On the motion of Councilor Taylor with a second thereto by Councilor Sullivan that the Town and Village complete the update of the sewer agreement already in place for the Town IDA Park before beginning work on the agreement for the West Side Sewer District, as requested by the Village.

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

**ADDRESS TO BOARD:**

**Natural Gas** - Representatives from St. Lawrence Gas and Franklin County addressed the Board with a request for support of a PILOT agreement for St. Lawrence Gas.

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

**RESOLUTION #18-2009**

***Resolution supporting a project by St. Lawrence Gas Company, Inc.  
to provide natural gas to Franklin County,  
and support for a Payment-in-Lieu-of-Taxes (PILOT) Agreement for the Project***

**WHEREAS:** St. Lawrence Gas Company, Inc. ("St. Lawrence Gas") has proposed a project (the "Project") in Franklin County (the "County") involving a natural gas pipeline through the northern portion of the County that will provide natural gas to the County, and

**WHEREAS:** The Franklin County Legislature has identified the natural gas pipeline as one of the top economic development priorities and infrastructure projects within the County through a Comprehensive Economic Development Strategy, and

**WHEREAS:** The County supports and promotes the natural gas pipeline as having economic advantages, such as encouraging commercial and/or industrial entities to locate in the County, and

**WHEREAS:** St. Lawrence Gas has demonstrated that the delivery of natural gas will reduce governmental, industrial, commercial and residential expenses, and

**WHEREAS:** St. Lawrence Gas has demonstrated feasibility of the Project depending upon taxing jurisdictions entering into a fifteen (15) year Payment-in-Lieu-of-Taxes (PILOT) Agreement, whereby payments begin in year 6 at 10% increments of assessed value per year, until at years 16 and beyond full taxes on assessed value are paid, and

**WHEREAS:** The Town of Malone would like to support the Project and agree to enter into discussion for a yet to be negotiated PILOT Agreement, and

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Town of Malone hereby supports with this resolution the St. Lawrence Gas natural gas pipeline project in Franklin County and negotiation of a PILOT Agreement.
2. That this resolution is effective upon its adoption

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

**SUPERVISOR REPORTS:**

**Tractor Supply Project concern** – The Supervisor has received a letter of concern from Donald Dupra of Mountain View, whose father’s property is adjacent to the site for the proposed Tractor Supply store. Plans call for a drainage retention pond, unfenced. Supervisor Maneely, with Code Officer Crossman, contacted the developer and advised them that the Town will require a 6’ fence around the pond, for safety reasons. The plans will be amended .

**Tractor Supply SEQR** – Supervisor Maneely directed a review of the short form SEQR for the Tractor Supply project.

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

**08/19/2009**

**RESOLUTION #19-2009**

**Whereas,** the Town of Malone has received an application from Sphere STP, LLC For approval to erect a retail store for Tractor Supply Company on Route 11 West, adjacent to Wal-Mart in the Town of Malone, and

**Whereas,** the Malone Town Code Officer has reviewed the plans for said project, and have approved the plans, pending an Environmental Review, and

**Whereas,** the Town of Malone, acting as Lead Agency, for the purpose of SEQR for the Tractor Supply Project has reviewed the short Environmental Assessment Form (EAF) as presented, and has completed the Impact Assessment,

**Now, Therefore Be It**

**Resolved:** the Malone Town Board finds the proposed project for construction of a Tractor Supply store as presented by Sphere STP, LLC, and recommended by the Malone Town Code Officer, to be an Unlisted Action, and

**Be It Further**

**Resolved :** that the Malone Town Board finds the project will have no significant adverse environmental effects and therefore issues a Negative Declaration in regard to this project and in accordance with New York State regulations.

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

**Certiorari –** the Supervisor is in receipt of Certiorari Stipulation & Settlement Court Order in regard to WP Malone Associates (Great American Plaza).

**Town Insurance\_**– the Town Insurance committee has determined to contract with Latremore Insurance for insurance coverage for the Town of Malone for the 2009/2010 policy year, at a cost of \$37,301.00.

**Justice Court Audit**

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

**RESOLUTION #20-2009**

**Whereas:** In compliance with to Section 2019-a of the Uniform Justice Court Act, Malone Town Justice Marsden and Malone Town Justice Lamitie have provided court records and dockets for annual examination by the Town's Audit committee, and

**Whereas:** Supervisor Maneely conducted said audit and completed the "Checklist for Review" on August 4<sup>th</sup> 2009;

**Now, therefore, be it**

**Resolved:** That the Town Board of the Town of Malone hereby acknowledges and accepts the annual audit of Town of Malone Justice Court records, as conducted by Supervisor Maneely, on August 4<sup>th</sup> 2009; and

**Be It Further**

**Resolved:** that the findings of said audit depict an efficiently run Justice Court, with all records in good order.

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

08/19/2009

**Appointment-**

\* On the motion of Councilor Taylor with a second thereto by Deputy Supervisor Walbridge to appoint Amy Hewitt as Assessment Assistant, effective July 17, 2009, the date of certification of eligible candidates from the Franklin County Civil Service/ Personnel Office.

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

**LWRP Grant Application** - approval to move forward with a grant application (due September 16<sup>th</sup>) jointly with the Village of Malone, with assistance from the Elan consultant firm and from the Franklin County Soil & Water office, to seek additional grant monies under Title 11 of the Environmental Protection Fund for local waterfront revitalization projects, specifically, the proposed Mill Park and for a County-wide watershed study, at a town share cost of \$750. This is the next step in the LWRP process.

**Broadband** –Supervisor Maneely has sent letters of support for Slic & CNB Connect Inc. as requested, to assist them in obtaining Federal Stimulus money to bring broadband construction to the North Country.

**Burning regulations** – Supervisor Maneely reported that the DEC proposed regulations regarding open burning have been modified and are expected to be approved this fall.

**County Offices –**

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

**Resolution #21-2009**

*Relating to the development of additional office and storage space for the Franklin County government*

**Whereas**, the Franklin County Legislature has been searching for solutions to the ever growing need for office and storage space for the County, and

**Whereas**, the Franklin County Legislature has announced its intention to acquire, by purchase or lease, the former Cleyn and Tinker building, located on Route 11 East in the Town of Malone, from the Franklin County IDA, to assuage some of those needs; and

**Whereas**, the Cleyn & Tinker building having formerly been used as a manufacturing site, is ideally suited for the development of a business or manufacturing entity as was promised by the IDA several years ago, upon purchase of the site; and

**Whereas**, on Main Street, Malone, several derelict, empty and/or abandoned Buildings are situated in the proximity of the Franklin County Courthouse, and;

**Whereas**, the development and improvement of Main Street Malone has been identified as a crucial factor in the economic future of the Village and Town of Malone, as noted in the County of Franklin Economic comprehensive Development Strategy (2005-2009) and in the Town and Village of Malone Economic Development Plan (2009);

**Now, therefore, be it**

**Resolved:** that the Town Board of the town of Malone strongly urges the Franklin County Legislature to look into the acquisition and restoration of one or more of the empty and available buildings on Main Street, in the immediate area of the Courthouse, to meet the growing space needs of the Franklin County government; and

**Be it further**

**Resolved:** that the Town board of the Town of Malone strongly urges the Franklin County IDA to redouble its efforts to market the Cleyn and Tinker property for business and/or industrial development, according to the original plan.

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

**08/19/2009**

**SUPERINTENDENT OF HIGHWAYS REPORT:**

**Road Work** - Superintendent Livernois reported that work on Webster Street Road is progressing well. The base binder has been laid from Brown Rd. to just past the Fish & Game Club. The crew received assistance in hauling from the Village of Malone and Towns of Burke and Chateaugay.

**“Red Building”** – The Highway Superintendent oversaw the clean-up of the old pilots’ lounge (the little red building, for lack of a better term) and had the water to it turned back on, to prepare for use by C&S engineers as a field office during the Parallel Taxiway “B” project at the airport, to begin soon.

**Airport Lights** – Superintendent Livernois reported a problem with airport lights. Electrician, Tom Livernois, has corrected some problems, but more remain.

**CORRESPONDENCE:**

- Notices of Small Claims Assessment Review–

Timothy Whipple vs. Town of Malone

Melissa and Emile Benardot vs. Town of Malone

- from Daland Corp. (Pizza Hut), Titus Mountain, Inc. and Barney's Wagon Wheel Notices of intent to renew their respective liquor licenses.

- from NYSORPS – notice of Final Equalization rate for the Town – 80.23

- from Comlinks – letter of thanks to Superintendent Livernois for assistance in

helping sort potatoes for the gleaning program

- from Darrel Dupra – concerns about the proposed Tractor Supply store's retaining pond

**NEW BUSINESS:**

**Training Request** - the Malone Planning Board has requested the Town Board to authorize a few members to attend the New York Planning Federation conference held on Sept. 13<sup>th</sup> – 15<sup>th</sup> 2009, with the Town covering expenses.

\* On the motion of Councilor Caplan with a second thereto by Deputy Supervisor Walbridge to deny the request by Planning Board members to attend the Planning Federation conference, as the Town Board made a 2009 budgetary decision to not authorize funding for training unless required for certification of the position.

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

**EXECUTIVE SESSION:**

\* At 6:45pm, on the motion of Supervisor Maneely with a second thereto by Deputy Supervisor Walbridge that the Board enter into Executive Session to discuss two personnel matters, litigation & contract negotiations, with all Board Members and the Highway Superintendent to be in attendance.

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

At 7:08pm the Executive Session ended and the Regular Meeting resumed.

**Labor Issue** – On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Taylor to authorize the Supervisor to enter into agreement with Dan McKillip of North Country Labor Relations to assist with a labor/management issue.

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

**08/19/2009**

**BILLS FOR AUDIT & PAYMENT:**

\* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Taylor that the following bills, vouchers # 590-650, having been audited, be paid:

General Fund	\$ 10,924.82
Part Town General	344.75
East Side Water	244.32
Chips Fund	16,061.76
Trust & Agency	1,767.16

Highway DB	11,859.10
Grand Total	\$ 41,201.91

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

**Holiday Inn Express Project:**

\*On the motion of Supervisor Maneely with a second thereto by Deputy Supervisor Walbridge to send a letter to Branch Development advising them that the escrow account, by agreement, must be replenished; to a level of \$7,500.00 and that the current account balance is \$0.00.

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

**ADJOURN:**

\* At 7:10pm, on the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Caplan, there being no further business to come before the Board, that it duly adjourn, with the next regular meeting to be held on Wednesday, September 9<sup>th</sup> 2009, commencing at 6:00pm

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

**RESPECTFULLY SUBMITTED,**

**SUSAN M. HAFTER, TOWN CLERK  
August 26, 2009**

