

REGULAR MEETING, MALTA TOWN BOARD, JULY 6, 2010
TOWN OF MALTA
TOWN BOARD MEETING

Minutes of the Regular Meeting of the Town Board of the Town of Malta held July 6, 2010, at the New Town Hall beginning at 6:55pm with one public hearing.

BOARD MEMBERS AND ELECTED OFFICIALS PRESENT: *Paul Sausville, Supervisor; Flo E. Sickels, Town Clerk; Glenn Rockwood, Deputy Supervisor; Councilperson Tara Thomas; Councilperson Maggie Ruisi; Councilperson John Hartzell*

OTHERS PRESENT: *Tom Peterson, Town Attorney; Kevin King, Comptroller; Roger Crandall, Highway Superintendent; Audrey Ball, Parks and Rec .Dir; Karen Heggen, Planning Attorney; Tony Tozzi, Building & Planning Director; Paul Perreault, Town Historian; Don Slingerland; Lynda Bablin, Marian Crandall; Jean Tanis; Bob Blizzard; Marian Frasier; Carol Henry; Yael Goldman, Saratoga Today Newspaper.*

The public hearing concerning a proposed amendment to Article 167 of the Code of the Town of Malta to amend the Dedication of Roads was opened by the supervisor at 6:55 p.m. with Supervisor Sausville reading the public notice as it appeared in the town's official newspaper, June 16, 2010.

The hearing was opened to the floor.

There being no comments and everyone having been afforded an opportunity to speak, the hearing closed at 7:01pm.

The Regular Meeting was opened by Supervisor Sausville at 7:00 p.m. with the Salute to the Flag followed by the Lord's Prayer. Motion was made by Councilperson Ruisi, seconded by Councilperson Thomas to approve the minutes of June 2010 as submitted Town Clerk. Motion carried.

COMMENTS AND /OR QUESTIONS FROM TOWN RESIDENTS:

1. John Hartzell- Spoke about the harm and damage to the Supervisor's vehicle. On behalf of the people in town I wanted the Supervisor to know how deeply I regret that someone sought to do that to your vehicle.
2. Collamer House- Marion Frasier wanted an update on the project. Tara Thomas- The state legislature has approved the separation on the parcel this week and will enable the town to move along with the plans for the Collamer House.
3. Read Letter into the Record from John Hartzell- Re: Disclosure of Interest – Saratoga Farm Road Takeover Proposal

It has come to my attention that the Saratoga Farm Homeowner's Association had requested that the Town of Malta assume ownership and jurisdiction of Saratoga Farm Road. Pursuant to Section 803 of the New York General Municipal Law I am hereby disclosing that I have an interest in the Saratoga Farm Homeowner's Association and in Saratoga Farm Road. Therefore, I will be recusing myself on all decisions pertaining to the proposed takeover of that Road.

Kindly see that this disclosure is read into the minutes of the next Town Board meeting as required by law.

Respectfully submitted,

John V. Hartzell
Town Councilman, Town of Malta

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REPORTS FROM TOWN OFFICIALS:

- A. Assessor – Sue Otis –Report on file in the Town Clerk’s Office.
- B. Building Dept-Anthony Tozzi Permits Issued –36 Fees Collected– \$26,452.45
- C. Comptroller- Kevin King - Report on file in the Town Clerk’s Office.
- D. Town Clerk- Flo Sickels - Report on file in the Town Clerk’s Office.
- E. Web Master – Candace Schmidt – no report submitted.
- F. Parks, Rec & Bldgs.–Audrey Ball
- G. Highway Dept. - Roger Crandall

OFFICE WORK:

Still receiving phone calls and e-mails regarding the recycle pickup
Completed a long range plan for replacement of equipment
Beginning to prepare bid/quote information for road repair work to streamline the process for vouchers.

Working with Candace and Kevin to ensure we are doing the process right from our end regarding backup information for the bills submitted to the Town for payment.

Worked thru with Gorman Brothers to fog seal Woodfield Drive to correct multiple issues with the residents there. (There is still the issue of raised areas at the end of the driveways.) This was done at no extra cost to the Town.

Asbestos abatement process approved

OVERTIME: None

ROADWORK PERFORMED:

- Signs continue to be redone/changed to meet new standards
- Sweeping of roads
- Parks maintenance – mowing, planting trees, assembling benches
- Repair of catch basins continues and finish repair of Village Place
- Paved and top soiled which should satisfy residents
- Mowing roadside, town complex and medians/round-a-bouts
- Woodfield Drive fog sealed
- Starting on Chango Drive culvert work

GARAGE WORK PERFORMED:

- Welding and sign work continues
- Preparation of forms for cement work
- Maintenance and some repairs of town vehicles
- Lockout procedures completed for all vehicles

OTHER:

- Setting up safety program
- Sidewalk construction in front of Town Court and Just Meat continues
- Maintenance work on park equipment

From: Gary Clifford [mailto:gcliffor@nycap.rr.com]

Sent: Friday, June 25, 2010 9:08 AM

To: Roger Crandall

Subject: Thanks Roger

Roger,

I met you last week at the entrance to Woodfield Estates to ask about the plan to re-seal the roadway. I appreciate the time you took to explain the process. I think the crew minimized the impact to the neighborhood this week as they re-sealed the roadway. Only time will tell whether if it will help preserve the road.

I don't think the storm sewer collection boxes have been cleaned-out lately. The storm sewer grating still seems to be embedded in the road surface.

Thanks Again
Gary Clifford

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OLD BUSINESS:

LOCAL LAW # 6 OF 2009 – July 6, 2010

RESOLUTION # 185 – July 6, 2010

ROAD DEDICATION PROCESS AMENDMENT

MOTION BY: Councilperson Hartzell

SECONDED BY: Councilperson Klotz

WHEREAS the Town of Malta is considering proposed amendments to Chapters 139(Streets and Sidewalks) and 143 (Subdivision of Land) of the *Code of the Town of Malta* to amend the process for the *Dedication of Roads* to the Town, all in the form annexed hereto; and

WHEREAS that the Town Board of the Town of Malta previously declared itself lead agency for purposes of administering the requirements of SEQRA concerning the amendments proposed herein, and has received no objections to its lead agency status in the time permitted by law and regulation; and

WHEREAS that the Town Board of the Town of Malta held a public hearing concerning said proposed amendment to Chapters 139(Streets and Sidewalks) and 143 (Subdivision of Land) of the *Code of the Town of Malta* to amend the process for the *Dedication of Roads* to the Town, on the 6th day of July, 2010, at 6:55 P.M., at the Town Hall of the Town of Malta, 2540 Route 9, Malta, New York 12020, at which time and place all persons desiring to be heard were heard; now, therefore be it

RESOLVED that the Town Board of the Town of Malta finds that the proposed amendment will not have a negative environmental impact and issues a negative declaration with respect to the action; and it is further

RESOLVED that the Town Board of the Town of Malta hereby adopts amendment to Chapters 139(Streets and Sidewalks) and 143 (Subdivision of Land) of the *Code of the Town of Malta* to amend the process for the *Dedication of Roads* to the Town in the form annexed hereto; and it is lastly

RESOLVED that the Town Clerk is directed to file the said local law with the NYS Secretary of State forthwith.

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Local Law Filing

**NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET ALBANY, NY 12231**

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being, eliminated and do not use italics or underlining to indicate new matter.

County

City

Town of Malta

Village

Local Law No 6 of the year 2010

A local law Establishing Article 4 of Chapter 139 – Dedications to Town

Be it enacted by the Town Board of the

County

City

Town of Malta as follows:

Village

Section I. Subparagraph “C” to section 143-7 is deleted in its entirety.

Section II. A new Article 4 is added to Chapter 139 entitled “Dedications to Town”, which reads in full:

All highways to be dedicated to the Town must be accepted by the Town Board no earlier than the first Town Board meeting in May and no later than the first Town Board meeting in November.

- (1) The following items are required for dedication of a highway to the Town of Malta, and shall constitute the application:
 - a. An offer of cession, which may be in the form of a letter, said offer to be signed by the owner of the highway proposed to be ceded .
 - b. A proposed deed. The deed should state that the Town of Malta is a “municipal corporation, organized and existing by virtue of the laws of the State of New York.” The deed shall state not only the date and title of the preparer of the survey, but also the date of filing thereof in the Saratoga County Clerk’s office and the drawer or instrument number assigned thereto. Provided the proffered highway has been accepted by the Town, the deed shall be filed prior to March 1 of the following year.
 - c. An up-to-date abstract showing marketable title to the Town of Malta and title insurance in the amount of \$10.00 per lineal foot, together with a market-value rider.
 - d. One set of digital, and two papers copies, of as-built drawings of the highway and utilities with and proximate thereto. Upon receipt by the Highway Department, one paper copy shall be retained and one paper copy shall be provided to the Town-designated engineer. Once the as-built drawings have been revised as directed by the Town Highway Department and the engineer, and the highway accepted by the Town, the digital form of the finalized as-built drawings shall be provided by the Highway Department to the Town Clerk and the Town Planning Department, and a copy shall be retained by the Highway Department.
 - e. Certification from the Town-designated engineer that all construction has been performed in accordance with the final plans and approved field changes.

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- f. Proof that the highway as actually constructed has been duly monumented, and a survey map certified to the Town showing the locations of the highway and the location of the monuments.
 - g. A maintenance bond or letter of credit in an amount determined by the Town-designated engineer, to be automatically renewed until released by the Highway Superintendent in consultation with the engineer.
 - h. Written consent of a member of the staff of the Planning Department, Town Stormwater Officer, the Highway Superintendent and the Town-designated engineer.
- (2) The application shall be delivered to the Town Highway Superintendent on or before the 1st day of September. The Town Highway Superintendent may not accept any application which does not include all of the items set forth above, except that the bond or letter of credit may be provided at a later date as determined by the Highway Superintendent. The Town Highway Superintendent shall coordinate the reviews required by the Planning Department, the Town-designated engineer and the Town Attorney. When the Town Highway Superintendent believes that the application is ready for Town Board review, he shall present to same to the Town Board for acceptance or rejection pursuant to New York State's Highway Law §171.
- (3) If the application and offer of cession is accepted by the Town Board, the deed shall be filed at the donor's expense upon order of the Town Highway Superintendent pursuant to New York State's Highway Law §171.
- (4) The Town Board may, for cause and by resolution, set aside any of the provisions of the procedures or substantive requirements set forth above if it deems the same to be in the public interest.

Section III. Supersession: This local law is hereby adopted pursuant to the provision of §10 of the New York State Municipal Home Rule Law and §10 of the New York State Statute of Local Governments, it being the intent of the Town Board to supersede any and all contrary or inconsistent State Laws.

Section IV. Inconsistency: All other local laws and ordinances of the Town of Malta, if any, that are inconsistent with the provisions of this local law are hereby repealed: provided, however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances, if any, regulating and governing the subject matter covered by this local law.

Section V. Savings Clause: If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment, order and/or decision shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation of the clause, sentence, paragraph, worked section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section VI. Effective Date: This local law shall take place immediately upon its filing with the New York State Secretary of State.

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(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2010 of the ~~(County)(City)(Town)(Village)~~ of Malta was duly passed by the Malta Town Board on the 6th day of July, 2010 in accordance with the applicable provisions of law.

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval
— by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved) (repassed after (Name of Legislative Body) disapproval) by the _____ and was deemed duly adopted on 20____. _____ (Elective Chief Executive Officer*) In accordance with the applicable provisions of law.~~

~~**3. (Final adoption by referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on 20____ and was (approved)(not approved)(repassed after (Name of Legislative Body) disapproval) by the _____ on _____ 20____. Such local law was submitted _____ (Elective Chief Executive Officer*) to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.~~

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after (Name of Legislative Body) disapproval) by the _____ on _____ 20____. Such local law was subject to _____ (Elective Chief Executive Officer*) permissive referendum and no valid petition requesting such referendum was filed as of 20____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county, elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify at the local law annexed hereto, designated as local law No _____ of 20
of the City of _____ having been submitted to referendum pursuant to the provisions
of
section (36)(37) of the Municipal Home Rule Law, and having received the affirm majority of the
qualified electors of such city voting thereon at the (special)(general) election held _____ 20
5
became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law, designated as local law No _____ of 20
of the County of _____ State of New York, having submitted to the electors
at the General Election of November _____ 20____, pursuant to subdivision 5 an section 33
of the
Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified
electors of the cities as a unit and a majority of the qualified electors of the towns of said county
considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate
certification.)

I further certify that I have compared the preceding local law with the original on file in this office and
that the same is a correct transcript there from and of the whole of such original local law, and was finally
adopted in the manner indicated in paragraph ____ 1. ____ above.

**Clerk of the County legislative body, City, Town or Village
Clerk or officer designated by local legislative body**

(Seal)

Date: July 6, 2010

(Certification to be executed by, County Attorney, Corporation Counsel, Town Attorney, Village
Attorney or other authorized attorney, of locality.)

STATE OF NEW YORK)
)SS:
COUNTY OF SARATOGA)

**I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all
proper proceedings have been had or taken for the enactment of the local law annexed hereto.**

Signature – Thomas W. Peterson

Town of Malta Attorney

Title
County
City

**Town of Malta
Village**

Date: July 6, 2010

PETITION FOR ACCEPTANCE OF

A PUBLIC ROADWAY

To the Town Board of the Town of Malta, New York:

I (We), the undersigned petitioner(s), ask the Town Board of the Town of Malta to accept as a public roadway _____, said road having been dedicated to the Town during (Subdivision)(Site Plan) review of land owned by _____, located on _____ Road, which received approval by the Malta Town Planning Board on _____. The (Subdivision) (Site Plan) is recorded at Saratoga County Clerks Office filed on date _____ in Plan Drawer _____. Said Road is further described in the deed to the Town of Malta (attached) to be recorded at the Saratoga County Clerks Office.

PRINTED NAME

SIGNATURE

DATE

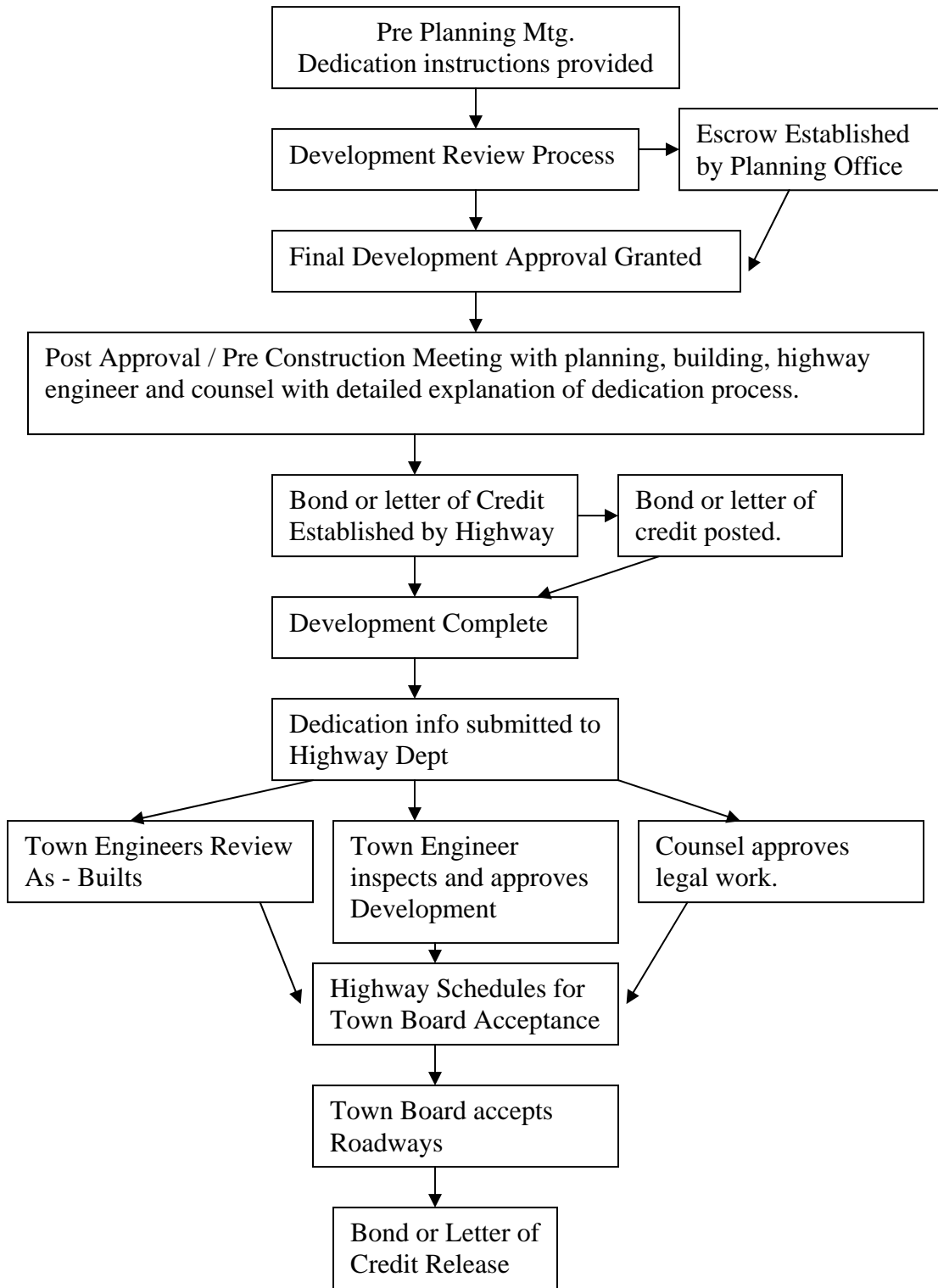
Town of Malta
Building/Planning Department
2540 Route 9
Malta, NY 12020

Saratoga County

(518) 899-2685
(518) 899-4719

Proposed Dedication of Roads Flowchart
Process of Development

Caleb Stratton
Planner
6/4/08



Town of Malta Checklist For Dedication and Acceptance of Public Roadway

Malta Receives (1) set of reproducible Mylars of as-built drawings of Streets and Utilities

Reviewer:

Date:

Completion _____

Malta receives a one-year maintenance bond or letter of credit

Reviewer:

Date:

Completion _____

Malta receives offer of cession of roads

Reviewer:

Date:

Completion _____

Grading Inspection Completed by Town of Malta Building Department

Reviewer:

Date:

Completion _____

Certification from Town Engineer that checkpoints reached and inspected

Reviewer:

Date:

Completion _____

Inspection of roads completed and signed by

- Planning Staff _____
- Building Staff _____
- Stormwater Officer _____
- Highway Superintendent _____
- Town Engineer _____

Town Engineer's punch list completed

Reviewer:

Date:

Completion _____

Up-to-date abstract

Reviewer:

Date:

Completion

Certification of completion

- Town Engineer _____
- Surveyor _____
- Architect _____
- Owner _____

Final Walkthrough by Town Highway Superintendent

Reviewer:

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Date:
Completion _____

Town Board of Malta public hearing on acceptance of road

Acceptance:

Denial:

ADOPTED: VOTE – AYES – 5 NAYS – 0

TABLED RESOLUTION

RESOLUTION # – July 6, 2010

FIELD DEVELOPMENT – EAST LINE ROAD/MICHALKO PROPERTY

MOTION TO TABLE BY: Councilperson Thomas

SECONDED MOTION TO TABLE BY: Councilperson Ruisi

WHEREAS the Town has purchased the 21-acre Michalko Homestead on East Line Road at a cost of \$303,933; and

WHEREAS the Town has commissioned a number of studies including wetland boundary studies, archaeological investigations, topographic mapping and traffic impact assessments which set forth use opportunities and constraints of the property; and

WHEREAS the Town desires to avoid wetlands and archaeological areas; and

WHEREAS the Malta Field Development Committee has identified a need for more ball field areas and recommended using the fields for recreational (non-competitive) soccer play; and

WHEREAS there are also opportunities to use the property for hiking, picnicking, play and outdoor adventure; now therefore be it

RESOLVED that the Town Board wishes to create an open space park for the enjoyment of our residents and be and hereby establishes a budget of \$40,000 to fund: a sign for the park; a gravel parking area to accommodate 20 vehicles; field grading and seeding; poison ivy control; soccer and softball backstops; trails and other accommodations necessary for recreation, comfort and enjoyment of open space as the budget may permit; and further

RESOLVED that the Parks and Recreation Department and Highway Department are directed to use existing equipment, personnel and volunteers in the most resourceful manner to ready the site for use in 2011.

MOTION TO TABLE VOTE: AYES – 5 NAYS – 0

RESOLUTION # 186 – July 6, 2010

MALTA/GLOBAL FOUNDRIES TRUST AGREEMENT

MOTION BY: Councilperson Thomas

SECONDED BY: Councilperson Ruisi

WHEREAS by *Development Agreement* made December 17, 2008, re-dated and resigned February 23, 2009, The Town of Malta and GlobalFoundaries, US, Inc. agreed to form a Trust or Foundation for the annual distribution of grants to organizations benefitting residents of the Town of Malta; and

WHEREAS the Town of Malta and GlobalFoundaries, Inc. have agreed upon a form of Foundation which meets the letter and spirit of the *Development Agreement*, which is described in the annexed *Certificate of Incorporation* and *Bylaws* of the GlobalFoundries / Town Of Malta Foundation, Inc. to be formed pursuant to § 402 of New York's Not-For-Profit Corporation Law; now, therefore, it is

RESOLVED that the creation of a Foundation as described in the annexed *Certificate of Incorporation* and *Bylaws* of the GlobalFoundries / Town Of Malta Foundation, Inc. is approved by the Town Board of the Town of Malta, and the Town Supervisor is authorized and directed to take any steps reasonably necessary to assist in the formation of the Foundation.

CERTIFICATE OF INCORPORATION
OF
GLOBALFOUNDRIES / TOWN OF MALTA FOUNDATION, INC.
Under Section 402 of the Not-For-Profit Corporation Law

THE UNDERSIGNED, for the purpose of forming a corporation pursuant to Article 4 of the Not-For-Profit Corporation Law of the State of New York, does hereby certify:

FIRST: The name of the Corporation is GLOBALFOUNDRIES / TOWN OF MALTA FOUNDATION, INC.

SECOND: The Corporation is a corporation as defined in subparagraph (a)(5) of Section 102 of the Not-For-Profit Corporation Law and is a Type B Corporation.

THIRD: The purposes for which the Corporation is formed are as follows:

To provide a perpetual fund, the interest earned from which will be used to provide tangible benefits of a public nature to diverse groups located in whole or in part within the Town of Malta including, but not limited to: not-for-profit corporations; charitable organizations; community arts and theater; community historical sites and events; education; and sports and recreation. These purposes are intended to be within the meaning of, and no broader than, the exempt purposes set forth in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), or corresponding sections of any future tax law.

In furtherance of the foregoing purposes, and subject to any limitations provided in the Not-For-Profit Corporation Law or any other statute of the State of New York, the Corporation shall have the power, either directly or indirectly, either alone or in conjunction or cooperation with others, to do any and all lawful acts and things and to engage in any and all lawful activities which may be necessary, useful, suitable, desirable, or proper for the furtherance, accomplishment, fostering, or attainment of any and all of the purposes for which the Corporation is organized, together with the power to solicit and receive grants and contributions from private and public sources, and to aid or assist other organizations whose activities are such as to further, accomplish, foster or attain any of such purposes. Notwithstanding anything herein to the contrary, the Corporation shall exercise only such powers or are in furtherance of the exempt purposes of organizations set forth in Section 501(c)(3) of the Code and the Treasury Regulations thereunder, as the same now exist or as they may be hereafter amended from time to time.

FOURTH: The Corporation is organized and shall be operated exclusively for one or more of the exempt purposes enumerated in Section 501(c)(3) of the Code and is not formed for pecuniary profit or financial gain.

FIFTH: The office of the Corporation will be located in the County of Saratoga, State of New York.

SIXTH: The names and addresses of the initial directors are as follows:

Steve Groseclose
107 Hermes Road
Malta, New York 12020

Travis Bullard
107 Hermes Road
Malta, New York 12020

Thereafter, the number of directors that shall constitute the Board of Directors of the Corporation shall be as fixed by or as determined in the manner provided in, and shall be elected, appointed and removed, and shall serve for terms provided in, the by-laws of the Corporation.

SEVENTH: All income and earnings of the Corporation shall be used exclusively for its corporate purposes. No part of the net income or net earnings of the Corporation shall inure to the benefit or profit of or be distributable to its members, directors, officers, or other private persons. Notwithstanding the foregoing, the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes of the Corporation set forth in Paragraphs 3 and 4 hereof. No member or director of the Corporation shall receive any salary, other compensation, or pecuniary profit of any kind for services as such member or director other than reimbursement of actual and necessary expenses incurred in the performance of his duties.

EIGHTH: Notwithstanding any other provision of this Certificate, the Corporation shall not carry on any activities not permitted to be carried on by a corporation exempt from federal income

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taxation under Section 501(c)(3) of the Code, as amended, or by a corporation, contributions to which are deductible under Section 170(b)(2) of the Code. No substantial part of the activities of the Corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation. The Corporation shall not participate in or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.

During the period in which this Corporation is a private foundation, the Corporation (1) shall distribute such amounts at such times and in such manner as not to become subject to tax under Code Section 4942; (2) shall not engage in any act of self-dealing as defined in Code Section 4941(d); (3) shall not retain any excess business holdings as defined in Code Section 4943(c) so as to become subject to tax under Code Section 4943; (4) shall not invest any amount in such a manner as to jeopardize the carrying out of any of its exempt purposes as defined in Code Section 4944; and (5) shall not make any taxable expenditures as defined in Code Section 4945(d).

NINTH: The Corporation may be dissolved only upon authorization of the Board of Directors at a special meeting called for that purpose and in accordance with applicable law, and only with the consent of Globalfoundries and the Town of Malta. Upon the dissolution of the Corporation, all of the remaining assets and property of the Corporation shall, after necessary expenses thereof, be distributed to such organizations as should qualify under Section 501(c)(3) of the Code and are organized and operated exclusively for one or more of the exempt purposes enumerated thereunder, no part of the net earnings of which inures to the benefit of any private shareholder, member, or individual, and which does not carry on propaganda or participate or intervene in any political campaign. The corporations, funds, or foundations to receive said property shall be chosen by the existing Board of Directors, and all such entities receiving funds shall receive them on the condition that the funds be held in the manner set forth in paragraph **THIRD**.

TENTH: The duration of the Corporation shall be perpetual.

ELEVENTH: The Secretary of State of the State of New York is hereby designated the agent of the Corporation upon whom process against the Corporation may be served. The post office address to which the Secretary of State shall mail a copy of any process against the Corporation served upon him as agent of the Corporation is c/o The Corporation, 107 Hermes Road, Malta, New York 12020.

IN WITNESS WHEREOF, the undersigned, has signed and acknowledged this Certificate of Incorporation under penalties of perjury this ____ day of June, 2010.

Nicholas A. Scarfone, Incorporator

**GLOBALFOUNDRIES / TOWN OF MALTA FOUNDATION, INC.
BY-LAWS**

ARTICLE I

GENERAL

Section 1. Name. This not-for-profit corporation shall be known as Globalfoundries / Town of Malta Foundation, Inc. (the “**Corporation**”).

Section 2. Principal Office. The principal office of the Corporation shall be located at 107 Hermes Road, Malta, New York 12020, and the Corporation may also have offices at such other places within the State of New York as the Board of Directors may from time to time determine or the business of the Corporation may require.

ARTICLE II

MEMBERS

The Corporation is a “Type B” not-for-profit corporation and shall have no members. Any action or vote required or permitted to be taken by members under the laws of the State of New York shall be taken by action or vote of the Board of Directors as provided herein.

ARTICLE III

BOARD OF DIRECTORS

Section 1. General. The property, business, and affairs of the Corporation shall be vested under the direction of a Board of Directors, which shall have all the powers and duties necessary or appropriate for the administration of the affairs of the Corporation as are permitted by law, the Certificate of Incorporation, and these By-Laws.

Section 2. Number. The Board shall consist of five (5) directors to be comprised as follows: the Town Board of the Town of Malta shall designate two (2) such directors (the “**Malta Directors**”); Globalfoundries U.S. Inc. shall designate two (2) such directors (the “**Globalfoundries Directors**”); and, the remaining director shall be elected by majority vote of the Malta Directors and the Globalfoundries Directors; provided, however, that such director be a person who shall reside, work or own a business within the Town of Malta. For the purposes of these by-laws, a person employed by Globalfoundries U.S. Inc., or an affiliate thereof, shall be deemed to reside, work or own a business within the Town of Malta. The number of directors shall only be increased or decreased by action of eighty percent (80%) of the entire Board; provided, however, that no decrease shall shorten the term of any incumbent director. As used in these by-laws, the term “entire Board” shall mean the five (5) director positions set forth above, or as modified by **Section 6** or **Section 7**, below, irrespective of whether there is a person currently elected to such position.

Section 3. Election and Term. Of the two Globalfoundries Directors, one shall serve for one year and one shall serve for three years, as designated by Globalfoundries U.S. Inc. Of the two Malta Directors, one shall serve for two years and one shall serve for four years, as designated by the Town Board of the Town of Malta. The remaining director elected by the Malta Directors and Globalfoundries Directors as provided in **Section 2** of this **Article III** above shall serve for five years. At the end of these terms, succeeding terms shall be five years in length. The Malta Directors whose terms shall expire shall be replaced by directors designated by the Town Board of the Town of Malta as provided in **Section 2** of this **Article III**, the Globalfoundries Directors whose terms shall expire shall be replaced by directors designated by Globalfoundries U.S. Inc. as provided in **Section 2** of this **Article III**, and any director who is neither a Malta Director nor a Globalfoundries Director shall be replaced by a director elected by the Malta Directors and Globalfoundries Directors as provided in **Section 2** of this **Article III** above.

Section 4. Resignation. A director may resign from the Corporation at any time by presenting to a member of the Board a written letter of resignation. Such letter shall be presented to the Board at the next meeting of the Board following receipt of such letter. Such resignation shall be

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effective upon receipt by the Board unless otherwise specified in the letter of resignation. The acceptance of a resignation shall not be necessary to make it effective; however, no resignation shall discharge any accrued obligation or duty of a director.

Section 5. Removal. Any director may be removed for cause at any time by a vote of eighty percent (80%) of the entire Board at any meeting, provided that notice of the proposed resolution to remove the director has been stated in the notice of the meeting, and the director has had an opportunity to be heard on the issue(s) giving rise to the proposed removal

Section 6. Vacancies. Whenever a vacancy shall occur in the Board for any reason, it shall be filled as follows: (i) if the vacancy occurs in a position previously held by a Malta Director, such replacement shall be designated by the Town Board of the Town of Malta; (ii) if the vacancy occurs in a position previously held by a Globalfoundries Director, such replacement shall be designated by Globalfoundries U.S. Inc; and (iii) if the vacancy occurs in a position previously held by a director elected by majority vote of the Malta Directors and the Globalfoundries Directors, such replacement shall be designated by majority vote of the Malta Directors and Globalfoundries Directors.

Section 7. Newly-Created Directorships. The number of directors on the Board shall only be increased by action of eighty percent (80%) of the entire Board. The number of directors shall only be increased by creating two (2) additional director positions. One such position shall be held by a person designated by the Town Board of the Town of Malta and the other such position shall be held by a person designated by Globalfoundries U.S., Inc. Such directors shall thereafter become a Malta Director or Globalfoundries Director, respectively.

Section 8. Compensation. No director, as such, shall receive any compensation from the Corporation for service performed; however, by resolution of the Board, directors may be reimbursed for reasonable and necessary non-travel expenses incurred in the performance of their official duties.

ARTICLE IV

MEETINGS

Section 1. Annual Meeting. The annual meeting of the Board shall be held at the time and place designated by the Board, provided, however, that the annual meeting for any year shall be held no later than fifteen (15) months after the last annual meeting of the Board, at which the Board shall elect Board members, receive annual reports of the directors and committees of the Corporation and transact such other business as may properly be brought before the meeting. In the event such annual meeting is adjourned or for any other reason is not held at such time and place so fixed, the meeting may be held at such time and place as shall be specified in a notice given as hereinafter provided, or as shall be specified in a duly-executed waiver of notice hereof. The Board shall decide whether such meetings are open to the public or other persons.

Section 2. Regular and Special Meetings. Regular meetings of the Board shall be held without notice, as required by the activities of the Corporation, at such time and place as the Board shall from time to time determine. Special meetings of the Board shall be held upon notice to the directors and may be called by any director upon written demand of not less than a majority of the entire Board. Such requests shall state the purpose or purposes of the proposed meeting. Business transacted at special meetings shall be confined to the purpose or purposes stated in the notice of the meeting. The Board shall decide whether such meetings are open to the public or other persons.

Section 3. Place of Meetings. The Board shall hold its meetings at the principal office of the Corporation or at such other places within the Town of Malta as it may from time to time determine.

Section 4. Notice of Meetings of the Board. Regular meetings of the Board shall be held without notice. Written notice of any annual or special meeting of the Board, stating the place, date, and time of the meeting, and in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be given either personally, by facsimile or other electronic transmission (*i.e.* e-mail), or by mail to each director not less than ten (10) days before the meeting. If mailed, notice is given when deposited in the United States mail, with postage thereon prepaid, directed to the director at such director's address as it appears on the record of directors, or if such director shall have filed with the Board a written request that notices be mailed to such director at some other address, then directed to such director at such other address. A majority of the directors present, whether or not a quorum is

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present, may adjourn any meeting to another specified time and place. Notice of the adjournment shall be given to all directors who are absent at the time of the adjournment.

Section 5. Waiver of Notice. Notice of a meeting need not be given to any director who submits a signed waiver of notice whether before or after the meeting, or who attends the meeting without protesting, prior thereto or at its commencement, the lack of notice to such director.

Section 6. Quorum and Vote. Except as otherwise provided by law or in the Certificate of Incorporation, a majority of the entire Board shall constitute a quorum for the transaction of business or of any specified item of business. Except as otherwise provided herein, the vote of a majority of the entire Board, if a quorum is present at such time, shall be the act of the Board.

Section 7. Presumption of Assent. A director who is present at the meeting of the Board in which action on any corporate matters shall be taken shall be presumed to have entered into the action unless such director votes against such action or abstains from voting because of a conflict of interest.

Section 8. Chairman. At all meetings of the Board, a chairman chosen by the Board, shall preside.

Section 9. Action of Directors Without a Meeting. Any action required or permitted to be taken by the Board or any Committee thereof may be taken without a meeting if all of the members of the Board or Committee consent in writing to the adoption of a resolution authorizing the action.

Section 10. Meetings by Conference Telephone. Any one or more of the directors may participate in a meeting of the Board or any Committee thereof by means of a conference telephone or similar communications equipment allowing all persons participating in the meeting to hear each other at the same time. Participation by such means shall constitute presence in person at the meeting.

ARTICLE V

COMMITTEES

Section 1. General. The Board, by resolution adopted by a majority of the entire Board, may designate from among its members temporary or standing committees, each consisting of no more than three (3) directors. Each Committee shall serve at the pleasure of the Board.

ARTICLE VI

OFFICERS

Section 1. Number. If the Board determines it is in the best interests of the Corporation it may elect officers for the Corporation. The officers of the Corporation may consist of a President, Vice President, Secretary, and Treasurer, and such other officers as the Board may elect. Any two or more offices may be held by the same person, except the office of President and Secretary. All such officers shall be persons who shall reside, work or own a business within the Town of Malta. For the purposes of these by-laws, a person employed by Globalfoundries U.S. Inc., or an affiliate thereof, shall be deemed to reside, work or own a business within the Town of Malta.

Section 2. Election and Term. Any officer(s) of the Corporation shall be elected by the Board at the annual meeting to hold office until the next annual meeting of the Corporation. Each officer shall hold office until such officer's successor has been elected and qualified, or until the officer resigns or is removed in the manner hereinafter provided.

Section 3. Removal. Any officer may be removed at any meeting by the Board, with or without cause.

Section 4. Vacancies. In the event of the death, resignation, or removal of an officer, the Board may elect a successor to fill the unexpired term.

Section 5. Compensation. Compensation for all officers shall be fixed from time to time by the Board. The directors shall use their best efforts to obtain officers who will serve on a volunteer

basis. If compensation is provided, such compensation shall be for actual services rendered in furtherance of the purposes of the Corporation, shall not materially diminish those funds available for charitable distribution and, in all events, shall be reasonable in amount as permitted under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), and under any applicable guidance interpreting such Section of the Code. Upon submission of a proper claim, officers shall be reimbursed for their reasonable expenses incurred in the performance of their duties.

Section 6. President. If elected, the President shall be the chief executive officer of the Corporation; he shall preside at all meetings of the Board and of the Executive Committee, if any; he shall have responsibility for the supervision and management of the business and affairs of the Corporation, subject to the control of the Board; and he shall see that all orders and resolutions of the Board are carried into effect. The President shall have the power to sign and execute all contracts and instruments of conveyance in the name of the Corporation, to sign checks, drafts, notes, and orders for the payments of money, and to appoint and discharge agents and employees, subject to the approval of the Board. The President shall perform all the duties usually incident to the office of President.

Section 7. Vice Presidents. If elected, during the absence or disability of the President, the Vice President or, if there are more than one, the Executive Vice President, shall perform the duties and exercise all the powers of the President. Each Vice President shall perform such other duties as the Board or the President may from time to time prescribe.

Section 8. Secretary. If elected, the Secretary shall attend all meetings of the Board, record all votes and minutes of all proceedings in a book to be kept for that purpose, give or cause to be given notice of all annual and special meetings of the Board and all other notices required by law or by these By-Laws, keep in safe custody the seal of the Corporation and affix it to any instrument when so authorized by the Board or the President, keep all the corporate books and records of the Corporation as required by law or otherwise in a proper and safe manner, and perform all duties incident to the office of Secretary and such other duties as from time to time may be prescribed by the Board or the President.

Section 9. Treasurer. If elected, the Treasurer shall have the custody of the corporate funds, securities, evidences of indebtedness, and other valuable documents; keep full and accurate accounts of receipts and disbursements in the corporate books; deposit all money and other valuables in the name and to the credit of the Corporation in such depositories as may be designated by the Board; disburse the funds of the Corporation as may be ordered or authorized by the Board and preserve proper vouchers for such disbursements; render to the President and Board at the regular meetings of the Board, or whenever they require it, an account of all transactions as Treasurer and of the financial condition of the Corporation; and render a full financial report at the annual meeting of the Board if so requested; be furnished by all corporate officers and agents at such Treasurer's request with such reports and statements as such Treasurer may require as to all financial transactions of the Corporation; and perform such other duties as from time to time may be prescribed by the Board or the President.

Section 10. Sureties and Bonds. In case the Board shall so require, any officer, employee, or agent of the Corporation may be required by the Board to execute a bond in such sum and with such surety or sureties as the Board may direct, conditioned upon the faithful performance of such officer's, employee's, or agent's duties to the Corporation and including responsibility for negligence and for the accounting for all property, funds, or securities of the Corporation which may come into such officer's, employee's or agent's hands.

Section 11. Delegation of Duties. In the absence or disability of any officer, or for any other reason deemed sufficient by the Board, the Board may delegate such officer's powers or duties to any other officer.

ARTICLE VII

EXECUTION OF INSTRUMENTS

All corporate instruments and documents shall be signed or countersigned, executed, verified, or acknowledged by the person or persons as the Board may from time to time designate.

ARTICLE VIII

DIRECTORS' LIABILITY AND INDEMNIFICATION

Section 1. Indemnification.

(a) Any person made or threatened to be made a party to any action or proceeding, other than one by or in the right of the Corporation to procure a judgment in its favor, whether civil or criminal, by reason of the fact that such person, such person's testator, or intestate was a director of this Corporation, shall be indemnified by this Corporation to the full extent permitted by law against amounts paid in settlement and reasonable expenses, including reasonable attorneys' fees, actually and necessarily incurred by such person, such person's testator or intestate as a result of such action or proceeding, or any appeal therein, if such director acted in good faith, for a purpose which he reasonably believed to be the best interests of the Corporation, and in criminal actions or proceedings, had no reasonable cause to believe that his conduct was unlawful.

(b) Any person made or threatened to be made a party to any action or proceeding by or in the right of the Corporation to procure a judgment in its favor, whether civil or criminal, by reason of the fact that such person, such person's testator or intestate, is or was a director of this Corporation, shall be indemnified by this Corporation to the full extent permitted by law against amounts paid in settlement and reasonable expenses, including reasonable attorneys' fees, actually and necessarily incurred by such person, such person's testator or intestate in connection with the defense of such action or proceeding, or in connection with any appeal therein, if such director acted in good faith, for a purpose which he reasonably believed to be the best interests of the Corporation, except that no indemnification under this paragraph shall be made in respect of (1) a threatened action, or a pending action which is settled or otherwise disposed of, or (2) any claim, issue, or matter as to which such person shall have been adjudged to be liable to the Corporation, unless and only to the extent that a court determines that such person is fairly and reasonably entitled to indemnity.

The right of indemnification provided in this **ARTICLE VIII**, subparagraph (b) shall not be deemed exclusive of any other rights to which a director seeking indemnification or advancement of expenses may be entitled as provided in the Certificate of Incorporation or as provided by (1) a resolution of the Board or (2) an agreement providing for such indemnification, it being expressly intended that these By-Laws authorize the creation of other rights in any such manner.

Section 2. Repeal or Modification. No repeal or modification of this **ARTICLE VIII**, including, without limitation, any repeal or modification of this **ARTICLE VIII** occurring upon the merger, consolidation, or dissolution of the Corporation, shall adversely affect, repeal, or modify any right of indemnification for any act or omission which occurred or is alleged to have occurred while such right of indemnification was in place.

Section 3. Insurance. The Board shall have the power to purchase and maintain insurance: (i) to indemnify the Corporation for any obligation which it incurs as a result of the indemnification of its directors under the provisions of this **ARTICLE VIII**; (ii) to indemnify directors in instances in which they may be indemnified by the Corporation; and (iii) to indemnify in instances in which they may not otherwise be indemnified by the Corporation under the provisions of this **ARTICLE VIII**, provided the contract of insurance covering such directors provides, to the extent required by law, for a retention amount and for co-insurance.

ARTICLE IX

FISCAL MANAGEMENT

Section 1. Fiscal Year. The fiscal year of the Corporation shall begin on the first (1st) day of January of every year, except that the first fiscal year of the Corporation shall begin at the date of incorporation and end the next following thirty-first (31st) of December. The commencement date of the fiscal year herein established shall be subject to change by the Board.

Section 2. Books and Accounts. The books and accounts of the Corporation shall be kept under the direction of the Board in accordance with generally accepted accounting practices. Such books and accounts may be reviewed upon reasonable notice by the Chief Financial Officer of Globalfoundries U.S. Inc. or his or her agent, and by the Comptroller of the Town of Malta.

Section 3. Auditing and Reports. At the close of each fiscal year, the books and records of the Corporation shall be audited in accordance with generally accepted accounting practices, and the Board shall present a full and correct statement of the affairs of the Corporation at the annual meeting of the Board and filed with the Secretary and other agencies as legally required. Copies of the audit and statement of the affairs of the Corporation shall be promptly provided to Globalfoundries U.S. Inc. and the Town of Malta.

Section 4. Financial Policy. It is anticipated that the Corporation will receive monies from Globalfoundries U.S. Inc. to fund projects to provide benefits to the Town of Malta (the “**Fund**”). The Corporation shall adopt a policy governing the management and preservation of the Fund and any annual income earned thereon. Specifically, such policy shall include the requirement that ten percent (10%) of the annual income earned on the Fund shall be maintained and added to the Fund and the remaining ninety percent (90%) of the annual income earned on the Fund may be awarded by the Directors for the benefit of the residents of the Town of Malta; provided, however, the Board shall be permitted to distribute \$37,500 upon creation of the Fund.

Section 5. Grants. The purpose of the Corporation is to provide a perpetual fund, the interest earned from which will be used to provide tangible benefits of a public nature to diverse groups located in whole or in part within the Town of Malta including, but not limited to: not-for-profit corporations; charitable organizations; community arts and theater; community historical sites and events; education; and sports and recreation. The Directors will solicit and review grant applications from persons (including corporations) and unincorporated associations. Supported activities must take place within or mostly within the Town of Malta and the benefits of which must flow principally to the residents of the Town of Malta (as viewed on a broad level in the nature of the general public). Emphasis shall be placed on grants in the nature of “seed money” and matching funds.

ARTICLE X

BY-LAW CHANGES

The By-Laws may be adopted, amended, or repealed by the Board, provided notice of the meeting and of the proposed action shall have been given in accordance with **ARTICLE IV**, Section 4 of these By-Laws, and provided consent to such adoption, amendment or repeal has been obtained from Globalfoundries U.S. Inc. and the Town of Malta. No such adoption, amendment or repeal shall be contrary to or inconsistent with the terms of the *Development Agreement Between Town of Malta and [Globalfoundries U.S. Inc. f/k/a AMD Fab Technologies US, Inc.] AMD Fabrication Technologies, US, Inc.* dated May 22, 2009.

ARTICLE XI

REFERENCES

Reference to the Certificate of Incorporation in these By-Laws shall include all amendments thereto or changes thereof unless specifically excepted.

All pronouns and any variations thereof in these By-Laws shall be deemed to refer to masculine, feminine, or neuter, singular or plural, as the identity of the person or persons referred to may require.

ADOPTED: VOTE – AYES – 5 NAYS – 0

RESOLUTION # 187 – July 6, 2010

APPOINT SPECIAL COUNSEL FOR DOWNTOWN PLANNING

MOTION BY: Councilperson Thomas

SECONDED BY: Councilperson Klotz

WHEREAS the Town Board of the Town of Malta wishes to provide the Town Attorney and Town Planning Board Attorney with outside counsel with an expertise in land use planning on an as-needed basis; now, therefore, it is

RESOLVED that the Town Board of the Town of Malta retains Mark Schachner of Miller, Mannix, Schachner & Hafner, LLC, 451 Glen Street - PO Box 765, Glens Falls, NY 12801, at the rate of \$125 per hour to serve on an as-needed basis with respect to land-use issues (including the Town's possible amendment to its comprehensive plan and zoning related to such changes) to the Town Attorney and Town Planning Board Attorney.

ADOPTED: VOTE – AYES – 5 NAYS – 0

NEW BUSINESS:

RESOLUTION # 188 – July 6, 2010

RESOLUTION AUTHORIZING THE FORMATION OF A WATER-WORKS CORPORATION TO SERVE THE TENANTS OF, AND TO BE LOCATED ENTIRELY WITHIN THE LUTHER FOREST TECHNOLOGY CAMPUS

MOTION BY: Councilperson Hartzell

SECONDED BY: Councilperson Klotz

WHEREAS, the developers of the Luther Forest Technology Campus have petitioned the Town Board for its consent pursuant to Section 41 of the New York State Transportations Corporation Law for the formation of a water-works corporation to be named "Campus Water Works, Inc." to serve the tenants of and to be located entirely within the boundaries of the Luther Forest Technology Campus, to be known as Campus Water Works, Inc.;

WHEREAS, at least ten days have passed since a written application for consent was received by Town authorities;

WHEREAS, the members of the Town Board and the Town Superintendent of Highways have received and reviewed the service territory map and engineers narrative for the proposed water system specifying the location and size and type of wells, pumps, distribution mains and other facilities of the water system to be furnished by the water-works corporation;

WHEREAS, Saratoga County Water Authority will issue its consent to formation of a water works corporation;

WHEREAS, a Final Generic Environmental Impact Statement ("FGEIS") and Final Findings Statement were adopted by the Town of Malta Town Board as lead agency on May 18, 2004, for the development of the Luther Forest Technology Campus for which the Town of Malta Town Board was recognized as an involved agency.

WHEREAS, the FGEIS considered water supply and the Final Findings Statement concluded that no significant impact to neighboring wells and requisite groundwater requirements were expected from the preferred water supply option or the secondary option. The action that is the subject of this resolution is in furtherance of the FGEIS and Final Findings Statement, and the Town Board need take no further action under SEQR; now, therefore be it

RESOLVED, the Town Board does hereby (i) grant its consent, in accordance with Section 41 of the Transportations Corporation Law, to the developers of Luther Forest Technology Campus for the formation of a water-works corporation to serve the tenants of and to be located entirely within Luther Forest Technology Campus and (ii) authorizes its members and the Town Superintendent of Highways to endorse a consent to the formation of the corporation; and (iii) directs the Town Clerk to provide a conformed copy of the consent for filing with the Certificate of Incorporation of Campus Water Works, Inc.

RESOLUTION # 189 – July 6, 2010

NORTHWAY ESTATES PDD AMENDMENT – REFER TO PLANNING BOARD

MOTION BY: Councilperson Klotz

SECONDED BY: Councilperson Thomas

WHEREAS an application has been received from DSB Realty, Inc., to amend the Northway Mobile Estates Planned Development District §167-24 to amend the amendment that was enacted as a local law on the 5th day of January, 2009; now, therefore, be it

RESOLVED that the said request be and the same hereby is referred to the Town Planning Board of the Town of Malta for its review and advice pursuant to the Town of Malta Zoning Law, and for its review and recommendation as to the possible environmental significance of the project pursuant to the New York State Environmental Quality Review Act, and be it further

RESOLVED that the said request be and the same hereby is referred to the County Planning Board of the County of Saratoga for its review and advice and to all other entities entitled to notice by law; and be it further

RESOLVED that the Town Board of the Town of Malta does hereby declare itself lead agency concerning the proposed request.

ADOPTED: VOTE – AYES – 5 NAYS – 0

RESOLUTION # 190 – July 6, 2010

PLANNING BOARD – APPOINT ALTERNATE & FULL MEMBER

MOTION BY: Councilperson Thomas

SECONDED BY: Councilperson Ruisi

RESOLVED that the Town Board of the Town of Malta be and hereby appoints Dave Bowman as an Alternate member of the Planning Board for the remainder of 2010 to serve at the pleasure of the Town Board; and

FURTHER RESOLVED that the Town Board of the Town of Malta be and hereby appoints Carrie Woerner from alternate member to full member of the Planning Board to fill the remainder of Fred Larson's term to expire December 31, 2013.

ADOPTED: VOTE – AYES – 5 NAYS – 0

RESOLUTION # 191 – July 6, 2010

ESTABLISH SENIOR ASSESSMENT CLERK POSITION IN ASSESSOR'S OFFICE

MOTION BY: Councilperson Hartzell

SECONDED BY: Councilperson Klotz

WHEREAS the Town of Malta desires to establish the position of senior assessment clerk in the Town Assessor's Office and abolish the previously established assessment clerk; and

WHEREAS the Town Assessor has prepared a job description based upon the Saratoga County's civil service job description for a senior assessment clerk; and

WHEREAS the Town Assessor believes it is in the Town's best interest to establish a civil service position of senior assessment clerk and interview eligible candidates; and

WHEREAS the Saratoga County Personnel Officer must officially approve and title any positions created within the Town of Malta in accordance with Civil Service Law; and

WHEREAS the Town Board of the Town of Malta desires to establish a senior assessment clerk position based upon the recommendation of the Town Assessor and abolish the assessment clerk position; now, therefore, be it

RESOLVED that the Town Board of the Town of Malta hereby establishes the position of senior assessment clerk in the Town Assessor's Office with the understanding that the Town Assessor will interview eligible candidates either from a civil service list if one exists or from resumes received

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from public advertisement of the job opportunity and recommend to the Town Board of the Town Malta one qualified candidate; and be it further

RESOLVED that the Town Board of the Town of Malta authorizes the Town Supervisor to file the necessary paperwork relating to the establishment of the senior assessment clerk position with Saratoga County Department of Personnel which is subject to the approval of the Saratoga County Personnel Officer; and be it further

RESOLVED that the senior assessment clerk will be classified as a Grade N-5 in the Town of Malta's Wage and Salary Structure which has a starting minimum hourly rate of \$14.84 per hour or commensurate with experience and be it further

RESOLVED that, until Senior Assessment Clerk position is filled, the Town Board allows the Assessor to use part-time clerical assistance as needed

RESOLVED that the Town Board of the Town of Malta abolishes the position of assessment clerk.

**Town of Malta
Job Description**

Job Title: Senior Assessment Clerk
Department: Assessor
Report to: Town Assessor
Civil Service Class: Competitive
Full/Part-Time: Full
Prepared by: Sue Otis 6/22/2010

JOB SUMMARY:

Assist Town Assessor in providing public, including taxpayers and appraisers, pertinent assessment information with the use of tax maps, property record cards, final rolls, and the real property tax system and in maintaining current real property tax records and an equitable assessment roll. Duties are performed under the general supervision of the assessor and assistant assessor in accordance with prepared guidelines and policies. This position is distinguishable from that of a clerk in that incumbents are required to have a general understanding of the terminology and procedures involved with real property which will be learned through job training. Related duties will be performed as required.

ESSENTIAL JOB FUNCTIONS:

Answers the telephone and gives out routine information regarding assessments and real property tax data

Possess knowledge of deeds and tax maps in order to maintain and update assessment data

Assist public, including taxpayers and appraisers, in providing pertinent information with the use of tax maps, property records, exemptions, final rolls, and the NYS real property system.

Process property exemption applications and maintain spreadsheets applicable to mobile home parks

Process all corrections to assessment roll

Process refund application for property taxes paid

Assists assessor in all judicial proceedings such as preparation for small claims hearings and certiorari

Uses computer valuation programs to enter partial or complete assessments on the Real Property System program, and to adjust assessments

Changes data on property records files, files changes on RPS program, and modifies tax maps

Perform word processing for letters and miscellaneous reports and any and all clerical requirements of

the job.

Mail change of assessment notices to property owners

Process decision notices for property owners regarding tax grievance day

Processes, sorts, indexes, records and files a variety of control records and reports;

Makes arithmetical computations and compiles simple statistical reports;

Operate a variety of equipment including a computer, printer, telephone, calculator, copier, fax and postage machine in the performance of regular duties.

SUPERVISORY RESPONSIBILITIES: Employees in this position do not have any supervisory responsibilities.

WORK IMPACT:

This position requires a high degree of accuracy and attention to detail. The data maintained is used by the Assessor for determining valuation of property for tax purposes. Good knowledge of office terminology procedures and equipment; good knowledge of a computer terminal; working knowledge of business arithmetic and English; working knowledge of the principles and terminology involved in real property valuation and tax maps; ability to understand and follow oral and written instructions; neatness, accuracy, tact and courtesy; physical condition commensurate with the demands of the position.

PHYSICAL ACTIVITIES AND REQUIREMENTS:

Ability to perform climbing, stooping, balancing, kneeling, crouching, crawling, reaching, sitting, standing, walking, pushing, pulling, lifting, fingering, grasping, feeling, talking, hearing and repetitive motions. Ability to exert up to 20 pounds of force occasionally and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly to move objects.

MENTAL AND VISUAL DEMAND:

Close mental and visual application needed to perform work, such as dealing primarily with preparing and analyzing data and figures.

ENVIRONMENTAL CONDITIONS:

The worker is not subject to adverse environmental conditions.

MINIMUM JOB QUALIFICATIONS:

Graduation from high school and 4 years of experience in the assessment field or related field, such as but not limited to, title work, government, or legal experience.

Computer knowledge in word processing and spreadsheets.

EMPLOYER DISCLAIMER:

- * This Job Description is intended for the internal use by the Town of Malta and does not replace the Job Specification, if any, that has been adopted by the Saratoga County Civil Service Department.
- * All requirements are subject to possible modification to reasonably accommodate individuals with disabilities.
- * This Job Description in no way states or implies that these are the only duties to be performed by the employee holding this position. The employee will be required to follow any other job-related instructions and to perform any other job-related duties requested by their supervisor.
- * This document does not create an employment contract, implied or otherwise, other than an at will employment relationship.

ADOPTED: VOTE – AYES – 5 NAYS – 0

RESOLUTION # 192 – July 6, 2010

AUTHORIZE TOWN ASSESSOR TO ATTEND CONFERENCE

MOTION BY: Councilperson Ruisi

SECONDED BY: Councilperson Klotz

BE IT RESOLVED that the Town of Malta Assessor, Sue Otis, be and hereby is authorized to attend the Annual Assessor's Conference, to be held in Lake Placid, New York, from September 26 through September 29, 2010, at the cost of the Town.

ADOPTED: VOTE – AYES – 5 NAYS – 0

RESOLUTION # 193 – July 6, 2010

AUTHORIZE JUDGE McKEVITT TO ATTEND JUDICIAL EDUCATION COURSE

MOTION BY: Councilperson Ruisi

SECONDED BY: Councilperson Klotz

BE IT RESOLVED that the Town of Malta Judge McKeVitt be and hereby is authorized to attend the Judicial Magistrate Convention, to be held in Calicoon, New York, from September 25 through September 29, 2010, at the cost of the Town.

ADOPTED: VOTE – AYES – 5 NAYS – 0

RESOLUTION # 194 – July 6, 2010

AUTHORIZE TIM MURPHY TO ATTEND GLOBALFOUNDRIES GAS YARD DESIGN MEETING

MOTION BY: Councilperson Ruisi

SECONDED BY: Councilperson Klotz

BE IT RESOLVED that the Town of Malta GF Inspection Officer, Tim Murphy be and hereby is authorized to attend the GlobalFoundries Gas Yard Design Meeting at the offices of Evergreen Engineering in Hillsboro, Oregon sometime within the next few weeks of July, 2010, (dates to be determined);and

RESOLVED that expenses for said meeting for hotel, airfare and dinner will be at the expense of Chazen Companies and incidental expenses will be at the expense of the Town of Malta; and further

RESOLVED that the Town Board be and hereby gives permission for the Town of Malta GF Inspection Officer, Tim Murphy and potential Building & Planning Department staff to attend future work-related out-of-town meetings pertaining to GlobalFoundries at the recommendation of the Building & Planning Coordinator and approval of the Town Supervisor.

CERTIFICATION:

I, Flo Sickels, the duly elected Clerk of the Town of Malta, do hereby certify that the following resolution was adopted at a regular meeting of the Town Board of the Town of Malta held on July 6, 2010, and is incorporated in the original minutes of said meeting, and that said resolution has not been altered, amended or revoked and is in full force and effect.

Flo Sickels, Town Clerk – July 6, 2010

ADOPTED: VOTE – AYES – 5 NAYS – 0

RESOLUTION # 195 – July 6, 2010

APPROVE ROUND LAKE ENVIRONMENTAL PROTECTION FUND GRANT APPLICATION AND ESTABLISH LEAD AGENCY

MOTION BY: Councilperson Thomas

SECONDED BY: Councilperson Hartzell

WHEREAS the Town of Malta has held numerous public workshops, charettes and professional surveys to establish the Town's priorities for future development of the Town; and

WHEREAS the public continues to prioritize the importance of quality of life through the preservation of environmental and cultural areas, public access to waterways, trails, preservation of view-sheds and wildlife corridors; and

WHEREAS the Town of Malta Recreation and Open Space Needs Assessment, the Comprehensive Plan, the Town-Wide GEIS Statement of Findings, The Saratoga Green Infrastructure Plan, the Excellence in Malta Findings Report and the Malta 5-Year Capital Planning Report all reaffirm the same priorities of the importance of recreation, open space, water resources, view sheds and the Town's rural character, including consideration of:

- the importance of quality of life, the preservation of environmental areas and the development of public facilities;
- the provision to provide the widest possible recreation diversity through the widest range of recreation settings;
- the wise development of natural resources and accessibility to a variety of recreational opportunities;
- Public access to waterways, trails;
- preservation of view-sheds and wildlife corridors recreation, open space, water resources, view-sheds, the rural character;
- natural systems, working landscapes, cultural resources and recreational and trail opportunities; and
- Round Lake/Anthony Kill as an important area to protect.

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Malta reaffirms the said documents as relevant and important planning documents to our Town; and, further,

WHEREAS the Town of Malta intends to develop The Round Lake Preserve, located along Round Lake and the Anthony Kill (a tributary to the Hudson River) in partnership with Saratoga PLAN to preserve Native American artifacts, plant and bird habitat, protect a scenic farming vista overlooking Round Lake and provide interpretive trails and connections to the Zim Smith Trail (a designated Heritage Hub of Saratoga County), the Anthony Kill and the Lake; now, therefore it is

RESOLVED that the Town Board of the Town of Malta establishes itself as lead agency for the project for purposes of the State Environmental Quality Review Act; and it is further

RESOLVED that the Supervisor of the Town of Malta is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$400,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this Town for the planning and development of the Round Lake Preserve, including development of a comprehensive master plan, investigative surveys, infrastructure work, trails, signs and boardwalks to provide public access to the Anthony Kill and the Lake and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

Town Seal

Flo Sickels, Town Clerk – July 6, 2010

ADOPTED: VOTE – AYES – 5 NAYS – 0

RESOLUTION # 196 – July 6, 2010
HIGHWAY UTILITY PERMIT REVISIONS

MOTION BY: Councilperson Ruisi

SECONDED BY: Councilperson Klotz

WHEREAS on November 7, 1990, the Town Board of the Town of Malta approved a form of permit to allow for the construction and maintenance of underground utilities within the Town of Malta, subject to the consent of the Town Highway Superintendent, and

WHEREAS said form of permit was amended by resolution February 2, 2004 and February 1, 2010; and

WHEREAS the Town Highway Superintendent has recommended amendments to the same which the Town Board finds reasonable and appropriate; now, therefore, it is

RESOLVED that the annexed form of permit permitting construction and maintenance of underground utilities within the Town of Malta, subject to the consent of the Town Highway Superintendent is approved and adopted.

ADOPTED: VOTE – AYES – 5 NAYS – 0



Town of Malta
Roger Crandall, Highway Superintendent
Highway Department
2540 Route 9
Malta, NY 12020

Saratoga County
E-mail: highway@malta-town.org

(518) 899-2818
fax: (518) 899-9038

PERMIT FOR CONSTRUCTION OF UTILITIES
TOWN OF MALTA HIGHWAY DEPARTMENT
Adopted November 7, 1990
Amended February 1, 2010

Application to: Highway Superintendent
Town of Malta
2540 Route 9
Malta NY 12020

Applicant:
Name: _____
Address: _____

Phone: _____ E-Mail: _____

Permission is hereby requested to construct the following utilities within the right-of-way of the Town of Malta, or within land owned by the Town of Malta, pursuant to Section 136 of Highway Law.

Town Road name: _____
(Please attach description and plan sketch of proposed work location.)

This work must be started in an expeditious manner and be completed within (1) 60 days from date of permit, or (2) no later than _____. The Town of Malta Highway Superintendent shall be promptly notified when the work is completed.

Signature of Applicant

Date

www.Malta-town.org

Special conditions are issued in addition to the Utility Permit Application entitled "Permit for Construction of Utilities, Town of Malta Highway Department".

These conditions apply to the right-of-way on roads owned and maintained by the Town of Malta. By submitting this application, you agree to comply with these conditions.

The intent of these special conditions is to address concerns, guidelines, and/or requirements which may or may not be addressed in the permit application described above. No exceptions to these special conditions shall be allowed unless approved by the Town of Malta Highway Superintendent.

- A. Two-way traffic shall be maintained and coordinated by flagmen in a manner that

REGULAR MEETING, MALTA TOWN BOARD, JULY 6, 2010

- will cause no excessive delays to vehicular traffic.
- B. Fire hydrants shall be placed one foot within the property line unless approved by the Highway Superintendent or his representative.
 - C. Erosion control measures shall be in conformance with New York State guidelines for urban erosion and sediment control manual.
 - D. Sight distances at all town road intersections shall not be reduced or compromised due to excavation.
 - E. The utility shall be placed in an area within the right-of-way that will minimize should damage and obstruction of private property.
 - F. All pavement, restoration and site work shall be completed to the satisfaction of the Town of Malta Highway Superintendent.
 - G. All back filling operations shall attain a minimum of 95% maximum dry density; ASTM D698. To verify these results, the services of an independent testing laboratory will be required if deemed necessary of by Town Highway Superintendent. Copies of the testing results must be forwarded to the Town of Malta Highway Department.
 - H. All costs incurred shall be paid by the applicant.

Signature of Applicant

Town of Malta Highway Superintendent

Date

Date



Town of Malta
Roger Crandall, Highway Superintendent
Highway Department
2540 Route 9

Saratoga County
E-mail: highway@malta-town.org

Malta, NY 12020

(518) 899-2818
fax: (518) 899-9038

The applicant agrees, in consideration of this permit, that any present or future injury to or disturbance of the highway, its slopes or gutters, caused by this work, shall be repaired by the applicant at his own expense and in accordance with instructions of the Town Highway Superintendent.

Malta Highway Superintendent

Date

This permit expires (1) in 60 days from date, or (2) in no event later than _____.
(date)

In consideration of the granting of the within permit, the undersigned hereby accepts the same subject to their restrictions and conditions therein described (pages 5-8).

Signature of Applicant

Date



Town of Malta
Roger Crandall, Highway Superintendent
Highway Department
2540 Route 9
Malta, NY 12020

Saratoga County
e-mail: highway@malta-town.org
9038

(518) 899-2818
fax: (518) 899-

HOLD HARMLESS

_____ hereby agrees to indemnify and hold harmless the Town
(Name of Applicant)
of Malta, its officers, employees and agents from and against any and all liability, claims, losses,
damage or action arising from the performance of the work or services provided by the contractor under
the contract described herein to the extent permissible by law including, but not limited, to the cost of
reasonable attorneys fees and the costs and disbursements incurred in defending against any such claims,
etc. .

Signature of Applicant: _____

Date: _____

www.Malta-town.org

CONDITIONS AND RESTRICTIONS

- A. This permit shall not be assigned or transferred without the written consent of the Town of Malta Highway Superintendent (hereinafter referred to as TOMHS).
- B. The work and locations authorized by this permit shall be performed under the supervision and to the satisfaction of the TOMHS or his representative.
- C. This work must be started and continued in an expeditious manner and be completed (1) within 60 days from date of permit, or (2) in no event later than _____. The TOMHS shall be promptly notified when the work is complete.
- D. The Town of Malta will **require a Certificate of Insurance** covering work for the combined single limit liability (property and bodily injury) of \$1,000,000 for each occurrence and the Town of Malta shall be named as additionally insured submitted with this application, unless waived by the Town Highway Superintendent.
- E. A Workmen’s Compensation Form must also be submitted with this application.
- F. Should any of the policies be cancelled before the expiration date thereof, the issuing company will mail 30 days written notice to the Town of Malta Highway Department by Certified Mail.
- G. The applicant agrees to pay all necessary expenses related to supervision and inspection by reason of the granting of such permit. Such payment will be made within ten days from the rendering of the certified account.
- H. Original copy of this permit must be furnished on demand by field representative in charge of work.
- I. Traffic shall be maintained on this section of this highway while the work is in progress and until its final completion. If the road must be closed, the applicant shall notify the TOMHS, Fire Company, Ambulance Corp, Sheriff Department, State Police, School District and the affected neighboring community as directed by the TOMHS.
- J. The Town of Malta reserves the right to revoke or annul this permit at any time should

the said applicant fail to comply with the terms and conditions upon which it is granted.

K. This permit is subject to such other consents as are required by law.

METHOD OF PERFORMING WORK

- A. All pipes or mains crossing the highway pavements shall, wherever possible, be driven beneath the roadway without disturbance to the pavement.
- B. Such crossover pipes shall, whenever possible, be enclosed in sleeves or large pipes so that repairs or replacements may be made without further disturbance of the roadway pavement.
- C. A steel sleeve required for section bored, with ends sealed. End of steel casing at bore pit to be a minimum of ten feet from edge of pavement.
- D. Only if authorized after excavating and locating water main:
 - Excavation at water main for tapping sleeve and valve:
 1. back-fill with existing material if acceptable. If material is unacceptable, gravel approved by the TOMHS must be used
 2. no asphalt in trench or backfill material
 3. compaction in minimum of 6" lifts with mechanical compactor
 4. 12" of compacted rubble is to be used for sub-base
 5. 4" of asphalt concrete pavement, 2.5" base, 1.5" top course
 6. saw cut road at a minimum of 18" beyond edge of trench
- E. If pavement cut at water main is authorized, full-time inspection will be required with a certificate by a licensed engineer with back fill and compaction done according to the Town of Malta specifications and requirements.
- F. If required by the Town Highway Superintendent, the Contractor shall provide a two year bond for \$5,000 to cover possible future repairs.
- G. Back fill material shall be well graded, drainable gravel, placed in 6" layers and thoroughly compacted. All excavated material and rubbish shall be cleaned up and removed from the highway upon completion of the work day and the highway left in a neat and orderly condition.
- H. The applicant shall be responsible for repairing any deficiencies created by or arising from the work for which this permit is issued, for a period of 24 months after completion of the work.
- I. The applicant shall erect and maintain suitable guard rails or barricades around all trenches while work is in progress for the protection and safety of the public, and they shall be lighted at night to meet the NYSDOT standards. The work shall be carried on in such a manner that all excavations shall be back filled at end of each days' work unless otherwise approved by the TOMHS.
- J. Manhole frames and covers shall be of an approved weight and set according to Town of Malta Stormwater Management Conveyance System Standards.

OPEN CUTS

If the method of open cut is agreed upon, the following restrictions shall govern replacement of the pavement (this is the last resort in all situations):

- A. On concrete pavements, slabs partly undermined, or broken, shall be completely replaced to meet the Town of Malta Highway Standards.
- B. Bituminous Concrete Pavement: 12" rubble sub base, 2.5" binder course, 1.5" top course is required to meet Typical Highway Standards.
- C. On cross cut pavement openings, repairs to pavements shall extend a minimum of 2 feet beyond limit of disturbance.
- D. On longitudinal pavement openings, repairs to pavements shall extend at least a minimum of 1 foot beyond limit of disturbance.
- E. On all pavements where cutting is necessary, temporary repairs with cold patch or other acceptable type of bituminous patching must be placed as soon as the back fill is made. Section must be maintained to provide a smooth transition even with the surface of the existing pavement until such time as the back fill has settled sufficiently to permit permanent restoration of the pavement surface.
- F. On longitudinal trench excavation outside of pavement area, edge of trench shall not be closer than 4 feet to edge of pavement except under written authorization of the

TOMHS

SUPPLEMENTAL CONDITIONS

- A. Approval of this permit is contingent on the approval of other agencies involved with this project.
- B. This permit is approved for a specific proposal as submitted to the Town of Malta Highway Department. Any changes or additions affecting placement offsets, depths and locations, as originally approved shall **VOID** this permit unless such changes have been approved by the TOMHS or his representative.
- C. The TOMHS or his representative shall be notified 48 hours prior to commencement of proposed work as shown on this permit and may require a field inspection with the application before and after completion of proposed work.
- D. No open cuts or pavement disturbance will be allowed unless specifically approved by the TOMHS or his representative and shown on the proposal.
- E. When allowed, shoulder and highway pavements shall be saw cut through the full depth of pavement.
- F. Any part of applicant's equipment that has contact with the highway pavement shall have suitable rubber pads (such as outriggers, buckets, etc.). Any and all damage to the highway pavement resulting from the applicant's operations shall be repaired to the satisfaction of the TOMHS.
- G. All drainage ways, including ditches, ditch slopes, culverts, driveway pipes, drop inlets and storm sewers, must be kept clean. Original grade must be restored. Proper drainage must be maintained during construction.
- H. No underground drain pipes or other highway appurtenances shall be disturbed or removed. When these facilities are encountered the TOMHS or his representative shall be notified. If disturbance or removal is approved, the facility shall be replaced in-kind and at the proper location to perform as originally intended.
- I. If guide rail or guide posts shall be removed, when removal is allowed, a sketch for replacement, conforming to NYSDOT standards, shall be submitted and approved before removal will be allowed.
- J. No signs or other appurtenances shall be removed or disturbed without **special** approval by the TOMHS or his representative. In the event approval is granted a log shall be kept showing type of sign or other appurtenance, exact locations, time removed, and time reset. Resetting shall be in exact, original locations. A copy of the log shall be submitted to the Town of Malta Highway Department.
- K. When highway shoulders are disturbed, for any reason, because of contractor's operations, restoration will be required. Typical sections, details, materials to be used and scheduling must be approved by the TOMHS or his representative.
- L. The TOMHS or his representative shall approve all back fill material. If excavated material is unacceptable, it shall be removed from the site.
- M. All disturbed areas outside of the shoulder edge shall be raked smooth and reseeded as specified in NYSDOT Item 610-2.03.
- N. The highway shall not be obstructed, in any part, greater than ½ the pavement width so that traffic shall be maintained with a minimum of delay and directed by flagmen. Dust control must be maintained and the highway swept clean at the end of each day's work.
- O. No material stockpiles will be allowed within the highway boundaries unless approved by the TOMHS or his representative.
- P. Mail delivery access must be maintained at all times.
- Q. Access to private drives must be maintained with minimal delay and restored to original condition or better.
- R. The Town of Malta may require acceptable photographs of the proposed work area prior to permit approval. These photographs shall remain the property of the Town of Malta.

CRITERIA FOR CONSTRUCTING SIDEWALKS WITHIN TOWN RIGHT-OF-WAY

1. The responsibility for funding and constructing sidewalks lies with the developer.
2. The local municipality shall assume no liability and hold the town harmless against all claims.
3. The Town has no responsibility with regard to snow removal, including snow deposited as a result of plowing and roadway.
4. All sidewalk installations must be designed by a professional engineer whose plans must be approved by the Planning and Building Department or it's representative.

Motion was made by Councilperson Ruisi, seconded by Councilperson Thomas to accept the Comptroller's report for the month of June.

GENERAL TOWN WIDE – A – FUND	\$ 43,861.08
GENERAL PART TOWN – B – FUND	\$ 173,718.59
PART TOWN HIGHWAY – DB – FUND	\$ 40,596.02
LFTC ROADS CAPITAL PROJECT - HC - FUND	\$1,222,322.36
MICHALKO PARK - - FUND	\$ 7,739.37

COMMENTS:

Carol Henry – Round Lake Preserve resolution – can the Open Space Committee get a copy?

There being no further business to come before the Board, motion was made by Councilperson Klotz, seconded by Councilperson Ruisi to adjourn the Regular Town Board Meeting and proceed to a Town Board Workshop – Personnel Manual Revision at 7:52 p.m. Motion carried unanimously..

Respectfully Submitted,

Flo E. Sickels, Town Clerk

- This meeting has been recorded for future reference.