

MALTA TOWN BOARD MEETING

July 1, 2019

6:00 PM

Malta Town Hall

ELECTED OFFICIALS PRESENT: Supervisor Darren O'Connor, Councilman John Hartzell, Councilman Craig Warner, Councilwoman Cynthia Young, Councilman Tim Dunn, Town Clerk Jennifer Holmes and Highway Superintendent Roger Crandall

OTHERS PRESENT: Deputy Supervisor Vincent DeLucia, Town Attorney Tom Peterson, Comptroller Kevin King and Director of Parks & Recreation Alyssa Benway

PUBLIC PRESENT: Tim Downey, Darren Persons, Kathy Eitzmann, Woody Sloat, Mark & Doris Duly

SALUTE TO THE FLAG AND SILENT PRAYER:

ACCEPT TOWN CLERK MINUTES FROM 6/24/2019:

Motioned: Councilman Warner **Seconded:** Councilwoman Young

Vote: Ayes-5 Nays-0

COMMENTS FROM TOWN BOARD & DEPARTMENT HEADS:

Supervisor O'Connor congratulated the Malta Drive-In Theater on its 70th Anniversary. A Certificate of Appreciation will be presented to Ed Caro, owner of the Drive-In, on behalf of the Town of Malta. The Supervisor informed the TB that a second application from a church to rent the Community Center for worship has been submitted. The TB will discuss the application at the next agenda meeting.

Councilman Warner informed all in attendance the Senator Tedisco could be seen paddling a kayak on Round Lake today. Councilman Warner highly recommended using the kayak kiosk located on Round Lake. For two people, three hours of use with two kayaks the cost is \$50.00.

Councilwoman Young added to the recommendation stating all that needed is to download an app and life preservers were also part of the three hour rental.

Councilman Dunn stated that today was the first day of all day Summer Camp. He said "how lucky we are to live in a community that offers three summer programs". He thanked Alyssa Benway, Director of Parks & Recreation. She in turn stated that Barbara Mazurak, the Youth Director, deserves all the kudos.

Supervisor O'Connor asked Roger Crandall, Highway Superintendent, about funds from the extreme winter recovery program. Roger replied that all information has been filed, we are just waiting on the check to arrive.

Councilwoman Young said that Rogers's crew has been working in the neighborhood where she resides. She has had a lot of feedback from neighbors on how "mindful and courteous" the highway crew is of the residents.

COMMENTS FROM TOWN RESIDENTS: Kathy Eitzmann, President of the Malta Seniors, said the "Year of the Senior" celebration was a success. Kathy was a recipient of a plaque honoring the Malta Seniors. The Malta Seniors are going to be presenting a thank you card to Supervisor O'Connor along with the Saratoga County Board of Supervisors, for all of the effort put forth to support the "Year of the Senior" celebration. She added that there were 58 attendees at today's Malta Senior meeting, and the next meetings speaker will provide information on rebuilding Saratoga.

NEW BUSINESS:

RESOLUTION NO 111 JULY 1, 2019

ESTABLISH BUILDING AND INFRASTRUCTURE CAPITAL RESERVE FUND

Motion by: Councilman Dunn **Seconded:** Councilman Warner
Vote: Supervisor O'Connor-Aye Councilman Dunn-Aye
 Councilman Hartzell-Aye Councilman Warner-Aye
 Councilwoman Young-Aye

WHEREAS the Town Board of the Town of Malta desires to establish a Building and Infrastructure Capital Reserve Fund pursuant to Section 6-c of the General Municipal Law, as amended, to finance the cost of future building additions and improvements as well as infrastructure improvements; and

WHEREAS as a result of the sale of the County landfill, the County Board of Supervisors has agreed to distribute certain proceeds pursuant to the profit sharing agreement to the municipalities of the County of Saratoga; and

WHEREAS the Town Board of the Town of Malta desires to fund the Building and Infrastructure Capital Reserve Fund with the Town's portion of the distribution from the County of Saratoga; now therefore, be it

RESOLVED that pursuant to Section 6-c of the General Municipal Law, as amended, the Town Board of the Town of Malta does hereby establish a Building and Infrastructure Capital Reserve Fund to finance the cost of future building additions and improvements as well as infrastructure improvements with the distributions to be received from the County of Saratoga relating to sale of the County landfill to be deposited in said reserve. Furthermore, no expenditure shall be made from this reserve except upon authorization of the Town Board of the Town of Malta with such authorization to be subject to applicable referendum requirements provided within municipal law.

RESOLUTION NO 112 JULY 1, 2019

AMEND GLOBALFOUNDRIES CONFIDENTIAL POLICY COMMUNICATION LOG

Motion by: Councilman Dunn **Seconded:** Councilman Warner
Vote: Supervisor O'Connor-Aye Councilman Dunn-Aye
 Councilman Hartzell-Aye Councilman Warner-Aye
 Councilwoman Young-Aye

WHEREAS the Town of Malta entered into a Confidential Information Policy by a Letter of Agreement between the Town of Malta and GlobalFoundries, USA, Inc. (formally LFTC-AFT) by Resolution #64 dated the 2nd day of February, 2009; and

WHEREAS the Letter of Agreement states "*the Town shall provide the Records Access Officer and GlobalFoundries, USA, Inc. (formally AFT) with a list of the names of officers, employees and consultants to the Town who are to be considered "Authorized Personnel" hereunder;* now, therefore be it

RESOLVED that the Town Board of the Town of Malta be and hereby amends said list and appoints the following person(s) as "Authorized Personnel" for the Town of Malta for the year 2019:

Thomas Rinaldi	Code Enforcement Officer	Town of Malta
Jaime O'Neill	Sr. Planner	Town of Malta
Floria Huizinga	Planner	Town of Malta
Thomas Traver	Fire Marshal	Town of Malta
Addison Schmidt	Fire Marshal	Town of Malta
Ed Larkin	Project Engineer	The Chazen Co.
Roger Fast	Project Engineer	The Chazen Co.

AND IT IS FURTHER RESOLVED that said “Authorized Personnel” be and hereby are directed to sign attached *The Town of Malta Officer/Employee/Consultant Confidentiality Agreement* to be placed on file with the Malta Records Access Officer and GlobalFoundries USA, Inc.

RESOLUTION NO 113 JULY 1, 2019

AMEND TOWN CLERK COMPENSATION FOR WEBMASTER STIPEND

Motion by: Councilman Warner **Seconded:** Councilman Dunn
Vote: Supervisor O'Connor-Aye Councilman Dunn-Aye
 Councilman Hartzell-Aye Councilman Warner-Aye
 Councilwoman Young-Aye

WHEREAS the budgeted salary of the Malta Town Clerk for 2019 is \$53,825 per year; and

WHEREAS, by Resolution 67 of February 4, 2019, the Town of Malta appointed Town Clerk Jennifer Holmes as the Town Webmaster in accordance with Malta Town Code § 44-3, and Ms. Holmes began performing the duties of Town Webmaster on or about March 1, 2019; and

WHEREAS a stipend of \$2,800 per year is budgeted as compensation for the person assigned as Town Webmaster, for the performance of the duties associated with that position; and

WHEREAS that pursuant to section 27(1) of the Town Law, to compensate the Town Clerk for the additional duties of Town Webmaster, performed since March 1, 2019, the Malta Town Board wishes to modify the annual salary of the Town Clerk for the year 2019 to add a supplement of \$2,540; now therefore, be it

RESOLVED that the Town Board of the Town of Malta will hold a public hearing regarding the additional duties and compensation as Town Webmaster for the Malta Town Clerk; said hearing to be held on the 5th day of August, 2019, at 6:00 o'clock 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 thereon will be heard; and it is lastly

RESOLVED that the Town Clerk of the Town of Malta be and she hereby is directed to publish notification of the said public hearing as required by law.

RESOLUTION NO 114 JULY 1, 2019

AUTHORIZE OUTSIDE USER – SEWER DISTRICT #2

Motion by: Councilman Warner **Seconded:** Councilman Dunn-Aye
Vote: Supervisor O'Connor-Aye Councilman Dunn-Aye
 Councilman Hartzell-Aye Councilman Warner-Aye
 Councilwoman Young-Aye

WHEREAS the Town of Malta has received a request from Don Vanderhoef, a resident of the Town of Malta, to accept wastewater from 222 East Line Road (SBL# 240.-1-

56.2).which is currently not part of Town of Malta Sewer District #2; and

WHEREAS Chapter 127-16 of the Town of Malta Code – “Wastewater from Outside the Town Sewer Districts” provides the Town Board with the authority to accept sewerage generated by persons outside the sewer district boundaries providing Saratoga County District #1 also agrees to accept the same; and

WHEREAS the Town of Malta has entered into an intermunicipal cooperation agreement with the Town of Clifton Park for the operation and maintenance of the Town of Malta Sewer District#2; now therefore be it

RESOLVED the Town Board of the Town of Malta authorizes the acceptance of sewerage from 222 East Line Road subject to the following conditions:

1. The Town of Clifton Park will review and approve the request and determined sufficient capacity exists.
2. The Town of Clifton Park will and approve review the property owner’s builder’s details concerning the proposed sewer extension.
3. Sewer extension be in accordance with Town and County Standards and inspected by the Town of Clifton Park and/or Saratoga County.
4. Saratoga County Sewer District #1 agrees to accept the sewerage generated from 222 East Line Road (SBL # 240.-1-56.2).
5. Owner will be responsible for payment of any inspection fees prior to the inspection being performed.
6. Owner will provide copies of all necessary maps and drawings relating to the sewer extension.
7. Owner will be responsible for payment of the connection fees to the Town of Malta prior to the inspection being performed.
8. Owner will be responsible for payment of an outside non-residential user charge at 1.5 times the rate established by the Town Board for Malta Sewer District #2. This sewer outside non-residential user charge will be billed on an annual basis and due within 30 days of the date of the invoice. Unpaid sewer use charges will be releived on the property tax bill.
9. Any conveyance of the property will include a provision regarding sewer service and the non-residential user charge.
10. Written Agreement prepared by the landowner in a form acceptable to the Town Attorney running in favor of the Town of Malta, Malta Sewer District #2, Saratoga County Sewer District #1 and Town of Clifton Park agreeing to all of the terms and conditions set forth in this resolution, and either (1) stating that any rights, privileges and obligations created by this resolution are personal to him alone, or (2) that any rights, privileges and obligations created by this resolution are binding on both the parcels benefitted and the subsequent owners of the parcels benefitted and, if so, agreeing to file a copy of such Agreement with the Saratoga County Clerk and providing proof of same to the Malta Town Attorney prior to connecting or using any sewer facilities referred to above.

RESOLUTION NO 115 JULY 1, 2019

AUTHORIZE SUPERVISOR TO PULL TRAVERS MEADOWS PDD PHASE III PERFORMANCE BOND

Motion by: Councilman Hartzell

Vote: Supervisor O’Connor-Aye

Councilman Hartzell-Aye

Councilwoman Young-Aye

Seconded: Councilman Dunn

Councilman Dunn-Aye

Councilman Warner-Aye

WHEREAS Hodorowski Homes, LLC (“Hodorowski”) is the owner of lands located in the Travers Meadows Planned Development District No. 45 (Travers Meadows development); and

WHEREAS the Town holds a Performance Bond in the sum of \$859,200 issued by Endurance American Insurance Company in favor of the Town to insure the completion of infrastructure in the Travers Meadows development; and

WHEREAS a list of deficiencies within the Travers Meadows development was generated by The Chazen Companies (Sean M. Doty) on May 31, 2018, and provided to Hodorowski; and

WHEREAS The Chazen Companies (Sean M. Doty) reinspected the Travers Meadows development on June 6, 2019 and reported by letter dated June 14, 2019 which shows that many deficiencies previously listed have not been cured, especially those set forth in the annexed PDD/Subdivision Compliance Report of the Town of Malta (Floria Huizinga), to which report there has been no response from Hodorowski whatsoever; now, therefore, in light of the lengthy period of time since the above-described reports were provided to Hodorowski and the lack of communication or other response thereto, it is

RESOLVED that, following consultation with the Town Highway Superintendent and the Director of the Town Office of Building and Planning, the Town Supervisor is authorized to call the Performance Bond if, in his discretion, it is appropriate to do so.

RESOLUTION NO 116 JULY 1, 2019

AUTHORIZE COURT CLERK CONFERENCE

Motion by: Councilwoman Young

Vote: Supervisor O’Connor -Aye

Councilman Hartzell-Aye

Councilwoman Young-Aye

Seconded: Councilman Dunn-Aye

Councilman Dunn-Aye

Councilman Warner-Aye

IT IS RESOLVED that the Sr. Court Clerk, Jane Curtis, be and hereby is authorized to attend the 2019 Annual Court Clerk Conference in Lake Placid, New York, from September 29 through October 2, 2019, with expenses for hotel, mileage and food to be paid by the Town of Malta.

RESOLUTION NO 117 JULY 1, 2019

AUTHORIZE MUNICIPAL COOPERATION WITH TOWN OF CLIFTON PARK HAZARDOUS WASTE DAY

Motion by: Councilman Warner

Vote: Supervisor O’Connor-Aye

Councilman Hartzell-Aye

Councilwoman Young-Aye

Seconded: Councilman Dunn

Councilman Dunn-Aye

Councilman Warner-Aye

WHEREAS the Town of Clifton Park has established a successful household hazardous waste collection program; and

WHEREAS the Town of Malta has contacted the Town of Clifton Park regarding possible municipal cooperation for the collection and disposal of household hazardous waste of the Towns; and

WHEREAS the Town of Clifton Park has agreed to allow Town of Malta residents to participate in the Town of Clifton Park household hazardous waste collection program which has been tentatively scheduled for September 7, 2019 from 8:00 am to 2:00 pm; and

WHEREAS pursuant to General Municipal Law Article 5-G, Section 119, the Town of Malta desires to enter into a municipal cooperation agreement with the Town of Clifton Park relating to the collection and disposal of household hazardous waste; now, therefore, be it

RESOLVED the Town Board of the Town of Malta does hereby authorize the Town of Malta to participate in Town of Clifton Park Household Hazardous Waste Day pursuant to the following:

- Town of Clifton Park will be responsible for the proper administration of the program and will be responsible for the registration process.
- Town of Malta residents desiring to participate in the program will be charged a user fee of **\$50** which represents the estimated net cost to the Town of Malta for the administration and disposal of the household hazardous waste.
- Town of Malta Town Clerk's Office will accept the Town of Malta resident's applications and collect the user fees. Applications will then be forwarded to the Town of Clifton Park on a weekly basis and the fees collected will be remitted to the Town Supervisor in the Clerk's monthly report.
- Town of Malta will reimburse the Town of Clifton Park a pro-rata share of the net cost based upon the number of Malta residents participating to the total number including an administration fee for each registered participant from the Town of Malta.

RESOLUTION NO 118 JULY 1, 2019

INCREASE CORPORATE CREDIT CARD LIMITS

Motion by: Councilman Warner **Seconded:** Councilman Dunn

Vote: Supervisor O'Connor Councilman Dunn-Aye
 Councilman Hartzell-Aye Councilman Warner-Aye
 Councilwoman Young-Aye

WHEREAS the Town Board of the Town of Malta has implemented a corporate credit card business program to streamline and simplify the requisitioning, purchasing and payment process for small dollar transactions; and

WHEREAS the Town Board of the Town of Malta has previously authorized a \$3,000 credit limit for Kevin T. King, Town Comptroller, a \$1,000 credit limit for Roger Crandall, Highway Superintendent, a \$2,000 credit limit for Alyssa Benway, Recreation Director; and a \$1,000 credit limit for Barbara Mazurak, Youth Director; and

WHEREAS the Town Board of the Town of Malta desires to increase the credit limits of the aforementioned individuals; now, therefore, be it

RESOLVED the Town Board of the Town of Malta hereby authorizes to increase the credit limit of Kevin T. King, Town Comptroller to \$5,000, Roger Crandall Highway Superintendent to \$3,000, Alyssa Benway, Recreation Director to \$3,000 and Barbara Mazurak, Youth Director to \$2,000 and authorizes the Town Comptroller and the Town Supervisor to complete the appropriate documents.

RESOLUTION NO 119 JULY 1, 2019

BUDGET TRANSFERS & COMPTROLLER'S REPORT

Motion by: Councilman Warner **Seconded:** Councilman Dunn
Vote: Supervisor O'Connor-Aye Councilman Dunn-Aye
 Councilman Hartzell-Aye Councilman Warner-Aye
 Councilwoman Young-Aye

WHEREAS, the Town Comptroller has submitted his Comptroller's Report which identifies the disbursements for the Town; and

WHEREAS the Town Board of the Town of Malta has adopted the 2019 Town Budget; and

WHEREAS the Town Board of the Town Board of Malta desires to amend the 2019 Town Budgets for estimated revenues and appropriations and amend budgetary appropriations between department and intradepartment line items; now, therefore, be it

RESOLVED that the Town Board of the Town of Malta hereby authorizes the 2019 Town-wide General Fund and Part-town General Fund to be amended as follows:

Increase Insurance Recoveries	A2680	\$ 893
Increase Historical Commission Contractual	A7520.4	\$ 893
Increase Records Management	A1460.4	\$ 1,000
Decrease Contingency	A1990.4	\$ 1,000
Increase Street Lighting Contractual	B5182.4	\$ 2,000
Decrease Contingency	B1990.4	\$ 2,000

COMMENTS: Deputy Supervisor Vincent DeLucia stated that he has recently become a member of Eastline Romp & Play. He is impressed with how well run the dog park is in comparison to a few years ago. DeLucia said the park is clean, neat, has a new fence, plenty of dog waste bags, all of which makes a safe place for dogs to run, and described it as "really great" adding that membership has increased because of these factors. The Deputy Supervisor is formulating a letter to send to the President of Eastline Romp & Play to recognize the organization as well as the quality of the park.

Councilwoman Young inquired how much the membership is for non-residents. Town Clerk, Jennifer Holmes, answered that a year membership for non-residents is \$20.00.

Councilman Hartzell jokingly stated that they should consider naming the park after Deputy Supervisor DeLucia. Calling the park "DeLucia's Dog Depot".

Resident Kathy Eitzmann asked the TB what business are going to be in the "gray building next to where Starbuck's is going to be".

Councilman Dunn answered that there will be several restaurants going into that building on the lower level, they are confidential for now. The second level of the building will be office space.

Councilman Warner inquired when Starbucks will be opening.

Councilman Dunn reply was that Starbucks will open the next few weeks.

Resident Doris Duly asked the TB if there would be a restaurant going in across the street from 84 Lumber where there is a parcel of property owned by SEFCU.

Councilman Dunn responded that there was talk of development but the TB has not heard anything formerly since then.

Deputy Supervisor DeLucia stated that a building on that parcel used to be a fish fry restaurant that was discussed in the past to tear it down.

Mrs. Duly said she has seen advertising for a restaurant named "Captain Dee's" that specializes in not only fish fry but grilled fish as well. She wanted to know where it was since she sees the advertisement.

Councilman Dunn responded that with television advertising there is a big media market that covers the Hudson Valley and the Catskills as well as our area. The restaurant Captain Dees could be being marketed for areas other than here locally.

Councilwoman Young agreed that a fish fry restaurant would be nice to have in town.

A resident inquired with the TB about the proposed waterline for Maltaville.

Supervisor O'Conner answered that a Map, Plan, Report is being prepared by Chazen. Once the report is available it will be on the front burners.

The resident asked if that was two years down the road.

The Supervisor said there will be a vote, referendum as well as bidding if the project becomes viable.

Councilman Warner said that this process is "our largest hurdle".

The Supervisor said "nothing is off the table, there are a lot of parts to the puzzle".

Councilman Hartzell said the TB has looked at several options to effectively and affordably, also the TB has expressed support for the proposed Maltaville Water Project.

Councilman Warner said we had five options, got quotes, estimates and full disclosure on all.

Councilman Hartzell expressed his confidence in TB Councilman Craig Warner who is also Chairman of the Malta Water & Sewer Committee and in the engineers.

Councilman Warner told the resident that he is more than happy to meet and talk.

ADJORN: 6:25 PM

Motioned: Councilman Hartzell **Seconded:** Councilman Dunn

Vote: Ayes-5 Nays-0

Respectfully Submitted,

Jennifer Holmes

Malta Town Clerk