

MALTA TOWN BOARD MEETING
September 30, 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, Director of Parks & Recreation Alyssa Benway and Building & Planning Coordinator, Jaime O'Neill

PUBLIC PRESENT: Woody Sloat, Tim Downey, Marian Crandall, Darren & Tucker Persons, Peter Klotz, Mark E. Hammond, Julie Galloway, Matt Coldrick, Gary Putman, Barbara Connor/OATS Committee and Mary C. Mahoney

SALUTE TO THE FLAG AND SILENT PRAYER:

ACCEPT TOWN CLERK MINUTES FROM 9/9/19:

Motioned by: Councilman Dunn Seconded: Councilman Warner

Vote: 5-Ayes 0-Nays

TONIGHTS PRESENTATIONS:

Budget Officer Presents 2020 Tentative Town Budget- Supervisor O'Connor announced he was happy to present the 2020 Tentative Budget to Malta residents. The 2019 budget was \$10,631,906 the tentative budget for 2020 is \$10,733,167, equaling an increase of \$101,261, less than a 1% increase. A fiscally conservative budget that meets core responsibilities. Roads and maintenance of roads, fire protection, ambulance, local judiciary. It also safeguards what makes Malta wonderful for residents, our Community Center as well as Parks & Recreation. Significant costs include keeping roads safe, plowed clear of snow and ice and repairs as well as maintenance of the machinery to keep up with road maintenance costs that are projected at \$3,006,500. Community Center, Parks and Recreation costs over \$800,000, Building and Planning costs over \$629,000 and the debt services on our buildings over \$300,000. Unlike a majority of towns Malta does not have a town tax, a highway tax or an ambulance tax. Supervisor O'Connor said he is proud to announce a proposed budget that keeps this in place. There is a small fee for our service program that supports our ambulance volunteers, that fee is .61 cents a year on a house valued at \$250,000. The Supervisor vowed he would try to keep Malta as a tax free town, also stating he cannot guarantee that it would never happen but would strive for that. He said 911 ambulance calls will not go unanswered without an ambulance district and without imposing taxes. The Supervisor said "I wish I could promise that we never will, but I can't". "But I can vow to try to keep Malta with a very advantageous tax situation. Revenue for the town is generated from sales tax revenue, mortgage tax, building permits, interest on deposits, recreation fees and grants. The two taxes we have in Malta are fire (.83 per thousand of assessed value per household) and library (.130726 cents per thousand of assessed value per household). Revenue projections depend on the economy so we have to be careful and cautious and try to contain our expenditures. The Tentative Budget does dip into the fund balance and reserves by \$564,000 "but it's a huge priority to me to avoid burdening future generations with unmanageable debt". This means our unreserved fund balance should be \$4,149,000 as of December 2020, which is a very healthy fund balance. The NYS Comptroller just released the results of the fiscal stress test level for municipalities, "thanks to the TB and Kevin King we scored a zero", which means no fiscal stress. Budget workshops are starting the day after tomorrow with five workshops scheduled with a public hearing scheduled November 7, 2019 where the TB will have the opportunity to pass the budget.

COMMENTS FROM TOWN BOARD & DEPARTMENT HEADS:

Councilman Tim Dunn followed up on the fiscal stress score for the town at 0.0 is the second year in a row.

Councilman Warner thanked Kevin King for his assistance with the budget. Saying “Very successful because of your help”.

Councilman Hartzell acknowledged the young resident in the forum this evening. Tucker Persons a second grade resident was welcomed to the meeting by the Councilman.

The Supervisor made comment on the largest opioid litigation case alleging deceptive marketing and sales practice. There are more than 2,000 multi district cases being handled in Ohio where the Federal Judge made a new law creating a negotiation class certification under which a class of local governments, thousands of them, would jointly develop terms to set on the case. It is an opt-out class where if we do nothing we will be in the class if we opt out we are not part of the class. The Supervisor sent an email to Steve Dorsey, County Attorney, asking what the County’s position is, as well as the states position on this matter. Many other States Attorney Generals have opposed this order by the Ohio Judge. The Supervisor said he just wanted to make sure it wasn’t a problem for participation with the class and that the TB wanted to participate.

Councilman Hartzell asked what our theory of damages would be, and if they were based on health insurance costs.

The Supervisor responded “it will have to be something like that”. “I don’t know how it’s going to square with overlapping costs of the State and the County, so all of that is going to have to be worked out”. Those were the things that were part of the objections to this new kind of class certification.

Councilman Hartzell stated he has no objection defaulting to the class. Stating we don’t want to litigate it on our own, seeing as we don’t know what our theory of damages would be.

The Supervisor said any indication he receives from Steve Dorsey, the County Attorney, he will share with the TB.

COMMENTS OR QUESTIONS FROM TOWN RESIDENTS: None

TONIGTS ACTION ITEMS:

RESOLUTION NO 139 SEPTEMBER 30, 2019

AUTHORIZE EXECUTION OF WATER ADMINISTRATION, OPERATIONS AND MAINTENANCE AGREEMENT WITH TOWN OF STILLWATER

Motion by: Councilman Warner

Seconded: Councilman Dunn

Vote: Supervisor O’Connor-Aye
Councilman Hartzell-Aye
Councilwoman Young-Aye

Councilman Dunn-Aye
Councilman Warner-Aye

WHEREAS the Town of Malta is in the process of establishing an improvement district in accordance with article 12-A of the Town Law to supply water to the southeast portion of the Town of Malta (the “Proposed District”), with a map, plan and report being prepared Malta’s engineers, The Chazen Companies; and

WHEREAS the Town of Malta contemplates that the Proposed District will obtain water from the Saratoga County Water Authority (the “County Authority”) by connecting to the County Authority’s supply line within the Town of Malta, with a meter measuring the amount of water flowing into the Proposed District; and

WHEREAS the Town of Malta, through the Proposed District, desires to contract with the Town of Stillwater for administration, operation, maintenance and related ancillary services, on the terms and conditions of a proposed *Water Administration, Operations and Maintenance Agreement* on file and available for public inspection at the office of the Malta Town Clerk (“*Agreement*”); and

WHEREAS the Town of Stillwater, acting through its Water Department, desires to provide such services to the Proposed District on the terms and conditions contained in the *Agreement*; and

WHEREAS the boundaries of the Proposed District are set forth in Exhibit "A" attached

to the *Agreement*; and

WHEREAS, other than water lines operated by the County Authority, no water supply infrastructure exists within the boundaries of the Proposed District at this time; now, therefore, it is

RESOLVED that the Town Supervisor is authorized to execute on behalf of the Town of Malta and the Proposed District an agreement with the Town of Stillwater substantially consistent with the *Agreement* for the provision of water administration, operation and maintenance for the District.

RESOLUTION NO 140 SEPTEMBER 30, 2019

APPOINT ASSESSOR'S OFFICE VALUATION ASSISTANT

Motion by: Councilman Hartzell

Seconded: Councilman Warner

Vote: Supervisor O'Connor-Aye

Councilman Dunn-Aye

Councilman Hartzell-Aye

Councilman Warner-Aye

Councilwoman Young-Aye

WHEREAS Leah Cronin has resigned as Valuation Assistant; and

WHEREAS the Saratoga County Department of Personnel has authorized the Town of Malta to advertise for this position; and

WHEREAS the Town Assessor has advertised and conducted employment interviews of candidates for this position and has made a recommendation to the Town Board; and

WHEREAS the Town Board of the Town of Malta approves the Town Assessor's recommendation; now, therefore, it is

RESOLVED that the Town Board of the Town of Malta hereby authorizes the provisional appointment of *Jessa Salmon* as Valuation Assistant at the hourly rate of \$24.00 per hour, with the position having a standard work week of 35 hours per week, with the appointment subject to a probationary period of not less than eight weeks and not more than fifty-two weeks, with the appointment subject to a background check and with the appointment subject to civil service testing.

RESOLUTION NO 141 OCTOBER 7, 2019

ACKNOWLEDGE HIGHWAY EQUIPMENT OPERATOR HIRE

Motion by: Councilman Dunn

Seconded: Councilman Warner

Vote: Supervisor O'Connor-Aye

Councilman Dunn-Aye

Councilman Hartzell-Aye

Councilman Warner-Aye

Councilwoman Young-Aye

IT IS RESOLVED that the Town Board of the Town of Malta hereby acknowledges the hiring of *Francesco Bevivino* as a Heavy Equipment Operator for the Town Highway Department by Town Highway Superintendent Roger Crandall; and it is further

RESOLVED that the newly appointed Heavy Equipment Operator will be paid at the rate of \$20.25 per hour in 2019.

RESOLUTION NO 142 SEPTEMBER 30, 2019

REAPPOINT DOG CONTROL OFFICER

Motion by: Councilman Warner

Vote: Supervisor O'Connor-Aye

Councilman Hartzell-Aye

Councilwoman Young-Aye

Seconded: Councilman Dunn

Councilman Dunn-Aye

Councilman Warner-Aye

IT IS RESOLVED that the Town Board of the Town of Malta reappoints *David Brown* as a Dog Control Officer of the Town of Malta at a monthly salary of \$779.16 effective October 1, 2019.

Councilman Dunn wanted to ask a quick question and apologized for not asking during the budget presentation. His question pertained to the additional \$50,000 for drainage in the Luther Forest. He asked Roger Crandall the Highway Superintendent when we would hear back from Chazen. Roger answered that he may have a drawing at the end of the week. The delay being the identification of the utilities that are in the way. Councilman Craig Warner said a lot of residents are asking what all the flags are for and when they find out they are very happy. Roger updated on the garage to the TB, that they maybe sheet rocking by the end of the week.

TONIGHTS DISCUSSION ITEMS:

Ballston Spa School District Bus Cameras- Supervisor O'Connor and Town Comptroller Kevin King had a meeting with the BSCD Superintendent to discuss legislation allowing for counties or towns in conjunction with the school district to install and operate cameras mounted on school buses, The cost for purchase, installation of cameras, signage at roadway entrance to town, and a municipality technician who would indicate if there has been a violation would be solely upon the town. Supervisor O'Connor asked for the input of the Highway Traffic and Safety Chairman, Woody Sloat, for his opinion on the legislation. Mr. Sloat responded that he is not a supporter of cameras on the school bus. In 1993 he sat on a committee with the Madison County Onieda Boces called Operation Safe Stop. Schools would schedule a day where police follow the school bus, people pass the school bus they get a traffic ticket. The program, signed by the Governor, says cameras would go on the buses doesn't have good protocol for the evidence you're going to use. The tape that shows the violator becomes evidence and although looks like an administrative type there will be no points issued and the fine is similar to the current. The current law says 5 points on a license, the first fine is up to \$400 and fees increase with your second and third offenses. The legislation being proposed says the fines would go to the school and not the town who incurs the expense. "I don't see it as a good law", "I don't see it as a positive", said Mr. Sloat. See if other municipalities try it and see what they say.

Councilwoman Young clarified that the money would stay with the town. She also said the administration would be part of code enforcement and asked Jaime O'Neill, Building & Planning Coordinator how that would affect her department.

Ms. O'Neill replied that if the TB chooses to participate they would make a means to handle but this is the first time she is hearing about it. She said I haven't had time to think about it.

Councilwoman Young said the costs incurred with the purchase of cameras, the administrative costs of code enforcement, administrative costs of the court, and the signage on roadways she would want to know what kind of problem it is here in Malta. She stated there is no money that is too much money to ensure safety but would want more statistics.

Supervisor O'Connor said just the problematic buses (where people do not stop for the bus) would be the busses with cameras, not all buses.

Deputy Supervisor DeLucia said "it sounds to me as if the penalties have been lightened versus the existing law". He stated he agrees with Cynthia that the safety of our children is of utmost importance. I personally feel I would rather keep the more severe penalties.

The Supervisor responded that if a police officer issued a violation for passing a school bus the more severe fines would still exist, it does not reduce the fine under 1174. This 1174-A takes a picture of the car and the owner of the car is issued a fine regardless of who was driving.

Councilman Dunn asked how the District attorney feels on it.

Councilman Hartzell said transportation costs are aided up to 90%. The state reimburses the costs of school transportation to the district. Why wouldn't the state just pay for it just like they pay for school bus safety coloring books? Could it be that the state legislature and Governor wanted to get credit for acting like they were concerned and did something for safety of children and pushed it down to localities to have to deal with the issue? Maybe they should reimburse for this expense instead of coloring books. "That's just my opinion".

The Supervisor asked for public comment on this issue.

Barbara Connor, town resident, had a couple questions. She asked how it would work, giving that the Ballston Spa School District serves more than just Malta. If bus #32 serves children in Malta but next year bus #32 serves an area other than Malta how is that addressed. Second part is if Malta tax payers, not all them are in the BSCS district, if you lived in the Shen district will you be paying for BCSD.

The Supervisor responded to Barbara's questions. The School Superintendent "assured me it would be a bus that would only serve in Malta". To address the second part; my own assessment on this is I think it's problematic unless the town is reimbursed, in full, by the fines. I don't think it's fair to put an expense like that on the whole town if only the ones on the north side are using it.

Councilman Hartzell also wanted to supplement his earlier comments stating that the list of aid able expenditures includes a robotic bus for instruction. If this is as important as its being presented the State should pay for it not local government.

Julie Galloway, a resident of Round Lake, said you may want to check with Shenendehowa since they had five cameras installed this year on the outside of buses.

The Supervisor thanked everyone for their input.

REVIEW THE FOLLOWING DRAFT AGENDA FOR THE 10/7/19 TOWN BOARD MEETING

10/7/19 TOWN BOARD MEETING DRAFT AGENDA

5:00PM – TOWN BOARD BUDGET WORKSHOP – *Fire Companies, Ambulance Corp, Not-For-Profits*

6:00PM – TOWN BOARD BUSINESS MEETING

1. **Public Hearings** - 6:00 PM - Chapter 148 Tax Exemption Veterans

2. OLD BUSINESS

a) Adopt Amendments to Chapter 148 Tax Exemption Veterans

NEW BUSINESS

a) Appoint Certified Public Accountant – *Cusack & Company, LLC*

b) Chapter 167/Form-Based-Code Amendments Nanobrewery–Set Date Public Hearing
(11/7 6:05pm)

c) Authorize Agreement With Hodorowski Homes, LLC Travers Meadows PDD Phase III

d) Authorize Justice Court Assistance Program (JCAP) Grant Application

e) Budget Transfers

COMMENTS:

Councilman Hartzell asked Tucker Persons what he thought of the meeting.

Tucker answered that he enjoyed the meeting.

Deputy Supervisor DeLucia wanted to comment on the great effort put forth by Councilman Warner to make major accomplishments with the potential Maltaville water district. In a short amount of time he has accomplished what many said would take 10-12-15 years. DeLucia also added a positive thank you to Woody Sloat, Chairman of the Traffic Safety Committee, for taking immediate action with traffic investigation requests.

Councilman Dunn said this weekend there was an article in the Times Union "Cultural Arts" section about Elise Young the Director of the Malta Spotlight Theater.

Deputy DeLucia wrapped up the meeting asking woody Sloat if he would apply for the Globalfoundries/Malta Foundation grant this year for the LED blinking lights for children's bicycles. Woody responded that he's already submitted his application.

ADJOURN: 6:55 PM

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

Vote: Ayes-5 Nays--0

Respectfully Submitted,

Jennifer Holmes
Malta Town Clerk