

TOWN BOARD AGENDA MEETING

Monday August 2, 2021

6:00 PM

TOWN BOARD MEETING ROOM

ELECTED OFFICIALS PRESENT: Supervisor Darren O'Connor, Deputy Supervisor Mark Hammond, Councilwoman Cynthia Young, Councilman Tim Dunn, Councilman Craig Warner, Councilman John Hartzell, Superintendent of Highways Roger Crandall, Town Justice Woody Sloat, and Town Clerk Jennifer Holmes

OTHERS PRESENT: Town Attorney Steve Gottmann, Parks & Recreation Director Alyssa Benway and Jaime O'Neill the Building & Planning Coordinator

PUBLIC PRESENT: Matt Jones, Marian Crandall, Barbara Conner, Tim Bailey McFarland Johnson, Matt McLoughlin, Jim Poitras, Tim Downey, Murray & Kathy Eitzmann, Tom Roohan, Travis Fealy, Michael Williams, David Rosenberg, Clifton VanGuilder and Jeremy Pratsen

SALUTE TO THE FLAG & SILENT PRAYER:

APPROVE THE TOWN CLERK MINUTES FROM 7/26/2021:

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

Vote: Supervisor O'Connor-Aye Councilman Dunn-Aye

 Councilman Hartzell-Aye Councilman Warner-Aye

 Councilwoman Young-Aye

COMMENTS FROM TOWN BOARD MEMBERS & DEPARTMENT HEADS:

Supervisor O'Connor asked Dog Control Officer Brown to introduce his potential part time Deputy Dog Officer.

Officer Brown introduced Karlianna Russell who will be joining forces on an as needed Deputy. Officer Brown stated that "Karli" has been taking care of his family dog when he and his wife are on vacation and she does a fantastic reliable job. He said he can go away and know the Town will be covered.

"Karli" introduced herself to the Board stating that she works at the Saratoga County Animal Shelter as the Public Relations Coordinator and has been there for the past three and a half years. She said she just received her Graduate Certificate in Shelter Medicine from the University of Florida and at the end of this month she will be starting her Masters in Shelter Medicine. She said she is looking forward to making sure the Town is covered when "Brownie" is away on vacation.

Supervisor O'Connor said the Town is extremely fortunate to have someone with Karli's qualifications to fill the position.

Councilwoman Young said that there was a meeting with the Master Plan Update Committee last week where they reviewed the drafted update. The Committee is almost ready to present it other than cleaning up some of the language that the Committee thought was ambiguous or not easy to understand. She followed stating the Final Draft should be ready for the Town Board to review sometime soon.

Councilman Dunn updated the Town Board about regarding the Economic Development Committee. Saratoga County Prosperity Partnership has received a proposal about the Next Wave

Communities Project. They are using a grant to hire a consultant to finish the project and the expectation of that proposal to be shared in the very near future. The partnership will act on wrapping up the project soon.

COMMENTS OR QUESTIONS FROM TOWN RESIDENTS:

Jim Poitras the President of the Highpointe HOA spoke to the Board about an issue with the sidewalks. The Town is looking to remove the neighborhood from an exemption of sidewalk maintenance after the sidewalks are repaired. He said the last couple weeks the work was started with removal of the trees which has taken away from the beauty of the neighborhood. He continued that last week the sidewalks were torn up and reinstalled and to him the conditions of the sidewalks are subpar at best. He said the sidewalks are less than an inch in material that will in the winter time heave from frost and they will need to be replaced again. He fears that once the exemption is removed it will fall back on the HOA. There are other sidewalks in the neighborhood that need repair that are not included in the scope of work. He said the Town needs to reevaluate and reappraise at what is being done because there are a lot of residents that are not happy. He said the sidewalks being replaced are subpar and if he wants to sell his house and has this "thing" in front of his house it effects the curb appeal and its very upsetting. The HOA is being forced to take over the sidewalks and they do not meet ADA compliance and they don't meet Town Zoning Code. He said the Town Board needs to reevaluate their decision because he doesn't think that HOA can sit back and be forced to take something defective. He said as far as the trees being cut down, he understands there will be a reimbursement being discussed tonight and he wants to know where those trees will be allowed to be placed. He said certain homeowners will submit there receipts late and there won't be any more dollars.

Clifton VanGuilder the Treasurer for the HOA said he is also a licensed professional engineer with a masters in Transportation Engineering. He said the sidewalks were repaired yesterday and not one foot meets ADA compliance or sidewalk side slope. He said throughout the measurements the side slope ranged from up to 2 times steeper on the flatter parts to 4 ½ times steeper on the driveways. He said anyone disabled on a scooter would be spun right into the road. He said there are three driveways with a 9.3-degree slope that is just hazardous. He said the fear that the HOA has is that when they accept the sidewalks any citizen can make a complaint to the ADA and the ADA can force the HOA to regrade those down to ADA standards. If someone gets hurt it will potentially make the HOA reliable. He said his personal thought would be to rip out the sidewalk, even though it has just been fixed, and use the sidewalk on the other side of the street and be brought up to the intersection with Twinflower and then a crosswalk at Twinflower then go on up and make them compliant. He said that the side slope is just terrible. He exampled Travers Meadows or Malta Springs there is a spot in the driveway to make sure that side slope is meet. His concern is that he is terribly worried about the cost because if ADA comes in it is not going to be \$125,000 your looking at \$500,000 to \$750,000 to regrade those sidewalks.

Kathy Eitzmann President of the Malta seniors said they had 34 members in attendance today about how to eat to stay young. Out of the 34 of them 20 of them went to lunch at the Ugly Rooster. She stated they had a wonderful time and what a great business it is to have in town.

TOWN BOARD BUSINESS:

RESOLUTION NO. 122 AUGUST 2, 2021

**AUTHORIZE MUNICIPAL COOPERATION WITH TOWN OF CLIFTON PARK
HAZARDOUS WASTE DAY**

Motion by: Councilman Hartzell

Vote: Supervisor O'Connor-Aye

Councilman Hartzell-Aye

Councilwoman Young-Aye

Seconded: Councilwoman Young

Councilman Dunn-Aye

Councilman Warner-Aye

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

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;

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 25, 2021 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 that 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 **\$60.00** 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. 123 AUGUST 2, 2021

ACCEPT OLD POST ROAD IMPROVEMENT PROJECT BID

Motion by: Councilman Warner

Vote: Supervisor O'Connor-Aye

Councilman Hartzell-Aye

Councilwoman Young-Aye

Seconded: Councilman Hartzell

Councilman Dunn-Aye

Councilman Warner-Aye

WHEREAS, the Town Board of the Town of Malta accepted the proposal of Creighton Manning Engineering, LLP for the detailed design and engineering services relating to the Old Post Road Improvement Project;

WHEREAS, the Town Board of the Town of Malta authorized the Town Comptroller to solicit bids for the proposed project based upon Creighton Manning Engineering's detailed design and engineer report;

WHEREAS, Creighton Manning Engineering has reviewed said bids and recommends to the Town Board of the Town of Malta to award said bid to Rifenburg Construction at a base bid amount of \$333,115.00; now therefore be it

RESOLVED that the Town Board of the Town of Malta hereby accepts the base bid of Rifenburg Construction at a base bid amount of \$333,115.00 relating to the Old Post Road Improvement Project with said cost to be funded with a NYS SAM grant, Town mitigation fees and Town Highway funds and be it further

RESOLVED that the Town Board of the Town of Malta hereby amends the contract with Creighton Manning Engineering to include construction inspection and administration services at cost not to exceed \$45,000.00 and be it further

RESOLVED that the Town Board of the Town of Malta authorizes and directs the Town Supervisor, Town Comptroller and Town Attorney to execute any and all paperwork relating to the project and to obtain the necessary payment and performance bonds and insurance from the contractor as outlined in the bid documents in a form acceptable to the Town Attorney and be it further

RESOLVED that the Town Board of the Town of Malta amends the capital project budget for the additional funding that is required for said project and directs that any additional mitigation fees that are collected relating to this project will be transferred to the highway fund balance to restore monies that have been used to fund this project:

Increase Operating Transfers	HB5031	\$ 65,000
Increase Highway Improvements	HB5112.2	\$ 65,000
Increase Appropriated Funds	DB0511	\$ 65,000
Increase Operating Transfers	DB9950.9	\$ 65,000

RESOLUTION NO. 124 AUGUST 2, 2021

SET PUBLIC HEARING REGARDING DESIGNATION OF MILLARD-EMIGH HOUSE

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's Historic Preservation Review Commission ("HPRC") has recommended the designation of the Millard-Emigh House, located at 340 Brownell Road within the Town of Malta to be considered "Landmarks" pursuant to §167-72 of the Chapter 167 of the Town Code of the Town of Malta, this Site (Tax Map #217.-1-23.1) is recommended for the reasons set forth in the annexed supporting descriptions from the HPRC and the Office of the Town of Malta Historian dated July 15, 2021; and

WHEREAS, the owners of those parcels support the proposed "Landmark" designations; now, therefore, it is

RESOLVED that the Town Board of the Town of Malta designates itself lead agency for purpose of the administration of the State Environmental Quality Review Act with respect to these proposed designations; and it is further

RESOLVED that the Town Board of the Town of Malta shall hold a public hearing concerning the proposed designations on the 30th day of August, 2021, at 6:00 o'clock P.M, at the Town Hall of the Town of Malta, 2540 Route 9, Malta, New York 12020, and at which hearing all persons desiring to be heard thereon will be heard; and it is further

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

RESOLUTION NO. 125 AUGUST 2, 2021

AUTHORIZE HIGHPOINTE TREE RESTORATION PROJECT

Motion by: Councilman Dunn **Seconded:** Councilwoman Young
Discussion: Councilman Hartzell said that his position is that this is inadequate. He will oppose it for that reason.

Councilman Warner said his position is that when the talks first started that the sidewalks were going to be taken out so that this problem was addressed. Tonight, we are back to square one, it has been a long time and nobody is happy about it. The Town isn't happy, the residents of Highpointe aren't happy. He said the best resolution is to pull the sidewalks out that are a hazard. The trees are gone, its unfortunate, now we are at the point of do the sidewalks comply, do they not comply. Its just endless and there is no perfect resolution on this.

Supervisor O'Connor agreed that there is no perfect resolution on this issue. One answer to the question that was posed during the public comment period is that this resolution would provide

some distances from the walkways, combined with the height of the trees as to how far away from the walkway they could be and that was put together by Town engineers.

Councilwoman Young said a comment was also made about the amount of money to be set aside for the trees includes reimbursement for any of those 22 that may choose to by a tree. She said she is concerned about setting a precedent and that she hasn't been there since any of the work has been done.

Councilman Hartzell said he doesn't want to detract from the effort that is being done. These trees were 20-25 years old and well on their way to quality of life and aesthetics. He doesn't feel that \$200 is a meaningful recompense for what they lost.

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

WHEREAS, by Resolution 83, dated April 5, 2021, the Town Board recognized that the walkways within the Highpointe HOA needed repairs because of damage caused in part by tree roots breaking apart the surfaces;

WHEREAS, Resolution 83 of 2021 appropriated amounts to remove the trees creating the problems and repair the walkways; and

WHEREAS many of the trees have now been removed pursuant to Resolution 83, thereby creating a need to restore the appearance of the neighborhood in a manner that does not create a danger of buckling the walkways; now, therefore, be it

RESOLVED that the Town Board hereby authorizes the sum of \$4,400.00 to be placed in a fund for the reimbursement of homeowners planting trees on parcels where the Town has removed trees pursuant to Resolution 83; and it is further

RESOLVED that reimbursement to homeowners under this resolution is approved under the following conditions:

(1) such homeowner may apply to the Town Building and Planning Department, on a prescribed form, for reimbursing the owner for amounts actually spent after August 1, 2021 and before the date of the application;

(2) reimbursement is available for proven expenditures in purchasing and planting a tree on a parcel where one of more trees have been removed by the Town pursuant to Resolution 83;

(3) reimbursement cannot exceed \$200.00 for any single tree replacement where the number of trees planted are equal to or less than the number of trees removed from the parcel;

(4) reimbursement is eligible for trees selected and planted so as to minimize potential damage to walkways in accordance with the following criteria: (a) trees that grow up to 30 feet shall be planted at least four feet from walkways; (b) trees that grow 30 to 50 feet shall be planted at least 6 feet from walkways; and (c) trees that grow more than 50 feet shall be planted at least 8 feet from walkways;

(5) deep rooted trees are encouraged (such as white oak, Japanese lilac, hickory, walnut, hornbeam, linden, ginkgo, cherry and dogwood);

(6) the Building and Planning Department shall review each application, seek additional information if necessary, and convey its approval or disapproval for payment to the Town Comptroller;

(7) applications will be reviewed and processed as they are received, and the reimbursements end when the fund is exhausted.

RESOLUTION NO. 126 AUGUST 2, 2021

PROVIDING TOWN FUNDING FOR PURCHASE OF DEVELOPMENT RIGHTS OF BOULDER BROOK FARM AND ENDORSEMENT OF SARATOGA PLAN APPLICATIONS FOR SARATOGA COUNTY FARMLAND PROTECTION GRANT

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

WHEREAS, Peter Brooks, the owner of certain real property consisting of 25.92 ± acres of viable agricultural land in tax parcel 205.-1-54, located at 5186 Nelson Avenue Extension in the Town of Malta, Saratoga County, New York, also known as Boulder Brook Farm (the “Property”), desires to protect the Property for agricultural purposes by conveying a permanent conservation easement on the land;

WHEREAS, the Property is in active agricultural production as Boulder Brook Farm and features productive agricultural soils, including 85% Prime Soils, 6% Soils of Statewide Importance and 9% Prime if Drained Soils, as defined by the U.S. Department of Agriculture Natural Resources Conservation Services;

WHEREAS, the Property is located within Saratoga County’s Agricultural District #2, created pursuant to Article 25-AA of the New York State Agriculture and Markets Law (the “AML”). Section 300 states: “It is hereby found and declared that many of the agricultural lands in New York State are in jeopardy of being lost for any agricultural purposes. When nonagricultural development extends into farm areas, competition for limited resources results... it is, therefore, the declared policy of the state to conserve, protect and encourage the development and improvement of its agricultural land for production of food and other agricultural products... It is the purpose of this article to provide a locally-initiated mechanism for the protection and enhancement of New York State’s agricultural lands as a viable segment of the local and state economies and as an economic and environmental resource of major importance.”;

WHEREAS, Saratoga County adopted an *Agricultural and Farmland Protection Plan* in December 1997 that recommends supporting local farmland conservation projects by encouraging: “partnerships between landowners, local governments, private organizations, and county to leverage access to existing state and federal funds for purchase of development rights;” and by

encouraging “landowners to learn more about private conservation options like conservation easements and promote public-private partnerships to expand these efforts”;

WHEREAS, Saratoga County adopted a *Green Infrastructure Plan* in November 2006 that recommends the County to “Help county municipalities and other partners create protection priorities, goals, and strategies for the conservation of natural heritage” and create greenway corridors between natural system hubs, which the Property contributes to;

WHEREAS, the Town of Malta adopted a *Comprehensive Plan* in 2005 that discourages residential growth in agricultural areas, recommending instead the development of a PDR (Purchase of Development Rights) program that would conserve “at-risk” agricultural lands from conversion to other uses and recommends participation in “programs that provide assistance to farms, including ... Purchase of Development Rights (PDR) ... and conservation easements”;

WHEREAS, the Town of Malta adopted an *Agricultural Enhancement Strategy* in December 2009, a policy whose “primary recommendation is the development of a local voluntary Purchase of Development Rights (PDR) Program. The development of a PDR program would aid in the preservation of critical farmland within the Town...” In the Strategy, the “Town recognizes that agriculture continues to be a leading industry in the county and that a critical mass of farmland is necessary to retain the vitality of both agricultural production and agricultural uses. The significant loss of rural character and small-town quality of life due to the increasing conversion of land from agriculture to residential within the Town of Malta is a strong indicator for the importance of developing a local PDR program.”;

WHEREAS, Saratoga PLAN is a New York not-for-profit corporation within the meaning of Article 49, Title 3 of the Environmental Conservation Law of the State of New York (together with any successor statute, the “ECL”), is organized for, among other purposes, conserving real property, is a tax exempt and qualified organization within the meaning of Sections 501(c)(3), 509(a) and 170(b)(1)(A)(vi) of the Internal Revenue Code (the “Code”), and is a “qualified organization” to accept, purchase, and hold conservation easements under Section 170(h) of the Code of Treasury Regulation Section 1.170A-14(c);

WHEREAS, Saratoga PLAN determined that accepting an Easement on the Property will enhance the long-term agricultural values of the Property and promote the use of soil conservation practices, which will further Saratoga PLAN’s charitable purposes of protecting the distinctive rural character of Saratoga County and its lands and waters of a significant historic and ecological value; and

WHEREAS, Peter Brooks and Saratoga PLAN agree that the purpose of the agricultural conservation easement will be to conserve Viable Agricultural Land by preventing the conversion of the Property to non-farm uses. In achieving such prevention, the Property shall be forever reserved for continued Agricultural Use;

NOW THEREFORE, BE IT RESOLVED that the Town of Malta Town Board endorses the submission of an application from Saratoga PLAN to the Saratoga County Farmland Protection

and Open Space Grants Program for funding to Purchase Development Rights on the Boulder Brook Farm Property and for Saratoga PLAN to hold and uphold a perpetual conservation easement on the land; and

FURTHER RESOLVED that the Town of Malta is authorized to contribute up to \$100,000.00 of the estimated total project cost as a match for Saratoga County and landowner contributions toward the farmland conservation project.

RESOLUTION NO. 127 AUGUST 2, 2021

AUTHORIZE PDR APPRAISAL – CORNTHWAITE PROPERTY

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

WHEREAS, Malta’s Open Space, Agriculture and Trail Systems (OATS) Committee has been focused on identifying and ranking desirable parcels for obtaining conservation easements through the Purchase of Development Rights (PDR) program; and

WHEREAS, the OATS Committee narrowed the selection, examined the factors for and against each property, as reported in its minutes for the November 13, 2020 meeting; and

WHEREAS, after communicating with the owners of potential parcels, the OATS Committee has asked the Town Board to move forward with a parcel owned by Miles J. Cornthwaite constituting approximately 29.44 acres in total, at 768 Malta Avenue Extension (Parcel # 204.-4-9.111) and 4055 Silver Beach Road (Parcel #204.-4-8) by arranging for an appraisal of the value of the PDR; now therefore, be it

RESOLVED that the Town Board authorizes the procurement of an appraisal report on Parcels #204.-4-9.111 and #204.-4-8, at a cost no greater than \$4,000.00; and it is further

RESOLVED that one-half of the cost of the appraisal report shall be charged to Miles J. Cornthwaite at the time of the Purchase of Development Rights closing.

RESOLUTION NO. 128 AUGUST 2, 2021

ESTABLISH VETERANS EDUCATION NEED PROGRAM

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, the Town Board of the Town of Malta desires to establish the American Military Education Need Program to provide college tuition reimbursement of \$250 to Malta residents who served in the military including their spouses, children and grandchildren, now therefore be it

RESOLVED, the Town Board hereby establishes the American Military Education Need Program to provide college tuition reimbursement of \$250.00 to Malta residents who served in the military including their spouses, children and grandchildren and be it further

RESOLVED the program will be funded with a \$2,500.00 grant from Saratoga County and remaining monies from the Malta/GlobalFoundries Foundation that had been earmarked for veteran's programs subjective to the Foundation's approval of the use of those funds for this purpose and any residency requirements imposed by the Foundation's bylaws, and be it further

RESOLVED the Town Board directs the Town Supervisor and the Town Comptroller to prepare a simple grant application to administer said program.

RESOLUTION NO. 129 AUGUST 2, 2021

DENYING APPLICATION OF SCANNELL PROPERTIES, LLC FOR AMENDMENTS TO THE LUTHER FOREST TECHNOLOGY CAMPUS PLANNED DEVELOPMENT DISTRICT (LFTC) NO. 46

Motion by: Councilman Hartzell **Seconded:** Councilman Warner

Discussion: Councilman Hartzell the sponsor of the resolution said the Planning Board's Resolution speaks for itself, which they voted on unanimously. If they thought the proposal presented an opportunity to be a workable proposal for the Town to go back and make recommendations and ask the applicant to consider modifying the proposal. They didn't do that because the proposal is wildly inconsistent with the plans for our Town. He said he has to take exception with the position of the applicant's council in her letter to us. The letter stated that the Planning Board appeared confused with issue of consistency with the Town's Comprehensive Plan. He said first of all, the memo received today from the Town Attorney made clear that the Planning Board did not make their decision to recommend denial on the basis of inconsistency with the Town's Comprehensive Plan. Another point that Councilman Hartzell took position with is the observation that our Planning Board members have 50 plus years of experience with the Town's planning documents and that the statement that they were confused about the Comp. Plan. If there is any confusion it is in the belief that the Scannell proposal is consistent with that plan. That confusion was admitted with the statements by Scannell that the amendments are consistent with the proposed updates to the Comp. Plan and that we have the discretion to amend our plan. He said to him that is a confession that the proposal is inconsistent with the current plan. When you look at the sections they say are consistent, first of all how would they know that the PDD amendment proposal that they made is consistent with the proposed Comp. Plan update. He continued that as you heard earlier tonight that it is not done yet and the Town Board hasn't even seen it. So how can Scannell possibly know that it is consistent with the Comp. Plan update, because we don't have it yet. When you look at the consistencies that they argue, you could put anything in the TECH Campus that created a job and that would be consistent according to their rationale with the Master Plan. We know that it's not consistent with the Master Plan. The Master Plan calls for wafer manufacturing facilities and ancillary development in the Tech Campus. A warehouse complex that is 3.5 million square feet, that the applicant has told us they would build out completely in a five-year period, is not consistent with the Master Plan for the Luther Forest TECH Plan. Hartzell continued that there are people that would have you, as it seems to be the case on an increasing basis these days, there are people trying to convince you that white is not white and black is not black but this is as clear as black and white. It is not consistent with the Master Plan. If the Town Board wants to amend the Master Plan to allow for 3.5 million square feet of warehouse in the TECH Campus that is the prerogative of the Town

Board to do that. As it stands now this is not consistent with the Master Plan. Thank you for the opportunity to speak to that.

Councilman Dunn said his take is that acting in this manner tonight is very premature. We have a reference from the Saratoga County Planning Board that we wait to see the impact from the report of the SGEIS before making further determinations. He said he has the utmost respect for the Malta Planning Board and in way is his position reflective of submitting his judgement for theirs. However, he said it would be acting far out of line, on a rational timeline, to reject this as it stands tonight. We don't have all the information, we just received guidance from our attorney's at about 5 pm. He said he hasn't properly processed the implications regarding the memo versus what Scannell's attorney have shared with us. Dunn continued I think it would be premature to hit this project with a hammer at this point because we don't have all the information that's needed. The original plan calls for wafer fabs in the TECH park because that plan was drafted in a much different time, a much different environment and a much different marketplace. He continued that as someone that has been in every major semi-conductor wafer fab in the United States he absolutely affirms that the semi-conductor industry is wildly different today than it was put together in the mid 2000's. The industry went from dozens and dozens of companies being able to build leading edge chip fabs to now about five or less. The fact that GlobalFoundries is entertaining a second fab is fantastic. He said I would bet my life were not going to see four fabs in that campus ever. For GlobalFoundries to build out four is certainly not going to happen in anyone's immediate lifetime because the industry has changed so significantly. The project that they are talking about now is tens of billions of dollars invested, that he said is fantastic and thrilled to see it but it is still just a plan. After this TECH campus was first envisioned, back in 2006, he said we literally had one investment in the TECH Park. He said a thoughtful review is necessary, a detailed review is necessary for this Town Board and our Planning staff and engineers to have fully digested the traffic study that is being undertaken by the applicant. Also, to fully understand the SGEIS, to reflect against those changes in the Comp. Plan because we don't know the contents of it. He said it is incredibly premature to take action and in doing so essentially end an opportunity for \$250 million in investment and 2,500 jobs. The support of ancillary uses to at the TECH campus is a pretty broad and wide-ranging term. He said he is not going to debate at this time if this fits in that scope or not, the reality is we don't have all the information yet to be able to make a thorough analysis. He continued others on the Board may think differently and they think they have all the information necessary to render a judgement. He said he strongly encourages his colleagues to reject this resolution tonight. Rejecting this resolution tonight does not approve Scannell's application, it doesn't mean that we disagree with the Planning Board, it doesn't mean they have carte blanche to build anything they want in Luther Forest. What it means is we would be rejecting a resolution so we can properly understand all the data and metrics, the studies being conducted, SGEIS to properly and practically assess these variables as well consider potential changes to the project as was done with GF over a decade ago. He said it is incumbent upon us to truly understand all the moving parts of the project to say what is and what isn't appropriate vis-a-vis our land use standards and how that's going to impact the Town for the next 25 to 50 years. He said I will oppose this resolution and the he encourages other Town Board members to do the same.

Supervisor O'Connor said he has taken a look at the Planning Board's recommendation and he knows that they incorporate the comments that were made during that hearing. He said he would look at them again before he would vote in favor of any further development because the Planning Board's determination is entitled to great weight. He said he also thinks that John Hartzell has made some very valid points however he is not willing to stop the process cold at this point. We need more information that's not to say that anything that has been proposed so far is going to be or even likely to be approved in its present form. What it does mean is that he personally wants to see the

traffic study, the SGEIS which should be coming in sometime this month. He said for those reasons he will oppose this resolution also.

Councilwoman Young said as Darren knows she has been struggling during this decision and still is. On one hand her preliminary opinion as the project stands today probably is not the right fit for Malta. The amendments to the PDD are just too extreme with respect to the buffering, the noise and the architectural guidelines. She said I don't want to say no warehouses in the forest because as we all know the world has changed where warehouses are sort of a necessary thing. I don't want a nimby and say were not going to have any warehouses in our Town. Young continued the sure scale of this project scares me. Of course, the unanimous decision of the Planning Board too is a very weighty consideration. On the other hand, she said it may be premature to dismiss it now. We originally gave permission to the applicant to proceed with application, we've asked for a traffic study and we don't know how far into that they are. It would give us a better understanding of how it will impact the community. She continued saying she would also like to see a lot more information about the types of warehouses and the quality of the jobs that would be offered. She said she saw that UPS was offering warehouse jobs for \$26.75 an hour. At least it's an industry we will learn more about so after going back and forth many ways about yes or no in spite of the challenges that face this application, if the applicant chooses to proceed then she said she is willing to stay the course for now and vote no to the resolution.

Councilman Hartzell asked to be heard again and said that he would take exception to the notion that what our Planning Board did. It is his understanding that they had quite a careful and thoughtful look at this project and the County Planning Board acted as they did because they were provided with inadequate information on which to make any decision. That is a short coming of the application he said as well as he found the applicant to be short coming in its initial submission to us with because of inadequate information. He said he thinks to say that an Amazon warehouse which ships the kind things we have buying during the pandemic is ancillary to a 15-billion-dollar state of the art high tech micro chip manufacturing facility is a stretch that he just can't make. It's not even a gossamer relationship. The thing that Hartzell is mindful of is that Town Code says that if an application comes back with a unanimous recommendation for disapproval the Town Board has a power to do so, he said that is why we are even having this conversation. It doesn't say we should consider that and wait to get more information as an option it says we can do this right now. We have heard nothing from our council that suggest that we can't do this right now. There has been an issue raised about the super majority voting requirement, that's another matter, denying the application right now is a legislative determination on an application which we have been assured we have the prerogative to do. The last thing he said he was going to ask was that his colleague at the other end of the dais is, does the Comp. Plan amend that proposal, that we still have not seen yet because it's been being worked on for months, call for TECH Campus uses to be modified to allow for a warehouse complex?

Councilwoman Young answered not specifically there is language in there that suggests some flexibility in the zoning because of the lack of development. Things have changed since we even talked about that. GlobalFoundries announcing a second fab and more investment in their facility. So, it doesn't specifically address that or change anything that changes the intent of the PDD. Young continued with that being said the traffic study, in her mind, is still key because we will not be taking away trips from GlobalFoundries to give them to the warehouses. The trips that are generated by the warehouses have to be below the threshold that we already have technically allotted to a second Fab in Luther Forest so she said will be a big hurdle for them. The other thing that she said she wants to make perfectly clear is that she has a lot of confidence in the Planning Board that she thinks they did their due diligence. They spent a lot of time with a four-hour meeting where they discussed this and again that is a huge consideration for her. She said she is not necessarily willing to cut bait

yet but it's something she would advise the applicant to hear loud and clear as the project stands now has a lot of challenges to move forward.

Councilman Warner said he respects the Planning Board's recommendation.

Councilman Hartzell said he had one final point and thanked the Board for their patience. He said he has spent a lot of time running for office and over that period of time he has knocked on several thousand doors and the most common concern is that the residents do not want overdevelopment or an increase in traffic. He said that is what a 3.5 million square foot Amazon complex in the TECH campus represents. It represents exactly what the people of our Town are saying they don't want. Hartzell stated that he wants the people of the Town to know that he hears what they are saying.

Councilman Warner added that when he is out campaigning that the biggest concern from residents are development and traffic. To this day it is still the same and the proposed project is a big bite to chew. The traffic is going to be very close to homes and neighborhoods. He said residents get on the phone and call him and ask him for updates week to week asking "What's the traffic situation?" Warner stated he feels for their concerns the residents state very clearly, they are very concerned about the development and traffic in this Town.

Deputy Hammond added it's not even just a matter of traffic it's the type of traffic. When you're talking warehouse distribution you're talking tractor trailers not cars. Do we want that increase of tractor trailers in, around and on our roads? I don't think there is anybody that does.

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

WHEREAS, by application dated January 6, 2021, Scannell Properties, LLC ("Scannell") applied for amendments to the Luther Forest Technology Campus Planned Development District (LFTC) No. 46 (the "Scannell Application"), such amendments to include, among other things

1. Roughly doubling the net leasable area allowed to be constructed in the affected development areas;
2. Adding warehouse/distribution centers/last mile centers as allowed uses;
3. In areas 2, 3, 5, 6, 7 and 9, reducing the undisturbed road buffer from 100 feet to 25 feet;
4. Exempting areas 2, 3, 5, 6, 7 and 9 from the existing architectural guidelines, and reducing landscaping planning requirements;
5. For areas 2, 3, 5, 6, 7 and 9 reducing required greenspace from 60 percent to 15 percent;
6. Providing that Areas 2, 3, 5, 6, 7 and 9 will not be subject to easements for trails along water or sewer lines; and
7. Eliminating the shuttle system, independent environmental audit, and existing noise monitoring for areas 2, 3, 5, 6, 7 and 9; and

WHEREAS, pursuant to Section 167-26 D of the Town Code, the Scannell Application was referred to the Town Planning Board, and

WHEREAS, pursuant to Section 167-26 H of the Town Code on June 22, 2021, the Town Planning Board unanimously adopted a resolution recommending denial of the Scannell Application, such resolution reading in its entirety as follows:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby recommends that the Malta Town Board deny the LFTC PDD Amendment Application because the

proposed amendments are inconsistent with the overall purpose of the PDD, including creation of a technology campus to provide a centralized location for related and supporting technological industries, and because the proposed development would significantly and irreversibly impact the appearance and perception of the site as being part of a unified campus. Further that the proposed uses within this new amended PDD are outside of the scope of what the original PDD intended in terms of a technology campus.

The proposed amended PDD would also increase traffic flow and congestion in such a way that it would diminish the overall appearance and intended use of the campus as a whole. Finally, the Planning Board would also incorporate those other reasons which have previously been stated on public record during the course of the past planning board discussions of this proposed LFTC PDD Amendment Application”, and

WHEREAS, under Section 167-26 H of the Town Code, in the event the Planning Board unanimously (i.e., the vote of each Planning Board member present at the meeting at which the vote is taken) recommends against the proposed PDD legislation, the Town Board may, without further proceedings, deny the application;

NOW, THEREFORE, BE IT RESOLVED, that the Scannell Application is hereby denied.

RESOLUTION NO. 130 AUGUST 2, 2021

APPROVE DETAIL DESIGN SERVICES - LUTHER FOREST ATHLETIC FIELDS

Motion by: Councilman Dunn **Seconded:** Councilwoman Young

Discussion: Councilman Warner said he hopes everybody on the Town Board is very serious and that if anybody serves on MAA Fields or the Miss Scotties Committee recuses themselves so they do not have a vote here. He also said I thought we were going to have a workshop on this subject before a vote.

Supervisor O'Connor responded that the Town Board has discussed this for a long time and that there can be a workshop on the issue of participation at the Athletic Fields regarding plus or minus of Malta residents that register for field use. That this resolution is strictly for softball field lighting, the electric service upgrade and the parking lot lighting.

Councilman Hartzell said that he is trying to read resident Tim Downey's mind and say that I thought that when we met a week ago there was an agreement amongst the Board to have a workshop with the softball and soccer folks. So why is it a week later and we are presented with a resolution for a vote regarding the funding and going forward with the project? Hartzell said that he is thinking the same thing and that he is uncomfortable going forward at this juncture. He said he has gone on and on about his belief and importance with competitive sports for our kids. He stated that this as it is packaged now is the best we can do and will respectfully oppose this now but is willing to meet again to put together something a little more balanced.

Councilwoman Young said with respect to the number of people who are participants living in Malta or non-residents. Our Malta kids are playing on other fields in other places, it's the nature of the beast. We have a premier field and she sees this as making improvement to one of our assets to make it more useable to more groups. She said if you go there on a weekend you will see that the

place is well used. She said she does have a question for Alyssa Benway, the Malta Parks and Recreation Director. As part of the conversation is so many Malta kids in caparison to other places, can you give us an idea what the pavilion rentals might be.

Alyssa Benway answered this year to date the Shenantaha Creek Park's pavilion has been rented 41 times and 13 of those times were Malta residents and that is about 32%. The Malta Community Park was rented 20 times and 11 times which is 52%.

Councilman Hartzell asked a follow up question; Did we spend \$996,683 on a pavilion? I thought not.

Councilwoman Young responded that there has been significant investment in both of those parks. We continue to make improvements and this is just a start, we have the whole plan from the LA Group. While I agree with John that soccer is important and would love to see Phase II and getting the soccer field lighted as well. What about movies in the park? We will have electricity and we will have lights.

Councilman Hartzell asked are we going to have money to do all that?

Councilwoman Young said this is part of a grant and one thing is lighting the field. This includes the lighting facility upgrade and the parking lot pedestrian lighting. This initial start is costly. Lighting the soccer field can maybe be accomplished with another grant. If we can get a \$250,000 grant to light the soccer field and it costs \$350,000 then, I think it's affordable.

Councilman Hartzell said the grant amount here is \$250,000 of about 1 million dollars is 25%. It's one thing to come in with a help get yourself re-elected members item for \$250,000, and that exactly what this was, let's not kid ourselves. For the Town to throw \$750,000 of the Towns funds at it doesn't make sense, there is an opportunity to fashion something that makes more sense. He said he just doesn't think that spending \$750,000 of the towns funds is right. This is really the tail wagging the dog here and he said it is not the way we should approach this.

Councilman Warner said if I went in and asked for money for something and I had a quarter of it from a grant they would be chased out of the office.

Councilwoman Young said that the additional money for this project is money that is in the park reserve from recreation mitigation money that is specifically set aside for improvements to our park and rec facilities.

Councilman Warner said that's true but going forward we have to maintain the improvements and that is a different fund that is paid by taxpayers.

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

WHEREAS, the Town was awarded a grant in the amount of \$250,000 for field lighting and other improvements to the softball fields located at the Luther Forest Athletic Field Complex;

WHEREAS, the Town Board accepted the proposal of the LA Group at a fee not to exceed \$88,980 for the detailed design of the proposed improvements at the Luther Forest Athletic Field Complex;

WHEREAS, the LA Group has completed the schematic design phase of the project and presented various programmatic improvements to the Town Board for their review, discussion and decision;

WHEREAS, the Town Board has reviewed the schematic design and has had discussions concerning the programmatic improvements at several Town Board meetings;

WHEREAS, new 3 phase service and electrical service upgrades will be necessary in order to light the softball field for which the grant was received which will also afford the Town the future opportunity to light additional fields within the complex and enhance the overall usage of the complex; and

WHEREAS, the parking lot and pedestrian paths for the complex will require lighting to provide for safe movement of the users of the complex; and

WHEREAS, the Town Board desires to authorize final design, preparation of bid documents, bid advertisement and amend the capital project for this improvement project; now therefore be it

RESOLVED the Town Board of the Town of Malta authorizes the final design, the preparation of bids documents, bid advertisement and amending of the capital project for the following improvements:

Softball Field Lighting	\$313,135	(DASNY Funding \$250,000)
Electric Service Upgrade	\$166,146	(Park Reserve/Recreation Mitigation)
Parking Facility/Pedestrian Lighting	\$348,594	(Park Reserve/Recreation Mitigation)
Bleachers	\$ 59,891	(Park Reserve/Recreation Mitigation)
Electronic Score Boards	<u>\$108,917</u>	(Park Reserve/Recreation Mitigation)
 Total Estimated Project Cost	 <u>\$996,68</u>	

RESOLUTION NO. 131 AUGUST 2, 2021

APPOINT DEPUTY DOG CONTROL OFFICER

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

RESOLVED that *Karlianna Russell* shall be appointed as the Town of Malta Deputy Dog Control Officer on an as needed basis authorized by the Animal Control Officer at a rate of \$18.50 per hour not to exceed the department’s budgetary appropriation.

RESOLUTION NO. 132 AUGUST 2, 2021

ADDITIONAL APPOINTMENTS TO MALTA ECONOMIC DEVELOPMENT COMMITTEE

Motion by: Councilman Dunn

Vote: Supervisor O'Connor-Aye

Councilman Hartzell-Aye

Councilwoman Young-Aye

Seconded: Councilman Hartzell

Councilman Dunn-Aye

Councilman Warner-Aye

WHEREAS, the mission of the Malta Economic Development Committee, established in 2016, is to consider procedures and steps to encourage commercial investments that will increase local job opportunities and provide for well-balanced growth; and

WHEREAS, the Committee has undergone changes in its composition in the past five years; now, therefore, be it

RESOLVED that the following members are hereby appointed to the Malta Economic Development Committee: ***Marcia Murray, John DeVito, and Matthew McLoughlin***; for the year 2021 until the 2022 Organizational meeting; to serve at the pleasure of the Town Board; and it is further

RESOLVED that Marcia E. Murray is hereby appointed as the Secretary to the Malta Economic Development Committee for the year 2021 until the 2022 Organizational meeting; to serve at the pleasure of the Town Board.

RESOLUTION NO. 133 AUGUST 2, 2021

APPROVE ATTENDANCE 2021 NYS ORPTS INTRODUCTION TO FARM APPRAISAL COURSE

Motion by: Councilman Dunn

Vote: Supervisor O'Connor-Aye

Councilman Hartzell-Aye

Councilwoman Young-Aye

Seconded: Councilman Hartzell

Councilman Dunn-Aye

Councilman Warner-Aye

IT IS RESOLVED that the Town Valuation Specialist, ***Jessa Salmon***, be and hereby is authorized to attend the 2021 New York ORPTS Introduction to Farm Appraisal Course as part of continuing education requirements, being held October 18 to October 22, 2021 in Delhi, New York, with expenses for hotel, registration fee, mileage and food to be paid by the Town of Malta.

RESOLUTION NO. 134 AUGUST 2, 2021

APPROVE TOWN HISTORIAN ATTENDANCE 2021 ASSOCIATION OF PUBLIC HISTORIANS OF NEW YORK STATE CONFERENCE

Motion by: Councilman Dunn

Vote: Supervisor O'Connor-Aye

Councilman Hartzell-Aye

Councilwoman Young-Aye

Seconded: Councilman Hartzell

Councilman Dunn-Aye

Councilman Warner-Aye

IT IS RESOLVED that the Town Historian, ***Paul Perreault***, be and hereby is authorized to attend the 2021 New York State Association of Public Historians Conference, being held September 13 to September 15, 2021 in Oswego, New York, with expenses for hotel, registration fee, mileage and food to be paid by the Town of Malta.

RESOLUTION NO. 135 AUGUST 2, 2021

BUDGET TRANSFERS & COMPTROLLER'S REPORT

Motion by: Councilman Dunn

Seconded: Councilman Hartzell

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;

WHEREAS, the Town Board of the Town of Malta has adopted 2021 Town Budget; and

WHEREAS the Town Board of the Town Board of Malta desires to amend the 2021 Town Budget for estimated revenues and appropriations and amend budgetary appropriations between department and intra-department line items; now, therefore, be it

RESOLVED that the Town Board of the Town of Malta hereby authorizes the 2021 Part-town General Fund and Highway Fund and the Town's Section 284 Agreement to be amended as follows:

Increase Escrowed Developer Revenues	B2120	\$ 50,000
Increase Escrowed Developer Contractual	B8020.45	\$ 50,000
Increase Highway Improvements	DB5112.2	\$ 80,000
Decrease General Repairs	DB5110.4	\$ 50,000
Decrease Snow Removal	DB5142.4	\$ 30,000

OTHER BUSINESS:

Councilman Warner said last Sunday was Rocktoga at the Malta Drive-In a fundraiser for Melodies Center which is for childhood cancer. It was cancelled until August 22, 2021 because of heavy rain, thunder and lightning.

Councilwoman Young asked are we still full stream ahead with Community Day?

Alyssa responded yes.

Councilwoman Young said last we spoke we hadn't heard from a lot of people.

Alyssa responded that we have not heard from a lot of people. There won't be bounce houses so kids aren't all over each other and that they are being mindful of that. She said it is very low feedback from businesses so far.

Councilwoman Young asked if deposits would be lost on tent rentals and things like that.

Alyssa answered yes.

Supervisor O'Connor added its outside so hopefully we won't have to cancel.

Highway Superintendent Roger Crandall informed the Town Board that Paul Perreault the Town Historian dropped off a historic district sign that had fallen down. He said he was wondering if he should put it back up.

Supervisor O'Connor said it is something that the Town Board will have to discuss because where the sign was placed has a brand-new building there now. The Town Board will decide where the new placement should be.

COMMENTS OR QUESTIONS FROM TOWN RESIDENTS:

Mike Williams from Malta said his question for the Board is who asked Assemblywoman Woerner for the grant for the Athletic Fields?

Councilman Dunn responded that he did, but he didn't ask for it, he said he was asked for ideas.

Mike Williams asked Councilman Dunn if he felt it was an election ploy or a reason for her to ask him.

Councilman Dunn said I don't think she even put anything out on it when she did it.

Mike said he just wanted to clarify that it was her trying to help out the community of Malta because we need athletic fields and we need improvement to those fields. He said he doesn't think it's a joke to make a joke about it. He said if you guys want to really do something say something

about creating the sidewalks down on Route 9 here by Malta Gardens, start working on something productive like that. Talk about Republicans in Congress hurting the Democrats. He said I think you guys need to start focusing on your community here in Malta a little bit more than what you're doing.

Supervisor O'Connor responded okay thanks Mike. He followed with I think the Board does focus on that all the time.

Tim Downey introduced himself as a taxpayer here in Malta. He said this is not a joke to spend close to a million dollars on maybe 100 people here in Malta, that is not a joke, that is taxpayer money. You talk about grants, where is that grant money coming from? It's taxpayer money. We really need some transparency here. He said he has one question; do any of you have a spouse that is on Miss Scotties Board of Directors?

Councilman Dunn answered I do.

Tim Downey said this isn't a joke, transparency. You're spending \$800,000 to light softball fields. He said I think that is crazy and outrageous. When I come to these meetings they talk about water and getting water to certain parts of Town and they didn't spend anything. But here we need lights for little kids and we have Board members voting on the topic. We have a Board member raising his hand that he got a Democrat to give the Town money, which is our money, \$250,000. He said I think its crazy and you (Councilman Dunn) had no right voting on that, no right, it's crazy. It's a joke, you take taxpayer money and you throw it around. That's all.

Robert Stout from Scannell Properties said he wanted to thank the Board's sentiment to let the process play out. He said he didn't want to get further in details other than let the Board know where they're at. He said along the position of the Town was to let SGEIS play out before we gave it to the Town in a substantive fashion on your concern relative to the PDD. Which we hear loud and clear as we did here this evening. That SGEIS is scheduled to be received sometime this next month.

Tim Bailey from McFarland Johnson Engineering addressed the Board saying they are diligently working on the SGEIS and the traffic study was just delivered to their office Friday. They are reviewing it as fast as they can then it will be forwarded to the Town Board for their review.

Kathy Eitzmann said on a positive note she would like to thank the Board for approving an historic marker. The folks have worked very hard at preserving the quality of house and its importance in history. The historic district where the sign has fallen down and is no longer a historic district holding the history that happened. So please keep that in mind, just because something is now gone or re-designate doesn't mean it wasn't a historical site. Kathy stated that as a Town resident she does appreciate the Town Board's attention to the Town.

Supervisor O'Connor thanked Kathy and stated the Board will be in touch with HPRC for their feedback on where the Historic District sign should be placed.

Ted Willette a Malta resident said the question that he has is what is the date of Community Day? Alyssa answered September 11, 2021.

Ted Willette said he has not received anything unless you're holding back.

Alyssa answered I know that we mailed them out.

Ted continued that it was brought to his attention in the past that there have been complaints about himself handing out free apples or something from the Republican booth when it came to food. He said his request perhaps the Town could reach out to the State Department of Health and perhaps have somebody on site to make sure we are all in compliance including vendors.

Councilwoman Young responded that everyone who sells prepared foods has to have a health certificate.

Deputy Hammond asked if that complaint came from the public.

Ted responded that Councilwoman Young addressed it as to whether I gave away apples or Alyssa gave away apples or the Woman's Auxiliary was selling pies would need a permit. Ted continued that he called Dept. of Health and they gave him some recommendations but a permit is not needed to hand out apples. So, to clear the air or to have a friendly playing field and assure that everyone's safety, that someone from the Dept. of Health be there to ensure that everyone is complying.

Supervisor O'Connor responded that this will be nailed down one way or the other before Community Day.

Councilman Warner said that recently when he was organizing Rocktoga he tried to get food trucks there. Out of the whole planning process the food trucks were the biggest hurdle. He said when I

went to the Town I heard complaints from the ordinance for a vendor permit that we have in Town. I understand the health issue, I don't have a problem with getting the permit but within that ordinance they want a photo of every employee or organization on file at the Town. He said there were food trucks that called up and cancelled on him because they thought it was extremely excessive. He said the time it took them to file for a one-day vendor's permit was extremely excessive and they could not fax documents in when they were in Albany and Amsterdam and they could not find the time to file in person. His question now is that he thinks its time to evaluate and revise it.

Supervisor O'Connor agreed it is time to take a look at that.

ADJOURN: 7:12

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

Vote: Ayes-5 Nays-0

Respectfully Submitted,

Jennifer Holmes
Malta Town Clerk

DRAFT