

**TOWN BOARD MEETING**  
**Tuesday September 7, 2021**  
**6:00 PM**  
**TOWN BOARD MEETING ROOM**

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

**OTHERS PRESENT:** Town Attorney Steve Gottmann, Town Comptroller Kevin King, Building & Planning Coordinator Jaime O'Neill, Town Justice Ellwood Sloat and Parks & Recreation Director Alyssa Benway

**PUBLIC PRESENT:** Ann Klotz, Travis Fealy, Emily Galloway & Susan SaintLaurent

**SALUTE TO THE FLAG & SILENT PRAYER:**

**REPORTS FROM TOWN OFFICIALS & DEPARTMENT HEADS:**

Submitted electronically

**COMMENTS OR QUESTIONS FROM TOWN RESIDENTS:**

None

**ACCEPT MINUTES OF 8/30/21 MEETING:**

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

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

**TOWN BOARD BUSINESS:**

**RESOLUTION NO. 137 SEPTEMBER 7, 2021**

**DESIGNATE HISTORIC LANDMARK – MILLARD-EMIGH HOUSE**

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

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

**WHEREAS**, §167-72 of Town Code enables the designation of an individual property in the town as an historic landmark;

**WHEREAS**, research by the Town Historian has identified the property at 340 Brownell Road (Tax Map #217.-1-23.1), presently owned by Dr. Geoffrey Hill and Jayne Kirber, as having historic significance;

**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;

**WHEREAS**, the owners of the parcel support the proposed "Landmark" designations;

**WHEREAS**, the naming of an historic landmark is a perpetual designation that shall run with the property, surviving changes in ownership, except as described next;

**WHEREAS**, an historic landmark may only be un-designated by nomination of the Historic Preservation Review Commission to the Town Board by way of a process parallel to its nomination, and for reasons limited to the property's future failure to meet the tests of §167-72, except when such a failure is due to neglect or other willful act of the owner or agent thereof;

**WHEREAS**, the Town Board of the Town of Malta designated itself lead agency for purpose of the administration of the State Environmental Quality Review Act with respect to these proposed designations;

**WHEREAS**, the Town Board of the Town of Malta held 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 were heard; now, therefore, it is

**RESOLVED**, that the Town of Malta hereby designates the above-described property or portion thereof as a Town historic landmark, subject to all provisions of Section 167, Article XV as it may be amended, with the Town's thanks and congratulations to the property owner.

**RESOLUTION NO 138 SEPTEMBER 7, 2021**

**APPROVE TECHNOLOGY UPGRADES FOR BOARD ROOM - ARP**

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

**WHEREAS**, the Town of Malta has been awarded American Rescue Plan Act monies;

**WHEREAS**, the Town Board of the Town of Malta conducted a workshop on August 10, 2021 to discuss potential uses of such funds;

**WHEREAS**, technology upgrades to the Board meeting room were discussed to enable the various Boards to conduct meetings in a more professional, efficient and transparent manner for both regular meetings and meetings conducted in a pandemic environment;

**WHEREAS**, the Town Board of the Town of Malta decided on August 10, 2021 to move forward with said project; and

**WHEREAS**, preliminary budget estimates have been obtained for said project; now therefore be it

**RESOLVED** the Town Board of the Town of Malta authorizes the use of American Rescue Plan Act funds for technology upgrades to the Board meeting, assigns a project identification number of ARP-1 to the project, directs the Town Supervisor and Town Comptroller take necessary action to complete the project and amends the Town budget as follows:

Increase American Rescue Plan Funding	A4289	\$70,000
Increase Computer Equipment Board Technology Upgrades	A1680.2	\$70,000

**RESOLUTION NO. 139 SEPTEMBER 6, 2021**

**AMEND PROCUREMENT POLICY**

**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**, the Town Board of the Town of Malta has previously adopted a procurement policy for the Town of Malta as set forth in the Town Code of the Town of Malta;

**WHEREAS**, the Town Comptroller has recommended to the Town Board of the Town of Malta that Town of Malta Code Chapter 31 Procurement Policy be amended to provide for procedures relating to membership cooperative purchasing organizations;

**WHEREAS**, the Town Board of the Town of Malta desires to amend the Town of Malta's Procurement Policy as recommended by the Town Comptroller; now, therefore, be it

**RESOLVED** the Town Board of the Town of Malta hereby amends the Town of Malta's procurement policy to add Section 31-6 – O, which shall read as follows:

**Section 31-6 Exceptions to procurement policy**

**O. Goods or services, as may be required, through the use of a membership cooperative purchasing organization in which the Town of Malta is allowed to participate, provided that such contract is let in a manner that constitutes competitive bidding consistent with state law and made available for use by other governmental entities or members ("piggybacking").**

**RESOLUTION NO. 140 SEPTEMBER 7, 2021**

**AUTHORIZE CASH REIMBURSEMENT SALES TAX FROM COUNTY**

**Motion by:** Councilman Dunn                      **Seconded:** Councilman Hartzell  
**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 elects to accept its share of sales tax revenues to be paid over by the County of Saratoga in cash.

**RESOLUTION NO. 141 SEPTEMBER 7, 2021**

**APPROVE MALTAVILLE WATER ASSISTANCE GRANT APPLICATION**

**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 Stewarts Shops Planned Development District (Malta Town Code section 167A-61) includes provisions for the expenditure of a sum of money to assist in the provision of water to the Hamlet of Maltaville;

**WHEREAS**, the Town Board in Resolution No. 87, dated March 21, 2016, determined that those provisions providing for the expenditure of a sum of money (\$200,000.00) to assist in the provision of water to the Hamlet of Maltaville be implemented through the terms of a Host Community Benefit Agreement (the "Agreement") between the Town and the Applicant;

**WHEREAS**, the Town Board in Resolution No. 89 dated April 6, 2020 formed the Maltaville Water Benefit Committee (the "Committee"), consisting of the Chair of the Water and Sewer Committee (currently Deputy Supervisor Craig Warner), the Comptroller (currently Kevin King) and the Building and Planning Coordinator (currently Jaime O'Neill);

**WHEREAS** the Town Board in Resolution No. 89 dated April 6, 2020 also authorized that the \$190,000 remaining in the fund be reserved for grants to owners of Maltaville parcels under the following conditions: (1) such parcel owner may apply to the Committee, on a form developed by the Committee, for a grant reimbursing the owner for amounts actually spent after January 1, 2020 and before the date of the application; (2) grants are available for proven expenditures directly related to obtaining potable water in adequate quality and quantity for the needs on the parcel (including but not limited to wells, pumps, water lines, water treatment equipment); (3) grants are available for up to fifty percent of the owner's expense, but the grant cannot exceed \$2,500 for any single parcel; (4) the Committee shall review each application, seek additional information if necessary, and make a recommendation regarding the application to the Town Board; (5) the Committee may, in its discretion, require the applicant to furnish independent reports as to the improvement in quantity and/or quality of the water as a result of the work performed; (6) payment will be made to the owner only after approval by the unanimous vote of the Town Board; and (7) applications will be reviewed and processed as they are received, and the grants end when the fund is exhausted; and

**WHEREAS**, the Committee has received one application and recommends for approval

to the Town Board the following application:

Property Owner	Address	Eligible Expenses	Grant Amount
<b>Thomas Flanagan</b>	<b>490 Route 67</b>	<b>\$687.86</b>	<b>\$343.93</b>

now, therefore, be it

**RESOLVED** that the Town Board hereby approves the aforementioned application and authorizes the Town Comptroller to disburse said grants funds to the applicant.

**AND BE IT FURTHER RESOLVED** that the Town Board amends the 2021 Town Budget as follows to fund said expenditures.

Increase Appropriated Reserves	B0511	\$344.00
Increase Maltaville Water Expenditures	B8989.4	\$344.00

**RESOLUTION NO. 142 SEPTEMBER 7, 2021**

**REAPPOINT BOARD OF ASSESSMENT REVIEW MEMBER**

**Motion by:** Councilman Dunn                      **Seconded:** Councilman Hartzell  
**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 be and hereby reappoints *David Rosenberg* as a member on the Board of Assessment Review for a 5-year term ending September 30, 2026, to serve at the pleasure of the Town Board of the Town of Malta.

**RESOLUTION NO. 143 SEPTEMBER 7, 2021**

**SPEED REDUCTION REQUEST – NELSON AVENUE EXTENSION**

**Motion by:** Councilman Warner                      **Seconded:** Councilman Hartzell  
**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 has received a petition<sup>1</sup> on the 28<sup>th</sup> day of July, 2021 with 29 signatures from Town residents concerned about the speed of motor vehicles and safety of residents on Nelson Avenue Extension, in the Town of Malta; and

**WHEREAS**, the Town Board of the Town of Malta referred the petition to the Town of Malta Highway Safety Advisory Committee for review and committee minutes dated the 27<sup>th</sup> day of July, 2021 also recommend a reduction in speed as well as additional speed limit signs be installed<sup>2</sup>; and

**WHEREAS**, the Town Board of the Town of Malta continues to believe such concerns are well-founded; more so now with the increase in residential and commercial development in the Town of Malta and surrounding towns; now, therefore be it

**RESOLVED** that the New York State Department of Transportation is hereby requested to review and study the conditions on Nelson Avenue Extension, in the Town of Malta; and, be it further

**RESOLVED** that, based upon its findings and at the request of the Town Board of the Town of Malta, the New York State Department of Transportation is requested to lower the current speed limits on this road within the Town of Malta;

**FURTHER RESOLVED**, that a copy of this Resolution be forwarded to the (1) the Saratoga County Commissioner of Public Works to enable a joint request of the change in speed pursuant to Section 1633 of the Vehicle and Traffic Law, (2) the Town Clerk, and (3) the Town Highway Superintendent;

<sup>1</sup>Nelson Avenue Extension petition.

<sup>2</sup>Town of Malta Highway Safety Advisory Committee minutes.

#### **RESOLUTION NO. 144 SEPTEMBER 7, 2021**

#### **APPROVE STIPULATION OF SETTLEMENT – LAKEVIEW OUTLETS INC.**

**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**, Lakeview Outlets Inc. and the Town of Malta are desirous of having certain assessment issues resolved as to properties owned by Lakeview Outlets Inc., in the Town of Malta;

**WHEREAS**, a settlement proposal resolving pending tax certiorari litigation was recommended by the Vincelette Law Firm, trial counsel to the Town of Malta, and reviewed by the Malta Town Board at its regular monthly meeting;

**WHEREAS**, such a proposed settlement would present the parties with an expeditious and economic alternative to further litigation so as to resolve issues between the parties;

**WHEREAS**, the Town Board has determined that the proposed settlement is in the best interests of the Town; now

**THEREFORE, BE IT RESOLVED**, that the Town Board does hereby accept a proposed settlement for the 2020 and 2021 tax certiorari proceedings filed by Lakeview Outlets Inc. in which the 2020 and 2021 assessed value of the parcel #229.-3-41.1 shall be reduced as follows:

<u>Year</u>	<u>Parcel No.</u>	<u>Prior Assessed Value</u>	<u>New Assessed Value</u>	<u>Reduction</u>
2020	229.-3-41.1	\$9,000,000	\$7,500,000	\$1,500,000
2021	229.-3-41.1	\$9,000,000	\$7,500,000	\$1,500,000

**RESOLVED**, that the 2020 and 2021 assessed value of the subject property shall be set at \$7,500,000; and it is further

**RESOLVED** that Lakeview Outlets Inc. shall be entitled to a refund of excess taxes paid based upon the above revision; and it is further

**RESOLVED**, that the Town Board does hereby adopt this resolution to end the litigation between Lakeview Outlets Inc. and the Town of Malta as to the above referenced assessment and further authorizes the Town Supervisor and the Town Attorney or special counsel to execute such other documents as necessary to effectuate the foregoing.

#### **RESOLUTION NO. 145 SEPTEMBER 7, 2021**

#### **BUDGET TRANSFERS & COMPTROLLER’S REPORT**

**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**, 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, Highway Fund and Highpointe Capital Project Budget to be amended as follows:

Increase Development Grant Revenues	HD2389	\$ 4,400
Increase Highpoint Contractual (1)	HD5410.4	\$ 4,400
Increase Engineering Contractual (2)	A5020.4	\$ 5,000
Decrease Contingency	A1990.4	\$ 5,000
Increase Services Other Govt (Gas) (3)	DB2300	\$ 5,000
Increase Machinery Contr – NFP Gas	DB5130.42	\$ 5,000

- (1) Tree Reimbursement Program Approved August 2021
- (2) Luther Forest Drainage Problem
- (3) Relates to EMS Usage and Reimbursement for Gas (Increase Usage and Price)

**DISCUSS SARATOGA WATER AUTHORITY PUMP STATION & TANK:**

Town Board members discussed possible location of a pump station & holding tank for the Saratoga County Water Authority. Possible locations suggested by SCWA are along the Zimmerman Trail and include a parcel near the Curtis Lumber Industrial Park or a parcel in the Shenantaha Creek Park. The Supervisor stated he wasn’t very clear on the exact location suggested for the Shenantaha Creek Park and asked Alyssa Benway if she could pinpoint the location.

Alyssa responded that it looked like it was in the soccer/football field. She followed with the fact that she had questions regarding the proposed area as well. She said that taking over the soccer/football field is a very good option and there would have to be a filing with park alienation. If there is another spot in Shenantaha that would be better.

The Supervisor said the purpose for bringing it up today is to get a basic idea from the Board to see if it’s possible to come up with some sort of plan and to start thinking about what might be the quid-pro-quo for the Town.

Deputy Hammond asked is there a sense that it was arbitrary where the placement of the water tank rather than a reason why they couldn’t put it someplace else. He asked if it was distance or close proximity.

Supervisor O’Connor said that it is definitely proximity. He followed saying that it could possibly be placed over near Curtis but there are some disputes from adjoining landowners.

Councilman Hartzell said if it doesn’t affect the Towns recreation programming and the County handles the placement that he is open to it.

Councilman Warner said he doesn’t have an issue with it either as long as it does not inhibit any of the recreation programming like the football or soccer field.

Alyssa Benway said they would have to go through the Parkland Alienation Process making sure it doesn’t take away from the Town resident programming or park space.

Councilman Hartzell stated he had given the Town Attorney the Park Alienation Process information to analyze and advise the Board.

Supervisor O’Connor said that he would tell the Water Authority that the Board needs more information and we won’t rule this out but we would bring it back for consideration.

**OTHER BUSINESS:** none

**ADDITIONAL COMMENTS OR QUESTIONS FROM TOWN RESIDENTS:**

Town Clerk Jennifer Holmes read the following on behalf of Kathy Eitzmann on behalf of the Malta Historic Preservation review Commission.

*The members of the Historic Preservation Review Commission and I would like to send my appreciation to the Owner's, Dr. Geoffrey Hill & Jayne Kirber, of the Millard-Emigh House.*

*HPRC and the Malta Town Board are honored to recognize the efforts you have made in maintaining and improving this important HISTORIC LANDMARK in Malta.*

*You are a new member of a small but wonderful group of Historic Land Owners that have preserved a very important part of Malta's History and honored the families that have owned this historic property in the past.*

*Thank you sincerely,*

*Kathleen A. Eitzmann, Chairperson*

*Malta Historic Preservation Review Commission.*

Councilwoman Young inquired if Community Day was all set and ready for September 11, 2021. Stating that the weather was looking nice.

Alyssa Benway agreed on the weather and said everything was all set.

Roger Crandall the Highway Superintendent asked if there is reason why the Saratoga County Water Tank wasn't being placed in Maltaville to help those residents out. He said just food for thought because there was talk about putting the water tower along with the pump station in that area.

Supervisor responded that he thinks it is due to reasoning that along the Zim Smith Trail is a midway point in terms of pipes.

Ted Willette responded to the placement of the water tower as well saying what comes to mind is the old Rod & Gun Club.

Supervisor O'Connor said he will definitely raise that point of placement to SCWA. Town Board members thought that was a good point.

**ADJOURN TO EXECUTIVE SESSION:** 6:12 pm

**Motioned by:** Councilman Hartzell      **Seconded:** Councilman Warner

**Vote:** Ayes-5 Nays-0

**ADJOURN FROM EXECUTIVE SESSION:** 6:59 pm

**Motioned by:** Councilman Dunn      **Seconded:** Councilman Warner

**Vote:** Ayes-5 Nays-0

**ADJOURN:** 5:59 pm

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

**Vote:** Ayes-5 Nays-0

Respectfully Submitted,

Jennifer Holmes  
Malta Town Clerk