

TOWN BOARD AGENDA MEETING
Monday October 24, 2022
6:00 PM
TOWN BOARD MEETING ROOM

ELECTED OFFICIALS PRESENT: Supervisor Mark E. Hammond, Councilman Tim Dunn, Councilman John Hartzell, Councilman Al Ricci, Councilman Craig Warner, Highway Superintendent Roger Crandall and Town Clerk Jennifer Holmes

OTHERS PRESENT: Deputy Supervisor Matt McLoughlin, Town Attorney Steve Gottmann, Town Comptroller Kevin King, Building & Planning Coordinator Jaime O'Neill and Planner/Stormwater Manager Floria Huizinga

PUBLIC PRESENT: Murray Eitzmann, Barbara Conner, Chris Morell, Ben Karlin, Kathy Eitzmann, Cynthia Young, Woody Sloat, Marian Crandall and Paul Perreault

SALUTE TO THE FLAG & SILENT PRAYER

ACCEPT TOWN CLERK MINUTES 10/03/22:

Motioned by: Councilman Dunn **Seconded:** Councilman Ricci

Vote: Ayes-5 Nays-0

COMMENTS FROM TOWN BOARD & DEPARTMENT HEADS: None

COMMENTS OR QUESTIONS FROM TOWN RESIDENTS:

Kathy Eitzmann the President of the Malta Seniors announced to the Board that a 93-year-old resident from Luther Forest joined the Malta Seniors. She thanked the Board for all of the support helping the group in being an ongoing success.

Cynthia Young a resident on Collamer Drive said she had two items to discuss with the Board. The first was an inquiry on the new audio/video equipment being installed in the meeting room. She stated that not all residents can attend meetings for a variety of reasons. She stated that misinformation is spread when the community doesn't have the streaming option to be able to attend meetings from any location. She urged the Board to go back to streaming the Town Board meetings in order to keep constituents involved and informed. Second topic focused on a resolution passed on October 3, 2022 that is subject to permissive referendum that appropriated \$120,000 for three different consultants for special district improvement work for the possibility of acquiring a private water company. Cynthia stated that she feels the public knows nothing about this and how can it be subject to permissive referendum if the public has no knowledge of it.

Supervisor Hammond asked Cynthia if when she served as a Town Board member were there times where there was a request for confidentially.

Cynthia stated that there were discussions in confidence when purchasing properties or personnel during attorney client privilege discussions.

Town Attorney Gottman informed that the sole purpose of the resolution is to obtain consultants to help the Board evaluate the possible acquisition of a private water company. The rest will come in due time and the Board will be able to update the public.

Councilman Hartzell added that the resolution for permissive referendum is legally required and that the Board has the lawful ability to discuss matters in executive session as a matter of prudence and judgment that is in the interest of the Town as a whole.

Cynthia asked if there is a decision to obtain a private water company will the public have all the information about the cost and the benefit to the Town. Also, would that be subject to permissive referendum or will the Board just send it to referendum.

Supervisor Hammond responded saying that the Town Board is doing its due diligence to make sure the letter of the law is followed not only for the business that they are dealing with but for the interest of the public residents.

Cynthia stated she would expect more transparency and information as it becomes available. She asked these questions for assurance that the steps were being taken under advice of counsel.

Supervisor Hammond informed that there was a second ribbon cutting this year. It was for the new Stewarts located at 2467 Route 9 and the Supervisor stated it was good to see new businesses coming into Town especially how the past few years have been hard on businesses.

TOWN BOARD BUISNESS

RESOLUTION NO. 154 OCTOBER 24, 2022

SET PUBLIC HEARING 2023 PRELIMINARY TOWN BUDGET

Motioned by: Councilman Dunn

Vote: Supervisor Hammond-Aye

Councilman Hartzell-Aye

Councilman Warner-Aye

Seconded: Councilman Ricci

Councilman Dunn-Aye

Councilman Ricci-Aye

WHEREAS, the Town Board of the Town of Malta has held several budget workshops in order to prepare a 2023 preliminary budget for the Town of Malta; and now therefore

BE IT RESOLVED that a public hearing concerning the Town of Malta's 2023 preliminary budget will be held at **6:00 o'clock pm** on the **7th day of November 2022** at the Town Hall of the Town of Malta, 2540 Route 9, Malta, New York 12020 at which time and place all persons desiring to be heard thereon will be heard; and be it further

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

PUBLIC NOTICE OF 2023 ANNUAL PRELIMINARY BUDGET TOWN OF MALTA

PUBLIC NOTICE IS HEREBY GIVEN, that the annual preliminary budget of the Town of Malta for the fiscal year beginning January 1, 2023 has been completed and filed in the Office of the Town Clerk in the Town of Malta at the Malta Town Hall, 2540 Route 9, Malta, New York 12020, where it is available for inspection by any interested person at all reasonable hours, and

FURTHER NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Malta will meet and review the Preliminary Budget and hold a public hearing thereon, at the Malta Town Hall, 2540 Route 9, Malta, New York 12020 at **6:00 o'clock P.M.**, on the **7th day of November 2022**, and that at such hearing any person may be heard in favor of or against the budget as compiled, or for or against any item or items therein contained.

Pursuant to Section 108 of the Town Law, the proposed annual salaries of the following Town Officers are as follows:

Supervisor \$69,550
Councilperson (4) each \$17,100
Town Clerk (1) \$73,607
Superintendent of Highways \$91,972

(1) Includes stipend for performing duties of Registrar of Vital Statistics and Webmaster.

RESOLUTION NO. 155 OCTOBER 24, 2022

ADOPT MALTAVILLE WATER DISTRICT MAP, PLAN & REPORT AND SET PUBLIC HEARING

Motioned by: Councilman Dunn
Vote: Supervisor Hammond-Aye
Councilman Hartzell-Aye
Councilman Warner-Aye

Seconded: Councilman Ricci
Councilman Dunn-Aye
Councilman Ricci-Aye

WHEREAS, the Town of Malta has been studying the creation of a water district for the Maltaville area of the Town of Malta New York in accordance with Article 12-A of the New York Town Law;

WHEREAS, the Town Board previously resolved to have CT Male Associates prepare a Map, Plan and Report for the purposing of analyzing the formation of the district, and appropriated funds for the preparation of the Map, Plan and Report.,

WHEREAS, no petition seeking a permissive referendum in accordance with New York Town Law Article 7 has been filed with respect to the expenditure for and the draft of the aforesaid Map, Plan and Report, and the time in which to file such a petition has now expired;

WHEREAS, the Map, Plan and Report, Maltaville Water District (the "Proposed District") dated October 10, 2022 was filed with the Town Clerk on October 10, 2022 (the "Map, Plan and Report") and is available for public inspection during regular business hours;

WHEREAS, the Map, Plan and Report set-forth the boundaries of the Proposed District, the proposed method of operation of the Proposed District, the maximum amount proposed to be

expended and the cost of the Proposed District to the typical property, and if different, the typical single family or two-family home;

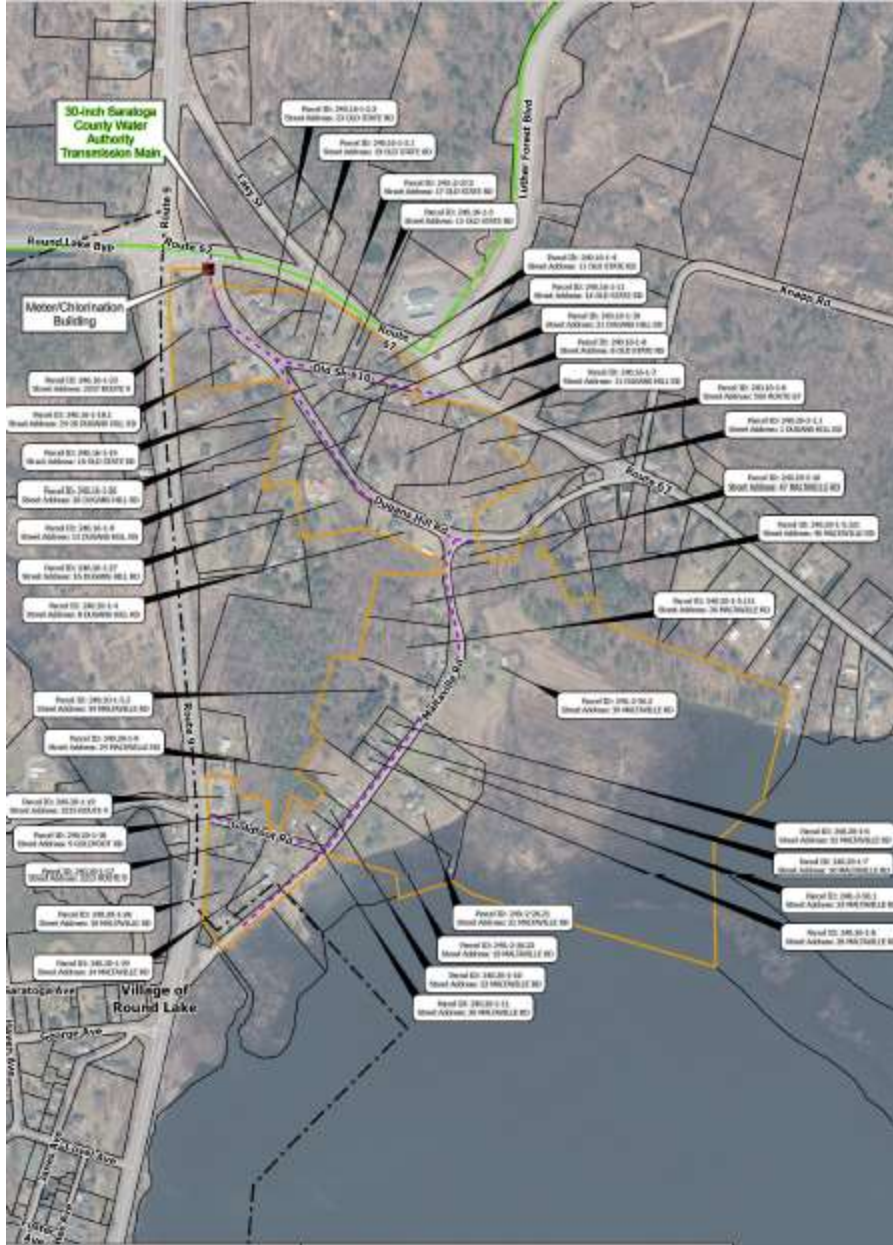
WHEREAS, establishment of the Proposed District was determined to be an Unlisted Action under the State Environmental Quality Review Act (SEQRA) and a SEQRA Short Environmental Assessment Form (EAF) was prepared for the proposed District;

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED:

1. The Town Board accepts and adopts the Map, Plan and Report filed in the Town Clerk's Office on October 10, 2022, which is available for public inspection.
2. The Proposed District boundary shall include 37 parcels on Dugans Hill Road, Maltaville Road (CR 80), Goldfoot Road, Route 9 and Old State Road as set forth in Schedule A hereto and Appendix 1 in the Map, Plan and Report filed in the Clerk's Office. The map for the Proposed District can be found in the Map, Plan and Report filed in the Town Clerk's Office.
3. The Town intends to enter into an Intermunicipal Agreement with Village of Round Lake to operate the system as set forth in the Map, Plan and Report on file in the Town Clerk's Office.
4. The maximum amount to be expended for the Proposed District is \$1,540,000.00. The Town will commit \$1,020,000.00 of American Rescue Funds and \$160,000.00 in mitigation fees, which will offset the project costs to property owners in the Proposed District. The balance of \$360,000.00 shall be financed by municipal bonds and assessed to property owners in the Proposed District.
5. The capital improvements include installation of an interconnect to the Saratoga County Water Authority infrastructure, installation of a meter and chlorination building, installation of 5,500 feet of water mains and construction of ¾ inch copper water services to each property line with a curb stop. After installation of the municipal system, each property owner will be responsible for installation of a private water line to the residence at their own cost.
6. The costs of Proposed District shall be apportioned based upon the equivalent dwelling unit (EDU) of each property in the Proposed District. Each parcel will be given an EDU with a single family having an EDU of 1, two-family with an EDU of 2, and three family with an EDU of 3. The commercial properties in the

district are not considered high water users and shall have an EDU of 1. Each apartment unit will count as one EDU. Vacant lots will count as 0.1 EDU.

7. The project costs consist of three components -- hookup cost, capital cost, and operation and maintenance costs. At this time, there is no proposed hookup fee imposed by the Proposed District but the individual property owners will be responsible for purchasing, installing and maintaining the $\frac{3}{4}$ inch water service from home to curb stop at the edge of the right of way. The estimated hook up cost for individual property owners is \$5,000.00 for homes closer to the road and up to \$15,000.00 for homes located far off the roadway. The capital cost as set forth above is the cost to build the infrastructure. After using the American Rescue Funds and Mitigation Fees, the balance the capital cost is proposed to be financed by issuance of bonds at an expected interest rate of 4.25% resulting in \$428.58 per year per EDU (\$35.72 per month per EDU) to each parcel in the Proposed District. The Operating and Maintenance Cost per EDU per year is expected to be \$445.00 (\$37.08 per month per EDU). The total first year cost per EDU is projected to be \$873.58 (\$72.80 per month per EDU). Thus, the estimated cost to the typical property with an assessed value of \$239,000.00 in the Proposed District shall be \$873.58 for a single-family property and \$1,747.16 for a two-family home in the first year of operation and is further detailed in the Map, Plan and Report on file in the Town Clerk's Office.
8. The Town Board hereby determines to conduct an uncoordinated SEQRA review of the proposed District establishment.
9. The Town Board shall meet and hold a public hearing on November 7, 2022 at 6:00 P.M. at the Malta Town Hall to consider the Map, Plan and Report and to hear all persons interested in the proposed District and to take such other and further actions as may be required or authorized by law.
10. The Town Board authorizes and directs the Town Clerk to duly post this order on the Town signboard and to publish this Order in the Town newspaper not less than ten (10) days nor more than twenty (20) days before the Public Hearing date as required by Town Law Section 209-d, and to complete or arrange for the securing of two (2) Affidavits of Publication and two (2) Affidavits of Posting required hereby and to file a certified copy of this Order with the State Comptroller on or about the date of Publication. Posting shall include placing on the Town's website.



Maltville Water District Map

Town of Maltville Saratoga County, NY

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Planning, and Construction Services
 1000 West 10th Street, Suite 100
 Saratoga Springs, NY 12158
 Phone: 518-584-1100

Plan Date: The locations and features depicted on this map are approximate and do not represent a final plan.

Project Location: 21-02
 Date Drawn: 07/2022
 Prepared: 08/2022
 Date: September 7, 2022
 File: Maltville_WaterDistrictMap.dwg
 001-02 Landowner

Scale: 1" = 1,000'

Legend

- Proposed 6" Water Main
- Proposed Water Distrib
- Proposed Meter Building
- Existing Meter Station Pipe Diameter 36 in
- Utility Parcels
- Roads
- Village Boundary

RESOLUTION NO. 156 OCTOBER 24, 2022

APPROVE TOWN OF MALTA FILING A GRANT APPLICATION WITH HUDSON RIVER VALLEY GREENWAY TO FUND SARATOGA LAKE SPECIAL STORMWATER PROTECTION STANDARDS

Motioned by: Councilman Dunn
Vote: Supervisor Hammond-Aye
Councilman Hartzell-Aye
Councilman Warner-Aye

Seconded: Councilman Ricci
Councilman Dunn-Aye
Councilman Ricci-Aye

WHEREAS, the Town of Malta supports the findings of the ad hoc committee comprised of Saratoga Lake Protection and Improvement District and the Towns of Malta, Stillwater, Saratoga, and City of Saratoga Springs, to develop a standardized set of standards for stormwater control for certain projects on lots under one acre that are not within current permit review authority, that individual municipalities can adopt for lands within the SLPID District; and

WHEREAS the Town of Malta recognizes the need to fund professional planning services to develop and carry out a public participation plan, develop the language for the regulations, and present to the four municipal boards and the SLPID Board; and

WHEREAS the Town of Malta is applying to the Hudson River Valley Greenway for a grant under the Hudson River Valley Greenway Planning Grant Program during the November 4, 2022 funding round for a project entitled *Saratoga Lake Special Stormwater Protection Standards* to be located in the towns of Malta, Stillwater, Saratoga, and City of Saratoga Springs; and

WHEREAS the Town of Malta recognizes that all four involved municipalities are official “Greenway” communities and therefore eligible to apply for the grant; and

WHEREAS the Town of Malta requests Hudson River Valley Greenway funds in the amount of \$15,000 which will be matched with \$15,000 shared by SLPID and the four involved municipalities, making the total project value at \$30,000;

WHEREAS prior to the acceptance of the grant, if approved, the Town of Malta and SLPID would enter into an intermunicipal agreement approved by the Town Attorney which will more fully describe the responsibilities of SLPID, that the Town of Malta will have no financial obligation aside from its respective share as noted above and the Town of Malta will be held harmless from all claims and liabilities;

NOW, THEREFORE, be it resolved that the Town Board of the Town of Malta hereby does approve and endorse the application for a grant under the Hudson River Valley Greenway Planning Grant Program, for a project known as *Saratoga Lake Special Stormwater Protection Standards* and be it,

FURTHER RESOLVED the Town Supervisor is hereby authorized to execute the intermunicipal agreement, and be it

FURTHER RESOLVED the Town Supervisor or his designee through the NYS Grants Gateway Portal is authorized to approve /process /sign the necessary documents to facilitate the processing of the State grant.

RESOLUTION NO. 157 OCTOBER 24, 2022

ACKNOWLEDGE HIGHWAY EQUIPMENT OPERATOR APPOINTMENT

Motioned by: Councilman Dunn **Seconded:** Councilman Warner
Vote: Supervisor Hammond-Aye Councilman Dunn-Aye
 Councilman Hartzell-Aye Councilman Ricci-Aye
 Councilman Warner-Aye

IT IS RESOLVED that the Town Board of the Town of Malta hereby acknowledges the appointment by Town Highway Superintendent Roger Crandall of *David C. Dorsey* as Heavy Equipment Operator as of October 24, 2022 to replace Shane Quackenbush who has resigned; and it is further

RESOLVED that the newly appointed Heavy Equipment Operator will be paid at the rate of \$19.25 per hour in 2022.

AND BE IT FURTHER RESOLVED that David Dorsey must have successfully received a commercial driver's license within six months of his appointment or his employment will be terminated, but this condition does not bar the Town from terminating his employment during his probationary period for any other reason;

AND BE IT FURTHER RESOLVED that the Highway Superintendent may extend the six-month period at his discretion;

AND BE IT FURTHER RESOLVED that David Dorsey will receive a \$1 an hour pay rate increase upon receiving a commercial driver's license.

TOWN BOARD TO DISCUSS FOR POSSIBLE ACTION AT 11/7/22 BUSINESS MEETING:

- a) Public Hearing 11/7 - 2023 Preliminary Town Budget
- b) Public Hearing 11/7 - Maltaville Water District
- c) Adopt 2023 Town Budget
- d) Maltaville Water District
- e) Sewer 2023 Scale of Charges – Set Date for Public Hearing 11/28 6pm
- f) Comprehensive Master Plan Update – Set Date for Public Hearing 11/28 6pm –
Possibly, a workshop is scheduled for 5:00 PM to further discuss the Draft Town of Malta Comprehensive Master Plan.

- g) Board of Assessment Review (BAR) Member Reappointment – *Chris Clark*
- h) Chapter 139 Sidewalk Law Amendment – *The Town Board is considering adding to Town Code snow and ice removal the responsibility of the homeowner within a 24-hour time frame.*
- i) Road Dedication – Three Silos (Thompson Farms) Subdivision- *A request for road dedication was received where if accepted the Town would have an obligation to take care of the road. The application however still has missing items of completion although engineering had suggested that the Board give the developer until October 31st to submit a complete application for a dedication at the November 7, 2022 TB Meeting. Complete applications for road dedication in town law is in September. The poll of the Board was not in favor of road dedication, even with a letter of credit, if there are incomplete items.*
- j) Condemnation Of 2130 Rowley Road – *Code Enforcement Officer Greg Berg informed the Board that the state fire investigation had been signed off as well as the Saratoga County Sheriff's Department had signed off with their investigation as well. Both agencies admitted that all evidence had been collected.*
- k) Highway Loader Purchase
- l) Designate Town Health, Dental & Vision Plan- *The TB designates plans every year to best meet Town employee's needs.*
- m) Saratoga Lake Town Park (Mangino) Financing - *Fiscal Advisors and Marketing and their financial advisors for this transaction had prepared a memo regarding whether to issue anticipation notes or serial bonds for this project. Due to the rising interest rate environment, the known cost of the purchase of the land and the avoidance of additional issuance costs, they're recommending to issue bonds for this transaction.*
- n) Architect Proposals- *Two proposals have been submitted to the Town regarding current building and future building needs pertaining to the Town Hall and Town Court House. The proposals are being forwarded to the TB for their consideration.*
- o) Budget Transfers -*TBD*

OTHER TOWN BOARD BUSINESS: None

COMMENTS OR QUESTIONS FROM TOWN RESIDENTS: None

ADJOURN: 7:21 PM

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

Vote: Ayes-5 Nays-0

Respectfully Submitted,

Jennifer Holmes
Malta Town Clerk