

TOWN BOARD MEETING
Monday December 5, 2022
6:00 PM
TOWN BOARD MEETING ROOM

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

OTHERS PRESENT: Town Attorney Steve Gottmann, Deputy Supervisor Matt Mcloughlin, Transitioning Town Comptroller Julia Smith, Building and Planning Coordinator Jaime O’Neill and Director of Parks & Recreation Kristan Gottmann

PUBLIC PRESENT: Woody Sloat, Alisa & Kira Davenport and Murray & Kathy Eitzmann

SALUTE TO THE FLAG & SILENT PRAYER:

ACCEPT TOWN CLERK MINUTES FROM 11/28/22:

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

Vote: Ayes-5 Nays-0

COMMENTS FROM TOWN BOARD & DEPARTMENT HEADS:

Councilman Dunn thanked the Supervisor for recommending a tour with the Malta Stillwater EMS. He said it was very informative to observe the operations and challenges that the emergency responders handle. The Malta Stillwater EMS has had over four thousand calls year to date.

Supervisor Hammond said that the ride along with the EMS offers a great way to understand their procedures and operations and challenges.

The Highway Superintendent Roger Crandall said he is actively seeking a heavy equipment operator.

Supervisor Hammond informed all that he attended the Village of Ballston Spa Holiday Parade with other dignitaries Senator Tedisco, Assemblywoman Mary Beth Walsh and Village Mayor Rossi.

COMMENTS OR QUESTIONS FROM TOWN RESIDENTS:

Kathy Eitzmann the Malta Seniors President informed the Board that there were 77 seniors in attendance at the senior meeting today where a guest speaker from Albany Medical spoke about fall prevention. There are 368 members currently active with the Malta Seniors. Kathy informed the Board that there are 180 seniors signed up for the Christmas Luncheon.

Kira Davenport a Malta resident and Ballston Spa Central School student taking a government class informed the Board that on December 17, 2022 at the Saratoga National Cemetery there will be Wreaths Across America. She invited all who are interested to attend and informed the Board that last year they laid over 10,000 wreaths in three hours.

Councilman Hartzell stated that Kira would become a future leader for the Town of Malta.

TOWN BOARD BUSINESS:

RESOLUTION NO. 169 DECEMBER 5, 2022

ADOPT SEWER DISTRICT #2 2023 SCALE OF CHARGES

Motion by: Councilman Hartzell **Seconded:** Councilman Dunn

Vote: Supervisor Hammond-Aye Councilman Dunn-Aye

 Councilman Hartzell-Aye Councilman Ricci-Aye

 Councilman Warner-Aye

WHEREAS, the intent of the Town of Malta is to set Sewer District Charges for Sewer District #2; and

WHEREAS, this is a Type II action as defined by 6 NYCRR §617.5(c) (26) & (33), and is thereby not subject to review under the State Environmental Quality Review Act (6 NYCRR §617.5(a)); and

WHEREAS, the Town Board of the Town of Malta held a public hearing pertaining to the establishment of sewer rates for Sewer District #2 on the 28th day of November 2022, 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; and it is further

RESOLVED the Town Board of the Town of Malta hereby adopts the 2023 sewer rates for Sewer District #2 which are on file in the Town Clerk's Office.

RESOLUTION NO. 170 DECEMBER 5, 2022

AUTHORIZE ACTION UNDER CHAPTER 60 – 2130 ROWLEY ROAD

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

WHEREAS, Chapter 60 of the Town Code provides a procedure for determining if a structure within the Town of Malta poses an unreasonable risk of fire, collapse, trap, the harboring of vermin or poses an attractive nuisance; and

WHEREAS, the Town Code Enforcement Officer has provided a Report to the Town Board pursuant to Town Code §60-4 of his determination that a residential structure located at 2130 Rowley Road (SBL# 192.-1-65) poses an unreasonable risk of fire, collapse, trap and the harboring of vermin in violation of §60-3A of the Town Code; and

WHEREAS, the Town Board has reviewed the Report and has questioned the Code Enforcement Officer in this regard at a regularly scheduled meeting of the Town Board, and considered the written and verbal comments received; and

WHEREAS the Town Board by Resolution No. 163 dated November 7, 2022 found that the Code Enforcement Officer's report had merit and tentatively determined that the structure located at 2130 Rowley Road (SBL No. 192.-1-6 is uninhabitable, is in unsafe condition as to pose a risk to the health, safety and welfare of the residents of the Town of Malta, violates the zoning code of the Town of Malta, and posed unreasonable risk in violation of §60-3A of the Town Code requiring that the structure be razed, and that a hearing before the Town Board is warranted; and

WHEREAS the Town Clerk of the Town of Malta was directed to serve notice to the person owning the property or otherwise controlling the property (the respondent), by certified mail, return receipt requested, or by personal service as defined by CPLR Sections 307 - 318, and to publish notification of the hearing as required by law and service was made upon the current owner of the property, the current mortgage holder of the property and other interested parties;

WHEREAS the Town of Malta held a hearing on November 28, 2022 at 6:00 PM pursuant to §60-4 of the Town Code to determine whether the structure located at 2130 Rowley Road (SBL# 192.-1-65) is uninhabitable, whether the extent of such condition poses a risk to the health, safety and welfare of the residents of the Town of Malta and violates §60-3 A of the Town Code requiring amelioration as follows: the structure is to be razed; and

WHEREAS, none of the interested parties appeared at the hearing but the Town Code enforcement indicated that the property owner called and stated that it was in support of condemnation of the property; now, therefore be it

RESOLVED that the Town Board makes the following findings and determinations:

1. A complaint regarding the condition of the property was filed with Town Code Enforcement Officer in August of 2022.
2. The Code Enforcement Officer inspected the property and determined that the property was uninhabitable, posed a risk to the health, safety and welfare of the residents of the Town of Malta and violated §60-3 A of the Town Code due to a fire at the premises.
3. A notice of violation of the Malta Town Code and of the State Fire Code and an order to remedy the property were served upon the owner of the property.
4. No response was received from the Owner of the property and no efforts to remedy the property have been made.
5. The Code Enforcement made recommendation to the Town Board by letter dated 10/17/2022 and at the October Town meeting that the property should be condemned and razed to protect the health and safety of the residents of the Town of Malta.
6. The Town Board by Resolution No. 163 dated November 7, 2022 accepted the Code Enforcement Officers findings and tentatively determined that the property violated the Malta Town Code Section 60-3 and scheduled a hearing on the matter for November 28, 2022.
7. Notice of the hearing was properly served on the owner of the property, the mortgage holder and other interested parties.
8. No interested party appeared at the hearing and the Town Board allowed all persons wishing to be heard to be heard on the matter.
9. Although an owner of the property did not appear at the hearing, the owner called the Code Enforcement Office and indicated that she supported condemnation of the premises.
10. The residential structure located at 2130 Rowley Road (SBL# 192.-1-65) poses an unreasonable risk of fire, collapse, trap and the harboring of vermin in violation of §603A of the Town Code and is otherwise in a dangerous condition that threatens the health and safety of the residents of the Town of Malta.
11. The residential structure must be razed order to protect the health and safety of the residents of the Town of Malta and the current owner is ordered to remove the structure within thirty (30) days of the date of this resolution at the expense of the owner of the property.
12. In the event the owner of the premises fails to remove the structure within thirty (30) days of the date of this Resolution, the Town of Malta shall undertake to remove the structure.
13. The Code Enforcement Officer and Town Supervisor are instructed to make preliminary arrangements for the removal of the structure.
14. In the event the Town ameliorates the condition, the costs shall be charged to the homeowner and if not paid by the homeowner within 90 days of notice to the homeowner, the cost shall be assessed against the premises or parcel of real property on which the premises are located, and shall be levied and collected in the same manner as provide in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

AND BE IT FURTHER RESOLVED that the Town Clerk is directed to file a copy of this resolution with the County Clerk, to further serve a copy of this resolution upon the owner, mortgage holder and other interested parties by certified mail, return receipt, and to have a copy of this resolution posted at the premises.

RESOLUTION NO. 171 DECEMBER 5, 2022

SET DATE FOR PUBLIC HEARING CHAPTER 139 SIDEWALK LAW AMENDMENT

Motion by: Councilman Warner

Seconded: Councilman Ricci

Vote: Supervisor Hammond-Aye

Councilman Dunn-Aye

Councilman Hartzell-Aye

Councilman Ricci-Aye

Councilman Warner-Aye

WHEREAS, the Town Board of the Town of Malta seeks to amend the Town Zoning Law, Chapter 139 of the Town Code, with respect to sidewalk maintenance (the “Proposed Amendment”); and

WHEREAS, the Town Board names itself lead agency for purposes of administration of the State Environmental Quality Review Act pursuant to 6 NYCRR 617.6(b) with respect to enactment of the Proposed Amendment; and

WHEREAS, that the Town Board of the Town of Malta held a public hearing pertaining to the proposed local law amending Town Code §139 (Sidewalks) on the 28th day of November, 2022, 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

WHEREAS, as a result of the November 28th, 2022 public hearing and ensuing debate of the Board members, the Town Board of the Town of Malta has modified the proposed draft local law as attached hereto and wishes to hold a public hearing on the revised proposed local law; and now, therefore, it is

RESOLVED that the Town Board of the Town of Malta will hold a public hearing pertaining to the revised proposed Local Law amending Chapter 139 of the Town Code with Respect to Sidewalk Maintenance on the 19th day of December, 2022, 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 is directed to publish notice of the public hearing as required by law.

**A Local Law Amending Chapter 139 of the Town
Code with Respect to Sidewalk Maintenance**

Be it enacted by the Town Board of the Town of Malta:

Section I. Name: This Local Law is titled “Local Law Number ___ of 2022 Amending Chapter 139 of the Malta Town Code with Respect to Sidewalk Maintenance”

Section II. Substantive Law: Amendment to the Code of the Town of Malta:

A. Chapter 139 Streets and Sidewalks, Article II, Section 139-9 is amended to state as follows:

§ 139-9 Responsibility of Homeowners, Business Landowners and Business Operators.

All homeowners and business landowners of real property and all business operators within the Town shall maintain all sidewalks located on or adjacent to the parcel or parcels of real property upon which their home or business is located by keeping all sidewalks free of debris, snow or ice, or other obstructions or substances, and in an otherwise safe condition. In the case of snow and ice accumulation, all homeowners and business owners shall remove the snow and ice from all sidewalks within 48 hours after each storm, shall keep the sidewalks clear of snow and ice, and if necessary, keep the sidewalks safe by sanding and/or salting. When removing snow or ice from a sidewalk or property adjoining a public street, no person shall cause the snow or ice to be placed in the public street. The portion of the sidewalk required to be kept free from snow and ice is the portion thereof which is paved, if any, and if no portion thereof is paved, a space at least four feet in width. A storm ceasing after 7:00 p.m. shall be considered as ceasing at 7:00 a.m. the following morning. The provisions of this section 139-9 shall not apply to homeowners located within the boundary lines of a homeowners' association as described in § 139-10. All business landowners of property containing sidewalks within the Town of Malta shall also maintain said sidewalks by keeping such sidewalks free from defects, such as cracks, gaps, holes, protrusions or raised

sections, within a reasonable time after such defect has developed, said time not to exceed four weeks.

B. Chapter 139 Streets and Sidewalks, Article II, Section 139-10 is amended to state as follows:

§ 139-10 Responsibility of Homeowners' Associations.

All homeowners' associations having duties with respect to real property located within the Town of Malta shall maintain all sidewalks located within the boundary lines of the homeowners' association (including both common areas and real property owned by its members) by keeping all sidewalks free of debris, snow or ice, or other obstructions or substances, and in an otherwise safe condition. In the case of snow and ice accumulation, all homeowners' associations shall remove the snow and ice from all sidewalks within 48 hours after each storm, shall keep the sidewalks clear of snow and ice, and if necessary, keep the sidewalks safe by sanding and/or salting. When removing snow or ice from a sidewalk or property adjoining a public street, no person shall cause the snow or ice to be placed in the public street. The portion of the sidewalk required to be kept free from snow and ice is the portion thereof which is paved, if any, and if no portion thereof is paved, a space at least four feet in width. A storm ceasing after 7:00 p.m. shall be considered as ceasing at 7:00 a.m. the following morning. All such homeowners' associations shall also maintain such sidewalks by keeping them free from defects, such as cracks, gaps, holes, protrusions or raised sections, within a reasonable time after such defect has developed, said time not to exceed four weeks. The duties of homeowners' associations set forth in this chapter may not be delegated to members of such homeowners' associations. All other language in this chapter notwithstanding, homeowners' associations within Luther Forest PDD are not responsible for the maintenance of the shared-use path parallel to Dunning Street.

C. Chapter 139 Streets and Sidewalks, Article II, Section 139-12 is amended to state as follows:

§139.12 Building Department; cleaning of snow/ice off sidewalks; costs

A. Where there has been a failure to comply with the requirements of § 139-9 or §139.10, the Code Enforcement Officer or his or her designee may, in his or her discretion, cause said sidewalk to be cleaned of snow and/or ice, the cost of which shall be charged to the owner of the property adjacent thereto, and, if unpaid within the time prescribed, shall be added to the tax bill assessing said property, which shall be and remain a lien against the property upon or adjacent to which the work is done and collected by the Town from the owner of such property in the same manner as taxes are collected. The Town may institute an action at law against such owner, owners or occupants to recover the cost thereof, which remedy shall be in addition to the right to assess the cost as a lien against the property.

B. No costs assessed herein shall be added to the tax bill nor shall any legal action be instituted by the Town to recover such costs until the owner(s) or occupant(s) to be charged have been afforded an opportunity to be heard at a hearing convened by the Code Enforcement Officer or his/her designee(s) in accordance with rules promulgated by the Town to effectuate the same. A defense to an action instituted by the Town as herein provided shall be the physical impairment of the owner or occupant.

D. Chapter 139 Streets and Sidewalks, Article II, Section 139-13 is added as follows:

§ 139.13 Fines and Enforcement.

A. Violation of § 139-9 or §139-10 shall be punishable by a fine or fines as follows:

- (1) For a first violation: \$100.00, plus \$50.00 for each day of continuing noncompliance following the snow/ice event. [1]
- (2) For a second violation within the same calendar year of the first violation: \$200.00, plus \$50.00 for each day of continuing non-compliance following the snow/ice event. [1]
- (3) For a third violation within the same calendar year of the first violation: \$300.00, plus \$50.00 for each day of continuing non-compliance following the snow/ice event. [1] (4) Each subsequent violation within the same calendar year of the first violation shall result in a fine of \$300.00. Plus \$50.00 for each day of continuing non-compliance following the snow/ice event.[1]

[1] – In the case of a homeowners' association; a \$50.00 fine shall be assessed for each home's sidewalk contained therein found to not be in compliance, plus \$10.00 per lot per each day of continuing non-compliance. The Court may reduce the fines to the homeowners' association upon a finding that the homeowners' association has made satisfactory provision to ensure that no further violations shall occur.

B. Any fine(s) shall be in addition to any other provisions for enforcement contained in this chapter, other chapters, The Americans with Disabilities Act, the Property Maintenance Code of The State of New York, and any other pertinent legal means.

C. If any fine made for violation of this article is not be paid within the time set by the Court, the Court Clerk shall notify the Town in writing of the same, and the unpaid fine shall be made a lien against the property owned by the violating party on which, or adjacent to which, the violation occurred and, if the fine remains unpaid, it shall be transmitted to the county to be re-levied in the manner of an unpaid tax, except that, should the violator be a homeowners' association, the lien shall apply to all real property owned by the homeowners' association within the Town.

D. This article may be enforced by the Code Enforcement Officer of the Town of Malta, the Town Highway Superintendent, or any peace officer.

Section III. Supersession: This local law is hereby adopted pursuant to the provision of §10 of the New York State Municipal Home Rule Law and §10 of the New York State Statue of Local Governments, it being the intent of the Town Board to supersede any and all contrary or inconsistent State Laws.

Section IV. Inconsistency: All other local laws and ordinances of the Town of Malta, if any, that are inconsistent with the provisions of this local law are hereby repealed: provided, however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances, if any, regulating and governing the subject matter covered by this local law.

Section V. Savings Clause: If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment, order and/or decision shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation of the clause, sentence, paragraph,

worked section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section VI. Effective Date: This Local Law shall take upon its filing with the New York State Secretary of State.

RESOLUTION NO. 172 DECEMBER 5, 2022

AUTHORIZE THREE SILOS (THOMPSON FARMS) ISSUANCE OF BUILDING PERMITS

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

WHEREAS, Chapter 139 of the Malta Code set-forth the requirements of road dedication and the Town Highway Standards set-forth the requirements for issuance of building permits prior to road dedication; and

WHEREAS, the Town of Malta has received an application for road dedication from the developer of the Three Silos Subdivision (Thompson Farms Subdivision) but such application was not complete by the deadline for accepting road dedication as set-forth in Chapter 139 of the Malta Code and certain punchlist items remain incomplete;

WHEREAS, the Town Engineer has issued a letter dated October 27, 2022 regarding the road dedication including the punchlist items that need to be completed prior to road dedication and setting forth the amount of the required letter of credit;

WHEREAS, the Town of Malta has received the original letter of credit of Pioneer Savings Bank in the required amount as determined by the Town Engineer;

WHEREAS, the Town Highway Superintendent does not object to the issuance of building permits under the circumstances herein setforth; and now therefore be it

RESOLVED that the Town Board authorizes the Planning Department to issue building permits prior road dedication (but not Certificates of Occupancy) for the Thompson Farms Subdivision.

RESOLUTION NO. 173 DECEMBER 5, 2022

AUTHORIZE CONTRACT FOR INSTALLATION OF AND ACCEPT AWARD CONDITIONS FOR ELECTRIC CHARGING STATIONS

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

WHEREAS, the Town of Malta was authorized to apply for grant funding through New York Renewable Energy, Engineering, and Recycling Group (NYREER) for National Grid's EV Make-Ready Program; and

WHEREAS, the Town has been awarded through National Grid a grant for the installation of 10 charging station plugs in the amount of \$61,825.00; and

WHEREAS, NYREER, a National Grid authorized contractor, has proposed a budget and cost estimate for the purchase and installation of electric charging stations for a total of \$147,545 which is funded partially by the National Grid EV Make-Ready program and the difference of \$85,720 funded by NYREER Municipal EV-charging program; and

WHEREAS, the Town is interested in acquiring charging stations to be placed on Town of Malta Town Hall property located at 2540 Route 9; and now therefore be it

RESOLVED that the Town Supervisor, is hereby authorized to sign contracts in a form acceptable to the Town Attorney, for the acknowledgement of the terms and conditions expressed through the National Grid Award letter, and with NYREER for the lease contract for the acquisition and installation of said charging stations.

RESOLUTION NO. 174 DECEMBER 5, 2022

AMEND PERSONNEL MANUAL

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

WHEREAS the Town Board of the Town of Malta adopted a Town Manual which has been amended from time to time; and

WHEREAS the Town Board of the Town of Malta desires to amend the Town Manual to provide the following:

Section W EMPLOYEE EDUCATION SUPPORT

Change the provision to the following:

Accredited college or acceptable job related courses that are available to improve performance of **full-time permanent employees** within their job title and that are approved by the Department Head and Town Board will be compensated by payment of tuition (shall not cover any other related costs) not to exceed the parameters of the departmental budget. Courses in pursuit of a Master Degree are not eligible. The employee must furnish to the Comptroller evidence of grades achieved and the amount of tuition actually paid. Reimbursement for the successful completion of the course will be made according to the following schedule:

80% for A or B Grade
55% for C Grade

The maximum tuition reimbursement available to an employee for the duration of their employment with the Town is capped at \$10,000.

All requests for employee education support must be submitted in writing to the Department Head and the Town Comptroller and approved by the Town Board prior to registration for the course. All employees receiving education support acknowledge and agree by the acceptance of the support to commit to their employment with the Town for a period of **five** years. **Further, an employee who receives education support and leaves employment within five years from the date of the payment of the education support must reimburse the Town 100% of the support received and an employee who leaves after five years but before ten years from the date of the payment of the education support must reimburse the Town for 50% of the support received. As part of the reimbursement application, the employee must execute a written agreement to reimburse the Town for any tuition paid pursuant to the above and the Town Attorney will be responsible for collection.**

Section G SEXUAL HARASSMENT POLICY

Change the provision to the following:

Contact DHR at (800) 427-2773 to obtain free legal counseling or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a

complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Section R HEALTH INSURANCE

Change the provision to the following:

Effective January 1, 2023 any employee who chooses not to enroll in the Health Insurance Program will receive a payment of \$2,500 (if eligible for the Family Plan), \$1,800 (if eligible for Two-Person Plan) or \$1,300 (if eligible for the Individual Plan). This payment will be pro-rated based upon the months employed **and paid to the employees prior to December 15th of each fiscal year. Payments in lieu of health insurance are considered additional compensation subject to withholding and will be included on the employee's W-2.** Employees of the same family in which one member is not enrolled as the primary enrollee, but rather as a dependent in the Town's Health Insurance Program, are not eligible for this payment.

NOW, THEREFORE BE IT

RESOLVED the Town Board of the Town of Malta hereby amends the employee personnel manual relating to aforementioned provisions as stated above and directs the Town Comptroller to distribute the amendment to Town employees.

RESOLUTION NO. 175 DECEMBER 5, 2022

RENEW FIRE SERVICE AWARD AGREEMENT

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

WHEREAS, the Town of Malta has adopted a volunteer firefighter service award program for active volunteer firefighter members of the Malta Ridge Volunteer Fire Company, Inc. and the Village of Round Lake Hose Company in accordance with Article 11-A of the New York State General Municipal; and

WHEREAS, the Town of Malta contracted with Penflex, Inc. to establish the Volunteer Service Award Program; and

WHEREAS, the Town of Malta recognizes that a certain degree of expertise is required to properly calculate service award costs and to properly administer the program; and

WHEREAS, Penflex, Inc. has provided administrative and actuarial services for the Volunteer Service Award Program for the year ending December 31, 2021 and prior years; and

WHEREAS, Penflex, Inc. has submitted a proposal to continue to provide administrative and actuarial services for the Volunteer Service Award Program at an estimated total base standard fee of \$6,500 plus an additional \$950 to comply with Government Account Standards Board Statement 73 which pertains to new accounting and financial reporting requirements for these types of plans; and

WHEREAS, the Town of Malta desires to engage the services of Penflex, Inc. to perform all necessary administrative services relating to the Volunteer Service Award Program; now, therefore, be it

RESOLVED that the Town Board of the Town of Malta hereby accepts the proposal of Penflex, Inc. to provide actuarial and administrative services for the Town of Malta Volunteer Firefighter Service Award Program Plan for calendar year 2023 and authorizes the Town Supervisor to enter an agreement on behalf of the Town relating for the provision of such services in a form acceptable to the Town Attorney.

RESOLUTION NO. 176 DECEMBER 5, 2022

APPROVE CONTRACT FOR VENDING MACHINES AT THE MALTA COMMUNITY CENTER

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

WHEREAS the Town of Malta Parks, Recreation and Human Services Director wishes to replace existing vending machines for snacks and beverages at the Malta Community Center; and

WHEREAS the Town of Malta Parks, Recreation and Human Services Director has obtained quotes regarding the provision of vending machines and has determined that the most beneficial proposal is the Prestige Services, Inc proposal;

WHEREAS, the Town Board has reviewed the vending machine contract with Prestige Services Inc. and deemed there to be fair and adequate consideration; and now, therefore be it

RESOLVED that the contract for vending machine contract is hereby approved and the Town Supervisor is authorized and directed to execute the contract.

RESOLUTION NO. 177 DECEMBER 5, 2022

ESTABLISH 2023 WAGE & SALARY STRUCTURE

Motion by: Councilman Warner **Seconded:** Councilman Ricci
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 adopts the 2023 wage and salary structure as *annexed hereto and made a part hereof.

*** On File in the Town Clerk's Office**

RESOLUTION NO. 178 DECEMBER 5, 2022

ESTABLISH 2023 WAGE & SALARY SCHEDULE

Motion by: Councilman Warner **Seconded:** Councilman Dunn
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 adopts the schedule of wage and salaries as annexed hereto and made a part hereof; and be it further

RESOLVED that the Town Board of the Town of Malta hereby authorizes an increase of a COLA of 7% for part-time Committee secretaries and be it further

RESOLVED that the Town Board of the Town of Malta hereby authorizes the following longevity plan for full time and part time employees excluding elected and unionized employees:

Employees Reaching FT/PT

10 Years of Service 1 Time Longevity Payment \$250 \$125

15 Years of Service 1 Time Longevity Payment \$500 \$250

20 Years of Service 1 Time Longevity Payment \$750 \$325

25 Years of Service 1 Time Longevity Payment \$1,000 \$500

Every 5 Years of Service Thereafter One-Time Longevity Payment \$1,000 \$500

*Longevity payments for full time employees are based on their full time hire date.
Longevity Payments will be paid by no later than February 15 of the calendar year.*

RESOLUTION NO. 179 DECEMBER 5, 2022

AUTHORIZE 2022 VACATION CARRYOVER

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

Vote: Supervisor Hammond-Aye Councilman Dunn-Aye

 Councilman Hartzell-Aye Councilman Ricci-Aye

 Councilman Warner-Aye

WHEREAS, the Town Board of the Town of Malta’s vacation policy requires that all requests to defer more than 5 vacation days, with the total not to exceed 10 days, must be approved by the Town Board; and

WHEREAS, the following individuals have requested to defer more than 5 vacation days but no more than 10 days: *Brian Cline, Michael Coon, Robert Gizzi, Paul Miller, Richard McKeever, Kevin Thompson, Julia Smith, Rae-Lyn Dussault, Roseanne Clavin, Kevin Thull and John Silverstruck*; now, therefore it is

RESOLVED the Town Board of the Town of Malta approves this request and grants permission to these individuals to carry over 2022 vacation days.

RESOLUTION NO. 180 DECEMBER 5, 2022

AUTHORIZE CORPORATE CREDIT CARD – JULIA SMITH

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

Vote: Supervisor Hammond-Aye Councilman Dunn-Aye

 Councilman Hartzell-Aye Councilman Ricci-Aye

 Councilman Warner-Aye

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

WHEREAS, the Town Board of the Town of Malta has previously authorized a credit card in the name of Kevin King who is retiring; and

WHEREAS, the Town Board of the Town of Malta desires to authorize a credit card in the name of Julia Smith; now, therefore, be it

RESOLVED the Town Board of the Town of Malta hereby authorizes a credit card in the name of Julia Smith with a credit card limit of \$5,000 and authorizes the Town Supervisor, Town Comptroller to complete the appropriate documents.

RESOLUTION NO. 181 DECEMBER 5, 2022

AUTHORIZE HIGHWAY EQUIPMENT RESERVE USE – SWEEPER PURCHASE

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

Vote: Supervisor Hammond-Aye Councilman Dunn-Aye
 Councilman Hartzell-Aye Councilman Ricci-Aye
 Councilman Warner-Aye

WHEREAS the Town of Malta Highway Superintendent desires to purchase a street sweeper in 2023 and

WHEREAS a portion of the funding for the purchase of this equipment is to be expended from the Town’s highway equipment reserve; now therefore, be it

RESOLVED that the Town Board of the Town of Malta does hereby authorize an amount not to exceed \$41,000.00 towards the purchase cost of said equipment to be funded by the Town of Malta Highway Equipment Reserve; and be it further

RESOLVED that this resolution is subject to permissive referendum as provided by General Municipal Law Section 6-c and that this resolution shall not take effect (1) for thirty days, or (2) until approval by the affirmative vote of a majority of the qualified electors of the Town of Malta voting on a proposition, if within thirty days hereafter there be filed with the Town Clerk a petition signed and acknowledged or provided or authenticated by electors of the Town of Malta qualified to vote upon a proposition to raise and expend money in number equal to at least 5% of the total vote cast for governor in the Town of Malta at the last general election held for the election of state officers but which shall not be less than one hundred persons; and be it further

RESOLVED that the Town Supervisor, Town Highway Superintendent and the Town Comptroller of the Town of Malta be and they hereby are authorized and directed to execute any documents relative to the said purchase as may be appropriate.

RESOLUTION NO. 182 DECEMBER 5, 2022

BUDGET TRANSFERS & COMPTROLLER’S REPORT

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

Vote: Supervisor Hammond-Aye Councilman Dunn-Aye
 Councilman Hartzell-Aye Councilman Ricci-Aye
 Councilman Warner-Aye

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

WHEREAS, the Town Board of the Town of Malta has adopted the 2022 Town Budget; and

WHEREAS, the Town Board of the Town Board of Malta desires to amend the 2022 Town Budgets 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 2022 Townwide General Fund, Part-town General Fund, Highway Fund and Highpointe Capital Project to be amended as follows:

Increase Roundabout Equipment (2)	A8510.2	\$23,000
Increase CC Equipment (3)	A7989.2	\$ 5,000

Decrease CC Programs	A7989.50	\$ 2,000
Decrease Retirement	A9010.8	\$18,000
Decrease Health Insurance	A9060.8	\$ 9,000
Increase Records Management Equipment	A1460.2	\$ 2,200
Decrease Town Clerk Contractual	A1410.4	\$ 700
Decrease Records Management Contractual	A1460.4	\$ 500
Increase Maintenance Equipment (4)	A1620.2	\$10,000
Decrease Health Insurance	A9060.8	\$10,000
Increase Parks Equipment (4)	B7110.2	\$10,000
Decrease Health Insurance	B9060.8	\$10,000
Decrease Bldg Dept Equipment	B8010.2	\$ 5,000
Decrease Planning Equipment	B8020.2	\$ 5,000
Increase Interfund Transfer	B9950.9	\$10,000
Increase General Repairs Payroll	DB5110.1	\$20,000
Increase Snow Removal Payroll	DB5142.1	\$10,000
Decrease Highway Improvements Payroll	DB5112.1	\$30,000
Increase Operating Transfers	HD5031	\$38,000
Increase Highpointe Contractual (1)	HD5110.4	\$38,000

- (1) Funding Provided for Capital Project in 2022 Adopted Budget
- (2) Purchase Attenuator
- (3) Additional Funding HVAC unit
- (4) Provide Funding for Transfer of Truck from Highway Department

OTHER TOWN BOARD BUSINESS: Councilman Dunn asked if there was a time and day finalized for the next workshop for the South Shore Marina Planned Development District Proposal.

Supervisor Hammond responded that it will be Monday December 12, 2022 at 5:00 pm.

COMMENTS OR QUESTIONS FROM TOWN RESIDENTS: None

ADJOURN: 6:17 pm

Motioned by: Councilman Dunn Seconded: Councilman Warner

Vote: Ayes-5 Nays-0

Respectfully Submitted,

Jennifer Holmes
Malta Town Clerk