

TOWN OF MALONE  
Public Hearing  
Regular Meeting  
January 25, 2023

A Regular Meeting of the Town Board of the Town of Malone, County of Franklin and the State of New York was held at the Town Offices, 27 Airport Road, Malone, NY on the 25th day of January 2023.

**PRESENT:**

Andrea Stewart	Supervisor
Terry Maguire	Deputy Supervisor
Jody Johnston	Councilor
Brian Taylor	Councilor
Paul Walbridge	Councilor

**ALSO PRESENT:**

Denice Hudson, Budget Officer  
Nicole Guerin, Town Clerk  
Alex Violo, Malone Telegram  
Michael McMahon Code Officer  
Mike Andrews Superintendent  
John Manley, Deputy Superintendent  
Emilee Brand, Resident

**5:30 P.M. Meeting with Power Authority**

**RESOLUTION 28-2023**

**Public Hearing Cable Television Agreement between Spectrum Northeast, LLC and the Town of Malone:** Opened by Town Clerk Reading Public Notice @ 6:00 PM meeting left open for discussion until 6:30PM no info requested by anyone in attendance. Supervisor Stewart motion to close meeting seconded by Councilor Taylor the following resolution was  
ADOPTED Ayes 5 Stewart, Maguire, Taylor, Johnston, Walbridge  
Nays 0  
Resolved to close public hearing meeting.

**Supervisor Stewart called the Regular Meeting to order with the Pledge of Allegiance.**

**Presentation from Michelle Schumaker, Malone YMCA 6:05 PM-6:30 PM**  
Michelle did a great presentation, she started off by telling the board when the YMCA was established 2004, the building was built in 1892 and how it came about for the Town of Malone. They have done a lot of updating on the building in the last few years to include, new roof, new windows, heating upstairs, gym floor, also a new parking lot. They offer a wide variety of classes youth development, yoga, bar, social fitness, summer day camp etc. Michelle also wanted to thank the Town for helping out with the parking lot much appreciated. The Town appreciates everything Michelle is doing as well, the board thanked her.

**MINUTES: for review and approval**

**RESOLUTION 29 - 2023 - Minutes**

On a motion of Deputy Maguire seconded by Councilor Walbridge the following resolution was  
ADOPTED Ayes 5 Stewart, Maguire, Johnston, Taylor, Walbridge  
Nays 0

Resolved to approve the following minutes:

*January 11, 2023- Regular Meeting*  
*January 11, 2023- Organizational*

**OLD BUSINESS:**

**RESOLUTION 30-2023**

Franchise Agreement between the Town of Malone and Spectrum Northeast, LLC  
On a motion by Deputy Maguire and seconded by Councilor Johnston the following resolution was

ADOPTED Ayes 5 Stewart, Maguire, Johnston, Taylor, Walbridge  
Nay 0

Giving Supervisor Stewart permission to sign agreement for Spectrum Northeast LLC.

An application has been duly made to the Board of the **Town of Malone, County of Franklin**, New York, by **Spectrum Northeast, LLC**, an indirect subsidiary of Charter Communications, Inc. (“Charter”), a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 6005 Fair Lakes Rd, East Syracuse, NY 13057, for the approval of a renewal agreement for Charter’s cable television franchise for fifteen (15) years commencing with the date of approval by the Public Service Commission.

The franchise renewal agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Town of Malone, New York on January 25, 2023 at 6:00 p.m. and notice of the hearing was published in the Malone Telegram on January 17, 2023.

**NOW, THEREFORE**, the Board of the Town of Malone finds that:

1. Spectrum Northeast, LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Spectrum Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Spectrum Northeast, LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

**BE IT FURTHER RESOLVED** that the Board of the **Town of Malone** hereby grants the cable television franchise of Spectrum Northeast, LLC and the **Town of Malone** for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence.

**BE IT FURTHER RESOLVED** that the Board of the **Town of Malone** hereby confirms acceptance of this franchise renewal agreement.

**Credit Card Usage Policy-**

**RESOLUTION 31-2023**

On a motion by Deputy Maguire seconded by Councilor Taylor the following resolution was ADOPTED Ayes 5 Stewart, Maguire, Johnston, Taylor, Walbridge

Nays

Supervisor to sign Credit Card Usage policy to be used by Town Highway Superintendent, per policy.

***CREDIT CARD USAGE POLICY***

Adopted Per Resolution # 31 of January 25, 2023 by the Malone Town Board

The purpose of this policy is to establish guidelines for Town of Malone to provide for the issuance and use of credit cards by the Budget Office and Highway Department.

***1. Application of Town Credit Card***

A Credit card will not be obtained unless the Town Board provides advanced authorization. The Budget Officer will be responsible for applying for and obtaining the credit card, once Board authorization has been provided. The Budget Officer will research and determine which credit card has the best advantage for use by the Town, taking into account fees, interest rates, late fee policy and billing cycle. The Credit card will have reasonable charging limits and will not allow for cash advances or cash back from purchases. The charging limits will be periodically reviewed for adjustment based on usage. The

Bookkeeper will maintain a master credit card list and update said list on an annual basis. The master list will contain the authorized users of the credit card.

**2. Typical Uses**

The Budget Officer will maintain one (1) credit card for Town use, to be used for general purchasing by the Budget Office or Highway Superintendent for purchases.

**3. Authorized Use**

- A. A purchase made with a credit card may be via phone and internet only. A requisition is required per established purchasing policy.
- B. When a credit card is being used, a tax-exempt form must be provided to the vendor, as the Town is tax-exempt and cannot pay sales tax.
- C. The Town purchasing policy rules and regulations must be followed when using a credit card. (State contract, county bid, quotes, etc.)

**4. Restrictions**

- Only the Highway Superintendent or his representative and the Budget Officer are authorized users permitted to use the credit card to purchase merchandise or services on behalf of the Town. Authorized users will be updated on an annual basis, and whenever necessary to account for changeover of employees.

**5. Receipt of Credit Card Statements and Protocol for Payment**

Credit card accounts will list the Town of Malone office as the billing address, therefore allowing for all statements to be mailed directly to the Bookkeeper. The Bookkeeper will review the statements and forward to the appropriate department for processing.

When under the circumstances described herein, a purchase has been made via credit card, the department incurring the charge shall be responsible for including all itemized paper receipts, billing documents, and if necessary, documentation of preauthorization of use, for the purpose of having the bill paid in accordance with the current purchasing policies. Departments are responsible for the reconciliation of all receipts with the credit card statement.

**6. Disputed Charges/Sales Tax Charges**

It shall be the responsibility of the department to contact the vendor and/or credit card company regarding any discrepancies between the receipt and the credit card statement, including any sales tax that may have been erroneously charged.

**7. Unauthorized and/or Inappropriate Card Use**

Credit cards must never be used to purchase items for personal use or for non-Town purposes, even if the cardholder intends to reimburse the Town. Unauthorized and/or inappropriate card use includes, but is not limited to:

- A. Use of credit card to avoid abiding by the purchasing policy
- B. Items for personal use
- C. Items for non-Town purposes
- D. Case or cash advances
- E. Food and beverages for an individual employee.
- F. Alcoholic beverages
- G. Weapons of any kind or explosives

H. Recreation and/or entertainment - If it is found that a credit card has been used for unauthorized and/or inappropriate purposes, the Budget Officer will notify the Town Board so appropriate action may be taken.

**SUPERVISOR REPORTS:**

**RESOLUTION 32-2023 - Zoghlin Agreement**

On a motion of Councilor Walbridge seconded by Deputy Supervisor Maguire the following resolution was

ADOPTED Ayes 5 Stewart, Maguire, Johnston, Taylor, Walbridge  
Nays 0

Resolved to give permission for Supervisor Stewart to sign the amended agreement with Zoghlin Group for additional services relating to proposed renewable energy facilities in Malone.

**RESOLUTION 33-2023 - Wildlife Hazard Site**

On a motion by Councilor Taylor seconded by Councilor Johnston the following resolution was

ADOPTED Ayes 5 Stewart, Johnston, Maguire, Taylor, Walbridge  
Nay 0

Resolved to give permission for Supervisor to sign the grant for phase 1 of the Wildlife Site project in the amount of \$83,604.00.

**RESOLUTION 34-2023- Airfield Drainage Improvements**

On a motion by Councilor Walbridge seconded by Councilor Johnston the following resolution was

ADOPTED Ayes 5 Stewart, Maguire, Taylor, Johnston, Walbridge  
Nays 0

Supervisor Stewart to sign grant application for Airfield Drainage Improvements in the amount of \$71,690.00.

**BOARD MEMBER/COMMITTEE ITEMS:**

Councilor Paul Walbridge wants to Thank Seacomm Federal Credit Union for the Rec Park donation it is highly appreciated, can't thank them enough.

Councilor Jody Johnston spoke in regards to Malone Minor Hockey, audit still not complete with that being said there will be no contract. The new baseball field is coming along they have received 501 C3 and donations can't thank these organizations enough.

**SUPERINTENDENT OF HIGHWAYS:**

Superintendent Andrews spoke about being able to provide sewer for the ball field and storage for concession and equipment if need be. The new western plow truck is at Tenco getting all the accessories added. The highway crew is working on getting the lift put in, doing some electrical and getting ready for the spring auction. Corey from Cat stopped and said he is waiting on a truck to bring the new trailer from GA.

**RESOLUTION 35-2023- Local Law 104**

On a motion by Deputy Maguire seconded by Councilor Taylor the following resolution was

ADOPTED Ayes 5 Stewart, Maguire, Taylor, Walbridge, Johnston  
Nays 0

Local Law 104 Johnson Rd closing from 1/26/2023-05/01/2023 due to construction, signs and barriers placed.

**CORRESPONDENCE:**

**From NYS Department of State:** Confirmation of Local Law #1-2022 filed 12/30/2022.

**From Malone Chamber of Commerce:** Sponsorship Drive

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**From Seyfarth & Seyfarth:** Proposal for 2022 Justice Court Audit at fee of \$1,800. If agree to terms.

**RESOLUTION 36-2023**

On a motion by Councilor Taylor seconded by Councilor Walbridge the following resolution was  
ADOPTED Ayes 5 Stewart, Maguire, Taylor, Walbridge, Johnston  
Nays 0  
Supervisor Stewart to sign for the proposal set forth by Seyfarth & Seyfarth, for \$1,800 Justice Court audit fee.

**From Wayne Walbridge:** Request for reappointment to second term on Rec Commission. Current term expires 3/1/2023. If reappointed, term would end 3/1/2030.

**RESOLUTION 37-2023**

On a motion by Deputy Maguire seconded by Councilor Johnston the following resolution was  
ADOPTED Ayes 5 Stewart, Maguire, Johnston, Walbridge, Taylor  
Nays 0  
Reappoint Wayne Walbridge for Rec Commission with term ending 3/1/2030.

**NEW BUSINESS:**

**RESOLUTION 38 -2023 – Journal Entry**

On a motion of Councilor Johnston seconded by Councilor Walbridge the following resolution was  
ADOPTED Ayes 5 Stewart, Maguire, Johnston, Taylor, Walbridge  
Nays 0  
Resolved to give permission for Budget Officer to make the following Journal Entries for 2022 payroll: From A5010.4 (Superintendent of Highways-Contractual) to A5010.1 (Superintendent of Highways- Personal Services) \$.04.

**EXECUTIVE SESSION:**

**RESOLUTION 39 -2023 – Go Into Executive Session**

On a motion of Supervisor Stewart seconded by Councilor Walbridge the following resolution was  
ADOPTED Ayes 5 Stewart, Maguire, Johnston, Taylor, Walbridge  
Nays 0  
Resolved to go in to Executive Session at 7:22 p.m. for a personnel matter/legal, to include the Town Board Members present and the Budget Officer.

**RESOLUTION 40 -2023 – Return to Regular Session**

On a motion of Supervisor Stewart seconded by Councilor Taylor the following resolution was  
ADOPTED Ayes 5 Stewart, Maguire, Johnston, Taylor, Walbridge  
Nays 0  
Resolved to return from Executive Session and go back in to Regular Session at 7:40 p.m. There was no action taken in Executive Session.

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**RESOLUTION 41-2023 – Bills for Audit and Payment**

On a motion of Deputy Supervisor Maguire seconded by Councilor Taylor the following resolution was

**ADOPTED** Ayes 5 Stewart, Maguire, Johnston, Taylor, Walbridge  
Nays 0

Resolved to approve the following: Pay the Bills

**BILLS FOR AUDIT & PAYMENT:**

*Batch No. 1092*  
*Voucher Nos. 63-90*

<i>General Fund (A)</i>	<i>\$7,639.93</i>
<i>Part Town (B)</i>	<i>188.92</i>
<i>Highway Town Wide (DA)</i>	<i>6,861.95</i>
<i>Highway Outside (DB)</i>	<i>329.33</i>
<i>Airport Capital Project (H4)</i>	<i>11,682.20</i>
<i>Trust &amp; Agency</i>	<i>34,692.71</i>
<i>Escrow Capital Project (H2)</i>	<i>836.25</i>

***GRAND TOTAL***                    ***\$62,231.29***

**RESOLUTION 42-2023 – Adjourn**

On a motion of Deputy Maguire seconded by Councilor Taylor the following resolution was  
**ADOPTED** Ayes 5 Stewart, Maguire, Johnston, Taylor, Walbridge  
Nays 0

Resolved to adjourn the Regular Meeting at 7:43 p.m. The next Regular Town Board Meeting is scheduled for February 08, 2023 at 6:00 p.m. preceded by the IDA meeting at 5:45 P.M.

**RESPECTFULLY SUBMITTED,**

**Nicole Guerin, TOWN CLERK**