

TOWN OF MALONE
ORGANIZATIONAL &
REGULAR MEETING
January 12, 2022

An Organizational and 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 12th day of January 2022.

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

ALSO PRESENT:

Denice Hudson, Budget Officer	James D Richard, Jr., Malone
Jean Marlow, Town Clerk	June Fisher, Town Justice
Alex Violo, Malone Telegram	Christine Fisher, Malone
Bruce Burditt, Airport Manager	Frank & Dawn Fisher
Mike Andrews Superintendent	Melissa Furnia, Cadyville
John Manley, Malone	

ORGANIZATIONAL MEETING

Supervisor Stewart opened the Organizational Meeting at 6:00p.m.

There was a moment of silence for Lenora Richards.

OATHS OF OFFICE:

Town Justice June Fisher was sworn in by the Town Clerk.

Supervisor Stewart and Town Council members Terry Maguire and Brian Taylor were sworn in by Judge Fisher. Councilor Maguire was then appointed and sworn in as Deputy Town Supervisor.

Denice Hudson was appointed as Budget Officer, Secretary to the Supervisor/Bookkeeper for a four year term and sworn in by Judge Fisher.

RESOLUTION 1 - 2022 – Appointment of Town Clerk/Receiver of Taxes

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 appoint Jean Marlow as Town Clerk, Receiver of Taxes, Registrar of Vital Statistics, Fixed Assets Clerk and Records Management Officer for a two year term. She was then sworn in by Judge Fisher.

RESOLUTION 2 - 2022 – Appointment of Town Constable and Bingo Inspector

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 appoint Bob Crossman as Town Constable and Bingo Inspector for a two-year term.

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RESOLUTION 3 - 2022 – Appointment of Airport Service Worker

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 appoint Bruce Burditt as Airport Service Worker for a two year term. He was then sworn in by Judge Fisher.

Town Clerk Marlow appointed Cindy Gadway as Deputy Clerk/Receiver of Taxes for a two year term.

Highway Superintendent Andrews appointed John Manley as Deputy Highway Superintendent. He was then sworn in by Judge Fisher.

RESOLUTION 4 - 2022 – Official Newspaper – Malone Telegram

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

Resolved to designate The Malone Telegram as the official newspaper for the Town of Malone.

RESOLUTION 5 - 2022 – Official Depositories – Community and NBT Bank

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

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

Resolved to designate Community Bank and NBT Bank as the official depositories of the Town of Malone.

RESOLUTION 6 - 2022 – 2022 Meeting Dates

On a motion of Councilor Taylor seconded by Councilor Walbridge the following resolution was

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

Resolved to set the 2022 Regular Meeting dates and time as follows:

January 12 and 26, 2022
February 9 and 23, 2022
March 9 and 23, 2022
April 13 and 27, 2022
May 11 and 25, 2022
June 8 and 22, 2022
July 13 and 27, 2022
August 17, 2022
September 14 and 28, 2022
October 12 and 26, 2022
November 16, 2022
December 14 and 28, 2022

Meetings begin at 6:00 p.m. at the Town Hall

RESOLUTION 7 - 2022 – 2022 Salary Schedule

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

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

Resolved to adopt the 2022 Salary Schedule, as budgeted:

Supervisor	\$17,000.00
Councilor (4@)	6,500.00
Town Justice (2@)	32,750.00
Supt. of Highways	50,694.00

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Landfill Overseer	6,000.00
Deputy Supt. of Highways	5,750.00
Secretary/Bookkeeper (up to 35hrs)	\$31.68/Hour
Budget Officer	6,000.00
Assessor (30 Hours)	\$34.62/Hour
Town Clerk/Receiver of Taxes/RMO/Registrar	
Code Secretary (up to 35hrs)	\$28.57/Hour
Deputy/Floater Clerk (up to 24 hrs)	\$20.50/Hour
Highway Clerk	\$ 20,625.00
Airport Manager	4,980.00
Justice Court Clerk#1 (35hrs)	\$17.60/Hour
Justice Court Clerk #2 (35hrs)	\$17.00/Hour
Justice Court Clerk #3 (35hrs)	\$16.50/Hour
Zoning/Code Officer (35hrs)	50,000.00
Bingo Inspector	50.00
Town Constable	50.00
Town Attorney	\$200.00/Hour
Health Officer	750.00

\$2,000 Stipends, to cover all water district work for the East Side and West Side Water Districts, distributed to the Assessor, Town Clerk/Tax Receiver, and the Bookkeeper/Budget Officer.

Highway rates, in accordance with CSEA Contract:

Mechanic	\$23.27/Hour
HEO	\$22.85/Hour
MEO	\$22.54/Hour
Laborer One	\$18.79/Hour
Laborer Two	\$22.54/Hour

RESOLUTION 8 - 2022 – 2022 Mileage Rate

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

Resolved to designate the mileage rate as \$0.58.5, the 2022 IRS rate.

RESOLUTION 9 - 2022 – Highway Expenditure

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

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

Resolved to authorize Highway Superintendent Andrews to expend up to \$1,500.00 for the purchase of small tools.

RESOLUTION 10 - 2022 – Town Historian – Franklin County Historical Society

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

Resolved to designate the Franklin County Historical Society as the Town of Malone Historian.

RESOLUTION 11 - 2022 – Appointment of Landfill Overseer

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

Resolved to appoint Mike Andrews as landfill Overseer, at a salary of \$6,000.00 for 2022.

Supervisor Stewart announced that annual statements and all records have been made available by all departments that handle cash, for Town Board review, as required by Town Law.

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REGULAR MEETING:

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

MINUTES:

RESOLUTION 12 - 2022 – Minutes

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

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

Resolved to approve the following minutes:

December 15, 2021 – Regular Meeting

REPORTS:

RESOLUTION 13 - 2022 – Reports

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 approve the following reports:

Airport Service Worker – December 2021

Town Clerk – December 2021

Airport Lease Manager – December 2021

Justices Legacy and Stone – December 2021

Supervisor Report – December 2021

OLD BUSINESS:

Auctions International Status Report: We have received payment from Auctions International. All proceeds from the auction will go into the Equipment Reserve Fund.

Webster Street Road (Carla Gerber): Superintendent Andrews will look in to this.

Joel Brooks Culvert: This has been completed. Deputy Supervisor Maguire met with Mr. Brooks and he was very grateful for getting this done.

SUPERVISOR REPORT:

RESOLUTION 14 - 2022 – Life Flight Contract

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

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

Resolved to approve and give permission to Supervisor Stewart to sign the 2022 contract with Life Flight, for \$2,000.00 as budgeted.

RESOLUTION 15 - 2022 – Clarification of New Hourly Positions

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

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

Resolved to give clarification that the Bookkeeper to the Supervisor and Town Clerk/Receiver of Taxes positions effective January 1, 2022 are hourly positions with hours available up to 35. Accruals for vacation, holiday, sick and personal days will be based on a 30-hour work week. The Assessor position will be hourly with hours remaining at a 30-hour work week.

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RESOLUTION 16 - 2022 – Malone Call Firemen Physicals

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

Resolved to give permission to Supervisor Stewart to sign the MCF Physical for Michael Maneely, Mark Tredo, and Barry Stickles, and add them to the County Self Insurance Plan.

RESOLUTION 17 - 2022 – Proposal - LGRMIF Grant Award

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 approve and give permission to Supervisor Stewart to sign the Book Scanning Proposal relating to the LGRMIF Grant Award in conjunction with the application with the Village of Malone to digitize records.

Correspondence from Office of Homes and Community Renewal: Awarding the Town of Malone \$500,000 as part of the 2021 NYS Community Development Block Grant (CDBG). The following six resolutions are pertaining to the NYS office of Community Renewal 2021 Housing Rehabilitation Grant #689HR305-2:

RESOLUTION 18 - 2022 – Agreements with CDBG and Friends of the North Country

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

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

Resolved to approve the following resolution:

Whereas, this Town Board supports the creation and maintenance of affordable housing in the Town of Malone, and

Whereas, the Town applied for a grant from the United States Department of Housing and Urban Development (HUD) under the Community Development Block Grant (CDBG) Small Cities Program, administered by the New York State Housing Trust Fund Corporation of Office of Community Renewal (OCR), and

Whereas, the Town was awarded Project# 689HR305-21 for the general purposes of rehabilitating housing and notice to that effect was provided to the Town by OCR on December 9, 2021 for the amount of Five Hundred Thousand Dollars (\$500,000)

Resolved, that the Town Board wishes to accept the award and authorizes the Town Supervisor to execute an Agreement between the Town of Malone and the Office of Community Renewal (NYS HTFC), and

Resolved, that the Town Board wishes to engage the services of Friends of the North Country, Inc. (Friends) to administer the 2021 Town of Malone Housing Rehabilitation Program award and authorizes the Town Supervisor to execute an Agreement between the Town of Malone and Friends who will, for the standard allowable Program Delivery and Administrative fee schedule allowed by the OCR, perform as Sub recipient on behalf of the Town of Malone in accordance with OCR guidelines.

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RESOLUTION 19 - 2022 – Policies and Procedures and Sub-recipient Monitoring Policy

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

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

Resolved to adopt the Policies and Procedures Manual which include the Sub-Recipient Monitoring Policy and Report Template for the Town's Office for Community Renewal Community Development Block Grant project #689HR305-21 Housing Rehabilitation Program.

RESOLUTION 20 - 2022 – Notice under ADA and Coordinator Designation

On a motion of Councilor Walbridge seconded by Councilor Taylor the following resolution was

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

Resolved to continue utilizing the Section 504 Grievance Procedure that was approved by the Town Board on October 28, 2020, and appoint Supervisor Stewart as the 504 Grievance Coordinator.

RESOLUTION 21 - 2022 – Fair Housing Plan and Designation of Officer

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

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

Resolved to adopt the Fair Housing Plan, allow the Town Supervisor to sign the Fair Housing Plan, and for the Town Supervisor to act as the Fair Housing Officer adopted by the Malone Town Board for the Town's Office for Community Renewal Community Development Block Grant project #689HR305-21 Housing Rehabilitation Program.

RESOLUTION 22 - 2022 – Certifying Officer – Environmental Review Record

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

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

Resolved to authorize Andrea Stewart, Town Supervisor, to act as Certifying Officer for the Town's Office for Community Renewal Community Development Block Grant project #689HR305-21 Housing Rehabilitation Program.

RESOLUTION 23 - 2022 – Type II Action – Environmental Review

On a motion of Supervisor Stewart seconded by Councilor Johnston the following resolution was

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

Resolved to determine the Environmental Review Record to be classified a Type II Action (6NYCRR Section 617.4 and 617.5) for the Town's Office for Community Renewal Community Development Block Grant project #689HR305-21 Housing Rehabilitation Program. Classification of Type II Action was determined based on review of <https://www.dec.ny.gov/permits/32521.html>.

RESOLUTION 24- 2022 – Chamber of Commerce Agreement

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

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

Resolved to approve and give permission to Supervisor Stewart to sign the Agreement between the Town of Malone and the Chamber of Commerce for \$5,500.00 as budgeted for 2022.

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SUPERINTENDENT OF HIGHWAYS:

Superintendent Andrews thanked everyone and looks forward to working with the Board, Budget Officer and Town Supervisor. He encouraged the tax payers and residents to call him with any issues they may have.

The airport tractor has been delivered.

They are having issues with the radios they use communicate. He has a meeting set up on January 18, 2022 to resolve the issue.

He and Deputy Supervisor Maguire met with NYMIR.

The boiler inspector came, the boiler needs service. It is a back up to burning wood but still needs to be serviced.

All trucks are inspected and running at this point.

BOARD MEMBER / COMMITTEE ITEMS:

Deputy Supervisor Maguire thanked Supervisor Stewart for appointing him to the Deputy Supervisor position. The Town is assisting the Village with work being done at Harison Place. There is now a white board at the Highway with list of outstanding projects to better manage and keep track of them.

Resident James Richard of Maude Fitzpatrick Road spoke to the Board about trying to get his road repaired. About 3 years ago he submitted a petition from his neighborhood to get the work done. He needs a ditch dredged so that when the snow melts it does not run in to his yard. He thought it was going to be done in August, some trees were removed but the work was not completed. He is frustrated that he will go through another winter without it being fixed, having water run on his property and in his basement. Superintendent Andrews said it was part of the Riley Road project. He promised Mr. Richard that it would be the first project done in the Spring.

Judge Fisher thanked everyone for being helpful in the transition at the Court. They have changed the Court window hours. The window will now be open Monday, Wednesday, Thursday and Friday from 9:00a.m. until 3:00p.m. They are working with the DA and attorneys to catch up on cases.

CORRESPONDENCE:

From Franklin County Personnel: Updated Local Law for Workers' Compensation.

From NYS Department of Transportation: Official notification that the Town did not receive 2021 BRIDGE NY grants for Pigeon Road, Warner Road and Webster Street Road.

From NYSDEC: Lead Agency Request from NYSDEC pertaining to Shears Road Mine.

RESOLUTION 25- 2022 – *Lead Agency – DEC – Shears Road Mine*

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 allow NYSDEC to be the lead agency pertaining to the Shears Road Mine application.

From CSEA: FOIL Request and Response.

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NEW BUSINESS:

RESOLUTION 26 - 2022 – Executive Order 11.1 Real Property Tax Exemptions

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 adopt the following resolution:

WHEREAS, on December 26, 2021, the Governor of New York issued Executive Order 11.1, and

WHEREAS, this Executive Order allows for the automatic renewal of the real property tax exemptions afforded in subdivisions 7, 7-a and 8 of Section 459-C of the Real Property Tax Law and subdivisions 5, 5-a, 5-b, 5-c and 6 of Section 467 of the Real Property Tax Law if the assessing unit adopts a resolution directing the assessor to grant exemptions pursuant to such section on the 2022 assessment roll to all property owners who received that exemption on the 2021 assessment roll, and

WHEREAS, this would allow the Low-Income Senior/Disabled property owner to not have to file an exemption application with the Town of Malone Department of Assessment in order to continue their exemption on the 2022 Assessment Roll, and

WHEREAS, this law also allows the governing body of the assessing unit to put a local option for when the assessor might require a require a renewal application, now therefore let it be

RESOLVED, that the Town Board of the Town of Malone, allows the Town of Malone Department of Assessment to automatically grant exemptions for RPTL 459-c and RPTL 467 as were received on the 2021 Assessment Roll onto the 2022 Assessment Roll, and be it further

RESOLVED, that the Department of Assessment can review the 2022 income for property owner's whose income may have dropped in 2020 to ensure that the largest exemption is granted to the property owner if the income is provided by the federal deadline to submit income taxes with an extension, and be it further

RESOLVED, that the Department of Assessment can require a renewal application to be filed by taxable status date, in instances where the Department has reason to believe that an owner who qualified for the exemption on the 2021 Assessment Roll may have since changed their primary residence, added another owner to the deed, transferred the property to a new owner, or died.

We received notice that we need to conduct a Justice Court Audit for 2021.

RESOLUTION 27 - 2022 – 2021 Justice Court Audit

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

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

Resolved to engage the services of Seyfarth & Seyfarth, CPA to conduct the required 2021 Justice Court Audit.

Vacant positions at the Highway Department will be discussed in Executive Session.

Salmon River Ice/Flooding Issues: It is that time of year that there are issues with ice and flooding. Pictures have been provided. The Army Corps of Engineers and DEC have been notified of the issues as during the last inspection they requested to be contacted so that they could see it while it is happening.

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EXECUTIVE SESSION:

RESOLUTION 28 - 2022 – 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 into Executive Session at 7:03p.m. to discuss several personnel matters. To include the Town Board, Budget Officer, Highway Superintendent and the Deputy Highway Superintendent.

**Superintendent Andrews and Deputy Superintendent Manley left the Executive Session at 7:48p.m.*

RESOLUTION 29 - 2021 – Executive Session

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

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

Nays 0

Resolved to return to Regular Session at 7:58p.m. No action was taken in Executive Session.

RESOLUTION 30 - 2022 – Advertise for 2 MEO positions in the Highway Department

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

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

Nays 0

Resolved to advertise for and hire for two vacant MEO positions in the Highway Department. To be advertised until the positions are filled.

RESOLUTION 31 - 2022 – Purchase 2023 Western Plow Truck

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

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

Nays 0

Resolved to approve, at the recommendation of Superintendent Andrews, the purchase of a 2023 Western Star Plow truck not to exceed \$300,000.00 under State contract.

RESOLUTION 32- 2022 – Bills for Audit and Payment

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

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

Nays 0

Resolved to approve the following:

BILLS FOR AUDIT & PAYMENT:

Batch Nos. 836

Voucher Nos. 1-65

<i>General Fund (A)</i>	<i>\$ 33,996.27</i>
<i>Part Town (B)</i>	<i>933.66</i>
<i>Highway Town Wide (DA)</i>	<i>6,407.32</i>
<i>Highway Outside (DB)</i>	<i>70,490.86</i>
<i>Landfill Closure Capital (H5)</i>	<i>4,070.35</i>
<i>Trust & Agency (TA)</i>	<i>209,511.92</i>
<i>East Side Water (FE)</i>	<i>284.56</i>
<i>GRAND TOTAL</i>	<i>\$325,694.94</i>

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RESOLUTION 33 - 2021 – Adjourn

On a motion of Councilor Walbridge 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 8:03p.m. The next Regular Town Board Meeting is
scheduled for January 24, 2022 at 6:00p.m.

RESPECTFULLY SUBMITTED,

JEAN MARLOW, TOWN CLERK