

A regular meeting of the Malone Town Board was held Wednesday, January 23, 2013, at the Malone Town Offices, 27 Airport Rd., Malone, NY, commencing at 6:00pm, preceded by a Public Hearing at 5:45pm and with a second Public Hearing to be conducted at 6:10pm.

PRESENT: Supervisor Howard Maneely
Deputy Supervisor Paul Walbridge
Councilor John Sullivan
Councilor Mary Scharf

ABSENT: Councilor Louise Taylor

ALSO PRESENT: Susan Hafter, Town Clerk
Andrea Stewart, Budget Officer
Lillian-Anderson Duffy, Town Attorney

Tim Burley, C2AE, Massena Eric Gustafson, Pease & Gustafson, Massena
Nick Eels, Dragon & Benware, Malone Bruce Burditt, Malone
Chris Foerester, Burke Liz Baker, Malone
Jean Cook, Malone Nick Eells, Malone
Arianna MacNeill, Malone Telegram

Public Hearing 1

5:45 PM – Supervisor Maneely -

Public Hearing for the West Side Sewer Project/Funding –

Tim Burley of C2AE presented an overview of the Rt. 11 West, Sewer District 2, Proposed Collection System Improvements. He distributed a map, showing the properties included in the project, which was modified to remove the west “leg” from the original plan. Mr. Burley reported that he and involved property owners met 1/13/13 and worked to determine how the district costs will be calculated and divided among the users: 10% by EDU; 30% by assessment; 30% based on frontage and 30% on acreage. **Supervisor Maneely** asked if the project will include destruction of the old line to Rt. 11B. Mr. Burley said the end of line can be dug up and plugged or broken so that it no longer functions. **Mr. Burley** said that much of the work is awaiting the expected funding from EFC.

6:01PM – With no further comments from those present, Supervisor Maneely closed the Public Hearing.

CALL TO ORDER: Supervisor Maneely called the meeting to order at 6:00pm, with a pledge to the flag.

Rt. 11 West, Sewer District 2, Proposed Collection System Improvements -

Motion – Deputy Supervisor Walbridge

Second – Councilor Sullivan

Resolution #29- 2013

ORDER ESTABLISHING SEWER DISTRICT IMPROVEMENT

WHEREAS, a map, plan and report have been prepared by Capital Consultants Architecture and Engineering (“C2AE”), Timothy Burley, P.E., in such detail as has heretofore been determined by the Town Board of the Town of Malone, New York (the “Town”), for providing the facilities, improvements or services in a portion of the Town served by the Route 11 West Sewer District (the “District”); and

WHEREAS, an Order Establishing Hearing on Sewer District Improvement was duly adopted by this Town Board on January 9, 2013, reciting the filing of said map, plan and report, the improvements proposed, the boundaries of the proposed district, the fact that the map, plan and report described in said Order also contained the method of financing any improvements, and that said map, plan and report were on file in the Town Clerk’s Office for public inspection, and stating all other matters required by law to be stated and specifying January 23, 2013, as the date, at 5:45 p.m. on said day as the time, and the Town Hall, in the Town of Malone, Franklin County, New York as the place where the Town Board would meet for a Public Hearing to consider said map, plan and report, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law; and

WHEREAS, such Order was duly published on January 11, 2013, in the Malone Telegram, the official legal newspaper for the Town, and further, said Order was duly posted on the official sign board which is kept for the posting of official notices; both Publication and Posting was in full compliance with Town Law; and

WHEREAS, a Public Hearing on the establishment of the District improvement was duly held by the Town Board on January 23, 2013, at 5:45 p.m. on said day, in the Town Hall, Town of Malone, Franklin County, New York, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the establishment of the District improvement; and

NOW, THEREFORE, upon the evidence adduced at said Public Hearing, and all evidence in the record before the Town Board it is hereby determined as follows:

FINDINGS OF FACT

1. The boundaries of the proposed District improvement are set forth in the map, plan and report mentioned herein.
2. That the proposed improvement consists of the construction of a conventional gravity sewer collection system with ultimate discharge to the Village of Malone collection and treatment system, and consisting of the installation of 6" PVC sewer laterals from each business connected to an 8" PVC sewer main placed within/or adjacent to the road right-of-way pursuant to the plans prepared by C2AE, Timothy Burley, P.E..
3. The maximum amount proposed to be expended for such improvement is \$357,000.00, and the maximum anticipated annual average cost per typical occupied property in the District for the aforesaid usage, commodity, operation and maintenance and debt service on capital improvements is the combined sum of \$1,280.00.
4. That the cost of the construction of the District improvement shall be charged on a benefit basis to those properties located within the service area to be benefited and served by the District improvement.

Based upon the foregoing, it is hereby

RESOLVED AND DETERMINED:

- a) That the Order Establishing Hearing on Sewer District Improvement was published and posted as required by Town Law, and is otherwise sufficient; and
- b) That it is in the public interest to construct the proposed District improvement; and be it further **RESOLVED AND DETERMINED** that the proposed District improvement as set forth in the map, plan and report be approved; and that C2AE be directed to proceed with said improvement as agreed.

**CARRIED (4 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Absent Councilor Scharf - Aye**

Public Hearing 2

6:10 PM – Supervisor Maneely called to order the

Public Hearing for proposed Local Law #1 for 2013 to amend the Town Code of the Town of Malone, Chapter 8, increasing the Town Attorney Litigation fee –

Bruce Burditt asked the amount of the increase. **Supervisor Maneely** said the hourly rate for litigation would increase from \$65.00 to \$150.00. **Arianna MacNeill** asked the reason for the increase. **Town Attorney Anderson-Duffy** replied that the request is still less than the usual rate for litigation services. She said she has been giving the Town a bargain for years, often not charging for litigation, and that most litigation for the Town is managed through insurance.

6:15PM – Supervisor Maneely continued with the agenda, while leaving the Public Hearing open for further comments.

PRESENTATION TO THE BOARD:

2011 Audit Report – Nick Eells, of Dragon & Benware, presented the Audit findings for 2011, giving an “unqualified” opinion, meaning there are no significant concerns. He distributed a written report and reviewed highlights of it with the Board. There was some discussion about reserves and fund balances and he suggested that the Town consider a 5-year budget to plan for purchases and expenses. He said that post-retirement benefits are an expense that is difficult to predict and Towns are not allowed to create reserves for that purpose. He noted that Fixed Assets should be tracked and tagged and formal policies should be established. The Supervisor thanked Mr. Eells for his presentation.

6:42PM – With no further comments from those present, Supervisor Maneely closed the Public Hearing for proposed Local Law #1 for 2013 to amend the Town Code of the Town of Malone, Chapter 8, increasing the Town Attorney Litigation fee.

MINUTES & REPORTS:

Motion – Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (#30- 2013): to accept the minutes of the Organizational and Regular meeting of 01/09/2013 as presented and place on file.

**CARRIED (4 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Absent Councilor Scharf - Aye**

Motion – Deputy Supervisor Walbridge

Second – Councilor Sullivan

Resolved (#31-2013): to accept the following reports as presented and place on file:

Airport Manager – 12/12 Supt. of Highways – 12/12

NYS Comptroller Justice Court report 12/12

**CARRIED (4 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Absent Councilor Scharf - Aye**

OLD BUSINESS:

Weigh Station – Supervisor Maneely said that the FAA wants more information before making a decision on allowing a truck weigh station on airport land. They also indicated they would charge for the use of the property.

Local Law #1 for 2013 –

Motion – Deputy Supervisor Walbridge

Second – Councilor Sullivan

Resolution #32-2013

Local Law #1-2013

Attorney's Fees

Be it enacted by the Town Board of the Town of Malone as follows:

In addition to the yearly salary and benefits paid to the Town Attorney, as established by the Town Board, the Town Attorney shall be paid one hundred fifty dollars (\$150.00) per hour for services rendered in litigation actions wherein the Town of Malone is a party.

This local law shall take effect immediately upon filing with the Secretary of State.

**CARRIED (4 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Absent Councilor Scharf - Aye**

SUPERVISOR REPORTS

Office Security – Supervisor Maneely reported that the security system at the town office building is antiquated and can't be updated. Adirondack Alarms has presented a proposal for separately armed systems to be installed for Justice Court and the Administrative Offices, to include fire and heat detectors, at a cost of \$4,695.00. Councilor Scharf said the Town should seek quotes for this upgrade.

Supervisor Maneely **Tabled** the issue. Councilor Scharf and Sullivan will develop specs for a replacement security system to be put out to bid.

Landfill -

Motion – Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (#33-2013): that the Town Board authorizes the Supervisor to sign into agreement with GHD Consulting Engineers for landfill monitoring, testing and reporting services, as required by DEC Consent Order, for 2013-2014 at a cost of \$9,440.00 annually.

**CARRIED (4 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Absent Councilor Scharf - Aye**

Agreement to Spend Highway Funds –

Motion – Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (#34-2013): that the Malone Town Board approves for board signature the 2013 Agreement to Spend Highway Funds as presented by Superintendent of Highways Shanty.

**CARRIED (3-0-1) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Absent
Councilor Sullivan - Abstain Councilor Taylor - Aye Councilor Scharf - Aye**

Shared Services –

Motion – Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (#35-2013): that the Town Board authorizes the Supervisor to sign into an agreement, including a hold harmless clause, between the Malone Town Highway Department and the Franklin County Highway Department for shared services in 2013.

**CARRIED (4 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Absent Councilor Scharf - Aye**

SUPERINTENDENT OF HIGHWAYS REPORT:

Superintendent of Highways Shanty was not present. Supervisor Maneely said the highway department has been busy monitoring the flooding situation on Lower Park Street along with their regular work.

BOARD MEMBER/COMMITTEE REPORTS:

Councilor Sullivan reported that Scott McLaughlin of Lucky Strike Lanes, expressed his thanks for the money the business received from the town's Micro-enterprise Program.

Councilor Sullivan raised the question of how the highway employees will be awarded the boot allowance which was negotiated as a benefit in the new contract. He also asked whether the type of boots will be prescribed. Deputy Supervisor Walbridge said he would talk with highway union representative, Ricky Yelle and also with IBC, as a likely supplier of the boots. Budget Officer Stewart will talk with Village Treasurer to see what procedure they use.

Supervisor Maneely welcomed the students in attendance and told them to feel free to ask questions.

CORRESPONDENCE:

From Michael P. Kearns, N YS Assemblyman, 142nd District, request for Resolution of Support

Motion – Deputy Supervisor Walbridge

Second – Councilor Sullivan

**Resolution # 36-2013
to support New York State regarding the proposed laws
concerning contact information for vacant structures**

Whereas, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

Whereas, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

Whereas, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

Whereas, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure; and

Whereas, the Town of Malone Town Board supports the passage of said Bills;

Now, Therefore, Be It

Town of Malone
Regular Board Meeting
01/23/2013

Resolved: that the Town of Malone hereby supports the passage of said Bills and respectfully requests that the State Representatives who represents the constituents in the Town of Malone support the passage of said Bills.

**CARRIED (4 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Absent
Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye**

From Malone Golf Club: Seasonal beer permit renewal notices for the East & West Snack Bars and the On-Premises Liquor License renewal for the Restaurant.

From NYS Ag & Markets – Dog Control Officer Inspection Report

From North Country Animal Shelter – 2012 Activity reports for Town & Village of Malone

NEW BUSINESS:

Motion – Councilor

Second – Councilor

Resolved (#37 - 2013): that the Town Board authorizes the Budget Officer to transfer \$6,748.96 from A690 to A2610 fines/fees, as per the Comptroller report for December, 2012.

**CARRIED (4 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Absent Councilor Scharf - Aye**

EXECUTIVE SESSION:

At 7:10pm * Motion – Councilor Sullivan

Second – Councilor Scharf

Resolved (# 38- 2013): that the Town Board enter into Executive Session pertaining to possible litigation, with Board Members and Town Attorney to be present.

**CARRIED (4 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Absent Councilor Scharf - Aye**

At 7:45pm, the executive session ended and the regular meeting resumed with no action taken.

BILLS FOR AUDIT & PAYMENT:

Motion – Deputy Supervisor Walbridge

Second – Councilor Sullivan

Resolved (#39 - 2013): that the following bills, having been audited, vouchers #56-94 , be paid:

General Fund – Abstract #3	\$37,241.43
Part Town General - #2	652.00
Highway Townwide - # 1	5,949.89
Highway Outside (DB) Fund - #2	15,879.24
Airport Cap. Proj # 2	10,000.08
Trust & Agency Fund - #3	<u>224,544.45</u>
Grand Total:	\$294,267.09

**CARRIED (4 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Absent Councilor Scharf - Aye**

ADJOURN:

At pm Motion – Deputy Supervisor Walbridge

Second – Councilor Sullivan

Resolved (#40 -2013): there being no further business to come before the Board that it adjourn, with the next regular meeting to be held February 13, 2013, at 6:00pm

**CARRIED (4 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Absent Councilor Scharf - Aye**

RESPECTFULLY SUBMITTED,

SUSAN M. HAFTER, TOWN CLERK
February 13, 2013

Town of Malone
Regular Board Meeting
01/23/2013