

A regular meeting of the Malone Town Board was held Wednesday, February 13<sup>th</sup> 2013, at the Malone Town Offices, 27 Airport Rd., Malone, NY, commencing at 6:00pm.

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

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

Lisa Marie Hoffman, Germany Karen Pritchard, Malone Brenda St. Hilaire, Moira  
Arianna MacNeill, Malone Telegram Denise Raymo, Press-Republican

**CALL TO ORDER:** by Supervisor Maneely at 6:00pm, with a pledge to the flag.

**MINUTES & REPORTS:**

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Scharf

**Resolved (#41- 2013):** to accept the minutes of the regular meeting of 1/23/2013 as presented and place on file.

**CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye  
Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye**

**The following reports were presented for review and filing:**

Superintendent of Highways – 1/2013 Supervisor – 12/2012 Town Clerk/Registrar – 1/2013  
Airport Manager – 1/2013 Code Officer – 1/2013 Justices Lamitie & Cositore – 1/2013

**OLD BUSINESS:**

**Bond Resolution & Estoppel Notice for Sewer Project -**

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Scharf

**Resolution #42 – 2013**

BOND RESOLUTION DATED FEBRUARY 13, 2013 AUTHORIZING THE ISSUANCE OF SERIAL BONDS AND NOTES IN ANTICIPATION OF THE ISSUANCE THEREOF AND/OR STATUTORY INSTALLMENT BONDS AND NOTES IN ANTICIPATION OF THE ISSUANCE THEREOF, OF THE TOWN OF MALONE, NEW YORK, IN THE COUNTY OF FRANKLIN, PURSUANT TO THE PROVISIONS OF THE LOCAL FINANCE LAW OF THE STATE OF NEW YORK AND PURSUANT TO APPLICABLE PROVISIONS OF THE TOWN LAW OF THE STATE OF NEW YORK IN AN AMOUNT NOT TO EXCEED \$357,000.00 FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVEMENTS TO THE TOWN OF MALONE'S ROUTE 11 WEST SEWER DISTRICT 2, THE TOTAL COST OF WHICH IS NOT TO EXCEED THE SUM OF \$357,000.00.

**WHEREAS**, the Town Board of the Town of Malone, County of Franklin, New York, has heretofore at this meeting adopted a resolution authorizing the issuance of obligations of the Town of Malone, New York, in the County of Franklin, in the sum of \$357,000.00 for the purpose of paying the costs associated with improvements to the Route 11 West Sewer District 2 (the "District") in the Town of Malone, the total cost of which is not to exceed the sum of \$357,000.00.

**WHEREAS**, no other outstanding obligations of the Town of Malone, New York have been previously issued by the Township for or with respect to such purpose; and

**WHEREAS**, the Town Board of the Town of Malone, New York, now desires to provide for the issuance of obligations of the Town of Malone, New York, and it now desires to provide for other matters with respect to such District;

**BE IT, THIS** 13th day of February, 2013

**RESOLVED**, by the Town Board of the Town of Malone, County of Franklin, New York, as follows:

Section 1. The Town of Malone, in the County of Franklin, New York, shall issue its serial bonds or statutory installment bonds of the aggregate principal amount not to exceed the sum of \$357,000.00, and notes in the anticipation of the issuance thereof, pursuant to the Local Finance Law of the State of New York including but not limited to Section 169.00 of such Local Finance Law, in order to finance the specific purpose hereinafter described.

Section 2. The specific purpose to be financed pursuant to this resolution is to pay the construction costs of improvements to the District in the Town of Malone the total cost of which is not to exceed the sum of \$357,000.00, pursuant to the Plans prepared by Capital Consultants Architecture and Engineering, Timothy Burley, P.E., dated January 2013.

Section 3. The maximum estimated cost of such purpose as estimated by the Town Board is \$357,00.00 and the plan of financing thereof is by the issuance of a maximum of \$357,000.00 in serial bonds, statutory installments bonds, and/or bond anticipation notes issued in anticipation of such serial bonds and statutory installments bonds,

Town of Malone  
Regular Meeting 02/13/2013

from any grants or other financial assistance obtained from the United States Environmental Protection Agency and/or the New York State Environmental Facilities Corporation and/or from any municipal contributions from the Town of Malone. Pursuant to Section 107.00(d)(3) of the Local Finance Law of the State of New York, current funds are not required to be provided prior to the issuance of any serial bonds, statutory installment bonds or bond anticipation notes issued in anticipation of such bonds.

Section 4. It is hereby determined that said purpose is an object or purpose described in Section 11.00 of the Local Finance Law of the State of New York and that the probable useful life of said purpose is thirty (30) years. The final redemption date of said bond to be issued will not extend beyond thirty (30) years from the date of their initial issuance. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 5. Subject to the terms and conditions of this resolution, and the Local Finance Law of the State of New York, the power to authorize Bond Anticipation Notes in anticipation of the issuance of the Serial Bonds or Statutory Installment Bonds authorized by this resolution and the renewal of said notes and the power to prescribe the terms, form and contents of such Serial Bonds or Statutory Installment Bonds and of such Bond Anticipation Notes and the power to sell and to deliver such Serial Bonds or Statutory Installment Bonds and Bond Anticipation Notes issued in anticipation of the issuance of such Serial bonds or Statutory Installment Bonds and the power to sell and deliver bonds providing for substantially level or declining annual debt service is hereby delegated to the Town Supervisor as the Chief Fiscal Officer of the Town of Malone, County of Franklin and State of New York. The Chief Fiscal officer of the Town of Malone is hereby authorized to sign any Serial Bonds or Statutory Installment Bonds issued pursuant to this resolution and any Bond Anticipation Notes and renewals' thereof including but not limited to those set forth in Section 169.00 of the Local Finance Law issued in anticipation of the issuance of said Serial Bonds or Statutory Installment Bonds, and the Town Clerk is hereby authorized to affix the corporate seal of the Town of Malone, New York, to any Serial Bonds or Statutory Installment Bonds and any Bond Anticipation Note and to attest such seal.

Section 6. The Town Supervisor is hereby further authorized, at his sole discretion, to execute a project finance agreement and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific purpose described in Section 2 hereof, or a portion thereof, by a serial bond, a statutory installment bond and/or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 7. The faith and credit of the Town of Malone, New York, is hereby irrevocably pledged for the payment of the principal of and interest on such Serial Bonds or Statutory Installment Bonds and any Bond Anticipation Notes and renewals thereof issued in anticipation of the issuance of such bonds as the same shall respectively become due and payable. There shall be annually apportioned and assessed upon real property located within the District in the Town of Malone an amount sufficient to pay the principal and interest on such obligations as the same may be due but, if not paid from such source, all of the taxable real property in said Town of Malone shall be subject to the levy of ad valorem taxes without limitation as to rate or amounts sufficient to pay the principal and interest on such obligations as the same shall become due.

Section 8. This resolution or a summary hereof shall be published by the Town Clerk of the Town of Malone, County of Franklin, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York. The validity of the Serial Bonds or Statutory Installment Bonds and of any Bond Anticipation Notes and renewals thereof issued in anticipation of the issuance of such Serial Bonds or such Statutory Installment Bonds issued hereunder may be contested only if:

- Such obligation is authorized for an object or purpose for which said Town is not authorized to expend money, or
- A.If the provisions of law which should have been complied with as of the date of publication of such resolution were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
  - B.Such obligation is authorized in violation of the provisions of the Constitution.

Section 9. This resolution is not subject to referendum pursuant to Section 35.00 of the Local Finance Law of the State of New York and Article 7 of the Town Law of the State of New York.

**ESTOPPEL NOTICE**

The Town Board of the Town of Malone, County of Franklin, New York, on the 13th day of February, 2013 adopted a resolution pursuant to the Local Finance Law of the State of New York a summary of which is as follows: To issue its serial bonds or statutory installment bonds in the aggregate principal amount not to exceed \$357,000.00 along with notes in anticipation of the issuance thereof pursuant to the Local Finance Law of the State of New York in order to finance the construction costs of improvements to the Town of Malone's Route 11 West Sewer District 2, the total cost of which is not to exceed \$357,000.00, and a probable useful life of Thirty (30) years. A complete copy of such resolution is filed at the office of the Town Clerk of the Town of Malone, Franklin County, New York and is available for public inspection during regular business hours. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Malone, County of Franklin, New York is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

**CARRIED on a roll call vote, with all members in favor (5 - 0)**

**Supervisor Maneely - Aye**

**Deputy Supervisor Walbridge – Aye**

**Councilor Sullivan - Aye    Councilor Taylor - Aye    Councilor Scharf - Aye**

**SUPERVISOR REPORTS:**

**Runway 14-32 Rehabilitation** – Supervisor Maneely reported on a pre-bid meeting among Passero Associates and interested contractors. The bids will be opened at the Office of the Town Clerk, 12:00 noon, Thursday, February 21<sup>st</sup> 2013.

**State of Emergency** – The recent flooding on Lower Park Street has caused Supervisor Maneely to declare a state of emergency (with 3 continuances to date) in that area. The Supervisor thanked the many organizations and individuals who are working to abate the flooding situation and maintain public safety and welfare; including, but not limited to the following: Franklin County Emergency Services, Malone Town and Village Highway Departments, Malone Call Firemen, USACE, NYSDEC, Congressman Owens, Senator Little and Assemblywoman Duprey. Deputy Supervisor Walbridge gave credit to Supervisor Maneely for providing personal comfort, support and assurances to the residents at the site of the disaster.

**Traffic Diversion Program** –\$6,450.00 has been received as the town share from the county sponsored traffic diversion program.

**SUPERINTENDENT OF HIGHWAYS REPORT:**

**Superintendent of Highways Shanty** was not present to report, but his department has been very busy with both snow removal and the flooding situation on Lower Park Street.

**BOARD MEMBER/COMMITTEE REPORTS:**

**Councilor Sullivan** praised Mayor Le Pine and the Village Board on their decision to provide water taps to Lower Park Street residents whose well water was contaminated by flooding.

**Councilor Sullivan** asked for Board support of a resolution

**Motion** – Councilor Sullivan

**Second** – Councilor Taylor

**Resolved (#43- 2013):** that the Malone Town Board supports the passage of a resolution to be presented at the upcoming NYSAOT Conference in NYC, that calls for additional health studies to be conducted prior to construction of wind power facilities.

**CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye  
Councilor Sullivan - Aye    Councilor Taylor - Aye    Councilor Scharf - Aye**

**Councilor Sullivan** talked about a Federal Fish & Wildlife 1-year study that indicates feral and stray cats are responsible for killing billions of birds and small animals.

**Councilor Scharf** commented on the annual reports for the Town of Malone's 2010 and 2011 Micro Enterprise Programs. She congratulated the grant committee (Councilors Sullivan and Walbridge) and thanked Budget Officer Stewart for gathering and distributing grant administrative information.

**Councilor Taylor** thanked the Supervisor and Board members for keeping in touch with her and giving her updates while she has been recovering from injuries she sustained in a fall. She expressed her regret at not being able to attend the NYSAOT Conference.

**Deputy Supervisor Walbridge** said that the Supervisor and Highway Superintendent have done a great job at the Lower Park Street flooding site, and have kept the Board members updated throughout.

**CORRESPONDENCE:**

**From Alice Hyde Medical Center** – SEQRA Lead Agency request

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Scharf

**Resolved (#44 - 2013):** that the Malone Town Board accepts Lead Agency Status for the purpose of SEQR for the Alice Hyde Medical Center's Skilled Nursing/ Assisted Living Facility, as requested by AHMC, and with AHMC to pay any and all associated costs.

**CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye**

**Councilor Sullivan - Aye    Councilor Taylor - Aye    Councilor Scharf - Aye**

**From - Smart Growth America** – National Complete Streets Coalition and federal legislation request. Councilor Scharf, a member of the local Complete Streets Committee read the letter aloud. She noted that the local group has received a small grant for work on Elm Street, and hopes to receive funding for some sidewalks, especially Rt. 11W.

**From – North Country Life Flight** – appreciation for 2012 funding

**From - Chastity Miller, FCSWCD** – Invasive Insects Training 2/26/13

**From – C & S Engineers** –

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Taylor

**Resolved (#45 - 2013):** that the Malone Town Board accepts and approves the final payment request and change order information for the Malone-Dufort Airport Partial Parallel Taxiway B Project, as presented by C & S Engineers.

**CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye  
Councilor Sullivan - Aye    Councilor Taylor - Aye    Councilor Scharf - Aye**

**From - Malone Golden Age Club** – request for 2013 funding. Supervisor Maneely noted that the Club needs to provide a copy of their budget and a new agreement for 2013 must be drawn up.. Supervisor Maneely asked Town Attorney Duffy to prepare a new contract for Malone Golden Age, the Chamber of Commerce and the Malone Adult Center.

**NEW BUSINESS:**

**Inter-Municipal Sewer Agreement** – Supervisor Maneely asked the Councilors to take the Draft Sewer Agreement home for review and input.

**BILLS FOR AUDIT & PAYMENT:**

**Motion** – Councilor Taylor

**Second** – Deputy Supervisor Walbridge

**Resolved (# 46 - 2013):** that the following bills, having been audited, vouchers #105 – 185 be paid:

General Fund – Abstract #4	\$ 23,646.19
Part Town General - #3	244.80
Highway Townwide - #2	9,768.90
Highway Outside (DB) Fund - #3	6,077.90
East Side Water # 2	286.61
Fire Protection Dist. Abs. #1	427,000.00
CDBG – Abstract #1	12,150.00
Trust & Agency Fund - #5	<u>32,152.16</u>
<b>Grand Total:</b>	<b>\$511,326.56</b>

**CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye  
Councilor Sullivan - Aye    Councilor Taylor - Aye    Councilor Scharf - Aye**

**ADJOURN:**

**At 6:47 pm Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Sullivan

**Resolved (#47-2013):** there being no further business to come before the Board that it adjourn, with the next regular meeting to be February 27<sup>th</sup> 2013, at 6:00pm

**CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye  
Councilor Sullivan - Aye    Councilor Taylor - Aye    Councilor Scharf - Aye**

**RESPECTFULLY SUBMITTED,**

**SUSAN M. HAFTER, TOWN CLERK**  
February 27<sup>th</sup> 2013

Town of Malone  
Regular Meeting 02/13/2013

Town of Malone  
Regular Meeting 02/13/2013