

A regular meeting of the Malone Town Board was held Wednesday, February 15th 2012, at the Malone Town Offices, 27 Airport Rd., Malone, NY, commencing at 6:00pm.

PRESENT: Supervisor Howard Maneely
Councilor Louise Taylor
Councilor John Sullivan
Councilor Mary Scharf

ABSENT: Deputy Supervisor Paul Walbridge

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

Taylor Fleury, Malone Greg Pecore, Malone Boyce Sherwin, Malone
Trisha Livernois, Malone Telegram

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

MINUTES & REPORTS:

Motion – Councilor Sullivan

Second – Councilor Taylor

Resolved (#33-2012): to accept the minutes of the regular meetings of January 11th and January 25th 2012, as presented. and place on file.

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

Motion – Councilor Scharf

Second – Councilor Sullivan

Resolved (# 34-2012): to accept the following reports as presented and place on file: Town Clerk/Registrar – 1/2012 Code Officer – 1/2012
Supt of Highways – 1/2012 Airport Manager – 1/2012
Supervisor - 12/2011 Justice Court – 1/2012

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

OLD BUSINESS:

Fire Protection Agreement – Attorney Anderson-Duffy presented the final draft Fire Protection Agreement for 2012 for Board approval. She noted changes since the last revision: Paragraph 1, regarding responsibility for inspections; Paragraph 4, regarding the hold harmless wording and insufficient manpower; Paragraph 5, indemnification for the Town; and Paragraph 8, regarding notice of termination. She read from General Municipal Law, as to mutual aid and town responsibilities and liabilities. Budget Officer Stewart asked for clarification regarding the penalty provision for late payment, noting that the terms are vague. Clerk Hafter commented that the agreement does not call for any reporting or budget information to be provided to the town from MCF, as in past agreements. Supervisor Maneely asked Attorney Anderson-Duffy to make the appropriate changes and return with a new draft for the next meeting.

Dog Control Agreement – Attorney Anderson-Duffy presented an updated draft dog control agreement for 2012.

Motion – Councilor Taylor

Second – Councilor Scharf

Resolved (# 35-2012): that the Town Board accepts and approves for the Supervisor's signature the Dog Control Agreement between the Town of Malone and Shirley Morton/NCAS, Inc., as modified for 2012.

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

SUPERVISOR REPORTS:

Flooding, Lower Park Street – Supervisor Maneely reported that he has sent letters to local, state and federal representatives seeking solutions and requesting assistance with continuing flooding problems on Lower Park Street, and silt deposits in the Salmon River in the Town of Malone.

Sewer Issues – Supervisor Maneely reported on a meeting held among himself, Councilor Sullivan, Budget Officer Stewart, Village Mayor LePine, Village DPW Chief Smith and representatives from Burley-Guminiak Engineers. The Town is currently under order by the NYS DEC for a moratorium on any additional taps to town sewer lines. The biggest problem identified is the “rogue” line behind Aldi that leads from the site of the demolished “County Home” on Rt. 11B. Burley-Guminiak will seek grant funding, on behalf of the Town, to address the problems. The Supervisor further reported that the master water meters, between village and town districts have been installed and the readings will help clarify flow issues.

Procurement Policy -

Motion – Councilor Sullivan

Second – Councilor Scharf

Resolved (# 36-2012): that the Town Board approve the 2012 Town of Malone Procurement Policy, noting a change in section #2, to set the purchase limit at \$20,000.00.

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

Clarification – Supervisor Maneely acknowledged a violation of the Open Meetings Law at the board meeting of January 25, 2012: in an executive session called for discussion of a personnel issue, matters pertaining to the choice of a consultant were also inappropriately discussed. He apologized for the error, saying that it will not happen again, and that no decisions were made during the executive session.

SUPERINTENDENT OF HIGHWAYS REPORT:

Superintendent of Highways Shanty reported on plowing, sanding and ice abatement activities. The newly required “high intensity” road signs are 90% installed; some need new poles and will have to wait until spring. Some highway employees have been working on the Justice Court addition. The Superintendent presented the 2012 County/Town Agreement to Spend Highway Funds, for Board review and signature. One original will be returned to the County and one will be filed with the Town Clerk

NEW BUSINESS:

Micro-Enterprise – Boyce Sherwin addressed the Board in regard to his having been selected to administer the Town of Malone Micro-enterprise grant program for 2012. He presented a press release outlining the basics of the program and also a preliminary application, for Board review. He said he has a draft agreement for his services prepared and will provide it to the Town Attorney for review. Mr. Sherwin and the Board discussed many aspects of the grant program and its administration.

Motion – Councilor Taylor

Second – Councilor Scharf

Resolved (# 37-2012): that the Town of Malone will conduct a Public Informational Session at 6:00pm, Monday, February 27th 2012, relating to the Town of Malone 2012 Micro- enterprise grant program to be administered by Boyce Sherwin.

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

Consolidated Funding Application -

Motion – Councilor Scharf

Second – Councilor Sullivan

Resolution # 38-2012

Whereas: the Town of Malone is considering applications for federal and state funding under the NYS Consolidated Funding Application (CFA) process to support local community development activities during the next three years;

Be it Resolved: that the Malone Town Board is requesting proposals from qualified community development consultants who can assist the Town with activities to secure funding and organize and administer local programs; and

Further Resolved: that a Request for Proposals will be distributed, published and available for pick-up at the Office of the Malone Town Clerk; and

Further Resolved: proposals must be received at the Malone Town Offices no later than 12:00pm, Monday, March 26th 2012.

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

BOARD MEMBER/COMMITTEE REPORTS:

Councilor Sullivan reported that he has received a request for the Town to plow Knollwood Drive. Supervisor Maneely noted that the road is private, not built to town specs and therefore cannot be maintained or plowed by the Town.

Councilor Sullivan reported that Franklin County is considering the formation of a County Board of Ethics to serve all of the municipalities within the county. Supervisor Maneely suggested that a board could be set up to be used on an “as needed” basis.

CORRESPONDENCE:

From **National Grid** – delivery charges to decrease

NEW BUSINESS:

Journal Entries -

Motion – Councilor Sullivan

Second – Councilor Scharf

Resolved (# 39-2012): that the Town Board authorize Budget Officer Stewart to make the journal entries required to credit \$9,628.50 in town court fees for the month of January, 2012, as per the NYS Comptroller report.

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

Training Request -

Supervisor Maneely reported that he approved a request from Code Officer Crossman for permission to attend training in Lake Placid, with the Town to pay mileage only.

Motion – Supervisor Maneely

Second – Councilor Sullivan

Resolved (# 40-2012): that the Town Board approve a request from Budget Officer Stewart for permission to attend finance training in Albany, April 3rd through 5th 2012 with all necessary expenses to be paid by the Town.

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

Request for Legal Opinion - Town Clerk/Tax Receiver Hafter asked that Board and Town Attorney review an agreement presented by WorldPay US, Inc., which would allow for the Clerk and Tax offices to accept credit and debit card payments in person, and on line.

EXECUTIVE SESSION:

At 7:18pm, Motion – Supervisor Maneely

Second – Councilor Taylor

Resolved (# 41 - 2012): that the Town Board enters into Executive Session pertaining to the employment history of, and matters leading to, the employment, discipline, suspension, dismissal or removal of a particular person.

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

At 7:30 pm, the Executive Session ended and the regular meeting resumed with no action taken.

BILLS FOR AUDIT & PAYMENT:

Motion – Councilor Taylor

Second – Councilor Sullivan

Resolved (#42 - 2012): that the following bills, having been audited, vouchers #119-192, be paid:

General Fund- Abstract #3	\$ 32,727.02
Part Town General – Abstract #3	36.57
East Side Water – Abs. #3	156.89
West Side Water – Abstract # 3	15,000.00
Trust & Agency- Abstract #5	33,179.17
Highway DA- Abstract #2	12,363.17
Highway DB- Abstract #3	<u>17,124.17</u>
Grand Total	\$110,586.99

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

ADJOURN:

At 7:32pm Motion - Councilor Sullivan

Second – Councilor Taylor

Resolved (#43 -2012): there being no further business to come before the Board, that it adjourn, with the next regular meeting to be 6:00pm, March 14th 2012, to be preceded by an IDA meeting at 5:45pm.

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

RESPECTFULLY SUBMITTED,

SUSAN M. HAFTER, TOWN CLERK
March 1, 2012

6:00 PM - CALL TO ORDER - PLEDGE TO THE FLAG

1. **MINUTES:** for review & approval:
Regular meeting – 1/11/12 and 1/25/12

2. **REPORTS:** for review & filing: Justice court – 1/2012
Town Clerk/Registrar – 1/2012 Code Officer – 1/12
Supt of Highways – 1/12 Airport Manager – 1/12
Supervisor report for 12/2011

3. **OLD BUSINESS:** Status reports –
Fire Protection agreement – (from 12/28/11, 1/11/12 & 1/25/12) – under legal review
Dog Control agreement – under legal & committee review

4. **SUPERVISOR REPORTS:**
Lower Park Street flooding problem: Letter sent to federal representatives
Procurement policy
Code of Ethics

5. **SUPERINTENDENT OF HIGHWAYS REPORTS:**
2012 Agreement to Spend Highway Funds (to be signed by the Town Board)

6. **BOARD MEMBER /COMMITTEE ITEMS:**

7. **CORRESPONDENCE:**
From National Grid – delivery charges to decrease

8. **NEW BUSINESS:**
Board motion: granting the budget officer permission to make the journal entries required to credit \$9,628.50 in town court fees for the month of January, 2012, as per the NYS Comptroller report

Request from Code Officer Crossman for permission to attend training (mileage only)

Request from Budget Officer Stewart for permission to attend Finance training in Albany 4/3-5/12

Request from Town Clerk/Tax Receiver Hafter for Board and attorney review of an agreement which would allow for the acceptance of credit and debit card payments in person, and on line.

9. EXECUTIVE SESSION – a) pertaining to the employment history of, and matters leading to, the employment, discipline, suspension, dismissal or removal of a particular person.

10. BILLS FOR AUDIT & PAYMENT:

Vouchers # 119 - 192

General Fund- Abstract #3	\$32,727.02
Part Town General – Abstract #3	\$ 36.57
East Side Water – Abs. #3	\$ 156.89
West Side Water – Abstract # 3	\$15,000.00
Trust & Agency- Abstract #5	\$33,179.17
Highway DA- Abstract #2	\$12,363.17
Highway DB- Abstract #3	<u>\$17,124.17</u>
Grand Total	\$110,586.99

11. ADJOURN:

The next regular meeting has been scheduled for **March 14, 2012, at 6:00 PM**