

**Town of Malone
Regular Meeting
02/27/2013**

A regular meeting of the Malone Town Board was held Wednesday, February 27th 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
Tom Shanty, Superintendent of Highways
Mark Besio, Highway Clerk

Angela Black, Constable Courtney Bennor, Malone Jean Gratton, Malone
Carol Perry, Malone Louise Hathaway, Owls Head Mary P. Iver (?)
Dorothy C. Zuzauli, Malone Gary J. Mageean, Malone Sam Holmes, Malone
Kevin Hart, AHMC-Malone Jared Heintl, PE- Beardsly Design Associates
Arianna MacNeill, Malone Telegram Denise Raymo, Press-Republican

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

PRESENTATION TO BOARD:

Alice Hyde Medical Center Skilled Nursing/Assisted Living Facility – Kevin Hart of AHMC and Jared Heintl, PE of Beardsley Design Associates presented the Board with plans for the proposed Skilled Nursing\Assisted Living Facility to be built on AHMC property between Park Street and Rt. 30 N with access from both sides. AHMC has asked the Town of Malone to act as Lead Agency for the State Environmental Quality Review (SEQR) process on the project.

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolution #48-2013

RESOLUTION OF INTENT TO CLAIM LEAD AGENCY STATUS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE PROPOSED ALICE HYDE MEDICAL CENTER-COMBINED SKILLED NURSING AND ASSISTED LIVING FACILITY AND ROADWAY EXTENSION PROJECT

WHEREAS the Town of Malone Town Board and the Town Code Enforcement Officer have received applications from the Alice Hyde Medical Center ("Applicant"), for approval of Alice Hyde Medical Center-combined Skilled Nursing and Assisted Living Facility and Roadway Extension Project, to be located on 26.35 acres, 9.1 acres of land of which to be developed, zoned Planned Development, located adjacent to an unnamed roadway between Park Street and NYS Route 30 in the Town of Malone, Franklin County, New York (Adjacent to existing North Star Industries Facility, North of the existing AHMC Medical Campus); and

WHEREAS the applications were submitted and other supporting documentation ("Application Materials") including a Full Environmental Assessment Form; and

NOW THEREFORE, BE IT RESOLVED that:

1. The Town Board has determined in accordance with the New York State Environmental Quality Review Act ("SEQRA") 6 NYCRR § 617.2 (ak) that: the proposed action appears to be an Unlisted action; and
2. The Town Board has determined that the following are the involved agencies (6NYCRR § 617.2(s): the Village of Malone, Franklin County, the NYS Department of Environmental Conservation, NYS Department of Transportation, and NYS Department of Health; that pursuant to 6 NYCRR § 617.6(b2) (3); coordinated SEQRA review shall be undertaken; and that the Town of Malone Town Board is willing to act as SEQRA Lead Agency for purposes of that coordinated review; and
3. The Town of Malone Town Board hereby declares its intention to assume SEQRA Lead Agency status, and directs the Town Clerk to transmit to each of the aforesaid involved agencies, Part 1 of the Full Environmental Assessment Form, which was submitted by the Applicant, together with a copy of this Resolution, and the Application Materials, with the request that each involved agency notify the Town, within thirty (30) calendar days of its consent to the Town of Malone serving as lead agency in the Environmental Review of this Project, in accordance with 6 NYCRR 617.6(b)(3), and that any involved agency which objects to the Town Board acting as

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Lead Agency shall so notify the Town Supervisor, in writing, within 30 days of its receipt of all of the above referenced documents.

Discussion –Malone resident, **Carol Perry** asked the Town Board to delay a decision on acting a Lead Agency. She said the public was not allowed any input into the decision the County made to merge the county nursing home into AHMC. She is concerned that the community’s needs will not be met and that a project with the potential to affect so many should be put to ballot. **Town Attorney Duffy** said the Town’s only involvement is to assure that the SEQR is done properly. Any political concerns or agreements are between the County and AHMC.

Roll Call Vote -

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

MINUTES & REPORTS:

Motion – Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (#49-2013): to accept the minutes of the regular meeting 02/13/2013
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:

NYS Comptroller/Justice Court – 1/2013

OLD BUSINESS:

Inter-municipal Sewer Agreement – Town Attorney Duffy presented a revised draft of the Town/Village agreement for sewer service. She has e-mailed a copy to Dominic Fontana of the NYS DEC for his review. He said the agreement should include all businesses that are being served pursuant to the agreement of 10/28/09, and the Holiday Inn should be added. Supervisor Maneely asked that the draft be forwarded to the Malone Village Board for their review and comments.

Justice Court Grant Award – The Town Justice court has received \$26,059.00 (requested \$36,353.10) from NYS Justice Court Assistance Program for furniture for the newly renovated court and addition.

Upgrade Security – The Supervisor is in receipt of a proposal to upgrade the current security system at the Town Offices, in the amount of \$4,695.00, from Adirondack Alarms, who originally installed the system and now monitors it. There was discussion about putting out a request for proposals (RFP), although the cost falls below the municipal requirements for bidding. Deputy Supervisor Walbridge said he received no return letters or calls of interest. The Supervisor TABLED the issue until the next meeting asking the committee (Councilor Scharf and Deputy Supervisor Walbridge) to call around to other companies for interest. There are no specs drawn for the upgrade, other than the proposal submitted by Adirondack Alarms. It is uncertain whether another business could update the current system or would have to install a new one.

SUPERVISOR REPORTS:

Bid Opening – Supervisor Maneely reported on the bid opening held 2/21/13 for Runway 14-32 Rehabilitation Airport Project. Five (5) bids were received, as follows:

Peckham Road Corporation -	\$604,905.61
Luck Brothers, Inc. -	\$714,800.00
Kubricky Construction, Corp. -	\$794,035.25
Green Island Construction Group, LLC -	\$754,800.00
Barrett Paving Materials, Inc. -	\$618,609.00

The bids were turned over to Passero Associates for evaluation & recommendation.

State of Emergency – Supervisor Maneely lifted the State of Emergency at the flooded area on Lower Park Street at noon Friday, February 22nd 2013. The Board thanked Highway Superintendent Shanty and his crew for their work in flood management. Rick Provost, of Franklin County Emergency Services has suggested that now is the time to begin negotiations for possible buy-outs of some of the flood affected properties.

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Fire District –

Motion – Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (#50 - 2013): that the Malone Town Board accepts and approves the roster of membership from the Malone Call Firemen as presented, with 73 Members and 31 EMS. Approval of the the roster is required annually and is on file with the Town Clerk.

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

SUPERINTENDENT OF HIGHWAYS REPORT:

Superintendent of Highways Shanty reported his department has been busy with plowing, equipment repair/maintenance and the flooding issues. Highway employees Have also continued work on the Justice Court addition and renovation.

BOARD MEMBER/COMMITTEE REPORTS:

Councilor Scharf reported on the recent successful funding awarded to the Complete Streets for sidewalks in the Village. She said walks near schools receive first attention.

Councilor Scharf said she would like the Town and Village to revisit the idea of combining Code Offices. She learned at AOT Conference about funding that may help with expenses related to the issue.

Councilor Sullivan has been working on an arrangement which would allow for the payment of prior year's taxes due on the Airport Hangar owned by Victor Fellion, and situated on Town property at Malone Dufort Airport. He said that the Town needs to draw up an agreement with Mr. Fellion for repayment terms. Denise Raymo of the Press-Republican asked how much is owed and why the County isn't collecting. Councilor Sullivan explained that it is a chargeback to the Town, as county taxpayers have already subsidized the debt. Attorney Duffy likened the situation to a site in St. Regis Falls where people own homes on town owned property. Budget Officer Stewart asked that the agreement to be drawn up include specific terms of re-payment, penalties for late or non-payment, requirement for current taxes to be kept current and, accounting responsibility. She noted that the terms of the lease have not been adhered to or enforced. Airport Manager Besio received payment from Mr. Fellion for two months lease and some back taxes. Attorney Duffy said that if the payment had been made in two separate checks, the Budget Officer could have accepted them. Budget Officer Stewart said that she has no authority, without an agreement, to accept any payment for back taxes/chargeback.

Councilor Sullivan said the Town should consider adopting a local law allowing for choice of "best value" over "lowest responsible bidder" in purchase and procurement issues, as now allowed by the state.

Councilor Taylor asked whether the Sewer Improvement Project could include installation of sidewalks in the construction area. Supervisor Maneely said the sewer project will consist of a bore under the highway, rather than laying pipe roadside. He said there are sidewalks on one side of the road in the sewer upgrade area, but they end at the old K-Mart property.

CORRESPONDENCE:

From Congressman Owens - expressing continued support and interest regarding the Salmon River flood mitigation issue

NEW BUSINESS:

Dam Licensing – Supervisor Maneely and Councilor Sullivan will attend a hearing tomorrow in Potsdam, regarding the re-licensing of Chasm Hydro on the Salmon River. They will ask for a sediment release plan to be included in the agreement, and will discuss the flooding problem on Lower Park Street.

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Training Request -

Motion – Councilor Taylor

Second – Councilor Sullivan

Resolved (#51 - 2013): that the Town Board authorizes Assessor Hewitt to attend required ethics training in Canton on May 17th 2013, with all necessary expenses to be paid by the Town.

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

Budget Transfer -

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (#52 - 2013): that the Town Board authorizes Budget Officer Stewart to transfer \$6,533.00 from A690 Clearinghouse Account to A2610 Court fines & fees, as per the Comptroller report for January 2013.

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

Community Services Support -

Motion – Councilor Taylor

Second – Councilor Scharf

Resolved (#53- 2013): that the Town Board authorizes the Supervisor to sign into agreement for services with the Malone Golden Age Club for 2013 in the amount of \$2,800.00; and the Malone Chamber of Commerce for 2013 in the amount of \$5,500.00, as budgeted.

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

BILLS FOR AUDIT & PAYMENT:

Motion – Councilor Sullivan

Second – Deputy Supervisor Walbridge

Resolved (#54 - 2013): that the following bills, having been audited, vouchers #192 - 230, be paid:

General Fund – Abstract #5	\$32,711.93
Part Town General - #4	3,805.54
Highway Townwide (DA) - #3	11,629.81
Highway Outside (DB) Fund - #4	368.52
Chips Fund – #1	100.00
Airport Capital Project Fund- #3	14,343.72
West Side Water #1	5,711.71
CDBG – Abstract #2	11,700.00
Trust & Agency Fund - #7	<u>2,564.18</u>
Grand Total:	\$82,935.41

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

ADJOURN:

At 7:15pm Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (# 55 -2013): there being no further business to come before the Board that it adjourn, with the next regular meeting to be March 13, 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

March 13, 2013

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