

Town of Malone  
Regular board Meeting  
03/27/2013

A regular meeting of the Malone Town Board was held Wednesday, March 27<sup>th</sup> 2013, 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  
Tom Shanty, Superintendent of Highways  
Kevin Hart, AHMC, Malone Jared Heinz, Beardsley Design  
Lula Arnold, Malone Mitch Gallagher, Bangor  
Kayla Allen, Malone Dorothy Zegarelli, Malone  
Tim Lashomb, Malone Arianna MacNeill, Malone Telegram

**CALL TO ORDER:** Supervisor Maneely called the meeting to order at 6:00pm, with a pledge to the flag. The Supervisor welcomed students in attendance, to the meeting and encouraged them to participate.

**Address to Board:**

Gary Mallette had requested time to address the Board, but did not appear.

**OLD BUSINESS:**

Status Report: from 2/27/13- All lead agency status requests have received responses for Alice Hyde Medical Center Skilled Nursing/Assisted Living Facility: Dept. of Health, Franklin County Legislature, Village of Malone, NYSDOT and NYSDEC. Attorney Duffy reviewed the EAF, Part 1, with the board.

**Motion** – Councilor Scharf

**Second** – Councilor Sullivan

**Resolved (#65 - 2013):** that the Town Board determines the Alice Hyde Medical Center Skilled Nursing/Assisted Living Facility project to be unlisted under SEQR; that there will be no significant negative environmental impacts as a result of this project; and therefore issues a Negative Declaration.

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

**MINUTES & REPORTS:**

**Motion** – Councilor Taylor

**Second** – Councilor Sullivan

**Resolved (#66 - 2013):** to accept the minutes of the regular meeting of 03/13/2013 as presented and place on file.

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

**Motion** – Councilor Taylor

**Second** – Councilor Sullivan

**Resolved (#67 - 2013):** that the following reports are approved as presented for filing.  
Supervisor Report – 1/2013 & 2/2013

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

**Town/Village Sewer Agreement** – Attorney Duffy reported she has heard nothing back from the Village since providing them with a copy of the draft inter-municipal sewer agreement for their review.

**Victor Fellion Chargeback** – (Status Report: from 2/27 & 3/13) Town Attorney Duffy has drafted an agreement for the payment of chargebacks (prior year's taxes due), to the Town of Malone, by Victor Fellion, for his airport hangar on Town property at Malone- Dufort Airport.

**Motion** – Councilor Sullivan

**Second** – Councilor Taylor

**Resolved (#68 - 2013):** that the Town Board approves for signature, the agreement as drawn up by Town Attorney Duffy, between Victor Fellion and the Town of Malone , for unpaid taxes which have been charged back to the Town.

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

**Budget Officer Stewart** asked that the agreement between Mr. Fellion and the Town be modified to include payment procedures, responsibilities, deadlines and penalties. Attorney Anderson-Duffy said she will tweak the agreement to include these items.

**Best Value -**

Status Report: from 2/27 & 3/13 - Town Attorney to draft a Local law to allow for the choice “Best Value” rather than just the “Low Bid” (draft received & distributed on 3/21/13)

**Motion** – Councilor Taylor

**Second** – Councilor Sullivan

**Resolved (#69 - 2013):** that the Town of Malone will conduct a Public Hearing for the purpose of gathering input on proposed Local Law #2-2013, entitled “Best Value” at 5:45pm, Wednesday, April 24<sup>th</sup> 2013 at the Town Offices.

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

**Bid Opening 3/27/13 for Sand & Gravel** – Town Clerk Hafter reported only 2 bids were received, both from H & C Robinson Contractors, Inc. for sand – Option 1 at \$2.48 per yd.; and Option 2 at \$5.00 per yd. No bids were received for gravel. Superintendent Shanty said Robinson’s price for sand, Option 2, is 16 cents less than last year and a good buy. He recommended accepting that bid for sand and putting the gravel out to bid again.

**Motion** – Councilor Taylor

**Second** – Councilor Sullivan

**Resolved (#70 - 2013):** that the Town of Malone is accepting sealed bids from qualified suppliers currently permitted by the NYS DEC (preference will be given to bidders within the Town of Malone) for the on-site purchase of gravel as follows: It is understood and agreed that in addition to the Town of Malone Highway Department, its agents or contractors, Franklin County agencies and political subdivisions (cities, towns, villages, etc.) within Franklin County, including their agents and contractors, are authorized users of this contract. All terms and conditions of this contract shall apply to the other authorized user named herein as follows:

10,000 Yards, more or less, of Bank-run Gravel as per established NYS standards and regulations, and bids must be presented as Price per Yard. All materials must be easily accessible to the Highway Departments. Bidders may bid on one or both (separately) of the following options:

1) The Town of Malone Highway Department will extract and screen materials on-site. Pick-up and delivery of materials will be the responsibility of the Town of Malone.

-OR-

2) Materials will be processed and ready for pick-up by the Town of Malone Highway Department.

Sealed bids, marked “Gravel-Option #1 or “Gravel-Option #2” will be accepted at the office of the Malone Town Clerk, 27 Airport Rd., Malone, NY 12953, during normal business hours, until 10:00 am, Wednesday, April 24<sup>th</sup> 2013, at which time they will be opened and read aloud. A Certificate of Non-Collusion must accompany each bid. The Town Board reserves the right to waive any informalities and/or to reject any and all bids.

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

**Motion** – Councilor Sullivan

**Second** – Councilor Scharf

**Resolved (#71- 2013):** to accept the Option #2 bid for sand from H. & C. Robinson Contractors, Inc. at \$5.00 per yard for calendar year 2013.

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

**Procurement Policy** - Status Report (from 3/13/13) – The Town Attorney reviewed the draft procurement policy with the Town Board. Supervisor Maneely asked that a clause be added to

allow for future modification by Town Board resolution. Councilor Sullivan asked that the policy reflect the Town's ability to allow for 10% higher bid from a defined "Local Supplier".

**Motion** - Councilor Scharf

**Second** – Councilor Taylor

**Resolved (#72- 2013):** the Town Board approves the draft procurement policy as written, with the additional clauses providing for future modification by Resolution of the Town Board and allowing for preference of a "Local Supplier" at up to a 10% higher bid.

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

**Security System Upgrade** – from 1/23/13, tabled 2/27 & 3/13/13 (by Supervisor Maneely):

Motion: by Deputy Supervisor Walbridge, second by Councilor Taylor to accept the Adirondack Alarms proposal to upgrade the Town office security system in the amount of \$4,695.00.

**Motion** – Councilor Scharf

**Second** – Councilor Sullivan

**Resolved (#73- 2013):** to accept Adirondack Alarms proposal to upgrade the town office security system in the amount of \$4,695.00.

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

### **SUPERVISOR REPORTS:**

**Salmon River Flooding** – Franklin County Emergency Services Coordinator, Rick Provost, and Supervisor Maneely will set a date for an informational meeting and send letters to the involved land owners, regarding mitigation of the Salmon River flooding problem on Lower Park Street.

### **MCF/EMS -**

**Motion** – Councilor Taylor

**Second** – Councilor Sullivan

**Resolved (#74- 2013):** to approve the addition of the following members to the Malone Call Firemen/EMS membership roster: Ryan Rousseau;

Timothy Huskins; Marcie Marshall; John Marshall, Jr.; Randy Wood

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

### **SUPERINTENDENT OF HIGHWAYS REPORT:**

**Superintendent of Highways Shanty** reported business as usual, including plowing, sanding; tree and brush trimming; cutting & splitting wood and work on the Town Court addition. He noted that the bridge on Johnson Road is to be repaired and the road will be closed for 2-3 weeks during the repair. The highway department will also assist the Village with demolition of a derelict house on Webster Street.

### **BOARD MEMBER/COMMITTEE REPORTS:**

**Councilor Scharf** asked about an area of damaged macadam on River Road. Superintendent Shanty is aware and said it will be repaired. Councilor Scharf also asked that there be no further brush-hogging on the river side of the guide rails, as the river bank is crumbling. The Superintendent said he would take the information under advisement.

**Councilor Scharf** said she has been sending e-mails, regarding shared services, to the village for several weeks with no response. She would like to have discussion regarding merger of Code Offices, and she is disturbed by the lack of interest in the proposal for shared garage facilities.

**Councilor Sullivan** addressed the issue of health insurance for domestic partners of employees, as has been requested by a highway employee. Supervisor Maneely said the issue should be a negotiable issue under the CSEA contract. Councilor Sullivan noted that with the cost of insurance being so high, it is probably not a good time to expand the coverage.

**Motion** – Supervisor Maneely

**Second** – Councilor Taylor

**Resolved (#75- 2013):** that the Town Board will defer consideration of insurance coverage for domestic partners of employees, until such coverage is mandated .

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

After further board discussion , Supervisor Maneely **RESCIDED** his motion for Resolution #75-2013, Councilor Taylor rescinded her second, and Resolution #75 was canceled.

**Motion** – Supervisor Maneely

**Second** – Councilor Taylor

**Resolved (#76- 2013):** that the Town Board will defer consideration of insurance coverage for domestic partners of employees, until CSEA contract negotiations reopen.

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

**CORRESPONDENCE:**

**From - MCS Athletic Director Kilcullen to American Legion Baseball Chairman Paye, requesting use of the Legion Ball field at Malone Dufort Airport.**

**From - Laberge Group Consolidated Funding Program Descriptions**

**From - Sid Spear Agency, Health care reform overview meeting, 4/26/13**

**NEW BUSINESS:**

**Budget Transfer –**

**Motion** – Councilor Taylor

**Second** – Councilor Sullivan

**Resolved (#77- 2013):** to authorize Budget Officer Stewart to make journal entries transferring from A690, Clearinghouse to A2610 fines & fees, \$8,844.00, as per State Comptroller notice.

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

**CDBG Grant** – Councilor Scharf will be unable to attend a tele-conference (scheduled April 17<sup>th</sup> or 18<sup>th</sup> ) to discuss the reasons the Town was not awarded a housing rehabilitation grant. Supervisor Maneely said he and Councilor Sullivan will cover meeting.

**BILLS FOR AUDIT & PAYMENT:**

**Motion** – Councilor Sullivan

**Second** – Councilor Taylor

**Resolved (#78 - 2013):** that the following bills, having been audited, vouchers #294 - 328 , be paid:

General Fund – Abstract #7	\$ 47,143.42
Part Town General - #6	63.83
Highway Town wide (DA) - #5	4,738.44
Highway Outside (DB) Fund - #6	4,861.05
Trust & Agency Fund - #11	<u>32,130.21</u>
Grand Total:	\$ 88,936.95

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

**ADJOURN:**

**At 6:53 pm Motion** - Councilor Taylor

**Second** – Councilor Scharf

**Resolved (# 79 - 2013):** there being no further business to come before the Board that it adjourn, with the next regular meeting to be April 10,2013 at 6:00pm

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

**RESPECTFULLY SUBMITTED,**

\_\_\_\_\_  
SUSAN M. HAFTER, TOWN CLERK  
April 8<sup>th</sup> 2013

Town of Malone  
Regular board Meeting  
03/27/2013

11. **ADJOURN**: The next regular meeting has been scheduled for: **April 10, 2013, at 6PM**