A regular meeting of the Malone Town Board was held Wednesday May 9<sup>th</sup> 2012, at the Malone Town Offices, 27 Airport Rd., Malone, NY, commencing at 6:00pm.

PRESENT:	Deputy Counc Counc	visor Howard Maneely y Supervisor Paul Walbridge ilor Louise Taylor ilor John Sullivan ilor Mary Scharf	
ALSO PRESENT:	Andrea Lillian Sherri	Hafter, Town Clerk a Stewart, Budget Officer -Anderson Duffy, Town Attor Smith, Deputy Clerk Hewitt, Assessment Assistant	ney
Mary Fredenburg, Malone Jennifer Fish, Malone Michelle Jones, Malone		Bruce Burditt, Malone Meagan Burke, Malone Arianna MacNeill, <u>Malone T</u>	Chris Forester, Burke Amanda Martin, Malone <u>elegram</u>

**<u>CALL TO ORDER</u>**: Supervisor Maneely called the meeting to order at 6:00pm, with a pledge to the flag. The Supervisor spoke in remembrance of Ruth Alden Jones Ryan, a well-loved Malone native who passed away last week at age 103. The Supervisor also welcomed the students in attendance.

# **MINUTES & REPORTS**:

Motion – Deputy Supervisor Walbridge

Second – Councilor Sullivan

**Resolved (# 91- 2012):** to accept the minutes of the regular meeting of 0412/2012 as presented and place on file.

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

#### Motion – Councilor Taylor

**Second** – Councilor Sullivan

Resolved (# 92 -2012): to accept the following reports as presented and place on file: Town Clerk & Registrar - 4/2012 Airport Manager - 4/2012 Supt. of Highways - 4/2012 Supervisor - 4/2012 Code Officer - 4/2012
<u>Discussion</u> - In reference to the Airport Manager report, Councilor Scharf asked whether the repair/replacement of the beacon will be covered under the current airport grant project. The Supervisor responded that it will be included.

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

# **OLD BUSINESS:**

**Town Sewer Law, Revisions to Draft Amendments** - from 4.11.12 –Town Attorney Duffy presented the final draft of revisions to the sewer law for board consideration. **Motion** – Supervisor Maneely

Second – Councilor Taylor

**Resolved (# 93 -2012):** that the Town Board of the Town of Malone will conduct a Public Hearing at 5:45pm, Wednesday, May 23<sup>rd</sup> 2012 at the Malone Town Offices, 27 Airport Rd., Malone, for the purpose of gathering public input on Town of Malone proposed Local Law #1-2012, amending Town of Malone Sewer Use Law (#5-2011). The proposed law may be seen in its entirety at the office of the Malone Town Clerk during regular business hours. Persons wishing to comment on the proposed law may be heard at the time and place noted above.

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

**Lower Park Flooding** – Supervisor Maneely received a response from Congressman Owens regarding the Town request for assistance with the flooding and silt problem in the Salmon River on Lower Park Street. The Congressman forwarded copies of his correspondence with the Army Corp of Engineers; including a Flood Damage Reduction Fact sheet and sample letter of request for a section 205study.

#### Town of Malone Regular Board Meeting 05/09/2012

Motion – Supervisor Maneely

**Second** – Deputy Supervisor Walbridge

**Resolved** (# 94 -2012): that the Town Board will send a letter to the US Army Corp of Engineers, with a copy to Congressman Owens, requesting

a Section 205 study of the Lower Park Street/Salmon River flooding concerns.

<u>Discussion</u> – Councilor Scharf inquired about the cost to the town for the study. Budget Officer Stewart replied that there is planning money available in the budget. She noted that the DEC received a cash settlement from Niagara Mohawk in relation to a sediment release into the Salmon River, and suggested that they should contribute to the cost. Deputy Supervisor Walbridge asked that a reference to that settlement and a request for financial assistance be included in the letter to ACE and Owens.

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

# **SUPERVISOR REPORTS:**

**Justice Court Addition** – Supervisor Maneely reported that he met with highway employee Mike Andrews and a representative from Sample Lumber to discuss the court expansion project status. It was determined that cost overruns resulted from additions and changes to the original plan and materials not included in the quote. The estimated cost to complete the project is \$5,000.00 to \$5,200.00. Justice Lamitie said the town may be able to get more funding from the Unified Court System.

Motion – Supervisor Maneely

Second – Councilor Sullivan

**Resolved** (# 95-2012): to pay for the completion of the Justice Court expansion from contingency and to request reimbursement from the Unified Court System.

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

**West Side Sewer Project** – Supervisor Maneely reported on a meeting with Tim Burley Councilor Sullivan, Mayor LePine and Budget Officer Stewart, in regard to the funding status for sewer district improvements. The Supervisor has signed an application for hardship status funding through the Clean Water State Revolving Fund (CWSRF) to have sewer district improvements done, including the installation of the lift pump station. Once the improvements are complete the west side sewer districts will be combined into one.

**CSEA Negotiations** – Deputy Supervisor Walbridge and Councilor Sullivan will begin work with Dan McKillip on the Highway employee contract.

#### Airport Layout Plan -

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

**Resolved** (# 96 -2012): that the Town Board seeks FAA authorization to alter the Malone-Dufort Airport Layout Plan to accommodate an area along Rt. 11for NY State Police usage as a truck inspection/weigh station, to be developed at no cost to the Town.

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

#### Partial Parallel Taxiway B Phase 2 -

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

**Resolved** (# 97 -2012): to approve the request from Ketco Inc. to work

10 hours per day, 5 days per week on the PPTB phase 2 airport project. **Discussion** – pilot Bruce Burditt said runway closure during the project is unnecessary, inconvenient and potentially dangerous. Councilor Scharf and Supervisor Maneely will relay this concern to the contractors at a meeting to be held tomorrow morning. **CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye** 

**EMS Workers Comp** – Attorney Duffy has a letter from Attorney Jonathan Miller, dated 4/26/2012, regarding Workers Compensation coverage for paid EMS personnel. The Town provides Workers Comp to the volunteer Malone Call Firemen, through the Franklin County Self-Insurance Fund, but the contract between the Town and MCF does not include provisions for paid personnel. The Town Attorney said she has yet to research this issue.

**Malone Village Housing Authority** – Attorney Duffy said she is looking for better case law regarding the payment of special district charges by non-profits.

#### Landfill Monitoring Agreement -

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

**Resolved (# 97 -2012):** to authorize Supervisor Maneely to sign into agreement with GHD – (formerly Stearns & Wheler and S & W Redevelopment) for the 2012 Landfill Monitoring agreement (as required by DEC Consent Order )in the amount of \$9,164.00.

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

Assessor Retirement – Supervisor Maneely acknowledged the upcoming retirement of Assessor Cashman scheduled for June 25<sup>th</sup> 2012. He noted that Assessment Assistant Hewitt is interested in filling the vacancy and she has supplied the Board members with a letter of interest, resume and qualifications.

**Memorial Day** – Supervisor Maneely reported that the Malone 2012 Memorial Day parade will be held in the Monday, May 28<sup>th</sup> beginning at Brewster Street. All Town Board members are invited to participate.

# SUPERINTENDENT OF HIGHWAYS REPORT:

**Superintendent of Highways Shanty** submitted a written report as he was unable to attend tonight's meeting. The highway department has been busy with the following: 1) Cut trees on Limekiln, River and Houndsville Roads; 2) Shoulders, ditches and brush on Lovers Lane and Shears Roads; 3) Grade roads in preparation for dust control; 4) Set up gravel screening plant at Titus Mountain; 5) Service tractors and mowers, taking plows apart; 6) Work on Court addition. Superintendent Shanty wants to go on record saying that he "was not pleased with the statements in the Press-Republican made by Judge Cositore about the highway department and the men who have worked very hard on the Town Court addition."

#### **Resignation** –

Motion – Councilor Sullivan

Second – Supervisor Maneely

**Resolved (# 98 -2012):** to approve the 2012 seasonal employment of highway worker, Alex Mulverhill; and to accept the resignation of Alex Mulverhill effective May 11<sup>th</sup> 2012, due to his acceptance of a permanent position elsewhere.

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

New Hire -

Motion – Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (# 99 -2012): to approve the hire of BOCES student, Nicholas
La Flesh, who has submitted a letter of interest for the vacant seasonal
highway position, effective after his high school graduation next month.
CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye

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

County Assistance -

Motion – Deputy Supervisor Walbridge

**Second** – Councilor Taylor

**Resolved** (**#100-2012**): to authorize Supervisor Maneely to sign, on behalf of the Town, a request for (equipment) assistance in 2012 from the Franklin County Highway Department.

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

# BOARD MEMBER/COMMITTEE REPORTS:

**Councilor Scharf** reported that she has received a request for financial assistance from "Focus on Ferals" a not-for-profit group working to contain the feral cat problem. **Supervisor Maneely** said that requests for financial assistance should be made at town

#### Town of Malone Regular Board Meeting 05/09/2012

budget time. **Budget Officer Stewart** added that the town would not donate, but rather enter into an agreement for services, if they choose to fund the group.

**Councilor Scharf** reminded the board that there will be a Joint Town and Village meeting with the Government Efficiency Study Group on Thursday, June 14<sup>th</sup> (time TBA), at the Malone Village Offices.

# **CORRESPONDENCE:**

**From** <u>Alex Mulverhill</u> - Resignation from seasonal worker position at the Town of Malone Highway Department

# **EXECUTIVE SESSION:**

At 7:12pm \* Motion – Supervisor Maneely
Second – Deputy Supervisor Walbridge

 Resolved (# 101- 2012): that the Town Board enter into Executive Session pertaining to the employment history of, and matters leading to, the employment, discipline, suspension, dismissal or removal of a particular person and current litigation, with Board Members and Attorney to be present.

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

At 8:00pm, 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 (# 102-2012): that the following bills, having been audited,<br/>vouchers #399 – 436, be paid:<br/>General Fund- Abstract #9\$ 5,939.85General Fund- Abstract #9\$ 5,939.85Part Town General – Abstract #856.30East Side Water - Abstract #6184.10Chips – Abstract #2278.69Highway DA – Abstract #62,111.88Highway DB- Abstract #824,902.76Grand Total\$ 33,473.57

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

#### ADJOURN:

At 8:02pm Motion – Deputy Supervisor Walbridge Second – Councilor Taylor

**Resolved** (# 103-2012): there being no further business to come before the Board that it adjourn, with the next regular meeting to be held May 23<sup>rd</sup> 2012, 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** May 14, 2012