

**Town of Malone
Regular Board Meeting**

A regular meeting of the Malone Town Board was held Wednesday, May 14, 2014, 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
Giles Legacy, Malone Rob LeClerc, Malone Savana Li, Malone
Olivia Pepe, Malone Telegram

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

MINUTES & REPORTS:

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (#89 - 2014): to accept the minutes of the regular meeting of April 23, 2014 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

Motion – Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (#90 -2014): to accept the following reports as presented and place on file: Town Clerk/Registrar – April 2014; Airport Manger – April 2014; Highway Superintendent – April 2014; Code Officer – April 2014; Judges Cositore & Lamitie – April 2014

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

OLD BUSINESS:

Sand & Gravel – Superintendent of Highways Shanty was not in attendance. He left a recommendation with Supervisor Maneely to reject all sand & gravel bids received and advertise again; with the new specs to include the requirement of a copy of the bidders' NYS Mining Permit to be included with each bid.

Motion – Deputy Supervisor Walbridge

Second – Councilor Sullivan

Resolution #91 -2014

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:

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 Town Highway Department. All 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. The successful bidder will be responsible for by-products from the screening. 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 12:00noon, Wednesday, May 28th 2014, at which time they will be opened and read aloud. **A Certificate of Non-Collusion and a copy of the bidders current NYS Mining Permit g must accompany each bid. The Town Board reserves the right to waive any informalities and/or to reject any and all bids.**

AND

6,000 – 8,000 Yards, more or less, of Road Sand in Bank as per established NYS standards and regulations, and bids must be presented as Price per Yard. All materials must be easily accessible to the Town Highway Department. All bidders may bid on one or both (separately) of the following options:

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1) The Town of Malone Highway Department will extract and screen materials on-site. The successful bidder will be responsible for by-products from the screening. 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 "Sand-Option #1 or "Sand-Option #2" will be accepted at the office of the Malone Town Clerk, 27 Airport Rd., Malone, NY 12953, during normal business hours, until 12:00 pm, Wednesday, May 28th 2014, at which time they will be opened and read aloud. **A copy of their current NYS mining permit and 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 (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye**

SUPERVISOR REPORTS:

Golden Age Club

Motion – Councilor Taylor

Second – Councilor Scharf

Resolved (#92 -2014): that the Malone Town Board approves and authorizes for the Supervisor's signature the 2014 agreement with the Malone Golden Age Club, in the amount of \$2,800.00 as budgeted.

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

Justice Court Audit – Supervisor Maneely reported that he and Budget Officer Stewart met with Justices Lamitie and Cositore to discuss the findings of the 2012 and 2013 Justice Court Audits, done by Dragon Benware CPAs, P.C. The findings were an improvement over the previous audit, but deficiencies were found: Segregation of Duties; Completion of Bank reconciliations and Open Accounts; Timeliness of Bank Deposits; and Missing (short) Bank Deposit. Justice Lamitie responded that they are short-staffed and requested a third court clerk be hired. He added that in some municipalities the Justices take on some of the clerical work. Supervisor Maneely said he has offered to have Floater Clerk Hudson work in the court two days per week, pending Unified Court Systems approval. Clerk/Receiver/Registrar Hafter objected to the loss of Deputy Hudson's assistance in her office two days per week. Budget Officer Stewart suggested some of the work could be brought from the Justice Court to Clerk Hudson's desk for processing. Judge Lamitie said that could not legally be done. Budget Officer Stewart also suggested the Justices look for a free intern as they have in the past.

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (#93 -2014): that the Malone Town Board accepts the 2012/2013 Justice Court Audit as prepared by Dragon-Benware.

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

Electrical Vault -

Motion – Councilor Sullivan

Second – Councilor Scharf

Resolved (#94 -2014): that, upon the recommendation of Passero Associates, the Malone Town board approves and accepts the lowest responsible bid for the replacement of the Malone-Dufort Airport electrical Vault, from Baseline King, in the amount of \$86,590.00.

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

Sewer Update – C2AE presented an update on Sewer District #2, saying restoration work is being done, prep for paving has begun. The sewer main is operational.

BOARD MEMBER/COMMITTEE REPORTS:

Councilor Scharf – Complete Streets

Councilor Scharf -

Solar Charging Stations -

Motion – Councilor Scharf

Second – Councilor Sullivan

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Resolution #95 -2014

to amend and replace Town of Malone Resolution # 69-2014

(Resolved: that the Town Board of the Town of Malone does not, and will not, charge for parking at or use of any solar power electric car charging station in the Town of Malone.)

Resolved: that the Town of Malone does not and will not, charge a fee for electric vehicles to use or park at parking spaces adjacent to electric vehicle charging stations in the Town of Malone; and

Further Resolved: the Town of Malone does not, and will not, allow vehicles that are not charging at the electric vehicle charge station to park in spaces adjacent to the electric vehicle charging stations in the Town of Malone.

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

CORRESPONDENCE:

From American Legion – A Memorial Day parade is scheduled for May 26, 2014. All elected officials are invited to participate.

NEW BUSINESS:

Bank Resolution –

Motion – Councilor Scharf

Second – Councilor Sullivan

Resolution #96 -2014

Resolved: that First Niagara Bank, NA headquartered in Buffalo, New York is designated an authorized depository of this corporation; and

Further Resolved: that all drafts, checks or other instruments or orders for the payment of money drawn against the account or accounts of this corporation with said depository shall be signed by any one (1) of the following names and titles: **Howard Maneely, Supervisor ; Andrea Stewart, Budget Officer;** and

Further Resolved: that said depository is authorized to place to the credit of the account, or any of the accounts, of this corporation, funds, drafts, checks or other property by whomever delivered to said depository or agent thereof for deposit to the accounts of this corporation, endorsed with the name of the corporation, by rubber stamp, facsimile, mechanical, manual or other signature (and any such endorsement by whomever affixed shall be the endorsement of this corporation), or otherwise endorsed, or unendorsed, provided that if any such item shall bear, or be accompanied by, directions (by whomever made) for deposit to specific account, then such deposit shall be to the credit of such specific account; and

Further Resolved: that said depository is hereby directed to accept, and/or pay and/or apply any draft, check, instrument or order for the payment of money, or any proceeds thereof, drawn on such account or accounts when signed as required by these resolutions by manual, rubber stamp, facsimile, or other mechanical signature (by whomever affixed) without limit as to amount, without inquiry, and without regard to the disposition of any such item or proceeds thereof. Further, said depository shall not be liable in connection therewith notwithstanding that such item may be payable to the order of a person whose signature appears thereon or of any other officer or officers, agent or agents of this corporation, or such items or any proceeds thereof may be used or disposed of for the personal credit or account of any such person or persons, officers or officers, agent or agents with the depository or otherwise.

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

EXECUTIVE SESSION:

At 6:39 pm * Motion – Councilor

Second – Councilor

Resolved (#97 - 2014): that the Town Board enter into Executive Session pertaining to litigation, with Board Members and Town Attorney to be present.

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

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At 6:58pm, the executive session ended and the regular meeting resumed with no action taken.

BILLS FOR AUDIT & PAYMENT:

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (#98 - 2014): that the following bills, having been audited, vouchers #411-476, be paid:

General Fund (A) Abstract #10 -	\$26,829.15
Part Town General (B) #7 -	271.38
Highway Townwide (DA) #8 -	51.71
Trust & Agency (T) #16 -	22,962.97
East side Water (FE) #5 -	33,014.18
Airport Capital Project (H4) #5 -	<u>7,266.07</u>
Grand Total -	\$90,599.84

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

ADJOURN:

At 7:02pm Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (#99 -2014): there being no further business to come before the Board that it adjourn, with the next regular meeting to be May 28th 2014 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 16, 2014