

Town of Malone
Regular Board Meeting
May 28, 2014

A regular meeting of the Malone Town Board was held Wednesday, May 28th 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
Amy Hewitt, Assessor
Lillian-Anderson Duffy, Town Attorney
Bruce Mallette, Acting Highway Superintendent

Nick Nemier, Malone Mary Fredenburg, Malone Carl Sherwin, Malone
Bruce Burditt, Malone Chris Foerester, Burke Nancy Legacy, Malone
Giles Legacy, Malone Alex Schultz, Malone Mackenzie ?, Malone
Olivia Pepe, Malone Telegram

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

EXECUTIVE SESSION:

At 6:05pm * Motion – Supervisor Maneely

Second - Deputy Supervisor Walbridge

Resolved (# 100 - 2014): that the Town Board enter into Executive Session pertaining to Certiorari litigation, with Board Members, Town Assessor, Town Clerk and Town Budget Officer to be present.

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

At 6:25pm, the Assessor, Budget Office and Clerk were excused from the Executive Session.

At 6:38pm, the Executive Session ended and the regular meeting resumed.

PRESENTATION:

Airport Fuel Farm -

Bruce Burditt addressed the Board with a request that the Town seek funding for the installation of an aviation fuel farm at the Malone-Dufort Airport. He said that in addition to the local pilots, others from surrounding areas would purchase fuel here and bring revenue to the Town.

Motion – Councilor Scharf

Second – Deputy Supervisor Walbridge

Resolved (#101- 2014): that the Town Board will contact Passero Associates and ask them to continue to apply for funding for a fuel farm at the Malone-Dufort Airport.

**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 Taylor

Resolved (#102 - 2014): to accept the minutes of the regular meeting of May 14th 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**

OLD BUSINESS:

Sand & Gravel Bids – Clerk Hafter reported on the bid opening for sand and gravel, which was held at noon today. There were three bidders. All bids were properly submitted and included certificates of non-collusion as well as copies of current mining permits. Prices were quoted as follow:

H & C Robinson, Inc. - Sand # 1 - \$3.00 py
 Sand #2 – \$5.00 py

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May 28, 2014

<u>Legton, Inc.</u> -	Sand #1 -	\$2.35 py
	Sand #2 -	#7.25 py
	Gravel #1 -	\$1.94 py
	Gravel #2 -	\$7.39 py
<u>Titus Mt.</u> -	Sand #1 -	\$2.20 py
	Sand #2 -	\$4.50 py
	Gravel #1 -	\$2.50 py
	Gravel #2 -	\$8.00 py

Motion – Councilor Scharf

Second – Deputy Supervisor Walbridge

Resolved: (#103- 2014): to accept the bid for gravel, Option 1 & 2 from Legton, Inc. and the bid for sand, Option 1 & 2 from Titus Mt.

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

DEC Sporting License Sales – Clerk Hafter presented a memo to the Board regarding contract concerns with the NYS DEC. Without a contract in place, the Town of Malone cannot sell hunting and fishing licenses. Attorney Duffy reviewed the contract last fall, added a hold harmless clause to the contract (which she said was pre-approved by an attorney for the DEC) but they have refused to sign. Supervisor Maneely asked Attorney Duffy to contact the DEC to find out why they won't sign.

SUPERVISOR REPORTS:

Joint Town/Planning Board Work Session – scheduled for Wednesday, June 4th at 6:30pm.

Farmers Market – A current certificate of insurance, naming the town as other insured, has been received from the Adirondack Farmers Market. They have asked to use the Town Pavilion for the 2014 season.

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved: (#104- 2014): to authorize the Adirondack Farmers Market to use the Town Pavilion for The 2014 market season , June through October.

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

MCF/EMS -

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved: (#105- 2014): to accept the medical forms for firefighters Brent Jarvis and Gary Spinner.

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

LWRP – Clerk Hafter reported on the latest LWRP funding application, which includes construction work to begin on the Mill Park in the Village. She asked for a letter of support from the Board to include with the application.

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved: (#106- 2014): to authorize the Supervisor to sign and submit a letter of support for the current LWRP grant.

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

SUPERINTENDENT OF HIGHWAYS REPORT:

Deputy and Acting Superintendent of Highways Mallette reported that he may need to get an extension on a DEC permit for work on the Webster Street Road, because he has yet to receive a permit from the Army Corp of Engineers.

BOARD MEMBER/COMMITTEE REPORTS:

Councilor Scharf reported that the Town has been approved to receive incentive payments, totaling \$5,000.00, in exchange for having passed resolutions favoring solar energy enterprise.

Councilor Scharf reported that TAP Industries, a Malone based recycling business, is applying for funding through the CFA process and is asking for Town support. Their goal is to purchase a machine that would clean farm plastics so that they may be recycled.

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved: (#107- 2014): to authorize Supervisor Maneely to sign a letter of support for the CFA funding application

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

CORRESPONDENCE:

From Town Clerk Hafter, presented a proposed MOU between Town & Village regarding storage of defunct Village Justice Court records.

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved: (#108 - 2014): to approve and authorize for the Supervisor’ signature, the Memorandum of Understanding between the Town and Village of Malone, for the storage of old Village Justice Court records.

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

From Budget Officer Stewart, memos of 4/21; 5/16 & 5/22/2014 re: Victor Fellion non-compliance with payment schedule

From Franklin County Treasurer Varin, Mortgage tax payment \$52,632.18

From Data Collector Tichenor, request for training –

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved: (#109- 2014): that the Board authorizes Data Collector Tichenor to attend training entitled “Application of the Three Approaches to Value” course in Ithaca, June 14th through 18th 2014, 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

NEW BUSINESS:

Release of Lien

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved: (#110 - 2014): that the Board authorizes the Supervisor to sign a release of lien for a property that is being foreclosed: 14830 State Rt. 30, owned by Tonya Wert.

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

EXECUTIVE SESSION:

At 7:23 pm * Motion – Supervisor Maneely

Second – Deputy Supervisor Walbridge

Resolved (# 111- 2014): that the Town Board enter into Executive Session Pertaining to Certiorari 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

At 7:50pm, the executive Session ended and the regular meeting resumed.

Certiorari -

Motion – Deputy Supervisor Walbridge

Second – Councilor Sullivan

Resolved: (#112 - 2014): that the Town Board will hire an appraiser to do an independent appraisal on the Gerald Duffy property which is the subject of certiorari litigation.

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

Motion – Deputy Supervisor Walbridge

Second – Councilor Sullivan

Resolved: (#113- 2014): that the Town Board authorizes the Supervisor to sign an agreement with UCP of the North Country to settle their Certiorari claim.

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 Taylor

Second – Deputy Supervisor Walbridge

Resolved (#114 - 2014): that the following bills, having been audited, vouchers #484 -508, be paid:

General Fund (A) Abstract #11	\$ 4,335.18
Part Town General (B) #8 -	143.17
Highway Townwide (DA) #9 -	3,943.66
Highway Outside (DB) #8 -	15,479.01
Trust & Agency (T) #18 -	1,314.64
Chips (H3) #1 -	<u>8,239.93</u>
Grand Total -	\$33,455.59

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 Scharf

Resolved (#115 -2014): there being no further business to come before the Board that it adjourn, with the next regular meeting to be held at 6:00pm, June 11, 2014.

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

June 11, 2014