

**Town of Malone  
Regular Board Meeting  
June 11<sup>th</sup> 2014**

A regular meeting of the Malone Town Board was held Wednesday, 2014, at the Malone Town Offices, 27 Airport Rd., Malone, NY, commencing at 6:00pm.

**PRESENT:** Deputy Supervisor Paul Walbridge  
Councilor Louise Taylor  
Councilor John Sullivan  
Councilor Mary Scharf

**ABSENT:** Supervisor Howard Maneely

**ALSO PRESENT:** Susan Hafter, Town Clerk  
Andrea Stewart, Budget Officer  
Lillian-Anderson Duffy, Town Attorney  
Bruce Mallette, Acting Superintendent of Highways  
Tim Burley, C2AE                      Mike Simpson, Chateaugay      Harold Tibeau, Jr., Malone  
Hannah Bussey, Malone              Chris Foerester, Burke              Gordie Crossman, Malone  
Hugh Schickel, Malone              Stan Dobert, Queensbury (APEX)      Matt Dobert (APEX)

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

**PRESENTATION:** Tim Burley, of C2AE addressed the Board with an update of the west end sewer improvement project. He said the application for funding and agreements have been sent to the State Revolving Fund and they will need a copy of the BAN. He noted that the EFC wants the term of the agreement with the Village to match the term of the funding. He will work with Town Attorney Duffy to modify the wording of the agreement accordingly. Mr. Burley said the project is now “substantially complete” and is functional. The punch list includes restoration at the site, abandonment of the old line, and inspection of the grease trap at King’s Wok restaurant. Auto Zone is the only property in the district not yet connected. Supervisor Maneely will send a letter to them giving them a 1 month window to connect under the project. Mr. Burley noted that the project came in a little over estimated cost due to delays and a few unexpected expenses, but that it should be no problem to get the extra financing.

**MINUTES & REPORTS:**

**Motion** – Councilor Taylor

**Second** – Councilor Scharf

**Resolved (#119 - 2014):** to accept the minutes of the regular meeting of 05/28/2014 as presented and place on file.

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

**Motion** – Councilor Taylor

**Second** – Councilor Scharf

**Resolved (#120 - 2014):** to accept the minutes of the special meeting of 06/04/2014 as presented and place on file.

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

**Motion** – Councilor Sullivan

**Second** – Councilor Taylor

**Resolved (#121-2014):** to accept the following reports as presented and  
Place on file:      Supervisor – 5.2014              Deputy Highway Supt. – 5. 2014  
Town Clerk/Registrar – 5.2014              Comptroller/ Justice Court – 4.2014  
Code Officer – 5.2014              Airport Manager – 5.2014

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

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**Motion** – Councilor Scharf

**Second** – Councilor Taylor

**Resolved (#122-2014):** that the tie down gear at the Malone-Dufort Airport is to remain the same as they are: that is with old tires surrounding the concrete blocks, to protect the planes from damage.

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

**OLD BUSINESS:**

**DEC Sporting License Sales Agreement** – (tabled 5.28.14)

Town Attorney Duffy reported on her research into the DEC Licensing Agreement issue. The concerns, as stated by Clerk Hafter, are: 1) the DEC agreement does not provide indemnification (hold-harmless) for the Town, its officials or employees, but does provide indemnification for the DEC; and 2) the DEC agreement calls for the Town Clerk to be Agent and Assistant Agent, with all responsibility for the administration of the contract to be placed on the Clerk. Attorney Duffy spoke with Cindy Lou Dixon of the NYS DEC last fall and again recently, and was told that the DEC would not change the contract for one agent; and that the agreement had been approved by the Association of Towns' legal team. She added that Shawn Vitas (Ms. Dixon's Supervisor at NYS DEC) was adamant that the change will not be approved.

Clerk Hafter said she is willing to sell sporting licenses for the DEC and train Deputy Hudson to sell also. She is not, however, willing to sign the agreement as it stands. The Town Board and Town Clerk would like to be able to continue this service to the community. Clerk Hafter suggested that Attorney Duffy talk to AOT legal counsel to find justification for contract terms in question. The Board directed her to do so

**Town Justice Vacancy** – Deputy Supervisor Walbridge reported that at a Special Meeting of the Town Board held 6/4/2014, the Board accepted the resignation of Justice Frank Cositore, effective Friday, 6/13/2014. Justice Cositore's term was to expire 12/31/2014. The Board directed Attorney Anderson-Duffy to research the process for the appointment of Justice Fred Boardway to fill the vacancy for a 3-month interval (to October 14, 2014); and to determine whether he would be paid by the Town or the State.

**Work session** – Supervisor Maneely reported on a Joint Town Board/Planning Board meeting that was held on 6/4/2014. The two boards agreed to a page by page review of the proposed Town Comprehensive Plan, and the inclusion of/coordination with the existing LWRP.

**Motion** – Councilor Scharf

**Second** – Councilor Taylor

**Resolved (#123-2014):** that the Malone Town Board provide a letter of support for a business grant through NY Works to fund the Empire State Games Global Initiative; as suggested by local businessman, Bruce Monette, because of the boost the games would bring to North Country tourism.

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

**SUPERVISOR REPORTS:**

**MCS/EMS -**

**Motion** – Councilor Scharf

**Second** – Councilor Taylor

**Resolved (#124-2014):** that the Town Board accept and approve for signature the health form for fireman, Ben Dixon.

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

**SUPERINTENDENT OF HIGHWAYS REPORT:**

Acting Superintendent of Highways Mallette reported that the Webster Road project is coming along, with 3-4 tiles in place now. The department is screening sand for winter.

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**BOARD MEMBER/COMMITTEE REPORTS:**

**Solar Power -**

**Motion** – Councilor Sullivan

**Second** – Councilor Scharf

**Resolved (#125-2014):** that the Town Board accepts and approves for signature the revised “power purchase” agreement with APEX, which provides for solar panels to be installed on hangar roofs at the Malone-Dufort Airport, and a guaranteed 25% minimum savings to the Town for electrical costs.

Discussion – Attorney Duffy noted that a glare test must be conducted. Councilor Scharf praised Attorney Duffy and Stan Dobert, of APEX, for their work on this agreement.

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

**Taxi Committee-** the Taxi Committee, (Deputy Supervisor Walbridge and Councilor Taylor) has not yet contacted Mr. Otley in regard to his taxi stand/driver application.

**CORRESPONDENCE:**

**From** Malone Lodge of Elks - Flag Day services 6.14.14 @ 5PM

**From** Time Warner Cable - Franchise fees for 1<sup>st</sup> Quarter 2014, in the amount of \$8340.78

**From** Budget Officer Stewart - letter to Victor Fellion regarding past due chargeback and hangar/ land rental fees

**NEW BUSINESS:**

**Court Petty Cash**

**Motion** – **Motion** – Councilor Sullivan

**Second** – Councilor Scharf

**Resolved (#126-2014):**  
granting permission to the Budget Officer to increase the petty cash funds,  
from \$50 to \$100, as requested by Malone Town Justice Court

**from:** A200 Cr \$100.00

**to:** A210 Dr \$100.00

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

**Motion** – **Motion** – Councilor Taylor

**Second** – Councilor Scharf

**Resolved (#127-2014):** to authorize the Budget Officer to make the necessary Journal Entries to transfer \$9,679.00, as per the Comptroller report for April

**to:** A980 Revenues (A2610 court fines & fees)

**from:** A690 Clearing House Acct

**from:** A200 Cr \$100.00

**to:** A210 Dr \$100.00

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

**Motion** – Councilor Sullivan

**Second** – Councilor Scharf

**Resolved (#128-2014):** to authorize Planning Board members Lee Mulverhill, Anne Farden, Rob Haynes, Ken Nephew and Mark Gonyea to attend the NYS Association of Towns & NY Planning Federation sponsored Planning & Zoning School on Monday, July28th from 8:30 am to 3:45 pm, at Mo’s in Malone, with all necessary fees to be paid by the Town (\$80. each)

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

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**BILLS FOR AUDIT & PAYMENT:**

**Motion** – Councilor Sullivan

**Second** – Councilor Taylor

**Resolved (#129 - 2014):** that the following bills, having been audited,  
vouchers #514-556, be paid:

General Fund (A) – Abstract # 12	\$ 21,946.46
Part Town General (B)- #9	543.32
Highway Outside (DB) #9	8,782.87
Trust & Agency (T) # 20	257.60
East Side Water (FE) # 6	196.86
Chips Fund (H3) #2	<u>1,916.25</u>
Grand Total:	\$ 33,643.36

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

**ADJOURN:**

**At 7:04 pm Motion** – Councilor Sullivan

**Second** – Councilor Scharf

**Resolved (#130-2014):** there being no further business to come before  
the Board that it adjourn, with the next regular meeting to be at 6:00pm  
June 25, 2014.

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

**Respectfully submitted,**

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Susan M. Hafter, Town Clerk  
June 18<sup>th</sup> 2014