

Town of Malone
Regular Board Meeting
06/25/2014

A regular meeting of the Malone Town Board was held Wednesday, June 25, 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
Bruce Mallette, Acting Superintendent of Highways
Mark Besio, Airport Manager

Hugh Hill, 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 (#131- 2014): to accept the minutes of the regular meeting of 6/11/2014, as presented and place on file.

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

Motion – Councilor Scharf

Second – Councilor Sullivan

Resolved (#132 -2014): to accept the following reports as presented and place on file: NYS Comptroller – Justice Court - 5/2014

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

OLD BUSINESS:

VA Clinic –

Motion – Councilor Scharf

Second – Councilor Taylor

Resolution #133 -2014

Whereas, the defense of the United States and the freedom of its citizens are upheld by an entirely volunteer military; and

Whereas, the men and women of the United States Armed Forces put their lives on the line for their fellow American citizens every day in places domestic and foreign; and

Whereas, we as a nation have a fundamental and moral obligation to care for the health and well-being of our citizen soldiers during their service to the country and after that service has been honorably fulfilled; and

Whereas, the U.S. Department of Veterans Affairs has established a network of clinics to provide primary health care to veterans; and

Whereas, The VA Clinic located in Malone, New York has provided timely and quality care to hundreds of veterans since 1998; and

Whereas, the announced closure and multiple delays in closure have created great uncertainty, anxiety and undue stress for area veterans who rely on the Malone clinic for vital services; and

Whereas, not only does the clinic provide primary medical care, it also offers tele-medicine services for specialty care preventing the need to travel out of town for such services; and

Whereas, residents of rural communities like those in Franklin County that are served by the Malone VA Clinic face unique geographic, economic and weather-related challenges if there is a need to travel outside the area; and

Whereas, a recent audit of VA services revealed that nearly 58,000 veterans faced delays in care, and nearly 120,000 returning veterans faced similar delays or never received the care they were seeking; and

Whereas, with the conclusion of military engagements in Iraq, Afghanistan and commitments elsewhere around the globe, along with a burgeoning Baby Boomer population, the need for timely and quality care for our veterans is greater than ever;

Now Therefore Be It

Resolved: that the Malone Town Board strongly urges the VA to honor its fundamental and moral obligation to the veterans of our region by keeping the Malone VA clinic open and establishing it as a center of excellence in the region with enhanced tele-medicine specialty care and home care services.

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

APEX Solar Agreement – Town Attorney Duffy reported a couple of minor changes made to the proposed Power Purchase Agreement with APEX. Additionally, the FAA requires a glare test, a commercial value assessment of the roof space, modification to change to the Malone-Dufort Airport Lay-out Plan and a NEPA (National Environmental Policy Act) study. Attorney Duffy will contact Passero Associates and Larry Ahern of the FAA for assistance with these remaining items.

DEC Sporting License Sales Agreement – Town Attorney Duffy reported that she spoke with Lori Mithen, Chief Counsel for the Association of Towns, in regard to the DEC Agent Sales Agreement. Attorney Mithen had not previously seen the agreement and asked that it be sent to her for review. She said it may take some time to make a determination on the issues presented.

4th Judicial District Order – the Town of Malone Justice Court has received a Judicial Order allowing for Bangor Justice Boardway to be assigned to Malone 6/14/14-10/31/14, due to the resignation of former Justice Frank Cositore. The Town will be paid \$400.00 per week plus a \$100.00 per week for mileage.

Taxi Committee- (from 6/11/14) Taxi Committee (Deputy Supervisor Walbridge and Councilor Taylor) have both spoken with Kenneth Otley about his application for a taxi license. He has not responded to some questions they had in regard to the application.

SUPERVISOR REPORTS:

Assessment Legal Services –

Motion – Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (#134- 2014): that the Malone Town Board will contract the services of Attorney Brian Stewart, at an hourly rate of \$200.00per hour, to handle legal issues related to the Town of Malone Assessor’s Office, to include all pending and future Certiorari litigation.

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

Inter-municipal Sewer Agreement-

Motion – Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (#135- 2014): that the Town Board approves the modifications to the Town and Village Inter-municipal Sewer Agreement, which acknowledge and correlate to the terms of sewer project funding; and to authorize the Supervisor to sign the modified agreement as presented.

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

Airport Runway 14-32 Project – Supervisor Maneely reported that the final inspection for the Runway 14-32 Rehabilitation Project, which was scheduled for tomorrow morning is postponed, new date TBA.

SUPERINTENDENT OF HIGHWAYS REPORT:

Acting Superintendent of Highways Mallette requested authorization to purchase a plow truck.

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

**Town of Malone
Resolution #136-2014**

Whereas, the Malone Town Highway Department is in need of an additional plow truck before the onset of the 2014-2015 winter season; and

Whereas, in order to ensure that the properly optioned truck can be built and delivered prior to the next snow, it must be ordered immediately;

Now Therefore, Be It

Resolved: that the Malone Town Board does hereby authorize Acting Superintendent of Highways, Bruce Mallette, to place an order for a Western Star 4700 set-forward front- axle truck for snow plow; and

Further Resolved: the Town Board accepts the recommendation from Superintendent Mallette and the quote of \$192,533.00 from Tracey Road Equipment, Inc. for the installment purchase of this truck; with 5 annual payments of \$42,425.33, beginning in the Town's 2015 budget year and ending in 2019, with the total cost with interest to be \$212,126.64.

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

Superintendent Mallette also noted the need for a new F-30 truck, and an excavator. He has found a versatile compact excavator with 3 different buckets. The plow, the F30 and the excavator together would cost less than the Grade-All, for which the last payment is included in the 2014 budget. The additional purchases will be considered for the 2015 budget.

The Superintendent reported that the Webster Street Road project is nearing completion and he expects to pour concrete on Friday.

Seasonal Highway Employee - Superintendent Mallette asked for authorization to increase the salary of seasonal employee, Timothy LaVoie.

Motion – Deputy Supervisor Walbridge

Second – Councilor Sullivan

Resolved (#137- 2014): that the Malone Town Board approves and authorizes an increase to salary of seasonal highway employee, Timothy LaVoie to \$10.00 per hour, effective immediately.

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

Cutter Purchase -

Motion – Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (#138- 2014): to authorize the Highway Superintendent to purchase a diamond-blade asphalt cutter, at a cost of \$2,000.00, from the Highway Improvement fund.

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

NOTAM (Notice to Airmen) Back-up –

Motion – Councilor Scharf

Second – Deputy Supervisor Walbridge

Resolved (#139- 2014): that, in the absence or inability of Malone-Dufort Airport Manager Besio to perform the service of issuing airport safety NOTAMs, Acting Highway Superintendent will assume the responsibility; with the third back-up to be local pilot, Bruce Burditt.

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

BOARD MEMBER/COMMITTEE REPORTS:

Councilor Scharf that the Complete Streets program by-laws call for the Town and Village Boards to approve the Advisory Board membership.

Motion – Councilor Scharf

Second – Deputy Supervisor Walbridge

Resolved (#140- 2014):that the Malone Town Board approves the membership of the Malone Complete Streets Advisory Board as follows: Dave Werner – Chair; Ken Carre, Vice-Chair; Mary Scharf – Secretary; Meagan Andrews – Education; Boyce Sherwin - Grants; Josie Delaney – Heart Healthy Network; Jamie Konkoski – Advisor; Vanetta Pond – Advisor; and a 7th person yet to be selected..

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

Councilor Sullivan reported that he has visited the Legton, Inc. gravel pit and found it to be unsafe and inaccessible. Acting Superintendent Mallette said Mr. Legacy acknowledges he does not have the equipment to properly prepare the pit and gravel, but offered a “bargain” on gravel if the Town would do the work.

Motion – Councilor Sullivan

Second – Deputy Supervisor Walbridge

Resolved (#141- 2014): that the Town Board will ask Mr. Legacy to withdraw from his bid award for gravel for the Town of Malone in 2014, as the Board and Acting Superintendent find the pit to be unsafe and the gravel inaccessible – conditions which are unacceptable according to the bid specs; and

Further Resolved: that in the event that Mr. Legacy does not withdraw from the bid award, the Town will contact MSHA (Mining Safety and Health Association) immediately for a clean inspection of the pit, prior to Town of Malone employees and equipment going in.

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

Deputy Superintendent Walbridge reported on a letter from incoming Rotary President, Wayne Walbridge asking that Michelle Schumacher be appointed by the Town Board to the Joint Rec Commission to serve as a representative of Rotary.

Joint Rec Commission -

Motion – Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (#142- 2014): that the Town Board appoint Michelle Schumacher to the Malone Town/Village Joint Recreation Commission, to fill the vacancy created by the resignation of Bess Hanna, effective immediately.

Discussion – *there are two Town vacancies on the Joint Rec Commission, as in addition to Ms. Hanna’s resignation, Gordon Halley was asked to resign when he moved out of Malone. Ms. Schumacher is not a Malone resident either. Jen Bilow had been appointed to fill the vacancy left by Mr. Halley’s resignation, but declined to sign an oath and take office, as she understood that Mr. Halley would like to continue to serve. Supervisor Maneely asked Attorney Duffy to look into residency requirement for this Commission. She found no mention of residency within the Town Code Chapter 60, “Recreation Commission, Joint”. Budget Officer Stewart suggested Attorney Duffy look at the by-laws of the commission itself. Deputy Supervisor Walbridge suggested a waiver of the residency requirement, if there is one. Attorney Duffy will report at the next regular meeting.*

Deputy Supervisor Walbridge withdrew his motion; and Councilor Scharf her second.

C.T. Male, Lunch & Learn – Clerk Hafter reported that there will be a luncheon meeting, presented by C. T. Male, 12:00pm, Tuesday, July 1st at Mo's Restaurant. The purpose of the presentation is to provide methodology for moving forward with stalled BOA grant program efforts.

CORRESPONDENCE:

From - Superintendent of Highways Shanty - Resignation letter, effective June 20, 2014

From - NYS Dept. of Public Service –Natural Gas risk assessment information

NEW BUSINESS:

Budget Transfers –

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (#143 - 2014): that the Town Board authorizes Budget Officer Stewart to make the necessary Journal Entries as follows:

From: A690 Clearing House Account, \$6,485.20

To: A980 Revenues (A2610 court fines & fees)
as per the Comptroller report for May 2014

AND

Payroll transfers for 2014:

From: A1220.1 Supervisor personal services – \$ 8,944.00; and

From: A1330.1 Tax Receiver personal services – 20,327.00; and

From: A1460.1 Records Management personal services 1,100.00

To: A1410.1 Town Clerk personal services – \$30,371.00

From: B3620.1 Safety Inspection personal services - \$16,796.00

To: B8010.1 Zoning personal services

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

Training Requests -

Motion – Councilor Taylor

Second – Councilor Scharf

Resolved (#144 - 2014): to authorize Variance Board members Craig LaVigne, Charles Robert, Richard Traynor, and Code Officer Crossman to attend the NYS Association of Towns & NY Planning Federation sponsored Planning & Zoning School, from 8:30 am to 3:45 pm, Monday, July 28th 2014, at Mo's in Malone, with all necessary fees (\$80pp) 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**

Town Attorney Outside employment -

Motion – Councilor Scharf

Second – Councilor Sullivan

Resolved (#145 - 2014): to allow Town Attorney Anderson-Duffy to be employed by and provide legal services for APEX Solar Systems, a provider/vendor for the Town of Malone.

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

EXECUTIVE SESSION:

At 7:09pm * Motion – Supervisor Maneely

Second – Deputy Supervisor Walbridge

Resolved (#146 - 2014): that the Town Board enter into Executive Session pertaining to a Certiorari case, 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 7:23 pm, 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 (#147 - 2014): that the following bills, having been audited, vouchers #562 - 595, be paid:

General Fund (A) – Abstract #13	\$19,380.34
Part Town General (B)- #10	4,602.32
Highway Outside (DB) #10	9,734.01
Trust & Agency (T) #22	32,723.07
West Side Water (FW) #2	3,229.50
East Side Water (FE) #7	3,229.50
Chips Fund (H3) #3	10,264.90
Airport Capital Project (H4) #6	476,532.16
Landfill Capitl Project (H7) #1	2,054.35
Sewer (G) #5	<u>65,301.16</u>
Grand Total:	\$627,051.31

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

ADJOURN:

At 7:25 pm Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (#148 -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, July 9, 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
July 8, 2014