

A regular meeting of the Malone Town Board was held Wednesday, August 21<sup>st</sup> 2013, 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  
Tom Shanty, Highway Superintendent  
Amy Hewitt, Assessor  
Mary Fredenburg, Malone Arianna MacNeill, 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 Sullivan

**Resolved (#159- 2013):** to accept the minutes of the regular meeting of 07/24/2013 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 (#160 -2013):** to accept the following reports as presented and place on file:  
Town Clerk/Registrar -7/13 Supt. of Highways – 7/13  
Airport Manager – 7/13 Judges Lamitie & Cositore – 7/13  
Code Officer – 6/13 & 7/13

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

**SUPERVISOR REPORTS:**

**Sewer Upgrade Project -**

**Motion** –Supervisor Maneely

**Second** – Deputy Supervisor Walbridge

**Resolution #161 -2013**

**ORDER ESTABLISHING HEARING**

**ON AMENDED SEWER DISTRICT IMPROVEMENT**

**PURSUANT TO 209 (e) OF THE TOWN LAW OF THE STATE OF NEW YORK**

**WHEREAS**, the Town Board of the Town of Malone, New York (the “Town”), accepted for filing from Capital Consultants Architecture and Engineering (herein C2AE), Timothy Burley, P.E., a map, plan and report, dated January 2013, for providing the facilities, improvements or services in a portion of the Town wherein a sewer district was proposed to be established; and

**WHEREAS**, the said C2AE, Timothy Burley, P.E. duly filed an amended engineering report in the office of the Town Clerk dated August 2013; and

**WHEREAS**, the boundaries of the proposed Route 11 West Sewer District 2 (the “District”) shall incorporate all properties within an area beginning at the western border of the Village of Malone on Route 11 West and continuing westerly along both sides of Route 11 to a point immediately east of the Town of Malone Highway Department garage, as described in Exhibit A attached hereto; and

**WHEREAS**, the proposed improvements consist of the construction of a conventional gravity sewer collection system with ultimate discharge to the Village of Malone

collection and treatment system, and consisting of the installation of 6" PVC sewer laterals from each business connected to an 8" PVC sewer main placed within/or adjacent to the road right-of-way pursuant to the plans prepared by C2AE, Timothy Burley, P.E.; and

**WHEREAS**, the initial maximum amount proposed to be expended for such improvement was \$357,000.00 and the maximum anticipated annual cost to a typical property owner, allocated according a benefit factor assigned to such property, was estimated to be \$1,280.00; and

**WHEREAS**, based on initial bids received, the maximum amount now proposed to be expended for such improvements is \$396,000 and the amended, anticipated annual cost to a typical property owner within the District is estimated to be \$1,137.00; and

**WHEREAS**, the proposed method to be employed for financing such improvement includes a \$70,200.00 grant from the North Country Regional Economic Development Council, and may include a Clean Water State Revolving Fund loan for the remaining amount of the project; and

**WHEREAS**, a map, plan and report describing such improvements are on file in the office of the Town Clerk for public inspection including a calculation of the cost to typical property owner;

**NOW THEREFORE, BE IT:**

**ORDERED**, that the Town Board shall meet at the Town Hall, in the Town of Malone, Franklin County, New York, on the 5<sup>th</sup> day of September, 2013, at 9:00 o'clock A.M., for the purpose of conducting a public hearing on the amended proposal to establish said District with the improvements specified above, at which time and place all persons interested in the subject thereof may be heard concerning the same; and

**FURTHER ORDERED**, that the Town Clerk is hereby authorized and directed to publish a copy of this order in The Malone Telegram, the official Town newspaper, and post a copy of the same on the signboard of the Town, in the time and manner required by law.

By Order of the Town Board of the Town of Malone this 21st day of August, 2013.

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

**Special Meeting -**

**Motion** –Deputy Supervisor Walbridge

**Second** – Councilor Sullivan

**Resolved (#162- 2013):** that the Malone Town Board will hold a special meeting at 9:00am, Thursday, September 5<sup>th</sup> 2013, for the purpose of conducting a Public Hearing to gather public input on the amended Sewer District Improvement Project., pursuant to 209 ( e ) the New York State Town Law.

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

**2014 Budget** - tax levy growth factor will be 1.66%

**RW 14-32 Rehab Project -**

**Motion** –Deputy Supervisor Walbridge

**Second** – Councilor Sullivan

**Resolved (#163- 2013):** that the Malone Town Board agrees (along with Peckham Construction, the winning bidder on the project) to postpone the planned RW14-32 Rehabilitation Project at the Malone Dufort Airport until spring of 2014, as FAA funding has not yet been secured.

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

**Parcel Transfer**

**Motion** –Deputy Supervisor Walbridge

**Second** – Councilor Sullivan

**Resolved (#164- 2013):** that the Malone Town Board concurs with the following Franklin County Legislature Resolution No. 226, and accepts the transfer of ownership of parcel 98.-1-15 from the County to the Town of Malone.

(

**Franklin County  
Resolution No. 226**

**Offered by** Legislator Crossman

**Relating to** Cancellation of Taxes, Interest & Penalties on Tax Map  
Parcel #98.-1-15, and Transfer of Parcel Ownership from Franklin County  
to the Town of Malone

**Whereas:** The County of Franklin is the current title owner of premises located on Lower Park Street, Malone, NY 12953, tax ID #98.-1-15; and

**Whereas:** The Town of Malone has requested that the County of Franklin cancel the outstanding real property taxes owed on the premises and subsequently transfer the title of the premises to the Town of Malone; and

**Whereas:** The purpose of this request by the Town is in connection with the Town's project to engage in flood remediation along that portion of the Salmon River adjacent to the property along with other similarly situated properties which have endured annual flooding and ice jams over the past several years resulting in closure of the highway and public safety concerns; and

**Whereas:** The Franklin County Treasurer has recommended to the Legislature that the cancellation of taxes and transfer of the property is in the best interests of the taxpayers;

**Now, Therefore, Be It**

**Resolved:** That the Franklin County Legislature does hereby authorize the Franklin County treasurer to cancel the outstanding taxes owed on the premises in the amount of \$2,268.33 and does further authorize the Chairman of the Franklin County Legislature to sign the transfer documents conveying ownership of the Ta Map ID #98.-1-15 to the Town of Malone by quit claim deed. )

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

**CDBG Micro-enterprise 2010 -**

**Motion** –Deputy Supervisor Walbridge

**Second** – Councilor Sullivan

**Resolved (#165 2013):** that the Malone Town Board accepts and approves for the Supervisor's signature, a contract with Camoin Associates for the work related to the close-out of the Town of Malone 2010 Microenterprise Program, as presented.

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

**Notice of Claim -** A claim was received from Federated Mutual Insurance Company for \$6,943.15 and was turned over to our insurance carrier for review. The insurance company denied the claim as the incident was not reported timely, there was no prior notice of defect and no police report.

**MCF/EMS -**

**Motion** –Deputy Supervisor Walbridge

**Second** – Councilor Taylor

**Resolved (#166 2013):** that the Malone Town Board accepts and approves for the Supervisor's signature, the Medical Evaluations for the following

MCF/EMS members, adding them to the Franklin County Self-Insurance Plan:  
Cynthia Rivers, Scott Rivers, John Kissane, Malcolm Jones and Brian Gokey.

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

**SUPERINTENDENT OF HIGHWAYS REPORT:**

**Superintendent of Highways Shanty** reported that flood related clean-up has been completed. Work on Arnold Road continues. Robinson Circle will be paved this week. There are no concerns at the landfill.

**BOARD MEMBER/COMMITTEE REPORTS:**

**Councilor Scharf** spoke about a solar power initiative that is being offered by Larson Associates. Councilors Sullivan and Scharf spoke with Mr. Matt Rankin who provided details of the program. The Town would provide space for solar panel and receive discounted power in return. There is a lease-to-buy option which might be even more beneficial to the town. There was discussion about another solar initiative involving the landfill property, which is owned by the Village. Supervisor Maneely and Mayor LePine have spoken about and are in favor of these solar possibilities. Councilor Scharf will arrange for Larson Associates to make a presentation to the Board.

**Councilor Scharf** commended Councilor Taylor on her expertise and assistance with dog control issues.

**Deputy Supervisor Walbridge** will be take the lead in studying the feasibility of a Robinson Circle access to Route 37. He recommended a survey to be done this fall and consideration of the project during the 2014 budget process. **Councilor Scharf** asked why this project is being considered. **Superintendent Shanty** said an access to 37 would make the plowing of Robinson Circle easier.

**CORRESPONDENCE:**

**From – NYS Real Property** – Town of Malone equalization rate is at 85%.

**From – Barney’s Wagon Wheel and Pizza Hut** notices of Intent to Rrenew Liquor Licenses

**From - NYS Ag & Markets** Dog Control Inspection Report - rated Satisfactory

**From – NYS Department of State/ Franklin County Soil & Water Conservation District** - Training Certificates received for Planning Board members Ann Farden, Mark Gonyea, & Chastity Miller

**OLD BUSINESS:**

**Standard Workday Retirement Reporting –**

**Motion** –Deputy Supervisor Walbridge

**Second** – Councilor Sullivan

**Resolution #167 2013**

**Be It Resolved**, that the Town of Malone/Location Code 30458 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement system based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Town of Malone  
Regular Board Meeting  
08/21/2013



Office of the New York State Comptroller  
New York State and Local Retirement System  
Employees' Retirement System  
Police and Fire Retirement System  
110 State Street, Albany, New York 12244-0001

## Standard Work Day and Reporting Resolution RS 2417-A

(12/10)

BE IT RESOLVED, that the Town of Malone / Location code 30458 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
<b>Elected Officials</b>									
Councilor	Paul Walbridge	3702	34679902	6	11/12 - 12/31/15	N	8.83		
Councilor	Louise Taylor	5167	41042862	6	11/12 - 12/31/15	N	6.0		
Town Justice	Michael Lamitie	1157	50661313	6	11/12 - 12/31/15	N	10.75		
Town Justice	Frank Cositore	5260	50223317	6	11/11 - 12/31/14	N	5.67		
<b>Appointed Officials</b>									
Budget Officer	Andrew Stewart	1211	34318436	6	11/2012 - 12/31/2013	N	1.0		
Town Attorney	Lillian Anderson Duffy	0404	38716072	6	11/2012 - 12/31/13	N	1.79		
Airport Manager	Mark Besio	7278	36869792	6	11/12 - 12/31/13	N	1.3		

If additional rows are needed, please use form RS2417-B and attach.

On this 21 day of August, 2013, Susan M Halter (Signature of clerk) Date enacted: 8/21/13

I, Susan M Halter, clerk of the governing board of the Town of Malone, of the State of New York, do hereby certify that I have

compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 21 day of August, 2013 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of 5 members, and that 5 of such members were present at such meeting and that 5 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto Set my hand and the seal of the Town of Malone (Name of Employer)

This document consists of 2 page(s) (see additional RS2417-B forms attached).





Town of Malone  
 Regular Board Meeting  
 08/21/2013



Office of the New York State Comptroller  
 New York State and Local Retirement System  
 Employees' Retirement System  
 Police and Fire Retirement System  
 110 State Street, Albany, New York 12244-0001

Standard Work Day and Reporting Resolution  
 Continuation Form

RS 2417-B

(12/10)

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
<b>Elected Officials</b>									
Supt. of Highways	Thomas Shanty	9087	32903221	8	1/1/2010/12/31/13	N	20	<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
<b>Appointed Officials</b>									
Town Clerk/Rec.								<input type="checkbox"/>	<input type="checkbox"/>
Tax Collector/Registrar	Susan Hafter	2052	36521060	6	1/1/2012/12/31/13	Y	N/A	<input type="checkbox"/>	<input type="checkbox"/>
Deputy Clerk	Denise Hudson	5859	160164309	6	1/1/12/12/31/13	Y	N/A	<input type="checkbox"/>	<input type="checkbox"/>
Assessor	Amy Hewitt	1829	36804581	6	10/1/12/9/30/13	Y	N/A	<input type="checkbox"/>	<input type="checkbox"/>
Code Enforcement	Robert Crossman	0698	40290090	6	1/1/12/12/31/13	Y	N/A	<input type="checkbox"/>	<input type="checkbox"/>
Deputy Hwy Supt.	Bruce Mallette	1601	41604935	6	1/1/13/12/31/13	N	1.5	<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>

Employer Town of Malone Location Code 30458 Page 2 of 2 (use with form RS 2417-A)

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

**NEW BUSINESS:**

**Reappointment –**

**Motion** –Deputy Supervisor Walbridge  
**Second** – Councilor Taylor

**Resolved (#168 2013):** that the Malone Town Board appoints Amy K. Hewitt to a subsequent 6-year term as Assessor for the Town of Malone beginning 10/01/2103 (at the expiration of her current term) and running through 09/30/2019.

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

**EXECUTIVE SESSION:**

**At 6:45pm\* Motion** – Councilor Scharf  
**Second** – Councilor Sullivan

**Resolved (#169 - 2013):** that the Town Board enter into Executive Session pertaining to the possible litigation, with Board Members, Town Attorney, Budget

Officer and Town Clerk to be present.

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

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

**Certiorari -**

**Motion** –Deputy Supervisor Walbridge

**Second** – Councilor Sullivan

**Resolved (#170-2013):** that the Malone Town Board authorizes Town Attorney Duffy to sign a stipulation of withdrawal in regard to the Certiorari claim by ARC GSBK NY 001, LLC (Border Patrol) against the Town of Malone.

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

**BILLS FOR AUDIT & PAYMENT:**

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Taylor

**Resolved (#171 - 2013):** that the following bills, having been audited, vouchers #681 - 740, be paid:

General – Abstract #16	\$ 56,895.60
Part Town General- #14	51.14
Highway Townwide - #10	31.28
Highway Outside (DB) - #15	32,660.90
East side Water Project - #8	139.32
Trust & Agency - #31	<u>31,659.51</u>
<b>Grand Total -</b>	<b>\$121,437.75</b>

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

**ADJOURN:**

**At 7:00 pm Motion** - Deputy Supervisor Walbridge

**Second** – Councilor Taylor

**Resolved (#172 -2013):** there being no further business to come before the Board that it adjourn, with the next regular meeting to be September 11<sup>th</sup> 2013, at 6:00pm

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

**RESPECTFULLY SUBMITTED,**

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**SUSAN M. HAFTER, TOWN CLERK**  
August 23, 2013