

A regular meeting of the Malone Town Board was held Wednesday, September 12th 2012, 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 Burditt, Malone P. Marshall, Malone David Lamica, 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 – Councilor Scharf

Second – Councilor Taylor

Resolved (#167 - 2012): to accept the minutes of the regular Town Board meeting of 8/15/12 and the special meetings of August 29, 2012 & September 5, 2012 as presented and place on file.

CARRIED (5 - 0) – Supervisor Maneely - Aye

Deputy Supervisor Walbridge – Aye (Abstain 9/5/12)

Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye

Motion – Councilor Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (# -168 - 2012): to accept the following reports as presented and

Place on file: Town Clerk/Registrar – 8/12; Justice Court – 8/12;

Code Officer – 8/12; Airport Manager – 8/12; Supt. of Highways – 8/12;

Supervisor – 8/12

CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye

Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye

OLD BUSINESS:

EMS/ Workers Comp. – Town Attorney Duffy reported that she has presented a signed and sealed copy of the certificate for Malone EMS Inc. to the county in relation to workers compensation.

SUPERVISOR REPORTS:

Gas Line – Supervisor Maneely received a phone call from Jim Ward of St. Lawrence Gas, who scheduled a ground-breaking ceremony for 1:00pm, Thursday, September 20th at the Town Pavilion.

Salmon River – The Army Corp of Engineers is to do an inspection of the Salmon River in Malone on September 25th 2012, time to be announced.

Employee Manual – The Supervisor was visited by representatives from NYS Department of Labor, who advised that the Town must have a “Violence in the Workplace” policy. Dan Van Gorder from NYMIR also visited and conducted a risk management review. He offered assistance with creating an Employee Manual and offered samples. He will visit again on Friday, 9/21/2012 to continue the discussion.

FAA Grant –

Amendment –The Supervisor has forward a required signature to C & S Engineers in order to amend the current FAA grant (Partial Parallel Taxiway B, Phase 2) to include a repair/replacement of wind cone.

Project Inspection – On 08/27/2012, inspection was done on the PPTB2 project on and a punch list was forwarded to KETCO for their completion of the items.

Certiorari Proceeding – K Mart #3943 vs. Town of Malone

Notice of Claim – Veda Monette vs. Town of Malone

Micro-enterprise – David Lamica and Patty Marshall were present to accept a check as the first recipients funding from the 2012 Town of Malone Micro-Enterprise grant program.

Appointment -

A vacancy exists for the position of Secretary to the Town Board of Variances and Appeals. No letters of interest have been received.

Motion – Councilor Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (# -169 - 2012): To appoint Kenneth Nephew a Planning Board member, to fill the vacancy, with a 5yr. term to end 09/08/2017.

At 6:12pm Supervisor Maneely excused himself from the meeting

Justice Court Grant – Town Justice Lamitie addressed the board asking for support and approval for a grant from the Unified Court System.

Motion – Councilor Taylor

Second – Councilor Scharf

Resolved (#170 - 2012): that the Malone Town Board does hereby approve and authorize for the Supervisor's signature, an application for 2012 grant funding through the Unified Court System, in the amount of \$36,353.10, to be used for furnishings and air-conditioning for the Town of Malone Justice Court.

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

SUPERINTENDENT OF HIGHWAYS REPORT:

Superintendent of Highways Shanty reported on paving projects –Goodman Rd. completed, Junction, Beane and Shova roads to be finished soon and work will continue on the Webster Street Road until money runs out. He also requested authority to purchase a new sander.

Sander-

Motion – Councilor Sullivan

Second – Councilor Taylor

Resolved (#171 - 2012): that the Town Board authorizes the expenditure of \$13,010.00 from the Highway Equipment Reserve Fund, subject to a 30-day permissive referendum, for the purchase of a new sander for the Town Highway Department from M.A. Jerry & Company, Inc.

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

Surplus Auction -

Motion – Councilor Scharf

Second – Councilor Taylor

Resolution #172 - 2012

Resolved: that the following list of materials and equipment from the Town of Malone Highway Department are declared surplus by the Malone Town Board; and

Further Resolved: that the Town of Malone is accepting bids for the following surplus materials and equipment, as listed by Lot #, 1) Stihl 020AV chainsaw parts; 2) Stihl 041 chainsaw parts; 3) Stihl 090 chainsaw parts; 4) Stihl 036/038 chainsaw parts; 5) Stihl 036 chainsaw, serial #231717692; 6) Wacker Vibro Plate 160B with Brand G motor 3HP; 7) Water Pump with 3HP Band G Motor; 8) Blackhawk 67562 Transmission Jack, 1 ton; 9) Blackhawk 67410 Service Jack, wheeled, 10 ton; 10) Ajax electric Motor 5HP, 230 volt;

11) General Electric Motor, 3HP; 12) Dayton electric motor 2HP, 230 volt; 13) Ajax electric motor, 3HP, 115/230 volt; 14) Fisher pick-up snow plow blade, 1989, 90" Note: no mounting, no lift; 15) Goodyear loader tire 20.5/25, SGL E/ 12A, #0198MJ3532; 16) Goodyear loader tire 20.5-25, type 4S, #1287MJ4814; 17) Goodyear loader tire 20.5-25, type 4S, #0692MJ2130; 18) Scrap metal, large quantity of mixed types and size. Note: (4) four barrel storage units are not part of this bid; and

Resolved: that all items may be viewed at the Malone Town Highway Garage, Rt. 11 West (across from Wal-Mart) during normal business hours; that bids must be submitted for each lot number individually; that each must be sealed and marked with the appropriate lot#, and include a certificate of non-collusion; and that bids will be accepted at the office of the Malone Town Clerk, 27 Airport Road, Malone, NY 12953 until 1:00pm, Wednesday October 10th 2012, at which time they will be opened and read aloud.

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

BOARD MEMBER/COMMITTEE REPORTS:

Councilor Scharf expressed concern pertaining to the LWRP Review Committee. She said the village has not yet named member(s) and there have been no meetings. Deputy Supervisor Walbridge suggested she contact Ken Carre and the Village Board to ask for a meeting to clarify the make-up and purpose of the LWRP Review Committee.

Councilor Sullivan presented a resolution for consideration regarding proposed EPA Wetlands regulation changes and asked that it be sent to Congressman Owens and Senators Schumer and Gillibrand.

Motion – Councilor Sullivan

Second – Councilor Taylor

Resolution #173 – 2012

Re: EPA Policy Change for Wetlands

Whereas, since 1970 the EPA has exerted authority over “navigable” waters; and

Whereas, an extension of authority to all areas that have standing water for more than 4 hours a year would include most of the puddles in the country; and

Whereas, requiring an EPA permit for work on such insignificant wet spots would place an onerous financial burden on municipal highway crews, farmers and homeowners; and

Whereas, the inherent delays in the EPA permitting process would certainly result in unacceptable work delays for anyone involved with “wetlands” of questionable import; and

Whereas, the extension to include all minor wet spots on private property is an ominous invasion of individual rights

Now, therefore it is hereby

Resolved: that the Malone Town Board strongly opposes the proposed EPA policy change to include all small wetlands and temporary wet places under its jurisdiction as well as offering strong opposition to requiring municipalities and farmers to obtain EPA permits to work in such areas.

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

Deputy Supervisor Walbridge – asked for an update regarding the Army Corps of Engineers’ involvement with the Salmon River flooding issues. Councilor Sullivan said there is still confusion as to how the cost for remediation would be broken down.

Motion – Councilor Scharf

Second – Councilor Taylor

Resolved (#174 - 2012): that the Town Board authorizes and supports the efforts by Councilor Sullivan to contact the U.S.A.C.E. for clarification of funding

opportunities and breakdown of costs for study and remediation of the flooding problem on the Salmon River in the Town of Malone.

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

CORRESPONDENCE:

From Attorney Piasecki – FOIL request on behalf of the Village of Malone Housing Authority & the response from Records Access Officer Hafter

From Franklin County Self Insurance Plan – 2013 rates for participants

NEW BUSINESS:

Motion – Councilor Sullivan

Second – Councilor Taylor

Resolved (#175 - 2012): that the Town Board to approves the Water Service application from Kevin and Brandie Patterson, Rt. 11B in the West Side water district, as previously approved by the Village of Malone.

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

Training requests-

Motion – Councilor Sullivan

Second – Councilor Taylor

Resolved (#176 - 2012): to authorize Assessor Hewitt, Planning Board Members Mark Gonyea, Nancy Legacy and Anne Farden and any other Town of Malone officials that wish, to attend the 2012 Local Government Conference in Potsdam, Tuesday, October 9, 2012 with necessary expenses to be paid by the Town; and with registration to be completed through Budget Officer Stewart, as soon as possible.

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

Budget Transfer –

Motion – Councilor Sullivan

Second – Councilor Taylor

Resolved (#177 - 2012): that the Town Board authorizes the Town Budget Officer to transfer \$10,813.00 from A690 to A2610 Court fine & fees for July, 2012, as per the NYS Comptroller Notice.

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

Executive Session –

At 6:55pm, Motion – Councilor Taylor

Second – Councilor Scharf

Resolved (#178 – 2012): that the Town Board enters into Executive Session pertaining to highway department/CSEA collective negotiations, pursuant to Article 14 of the Civil Service Law, with Board Members and Town Attorney to be present.

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

At 7:08pm, the Executive session ended, the regular meeting resumed and supervisor Maneely returned to the meeting.

Airport issues – Deputy Supervisor Walbridge suggested to the Board that in addition to the contractual relationship with Passero Associates for Airport improvement projects, the Town continue a business relationship with C & S Engineers, since they have offered sound advice and assistance and have a long history with the Town of Malone.

Motion – Councilor Sullivan

Second – Councilor Taylor

Resolved (#179 - 2012): that the Malone Town Board will maintain a business relationship with C & S Engineers for consultation and assistance relating to Malone-Dufort Airport and FAA issues, above and beyond or in cooperation with the town contractual relationship with Passero Engineers.

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 (#180 - 2012): to appoint Highway Superintendent Shanty as Deputy Airport Manager and pilot Bruce Burditt as third in line for Airport Manager (as a volunteer) to act in the event of the absence of Airport Manager Besio, with these designations to be reviewed annually at the Town Organizational meeting.

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 Sullivan

Resolved (#181 - 2012): that the following bills, having been audited, vouchers #713 -778 , be paid:

General Fund- Abstract #15	\$ 65,821.05
and Abstract # 16	1,423.52
Part Town General – Abstract #14	2,803.97
Trust & Agency – Abstract #33	405.50
East Side Water – Abstract #10	4,450.86
West Side Water – Abstract #4	14,306.00
Landfill Capital Project– Abstract #1	4,306.00
Airport Capital Project – Abstract #10	608,176.82
Highway DB- Abstract #14	<u>143,689.96</u>
Grand Total	\$ 845,383.68

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

ADJOURN:

At 7:18pm, Motion - Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (#182 -2012): there being no further business to come before the Board that it adjourn, with the next regular meeting to be September 26th 2012, 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
September 27th 2012

