

**Town of Malone
Regular Board Meeting
10/08/2014**

A regular meeting of the Malone Town Board was held 6:00pm Wednesday, October 8th 2014, at the Malone Town Offices, 27 Airport Rd., Malone, NY.

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, Superintendent of Highways
Mark Gonyea, Malone Planning Board Olivia Pepe, Malone Telegram

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

MINUTES:

Motion – Councilor Taylor

Second – Deputy Supervisor Walbridge

Resolved (#216- 2014): to accept the minutes of the regular meeting of 9.10.14 as presented and place on file.

CARRIED (3 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye

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

Motion – Councilor Taylor

Second – Deputy Supervisor Walbridge

Resolved (#217- 2014): to accept the minutes of the regular meeting of 9.24.14 as presented and place on file.

CARRIED (4 - 0) – Supervisor Maneely – Abstain Deputy Supervisor Walbridge – Aye

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

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (#218- 2014): to accept the minutes of the special meeting of 10.02.14 as presented and place on file.

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

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

Comments on Minutes of June 25th 2014:

Councilor Scharf said she and Deputy Supervisor Walbridge have reviewed the tape (digital recording) of the minutes of the regular Town Board meeting of June 25th 2014, and found errors in regard to Resolution #134-2014, which reads as follows:

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

The minutes of the meeting of June 25th 2014 were approved by a unanimous vote of the Town Board at a regular meeting held July 9th 2014, as follows:

Motion – Councilor Taylor

Second – Councilor Scharf

Resolved (#149- 2014): to accept the minutes of the regular meeting of 06/25/2014 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

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Motion – Councilor Scharf

Second – Councilor Taylor

Resolved (#219- 2014): to correct Resolution #134-2014, which was “very, very different” from what was actually said; and to correct the minutes to reflect what really was said at the meeting, as follows:

“Resolved that the Malone Town Board will contract the services of Attorney Brian Stewart at an hourly rate of \$200.00 per hour to help us with certiorari cases in the future”

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

To be precise, the exact words of Superintendent Walbridge’s motion on 6/25/14, as digitally recorded, are:

“I offer a motion for resolution to hire Attorney Brian Stewart at \$200.00 an hour to help us with certiorari cases that are pending and also in the future.”

For exactness of record, Town Clerk Hafter has transcribed, from digital, Resolution #34-2014 and all related discussion prior to and after the motion, as follows:

Supervisor Maneely – ***“We need a formal approval for outside counsel for the Assessor for litigation. We agreed on it May 28th. And they’ve been in contact with Brian Stewart at \$200.00 an hour. He agreed (unintelligible) we need a motion.”***

Councilor Scharf – ***“Did you check on other lawyers or...”***

Supervisor Maneely – ***“I wasn’t involved in that, I’m not on the Assessment Committee. I think she’s been doing some checking and Lillian is that a ballpark figure?”***

Attorney Anderson-Duffy – ***“For an hourly rate for the Town of Malone? Yes.”***

Supervisor Maneely – ***“\$200.00?”***

Attorney Anderson-Duffy – ***“Yup.”***

Councilor Scharf – ***“And he has experience? I mean I like him a lot.”***

Supervisor Maneely – ***“Yeah, he has”.***

Councilor Scharf – ***“I just wonder if he has experience with the Assessor.”***

Supervisor Maneely – ***“Yes plus he’s had experience he’s helped us before on the airport when we had a problem with the parachute club and other things.”***

Councilor Scharf – ***“I wasn’t here then, so. Is that a good representation, Lillian?”***

Attorney Anderson-Duffy – ***“Well, I think very highly of Brian, I’ve already told you that.”***

Councilor Scharf – ***“Ok, ok”.***

Attorney Anderson-Duffy – ***“Now which cases is he going to work on?”***

Supervisor Maneely – ***“For anything new with when we get certiorari cases remember we said we’d get outside counsel.”***

Attorney Anderson-Duffy – ***“Oh, wonderful.”***

Supervisor Maneely – ***“To help us here and then uh, he had ...”***

Attorney Anderson-Duffy – ***“And how about that pending one, the residential one. Is he going to take over that?”***

Supervisor Maneely – ***“I don’t know, you can talk to Amy on that one.”***

Attorney Anderson-Duffy – ***“Oh, Ok.”***

Supervisor Maneely – ***“Ok?”***

Attorney Anderson-Duffy – ***“So Amy’s going to decide?”***

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Supervisor Maneely – “*Well we haven’t hired him yet.*”

Attorney Anderson-Duffy – “*Oh, ok, alright.*”

Deputy Supervisor Walbridge – “*I offer a motion for resolution to hire Attorney Brian Stewart at \$200.00 an hour to help us with certiorari cases that are pending and also in the future.*”

Councilor Scharf – “*Second.*”

Supervisor Maneely – “*Any discussion? All in Favor?*”

(Overlapping “Ayes”)

Supervisor Maneely – “*Thank you.*”

Councilor Scharf – “*Thank God we only have about one a year.*”

Attorney Anderson-Duffy – “*This year we had more, but um, so should I send the Duffy case?*”

Supervisor Maneely – “*Why don’t you talk to Amy in the morning, will you? You know we’ve got an agreement with him; we’ve got to finalize the agreement with him.*”

Attorney Anderson-Duffy – “*Oh, ok, alright.*”

Councilor Scharf stated she wanted to amend the resolution at this time.

Motion – Councilor Scharf

Second – Deputy Supervisor Walbridge

Resolved (#220 - 2014): “the Town Board may consider the advice of the Assessor, but will make all decisions as to the choice and strategy concerning legal representation.”

Discussion – “Discussion, at \$200.00 an hour, I want to make sure the Board is making the decisions as to which cases are being taken by Mr. Stewart.”

Deputy Supervisor Walbridge – “The original intent of my motion was the fact that he was going to handle big Certiorari cases 3 or 4 times a year, not every case.

Councilor Scharf – “And that was my understanding as well, Paul. “

Councilor Taylor – “That was all of our understanding.”

Deputy Supervisor Walbridge – “At \$200.00 per hour, that’s pretty rich.”

Councilor Scharf – “Mhm, we want to have a choice.”

Deputy Supervisor Walbridge – “Yup.”

Clerk Hafter – “I do remember that part of the discussion was that someone asked whether; I think it was Lillian asked whether, there was a particular case that was going to be handled by Brian Stewart and Howard said ‘You’ll have to talk to Amy in the morning, I’m not sure.’ So, you know it wasn’t totally clear.

Councilor Scharf – “Well we’ve just clarified it.

Clerk Hafter – “Yes, fine, I’m just explaining why it was stated the way that it was.”

Attorney Anderson-Duffy – “I don’t recall that.”

Councilor Scharf - “I don’t either, but...”

Clerk Hafter – “Well, it’s there on the tape.”

Councilor Scharf - Well, I’ll listen again.”

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

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More Concerns with minutes -

Motion – Councilor Scharf

Second – Deputy Supervisor Walbridge

Resolved (#221 -2014): “that the Town Clerk and/or Deputy Town Clerk will make tape recordings of all Town Board meetings and will then copy each recording to a single CD to be kept by the Town’s Records Management Advisory Committee – or no, I want to correct that – the single CD could be kept in the Town Offices, so that its available for Town Board members to review. (*Interjection by Attorney Anderson-Duffy – ‘And is there a time period you want the tapes kept?’*) Um, For 1 year.”

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

Motion – Councilor Scharf

Second – Councilor Taylor

Resolved (#222-2014): That the Town Board provide training to the Town Clerk and Deputy Town Clerk on transferring tape recordings to CD disc, as soon as possible.

Discussion –

Councilor Scharf - “And I called the computer –the one on Main Street – they charge \$95.00 an hour and I have other quotes. I have one for \$10.00 an hour that does the Chamber of Commerce webpage and what- not and Mr. Cring didn’t get back to me, so I would like to hire the \$10.00 an hour trainer; it probably won’t take 15 minutes, but we want to make sure there’s no doubt in how to do it. That was my idea.”

Clerk Hafter – I had to download a separate program to copy to CD. I had to call my son to find out how to do that and I was advised by him and a few other people, that with the current technology, it would be more appropriate to copy them to - I can’t even think what you call them.”

Councilor Scharf – “Uh, the little ..”

Budget Officer Stewart – “The USB clips?”

Clerk Hafter – “Yes, thank you.”

Councilor Scharf – “USC? All right.”

Deputy Supervisor Walbridge – “That’d be easier.”

Councilor Taylor – That would probably be easier”

Clerk Hafter – “CD’s are considered kind of antiquated.”

Councilor Scharf – “Shall I amend that now or after?”

Clerk Hafter – “It’s up to you.”

Councilor Scharf – “I don’t care how it’s kept as long as it’s kept. I would like to amend the CD to. . .”

Councilor Taylor – “What do you call it?”

Supervisor Maneely – “UBS”

Councilor Scharf – “UBS”

Attorney Anderson-Duffy – “USB”

Supervisor Maneely – “USB – All right.”

Councilor Scharf – “USB, I can’t remember the name (unintelligible, many speaking, chuckling, coughing)”

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

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REPORTS:

Motion – Deputy Supervisor Walbridge

Second – Councilor Sullivan

Resolved (#223- 2014): to accept the following reports as presented and place on file:

Justices Lamitie & Boardway -September 2014

Town Clerk/Registrar – September 2014

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

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

OLD BUSINESS:

Draft Sewer Use Law and related items – A Town Board Work Session, in regard to the Draft Sewer Use Law, is set for 2:00pm, October 16, 2014, at the Town Offices.

SUPERVISOR REPORTS:

Budget Work Session - A Town Board Work Session, in regard to the preliminary 2015 Town Budget is set for 3:00pm, October 16, 2014, at the Town Offices.

Robinson Circle – Attorney Anderson-Duffy reported that she has received a legal description from Gar. Jane Robinson said there is no abstract of title on the property. Attorney Duffy asked for a copy of the deed. There may be a mortgage on the whole farm, but the Attorney said she can get a partial release, if needed, for the part of the property that is being conveyed to the Town. She has the deed and recording documents drawn up, but wants to make sure there is a good title and no liens on the property.

Solar Conference Call – Councilors Scharf and Sullivan will meet with Attorney Duffy at her office tomorrow for a conference call. Attorney Duffy said Larry Ahern he would be able to work with the \$1.47 per square foot and could get Mehandra to come up with some sort of a factor that could be applied to equal savings attributable to the airport use here. Mr. Coon said he would have the addendum to the appraisal done by Friday, but Attorney Duffy told him to hold on it until after the conference call. The addendum was to do rental of land appraisal, but it may not be needed. He was to come up with a value of .05 per square foot.

Airport Project – Vault - Supervisor Maneely said the Airport Project start date is set for October 20, 2014. Airport resolutions relating to signing an agreement with NY State for the Electrical Vault & Lighting project and SEQR Type 2 designation, will be put off until the next meeting as the contracts have not yet arrived. A Special Meeting is set for 3:00pm, Thursday, 3:00 10/16/2014 to deal with this issue, should the contracts arrive.

Budget Work Session – On 10.6.14 the first 2015 budget work session was held. Budget Officer Stewart has calculated the changes and distributed her findings to the Board.

River Inspection – Councilors Scharf and Sullivan, Superintendent Mallette, Supervisor Maneely and DPW Chief Fisher met with representatives from the Army Corp of Engineers for a Salmon River Inspection on 10.7.14. The ACE asked for results from the recommendations made from last year's inspection. The Supervisor told them the Town had not received a report. Councilor Scharf said neither the Village nor Town were on the protocol list to receive the report. The ACE will be in touch with the NYS DEC in regard to the Salmon River concerns. The Town and Village are to set up an emergency response procedures policy for the river. All paperwork for the buy-out of properties (3 families) on Lower Park is in FEMA's hands. The Supervisor asked for special consideration to get this done before winter. The Supervisor will meet with Rick Provost on these issues.

SUPERINTENDENT OF HIGHWAYS REPORT:

Superintendent of Highways Mallette reported that the salt is ordered; the crew is working on the sand pile and they will be blacktopping next Tuesday. The DEC inspected all fuel tanks and found that pilots' individual tanks on airport property are not registered and must be. There are monthly inspections and many requirements that must be met. The Superintendent said the Town has 30 days to correct and respond to the problem. Councilor Scharf complimented the Superintendent on the 2015 small tool inventory.

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BOARD MEMBER/COMMITTEE REPORTS:

Councilor Sullivan- Airport/Pews – Councilor Sullivan reported that the Pilots’ Association has presented a letter of apology for the mishandling of the pews. The pilots said any damage to the pews was there when they moved them with extreme care. Councilor Sullivan wants a policy to limit the use of the Snow Removal Equipment Building (SREB) by the pilots.

Motion – Councilor Sullivan

Second – Councilor Scharf

Resolved (#224- 2014): “That the Pilots Association cannot use the main part of the building except for with approval, our approval, Town Board, actually I would say at a Town Board meeting prior to that, that they (*unintelligible*) would have to show proof of insurance if they’re going to have picnics or parties or whatever.” (*Interjection by Deputy Superintendent Walbridge – ‘If you don’t mind Jack, I’d like to add that that nothing is to be removed or added from that space without our permission.’*). There you go, good, that’s it, that’s good. (*Deputy Supervisor ‘AK fire extinguishers’ as my old boss used to say’*) or tanks, grill tanks.”

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

Deputy Supervisor Walbridge/Airport SREB – The Deputy Supervisor mentioned the generators, and asked whether the Superintendent of Highways if has room for them. The Superintendent said he will see if he does have room, but they are better left at the airport. The Deputy Supervisor said the pilots are crabbing about having to move things. He said there are other things that “we should probably take possession of. if we can find a place that’s suitable, I’d like to see them someplace else.” Superintendent Mallette suggested putting lights on the generators. Deputy Supervisor said we should let the Village and Ricky Provost know that we have the generators.

Councilor Sullivan – DEC Sporting License Sales – “The Clerk said that she had no complaints about not selling hunting licenses, but I got to tell you a little experience I had the other - about a week ago or two weeks ago; quite late at night I was awakened by a phone and I answered it and this guy identified himself, I knew who he was, and he says, and I quote ‘*What the hell’s the matter with the Town, they aren’t selling hunting licenses?*’ So, I guess there maybe have been some people that were upset. I had a couple of people at a store uptown said basically the same thing. I don’t know if anybody else had.”

Deputy Supervisor Walbridge – “I had people at work talk to me, I work with 500 corrections officers, and there were some comments made. They wanted to know why and I explained that it had to do with a contract issue, but they said it’s just very convenient, you got to run to WalMart, you got to wait in line, you got to go in the store, so those are the things that I heard.”

Councilor Scharf – “Well I had a, I was in here one day picking up my materials, and a gentleman came in for his license and Andy very nicely told them we weren’t selling them and he could get it at WalMart, and he left and I was leaving at the same time, and when I got to my car, he had some comments about the ladies in there that I can’t say in public and that he had been getting his license for 40 years here and that’s what he was paying his taxes for were the services of the Town. I also had two people come to me at the American Legion and complaining about the fact that why weren’t we selling licenses, and then I had a couple that misinterpret the \$45,000.00 total and thought that was our earnings, which of course it wasn’t and were very angry about us losing that tax revenue, so I had to explain that it was more like \$1,500.00, \$2,000.00 it wasn’t \$45,000.00 that we were losing. Another one commented on the fact that were losing revenue and it’s going to WalMart, and then I get the paper today and it says WalMart cuts health benefits for some part-timers and I couldn’t help but think that we’re giving them this income and yet they’re lowering the benefits of some of our people working there and the money is going out of Franklin County and out of the Town of Malone and to their corporate headquarters. So I had a lot of complaints and several phone calls.”

Councilor Taylor – “Well, I have too, but mainly it was like ‘*Wow, can I have a job like that so I can tell people what I’m going to do and what I’m not going to do?*’ I mean it’s just, I just said everything is going to be worked out, and what are you going to say, they’re just sarcastic and just being mean that’s all. But I (*Councilor Scharf interjected ‘but it is us, the elected officials that get the feedback’*) Well, that was just one, there was others”

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Councilor Taylor – Rest Room Policy - “ I have this, that there’s been a great deal of employee discord in the Town Office to which I’m unable to speak due to the possibility of litigation. But one thing remains evident, that it’s clear that the Malone Town Board must make a new policy for the use of the employees’ rest room. To all Town Office and Court Staff members, The Malone Town Board, date, October 8th 2014, Employees’ bathroom. A private bathroom for the Town of Malone office employees and officials; for example Assessor, Code Officer, court employee, clerical staff, board members shall be provided until further notice. Said employees shall be given the combination to the lock for the bathroom. Employees are not allowed to give the code to non-employees. Under no circumstances shall any employee or staff member, including the Supervisor, change the combination without a majority vote by the Malone Town Board. Any employee attempting to bully or intimidate other employee will not be tolerated. All abuses should be reported to the Town board member immediately. Any changes to this policy will be made by the Malone Town Board. Respectfully.”

Supervisor Maneely asked for a copy of the policy and Councilor Taylor distributed them.

Councilor Scharf asked “is that a Resolution, because I’ll second it if it is.”

Councilor Taylor – “Yes.”

Motion – Councilor Taylor

Second – Councilor Scharf

Resolved (#227- 2014):

“ I have this, that there’s been a great deal of employee discord in the Town Office to which I’m unable to speak due to the possibility of litigation. But one thing remains evident, that it’s clear that the Malone Town Board must make a new policy for the use of the employees’ rest room. To all Town Office and Court Staff members, The Malone Town Board, date, October 8th 2014, Employees’ bathroom. A private bathroom for the Town of Malone office employees and officials; for example Assessor, Code Officer, court employee, clerical staff, board members shall be provided until further notice. Said employees shall be given the combination to the lock for the bathroom. Employees are not allowed to give the code to non-employees. Under no circumstances shall any employee or staff member, including the Supervisor, change the combination without a majority vote by the Malone Town Board. Any employee attempting to bully or intimidate other employee will not be tolerated. All abuses should be reported to the Town board member immediately. Any changes to this policy will be made by the Malone Town Board. Respectfully.”

Discussion - Councilor Scharf “Second. Well, I think this is good Louise, because it is the Town Board that makes policy for the Town. And so now it’s pretty clear.” **Supervisor Maneely** – “And if we add it to our Town Policies” **Councilor Taylor** “Yes, yes, this needs to be added.” **Supervisor Maneely** – “All in favor?”

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

Councilor Scharf/Annual Report – Asked whether the Supervisor had received the 2013 Comptroller’s Report. He said he had not. “Ok, I received a letter, along with the other Councilors around August 18th from the Office of State Comptroller, complaining that you had been notified that your 2013 report was delinquent, so I sent them a letter and found out that you had been notified in May, June and July and August. And I guess I’d like to know why it’s not in.” **Supervisor Maneely** said “We were working with the auditor on that.” **Budget Officer Stewart** explained that her ledgers had been at the accountant’s office from the beginning of September until a week and a half ago. She said the journal entries will likely be done, to complete the report, next week, in anticipation of beginning the audit the following week. She noted that it is unusual for it to be this late, but in the last 3 years, due to new federal guidelines; the report requires auditor input prior to finalization. The auditors schedule and town issues, including and lack of manpower, resulted in the late submission. She said notices are sent to her first, then the board and sometimes the media. She added that she has been in contact with the Comptroller’s Office and they are aware of the situation.

Councilor Scharf/Letter to Clerk – “Howard, you weren’t here at the last meeting, but I made a Resolution asking our Town Clerk to renew her license for selling Sportsmans’ License, and as you may remember on August 20th we came up with a letter of request for the same thing and all us councilors signed it, including yourself, and you were directed to give it to Miss

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Hafter. And our purpose was a good purpose; we were trying to keep it from being a motion in public session. We wanted to let her know that we all believed in the licensing and that it was important for the town, so we wrote a letter. I found out at this last meeting that you didn't give it to her (*Supervisor- 'And I told Paul before that I wasn't going to, right Paul?'*) Ok, let me remind you that the Town Board makes policy and that you as the Town Supervisor, according to Town Law, carries out the decisions. We wrote a letter, we all signed it; we expected it to be delivered. And if in fact, you weren't going to deliver it, then the rest of us had a right to know it wasn't delivered. (*Supervisor Maneely 'I told Paul, I said I would call her...'*) and that's not me and that's not Louise and that's not Jack. And in any case, there was nothing wrong with this letter, it was a request, and there's absolutely no reason we can't give our employees requests and show them how we believe on issues so that they know that it's not just - we told her orally and we talked about it at meetings and that, Howard, is due process, which every employee has a right to. And that was, we talked to her from the committee, we discussed it, we wrote a letter, we put it in writing and we tried to avoid making it a public issue. (*Supervisor- 'And I talked to her. I didn't use the letter.'*) Well, you had no business, (*Supervisor 'Yes, I did.'*) you had no right, to not deliver a letter that was signed by all board members, according to state law. (*Supervisor- 'Well, I have a different policy on that. I have a different ..'*) Your policy doesn't matter. You, uh, another part of the law says that not one of us, not Louise Jack, Paul, you, me can act alone; that in fact it's a town board as a group is the executive head of the Town. (*Supervisor - 'Yes.'*) There is no executive privilege here. Decisions are made by the Board and they're carried out by you. And if you're not going to we have the right as town board members to know that. Had I been aware that you had not done what we asked you to do I would not have made that motion the way it was read. (*Supervisor - 'I talked to my Deputy Supervisor and I told him I was not going to use it, isn't that correct, Paul?'*) (*Deputy Supervisor Walbridge - 'You did tell me, yes.'*) You don't have the right to do that. It was a board signed policy - letter. You do not have the right to act on your own. (*Supervisor - 'I apologize to the Board, but that's not my style, to throw a letter at somebody.'*) We're not throwing a letter, we are employers. We have the right to request things from our employees (*Supervisor - 'And you did it.'*) especially if all five of us say it. And she has the right to know it, not to have come up in a backwards situation. Our employees have rights, too. That's what I have this week"

CORRESPONDENCE:

From NYSDEC – acknowledgement of Town of Malone Agent 2073 opt out from license sales & the response from Clerk Hafter.

EXECUTIVE SESSION:

*At 6:44pm * Motion – Councilor Taylor*

Second – Councilor Scharf

Resolved (# 226 - 2014): that the Town Board enter into Executive Session on a personnel matter, with all board members and the 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 7:35 pm, the executive session ended and the regular meeting resumed with no action taken.

Performance Review -

Councilor Scharf presented a Draft Performance Review for review by the board.

BILLS FOR AUDIT & PAYMENT:

Motion – Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (#227- 2014): that the following bills, having been audited, be paid:

| | |
|---------------------------------|--------------------|
| Vouchers #856 - 901 | |
| General Fund (A) – Abstract #19 | \$26,283.27 |
| Highway Outside (DB) #16 | 9,723.27 |
| Part Town General (B) #14 | 58.99 |
| Chips (H3) #7 | 12,442.67 |
| Trust & Agency (T) #36 | 1,485.16 |
| East Side Water (FE) #10 | <u>10,605.10</u> |
| Grand Total: | \$60,598.46 |

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

ADJOURN:

At pm Motion – Deputy Supervisor Walbridge

Second – Councilor Sullivan

Resolved (#228-2014): there being no further business to come before the Board that it adjourn, with the next regular meeting to be 6:00pm, October 22, 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
October 22, 2014