A regular meeting of the Malone Town Board was held 6:00pm Wednesday, October 22, 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	
Linda Kennedy, Malone Bruce Garcia, Plattsburgh E. J. Conzola, II, Malone Telegram		

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

PRESENTATION: Bruce Garcia, a representative from the Adirondack Region United Way spoke to the Board about their 2015 fund raising campaign; noting that the goal is set at \$725,000.00. He said there are 41 partner agencies and a contributor can choose among 3 options as to how the money is allocated. Mr. Garcia said no money from the campaign goes to administration. He left brochures and pledge forms for anyone interested in giving to the fund. Supervisor Maneely thanked Mr. Garcia for his presentation.

MINUTES:

Motion – Councilor Scharf

Second – Councilor Sullivan

Resolved (#232 - 2014): to accept the minutes of the budget work sessions of 10/06/2014 and 10/16/2014 as presented and place on file; and to not accept the minutes of the regular meeting of 10/08/2014.

CARRIED (5 - 0) - Supervisor Maneely - Aye Deputy Supervisor Walbridge - AyeCouncilor Sullivan - AyeCouncilor Taylor - AyeCouncilor Sullivan - AyeCouncilor Taylor - Aye

EXECUTIVE SESSION:

At 6:06pm * Motion – Councilor Scharf

Second – Councilor Sullivan

Resolved (#233 - 2014): that the Town Board enter into Executive Session pertaining to the employment history of, and matters leading to, the employment, discipline, suspension, dismissal or removal of a particular person, with Board Members, Town Attorney 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 6:30 pm, the executive session ended and the meeting resumed with no action taken.

REPORTS:

Motion – Deputy Supervisor WalbridgeSecond – Councilor ScharfResolved (# 234-2014): to accept the following reports as presented and
Place on file:Supervisor report – 9/2014Highway – 9/14Code Officer 9/14Airport Log – 9/14CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye

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

Town of Malone Regular Board Meeting October 22, 2014

OLD BUSINESS:

<u>MGC Lease</u> - Town Attorney Anderson-Duffy read aloud a legal notice pertaining to the Malone Golf Club lease extension, and required permissive referendum.

Motion – Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (# 235-2014): to extend the term of the lease agreement between the Town of Malone and the Malone Golf Club to 11/15/2049; subject to permissive referendum (to supersede the resolutions passed on 9/10/14 and 9/24/14).
CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye

Town Clerk Hafter will send the legal notice to the Malone Telegram for publication.

<u>Solar</u> – Town Attorney Anderson- Duffy reported that the FAA has approved the language provided by the appraiser in regard to the value of hangar roof top space. She said the revision to the contract will be minor and will be submitted for approval and installation can then begin.

Robinson Circle – Town Attorney Anderson-Duffy has said she has ordered an abstract of title on the Robinson Circle property and she does not have a legal description. She said Gar (Smith) said the title is "murky" and that the town should involve the NYS DOT. Supervisor Maneely and Councilor Sullivan will speak with Rob Haynes. Councilor Sullivan will get a letter from the Robinsons acknowledging their intention to take over the property.

<u>UCP Settlement</u> - Attorney Anderson-Duffy reported on her errors related to the calculations of the UCP settlement. The errors were related to the Board of Election charges and fire protection costs: the town refund to UCP should have been less \$336.29; the county refund should have been less by \$40.44. She said everyone involved had approved the settlement with incorrect figures. She was advised of the error by County Real Property Manager Tummons in August, and a reminder was issued recently by Town Budget Officer Stewart. She said UCP does not now want to change the agreement as it has been a difficult process. She asked permission to write the county and ask them to reapprove what they have already approved, with the errors.

Motion – Councilor Scharf
Second – Councilor Sullivan

 Resolved (# 236-2014): "to pay the settlement agreed price and for Lillian to write the letter to the county asking them to approve what they've approved."

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

SUPERVISOR REPORTS:

<u> Airport</u> -

The Malone-Dufort Airport Electrical Vault and Lighting Project start date is set for October 27th 2014.

Project SEQR -

Motion – Deputy Supervisor Walbridge *Second* – Councilor Taylor

Resolution #237-2014

DETERMINING SIGNIFICANCE UNDER SEQR REGULATIONS FOR THE FAA AIP PROJECT REPLACING EXISTING ELECTRICAL VAULT AND UPDATING LIGHTING EQUIPMENT

WITNESSETH:

WHEREAS, the Town of Malone has received grants from the Federal Aviation Administration and the New York State Department of Transportation for the FAA AIP Project to replace existing an electrical vault and update lighting equipment at the Malone-Dufort Airport and the Town of Malone Board proposes to undertake this project subject to compliance with the State Environmental Quality Review Act and regulations thereunder; and

WHEREAS, the Town Board has reviewed all documents related to said FAA AIP

Project and the pertinent State Environmental Quality Review regulations.

NOW THEREFORE, BE IT RESOLVED by the Town of Malone Town Board that

The Town of Malone Town Board makes the following final findings and determinations with respect to the proposed project:

The project constitutes a "**Type 1I Action**" as that term is defined in Section 6 (A-2) NYCRR Section 617.5(c)(1) and (2), in that it involves "maintenance or repair involving no substantial changes in an existing structure or facility" and "replacement, rehabilitation...of a structure or facility, in kind, on the same site..."

As such, the project, a **Type II Action**, is not subject to review under SEQR and no further action is required.

This resolution shall take effect immediately.

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

Grant Acceptance -

Motion – Deputy Supervisor Walbridge *Second* – Councilor Taylor

Resolution #238-2014

To Accept NYSDOT Aviation Capital Project Agreement

WHEREAS: the Town of Malone has received a grant from the Federal Aviation Administration to pay 90% of the allowable costs incurred in accomplishing the following project at Malone-Dufort Airport:

Replace Existing Electrical Vault and Update Lighting Equipment (Construction) FAA AIP Project No. 3-36-0053-30-14

WHEREAS, the New York State Department of Transportation is offering a matching grant to the federal grant for 50% of the non-federal share of eligible costs.

WHEREAS, the Town of Malone has committed funds for the local share of project costs. Funding shares for project costs are as follows:

\$ 127,881
\$ 7,104
\$ 7,105
\$ 142,090
\$ \$

WHEREAS, if the Town of Malone and/or the FAA notifies the NYSDOT that the Town of Malone has requested and received an increase in federal funding for the project based on increased eligible costs and has authorized the proportionate increase in local funding, the New York State share noted above shall be increased proportionately up to a maximum increase of 15%.

NOW, THEREFORE, BE IT RESOLVED that the Town of Malone enter into an agreement with the State of New York for financial assistance for the project described above for Malone-Dufort Airport;

RESOLVED, that the Supervisor of the Town of Malone be authorized to execute all necessary documents on behalf of the Town of Malone with NYS in connection with the project; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary documents in connection with the project.

CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye **Annual Report -** Supervisor Maneely reported that the Town of Malone Annual Financial Report for 2013 has been completed & filed.

Audits – Supervisor Maneely reported that an independent audit of the Town of Malone began today and a New York State Audit of the Town of Malone began last week.

SUPERINTENDENT OF HIGHWAYS REPORT:

Superintendent of Highways Mallette reported that his department is busy blacktopping, hauling sand and generally getting ready for winter.

BOARD MEMBER/COMMITTEE REPORTS:

Councilor Scharf reported that computer training has been scheduled for 3:00pm Friday 10/24/2014 for the Town Clerk and Deputy Clerk.

Councilor Scharf has updated her draft Annual Employee Performance Review policy, by adding a section for the employee to respond. She will distribute copies to the board members for review.

Councilor Sullivan said he has received a complaint from a resident about the condition of the tennis courts at the Rec Park. Supervisor Maneely referred him to the Joint Rec Commission.

Committee Change -

Motion – Councilor Taylor
Second – Councilor Scharf
Resolved (# 239-2014): "that the Court Committee be comprised of myself, Louise Taylor, and Jack Sullivan."
CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye

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

Supervisor Maneely reported that he received an e-mail about the need for a sidewalk on Rt. 11 at the location of the demolished shopping center. He referred the concern to Councilor Scharf as a member of the Complete Streets Committee.

Councilor Scharf said Village DPW Chief Fisher has suggested a sidewalk, originally planned for State Street, be laid through the school grounds instead. The cost would then be part of the MCS project.

CORRESPONDENCE:

From: <u>Nancy Legacy</u> – letter of interest for reappointment to the Planning Board *Motion* – Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (# 240-2014): "to accept Nancy Legacy and reappoint her to the Planning Board for a 7- year term ending 9/8/2021."

CARRIED (5 - 0) - Supervisor Maneely - Aye Deputy Supervisor Walbridge - AyeCouncilor Sullivan - AyeCouncilor Taylor - AyeCouncilor Sullivan - AyeCouncilor Taylor - Aye

To: <u>Windmill Estates</u> – informing them that they need to send a written request to the Town to include them in the Town of Malone East Side Sewer District.

<u>NEW BUSINESS</u>:

Code Fee Schedule -

Motion – Councilor Scharf

Second – Deputy Supervisor Walbridge

Resolved (# 241-2014): "to accept the Code Office fees as presented from our Code Officer."

<u>Discussion</u> – Supervisor Maneely asked whether the new fee schedule goes into the code book. Budget Officer Stewart replied that it is kept separate as the local law allows for fee changes by board resolution. Councilor Scharf said she noticed that business solar is not listed, and that it should be added at \$100.00.

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

EXECUTIVE SESSION:

At 7:17 pm * Motion – Supervisor Maneely

Second – Deputy Supervisor Walbridge

Resolved (#242- 2014): that the Town Board enter into Executive Session pertaining to potential Certiorari litigation 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 7:26 pm, the executive session ended and the regular meeting resumed with no action taken.

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (# 243-2014): To alter the November Town Board meeting schedule to have the first meeting of the month Monday, November 3rd 2014 the second meeting on Wednesday, November 19th 2014.

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 (# 244-2014): that the Malone Town Board will conduct Public Hearings Monday, November 3rd 2014, to gather public input on the following issues, at the noted times: 2015 Fire Protection costs (\$440,000.00) @ 5:30pm; 2015 East Side Water District rates (\$147.227 per EDU) @ 5:40pm; 2015 West Side Water rates (\$ 87.14516 per EDU) @ 5:50PM; and the 2015 Town Budget @6:00PM.

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 (**#245 - 2014**): that the following bills, having been audited, vouchers **#** 909 - 929, be paid:

General Fund (A) – Abstract #20	\$ 8,789.09
Part Town General (B) #15	33.72
Highway Outside (DB) #17	9,024.48
Chips (H3) #8	6,353.45
Trust & Agency (T) #38	30,579.02
Airport Capital Proj. (H4) #9	4,946.71
Grand Total:	\$59,726.47

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

ADJOURN:

At 7:32pm Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (# 246-2014): there being no further business to come before the Board that it adjourn, with the next regular meeting to be hel at 6:00pm, November 3, 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 31, 2014 Town of Malone Regular Board Meeting October 22, 2014