

A regular meeting of the Malone Town Board was held Wednesday, October 23<sup>rd</sup> 2013, at the Malone Town Offices, 27 Airport Rd., Malone, NY, commencing at 6:00pm preceded by a Public Hearing at 5:30pm.

**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

Don Hardy, Malone                      Henry Gonyea, Malone                      Judith Gonyea, Malone  
Sam Holmes, Malone                      Mary Fredenburg, Malone                      Arianna MacNeill, Malone Telegram

**Public Hearing:**

At 5:30 pm, with notice provided and read aloud, Supervisor Maneely opened the Public Hearing on Local Law#3-2013, entitled: **“To Override the Tax Levy Limit Established in General Municipal Law 3-c”** Town Clerk Hafter read the proposed law aloud.

**Councilor Scharf** noted that the Town has suffered considerable and costly storm related damages in the past year.

**Deputy Supervisor Walbridge** said a tax certiorari case successfully brought by U.S. Border Patrol added to the Town’s financial burden, and other cases are pending.

**Don Hardy**, a Malone resident, asked whether the Town receives any monies from the Mohawk Casino. **Supervisor Maneely** answered that the Town receives neither Casino nor sales tax money from the county.

**Budget Office Stewart** explained how the state determines the levy limit for the towns, and why she recommends the Town Board consider the override. She said the tentative budget, which includes all contractual obligations, business costs and requests from department heads and employees, exceeded the limit to begin with by almost \$712,000. After three work sessions, the board was able to cut more than \$668,000. More may be cut, but the total is not likely to come under the limit. Since the state penalizes towns that go over the limit without benefit of a local law, it is safest to have it in place.

**At 6:00 pm**, with no further comments from the Board or public, Supervisor Maneely closed the the public hearing.

**REGULAR MEETING**

**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 Scharf

**Resolved (#206-2013):** to accept the minutes of the regular meeting of 10/09/2013 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 Sullivan

**Resolved (#207 -2013):** to accept the following reports as presented and Place on file: Code Officer – 9/2013

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

**OLD BUSINESS:**

Supervisor Maneely and Councilor Taylor will conduct an annual internal audit of the Town Justice Court as required by the state.

**MCF/EMS -**

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Scharf

**Resolved (#208 -2013):** that the Town Board accepts and authorizes the Supervisor to sign the MCF/EMS medical report for Sean Monica.

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

**Justice Court** – By Fourth Judicial District Administrative Order, Bangor Justice Boardway has been assigned to serve as adjunct justice for the Town of Malone Justice Court from October 3, 2013 through December 31, 2013.

**Tax Cap Override -**

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Sullivan

**Resolved (#209 -2013):** that the Town Board adopts the following Local Law:

**Local Law #3 -2013**

*A local law to override the tax levy limit  
established in General Municipal Law 3-c*

**Section 1. Legislative Intent**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Malone, County of Franklin pursuant to General Municipal Law §3-c, and to allow the Town of Malone, County of Franklin to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2014 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

**Section 3. Tax Levy Limit Override**

The Town Board of the Town of Malone, County of Franklin is hereby authorized to adopt a budget for the fiscal year 2012 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective date.**

This local law shall take effect immediately upon filing with the Secretary of State.

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

**West Side Sewer** – Preconstruction meeting was held 10/10/13 for the sewer upgrade project, with representatives from C2A3 and Fiacco Construction and the town.

## 2014 Preliminary Budget review – Set Public Hearings

### PH 2014 Budget-

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Scharf

### **Resolution #210 -2013**

**NOTICE IS HEREBY GIVEN**, that the preliminary budget for the Town of Malone fiscal year beginning January 1<sup>st</sup> 2014 has been completed and filed in the office of the Town Clerk, 27 Airport Road, Malone, New York, where it is available for inspection by any interested persons during regular business hours.

**FURTHER NOTICE IS HEREBY GIVEN**, that the Town Board of the Town of Malone will meet and review said preliminary budget and will conduct a public hearing thereon at the Town Offices, 27 Airport Road, Malone, New York at 6:00pm, Monday, the 4<sup>th</sup> day of November 2013. Citizens attending will have the right to present written and oral comments and ask questions regarding the entire budget.

Pursuant to Section 113 of the Town Law, the proposed salaries of the following Town Offices are:

SUPERVISOR -	\$13,750.00
COUNCILORS (4)-	5,500.00 EACH
TOWN JUSTICES (2) -	34,000.00 EACH
HIGHWAY SUP'T. -	40,000.00

**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 Sullivan

### **Resolution #211-2013**

**NOTICE IS HEREBY GIVEN**, that the Town of Malone will conduct a Public Hearing at 5:30 p.m. on Monday, November 4<sup>th</sup> 2013 at the Malone Town Offices, 27 Airport Road, Malone, for the purpose of gathering input from property owners, in regard to the proposed 2014 district rate for **WEST SIDE WATER DISTRICT @ \$107.20521 per Equivalent Dwelling Unit EDU**. The annual district charge will appear on the Town/County tax bill in January 2014 as a separate line item, for those properties within the water district. These fees pay toward the Town of Malone debt service, administrative costs and capital reserves relating to the district infrastructure. Each property along the line of service is assessed a fee whether or not they use the service, in accordance with a standard formula. District property owners will receive individual notice by mail, noting the tax implication to their property. **These annual charges should not be confused with quarterly Village of Malone water billing, which pays for the actual cost of delivering water to the property.** The Town of Malone 2014 annual budget can be viewed in its entirety at the Office of the Malone Town Clerk, 27 Airport Rd, Malone, NY 12953 during normal business hours. Anyone wishing to comment on this matter may be heard at the time and place noted.

**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 Taylor

### **Resolution #212 -2013**

**NOTICE IS HEREBY GIVEN**, that the Town of Malone will conduct a Public Hearing at 5:45 p.m. on Monday, November 4<sup>th</sup> 2013 at the Malone Town Offices, 27 Airport Road, Malone, for the purpose of gathering input from property owners, in regard to the proposed 2014 district rate for **EAST SIDE WATER DISTRICT @ \$153.96835 per Equivalent Dwelling Unit EDU**. The annual district charge will appear on the Town/County tax bill in January 2014 as a separate line item, for those properties within the water district. These fees pay toward the Town of Malone debt

service, administrative costs and capital reserves relating to the district infrastructure. Each property along the line of service is assessed a fee whether or not they use the service, in accordance with a standard formula. District property owners will receive individual notice by mail, noting the tax implication to their property. **These annual charges should not be confused with quarterly Village of Malone water billing, which pays for the actual cost of delivering water to the property.** The Town of Malone 2014 annual budget can be viewed in its entirety at the Office of the Malone Town Clerk, 27 Airport Rd, Malone, NY 12953 during normal business hours. Anyone wishing to comment on this matter may be heard at the time and place noted.

**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 Taylor

**Resolution #213-2013**

**NOTICE IS HEREBY GIVEN,** that the Town Board of the Town of Malone will conduct a Public Hearing at the Malone Town Offices, 27 Airport Road, Malone New York at 6:30pm, Monday, November 4<sup>th</sup> 2013, pertaining to the proposed tax levy amount for fire protection in 2014 and 2015, at \$440,000.00 for each of the two years. All those attending will have the right to present written and oral comments and ask questions regarding the charge for Malone Fire Protection.

**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** was not in attendance to report. In addition to their regular duties, the highway department has been busy assisting with the tear-down of dilapidated properties in the village.

**BOARD MEMBER/COMMITTEE REPORTS:**

**Councilor Scharf** has conferred with the Village of Malone regarding solar initiatives for municipalities. They agreed that the Town and Village would do better to proceed separately in this area as the needs for each are very different.

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

**Resolved (#214-2013):** that, pending the receipt of technical information and sample wording, the Malone Town Board will issue an RFP for installation of solar power for the town.

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

**Councilor Sullivan -**

**Motion** – Councilor Sullivan

**Second** – Deputy Supervisor Walbridge

**Resolved (#215-2013):** that in regard to salary decisions made at the last 2014 budget session, the Town Board will adjust the employee raises to pro-rate according to scheduled hours (i.e. 30 hour week, 35 hour week, 40 hour week).

**CARRIED (4 - 1) – Supervisor Maneely – Nay; Deputy Supervisor Walbridge – Aye  
Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye**

**NEW BUSINESS:**

**Gas Line -**

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Scharf

**Resolved #216-2013**

**Whereas,** the Town of Malone is owner of the former Armory property, now home of the Greater Malone YMCA, located at 116 East Main Street; and

**Whereas,** St. Lawrence Gas Company is installing a natural gas pipeline in the Town and Village of Malone that is projected to cross that particular property;

**Now, Therefore Be It**

**Resolved:** that the Malone Town Board hereby conveys to the St. Lawrence Gas company a temporary easement for construction of a gas pipeline, said temporary easement being the use of available and adjacent lands of the town, along the route of the pipeline; and

**Further Resolved:** that the Malone Town Board conveys the right-of-way and permanent and perpetual easement, 6 feet in width, being three feet either side of the as-built pipeline as installed; and

**Further Resolved:** that the agreement between the Town of Malone and St. Lawrence Gas is fully described in the Grant of Easement document on file with the St. Lawrence Gas Company and with the Town Clerk of the Town of Malone.

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

**Transfers -**

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Scharf

**Resolved (#217-2013):** that the Town Board authorizes the Budget Officer to make the following transfers:

From: A1220.2 Supervisor Equipment -	\$4,000.00
A1355.4 Assessor contractual -	2,000.00
A1410.4 Town Clerk contractual -	500.00
A1620.2 Building Equipment -	1,000.00
A3010.4 Public Safety contractual -	400.00
A5132.4 Garage contractual -	3,000.00
A5182.4 – Street Lighting -	200.00
A7989.4 Pavilion contractual -	1000.00
A9050.8 Unemployment -	2,900.00
A9060.8 Health Insurance -	1,000.00

To: A1420.4 Attorney Contractual - \$16,000.00

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

**Sander Purchase -**

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Sullivan

**Resolved (#218-2013):** to authorize the Highway Superintendent Shanty to purchase a new sander at state contract price, to be paid from the machinery contractual fund.

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

**EXECUTIVE SESSION:**

**At 6:35pm \* Motion** – Supervisor Maneely

**Second** – Councilor

**Resolved (#219 - 2013):** that the Town Board enter into Executive Session pertaining to current litigation, with Board Members and Budget Officer to be present. At her request, Attorney Anderson-Duffy will join in the second part of the session.

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

At 7:22 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 (#220 - 2013):** that the following bills, having been audited,  
vouchers # 895 -929 , be paid:

General Fund – Abstract #20	\$ 9,514.37
Part Town General- #18	2,115.50
Highway Townwide #12	30,000.00
Highway Outside (DB)- #19	11,310.08
Airport Capital Proj. #8	11,457.16
Trust & Agency Fund - #41	<u>33,085.20</u>
Grand Total:	\$97,482.31

**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** - Councilor

**Second** – Councilor

**Resolved (#221 -2013):** there being no further business to come before  
the Board that it adjourn, with the next regular meeting to be  
November 13, 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**