

A regular meeting of the Malone Town Board was held 6:00pm Wednesday, November 3, 2014 at the Malone Town Offices, 27 Airport Rd., Malone, NY, preceded by Public Hearings, beginning 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
Denice Hudson, Deputy Clerk
Bruce Mallette, Highway Superintendent

Mike Fournier, Malone Chester Lawrence, Malone Paula Lawrence, Malone
Brent Stewart, Malone Linda Kennedy, Malone E.J. Conzola II, Malone Telegram
Denise Raymo, Press-Republican

PUBLIC HEARINGS:

Fire Protection -

5:30 PM – Supervisor Maneely opened the Public Hearing for the 2015 Fire Protection District (\$440,000 for MCF - \$1.06958 per thousand (1.07). **Clerk Hafter** read the legal notice aloud; The **Supervisor** called for public comment or questions. **Denise Raymo**, of the Press-Republican asked whether the Town Board has seen the budget for the MCF. **Budget Officer Stewart** said this is the second year of a two year contract, negotiated last year. The Fire Protection Committee (Walbridge/Sullivan) had an opportunity to see the MCF budget then. **Ms. Raymo** asked what the money is used for. **Deputy Supervisor Walbridge** and **Councilor Sullivan** replied that the money is used for equipment & training. **Ms. Raymo** asked whether the MCF holds fund raisers or otherwise contributes to the budget. **Councilor Sullivan** answered that he didn't think they have in the last year. **Ms. Raymo** asked whether the Board's approval of medical evaluations for members of the MCF has always been done. **Supervisor Maneely** said those approvals began when the Fire Protection District was formed.

At 5:40pm, with no further public or Board comments on the issues, Supervisor Maneely closed the Public Hearing.

East Side Water District –

5:40 PM – Supervisor Maneely opened the Public Hearing for the 2015 East Side Water District Budget - EDU rate at \$147.2278 (147.23). **Town Clerk Hafter** read legal notice aloud; **Supervisor Maneely** asked for public comments or questions. **Chester Lawrence**, a resident of the Town of Malone East Side Water District asked whether the charges, as outlined in the mailed notice, are something new. **Supervisor Maneely** replied that these charges will show on the January Town and County tax bill, and have each year since the creation of the district. By law, the notices must be sent and a public hearing must be held. **Mr. Lawrence** then asked why the charges have gone up. **The Supervisor** explained that the district charges are less this year by \$4.00 per EDU (Equivalent Dwelling Unit). **Denise Raymo** asked what had caused the decrease. **Budget Officer Stewart** said that more fund balance was used and expenses and levies are lower. **Ms. Raymo** asked whether the Village could force the payment of water bills. **Ms. Stewart** said in a Town district the mechanism for collecting unpaid water bills is by levy: putting them as a line item on the Town/County tax bill in January.

At 5:50pm, with no further public or board comments on the issues, Supervisor Maneely closed the Public Hearing.

West Side Water District -

5:50 PM – Supervisor Maneely opened the Public Hearing for the 2015 West Side Water District Budget - EDU rate at \$87.14516 (87.15). **Town Clerk Hafter** read legal notice aloud; **Supervisor Maneely** asked for public comments or questions. **Denise Raymo** asked why the district rate in the West Side District have gone down. **Budget Officer Stewart** answered that there have been EDUs added because of new business development; and, as on the East Side,

more fund balance was used.

At 6:00pm, with no further public or board comments on the issues, **Supervisor Maneely** closed the Public Hearing.

2015 Town Budget -

6:00 PM – Supervisor Maneely opened the Public Hearing for the 2015 Preliminary Budget for the Town of Malone - (Village rate of \$4.35 per thousand of assessed value (4.34641); Town rate of \$8.57 per thousand (8.57371) (both rates are subject to change, pending resolution of current litigation) **Town Clerk Hafter** read legal notice aloud; **Supervisor Maneely** asked for public comments or questions.

Mike Fournier, a Malone resident, addressed the Board in opposition to the proposed salary cut for Town Clerk Hafter, due to her decision to opt-out of selling NYS DEC sporting licenses. He said he has spoken with other hunters and they agree with his views. Quoting excerpts from the Malone Telegram and Plattsburgh Press-Republican, he called the Board proposal something from “a Chicago politicians’ handbook.” He said that if the Clerk’s work load is reduced, her 40 hour week should perhaps be reduced to 35, rather than reducing her salary. **Deputy Supervisor Walbridge** corrected Mr. Fournier, saying that the Clerk works a 30 hour week. **Mr. Fournier** said if the Clerk’s hours or pay are reduced, then the Deputy Clerk’s hours or pay should be reduced in the same manner. He said the Board proposal sounds not like a request, but like “strong arm tactics”, based on emotion. He added that the Clerk and all other agents for the DEC should be provided with indemnification by the state. He asked what “protection” the taxpayers were receiving by reducing the Clerk’s salary. He said purchasing a license elsewhere is not a problem and the Town should not be competing with local businesses anyway. He said he doesn’t believe the lost revenue to the Town would cover the cost of providing the service. He said the Clerk seems to be exercising her legal option and notes she has obtained the services of an attorney to protect that right. He said the Board should not spend taxpayers’ money trying to force her to make the decision they want. He does not believe the Clerk isn’t working during the “arbitrary” hours that were previously spent selling licenses. He commended Clerk Hafter for standing on principle and asked the Board to “cool down”, delay a final decision on the budget and restore to the Clerk her rightful salary.

With no further comment from the public or Board Members, **Supervisor Maneely** left the public hearing open while entering into the regular meeting agenda.

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 – Deputy Supervisor Walbridge

Resolved (# 247- 2014): to accept the minutes of the regular meeting of 10/22/2014 budget work session and the 10/22/2014 regular meeting 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 (#248 -2014): to accept the NYS Comptroller – Justice Court report for September 2014 as presented and place on file; and to authorize Supervisor Maneely to sign the Malone Call Firemen Medical Evaluation forms for Steven Savage, Jeanette Josinsky, Jon Mitchell and Shawn Monica as presented.

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

SUPERVISOR REPORTS:

Water Service Requests –

Motion – Councilor Taylor

Second – Deputy Supervisor Walbridge

Resolved (#249 -2014): to approve the application from S & S Auto Sales (Rt. 11) for water service in the Town of Malone West Side Water District: the application and fees

having been remitted and accepted by the Village of Malone.

**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

Resolved (#250 -2014): to allow the Supervisor to sign the application from Shawn Brown (Meehan Road) for water service in the Town of Malone West Side Water District: provided the application and fees having been remitted and accepted by the Village of Malone.

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

CORRESPONDENCE:

From: NYSDEC- Mined Land Inspection report for the Town’s Park Street Pit. Superintendent Mallette commented that the pit has not been used in years and needs to be properly closed. He added that it is almost impossible to keep trespassers (motorcycles, etc.) out.

From: SLIC - 3rd quarter franchise fees in the amount of \$184.18

SUPERVISOR REPORT:

Lower Park Street Buy-Out – Supervisor Maneely reported that there are now only 3 residents living in the flood zone on Lower Park Street, and one of those to move soon. He said the pay-off process is going quickly, the County is to do the demolition and restoration work and, FEMA will be responsible for the project close-out, with the grant of \$750,000.00 covering all costs.

NEW BUSINESS:

Budget Transfers -

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (#251 - 2014): to allow Budget Officer Stewart to make the necessary journal entries to transfer from A690 Clearinghouse and record the September 2014 Court fees (A2610) in the amount of \$8,514.00, as revenue (A980), and as per the NYS Comptroller Justice Court Report.

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

Fire Protection -

Motion – Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (#252 - 2014): “to accept the \$440,000.00 Fire Protection District fee charged by the Malone Callfiremen.”

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

East Side Water -

Motion – Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (#253 - 2014): “to approve the 2015 East Side Water District budget EDU rate of \$147.2278 for the year 2015.”

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

West Side Water -

Motion – Councilor Scharf

Second – Councilor Sullivan

Resolved (#254 - 2014): “to accept the West Side Water District at \$87.14516 per EDU for the 2015 budget.”

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

Supervisor Maneely proposed that a vote on the 2015 Town Budget be put off until the next regular meeting, to be held Wednesday, November 19th 2014.

Press-Republican reporter, **Denice Raymo** had questions in regard to the preliminary budget. She noted that the Town Clerk's salary is down 6.11%; Highway Superintendent up 10%; one of the Town Justices is down 11.7% and the Town Attorney up 18.75%. She asked for the reasoning for some double digit salary increases. **Supervisor Maneely** responded that Superintendent Mallette has taken over a lot of responsibility from former Superintendent Shanty without a pay increase and deserves to be paid for that now. **Deputy Supervisor Walbridge** said that the incoming Justice does not have the level of experience as the current Justice has and reducing the salary will help to offset training expenses and a new part-time court clerk. **Ms. Raymo** noted that Attorney Anderson-Duffy has been allowed by the Town Board to work also for APEX Solar with whom the Town has contracted. She asked why she would get an increase in salary if she is working less for the Town. **Councilor Scharf** said Ms. Duffy will not be working less for the Town and her salary increase is to make up for additional litigation hours this year. **Ms. Raymo** asked why a second attorney has been hired by the Town. **Deputy Supervisor Walbridge** said that the second attorney was to deal with certain Certiorari cases. **Mr. Fournier** asked how much extra the Town Attorney will be paid if Clerk Hafter's salary issue results in litigation. **Attorney Duffy** said the town's insurance carrier will provide defense. **Councilor Scharf** said it will cost nothing and that premiums would not go up. **Attorney Anderson-Duffy** said she has been paid "a pittance" and has looked at working for the Town as a public service. She said she does not ask for reimbursement for any expenses. **Ms. Raymo** noted that the attorney does get \$20,400.00 annually in medical benefits. **Mr. Fournier** asked whether the Attorney's salary would go down next year if she works fewer hours. **Deputy Supervisor Walbridge** said that "if the man hours don't equal the salary", the Board would have to adjust it. **Board members** pointed out that they did not take a raise this year. **Mr. Fournier** asked when the Town Budget will be voted on. **Supervisor Maneely** responded that it will be November 19th 2014, the next regular board meeting. **Mr. Fournier** asked to whom he should address FOIL requests. **The Supervisor** responded that they should go to Town Clerk Hafter.

At 6:35pm, with no additional comments or questions from the public or Board, Supervisor Maneely closed the Public Hearing on the Town of Malone 2015 Preliminary Budget.

EXECUTIVE SESSION:

At 6:35 pm *Motion – Councilor Scharf

Second – Councilor Sullivan

Resolved (#255- 2014): that the Town Board enters into Executive Session pertaining to employee contracts, with Board Members and Town Attorney to be present.

Budget Officer Stewart asked whether they were going to discuss the Town Highway contract; and if not, then this is not a valid purpose for executive session. **Attorney Anderson-Duffy** said that any issues regarding personnel that the Board wants to discuss, they may do so in executive session. **Malone Telegram Editor, E. J. Conzala II** objected, saying that the intention must be identified and in regard to a specific individual. **Attorney Anderson-Duffy** said the "formation of contracts, entering, drafting..."

Councilor Scharf restated her motion: to enter into executive session to discuss "the employment history of a particular person leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person."

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

At 6:55 pm, the executive session ended and the regular meeting resumed with no action taken.

SUPERINTENDENT OF HIGHWAYS REPORT:

Superintendent Mallette reported the Highway Department is finishing up the blacktopping for this year, putting up sand and preparing for winter. In regard to Webster Street Road, just the culverts put in this year cost \$46,146.99. The job had to be done although it was an unbudgeted, unexpected expense.

BOARD MEMBER/COMMITTEE REPORTS:

Councilor Scharf reported that the Complete Streets Committee will consider an option to the plan for putting a sidewalk on State Street. It will be a point of discussion to build the sidewalk behind the houses and through school property.

Supervisor Maneely said he has spoken with Dave Werner of the Complete Streets Committee and he will contact the Wal-Mart manager to discuss possible funding to continue the sidewalk on Rt. 11 West to Wal-Mart.

FOIL:

Motion – Deputy Supervisor Walbridge

Second – Councilor Sullivan

Resolved (#256 - 2014): “to have our Attorney, Lillian Anderson-Duffy, handle all FOIL requests concerning our Town Clerk; anything to do with hunting licenses or anything to do with her employment handled by our Town Attorney.”

Discussion - Denise Raymo asked if this action is legal as the Town Clerk is the official Records Management Officer for the Town, and authorized to handle FOIL requests. **Supervisor Maneely** said “this is an exception because... conflict of interest.”

Ms. Raymo asked what section of law allows for the exception. **Attorney Anderson-Duffy** replied “I think given that the Town Clerk is threatening to sue the Town... and I will have the services of the Deputy Clerk available to me.”

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

BILLS FOR AUDIT & PAYMENT:

Motion – Councilor Scharf

Second – Deputy Supervisor Walbridge

Resolved (#257 - 2014): that the following bills, having been audited, vouchers #935 -965, be paid:

General Fund (A) Abstract#21	\$33,650.40
Part Town General (B) #16	358.99
Trust & Agency (T) # 40	1,485.16
Highway Town wide (DA) # 13	33,295.70
Highway Outside (DB) #18	<u>2,401.67</u>
Grand Total:	\$71,191.92

**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 (#258 -2014): there being no further business to come before the Board that it adjourn, with the next regular meeting to be 6:00pm 11/19/2014; preceded by a Town of Malone IDA meeting at 5:45pm.

**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

November 13, 2014

Town of Malone
Regular Board Meeting
11/03/2014