

Malone Town Board
Regular Meeting
11/19/2014

A regular meeting of the Malone Town Board was held 6:00pm Wednesday, November 19th 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
Denice Hudson, Deputy Clerk
Bruce Mallette, Superintendent of Highways
Lillian-Anderson-Duffy, Town Attorney

Mary Freidenburg, Malone	Michael Fournier, Malone	Brent Stewart, Malone
Shawn Cobin, Malone	Cheyenne Bessey, Malone	Kristine (?), Malone
Carter Beitz, Malone	Cody Charland, Bangor	Archie McKee, Malone
Carol McKee, Malone	Will Broner, Malone	Kevin Hafter, Malone

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

ADDRESS TO BOARD:

Mr. Mike Fournier requested time to address the Town Board prior to any Board action with respect to the 2015 budget. **Supervisor Maneely** told him the Board has heard what he had to say at the last meeting and he wants “nothing redundant”. Mr. Fournier stated that he remains opposed to the reduction of Town Clerk Hafter’s salary, but he has further items of concern. Mr. Fournier said he was told at the meeting of 11/03/2014 to address Freedom of Information requests to Clerk Hafter. The Malone Telegram reported the next day of a Board decision, made after his departure from the meeting, to have all FOIL regarding the Clerk to be handled by Attorney Duffy. He is opposed to that decision, as according to what he has seen and read, the Attorney has at least as much of a conflict of interest in handling these requests. He said he has begun a dialogue with Bob Freeman of the Office on Open Government. Mr. Fournier called the \$2,500.00 reduction of the Clerk’s salary to be arbitrary, capricious and punitive. He said the Clerk should not be punished for making a decision that is legally hers to make. Mr. Fournier said the value of the time spent on this issue and the possible consequences of the Board action may cost the Town more than \$2,500.00. He reminded the Board Members of their oaths of office, which include a promise to uphold the law, and urged that they abide by them.

MINUTES & REPORTS:

Motion – Councilor Taylor

Second – Councilor Sullivan

Resolved (#263- 2014): to accept the minutes of the Regular Meeting of 11/3/14 and the Special Meeting of 11/10/14, as presented and place on file.

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

Motion – Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (#264 -2014): to accept the following reports as presented and place on file:

Supervisor – 10/2014 Highway – 10/2014 Code Officer 10/2014

Town Clerk/Registrar – 10/2014 Airport Log – 10/2014

Justices Boardway & Lamitie – Submission Logs for 10/2014

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

OLD BUSINESS:

Airport Hangar/Land Leases - payment and lease issues (8/20/2014 Memo from Town Clerk Hafter & 11/3/2014 Memo from Deputy Clerk Hudson)

Deputy Supervisor Walbridge reported that a meeting on this issue took place yesterday. He said “We are going to talk to the other Board Members about revamping the letter addressing the leases and also the lease, through Attorney Duffy.” **Councilor Sullivan** said “We also discussed changing the late fees because they had a late fee of 10% and we thought that we’d go away from a percentage and go to a flat fee of \$15.00 and also give people \$15.00 discount per month if they paid more than a month in advance”.

SUPERINTENDENT OF HIGHWAYS REPORT:

Superintendent of Highways Mallette reported the highway department has been working on the bridge on Shova Road. He intends to buy some culvert pipe to be prepared for next spring.

BOARD MEMBER/COMMITTEE REPORTS:

Councilor Scharf

Solar -

Motion – Councilor Scharf

Second – Councilor Sullivan

Resolution #265-2014

**APPROVAL OF POWER PURCHASE
AND ROOF-TOP LEASE AGREEMENT**

WHEREAS the Town Board of the Town of Malone intended to arrange for the installation of solar panels on the roof tops of two hangars located at the Malone-Dufort Airport in order to reduce power costs for the Airport as well as for all of the Town buildings located on the said airport property; and

WHEREAS the Town Board advertised and obtained bids for said project and awarded said bid to SES APEX LLC.; and

WHEREAS a Power Purchase and Roof-Top Lease Agreement between the Town of Malone and SES APEX LLC has been approved recently by the Federal Aviation Administration.

NOW THEREFORE BE IT RESOLVED,

The Town Board of the Town of Malone approves the Power Purchase and Roof-Top Lease Agreement between the Town of Malone and SES APEX LLC and authorizes the Town Supervisor, Howard Maneely to execute said Agreement, thirty days from the date of the adoption of this Resolution, unless a petition is filed pursuant to Section 91 of the Town Law within said thirty days.

This Resolution is subject to a permissive referendum.

The Town Clerk shall cause a copy of this Resolution, certified by said Town Clerk, to be published once in the Malone Telegram, within ten days of the date of the adoption of this Resolution and shall also cause a copy of this certified Order to be posted on the public sign board at the Town Office within the aforesaid time frame.

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

Complete Streets – Councilor Scharf thanked Supervisor Maneely for talking to some of the business owners on Route 11 West, as many have agreed to assist with the cost of extending the sidewalk in that area. Further research and approvals are needed.

Deputy Supervisor Walbridge –

Accrued Time Policy- Deputy Supervisor Walbridge said “*We’ve talked as a Board about not only finishing up the Employee Manual, but looking at accumulation of sick leave policy for non-unionized Town of Malone employees. Lillian has come up with a policy that I’d like to have the Board look at. Would you like me to read it?*” Supervisor Maneely replied affirmatively.

After Deputy Supervisor Walbridge read the proposed policy aloud, Supervisor Maneely added “*In other words, the employees who have been already and accumulated their time they’re grandfathered in ... they won’t lose anything.*” Councilor Scharf and Deputy Supervisor Walbridge agreed with that statement. Supervisor Maneely asked, “*Are there any questions on this?*” Councilor Scharf “*Do we need a resolution?*” Supervisor Maneely “*Yes, if everybody is satisfied with it. Did you mean that for resolution, Paul?*” Deputy Supervisor Walbridge “*Yup, I offer this for a motion for resolution to be included in the employee manual and also become the policy effective January 1st 2015.*”

Motion – Deputy Supervisor Walbridge

Second – Councilor Sullivan

Resolution #266-2014

All town of Malone employees who are not covered by a collective bargaining agreement shall be entitled to 12 sick days per year.

Effective January 1, 2015, employees may accumulate unused sick leave up to a maximum of 130 days, with the following exception: employees who have already accrued 130 or more sick leave days may retain all accumulated unused

sick leave time; however, effective January 1, 2015, shall not accrue any additional unused sick leave time above and beyond their current sick leave credits.

Effective January 1, 2015, upon separation from service, other than for termination from employment due to disciplinary action, an employee shall receive cash payment for up to a maximum of 65 days of the employee's accumulated unused sick leave at the employee's rate of pay at the time of separation from service and the remainder of the unused sick leave time up to the maximum of 65 days the employee shall be credited, at the employee's rate of pay at the time of separation from service, towards payment for health insurance through the New York State Empire Plan, if the employee is so entitled to apply for and receive said health insurance coverage, with the following exception: Those employees who have already accrued 130 or more sick leave days may elect to receive at the time of separation from service cash payment at their rate of pay at the time of separation from service for the total of their unused sick leave time accumulated up to and including December 31, 2014.

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

CORRESPONDENCE:

From Fr. Co. Treasurer – Mortgage tax payment \$39,828.35

From FAA – Master Plan update grant has been completed

EXECUTIVE SESSION:

At 6:18pm * Motion – Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (#267- 2014): “I’ll offer a motion of resolution to go into executive session for a possible tax certiorari case”

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

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

(Town Board members and Attorney left the room to go into session.)

At 6:50 pm, the executive session ended and the regular meeting resumed.

Airport Hangar/Land Leases – Re: 8.20.2014 Memo from Town Clerk Hafter & 11.3.2014 Memo from Deputy Clerk Hudson

Deputy Supervisor Walbridge reported on a meeting with Councilor Sullivan, Deputy Town Clerk Hudson and Airport Manager Besio in regard to the status of airport users' payments and leases. He also spoke with Budget Officer Stewart. Deputy Supervisor Walbridge said: *“I am proposing that we appoint Deputy Clerk Denice Hudson as the Airport Lease Agent, and from this day forward, Mrs. Hudson will receive all airport leases, all airport contracts, all airport rental fees. She'll keep track of a grid of who is paid, who is not paid, who has current and relevant insurance and who does not, and she'll report to the Board monthly of her findings. We have to make a budgetary adjustment in the 2015 budget. Mr. Besio is paid \$4,000.00 currently as Airport Manager. He's paid quarterly. I am offering a proposal to put the Airport Manager's salary to \$3,000.00 and we would make Mrs. Hudson the Airport Lease Manager for a total of \$1,000.00 for the year, to be paid quarterly.”*

Supervisor Maneely asked *“Is that a resolution?”* Deputy Supervisor Walbridge *“That is a resolution.”*

Motion – Deputy Supervisor Walbridge

Second – Councilor Sullivan

Resolved (# 268-2014): “I am proposing that we appoint Deputy Clerk Denice Hudson as the Airport Lease Agent, and from this day forward, Mrs. Hudson will receive all airport leases, all airport contracts, all airport rental fees. She'll keep track of a grid of who is paid, who is not paid, who has current and relevant insurance and who does not, and she'll report to the Board monthly of her findings. We have to make a budgetary adjustment in the 2015 budget. Mr. Besio is paid \$4,000.00 currently as Airport Manager. He's paid quarterly. I am offering a proposal to put the Airport Manager's salary to \$3,000.00 and we would make Mrs. Hudson the Airport Lease Manager for a total of \$1,000.00 for the year, to be paid quarterly.”

Discussion:

Councilor Scharf *“I think the auditor suggested before that we - all money be received in the one place.”*

Deputy Supervisor Walbridge *“Well, we did it in the Code Office and yesterday after the meeting, Budget Officer Stewart once again enlightened me and Mr. Sullivan that when we went through our last audit that that was the major focus - was not to have money all over the place so I think it's just common*

sense to follow the auditor's lead and also our Budget Officer recommendation to have the money centrally located and housed here at the Clerk's office. That's the justification."

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

SUPERVISOR REPORTS:

2015 Town of Malone Preliminary Budget -

Motion – Councilor Sullivan

Second – Councilor Scharf

Resolved (#269 -2014): *"I move to resolve that we vote to adopt the 2015 Town of Malone Preliminary Budget.*

**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 Taylor

Second – Deputy Supervisor Walbridge

Resolved (# 270 - 2014): that the following bills, having been audited, vouchers #971 - 1017, be paid:

General Fund (A) – Abstract #22 &23	\$ 63,531.87
Part Town General (B) #17	340.00
Highway Townwide (DA) #14	7,209.96
Highway Outside (DB) #19	128,422.72
Chips (H3) #9	162,639.27
East Side Water (FE) #11	9,537.35
West Side Water (FW) #4	3,649.60
Trust & Agency (T) #42	30,579.02
Airport Capital Proj. (H4) #10	<u>71,245.10</u>

Grand Total: \$478,654.89

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

PUBLIC COMMENT: Michael Fournier - *"You guys should be embarrassed and ashamed of yourselves. I'm embarrassed for every one of you. Shame on you Howard, you used to be an honorable man."*

ADJOURN: Supervisor Maneely *"Next regular meeting is scheduled for December 17th 2014, at 6:00pm. Before that we have an IDA meeting at 5:45pm. I'll entertain a motion.*

At 6:55 pm Motion - Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (#271 -2014): there being no further business to come before the Board that it adjourn, with the next regular meeting to be 6:00pm, December 17, 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

December 3, 2014