

**TOWN OF MALONE
REGULAR MEETING
August 16, 2017**

A regular meeting of the Town Board of the Town of Malone, County of Franklin and the State of New York was held at the Town Offices, 27 Airport Rd., Malone, NY on the 16th day of August, 2017.

PRESENT:

Howard Maneely	-----	Supervisor
Jack Sullivan	-----	Deputy Supervisor
Louise Taylor	-----	Councilor
Mary Scharf	-----	Councilor
Ed Lockwood	-----	Councilor

RECORDING SECRETARY: Deborah Hutchins, Town Clerk

ALSO PRESENT:

- Lillian Anderson-Duffy, Town Attorney
- Denice Hudson, Budget Officer
- Bruce Mallette, Highway Superintendent
- Josh Davis, Malone Telegram
- Andrea Stewart, Malone
- Tim Lamay, Malone
- Dave Werner, Malone
- Mary Fredenburg, Malone
- Carl Sherwin, Malone
- Dean Fountain, Malone
- Candace Gadway, Malone
- Wayne Miller, North Bangor
- Josy Delaney, Malone

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

Supervisor Maneely welcomed guests who asked to speak to the Board. Dean Fountain, Franklin County Traffic Safety Board, addressed all present. Mr. Fountain discussed various items that the Traffic Safety Board offers and stated it is free of charge. They are covered under two grants. They offer car seat clinics, school presentations, do law enforcement details on distracted driving, pedestrian crosswalks, and various education offerings on safe driving. They have a meeting every 4th Wednesday at the 911 building. They can offer speed trailers to the Towns and also have message boards. Dave Werner, Franklin County Traffic Safety Board, also presented information and spoke on uniform traffic control devices. He spoke on the three road sign types – regulatory, warning and guide. He then displayed and discussed some illegal sign placements for information. Supervisor Maneely thanked Mr. Fountain and Mr. Werner for presenting this information to the Town Board.

APPROVAL OF MINUTES

RESOLUTION 194-2017

On a motion of Councilor Scharf, seconded by Councilor Taylor, the following resolution was

ADOPTED Ayes 5 Maneely, Scharf, Taylor, Sullivan, Lockwood
Nays 0

Resolved to approve the minutes of the July 26, 2017 Regular Meeting.

REPORTS

RESOLUTION 195-2017

On a motion of Deputy Supervisor Sullivan, seconded by Councilor Scharf, the following resolution was

ADOPTED Ayes 5 Maneely, Sullivan, Taylor, Scharf, Lockwood
Nays 0

Resolved to accept the following reports for review as written and placed in file:
Town Clerk – 07/2017, Supervisor’s Report – 07/2017, Airport Service Worker – 07/2017 and Budget to Actual Report through 07/31/2017.

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OLD BUSINESS:

Supervisor Maneely asked the Town Clerk to read the following resolution:

Relating to: Sidewalk Extension and Pedestrian Crossing Project, Town of Malone, Franklin County Project ID Number: 780663, Contract # D035734

WHEREAS: The Malone Sidewalk Extension and Pedestrian Crossing Project, Town of Malone, Franklin County, involves the Construction of Sidewalks and Crosswalks along US 11 and Airport Rd; and

WHEREAS: The Town of Malone has passed a resolution proposing an agreement with Franklin County wherein Franklin County will be the Project Sponsor of the project ; and

WHEREAS: The Town of Malone has proposed a contract with Franklin County wherein return for the County agreeing to be the Project Sponsor, the Town of Malone agrees to the terms of which are set forth as follows:

1. The County agrees to act as the Project Sponsor for the project designated as Sidewalk Extension and Pedestrian Crosswalk along US 11 and Airport Road, Town of Malone, Franklin County, hereinafter referred to as the "Project". Such duties as Project Sponsor shall be as set forth in the agreement between the County and the New York State Department of Transportation, which agreement shall be incorporated in reference herein.
2. The New York State Department of Transportation has committed to providing 80% of the funds up to \$1,071,200.00 awarded in the TAP State Grant necessary to complete the Project. Any Project costs not reimbursed by TAP State Funds will be 100% reimbursed by the Town back to the County. Such costs shall include, but not be limited to the design, right of way acquisition, construction and inspection cost of the Project.
3. As Project Sponsor, the County shall be responsible for executing all contractual agreements required for the design, construction and inspection of this project to be completed by Barton & Loguidice, PC.
4. The Town agrees to indemnify and hold harmless the County from any and all liability, claims, attorney fees or expensed associated with the County's Agreement with the New York State Department of Transportation which agreement is incorporated by reference into this agreement between the Town and County.
5. This Agreement, when properly executed, shall be finding upon the parties hereto and their respective successors and assigns and upon the adoption of a resolution by the Town and the adoption of a resolution by the County accepting said Agreement and authorizing the signature there of by the proper officials of the Town and County, certified copies of said resolutions shall be attached to the Agreement.
6. Franklin County will not assume ownership of the above mentioned Project after the completion.

NOW, THEREFORE, BE IT

RESOLVED: That the Malone Town Board adopts the resolution for Franklin County to be the Project Sponsor for the Malone Sidewalk Extension and Pedestrian Crossing Project this 16th day of August, in the Year 2017.

Councilor Scharf brought up discussion on where the monies are going to come from to pay the Town's share of approximately \$218,000. Supervisor Maneely has been speaking to the involved businesses that would benefit from the new sidewalks to pay their share of the 20% since DOT has pulled back on the in-kind services toward this percentage. Budget Officer when asked about keeping under the tax cap did confirm that this could not happen if the Town had to pay the full \$218,000. Councilor Scharf then brought up discussion about doing a bond over a period of years. Lillian Anderson-Duffy stated that this would have to go before bond counsel. Supervisor Maneely then stated that there is \$62,000 in a dedicated fund for salt storage that can now be used. He also stated that a building at the airport can be rented to contractors in lieu of renting an office trailer for the field engineer relative to this project and would estimate another \$10,000 toward this. He is also asking the businesses to pay their share to come up with the remaining needed to meet the 20%. Supervisor Maneely feels we have about 50% of the total covered at this point. Councilor Scharf then asked the Town Attorney to also research the idea of obtaining a bond if needed. Councilor Lockwood questioned the extensive costs of a sidewalk project. Wayne Miller, Complete Streets, explained more of the details driving the costs of the project such as prevailing wage

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rates, etc. DOT is regulating the process leaving little wiggle room for in-kind services. Lillian Anderson-Duffy then asked about the Town (Highway Dept.) doing the project with their own forces and if there would be significant savings. Mr. Miller stated that yes it may, however, there would then be no grant monies for any of the costs.

Andrea Stewart asked for an explanation of the justification for no longer having the Salt Storage Capital Fund. Supervisor Maneely that the State is no longer mandating this and if they do mandate it in the future, they will have to provide the funds at that time. Mrs. Stewart reiterated that there is a process to go through to resolve it.

Wayne Miller referenced the bonding idea and the fact that this would be a capital improvement with a long lifespan which would be favorable for bonding.

Superintendent Mallette brought up the issue of the Town having to take care of the sidewalks once constructed including snow removal. Supervisor Maneely reminded him that we have a sidewalk law in place and each owner needs to do their own removal.

Mr. Miller also brought up the fact that the Town has been doing more work at the airport and with more air traffic coming in, a sidewalk to walk to the area business would be favorable to the airport as well. He also stated that the Town Court at this location has many people walking to attend court and they are currently walking in the road as are others to the businesses in the area. Councilor Scharf stressed she just wants to be sure we are covered for the funds for the project so it doesn't fall back on the taxpayers. Supervisor Maneely stated that is the thought of the full Board to be sure the funds are in place. Mr. Miller stated that Complete Streets is also committed to continuing the search for additional funds to assist with the 20% match. Councilor Lockwood asked if the study shows the number of people that would use the sidewalk in a year. He further stated that the businesses should also contribute, especially Walmart. Mr. Miller stated this area does show the most pedestrian traffic in the Town. The project would enable pedestrians and cyclists more safety. He stated that he doesn't believe there are actual numbers, just anecdotal. Further discussion was held on the area and the volume of pedestrians.

RESOLUTION 196-2017

On a motion of Supervisor Maneely, seconded by Councilor Taylor, the following resolution was

ADOPTED Ayes 4 Maneely, Sullivan, Taylor, Scharf
Nays 1 Lockwood

Resolved: to approve the following the above resolution as read and presented by the Town Clerk.

RESOLUTION 197-2017 – County-Wide Shared Services Property Tax Savings Plan

On a motion of Councilor Scharf, seconded by Councilor Taylor, the following resolution was

ADOPTED Ayes 5 Maneely, Sullivan, Taylor, Scharf, Lockwood
Nays 0

Resolved to approve the County-Wide Shared Services Property Tax Savings Plan as presented.

The Town of Malone 2017 DBE Program was reviewed and any action was tabled until the next meeting to allow time for the Town Attorney to further review and address requested changes.

RESOLUTION 198-2017 – RFP for Consultant - CDBG Grant (Valley Ridge Manor)

On a motion of Councilor Scharf, seconded by Councilor Lockwood, the following resolution was

ADOPTED Ayes 5 Maneely, Sullivan, Taylor, Scharf, Lockwood
Nays 0

Resolved to approve advertising in the Malone Telegram for Community Development Consultants to administer the CDBG Grant (Valley Ridge Manor) with proposals to be returned by 9:00 AM on August 28th.

RESOLUTION 199-2017 – Hold Harmless Agreement

On a motion of Councilor Scharf, seconded by Councilor Lockwood, the following resolution was

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ADOPTED Ayes 5 Maneely, Sullivan, Taylor, Scharf, Lockwood
Nays 0

Resolved to approve agreement for participants of Valley Ridge Project to have a hold harmless agreement and additional insured clause.

The OBG Salmon River Feasibility Study/Engineering Analysis & Environmental Permitting Proposal acceptance was tabled until confirmation received by DEC of funds to be released from Attorney General's office. Councilor Scharf explained that there was a meeting at the County Offices with the County, Village, DEC, Town, Senator Little, Billy Jones and Paul Maroun present. Councilor Scharf explained that the DEC has agreed to pay for the plan for remediation out of the \$90,000 set aside from the Niagara Mohawk penalty from years ago which is currently being held in escrow. As a result of this meeting a call was made to OBG for a proposal for the survey work. Mr. Stegman, with DEC, is reviewing their proposal for conformity of their requirements and has asked for a couple of days to complete his review. Legislator Sherwin stated that DEC does not actually have the funds but rather the Attorney General's Office is holding them. They will release the money to the Town of Malone upon DEC approval of an appropriate plan. Motion tabled and a special meeting will be held to approve the OBG proposal once DEC approval of the plan is received.

SUPERVISOR REPORT:

RESOLUTION 200-2017 – MCF Physicals

On a motion of Deputy Supervisor Sullivan, seconded by Councilor Taylor, the following resolution was

ADOPTED Ayes 5 Maneely, Sullivan, Taylor, Scharf, Lockwood
Nays 0

Resolved for permission for Supervisor Maneely to sign the MCF Physicals for Robert Miles and Gary Spinner and add to the Franklin County Self Insurance Plan.

RESOLUTION 201-2017 – Grant Offer for Airport Improvement Plan (AIP)

On a motion of Councilor Scharf, seconded by Councilor Taylor, the following resolution was

ADOPTED Ayes 5 Maneely, Sullivan, Taylor, Scharf, Lockwood
Nays 0

Resolved for permission for Supervisor Maneely to sign the Grant Offer for Airport Improvement Plan (AIP).

At this time Town Attorney Lillian Anderson-Duffy discussed the need to include the hold harmless clause with various agencies that the Town currently has agreements. These agencies include the school, the Farmer's Market, the YMCA, the Golf Clubhouse, the Green House at Industrial Park (JCEO and Community Action), and any other municipalities that we have shared service agreements.

RESOLUTION 202-2017 – EVC Connect

On a motion of Councilor Scharf, seconded by Deputy Supervisor Sullivan, the following resolution was

ADOPTED Ayes 5 Maneely, Sullivan, Taylor, Scharf, Lockwood
Nays 0

Resolved to approve the Supervisor to sign the quote from EVC Connect for \$1,265.00 for the charging station to be set up.

RESOLUTION 203-2017 – LED Lighting – Street Lights – Village and Town

On a motion of Councilor Scharf, seconded by Councilor Taylor, the following resolution was

ADOPTED Ayes 5 Maneely, Sullivan, Taylor, Scharf, Lockwood
Nays 0

Resolved to approve permission for Supervisor Maneely to send a letter to National Grid for pricing.

Supervisor Maneely and Deputy Supervisor Sullivan reported on their meeting in Plattsburgh on the proposed savings with a lease/purchase option for the lights. The Town

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moving forward to a green community will open up other grant opportunities for this type of project.

BOARD MEMBER/COMMITTEE ITEMS:

Councilor Taylor stated that everything is going well.

Supervisor Sullivan stated that he received a phone call from a Councilman in Constable who indicated having dog issues. He further discussed the minimal fines for not licensing dogs which is a deterrent for owners to pay to license their dogs. He did some additional research and provided this information to him.

Councilor Lockwood reported on the Rec Park Commission meeting. He stated Dan Anderson is retiring and will be done in December. There are some issues with the dam after a state audit. Work is being done on the tennis court project and there will be a Fall work bee. The Rec Park Commission is looking to do a website and perhaps share with other sites – Chamber, etc. Councilor Scharf stated that the Chamber site does have a section for the Rec Park so items can be put on that site in the meantime.

Supervisor Maneely then stated that he attended the Rec Park Commission last month. He further reported that the Town does not have much say in the budget process, etc. The Town currently contributes 40% and he proposed that be changed to 50% so the Town can have more input. Councilor Lockwood agreed that more Town involvement would be positive. This will be discussed further at budget time.

Councilor Scharf stated that a public notice needs to be done for the CDBG Housing Rehab application due on September 22, 2017. The Public Hearing needs to be done so that residents can come and complete a form in order to obtain a list of eligible people to put in with the grant.

RESOLUTION 204-2017 – CDBG Housing Rehab Public Hearing Notice

On a motion of Councilor Scharf, seconded by Councilor Lockwood, the following resolution was

ADOPTED Ayes 5 Maneely, Scharf, Sullivan, Taylor, Lockwood
Nays 0

Resolved to approve advertising for a Public Hearing in the Malone Telegram, Press Republican and Free Trader to be held on September 13, 2017 at 5:00 p.m for the CDBG Housing program.

SUPERINTENDENT OF HIGHWAYS:

Highway Superintendent Mallette reported on the Town Highway Superintendents conference to be held September 19 – 22, 2017. He will ask for approval to attend this at the next meeting. He then reported that he has a contract for Auctions International to put the equipment out to bid. Supervisor Maneely stated that he would look it over and have the Town Attorney review it. He also stated that he did receive another quote for the asbestos survey from GYMO. Councilor Lockwood asked for an explanation of what is being done. Further discussion was held on the process and why this was being done as mandated by NYS DOL.

CORRESPONDENCE:

- From Association of Towns – 2018 dues.

RESOLUTION 205-2017 – Training Request – Highway Superintendent

On a motion of Councilor Lockwood, seconded by Councilor Taylor, the following resolution was

ADOPTED Ayes 5 Maneely, Scharf, Sullivan, Taylor, Lockwood
Nays 0

Resolved to approve permission for Highway Superintendent Mallette to attend the 2017 Local Roads Done Right Seminar on September 5, the Snow and Ice Control Seminar on

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September 13th in Essex County, and the Traffic Signs and Pavement Markings Seminar on October 18th in Hamilton County as a cost of \$50.00 per workshop, for a total of \$100.00 (Town has \$50.00 credit), with all expenses paid by the Town.

- From FAA – Runway 5-23 Pavement Improvement qualifies for Categorical Exclusion from preparation of formal environmental assessment.

RESOLUTION 206-2017 – Training Request – Highway Superintendent and Budget Officer Hudson

On a motion of Deputy Supervisor Sullivan, seconded by Councilor Taylor the following resolution was

ADOPTED Ayes 5 Maneely, Scharf, Sullivan, Taylor, Lockwood
Nays 0

Resolved to approve permission for Highway Superintendent Mallette and Budget Officer Hudson to attend Running Your Highway Department Workshop at a cost of \$50.00 on August 22, 2017 at the Franklin County Emergency Services Building.

- From FAA – AIP updates 2018-2020, 2022 and NYADO updates.

RESOLUTION 207-2017 – Malone Central School District Soccer/Football Fields

On a motion of Councilor Scharf, seconded by Councilor Lockwood, the following resolution was

ADOPTED Ayes 5 Maneely, Scharf, Sullivan, Taylor, Lockwood
Nays 0

Resolved to approve Malone Central School District to be allowed to use the Airport Soccer Field and the old Mustang Football Field for soccer practice and games during the 2017-2018 school year. Approval to include the school district mowing the fields and signing of a Use of Facilities and Hold Harmless Agreement.

NEW BUSINESS:

RESOLUTION 208-2017 – Journal Entries

On a motion of Councilor Lockwood, seconded by Councilor Taylor, the following resolution was

ADOPTED Ayes 5 Maneely, Scharf, Sullivan, Taylor, Lockwood
Nays 0

Resolved for permission for the Budget Officer to make the following Journal Entries, as per the Comptroller notice for June 2017 from A690 Clearinghouse \$10,189.00 to A980 Revenues \$10,189.00 (A2610 court fines & fees).

RESOLUTION 209-2017 – Airport Lighting – REILS/Baffles

On a motion of Councilor Scharf, seconded by Councilor Lockwood, the following resolution

ADOPTED Ayes 5 Maneely, Scharf, Sullivan, Taylor, Lockwood
Nays 0

Resolved to approve going with Option #1 – no baffles, aim the REILS per standard AC directions as read and reviewed (information as provided by Passero Associates).

- New Area Code effective 08/19/2017.

EXECUTIVE SESSION (if warranted):

RESOLUTION 210-2017

On a motion of Councilor Scharf, seconded by Councilor Lockwood, the following resolution was

ADOPTED Ayes 5 Maneely, Scharf, Sullivan, Taylor, Lockwood
Nays 0

Resolved to enter in to executive session at 7:53 p.m. with the Town Supervisor, Town Board Members and Town Attorney to discuss the employment history of, and matters leading to, the employment, discipline, suspension, dismissal or removal of a particular person.

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RESOLUTION 211-2017

On a motion of Supervisor Maneely, seconded by Councilor Scharf, the following resolution was

ADOPTED Ayes 5 Maneely, Scharf, Lockwood, Taylor, Lockwood
Nays 0

Resolved to enter back in to regular session at 8:07 p.m. No business to report from executive session.

BILLS FOR AUDIT & PAYMENT:

RESOLUTION 212-2017

On a motion by Deputy Supervisor Sullivan, seconded by Councilor Taylor, the following resolution was

ADOPTED Ayes 5 Maneely, Sullivan, Taylor, Scharf, Lockwood
Nays 0

Resolved that the following bills, having been audited and approved for payment, Vouchers #706-760:

General Fund (A) – Abstract #20	\$ 77,561.30
Highway Townwide (DA) – Abstract #12	168.10
Highway Outside (DB) – Abstract #15	6,082.69
Trust & Agency (T) – Abstract #32	36,451.18
GRAND TOTAL:	\$120,263.27

RESOLUTION 213-2017

On a motion of Councilor Lockwood, seconded by Councilor Taylor, the following resolution was

ADOPTED Ayes 5 Maneely, Sullivan, Taylor, Scharf, Lockwood
Nays 0

Resolved to approve a barbeque picnic for the Town employees to be held on Thursday, August 24, 2017 from 11:30 AM to 1:30 PM.

ADJOURN:

RESOLUTION 214-2017

With no further business to be brought before the Board and on a motion of Deputy Supervisor Sullivan, seconded by Councilor Lockwood, the meeting was adjourned at p.m. The next regular meeting is scheduled for September 13, 2017 at 6:00 p.m. with a Public Hearing to be held at 5:00 p.m. A Special Meeting is tentatively scheduled for Monday, August 28, 2017.

RESPECTFULLY SUBMITTED,

DEBORAH A. HUTCHINS, TOWN CLERK