

**Town of Malone
Regular Board Meeting
December 16, 2015**

A regular meeting of the Malone Town Board was held Wednesday, December 16, 2015, at the Malone Town Offices, 27 Airport Rd., Malone, NY, commencing at 6:00 p.m.

PRESENT: Supervisor Howard Maneely
Deputy Supervisor Walbridge
Councilor Louise Taylor
Councilor John Sullivan
Councilor Mary Scharf

RECORDING SECRETARY: Denice Hudson, Town Clerk

ALSO PRESENT: Andrea Stewart, Budget Officer
Bruce Mallette, Highway Superintendent
Lillian Anderson-Duffy, Attorney
Frank DiFiore, Malone Telegram
Nancy Legacy, Malone
Ed Lockwood, Malone

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

MINUTES:

Approval of November 18, 2015 regular meeting.

Motion – Councilor Taylor

Second – Councilor Sullivan

Resolved (#303 - 2015) to accept the Minutes as written for November 18, 2015 Regular Meeting.

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

REPORTS:

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (#304 – 2015) to accept the following reports for review and filing as written and placed in the file: Justices Lamitie and Justice Gardner – 11/2015; NYS Comptroller – Justice Court – 10/2015; Town Clerk/Registrar – 11/2015; Airport Manager Burditt – 11/2015; Airport Lease Manager – as of 12/16/2015; Budget Report through 10/31/2015; Supervisor’s Report – 10/2015; Code Officer – 11/2015.

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

OLD BUSINESS:

Junk Storage Law

Attorney Anderson-Duffy and Code Officer Crossman met to discuss modification to the Junk Law. The definition of Junk was expanded to include three different sections, one is a section which was revised to show one junk vehicle, or one piece of junk equipment, etc.. We added language using the definition from the Property Maintenance Code from New York State and expanded to include the definition of rubbish. We also added the definition of junk from the Property Maintenance Code. This will give Code Officer Crossman broad authority to regulate people who do not take care of the exterior of their property. With regard to keeping of junk, Code Officer Crossman thought it would be best to keep this section the way it is. If someone has a large farm and they have junk in the middle of their property that is not visible, it is okay. We just want to regulate the visible junk.

Motion – Councilor Scharf

Second – Councilor Sullivan

Resolved (#305 - 2015) schedule Public Hearing for January 27, 2016 at 5:45 p.m. on new Junk Law.

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

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Dog Control

Attorney Anderson-Duffy stated Village Attorney Kevin Nichols is concerned the Town receives monies and a portion of licensing fee should cover services with North Country Animal Service within the Village. I verbally told him the research I did and this was a no go. Under the Agriculture and Markets Law, it requires the Village to contract directly with dog control, or with us and we will provide. I indicated the Agriculture & Markets representative stated North Country Animal Services (Shirley Morton) does not have jurisdiction to do what they are doing in the Village without a Contract. I sent a letter to Kevin Nichols today.

Will set-up meeting in January with Village Board to hammer out. Will meet with Shirley Morton and Dog Control Committee.

SUPERVISOR REPORTS:

Motion: Deputy Supervisor Walbridge

Second: Councilor Mary Scharf

Resolved (#306 – 2015) to grant Supervisor Maneely permission to sign MCF Specialty Team forms for Brian Gokey and Richard Bolster.

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

Reaffirm Board Appointments

Motion – Councilor Scharf

Second – Councilor Sullivan

Resolved (#307 – 2015) to reaffirm appointment of Craig Lavigne to Board of Variance & Appeals to 11/18/2017; to reaffirm appointment of Rob Haynes to Planning Board to 9/8/2018; to reaffirm appointment of Chris Kelley to Board of Variance & Appeals to 11/18/2018; and reaffirm appointment of Nancy Legacy to Planning Board to 9/8/2021 and a timely oath of office.

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

Councilor Scharf thanked each individual for continuing to serve.

Board Appointments

Request from Malcolm Minor to fill vacancy on Planning Board.

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (#308 – 2015) to appoint Malcolm Miner to fill a vacancy on the Planning Board with appointment to end 9/8/2022.

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 (#309 – 2015) to reappoint Richard Traynor to the Board of Variance & Appeals for a full term ending 11/18/2020.

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

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Melinda Mackenzie Request

Request from resident of Bloomer Road, Melinda Mackenzie, who runs her house on a generator and would like to receive power to her house. National Grid told her they would stream power to her at her expense, but they would need to have Board Resolution allowing them to place a pole on their right-of-way. Bloomer Road is a dedicated Town Road, which is a three rod road, and we have a right-of-way. I am requesting the Board to give permission to for National Grid to place poles on our right-of-way for Ms. Mackenzie.

Motion: Deputy Supervisor Walbridge

Second: Councilor Taylor

Resolved (#310- 2015) to allow National Grid to place poles on the Town right-of-way on the Bloomer Road.

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

Councilor Scharf wanted to go on record as saying that it is very important that no one should stand in the way of people receiving what I consider rightful services.

APEX Update

Everything from NYSERDA. Have to wait for National Grid to hang transformer on pole.

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (#311 – 2015) to allow Supervisor Maneely to sign two year Malone Call Firemen Agreement as budgeted.

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

BOARD MEMBER/COMMITTEE ITEMS:

Councilor Sullivan wanted to thank Paul Walbridge for his 12 years of service to the Town of Malone and wishes him luck in the future. We have been on the same committees and worked together a lot. We made a pretty good team.

Deputy Supervisor Walbridge thanked everyone stating he “had a good run”. I think Malone has really come forward, looking back over the years, I am a taxpayer who has some wishes, wants and direction. Remember where you come from and take Malone forward. He wishes for new board member Ed Lockwood to take Malone forward and noted he probably is the best to take over for me. I got on the Board having a shine for youth and shine for elderly. He further stated that \$5,500 is not enough for the job the Board does. The Board deserves more money. I know no one is in it for the money. Wishes everyone the best of luck. I came in with no agenda and leave with no agenda. Love to all. Thank you. Supervisor Maneely thanked Paul for the job he has done.

Councilor Sullivan stated he is concerned over Indian Trails controversy and I think everyone lost, no one came out ahead, but I hope that individuals will not hold a grudge and we have to work with the Village. We need to forge ahead and forget what happened over Indian Trails. Councilor Taylor stated sometimes individuals say things they do not mean, we work with the Village and they work with us. The Village and the Town have to work together.

Supervisor Maneely stated we talked to the Mayor about a Trustee and they are speaking as comments were very inappropriate.

Councilor Scharf stated Complete Streets had a meeting with Jerry in the Village regarding the sidewalk on Webster Street and they will be scheduling a meeting to discuss the cost and plan.

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The entities are intertwined and need to cooperate. Councilor Scharf stated proof that we try is the article about us not giving money to the rec park. Specifically when we had our budget meeting, I asked Andrea if we would have enough money to contribute. The dredging is important and we wanted it to come through. Not sure where information in newspaper article came from, but it was explained about the 40% split. There is no reason for this. Deputy Supervisor Walbridge stated it would be a good way for Ed Lockwood to take charge -- to be on the Rec Committee. It works hand in hand with Malone Minor Hockey. Councilor Scharf reiterated we are extremely supportive of the Rec Park. It was discussed at budget time to be sure there was money there, and that was in October.

Councilor Sullivan indicated there have been several mass mailings about clean energy and he advises constituents to look closely at the flyers and do their homework on clean energy.

Councilor Scharf stated there will be a meeting on the sidewalk for Complete Streets. Right now we are applying for a grant in combination with safe routes to school. Complete Streets has three projects we are working towards in 2016 – Jayne Street, Webster Street and State Street. Councilor Scharf stated Jerry from the Village is super helpful. Supervisor Maneely realizes more and more how bad we need sidewalks on State Street. Councilor Scharf indicated when Complete Streets did forum a few weeks ago, Wayne Miller had gone in the middle of the day and taken a picture from the rec park entrance looking down State Street, there were two children in the middle of the road, a senior citizen with a dog, and buses in two directions and cars parked on the side. I had never seen it quite so congested, but it was pretty scary. It is a busy place, and residents want their children to be able to walk to the rec park and arena, and they want them safe.

Deputy Supervisor Walbridge stated he is most proud of the Board always coming to a consensus and discussing everything until we couldn't discuss it anymore, and sticking together. That is one thing, Ed, you are going to like about this Board, and you don't have to be afraid to voice your opinion or concerns. People listen, we hash it out and come to a consensus. I am very, very, very proud of this Board. I have never been a part of a Board that has been able to do that. I am going to miss everyone.

SUPERINTENDENT OF HIGHWAYS:

Highway Superintendent Mallette thanked Paul for his service and welcomed Ed Lockwood. He indicated the department has been catching up on little things and hauling sand. The new truck should be here by the end of the week.

Superintendent Mallette asked for approval to purchase a used truck. There is enough money in my budget for one, possibly two trucks. The truck discussed at last meeting was not a good option. He found a 2013 truck, newer than any other pick-up truck we have in garage, at Jay Sullivan's dealership with 150,000 miles, all highway, for \$19,900.00, which is a very good deal. It is a full mega cab. Superintendent Mallette will check into warranty. We have had a good year, so there is a lot of money to roll over. The garage had three trucks that are in pretty bad shape. Mr. Sullivan also has a 2008 with 58,000 miles for \$17,500, which is in good shape. Both trucks are good for the money. With the Board's approval, I would like to purchase one, or possibly two, to upgrade his fleet. Supervisor Maneely stated we started this at Budget time and turned you down and reminded you of a tax cap. He further reminded Superintendent Mallette that the department should be utilizing the bus, and he would approve purchase of one truck. Councilor Scharf stated they need to check on the warranty for the vehicle, and if we have the money, we should purchase a truck while we have the funds and not interfering with taxes, and there is money left over. Councilor Sullivan would approve the purchase of one as well. We are upgrading your fleet all the time. Last year you purchased a one ton and a snow plow, and this year a tractor trailer. Councilor Sullivan is in favor of one truck. Budget Officer Stewart stated it would be out of this year's Budget. Superintendent Mallette stated he would like to purchase the 2013 truck.

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Motion – Councilor Scharf

Second – Councilor Taylor

Resolved (#312 – 2015) to allow Highway Superintendent Mallette to purchase a 2013 truck at \$19,900.00.

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

CORRESPONDENCE:

Letter from Diana Grant resigning as Deputy Clerk.

Motion – Councilor Scharf

Second – Deputy Supervisor Walbridge

Resolved (#313 – 2015) to accept resignation of Diana Grant with regret.

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

Letter from Mark Besio resigning as Airport Manager.

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (#314 – 2015) to accept resignation of Mark Besio as Airport Manager

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

NEW BUSINESS:

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (#315 – 2015) to grant Budget Officer Stewart permission to make journal entries as per Comptroller notice from A690 Clearinghouse to A980 Revenues (A2610 Court Fines and Fees) \$13,981.70, and from A1990.4 Contingency - \$900.00 to A1110.4 Court contractual.

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

EXECUTIVE SESSION:

At 6:40 p.m. Motion – Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (#316 – 2015) that the Town Board enters into Executive Session to discuss collective negotiations under the Taylor Law 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 7:01 p.m. the executive session ended

Motion – Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (#317 – 2015) to return to regular session.

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

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BILLS FOR AUDIT & PAYMENT:

Motion – Councilor Scharf

Second – Deputy Supervisor Walbridge

Resolved (#318 – 2015): that the following bills, having been audited,

Vouchers #997-1086 to be paid:

General Fund (A) – Abstract #21	\$ 57,164.98
Part Town General (B) – Abstract #20	2,029.94
Highway Townwide (DA) – Abstract #19	10,157.97
Highway Outside (DB) – Abstract #21	38,549.29
Trust & Agency (T) – Abstract #46	32,001.11
East Side Water (FE) – Abstract #12	12,152.00
West Side Water (FW) – Abstract #5	961.60
Airport Capital Project (H4) – Abstract #14	40,170.37
Landfill Cap. Proj. (H7) – Abstract #5	5,700.18
Chips (H3) – Abstract #5	11,041.17
Grand Total:	\$209,928.61

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

Attorney Anderson-Duffy stated the Town Board and Mark Besio were able to work out a harmonious agreement and as a result Mark signed his resignation effective today, and the Town Board thanks him for his many years of service.

She further stated Greg Morey is anxious to get airport rents issue resolved, and she had not heard from Steve Vanier. I told Mr. Morey I will prepare documents for his signature and the signatures of Dan Wills' parents. Mr. Morey will pay delinquent property taxes and she asks the Town Board to give Howard authority sign recording documents.

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (#319 – 2015) to allow Supervisor Maneely to sign recording documents when they are available for the transfer of hangar from Danny Wills Estate and Greg Morey to the Town.

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

Email from Mary Kay Guenther regarding Apron and Fuel Farm. 2. Questions regarding 1979 project for gas pumps – Superintendent Mallette will ask Dan McCarthy if he has any recollection of Fuel Farm. Record or plans for Hangar construction – Town Clerk Hudson will be checking in Records Room for the snow equipment building. Does the Town want spoil materials from evacuation – definitely, a location to designate – Industrial Park #1. The Fuel Farm grant is for a 12,000 pound tank, and we discussed the possibility of a split tank, if the smaller option is preferred. Board Members agree we should go with 12,000 and plan for the future. Superintendent Mallette stated we should be sure to check on secondary containment. Supervisor Maneely stated we have to go by specs.

ADJOURN:

At 7:08 p.m.

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (#320 – 2015) there being no further business to come before the Board that it adjourn, with the next meeting to be January 13, 2016 at 6:00 p.m. , preceded by the IDA at 5:45 p.m.

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

RESPECTFULLY SUBMITTED,

DENICE A. HUDSON, TOWN CLERK

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