

TOWN OF MALONE
REGULAR MEETING
May 25, 2016

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 25th day of May 2016.

PRESENT: Howard Maneely ----- Supervisor
John Sullivan ----- Deputy Supervisor
Louise Taylor ----- Councilor
Mary Scharf ----- Councilor
Edward Lockwood ----- Councilor

RECORDING SECRETARY: Deborah Hutchins, Town Clerk
Denice Hudson, Budget Officer

ALSO PRESENT: Lillian Anderson-Duffy, Town Attorney
Bruce Mallette, Highway Superintendent
Ed McMahon, Keystone
Zach Raymond, Malone
Cooper Law, Malone
Ty Reome, Malone
Nancy Legacy, Malone
Blaine McGovern, Malone
Cole Trim, Malone
Alisha Hudson, Malone
Despo Baltoumas, Malone Telegram
Brian Swan, Malone
Brandon Woods, Malone
Joseph Riccio, Malone
Russ Kinyon, Malone
Marayella Marshall, Malone
Mike Boyer, Malone
Jacob Poupore, Malone
James Hubbard, Malone
Darren Taylor, Malone

CALL TO ORDER: Supervisor Maneely called the regular meeting to order at 6:00 p.m., with a welcome to students attending this meeting and then a pledge to the flag.

APPROVAL OF MINUTES

RESOLUTION 137-2016

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

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

Resolved that the minutes of the May 11, 2016 Regular Meeting be approved.

REPORTS

RESOLUTION 138-2016

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

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

Resolved to accept the following reports for review and filing as written and placed in file: Airport Manager – 05/25/2016.

OLD BUSINESS:

Supervisor Maneely reported on the update of the SEQR for SeaComm project. At this time there is still nothing new to report from FAA. The DEC did return their concurrence for the Town to act as lead agency. Supervisor Maneely stated that once the FAA does respond there are still restrictions from the DOT and there has been no correspondence on this to

TOWN OF MALONE
REGULAR MEETING
May 25, 2016

date. Councilor Lockwood questioned a deadline and it was stated that it could still take up to 45 days from the latest 05/23/2016 correspondence.

SUPERVISOR REPORT

Supervisor Maneely discussed the upcoming Memorial Day Parade and the Board will all meet at Brewster Street at 9:45 AM to participate.

SUPERINTENDENT OF HIGHWAYS

Superintendent Mallette reported on pricing for a new zero turn mower. He is recommending the purchase of the Cub Cadet mower as specified in documents which is the lowest price.

RESOLUTION 139-2016

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

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

Nays 0

Resolved for approval to purchase a new Cub Cadet lawn mower with cost to be split between the Town and the IDA.

Superintendent Mallette reported that he received a call from his CHIPS representative regarding purchasing a new brush hog and was informed that he can get reimbursed for this equipment purchase through CHIPS funds. Superintendent Mallette will work on details/costs and report back at next meeting.

BOARD MEMBER/COMMITTEE ITEMS

Supervisor Maneely reported that he and Councilor Lockwood met at the Rec Park last week with the Rec Commission regarding working on three fields. Supervisor Maneely stated that he suggested doing one field per year. He and Councilor Lockwood committed 50 truckloads of dirt for this work. He stated that the Town has much material left from when Walmart was done.

RESOLUTION 140-2016

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

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

Nays 0

Resolved that the Town donate 50 truckloads of dirt to the Rec Committee for the soccer field work.

Deputy Supervisor Sullivan stated that he did some research on the charging stations and found that National Grid has a program to install one station free of charge with electric usage to be paid by the Town. However, at this time there are no available funds with this program. He stated that he also checked with NYSERDA and the do not have such a program but may do one in the future. Supervisor Maneely stated that he feels the Town should consider installing one whether or not a program is available soon.

Councilor Scharf thanked Supervisor Maneely and Councilor Taylor for participating in the kick-off event for Complete Streets. She stated that there was a good presentation from the County with about 35 in attendance and couple of bikers participated. She also thanked Superintendent Mallette for his assistance with installing the signs for the event. Councilor Scharf also reported that she and Councilor Lockwood met with the Town Assessor and her concerns with the new split clerical position and if half-time in her office is sufficient. Councilor Scharf stated that we will be trying this position. She did also report that Assessor Hewitt has stated that she is getting close to retirement so the Town needs to keep this in mind for future hiring as far as the background training required and if an assistant would be needed closer to that time.

Councilor also reported on the Summerfest to be held on June 11th at 11:00 AM that the Chamber is holding and that there is much room in the Civic Center for additional vendors.

TOWN OF MALONE
REGULAR MEETING
May 25, 2016

CORRESPONDENCE

- Invitation to Community Bank 150 year celebration
- Letter from St. Andre Bessette Parish thanking the Town for participation in demolition of former Malone Adult Center.
- Letter from Maplewood Cemetery Association members signing off on cemetery abandonment.
- Invitation to Flag Day Ceremonies on June 12 by Malone Elks Lodge.

NEW BUSINESS:

Mr. Ed McMahon from Keystone Novelty & Distributors, LLC addressed the Board regarding an application for Transient Business Permit submitted. Mr. McMahon stated he came to discuss the application to set up a tent to sell fireworks as legal in NYS. He reported that the fireworks to be sold would only go up as high as 10-15' in the air and he also reported on various types of fireworks to be sold. Supervisor Maneely stated that they should have applied at least 60 day prior to the event per copy of code provided to Keystone. Supervisor Maneely did, however, state that he reviewed the application and does not have a problem with allowing it. Mr. McMahon answered several questions from Board members and confirmed that there will be 24 hour security at the site, a portable sprinkler system will be available in case of fire as well as extinguishers. He also stated that they are subject to approval from the State Fire Marshall. Code Officer Crossman concurred that their plan seemed safe. Lillian-Duffy Anderson expressed her concern that the application was not filed within the 60 day period as specified in the law. Supervisor Maneely suggested the 60 day period be waived and Lillian-Duffy Anderson responded that it would be setting a precedent in doing so. Supervisor Maneely stated we need to look at these case by case. Lillian-Duffy Anderson reviewed the details of all that must be submitted prior to commencement of sales to include a surety bond or irrevocable bank letter of credit for \$50,000. Supervisor Maneely reviewed the fees which include a fee of \$500 plus \$100 per day for each day of operation and no more than 14 days allowed under this application and there is only one license per year that can be issued. The surety bond or irrevocable bank letter of credit must be filed with the Town Clerk prior to commencement of operation. Mr. McMahon stated that corporate understands all the requirements associated with the application. Lillian Anderson-Duffy also asked for confirmation that this was not in the airport approach and not in planned development zone to which Supervisor Maneely confirmed both.

Councilor Scharf discussed the precedence issue and stated that this operation would not be in competition with any of our local businesses and it would be a value to the community.

RESOLUTION 141-2016

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

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

Nays 0

Resolved for approval to waive the 60 day time period limitation in consideration of the merits for the Transient Business Permit for Keystone Novelty Distributors, LLC due to the fact that they are not competing with any local businesses and it will enhance the July 4th holiday for the community by allowing this business to establish the specified tent sales.

RESOLUTION 142-2016

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

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

Nays 0

Resolved for approval of the application for a Transient Business Permit for Keystone Novelty Distributors, LLC to sell fireworks via tent sale on lot located on Route 11 (next to Dairy Queen) from June 23 to July 5, 2016 subject to filing the fees and surety bond or irrevocable letter of credit with the Town Clerk prior to commencement of operation as specified under Section 5 of the Town Code for Transient Sales.

TOWN OF MALONE
REGULAR MEETING
May 25, 2016

Valley Ridge Manor Housing – Friends of the North Country request of Town to sign grant application. Supervisor Maneely read a letter from Scott Campbell, Executive Director, requesting \$2,450.00 (cut to \$1,225) to help cover costs for the preparation of the proposed grant application. Supervisor Maneely stated that he understood there would be no cost to the Town to support this grant application and Councilor Scharf concurred. Supervisor Maneely stated that we can abide by the former agreement to support the grant application but cannot provide funds. It was decided to table this matter until the next meeting.

US Department of Labor – Mine Safety and Health Administration Mine Violation document. Superintendent Mallette stated that \$200 of the fine was for past violations and \$200 was due to a more current quarterly report not being filed in time. Budget Officer Hudson stated she is researching the possibility that the first fine of \$200 was paid in 2014 as the current Highway Clerk stated she thinks it may have been paid based on notes found from prior Clerk. Superintendent Mallette reviewed the reporting process to MSHA. Councilor Lockwood asked for a clarification of what these report are for. Superintendent Mallette stated that everything he processes has to be submitted through MSHA and is based on the plant (equipment) processing the material, not the location.

RESOLUTION 143-2016

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

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

Resolved to approve payment of current \$200 fine.

Supervisor Maneely stated that there is a conflict for the next meeting in June as both the Town Clerk and Budget Officer are going to training two different weeks in June.

Supervisor Maneely proposed that there be one meeting next month on June 22, 2015.

RESOLUTION 144-2016

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 have one meeting next month on June 22, 2016 at 6:00 PM preceded by the IDA meeting at 5:45 PM.

BILLS FOR AUDIT & PAYMENT:

RESOLUTION 145-2016

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

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

Resolved that the following bills, having been audited and approved for payment, Vouchers #457-484

General Fund (A) – Abstract #9	\$ 45,052.83
Part Town General (B) – Abstract #9	58.04
Highway Outside (DB) – Abstract #10	3,129.91
Trust & Agency (T) – Abstract #19	32,001.57
GRAND TOTAL:	\$ 80,242.35

Joe Riccio, Malone Village Mayor, then asked to address the Board. Mayor Riccio asked the Board to consider passing a resolution to support the Village of Malone putting in a grant application for the Downtown Revitalization Initiative. Mayor Riccio explained that this is a \$10M grant which chances of winning are pretty slim, however, it will prove to be a good exercise to identify other funding sources to improve the Village and community. Mayor Riccio stated that the Town could benefit as well from these funding sources. Councilor Scharf stated that other improvements such as the Complete Streets improvement should be mentioned in the grant as it would add merit and Mayor Riccio agreed.

TOWN OF MALONE
REGULAR MEETING
May 25, 2016

RESOLUTION 146-2016

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

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

Resolved that the Town of Malone support the grant application for the Village of Malone for the Downtown Revitalization Initiative.

Nancy Legacy, Secretary, Malone Fish & Game, announced that on June 4, 2016 there will be the annual kids fishing derby on College Avenue for anyone who would like to come. This is a free event and available to all community youth. It will begin at 10:00 AM on June 4, 2016. Registration is 9 AM to 11 AM and the derby starts at 10 AM to Noon.

ADJOURN:

RESOLUTION 147-2016

With no further business, on a motion by Councilor Lockwood, seconded by Councilor Taylor, the meeting was adjourned at 6:40 PM. The next regular meeting is scheduled for June 22, 2016 at 6:00 PM with the IDA meeting precede at 5:45 PM.

RESPECTFULLY SUBMITTED,



DEBORAH A. HUTCHINS, TOWN CLERK