

SPECIAL MEETING

We, the Undersigned, Town Board of the Town of Malone, do hereby call for a Special Meeting, Wednesday, November 30, 2016 at 10:00 a.m., for the purpose of discussion and approval of changes to the Solar Farm Landfill agreement between the Town, Village and County and also to approve withdrawal of an appeal to NYS Division of M/WBE and grant approval to submit a waiver request form in place of said appeal.

PRESENT:



Supervisor



Councilor



Councilor

Councilor

Councilor

ALSO PRESENT:

Denice A. Hudson, Clerk
Andrea Stewart, Budget Officer
Lillian Anderson-Duffy, Town Attorney

Supervisor Maneely called the Special Meeting to order at 10:18 a.m. Proper notice was given.

Supervisor Maneely stated the first order of business is the approval of a resolution to withdraw the Town of Malone's appeal for a notice of denial of waiver request to the NYS Empire State Development. Supervisor Maneely stated that the attorney for NYS Empire Development contact Lillian Anderson-Duffy, Town Attorney, and requested that the Town do the withdrawal and then submit for a MWBE Waiver Request for the Y618 Project. Lillian Anderson-Duffy then read the resolution as follows:

WHEREAS the Town of Malone filed an appeal from a Notice of Denial of Waiver Request for the West Side Sewer District Project Y618 by the New York State Empire State Development and from the imposition of liquidated damages in the amount of \$16,500.00 against the Town of Malone; and

WHEREAS the Town was recently informed by Counsel for Empire State Development that based upon a review of the Town's submission that said Agency will be reopening the Town of Malone MWBE Waiver Request for Project Y618 and to expedite said reopening that the Town's subject Appeal/Complaint must be withdrawn as soon as possible and a completed Waiver Request Form must be filed with Denise Ross, Project Manager Office of Contractor and Supplier Diversity for Empire State Development.

NOW THEREFORE BE IT RESOLVED, that the Town Board orders the following:

1. The Town of Malone hereby withdraws its Appeal/Complaint from a Notice of Denial of MWBE Waiver Request for the West Side Sewer District Project Y618 by the New York State Empire State Development and from the imposition of liquidated damages in the amount of \$16,500.00 against the Town of Malone; and
2. The Town of Malone hereby hires its engineering firm, C2AE, of Canton, New York to complete and file a MWBE Waiver Request Form for the said Project Y618 with Empire State Development and directs said firm that it must first submit said proposed Waiver Request to the Town Board and Town Attorney for their review and comment thereof prior to filing same with Ms. Denise Ross as described above; and

3. The Town Clerk shall cause a copy of this Order, certified by said Town Clerk, to be mailed to Lourdes Zapata, Executive Director Division of Minority & Women's Business Development, Complaints Unit – Waiver Requests, 633 Third Avenue, 33rd Floor, New York, New York 10017 and Julene E. Beckford, Associate Counsel, Legal, Empire State Development, 633 Third Avenue, New York, New York 10017.

Denice Hudson, Budget Officer, then asked for clarification about paying the engineer to do the waiver as addressed in this resolution indicating the engineer has already been paid for this service. Supervisor Maneely agreed that the engineer has already been paid for this service and should have followed through previously. It was agreed the wording would be changed to “direct” the engineer from “hire” the engineer in item 2 and also insert “without compensation” after the word Development as they have already been paid.

RESOLUTION 285-2016 (Withdrawal of MWBE Appeal)

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

ADOPTED Ayes – 3 Maneely, Lockwood, Sullivan

Nays – 0

Resolved to approve the above resolution with noted changes. Lillian Anderson-Duffy noted that the Town Clerk will certify this resolution and send to appropriate parties.

Supervisor Maneely then asked Lillian Anderson-Duffy to address the second resolution which involves changes to the Solar Landfill agreement between the Town, the Village, the County and HESP. The HESP attorney has requested a few minor revisions primarily indicating there are two separate projects on two separate parcels. Lillian Anderson-Duffy then reviewed the redlined copy provided addressing the changes. She discussed the change with regard to the vegetation and that HESP will only be responsible for mowing and maintenance inside the fenced area and the Town will be responsible for mowing outside the fence area. Supervisor Maneely confirmed this to be correct. Supervisor Maneely discussed the need for a key to be retained at the Town offices to access the fenced area. The contract states there is a needed two day notice to get in unless an emergency. Lillian Anderson-Duffy confirmed the Town will be given a key to be kept in the Town vault and can only be used to enter in the case of an emergency; all were in agreement to this.

RESOLUTION 286-2016 (Solar Landfill Agreement)

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

ADOPTED Ayes – 3 Maneely, Lockwood, Sullivan

Nays – 0

Resolved to approve the Solar Landfill agreement with the County, Village, Town and HESP with all changes as noted.

Supervisor Maneely then discussed the recommendation from Judge Gardner and Judge Robert to hire a new Court Clerk to fill the anticipated vacancy on January 1, 2017. This appointment will take effect on January 2, 2017. Supervisor Maneely then read the recommendation letter from the Judges.

RESOLUTION 287-2016 (New Court Clerk Hire)

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

ADOPTED Ayes – 3 Maneely, Lockwood, Sullivan

Nays - 0

Resolved for approval to hire Bernadette Raville as the new Court Clerk effective January 2, 2017.

BILLS FOR AUDIT & PAYMENT:

RESOLUTION 288-2016

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

ADOPTED Ayes 3 Maneely, Sullivan, Lockwood

Nays 0

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Resolved that the following bills, having been audited and approved for payment, Vouchers #987-1025

General Fund (A) – Abstract #22	\$ 3,471.95
Part Town General (B) – Abstract #19	83.05
Highway Outside (DB) – Abstract #22	23,182.91
Highway Inside (DA) – Abstract #12	45,779.56
Airport Capital (H4) – Abstract #7	21,009.40
GRAND TOTAL:	\$ 93,526.87

Supervisor Maneely then brought up for discussion the subject of dog control services. The Board discussed the options to advertise for dog control services or renew the current contact with Shirley Morton.

RESOLUTION 289-2016 (Renewal Dog Control Services Contract)

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

ADOPTED Ayes – 3 Maneely, Sullivan, Lockwood
Nays - 0

Resolved to approve renewal of current contract for dog control services with Shirley Morton, North Country Animal Shelter.

EXECUTIVE SESSION:

RESOLUTION 290-2016

On a motion by Supervisor Maneely at 10:35 a.m., seconded by Deputy Supervisor Sullivan, the following resolution was

ADOPTED Ayes – 3 Maneely, Sullivan, Lockwood
Nays - 0

Resolved to enter in to executive session to discuss the employment, discipline, suspension, dismissal or removal of a particular person.

RESOLUTION 291-2016

On a motion by Deputy Supervisor at 10:47 a.m., seconded by Councilor Lockwood, the following resolution was

ADOPTED Ayes – 3 Maneely, Sullivan, Lockwood
Nays - 0

Resolved to return to regular session.

ADJOURN:

RESOLUTION 292-2016

With no further business to be brought before the Board and on a motion by Councilor Lockwood, seconded by Deputy Supervisor Sullivan, the meeting was adjourned at 10:47 a.m.

RESPECTFULLY SUBMITTED,

DEBORAH A. HUTCHINS, TOWN CLERK