

**TOWN OF MALONE
REGULAR MEETING
October 26, 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 26th day of October, 2016.

PRESENT:

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

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

ALSO PRESENT: Shayla Reome, Malone
Bruce Burditt, Airport Service Worker
Jeanne Whipple, Malone
Kevin Malley, Malone
EJ Conzola, Malone Telegram
Bruce Mallette, Highway Superintendent
Henry Gonyea, Malone
Judith Gonyea, Malone
Mary Fredenburg, Malone

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

APPROVAL OF MINUTES

RESOLUTION 261-2016

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 that the minutes of the October 12, 2016 Regular Meeting, October 13th Budget Work Session and October 20, 2016 Budget Work Session be approved.

REPORTS

RESOLUTION 262-2016

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

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

Resolved to accept the following reports for review and filing as written and placed in file: Justice Gardner Court Report – 09/2016 and Airport Lease Manager Report – 10/2016.

OLD BUSINESS:

SUPERVISOR REPORT

RESOLUTION 263-2016

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 for permission for Supervisor Maneely to sign the Malone Call Fireman Physical for Tom Soulia, and add to the Franklin County Self Insurance Plan.

Supervisor Maneely reported that the Board just finished up another work session this afternoon. He thanked Budget Officer Hudson on a good job on her first budget and also the Board for their assistance. He then stated that the budget is under the state mandated tax cap for another year.

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RESOLUTION 264-2016

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

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

Resolved to approve the following date and times for public hearings for the budget process: November 2, 2016 – 5:15 p.m. for East Side Water District, 5:30 p.m. for West Side Water District, 5:45 p.m. for Sewer District #2 and 6:00 p.m. for the 2017 Budget for the Town of Malone.

BOARD MEMBER/COMMITTEE ITEMS

Councilor Scharf stated that the grant was submitted for the Complete Streets projects and it appears that there is a good possibility for grant approval for the sidewalk projects as there were only a total of seven applications submitted with four of those from Franklin County. Supervisor Maneely stated that he has a full copy of the grant application that was submitted if anyone would like to review it in his office. Supervisor Maneely then thanked Wayne Miller, Boyce Sherwin, Jon Hutchins and Brenda, his secretary, for their work in getting the application completed.

Deputy Supervisor Sullivan stated that he feels the airport paving project looks really good.

Councilor Taylor stated that the Court is still very busy and that they are looking to work on a replacement Clerk for Louise LaBerge who will be retiring at the end of December.

SUPERINTENDENT OF HIGHWAYS

Superintendent Mallette reported he has been busy with paving on the Goodman Road, the Badore Road, Gleason Road and Shadow Lane. Superintendent Mallette then reported on the boiler replacement and that FW Webb has the state contract for the boiler system needed for the highway garage. The lead time for the boiler would be 2 to 4 weeks and the quote includes replacement of the condensation tank which is needed at this time.

Recommendation was made to have Weil McClain do the installation and start-up. The total of the quote for the boiler system is \$17,354.42.

RESOLUTION 265-2016

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

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

Resolved to approve the purchase of a new boiler system at a cost of \$17,354.52.

CORRESPONDENCE:

From Carla Gerber – certified letter regarding property line at 1435 Webster Street. Superintendent Mallette stated that they will be going to her property to take measurements and pictures and will mark the Town's right-of-way.

From NYS Dormitory Authority – proposing that they designate itself as the lead agency and conduct a coordinated SEQR process for acquisition and renovation of 125 Catherine Street. Supervisor Maneely stated that he is in agreement to let them have lead agency status on this project.

RESOLUTION 266-2016

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

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

Resolved to approve that NYS Dormitory Authority take lead agency in the SEQR process for the renovation of 125 Catherine Street.

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From Mary Kay Genthner – modification to the FAA portion costs on the Apron & Fuel Farm Project. Supervisor Maneely reviewed the details of the modifications and costs. This results in a total credit to the project of \$7,205.52 relative to the removal and disposal of unknown tank.

RESOLUTION 267-2016

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 the credit for the modifications on the Apron & Fuel Farm Project as read.

NEW BUSINESS:

Supervisor Maneely read the advertisement for a Court Clerk as submitted by Judge Gardner. Judge Gardner is requesting permission to advertise for this position to fill the anticipated vacancy due to a Court Clerk retiring.

RESOLUTION 268-2016

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 in the Malone Telegram and the Free Trader for five consecutive days starting on November 1st for a Court Clerk.

Lillian Anderson-Duffy discussed the resolution relative to the West Side Sewer District #2. She explained that grants were obtained from two different state agencies for this project. She explained that there is a shortfall of \$16,560.00 as a result of not receiving all of the grant money from Empire State Development due to a fine for non-compliance with regard to MWBE goals on the project. Ms. Anderson-Duffy stated that is the fault of the engineer and contractor on this project. In order to pay off the bond anticipation note for this project, the sewer district will need to borrow money from the general fund. The total needed to borrow in order to pay of the note is \$11,030.00. The Town will then get paid back by the users of the Sewer District in next August's billing. Ms. Anderson-Duffy then read the following resolution as drafted:

RESOLUTION IN WHICH THE TOWN BOARD APPROVES A LOAN TO THE TOWN OF MALONE WEST SIDE SEWER DISTRICT #2 FROM THE TOWN OF MALONE GENERAL FUND IN THE AMOUNT OF \$ 11,030.00.

WITNESSETH:

WHEREAS, the Town of Malone had received a \$72,000.00 grant from the New York State Empire State Development Agency ("ESD") for Project No. Y618, Route 11 West Side SD #2 Sewage Collection Project, and in connection therewith, there was a 23% Minority and Women-owned Business Enterprise (MWBE) participation goal requirement imposed by said ESD ; and

WHEREAS, the said ESD denied a Request for a Waiver of Minority and Women-owned Business Enterprise (MWBE) participation goal requirements for said project, by letter dated September 29, 2016 and imposed a penalty of \$16,560.00, which has the effect of reducing the said \$72,000.00 grant by the said penalty amount. Such penalty causes a shortfall in the account of Town of Malone West Side Sewer District #2 and thus said District will have insufficient funds to pay the Bond Anticipation Note obtained to finance the subject sewer project; and

WHEREAS, Section 165.10(1) and (2) of the Local Finance Law allows for a temporary loan from the Town's General Fund to the Town of Malone West Side Sewer District # 2 to immediately pay the said sewer project's Bond Anticipation Note and said loan by the Town shall be paid off within less than a year from the monies (rates) collected by the said Sewer District from the District users.

NOW THEREFORE, BE IT RESOLVED by the Town of Malone Town Board that

The Town of Malone shall lend and hereby lends to the Town of Malone West Side Sewer District #2, from the Town of Malone's General Fund, the amount of \$11,030.00, forthwith, to pay the Bond Anticipation Note for the Route 11 West Side SD #2 Sewage Collection

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Project and said loan shall be paid in one balloon payment by the said Sewer District to the Town of Malone within one year of said loan. Interest shall be applied to said loan at a rate of 2% per annum.

This resolution shall take effect immediately.

Dated: October 26, 2016

RESOLUTION 269-2016

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

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

Nays 0

Resolved to approve the general fund loan resolution as read.

EXECUTIVE SESSION:

PUBLIC COMMENT:

At this time Supervisor Maneely asked if anyone present wanted to address the Board.

Jeanne Whipple then addressed the Board and thanked Supervisor Maneely for his suggestion to speak to Mr. Fisher. She stated that in the process she has found the annual inspection by the Army Corps of Engineers for 2014. Supervisor Maneely stated that they did come in September 2015 but a report has not been received to date. Ms. Whipple then asked about an emergency preparedness plan. Supervisor Maneely informed her that she would need to go to the Village for their plan since she is a Village resident. Councilor Scharf stated that perhaps we should contact the Army Corps of Engineers to receive a copy of the latest report.

Henry Gonyea then addressed the Board. Mr. Gonyea asked if the Town would be interested in purchasing his gravel pit (340 acres) and equipment (Crushers, Excavators, etc.) which is up for sale. Supervisor Maneely stated that there is no room in the Budget at this time for such a purchase due to the state mandated tax cap.

BILLS FOR AUDIT & PAYMENT:

RESOLUTION 270-2016

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

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

Nays 0

Resolved that the following bills, having been audited and approved for payment, Vouchers #905-940

General Fund (A) – Abstract #20	\$ 11,512.95
Part Town General (B) – Abstract #17	170.02
Highway Outside (DB) – Abstract #20	11,450.53
West Side Water Fund (F) – Abstract #4	2,000.00
East Side Water Fund (FE) – Abstract #9	2,000.00
Airport Capital Project (H4) – Abstract #6	<u>280,823.91</u>
GRAND TOTAL:	\$ 340,859.31

ADJOURN:

RESOLUTION 271-2016

With no further business to be brought before the Board and on a motion by Deputy Supervisor Sullivan, seconded by Councilor Taylor, the meeting was adjourned at 6:26 PM. The next regular meeting is scheduled for November 9, 2016 at 6:00 PM with the IDA meeting at 5:45 PM. The public budget hearings will begin a 5:15 PM on November 2, 2016.

RESPECTFULLY SUBMITTED,

DEBORAH A. HUTCHINS, TOWN CLERK