

**Town of Malone  
Regular Board Meeting  
September 9, 2015**

A regular meeting of the Malone Town Board was held Wednesday, September 9, 2015 at the Malone Town Offices, 27 Airport Rd., Malone, NY, commencing at 6:00 p.m.

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

**ABSENT:** Deputy Supervisor Walbridge

**RECORDING SECRETARY:** Denice Hudson, Town Clerk

**ALSO PRESENT:** Andrea Stewart, Budget Officer  
Bruce Mallette, Highway Superintendent  
Lillian Anderson-Duffy, Attorney  
Despo Baltoumas, Malone Telegram  
Bruce Burditt, Malone  
Nicole Spinner, Malone  
Carrie Marlowe, North Bangor

**CALL TO ORDER:** Supervisor Maneely called the meeting to order at 6:04 p.m., with a pledge to the flag.

**Resident Nicole Spinner Addressed the Board**

Ms. Spinner addressed the Board regarding concerns over an incident that happened fair week. Ms. Spinner received a ticket for leaving her pet in a vehicle during extreme heat. Ms. Spinner understands the ticket as it is the law. Ms. Spinner stated it was 70-72 degrees and her windows were down and the dog had food and water. They claim she was paged, but she never heard. Ms. Spinner does not dispute the ticket, and understands the law. Ms. Spinner wanted to address the Board with regard to dog control. She was five days getting her dog back. The dog was taken after hours and phone calls to Dog Control were not returned. There were inconsistencies in where her dog was located as well as visiting the site on two occasions and spoke to cleaners, who indicated the dog was not there, and was told there was no access to dogs until the shelter is open, and told to come back when the Shelter was open. Ms. Spinner returned during normal business hours and Shirley Morton was not so nice. Ms. Spinner wanted the Board to know this and indicated a simple phone call that dog was okay would have been wonderful. Had she just known, it would have made the whole situation different. The unavailability of the dog control officer and the way it was handled was disappointing. Instead, she obtained a letter from the District Attorney's office, went back the next day, Ms. Morton had calmed down and she was able to take her dog home after the dog received its rabies shot and was licensed and she paid a \$25.00 boarding fee and cannot imagine what other people have gone through to get their dog back. Ms. Spinner expressed her concerns to Shirley Morton as well.

Councilor Scharf stated the situation is frustrating. The Town pays for a service and has no ability to supervise. This is a contract. The Town has fielded complaints over the years. Councilor Scharf further stated that we are required to provide the service by the State, but have no control or supervisory privileges over the situation. We have responsibilities without the provision to supervise. Councilor Scharf stated she definitely feels your pain being a dog owner.

Ms. Spinner understands the ticket; she is okay with that part of it. Again, a call back would have been nice.

Councilor Sullivan stated it would be nice to have an emergency contact number. The dog control business often is emergency. A dog bite at a kid's playground. It behooves us to see if we can do that.

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**Motion** – Councilor Scharf

**Second** – Councilor Sullivan

**Resolved (#232 – 2015)** that a memo is sent to Shirley Morton at North Country Animal Shelter requesting an emergency contact number for the public to contact after hours as a means to know status of a dog that has been taken by dog control.

**CARRIED (4 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Absent Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf – Aye**

Carrie Marlowe, a North Bangor Resident who was with Ms. Spinner and the owner of the vehicle spoke about inconsistencies in the events that led to the dog control officer being phoned. The business card was on my car. Ms. Marlowe called in to talk to the Trooper. The incident was called in to the dispatcher at 7:03 p.m. by Officer Perryman. It was stated that the dog was alone over an hour. There is a lot concerning here with regards to Shirley’s story and the Trooper’s story. Ms. Marlowe stated she is an animal lover, and has a dog who takes seizure medication. How did dog control know that Rex didn’t take medicine? My dog takes special food. Not acceptable. It would be no different if CPS removed a child and didn’t ask a parent about allergies or meds. It is not acceptable. If the owner is in trouble for endangering the animal, why is dog control not being charged for the same thing? She is endangering the welfare of the animal without knowing. In regard to statement on the contract, how does a person do that. Councilor Scharf stated it goes out for bid yearly. If you create the facility you can bid on it.

6:10 p.m. Deputy Supervisor Walbridge Arrived

**MINUTES:**

Approval of August 26, 2015 regular meeting.

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Taylor

**Resolved (#233 – 2015)** to accept the Minutes as written for August 26, 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 (#234 – 2015)** to accept the following reports for review and filing as written and placed in the file: Town Clerk/Registrar – 8/2015; Highway Supt. Log – 8/2015; Airport Manager Burditt – 8/2015; Justices Lamitie & Gardner – submissions for 8/2015.

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

**OLD BUSINESS:**

**PILOT Agreement with Winn Development**

Attorney Anderson-Duffy spoke with David Ginsberg and Adam Stein of Winn Company. There was concern regarding the language in Item 2 of Exhibit C concerning the walkway. The language was improving the walkway so the project as well as construction of sidewalk within the project limits in a mutually agreeable location to allow children to walk from the project to Davis Elementary School. The objectionable part was “within the project limits” because the sidewalk that we discussed at the December negotiation meeting at which Mary and Louise attended, they had promised they would build the walkway to Woodward Street. Necessarily that would entail their building a project outside the actual project limit, but within the municipal right-of-way. We talked on the telephone with the Winn Company representatives before meeting and Mary spoke to them as well, and they have agreed to delete the language “within the project limits”. So the promise will read that they will improve the walkway at the project as well as construction of a sidewalk in a mutually agreed upon location to allow children to walk from the project to Davis Elementary School. I told them that if they will change that, the Town Board will approve the agreement tonight on the condition that that language is changed. Does that meet with your approval?

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Councilor Scharf stated yes it does. She stated we will work with Jerry Fisher and Bruce, too. What they are concerned about, is the soil there, and he was concerned about the wetland and having no permits. It is something we are going to have to work on together and do the best we can. We would have preferred it going down Webster Street. There are so many private properties. If they make that change, I am willing to vote yes on the project. Want to be sure we get that sidewalk.

Attorney Anderson-Duffy stated for the record, the other improvements they agreed to are improvement of community amenities at the project including renovations to bus shelter, clubhouse, playground, security and lighting, the walkway, the project will pursue enterprise green community standards, and the provision that Supervisor Maneely was concerned about, that qualified workers that live in Franklin County area will be given priority to construction jobs created as a result of the rehabilitation to the project.

Councilor Sullivan spoke of automatic increases for taxes. According to Winn, increases are as a result of rent increases, which will be 1 to 4% per year according to their information. This is a big variation and we could not depend on it. I am not happy with them being in charge of the money coming to us if it is our agreement. What if there is no rent increase? I think we should have every 10 years a 10-15% raise, not depending on what they say or what they do.

Councilor Scharf stated she has concerns about this change as that was not the deal that was made. If you look at Howard's letter, it was not mentioned. I would be uncomfortable going back on my word, our word, just as well as I feel uncomfortable if they go back on their word. That is what the letter said that we all approved. This company is going to be a big part of our community.

Councilor Taylor said there is money comes from Shelter Rent.

Attorney Anderson-Duffy stated Shelter Rent is 10% of annual total rents less costs of providing occupants gas, electric, heat and utilities, under Section 33 of Private Housing Finance Law. The statute does not address increases in the amount of money they are to pay the Town. It is up to the Town Board. I think we have all considered – there is no other corporation that has resources to provide such an expensive low income housing project which would provide a tremendous benefit to our community.

Councilor Taylor stated there is not enough housing in the Town of Malone for the amount of people. It gave a lot of people a home.

Deputy Supervisor Walbridge asked what the initial value of the PILOT is in the first year. Howard's letter stated "an increase in real taxes collected under the shelter rent PILOT of approximately \$12,000 in year 1 and total an increase of approximately \$200,000 over the next 15 years", which is what we agreed to last December.

Budget Officer Stewart spoke of Exhibit B calculation of pro-ration shelter rent amongst taxing entities is based on tax rates themselves irrespective of the fact that they are paying fire protection on their bill. We would still include that in calculating the Town's portion, correct? Just wanted to clarify. Just wanted to be sure that would be included in the Town's percentage of Shelter Rent. Attorney Anderson-Duffy stated it is not included in income because it is going to be deducted. We would be getting less because they are deducting less. Budget Officer Stewart stated everyone would be getting less. The calculation as to how it is spread amongst those entities, still includes fire protection. Yes.

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**Motion** – Councilor Scharf

**Second** – Deputy Supervisor Walbridge

**Resolved (#235 – 2015)** to accept the PILOT Agreement with Winn Corporation for the Development of Indian Trails on the condition of change in language in Schedule C Exhibit 2 to delete the language “within project limits”

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

**West Side Sewer District #2 Financial Update**

Budget Officer Stewart provided an update that all but one has remitted fees. She did receive an e-mail looking for further information and emailed back looking for clarification on what else could be provided as it is in the Law and the spreadsheet.

Supervisor Maneely will attend Public Hearing in Tupper Lake on Monday, September 14, 2015 on FAA Grant.

**SUPERVISOR REPORTS:**

Supervisor Maneely asked the Board for permission to sign the grant for Malone Apron.

Mr. Burditt stated measured tie downs and does not know if there is a standard. He sent measurements we had, and is not sure what it is that you have. Supervisor Maneely stated it is for design and asked Mr. Burditt to take a look before we sign.

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Taylor

**Resolved (#236 - 2015)** to grant Supervisor Maneely permission to sign Malone Call firemen medical evaluation sheet for Steven Stone, Malcolm Jones, Thomas Soulia and Brian Gokey, and add to the County Self Insurance Plan.

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

**SUPERINTENDENT OF HIGHWAYS:**

Superintendent Mallette stated the department started blacktopping Tuesday. We leased a dirt roller. Mr. Mallette spoke to Mr. Poupore regarding usage of the road as the farm has about \$3 million worth of corn to harvest. Mr. Mallette explained our position and that the farm would have to stay off for three weeks, no turning, etc. He agreed he would not touch it, and that he is going to chop elsewhere and go to that last. Mr. Mallette stressed the importance of the longer it is not used the better the road will be and Mr. Poupore understood. We started yesterday, and as of today, we have 1,200 ton of black top with ¾ of the road as binder. Then we can put top on. Cooler weather will help.

Superintendent Mallette spoke with Rob Haynes about topping the Meehan Road. That is getting to the point we can save it if we put a top on it.

Superintendent Mallette would like permission for both he and Deputy Superintendent Andrews to attend training in Canton on snow and ice control on September 22, 2015 at a cost of \$50.00 per person.

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Taylor

**Resolved (#237 – 2015)** to grant permission to Superintendent Bruce Mallette and Deputy Superintendent Mike Andrews to attend Cornell Local Roads Snow and Ice training in Canton on September 22, 2015 at a cost of \$50.00 per person upon verification of attendance.

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

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**BOARD MEMBER/COMMITTEE ITEMS:**

Councilor Scharf reported that she and Councilor Taylor met with Town Clerk Hudson regarding Records Access/Records Room. She stated it is a State regulation that in order for anyone to look into the files, they have to have either the Records Management Officer or Deputy Records Management Officer accompanies any Town Employee requesting access to the Records Room. Being that the Court often needs to look at their files, one way they can do it is to have them in their territory, that way they will be at their fingertips when they need it. Councilor Scharf would like Board Members to read through Procedure Manual. We may want to consider in the future working out a way for them to have their own file room.

It was agreed that if the Court office needs records of non-sitting judges, they will fill out form for Clerk Hudson. If they need records for sitting judges, Clerk Hudson will accompany them to the records room.

Airport Manager Bruce Burditt indicated nothing jumped out at him regarding the Apron Rehab.

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Scharf

**Resolved (#238 – 2015)** to grant Supervisor Maneely and Attorney Anderson-Duffy permission to sign the FAA grant documents for the Malone Project Transient Aircraft Parking Apron Rehabilitation for the design only.

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

**BILLS FOR AUDIT & PAYMENT:**

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Taylor

**Resolved (#239 - 2015):** that the following bills, having been audited,

Vouchers #752 - 784 to be paid:

General Fund (A) – Abstract #16	\$ 7,892.93
Part Town General (B) – Abstract #15	4,521.30
Highway Townwide (DA) – Abstract #14	325.09
Highway Outside (DB) – Abstract #16	10,874.86
Trust & Agency (T) – Abstract #34	217.11
East Side Water (FE) – Abstract #9	3,365.12
West Side Water (F) – Abstract #3	3,229.50
Landfill Capital Project (H7) – Abstract #3	6,459.00
Grand Total:	\$ 36,884.91

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

**ADJOURN:**

**At 7:00 p.m.**

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Taylor

**Resolved (#240 – 2015)** there being no further business to come before the Board that it adjourn, with the next meeting to be September 23, 2015 at 6:00 p.m.

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

**RESPECTFULLY SUBMITTED,**

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**DENICE A. HUDSON, TOWN CLERK**