

Town of Malone
Organizational Meeting 2013
& Regular Meeting 01/09/2013

A regular meeting of the Malone Town Board was held Wednesday, January 9th 2013 at the Malone Town Offices, 27 Airport Rd., Malone, NY, commencing at 6:00pm.

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

ABSENT: Councilor Mary Scharf

ALSO PRESENT: Susan Hafter, Town Clerk
Andrea Stewart, Budget Officer/Bookkeeper
Lillian-Anderson Duffy, Town Attorney
Tom Shanty, Highway Superintendent
Mark Besio, Highway Clerk

Mary Fredenburg, Malone Brittany Ensign, Malone Michael Menatt, Malone
Raymond Nichols, Malone Jacob Mulverhill, Malone Jordan Smith, Malone
Nick Mahoney, Malone Ethan Lamitie, Malone Ian Tuthill, Malone
Tim Burley, C2AE, Canton Eric Gustafson, Pease & Gustafson, LLP
Arianna MacNeill, Malone Telegram

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

TOWN OF MALONE SEWER DISTRICT 2:

Presentation to Board - Tim Burley of C2AE recapped the efforts expended toward finding funding for the Town of Malone Sewer District 2 construction and upgrade. Recent changes to EFC qualifications for low interest loans have made the Town of Malone eligible for application. Aldi had previously intended to start construction on their own, but have withdrawn due to the availability of these funds. They have agreed, along with the other district land owners, to move forward with the Town to apply for EFC funding. Mr. Burley said the EFC needs some paperwork by 2/1/13. He said the EFC requirements are demanding and he recommended the Town engage the services of Eric Gustafson, of Pease & Gustafson, LLP for legal services, including Bonding, related to this project. Mr. Gustafson introduced himself and reviewed the bonding process with the Board.

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (#1 - 2013): that the Malone Town Board will conduct a Public Hearing at 5:45pm, Wednesday, January 23rd for the purpose of gathering public input on the following issue:

**ORDER ESTABLISHING HEARING ON SEWER DISTRICT
IMPROVEMENT PURSUANT TO 209 (e) OF THE TOWN LAW OF THE STATE OF
NEW YORK**

WHEREAS, the Town Board of the Town of Malone, New York (the "Town"), accepted for filing from Capital Consultants Architecture and Engineering (herein C2AE), Timothy Burley, P.E., a map, plan and report for providing the facilities, improvements or services in a portion of the Town wherein a sewer district was proposed to be established; and

WHEREAS, the said C2AE, Timothy Burley, P.E. duly filed said preliminary engineering report in the office of the Town Clerk, said report bearing date January 2013; and

WHEREAS, the boundaries of the proposed Route 11 West Sewer District 2 (the "District") shall incorporate all properties within an area beginning at the western border of the Village of Malone on Route 11 West and continuing westerly along both sides of Route 11 to a point immediately east of the Town of Malone Highway Department garage, as described in Exhibit A attached hereto; and

WHEREAS, the proposed improvements consists of the construction of a conventional gravity sewer collection system with ultimate discharge to the

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Village of Malone collection and treatment system, and consisting of the installation of 6" PVC sewer laterals from each business connected to an 8" PVC sewer main placed within/or adjacent to the road right-of-way pursuant to the plans prepared by C2AE, Timothy Burley, P.E.; and

WHEREAS, the maximum amount proposed to be expended for such improvement is \$357,000.00 and the cost to a typical property owner within the District will be allocated according a benefit factor assigned to such property with a maximum anticipated annual cost to each property estimated to be \$1,280.00; and

WHEREAS, the proposed method to be employed for financing such improvement may include a Clean Water State Revolving Fund loan for the full amount of the project; and

WHEREAS, a map, plan and report describing such improvements are on file in the office of the Town Clerk for public inspection including a calculation of the cost to typical property owner;

NOW THEREFORE, BE IT:

ORDERED, that the Town Board shall meet at the Town Hall, in the Town of Malone, Franklin County, New York, on the 23rd day of January, 2013, at 5:45 o'clock P.M., for the purpose of conducting a public hearing on the proposal to establish said District with the improvements specified above, at which time and place all persons interested in the subject thereof may be heard concerning the same; and

FURTHER ORDERED, that the Town Clerk is hereby authorized and directed to publish a copy of this order in The Malone Telegram, the official Town newspaper, and post a copy of the same on the signboard of the Town, in the time and manner required by law.

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 Scharf

Resolved (#2 - 2013): the Malone Town Board engages the services of Eric Gustafson of Pease & Gufstason, LLP for legal services related to the establishment, construction and improvements to Town of Malone Sewer District 2, at a cost of \$150.00 per hour to be capped at \$2,500.00; and

Further Resolved: the Town Board authorizes the Supervisor Maneely to sign into the agreement as presented and as approved, as to form, by the Town Attorney.

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 Sullivan

Resolved (#3 - 2013): that the Malone Town Board engages the services of Eric Gustafson of Pease & Gufstason, LLP for legal services related to Bonding for construction and improvements to Town of Malone Sewer District 2, at a cost of \$165.00 per hour to be capped at a total of \$2,500.00; and

Further Resolved: the Town Board authorizes the Supervisor Maneely to sign into the agreement as presented and as approved, as to form, by the Town Attorney.

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

TOWN AUDIT: Nick Ells of Dragon & Benware was expected to present the 2011 Town Audit tonight's meeting. He did not attend however, as the final document is not ready. He will be at the meeting of January 23rd to present his findings.

Organizational 2013

OPENING REMARKS: Supervisor Maneely welcomed all to the meeting, saying the Town of Malone is committed to furthering shared services with the Village of Malone and any other government entity in the interest of efficiency and savings.

APPOINTMENTS & DESIGNATIONS:

Supervisor's Appointment - Supervisor Maneely announced his appointment of Paul Walbridge for Deputy Supervisor. He was sworn to office by Clerk Hafter.

Motion – Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (# 4 - 2013): that the Town Board designates The Malone Telegram as the official newspaper for the Town of Malone for 2013.

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

Motion – Councilor Scharf

Second - Deputy Supervisor Walbridge

Resolved (# 5 - 2013): that the Town Board designates Community, Chase, First Niagara, HSBC, and NBT banks as official depositories for the Town of Malone for 2013.

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 (# 6 - 2013): that the Town Board sets set the official meeting dates and time for 2013 to be the second and fourth Wednesday of each month at 6:00pm.

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 (# 7 - 2013): that the Town of Malone mileage rate for 2013 be set at \$.50 per mile.

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 (# 8 - 2013): that the Malone Town Board authorizes the Superintendent of Highways to expend up to \$1500 for the purchase of small tools in 2013.

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 Scharf

Resolved (# 9 - 2013): to designate the Franklin County Historical Society as the Town of Malone Historian for 2013.

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

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Highway Superintendent's Appointment: Superintendent of Highways Shanty appointed Bruce Mallette as Deputy Superintendent of Highways for 2013, a one year term. He was sworn to office by Clerk Hafter.

Motion – Deputy Supervisor Walbridge

Second – Councilor Scharf

Resolved (#10 - 2013): to appoint Tom Shanty as Landfill Overseer for 2013 at a salary of \$4,000.00.

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 Scharf

Resolved (#11 - 2013): that the Town/Board adopts the Subject Matter List for FOIL requests (records retention schedule) for 2013 as recommended by the Records Management Officer.

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 Sullivan

Resolved:(# 12- 2013): that the Town Board adopts the 2013 Holiday Schedule as follows:

New Year's Day	-	January 1	(Tuesday)
Martin Luther King Jr. Day (Observed)		January 21	(Monday)
President's Day	-	February 18	(Monday)
Good Friday	-	March 29	(Friday)
Memorial Day	-	May 27	(Monday)
Independence Day	-	July 4	(Thursday)
Labor Day	-	September 2	(Monday)
Columbus Day (observed)	-	October 14	(Monday)
Election Day	-	November 5	(Tuesday)
Veterans Day	-	November 11	(Monday)
Thanksgiving Day	-	November 28	(Thursday)
	-	November 29	(Friday)
Christmas Day	-	December 25	(Wednesday)

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

Supervisor's Committee Appointments for 2013 :

(the name listed first designates the committee chairman)

Highway & Airport	Walbridge/Sullivan
Bldgs, Parks & Grounds	Taylor/Sullivan
Golf Club	Taylor/Walbridge
Recreation	Walbridge/Taylor

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Landfill	Taylor/Scharf
Assessments, Taxes, Zoning/Code	Walbridge/Scharf
Rec. of Taxes/Town Clerk, Court Bingo Inspector/Constable	Sullivan/Scharf
Dog Control	Walbridge/Scharf
Historian	Taylor/Scharf
Fire Protection	Walbridge/Sullivan
Policy & Grants	Sullivan/Scharf
Negotiations	Sullivan/Walbridge
Records Management Advisory	Taylor/Scharf
Cable Franchise	Taylor/Scharf
Disaster Plan	Taylor/Scharf
Village Liaison	Walbridge/Sullivan

Supervisor's Announcement: Annual Statements and records have been made available by all departments which handle cash, for Town Board review, as required by Town Law.

Salary Schedule:

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved:(# 13 - 2013): that the Town Board adopts the salary schedule for 2013, as budgeted:

Supervisor	\$13,750.00
Councilor (4 @)	5,500.00
Town Justice (2@)	34,000.00
Supt. of Highways	40,000.00
Landfill Overseer	4,000.00
Deputy Supt. of Hwys.	4,264.00
Secretary/Bookkeeper	34,680.00
Budget Officer	8,320.00
Assessor	39,600.00
Assessment Field Worker	21,200.00
Town Clerk	21,400.00
Receiver of Taxes	14,000.00
Records Management Officer	1,100.00
Registrar	1,500.00
Deputy/Floater Clerk	23,000.00
Code Secretary	2,392.00
Hwy Acct. Clerk/Laborer (40 hrs)	37,000.00
Airport Manager	4,000.00
Justice Court Clerk #1	27,500.00
Court Clerk #2	23,000.00
Zoning/Code Officer (35 hrs)	32,500.00
Bingo Inspector	850.00
Town Constable	150.00
Town Attorney	16,000.00
Health Officer	750.00

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\$2,000 Stipends, to cover water district work for the East Side and West Side Water Districts, to the Assessor, Town Clerk/Tax Receiver, and Bookkeeper/Budget Officer.

Highway rates, in accordance with the CSEA Contract ending 12/31/2012, pending approval of a new agreement for 2013)

MEO \$17.60 per hour
HEO \$17.90 per hour
Mechanic \$18.30 per hour
Laborer One \$14.00 per hour
Laborer Two \$17.60 per hour

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

REGULAR MEETING

MINUTES & REPORTS:

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (#14 - 2012): to accept the minutes of the December 19, 2012 regular meeting as presented and place on file.

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

The following reports were presented for review and filing:

Supervisor – 11/2012	Justice Court - 12/2012
Town Clerk/Registrar - 12/2012	Airport Manager - 12/2012
Supt. of Highways - 12/2012	Code Officer – 12/2012

SUPERVISOR REPORTS:

Shared Services -

Motion – Deputy Supervisor Walbridge

Second – Councilor Sullivan

Resolved (#15- 2013): that the Malone Town Board motion authorize the Supervisor to sign an agreement with CSARCH for Architecture and engineering services for work related to a shared transportation facility to serve the school, town and village; with the Town share to be \$3,000.00 –\$ 3,300.00, as approved at the 12/19/12 board meeting.

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

Workplace Violence Training – Training was provided for all town employees through three separate sessions conducted on 1/8/2013 by NYMIR.

Dog Control Agreement – Town Attorney Duffy presented the dog control contract for 2013, saying the provisions are the same as the 2012 contract. Budget Officer Stewart noted that the compensation amounts are incorrect and should be \$18,000.00annual/ \$1,500.00 per month as in 2012.

Motion – Councilor Taylor

Second – Deputy Supervisor Walbridge

Resolved (#16- 2013): that the Town Board authorizes the Supervisor to sign into agreement with Shirley Morton and North Country Animal Shelter for dog control and shelter services for 2013 as presented, with modifications as noted.

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

Meeting Announcement – Supervisor Maneely said he will attend a meeting at the Courthouse at 10:00am Friday morning with Janet Duprey and representatives from JCEO which is taking over the activities of the gleaning warehouse.

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BOARD MEMBER /COMMITTEE ITEMS:

Councilor Scharf commented on the dearth of grant funding to Malone and Franklin County and reiterated the need for a county planner.

Deputy Supervisor Walbridge agreed with Councilor Scharf.

Superintendent Maneely criticized Avalon for lack of attention to the grant.

Motion – Councilor Scharf

Second – Deputy Supervisor Walbridge

Resolved (#17- 2013): that the Board will respond to the State requesting a meeting to discuss the Town’s recent application for a grant for housing rehabilitation and the reasons for denial

Discussion -Supervisor Maneely said that the letter from Avalon states they will be inquiring on the town’s behalf in regard to the denial. Councilor Scharf volunteered to attend a meeting with Avalon and the state. **Councilor Sullivan** said that the cost of a county planner to each municipality needs to be determined.

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

Councilor Sullivan reported that the Micro Enterprise program has been hampered by the fact that there have been four different state contact persons for the Town of Malone. Mr. Sherwin says he has not received a call back form the latest contact. Supervisor Maneely said the Board should be notified whenever there is a change or problem with the administration of the grant.

CSEA – Deputy Supervisor Walbridge thanked all who worked on the CSEA contract, saying the draft is fair to the employees and to the Town. Councilor Sullivan presented the contract which has been signed by Ricky Yelle and the CSEA representative.

At 6:45, Deputy Supervisor Walbridge left the meeting.

Motion – Councilor Sullivan

Second – Councilor Taylor

Resolved (#18- 2013): that the Town Board authorizes the Supervisor to sign the proposed CSEA Agreement for 2013 – 15 as presented.

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

Airport

Motion – Councilor Sullivan

Second – Councilor Scharf

Resolved (#19 - 2013): to authorize Passero Associates to advertise, on behalf of the Town, for bids for construction related to the Runway 14-32 Rehabilitation project at Malone-Dufort Airport; with bids to be opened at Noon, Thursday, February 21, 2013.

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

Motion – Councilor Taylor

Second – Councilor Scharf

Resolved (#20 - 2013): that the Town Board authorizes the Supervisor to sign the Sponsor Certification related to the Runway 14-32 Rehabilitation project.

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

CORRESPONDENCE:

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From the Franklin County Legislature Clerk, 2013 statement of taxes, equalization table

From Town Planning Board, meeting minutes from 11/7/12 and 12/5/12

From NYS OCR , notification that the HOME Grant was not funded

From Avalon Associates, notification that the Town's 2012 HOME Grant was unsuccessful

NEW BUSINESS:

NYSAT Conference –

Motion – Councilor Sullivan

Second – Councilor Scharf

Resolved (#21 - 2013): that the Board designates Supervisor Maneely as voting delegate for the Town of Malone at the 2013 NYSAT Conference.

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

Board Designation- for a Voting delegate & alternate for the NYS Assoc. of Towns meeting in NYC

Motion – Supervisor Maneely

Second – Councilor Scharf

Resolved (#22 - 2013): that the Board designates Councilor Sullivan as alternate voting delegate for the Town of Malone at the 2013 NYSAT Conference.

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

Training Request –

Motion – Councilor Taylor

Second – Councilor Scharf

Resolved (#23 - 2013): to authorize Code Officer Crossman to attend mandatory Code training in Lake Placid March 4 – 7, 2013, with all necessary expenses to be paid by the Town.

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

Water Shut-off -

Motion – Councilor Taylor

Second – Councilor Scharf

Resolved (#24 - 2013): to authorize the payment of \$30.00 to the Village of Malone for water shut-off at the little red building (old Pilots' Lounge) on Malone-Dufort Airport property.

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

Office Basement -

Motion – Councilor Taylor

Second – Councilor Scharf

Resolved (#25 - 2013): to authorize the expenditure of \$8,700.00, with \$4,330.00 to be paid tonight, to Flood Busters to take care of the water problem in the basement at the Malone Town Offices.

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

Grants Announcement – Local Government Efficiency Grants are to be available again for 2013. The Board will look into whether some of the Town's needs may be met through this funding.

Attorney Request - Town Attorney Anderson-Duffy requested a Local Law allowing her fees for litigation to be raised from \$65.00 per hour to \$150.00 per hour.

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Motion – Supervisor Maneely

Second – Councilor Taylor

Resolved (#26- 2013): that the Town Board will conduct a Public Hearing At 6:10pm Wednesday, January 23rd 2013, to gather public input on a proposed local law that would raise the Town Attorney fees for litigation from \$65.00 per hour to \$150.00 per hour.

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

BILLS FOR AUDIT & PAYMENT:

Motion – Councilor Scharf

Second – Councilor Sullivan

Resolved (#27 - 2013): that the following bills, along with \$30.00 for water shut-off and \$215.00 NYSAT Conference registration fee for Deputy Supervisor Walbridge, having been audited, vouchers 1 - 48 be paid:

General Fund– Abstract #1	2012 - \$ 4,491.88	
	2013 - 13,577.48	\$ 18,069.36
Part Town General-Abstract #1	2012 - 87.95	
	2013 - 81.98	169.93
Highway DB Fund – Abstract #1	2012 – 19,676.33	
	2013 - 82,183.18	101,859.51
East Side Water – Abstract #1	2013-	187.97
Highway Capital Reserve – Abstract #1	2012 -	13,010.00
Airport – Abstract #1 -	2012 -	8,078.81
Trust & Agency – Abstract #1	2013 -	<u>675.65</u>
GRAND TOTAL:		\$ 142,051.23

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

PUBLIC COMMENT: Mary Fredenburg noted that there is a need for sidewalks on Route 11 west to Wal-Mart. Councilor Scharf said she would bring this matter to the Completer Streets Committee.

ADJOURN:

Motion – Councilor Scharf

Second – Councilor Taylor

Resolved (#28- 2013): that there being no further business to come before the board, it duly adjourn with the next meeting to be held January 23rd at 6:00 P.M.

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

Respectfully Submitted,

Susan M. Hafter
Malone Town Clerk
January 23, 2013

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