

**Town of Malone  
Regular Board Meeting  
06/26/2013**

A regular meeting of the Malone Town Board was held Wednesday, June 26<sup>th</sup> 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  
Lillian-Anderson Duffy, Town Attorney  
Tom Shanty, Highway Superintendent  
Michael Lamitie, Town Justice  
Frank Cositore, Town Justice

Arianna MacNeill, Malone Telegram

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

**MINUTES & REPORTS:**

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Taylor

**Resolved (#129 - 2013):** to accept the minutes of the regular meeting of 06/12//2013 as presented and place on file.

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

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Sullivan

**Resolved (# 130-2013):** to accept the following reports for review and filing as presented and

Place on file: Justices Lamitie & Cositore – 05/2013

NYS Comptroller – Court report for 05/2013

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

**OLD BUSINESS:**

**Lower Park Street Mitigation Process** – Supervisor Maneely has been interviewing owners of property in the flood affected area on Lower Park Street, regarding possible government buy-outs. They are discussing values and expectations and will meet with Emergency Services next week to begin the formal applications.

**SUPERVISOR REPORTS:**

**NCREDC Grant** – Supervisor Maneely announced that the Town has been awarded \$72,000.00 through the **North Country Regional Economic Development Council** for the purpose of West Side Sewer Upgrades. The award will cover about 20% of the project cost.

**Annual Report 2012** – Supervisor Maneely announced that the Town 2012 Annual Report has been completed and filed with the state. He thanked Budget Officer Stewart for her work.

**Bid Opening** – The Supervisor reminded everyone of the bid opening, for construction of the sewer upgrades, to be held on Wednesday, July 10<sup>th</sup> at 10:00 am in the office of the Town Clerk.

**SUPERINTENDENT OF HIGHWAYS REPORT:**

**Superintendent of Highways Shanty** reported on rain and flooding related projects that have taken priority over scheduled road work. There have been washouts on Studley Hill and California Roads, necessitating temporary road closures. The Superintendent said that, no sooner are the wash outs repaired than we get another storm and repeated damages. The weather has also revealed problems with the new court addition, as leaks have been discovered. Dealing with these issues has put the highway schedule behind by 3–4weeks. He said he will try to make up the time later this summer.

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**BOARD MEMBER/COMMITTEE REPORTS:**

**Deputy Supervisor Walbridge** asked that Town Attorney Duffy research the legality of a “trade” for the Robinson Circle property and a direct access to State Route 37.

**CORRESPONDENCE:**

**From** Carla Gerber – Webster Street Road issues

**Discussion** – Councilor Taylor asked what can be done to address Mrs. Gerber’s concerns. Superintendent Shanty said the highway department has done what it can to keep the dirt roads smooth and rut-free, but the weather has been working against them. In regard to paving the remainder of Webster Road, he said the estimate for that project in 2010 was more than \$400,000.00. The Supervisor added that, it will be a challenge to keep the 2014 budget under the state mandated 2% tax levy increase, especially since the Certiorari settlement on the Border Patrol property.

**From** NYS GFOA – Uniform Notice of Claim Act

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Sullivan

**Resolution# 131-2013**

**Resolved:** that the Malone Town Board designates the New York Secretary of State as the Town of Malone’s agent for service of notices of claim, beginning July 15<sup>th</sup> 2013; and

**Further Resolved:** that the Town Board designates the Malone Town Clerk, Susan M. Hafter, 27 Airport Road, Malone, New York 12953, as the official to whom the Secretary of State will forward any notices of claim; and

**Further Resolved:** that the Town of Malone, as per General Municipal Law, Section 50-e, imposes a 90 day time limit for filing a notice of claim on the Town of Malone.

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

**NEW BUSINESS:**

**Transfers -**

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

**Resolved (# 132-2013):** that the Town Board authorizes Budget Officer Stewart to transfer \$7,618.00 from A690 Clearinghouse to A2610 court fees as per the Comptroller notice for May 2013.

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

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

**Resolved (# 133-2013):** that the Town Board authorizes the following Journal Entries as recommended by Budget Officer Stewart for software accommodation:

<b>From:</b> A1220.1	\$ 8,650.00	<b>To:</b> A1410.1 (\$29,500.00)
A1330.1	19,750.00	
A1460.1	1,100.00	

AND

<b>From:</b> B3620.1	\$16,250. 00	<b>To:</b> B8010.1 (\$16,250.00)
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**CARRIED (4 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye  
Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Absent**

**EXECUTIVE SESSION:**

**At 6:20pm \* Motion** – Supervisor Maneely

**Second** – Deputy Supervisor

**Resolved (#134 - 2013):** that the Town Board enter into a two part Executive Session pertaining to the employment history of, and matters leading to, the employment, discipline, suspension, dismissal or removal of a particular person: with Board Members and Budget Officer to be present for the first portion; and Board Members , Town Justices and Town Attorney to be present for the second portion.

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

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**At 6:28pm** the first session ended and the second began

**At 6:50pm**, the executive session ended and the regular meeting resumed with no action taken.

**OLD BUSINESS:**

**Certiorari/Border Patrol property** – Town Attorney Duffy apologized to the Town Board for misplacing the Stipulation of Settlement for the Border Patrol Certiorari case. The settlement has been approved by the Board. The Town Attorney said she will serve it on Assessor Hewitt before July 1<sup>st</sup>.

**NEW BUSINESS:**

**July 4<sup>th</sup> Holiday** – Supervisor Maneely said most town employees have asked to take Friday the 5<sup>th</sup> of July off as vacation or personal time. The Highway Department will close that day to accommodate the requests. There was discussion as to closing the Town Offices also. Budget Officer Stewart said there are two office employees who do not want to use their accruals for July 5<sup>th</sup> as they haven't extra time for it.

**BILLS FOR AUDIT & PAYMENT:**

**Motion** – Councilor Taylor

**Second** – Deputy Supervisor Walbridge

**Resolved (#135 - 2013):** that the following bills, having been audited, vouchers #561-586, be paid:

General Fund – Abstract #13	\$34,010.06
Part Town General - #11	82.48
Highway Outside (DB) Fund - #12	4,236.39
CDBG - #5	11,700.00
Trust & Agency Fund - #23	<u>32,662.97</u>
Grand Total:	\$82,691.90

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

**NEW BUSINESS:**

**Dog Enumeration** – Clerk Hafter said that the dog enumeration has begun and that the amnesty period for licensing without the \$25.00 enumeration fee has ended. During the amnesty period, approximately 100 new dog licenses were issued.

**Executive Order Request** –

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Taylor

**Resolved (#136 - 2013):** that the Town Board authorizes Town Attorney Anderson- Duffy to send a written request, on behalf of the Malone Justice Court, to Vito C. Caruso, District Administrative Judge, Fourth Judicial District, asking for an Executive Order to appoint a third (temporary) town justice for the Town of Malone; due to Justice Cositore's recusal of all cases involving or initiated with the Malone Village Police; and to recommend the appointment of Town of Bangor Justice, Frederick Boardway, who has expressed willingness to assist in this manner.

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

**Meeting Schedule Change** –

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Taylor

**Resolved (#137 - 2013):** that the Town Board alter its regular meeting schedule for the month of August 2013, to hold one meeting only, on Wednesday August 21<sup>st</sup> 2013 to begin at 6:00pm, with a Town I.D.A. meeting to precede it at 5:45pm.

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

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**EXECUTIVE SESSION:**

**At 7:04pm \* Motion** – Supervisor Maneely

**Second** – Deputy Supervisor

**Resolved (#138 - 2013):** that the Town Board enter into an Executive Session pertaining to the employment history of, and matters leading to, the employment, discipline, suspension, dismissal or removal of a particular person; with Board Members and Town Justices to be present.

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

**At 7:12pm,** the executive session ended and the regular meeting resumed.

**Appointment Justice Court Clerk -**

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Sullivan

**Resolved (#139 - 2013):** that the Town Board approves and authorizes the appointment of Mary Ann Yando to the position of Justice Court Clerk, to fill the vacancy created by the resignation of Amanda Drake, with the position to be full-time, 30 hours per week, beginning July 8<sup>th</sup> 2013 or as soon as possible thereafter, and with the salary to be \$23,000.00 annually, pro-rated for 2013.

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

**ADJOURN:**

**At 7:15pm pm Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Sullivan

**Resolved (#140-2013):** there being no further business to come before the Board that it adjourn, with the next regular meeting to be July 10<sup>th</sup> 2013, at 6:00pm.

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

**RESPECTFULLY SUBMITTED,**

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**SUSAN M. HAFTER, TOWN CLERK**

July 1, 2013

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