

**TOWN OF MALONE
REGULAR MEETING
November 20, 2019**

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 Road, Malone, NY on the 20th day of November, 2019.

PRESENT: Andrea Stewart Supervisor
Terry Maguire Deputy Supervisor
Candy Gadway Councilor

ABSENT: Louise Taylor Councilor
Ed Lockwood Councilor

ALSO PRESENT: Denice Hudson, Budget Officer
Jean Marlow, Town Clerk
Bruce Mallette, Highway Superintendent
Bruce Burditt, Airport Manager
Jody Johnston, Malone
Paul Walbridge, Malone

Supervisor Stewart called the meeting to order at 6:00p.m. with a pledge of allegiance to the flag.

MINUTES:

RESOLUTION 292 -2019 – Minutes

On a motion of Councilor Gadway, seconded by Deputy Supervisor Maguire, the following resolution was

ADOPTED Ayes 3 Stewart, Maguire, Gadway
Nays 0

Resolved to approve the following minutes:

*November 7, 2019 – Public Hearings
November 7, 2019 – Regular Meeting*

REPORTS:

RESOLUTION 293 -2019 – Reports

On a motion of Deputy Supervisor Maguire, seconded by Councilor Gadway, the following resolution was

ADOPTED Ayes 3 Stewart, Maguire, Gadway
Nays 0

Resolved to approve the following reports:

*November 2019 – Assessor Report
November 2019 – Airport Lease Manager*

OLD BUSINESS:

RESOLUTION 294 -2019 – FAA - Airport Snow Removal Equipment

On a motion of Supervisor Stewart, seconded by Deputy Supervisor Maguire, the following resolution was

ADOPTED Ayes 3 Stewart, Maguire, Gadway
Nays 0

Resolved to approve the change order as listed by the FAA for the Airport Snow Removal Vehicle, approving the changes that they approved. This will be an adjustment of an additional \$6,244.00, added to the original quote of \$287,481.97. The truck will be painted Yellow in accordance with FAA rules and regulations. This information will be transmitted to Tracey Equipment by the Town Clerk.

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SUPERVISOR REPORTS:

RESOLUTION 295-2019 – MCF Physicals

On a motion of Deputy Supervisor Maguire, seconded by Councilor Gadway, the following resolution was

ADOPTED Ayes 3 Stewart, Maguire, Gadway
Nays 0

Resolved to give permission to Supervisor Stewart to sign the MCF Physicals for Barry Stickle and Malcolm Jones, and add them to the Franklin County Self Insurance Plan.

RESOLUTION 296-2019 – Airport Runway 5-23 Pavement Grant

On a motion of Councilor Gadway, seconded by Deputy Supervisor Maguire, the following resolution was

ADOPTED Ayes 3 Stewart, Maguire, Gadway
Nays 0

Resolved to give permission to Supervisor Stewart to sign the Airport Improvement Program Sponsor Certification for the close out of Runway 5-23 Pavement Rehabilitation Grant. This is contingent upon receiving a written agreement from Baseline that the work that remains incomplete will be completed in the Spring.

Malone Rebranding: The County has been working with ROOST to try to rebrand and advertise Franklin County. Supervisor Stewart has attended several meetings that involve a lot of different entities including the Chamber, area businesses and other municipalities. In about a month they will come out with a final proposal to be presented at a public meeting for input and opinions. In the meantime Supervisor Stewart wanted to show everyone some proofs of logos they have been working on up to this point.

RESOLUTION 297-2019 – Opposition to Bail Reform Act

On a motion of Supervisor Stewart, seconded by Deputy Supervisor Maguire, the following resolution was

ADOPTED Ayes 3 Stewart, Maguire, Gadway
Nays 0

Resolved to

**REGARDING SO-CALLED BAIL/DISCOVERY REFORM ACT
STATING OPPOSITION THERETO**

WHEREAS, pursuant to the new bail and discovery reform legislation enacted by the Governor to take effect in January 2020,

1. The legislation eliminates the ability of judges to set bail on all misdemeanor and nonviolent felony crimes and some violent felonies, such as Robbery 3rd and Burglary 2nd.
2. For domestic violence cases, a defendant comes home and assaults his spouse, say he breaks her nose, and the charge is an assault third (a misdemeanor). The defendant resists arrest. A policer officer comes and they spit on the officer's face. Bail cannot be set for that individual, and the Court is required to release that defendant that night.
3. From assault to crimes like robbery and burglary (home invasions), bail cannot be set and the defendant must be set free upon arrest.
4. Bail could not be set for defendants who commit crimes such as manslaughter in New York State, because that is not considered a violent crime.

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5. In an aggravated vehicular homicide case (someone gets drunk and kills one or more people), the Court is required to release the defendant that night.
6. Bail could not be set for a sex offender who fails to register a new address.
7. Drug crime defendants, except for those who are major distributors, are also getting released by the Court the same night, regardless of their ties and connections to the community.
8. Also in the new law, there is a provision that allows the defendant to inspect the crime scene. So in burglaries and sexual assaults, the defendants have that right to make that application and re-enter a victim's home or apartment.
9. The new law also requires prosecutors to turn over all discovery material with 15 days of arraignment, which is a completely unreasonable demand that imposes an additional burden on law enforcements and prosecutors that will impair the ability to adequately prosecute crimes.
10. Names of witnesses and contact information must be provided to a defense attorney within 15 days of someone's arraignment, which will significantly deter the willing of witnesses to cooperate with law enforcement.

NOW THEREFORE it is resolved by the Town Board of the Town of Malone that it opposes the concepts of the Bail Reform Act highlighted above and urges the New York State Legislature to repeal the changes in total and it is further

RESOLVED that copies of this Resolution be sent by the Town Clerk to the Governor and our New York State Legislators Billy Jones and Betty Little as well as the Speaker of House and Senate Majority Leader as well as other Franklin County Municipalities.

Jody Johnston suggested that it should also be sent to the Advocacy Boards, the information for them can be obtained from the DA's office.

RESOLUTION 298-2019 – Change to December's Board Meeting Schedule

On a motion of Councilor Gadway, seconded by Deputy Supervisor Maguire, the following resolution was

ADOPTED Ayes 3 Stewart, Maguire, Gadway
Nays 0

Resolved to change the Town Board Meeting schedule for December to hold one meeting on December 18, 2018.

BOARD MEMBER/COMMITTEE ITEMS:

Candy Gadway: Complete Streets asked her to make an announcement to remind everyone, now that winter weather is here, to watch out for children around snow banks etc.

SUPERINTENDENT OF HIGHWAYS REPORTS:

Busy taking care of roads with the winter weather.

Superintendent Mallette asked the board if it would be possible to advertise for the MEO Position. He is 2 men short and with the new split shift schedule it is hard to cover everything. There are a lot of questions due to the nature of the opening. Superintendent Mallette asked if we could advertise as a Temporary or Anticipated opening to get the process started. He would like to start the process now because of the time it takes for advertising, interviews, physicals etc.

Deputy Supervisor Maguire said there is an upcoming meeting with the union regarding temporary positions, he thinks we should wait until after that meeting to make any decision. It was decided to table until the next meeting.

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Superintendent Mallette said he is very concerned about liability due to the lack of manpower to do the job in a timely manner.

Deputy Supervisor Maguire stated that we have been 2 men short in past winters. Superintendent Mallette explained that in the past when there were 2 men short he would have the option to not allow a split shift, which is what he did. With the new contract he does not have that option, if the highway workers vote to have a split shift it is mandatory for him to work with that schedule.

Deputy Supervisor Maguire said in that case we will have to hold guys over and bring in men on overtime.

Superintendent Mallette said that is what he has been doing and just wanted to make the board aware of the issues.

CORRESPONDENCE:

From Justice Court – Recommendation to hire JoAnn Marshall for the Deputy Court Clerk position.

As a result, the following resolution was adopted:

RESOLUTION 299-2019 – Hiring of JoAnn Marshall as Deputy Court Clerk

On a motion of Supervisor Stewart, seconded by Deputy Supervisor Maguire, the following resolution was

ADOPTED Ayes 3 Stewart, Maguire, Gadway
Nays 0

Resolved to hire JoAnn Marshall as the Deputy Court Clerk, with a start date of December 2, 2019, and a pay rate of \$15.06 per hour up to a 35 hour work week.

NEW BUSINESS:

RESOLUTION 300-2019 – Journal Entries

On a motion of Deputy Supervisor Maguire, seconded by Supervisor Stewart, the following resolution was

ADOPTED Ayes 3 Stewart, Maguire, Gadway
Nays 0

Resolved to give Permission for Budget Officer to make the following Journal Entries: from DA5120.4 (Bridges Contractual) to DA5142.4 (Snow Removal Contractual) - \$1,100.00; from DA5140.4 (Brush & Weeds Contractual) to DA5142.4 (Snow Removal Contractual) - \$510.00; DA5142.1 (Snow Removal Personal Service) to DA5142.4 (Snow Removal Contractual) - \$19,600.00; and DA9060.8 (Hospital & Medical Insurance) to DA5142.4 (Snow Removal Contractual)- \$8,000. for Snow Removal Contractual purchases.

RESOLUTION 301-2019 – Journal Entries

On a motion of Councilor Gadway, seconded by Deputy Supervisor Maguire, the following resolution was

ADOPTED Ayes 3 Stewart, Maguire, Gadway
Nays 0

Permission for Budget Officer to make the following Journal Entries: From A1010.4 (Town Board Contractual) to A8020.4 (Planning) \$1,000.00; from A1410.1 (Town Clerk Personal Service) to A8020.4 (Planning) \$1,500.00; from A1420.4 (Attorney Contractual) to A8020.4 (Planning) \$500.00; from A1620.2 (Building Equipment) to A8020.4 (Planning) \$500.00; from A1910.4 (Unallocated Insurance) to A8020.4 (Planning) \$ 1,000.00; from A3310.4 (Traffic Control) to A8020.4 (Planning) \$500.00; from A1990.4 (Contingency) to A8020.4 (Planning) \$15,000.00; from A5610.4 (Airport Contractual) to A8020.4 (Planning) \$2,000.00; from A9060.8 (Hospital & Medical Insurance) to A8020.4 (Planning) \$8,000.00; and A5132.1 (Garage Personal Service) to A8020.4 (Planning) \$5,000.00 for Sidewalk Reserve.

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RESOLUTION 302-2019 – Journal Entries

On a motion of Deputy Supervisor Maguire, seconded by Councilor Gadway, the following resolution was

ADOPTED Ayes 3 Stewart, Maguire, Gadway
Nays 0

Permission for Budget Officer to make the following Journal Entries: From A1355.4 (Assessor Contractual) to A5132.4 (Garage Contractual) \$117.35 for vendor incorrect posting of payment.

RESOLUTION 303-2019 – Bills for Audit and Payment

On a motion of Deputy Supervisor Maguire seconded by Councilor Gadway, the following resolution was

ADOPTED Ayes 3 Stewart, Maguire, Gadway
Nays 0

Resolved to approve the following:

BILLS FOR AUDIT & PAYMENT: *Voucher Nos. 836-894*
Batch No. 295 and 296

General Fund (A)	\$ 39,471.70
Part Town General (B)	157.19
Highway Townwide (DA)	1,803.68
Highway Outside (DB)	27,521.60
Trust & Agency (T)	28,674.11
East Side Water (FE)	3,800.30
West Side Water (FW)	1,838.25
Sewer Fund (G)	113.96
Landfill Closure Capital Project (H7)	1,482.88
Community Development Block Grant (CDBG)	17,257.67

GRAND TOTAL ***\$122,121.34***

RESOLUTION 304-2019 – Adjourn

On a motion of Councilor Gadway, seconded by Deputy Supervisor Maguire, the following resolution was

ADOPTED Ayes 3 Stewart, Maguire, Gadway
Nays 0

Resolved to adjourn the meeting at 6:29p.m. The next regular meeting is scheduled for December 18, 2019 at 6:00p.m. preceded by an IDA meeting at 5:45p.m.

RESPECTFULLY SUBMITTED,

JEAN MARLOW, TOWN CLERK