

A regular meeting of the Malone Town Board was held Wednesday April 23rd 2008 at the Malone Town Offices, 27 Airport Road, Malone, New York, commencing at 6:00PM.

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

ALSO PRESENT: Susan Hafter, Town Clerk
Andrea Stewart, Budget Officer/Bookkeeper
Lillian-Anderson Duffy, Town Attorney
Pat Maneely, Malone Chris LaBarge, Malone
Nathan Race, Malone Darcy Fargo, Malone Telegram
Denise Raymo, Press-Republican

At 6:00PM, Supervisor Maneely opened the meeting with a Pledge to the Flag.

ADDRESS TO THE BOARD:

Franklin County Bicentennial Committee – Pat Maneely, representing the FCBC addressed the Board in regard to plans for the Franklin County Bicentennial Celebration, slated for June 14th 2008. She reported that there will be a full day of activities at the Franklin County Fairgrounds including games, displays, musical entertainment and fireworks. There will also be a parade through the Village. Every town in the county is encouraged to participate with a display and /or parade entry. Supervisor Maneely assured Mrs. Maneely that the Town of Malone, Franklin County Seat, will be represented. The Board thanked Mrs. Maneely for her presentation.

EXECUTIVE SESSION –

* At 6:06PM, on the motion of Supervisor Maneely with a second thereto by Deputy Supervisor Walbridge that the Board enter into Executive Session to discuss possible contract negotiations with all Board Members, Town Attorney, Attorney Nathan Race and Chris LaBarge to be in attendance.

CARRIED WITH ALL MEMBERS VOTING IN FAVOR (5-0).

At 6:20PM, the session ended and the regular meeting resumed, with no action taken.

MINUTES & REPORTS:

* On the motion of Councilor Taylor with a second thereto by Councilor Sullivan to accept the minutes of the April 9th 2008 regular meeting as presented and place on file.

CARRIED WITH ALL MEMBERS VOTING IN FAVOR (5-0).

* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Sullivan to accept the following reports as presented and place on file: **Receiver of Taxes – March'08 Reconciliation report**

CARRIED WITH ALL MEMBERS VOTING IN FAVOR (5-0).

OLD BUSINESS:

Code of Ethics – Attorney Anderson-Duffy reported on her review of the Town of Malone Code of Ethics, noting that the document is in compliance with General Municipal Law. She noted that while the code provides for a Town Board of Ethics, none has been formed, and recommended that the Board do so. One member of such board must be a Town of Malone official or employee, and the other two must not be. She presented a sample code of Ethics as supplied by NYSAT and suggested parts to be incorporated into Malone's. She recommended that a copy of the Town code of Ethics be provided to each official and employee at this time, and to new officials and employees at the beginning of service. Budget Officer Stewart said that this is already done.

Sand and Gravel bid awards (from 4/9/08) – Superintendent Livernois made his recommendations for sand and gravel purchase 2008, noting that while Stargo was the lowest bidder for gravel, the pit area is too small for the town's equipment to set up for processing.

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* On the motion of Councilor Sullivan with a second thereto by Councilor Taylor that the Town contract with Titus Mt. Inc. for gravel in 2008, at the price of \$2.05 pr yd. Option #1, as per recommendation of Highway Superintendent Livernois.

CARRIED WITH ALL MEMBERS VOTING IN FAVOR (5-0).

* On the motion of Councilor Sullivan with a second thereto by Councilor Caplan that the Town contract with H. C. Robinson for sand for 2008, at the price of \$1.10 per., Option #1, as per recommendation of Highway Superintendent Livernois.

CARRIED WITH ALL MEMBERS VOTING IN FAVOR (5-0).

Trooper Barracks – Supervisor Maneely reported that the NYS DOT and DEC have both given their approval for Town of Malone to be lead agency in the SEQR process for the construction of the new Troop “B” barracks.

SUPERVISOR REPORTS:

Salmon River Flood Prevention –A meeting is scheduled for 10:30AM, May 8, 2008 with Town and Village of Malone, U.S. Army Corps of Engineers and NYS DEC representatives to discuss flooding and Niagara Mohawk (now National Grid) has also been invited to the table.

Justice Court – Supervisor Maneely said the Town and Village of Malone have been planning for some time to bring Justice Court services together, and at this time are nearing that reality. The Village has resolved to end the positions of the two Village Justices at the end of their respective terms; and have also resolved, with Town cooperation, to move all Village Court activities to the Town Offices effective September 1st 2008. The Supervisor said the move will require some renovation to the Town’s Court areas. The tentative plan is to push the walls out on two sides of the Justice Office, utilize the “back” rooms for conference and possibly office space, and move storage of supplies and equipment to the basement. There is no estimate for cost, but the plan is to have much of the work done by Town employees. Town and Village taxpayers will benefit as the Village Court building can now be sold.

* On the motion of Councilor Caplan with a second thereto by Councilor Taylor to approve and authorize plans for renovation of the Town Justice Court offices to accommodate Village Court activities and Justices as well as Town.

CARRIED WITH ALL MEMBERS VOTING IN FAVOR (5-0).

Brownfield Opportunity Areas Grant –

* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Sullivan to publish a Request for Proposals (RFP) in conjunction with the Village, for a consultant to administer the joint Brownfield Opportunity Areas (BOA) grant project.

CARRIED WITH ALL MEMBERS VOTING IN FAVOR (5-0).

Small Cities Grant – Supervisor Maneely announced that the Town and Village have jointly received an award for \$25,000 through CDBG Small Cities for Technical Assistance Planning, as conceived by Adirondack North Country Association (ANCA) and written by consultant Rob Camoin.

Sewer Agreement – The Supervisor has received a letter from Village Mayor Stewart asking for a meeting to negotiate a new sewer agreement. The Town plans to add a pump station to the West End Sewer District which would provide service for from Meehan Rd. east to WalMart. The Supervisor will contact the Mayor to set up a meeting.

Mowing –

* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Caplan that the Town of Malone request quotes for grass mowing and trimming services for spring through fall 2008; for the following areas: 1)Lawns surrounding Town Office and red utility Buildings; 2)Rt. 11 Roadside area, around Town sign; 3)Farmers’ Market area; 4) I.D.A. Park; Creighton Rd.; 5)Houndsville Rd. Cemetery and 6)Kimpton Cemetery, Co. Rt. 25; with proposals for these services to include equipment and

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fuel; and proof of insurance to be provided. Sealed quotes will be accepted at the Office of the Town Clerk, 27 Airport Road, Malone, New York during normal business hours until 11:00 AM, Wednesday, May 14th 2008, at which time they will be opened and read aloud. All quotes must be accompanied by a Certificate of Non-collusion. The Town Board reserves the right to waive any informalities and /or to reject any and all quotes.
CARRIED WITH ALL MEMBERS VOTING IN FAVOR (5-0).

SUPERINTENDENT OF HIGHWAYS REPORTS:

Clean-up -Superintendent Livernois reported the crew is sweeping roads and cleaning up for spring.

Road Closure -The Hicks Road, seasonal section will be closed off to traffic with cement barriers to be put in place, while the County does required repairs to a bridge on County Route 25. He said the Hicks road cannot stand up to the increase in side road traffic this closure cause. There are other alternate routes available.

Barriers –

* Upon the recommendation of Highway Superintendent Livernois and on the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Taylor to authorize the purchase of four cement barriers from Hugh Schickel for Highway Department needs.
CARRIED WITH ALL MEMBERS VOTING IN FAVOR (5-0).

BOARD MEMBER /COMMITTEE ITEMS:

Councilor Caplan said that he would like to create an ordinance preventing “outside people” to come into Town to set up temporary sales, as they compete with local businesses. Attorney Anderson-Duffy will research the issue.

Councilor Caplan would like to create an ordinance prohibiting temporary signs such as the recently observed “RiverCityMalone.com” signs around the community.

NEW BUSINESS:

Dog Enumeration – Town Clerk Hafter reported that dog enumeration is underway in the Village and Town of Malone, and is being conducted personally by the DCO and one assistant. She said that as usual, just the mention of an enumeration brings in numerous new licenses and overdue renewals.

Neuter Commuter –

* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Taylor that the Town permit the use of the Town Pavilion for set up of the Neuter Commuter for a day in July or August, with proof of insurance to be provided.
CARRIED WITH ALL MEMBERS VOTING IN FAVOR (5-0).

EXECUTIVE SESSION :

* At 6:55 PM, on the motion of Supervisor Maneely with a second thereto by Deputy Supervisor Walbridge that the Board enter into Executive Session to discuss a personnel issue, with all Board Members and town Attorney to be in attendance.
CARRIED WITH ALL MEMBERS VOTING IN FAVOR (5-0).

At 7:10 PM, the Executive Session ended and the Regular Meeting resumed, with no action taken. Councilor Caplan was excused for the remainder of the meeting due to other obligations.

Proposed Local Law #1-2008 –

* On the motion of Supervisor Maneely with a second thereto by Councilor Taylor that the Town of Malone conduct a Public Hearing at 5:15 PM, Wednesday, May 14th 2008 to gather public input on Proposed Local Law #1-2008 as follows:

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Appointment of a Highway Superintendent**Section 1.****TITLE**

This Local Law shall be known as Local Law No. 1 of the year 2008, a Local Law introducing a referendum item on the November 4, 2008 election ballot, that provides for the position of Highway Superintendent for the Town of Malone to be an appointed rather than an elected position.

Section 2.**PURPOSE**

The purpose of this Law is to place on the November 4, 2008 general election ballot, a referendum item which allows the electors of the Town of Malone to decide if they wish to have an appointed rather than an elected Highway Superintendent.

Section 3.**TERMINATION OF POSITION OF ELECTED HIGHWAY SUPERINTENDENT**

If the electors of the Town of Malone vote to appoint rather than elect a Highway Superintendent, the current elected position will terminate on December 31, 2009.

Section 4.**CREATION OF POSITION OF APPOINTED HIGHWAY SUPERINTENDENT**

If the electors of the Town of Malone vote to appoint rather than elect a Highway Superintendent, the Town Board shall appoint a qualified individual to that position effective January 1, 2010. The Highway Superintendent would then serve according to the terms established by, and be accountable to, the Town Board.

Section 5.**MANDATORY REFERENDUM**

This Local Law is subject to mandatory referendum according to the provisions of Section 23.2.e of the Municipal Home Rule Law.

Section 6.**EFFECTIVE DATE**

If approved by the electors of Malone, this Local Law becomes effective on January 1, 2010.

CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR (4-0).

BILLS FOR AUDIT & PAYMENT:

* On the motion of Deputy supervisor Walbridge with a second thereto by Councilor Taylor that the following bills, vouchers #349 - 360, having been audited, be paid:

General -	\$ 2,174.35
Trust & Agency -	<u>26,004.96</u>
Grand Total:	\$ 28,179.31

CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR (4-0).

ADJOURN:

* At 5:15 PM, on the motion of Supervisor Maneely with a second thereto by Councilor Taylor there being no further business to come before the Board, that it duly adjourn, with the next regular meeting to be held at 6:00 PM, Wednesday, May 14th 2008; preceded by a Public Hearing at 5:15 PM and an I.D.A. meeting at 5:45 PM.

CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR (4-0).

RESPECTFULLY SUBMITTED,

SUSAN M. HAFTER, TOWN CLERK

April 28th 2008

