

**Town of Malone  
Regular Board Meeting**

A regular meeting of the Malone Town Board was held Wednesday, April 24<sup>th</sup> 2013, at the Malone Town Offices, 27 Airport Rd., Malone, NY, commencing at 6:00pm and was preceded by a Public Hearing at 5:45pm.

**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  
Tom Shanty, Highway Superintendent  
Pat Maguire, Sid G. Spear, Malone Brian LaPier, NBT Latremore, Plattsburgh  
Deb Maguire, Malone Beth Herrick, NBT Latremore, Plattsburgh  
Hugh Hill, Chamber of Commerce/Village Trustee, Malone  
Mary Hill, Malone Wendy Reil, Westelcom, Plattsburgh  
Krista Boule', Westelcom, Plattsburgh Paul Barton, Westelcom, Plattsburgh  
Seth Crimmins, Westelcom, Plattsburgh Aaron Sharlow, Malone  
Hanna Normandeau, Malone Tim Lashomb, Malone  
Arianna MacNeill, Malone Telegram

**Public Hearing for  
Proposed Local Law #2 for 2013  
“Best Value”**

**At 5:45pm** – Supervisor Maneely opened the Public Hearing on proposed Local Law #2-2013, entitled Best Value. Reading of the notice was waived. Supervisor Maneely read aloud the highlights of the proposed law and asked for comments from those in attendance. None were offered. Clerk Hafter reported that no telephone inquiries have been made, nor has anyone come to the Town Office to review at the law. **At 5:57pm**, with no further discussion, the Supervisor closed the Public Hearing.

**CALL TO ORDER:** Supervisor Maneely called the meeting to order at 6:00pm, with a pledge to the flag, and welcomed two students from Franklin Academy who were in attendance.

**PRESENTATIONS:**

**Westelcom** – Paul Barton, President and Wendy Reil, Regional Account Executive for Westelcom addressed the Board with a power point presentation about fiber optics. They are beginning a three phase project that should be completed by the end of this year, to bring this high speed option to Malone for business customers. Those already with Westelcom will be upgraded. At the same time SLIC will be working, through a grant, to bring high speed to rural customers in and around Malone. In answer to Highway Superintendent Shanty's question, Mr. Barton answered that most of the installations will be above ground, and for those underground they will call DIGSAFE. The Board thanked them for the presentation.

**NBT Latremore** – Brian LaPier and Beth Herrick from NBT Latremore Insurance, the Town's current carrier, addressed the Board. They did not respond to the RFQ, but asked to remain the agent of record for administering NYMIR coverage. Ms. Herrick addressed risk assessment issues and offered posters, training and a framework for an Employee Handbook. The Board thanked them for the presentation.

**Hugh Hill** – Executive Director for the Malone Chamber of Commerce and Malone Village Trustee, Hugh Hill, addressed the Board regarding a proposed program of tree and park restoration, as envisioned by Dr. Dean Chapman of North Star Adirondack Foundation. The program involves working with elementary students, giving them hands on experience in planting and managing indigenous plants and trees. The first plantings are targeted for the east side of the Rec Park, near the ball fields and concession stand. Mr. Hill is asking the Town, Village and Joint Rec Commission to provide \$1,500.00 each toward the project. Budget Officer Stewart said, since the Joint Rec Commission is funded by both the Town and Village, the request for funds should go directly through the Commission. Mr. Hill agreed to the idea. Councilor Sullivan asked whether the County had been asked to participate. They have not. He said they will be seeking private funding also. The Board thanked Mr. Hill for his presentation.

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**MINUTES & REPORTS:**

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Sullivan

**Resolved (#86-2013):** to accept the minutes of the regular meeting of 04/10/2013 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**

**Correction** – Town Clerk Hafter noted a correction to the record, in regard to the minutes of the regular Town Board meeting held 3/27/13. The minutes were unanimously approved as prepared and have been filed. Subsequently, however, Councilor Scharf informed Clerk Hafter that she had abstained from the vote approving the Town's agreement with Victor Fellion, for payment of overdue taxes (which resulted in a chargeback to the Town). The record shows her having voted in favor. Review of the digital recording of the meeting confirmed that Councilor Scharf did abstain from the vote on this issue.

**The following reports were accepted as presented for review and filing:**

Supt. of Highway – 3/2013

YS Comptroller/Justice Court – 3/13

**OLD BUSINESS:**

**Inter-municipal Sewer Agreement** - Supervisor Maneely said that Town and Village representatives will get together soon to finalize this agreement.

**Gravel Options 1 & 2- Bid** – Clerk Hafter reported on the bid opening held 4/24/13, for gravel for the Highway Department for 2013. Two bids were received; both from Titus Mountain:

**Option #1 - \$2.50 per yard**

**Option #2 - \$7.00 per yard**

Superintendent of Highways Shanty asked for time to review his options before making a decision on the gravel.

**Insurance Broker of Record** – Tabled from the meeting of 03/27/2013. Only one response was received to the RFQ published by the Town, from Sid Spear Agency. Correspondence was received 4/11/2013 from King Clark Co., referencing letters from 3/1/13 and 3/14/13 (prior to RFQ) requesting broker of record status. The Town's current broker, NBT Latremore presented at tonight's meeting, expressing their interest in continuing as agent for the Town. Supervisor Maneely said he would like to advertise again, this time asking for coverage for the Airport which is separate from NYMIR. Patrick Maguire of Sid Spear was present and asked that he be allowed to speak as well. Mr. Maguire said he has gone over the Town's current coverage with a fine tooth comb and has found some concerns. He said that the separate airport coverage the Town is carrying now does not provide separate or umbrella coverage for Public Officials Liability. He noted also that prior claims are covered only back to 2009. When Sid Spear managed the Town's policies, there was appropriate coverage for all the airport needs. Mr. Maguire has experience with NYMIR and presented the Board with a letter of reference from them. He currently acts as the agent for NYMIR with the Towns of Bombay and Constable as well as the Village of Malone. He asked the Board for their consideration.

**SUPERVISOR REPORTS:**

**Local Law #2 -**

**Motion** – Councilor Sullivan

**Second** – Councilor Taylor

**Resolution #87-2013  
LOCAL LAW #2 - 2013**

**Best Value**

1. The Town Board seeks to exercise its local option set forth in New York State General Municipal Law §103 (1), as amended by Chapter 608 of the Laws 2011 and Chapter 2 of the Laws of 2012, which amendment authorizes the Town to award purchase contracts and contracts for services subject to competitive bidding under General Municipal Law §103 on the basis either the lowest responsible bidder or "best value" as defined in New York State Finance Law §163. Factors that may be used to enact the "best value" option, where cost efficiency over time to award the good(s) or service(s) to other than the lowest bidder, are:

- (a) lowest cost of maintenance for good(s) or service(s);
- (b) durability of good(s) or service(s);
- (c) higher quality of good(s) or service(s);

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(d) longer product life of good(s) or service(s).

2. The Town Board may award purchase contracts and service contracts that have been procured pursuant to the competitive bidding clause of General Municipal Law §103, wherein the award of purchase contracts or service contracts must be determined by either the lowest responsible bid or the best value of said good(s) or service(s).

3. The provisions of this Law apply to Town purchase contracts involving any expenditure of more than \$20,000.00 and Town contracts for service(s) involving expenditures or more than \$35,000.00 but exclude purchase contracts necessary for the completion of a public works contract pursuant to New York State Labor Law Article 8 and exclude any other contract that may, in the future, be excluded under state law from the best value option. If the dollar thresholds of General Municipal Law §103 are increased or decreased in the future by the New York State Legislature, the dollar thresholds set forth herein shall be deemed simultaneously amended to match the new General Municipal Law §103 thresholds.

4. Goods and services procured and awarded on the basis of “best value” are those that the Town Board determines will be of the highest quality while being the most cost efficient. The determination of quality and cost efficiency shall be based on objectively quantified and clearly described and documented criteria, which may include, but shall not be limited to, any or all of the following:

- (a) Cost of maintenance;
- (b) Proximity to the end user if distance or response time is a significant term;
- (c) durability;
- (d) availability of replacement parts or maintenance contractors;
- (e) longer product life;
- (f) product performance criteria;
- (g) quality of craftsmanship.

5. Whenever any contract is awarded on the basis of best value instead of lowest responsible bidder, the basis for determining best value shall be thoroughly and accurately documented.

6. Any inconsistent provision of the Town of Malone’s Procurement policy, as adopted prior to the effective date of this Law, by resolution of the Town Board of the Town of Malone, or as amended thereafter, shall be deemed superseded by the provision of this Law.

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

**Malone Joint Rec Commission –**

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Sullivan

**Resolved (#88-2013):** to appoint Jen Bilow to the Malone Town/Village Joint Recreation Committee, to complete the term to 03/01/2017 which was vacated by Gordon Halley.

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

**West End Sewer Project –**

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Sullivan

**Resolved (#89-2013):** to authorize the Supervisor to sign an agreement with Capital Consultants Architecture and Engineers, Inc. (C2AE), the successor firm for Burley-Guminiak, for the continued professional services of Tim Burley, for the West End Sewer Project.

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

**Lower Park Street** – A meeting regarding the mitigation process for flood damaged properties on Lower Park Street will be held on Thursday May 2<sup>nd</sup> or Thursday May 9<sup>th</sup> according to Ricky Provost of Franklin County Emergency Services. All residents of the flood area will be invited. 10 properties have been identified for mitigation.

**SUPERINTENDENT OF HIGHWAYS REPORT:**

**Superintendent of Highways Shanty** reported the department has been busy with signs, posts and patching. Work on the upper Johnson Road is continuing and will be completed prior to the bridge repair, which will cause the bridge to be closed for 2 ½ - 3 weeks.

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**BOARD MEMBER/COMMITTEE REPORTS:**

**Councilor Sullivan** reported that the local pilots are asking that during airport construction projects, the staging area be located in an area that will not require use of the taxiway by construction vehicles.

**CORRESPONDENCE:**

**From** Franklin Co. Soil & Water - training on SEQRA (3:00-5:00pm) and Zoning Board of Appeals issues (5:30-7:30pm) on 6/13/13 at the County 911 Building

**NEW BUSINESS:**

**Training Request –**

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Taylor

**Resolved (#90-2013):** to authorize Budget Officer Stewart and Floater Clerk Hudson to attend a regional Government Finance Officer seminar, in Lake Placid on 5/21/13, with all necessary expenses to be paid by the Town (mileage, class registration fee).

**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 (#91-2013):** to authorize Assessment Field Worker Tichenor to attend Training conducted by the NYAA, in Cornell, from 07/15 to 07/19/2013, with all necessary expenses to be paid by the Town.

**CARRIED(4 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye**

**Councilor Sullivan - Aye    Councilor Taylor - Aye    Councilor Scharf - Absent**

**Budget Transfer –**

**Motion** – Councilor Taylor

**Second** – Deputy Supervisor Walbridge

**Resolved (#92-2013):** to authorize the Budget Officer to transfer \$9,777.50 from A690 Clearing House to A2610 court fees, as per the Comptroller notice for March 2013.

**CARRIED (4 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye**

**Councilor Sullivan - Aye    Councilor Taylor - Aye    Councilor Scharf - Absent**

**Agent of Record/Airport Ins.**

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Taylor

**Resolved (#93-2013):** to TABLE a decision on choosing an Agent of Record to manage the Town's insurance programs, until Mr. Maguire of Sid G. Spear, Inc. can provide a quote for the cost of airport related insurance, not covered by NYMIR, as he has offered ; and to allow other interested agents to do the same.

**CARRIED (4 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye**

**Councilor Sullivan - Aye    Councilor Taylor - Aye    Councilor Scharf - Absent**

**BILLS FOR AUDIT & PAYMENT:**

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Taylor

**Resolved (#94-2013):** that the following bills, having been audited, vouchers #388 - 416, be paid:

General Fund – Abstract #9	\$ 31,690.04
Part Town General - #7	131.38
Highway Townwide (DA) - #7	4,021.01
Highway Outside (DB) Fund - # 8	1,922.86
Trust & Agency Fund - #15	30,320.49
Airport Capital Project - #5	<u>1,500.00</u>
Grand Total:	\$ 69,585.78

**CARRIED (4- 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye**

**Councilor Sullivan - Aye    Councilor Taylor - Aye    Councilor Scharf - Absent**

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**ADJOURN:**

**At 7:18 pm**

**Motion** – Deputy Supervisor Walbridge

**Second** – Councilor Sullivan

**Resolved (#95-2013):** there being no further business to come before the Board that it adjourn, with the next regular meeting to be May 8th 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**

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