

Regular Meeting Malone Town Board

A regular meeting of the Malone Town Board was held at 6:00pm, Wednesday April 28, 2010, at the Malone Town Offices, 27 Airport Road, Malone, New York.

PRESENT: Supervisor Howard Maneely
Deputy Supervisor Paul Walbridge
Councilor John Sullivan
Councilor Mary Scharf

ABSENT: Councilor Louise Taylor

ALSO PRESENT: Susan Hafter, Town Clerk
Andrea Stewart, Budget Officer/Bookkeeper
Lillian-Anderson Duffy, Town Attorney

Tim Burley, Canton Giles Legacy, Malone
Darcy Fargo, Malone Telegram Denise Raymo, Press-Republican

At 6:00pm Supervisor Maneely called the meeting to order with a Pledge to the Flag.

PRESENTATION TO THE BOARD:

Sewer Line Concerns - Tim Burley, of Burley-Guminiak Engineers addressed the Board with 3 separate proposals for managing the delivery of sewer service to the Town of Malone West Side Sewer Districts 1 and 2. The DEC issued an order to the Town to correct a problem with some unregulated sewer lines which have been connected to the Village sewer main for years. The creation of district with suitable infrastructure is the preferred solution. The three proposals presented by Mr. Burley include 1) gravity feed along the south side of Rt. 11, from the NBT Bank west to the manhole at Town garage; 2) bore under Rt.11 from Aldi/NBT to the NYS Police Station, then gravity feed on the north side of Rt.11 to the manhole at the Town garage; 3) use of a grinder pump and force main (not recommended by Burley-Guminiak as each user would require a separate pump). Burley-Guminiak has compiled digital mapping for the entire area covered by Sewer districts #1 and #2; and a Sewer Operations & Maintenance Manual is forthcoming. Mr. Burley said the Town will need to procure easements from the property owners along the route and doing it now will show the DEC a good faith effort by the Town toward correcting the problem. The project will affect the Aldi complex, Suburban Propane property, Ward Lumber property and the adjacent vacant lot. The Town is eligible for a loan to fund the project and the issuance of the Consent Order assists the Town in eligibility. Benefited properties would repay through sewer district fees, based on flow. They also could contribute up-front funding. Mr. Burley noted that his firm has provided design and planning services to Aldi in the process of preparing his report, and has asked them to pay for the "extra mile" completed on their behalf, as under the auspices of work provided to the Town, Aldi has been saved from the Consent Order. Mr. Burley will try to obtain a hardship status for the Town that could provide funding faster and cheaper.

He reported that the Village of Malone will require sewer flow and capacity studies for a one mile "in-fill radius" of the village boundary, resulting in finite answers available to the Town and prospective developers, saving them from doing individual studies. He said the Village is pro-active in this regard, that it is good business on their part and a plus for the Town. While the Town must wait until the study is completed before moving on with the sewer project, he noted that funding also takes time, and he recommended the Town submit a preliminary application to the USDA.

* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Scharf

Resolution # 30- 2010

Whereas, the Town of Malone is under Consent Order from the NYSDEC to correct a sewage infrastructure concern, in an area not within a sewer district, located on Rt. 11 West in the Town of Malone, and

Whereas, the Town Board of the Town of Malone is desirous of correcting the sewer problems in the area of concern and providing new sewer service to surrounding properties, in order to promote further future development; and

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Whereas, the engineering firm of Burley-Guminiak & Associates has prepared a study and proposal with three separate options that address the infrastructure concerns and extension of service, as follows: 1) gravity feed along the south side of Rt. 11, from the NBT Bank west to the manhole at Malone Town garage; 2) bore under Rt.11 from Aldi/NBT to the NYS Police Station, then gravity feed on the north side of Rt.11 to the manhole at the town garage; 3) use of a grinder pump and force main, with each entity requiring their own pump; and

Whereas, Burley-Guminiak & Associates have recommended to the Town Board of the Town of Malone that Option #1 would be the most advantageous course of action to meet the needs and expectations of the Town and its residents; and

Whereas, assistance with funding for the proposed project may be available to the Town of Malone through USDA grants and/or loan programs; and

Whereas, the Village of Malone will conduct flow and capacity studies on village sewer infrastructure and potential extensions, the results of which will be factored into any finalized plans by the Town for sewer services;

Now, therefore, be it

Resolved: that the Town Board of the Town of Malone does hereby approve and accept the recommendation by Burley-Guminiak & Associates to move forward with Option #1 as presented in their report entitled "South Side State Route 11 Sewer Options and Opinions of Costs" at an overall Town Planning cost of \$267,000.00; and

Be it further Resolved: that the Town Board of the Town of Malone hereby authorizes Burley-Guminiak & Associates to prepare a preliminary application for assistance to the USDA for funding this project.

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

* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Sullivan

Resolution #31-2010

Whereas, the Town of Malone has established a sewer district on Rt. 11 West in the Town of Malone, known as Sewer District #1; and

Whereas, the Town of Malone, through a New York State budget line item, has obtained a pump for a portion of Sewer District #1 that cannot be utilized by gravity feed; and

Whereas, the Town of Malone does not having funding for the installation of the sewer pump, and does not want the cost of the installation to be borne by the benefited properties

Now, therefore, be it

Resolved: that the Town Board of the Town of Malone does hereby authorize Burley, Guminiak & Associates to apply for USDA funding, on behalf of the Town of Malone, to cover the cost of installation of a sewer pump in the Town of Malone West Side Sewer District #1.

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

MINUTES & REPORTS:

* On the motion of Councilor Sullivan with a second thereto by Councilor Scharf to accept the minutes of the regular meetings of March 24, 2010 and April 14, 2010 as presented and place on file.

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

* 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 reconciliation report: 1/1/2010- 3/31/2010

Supervisor's reports: 2/2010 & 3/2010

Justice Court: 3/10

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

OLD BUSINESS:

Bid Results/Sand & Gravel - Superintendent Shanty made recommendations on the

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4/14/10 Sand & Gravel bid results, for Town Board consideration.

* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Sullivan to accept the bid from H & C Robinson for sand, Option # 1, at a cost of \$1.95 per yd.; and to accept the bid for gravel, Option # 1, from Titus Mt., Inc. at a cost of \$2.05 per yd.

Discussion – Councilor Scharf asked why the bids were not awarded to the apparent low bidders. Superintendent Shanty answered that the proximity of the materials to planned projects and the cost of transporting materials were also factored into the choice.

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

SUPERVISOR REPORTS:

Water/Sewer Requests

* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Scharf to allow Mo's Pub & Grill, LLC to tap into the Town of Malone West Side Water District, providing they also receive approval from the Village of Malone.

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

* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Sullivan to allow Mo's Pub & Grill, LLC to tap into the Town of Malone Sewer District #1, provided the following conditions have been met: 1) the Town has accepted ownership of the Branch Commercial Property sewer lines, other than laterals from each building; 2) the National Grid easement has been determined 3) the New York State DEC has given approval and 4) the Village of Malone approves.

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

CDBG – Supervisor Maneely noted that the Town's application for CDBG funding for Housing Rehabilitation has been submitted.

SUPERINTENDENT OF HIGHWAYS REPORT:

Superintendent Shanty reported a busy day after yesterday's snowstorm, and anticipates 3 – 4 days for clean-up of branches. The department has done tree and branch work on Stone Rd. in preparation for paving, has repaired a culvert on Junction Rd., and has set up the screening plant at the village pit. The Superintendent has reviewed radios for the trucks from 2 different companies, and said he could go either way on them.

Supervisor Maneely **tabled** the selection of a supplier for highway radios, and turned the quotes over to committee (Sullivan & Scharf) for review.

Bid Item –

*On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Scharf to authorize Superintendent Shanty to sell town-owned 1962 Cat Grader (in running condition, but not used for 10 -12 years) at a scheduled multi-municipal auction.

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

Seasonal laborer -

*Upon the recommendation of Superintendent Shanty, and on the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Sullivan to authorize the hire of Alex Mulverhill, effective May 3rd 2010 as a seasonal highway employee, as he was last year, with the same rate of pay.

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

CORRESPONDENCE:

- from the residents of the Bean Road – a request to have the ½ mile of Bean Road paved.

-from Donovan's Steak & Ale, intent to renew liquor license

- from the Malone Chamber of Commerce, invitation to a breakfast meeting at the Malone Golf Club, May 11th 2010, at which the Malone chamber will be welcomed into a greater regional chamber coalition.

NEW BUSINESS:

Taxi – Supervisor Maneely said a local businessman has asked to set up a taxi business in the Town of Malone to service the community. The Town has no law or regulations in regard to a taxi business. The Supervisor asked Attorney Anderson-Duffy to prepare a

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draft law for Board consideration, possibly using the Village of Malone taxi law as a basis.

* On the motion of Supervisor Maneely with a second thereto by Deputy Supervisor Walbridge to **table** the request for a taxi business in the Town, until the Town has adopted a law to govern such an enterprise.

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

EXECUTIVE SESSION:

* At 7:00pm, on the motion of Supervisor Maneely with a second thereto by Councilor Sullivan, that the Board enter into Executive Session to discuss a personnel issue, with all Board Members and the Town Attorney, to be in attendance.

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

At 7:20pm, the Executive Session ended with no action taken and the Regular Meeting resumed.

BILLS FOR AUDIT & PAYMENT:

* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Sullivan that the following bills, vouchers # 361 – 382, having been audited, be paid:

General Fund	\$10,864.19
Part Town General Fund	770.75
Trust & Agency	298.10
Chips Fund	370.49
Highway DA	250.31
Highway DB	<u>3,166.67</u>
Grand Total	\$15,720.51

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

ADJOURN:

* At 7:22pm, on the motion of Supervisor Maneely with a second thereto by Councilor Sullivan, there being no further business to come before the Board, that it duly adjourn, with the next regular meeting to be held on Wednesday, May 12, 2010 @ 6:00 PM

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

RESPECTFULLY SUBMITTED,

SUSAN M. HAFTER, TOWN CLERK

May 7, 2010