

A regular meeting of the Malone Town Board was held Wednesday, May 14, 2008 at the Malone Town Offices, 27 Airport Rd, Malone, New York, commencing at 6:00PM, and preceded by a Public Hearing at 5:15PM and an IDA meeting at 5:45PM.

Public Hearing

At 5:15PM Deputy Supervisor Walbridge opened the Public Hearing regarding proposed Local Law # 1 for 2008, which would change the position of Superintendent of Highways from an elected to an appointed position.

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

ABSENT: Supervisor Howard Maneely

ALSO PRESENT: Susan Hafter, Town Clerk
 Andrea Stewart, Budget Officer/Bookkeeper
 Lillian-Anderson Duffy, Town Attorney
 Mark Besio, Highway Clerk
 Rick Yelle, MEO, Highway Dept.

John McCarthy, Malone

Jeff Dora, Malone

John Fellion, Malone

Mary Claire Sherwin, Malone

Ron Benware, Malone

Darcy Fargo, Malone Telegram

Town Clerk Hafter read the Legal Notice aloud and Deputy Supervisor Walbridge called for comments from the public.

Rick Yelle commented on the quote in the Malone Telegram attributed to Supervisor Maneely, which said the voters could elect a new Board if they didn't like the appointed Highway Superintendent. He said it would be easier for the public to just elect a Superintendent.

Ron Benware said that highways workers should have the chance to advance their career by running for Superintendent. He added that the appointment of a Super would make sense if the appointee was from the Highway crew, but not otherwise.

Mark Besio inferred from the Telegram article that the Board had a concern with the Highway Department budget. He noted that the Board approves the budget, and the department stays within it. He also said that taking the vote away from the public is infringing on their basic democratic rights.

John McCarthy agreed with Mr. Besio about the voters' rights. He said an appointed position could become politicized and the Superintendent could turn out to be a "no show". He went on to criticize the current (elected) Superintendent's 3 month paid vacations in the winter. He said the Highway workers do a great job and commented that they are doing the renovations on the Justice Court offices, and he thinks they should be doing road work.

Ron Benware defended the use of Highway employees for the construction work saying that it makes for considerable savings over the use of an outside contractor.

Bruce Santy criticized Superintendent Livernois, saying that he can't run the garage from Florida; and that paying him while he is gone is a waste of taxpayer's money. He stated also that the Supervisor has been known to use Town owned vehicles and materials for his own purposes. He complained that the Highway crew wastes sand by putting too much on his road and then scraping it off with the plow.

John Fellion said that a complaint was made about Superintendent Livernois to the DA's office but no charges were made. He added that he is not in favor of taking away the right of the taxpayers to vote for the Superintendent. He noted that if an elected Superintendent is not a good choice one, the town Board doesn't have to take the blame.

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Deputy Supervisor Walbridge said that the Highway budget is not his concern in this matter, but rather the long absences of the Superintendent. He said the Board had no control over the vacation time taken. **John Fellion** responded that the Board does have control over the salary.

Jeff Dora commented that the democratic thing to do is to put the election/appointment issue to the voters on the November ballot.

Mary Claire Sherwin said that if the general public had concerns over this issue, there would be many more here tonight.

Town Attorney Anderson-Duffy said that there is no cost and therefore should be no opposition to putting the issue to a vote at general election.

At 5:45PM, with no additional comments from the public, Deputy Supervisor Walbridge closed the Public Hearing, with thanks to those who attended.

IDA Meeting

Opened at 5:45PM; closed at 5:50PM.

Regular Meeting

At 6:00 PM, Deputy Supervisor Walbridge called the meeting to order.

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

ABSENT: Supervisor Howard Maneely

ALSO PRESENT: Susan Hafter, Town Clerk
Andrea Stewart, Budget Officer/Bookkeeper
Lillian-Anderson Duffy, Town Attorney
Mark Besio, Highway Clerk
Rick Yelle, MEO, Highway Dept.

Chris LaBarge, Malone Nathan Race, Malone Darcy Fargo, Malone Telegram
Donovan Reyome, Malone John Fellion, Malone John McCarthy, Malone

MINUTES:

*On the motion of Councilor Taylor with a second thereto by Councilor Sullivan to accept the minutes of the April 23rd 2008 regular meeting as presented and place on file.
CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR (4-0).

REPORTS:

* On the motion of Councilor Caplan with a second thereto by Councilor Taylor to accept the following reports as presented and place on file:

Supervisor report for 4/2008 Airport Manager – 4/2008
Supt. of Highways – 4/2008 Town Clerk/Registrar – 4/08

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

FOR BOARD INFORMATION:

Joint Recreation Commission agenda for 5/13/08 & minutes from 4/8/08 and
Town Planning Board minutes from 3/3/08

OLD BUSINESS:

SEQR /Trooper Barracks – Deputy Supervisor Walbridge reported that all concerned and involved agencies have agreed to the Town's lead agency status for the new Troopers Barracks SEQR process.

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Bid Results/Mowing – Town Clerk Hafter reported on the Bid Opening conducted earlier today for mowing services for Town of Malone properties in 2008. Two bids were received: From Rick Yelle -\$3,240.00; 6 payments of \$570.00, with first to be paid in advance; From Straight Cut Lawn Care – \$12,500.00

* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Taylor to accept the bid from Rick Yelle, in the amount of \$3, 240.00 for town mowing services for the 2008 season; and to authorize Budget Officer Stewart to issue the first of six \$570.00 payments up front.

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

SUPERVISOR REPORTS:

Sewer Pump- Deputy Supervisor Walbridge announced that the Town has been granted \$55,000.00 by line item, from Senator Betty Little, for installation of a Sewer Pump for the 11 West Sewer District.

FAA Grant –

* On the motion of Councilor Taylor with a second thereto by Councilor Caplan

Resolution #4-2008

BE IT RESOLVED: that the Town Board of the Town of Malone hereby accepts the award of \$166,070.00 in grant funding from the Federal Aviation Administration for the design of Parallel Taxiway “B”, as identified in the ACIP; and to be known by project code 3-36-0053-20-08.

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

Brownfield Opportunity Area Grant –

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

Resolution #5 – 2008

Non-Lead Applicant Resolution

Village/Town Pre-Nomination Study, Brownfield Opportunity Areas Program

Whereas, the Town of Malone , after thorough consideration, has hereby determined that certain work, as described in its application and attachments, herein called the “Project”, is desirable; and

Whereas, Section 970-r of the General Municipal Law authorizes State assistance to eligible parties for Brownfield Opportunity Areas Program grants by means of a State Assistance Contract (SAC) and the applicant deems it to be in the public interest and benefit under this law to enter in contract therewith;

Now, therefore, be it resolved by the Town of Malone that:

- 1) Supervisor Howard Maneely is the representative authorized to act in behalf of the applicant in all matters related to State Assistance under Section 97-r of the General Municipal Law for the Project;
- 2) the Applicant agrees that it will complete the Project;
- 3) the Applicant agrees that it will fund its portion of the Applicant’s 10% share of the Project;
- 4) the Lead Applicant and its designated authorized representative identified as the Village of Malone Mayor Brent Stewart is the fiscal administrator for the State Assistance Contract (SAC) in accordance with Schedule B of the SAC, and
- 5) this Authorization take effect immediately.

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

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* On the motion of Councilor Caplan with a second thereto by Councilor Sullivan to authorize the Supervisor to sign the contract with the NYS Dept. of State, along with the Mayor, for Brownfield grant monies

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

Malone Golf Club – Deputy Supervisor Walbridge announced that the Town has received a lease payment of \$7,244.23 from the Malone Golf Club.

Local Law #1-2008 –

* On the motion of Councilor Taylor with a second thereto by Councilor Sullivan:

**Resolution #6-2008
to adopt a Local Law entitled
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).

BOARD MEMBER/COMMITTEE ITEMS:

Councilor Caplan reported that the night of the next scheduled meeting, Wednesday, May 28th 2008, is also the night of a Hospice Dinner that both he and Councilor Sullivan are to attend.

* On the motion of Deputy Supervisor Walbridge with a second by Councilor Caplan to cancel the regularly scheduled Town Board meeting of May 28th 2008; with next regular meeting scheduled for June 11th 2008.

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

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CORRESPONDENCE:

- From American Legion Post 219 – Memorial Day Parade @ 10:00AM on 5/26/08

- From Donovan Reyome – Notice of intent to apply for a liquor license d/b/a Donovan's Steak and Ale (former Hill& Dale Restaurant) & a request for the Board to waive the thirty day waiting period

* On the motion of Councilor Taylor with a second thereto by Councilor Caplan to grant a waiver of the 30 day waiting period for application of a liquor license, to Donovan Reyome d/b/a Donovan's Steak and Ale.

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

- From NYSCOPBA- Letter of thanks for support given for Camp Gabriels

- From Dawn Cook, Owls Head NY & Mark Flick, Malone – complaints regarding the alternate routes during the County Route 25 bridge replacement project

- From NYS Office of Real Property Services – Malone's Revised Residential Assessment Ratio @ 83.81

- From Malone Lions Club – “White Cane Awareness Day” June 3rd from 9-11 AM @ Memorial Park

- From Trident Insurance Company – notice of denial of claim submitted by Deborah Warren, for a March 24th 2008 incident

NEW BUSINESS:

Training Request -

* On the motion of Councilor Caplan with a second thereto by Councilor Sullivan to allow Budget Officer Stewart to attend a 6/19/08 meeting relating to NYS Retirement, at Clinton Community College, with all necessary expenses to be paid by the Town.

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

SEQR/Trooper Station – Attorney Anderson-Duffy advised the Board that there are some issues with the construction of the new Troopers Station that should be addressed in a full EAF, rather than the short form as has been submitted.

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

Resolution #7-2008

BE IT RESOLVED: That the Malone Town Board, by way of consent from the NYSDEC, NYSDOT and the Village of Malone, does hereby assume Lead Agency status for the purpose of SEQR, relating to the construction of New York State Police Troop “B” Station on Rt. 11 West in the Town of Malone; and

BE IT FURTHER RESOLVED: That the Malone Town Board determines the above noted project to be and Unlisted Action under SEQR guidelines; and

BE IT FURTHER RESOLVED: That the Project sponsor shall be required to submit a full EAF to the Town before a SEQR declaration may be made.

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

EXECUTIVE SESSION:

* At 6:22 PM, on the motion of Councilor Taylor with a second thereto by Councilor Sullivan that the Board enter into Executive Session to discuss contract negotiations with all Board Members, Town Attorney Anderson-Duffy, Attorney Nathan Race and Chris LaBarge to be in attendance.

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

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At 6:55PM, the Executive Session ended and the Regular Meeting resumed, with no action taken.

* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Taylor, to authorize Budget Officer Stewart to pay the second installment of \$570.00 to Rick Yelle for mowing services at the end of this month.

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

BILLS FOR AUDIT & PAYMENT:

*On the motion of Councilor Taylor with a second thereto by Councilor Sullivan, that the following bills, vouchers # 367 -418, having been audited, be paid:

General Fund	\$ 11,049.30
Part Town General	\$ 337.30
Highway DA Fund	\$ 979.50
Highway DB Fund	\$ 19,578.47
East Side Water	\$ 335.98
Chips Fund	\$ 808.82
Trust & Agency Fund	<u>\$ 1,759.92</u>
Grand Total:	\$ 34,849.29

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

ADJOURN:

*On the motion of Councilor Taylor 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 Wednesday June 11th 2008 @ 6:00 P.M.

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

RESPECTFULLY SUBMITTED,

Susan M. Hafter, Town Clerk
May 16th 2008