

A regular meeting of the Malone Town Board was held Wednesday, December 28th 2011, at the Malone Town Offices, 27 Airport Rd., Malone, NY, commencing at 6:00pm, preceded by a Public Hearing at 5:45pm.

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

ALSO PRESENT: Susan Hafter, Town Clerk
Andrea Stewart, Budget Officer/Bookkeeper
Sherri Smith, Deputy Clerk
Lillian-Anderson Duffy, Town Attorney
Tom Shanty, Highway Superintendent
Jonathan Trombley, Malone Calvin Martin, Malone
Steve Garneau, ComLinks Denise Raymo, Press Republican
Trish Livernois, Malone Telegram

Public Hearing –

At 5:45pm, Supervisor Maneely called to order a Public Hearing in regard to the Town's proposal for bonding, in order to pay for the replacement of rusted hydrant bolts, which has been completed, within the West Side Water District.

Denise Raymo of the Press-Republican asked whether hydrant bolts within the East Side Water District have also been replaced. **Supervisor Maneely** answered that they have not, as there has not been a problem in that district.

There were no other comments from the public or board members.

At 6:00pm, Supervisor Maneely declared the Public Hearing closed

CALL TO ORDER: Supervisor Maneely called the meeting to order at 6:00pm, with a pledge to the flag.

MINUTES & REPORTS:

* **Motion** – Deputy Supervisor Walbridge **Second** – Councilor Taylor
Resolved (# 256- 2011): to accept the minutes of the regular meeting of 12/14/11 as presented and place on file.
CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye

The following reports were submitted for review & filing:
Code Officer – 11/11 Supervisor – 11/11

OLD BUSINESS:

River Road – Highway Superintendent Shanty reported that he has received permission from the county and state DOT to erect all-way (3) stop signs at the intersection of River Road and Thomas Hill.

* **Motion** – Deputy Supervisor Walbridge **Second** – Councilor Taylor
Resolution #257-2011

Whereas, the Town Board of the Town of Malone has received complaints and concerns about the intersection at River Road and Thomas Hill Road in the Town of Malone; and

Whereas, previous attempts to answer to the concerns, including a reduced speed zone and public awareness efforts, have not resulted in satisfactory remediation of the problem, and

Whereas, the Malone Town Board and the Malone Superintendent of Highways have sought and received guidance and authority from the New York State Department of Transportation;

Now, Therefore, Be It

Resolved: that the Town Board of the Town of Malone authorizes the Superintendent of Highways to erect a three-way stop at this intersection; with signs at Thomas Hill Road and at each side of River Road where they meet; and

Further Resolved: that this resolution serves as Public Notice that these stop signs are to be erected and that enforcement thereof is effective beginning January 9th 2012.

**CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye**

SUPERVISOR REPORTS:

Sewer – Supervisor Maneely reported that J. T. Erectors is working with National Grid, to submit a proposal for installation of the West Side Sewer District sewer lift pump, by the end of next week

Airport –

* **Motion** – Deputy Supervisor Walbridge **Second** – Councilor Taylor

Resolved (# 258 - 2011): that the Malone Town Board does hereby approve the consultant agreement with C & S Engineers, Inc. for the construction observation and administration services associated with the construction Partial Parallel Taxiway B – Phase 2, in the amount of \$197,500.00.

**CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye**

* **Motion** – Deputy Supervisor Walbridge **Second** – Councilor Sullivan

Resolved (# 259 - 2011): that the Town Board approves, and will issue the Notice to Proceed to Ketkco Inc., for construction of Partial Parallel Taxiway B, Phase II, at the Malone Dufort Airport.

**CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye**

Appointments -

* **Motion** – Councilor Sullivan **Second** – Councilor Scharf

Resolved (# 260 - 2011): that the Town Board reappoints John Glazier to the Variance Board of Appeals, for a 5 year term to expire 11/18/2014; and reappoints Rob Haynes to another 7 year term on the Planning Board to expire 9/8/2018.

**CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye**

Holidays -

* **Motion** – Deputy Supervisor Walbridge **Second** – Councilor Taylor

Resolved (# 261 - 2011): to approve the 2012 holiday schedule for Town of Malone employees as submitted.

**CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye**

SUPERINTENDENT OF HIGHWAYS REPORT:

Superintendent of Highways Shanty reported that the men are installing new shelves in the parts room and cutting trees and brush. He said the new loader arrived last week.

BOARD MEMBER/COMMITTEE REPORTS:

Councilor Sullivan reported that some of the Malone Call Firemen have expressed concern about County Self-Insurance. Budget Officer Stewart has spoken with Jason Ellis and told him that they are automatically covered.

Deputy Supervisor Walbridge reported on a meeting with the local pilots and Passero associates. He said there are several grant possibilities in the works. He added that the CGF program through NYS is not working to the advantage of the North Country.

Airport Manager Besio said the pilots are asking whether Runway 14-32 is to be plowed this winter. Supervisor Maneely said he would like to see the runway remain open as FAA funding could be jeopardized. He said the windsock is tattered and the pilots may replace it.

***Motion** – Deputy Supervisor Walbridge **Second** – Councilor Scharf

Resolved (# 262 - 2011): that the Town Board recommends to Superintendent of Highways Shanty, that for the 2011 – 2012 season, after all Town of Malone roads are plowed, the department plow the runways, including 14-32, without accumulation of overtime.

CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye

CORRESPONDENCE:

From NYS CDBG – 2011 Micro Enterprise grant agreement for Board review, to be signed & returned within 45 days.

From MEDCO – no longer interested in being a Town sub-recipient for Micro Enterprise

NEW BUSINESS:

2012 Fire Protection District Contract – Deputy Supervisor Walbridge and Councilor Sullivan serve as the Committee for Fire Protection. The Deputy Supervisor said that the contract under review is not much different from last year.

***Motion** – Deputy Supervisor Walbridge **Second** – Councilor Sullivan

Resolved (# 263 - 2011): to authorize Supervisor Maneely to sign the 2012 contract with Malone Call Firemen, Inc. for fire and rescue services for the Malone Town Fire Protection District, as per contract presented.

Discussion – Budget Officer Stewart questioned a clause in the contract that reads “Town shall provide arrange for benefits”. Attorney Anderson-Duffy said she has not reviewed the contract. Deputy Supervisor Walbridge withdrew his motion, and **TABLED** the action for Town Attorney review.

EMS -

***Motion** – Deputy Supervisor Walbridge **Second** – Councilor Scharf

Resolved (# 264 - 2011): to approve the list of EMS fire fighters, as presented by the Malone Call Firemen, Inc.

CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye

Bonding -

Attorney Anderson-Duffy reported that 2 banks bid on issuing bonds to the Town in regard to replacement of the hydrant bolts in the West Side Water District as follows: NBT bid 4.49% and Community Bank bid 4.29%.

***Motion** – Deputy Supervisor Walbridge **Second** – Councilor Taylor

**RESOLUTION #265
AND ORDER AFTER PUBLIC HEARING**

*In the Matter of the
Replacement of Hydrants Bolts in all of the Hydrants of the West Side
Water District in the Town of Malone, in the County of Franklin,
Pursuant to Section 202-b of the Town Law of the State of New York*

WHEREAS, the Town Board of the Town of Malone, Franklin County, New York (the “Town”) has heretofore caused preliminary plans in connection with the proposed replacement of all the hydrants bolts in the West Side Water District (the “District”) together with an estimate of the cost thereof, prepared by Craig Brand, a private contractor; and

WHEREAS, upon completion of said preliminary plans and estimate of cost and the filing thereof in the office of the Town Clerk, the Town Board of the Town adopted a resolution and order calling a public hearing thereon and caused a notice of such hearing to be published and posted in the manner provided in Section 193 of the Town Law of the State of New York, describing in general terms the proposed improvement, specifying the estimated cost thereof to be \$40,000.00 and stating that the Town Board would meet to hear all persons interested in the subject matter thereof on December 29, 2011 at 5:45 p.m. at the Town of Malone offices; and

WHEREAS, a public hearing was held at the time and place aforesaid in the manner described
**CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye**

***Motion – Councilor Sullivan Second – Councilor Taylor**

Resolution #266-2011

Authorizing the issuance of serial bonds of the Town of Malone, Franklin County, New York in an aggregate principal amount not to exceed \$40,000.00, pursuant to the local finance law, to finance the replacement of hydrant bolts in the West Side Water District and delegating the power to issue bond anticipation notes in anticipation of the sale of such bonds to the Town Supervisor

Be It Resolved, by the Town Board of the Town of Malone, Franklin County, New York (the “Town”)(by favorable vote of not less than two-thirds of all of the members of the Board) as follows:

Section 1. The specific purpose (hereinafter referred to as “purpose”) to be financed pursuant to this resolution is the replacement of all of the hydrant bolts in the West Side Water District (the “District”). The estimated maximum cost of said purpose is \$40,000.00.

Section 2. the Town Board plans to finance the total cost of said purpose by the issuance of serial bonds of the Town in an amount not to exceed \$40,000.00, hereby authorized to be issued therefore pursuant to the Local finance Law, and the assessment, levy and collection of special assessments upon the several lots and parcels of land within the District which the town Board shall deem especially benefited by said facilities, so much upon and from watch as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same, to pay the principal of and interest on said bonds.

Section 3. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph a of Section 11.00 of the Local finance Law, and that the period of probable usefulness is forty (40) years.

Section 4. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will be in excess of five (5) years.

Section 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

Section 6. The proceeds of the bonds authorized by this resolution, and any noted issued in anticipation thereof, may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the specific purpose set forth herein. This resolution shall constitute a statement of official intent for purposes of Treasury regulation Section 1.150-2 of the United States Treasury Department.

Section 7. Each of the bonds authorized by this resolution, and any notes issued in anticipation thereof, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal and of interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. There shall annually be levied on said several lots and parcels of land within the district a tax sufficient to pay the principal and interest on said bonds as they become due and payable.

Section 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes, and the power to prescribe the terms, for and contents of said serial bonds and said bond anticipation notes (including, without limitation, dates, denominations, maturities, interest payment dates, consolidation with other issues, manner of execution and redemption rights), and the power to determine to issue said bonds providing for

substantially level or declining debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of said bonds, are hereby delegated to the Town Supervisor, the chief Fiscal Officer of the Town. The town Supervisor is hereby authorized to sign any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of the Town to any of said serial bonds or any bond anticipation notes and to attest such seal.

Section 9. The Town supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt obligations" in accordance with Section 265(b) (3) of the code.

Section 10. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication or,

(3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

Section 11. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Malone Telegram, a newspaper having a general circulation in the town and hereby designated as the official newspaper of the Town for such publication.

Section 12. This resolution shall take effect immediately upon its adoption.

CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye

***Motion – Councilor Taylor**

Second – Deputy Supervisor Walbridge

Resolved (#267-2011): that the following Notice of Bond Resolution shall be published in the Malone Telegram:

NOTICE IS HEREBY GIVEN that the resolution a summary of which is published herewith has been adopted by the Town Board of the Town of Malone, Franklin County, New York on the 28th day of December, 2011, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Malone is not authorized to expend money, or the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution of New York.

Susan M. Hafter
Town Clerk
Town of Malone

BOND RESOLUTION DATED DECEMBER 28, 2011. A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF MALONE, FRANKLIN COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$40,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE REPLACEMENT OF HYDRANT BOLTS IN THE WEST SIDE WATER DISTRICT AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

Object or purpose: the replacement of all of the hydrant bots in the West Side Water District at an estimated maximum cost of \$40,000. Period of Probable Usefulness: forty (40) years. Amount of Obligations to be Issued: not to exceed \$40,000. A complete copy of the bond resolution summarized above is available for public inspection during normal business hours at the office of the Town Clerk, located at the Malone Town Office in Malone, New York.

**CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye**

**Town of Malone
Resolution #268-2011**

Whereas, the Town of Malone requested quotes for the issuance of bonding in an aggregate principal amount not to exceed \$40,000.00; and

Whereas, two (2) financial institutions submitted to the Town of Malone quotes for the cost of issuing these bonds; and

Whereas, Community Bank, N.A. provided the lower of the two quotes;

Now therefore Be It

Resolved: that the Malone Town Board hereby selects Community Bank N.A. as the financial institution to issue the Bonds for replacement of all the hydrant bolts in the Town of Malone West Side Water District.

**CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye**

BILLS FOR AUDIT & PAYMENT:

Motion – Councilor **Second** – Councilor

Resolved (#269 - 2011): that the following bills, having been audited and modified, vouchers #1130 – 1153 be paid:

General Fund- Abstract #23	\$ 1,264.68
Part Town General – Abstract #19	150.97
Chips – Abstract #13	48,407.07
East Side Water – Abs. #16	133.92
Trust & Agency- Abstract #50	32,379.82
Airport Capital Project – Abstract#13	7,026.59
Highway DA- Abstract #16	1,850.57
Highway DB- Abstract #20	<u>1,790.50</u>
Grand Total	\$93,004.12

**CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye**

ADJOURN:

* At 6:45 pm **Motion** – Deputy Supervisor Walbridge **Second** – Councilor Taylor
Resolved (# 270 -2011): there being no further business to come before the Board that it adjourn, with the next regular and 2012 Organizational meeting to January 11, 2012, at 6:00 PM

**CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye**

RESPECTFULLY SUBMITTED,

SUSAN M. HAFTER, TOWN CLERK

January 11, 2012

