

The 2010 Organizational Meeting of the Town of Malone was held Wednesday, January 13th 2010 at the Town Offices, 27 Airport Road, Malone, New York, commencing at 6:00pm, and preceded at 5:45pm by a Public Hearing, and at 5:30pm meeting of the Town IDA.

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

ABSENT: Councilor Mary Scharf

ALSO PRESENT: Susan Hafter, Town Clerk
(at 5:30pm) Andrea Stewart, Budget Officer/Bookkeeper
Lillian-Anderson Duffy, Town Attorney
Thomas Shanty, Superintendent of Highways
Bruce Mallette, MEO, Highway Department

Irving Caplan, Malone	Gordon Dewbury, Malone	Ronald Monette, Belmont
Mary Fredenburg, Malone	Chris Kelley, Malone	Dan Honahan
Phyllis Laymon, Malone	Christopher Yaw, Malone	Joanna Brown, Malone
Jean Marlow, Malone	Tom Schultz, Malone	

Public Hearing

At 5:30pm, with Notice provided and read aloud Supervisor Maneely called to order a Public Hearing relating to a possible grant application to The New York State Office of Community Renewal under the 2009 Economic Development Open Round Grant Program.

Gordon Dewbury, Director of MEDCO explained some features of the grant program and application and noted, that if funded, MEDCO will act as a sub-recipient to the Town of Malone, and with the assistance of Camoin Associates, will administer the grant monies. He said the funding, intended for general economic development activities that create and/or retain permanent private sector job opportunities, can be used for many purposes; including inventory, capital expenses and reduction of debt. **Chris Kelley** asked for a definition of “low-to moderate income”, as it pertains to this program. He also asked whether a business start-up would be eligible. **Mr. Dewbury** said the income target it is based on the local economy, and takes into consideration the number of people in the applicant business. He added that a 10% up-front match is required of awardees, and the maximum award to each is \$35,000.00. **Mary Fredenburg** asked whether a business plan would be required of applicants. **Mr. Dewbury** said that the awards would be given on a first-come, first-served basis. The town is in the pre-application stage of the process, and more information will be available as the program progresses. **Budget Officer Andrea Sewart** mentioned the possibility that funding for this program could get hung up at the state level.

At 5:44pm, with no further comments or questions from the public or board members, Supervisor Maneely closed the Public Hearing.

ORGANIZATIONAL

At 6:00pm, Supervisor Maneely opened the 2010 Organizational Meeting with a Pledge to the Flag. He said that it has been a pleasure working with the Board this past year, and that many positive things have been accomplished and/or are in progress in the Town of Malone. He thanked the Councilors for their work and bid farewell to Irv Caplan who did not seek re-election upon the end of his term in office. He welcomed newly elected Councilor Mary Scharf, who could not attend this meeting, and said he is looking forward to working with the newly formed board. Each Councilor present noted their eagerness to continue with the Town's work.

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Appointment:

* On the motion of Supervisor Maneely, with a second thereto by Deputy Supervisor Walbridge, to appoint **Lillian Anderson-Duffy** to the position of **Town Attorney** for a two-year term.

Carried with all members present voting in favor (4-0).

Town Justice Lamitie administered the oath of office to Attorney Anderson-Duffy.

Supervisor's Appointment:

Supervisor Maneely announced his appointment of **Paul Walbridge** to the position of **Deputy Supervisor** for 2010.

Town Justice Lamitie administered the oath of office to Deputy Walbridge.

Supervisor Maneely announced his appointment of **Andrea Stewart** to the position of **Budget Officer, Secretary/Bookkeeper** for a four-year term.

Town Justice Lamitie administered the oath of office to Budget Officer Stewart.

Designations, Schedules & Appointments:

* On the motion of Supervisor Maneely with a second thereto by Deputy Supervisor Walbridge to appoint **Susan Hafter** to the position of **Town Clerk, Receiver of Taxes, Registrar of Vital Statistics, Fixed Assets Clerk and Records Management Officer** for a two- year term.

Carried with all members present voting in favor (4-0).

Town Justice Lamitie administered the oath of office to Clerk Hafter.

* On the motion of Supervisor Maneely with a second thereto by Deputy Supervisor Walbridge to appoint **Robert Crossman** to the position of **Zoning and Fire Code Officer** for a two year term.

Carried with all members present voting in favor (4-0).

Town Justice Lamitie administered the oath of office to Code Officer Crossman.

* On the motion of Supervisor Maneely with a second thereto by Councilor Sullivan to appoint **Darol Fisher** to the position of **Town Constable and Bingo Inspector** for a two year term.

Carried with all members present voting in favor (4-0).

Mr. Fisher was not in attendance and will be sworn to office at a later date.

* On the motion of Supervisor Maneely with a second thereto by Deputy Supervisor Walbridge to appoint **Mark Besio** to the position of **Airport Manager** for a two year term.

Carried with all members present voting in favor (4-0).

Town Justice Lamitie administered the oath of office to Manager Besio.

Supervisor Maneely called for a moment of silent reflection in remembrance of Deputy Town Clerk, Rita Gonyea, who passed away in December 2009.

The Supervisor noted that as of this date no one has been selected to fill her position.

Superintendent of Highways Shanty announced his appointment of **Bruce Mallette** to the position of **Deputy Superintendent of Highways** for a one year term.

Town Justice Lamitie administered the oath of office to Deputy Mallette.

* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Sullivan to designate the **Malone Telegram** as the **official newspaper** for the Town of Malone for 2010.

Carried with all members present voting in favor (4-0).

* On the motion of Councilor Sullivan with a second thereto by Deputy Supervisor Walbridge to designate **Community Bank, Key Bank, HSBC, and NBT** as the **official depositories** for the Town of Malone for 2010.

Carried with all members present voting in favor (4-0).

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* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Sullivan to set the official meeting schedule for the Town Board as the **second and fourth Wednesdays of each month at 6:00 pm** for 2010.

Carried with all members present voting in favor (4-0).

* On the motion of Councilor Taylor with a second thereto by Deputy Supervisor Walbridge to set the **official mileage reimbursement rate** for the Town of Malone at **\$.45 per mile** for 2010.

Carried with all members present voting in favor (4-0).

* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Taylor to **authorize the expenditure of up to \$1,500.00 for small tools** by the Highway Superintendent for 2010.

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 **Holiday Schedule for 2010**, with **the addition of Martin Luther King Day, and otherwise as presented.**

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 adopt the **salary schedule for 2010**, (in essence, the 2009 schedule, with few modifications) as budgeted:

Supervisor	\$13,750.00
Councilor (4 @)	5,500.00
Town Justice (2@)	16,500.00
Supt. of Highways	38,000.00
Deputy Supt. of Hwys.	4,000.00
Secretary/Bookkeeper	31,000.00
Budget Officer	8,000.00
Assessor (20 hours)	27,500.00
Assessment Assistant	21,708.00
Code Secretary	2,250.00
Town Clerk	19,152.00
Receiver of Taxes	12,748.00
Records Management Officer	1,100.00
Registrar	1,500.00
Deputy/Floater Clerk (24 hr)	20,400.00
Hwy Acct. Clerk/Laborer (40 hr)	34,000.00
Airport Manager	3,500.00
Justice Court Clerk	24,400.00
Zoning/Code Officer (35 hr)	30,000.00
Bingo Inspector	850.00
Town Constable	150.00
Town Attorney	12,000.00
Health Officer	750.00
Data Collector	12.15 hr./30 hrs. per week max.

\$2,000 Stipends, as budgeted, to cover all water district work for the East Side and West Side Water Districts, to the following: the Assessor, Assessment Assistant, Town Clerk/Tax Receiver, and Bookkeeper/Budget Officer.

Highway rates, in accordance with CSEA Contract, ending 12/31/09(until a successor agreement is reached):

MEO	\$16.20 per hour	
HEO	16.50 per hour	
Mechanic	16.90 per hour	
Laborer One	12.60 per hour	Laborer Two 16.20 per hour

Carried with all members present voting in favor (4-0).

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* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Sullivan to designate the **Franklin County Historical Society** as the Town of Malone **Historian**.

Carried with all members present voting in favor (4-0).

*On the motion of Councilor Taylor with a second thereto by Deputy Supervisor Walbridge to adopt the “**Subject Matter List**” for FOIL Requests (Record Retention Schedule) for 2010 as recommended by the Records Management Officer.

Carried with all members present voting in favor (4-0).

Supervisor’s Announcement - Annual Statements, books and records are available from all departments which handle cash, for Town Board review, as required by Town Law.

Supervisor’s Committee Appointments for 2010

(the name listed first designates the chair person)

Highway & Airport	Walbridge/Sullivan
Bldgs, Parks & Grounds	Walbridge/Sullivan
Golf Club	Sullivan/Scharf
Recreation	Walbridge/Taylor
Landfill	Taylor/Walbridge
Assessments, Taxes, Zoning/Code	Walbridge/Scharf
Rec. of Taxes/Town Clerk, Court Bingo Inspector/Constable	Taylor/Sullivan
Dog Control	Taylor/Scharf
Historian	Walbridge/Scharf
Fire Protection	Walbridge/Sullivan
Policy	Sullivan/Scharf
Negotiations	Sullivan/Walbridge
Records Management Advisory	Taylor/Walbridge

Cable Franchise

Taylor/Scharf

Disaster Plan

Taylor/Scharf

REGULAR AGENDA

Minutes & Reports:

* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Sullivan to accept the minutes of the regular meeting of December 9, 2009 and the special meeting of December 21st 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 Taylor to accept the following reports as presented and place on file:

Justice Court – 11/2009 Airport Manager - 12/2009 Code Officer - 12/2009
Supt. of Highways - 12/2009 Town Clerk/Registrar 12/2009

Carried with all members present voting in favor (4-0).

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Old Business:

West Side Sewer District 2 – Supervisor Maneely reported that the 30 day Permissive Referendum period relating to the establishment of the West Side Sewer District 2 has ended. No petition was received and Clerk Hafter has filed the proper notifications with the appropriate entities.

Supervisor Reports:

Dog Control – Supervisor Maneely asked Attorney Anderson-Duffy to prepare a 2010 Dog Control Contract for consideration by the Board, with the same terms as the 2009 agreement.

Agreement to Spend Highway Funds -

* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Sullivan to accept and approve, by signature, the 2010 Agreement to Spend Highway Funds as submitted by Highway Superintendent Shanty.

Carried with all members present voting in favor (4-0).

Superintendent of Highways Report:

* Upon the recommendation of Highway superintendent Shanty and on the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Sullivan to authorize the promotion of Bruce Trimm from MEO to HEO effective immediately.

Carried with all members present voting in favor (4-0).

CORRESPONDENCE:

- from The Pines - notice of intent to renew their liquor license.

- from S & W Redevelopment –Semi-annual Landfill Groundwater monitoring report

- from Alvin Livernois –information regarding NYSDOT requirement that a Town Board resolution accepting responsibility for operating and maintaining the Henry Road is needed by their office, even though Town Board minutes & documents from 1968 and 1969 show the Henry Road as a Town Road. The Resolution is necessary for the road to be added to the Road inventory & to be considered for Chips monies for this .17 mile road.

Resolution #1-2010

*to allow for the Payment of \$23,233.37
to Route 11 Truck and Equipment Sales*

Whereas, on December 16, 2009, nearing the end of his term, Town of Malone Superintendent of Highways Alvin Livernois purchased items from Route 11 Truck & Equipment Sales in the amount of \$23,233.37, and

Whereas, this transaction was contrary to the Town of Malone Procurement Policy and contrary to NYS Laws and the bidding process, and

Whereas, said parts and equipment have been installed and are in use by the Highway Fleet and are not able to be returned;

Now, therefore, be it

Resolved: that in accordance with the advice given to the Town by the State Comptroller office, the Town Board has determined that while this particular bill should be paid, it must be acknowledged and documented that proper procedures were not followed by the previous Highway Superintendent – not the Malone Town Board.

Carried with all members present voting in favor (4-0).

- from NYS Ag & Markets – Dog Control Officer Inspection report

- from Franklin County Legislature – 2010 statement of taxes and equalization rate table

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New Business:

North Country Life Flight -

Resolution #2-2010

Whereas, North Country LifeFlight, Inc. is a not-for-profit, tax-exempt corporation which is responsible for all aspects of patient care by providing medical equipment, training medical personnel and administering the medical portion utilizing the New York State Police helicopter based in Saranac Lake and private fixed-wing aviation resources; and

Whereas, the New York State Police and private fixed-wing aviation resources do not provide a medically trained team or medical equipment for patient transports; and

Whereas, the people of Clinton, Essex, Franklin, Hamilton and St. Lawrence counties receive a vital emergency medical service which is free of charge to critically ill and seriously injured patients, and therefore municipal governments are asked to pledge monies for this worthwhile program;

Now, Therefore, be it

Resolved: that the Town Board of the town of Malone, hereby authorizes the Supervisor to enter into a contract with North Country Life Flight, Inc. for the purpose of operating the medical component of the medevac program, which will serve its residents and visitors and paying the amount of \$2,000.00 which represents the Town's share for 2010;

And be it

Further Resolved: that the sum of \$2,000.00 is hereby appropriated to Account A1989.4 For payment to North Country Life Flight, Inc.

Carried with all members present voting in favor (4-0).

Request for equipment –

* On the motion of Councilor Sullivan with a second thereto by Deputy Supervisor Walbridge to authorize Assessor Cashman to purchase the laptop computer of his choice for his department

Carried with all members present voting in favor (4-0).

Request for training –

* On the motion of Councilor Sullivan with a second thereto by Deputy Supervisor Walbridge to authorize Code Officer Crossman attend the Code Officials Annual Education Conference to be held in Lake Placid on March 1-4th with all necessary expenses to be paid by the Town

Discussion – Supervisor Maneely noted that Mr. Crossman works as Code Officer for two other towns, and asked whether those towns had contributed to training costs. Code Officer Crossman said that they have not. The supervisor asked that the code Officer ask the other towns to contribute, suggesting 15% of the cost, for Code training. The Code Officer said he would ask.

Carried with all members present voting in favor (4-0).

Conference 2010-

* On the motion of Councilor Taylor with a second thereto by Councilor Sullivan to authorize Supervisor Maneely and Deputy Supervisor Walbridge and any other Board or staff member interested to attend the NYSAT Conference from 2/14-1/17/2010 with all expenses to be paid by the Town, providing their registration paperwork is submitted to the Budget Officer no later than 1/15/2010 by 2:00pm, for processing.

Carried with all members present voting in favor (4-0).

* On the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Taylor to designate Supervisor Maneely as voting delegate and Deputy Supervisor

Walbridge as alternate voting delegate for the business meeting to be held at the NYSAT conference in February 2010.

Carried with all members present voting in favor (4-0).

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Executive Session:

* At 6:32pm, on the motion of Supervisor Maneely with a Second thereto by Deputy Supervisor Walbridge to enter into executive session for the purpose of discussing possible litigation re: Benardot vs. Town of Malone with all Board Members and Town Attorney to be present.

Carried with all members present voting in favor (4-0).

* At 7:02pm, the Executive Session ended and the Regular Meeting resumed.

Certiorari Settlement –

*On the motion of Deputy Supervisor Walbridge that in regard to Benardot vs. theTown of Malone to agree to a reduction in assessment to 190K, based on input from Assessor Cashman and the petitioner’s attorney, and with the provision that when the construction is completed, the vale may be re-assessed.

Carried with all members present voting in favor (4-0).

New Hire –

* Upon the recommendation of Highway Superintendent Shanty, and on the motion of Deputy Supervisor Walbridge with a second thereto by Councilor Sullivan to authorize the hiring of Bob Hammond as an MEO, to fill the vacancy at the Highway Department.

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 # 2010, 1 -52 , having been audited, be paid:

2009	General Fund (A)	\$ 27,473.90
	Part Town General (B)	167.54
	Highway DA Fund	1,883.03
	Highway DB Fund	9,978.68
	East Side Water	<u>87.30</u>
	Total:	\$ 39,590.45
2010	General Fund (A)	\$ 20,170.45
	Part Town General	60.50
	Trust & Agency (T)	1,578.58
	East Side Water (FE)	<u>305.79</u>
	Total:	\$ 22,115.32

GRAND TOTAL: \$61,705.77

Carried with all members present voting in favor (4-0).

Payment Approval –

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

Resolution #3-2010

Resolved: That the Town Board of the Town of Malone authorize payment to Rt. #11 Truck & Equipment in the amount of \$23,233.27 and in accordance with Resolution #1-2010 (above).

Carried with all members present voting in favor (4-0).

Adjourn:

* At 7:07pm, on the motion of Deputy Supervisor Walbridge 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 6:00pm, Wednesday, January 27th 2010, commencing at 6:00pm, and preceded by a Public Hearing at 5:45pm.

Carried with all members present voting in favor (4-0).

Respectfully submitted,

Susan M. Hafter, Town Clerk
February 10, 2010