

TOWN OF MALONE
REGULAR MEETING
May 8, 2019

A Public Regular meeting of the Town Board of the Town of Malone, County of Franklin and the State of New York was held at the Town Offices, 27 Airport Rd., Malone, NY on the 8th day of May, 2019.

PRESENT: Andrea Stewart ----- Supervisor
 Terry Maguire ----- Deputy Supervisor
 Candy Gadway ----- Councilor
 Ed Lockwood ----- Councilor

ABSENT: Louise Taylor ----- Councilor

ALSO PRESENT: Denice Hudson, Budget Officer
 Jean Marlow, Town Clerk
 Bruce Mallette, Highway Superintendent
 EJ Conzola II, Malone Telegram
 Thorne Mussaw, Malone

Supervisor Stewart called the meeting to order at 6:00p.m. with a pledge of allegiance to the flag. She then read the following statement:

Our Taxpayers deserve better.

As Town Supervisor and a member of the Malone Town Board, I can attest to the myriad of complaints, conversations and concerns we have received from our residents and taxpayers – some of these individual complaints are of several years’ duration. Whether we are confronted in person, in the community, at social gatherings, or on line, it is our responsibility to acknowledge – and act – on these matters, when we can.

Our fiscal responsibilities, when dealing with our taxpayers’ monies, are to ensure that these funds are not negligently, arbitrarily, or wastefully expended.

The Town has a duty to maintain the roads and highways in a reasonably safe condition. The Highway Superintendent is responsible for the maintenance, care, repair of, plus snow removal from, all town highways. There are rules and regulations detailing all duties and responsibilities of all parties, however, this is the long and short of it.

Once a Town Board adopts the budget taking the Highway Superintendent’s recommendations and request in consideration during the process, and once the Board and Highway Superintendent sign the yearly written agreement showing how tax money and state highway aid are to be spent on town roads, the Highway Superintendent can buy materials and other items without further Board approval.

In 2018 we received many complaints about the Teboville Road, Brick Church Road, Bull Run Road, Riley Road, and Webster Street Road. We heard the frustrations and mocking from Whitten Road residents pertaining to the three plus years’ duration of that project. Clearly, in some of these instances, it would appear we are throwing good money after bad. We have heard from people who were given dates for culvert replacements – and find that the installation has yet to occur!

The Teboville/Brick Church Road complaints came to the forefront again at the November 14, 2018 meeting of the Town Board. After listening to these residents, Board member discussions centered around the need to extensively gravel these roads, rather than the stop gap measures being used. The Town Board asked the Highway Superintendent for calculations for materials needed in order to properly gravel and provide drainage for Teboville, Brick Church Road, Bull Run Road and Riley Road – rather than the projects proposed and budgeted for within the 2019 Budget. As a Board we wanted to see what could be addressed with the funds we have. To-date we have not received anything official on this. Other roads – like Studley Hill or Lovers Lane – have their own problems, as do other roads.

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In years past, the highway department burned wood as a supplemental heat source and cost saving measure. From 2012-2016, on average, 4,200 gallons of oil were used each year; in 2017 5,248.9 gallons \$10,895.46 was spent; in 2018 10,588.9 gallons \$25,041.96 was spent. Obviously the wood furnace is not being used.

Chips funding in 2017 was \$275,142.24, in 2018 was \$340,569.67, and in 2019 we should receive \$284,059.52.

Budget expenses for roads in 2017 totaled \$187,670.84, and in 2018 totaled \$237,399.23. These figures do not include manpower or machinery.

The \$284,059.52 from Chips plus the \$300,000.00 within the 2019 Budget should make an impact.

Our taxpayers are not seeing improvements or results from their hard-earned and begrudgingly spent tax dollars.

I firmly believe that our highway department employees perform admirably, under the circumstances as well as the financial and management constraints under which they operate.

I would like to have a Management plan that clearly outlines specific project objectives and schedules; sets priorities; determines seasonal tasks to be performed; gets back to basics: ditching, properly graveling our roads, repairing what is needed, cutting trees, brush and mowing road sides, and generally working toward yearly improvements to our infra-structure. We should never pave in November. Period.

I would like our residents to be given realistic expectations for scheduling repairs, culvert installation, or other work. Let's not make promises that cannot be kept.

For more than a year now, I have had these conversations and many discussions with the Highway Superintendent about these matters and the many complaints I have personal received at the office and elsewhere. I believe other Town Board members have had similar discussions.

The bottom line is this: as Town Supervisor, I can request or suggest that the Highway Superintendent provide information, plan differently, or change management styles. The Town Board can do so as well. The highway Superintendent, as a separately elected official, is directly responsible for the management decisions of the Highway Department. The Highway Superintendent – as a separately elected official – is directly responsible to, and accountable to, the residents, taxpayers, and voters of the Town of Malone.

The Taxpayers deserve better.

MINUTES:

RESOLUTION 119-2019 – Minutes from April 24, 2019 Regular Meeting

On a motion of Councilor Lockwood, seconded by Councilor Gadway, the following resolution was

ADOPTED Ayes 3 Stewart, Gadway, Lockwood
Nays 0

Resolved to approve the Minutes of the April 24, 2019 Regular Meeting.

Deputy Supervisor Maguire abstained from voting as he was not present at this meeting.

RESOLUTION 120-2019 – Minutes from May 2, 2019 Special Meeting

On a motion of Councilor Lockwood, seconded by Councilor Gadway, the following resolution was

ADOPTED Ayes 3 Stewart, Maguire, Gadway, Lockwood
Nays 0

Resolved to approve the Minutes of the May 2, 2019 Special Meeting.

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RESOLUTION 121-2019 – Reports

On a motion of Councilor Lockwood seconded by Deputy Supervisor Maguire, the following resolution was

ADOPTED Ayes 4 Stewart, Maguire, Gadway, Lockwood
Nays 0

Resolved to accept the following reports:

Airport Lease Manager – April 2019
NYS Comptroller, Justice Court Fund – March 2019
Airport Service Worker – April 2018
Supervisor’s Report – April 2019
Justice Stone – April 2019
Town Clerk – April 2019
Justice Robert – April 2019
Assessor Monthly Report – April 1-12 & 29, 30 2019

Councilor Lockwood suggested that we request more detailed monthly reports. This would be helpful to see the needs of each department, and help them become more efficient. *Councilor Maguire* said he liked the Code Report because it is hand written and looks like it is worked on all month, not just at the end of the month.

OLD BUSINESS:

RESOLUTION 122-2019 – Approval of Just Compensation for the Malone Sidewalk Project

On a motion of Councilor Gadway seconded by Deputy Supervisor Maguire, the following resolution was

ADOPTED Ayes 4 Stewart, Maguire, Gadway, Lockwood
Nays 0

Resolved to give permission to Supervisor Stewart to sign the letter from Nancy Mullin, Project Manager regarding Just Compensation for the Malone Sidewalk Extension and Pedestrian Crossing Project on Route 11.

RESOLUTION 123 -2019 – Airport Snow Removal Equipment Bid

On a motion of Supervisor Stewart seconded by Deputy Supervisor Maguire, the following resolution was

ADOPTED Ayes 4 Stewart, Maguire, Gadway, Lockwood
Nays 0

Resolved to accept the bid from Tracey Road for the Airport Snow Removal Equipment Bid, for \$287,481.97. This will be pending the approval of the FAA Grant application and relating paperwork regarding the same.

SUPERVISOR REPORTS:

- Attended the Main Street Transformation Meeting on May 3, 2019. It was good to see so many there and they are to be commended for their efforts.
- Attended the Mark Fenton presentation on May 7, 2019. Very informative and interesting. There was lots of good brain storming and discussion on ways to improve our Main Street Corridor. Looking forward to see where that goes.

BOARD MEMBER/COMMITTEE ITEMS:

Candy Gadway: Talked about the Complete Streets Mark Fenton presentation. Important to take from this is multiple components: Safety, economics and aesthetically pleasing Main Street. They can be achieved all at the same time. When discussing our streets, it is important to be sure to consider pedestrians and bicyclists as well as cars. Having a combined vision from all of the shareholder groups is very important for the revitalization plan. Looking forward to Mark Fenton’s detailed report. She will bring it to the meeting to share once complete Streets receives it.

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-On May 17th there will be a ribbon cutting for the Handicap Swings purchased by Complete Streets for the Rec Park and West Street Park.

Deputy Supervisor Maguire and *Councilor Lockwood* also attended the Mark Fenton presentation. They both thought it was an excellent presentation.

SUPERINTENDENT OF HIGHWAYS REPORTS:

-Would like to get approval to advertise the Sand and Gravel bid as soon as possible. He made some quantity changes from last year because of the increase gravel that is needed this year and increased the sand amount because of how much was used this year on the roads this past winter.

-Councilor Lockwood asked if CHIPS money is able to be rolled over. Superintendent Mallette said yes it can be rolled over but it is best to use it because if you continuously roll over monies your funding could get cut. Superintendent Mallette says we use the whole CHIPS amount for blacktopping.

-Deputy Supervisor Maguire asked if “per established NYS standards” would get us the quality gravel we are looking for. Superintendent Mallette said he added the verbiage “subject to most valued product” that should allow us to use the vendor who provides the better quality product. Supervisor Stewart asked if there was a way to discern ahead of time which vendor has the better product. Superintendent Mallette answered, there is probably a test that can be done but it is usually decided by actually laying in down on the road and working with it. Deputy Supervisor Maguire asked if the state has a test Superintendent Mallette said NYS has a person who goes out and tests the compaction rates on the roads, that takes time and manpower that we don’t have. Supervisor Stewart was hoping there was a way to clarify what we need from the gravel in order for it to work best on the roads, it seems each year we hear the same thing that the gravel does not stay in place as it should. Why when asking for Item #4 how can there be such a variation in the product? Superintendent Mallette said asking for #4 that is just for size, it depends what type of stone they are making the gravel out of, and other factors that contribute to the quality. Superintendent Mallette would like it advertised as soon as possible so the Highway Department can get started on road projects. Supervisor Stewart still had some concerns regarding the quality but did not see the harm in getting the bid process going. After some discussion the wording “subject to most valued product” was also added in the Method of Award section of the bid.

As a result, the following resolution was adopted:

RESOLUTION 124 -2019 – Sand and Gravel Bid

On a motion of Supervisor Stewart seconded by Deputy Supervisor Maguire, the following resolution was

ADOPTED Ayes 4 Stewart, Maguire, Gadway, Lockwood
Nays 0

Resolved to give permission to go out to bid for Sand & Gravel to be advertised in the Malone Telegram and on our website. The bids are to be opened May 22, 2019 at 10:00a.m.

**Town of Malone
2019 Sand and Gravel
Request for Bids**

The Town of Malone is accepting sealed bids from qualified suppliers currently permitted by the NYS DEC (preference will be given to bidders within the Town of Malone) for the on-site purchase of sand and gravel as follows:

It is understood and agreed that in addition to the Town of Malone Highway Department, its agents or contractors, Franklin County agencies and political subdivisions (cities, towns, villages, etc.) within Franklin County, including their agents and contractors, are authorized users of this contract. All terms and conditions of this contract shall apply to the other authorized user named herein as follows:

METHOD OF AWARD: Award will be made on an item-by-item basis for all materials. Town of Malone will make award to multiple bidders. The contract, if awarded, will be to the lowest responsible bidder(s) in part or in whole who meet(s) all the terms of the specifications. Upon award, the Town will calculate the lowest responsible

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bidder for each project, subject to most valued product, and document it in the procurement record. If at the time of project commencement, a vendor is unable to supply the appropriate product within the time specified, the Town reserves the right to go to the next lowest bidder of that product for that specific project. The Town guarantees no minimum or maximum purchases or contracts as a result of award of this bid. The Town of Malone reserves the right to allow all municipal and not for profit organizations authorized under the General Municipal Laws of the State of New York, to purchase any goods and/or services awarded as a result of this bid in accordance with the latest amendments to NYS GML 100 through 104. However, it is understood that the extension of such contracts are at the discretion of the vendor and the vendor is only bound to any contract between the Town of Malone and the vendor. Additionally, the Town reserves the right to purchase any goods or services included as a part of this bid from any means legally available to it at any time.

35,000 Yards and or 46,000 Tons, more or less, of Item #4 Gravel as per established NYS standards and regulations, subject to most valued product. Bids must be presented as Price per Yard and or Ton. All materials must be easily accessible to the Highway Departments. Bidders may bid on one or both (separately) of the following options:

- 1) The Town of Malone Highway Department will extract bank run material and screen/crush materials on-site. Pick-up and delivery of materials will be the responsibility of the Town of Malone.
- OR-
- 2) Materials will be Item #4 crushed gravel and ready for pick-up by the Town of Malone Highway Department.

12,000–16,000 Yards and or 18,000-27,000 Tons, more or less, of Road Sand as per established NYS standards and regulations, and bids must be presented as Price per Yard and or Ton. All materials must be easily accessible to the Highway Departments. Bidders may bid on one or both (separately) of the following options:

- 1) The Town of Malone Highway Department will extract bank run material and screen materials on-site. Pick-up and delivery of materials will be the responsibility of the Town of Malone.
- OR-
- 2) Materials will be processed and ready for pick-up by the Town of Malone Highway Department.

Sealed bids, marked “Gravel-Option #1, “Gravel-Option #2”, “Sand-Option #1 or “Sand-Option #2” will be accepted at the office of the Malone Town Clerk, 27 Airport Rd., Malone, NY 12953, during normal business hours, until 10:00a.m., Wednesday, May 22, 2019, at which time they will be opened and read aloud. A Certificate of Non-Collusion along with a copy of mining permit must accompany each bid. The Town Board reserves the right to waive any informalities and/or to reject any and all bids. Women and minority owned businesses are encouraged to submit a bid.

CONDITIONS:

Non-appropriations Clause: In accordance with NYS General Municipal Laws, The Town of Malone will not be liable for any purchases or contracts for goods or services for which funding is not available. As a result, the vendor agrees to hold the Town of Malone harmless for any contracts let for which funding either does not currently exist or for which funding has been removed prior to the issuance of a purchase order by the Town of Malone. As such no contract becomes binding until the necessary funds have been approved for the fiscal year during which the contract is in effect.

The price submitted shall be exclusive of Federal and State taxes and must not include any tax for which the bidder may claim exemption because of doing business with the Town of Malone.

Extension of Prices – Political subdivisions and districts and other authorized by law including certain non-profit agencies may participate in contracts resulting from this bid. Upon request, non-county agencies must furnish contractor(s) with the proper tax exemption certificate.

Political subdivisions and others authorized by law may participate in contracts resulting from this bid opening.

By Order of the Malone Town Board

Jean Marlow
Malone Town Clerk

-Councilor Lockwood asked about how much was spent last year on gravel, dollar amount per ton, and how much will be needed for this year. Superintendent Mallette said he would have to check his records to see how much we spent last year. He then said at their last meeting they talked about the same thing, and it was determined based on last year’s prices that the estimated gravel costs per road will be as follows:

Teboville Road:	\$127,511.28
Brick Church Road:	\$ 17,057.44
Bull Run Road:	\$ 74,733.08
Riley Road:	<u>\$ 37,155.64</u>
Estimated Gravel Total:	\$256,457.44

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Superintendent Mallette reiterated every gravel road we have is in need of attention. Supervisor Stewart would like a list of what remaining roads are that are in need, and estimated costs, so we can budget for future projects. Superintendent Mallette said he can measure and come up with an estimate as he did for the roads just mentioned. Deputy Supervisor Maguire suggested always having a list posted at the Highway Garage, that way when someone complains or has questions you can tell them where they are on the list. Deputy Supervisor Maguire also noting that the list would be with the understanding that as emergencies arise those would be tended to first. Superintendent Mallette said they are usually prioritized based on need and as they come in.

There are also 10 tiles to put in right now. When Councilor Lockwood asked when Superintendent Mallette thought those would be done, he said it is by need, there is a project at Malone Plumbing and Heating that needs to be done, then priority is given to culverts that cross roads vs. driveway culverts. Junction Road will take a few days then you need to call in to line up the next when you know you will be able to go on to the next. There are 2 on Junction Road that are top priority, they will do McGillic Road at the same time.

Superintendent Mallette has made the following timeline plans on things that need to be done this year:

-Mastry culvert: May 15-22nd, 3-4 men, then while there, a ditch is needed on McCabe Road because the water running backwards.

-Riley Road need to finish ditching that will take 2-3 men until end of June, Then July 1st – July 14th fixing the Spring in the road and pulling stones out of the road because it was built on a stone wall.

-Brick Church Road will be first for gravel, May 28-June 5th, it will take about a week. Teboville Road will be June 5th until July17th this road will take a month and a half, it is over 3.5 miles.

-Bull Run Road will be July 17-Aug 14th.

-Houndsville Road needs some work on the pavement on bridge. Providing the blacktop plants are open he would like to do that end of May. While paver is out would also like to fix the intersection at McGillic and 11B where State and Bangor plows turn around.

-Riley Road for gravel work will follow Bull Run Road and work on that will go in to September 11th.

-Pigeon Road box culvert, that was addressed last year, needs to be replaced.

-When multiple jobs are needed on the same road, they are worked on at the same time whenever possible

-Would like to haul and have all sand in by October 31st, will do that on rainy days. Then start getting trucks ready for snow starting Nov 1st. Split shift will start then.

-We will need 8-10 trucks to haul to keep grader moving. We will be sharing services with other towns, it is a necessity for getting things done.

-This schedule will only work if we have perfect weather, no rain. A couple years ago we had rain that cost 3 months of work to get those roads that washed away back in shape. Every day that there is rain it cuts in to your work time. Ninety percent of time Superintendent Mallette said he is out working because there is never enough help.

Councilor Lockwood asked if vacations etc. are taken in to consideration with this schedule. Superintendent Mallette said we are short staffed; we will have to count on other towns. Right now he does not have a seasonal employee, there is one employee that is retired, and one out on workers' comp. that leaves him 3 men short, he says he needs help.

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Deputy Supervisor Maguire asked when will we hire the seasonal employee. He was curious as to the hold up because it was his understanding that if you are rehiring seasonal help it did not need to be advertised. Budget Officer Hudson said Franklin County personnel was looking for clarity on our preference for Town employees and needs to give proof to the personnel office of the posting.

Supervisor Stewart asked is there a minimum length of posting time. Budget Officer Hudson said there is not, we just need to show that it was posted. As a result, the following resolution was adopted:

RESOLUTION 125 -2019 – Seasonal Laborer at the Highway Department

On a motion of Councilor Gadway, seconded by Deputy Supervisor Maguire, the following resolution was

ADOPTED Ayes 4 Stewart, Maguire, Gadway, Lockwood
Nays 0

Resolved to post the position of Seasonal Laborer for the Highway Department employee with the verbiage that we give preference to Town of Malone residents, however if not feasible or possible, residents within in the county will be accepted. This is to be posted on our website for one week.

Councilor Lockwood asked if we go with this verbiage of preference to town residents does that have to be the case for all positions. The answer was no, but it was discussed that we should be consistent. Supervisor Stewart asked who decides if someone’s qualifications are better if we decide to go outside of Malone. Superintendent Mallette said it would be decided by committee, in his case himself, Councilor Lockwood and Deputy Supervisor Maguire.

Superintendent Mallette said there is a lot of work to be done, we still have to grade all the other roads, and also deal with any emergencies as they arise. Let’s hope for good weather.

Deputy Supervisor Maguire asked about the claim with Poupore’s Farm. Superintendent Mallette said he is waiting on Walmart to submit their costs incurred during that time. When he receives that he will put it together all the expenses and submit to Poupore’s.

Deputy Supervisor Maguire asked about guide rails. The company came up and the area has been marked and they should be starting next week. Whitten Road work has been done, they fixed driveways, finished up things from last year. Only thing left to do is put some top soil to do on some of the lawns, and one resident would like a culvert put in.

Councilor Lockwood asked about payment from Spectrum for damage they caused to roads. Superintendent Mallette said he has not submitted a claim for expenses yet, he will put together all the numbers and get in touch with them for reimbursement for time and labor. Deputy Supervisor Maguire said charging them will set a precedent to be sure they do things differently next time. They should be asking permission and leave roads in better condition when they work on them.

Councilor Gadway asked about Studley Hill road, Superintendent Mallette said work was done Thursday and Friday morning and today they were grading that road.

CORRESPONDENCE:

-From Adirondack Farmers Market – Application for Facilities Use of Airport Pavilion for the 2019 Farmers Market. Approval based on the understanding that updated insurance needs to be provided to the town Clerk at the expiration of the current policy (5/15/19) As a result the following resolution was adopted:

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RESOLUTION 126 -2019 – Adirondack Farmers Market

On a motion of Councilor Gadway seconded by Councilor Lockwood, the following resolution was

ADOPTED Ayes 4 Stewart, Maguire, Gadway, Lockwood
Nays 0

Resolved to give permission to Adirondack Farmers Market to use the Airport Pavilion for the 2019 Farmers Market with the understanding that updated insurance will be needed as current policy ends May 15, 2019.

-From Malone Central School District – Request to use the American Legion Baseball Field at the Airport. Approval pending receipt of Application for Facilities Use Form. As a result, the following resolution was adopted:

RESOLUTION 127 -2019 – MCSD use of American Legion Field

On a motion of Deputy Supervisor Maguire seconded by Councilor Lockwood, the following resolution was

ADOPTED Ayes 4 Stewart, Maguire, Gadway, Lockwood
Nays 0

Resolved to give permission to Malone Central School District to use the American Legion Baseball Field pending the receipt of completed Application for Facilities Use Form.

NEW BUSINESS:

RESOLUTION 128-2019 – Journal Entry

On a motion of Councilor Lockwood seconded by Deputy Supervisor Maguire, the following resolution was

ADOPTED Ayes 4 Stewart, Maguire, Gadway, Lockwood
Nays 0

Resolved to give permission to the Budget Officer to make the following Journal Entry as Per the Comptroller Notice for March 2019: From A690 Clearinghouse \$17,965.00 to A980 Revenues \$17,965.00 (A2610 Court Fines & Fees).

RESOLUTION 129-2019 – Standard Work Day for NYS Retirement Reporting

On a motion of Deputy Supervisor Maguire seconded by Councilor Lockwood, the following resolution was

ADOPTED Ayes 4 Stewart, Maguire, Gadway, Lockwood
Nays 0

Resolved to approve Standard Work Day for New York State Retirement Reporting for posting.

EXECUTIVE SESSION:

RESOLUTION 130-2019 – Motion to go in to Executive Session

On a motion of Supervisor Stewart seconded by Councilor Lockwood the following resolution was

ADOPTED Ayes 4 Stewart, Maguire, Gadway, Lockwood
Nays 0

Resolved to go in to Executive Session at 7:00p.m., with the Town Board members present and the Highway Superintendent

RESOLUTION 131-2019 – Motion to return from Executive Session

On a motion of Supervisor Stewart seconded by Deputy Supervisor Maguire, the following resolution was

ADOPTED Ayes 4 Stewart, Maguire, Gadway, Lockwood
Nays 0

Resolved to return from Executive Session at 7:30p.m. with no action taken in Executive Session.

