

* **Motion** – Deputy Supervisor Walbridge **Second** – Councilor Taylor
Resolved: (#5-2011) to authorize the Highway Superintendent to expend up to \$1500 for the purchase of small tools in 2011.

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

* **Motion** – Councilor Sullivan **Second** – Councilor Taylor
Resolved: (#6-2011) to designate the Franklin County Historical Society as the Town of Malone Historian.

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

Highway Superintendent Shanty appointed current **Deputy Superintendent Bruce Mallette** as his deputy for 2011; a one year term. Clerk Hafter administered the Oath of Office to Deputy Mallette.

* **Motion** – Deputy Supervisor Walbridge **Second** – Councilor Scharf
Resolved: (#6-2011) to appoint Highway Superintendent Shanty as Landfill Overseer for 2011, at a salary of \$3,000.

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

* **Motion** – Councilor Taylor **Second** – Councilor Sullivan
Resolved: (#7-2011) to adopt the “Subject Matter List” for FOIL Requests as per the State Archives Record Retention Schedule as recommended by the Records Management Officer Hafter.

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

Supervisor’s Committee Appointments for 2011:
(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

Supervisor's Announcement - In accordance with NYS Town Law, all Town departments which handle cash, shall make all books, records and annual statements available for Town Board review.

Salary Schedule -

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

Resolved: (#8-2011) To adopt the salary schedule for 2011, as budgeted:

Supervisor	\$13,750.00
Councilor (4 @)	5,500.00
Town Justice (2@)	33,500.00
Supt. of Highways	38,200.00
Landfill Overseer	3,000.00
Deputy Supt. of Hwys.	4,100.00
Secretary/Bookkeeper	32,230.00
Budget Officer	8,000.00
Assessor (20 hours)	28,500.00
Assessment Assistant	22,450.00
Code Secretary	2,300.00
Town Clerk	20,000.00
Receiver of Taxes	13,000.00
Records Management Officer	1,100.00
Registrar	1,500.00
Deputy/Floater Clerk	25,750.00
Hwy Acct. Clerk/Laborer (40 hrs)	35,200.00
Airport Manager	3,500.00
Justice Court Clerk #1	26,400.00
Court Clerk #2	22,000.00
Zoning/Code Officer (35 hrs)	31,000.00
Bingo Inspector	850.00
Town Constable	150.00
Town Attorney	16,000.00
Health Officer	750.00
Data Collector (P.T.)	\$13.51 hr. /24 hrs. Per week maximum

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

Highway rates, in accordance with the CSEA Contract ending 12/31/2012

MEO	\$17.00 per hour
HEO	\$17.30 per hour
Mechanic	\$17.70 per hour
Laborer One	\$13.40 per hour
Laborer Two	\$17.00per hour

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

Regular Agenda

MINUTES:

- * **Motion** – Deputy Supervisor Walbridge **Second** – Councilor Taylor
Resolved: (#9-2011) that the Town Board approves for filing the minutes of the regular meeting held December 8, 2010.
Carried (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Taylor - Aye Councilor Sullivan - Aye Councilor Scharf - Aye

REPORTS:

- * **Motion** – Deputy Supervisor Walbridge **Second** – Councilor Taylor
Resolved: (#10-2011) that the Malone Town Board accepts for filing, the following Reports:
Supervisor – 11/2010
Justice Court - 12/2010 Town Clerk/Registrar - 12/2010
Airport Manager - 12/2010 Supt. of Highways - 12/2010
Code Officer – 12/2010
Carried (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Taylor - Aye Councilor Sullivan - Aye Councilor Scharf - Aye

OLD BUSINESS:

Natural Gas -

- * **Motion** - Supervisor Maneely **Second** – Councilor Sullivan
Resolved: (#11-2011) that the Town Board send a letter in support of the St. Lawrence Natural Gas line project, in St. Lawrence and Franklin counties, to Secretary Brilling of the New York State Public service Commission.
Carried (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Taylor - Aye Councilor Sullivan - Aye Councilor Scharf - Aye

SUPERVISOR REPORTS:

Liquor License -

- * **Motion** – Deputy Supervisor Walbridge **Second** – Councilor Sullivan
Resolved: (#12-2011) that the Town Board acknowledges and accepts for filing, the Notice of Intent to renew Liquor License as submitted by the Malone Golf Club.
Carried (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Taylor - Aye Councilor Sullivan - Aye Councilor Scharf - Aye

Gradall –

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

**Resolution #13-2011
and
Declaration of Official Intent**

Lessee: Town of Malone
Principal Amount Expected To Be Financed: \$315,150.00

WHEREAS, the above Lessee is a political subdivision of the state in which Lessee is located (the “State”) and is duly organized and existing pursuant to the Constitution and laws of the State.

WHEREAS, pursuant to applicable law, the governing body of the Lessee (“Governing Body”) is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the Lessee.

WHEREAS, the Governing Body hereby finds and determines the execution of one or more lease-purchase agreements (“Equipment Leases”) in the principal amount not exceeding the amount stated above (“Principal Amount”) for the purpose of acquiring the property generally described below (“Property”) and to be described more specifically in the Equipment Leases is appropriate and necessary to the functions and operations of the Lessee.

Brief Description of Property: 2011 Gradall-XL4100III Wheel Truck Mount Excavator
6X4 Series S/N: 4100000427
2010 Gradall-XL4100/80656092 60: Ditching Bucket
S/N: G60S323
2010 Gradall-XL3100/80456022 36" Excavating Bucket
S/N: G36S322

WHEREAS, First Niagara Leasing, Inc. ("Lessor") is expected to act as the Lessor under the Equipment Leases.

WHEREAS, the Lessee may pay certain capital expenditures in connection with the property prior to its receipt of proceeds of the Equipment Leases ("Lease Purchase Proceeds") for such expenditures and such expenditures are not expected to exceed the Principal Amount.

WHEREAS, the U.S. Treasury Department regulations do not allow the proceeds of a tax-exempt borrowing to be spent on working capital and the Lessee shall hereby declare its official intent to be reimbursed for any capital expenditures for Property from the Lease Purchase Proceeds.

NOW, THEREFORE, Be It Resolved by the Governing Body of the Lessee:

Section 1. The Lessee hereby determines that it has critically evaluated the financing alternatives available to it pursuant to 2 NYCRR Section 39.2 and that entering into the Equipment Leases and financing the acquisition of the Property thereby is in the best interests of the Lessee. Such evaluation shall be available as a public record.

The specific reason for such determination is that entering into such Equipment Leases results in a lower overall cost to the Lessee. Execution of the Equipment Leases will not cause the Lessee to be in violation of the limits contained in paragraph c of subdivision 6 Section 109-b of the General Municipal Law.

Section 2. The Lessee is hereby authorized to acquire and install the Property (the "Project") and is hereby authorized to finance the Project by entering into the Equipment Leases. Any action taken by the Lessee in connection therewith is hereby ratified and confirmed.

Section 3. The Supervisor acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Equipment Lease (including, but not limited to, escrow agreements) as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized.

Section 4. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Equipment Leases on behalf of the Lessee.

Section 5. The aggregate original principal amount of the Equipment Leases shall not exceed the Principal Amount and shall bear interest as set forth in the Equipment Leases and the Equipment Leases shall contain such options to purchase by the Lessee as set forth therein.

Section 6. The Lessee's obligations under the Equipment Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Equipment Lease and the Lessee's obligations under the Equipment Leases shall not constitute general obligations of the lessee or indebtedness under the Constitution or laws of the State.

Section 7. It is hereby determined that the purpose of the Project is an object or purpose described in subdivision 32 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is] (20) years.

Section 8. It is hereby determined the term of the Equipment Leases authorized by this resolution will not be in excess of (5) years.

Section 9. The Governmental Body has determined that the Project is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

Section 10. The Governing Body of Lessee anticipates that the Lessee may pay certain capital expenditures in connection with the Property prior to the receipt of the Lease Purchase Proceeds for the Property. The Governing Body of Lessee hereby declares the Lessee's official intent to use the Lease Purchase Proceeds to reimburse itself for Property expenditures. This section of the Resolution is adopted by the Governing Body of Lessee for the purpose of establishing compliance with the requirements of Section 1.150-2 of Treasury Regulations. This section of the Resolution does not bind the Lessee to make any expenditure, incur any indebtedness, or proceed with the purchase of the Property.

Section 11. **BANK QUALIFIED: LESSEE CERTIFIES THAT IT HAS DESIGNATED THIS LEASE AS A QUALIFIED TAX-EXEMPT OBLIGATION IN ACCORDANCE WITH SECTION 265 (b)(3) OF THE CODE, THAT IT HAS NOT DESIGNATED MORE THAN \$10,000,000 OF ITS OBLIGATIONS AS QUALIFIED TAX-EXEMPT OBLIGATIONS IN ACCORDANCE WITH SUCH SECTION FOR THE CURRENT CALENDAR YEAR AND THAT IT REASONABLY ANTICIPATES THAT THE TOTAL AMOUNT OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY LESSEE DURING THE CURRENT CALENDAR YEAR WILL NOT EXCEED \$10,000,000.**

Section 12. The Authorized Representative 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 Equipment Leases authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Code.

Section 13. This resolution is not subject to any mandatory or permissive referendum pursuant to the Local Finance Law or Section 109-b of the General Municipal Law.

Section 14. This resolution shall take effect immediately upon its adoption and approval.

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

Fire Protection –

* **Motion** – Councilor Sullivan

Second – Councilor Taylor

Resolution: #14-2011

Whereas, in the interest of consolidation of government resources, the Town of Malone desires to extend the Malone Fire Improvement District into the Village of Malone; and

Whereas, the Town of Malone requires specific legislation authorizing the Town of Malone to extend the Malone Fire Protection District into the Village of Malone; and

Whereas, introduction of such legislation is requested in the 2011 session;

Now, therefore

This Board Resolves: to request the Assembly and the Senate of the State of New York to extend the Fire Protection District into the Village of Malone, and to place the Malone Call Firemen, Inc. under the sole control of the Town of Malone for all purposes under the law.

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

**County/Town Inter-Municipal Agreement -
Motion - Deputy Supervisor Walbridge Second - Councilor Taylor**

Resolution #15-2011

Resolved: that the Malone Town Board enters into an inter-municipal agreement providing for Franklin County Highway Department assistance to the Town of Malone Highway Department as may become necessary and requested; and

Resolved: that the Town of Malone will direct and supervise any job assisted under this agreement, will be responsible for necessary permits, property owners' agreements, and will provide utility notification; and

Resolved: that the Town of Malone will hold the County harmless from property damages and any claims brought by any third party as a result of this work and, if the County is held responsible for damages, the Town will indemnify the County.

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

Franklin County Mutual Aid -

Resolution # 16-2011

Be it Resolved: that the Malone Town Board agrees that the Malone Call Firemen, Inc. will participate in the Franklin County Fire Mutual Aid Plan that is currently in effect.

The Franklin County Mutual Aid Plan may be amended and certified by the Franklin County Board of Legislators through its County Fire Coordinator and no restrictions exist against "outside" service by such fire company (fire department within the meaning of Section 209 of the general Municipal Law, which would affect the power of such fire company (fire department) to participate in such plan; and

Be it further

Resolved: that a copy of this resolution is filed with the County Fire Coordinator.

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

Dog Control - Local Law #2, in regard to dog control and licensing, has been filed with the state of New York. The dog control committee (Councilors Scharf and Taylor) are reminded that a new Agreement for Dog Control Services is needed for 2011.

SUPERINTENDENT'S REPORT:

Superintendent of Highways Shanty reported that the men are busy with the usual winter work including plowing, cutting branches from roadsides and maintaining a firewood supply.

BOARD MEMBER /COMMITTEE ITEMS:

Deputy Supervisor Walbridge reported that local pilot and airport user, Bruce Burditt has asked the Board to consider adding fuel service to the Malone-Dufort Airport Master Plan developed with C & S Engineers. Mr. Burditt said that pilots now have to go to Plattsburgh to get the non-ethanol airplane fuel, as required. He added that fuel sales could be a source of revenue for the Town.

CORRESPONDENCE:

From Franklin County Legislature Clerk: 2011 statement of taxes & equalization table

From Adirondack Tobacco Free Network – newsletter

Supervisor Maneely noted that current concern is about second hand smoke. He assigned

pCouncilors Sullivan and Scharf to come up with a plan for a segregated smoking area away from the Town Office entrances and the ball fields.

From NYSDEC – post-closure landfill monitoring reductions & corrections to be made

From Assemblywoman Duprey – pertaining to the fire protection district extension

NEW BUSINESS:

Journal Entries -

* **Motion** – Councilor Taylor **Second** – Councilor Sullivan
Resolved: (#17-2011) that the Town Board authorizes Budget Officer Stewart to make the necessary journal entries to record \$2,896.00 as the Town share of Court fees for November, 2010, as per the NYS Comptroller notice.

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

NYSAT Conference 2011 –

* **Motion** – Deputy Supervisor Walbridge **Second** – Councilor Taylor
Resolved: (#18-2011) that the following officials are hereby authorized to attend the NYS Association of Towns annual meeting and Training in NYC from February 20-23, 2011, with all necessary expenses to be paid by the Town: Supervisor Maneely, Councilor Sullivan, Budget Officer Stewart, Town Clerk Hafter and Deputy Smith.

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

Voting delegate & alternate -

* **Motion** – Deputy Supervisor Walbridge **Second** – Councilor Taylor
Resolved: (#19-2011) that the Town Board elect Supervisor Maneely to be the voting delegate and Councilor Sullivan to be the alternate delegate, for the NYSAT meeting in NYC in February 2011.

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

Training Request –

* **Motion** – Councilor Taylor **Second** – Deputy Supervisor Walbridge
Resolved: (#20-2011) that the Town Board authorizes Code Officer Crossman to attend an annual Code Officials' training conference in Lake Placid from March 7-10, 2011, with all necessary expenses to be paid by the town.

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

EXECUTIVE SESSION:

At 6:36pm, * **Motion** – Supervisor Maneely **Second** – Deputy Supervisor Walbridge
Resolved: (#21-2011) that the Board enter into executive session, in regard to a personnel matter relating to particular person, with all Board Members and the Town Attorney to be in attendance.

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

At 6:40pm, the executive session ended and the regular meeting resumed.

Discharge of Mortgage -

* **Motion** – Deputy Supervisor Walbridge **Second** – Councilor Sullivan
Resolved: (#21-2011) that the Town Board authorize a discharge of mortgage for Eric Jock's property, at 22 Lovers Lane Road, in relation to a \$13,000.00 HUD loan obtained through the Town of Malone, as the ten year term has expired.

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

Town of Malone
Organizational & Regular Meeting
January 12, 2011

BILLS FOR AUDIT & PAYMENT:

* **Motion** – Deputy Supervisor Walbridge **Second** – Councilor Sullivan
Resolved: (#22-2011) that the following bills, Vouchers #1 – 94, having been audited, be paid:

General Fund – Abstract #1	2010	\$13,203.72
	2011	<u>15,305.80</u>
		\$28,509.52
Part Town General Abstract #1	2010	\$ 1,522.24
	2011	<u>225.00</u>
		\$ 1,747.24
Highway DA Fund – Abstract #1	2010	\$32,145.75
Highway DB Fund Abstract #1	2010	\$25,053.88
East Side Water Fund Abstract #1	2010	\$ 343.45
Trust & Agency Fund Abstract #1	2011	\$ 786.65
Highway Equipment Reserve Abs.#1	2011	\$82,462.06
Airport Capital Project Abs. #1	2010	\$ 7,000.00
Landfill Cap. Project Abs. #1	2010	\$ 7,400.00

GRAND TOTAL: **\$185,448.55**

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

ADJOURN:

* **Motion** – Deputy Supervisor Walbridge **Second** – Councilor Taylor
Resolved: (#22-2011) there being no further business to come before the Board, that it
duly adjourn, with the next regular meeting scheduled for January 26th @ 6:00 P.M.

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

Respectfully Submitted,

Susan M. Hafter
Malone Town Clerk
January 25, 2011