

A regular meeting of the Malone Town Board was held Wednesday, May 27th 2009, at the Malone Town Offices, 27 Airport Road, Malone, New York commencing at 6:00 P.M.

PRESENT: Supervisor Howard Maneely
Councilor Louise Taylor
Councilor John Sullivan

ABSENT: Deputy Supervisor Paul Walbridge
Councilor Irving Caplan
Town Clerk Susan Hafter

ALSO PRESENT: Rita Gonyea, Deputy Town Clerk
Andrea Stewart, Budget Officer/Bookkeeper
Lillian-Anderson Duffy, Town Attorney

Darcy Fargo, Malone Telegram
Jack McCarthy, Malone
Andrea Dumas

At 6:00 P. M., Supervisor Maneely called the meeting to order with a Pledge to the Flag.

Supervisor Maneely advised that we will have a moment of silence for John Blair who passed away suddenly on May 16, 2009. John was one of our highway workers for 30 years and will be sadly missed.

MINUTES & REPORTS:

*On the motion of Councilor Taylor with a second thereto by Councilor Sullivan to accept the minutes of the regular meeting of 05/13/2009 as presented and place on file.

CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR (3-0)

Acceptance of the minutes for the two special meetings held May 2nd 2009 was tabled as there was not a quorum of those who attended them present at tonight's meeting.

CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR (3-0)

REPORTS:

There were no reports to review.

OLD BUSINESS:

John McCarthy advised that it has been two years since the work on the sewer system and that his front yard still is a mess. States he needs to empty his sewer tank every 2-3 weeks at a cost of \$150.00 as the leach field pipes have either been crushed or broken in his front yard from the heavy equipment that was going over it. Wants to know when this will be taken care of.

Supervisor Maneely advised that during the punch list check everything appeared to be okay. McCarthy states it was then but he went to Florida for six months and when he came back it was a mess and he could not use his toilet facilities and still can't. Supervisor Maneely states we are doing the best we can but the Town does not have the money. McCarthy states that if something isn't done soon he will be bringing his attorney with him the next time. Attorney Duffy asked

him if he had made a claim with the engineer or contractor of the job. He stated he had not. Supervisor Maneely advised that he is trying to get money and has been talking with Paul Maroun to get money. McCarthy was advised that the engineer was Burley & Guminiak and the contractor was Fiacco & Riley. McCarthy stated that he was waiting to be connected to the sewer system as he does not want to spend \$3,000.00 putting in a new septic system.

SUPERVISOR REPORTS:

****FAA Grant Funding** notice for Malone Dufort Airport, for the construction of a partial Parallel Taxiway "B" Phase 1 in the amount of \$812,250 will be going out for bid on June 1, 2009 which will eliminate back-taxiing on the runway and safety at the airport.

**5/11/2009 – request sent to Branch Development for additional escrow account funding for a total of \$6,910.00. Remit \$3,910.00 to the Town of Malone as well as an additional amount of \$3,000.00 toward replenishment of the escrow account.

Supervisor Maneely advised he attended the County/ANCA/Planning meeting at the court house on 5/21/2009 with no decision on ANCA with an overview of plans for Malone, Tupper Lake and Saranac Lake.

Supervisor Maneely plans on attending ANCA Meeting on June 4th, 2009 at 10:00 A.M. at the Blue Mountain Lake Museum regarding Scenic Bi-Way.

Supervisor Maneely attended the EMS/Mass casualty plan meeting held at the 911 Building regarding pandemic flu and other casualties insisting each town to have emergency planning in place.

Town Clerk Susan Hafter and Secretary to the Supervisor Andrea Stewart attended the Tobacco Free Network awards event in Plattsburgh representing the Town of Malone's efforts to support programs at reducing tobacco use. Andrea Stewart received the 2009 Tobacco Free Network award for the Town of Malone which will be hung someplace in the Town Offices. Supervisor Maneely thanked Andrea Stewart for representing the Town of Malone. Other organizations from the area who received awards were the Alice Hyde Hospital, Malone YMCA, Franklin County Ag Society, Malone Chamber of Commerce and MOMS of Franklin County and Franklin County Public Health.

Supervisor Maneely reported that the Town of Malone equalization rate is 80.23 which are down from 2008.

Supervisor Maneely reported that the Town of Malone received \$39,455.39 for its share of the Mortgage Tax from the Franklin County Treasurer.

BOARD MEMBER/COMMITTEE REPORTS:

Councilor Taylor – nothing to report
Councilor Sullivan – nothing to report.

SUPERINTENDENT OF HIGHWAYS REPORT:

Superintendent Livernoise was not at the meeting but Supervisor Maneely advised that the highway employees were enclosing the west side of the pavilion with a five foot high wall.

Supervisor Maneely also reported that the highway employees are working on the Webster Street Road.

CORRESPONDENCE:

From: Franklin County IDA – Public hearing notice for June 22, 2009 at 6:00 P.M. at the Malone Town Offices, for the purpose of considering public input for the proposed financial assistance from the IDA to the Holiday Inn Express project, and the proposed Payment in Lieu of Taxes agreement for this project.

EXECUTIVE SESSION:

*At 6:20 P. M , on the motion of Supervisor Maneely with a second thereto by Councilor Taylor that the Board enter into Executive Session for the purpose of Certiorari Legal Matter with the two Board Members present and Attorney to be in attendance.

At 6:43 P. M., the Executive Session end and the Regular Meeting resumed with action taken.

*On the motion of Supervisor Maneely with a second thereto by Councilor Taylor, a decision was made in Executive Session to accept a settlement agreement with WP Malone Associates (K-Mart Plaza) for tax years 2008/2009, 2009/2010, and 2010/2011.
Settlement as follows: ID#112.30.2-7 from \$3,600,000.00 to \$3,200,000.00 and ID# 112.30-2-8 from \$3,500,000.00 to \$3,000,000.00

CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR (3-0)

LAND PURCHASE – SCOTT ROBINSON / BARE HILL ROAD

Supervisor Maneely advised of a land purchase between the Bare Hill Road and have agreed to purchase more land from Scott Robinson for \$5,000.00 and need permission. We do not have the paper work done and we don't have another meeting for another month and would like permission that we could sign the contract and deed and pay them \$200.00 now and the rest at completion.

**A motion was made by Councilor Taylor with a second thereto by Councilor Sullivan for the Supervisor to sign the contract and deed.

CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR. (3-0)

BILLS FOR AUDIT & PAYMENT:

*On the motion of Councilor Taylor with a second thereto by Councilor Sullivan that the following bills, vouchers 435-448, having been audited, is paid:

General Fund	\$13,243.62
Part Town General	\$ 3,617.14
Escrow Fund	\$18,754.63

Chips Fund	\$ 1,927.37
Highway DB	\$ 709.09
Grand Total –	\$38,251.85

CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR (3-0)

ADJOURN:

At 6:50 P.M., on the motion of Supervisor Maneely 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 on Wednesday, 06/17/2009, commencing at 6:00 P. M. and the IDA will meet at 5:45 P.M.

CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR (3-0).

RESPECTFULLY SUBMITTED,

RITA M. GONYEA, DEPUTY TOWN CLERK
JUNE 3, 2009