

At a regular meeting of the Malone Village Board, held on Monday, January 12, 2009, at 6:30 p.m., at the Malone Village Meeting Room, located at 16 Elm Street, the following were present;

**BRENT S. STEWART**

**MAYOR**

**Susan Hafter  
Lenora Richards  
Todd LePine  
Dailon Patnode**

**Trustee  
Trustee  
Trustee  
Trustee**

**Also in attendance:**

**Jeffrey Smith, DPW Supervisor  
Chief of Police, Steve Stone  
Dolly Maguire, Village Treasurer  
Tammy LaValley, Village Clerk  
Madeleine & Paul Davis  
Rob Camoin  
Ben Zimmerman  
Mary Fredenburge  
Mark Gonyea  
Garth DePuy**

**PLEDGE OF ALLEGIANCE.**

**APPROVE MINUTES OF LAST REGULAR MEETING. (12-15-2008)**

**Upon motion made by Trustee Hafter, seconded by Trustee Patnode and unanimously carried by the Malone Village Board, the minutes of the last regular meeting were approved as received.**

**APPROVE MINUTES OF LAST SPECIAL MEETING. (12-30-2008)**

**Upon motion made by Trustee Richards, seconded by Trustee Patnode and unanimously carried by the Malone Village Board, the minutes of the last special meeting were approved as received.**

**Upon motion made by Trustee LePine, seconded by Trustee Richards and unanimously carried by the Malone Village Board, the following bills were authorized for payment:**

**PAY BILLS.**

<b>REVOLVING LOAN FUND-</b>	<b>\$6.72</b>
<b>JOINT REC FUND-</b>	<b>\$74.22</b>
<b>DEBT SERVICE FUND-</b>	<b>\$11756.25</b>
<b>SEWER FUND-</b>	<b>\$28762.20</b>
<b>TRUST &amp; AGENCY-</b>	<b>\$71069.36</b>
<b>GENERAL FUND-</b>	<b>\$77856.13</b>
<b>WATER FUND-</b>	<b><u>\$146854.18</u></b>

**TOTAL: \$336379.06**

**CODE APPLICATIONS.**

**The following code applications were reviewed by the Malone Village Board and will be on file at the Malone Village Clerk's Office.**

**BUILDING APPLICATIONS:**

**Carolyn Purdy**

**17 Seaver Street  
Malone, NY 12953**

**Application to do an electrical update and install a bathroom at 17 Seaver Street at an estimated cost of \$6,596. Application approved by Building Inspector Charles Robert.**

**HEATING EQUIPMENT**

**Melissa Russell**

**Application to install a pellet stove at 151 William Street. Application approved by Building Inspector Charles Robert.**

**SIGN PERMITS**

**Modern Neon Sign  
(EconoLodge)**

**Application to erect a 32 square foot double-faced, illuminated, pole sign at 227 West Main Street at an estimated cost of \$2,000. Application approved by Building Inspector Charles Robert.**

**DEMOLITION PERMITS**

**Shane Chatelle**

**Application to demolish a vacant residence at 70 William Street at an estimated cost of \$10,000. Application approved by Building Inspector Charles Robert.**

**EMPLOYMENT APPLICATIONS.**

- |   |  |
|---|--|
| <b>1. DAVID S. GAVIN<br/>13 CEDAR STREET<br/>MALONE</b> | <b>DPW (TRUCKDRIVER)<br/>(HAS CDL)</b> |
|---|--|

**PRESENTATION; ROB CAMOIN - FUNDING; 2009 SMALL CITIES APPLICATION.**

**Rob Camoin and Ben Zimmerman from Camoin Associates were present at this meeting. Rob Camoin did a presentation on the 2009 Small Cities program and other funding that may be available for municipalities for economic development, redevelopment, infrastructure, etc. There may be money that would help the Village do some more work on the water line; the Duane Street corridor to Main Street. The deadline is early April for the application for the 2009 funding. It will take at least one month for preparation time for the application. Rob stated that he would like to know if the Village has interest in this program; he will be meeting with individuals at the Office of Community Renewal on the 22<sup>nd</sup> to discuss the communities that he is currently working with or may work with for Small Cities.**

**Trustee Hafter made a motion to proceed with discussion with Camoin Associates in regards to an application for Small Cities Funding in 2009 and aim for infrastructure (water line) development on Duane Street and also consider rehab for housing and commercial buildings on Main Street, Duane Street and go forward toward an application. Trustee Richards asked about monies for this. Trustee Hafter and Dolly Maguire were reviewing the budget and Treasurer Maguire stated that we have a healthy unreserved fund balance for the infrastructure part. Rob Camoin stated that a range of the cost of the application for a single purpose application was around \$7500.00. Single purpose means water infrastructure or housing; one or the other. The Trustees had further discussion on this item.**

**Trustee LePine seconded the motion made by Trustee Hafter and it was unanimously carried by the Malone Village Board.**

**CORRESPONDENCE.**

**1. CHIPS CAPITAL PROGRAM MONIES REC'D.**

**The amount received from New York State DOT was \$103647.67, on 12-18-2008.**

**2. NYCOM - RESTORE NY COMMUNITIES INITIATIVE.**

**The Village received a booklet that mentions the Restore NY program and the next phase of such program. The booklet is on file in the Village Clerk's office for review.**

**3. CINDY GADWAY, WATER ACCOUNT CLERK; LETTER TO BRYON VARIN IN REGARDS TO COUNTY REAL PROPERTY TAX SALE.**

**The Mayor stated that sometimes, when properties are taken for unpaid taxes and go to the tax sale, any monies that might be owed for say, water and sewer, get lost in the shuffle. The water clerk, Cindy Gadway, send a letter to Bryon Varin, to keep in touch with the Village in regards to these properties so they don't get lost in the shuffle.**

**4. ELAN PLANNING AND DESIGN; LWRP PHASE 2- FEASIBILITY STUDY FOR SALMON RIVER PARKS.**

**Trustee Hafter state that early on, we had trouble with the bid process; the RFP went out with the incorrect amount for the project total. The LWRP Committee spoke with Andy LaBruzzo and he said that one of the bidders may be interested in looking at the actual amount we do have for the program so as to make the project work under those terms. That firm is Elan Planning and Design and the contact person's name is Lisa Nagle. She proposes modifying and scaling back the work that was originally proposed for the LWRP and putting some of that work into future projects. In addition she stated that we should roll the grant monies from the River Front Park Feasibility Study and doing the same with that; retracting some of the original work. And the LWRP has also found out that the Franklin County Soil and Water Office is willing to get involved with that work and do it for nothing. It is the recommendation of the LWRP committee that we go forward with the contract with Elan Planning and Design for the completion of the LWRP and the Park Feasibility Study to be included within. More discussion occurred between the Trustees in regards to this issue. Elan Planning and Design are looking at a turn around time of 8 months.**

**Trustee LePine made a motion to approve Elan Planning and Design to complete the LWRP Phase 2 and the Park Feasibility Study in the amount of \$29985.00 as proposed. Trustee Hafter seconded this motion and it was unanimously carried by the Malone Village Board.**

**5. NATIONAL GRID.**

**The Mayor stated that this has been in the news lately; National Grid is trying to get monies back from the Village and other municipalities. They say that they paid too much in Gross Receipts. NYCOM has been contacted and they are looking into this. They instructed the Village of Malone not to pay the invoice yet until they have more information for us.**

**NEW BUSINESS.**

**1. BIDS FOR STATE STREET ARENA.**

**Garth DePuy from the State Street Arena/Malone Minor Hockey Association was present at tonight's meeting. The Village received three bids for the Chiller System and Dehumidification System. One bid however, came in late and was therefore not opened and remains sealed. The other two bids, were opened on 1-7-2009, at 12:00 p.m. and are as follows:**

**#1 Hogan Refrigeration & Mechanical, Inc.  
Peru, NY**

**Dehumidifier: \$31817.00  
Installation: \$32570.00**

**Package Chiller: \$74895.00  
Installation: \$74731.00**

**A Non-Collusion statement was included with these bids.**

**#2 Davis Mechanical Service, Inc.  
E. Syracuse, NY**

**Dehumidifier: \$27669.00  
Installation: \$21000.00**

**Package Chiller: \$109000.00  
Installation: \$37000.00**

**A Non-Collusion statement was included with these bids.**

**Garth DePuy stated that he did get some clarification on the large difference in pricing in the bids and came to the conclusion that J. Hogan was quoting a different compressor than what is in the bid package. He stated that there is not, however, enough money received from the grant monies to do both projects and is therefore, recommending that the Package Chiller be done at this time and feels comfortable with Davis Mechanical's bid for the Package Chiller and install. The Trustees discussed all the bids.**

**Upon motion made by Trustee Patnode, seconded by Trustee LePine and unanimously carried by the Malone Village Board, Davis Mechanical Service Inc. is awarded the Chiller Package and Install job for the State Street Arena, with a low bid of \$146,000.00. Please note that Trustee Dailon Patnode stated that he had an issue with the warranty on the chiller. Garth DePuy believes it is a one year warranty. Trustee Patnode has concerns with that.**

**2. COMMITTEE REPORTS.**

**There are no committee reports tonight.**

**3. VOM JUSTICE COURT DISTRIBUTION STATEMENT FOR THE MONTH OF NOVEMBER 2008.**

**This report was reviewed by the Village Board of Trustees and will be kept on file at the Village Clerk's Office.**

**4. REQUEST FOR REMOVAL OF PAST DUE WATER RENT.**

**WILLIAM VINA JR.  
178 WEST STREET  
MALONE**

The water clerk, Cindy Gadway, explained that the past due water rents go back to 1993 but the statute of limitations allows the Village to pursue 6 year or amounts accrued after 1/2003.

Total past due is \$1841.89. We can legally pursue \$483.36. The Village attorney was contacted in regards to this and apparently there were numerous changes in owners including the County who never contacted the Village to determine if the Village had any interest before the property was auctioned. By the time we pay legal fees to pursue the \$483.36, it may be more beneficial to remove the entire past due water amount.

Upon motion made by Trustee Hafter, seconded by Trustee Richards and unanimously carried by the Malone Village Board, the past due water fees in the amount of \$1841.89, in the name of William Vina, Jr. are hereby removed.

**5. VOM POLICE REPORT FOR THE MONTH OF DECEMBER 2008.**

This report was reviewed by the Malone Village Board of Trustees and will be kept on file at the Village Clerk's Office.

**6. VOM CLERK REPORT FOR THE MONTH OF DECEMBER 2008.**

Upon motion made by Trustee Patnode, seconded by Trustee Hafter and unanimously carried by the Malone Village Board, the Village Clerk Report for the month of December 2008, in the amount of \$178909.12 was approved and accepted as received.

**7. NOVEMBER 2008 JOINT REC FUND FINANCIAL REPORT.**

Upon motion made by Trustee Hafter, seconded by Trustee Patnode and unanimously carried by the Malone Village Board, the Joint Recreation Fund Financial Report for November 2008, was approved and accepted as received.

**8. VOM FINANCIAL REPORT FOR THE PERIOD ENDING NOVEMBER 2008.**

Upon motion made by Trustee Hafter, seconded by Trustee Patnode and unanimously carried, the Village of Malone Financial Report for the month of November 2008, was approved and accepted as received.

**OLD BUSINESS.**

**MOTION TO GO INTO EXECUTIVE SESSION. (IF WARRANTED)**

Upon motion made by Trustee Hafter, seconded by Trustee Patnode and unanimously carried by the Malone Village Board, this meeting went into executive session to discuss a particular individual's employment; persons who attended the executive session were the DPW Supervisor, the Mayor and the Village Board of Trustees.

Upon motion made by Trustee Hafter, seconded by Trustee Patnode and unanimously carried by the Malone Village Board, this meeting came out of executive session.

Upon motion made by Trustee Patnode, seconded by Trustee Hafter and unanimously carried by the Malone Village Board, this meeting came back into regular session.

**RESOLUTION NO. 1 -2009**

**RELATING TO: § 207-c Leave**

**WHEREAS, an Employer's Report of Work Related Accident/Occupational Disease (Workers' Compensation C-2) form has been received for a Village Police Officer; and**

**WHEREAS, the form states that the Officer was injured on January 5, 2009 while performing his patrol duties; NOW THEREFORE BE IT**

**RESOLVED: The Village Board of Trustees hereby designate the Officer is entitled to Section 207-c benefits of the General Municipal Law.**

**MOTION MADE BY: Trustee Susan Hafter**

**SECONDED BY: Trustee Todd LePine**

**APPROVED BY BOARD OF TRUSTEES ON: 01-12-2009**

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**Tammy LaValley, Village Clerk**

**RESOLUTION #2 -2009**

**RELATING TO: HEALTH INSURANCE COVERAGE FOR DPW SUPERVISOR, JEFFREY SMITH.**

**WHEREAS, at a regular meeting of the Malone Village Board held on Monday, January 12, 2009 at 6:30 p.m., the Village Board and DPW Supervisor, Jeffrey Smith had a discussion in regards to his current health insurance coverage through the Village of Malone; and**

**WHEREAS, Jeffrey Smith requested that he be allowed to opt out of the current Excellus BCBS Health Insurance (EPO Option K); and**

**WHEREAS, Jeffrey Smith has checked on the health insurance that the Village of Malone Police Officers have through the Teamsters Union and qualifies to enroll in such coverage. Jeffrey Smith is requesting that he be allowed to join the insurance coverage that the Teamsters Union offers, at a lower rate than the coverage he currently has; NOW, THEREFORE BE IT**

**RESOLVED: that the Village Board of Trustees hereby grants permission and allows Mr. Jeffrey Smith to join the Health Insurance coverage/plan that is presently offered by the Teamsters Union with the option of opting back into the Excellus BCBS that the Village of Malone offers.**

**MOTION MADE BY: Trustee Susan Hafter**

**SECONDED BY: Trustee Todd LePine**

**APPROVED BY THE BOARD OF TRUSTEES ON: 01-12-2009**

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**Tammy R. LaValley, Village Clerk**

**ADJOURN.**

**Upon motion made by Trustee Patnode, seconded by Trustee LePine and unanimously carried by the Malone Village Board, this meeting adjourned at 9:19 p.m.**

**RESPECTFULLY SUBMITTED:**

**TAMMY R. LAVALLEY  
Malone Village Clerk**