

At a regular meeting of the Malone Village Board,
held on Monday, February 9, 2009, at 6:30 p.m.
in the Malone Village Meeting room, located
at 16 Elm Street, the following were present:

TODD LEPINE

DEPUTY MAYOR

Susan Hafter

Trustee

Dailon Patnode

Trustee

Lenora Richards

Trustee

Mayor Brent Stewart and Village Treasurer Dolly Maguire did not attend this meeting.

Also in attendance:

Tammy R. LaValley, Village Clerk
Pat Maguire, Sid G. Spear Agency
Jeffrey Smith, DPW Supervisor
Chief of Police, Steve Stone
Ben Zimmerman, Camoin Associates
Rob Camoin, Camoin Associates
Hugh Hill
Darcy Fargo, Malone Telegram

PLEDGE OF ALLEGIANCE.

MINUTES APPROVED.

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

BILLS PAID.

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

REVOLVING LOAN FUND:	\$9.66
JOINT REC FUND:	\$228.12
WATER FUND:	\$39453.38
SEWER FUND:	\$40172.04
GENERAL FUND:	\$143944.97
TRUST AND AGENCY FUND:	<u>\$154540.85</u>
TOTAL:	\$378349.02

CODE APPLICATIONS.

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

BUILDING APPLICATIONS:

Jack Harwood
322 Teboville Rd.
Malone, NY 12953

Application to repair and replace where damage was caused by fire at 11 Elbow Street at an estimated cost of \$2,500. Application approved by Building Inspector Charles Robert.

Malone Grange
42 Raymond Street
Malone, NY 12953

Application to build a roof over the handicap ramp at 42 Raymond Street at an estimated cost of \$500. Application approved by Building Inspector Charles Robert.

Mary Bennor

**85 Andrus Street
Malone, NY 12953**

**Application to do renovations 85 Andrus Street at an estimated cost of \$10,000.
Application approved by Building Inspector Gordon Halley.**

4. PRESENTATION; PAT MAGUIRE – VILLAGE INSURANCE.

Pat Maguire of the Sid G. Spear Agency did a presentation on the property/casualty insurance for the Village of Malone. Pat submitted two proposals this year; one from Selective Insurance and one from NYMIR. Trident was contacted by Pat for a proposal but declined to submit one because of claim experience. Selective Insurance gave a total price of \$137,221.13 for the year 2009-2010. NYMIR's submittal was in the amount of \$141,136.78. Last year, the Village paid \$146,076.20. Mr. Maguire explained the proposal and the Trustees and Deputy Mayor asked questions that Pat answered for them.

Upon motion made by Trustee Hafter, seconded by Trustee Patnode and unanimously carried by the Malone Village Board, Selective Insurance's proposal on behalf of Pat Maguire, was approved and accepted as proposed in the amount of \$137,221.13 for the year 2009-2010, for the Village's property/casualty insurance coverage.

EMPLOYMENT APPLICATION:

- | | |
|---|---------------------------------|
| 1. MARK HENDERSON
128 MEEHAN ROAD
MALONE | VILLAGE GARAGE- MECHANIC |
|---|---------------------------------|

This employment application will be put on file in the Village Clerk's office for possible use in the future.

CORRESPONDENCE.

1. DEPARTMENT OF CORRECTIONS.

The Village of Malone received a letter from the Department of Corrections to inform us of their decision to construct and operate their own shooting range on state-owned land. The letter also stated that they are engaged in formulating a plan for the survey and removal of lead from the Village of Malone range. Village Attorney, Nathan Race was contacted in regards to this letter and instructed Deputy Mayor LePine to submit a formal letter to DOCS, requesting a formal agreement in writing stating what DOCS intentions are and the requests are. Mentioned in the letter was the request from DOCS to continue to use the Village's range until December 31, 2009. After such agreement is received by the Village, it will be submitted to the Village Attorney for review, then onto the board for acceptance and approval.

2. US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

The U. S. Dept. of Housing and Urban Development will be contacting the Village soon; they are going to be doing some on site monitoring to determine whether HUD funded programs are being implemented in a manner that is consistent with applicable laws and regulations, as well as meeting program objectives. The Treasurer has been informed of this.

**3. 2009 WATER MONITORING & REPORTING REQUIREMENTS;
COMMUNITY WATER SYSTEMS.**

Notification was received for the water testing requirements for the Village. A schedule of tests and testing dates was attached to the letter. Gerry Fisher and Jeff Smith are aware of such.

4. TIME WARNER CABLE.

Deputy Mayor LePine announced that the Village received a letter in regards to rate increases from Time Warner Cable.

NEW BUSINESS.

1. PEDDLER PERMIT.

JEFFREY SCHARF/EDWARD JONES FINANCIAL SERVICES

PERMIT SIGNED BY DEPUTY MAYOR LEPINE AND DEPUTY CLERK, KAREN ELMER-PRITCHARD. PERMIT EXPIRES AUGUST 2009 AND THE FEE OF \$25.00 HAS BEEN PAID.

2. SUBORDINATION AGREEMENT; MARY K. LAMITIE.

Deputy Mayor LePine explained that the Village currently has the mortgage; it was through a HUD Grant; the Village will now become second on the mortgage and the Community Bank will be first.

Upon motion made by Trustee Hafter, seconded by Trustee Richards and unanimously carried by the Malone Village Board, the subordination agreement pertaining to Mary K. Lamitie is approved and accepted as received.

3. JUSTICE COURT RECEIPTS DISTRIBUTION REPORT FOR THE MONTH OF DECEMBER 2008.

The Deputy Mayor read the report a loud.

Upon motion made by Trustee Richards, seconded by Trustee Hafter and unanimously carried by the Malone Village Board, the Justice Court Distribution Report for the month of December 2008 was accepted and approved as received.

4. BUDGET AMENDMENTS.

GENERAL FUND

BUDGET AMENDMENT NO. 28-2008/2009

**OFFERED BY: DOROTHY MAGUIRE, BUDGET OFFICER/TREASURER
RELATING TO THE APPROPRIATION AND/OR TRANSFER OF FUNDS**

**RESOLVED: THAT THE FOLLOWING AMOUNT(S) BE AND THE SAME HEREBY IS
(ARE) APPROPRIATED/TRANSFERRED.**

\$1,619.90 FROM ACCOUNT NO. A3120.4 Police Other Expenses (Forfeiture Fund)

AS FOLLOWS:

\$1,619.90 TO ACCOUNT NO. A3120.2 Police Equipment (Forfeiture Fund)

MOTION MADE BY: Trustee Dailon Patnode

SECONDED BY: Trustee Lenora Richards

APPROVED BY BOARD OF TRUSTEES ON: 2-9-09

GENERAL FUND

BUDGET AMENDMENT NO. 29-2008/2009

**OFFERED BY: DOROTHY MAGUIRE, BUDGET OFFICER/TREASURER
RELATING TO THE APPROPRIATION AND/OR TRANSFER OF FUNDS**

**RESOLVED: THAT THE FOLLOWING AMOUNT(S) BE AND THE SAME HEREBY IS
(ARE) APPROPRIATED/TRANSFERRED.**

\$ 94.00 FROM ACCOUNT NO. A1325.4 Treasurer Other Expenses

AS FOLLOWS:

\$ 94.00 TO ACCOUNT NO. A8686.4 Community Development Administration Other Expenses

MOTION MADE BY: Trustee Susan Hafter

SECONDED BY: Trustee Dailon Patnode

APPROVED BY BOARD OF TRUSTEES ON: 2-9-09

GENERAL FUND

BUDGET AMENDMENT NO. 30-2008/2009

OFFERED BY: DOROTHY MAGUIRE, BUDGET OFFICER/TREASURER

RELATING TO THE APPROPRIATION AND/OR TRANSFER OF FUNDS

RESOLVED: THAT THE FOLLOWING AMOUNT(S) BE AND THE SAME HEREBY IS (ARE) APPROPRIATED/TRANSFERRED.

\$1,250.00 FROM ACCOUNT NO. A5130.4 Machinery Other Expenses

AS FOLLOWS:

\$1,250.00 TO ACCOUNT NO. A5142.2 Snow Removal Equipment

MOTION MADE BY: Trustee Lenora Richards

SECONDED BY: Trustee Susan Hafter

APPROVED BY BOARD OF TRUSTEES ON: 2-9-09

5. FURNACE SERVICE AGREEMENT.

Trustee Patnode explained that he spoke with Tom Arnold at Arnold Oil Company and they gave us a price of \$579.97 for boiler and furnace service, for the period of February 2009 through May 2009; and another furnace agreement for the Fiscal Year of June 2009-May 2010 in the amount of \$1740.00. Parts and Labor are included.

Upon motion made by Trustee Patnode, seconded by Trustee Hafter and unanimously carried by the Malone Village Board, the above quoted agreements for furnace service for the Village of Malone with Arnold Oil are accepted and approved as received.

6. VOM CLERK REPORT FOR THE MONTH OF JANUARY 2009.

Upon motion made by Trustee Hafter, seconded by Trustee Richards and unanimously carried by the Malone Village Board, the Village Clerk report for the month of January 2009, in the amount of \$36084.64 was approved and accepted as received.

**7. INSURANCE CLAIM RECEIVED FROM MARK FLICK.
FORWARDED TO THE VILLAGE OF MALONE INSURANCE
COMPANY FOR REVIEW.**

**8. APPOINT A TRUSTEE TO FILL IN DEPUTY MAYOR POSITION
WHILE DEPUTY MAYOR TODD LEPINE IS OUT OF TOWN
FOR A WEEK. (MAYOR IS ALSO NOT AVAILABLE FOR SEVERAL
WEEKS.)**

Trustee/Deputy Mayor LePine will be out of the office starting on February 13, 2009 through February 20, 2009 and according to NYCOM, since the Mayor is also out on sick leave, a trustee should be appointed to the Deputy Mayor position to cover the Village of Malone for the week that Deputy Mayor LePine will be out. Trustee Lenora Richards stated that she would cover for a week.

Upon motion made by Trustee Hafter, seconded by Trustee Patnode and unanimously carried by the Malone Village Board, Trustee Lenora Richards is hereby appointed to a temporary Deputy Mayor position for the week of February 13, 2009 through February 20, 2009 while Deputy Mayor Lepine and Mayor Stewart are out of the office.

9. VOM POLICE REPORT FOR THE MONTH OF JANUARY 2009.

This report was reviewed by the Chief of Police and the Malone Village Board and will put on file at the Malone Village Clerk's office.

Upon motion made by Trustee Hafter, seconded by Trustee Patnode and unanimously carried, this report was approved and accepted as received.

OLD BUSINESS.

1. HUD GRANT/SMALL CITIES APPLICATION.

Benjamin Zimmerman and Rob Camoin were present for tonight's meeting and explained the HUD/Small Cities application process. Camoin Associates have submitted a proposal to prepare such application on the behalf of the Village of Malone. The amount of their proposal is \$7500.00, which would come from the water fund, not the general fund. Trustee Patnode and Richards expressed their concern about spending more money for funding/grants; they stated that the Village never seems to get anything from the state. However, Trustee Richards did feel better about the monies needed for the proposal coming out of the water fund; she would not be able to agree with the monies coming out of the general fund. Trustee Patnode conveyed the same opinion. Mr. Hugh Hill also in attendance of this meeting gave his thoughts and opinions on this subject. After much discussion about this subject amongst the Trustees and the reps. from Camoin Associates, the following motion and vote took place:

CAMOIN ASSOCIATES PROPOSAL.

Trustee Hafter made a motion to approve and accept the proposal submitted from Camoin Associates in the amount of \$7500.00, for the purposes of preparing a grant application for the 2009 New York State Office for Community Renewal competitive round of grant applications, as stated in the agreement. This motion was seconded by Trustee Patnode and unanimously carried by the Malone Village Board. Such monies to cover the proposal fee will come from the water fund.

BURLEY GUMINIAK PROPOSAL.

Burley Guminiak also sent a proposal for the preliminary engineering services for the Duane Street Water Main Replacement, which is part of the submittal for the HUD grant for this work. Their proposal is in the amount of \$2000.00 plus expenses.

Upon motion made by Trustee Richards, seconded by Trustee Hafter and unanimously carried by the Malone Village Board, the proposal from Burley Guminiak was approved and accepted as prepared and submitted. The monies to cover the proposal fee will come from the water fund.

BUDGET AMENDMENT.

WATER FUND

BUDGET AMENDMENT NO. 4-2008/2009

OFFERED BY: DOROTHY MAGUIRE, BUDGET OFFICER/TREASURER

RELATING TO THE APPROPRIATION AND/OR TRANSFER OF FUNDS

RESOLVED: THAT THE FOLLOWING AMOUNT(S) BE AND THE SAME HEREBY IS (ARE) APPROPRIATED/TRANSFERRED.

\$10,000.00 FROM ACCOUNT NO. F599 Appropriated Fund Balance

AS FOLLOWS:

\$10,000.00 TO ACCOUNT NO. F8310.4 Water Administration Other Expense

MOTION MADE BY: Trustee Susan Hafter

SECONDED BY: Trustee Dailon Patnode

APPROVED BY BOARD OF TRUSTEES ON 2-9-09

2. NATIONAL GRID; GROSS RECEIPTS TAX.

National Grid sent the Village a letter of explanation of the gross tax receipts that they claim the Village owes them. Apparently other communities have received the same letter. NYCOM has instructed the Village to not pay anything yet until a final ruling has been made on this subject.

MOTION TO GO INTO EXECUTIVE SESSION.

Upon motion made by Trustee Hafter, seconded by Trustee Patnode and unanimously carried by the Malone Village Board, this meeting went into executive session for the purpose of a particular personnel matter and contract negotiations.

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

Upon motion made by Trustee Hafter, seconded by Trustee Patnode and unanimously carried by the Malone Village Board, the Notice of Salary and Benefits for DPW Supervisor, Jeffrey Smith, dated 2/9/2009, is hereby approved and accepted as prepared.

ADJOURN.

Upon motion made by Trustee Patnode, seconded by Trustee Richards and unanimously carried by the Malone Village Board, this meeting adjourned at 8:00 p.m.

RESPECTFULLY SUBMITTED:

**TAMMY R. LAVALLEY
MALONE VILLAGE CLERK**