

At a regular meeting of the Malone Village Board, held on Monday, November 24, 2008, at 6:30 p.m., at the Malone Village Meeting Room, located at 16 Elm Street, Malone, New York, the following were present:

SUSAN HAFTER

DEPUTY MAYOR

Lenora Richards  
Dailon Patnode  
Todd LePine

Trustee  
Trustee  
Trustee

Mayor Brent S. Stewart did not attend this meeting.

Also in attendance:

Dolly Maguire, Village Treasurer  
Tammy R. LaValley, Village Clerk  
Jeff Smith, DPW Supervisor  
Chief of Police, Steve Stone  
Darcy Fargo, Malone Telegram  
Mark Gonyea, Malone Resident  
Hugh Hill, Chamber of Commerce  
Scott Rivers, DPW Employee  
Robbie Lane, DPW Employee  
Pat Maguire, Sid G. Spear Insurance Co.

PLEDGE OF ALLEGIANCE.

MINUTES APPROVED FROM LAST REGULAR MEETING HELD ON NOVEMBER 10, 2008.

Upon motion made by Trustee Richards, seconded by Trustee LePine and unanimously carried by Deputy Mayor Hafter, the minutes of the last regular meeting were approved as received. Trustee Patnode abstained from voting as he did not attend the last regular meeting.

BILLS PAID.

Upon motion made by Trustee Patnode, seconded by Trustee Richards and unanimously carried by Trustee LePine and Deputy Mayor Hafter, the following bills were authorized for payment:

JOINT RECREATION FUND:	\$238.87
COMMUNITY DEVELOPMENT FUND:	4327.56
SEWER FUND:	31398.81
WATER FUND:	45992.23
GENERAL FUND:	138850.84
TRUST & AGENCY FUND:	<u>157424.93</u>
TOTAL:	\$378233.24

CODE APPLICATIONS.

BUILDING APPLICATIONS:

Yong Sheng, Jiang  
73 Franklin Street  
Malone, NY 12953

Applications to repair, put a window and door on, and enclose the porch at 73 Franklin Street at an estimated cost of \$1,000. Application approved by Building Inspector Charles Robert.

HEATING EQUIPMENT

Tim Harmon

Application to install a pellet stove at 28 Howard Ave. Application approved by Building Inspector Charles Robert.

**Kerry Smith**

**Application to install a pellet stove at 29 First Street. Application approved by Building Inspector Charles Robert.**

**Carl Seyfarth**

**Application to install fireplace insert pellet stove at 37 Second Street. Application approved by Building Inspector Charles Robert.**

**Kim Malley**

**Application to install wood stove and chimney at 6 Patnode Street. Application approved by Building Inspector Charles Robert.**

**SIGN PERMITS**

**Peryea Labarge Real Estate**

**Application to renew an application to erect a 48" x 68" wall sign and a 16" x 16' double-faced illuminated sign. The signs would be placed on the building at 7 Rockland Street and the other at corner of Rockland Street and West Main Street at an estimated cost of \$900. Application approved by Building Inspector Charles Robert.**

**EMPLOYMENT APPLICATION.**

- 1. DENNIS LASHWAY CODE ENFORCEMENT OFFICER  
356 ELM STREET  
MALONE**

**Deputy Mayor Hafter read the employment application aloud and stated that this application will be kept on file at the Village Clerk's Office.**

**CEMENT APPLICATION.**

- 1. THOMAS THORNE FOR NEXT YEAR'S CEMENT  
(Trustee for Church) WORK  
2 CLAY STREET  
MALONE**

**This application has been approved by DPW Supervisor, Jeff Smith.**

**Upon motion made by Trustee LePine, seconded by Trustee Patnode and unanimously carried by Trustee Richards and Deputy Mayor Hafter, the above cement application is approved as received.**

**CORRESPONDENCE.**

- 1. FRANKLIN COUNTY YOUTH BUREAU-FUNDING REDUCTION.**

**Deputy Mayor Hafter stated that as we all know, the state is making cuts in the budget which will affect our municipality. A letter to the governor and legislators is an excellent idea, making them aware of the Village's need for funding for the Juvenile Aid Program, the Swim Program and the Art and Crafts Program.**

- 2. NYCOM – NEWSLETTER: BUDGET CUTS.**

**Again, a letter sent to us notifying us of possible budget cuts and recommendations to send the governor and legislators a letter of concern.**

- 3. STATE OF NEW YORK, DEPT OF TRANSPORTATION.**

**The Village received a copy of a letter that went to the Franklin County Traffic Safety Board from the NYS DOT in regards to the engineering study at the intersection of US Route 11 and Webster Street. They concluded in the study that this intersection fails to meet the criteria for the installation of a three-color traffic signal under the warrants associated with traffic volumes, accident history and standard pedestrian activity.**

**4. MALONE CHAMBER OF COMMERCE; SNOWMOBILE SPECIAL EVENT PERMIT.**

This item is informational; just letting the Village know that the Malone Chamber of Commerce has received their special event permit for the Snocross Event.

**NEW BUSINESS.**

- 1. MAYOR STEWART GRANTS PERMISSION TO JEFF SMITH, TIM ROTTIER, GERALD FISHER AND PAUL HUTCHINS TO ATTEND THE NORTHERN NEW YORK WATER WORKS ASSOCIATION TRAINING. DECEMBER 8, 2008, IN POTSDAM. TOTAL COST FOR TRAINING AND LUNCH IS \$100.00.**
- 2. NOTIFICATION THAT SANTA LUCIA'S CAFÉ, LLC. IS APPLYING FOR AN ON-PREMISES LIQUOR LICENSE; CURRENTLY THEY HAVE A RESTAURANT WINE LICENSE.**

The Village Clerk will call Santa Lucia's Café and make them aware that they do not need the board's permission; just need to notify us when renewing or applying for a different type of license.

**3. VILLAGE OF MALONE FINANCIAL REPORT FOR THE PERIOD ENDING OCTOBER 31, 2008.**

The Village Treasurer pointed out a few items in the report that she wanted to explain. The Board members did not have any questions.

Upon motion made by Trustee Richards, seconded by Trustee LePine and unanimously carried by Trustee Patnode and Deputy Mayor Hafter, the Financial Report for the period ending October 31, 2008 is approved as received.

**4. JOINT RECREATION FUND FINANCIAL REPORT.**

Upon motion made by Trustee LePine, seconded by Trustee Patnode and unanimously carried by Trustee Richards and Deputy Mayor Hafter, the Joint Rec. Fund Financial Report for the period ending October 31, 2008 was approved as received.

**5. BUDGET AMENDMENTS.**

**GENERAL FUND  
BUDGET AMENDMENT NO. 20-2008/2009**

**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.**

**\$ 200.50 FROM ACCOUNT NO. A511.2 Appropriated Forfeiture Fund Reserve**

**AS FOLLOWS:**

**\$ 185.50 TO ACCOUNT NO. A3120.1 Police Officer Salaries (Forfeiture Fund)**

**\$ 15.00 TO ACCOUNT NO. A3120.4 Police Other Expenses (Forfeiture Fund)**

**MOTION MADE BY: Trustee Dailon Patnode**

**SECONDED BY: Trustee Todd LePine**

**UNANIMOUSLY CARRIED BY: Trustee Richards and Deputy Mayor Hafter**

**APPROVED BY BOARD OF TRUSTEES ON: 11-24-2008.**

**6. VILLAGE OF MALONE NEW HEALTH INSURANCE RATES.**

Pat Maguire explained why there is an increase in rates and therefore this means that employees will have to contribute to the premiums. He stated that it does state that in the last contract that was negotiated. He explained the difference between being experience rated and community rated.

Scott Rivers, a Village DPW employee asked if this item could be tabled until the next board meeting; he stated that all employees would like a little more time to look over this coverage and see if we can get the rates down, so the employee doesn't have to pay so much; he stated that this is a big hike in rates. He asked if the board would consider waiting two weeks on making any final decisions on this. He will get ideas from the employees and meet with the insurance committee and possibly insurance reps. to talk about options. The Village Board agreed to table this item until the next regular board meeting.

**7. VILLAGE OF MALONE ANNUAL ORGANIZATIONAL MEETING  
SCHEDULED FOR DECEMBER 1, 2008, AT 6:30 P.M.**

This is an informational item only.

**8. COMMITTEE REPORTS.**

Deputy Mayor Hafter gave an update on the Malone Revitalization Foundation and the LWRP.

**9. RESOLUTION #15-2008; CDBG LOAN – BEACH.**

**RESOLUTION NO. 15 -2008**

**RELATING TO: CDBG Loan No. 98-12**

WHEREAS, Jacqueline M. Beach received a Community Development Block Grant (CDBG) loan on April 27, 2001 in the amount of \$8,155.52 for property located at 129 Webster Street Malone NY; and

WHEREAS, said property was foreclosed and sold at public auction on August 12, 2005; and

WHEREAS, the Village of Malone held a second mortgage lien; and

WHEREAS, surplus funds did not exist at the time of sale; NOW THEREFORE BE IT

**RESOLVED:** The Village Board of Trustees agree to write off the outstanding balance of Seven Thousand Two Hundred Forty and 07/100 Dollars (\$7,240.07) for CDBG Loan No. 98-12 issued to Jacqueline M. Beach.

**MOTION MADE BY: Trustee Todd LePine**

**SECONDED BY: Trustee Lenora Richards**

**UNANIMOUSLY CARRIED BY: Trustee Patnode and Deputy Mayor Hafter.**

**APPROVED BY BOARD OF TRUSTEES ON: 11-24-2008**

**10. RESOLUTION #16-2008; CDBG LOAN – DURANT.**

**RESOLUTION NO. 16-2008**

**RELATING TO: CDBG Loan No. 92-14**

WHEREAS, Anthony and Karen Durant received a Community Development Block Grant (CDBG) loan on July 5, 1994 in the amount of \$19,031.63 for property located at 96 Webster Street Malone NY; and

WHEREAS, Citizens National Bank held the first mortgage lien in the amount of \$34,000.00 and the Village of Malone held the second mortgage lien for \$19,031.63; and

WHEREAS, On July 23, 2002 Anthony and Karen Durant entered into a Revised Project Agreement with the Village of Malone which named Charter One Bank, NA as the first mortgage lien for \$50,000.00 and the Village of Malone as the second mortgage lien for \$14,031.63; and

WHEREAS, said property was foreclosed and sold at public auction on September 9, 2005; and

WHEREAS, surplus funds did not exist at the time of sale; NOW THEREFORE BE IT

**RESOLVED:** The Village Board of Trustees agree to write off the outstanding balance of Twelve Thousand Five Hundred and Seventy One Dollars and Seven Cents(\$12571.07) for CDBG Loan No. 92-14 issued to Anthony & Karen Durant.

**MOTION MADE BY: Trustee Lenora Richards**

**SECONDED BY: Trustee Todd LePine**

**UNANIMOUSLY CARRIED BY: Trustee Patnode and Deputy Mayor Hafter**

**APPROVED BY BOARD OF TRUSTEES ON: 11-24-2008**

**11. NEXT REGULAR MEETING OF THE MALONE VILLAGE BOARD SCHEDULED FOR DECEMBER 8, 2008 AT 6:30 P.M.**

After some discussion about the meeting schedule for the month of December, it was decided by the board to hold just one regular meeting due to the holidays in December.

Upon motion made by Trustee Richards, seconded by Trustee LePine and unanimously carried by Trustee Patnode and Deputy Mayor Hafter, there will be only one regular meeting in the month of December 2008 and that will be held on December 15, 2008 at 6:30 p.m. If needed, we can call a special meeting for the purpose of paying bills.

**12. NEW PART TIME CODE ENFORCEMENT OFFICER.**

The Village of Malone Board of Trustees has made a decision, after much consideration, to hire a part time code enforcement officer. After reviewing applications and letters of interest that were on file at the Village Clerk's Office, the decision was made to hire Gordon Halley, Jr. with a start date of December 1, 2008, at a pay rate of \$14.00 per hour. He will work 17 hours per week. Mr. Halley has a lot of experience with the building trades.

Mark Gonyea who was attending this meeting, said he had an interest in this position and wanted to know if it was advertised; and if not, why not. He stated that he was appalled with this decision. The Deputy Mayor asked if he had put in a letter of interest or application and he stated no. He claimed that he spoke with Mayor Stewart a few months ago and nothing was being done at the time.

Upon motion made by Trustee LePine, seconded by Trustee Patnode and unanimously carried by Trustee Richards and Deputy Mayor Hafter, Gordon Halley Jr. is hereby hired as a part time code enforcement officer (17 hours per week) at a rate of pay of \$14.00 per hour and he will start on December 1, 2008.

The Village Clerk stated that he has 1 year to complete his certification for the Village of Malone's purpose and 2 years to satisfy the state of New York.

**13. ACCEPT AND APPROVE LEASE AGREEMENT WITH MALONE MINOR HOCKEY ASSOCIATION. (HAS BEEN REVIEWED AND APPROVED BY VILLAGE ATTORNEY.)**

Upon motion made by Trustee LePine, seconded by Trustee Richards and unanimously carried by Trustee Patnode and Deputy Mayor Hafter, the Lease Agreement with the Malone Minor Hockey was approved as received.

**OLD BUSINESS.**

There is no old business tonight.

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

Upon motion made by Trustee Patnode, seconded by Trustee Richards and unanimously carried by Trustee LePine and Deputy Mayor Hafter, this meeting went into executive session for the purpose of discussing a particular person's employment.

Upon motion made by Trustee Patnode, seconded by Trustee LePine and unanimously carried by Trustee Richards and Deputy Mayor Hafter, this meeting came out of executive session.

Upon motion made by Trustee Richards, seconded by Trustee LePine and unanimously carried by Trustee Patnode and Deputy Mayor Hafter, this meeting was back in regular session.

**RESOLUTION NO. 17-2008**

**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 November 11, 2008 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 Lenora Richards**

**SECONDED BY: Trustee Todd LePine**

**UNANIMOUSLY CARRIED BY: Trustee Patnode and Deputy Mayor Hafter**

**APPROVED BY BOARD OF TRUSTEES ON: 11-24-2008**

**ADJOURN.**

**Upon motion made by Trustee Patnode, seconded by Trustee LePine and unanimously carried by Trustee Richards and Deputy Mayor Hafter, this meeting adjourned.**

**RESPECTFULLY SUBMITTED:**

**TAMMY R. LAVALLEY  
Malone Village Clerk**