

At a regular meeting of the Malone Village Board, held on August 17, 2009, at 6:30 PM, at the Malone Village Meeting Room, located at 16 Elm Street, the following were present:

BRENT STEWART	MAYOR
Todd LePine	Trustee
Dailon Patnode	Trustee
Lenora Richards	Trustee
Susan Hafter	Trustee

Also in attendance: Cheryl Douglas, Village Clerk  
Dorothy Maguire, Village Treasurer  
Stephen Stone, Chief of Police  
Jeffrey Smith, DPW Supervisor  
Darcy Fargo, Malone Telegram

**APPROVE THE MINUTES OF THE LAST REGULAR MEETING: July 13, 2009**

Upon motion made by Trustee Patnode, seconded by Trustee LePine and unanimously carried the above minutes were approved as presented and placed on file.

**APPROVE THE MINUTES OF THE LAST SPECIAL MEETING: August 6, 2009**

Upon motion made by Trustee Patnode, seconded by Trustee LePine, Trustee Hafter and Trustee Richards both abstained, the above minutes were approved as presented and placed on file.

**PAY BILLS:**

<u>FUND</u>	<u>AMOUNT</u>
Water Fund	17,488.25
Sewer Fund	22,449.86
Joint Recreation Fund	32,222.55
Trust & Agency Fund	87,028.71
General Fund	<u>138,602.10</u>
	\$297,791.47

Upon motion made by Trustee Hafter, seconded by Trustee Patnode and unanimously carried the above bills were paid.

**CODE APPLICATIONS:**

Building Permits:

Lloyd Marlowe  
74 Andrus Street  
Malone, NY 12953

Application to build a deck on rear of house at 74 Andrus Street at an estimated cost of \$987.  
Application approved by Building Inspector Gordon Halley.

Metel Inc.  
403 East Main Street  
Malone, NY 12953

RENEWAL

Application to repair the remaining five apartments at 399 East Main Street at an estimated cost of \$19,000.

Application approved by Building Inspector Charles Robert.

Metel Inc.  
403 East Main Street  
Malone, NY 12953

RENEWAL

Application to repair and remodel apartments at 403 East Main Street at an estimated cost of \$19,000.

Application approved by Building Inspector Charles Robert.

Terry Rabideau  
110 Academy Street  
Malone, NY 12953

Application for renewal of existing permit #1247 dated 9/12/05 for an addition to include wood and roofing for a porch.

Application approved by Building Inspector Charles Robert.

Jon & Dianne Coryea  
7 State Street  
Malone, NY 12953

Application to tear off roofing material and existing siding. Jack up garage roof and replace concrete slab and exterior walls. Frame small closet on top of garage and re-roof and reside house and garage. Build 13' X 15' roof cover over part of back porch at an estimated cost of \$19,500.

Application approved by Building Inspector Charles Robert.

Jim & Veronica Flanagan  
5711 Military Turnpike  
Ellenburg, NY 12935

Application to extend a ramp from porch with wheelchair ramp at 62 Rockland Street at an estimated cost of under one thousand dollars.

Application approved by Building Inspector Charles Robert.

John M. Parent  
4 Prospect Street  
Malone, NY 12953

Application for a vinyl fence, 6' high at 4 Prospect Street at an estimated cost of \$950.

Application approved by Building Inspector Charles Robert.

Rose Seward  
91 Fort Covington Street



Upon the motion of Trustee Lepine seconded by Trustee Patnode and unanimously carried to approve the above cement application as approved by Jeff Smith.

- Marilyn Tatro Sidewalk  
149 Webster Street  
Malone, NY 12953

Upon the motion of Trustee Richards seconded by Trustee Hafter and unanimously carried to approve the above cement application for a sidewalk as approved by Jeff Smith.

**CORRESPONDENCE:**

Letter from Hosler's Restaurant for liquor license renewal at 609 East Main Street, Malone, NY. Trustee Hafter commented that there is a form for liquor license renewals that needs to be filled out and submitted with their letter.

Upon the motion of Trustee Hafter seconded by Trustee Richards and unanimously carried to accept their intent to renew their liquor license.

Letter from NYS DOT Region 7, Traffic Safety & Mobility, for a three-colored signal installation at the corner of Elm Street and Park Street. Discussion was held. The volume of traffic is high there at the time the corrections officers and hospital employees leave work. Chief Stone asked that we include in our letter of support: a signaled crosswalk, re-striping the crosswalks, re-striping the no parking zone in front of the library, and better signs being placed at this intersection.

Upon the motion of Trustee Hafter seconded by Trustee Richards and unanimously carried to send a letter of support to NYSDOT with Chief Stone's suggestions.

Letter from Franklin County Legislature regarding a resolution for St. Lawrence Gas to provide natural gas to Franklin County and support a PILOT agreement for the project.

**RESOLUTION NO: 12-2009**

**Resolution supporting a project by St. Lawrence Gas Company, Inc.  
to provide natural gas to Franklin County,  
and support for a Payment-In-Lieu-of-Taxes (PILOT) Agreement for the Project**

**WHEREAS:** St. Lawrence Gas Company, Inc. ("St. Lawrence Gas") has proposed a project ("the Project") in Franklin County (the "County") involving a natural gas pipeline through the northern portion of the County that will provide natural gas to the County, and

**WHEREAS:** The Franklin County Legislature has identified the natural gas pipeline as one of the top economic development priorities and infrastructure projects within the County through a Comprehensive Economic Development Strategy, and

**WHEREAS:** The County supports and promotes the natural gas pipeline as having economic advantages, such as encouraging commercial and/or industrial entities to locate in the County, and

**WHEREAS:** St. Lawrence Gas has demonstrated that the delivery of natural gas will reduce governmental, industrial, commercial and residential expenses, and

**WHEREAS:** St. Lawrence Gas has demonstrated feasibility of the Project depending upon taxing jurisdictions entering into a fifteen (15) year Payment-in-Lieu-of Taxes (PILOT) Agreement, whereby payments begin in year 6 at 10% increments of assessed value per year, until at years 16 and beyond full taxes on assessed value are paid, and

**WHEREAS:** The Village of Malone would like to support the Project and agree to enter into discussion for a yet to be negotiated PILOT Agreement, and

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Village of Malone hereby supports with this resolution the St. Lawrence Gas natural gas pipeline project in Franklin County and negotiation of a PILOT Agreement.
2. That this resolution is effective upon its adoption

Adopted this 17<sup>th</sup> day of August, 2009.

**NOW** upon a motion of Susan Hafter, Trustee, and seconded by Todd LePine, Trustee, and passed by the Village Board.

Upon the motion of Trustee Hafter seconded by Trustee Lepine and unanimously carried to adopt a resolution of our support for the St. Lawrence Gas Company project to provide natural gas to Franklin County and support PILOT agreement yet to be determined effective upon its adoption.

Letter from Slic Network, CBN Connect and Westelcom for our support for broadband for the Village of Malone. Letters will be written to the three companies acknowledging our support.

Upon the motion of Trustee Richards seconded by Trustee Lepine and unanimously carried to send three separate letters in support of the broadband project to each entity.

**NEW BUSINESS:**

Budget Amendments:

**GENERAL FUND  
BUDGET AMENDMENT NO. 7 – 2009/2010**

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.

\$1,882.28 FROM ACCOUNT NO. A511.2 Appropriated Forfeiture Fund Reserve

AS FOLLOWS:

\$ 863.28 TO ACCOUNT NO. A3120.1R Salaries (Forfeiture Fund)

\$1,019.00 TO ACCOUNT NO. A3120.4R Other Expenses (Forfeiture Fund)

MOTION MADE BY: Trustee Richards

SECONDED BY: Trustee Patnode

APPROVED BY BOARD OF TRUSTEES ON: August 17, 2009

**GENERAL FUND  
BUDGET AMENDMENT NO. 8 – 2009/2010**

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.

\$ 647.00 FROM ACCOUNT NO. A1210.4 Mayor Other Expenses

AS FOLLOWS:

\$ 647.00 TO ACCOUNT NO. A1410.4 Village Clerk Other Expenses

MOTION MADE BY: Trustee Patnode

SECONDED BY: Trustee Hafter

APPROVED BY BOARD OF TRUSTEES ON: August 17, 2009

**GENERAL FUND  
BUDGET AMENDMENT NO. 9 – 2009/2010**

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.

\$5,300.00 FROM ACCOUNT NO. A3120.1 Police Salaries (DWI)

AS FOLLOWS:

\$5,300.00 TO ACCOUNT NO. A3120.2 Police Equipment (DWI)

MOTION MADE BY: Trustee Richards

SECONDED BY: Trustee Patnode

APPROVED BY BOARD OF TRUSTEES ON: August 17, 2009

**GENERAL FUND  
BUDGET AMENDMENT NO. 10 – 2009/2010**

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.

\$ 750.00 INCREASE REVENUE CODE :. A2389 – Other Home & Community (Town of Malone)

\$ 750.00 FROM ACCOUNT NO. A1990.0 Contingency

AS FOLLOWS:

\$1,500.00 TO ACCOUNT NO. A8989.4 Other Home & Community Services

MOTION MADE BY: Trustee Hafter

SECONDED BY: Trustee LePine

APPROVED BY BOARD OF TRUSTEES ON: August 17, 2009

Annual Financial Report for Joint Recreation Fund for fiscal year ending 5/31/09 submitted by Treasurer Dorothy Maguire.

Upon the motion of Trustee Richards seconded by Trustee Patnode and unanimously carried to approve the annual financial report for the fiscal year ending 5/31/09 of the Joint Recreation Fund.

Joint Recreation Fund Financial Report ending 5/31/09 submitted by Treasurer Dorothy Maguire.

Upon the motion of Trustee Hafter seconded by Trustee Richards and unanimously carried to approve the Joint Recreation Fund financial report for the fiscal year ending 5/31/09.

Joint Recreation Fund Financial Report ending 6/30/09 submitted by Treasurer Dorothy Maguire.

Upon the motion of Trustee Patnode seconded by Trustee Lepine and unanimously carried to approve the Joint Recreation Fund financial report for the fiscal year ending 6/30/09.

Bank Authorization Renewal submitted by Treasurer Dorothy Maguire. We need to make a name change and submit to Community Bank and First Liberty Bank and Trust.

Upon the motion of Trustee Richards seconded by Trustee Patnode and unanimously carried to do a bank authorization resolution for a name change to Community Bank and First Liberty Bank and Trust.

Moon Valley Security Systems Renewal of Alarm Agreement.

Upon the motion of Trustee Hafter seconded by Trustee Patnode and unanimously carried to renew the agreement with Moon Valley Security Systems at a rate of \$18.45 a month for the fiscal year June 1, 2009 to May 31, 2010.

Public Hearing for residency requirement for Village Clerk needs to be set up in a similar manner as to how we waived the requirement for the Village Treasurer.

Upon the motion of Trustee Hafter seconded by Trustee Richards and unanimously carried to set up a public hearing for September 14, 2009 at 6:30 PM for residency requirements for the Village Clerk to be broaden to allow selection from Franklin County.

Planning Board requests public hearing for Sign Code, Chapter 48.

Upon the motion of Trustee Hafter seconded by Trustee Richards and unanimously carried to set up a public hearing for September 14, 2009 at 6:45 PM for public input on the proposed sign code.

Annual Lab Analysis Report for the Malone Rec Park for the month of June. Informational purposes only.

NYS DEC – Water Quality Improvement Projects. Informational purposes only.

NYS Public Service Commission – Franchise Renewal Notice. Informational purposes only.

National Grid – NYS Temporary Assessment Surcharge – Dorothy Maguire explained that the Commissioner of Taxation fully supports NYCOM's position. National Grid felt since they didn't deliver the service that they didn't have to pay the gross receipts tax. But the Taxation and Finance Department found that to be to the contrary.

Justice Court – Statement for month of June. Village received \$4747.00.

Upon the motion of Trustee Lepine seconded by Trustee Richards and unanimously carried to approve the Justice Court statement for the month of June.

Police Chief's Report for month of July 2009. Chief Stone went over the report and said that the calls are down from last month.

ManLift Bid Award – Taylor Rental won the bid for a new JLG T350 manlift at a price of \$22,461.00. Jeff Smith said comparing new to used we took into consideration the warranty issue.

Upon the motion of Trustee Patnode seconded by Trustee Lepine and unanimously carried to award the bid to Taylor Rental for the new JLG T350 for \$22,461.

Request for Proposal (RFP) – Administration of the HOME program for \$400,000. Discussion was held regarding the letter we received from Camoin Associates on the RFP for the HOME grant award. Proposals will be sought from qualified community and economic development consultants who can assist the village to administer this grant.

Upon the motion of Trustee Hafter seconded by Trustee Richards and unanimously carried to advertise RFP for the administration of the HOME program for \$400,000 in the newspaper requesting that proposals be received by September 11, 2009 at 12:00 PM in the Village Clerk's office.

Mayor Brent Stewart to grant approval for Officer Michael Crawford to attend a Basic Police Juvenile Officers Training Course in Lake George August 30 through September 4.

Mayor Brent Stewart to grant approval for Cheryl Douglas, Dorothy Maguire, and Karen Elmer-Pritchard to attend the NYCOM Fall Training at Albany Crowne Plaza in Albany September 21 through September 24.

**PULLED FROM THE AGENDA:** IDA Sewer Agreement with attached WalMart agreement was not returned from the Town Attorney.

#### **COMMITTEE REPORTS:**

Brownfield Opportunity Areas – Trustee Hafter didn't have anything new to report. They have continuous open enrollment so if we have anything we can add it at any time.

Local Waterfront Revitalization Program – Chastity Miller is a member of LWRP, a member of Town Planning Board, and works at Soil & Water, so if we need her services we can use her as in-kind to help write grants to decrease costs for things such as wastewater treatment, water quality, and aquatic habitat. ELAN letter details what is the next round for LWRP. There is a proposal to assist in preparing a grant application to the NYS Department of State Division of Costal resources for the 2009 Environmental Projection Fund Program in the amount of \$1500. Trustee Hafter is almost positive that the Town will split the cost of this.

Upon the motion of Trustee Hafter seconded by Trustee LePine and unanimously carried to transfer \$750 out of the contingency fund to cover the cost and authorize Mayor Stewart sign the letter to send back to ELAN pending the Town's approval as well.

#### **OLD BUSINESS:**

Permissive Referendum – Equipment Reserve – Tandem Plow Truck. The permissive referendum time is up as of August 1. There wasn't anything negative. The order was placed and it will be winter time before we hear anything more. The cost came in at \$171,667.

**EXECUTIVE SESSION:** None warranted.

**ADJOURNMENT:** Upon the motion of Trustee Patnode seconded by Trustee LePine and unanimously carried to adjourn the meeting at 8:00 PM.

Respectfully submitted,

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Cheryl A. Douglas  
Village Clerk