

At a regular meeting of the Malone Village Board, held on February 28, 2011, at 6:30 PM, at the Malone Village Meeting Room, located at 16 Elm Street, the following were present:

Brent Stewart MAYOR

Susan Hafter Trustee
Todd LePine Trustee
Joseph Riccio Trustee
Dailon Patnode Trustee

Also in attendance:

Cheryl Douglas, Village Clerk	Jeff Smith, DPW Supervisor
Darcy Fargo, Malone Telegram	Dolly Maguire, Treasurer
Nathan Race, Attorney	Christopher Premo, Sergeant
Stephen Stone	Matthew Boyea
Donald Merrick	Hugh Hill
Donna Putraw	Rudolph Johnson
Lorna Jewell	

APPROVE THE MINUTES OF LAST REGULAR MEETING: 02/14/2011

Upon the motion of Trustee LePine seconded by Trustee Riccio and unanimously carried the minutes were approved as presented and placed on file.

PAY BILLS:

<u>FUND</u>	<u>AMOUNT</u>
Joint Recreation Fund	240.33
Water Fund	20,069.90
Sewer Fund	22,602.05
Trust & Agency Fund	86,370.39
General Fund	<u>90,211.47</u>
	\$ 219,494.14

Upon the motion of Trustee LePine seconded by Trustee Hafter and unanimously carried the bills were approved as presented and placed on file.

CODE APPLICATIONS:

Building Applications

Alice Hyde Medical Center
133 Park Street
Malone, NY 12953

Application to renovate existing space to add 3 exam rooms to the emergency department at 133 Park Street at an estimated cost of \$258,000. Application approved by Building Inspector Gordon Halley.

Price Chopper
53 Finney Blvd
Malone, NY 12953

Application to install 2 independent 20 Amp, 120V circuits at 53 Finney Blvd. at an estimated cost of \$1100. Application approved by Building Inspector Charles Robert.

Sign Permit Applications

Stewart's Shops Corp.
5 Fort Covington Street
Malone, NY 12953

Application to modify an existing sign at 5 Fort Covington Street to be a double-faced sign, pole or pylon sign and illuminated. Application approved by Building Inspector Gordon Halley.

Stewart's Shops Corp.
554 East Main Street
Malone, NY 12953

Application to modify an existing sign (on existing canopy) at 554 East Main Street to be a wall sign and illuminated. Application approved by Building Inspector Gordon Halley.

Planning Board/Public Hearing

At the planning board meeting on 2/23/11, regarding the possible subdivision of the William Waryha property, the planning board members decided to table this meeting until further information was available.

COMMITTEE REPORTS:

Police Department Committee – Trustee Patnode spoke and said that we have three positions to fill at the Village Police Department (Police Chief, Police Sergeant and Police Officer). The recommendations are Christopher Premo, Robert Fountain and Tuesday Morehouse respectively. Trustee Hafter said that we are fortunate to have the candidates that we did and she feels they have made some great selections. More will be discussed under Police Department appointments.

Trustee Hafter and Trustee Riccio have done the audit on the Treasurer's books earlier this week and as usual found them to be in great shape. The trustees will no longer have to do this as regulations have changed and a public audit will be required.

CORRESPONDENCE:

American Cancer Society/Relay for Life – Request to Collect Donations – Jennifer Tatro, Team Captain for Cuties for a Cure is requesting to collect donations outside of local area businesses on May 12, 13 and 14.

Ladies of the Elks – Request use of Rec Park – Andree LaBarge is requesting permission to use the Rec Park for a fundraiser event, a Duck Race, on May 27, 2011 at 6:00 PM.

NYS Assembly – CHIPS Funding – We received a letter from Janet Duprey, Member of the Assembly stating that the Governor's proposed budget includes \$363 million in CHIPS funding. Village of Malone will receive \$104,410 for the 2011-2012 fiscal year.

NYS Department of State – Letter received from Andrew Labruzzo, Coastal Resources Specialist stating that the LWRP document is posted online at <http://nyswaterfronts.com/LWRP.asp> for a 60-day review. Trustee Hafter commented that we are finally at that point. When the 60 day review is complete the document will come back to both the Village and Town Board for their review and also there are recommendations within the document for a couple of local laws.

BOCES – Worked Based Learning Program – Kevin St. Hilaire, Heavy Equipment Instructor at BOCES would like to continue his work-based learning program and shadowing our employees at DPW. They have done this in the past and will be covered under the BOCES insurance. There is no liability to the Village of Malone.

Upon the motion of Trustee Riccio seconded by Trustee Patnode and unanimously carried to allow the students to shadow the DPW employees under the direction of Jeff Smith.

2009 HOME Program – Complete Applications – A list of applications that the audit is complete, some are still under construction, and completed jobs was provided by Camoin Associates.

NEW BUSINESS:

Adirondack Tobacco Free Network – Jill Rock, Wanda Flynn – Cancelled due to weather. They will be coming April 25, 2011 instead.

Municipal Insurance Quotes – Patrick Maguire provided the insurance committee (Trustee Riccio and Trustee Hafter) with quotes from four insurance companies. Coriero Selective was the best quote at \$77,818.61. The highest quote was \$101,744.75. Patrick has worked with Coriero before and he provided plenty of information for the committee to make their decision.

Upon the motion of Trustee Hafter seconded by Trustee Riccio and unanimously carried that we select Coriero Selective Insurance for the 2011-2012 year for municipal insurance coverage as recommended by our agent Patrick Maguire.

VOM Housing Authority – Salary Increases – Barry Webb, Executive Director provided salaries, and salary increases for the Board of Commissioners. While we do not budget or fund them as they are HUD funded they ask for our concurrence.

Upon the motion of Trustee LePine seconded by Trustee Riccio and unanimously carried we accept the salary increase for the Village of Malone Housing Authority Board of Commissioners are requested.

Resolution #5-2011 – St. Lawrence Gas – Nathan Race stated that all board members have been provided with a copy of the proposed easement from St. Lawrence Gas. I have requested them to make one change, at the end we are going to provide that if the Village has to enforce its rights under that agreement and they go to court and they win, St. Lawrence Gas would be obligated to reimburse the village for all of its expenses to do so including attorney's fees. They made a lot of promises in the easement and that is our way to make sure they do it correctly and if we do it and we win, we get our fees, and if we do it and we lose, that is standard proceed. So subject to that, and we have been going back and forth for a long time, and I would recommend that the Village Board authorize the Mayor to sign it and make a resolution that it does not interfere with Village use of that land and purposes of that land. We can use it for any other purpose other than for putting in another pipeline. SEQR is not required; it was up until about two weeks ago, when they went through their final process and got a higher level of environmental review on it, which by law nullifies the requirement for SEQR. Nathan and Jeff Smith have gone over access of the right of way that they are looking for, and it is no issue for them to use it, but we have requested that they give us 24 hour notice before they use it so we can let them in the gate. Nathan is requesting that the Village Board authorize the easement as presented and attached with the one change that I have suggested they make and have agreed to make.

**RESOLUTION OF THE VILLAGE BOARD
OF THE
VILLAGE OF MALONE, NEW YORK**

Resolution #5-2011

BE IT RESOLVED that the Village Board of the Village of Malone, New York, grant unto St. Lawrence Gas Company, Inc., an easement and right-of-way over and across and under a strip of the lands more particularly described in the "Easement Agreement" and "Memorandum of Easement Agreement" documents hereto annexed and by this reference made a part hereof pursuant to the terms

and provisions of said "Easement Agreement" and "Memorandum of Easement Agreement"; and

BE IT FURTHER RESOLVED that Brent Stewart, as Mayor of the Village of Malone, New York, be and the same hereby is authorized and empowered to execute, on behalf of the Village of Malone, the aforesaid "Easement Agreement" and "Memorandum of Easement Agreement;"and

BE IT FURTHER RESOLVED that the grant of this easement be and the same hereby is determined not to interfere with the Village's use of its lands and real property upon and through which this easement and right-of-way shall lie; and

BE IT FURTHER RESOLVED that pursuant to the provisions of Section 617.5(c) (35) of the State Environmental Review Act, this action is not subject to review.

At a meeting thereof held on the 28th day of February, 2011

Upon motion duly made, seconded and carried, the following Resolution was duly adopted:

Dated: February 28, 2011

The undersigned, Clerk of the Village of Malone, New York, does hereby CERTIFY that the foregoing Resolution was duly adopted by affirmative vote of the Village Board of the Village of Malone, New York, on the 28th day of February, 2011.

Cheryl A. Douglas, Village Clerk

Upon the motion of Trustee Hafter seconded by Trustee Patnode and unanimously carried to approve the resolution, easements, and right of ways for St. Lawrence Gas Company as presented and with the changes recommended by our attorney.

RFP – Consulting Firm to Administer 2010 HOME Program – Mayor Stewart is requesting that the Board authorize to advertise an RFP for a consultant to administer the 2010 HOME Program.

Upon the motion of Trustee Hafter seconded by Trustee Riccio and unanimously carried to send out for RFP for the 2010 HOME Grant Program for consulting and administration services.

Resolution #6-2011 – Asset Management Services – Dorothy Maguire, Treasurer reported that under Governmental Accounting Standards Board Statement (GASB) 34 the Village is required to identify and evaluate the Village's infrastructure. Our records currently do not have a value on the entire water and sewer system, only portions of it. The engineering firm of Barton and Loguidice are already studying the village's water and sewer system and I asked them to provide you with an inventory and evaluation of the village's infrastructure. The cost would be \$9,900 for engaging their services and I ask that you authorize the Mayor to enter into an agreement with them for that cost and also to amend the water and sewer budget by transferring \$4,950 from contingency (water and sewer) to water and sewer administration other expenses for a total of \$9,900.

**VILLAGE OF MALONE
RESOLUTION NO. 6- 2011**

AUTHORIZATION TO ENTER INTO ENGINEERING SERVICES AGREEMENT

WHEREAS, the Village of Malone has engaged the services of Barton & Loguidice, P.C. for an engineering study of the Village's sewer system; and

WHEREAS, in conjunction with the study is an analysis of the Village's water system; and

WHEREAS, the Village has requested a proposal from Barton & Loguidice, P.C. to develop an inventory and valuation of the Village's infrastructure assets for the purpose of complying with Governmental Accounting Standards Board Statement (GASB) 34 requirements;

NOW THEREFORE BE IT RESOLVED: The Village Board of Trustees authorizes the Mayor to enter into an agreement with the engineering firm of Barton & Loguidice, P.C. to assist the Village of Malone with developing Asset Infrastructure Inventory and Valuation at a cost of Nine Thousand Nine Hundred Dollars (\$9,900).

BE IT FURTHER RESOLVED: The Village Board of Trustees agrees to the following budget transfers:

\$4,950.00 From Account No. F1990. Contingency

As Follows:

\$4,950.00 To Account No. F8310.4 Water Administration Other Expenses

\$4,950.00 From Account No. G1990. Contingency

As Follows:

\$4,950.00 To Account No. G8110.4 Sewer Administration Other Expenses

Motion Made By: Trustee Riccio

Seconded By: Trustee Patnode

Approved By Board of Trustees on: February 28, 2011

Police Department Appointments – Chief, Sergeant, Police Officer

Upon the motion of Trustee Patnode seconded by Trustee Riccio and unanimously carried to approve the appointment of Sergeant Christopher Premo to Chief of Police as a provisional appointment.

Upon the motion of Trustee Patnode seconded by Trustee Hafter and unanimously carried to appoint Police Officer Robert Fountain to Police Sergeant.

Upon the motion of Trustee Patnode seconded by Trustee Hafter and unanimously carried to accept the transfer of Police Officer Tuesday Morehouse from Saranac Lake Village Police Department to Police Officer for the Village of Malone Police Department.

Outgoing Chief of Police Stephen Stone was here to congratulate Chris Premo.

Resolution #7-2011 – Adirondack Club & Resort – Hugh Hill was present to ask for our support of the Adirondack Club. Jim LaValley thanked us for our continued support. Hugh says this falls in the spirit of regional promotion and support and is an important project for Tupper Lake.

Village of Malone Resolution #7-2011

WHEREAS, the Adirondack Club and Resort is a proposed four season, recreational resort development project in the Town of Tupper Lake; and

WHEREAS, the Adirondack Club and Resort proposes to develop the ski area (formerly known as Big Tupper), as well as residential structures, commercial structures, and associated infra-structure; and

WHEREAS, the Adirondack Club and Resort has shown that they understand the importance of the natural environment within the Adirondack Park; and

WHEREAS, the Adirondack Club and Resort has consulted with, and included all relevant parties in the ongoing development of plans for the project; and

WHEREAS, the Adirondack Club and Resort will provide a large, balanced, and needed economic boost to the Tupper Lake area, and the entire Adirondack region; and

WHEREAS, the Adirondack Club and Resort is seeking support from the greater Adirondack and New York State area, in an effort to finalize the necessary approvals from the various regulatory agencies

NOW THEREFORE BE IT RESOLVED: That the Board of Trustees of the Village of Malone hereby supports the Adirondack Club and Resort; and

BE IT FURTHER RESOLVED: that the undersigned recognize that the Adirondack Club and Resort has provided a balance of environmental issues, with economic benefits; and

BE IT FURTHER RESOLVED: that the undersigned encourages the special interest groups like the Adirondack Council, Protect the Adirondacks, and other parties to the hearing, to stop the various stall tactics, and discovery motion filings, and allow the adjudicatory hearing to move quickly and allow the regulatory agencies to reach the final permit approval in a timely manner; and

BE IT FURTHER RESOLVED: that the undersigned encourage all Adirondack townships and villages, to provide further support of the Adirondack Club and Resort by passing similar resolutions and in any other way they deem appropriate.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY and COPIES OF THIS RESOLUTION SHALL BE PROVIDED TO LOCAL, COUNTY, AND STATE ELECTED OFFICIALS.

Motion made by: Trustee Riccio

Seconded by: Trustee Patnode

Approved by the Board of Trustees on: February 28, 2011

Taxi License – Applicant wishes to rescind – Jodi Robistow applied for a license to drive for Donna’s Taxi. He wishes to rescind that at this time and understands that it is nonrefundable.

Upon the motion of Trustee Hafter seconded by Trustee LePine and unanimously carried to accept the letter from Mr. Robistow to rescind his application at this time.

FINANCIAL:

Budget Amendments

GENERAL FUND

BUDGET AMENDMENT NO. 18 2010-2011

Related to the appropriation and/or transfer of funds;

NOW, THEREFORE BE IT RESOLVED: that the following amount(s) be and the same hereby is (are) appropriated/transferred.

\$ 41.33 From Account No. A511.2S Appropriated (State) Forfeiture Fund Reserve

As Follows:

\$ 41.33 To Account No. A3120.1RS Police Salaries (State Forfeiture Fund)

\$ 250.00 From Account No. A1990.0 Contingency

As Follows:

\$ 250.00 To Account No. A4020.4 Registrar other Expenses

Motion Made By: Trustee Patnode

Seconded By: Trustee Riccio

Approved by the Board of Trustees On: February 28, 2011

Journal Entry Report - Journal entries – 258-276.

Upon the motion of Trustee Hafter seconded by Trustee Riccio and unanimously carried to accept the journal entry report (#258 through #276) as presented.

Financial Report for Period Ending 1/31/2011 – Each board member has reviewed the financial report as presented.

Upon the motion of Trustee Hafter seconded by Trustee Riccio and unanimously carried to accept the financial report for the period ending January 31, 2011 as presented and placed on file.

Audit of Treasurer/CFO’s Records – 2009-2010 – Trustee Riccio and Trustee Hafter reviewed and audited the financial records.

Upon the motion of Trustee Patnode seconded by Trustee LePine and unanimously carried to accept the audit.

OLD BUSINESS:

DPW REPORT: Nothing to report.

POLICE CHIEF'S REPORT:

Chief Premo reported that LIVE scan is finally up and running. It is something the state requires them to have, electronic fingerprints. It costs us \$30,000 and the village has already paid for it. Someone from DCJS will be here tomorrow to check it all out.

We are in the process of seizing three vehicles from drug cases.

Chief Premo also applied for a \$6400 grant for more surveillance equipment and he should know about that in the next couple of weeks. This is state funded.

NEWBERRY'S PARKING LOT:

In a previous meeting we discussed the parking lot, and there is an owner, Roger Long, which we discussed about possibly using as public parking as well with an agreement. Nathan Race explained that he sent around a letter late last week that included the old agreement which is just a license to use the parking lot, but he represents Mr. Long and the company that owns Newberry's Parking Lot and that while he doesn't see this as a very complicated ordeal he thinks it is basically a letter, because the Village and Mr. Long are agreeing that the village can use the parking lot in exchange for the village plowing it and sanding it and making sure it is safe, but if the village board is uncomfortable with Nathan doing so he can have another attorney in town who he is comfortable with, and charge the same rates as he does to the village, to do that work. It is completely up to the village board how they want to go. Nathan needed to disclose the conflict as he was the one who formed the company a month ago who owns the parking lot. It will be covered by the village's umbrella. The Board does not see a problem with it and Nathan will move forward for public parking and access.

ADJOURNMENT:

Upon the motion of Trustee Patnode seconded by Trustee LePine to adjourn the meeting at 7:20 PM.

Respectfully submitted,

Cheryl A. Douglas
Village Clerk