

At a regular meeting of the Malone Village Board, held on May 24, 2010, at 6:30 PM, at the Malone Village Meeting Room, located at 16 Elm Street, the following were present:

Brent Stewart MAYOR

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

Also in attendance:

Cheryl Douglas, Village Clerk
Stephen Stone, Chief of Police
Greg Littell

Darcy Fargo, Malone Telegram
Don Merrick
Tom Owney, Burley & Guminiak

APPROVE THE MINUTES OF LAST REGULAR MEETING: 05/10/2010

Upon the motion of Trustee Richards seconded by Trustee Patnode and carried to accept the minutes as presented and placed on file.

PAY BILLS:

<u>FUND</u>	<u>AMOUNT</u>
Flanagan Hotel Restoration Fund	67.50
Community Development Fund	90.00
Capital Fund	1,926.71
Joint Recreation Fund	12,746.40
HOME Grant Fund	16,903.00
Water Fund	18,058.00
Sewer Fund	18,312.36
Trust & Agency Fund	91,065.11
General Fund	<u>107,448.36</u>
	\$ 266,617.44

Upon the motion of Trustee LePine seconded by Trustee Richards and unanimously carried the above bills were paid.

CODE APPLICATIONS:

BUILDING APPLICATIONS

Michael Reynolds
16 Jones Street
Malone, NY 12953

Application to re-roof the garage and porch and reside the garage and add a fireplace/BBQ at 16 Jones Street at an estimated cost of \$17,000.00. Application approved by Building Inspector Gordon Halley.

Village of Malone (T-Mobile)
14 Elm Street
Malone, NY 12953

Application to install a new 200 amp secondary electrical service, install point of service, head transformer#17-2B and termination point at Countryside Lane at an estimated cost of \$19,000.00 Application approved by Building Inspector Charles Robert.

FENCE PERMITS

Heather Smith
76 Pleasant Street
Malone, NY 12953

Application to erect a wooden fence at 76 Pleasant Street at an estimated cost of \$4,900. Application approved by Building Inspector Gordon Halley

Heidi Lange
12 Park Street
Malone, NY 12953

Application to move and extend by 26' a wooden fence at 12 Park Street at an estimated cost of \$400.00. Application approved by Building Inspector Gordon Halley.

ZONING BOARD OF APPEALS

Shane Lamica
161 Amsden Street
Malone, NY 12953

Application to install an Amish Building to be used as a sitting room with a bath and bedroom at 161 Amsden Street. Application was disapproved by Building Inspector Charles Robert because Mr. Lamica did not meet the side setback. Mr. Lamica was sent to the Zoning Board of Appeals for approval on 5-18-2010. Since there was no objection from the neighbors, and there is a letter on file giving the okay to do this it was unanimously approved by the Zoning Board of Appeals.

SIDEWALK APPLICATIONS:

Shannon Niles – 14 and 22 Francis Street – Sidewalk
Maurice Woods – 59 Front Street – Sidewalk

Upon the motion of Trustee Hafter seconded by Trustee Patnode and unanimously carried to approve the sidewalk applications as approved by the DPW Supervisor.

CORRESPONDENCE:

Malone Recreation Commission - Letter of resignation received from Brigitte Fontaine. She will be moving back to Canada. We wish her well and thank her for her serviced to the community. We will be looking for replacement representation.

Upon the motion of Trustee Hafter seconded by Trustee Richards and unanimously carried to accept the resignation of Brigitte Fontaine.

Women of the Moose Teen Softball League – Letter received from Cindy Brown, Director requesting to hold a tag day event on June 3rd, 4th, and 5th. This has been placed on the calendar.

Malone Catholic Parishes – Letter received from Darlene Livernois requesting to use the Arsenal Green from Thursday June 3rd to Saturday June 5th for a church event.

Upon the motion of Trustee Hafter seconded by Trustee Patnode and unanimously carried to allow the Arsenal Green be used for a church function.

NYS Department of Public Service – Letter received regarding St. Lawrence Gas Company and different changes they want to have made. Letter acknowledged.

County of Franklin IDA – Letter received from John C. Tubbs, Executive Director regarding Runway 14-32 Relocate/Displace.

Upon the motion of Trustee Richards seconded by Trustee Patnode and unanimously carried to endorse the project 032-10 of moving the runway.

NEW BUSINESS:

Burley & Guminiak – Tom Owey was here to discuss the bids that were opened on May 7, 2010 for the Duane Street Water Main Replacement. The bids came in higher than anticipated. The low bidder was Bat-Con with a base bid of \$588,000 and an alternate A bid of \$116,685. The river crossing and boring under the river is a high expense. We have talked with the contractor, they are a good company, and we are happy with the bid. They have a lot of pipeline experience. The reason they were low bid is that they do their own boring. The Board felt that we should hold off on alternate A and play it safe so that we don't cut ourselves short on finances. Mayor Stewart signed the contract notice to award bid to Bat-Con.

Resolution #47 – Construction Award Bid

**VILLAGE OF MALONE
RESOLUTION NO. #47-2010**

**DUANE STREET WATER MAIN REPLACEMENT PHASE I GENERAL
CONSTRUCTION BID AWARD**

WHEREAS, the Village of Malone (the “Village”) was awarded a 2009 New York State Community Development Block Grant (NYS CDBG) in the amount of \$515,000 from the New York State Housing Trust Fund Corporation to assist in completion of a public water project; and

WHEREAS, the project to be completed has been defined as the Duane Street Water Main Replacement Phase I; and

WHEREAS, on April 12, 2010, the Village agreed to solicit bids for the general construction of the project; and

WHEREAS, the bids were opened on May 7, 2010 and have been reviewed by the engineering firm of Burley-Guminiak & Associates; and

WHEREAS, based on the bid results, the engineering firm is recommending the award of the project to the low bidder, Bat-Con, Inc.;

NOW THEREFORE BE IT RESOLVED: The Village Board of Trustees awards Contract No. 1 – General Construction Duane Water Main Replacement to Bat-Con, Inc. P.O. Box 155, 4277 Slate Hill Road, Marcellus NY 13108 for the base bid of Five Hundred Eighty Eight Thousand Dollars (\$588,000).

Motion Made By: Trustee Patnode

Seconded By: Trustee LePine

Resolution #48 - Permissive Referendum – Water Capital Reserve Fund. We will need to make up the difference of \$211,800 for the Duane Street Water Main Replacement to cover additional costs.

**VILLAGE OF MALONE
RESOLUTION NO. #48-2010**

Permissive Referendum – Water Capital Reserve Fund

WHEREAS, the Village of Malone (the “Village”) was awarded a 2009 New York State Community Development Block Grant (NYS CDBG) in the amount of \$515,000 from the New York State Housing Trust Fund Corporation to assist in completion of a public water project; and

WHEREAS, the project to be completed has been defined as the Duane Street Water Main Replacement Phase I; and

WHEREAS, the general construction cost of the project has exceeded the amount available in the NYS Community Development Block Grant;

NOW THEREFORE BE IT RESOLVED: Subject to a permissive referendum, the Village Board of Trustees authorizes an amount not to exceed \$211,800 be transferred from the Water Capital Reserve Fund to cover the additional cost of the Duane Street Water Main Replacement Phase I Project.

Motion Made By: Trustee Richards

Seconded By: Trustee Hafter

Resolution #49 – Amendment #2 to Engineering Services Agreement with Burley and Guminiak.

**VILLAGE OF MALONE
RESOLUTION NO. 49-2010**

**AUTHORIZATION OF ENGINEERING SERVICES AGREEMENT
AMENDMENT NO. 2**

WHEREAS, the Village of Malone (the “Village”) was awarded a 2009 New York State Community Development Block Grant (NYS CDBG) in the amount of \$515,000 from the New York State Housing Trust Fund Corporation to assist in completion of a public water project identified as Duane Street Water Main Replacement Phase I; and

WHEREAS, on November 5, 2009, the Village entered into an agreement with Burley-Guminiak & Associates, Consulting Engineers, PLLC for professional engineering services associated with the 2009 NYSCDBG public water project; and

WHEREAS, the funding agency, Office of Community Renewal, Housing Trust Fund Corporation has requested that additional language be added to the Engineering Services Agreement;

NOW THEREFORE BE IT RESOLVED: The Village Board of Trustees authorizes the Mayor to amend the November 5, 2009 agreement with Burley-Guminiak & Associates, Consulting Engineers, PLLC by including the following modifications:

“Upon execution of this contract, Engineer agrees to indemnify the Housing Trust Fund Corporation, its agents and employees, from and against any and all claims, actions, damages, losses, expenses and costs of every nature, incurred by or assessed or imposed against the Housing Trust Corporation, to the fullest extent permitted by law, arising out of the project funded with NYS CDBG funds.

Upon execution of this contract all parties shall be bound by, and comply with all applicable Federal, state, and local laws and regulations, included but not limited to, 24 CFR Parts 85 and 570.”

Use of the term “Agency” shall mean Office of Community Renewal, Housing Trust Fund Corporation and NYS CDBG.

Motion Made By: Trustee Hafter
Seconded By: Trustee Patnode

Resolution #50 – Permissive Referendum – General Equipment Reserve Fund

**VILLAGE OF MALONE
RESOLUTION NO. 50-2010**

Permissive Referendum – General Equipment Reserve Fund

WHEREAS, the Village of Malone adopted their 2010-2011 budget on April 26, 2010 and

WHEREAS, the 2010-2011 budget included a transfer of Thirty Five Thousand Dollars (\$35,000) from the General Equipment Reserve Fund to cover a portion of the cost of a dump truck with plow; and

WHEREAS, the estimated cost of the dump truck with plow is Forty Five Thousand (\$45,000) under State Contract;

NOW THEREFORE BE IT RESOLVED: Subject to a permissive referendum, the Village Board of Trustees authorizes an amount not to exceed Thirty Five Thousand Dollars (\$35,000) to be transferred from the General Equipment Reserve Fund to cover a portion of cost of a 2011 Ford 3 Ton F450 Dump Truck with Plow under NYS Contract.

Motion Made By: Trustee Richards
Seconded By: Trustee LePine

Resolution #51 – Amendment to Malone Village Budget due to Franklin County Real Property receiving a court order.

**VILLAGE OF MALONE
RESOLUTION NO. 51-2010**

AMENDMENT TO 2010-2011 VILLAGE OF MALONE BUDGET

WHEREAS, on April 26, 2010 the Village of Malone Board of Trustees adopted their 2010-2011 Budget in the amount of \$6,575,795.00 with a tax rate of \$20.04065; and

WHEREAS, on May 7, 2010 Franklin County Real Property notified the Village that a court order had been received reducing the taxable assessed valuation by \$52,800.00;

NOW THEREFORE BE IT RESOLVED: The Village Board of Trustees hereby amend their 2010-2011 Budget by reducing General Fund Contingency by \$122.00; and

BE IT FURTHER RESOLVED: The amount to be raised by taxes shall be \$3,072,243.00 and the tax rate will remain at \$20.04065.

Motion Made By: Trustee LePine
Seconded By: Trustee Hafter

Resolution #52 – Notices of Benefits Revision recognizing vacation credit received on June 1st of each year.

**VILLAGE OF MALONE
RESOLUTION NO. 52-2010**

APPROVAL OF NOTICE OF BENEFITS REVISION

WHEREAS, the Village of Malone's Clerk/Registrar, Department of Public Works Supervisor and Treasurer are provided with a Notice of Benefits;

NOW THEREFORE BE IT RESOLVED: The Village Board of Trustees approves the revision to the Notice of Benefits for the Clerk/Registrar, Department of Public Works Supervisor and Treasurer to recognize that vacation credit will be received on June 1st of each year.

Motion Made By: Trustee Hafter
 Seconded By: Trustee Richards

Resolution #53 – HOME Grant Application – 07-VM-GC. The Project Review Committee has reviewed and approved one more application.

**VILLAGE OF MALONE
 RESOLUTION NO. 53-2010**

HOME PROGRAM GRANT CONTRACT CASE NO: 07-VM-GC

WHEREAS, the Village of Malone (the “Village”) was awarded a grant in the amount of \$400,000.00 from the New York State Division of Housing and Community Renewal to assist in the rehabilitation of residential units located in the Village; and

WHEREAS, the Project Review Committee has reviewed the application for Project Case Number 07-VM-GC and recommends approval of a grant award of Seventeen Thousand Seventy Five Dollars (\$17,075.00) to Linda and Gerald Collette of 14 Charles St., Malone NY 12953 to carry out the approved scope of work on their property;

NOW THEREFORE BE IT RESOLVED: The Village Board of Trustees agrees to enter into a contract with the applicant of HOME Program Grant Case No. 07-VM-GC as presented by the Project Review Committee.

Motion Made By: Trustee Richards
 Seconded By: Trustee Patnode

Resolution #54 – Standard Work Day establishing work days for the purpose of reporting a record of activities to the New York State Retirement System.

**Standard Work Day and Reporting Resolution
 Resolution 54-2010**

BE IT RESOLVED, that the Village of Malone hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)

Elected Officials							
Village Trustee	Susan Hafter			6	12/1/07-11/30/11	N	20
Village Trustee	Todd LePine			6	12/1/06-11/30/2010	N	20
Appointed Officials							

On this 24th day of May, 2010

_____ (Date enacted)

_____ (Signature of clerk)

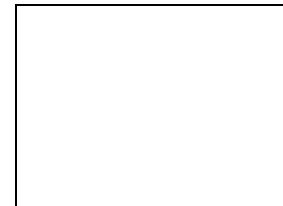
I, Cheryl A. Douglas, clerk of the governing board of the Village of Malone of

the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 24th day of May, 2010 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of five (5) members, and that five (5) of such members were present at such meeting and that five (5) of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto
Set my hand and the seal of the

Village of Malone
(Name of Employer)



(seal)

Tax Saver Alliance – Don Merrick and Greg Littell were present. Greg Littell said he is here tonight to request that the Village undertake a study of combining the Village and the Town Department of Public Works to try to find a way to save money. They are asking us to put together a committee to look at studying cost savings if there are any out there. The committee would consist of supervisors of DPW, members of the town and village boards, village residents who own and/or run a business and of course members of the Malone Village Taxpayer Coalition. They handed out an outline of suggestions for the cost savings with a request to report back in 30 days and they are looking to petition by vote at the next election in 11/2010. Mayor Stewart said we have shared services now with the Town and County. Trustee Hafter said a portion of this idea is being looked at through our BOA – Brownfield Opportunity Area grant monies. The Committee has gotten to the point where they are ready for a public forum and encouraged they come to a meeting.

Mayor Stewart said that the Comptroller's Office came in and looked at savings. We have consolidated the Justice Court. Their recommendation at the time was basically comments like you passed, not duplicating equipment, what we could share, etc. We are doing those things now in shared services which have been done right along. We have a lot of infrastructure where the equipment is rated for village vs. town.

Barton & Loguidice – Letter received from Kenneth Knutsen, PE requesting that we review the engineering proposal and outlined scope of service with modifications to the televising and flow monitoring services.

Upon the motion of Trustee LePine seconded by Trustee Patnode and unanimously carried to accept the engineering proposal as presented in the amount of \$36,700 and Task 4 services an initial amount not to exceed \$3,000 for compensation.

Town of Malone – Proposed Taxicab Law – On May 12, 2010 we received the proposed law and copies were given to each Trustee. The Town would like to mirror our law. They would like our police agency reviewing all applications. Chief Stone questioned the legality of this, the time involved with his staff, does his jurisdiction cover hearings, etc. This was never talked about with the Village before the law as proposed. It was reviewed and the Board felt that we should not move forward with this. Trustee Hafter abstained from voting.

Upon the motion of Trustee LePine seconded by Trustee Richards and carried to not move forward with the joint taxicab law with the Town based on the recommendation of the Chief of Police.

Budget Amendment No. 40 – 2009/2010

GENERAL FUND

BUDGET AMENDMENT NO. 40 – 2009/2010

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.

\$ 1,233.63 From Account No. A511.2 Appropriated Forfeiture Fund Reserve

As Follows:

\$ 1,233.63 To Account No. A3120.1R Police Salaries (Forfeiture Fund)

\$ 10,000.00 From Account No. A5142.1 Snow Removal Salaries

As Follows:

\$ 10,000.00 To Account No. A5110.1 Street Repair Salaries

\$ 1,000.00 From Account No. A5142.4 Snow Removal Other Expenses

As Follows:

\$ 1,000.00 To Account No. A8170.4 Street Cleaning Other Expenses

Motion Made By: Trustee Patnode
Seconded By: Trustee Hafter

Police Chief's Report – May 31st there will be a Memorial Day parade.

Adjournment –

Upon the motion of Trustee Patnode seconded by Trustee LePine and unanimously carried to adjourn the meeting at 8:20 PM.

Respectfully submitted,

Cheryl A. Douglas
Village Clerk