

At a regular meeting of the Malone Village Board, held on May 9, 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:

Karen Elmer-Pritchard, Deputy Village Clerk                      Darcy Fargo, Malone Telegram  
Christopher Premo, Chief of Police                                      Dorothy Maguire, Treasurer  
Randy Wood, Malone Minor Hockey                                      Catherine Werley  
Tom Kemp    Wendy Cappiello  
Don Merrick

**APPROVE THE MINUTES OF LAST REGULAR MEETING: 04/25/2011**

Upon the motion of Trustee Patnode seconded by Trustee Hafter and unanimously carried to approve the minutes as presented and placed on file.

**PAY BILLS:**

<b><u>FUND</u></b>	<b><u>AMOUNT</u></b>
Revolving Loan Fund	6.43
Joint Recreation Fund	6,214.61
2010 NYS CDBG Fund	18,640.00
2009 HOME Grant Fund	33,833.01
Sewer Fund	54,926.24
General Fund	117,444.04
Trust Fund	134,384.43
Water Fund	183,943.16
	<u>\$ 549,391.92</u>

Upon the motion of Trustee LePine seconded by Trustee Riccio and unanimously carried to accept the bills as presented for payment.

**CODE APPLICATIONS:**

**Building Applications**

Jeff Bellaire  
52 Edward Street  
Malone, NY 12953

Application to install windows, doors, metal roof as well as electrical work at 52 Edward Street at an estimated cost of \$18,000. Application approved by Building Inspector Gordon Halley.

Norman Hanna  
51 William Street  
Malone, NY 12953

Application for replacement of windows, doors, repair portion of roof as well as electrical work at 51 William Street at an estimated cost of \$22,000. Application approved by Building Inspector Gordon Halley.

James & Margaret Fisher  
12 Edward Street  
Malone, NY 12953

Application for a handicapped ramp at 12 Edward Street at an estimated cost of \$500. Application approved by Building Inspector Gordon Halley.

Paul & Audrey Bashaw  
14 Wilcox Ave  
Malone, NY 12953

Application to install above ground swimming pool and build a deck at 14 Wilcox Ave at an estimated cost of \$1,050. Application approved by Building Inspector Charles Robert.

William & Eleanor McClain  
2949 St. Rt. 11  
Malone, NY 12953

Application to tear down garage, replace storage building and repair foundation at 25 Huntington Street at an estimated cost of \$9,500. Application approved by Building Inspector Charles Robert.

Ted Chang  
10 Wilson Street  
Apt. 1  
Malone, NY 12953

Application to upgrade electrical services and other minor repairs at 10 Wilson St., Apt. 1 at an estimated cost of \$1500. Application approved by Building Inspector Charles Robert.

Candy Conto  
127 Union Street  
Malone, NY 12953

Application to put tin over existing roof at 127 Union Street at an estimated cost of \$2,000. Application approved by Building Inspector Gordon Halley.

### **Heating Appliance Application**

Cleveland Lamica  
16 South Pearl Street  
Malone, NY 12953

Application to have Adirondack Energy install an oil heating appliance, masonry chimney and a clay flue at 16 So. Pearl Street. Application approved by Building Inspector Gordon Halley.

William Loffler  
73 Willow Street  
Malone, NY 12953

Application to have Matthews Service Inc. to replace fuel tank and re-pipe at 73 Willow Street. Application approved by Building Inspector Gordon Halley.

### **Fence Application**

Tara Danussi  
6 Pierpont Ave  
Malone, NY 12953

Application to have Mike Hurteau erect a vinyl fence at an estimated cost of \$5000. Application approved by Building Inspector Gordon Halley.

Edward Pickreign  
23 Grove Street  
Malone, NY 12953

Application to install a vinyl fence at an estimated cost of \$300. Application approved by Building Inspector Gordon Halley.

### **Demolition Permit**

Scott Smith  
P.O. Box 562  
Malone, NY 12953

Application for demolition and removal of building at 289 Ft. Covington Street at an estimated cost of \$1000. Application approved by Building Inspector Charles Robert.

### **Planning Board**

The planning board met on 4/27/11, regarding a sign permit from Victor Fellion at 47 Ft. Covington Street. No decision was made at that time therefore the meeting was tabled and will be re-scheduled.

**SIDEWALK APPLICATIONS:** Allen Gravel -99 College Ave - Sidewalk/Curb/Apron

Upon the motion of Trustee Hafter seconded by Trustee Riccio and unanimously carried to approve the sidewalk application as presented and signed by Jeff Smith, DPW Supervisor.

**COMMITTEE REPORTS:** None to report at this time.

**CORRESPONDENCE:**

**Request to use Arsenal Green** on 5/15/11 for a candlelight vigil for Karen Bourdon-Clark from Candy Gadway and the Malone Central School System.

Upon the motion of Trustee Riccio seconded by Trustee Patnode and unanimously carried for the use of the Arsenal Green.

**NYS Homes and Community Renewal** – Monitoring Visit will be conducted on May 10, 2011. Jennifer Breen will be reviewing the files on the Phase I Water Project.

**NYS DOT** – CHIPS Money – Letter received informing us we will receive \$105,448.33. This will be an increase of \$1,038.33 from what was budgeted.

**Zoning Board Resignation** – Daniel Bova submitted a letter on May 4, 2011 to resign his position on the Zoning Board of Appeals effective immediately. Mayor Stewart thanked Dan for his time on the Board.

Upon the motion of Trustee Hafter seconded by Trustee Riccio and unanimously carried to accept his letter of resignation with regrets.

**NEW BUSINESS:**

**Malone Minor Hockey** – Randy Wood was present tonight to discuss the purchase of a new Zamboni which costs about \$100,000. The 1968 Zamboni is currently not operational. Malone Minor Hockey has raised \$65,000 leaving a deficit of \$35,000. The Rec Commission would like to make a recommendation that the Town and Village assist Malone Minor Hockey financially. Trustee Patnode would like to see Malone Central School District contribute also. Randy Wood said they are looking into that. Mayor Stewart said the Village and Town would have to open the agreement and discuss. Trustee Hafter suggested consulting with our Village attorney before giving an answer. Dorothy Maguire, Treasurer said the money could come from the contingency fund or general unreserved fund balance. Mayor Stewart: We can commit ours, and then the Town will have to commit theirs and in doing that, that amendment will have to be drawn up to put that funding into that agreement based on what you are talking about, the one year.

Upon the motion of Trustee LePine seconded by Trustee Hafter and unanimously carried to make a motion to modify the agreement with Malone Minor Hockey to increase their funding by \$10,000 contingent upon attorney's wording the amendment and contingent upon the Town's agreement to do the same.

**Proclamation for Poppy Days** – The Malone American Legion Auxiliary Unit #219 will be in the community handing out poppies on May 19, 20, 21, 2011.

### PROCLAMATION

#### *MALONE AMERICAN LEGION AUXILIARY UNIT #219 POPPY DAYS*

*WHEREAS, the poppies are a sign of remembrance dating back to World War I and represent a vow to never forget; and*

*WHEREAS, the more than 25,000,000 poppies made by disabled veterans are distributed on the streets under the supervision of the American Legion Auxiliary, by approximately 125,000 volunteer workers; and*

*WHEREAS, annually, the American Legion Auxiliary, holds Poppy Days at various locations throughout the Village; and*

*WHEREAS, 100% of the profits from the poppy distribution goes to relief for servicemen and servicewomen and their families; and*

*NOW, THEREFORE, BE IT RESOLVED that the Mayor of the Village of Malone, County Of Franklin, State of New York, hereby recognizes that the Malone American Legion Auxiliary #219 Poppy Days will be held on May 19<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> 2011 in the Village of Malone, to honor and support all of our Veterans.*

**Memorial Day Parade** – American Legion will be hosting a parade on May 30, 2011 starting at 10:00 AM. They are asking for village official participation.

**Comments – Tobacco Free Outdoors** – No comments have been received. A letter has been sent to Malcolm Miner, Chairman of the Rec Commission asking for their comments. Catherine Werley was present tonight at the Board meeting. She works for Public Health and she advocates for the tobacco free area. She asked the Village to please be supportive of this idea.

**Resolution #27 – Streetlight Bids** - We budgeted for three streetlights and we need to go out for bid.

**VILLAGE OF MALONE  
RESOLUTION NO. 27-2011**

**AUTHORIZATION TO SOLICIT STREETLIGHT BIDS**

WHEREAS, the Village of Malone Trustees appropriated funds in their 2011-2012 Budget for the purchase of three (3) streetlights;

NOW THEREFORE BE IT RESOLVED: The Village Board of Trustees authorizes the solicitation of bids for the purchase of three (3) streetlights.

Motion Made By: Trustee Riccio  
Seconded By: Trustee Hafter  
Approved By Board of Trustees on: May 9, 2011

**Resolution #28 – Cornerstone Agreement** – The agreement expires in 2011. They are offering a month free of line charges. It will be up to the Board to decide on a one, two or a three year term. The Board decided on a three year term.

**VILLAGE OF MALONE  
RESOLUTION NO. 28-2011**

**AUTHORIZATION TO RENEW CORNERSTONE AGREEMENT**

WHEREAS, the Village is currently receiving phone service through Cornerstone; and

WHEREAS, Cornerstone is offering a month of free line charges for each year the Village renews their agreement up to a maximum of a three year renewal;

NOW THEREFORE BE IT RESOLVED: The Village Board of Trustees authorizes the Mayor to renew the phone service agreement with Cornerstone for a period of three (3) years with the term to end on the last day of the fiscal year.

Motion Made By: Trustee Hafter  
Seconded By: Trustee Riccio  
Approved By Board of Trustees on: May 9, 2011

**Resolution #29 – Discharge of Mortgage** – Carmelita King for the property at 5 Rennie Street has submitted a payment to satisfy her loan agreement. Nathan Race has reviewed it said it was fine.

**VILLAGE OF MALONE  
RESOLUTION NO. 29-2011**

**AUTHORIZATION TO EXECUTE DISCHARGE OF MORTGAGE - KING**

NOW THEREFORE BE IT RESOLVED: The Village Board of Trustees authorizes the Mayor to execute the Discharge of Mortgage for Carmelita King.

Motion Made By: Trustee LePine  
Seconded By: Trustee Patnode

Approved By Board of Trustees on: May 9, 2011

**Resolution #30 – Amend Engineering Services Agreement** – We currently have a contract with Barton and Loguidice to provide engineering services for the NYS CDBG grant for Phase II of the water line. Part of that agreement included \$11,000 for on-site construction observation. That was only for part-time observation and during a pre-design meeting there was the consensus that we probably should have a full-time observation on the project. Barton and Loguidice are presenting an amendment to their agreement to increase it by \$17,400 bringing the total cost up to \$28,400 and that amount would be used to hire someone local to observe the project. The funds for that would come out of the village's water capital reserve fund. So the second part of the resolution is subject to a permissive referendum authorizing the transfer of \$17,400 from the water capital reserve because that money is not available in that grant.

**VILLAGE OF MALONE  
RESOLUTION NO. 30-2011**

**AUTHORIZATION TO AMEND ENGINEERING SERVICES AGREEMENT**

WHEREAS, the Village of Malone (the "Village") was awarded a 2010 New York State Community Development Block Grant (NYS CDBG) in the amount of \$558,300 from the New York State Housing Trust Fund Corporation to assist in completion of a public water project; and

WHEREAS, the Village entered into an agreement with Barton & Loguidice, P.C. for professional engineering services associated with the 2010 NYS CDBG public water project at a cost of Seventy Five Thousand Seven Hundred Dollars (\$75,700.00) ; and

WHEREAS, included in the Agreement were services for part-time construction observation;

NOW THEREFORE BE IT RESOLVED: The Village Board of Trustees authorizes the Mayor to amend the agreement with Barton & Loguidice, P.C. to include services for a full-time, on-site construction observer of the Duane Street Water Main Replacement Phase II Project at a cost of Seventeen Thousand Four Hundred Dollars (\$17,400.00); and

BE IT FURTHER RESOLVED: Subject to a permissive referendum, the Village Board of Trustees authorizes the transfer of an amount not to exceed Seventeen Thousand Four Hundred Dollars (\$17,400.00) from the Water Capital Reserve Fund.

Motion Made By: Trustee LePine

Seconded By: Trustee Riccio

Approved By Board of Trustees on: May 9, 2011

**Resolution #31 – Authorization to solicit bids for Phase II Water Main** – The bid documents have been prepared by Barton and Loguidice and have been approved by NYSDOT, NYSDOH and NYSOCR. They are asking us to authorize the solicitation of bids for construction of the Duane Street Water Main Replacement Phase II with the bids to be opened on June 3, 2011 at 12:00 at the Village Clerk's Office.

**VILLAGE OF MALONE  
RESOLUTION NO. 31-2011**

**AUTHORIZATION TO SOLICIT BIDS FOR DUANE STREET WATER MAIN REPLACEMENT PHASE II**

WHEREAS, the Village of Malone (the "Village") was awarded a 2010 New York State Community Development Block Grant (NYS CDBG) in the amount of \$558,300 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 II;

WHEREAS, the bid document has been prepared by the engineering firm of Barton and Loguidice, P.C.

WHEREAS, the bid document has been approved by the New York State Department of Health, New York State Department of Transportation and New York State Office of Community Renewal;

NOW THEREFORE BE IT RESOLVED: The Village Board of Trustees authorizes the solicitation of bids for the replacement of Duane Street Water Main Phase II; and

BE IT FURTHER RESOLVED: The bids will be opened on June 3, 2011 at 12:00 PM at the Village Clerk's office located at 14 Elm Street Malone.

Motion Made By: Trustee Hafter  
Seconded By: Trustee LePine  
Approved By Board of Trustees on: May 9, 2011

**Village Clerk Quarterly Report – 1<sup>st</sup> quarter 2011**

Upon the motion of Trustee Riccio seconded by Trustee Patnode and unanimously carried to accept the Village Clerk's quarterly report.

**BUDGET AMENDMENTS:**

**GENERAL FUND  
BUDGET AMENDMENT NO. 22 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.

\$ 1,295.00 From Account No. A511 Appropriated (Federal) Forfeiture Fund Reserve

As Follows:

\$ 1,295.00 To Account No. A3120.2R Equipment (Federal Forfeiture Fund)

Motion Made By: Trustee Patnode  
Seconded By: Trustee Riccio  
Approved by the Board of Trustees On: May 9, 2011

**GENERAL FUND  
BUDGET AMENDMENT NO. 1 2011-2012**

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.

\$ 2,774.00 From Account No. A511 Appropriated (State) Forfeiture Fund Reserve

\$ 5,000.00 From Account No. A3120.1 Police DWI Salaries

As Follows:

\$ 2,774.00 To Account No. A3120.2R Equipment (State Forfeiture Fund)

\$ 5,000.00 To Account No. A3120.2R Police Equipment

Motion Made By: Trustee Hafter  
Seconded By: Trustee Patnode  
Approved by the Board of Trustees On: May 9, 2011

**JOINT RECREATION FUND  
BUDGET AMENDMENT NO. 1 2011-2012**

OFFERED BY: DOROTHY MAGUIRE, BUDGET OFFICER/TREASURER

WHEREAS, members of the Rotary Club of Malone have donated \$8,000.00 for exclusive use of the Malone Joint Recreation Fund in building a Rotary Playground on the east side of Rotary Lake on Malone Recreational Park property;

NOW THEREFORE, BE IT RESOLVED: The Village Board of Trustees accepts said donation in the amount of \$8,000.00 and amends the Joint Recreation Fund 2011-2012 Budget as follows:

Increase Revenue: J2705 Donations by \$8,000.00

Increase Appropriation: J7140.2 Rec Park Equipment & Capital Outlay by \$8,000.00

MOTION MADE BY: Trustee LePine  
SECONDED BY: Trustee Patnode  
APPROVED BY BOARD OF TRUSTEES ON: May 9, 2011

**OLD BUSINESS:**

Study Committee Formation – The Village Board met on May 7, 2011 for a work session to pick the study committee. The following recommendations were made: Mayor Brent Stewart; Town Supervisor Howard Maneely; Shawn Fournier, Village Homeowner; Hugh Schickel, Town Homeowner; James McKee, Business Owner; Donald Merrick, Taxpayer’s Coalition Member; Martha Weaver, Village Homeowner; and Joe Riccio, Village Trustee. The Village Clerk will notify each member and ask them to come in to review the three consultants that responded to our request for proposals. When the funding comes forward we will be able to get an agreement with NYSDOS and then in turn get an agreement with the consultant to perform the study.

Upon the motion of Trustee Patnode seconded by Trustee Hafter to accept the names for the formation of the committee. Trustee LePine: Aye. Trustee Ricco: Abstain.

**DPW REPORT:** Spring clean up has been going well.

**POLICE CHIEF’S REPORT:**

April 2011 Monthly Report – Chief Premo presented his report.

Chief Premo would like to give special recognition to two of our officers. Officer David Merrick and Officer Tuesday Morehouse for helping with the murder investigation.

**ADJOURNMENT:**

Upon the motion of Trustee LePine seconded by Trustee Patnode and unanimously carried to adjourn the meeting.

Respectfully submitted,

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Karen Elmer-Pritchard  
Deputy Village Clerk