

At a regular meeting of the Malone Village Board, held on August 15, 2011, 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  
Joseph Riccio                      Trustee  
Dailon Patnode                      Trustee  
Susan Hafter                      Trustee

Also in attendance:

Cheryl Douglas, Village Clerk	Dolly Maguire, Treasurer
Tricia Livernois, Malone Telegram	Jeff Smith, DPW Supervisor
Christopher Premo, Chief of Police	Tish Biesemeyer, Burnham Financial
Ian Coryea, Burnham Financial	Alex Garneau, Troop 61
Mary Boyea, Resident	Kim Smythe, Resident

**APPROVE THE MINUTES OF LAST REGULAR MEETING: 07/11/2011**

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

**PAY BILLS:**

<b><u>FUND</u></b>	<b><u>AMOUNT</u></b>
Revolving Loan Fund	9.56
Joint Recreation Fund	18,696.22
Debt Service Fund	29,687.50
2009 NYS CDBG Fund	45,498.80
Water Fund	51,601.11
2009 HOME Grant Fund	55,958.08
General Fund	68,215.49
Sewer Fund	87,105.39
Trust Fund	224,884.56
2010 NYS CDBG Fund	<u>273,703.98</u>
	\$ 855,360.69

Upon the motion of Trustee LePine seconded by Trustee Hafter and unanimously carried to accept the bills as presented by Treasurer Dolly Maguire.

**CODE APPLICATIONS:**

**Building Applications**

Olympia Sports  
5 Bradley St  
Westbrook, ME 04092

Application to reuse existing structure, electrical, plumbing and HVAC at 230 West Main Street, Space 14 B an estimated cost of \$32,000. Application approved by Building Inspector Gordon Halley.

Tony & Patty Clark  
15 College Ave  
Malone, NY 12953

Application to remodel kitchen at 15 College Ave at an estimated cost of \$ 5,000. Application approved by Building Inspector Charles Robert.

Stephanie Deuyour  
59 Front Street  
Malone, NY 12953

Application for swimming pool to be installed at 59 Front Street at an estimated cost of \$250. Application approved by Building Inspector Charles Robert.

Sabrina Hammons  
90 Railroad Street  
Malone, NY 12953

Application for bedroom and bathroom additions at 90 Railroad Street at an estimated cost of \$9,500. Application approved by Building Inspector Charles Robert.

Christopher Thomas  
9 Williamson Street  
Malone, NY 12953

Application to install a swimming pool and fence at 9 Williamson Street at an estimated cost of \$10,499. Application approved by Building Inspector Charles Robert.

Emily Holmes  
35 Center Street  
Malone, NY 12953

Application to install a swimming pool and deck at 35 Center Street at an estimated cost of \$500. Application approved by Building Inspector Gordon Halley.

Community Bank NA  
5790 Widewaters Parkway  
DeWitt, NY 13214

Application to install a drive up ATM at 320 West Main Street at an estimated cost of \$50,000. Application approved by Building Inspector Gordon Halley.

#### **Heating Application**

Frances Dibble  
52 Rennie Street  
Malone, NY 12953

Application to install an oil heating appliance at 52 Rennie Street. Application approved by Building Inspector Gordon Halley.

#### **Sign Application**

Ellis Automotive  
551 East Main Street  
Malone, NY 12953

Application to install new wall sign at 551 East Main Street that will be illuminated and identifying. Application approved by Building Inspector Gordon Halley.

Norman Bonner, III  
91 Park Street  
Malone, NY 12953

Application to install a double-faced sign at 28 Raymond Street that will be non-illuminated. Application disapproved by Building Inspector Charles Robert. Planning board met on 8/3/11 and approved the application.

#### **Fence Permit**

Emile Benardot  
17 Constable Street  
Malone, NY 12953

Application to erect an aluminum fence at 17 Constable Street – 124 Elm Street. Application approved by Building Inspector Charles Robert.

#### **Demolition Application**

Jon Mark Parent  
124 Vista Dr.

Poinciana, FL 34759

Application for demolition of a office building at 39 Rockland Street which has exterior siding, aluminum, shingles, paper , board with concrete block and frame materials. Application approved by Building Inspector Charles Robert.

**Junk Motor Vehicle Application**

Linda Safford  
12 Huntington Street  
Malone, NY 12953

Application to store an unregistered motor vehicle. Application approved by Building Inspector Charles Robert.

**SIDEWALK APPLICATIONS:**

**Charlotte Nelson** – 5 Elbow Street – Sidewalk

Upon the motion of Trustee Patnode seconded by Trustee Riccio and unanimously carried to approve the sidewalk application as approved by the DPW Supervisor Jeff Smith.

**Luanna Smith** – 73 Webster Street – Sidewalk

Upon the motion of Trustee Patnode seconded by Trustee Riccio and unanimously carried to approve the sidewalk application as approved by the DPW Supervisor Jeff Smith.

**Sandra VanDeusen** – 4 Murray Street – Sidewalk

Upon the motion of Trustee Patnode seconded by Trustee Riccio and unanimously carried to approve the sidewalk application as approved by the DPW Supervisor Jeff Smith.

**Thomas Thorne** – 25 Center Street – Sidewalk

Upon the motion of Trustee Patnode seconded by Trustee Riccio and unanimously carried to approve the sidewalk application as approved by the DPW Supervisor Jeff Smith.

**WATER SERVICE APPLICATIONS:**

**Fuller Excavating** – Malone Middle School - \$100 for 30,000 gallons

Upon the motion of Trustee Riccio seconded by Trustee Patnode and unanimously carried to approve the water service application as approved by the DPW Supervisor Jeff Smith.

**COMMITTEE REPORTS:**

Trustee Hafter reported that the LWRP will hold a forum at the Franklin County Kitchen Conference on August 23, 2011 at 6:30 PM.

**CORRESPONDENCE:**

**Liquor License Renewals** – Sansone’s, American Legion, Hosler’s

Upon the motion of Trustee Patnode seconded by Trustee Riccio and unanimously carried to approve the applications for liquor license renewals for Hosler’s Family Restaurant, Sansone’s Restaurant, LLC and American Legion Post 219.

**NYS Homes & Community Renewal** – Notification that this agency anticipates allocating Low Income Housing Tax Credits to the North Country Apartments Project to 70 Sawyer Avenue and 180 Webster Street.

**NYS DOT** – Mark Frechette, P.E., Acting Regional Director in Watertown regarding our concern for traffic pattern changes, crosswalks and speed limits. The designated representatives so far are Joe Riccio, Hugh Hill and Michelle Schumacher.

**US Senate** – Notification has been given that applications for funding are being accepted under the 2011 Museums for America Grant Program. For informational purposes.

**US Congress** – Bill Owens, Congressman wrote a letter regarding funding for demolition projects. For informational purposes.

**Franklin County Down Syndrome Society** – Annual walk 9/11/11 – Letter received from Matthew McCardle, Treasurer of the Franklin County Down Syndrome Society. They would like to use the Arsenal Green on Sunday, September 11 from 1:00 to 3:00 PM for their third annual walk.

Upon the motion of Trustee Hafter seconded by Trustee Riccio and unanimously carried to approve the use of the Arsenal Green for the walk.

**Resignation of Planning Board Member** - Gregory Paye, Planning Board member since 2006, does not wish to serve another term on the Planning Board. He will remain active until August 31, 2011. Trustee Hafter suggested having the Planning Board and Village Board meet to discuss their concerns.

Upon the motion of Trustee LePine seconded by Trustee Hafter and unanimously carried to accept the letter of resignation with thanks for his years of service.

#### **NEW BUSINESS:**

**Burnham Financial Group** – Presentation by Ian Coryea and Tish Biesemeyer. Burnham will talk about their broker services, what they can bring to the table to represent the Village and how what they can offer to become our Broker of Record. Their approach is cost containment, employee appreciation and administrative efficiencies. There are no additional costs in changing brokers. Mayor Stewart and Board would like to absorb the proposal and possibly make a decision at a future meeting.

**Alex Garneau (Troop 61)** – 9/11 Memorial Park & Monument Proposal. In 2005 Alex completed his Eagle Scout project in this park located on the corner of Webster and Main Streets. Alex presented his ideas for the upgrades to the park such as a solar flagpole, solar spot lights, a new U.S. flag, white concrete for the replica, and finally some new mulch. The Baptist Church owns the lot. Trustee Riccio is leaning between the proposals of Premier and Extravagant. The difference is one solar light and one bench. Trustee LePine will check with Nathan Race our village attorney to see if the Village can make a donation. Alex will get a letter of approval from the Baptist Church.

Upon the motion of Trustee LePine seconded by Trustee Riccio and unanimously carried to approve the Premier proposal (\$904) with the money coming from contingency or celebrations pending attorney approval.

**LGE Grant** – Update – Mayor Stewart reported that we have gotten our account number for future draw-downs and a copy of the contract has been reviewed by our attorney. The final contract is pending.

**Memorandum of Agreement** – Between Franklin County Soil & Water and the Village of Malone. This is for the Salmon River Watershed Management Plan and Mill Park Improvements under contract #C007036.

Upon the motion of Trustee LePine seconded by Trustee Hafter and unanimously carried to authorize the Mayor to sign the Memorandum of Agreement between Franklin County Soil and Water and the Village of Malone.

**Taxi Driver's License Applications** – One application was presented for approval as approved by the Village Police for Michael McCaffrey to drive for On the Dot Taxi. The other application was denied by the Village Police.

Upon the motion of Trustee Riccio seconded by Trustee Patnode and unanimously carried to approve the application for Michael McCaffrey.

**No. Co. Healthy Heart Network** – The Network applied and received a grant in the amount of \$3,000. They wished to purchase a paint machine for crosswalk

improvements working in conjunction with Complete Streets. The paint machine was purchased at a cost of \$2,695.

**Village Clerk Quarterly Report** – Cheryl Douglas, Village Clerk gave the quarterly report for April, May and June.

Upon the motion of Trustee Riccio seconded by Trustee Patnode and unanimously carried to approve the quarterly report.

**Village Tax Collector's Report** – As of August 12, 2011 we have collected 80.90% of the taxes.

Upon the motion of Trustee Hafter seconded by Trustee LePine and unanimously carried to approve the collection statistics for 2011.

**Duane Street Property** – The transfer of county property to the Village of Malone parcel ID #112.33-9-12.1 was approved by Franklin County Legislators Resolution #99 dated April 8, 2011. The recording of the deeds will be filed with the County Clerk.

Upon the motion of Trustee LePine seconded by Trustee Riccio and unanimously carried to authorize the mayor to sign the property transfer of the property at 54 Duane Street.

**Street Maintenance Foreman** – Scott Gavin has passed the street foreman maintenance exam effective 7/12/2011. He had the appointment pending the exam.

**Annual Financial Report** – Joint Recreation Fund – Dolly Maguire, Treasurer has presented the report for the fiscal year ending May 31, 2011. It has been submitted to the Comptroller's Office. The unreserved fund balance is \$65,441.

Upon the motion of Trustee Patnode seconded by Trustee Hafter and unanimously carried to accept the financial report as presented.

**BOA Draft Change Order** – Dave Roecker, PE presented a draft change order for Board of Trustee approval. The Board of Trustees did not agree with this and would like more clarification as to the additional costs that were incurred. The Trustees would also like to look at the original agreement.

**Permissive Referendum** – 30 day referendum expired 7/15/11 and no petition was filed on transfer of monies from the Water Capital Reserve fund (\$82,536) for the Duane Street Water Main Replacement Phase II.

**Resolution #49** – Holy Family Health & Fitness Playground Project. Jennifer Hesseltine contacted Mayor Stewart regarding this project in which they will be applying for grant money and are looking for our support.

**VILLAGE OF MALONE  
RESOLUTION NO. 49-2011**

**HOLY FAMILY SCHOOL HEALTH AND FITNESS PLAYGROUND PROJECT**

WHEREAS, the Holy Family School is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project to be located in the Village of Malone, a site located within the territorial jurisdiction of this Board of Trustees; and

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located"; and

NOW, THEREFORE, BE IT RESOLVED: by this august body that the Board of Trustees of the Village of Malone hereby does approve and endorse the application of Holy Family School for a grant under the Environmental Protection Fund for a park project known as Holy Family School Health and Fitness Playground Project.

Date of Adoption: August 15, 2011

Motion Made By: Trustee Riccio  
Seconded By: Trustee Patnode  
Approved By Board of Trustees on: August 15, 2011

**Resolution #50** – Engineering Services Agreement amendment is for an additional \$3,059.10 that Burley-Guminiak needed to cover additional costs of the construction project.

**VILLAGE OF MALONE  
RESOLUTION NO. 50-2011**

**AUTHORIZATION OF ENGINEERING SERVICES AGREEMENT AMENDMENT NO. 3**

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, funds are needed to cover the cost of additional construction observation services;

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 increasing the contract amount by Three Thousand Fifty Nine Dollars and Ten Cents (\$3,059.10); and

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

\$ 3,059.10 From Account No. CD1990.0 Contingency (Non-Grant Funds)

As Follows:

\$ 3,059.10 To Account No. CD8662.4 Engineering (Non-Grant Funds)

Motion Made By: Trustee Hafter  
Seconded By: Trustee LePine  
Approved By Board of Trustees on: August 15, 2011

**Resolution #51** – Utility Savings Audit Program Proposals. Dolly Maguire received two proposals for utility billing analysis, one from Troy and Banks and one from NYCOM who is sponsoring Computel Consultants. After 24 months Troy and Banks would ask for 35% of future cost reduction fees, Computel Consultants does not do this. Computel would also assist in maximizing franchise fees and assist in franchise renewal negotiations.

**VILLAGE OF MALONE  
RESOLUTION NO. 51-2011**

**AUTHORIZATION TO ENTER INTO UTILITY SAVINGS AUDIT PROGRAM**

WHEREAS, the Village of Malone is interested in having a utility billing analysis completed to identify, correct and secure refunds for overcharges on telecommunications, electric, and underpayment of franchise fee revenues;

NOW THEREFORE BE IT RESOLVED: The Village Board of Trustees authorizes the Mayor to enter into an agreement with Computel Consultants for a Utility Savings Audit.

Motion Made By: Trustee Patnode  
Seconded By: Trustee LePine  
Approved By Board of Trustees on: August 15, 2011

**Resolution #52** – Authorization to enter into GASB 45 Post Employment Benefits Actuarial Services Agreement. Dolly Maguire reported that the Village of Malone must comply with Governmental Accounting Standards Board 45 by determining the value of post-employment benefits provided to retired village employees. She received three proposals, Harbridge Consulting Group, Armory

Associates, EBS-RMSCO. Armory Associates would be able to complete their findings 3 weeks after they receive the data from the village and does not use the alternative measurement method. They are not the lowest in the fees, but Dolly would recommend them.

**VILLAGE OF MALONE  
RESOLUTION NO. 52-2011**

**AUTHORIZATION TO ENTER INTO A GASB 45 POST EMPLOYMENT BENEFITS  
ACTUARIAL SERVICES AGREEMENT**

WHEREAS, the Village of Malone must comply with Governmental Accounting Standards Board (GASB) 45 by determining the value of post-employment benefits provided to retired village employees; and

WHEREAS, the cost of the projected health and health liabilities is required to be stated in the Village of Malone's annual financial statements;

NOW THEREFORE BE IT RESOLVED: The Village Board of Trustees authorizes the Mayor to enter into a GASB 45 Post Employment Benefits Actuarial Services agreement with Armory Associates, LLC at a cost of \$3900.00

Motion Made By: Trustee Riccio

Seconded By: Trustee Patnode

Approved By Board of Trustees on: August 15, 2011

**BUDGET AMENDMENTS:**

**GENERAL FUND  
BUDGET AMENDMENT NO. 5 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.

\$ 4,190.00 From Account No. A511 Appropriated (Federal) Forfeiture Fund Reserve

As Follows:

\$ 3,190.00 To Account No. A3120.2 R Equipment (Federal) Forfeiture Fund

\$ 1,000.00 To Account No. A3120.4R Other Expenses (Federal) Forfeiture Fund

\$ 739.75 From Account No. A511 Appropriated (State) Forfeiture Fund Reserve

As Follows:

\$ 467.75 To Account No. A3120.1R Police Salaries (State) Forfeiture Fund

\$ 272.00 To Account No. A3120.4R Other Expenses (State) Forfeiture Fund

\$ 900.00 From Account No. A3650.4 Demolition of Unsafe Buildings Other Expenses

As Follows:

\$ 900.00 To Account No. A3650.1 Demolition of Unsafe Buildings Salaries

Motion Made By: Trustee Patnode

Seconded By: Trustee Riccio

Approved by the Board of Trustees On: August 15, 2011

**SEWER 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.

\$11,000.00 FROM ACCOUNT NO. G1990.0 Contingency

AS FOLLOWS:

\$11,000.00 TO ACCOUNT NO. G8130.4 WWTP Other Expenses

MOTION MADE BY: Trustee Patnode  
SECONDED BY: Trustee LePine  
APPROVED BY BOARD OF TRUSTEES ON: August 15, 2011

**JOINT RECREATION FUND  
BUDGET AMENDMENT NO. 2 2011-2012**

OFFERED BY: DOROTHY MAGUIRE, BUDGET OFFICER/TREASURER

WHEREAS, students from Franklin Academy raised money as an activism project in their Social Studies Participation in Government class; and

WHEREAS, the students wish to donate the funds to the Malone Recreational Park to be used at its discretion;

NOW THEREFORE, BE IT RESOLVED: The Village Board of Trustees accepts said donation in the amount of \$152.27 and amends the Joint Recreation Fund 2011-2012 Budget as follows:

Increase Revenue:                    J2705 Donations by \$152.27  
Increase Appropriation:            J7140.4 Other Expenses by \$152.27

MOTION MADE BY: Trustee Riccio  
SECONDED BY: Trustee Patnode  
APPROVED BY BOARD OF TRUSTEES ON: August 15, 2011

**JOINT RECREATION FUND  
BUDGET AMENDMENT NO. 3 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.

Increase Revenue:                    J2680 Insurance Recovery by \$2,808.27  
Increase Appropriation:            J7140.4 Other Expenses by \$2,808.27

Motion Made By: Trustee Hafter  
Seconded By: Trustee Patnode  
Approved by the Board of Trustees On: August 15, 2011

**TRAINING:**

Mayor Stewart to grant training to Tuesday Morehouse for Advanced Roadside Impaired Driving Enforcement Course on August 31 and September 1 in Plattsburgh, NY.

Mayor Stewart to grant training to Casandra Stone for Homeland Security Cross designation Training on August 25, 26, and 27 in Massena, NY.

Mayor Stewart to grant training to Dolly Maguire, Cheryl Douglas, and Karen Elmer-Pritchard to attend the NYCOM Fall Training in Saratoga Springs on September 19, 20, 21, and 22.

**DPW REPORT:**

Jeff Smith reported the water project is on schedule. He also reported that the cross valve that was put in in the first water project to balance pressure on both the east side and west side worked. When they had to turn everything down during a recent break the water pressure went down, but then immediately came back up as reported by a call he got from the Franklin County Nursing Home.

**OLD BUSINESS:**

**Agreement between Malone Callfiremen and Village of Malone** – Trustee LePine talked with the Malone Callfiremen. They had a problem with the wording in provision Third. They would like it to read “The provisions of this Agreement shall be effective upon execution and shall continue until December 31, 2011.” This has been reviewed by the Village attorney.

Upon the motion of Trustee LePine seconded by Trustee Patnode and unanimously carried to remove the provision and authorize the Mayor to sign the agreement.

**POLICE CHIEF’S REPORT:** July 2011

**EXECUTIVE SESSION:**

Upon the motion of Trustee LePine seconded by Trustee Riccio and unanimously carried to go into executive session for contract negotiations.

Upon the motion of Trustee Patnode seconded by Trustee LePine and unanimously carried to come out of executive session.

Upon the motion of Trustee LePine seconded by Trustee Riccio and unanimously carried to go back into regular session.

**ADJOURNMENT:**

Upon the motion of Trustee Patnode seconded by Trustee LePine and unanimously carried to adjourn the meeting at 9:02 PM.

Respectfully submitted,

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Cheryl A. Douglas