

At the Regular Meeting of the
Malone Village Board, held on July
26, 2021 at 6:00 PM at 343 West
Main St. the following were present:

Andrea Dumas	Mayor
Matthew Boyea	Trustee
Norman Bonner	Trustee
Brian Langdon	Trustee
Archie McKee	Trustee

Excused Absence:
Chief Premo, Chief of Police

Also in attendance:

Kristine Lashway, Village Treasurer	Dan Ramsey
Rebahka Scaccia, Village Clerk	Sue Boyea
Steve Fredette, DPW Supervisor	Bill Boyea
Brian Lamondie, Code Officer	Jack Sullivan
Alex Viola, Telegram	Ann Miller
Tom Schultz	Tammy Aubin

Mayor Dumas opened the regular meeting at 6:00PM.

Mayor Dumas opened the Public Hearing on each of the following proposed Local Laws:

LOCAL LAW #5-2021 – CH. 4 ANIMALS
LOCAL LAW #6 -2021 – CH. 33A-4 GRASS CUTTING; WEEDS
LOCAL LAW #7-2021 – CH. 33A-7 PENALTIES AND OFFENSES
LOCAL LAW #8-2021 – CH. 51-5A EST. OF SWIMMING POOLS
LOCAL LAW #9-2021 – CH. 51-5B CONSTRUCTION OF SWIMMING POOLS
LOCAL LAW #10-2021 – CH. 51-5C MAINT. & USE OF SWIMMING POOLS
LOCAL LAW #11-2021 – CH. 52 TAXATION ADDITION OF ARTICLE III

Tammy Aubin of 16 Center Street asked if the proposed amendments to Chapter 4 on Animals meant that she could no longer have bird feeders to feed the wild birds. Mayor Dumas noted the proposed amendment did not prohibit the feeding of wild birds.

Ann Miller of 162 College Ave requested the Board consider allowing bees and beehives on a regulated basis, rather than banning bees from the Village all together. Bees are pollinators and honeybees are less aggressive than hornets.

Hearing no further questions at that time, Mayor Dumas left the Public Hearing open until 6:20PM.

APPROVE THE MINUTES OF THE REGULAR MEETING: 07/12/2021

Upon the motion of Trustee Boyea with a second by Trustee Bonner and unanimously carried to approve the minutes as presented and placed on file.

APPROVE THE MINUTES OF THE SPECIAL WORK SESSION: 07/14/2021

Upon the motion of Trustee Bonner with a second by Trustee Boyea and unanimously carried to approve the minutes as presented and placed on file.

APPROVE THE MINUTES OF THE WORK SESSION: 07/21/2021

Upon the motion of Trustee McKee with a second by Trustee Langdon and unanimously carried to approve the minutes as presented and placed on file.

PAY BILLS:

Prior Fiscal Year 5/31/2021

Fund	Amount	# of Bills Audited
General/Sewer/Water	\$ 120.00	1
Grand Total	\$ 120.00	1

Current Fiscal Year 5/31/2022

Fund	Amount	# of Bills Audited
General/Sewer/Water	\$ 80,624.76	77
Joint Recreation Fund	\$ 3,893.68	17
Trust & Agency	\$ 153,487.34	11
DPW Bldg. Capital Project	\$ 40,789.53	1
Grand Total	\$ 278,795.31	106

*Trustee McKee noted that there are still bills being paid that are missing signatures and original requisitions. He would like to see this resolved.

Upon the motion of Trustee McKee with a second by Trustee Bonner and unanimously carried to approve the bills and place on file.

CORRESPONDENCE

- **Corn Hole Tournament – Dake Foundation** – August 1, 2021, at 4:00pm at the Malone Rec Park. All proceeds will go to create adaptive bicycles for children living with disabilities.

UNFINISHED BUSINESS

- **62 State Street – Mr. & Mrs. William Boyea**

Attorney Dan Ramsey was present with Mr. & Mrs. Boyea to discuss the ongoing noise pollution issue at the Malone Ice Arena. The Boyea's have lived on State Street for more than 40 years. The ice compressor was installed at the arena in 2016 and has since caused a significant amount of noise pollution for the Boyeas, so much so a nuisance case could be made.

Attorney Ramsey noted he was appearing to request that the Village Board make the resolution of this issue a top priority for the Village and move it forward to avoid any future litigation.

Mayor Dumas noted that there are currently two grants being sought which, if awarded, would assist the Village in relocating the compressor unit to the rear of the arena, away from the Boyea's property.

Mr. Boyea asked the Board if it was the intent of the hockey league to start the compressor in August again this year. Traditionally, the compressor isn't started until October. An August start date prohibits the Boyea's from enjoying their pool and back yard. The windows cannot be opened when the unit is running. Mr. Boyea expressed his sincere displeasure at an August start date and respectfully requested the Village wait until October.

- **10 Woodward Street – Coby Lacombe – TABLED**

NEW BUSINESS

- **Village IT Software/Hardware Update**

VILLAGE OF MALONE RESOLUTION 152-2021

AUTHORIZATION TO PURCHASE THREE NEW COMPUTERS AND IT HARDWARE AND SOFTWARE FOR ADMINISTRATIVE OFFICE

WHEREAS, the Village of Malone IT Hardware and Software are out dated and three of the current desk computers have outlived their useful life; and

WHEREAS, IT support technician, Brent Hesseltine, recommends the immediate purchase of an up-dated IT system, software and three new computers for the office; and

WHEREAS, the IT System and Software have been quoted at a price of \$2,307.00 and the three computers at a total price of \$2,847.00, for a total purchase price of \$5,154.00;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Malone Board authorizes the Village Treasurer to order and pay for the above-referenced IT Hardware, Software and computers at the quoted cost of \$5,154.00.

Motion Made By: Trustee McKee

Seconded By: Trustee Boyea

Approved By Board of Trustees on: July 26, 2021

CLOSE PUBLIC HEARING

- **Local Law #5-2021 – Chapter 4-9 Animals**

VILLAGE OF MALONE RESOLUTION NO. 153-2021

AMENDMENT OF CHAPTER 4-9 OF THE VILLAGE OF MALONE CODE

WHEREAS, the current Chapter 4-9 of the Village of Malone Code fails to adequately address the issue of nuisance animals;

NOW, THEREFORE, be it resolved that the Village of Malone Board of Trustees, in its capacity as governing body of the Village of Malone, does hereby support the amendment of Chapter 4-9 of the current Village Code to read as follows:

“It shall be unlawful to raise, keep, harbor or maintain bees (beehives), calves, cattle, foxes, goats, llamas, minks, roosters, sheep, skunks, swine, or any other animal the Village Board of Trustees deems a nuisance within the limits of the Village of Malone.”

BE IT FURTHER RESOLVED, this Local Law shall take effect immediately upon filing with the New York State Secretary of State.

Motion Made By: Trustee Bonner

Seconded By: Trustee Boyea

Resolution Approved by the Board of Trustees on: July 28, 2021

- **Local Law #6-2021 – Chapter 33A-4 – Grass Cutting; Weeds**

**VILLAGE OF MALONE
RESOLUTION NO. 154-2021**

AMENDMENT OF CHAPTER 33A - §33A-4 OF THE VILLAGE OF MALONE CODE

WHEREAS, the current Chapter 33A - §33A-4 of the Village of Malone Code fails to adequately address the issue lawn maintenance within the Village limits;

NOW, THEREFORE, be it resolved that the Village of Malone Board of Trustees, in its capacity as governing body of the Village of Malone, does hereby support the amendment of Chapter 33, §33A-4 of the current Village Code to read as follows:

“The owner or occupant of all property within the Village shall abide by the following: all premises and immediate exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Property owners or occupants will receive a 30-day violation notice for each offence. Failure to comply with each notice will result in a charge for mowing said property at a rate of \$175.00 for Equipment Set-Up and \$200.00 per hour to mow.”

BE IT FURTHER RESOLVED, this Local Law shall take effect immediately upon filing with the New York State Secretary of State.

Motion Made By: Trustee Boyea

Seconded By: Trustee Langdon

Resolution Approved by the Board of Trustees on: July 28, 2021

➤ **Local Law #7-2021 – Chapter 33A-7 – Penalties for Offenses**

**VILLAGE OF MALONE
RESOLUTION NO. 155-2021**

AMENDMENT OF CHAPTER 33A - §33A-7 OF THE VILLAGE OF MALONE CODE

WHEREAS, the current Chapter 33A - §33A-7 of the Village of Malone Code fails to adequately address the updated penalties for offenses;

NOW, THEREFORE, be it resolved that the Village of Malone Board of Trustees, in its capacity as governing body of the Village of Malone, does hereby support the amendment of Chapter 33, §33A-7 of the current Village Code to read as follows:

“Any person who shall violate any of the provisions of this chapter (excluding 33A-4, which carries its own penalties) shall be punishable by a fine of not more than \$50, and every such violation shall constitute disorderly conduct. If such offending person shall have received notice to abate any nuisance and shall neglect to do so, the continuance of the same each day after notice shall constitute a separate violation of this chapter.”

BE IT FURTHER RESOLVED, this Local Law shall take effect immediately upon filing with the New York State Secretary of State.

Motion Made By: Trustee Langdon

Seconded By: Trustee Bonner

Resolution Approved by the Board of Trustees on: July 28, 2021

➤ **Local Law #8-2021 – Chapter 51 -- §51-5A – Establishment of Swimming Pools**

**VILLAGE OF MALONE
RESOLUTION NO. 156-2021**

AMENDMENT OF CHAPTER 51 - §51-5A OF THE VILLAGE OF MALONE CODE

WHEREAS, the current Chapter 51 - §51-5A of the Village of Malone Code fails to adequately address the filling of swimming pools;

NOW, THEREFORE, be it resolved that the Village of Malone Board of Trustees, in its capacity as governing body of the Village of Malone, does hereby support the addition of number 6 of Chapter 51, §51-5A of the current Village Code to read as follows:

A (6) – “Filling of all new swimming pools erected and/or constructed is subject to approval of the Village Board of Trustees dependent upon submission of the proper documentation, including number of gallons of water requested, the cost of which is subject to the Village Water Rates per Metered Gallon at the time of filling.”

BE IT FURTHER RESOLVED, this Local Law shall take effect immediately upon filing with the New York State Secretary of State.

Motion Made By: Trustee Bonner

Seconded By: Trustee Langdon

Resolution Approved by the Board of Trustees on: July 28, 2021

➤ **Local Law #9-2021 – Chapter 51 -- §51-5B – Construction of Swimming Pools**

**VILLAGE OF MALONE
RESOLUTION NO. 157-2021**

AMENDMENT OF CHAPTER 51 - §51-5B OF THE VILLAGE OF MALONE CODE

WHEREAS, the current Chapter 51 - §51-5B of the Village of Malone Code fails to adequately address the filling of swimming pools;

NOW, THEREFORE, be it resolved that the Village of Malone Board of Trustees, in its capacity as governing body of the Village of Malone, does hereby support the addition of number 4 of Chapter 51, §51-5B of the current Village Code to read as follows:

B (4) – “Filling of all swimming pools is subject to approval of the Village Board of Trustees dependent upon submission of the proper documentation, including number of gallons of water requested, the cost of which is subject to the Village Water Rates per Metered Gallon at the time of filling.”

BE IT FURTHER RESOLVED, this Local Law shall take effect immediately upon filing with the New York State Secretary of State.

Motion Made By: Trustee Langdon

Seconded By: Trustee Boyea

Resolution Approved by the Board of Trustees on: July 28, 2021

- **Local Law #10-2021 – Chapter 51 -- §51-5C – Maintenance and Use Requirements of Swimming Pools**

**VILLAGE OF MALONE
RESOLUTION NO. 158-2021**

AMENDMENT OF CHAPTER 51 - §51-5C OF THE VILLAGE OF MALONE CODE

WHEREAS, the current Chapter 51 - §51-5C of the Village of Malone Code fails to adequately address the filling of swimming pools;

NOW, THEREFORE, be it resolved that the Village of Malone Board of Trustees, in its capacity as governing body of the Village of Malone, does hereby support the addition of number 3 of Chapter 51, §51-5C of the current Village Code to read as follows:

C (3) – “Filling of all swimming pools is subject to approval of the Village Board of Trustees dependent upon submission of the proper documentation, including number of gallons of water

requested, the cost of which is subject to the Village Water Rates per Metered Gallon at the time of filling.”

BE IT FURTHER RESOLVED, this Local Law shall take effect immediately upon filing with the New York State Secretary of State.

Motion Made By: Trustee Boyea

Seconded By: Trustee Bonner

Resolution Approved by the Board of Trustees on: July 28, 2021

➤ **Local Law #11-2021 – Chapter 52 -- Taxation**

**VILLAGE OF MALONE
RESOLUTION NO. 159-2021**

**AMENDMENT OF CHAPTER 52 - TAXATION OF THE VILLAGE OF MALONE
CODE**

WHEREAS, the Village Board continues to advocate for the improvement and restoration of residential properties that are deteriorating throughout the Village; and

WHEREAS, the ability to offer property owners a tax break on those repairs is both an incentive for the property owner and a benefit to the Village of Malone;

NOW, THEREFORE, be it resolved that the Village of Malone Board of Trustees, in its capacity as governing body of the Village of Malone, does hereby support the addition of Article III of Chapter 52, of the current Village Code to read as follows:

ARTICLE III: Exemptions for Improvements to One- and Two-Family Dwellings

§52-17 – Intent

“The intent of this article is to encourage property owners to make improvements to one- and two-family residential housing, to improve the quality of housing in the community, and to preserve and expand the tax base of the Village of Malone.”

§52-18 – Eligibility; Amount of Exemption

“In accordance with §421-F of the New York State Real Property Tax Law, and subject to meeting the requirements of this article, reconstructions, alterations, or improvements to one- and two-family residential buildings occurring subsequent to the effective date of this article resulting in a change in the assessed valuation of at least \$3,000 shall be, upon application,

eligible for an exemption of Village of Malone property taxes per the terms of this article, such abatement not to exceed \$80,000.”

§52-19 – Definitions

“As used in this article, the following terms shall have the meanings included:

RECONSTRUCTION, ALTERATION, AND IMPROVEMENT – Shall not include ordinary maintenance and repairs. Swimming pools, garages, or any other accessory structure shall not be considered to constitute an alteration or improvement for the purpose of this article.

Furthermore, reconstruction, alteration, and improvement shall not include any increase in the size and/or square footage of the residential structure.

RESIDENTIAL BUILDING – Any building or structure designed and occupied exclusively for residential purposes by not more than two families. “

§52-20 – Exemption Granted

“The improvements to one- and two-family residential buildings reconstructed, altered, or improved for residential purposes subsequent to the effective date of this article shall be exempt from taxation to the extent provided hereinafter.”

§52-21 – Amount of Exemption

“A. One- and Two-Family residential buildings reconstructed, altered, or improved for residential purposes subsequent to the effective date of this article shall be exempt for a period of one year to the extent of 100% of the increase in assessed value thereof attributable to such reconstruction, alteration, or improvement, and for an additional period of seven (7) years, subject to the following:

- (1) The extent of such exemption shall be decreased by 12.5% of the initial exemption each year during the said additional seven (7)-year period; and
- (2) Such exemption shall be limited to \$80,000 in increased market value of the property attributable to such reconstruction, alteration, or improvement, and any increase in market value greater than such amount shall not be eligible for the exemption pursuant to this article.

B. For purposes of this section, the market value of the reconstruction, alteration, or improvement shall be equal to the increased assessed value attributable to such reconstruction, alteration, or improvement divided by the then most recently established state equalization rate. However, where the then most recently established state equalization rate equals or exceeds 95%, the increase in the assessed value attributable to such reconstruction, alteration, or improvement shall be deemed to equal the market value of such reconstruction, alteration, or improvement.

§52-22 – Requirements for Obtaining Exemption

A. No exemption shall be granted for reconstruction, alterations, or improvements unless:

- (1) Such reconstruction, alteration, or improvement must be commenced subsequent to the effective date of this article; and
- (2) The value of such reconstruction, alteration, or improvement must exceed \$3,000. The maximum exemption permitted under this article is \$80,000; and
- (3) The greater portion, as so determined by square footage, of the building reconstructed, altered, or improved must be at least five years old; and
- (4) Building permits must be obtained in accordance with local law

B. The exemption shall be granted only upon application by the owner of such residential building on a form prescribed by the state board. The application shall be filed with the Assessor having the power to assess property in the Village of Malone for taxation, with such filing to be received in the office of said Assessor on or before the taxable status date for the Village of Malone. A certificate of compliance or a certificate of occupancy issued in connection with the reconstruction, alteration, or improvement must be submitted with the application.

BE IT FURTHER RESOLVED, this Local Law shall take effect immediately upon filing with the New York State Secretary of State.

Motion Made By: Trustee Bonner

Seconded By: Trustee Langdon

Nay Vote: Trustee McKee

Resolution Approved by the Board of Trustees on: July 28, 2021

➤ **Resolution No. 160-2021 – 2021-2022 Budget Amendment No. 5**

**VILLAGE OF MALONE
RESOLUTION NO. 160-2021
2021-2022 BUDGET AMENDMENT NO. 5**

Related to the appropriation and/or transfer of funds:

NOW, THEREFORE BE IT RESOLVED: The Village Board of Trustees amends their Budget as follows:

\$1,755.00 from Account No. A1990.00 General Fund Contingency

As Follows:

\$1,755.00 to Account No. A3120.440 Police Purchased Services (AT&T Mobility for Vehicles)

\$15,397.41 from Account No. G1990.00 Sewer Fund Contingency

As Follows:

\$684.00 to Account No. G8120.440 Sewer Purchased Services (Overflow Violation)

\$14,713.41 to Account No. G8130.459 Sewer Plant Repairs (Digester No. 1 Repairs)

Increase Revenue Code J2705.10 Donations-Fun Run by \$1,600.00
Increase Appropriation Code J7140.411 Supplies-Fun Run by \$1,600.00

Increase Revenue Code J3889.14 Adirondack Lakes Center for the Arts Grant by \$1,620.00
Increase Appropriation Code J7140.440.10 Programs & Classes by \$1,620.00

Motion Made By: Trustee McKee
Seconded By: Trustee Boyea
Approved by Board of Trustees on 7/26/2021

TREASURER REPORT: Treasurer has a question about the Malone Ice Arena propane bill. Trustee Boyea to bring it up at the next Malone Minor Hockey Association meeting.

DPW: Report as of 26, 2021:

- Spoke with Bruce from the Town of Malone and he is set for the week of August 13th but could be sooner
- East national Water is back in town resolving some of the miss reads on the radios and will also be installing more meters next week
- Finishing valve box risers on street to be paved
- Will have a total of four sidewalks poured this week
- Installing 3 DI's on Homestead Park this week to be finished in advance of paving
- Preventative cleaning of storm grates throughout the Village is proving to be successful; no additional backups to date with rain
- Cleaned and repaired storm DI on Elm Street behind salon and erected fencing around channel to prevent falls or drowning
- New computer needed for DPW – Old computer is no longer working
- Quote submitted for new radios in trucks and foreman radios
- Quote submitted for tree services for dead trees on Fifth and Barbara and in Arsenal Green

Trustee Langdon noted that the new radios are definitely a better system, utilizing high band and not low band, but obtaining the License to use them may be difficult. The Board would like the company to attend a meeting to discuss the product and the Licensing concerns.

- **Resolution 161-2021 – Authorization to Purchase Tree Removal Services for Dead Trees**

**VILLAGE OF MALONE
RESOLUTION NO. 161-2021**

AUTHORIZATION TO HIRE FILION'S TREE SERVICE TO CUT DOWN FIVE VILLAGE TREES

WHEREAS, there are three (3) dead maple trees on Fifth Street and Barbara and two (2) dead maple trees on Church St. and Arsenal Green Park; and

WHEREAS, these five (5) trees are already dead and pose a threat of injury to both residents and property; and

WHEREAS, quotes were received from two Tree Removal Companies; one from Farmer's Tree Service at a quote of \$4,400 (cut down only) and one from Filion's Tree Service at a quote of \$3,500 (cut down only);

NOW THEREFORE BE IT RESOLVED: The Village Board of Trustees has accepted the quote by Filion's Tree Service for the cutting down of the above-mentioned five (5) maple trees at the quoted price of \$3,500.

Motion Made By: Trustee McKee

Seconded By: Trustee Boyea

Approved By the Board of Trustees on: July 26, 2021

POLICE: No Report

CODE: Reports submitted for 7/13/2021-7/26-2021. Harison Place demolition about to begin and should be completed by end of November 2021.

NEXT MEETING: Monday, August 9, 2021, at 6:00pm; Wednesday Work Sessions at 9:00am.

PUBLIC COMMENTS: Tom Schultz asked if anything has ever been done with the Sewer Line study completed some years ago. Mayor Dumas noted that about 8% of the sewer lines have been addressed and replaced. These were the most troublesome places in the system. As more infrastructure funds are received the Village will continue to replace more.

ADJOURNMENT:

Upon the motion of Trustee Boyea to adjourn the meeting at 7:30PM.

Respectfully submitted,


Rebahka L. Scaccia, Village Clerk

