

At the Regular Meeting  
of the Malone Village Board,  
Held on November 13, at 5:00PM  
At 343 West Main St. the  
Following were present:

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

Also in Attendance:

Rebaha Scaccia, Village Clerk  
Kristine Lashway, Treasurer  
Jason Smart  
Tom Schulz  
Major Nicholas Leon  
Officer Lavigne

William Andre, Chief of Police  
Alex Violo, Telegram  
Dr. Calvin Martin  
Samuel Parker, Charter Communications  
Officer LaChance

Mayor Dumas called the meeting to order at 5:02PM.

**Pledge of Allegiance**

**OPEN PUBLIC HEARING REGARDING RENEWAL OF THE CABLE TELEVISION  
FRANCHISE AGREEMENT BY AND BETWEEN THE VILLAGE OF MALONE AND  
SPECTRUM NORTHEAST, LLC, AN INDIRECT SUBSIDIARY OF CHARTER  
COMMUNICATIONS.**

Mayor Dumas opened the public hearing and asked if there were any questions, concerns or comments from the Board and the public in attendance. Hearing none, Mayor Dumas left the public hearing open and moved into Regular Session.

**APPROVE THE MINUTES OF THE REGULAR MEETING**

**10/23/2023**

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

**APPROVE THE MINUTES OF THE WORK SESSION**

**11/08/2023**

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

**TREASURER’S REPORT**

**PAY BILLS:**

<b>Fund</b>	<b>Amount</b>	<b># of Bills Audited</b>
General/Sewer/Water	\$ 44,852.90	68
Joint Recreation Fund	\$ 45,748.71	4
Trust & Agency	\$ 101,850.02	10
<b>Grand Total</b>	<b>\$ 192,451.63</b>	<b>82</b>

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

- **Resolution 180-2023 – 2023-2024 Budget Amendment No. 11**

**VILLAGE OF MALONE  
RESOLUTION NO. 180-2023  
2023-2024 Budget Amendment No. 11**

**Related to the appropriation and/or transfer of funds:**

**Now, therefore be it resolved: The Village Board of Trustees amends their Budget as follows:**

<b>FROM</b>	Federal Forfeiture Fund Reserve	A511F	\$195.00
<b>TO</b>	Other Expenses – Federal Forfeiture	A3120.490R	\$195.00
<b>FOR</b>	DVR Hardware & Labor – Alarm System		
<b>FROM</b>	Water Contingency	F1990.000	\$3,232.30
<b>TO</b>	Water Equipment Repairs	F8340.461	\$3,232.30
<b>FOR</b>	Repairs to Truck #13		

Motion Made By: Trustee Bonner  
Seconded By: Trustee Boyea  
Approved by Board of Trustees on: November 13, 2023

- **Resolution 181-2023 – Removal of (2) Properties from Taxes Being Returned to Franklin County – Tax Map IDs – 112.25-2-13 and 112.25-2-14**

**VILLAGE OF MALONE  
RESOLUTION NO. 181-2023**

**REMOVAL OF TWO (2) PROPERTIES FROM 2023 UNCOLLECTED TAXES BEING RETURNED TO FRANKLIN COUNTY**

**WHEREAS**, the Village of Malone has taken ownership of the properties located at E Main Street (Tax Map ID# 112.25-2-13) and 411-415 E Main Street (Tax Map ID# 112.25-2-14); and

**WHEREAS**, the total amount of unpaid taxes and accrued penalties proposed to be removed from the total being returned to Franklin County, is \$11,871.99;

**NOW THEREFORE BE IT RESOLVED:** The Village Board of Trustees agrees to remove the two properties identified as Tax Map ID# 112.25-2-13 and Tax Map ID# 112.25-2-14 from the 2023 Uncollected Taxes being returned to Franklin County, in the amount totaling \$11,871.99.

Motion Made By: Trustee Langdon  
Seconded By: Trustee Boyea  
Approved By Board of Trustees on: November 13, 2023

- **Resolution 182-2023 – Authorization of Temporary Transfer of Additional Funds from General Fund to Joint Recreation Fund to Cover Grant Expenditures**

**VILLAGE OF MALONE  
RESOLUTION NO. 182-2023**

**AUTHORIZATION OF TEMPORARY TRANSFER OF ADDITIONAL FUNDS FROM GENERAL FUND TO JOINT RECREATION FUND TO COVER GRANT EXPENDITURES**

**WHEREAS**, the Village of Malone administers several DASNY Grants on behalf of the Joint Recreation Commission, which includes submissions for payment on work completed by multiple contractors at once; and

**WHEREAS**, reimbursements from the State on submitted DASNY projects take time to receive; and

**WHEREAS**, current reserves in the Joint Recreation Fund are not sufficient to cover the project submissions by current project contractors;

**NOW THEREFORE, BE IT RESOLVED**, that the Village of Malone Board of Trustees has determined that an additional transfer of funds in the amount of \$45,381.00 from the General Fund to the Joint Recreation Fund is needed to temporarily cover grant expenditures from the Joint Recreation Fund until the State reimbursement is received by the Village of Malone;

**BE IT FURTHER RESOLVED** that once the State reimburses the Village for the expended grant funds, a reverse transfer of the additional \$45,381.00 from the Joint Recreation Fund to the General Fund will be made.

Motion Made By: Trustee Boyea

Seconded By: Trustee Langdon

Approved by Board of Trustees on: November 13, 2023

➤ **Resolution 183-2023 – Water Capital Reserves**

**VILLAGE OF MALONE  
RESOLUTION NO. 183-2023**

**WATER CAPITAL RESERVES**

**BE IT RESOLVED** that the Village of Malone Board of Trustees has determined that the funds from the Water Capital Reserves are needed to pay existing Water System Improvement obligations (Third Well Project) in the sum of \$153,847.43. The Village Board of Trustees authorizes the transfer of an amount not to exceed One Hundred Fifty-Three Thousand, Eight Hundred Forty-Seven Dollars and Forty-Three Cents (\$153,87.43) from the Water Capital Reserve Fund.

Motion Made By: Trustee Bonner

Seconded By: Trustee Langdon

Approved by Board of Trustees on: November 13, 2023

## **POLICE CHIEF'S REPORT**

### **➤ Tri-County Special Response Team – Major Nicholas Leon**

Major Nicholas Leon, Officer Lavigne (Malone PD) and Officer LaChance (FC Sheriff's Office) of the Tri-County Special Response Team attended the meeting to describe the services they provide when called on by the Malone Village Police Department, as well as other departments across the tri-county area, including Search and Rescue, the Execution of Search Warrants and more.

### **➤ Resolution 184-2023 Approval to Reimburse the Cost of the Necessary Winter Weather Gear for Officer Lavigne's Participation on the Tri-County Special Response Team**

## **VILLAGE OF MALONE RESOLUTION NO. 184-2023**

### **APPROVAL TO REIMBURSE THE COST OF THE NECESSARY WINTER WEATHER GEAR FOR OFFICER LAVIGNE'S PARTICIPATION ON THE TRI-COUNTY SPECIAL RESPONSE TEAM**

**WHEREAS**, the Tri-County Special Response Team is a group of highly trained officers who respond to calls for assistance from a variety of Law Enforcement departments across the tri-county area, including the Village of Malone Police Department and provides assistance with Search and Rescue calls, the Execution of Search Warrants and more; and

**WHEREAS**, Malone Police Department Officer Jordan Lavigne has been recruited to participate as an active member of the Tri-County Special Response Team; and

**WHEREAS**, the Tri-County Special Response Team is primarily grant funded, charging no fees for service to the departments they assist; and

**WHEREAS**, Officer Lavigne is in need of necessary Winter Weather gear as part of his participation on this team;

**NOW, THEREFORE, BE IT RESOLVED**, the Village Board of Trustees approves reimbursement of the cost of the necessary Winter Weather gear for Officer Lavigne's participation on the Tri-County Special Response Team, in the amount of \$1,000.00.

Motion Made By: Trustee Langdon

Seconded By: Trustee Boyea

Approved by Board of Trustees on: November 13, 2023

### **➤ Police Department Report**

Chief William Andre presented the Board with the Department's Monthly Activity Report. The Report was reviewed and placed on file.

Calls for Service: 427  
Juvenile Complaints: 18  
Adult Arrests: 31  
Juvenile Arrests: 0  
Warrants Executed: 8  
Parking and Traffic Tickets: 42

## **DPW REPORT**

- **10/24/2023 – 11/13/2023 SPW Activity Report**

Reports reviewed and placed on file.

## **CODE REPORT**

- **Permit and Violation Reports from 10/24/2023 – 11/13/2023**

Reports reviewed and placed on file.

## **CORRESPONDENCE**

- **Zoning Board Letter – Member Darrel Deragon**

The Village received a letter from Zoning Board Member, Darrel Deragon, announcing his resignation from the Zoning Board. The Village Clerk's office will announce the vacancy and seek letters of interest for the open seat.

## **UNFINISHED BUSINESS**

## **CLOSE PUBLIC HEARING**

- **Resolution 185-2023 - Authorization for Mayor to Sign Franchise Agreement with Spectrum Northeast (Charter Communications)**

**VILLAGE OF MALONE  
RESOLUTION NO. 185-2023**

**AUTHORIZATION FOR MAYOR TO SIGN FRANCHISE AGREEMENT WITH SPECTRUM NORTHEAST, LLC, AN INDIRECT SUBSIDIARY OF CHARTER COMMUNICATIONS**

Reason: In the Matter of the Granting of a Cable Television Franchise Held by **Spectrum Northeast, LLC** in the **Village of Malone, County of Franklin**, New York

An application has been duly made to the Board of the **Village of Malone, County of Franklin**, New York, by **Spectrum Northeast, LLC**, an indirect subsidiary of Charter Communications, Inc. (“Charter”), a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, for the approval of a renewal agreement for Charter’s cable television franchise for seven (7) years commencing with the date of approval by the Public Service Commission.

The franchise renewal agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Village of Malone, New York on November 13, 2023 at 5:00 P.M. and notice of the hearing was published in the Malone Telegram on October 27, 2023.

**NOW, THEREFORE**, the Board of the Village of Malone Board of Trustees finds that:

1. Spectrum Northeast, LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Spectrum Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Spectrum Northeast, LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

**BE IT FURTHER RESOLVED** that the Board of the **Village of Malone Board of Trustees** hereby grants the cable television franchise of Spectrum Northeast, LLC and the **Village of Malone** for seven (7) years commencing with the date of approval by the Public Service Commission and expiring seven (7) years hence.

**BE IT FURTHER RESOLVED** that the Board of the **Village of Malone** hereby confirms acceptance of this franchise renewal agreement.

Motion Made By: Trustee Bonner  
Seconded By: Trustee McKee

Ayes: 5  
Nays: 0  
Approved by Board of Trustees On: November 13, 2023

➤ **Main Street Parking Lot Project Grant**

The grant has been extended due to difficulties in securing a contractor to complete this project. The Village will re-bid for the project.

**NEW BUSINESS**

- **BLH, LLC Agreement Request -- TABLED**
- **Resolution 186-2023 – Adoption of New Language English Proficiency (LEP) Plan**

**VILLAGE OF MALONE  
RESOLUTION NO. 186-2023**

**ADOPTION OF LANGUAGE ENGLISH PROFICIENCY (LEP) PLAN**

**PURPOSE:** In compliance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency”, the Village of Malone has established the attached Language English Proficiency Plan (LEP) to ensure that individuals with limited English proficiency (LEP) may access all resources and services provided by the Village of Malone. An “LEP Individual” is defined as “an individual who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.”

**WHEREAS,** the Village of Malone has had no previous Language English Proficiency (LEP) Plan; and

**WHEREAS,** the Village developed such a plan; and

**WHEREAS,** the contents of this Plan moving forward should be reviewed each year;

**NOW THEREFORE BE IT RESOLVED,** the Village Board of Trustees authorizes the adoption of the Village of Malone Language English Proficiency (LEP) Plan.

**BE IT FURTHER RESOLVED,** this resolution shall take effect immediately.

Motion Made By: Trustee Boyea  
Seconded By: Trustee McKee  
Aye: 5  
Nay: 0



Approved by Board of Trustees On: November 13, 2023

## **NEXT MEETING**

- Regular Board Meeting, November 27, 2023 @ 5:30PM; Work Session, TBD at 9:00AM.

## **PUBLIC COMMENTS**

Jason Smart inquired as to where the Old Lashomb property was located. Mayor Dumas noted the address is 411-415 E Main and is currently referred to as “the property at 411-415 E Main”.

Tom Schulz inquired as to why the remaining Main St Grant funds cannot be used to do more work in Mill Park. Mayor Dumas noted that since it was a Main Street grant there are limited projects the money can be spent on. The property must be located on the designated section of Main Street and meet the criteria established by the grant’s project outcomes.

Tom also asked if there was a plan in place to ensure that whoever develops the land where the Flanagan sits, to ensure the developer abides by certain restrictions, such as no box stores or convenience stores.

Mayor Dumas noted safeguards will be set in place prior to the sale of the property, post demolition.

Dr. Martin asked what the anticipated opening date was for Harison Place. Mayor Dumas noted that the tentative opening should be in February 2024. All the units have been leased, as well as the commercial spaces on the first floor.

Dr. Martin inquired if there were any safeguards being implemented to ensure acceptable tenant behavior. Mayor Dumas noted that Citizen Advocates is working diligently to ensure a smooth opening and successful operation of the building and its tenants. The hope is that with Background checks, occupancy criteria and the regulations of the building that this will prove a positive housing option within the Village of Malone, and a model for other communities considering similar options.


Tom Schulz asked if Citizen Advocates will have their own officer to monitor the building. Mayor Dumas noted that is not currently in the final plan for the building.

Dr. Martin offered sincere congratulations to Trustee McKee, Trustee Langdon, and Mayor Dumas on their successful reelection to the Village Board.

## **ADJOURNMENT**

Upon the motion of Trustee Boyea with a second by Trustee Bonner and unanimously carried to adjourn the meeting at 6:45PM.

Respectfully submitted,



Rebahka Scaccia, Village Clerk