

At the Public Hearing and Regular
Meeting of the Malone Village Board,
Held on February 27, at 5:00PM
At 343 West Main St. the
Following were present:

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

Also in Attendance:

Rebahka Scaccia, Village Clerk	Alex Violo, Telegram
Kristine Lashway, Treasurer	Dr. Calvin Martin
Christopher Premo, Chief of Police	Dave Rohe, DANC
Brian Lamondie, Code Officer	Kevin Hickey, Wright-Pierce
Tom Schulz	Jerry Fisher
Craig Dumas	Jason Ellis
Dan Clark	Al Durant
Gary Spinner	John Bashaw, II
Bruce Russell	FA Cheerleading Squad
Adirondack 46ers 12U Girls Hockey Team	

OPEN PUBLIC HEARING ON MALONE AMBULANCE DISTRICT

Mayor Dumas opened the Public Hearing at 5:00PM.

Pledge of Allegiance

Mayor Dumas opened the Public Hearing noting that the formation of the Town Ambulance District has been a topic of discussion for several months. The mayor then opened the floor for public discussion.

An inquiry was made as to who would collect bills for the Ambulance service, the Town or someone else? John Bashaw noted that the Malone EMS has their own company that bills and collects.

Trustee McKee asked if there was a current contract between the Town of Malone and the Malone EMS? Mr. Bashaw states not at this time.

Mr. Bashaw was asked if the Malone EMS would be seeking to purchase their own facility. Mr. Bashaw stated that hadn't been decided yet.

The Malone EMS are looking to add a few additional staff to cover typical high-volume hours, such as Tuesday, Wednesday, and Friday day shifts; but it is difficult to determine.

Treasurer Lashway asked if the Malone EMS were looking to increase their budget by 2% each year? Mr. Bashaw noted that the first year would be the most expensive due to their equipment needs, such as stretchers and a new ambulance.

Bruce Russell noted that with a solid budget in place for three years, affording ample time for the District to get established, in the fourth year the Town will review the financials and move forward accordingly.

Dr. Martin noted that the State of New York Comptroller's Office suggests that a committee be formed from among the residents of the District to oversee the District, not just from among the Town Board.

Mr. Bashaw noted that those employed by Foothills Ambulance Service are not on the advisory board. The Board is made up of volunteers.

Trustee Boyea asked if the Malone EMS billing records are overseen? Mr. Bashaw stated yes, they must be. In other Districts the Ambulance Service goes before their Town Boards when asked.

Trustee McKee asserted that the Village doesn't have very much to go on as to what is really going to happen. When the Board agrees to the district that will be the end of their voice. The Village doesn't have much say over the Fire District. Dr. Martin noted control will be with the Board the Town and Village appoint.

Mayor Dumas noted that these questions are those being asked of the Board by Village residents and thus have to be asked, while supporting the Malone EMS and the work they do. It is our job to answer for the financial end of this since taxes are going to be raised.

Trustee Langdon noted that he has heard from some elderly residents, and they are terrified of their taxes going any higher, with increasing prices of fuel oil, food, gasoline, and many other items. Can a clause be inserted into the resolution that the district can be dissolved with thirty days' notice? Mayor Dumas that it could not. Once the District is formed it cannot be dissolved without a legal action.

Mr. Russell asked all present that at .46 cents per thousand, don't you want the coverage the Ambulance District will afford? Do you want to have to pay the full \$800 Ambulance Charge at the door when there is an emergency?

Mr. Bashaw state that the Malone EMS are not looking to over burden the people, just keep the doors open. The Malone EMS is a not-for-profit organization that does not overpay their employees.

Trustee McKee Asserted that the resolution being proposed does not have any firm pricing, just an anticipated dollar amount in taxes to be raised.

Mayor Dumas called for any further discussion. There was no further discussion.

CLOSE PUBLIC HEARING

Open Regular Meeting at 5:35PM

APPROVE THE MINUTES OF THE REGULAR MEETING 02/13/2023

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

APPROVE THE MINUTES OF THE WORKSESSION 02/15/2023

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

TREASURER’S REPORT

PAY BILLS:

Fund	Amount	# of Bills Audited
DPW Building Capital Project	\$ 335,083.01	13
General/Sewer/Water	\$ 121,094.61	61
Joint Recreation Fund	\$ 127.29	7
State Grant Fund	\$ 116.84	1
Trust & Agency	\$ 189,106.22	11
Grand Total	\$ 645,527.97	93

Trustee McKee noted that there are a number of bills that represent some final closeouts on the DPW Building Project. Trustee McKee would like the final punch list addressed more firmly.

Upon the motion of Trustee Bonner with a second by Trustee Boyea and one nay vote by Trustee McKee, the motion carried to approve the bills and place on file.

- **Resolution 21-2023 – 2022-2023 Budget Amendment No. 18**

**VILLAGE OF MALONE
RESOLUTION NO. 21-2023**

2022-2023 Budget Amendment No. 18

Related to the appropriation and/or transfer of funds:

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

FROM	Sewer Administrative Pay	G8110.150.01	\$ 2,000.00
TO	Mayor Salary	A1210.150.00	\$ 2,000.00
FROM	Demo of Bldgs Advertising	A3650.443	\$ 250.00
TO	Clerk Advertising	A1410.443	\$ 250.00
FROM	Police Unused Sick Reserve	A3120.164R	\$ 4,018.89
FROM	Police Unused Vacation	A3120.165	\$ 5,015.01
FROM	Streets Unused Sick Time Reser	A5110.163R	\$ 6,765.30
FROM	Unused Sick Time	A5110.163	\$ 675.74
FROM	Unused Vacation Time	A5110.164	\$ 1,691.33
FROM	Streets - Concrete	A5110.410.50	\$ 500.00
FROM	Streets - Culvert Pipe	A5110.410.70	\$ 1,000.00
FROM	Machinery Supplies & Materials	A5130.410	\$ 500.00
FROM	Snow Removal Shift Differential	A5142.162	\$ 350.00
FROM	Transfer to Capital Project	A9901.000	\$ 26,666.67
TO	Professional Services	A1430.440	\$ 12,238.75
TO	Admin Bldg. Purchased Srvs.	A1610.440	\$ 750.00
TO	Police Supplies & Materials	A3120.410	\$ 250.00
TO	Police Telephone Svcs	A3120.422	\$ 900.00
TO	Code Office Account Clerk	A3620.160	\$ 2,000.00
TO	Code Office Supplies & Materials	A3620.410	\$ 4.43
TO	Garage Advertising	A5010.443	\$ 29.76
TO	Streets Equipment Repairs	A5110.461	\$ 300.00
TO	Streets Diesel	A5110.463	\$ 1,000.00
TO	Garage Supplies	A5132.410	\$ 300.00
TO	Garage Propane	A5132.421	\$ 5,000.00
TO	Brush & Leaves Maintenance	A5140.461	\$ 100.00
TO	Snow Removal Wages	A5142.160	\$ 20,000.00
TO	Snow Removal Equipment Repair	A5142.461	\$ 300.00
TO	Zoning Postage	A8010.415	\$ 10.00
TO	Social Security	A9030.800	\$ 4,000.00
FROM	Water Unused Sick Time	F8340.163	\$ 891.91
TO	Water Admin. Purchased Services	F8310.440	\$ 46.76
TO	Chasm Falls Kero Fuel	F8320.421.10	\$ 839.23

TO	Chasm Falls Fuel Oil	F8320.464	\$	5.92
FROM	Sewer Unused Sick Time	G8120.163	\$	2,900.00
TO	Sewer DPW Internet	G8110.423	\$	300.00
TO	WWTP Purchased Services	G8130.440	\$	2,500.00
TO	WWTP Diesel - Generator	G8130.464	\$	100.00
FROM	Lifeguard Salary	J7140.162	\$	358.50
TO	Joint Rec Landfill Fees	J7140.442	\$	208.50
TO	Joint Rec Social Security	J9030.800	\$	150.00

Motion Made By: Trustee Bonner
 Seconded By: Trustee McKee
 Approved by Board of Trustees on: February 27, 2023

➤ **Resolution 22-2023 – Authorization to Accept 2023-2024 Municipal Insurance Proposal**

**VILLAGE OF MALONE
 RESOLUTION NO. 22-2023**

AUTHORIZATION TO ACCEPT MUNICIPAL INSURANCE PROPOSAL FOR 2023-2024

WHEREAS, Patrick Maguire, Sid G. Spear Insurance Agency, has provided the Village of Malone figures for the Village’s Municipal Insurance with NYMIR for the 2023-2024 annual premium;

NOW THEREFORE BE IT RESOLVED: The Village Board of Trustees authorizes the mayor to accept the municipal insurance quote of New York Municipal Insurance Reciprocal (NYMIR) at a cost of \$123,200.65.

Motion Made By: Trustee Bonner
 Seconded By: Trustee Langdon
 Approved By Board of Trustees on: February 27, 2023

POLICE CHIEF’S REPORT

Chief Premo noted that the Department will be receiving \$15,000 grant through Assemblyman Jones office. The Department will look to do some Virtual Reality De-escalation Training with the funds.

➤ **Resolution 23-2023 – Approval of Auction Bid for 2012 Chevy Malibu**

**VILLAGE OF MALONE
RESOLUTION NO. 23-2023**

**AUTHORIZATION TO ACCEPT BID WITH AUCTIONS INTERNATIONAL – 2012
CHEVY MALIBU 4 DOOR SEDAN POLICE CAR**

WHEREAS, Auctions International listed one item for bid on their website for a two-week period (February 10, 2023 – February 24, 2023); and

WHEREAS, the item was a used 2012 Chevy Malibu Police Car; and

WHEREAS, we have the right to accept or decline the final price and counteroffer; and

WHEREAS, once we accept it the invoicing department at Auctions International will automatically notify the consignors decision and invoicing of bidder will proceed; and

WHEREAS, Auctions International sends us a check for 100% of the proceeds 15 business days after final payment is received for the auction; and

WHEREAS, the bid was as follows:

2012 Chevy Malibu Police Car - \$4,650.00

NOW THEREFORE BE IT RESOLVED: The Village Board of Trustees agrees to accept the bid.

Motion Made By: Trustee Boyea

Seconded By: Trustee Langdon

Approved By Board of Trustees on: February 27, 2023

Franklin Academy Cheerleaders – Congratulatory Certificate presented by Mayor Dumas on achieving the title of New York State Public High School Athletic Association Section X Champions.

Malone Minor Hockey Association’s Adirondack 46ers 12U Girls Team – Congratulatory Certificate presented by Mayor Dumas on winning the New York State Amateur Hockey Association State Tournament Championship in Amherst, NY.

DPW REPORT

- **Wright-Pierce** – Kevin Hickey led a discussion on some potential grant applications that have just been released. These need to be submitted by March 6, 2023. Wright-Pierce is

happy to pull the applications together at no cost to the Village of Malone. The plan is to bundle the remaining retaining walls into a single application and submit to these three grants being offered. The WQUIP in late Spring will be a great opportunity to apply for assistance for a new Salt Shed.

Upon the motion of Trustee Langdon with a second by Trustee Bonner and unanimously carried to submit applications to grants being offered by Congresswoman Stefanik, Senator Schummer, and Senator Gillibrand.

➤ **DANC January 2023 Monthly Report**

Report was reviewed and placed on file.

➤ **Streetlight Conversion Discussion** – Tabled till Budget Meetings.

➤ **DPW Report as of 02/27/2023**

DPW Supervisor remains out on medical leave. Mayor Dumas noted that Village Foremen, Kevin Robare, Scott Richards, and Bryan Cole continue to step up to manage the department with excellence. The crew has been managing winter storms, trimming trees, repairing water leaks on Catherine St., Grant St., and Milwaukee St. the Salt Shed has reached the end of its usefulness so the men have been moving the salt from the shed to another location. Truck #52 needs new hoses which are being ordered, and once winter is over new blades for the plows will be needed.

CODE REPORT

➤ **Building Permit Activity Report and Violation Activity Report for 02//13/23 – 02/27/2023**

Reports noted and placed on file.

➤ **Planning Board's February 8, 2023 Denial of Sign Application - Review**

Mr. Labarge had requested an opportunity to be on the agenda for this meeting to ask the Village Board to consider overruling the Planning Board's February 8, 2023, decision to deny his sign permit.

Mr. Labarge was not present at meeting. The Village Board reviewed the minutes of the February 8th Planning Board meeting and their decision. The Village Board resolved to uphold the Planning Board's February 8th decision to deny the sign permit.

➤ **Resolution 24-2023 – Determination to Uphold Planning Board's February 8, 2023 Decision**

**VILLAGE OF MALONE
RESOLUTION NO. 24-2023**

**DECISION TO UPHOLD PLANNING BOARD'S DENIAL OF SIGN APPLICATION AT
302 WEST MAIN STREET**

WHEREAS, Mr. Chris Labarge submitted a sign permit application for two signs, one at 52.88 square feet and the second at 212.65 square feet, to be placed at 302 West Main Street; and

WHEREAS, Village Code Officer, Brian Lamondie, denied the permit because the requested signs, combined with the property owner's current signage, would be in violation of Village Code 48-8 (A) 1 which states signage per parcel can be up to and no more than 200 square feet; and

WHEREAS, this case was then referred to the Village Planning Board by the Village Code Officer, and was reviewed by the Planning Board at a Public Hearing on February 8, 2023, at which time the Planning Board, after hearing comments on the application, voted to deny Mr. Labarge's sign application; and

WHEREAS, Mr. Labarge requested the Village Board review the case and vote to overrule the Planning Board's decision, at the February 27, 2023 Board Meeting; and

WHEREAS, the Village Board reviewed Mr. Labarge's signage request, the Planning Board's decision and the Village Code on signs;

NOW THEREFORE BE IT RESOLVED, the Village Board of Trustees does hereby uphold and support the decision of the Village Planning Board to deny Mr. Labarge's sign application.

Motion Made By: Trustee Bonner

Seconded By: Trustee Langdon

Approved By Board of Trustees on: February 27, 2023

- **Resolution 25-2023 – Authorization to Place A Moratorium on All Digital/LED Sign Applications**

**VILLAGE OF MALONE
RESOLUTION NO. 25-2023**

**AUTHORIZATION TO PLACE A MORATORIUM ON ALL DIGITAL/LED SIGN
APPLICATIONS**

WHEREAS, the Village of Malone Code Office is receiving an increasing number of sign applications for Digital and/or LED signs as the technology continues to progress; and

WHEREAS, Village Code does not adequately address Digital/LED signage; and

WHEREAS, the Planning Board has requested time to work with the Village to review the current Code and make any necessary updates and/or revisions to adequately address Digital/LED signage within the Village limits;

NOW THEREFORE BE IT RESOLVED, the Village Board of Trustees does hereby authorize and initiate a moratorium on Digital/LED sign applications within the Village of Malone until such time that the Code have been reviewed and updated to address said Digital/LED signage.

Motion Made By: Trustee Bonner
Seconded By: Trustee Langdon
Nay: Trustee McKee
Approved By Board of Trustees on: February 27, 2023

CORRESPONDENCE

- **Friends of the North Country – CDBG Project Status Update**

Report reviewed and placed on file.

- **Resolution 26-2023 – Authorization of Capital Expenditure for #VOM-20-10**

**VILLAGE OF MALONE
RESOLUTION NO. 26-2023**

AUTHORIZATION OF CAPITAL EXPENDTURE FOR #VOM-20-10

At a regular meeting of the Village of Malone Board of Trustees, a Municipality with offices at 343 West Main Street, New York, duly called (a quorum being present) and held at the Village Hall, located in the Village of Malone, County of Franklin, State of New York, on **February 27, 2023**, the following **Resolution** was duly adopted and is now in full force and effect:

A Motion was made by Trustee Bonner and seconded by Trustee Boyea, to authorize the capital expenditure of **\$5,000.00**, plus administrative, project delivery, and other soft costs, in accordance with the Village of Malone Housing Rehabilitation Program, for project **#VOM-20-10**.

Motion Carried.

In Witness Whereof, I have hereunto set my hand as Village Clerk of the Village of Malone, on this 27th day of February, in the year 2023.

UNFINISHED BUSINESS

- **Foothills Arts Society – Concerts at Pearl Street Location – TABLED**
- **Streetscape Funding Discussion**

Board to discuss utilizing unused funds from this project to purchase Main Street improvement items such as benches, trees, and sidewalk maintenance.

- **Pearl Street Vacant Property Owned by County**

Upon the motion of Trustee Bonner with a second by Trustee Boyea and unanimously carried to move forward with discussions with Franklin County concerning the Village of Malone's interest in the acquisition of the vacant lot on Pearl Street formerly known as Cinema Plaza.

- **Resolution 25-2023 – Amendment of Resolution 8-2023 – Authorization to Approve AES Amendment #5, Retention of Designated Funds Within Project Budget, Move Unused Funds to Contingency and De-obligate Remaining Contingency Funds in Preparation of Ban Closeout and Completing Loan Closing with USDA Rural Development**

VILLAGE OF MALONE RESOLUTION NO. 27-2023

AMENDMENT OF RESOLUTION 8-2023 - AUTHORIZATION TO APPROVE AES AMENDMENT #5, RETENTION OF DESIGNATED FUNDS WITHIN PROJECT BUDGET, MOVE UNUSED FUNDS TO CONTINGENCY AND DEOBLIGATE REMAINING CONTINGENCY FUNDS IN PREPARATION OF BAN CLOSEOUT AND COMPLETING LOAN CLOSING WITH USDA RURAL DEVELOPMENT

WHEREAS, the Village of Malone's DPW Building Project is nearing completion and the Village is desirous of closing out the associated project by paying out the BAN and completing loan closing with USDA Rural Development; and

WHEREAS, the following four items need approval in preparation of completing the loan closing with USDA Rural Development (RD); and

WHEREAS, AES Engineering has submitted the following Amendment #5 for consideration:

Pertaining To: The Owner and Architect Agreement to Amend as follows:

Reason:

1. Credit for unused Supplemental Services and Special Inspections/Testing.
2. Credit for unused Resident Project Representative.
3. Credit for unused Reimbursable Expenses.

4. Additional compensation for construction administration services and project closeout extending longer than anticipated due to unforeseen delays. Compensation covers additional work for closure between December 2022 through March 2023.

WHEREAS, said Amendment to contract costs (\$8,789.93); The Architect's compensation and schedule shall be adjusted as follows:

Compensation Adjustment:

1. (\$17,789.93) CREDIT
2. Lump sum fee of \$9,000.00

Schedule Adjustment:

Schedule remains as per Amendment No. 4 with service ending April 13, 2023; and

WHEREAS, the Village desires to have the following funds retained with the project budget and will not seek additional monies from RD if these services are increased after RD loan closing:

1. \$4,150.00 for Barclay Damon LLP Closing Services
2. \$25,500.00 single audit required by Rural Development
3. \$5,590.00 for AES Engineering for Post Construction Phase Services: and

WHEREAS, the Village is desirous of moving the following project monies as noted in the table below to increase the contingency by \$56,088.61 to \$172,261.03; and

ITEM	APPROVED BUDGET	MODIFIED BUDGET	Additions or Subtractions from Contingency
A. ADMINISTRATIVE			
1. Legal (Barclay and Damon)	\$10,000.00	\$1,223.00	\$8,777.00
2. Bonding (Barclay Damon 11/26/18)	\$8,750.00	\$7,733.28	\$1,016.72
3. Net Interest and Payment	\$100,000.00	\$92,365.14	\$7,634.86
6. Builders Risk Insurance	\$5,200.00	\$4,705.00	\$495.00
7. Miscellaneous	\$5,000.00	\$2,556.04	\$2,443.96
Total A. Administrative			\$20,367.54
B. TECHNICAL SVCS.			
1. Engineering (AES)			
f. Construction Phase Service,	\$137,830.00	\$146,830.00	(\$9,000.00)
j. Resident Project Representative,	\$153,680.00	\$153,525.42	\$154.58
l. Special Inspections/Testing	\$25,470.00	\$15,913.45	\$9,556.55
n. Reimbursable Expenses	\$23,920.00	\$15,841.20	\$8,078.80
Total B. Technical Svcs.			\$8,789.93

C. CONSTRUCTION			
1. Construction Contracts			
b. Contract 2 - Mechanical, CO 1 & 2	\$273,000.00	\$253,000.00	\$20,000.00
d. Contract 4 - Plumbing, CO 1 & 2	\$306,505.00	\$299,791.44	\$6,713.56
2. Direct Expenditures			
a. Technical Services - DANC	\$60,000.00	\$59,999.42	\$0.58
b. National Grid Electrical Entrance	\$2,000.00	\$1,783.00	\$217.00
Total C. Construction			\$26,931.14
TOTAL Increase to Contingency			\$56,088.61

WHEREAS, the Village is further desirous of de-obligating the following amount which is comprised of unused contingency funds and a minimum loan payment due on closing the BAN, \$241,899.00;

NOW THEREFORE BE IT RESOLVED: The Village Board of Trustees hereby approves Amendment No. 5 for AES, the retention of \$35,240.00 with the project budget, the designation of \$172,261.03 in unused project funds as contingency and the de-obligation of \$241,899.00 of project monies.

Motion Made By: Trustee Bonner
 Seconded By: Trustee Boyea
 Approved by Board of Trustees on: February 27, 2023

NEW BUSINESS

- **Resolution 28-2023 – Authorization to Extend the Malone Ambulance District to Encompass the Entire Corporate Limits of the Village of Malone**

**VILLAGE OF MALONE
 RESOLUTION NO. 28-2023**

AUTHORIZATION TO EXTEND THE MALONE AMBULANCE DISTRICT TO ENCOMPASS THE ENTIRE CORPORATE LIMITS OF THE VILLAGE OF MALONE

Whereas, on August 17, 2022 the town of Malone in the county of Franklin, state of New York had finally resolved to form the Town of Malone Ambulance District which encompasses all of the Town of Malone outside of the Village of Malone;

Whereas, the Village board of the Village of Malone finds that it is in the public interest to expand the Malone Ambulance District in the Town of Malone to include and encompass the entire corporate limits of the Village of Malone;

NOW THEREFORE:

The Village hereby declares that, in accordance with Town Law § 209, it consents to the town of Malone's action, whether now or in the immediate future and until such consent is hereby revoked, to extend the Malone Ambulance District into the Village of Malone;

It is hereby resolved, and subject to permissive referendum, that the Village provides consent to the Town of Malone that the limits of the Malone Ambulance District in the Town of Malone, which presently encompasses all of the Town of Malone outside of the Village of Malone, may now be expanded to encompass the entire corporate limits of the Village of Malone;

It is further resolved and ordered that, subject to permissive referendum, such extension of the Malone Ambulance District into the entire Village of Malone shall become effective upon the passage of thirty days after the adoption of this resolution;

A map of the proposed entire district shall be maintained in the office of the Village Clerk for inspection for the period of the permissive referendum;

The Village Clerk is hereby directed to post and publish an abstract of this consent in the newspaper having general circulation in the Village of Malone no later than ten days of the adoption of this resolution;

This resolution providing consent has received the affirmative vote of at least a majority of the Board of the Village of Malone, as signed below and such resolution is hereby approved.

Motion Made By: Trustee Langdon

Seconded By: Trustee Bonner

Approved by Board of Trustees On: February 27, 2023

NEXT MEETING:

- Regular Board Meeting – Monday, March 13, 2023, at 6:00 PM. Next Work Session – 2023-2024 Budget Discussion for Police Department – Wednesday, March 1, 2023, at 9:00AM; Monday, March 13, 2023, at 4:00PM - 2023-2024 Budget Discussion for Water and Sewer; and 5:00PM - 2023-2024 Budget Discussion for Joint Rec.

PUBLIC COMMENTS

Tom Schulz asked what the Riverwalk is. Mayor Dumas noted that it was a walk through of the Salmon River with the Army Corp of Engineers present to review the river and any potential impediments to the natural flow of the river.

Tom Schulz also inquired as to the status of the parking lot down behind his business. Mayor Dumas noted that the County is still working out some details with National Grid and that parking lot.

ADJOURNMENT

Upon the motion of Trustee Boyea with a second by Trustee Bonner and unanimously carried to adjourn the meeting at 7:45PM.

Respectfully submitted,


Rebahka Scaccia, Village Clerk