

At the Regular Meeting of the
Malone Village Board, held on
December 29, 2021, at 9:00 AM at
343 West Main St. the following
were present:

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

Also in attendance:

Kristine Lashway, Village Treasurer	Alex Violo, Telegram
Rebahka Scaccia, Village Clerk	Tom Schulz
Christopher Premo, Chief of Police	Carter Beitz
Brian Lamondie, Code	Dave Rohe, DANC
Kari Tremper, DANC	Taylor Bottar, B&L

Excused Absence:

Steve Fredette, DPW Supervisor

Mayor Dumas opened the regular meeting at 9:00AM.

Mayor Dumas opened the Public Hearing on Local Law #12-2021

A Proposed Local Law Pursuant to Cannabis Law § 131 to Opt Out of Licensing and
Establishing Cannabis Retail Dispensaries and On-Site Consumption Sites Within the Village of
Malone

Mayor Dumas opened the Public Hearing on Local Law #13-2021

Article II: Amendment of §4-3.1 (A) of Chapter 4 (Dogs/Animals) of the Code of the Village of
Malone.

Mayor Dumas opened the Public Hearing on Local Law #14-2021

Article II: Amendment of Chapter 4 (Dogs/Animals) of the Code of the Village of Malone – Dogs
Prohibited At Large and Enforcement

Mayor Dumas opened the Public Hearing on Local Law #15-2021

Article II: Amendment of Chapter 4 (Dogs/Animals) of the Code of the Village of Malone – Dangerous
Dogs

Public Comments on Local Law Proposals

Tom Schulz asked the Board to please state for the record that if the Village chooses to Opt-Out of the sale and consumption of Marijuana within the Village of Malone that they can opt-back in at any time.

Mayor Dumas assured Mr. Schulz that the Village does have the option to Opt back in at a later date.

Mr. Schulz also state that he would expect that the regulations governing the sale and use of Marijuana would be similar to those of Alcohol and that those regulations would be tight.

Trustee Bonner noted that since the State of New York has yet to publish and release those regulations, municipalities across the State of New York have no way of completely understanding what will be required of them, and therefore, cannot Opt-In blind.

Mayor Dumas noted that the Marijuana discussion will come back to the table once the State releases the necessary regulations and guidance that will enable the Village of Malone to make an informed decision.

There were no public comments received regarding proposed Local Laws #13, #14 nor #15.

Mayor Dumas left the Public Hearing open allowing for the possibility of additional public comments.

APPROVE THE MINUTES OF THE ORGANIZATIONAL MEETING: 12/06/2021

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

APPROVE THE MINUTES OF THE REGULAR MEETING: 12/06/2021

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

APPROVE THE MINUTES OF THE WORK SESSION: 12/20/2021

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

TREASURER REPORT:

PAY BILLS:

Fund	Amount	# of Bills Audited
DPW Building Capital Project	\$ 577,201.92	5
General/Sewer/Water	\$ 276,006.15	84
Joint Recreation Fund	\$ 703.18	6
Trust & Agency	\$ 337,500.89	18
Grand Total	\$ 1,191,412.14	108

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

➤ **Resolution 265-2021 – 2021-2021 Budget Amendment No. 15**

**VILLAGE OF MALONE
RESOLUTION NO. 265-2021
2021-2022 BUDGET AMENDMENT NO. 15**

Related to the appropriation and/or transfer of funds:

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

\$5,000.00 from Account No. A1320.440 Professional Services

As Follows:

\$1,333.38 to Account No. A1010.150 Trustee Salary

\$3,666.62 to Account No. A3125.152 Treasurer Support Staff (Employee Retirement)

\$3,969.78 from Account No. A3120.160.02 Special Patrol Officer

As Follows:

\$1,000.00 to Account No. A3120.440 Police Purchased Services (AT&T – Data for cars)

\$2,969.78 to Account No. A3120.461 Vehicle Maintenance (Vehicle #702 + Tires)

\$5,000.00 from Account A9050.800 Unemployment Reserve

As Follows:

\$5,000.00 to Account No. A5010.160.01 Clerical Staff (Employee Retirement)

\$3,000.00 from Account A9080.600 General Fund Active Health Insurance Fund

As Follows:

\$3,000.00 to Account No. A5110.166.00 Health Insurance Buy-Out

Increase Revenue Code A2650 Sale of Scrap & Excess Material by \$1,000.00

Increase Appropriation Code A5110.461 Equipment Repairs by \$1,000.00 (Truck #19)

Increase Revenue Code A2680 Insurance Recoveries by \$7,780.86

Increase Appropriation Code A5110.161 Streets OT by \$750

Increase Appropriation Code A5110.410.22 Streets Clothing Allowance by \$296.96

Increase Appropriation Code A5110.447 Streets Drug & Alcohol Testing by \$500.00

Increase Appropriation Code A5110.461 Streets Equipment Repairs by \$2,276.62 (Truck #19)

Increase Appropriation Code A5130.161 Machinery OT by \$150.00

Increase Appropriation Code A5140.160 Brush & Leaf Wages by \$2,684.34

Increase Appropriation Code A5140.161 Brush & Leaf Wages OT by \$151.20

Increase Appropriation Code A7110.160 Park Wages by \$971.74

\$5,786.18 from Account No. F1990.00 Water Fund Contingency

As Follows:

\$5,786.18 to Account No. F8310.160.01 Water Support Staff (Employee Retirement)

\$6,639.55 from Account No. G1990.00 Sewer Fund Contingency

As Follows:

\$6,639.55 to Account No. G8110.160.01 Sewer Support Staff (Employee Retirement)

Motion Made By: Trustee McKee

Seconded By: Trustee Langdon

Approved by Board of Trustees on 12/28/2021

➤ **Resolution 270-2021 – 2021-2021 Budget Amendment No. 16**

**VILLAGE OF MALONE
RESOLUTION NO. 270-2021
2021-2022 BUDGET AMENDMENT NO. 16**

Related to the appropriation and/or transfer of funds:

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

Increase Revenue Code A3060 State Aid, Records Management by \$72,936.00

Increase Appropriation Code A4020.410 Vital Statistics Supplies & Materials by \$5,497.00

Increase Appropriation Code A4020.440 Vital Statistics Purchased Services by \$67,439.00

Motion Made By: Trustee Bonner

Seconded By: Trustee Boyea

Approved by Board of Trustees on: December 28, 2021

POLICE REPORT:

- **Resolution 267-2021 – Request for FTO School Training for Officer Connor Hesselstine**

**VILLAGE OF MALONE
RESOLUTION NO. 267-2021**

APPROVAL OF FTO SCHOOL TRAINING FOR OFFICER HESSLETINE

WHEREAS, The Village Chief of Police has requested approval to send Officer Connor Hesselstine to the FTO School for Training in Plattsburgh, January 3 – January 6, 2022; and

WHEREAS, there is no cost to the Village for the FTO School training;

NOW THEREFORE BE IT RESOLVED, The Village Board of Trustees approves the Training request from Chief Premo to send Officer Connor Hesselstine to FTO School Training in Plattsburgh, NY from January 3 – January 6, 2022.

Motion Made By: Trustee Bonner

Seconded By: Trustee Langdon

Approved By the Board of Trustees on: December 29, 2021

DPW REPORT: Status Report as of December 29, 2021:

1. Debris cleanup following the windstorm
2. Completion of Juan Rivera's Water Taps on Pearl Street
3. Snowstorm and squall cleanups
4. Tree removal behind 14 Harison Place
5. Tree removal Marion, Prospect, Constable, Jones and Bently

- **Resolution 262-2021 – Approval of Allegiance Trucks Modified Quote for Repairs to Truck #19**

**VILLAGE OF MALONE
RESOLUTION NO. 262-2021**

APPROVAL OF THE ALLEGIANCE TRUCKS MODIFIED QUOTE FOR REPAIRS TO TRUCK #19

WHEREAS, Truck #19 is in need of repairs; and

WHEREAS, on November 8, 2021, the Village Board of Trustees passed Resolution #222-2021 to accept a quote from Allegiance Trucks at a rate of \$6,180.92; and

WHEREAS, upon further inspection and repair of Truck #19, Allegiance Trucks has determined a need for additional parts and has submitted a modified quote for \$8,299.95 to replace the original quote of \$6,180.92;

NOW, THEREFORE BE IT RESOLVED, the Village Board of Trustees does hereby accept and approve the modified quote from Allegiance Trucks in the amount of \$8,299.95 for the repair of Truck #19.

Motion Made By: Trustee Boyea

Seconded By: Trustee Bonner

One Nay Vote: Trustee McKee

Approved by Board of Trustees on: December 15, 2021

➤ **Resolution 268-2021 – Authorization to Purchase New Air Compressor**

**VILLAGE OF MALONE
RESOLUTION NO. 268-2021**

AUTHORIZATION TO PURCHASE NEW AIR COMPRESSOR FOR DPW GARAGE

WHEREAS, the current DPW Air Compressor is in need of a new motor and is an older model compressor; and

WHEREAS, the Village Board has been presented with quotes for both the new motor and the cost of a new compressor, the difference between the replacement motor and a new Air Compressor being minimal;

WHEREAS, the use of an Air Compressor is of vital importance to the DPW and its daily operations;

NOW, THEREFORE BE IT RESOLVED, the Village Board of Trustees does hereby authorize the purchase of a new Ingersoll Rand – Two Stage Air Compressor, 7.5 HP, 80gal at the quoted price of \$2,299.99.

Motion Made By: Trustee Bonner
Seconded By: Trustee Boyea
Approved by Board of Trustees on: December 29, 2021

➤ **Barton & Loguidice – Wastewater Infrastructure Engineering Planning Grant Award and NYS Environmental Facilities Corporation Award Letter**

Taylor Bottar with B&L notified the Village Board that the Village of Malone has been awarded a \$30,000 (80/20 Match) grant to evaluate different technologies and placement options for a Leachate Pre-Treatment System for the Wastewater Treatment Plant. B&L will work with the Village to work through the checklist of preliminary documents necessary to satisfy the requirements for the Wastewater Infrastructure Engineering Planning Grant.

CODE REPORT: Reports submitted for 12/07/2021-12/28/2021

➤ **14 Harison Demolition Update**

Crestline Sand and Gravel - \$15,750 (1,500 tons @ 10.50/ton)
ECC Contractors - \$115,800
Paradigm Air Monitoring - \$6,2932
Atlas Fence - \$5,635

➤ **NYS DEC Extension Letter – Flood Plain**

Violations on 80 Coffee have gone out. The second thirty-day notice was mailed on the 28th of December. Working with owner of Andrus St. to determine if the building is in the Flood Plain.

CORRESPONDENCE

➤ **DANC – Monthly Status Report – November 2021**

Report was noted and placed on file.

➤ **DANC – Water Treatment Plant RFP – Preliminary Engineering Report Addendum #1**

Five proposals have been received so far from the engineers who attended the Pre-RFP meeting.

➤ **Friends of the North Country – CDBG 690HR110-20 Project Status Report**

The CDBG 690HR110-20 Project Status report as of December 29, 2021, was reviewed by the Board of Trustees and placed on file.

- **NY Power Authority Letter – Streetlights – TABLED**

- **WeedMaps Informational Letter**

Noted and placed in the Marijuana file.

- **Village of Malone Project #C1001353 Meeting Summary**

Additional enhancement grant opportunities discussed for Streetscapes on Main Street. Trees, lights, recycle bins, flower boxes, etc. A Reimbursable Grant in the amount of \$125,200, requiring a \$36,700 match which can come from in-kind services rendered by the Village.

Upon the motion of Trustee Bonner with a second by Trustee Langdon and unanimously carried to approve the moving forward to the next step in the application process.

- **NYS CFA #107935 BOA Nomination Grant – Denial Letter**

Letter was noted and placed on file.

- **Malone Rec Park Commission Letter**

Letter received from the Malone Rec Commission thanking the Village of Malone DPW for their assistance with several clean-up projects at the park.

- **Wright-Pierce Letter**

Professional Engineering Services Proposal – Duane Street and Patnode Street retaining wall repairs/reconstruction.

**VILLAGE OF MALONE
RESOLUTION NO. 269-2021**

**AUTHORIZATION FOR WRIGHT-PIERCE TO SEARCH AND SUBMIT
APPLICATION ON BEHALF OF THE VILLAGE OF MALONE FOR PATNODE
STREET RETAINING WALL**

WHEREAS, Wright-Pierce has provided the Village of Malone with a proposal to write and submit for funding to assist the Village of Malone in repairing the Duane Street and Patnode Street retaining walls; and

WHEREAS, while all three retaining walls are in need of attention, the current retaining wall on Patnode Street has cracked and buckled directly above a Village storm drain and is in danger of crumbling into the river;

NOW, THEREFORE BE IT RESOLVED, the Village Board of Trustees does hereby authorize the mayor to sign a contract with Wright-Pierce to research and submit for funding to assist with the repairs of the Patnode Street retaining wall at a cost of \$8,900.

Motion Made By: Trustee Bonner

Seconded By: Trustee McKee

Approved by Board of Trustees on: December 29, 2021

CLOSE PUBLIC HEARING AT 10:45AM

NEW BUSINESS

- **Resolution 266-2021 – Enacting Local Law #12-2021 – Opting Out of Licensing and Establishing Retail Cannabis Dispensaries and On-Site Cannabis Consumption Establishments Within the Village of Malone**

VILLAGE OF MALONE RESOLUTION NO. 266-2021

ENACTING LOCAL LAW NO. 12 OF 2021 OPTING OUT OF LICENSING AND ESTABLISHING RETAIL CANNABIS DISPENSARIES AND ON-SITE CANNABIS CONSUMPTION ESTABLISHMENTS WITHIN THE VILLAGE OF MALONE PURSUANT TO CANNABIS LAW §131

At a meeting of the Village Board of Trustees of the Village of Malone (“Village Board”), held at the Village of Malone Offices on the 29th day of December, 2021, at 9:00 AM, Village Mayor, Andrea M. Dumas called the meeting to order, and Trustee Bonner, seconded by Trustee McKee, moved the following resolution, to enact the following local law, to be known as Local Law No. 12 of 2021, entitled “A Local Law Adopted Pursuant To Cannabis Law § 131 Opting Out Of Licensing And Establishing Retail Cannabis Dispensaries And On-Site Cannabis Consumption Establishments Within The Village Of Malone” as follows:

WHEREAS, a properly noticed public hearing was held before the Village Board during the meeting on December 29, 2021, on Local Law No. 12 of 2021; and

WHEREAS, the enactment of this Local Law is a Type II Action pursuant to the New York State Environmental Quality Review Act as it involves routine agency administration and management and therefore is exempt from environmental review;

NOW THEREFORE, BE IT ENACTED by the Board of Trustees of the Village of Malone as follows:

Section 1. Legislative Intent

It is the intent of this local law to opt the Village of Malone out of hosting retail cannabis dispensaries and/or on-site cannabis consumption establishments within its boundaries.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes the Village Board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the Village, subject to a permissive referendum pursuant to Municipal Home Rule Law § 24.

Section 3. Local Cannabis Retail Dispensary and On-Site Consumption Opt-Out

The Village Board hereby opts-out of licensing and establishing cannabis retail dispensaries and cannabis on-site consumption establishments within its boundaries.

Section 4. State Environmental Quality Review Act (SEQRA)

The Village Board has considered the provisions of Article 8 of the Environmental Conservation Law (“SEQRA”) and the regulations adopted thereunder at 6 NYCRR Part 617 and finds this Local Law to be a Type II Action as defined therein. Therefore, no further review is required under SEQRA.

Section 5. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State, provided that such filing occurs no sooner than 45 days after the adoption of this local law by the Village Board. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.

The foregoing resolution was duly put to a vote which resulted as follows:

Mayor Dumas – Aye
Trustee McKee – Aye
Trustee Bonner – Aye
Trustee Langdon – Aye
Trustee Boyea – Aye

DATED: Malone, New York December 29, 2021

- **Resolution 271-2021 – Enacting Local Law #13-2021 – Amendment of §4-3.1(A) OF Chapter 4 (Dogs/Animals) of the Code of the Village of Malone**

**VILLAGE OF MALONE
RESOLUTION NO. 271-2021**

**ENACTING LOCAL LAW NO. 13 OF 2021 - AMENDMENT OF §4-3.1(A) OF
CHAPTER 4 (DOGS/ANIMALS) OF THE CODE OF THE VILLAGE OF MALONE**

WHEREAS, the current Chapter 4 - §4-3.1A of the Village of Malone Code fails to include Village Police Officer;

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, §4-3.1 of the current Village Code to read as follows:

“Any Dog Control Officer, Peace Officer, or Village Police Officer acting pursuant to his special duties, in the employ of or under contract to a municipality shall seize:”

Motion Made By: Trustee Boyea

Seconded By: Trustee McKee

Resolution Approved by the Board of Trustees on: December 29, 2021

- **Resolution 272-2021 – Enacting Local Law #14-2021 – Amendment of Chapter 4 (Dogs/Animals) of the Code of the Village of Malone Addition of Section 4-4.1**

**VILLAGE OF MALONE
RESOLUTION NO. 272-2021**

**ENACTING LOCAL LAW NO. 14 OF 2021 - AMENDMENT OF CHAPTER 4
(DOGS/ANIMALS) OF THE CODE OF THE VILLAGE OF MALONE**

WHEREAS, the current Chapter 4 of the Village of Malone Code fails to include Village Police Officer fails to adequately address Dogs Prohibited At Large and its Enforcement;

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 §4-4.1 of Chapter 4, of the current Village Code to read as follows:

- A. No dog shall be allowed to run at large within the Village of Malone.
- B. No dog shall be allowed upon the public streets or upon any public property within the Village of Malone unless it shall be accompanied by its owner or a responsible person able to restrain and control such dog by command and unless such person accompanying such dog shall control and restrain such dog by some suitable device designed and used for that purpose.
- C. Any Dog Control Officer, Peace Officer, or Village Police Officer acting pursuant to his/her special duties, in the employ of or under contract to a municipality shall be empowered to seize a Dog at Large pursuant to §4-3.1 (Seizure of Dogs) of Chapter 4 of the Code of the Village of Malone.

Motion Made By: Trustee Langdon

Seconded By: Trustee Boyea

Resolution Approved by the Board of Trustees on: December 29, 2021

- **Resolution 273-2021 – Enacting Local Law #15-2021 – Amendment of Chapter 4 (Dogs/Animals) of the Code of the Village of Malone Addition of Section 4-8**

**VILLAGE OF MALONE
RESOLUTION NO. 273-2021**

**ENACTING LOCAL LAW NO. 15 OF 2021 - AMENDMENT OF CHAPTER 4
(DOGS/ANIMALS) OF THE CODE OF THE VILLAGE OF MALONE – DANGEROUS
DOGS**

WHEREAS, the current Chapter 4 of the Village of Malone Code fails to address Dangerous Dogs;

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 §4-8 of Chapter 4, of the current Village Code to read as follows:

- A. Any dog which shall attack any person or domestic animal, as such term is defined in Article 7 of the Agriculture and Markets Law of the State of New York, shall be dealt with in accordance with Article 7 of said Agricultural and Markets Law. [Amended 10-2-2007 by L.L. No. 2-2007]
- B. A dog shall not be a "dangerous dog" within the meaning of this section if the owner

shall prove that any threat, injury, or damage caused by such dog was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing or assaulting the dog, its owner and/or household members, or has in the past been observed or reported to have tormented, abused or assaulted the dog, or was committing or attempting to commit a crime. Nor shall a dog be a "dangerous dog" if the dog was responding solely to pain or injury or was protecting itself while on its owner's property.

Motion Made By: Trustee Bonner

Seconded By: Trustee Langdon

Resolution Approved by the Board of Trustees on: December 29, 2021

- **Resolution 274-2021 – Authorization for the Mayor to Execute Contracts with NYSID and Accelerated Information Systems under the NY State Education Department’s LGRMIF Grant Award Project #0580228812**

**VILLAGE OF MALONE
RESOLUTION NO. 274-2021**

AUTHORIZATION FOR MAYOR TO SIGN AGREEMENTS WITH NYSID AND ACCELERATED INFORMATION SYSTEMS UNDER THE NY STATE EDUCATION DEPARTMENT’S LGRMIF GRANT AWARD, PROJECT #0580228812

WHEREAS, the Village and Town of Malone, Village as Lead Agency, have been awarded a LGRMIF grant through the New York State Education Department, Project #0580228812, in the amount of \$72,936.00, for the digitalization of all Death, Birth and Marriage records held by the Village and Town offices; and

WHEREAS, the grant proposal was written to include NYSID to cover the digitalization of the documents and Accelerated Information Systems to upload and codify all digital images to Laserfiche Software; and

WHEREAS, both NYSID and Accelerated Information Systems require signed contracts prior to beginning the project;

NOW, THEREFORE, BE IT RESOLVED, the Village Board of Trustees authorizes the Mayor to sign and fully execute contracts with NYSID and Accelerated Information Systems in partial fulfillment of the LGRMIF Grant, Project #0580228812.

Motion offered by: Trustee Bonner

Seconded by: Trustee Langdon

Approved by Board of Trustees On: December 29, 2021

NEXT MEETING: Regular Board Meeting, Monday, January 10, 2021 at 6:00PM. Next Wednesday Work Session, TBD.

PUBLIC COMMENTS: Tom Schulz congratulated the Village Board for all of their hard work. Tom asked how many meter customers were still refusing to comply with the new meter program?

Mayor Dumas noted there were only a few customers still to comply. A minimal number from the last time the report was noted.

Carter Bietz wanted to take this opportunity to express his concern over the lack of cameras facing the front door at the Police Department.

Chief Premo noted that they have recently installed a key pad entry on that door and were in the process of considering the reinstallation of a camera as well.

EXECUTIVE SESSION

Upon the motion of Trustee Bonner with a second by Trustee McKee and unanimously carried to go into Executive Session on a Legal issue.

Upon the motion of Trustee Boyea with a second by Trustee McKee and unanimously carried to come out of Executive Session.

Upon the motion of Trustee Langdon with a second by Trustee McKee and unanimously carried to go back into Regular Session.

ADJOURNMENT:

Upon the motion of Trustee Boyea to adjourn the meeting at 12:15AM.

Respectfully submitted,



Rebahka L. Scaccia, Village Clerk