

At the Work Session of the
Malone Village Board, held on
February 9, 2023 at 9:00AM at
343 West Main St. the following
were present:

Archie McKee	Deputy Mayor/Trustee
Norman Bonner	Trustee
Matthew Boyea	Trustee
Brian Langdon	Trustee

Via Zoom:

Andrea Dumas, Mayor
Steve Fredette, DPW Supervisor

Also in Attendance:

Rebaha Scaccia, Village Clerk
Kristine Lashway, Village Treasurer
Alex Violo, Telegram
Kari Tremper, DANC

Deputy Mayor McKee opened the work session at 9:05AM.

DPW BUILDING PROJECT

Kari Tremper, project manager with DANC, addressed the Village Board concerning several remaining items needing to be addressed in preparation for the project's closing out. A final punch list was provided to the Board for their review. The Village can move to close the Ban and finalize the loan with Rural Development even if there are still a few outstanding items to finalize. Final payment to contractors does not have to be made until the Village is satisfied with the work completed.

It was the recommendation of the project manager that the Board move to pass the following resolution in preparation for the closing of the BAN in March of 2023.

- **Resolution 8-2023 – Authorization to Approve AES Amendment #5, Retention of Designated Funds Within Project Budget, Move Unused Funds to Contingency and the De-Obligation of Remaining Contingency Funds in Preparation of Final BAN Closing**

**VILLAGE OF MALONE
RESOLUTION NO. 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 \$172,261.03 unused project funds to the designation of project contingency; and

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 Boyea

Seconded By: Trustee Langdon

Vote As Taken:

Trustee Bonner	Yea
Trustee Langdon	Yea
Trustee Boyea	Yea
Trustee McKee	Nay

Mayor Dumas – Abstain

Approved by Board of Trustees on: February 9, 2023

EXECUTIVE SESSION

Upon the motion of Trustee Bonner with a second by Trustee Boyea and unanimously carried to go into Executive Session on a contractual matter.

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

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

ADJOURNMENT

Upon the motion of Trustee Boyea with a second by Trustee Bonner and unanimously carried to adjourn the meeting at 10:17AM.

Respectfully submitted,



Rebahka Scaccia, Village Clerk