

At the Work Session of the
Malone Village Board, held on
August 29, 2022, at 9:00AM at
343 West Main St. the following
were present:

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

Excused Absence:
Norman Bonner Trustee

Also in Attendance:

Rebahka Scaccia, Village Clerk	Kevin Feuka, DANC
Kristine Lashway, Treasurer	Madisen Hetman, AES
Alex Violo, Telegram	Gregory Swart, AES

Mayor Dumas opened the work session at 9:08AM.

Malone Water System Improvement Project

➤ **Resolution 145-2022 – Determination of A Negative Declaration for SEQR**

**VILLAGE OF MALONE
RESOLUTION NO. 145-2022**

RESOLUTION DETERMINING THAT THE PROPOSED ACTION TO AUTHORIZE THE DESIGN, CONSTRUCTION, UNDERTAKING AND FUNDING OF THE PROPOSED VILLAGE OF MALONE WATER TREATMENT SYSTEM PROJECT AS AN UNLISTED ACTION UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR) AND WILL NOT HAVE SIGNIFICANT IMPACT ON THE ENVIRONMENT AND AUTHORIZING THE ISSUANCE OF A NEGATIVE DECLARATION

WHEREAS, the Village Board of Malone, New York (the “Board”) is considering authorizing the design, construction, undertaking and funding of the Water Treatment System Project (the “Project”) as described in the Full Environmental Assessment Form (the “EAF”) Parts 1, 2 & 3 for the Project; and

WHEREAS, the Board must evaluate all proposed actions submitted for its consideration that may affect the environment in light of the State Environmental Quality Review (SEQR) Act; and

WHEREAS, the approval, undertaking and funding of the Project would constitute such an “action”; and

WHEREAS, the Board has conducted a coordinated review as that term is defined in 6 NYCRR Section 617.6; and

WHEREAS, the Board desires to determine whether its action on the Project may have a “significant effect upon the environment”; and

WHEREAS, to aid the Board in its determination as to whether the Project will have a significant effect upon the environment, Parts I, II, and III of a Full Environmental Assessment Form (“EAF”) has been prepared and circulated to the members of the Board, and a copy of which is available with the Village Clerk;

NOW THEREFORE, BE IT RESOLVED, BY THE VILLAGE BOARD OF THE VILLAGE OF MALONE:

1. The Board makes the following findings and determinations with respect to the Project:
 - a. The Project constitutes an “Unlisted Action” as that term is defined as an action that does not meet or exceed a threshold contained in the Type I list in Section 617.4;
 - b. The Board has conducted a coordinated review and served as lead agency for the purpose of SEQR;
 - c. Based on its examination of the Full Environmental Review Form, the comments of involved agencies, the criteria set forth in Section 617.4 and 617.5, the authorizing of the design, construction, undertaking and funding of the Project will not cause significant impact on the environment, and
 - d. The Project will not result in a substantial adverse change in existing air quality, traffic or noise levels (with the potential exception of minor disruption during construction), a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding or drainage problems;
 - e. The Project will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory wildlife species, impacts on a significant habitat area; substantial adverse impacts on threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
 - f. The Project will not conflict with the community’s current plans or goals as officially approved or adopted;
 - g. The Project will not result in the impairment of the character or quality of important historical, archaeological, or aesthetic resources or of existing community or neighborhood character;

- h. The Project will not result in a major change in the use of either the quality or type of energy; the creation of a hazard to human health; a substantial change in the use or intensity of use of land including agricultural, open space or recreational resources or in its capacity to support existing uses;
- i. The Project will not require the preparation of a Draft Environmental Impact Statement

BE IT FURTHER RESOLVED, that as a consequence of such findings and declaration and in compliance with the requirements of SEQRA, the Village of Malone, as lead agency, hereby directs the Mayor to sign a Negative Declaration in accordance with 6 NYCRR § 617.12; this Resolution shall take effect immediately.

Said motion made by: Trustee

Seconded By: Trustee

Vote Taken: Trustee Boyea (Aye)
Trustee Langdon (Aye)
Trustee McKee (Aye)
Mayor Dumas (Aye)

Trustee Bonner – Excused

Dated: August 29, 2022

➤ **Resolution 146-2022 – Bond Resolution**

**BOARD OF TRUSTEES OF THE VILLAGE OF MALONE
COUNTY OF FRANKLIN, STATE OF NEW YORK**

Resolution No. 146 of 2022

Adopted August 29, 2022

Introduced by Trustee McKee
who moved its adoption.

Seconded by Trustee Boyea

**BOND RESOLUTION AUTHORIZING THE ISSUANCE OF
\$8,681,872.00 AGGREGATE PRINCIPAL AMOUNT OF SERIAL BONDS OR A
STATUTORY INSTALLMENT BOND OF THE VILLAGE OF MALONE TO PAY THE
COSTS FOR THE CONSTRUCTION OF A REDUNDANT WATER SOURCE AND
RELATED IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF BOND
ANTICIPATION NOTES OF THE VILLAGE OF MALONE FOR THE AFORESAID
PURPOSES AND IN CONNECTION THEREWITH**

WHEREAS, the Board of Trustees (the “Board”) of the Village of Malone (the “Village”)

finds that the construction of a redundant water source required by the New York State Department of Health, as well as related improvements within the Village and all expenses incidental thereto (hereinafter referred to as the "Project") is necessary for the health, safety and welfare of the residents of the Village; and

WHEREAS, the Village, upon due consideration, finds that the Project is in the public interest; and

WHEREAS, the total estimated cost of the Project, including incidental costs, will not exceed Eight Million Six Hundred Eighty-One Thousand Eight Hundred Seventy Two Dollars (\$8,681,872.00); and

WHEREAS, in order to further finance the costs associated with the Project, the Village desires to issue serial bonds or a statutory installment bond, in lieu of serial bonds (the "Bonds") in the aggregate principal amount not to exceed Eight Million Six Hundred Eighty One Thousand Eight Hundred Seventy Two Dollars (\$8,681,872.00); and

WHEREAS, no bond anticipation notes have been previously authorized or issued in anticipation of the issuance of Bonds authorized by this resolution.

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

Section 1. The specific object and/or purposes of the Project for which the obligations authorized by this Resolution are to be issued is the construction of a redundant water source required by the New York State Department of Health, as well as related improvements within the Village and all expenses incidental thereto, all of which are hereby authorized at a maximum estimated cost of Eight Million Six Hundred Eighty-One Thousand Eight Hundred Seventy Two Dollars (\$8,681,872.00). The Project will implement a third production well to bring the municipal water supply system into compliance with Part 5-1 of the New York State Sanitary Code. Additional required improvements include a new well building, new pumps and 5,300 feet of new transmission main to carry the water to the existing water treatment plant.

Section 2. The initial financing of the Project may be undertaken by the Village through the issuance of a bond anticipation note or notes in accordance with and pursuant to the Local Finance Law of the State of New York in an amount not to exceed Eight Million Six Hundred Eighty-One Thousand Eight Hundred Seventy-Two Dollars (\$8,681,872.00). The Village hereby authorizes any Bonds, including a statutory installment bond, in lieu of serial bonds, to be issued for this Project in an amount not to exceed Eight Million Six Hundred Eighty-One Thousand Eight Hundred Seventy-Two Dollars (\$8,681,872.00). In addition, the Village further authorizes any obligations issued hereunder to be secured in connection with any Federal or State issued grant(s) or loan(s). It is anticipated that the Project will be funded, in part, with a Five Million Dollar (\$5,000,000.00) grant through the Development Authority of the North Country.

Section 3. The Village hereby authorizes the Village Mayor (the "Mayor") to utilize funds held within the Fund and within the Budget for the purpose of payment of services rendered in

connection with the Project and further authorizes the Mayor to repay any funds expended from the Fund with funds borrowed in connection with any bond anticipation note or Bonds issued pursuant to and authorized by and through this bond resolution.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid specific objects or purposes is Forty (40) years pursuant to Section 11.00(a)(1) of the Local Finance Law.

Section 5. The full faith and credit of the Village is hereby irrevocably pledged for the payment of the principal of and interest on any Bonds or Notes issued in connection with this bond resolution, as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of, and any interest, if applicable, on the Bonds or Notes becoming due and payable in such years.

Section 6. The maximum maturity of the Bonds shall not exceed the periods of probable usefulness set forth above and shall mature on or before the date of the expiration of the aforesaid periods of probable usefulness as measured from the date of the Bonds or from the date of the first bond anticipation note or statutory installment bond issued in anticipation of the sale of such bonds, whichever date is earlier. If deemed necessary by the Mayor, the Bonds or Notes to be issued hereunder may be issued in two or more separate series. The maturity of the Bonds issued in connection with this bond resolution will exceed five (5) years.

Section 7. Any Notes or Bonds issued hereunder shall be payable from the proceeds derived from the issuance and or sale of the Bonds authorized herein or otherwise redeemed in the manner provided by Section 23.00 or Section 62.10 of the Local Finance Law.

Section 8. There are no Bonds or Notes outstanding for this Project.

Section 9. Subject to the provisions of the Local Finance Law, the power to issue and sell the Bonds and/or Notes, including all powers and duties pertaining or incidental thereto, is hereby delegated to the Mayor of the Village, except as herein provided. The Bonds and/or Notes shall be of such terms, form and content, and shall be sold in such manner, whether by public or private sale, as may be determined by the Mayor, pursuant to Local Finance Law, this resolution and any further resolution which the Board may hereafter adopt. The Mayor is authorized to execute and deliver any documents and to take such other action as may be necessary and proper to carry out the intent of the provisions of this resolution, including any resolutions, contracts or authorizations necessary to secure any Federal or State issued grant(s) or loan(s).

Section 10. The exact date of issue of the Bonds and/or Notes and the exact date upon which the same shall become due and payable shall be fixed and determined by the Mayor, provided however, that the maturity of said Notes or renewals thereof shall not exceed one year from the Note's or renewal's date of issue except as permitted by the Local Finance Law.

Section 11. The Mayor shall prepare, or cause to be prepared, such Bonds and/or Notes and sell the same in accordance with the applicable provisions of the Local Finance Law, and at such sale shall determine the interest rate to be borne by such Bonds and/or Notes, whether fixed

or variable.

Section 12. The proceeds of the sale of the Bonds and/or Notes shall be deposited and/or invested as required by Section 165.00 of the Local Finance Law, and the power to invest the proceeds of sale is hereby delegated to the Mayor and the power to invest in any instruments described in the said Section 165.00 is expressly granted.

Section 13. To the extent that it is permitted to do so under the Internal Revenue Code of 1986, as amended (the "Code"), the Issuer hereby designates the Bonds and/or Notes as "qualified tax-exempt obligations" under Section 265(b)(3) of the Code. The Issuer hereby covenants that it will (i) take all actions on its part necessary to cause interest on the Bonds and/or Notes be excluded from gross income for purposes of Federal income taxes and (ii) refrain from taking any action which would cause interest on the Bonds and/or Notes to be included in gross income for purposes of Federal income taxes.

Section 14. The Village, upon due consideration determined that the Project is considered an action under the New York State Environmental Quality Review Act (SEQRA). At a duly held meeting on July 25, 2022, the Village identified the Project as a Type I Action and authorized its intent to serve as Lead Agency for purposes of coordinated review and on July 25, 2022, the Village Board declared itself Lead Agency. Further, on August 29, 2022, after taking the requisite hard look at the environmental effects of the Project, the Village board approved and issued a Negative Declaration Notice of Non-Significance under SEQRA for the Project.

Section 15. Pursuant to Section 36.00(a) of the Local Finance Law, this resolution is subject to permissive referendum.

Section 16. The validity of such Bonds and/or Notes (collectively "Obligations") may be contested only if:

- (1) Such Obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced with twenty (20) days after the date of such publication, or
- (3) Such Obligations are authorized in violation of the provisions of the constitution.

Section 17. This resolution, or a summary hereof, shall be published in full in the *Malone Telegram*, which has been designated as the official newspaper of the Village for such purpose, together with a notice of the Clerk of the Village in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 18. This resolution shall take effect immediately.

Pursuant to Local Finance Law Section 33.00, this Resolution was adopted by roll call vote by at least two thirds of the Board of Trustees of the Village of Malone, as follows:

Trustee McKee (Aye)
Trustee Boyea (Aye)
Trustee Langdon (Aye)
Mayor Dumas (Aye)

Trustee Bonner (No vote – Excused Absence)

Dated: August 29, 2022

➤ **Resolution 147-2022 – Approval of Technical Services Agreement with DANC for Water System Improvements Project**

APPROVAL OF TECHNICAL SERVICES AGREEMENT WITH DANC FOR WATER SYSTEM IMPROVEMENTS PROJECT

WHEREAS, the Village of Malone has completed a Redundant Groundwater Source Evaluation Preliminary Engineering Report; and

WHEREAS, the Village is desirous of implementing necessary upgrades to the current Village Water Treatment Plant based on the findings of the aforementioned report; and

WHEREAS, the Village is desirous of executing a Technical Services Agreement with DANC for a Water Systems Improvements Project; and

WHEREAS, a copy of the Technical Services Agreement is attached as Schedule “A” with a cost for Phase 1 not to exceed \$18,000, and a cost for Phase 2 will be provided by an amendment upon receipt of Village authorization to proceed with construction;

NOW THEREFORE BE IT RESOLVED: the Board of Trustees has authorized the mayor to sign and execute the Technical Services Agreement with DANC for the Water System Improvements Project as presented.

Said motion made by: Trustee Langdon

Seconded by: Trustee Boyea

Vote Taken: Trustee Boyea (Aye)
Trustee Langdon (Aye)
Mayor Dumas (Aye)
Trustee McKee (Aye)

Trustee Bonner – Excused

Dated: August 29, 2022

- **Resolution 148-2022 – Authorization for Mayor to Sign Contract with AES Engineering for New Ground Water Source Well & Well Control Building – AES Project #5131**

**VILLAGE OF MALONE
RESOLUTION NO. 148-2022**

**AUTHORIZATION FOR MAYOR TO SIGN A CONTRACT WITH AES
ENGINEERING FOR NEW GROUND WATER SOURCE WELL & WELL CONTROL
BUILDING – AES PROJECT #5131**

WHEREAS, the Village of Malone is desirous of constructing a third well and additional water treatment control facility and has completed a Redundant Groundwater Source Evaluation Preliminary Engineering Report; and

WHEREAS, AES has submitted an agreement for Professional Services to the Village for the creation of a new ground water source well and well control building;

WHEREAS, AES Engineering has previously submitted a project cost estimate of \$8,681,872.31, with an engineering fee of \$1,315,435.20;

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of Trustees authorizes the mayor to enter into an agreement with AES Engineering for Professional Services associated with AES Project #5131 Malone(V) New Ground Water Source Well & Well Control Building.

Motion Made by: Trustee McKee
Seconded By: Trustee Langdon

Voting As Follows:

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

Trustee Bonner – Excused
Dated: August 29, 2022

- **Resolution 149-2022 – Authorization to Accept Proposal to Provide Bond Counsel Services from Fitzgerald, Baker, Morris, Firth PC for Water System Improvements Project**

**VILLAGE OF MALONE
RESOLUTION NO. 149-2022**

AUTHORIZATION TO ACCEPT THE PROPOSAL TO PROVIDE BOND COUNSEL SERVICES FOR WATER SYSTEM IMPROVEMENTS PROJECT

WHEREAS, Fitzgerald, Morris, Baker, Firth, PC (“Bond Counsel”) has presented the Village of Malone Board of Trustees (the “Village”) with an Agreement to Provide Bond Counsel Services in relation to the Water System Improvements Project; and

WHEREAS, the Agreement to Provide Bond Counsel Services references a cost not to exceed \$12,500.00; and

NOW THEREFORE BE IT RESOLVED: The Village Board of Trustees authorizes the mayor to accept the Agreement to Provide Bond Counsel Services from Fitzgerald, Morris, Baker, Firth, PC, as presented.

Motion Made By: Trustee Boyea

Seconded By: Trustee Langdon

Voting As Follows:

Trustee McKee – Aye

Trustee Langdon – Aye

Trustee Boyea – Aye

Mayor Dumas – Aye

Trustee Bonner – Excused

Dated: August 29, 2022

- **Resolution 150-2022 – Authorization to Accept Proposal to Provide Legal Counsel from Fitzgerald, Baker, Morris, Firth PC for Water System Improvements Project**

**VILLAGE OF MALONE
RESOLUTION NO. 150-2022**

AUTHORIZATION TO ACCEPT THE PROPOSAL TO PROVIDE LEGAL COUNSEL FOR WATER SYSTEM IMPROVEMENTS PROJECT

WHEREAS, Fitzgerald, Morris, Baker, Firth, PC (“Legal Counsel”) has presented the Village of Malone Board of Trustees (the “Village”) with an Agreement to Provide Legal Counsel in relation to the Water System Improvements Project; and

WHEREAS, the Agreement to Provide Legal Counsel references a cost not to exceed \$10,000.00; and

NOW THEREFORE BE IT RESOLVED: The Village Board of Trustees authorizes the mayor to accept the Agreement to Provide Legal Counsel from Fitzgerald, Morris, Baker, Firth, PC., in connection with the Water System Improvements Project, as presented.

Motion Made By: Trustee McKee
Seconded By: Trustee Boyea

Voting As Follows:

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

Trustee Bonner – Excused
Dated: August 29, 2022

DPW EQUIPMENT

- **Resolution 151-2022 – Approval to Purchase Western Star 47X with Plow Package**

VILLAGE OF MALONE RESOLUTION NO. 151-2022

APPROVAL TO PURCHASE WESTERN STAR 47X WITH PLOW PACKAGE

WHEREAS, the Village of Malone has an aging fleet of equipment and is in need of a new Plow Truck; and

WHEREAS, the Village has received a quote from R.R. Charlebois, Inc. for the purchase of a new Western Star 47X, Set Back Axle Truck at a cost of \$143,696 and additional plow options as quoted by Viking Cives at a cost of \$106,170, for a total quote of \$249,596.00;

NOW THEREFORE, BE IT RESOLVED, the Village Board of Trustees approved the purchase of the Western Star 47X and additional Plow Package at a cost of \$249,596.00 from R.R. Charlebois, Inc.

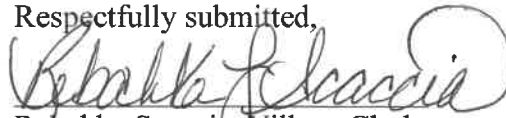
Motion Made By: Trustee Boyea
Seconded By: Trustee McKee
Approved By the Board on: August 29, 2022

The Village Board would like the DPW Supervisor to obtain quotes on a new or used Sweeper and a new or used T-Rex for the next Board meeting on September 12th.

ADJOURNMENT

Upon the motion of Trustee Boyea with a second by Trustee Langdon and unanimously carried to adjourn the meeting at 10:02AM.

Respectfully submitted,



Rebahka Scaccia Village Clerk

