

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, June 10, 2020 at 6:00 PM, in accordance with Governor Cuomo issuing Executive Order No. 202.1, at the Village Hall, 35 East Bank Street, Albion, New York.

Present were Mayor Eileen S Banker, Trustees Christopher Barry, Stan Farone, Gary Katsanis and Kevin Sheehan. Attorney John C Gavenda phoned in through zoom. There were no residents who phoned in through zoom.

Mayor Banker opened the meeting with the pledge of allegiance at 6:00 PM.

### **PUBLIC HEARING**

Mayor Banker opened the public hearing at 6:00 PM to hear comments regarding changes to CHAPTER 208 Animals to the Village Code.

### **CLOSED PUBLIC HEARING**

Moved by Trustee Farone and seconded by Trustee Barry that in as much as there was nobody present who wished to speak relating to amending CHAPTER 208 Animals to the Village Code, the Public Hearing closed at 6:04 PM.

CARRIED

5 Ayes

0 Nays

### **ADOPTED LOCAL LAW #2, 2020**

The following resolution 2020-12, Local Law #2, 2020 was proposed by Trustee Katsanis who moved its adoption and seconded by Trustee Barry approving to amend CHAPTER §208 Animals to the Village Code:

WHEREAS, a proposed Local Law #2 of the year 2020 for the purpose of amending CHAPTER §208 Animals was presented to the Village of Albion Board of Trustees, and

WHEREAS, the Board of Trustees at a Regular Board Meeting of said Board held on Wednesday May 13, 2020 did adopt a motion that a Public Hearing be held on the aforesaid proposed Local Law at 6:00 PM on June 10, 2020, at 35 East Bank Street, Albion New York and that said notice thereof be published in the Batavia Daily Newspaper, the official newspaper of the Village of Albion at least seven days before June 10, 2020, and

WHEREAS, a notice of such Public Hearing on said proposed Local Law was duly published in the Batavia Daily Newspaper on May 29, 2020 and

WHEREAS, a Public Hearing on said proposed Local Law was held by the Board of Trustees, at 35 East Bank Street, Albion, New York at 6:00 PM on June 10, 2020 at which time all were heard who wished to speak regarding said Local Law,

NOW THEREFORE BE IT RESOLVED, that the following Local Law #2, 2020 be hereby made part of the code of the Village of Albion, New York:

Local Law No. 2 of the year 2020  
Village of Albion, Orleans County

### **CHAPTER §208**

#### **ANIMALS**

#### **Dog Control**

#### **§208-7.2 Prohibited Acts.**

#### **C. Removal of dog feces by owner required**

(1) Any person owning or in charge of any dog which soils, defiles, defecates on or commits any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk or upon any public property whatsoever or upon any private property without the permission of the owner of said property shall immediately remove all feces deposited by any such dog by any sanitary method.

(2) The feces removed from the aforementioned designated area shall be disposed of by the person owning or in charge of any such dog in accordance with the provisions of this article.

(3) The provisions of this article shall not apply to blind persons who may use dogs as guides.

(4) Sanitary methods for removing all feces approved by the Local Board of Health are mechanical devices such as pooch scoops, small shovels, etc. All feces removed by the person owning, harboring, keeping or in charge of any such dog shall be disposed of in a suitable container.

D. Violations.

(1)

(e) In the event of a violation of the provisions of §208-7.2 by a person under the age of 18 years, the notice provided for in §208-7.2 shall also be sent to the person or persons having lawful custody of said person under the age of 18 years. Upon subsequent violation of the provisions of § 208-7.2 by the person under the age of 18 years, the person or person having lawful custody of such person will be subject to a fine as provided in §208-7.2.1

(2) Any person who observes an animal committing a violation of any of the provisions of this article may file in the Town of Albion Court a signed and sworn complaint, sworn to before the Town of Albion Justice or the Village Police of the Village of Albion, specifying in detail the fact of the alleged violation, and including the name and address of the owner and other persons harboring said animal. Upon receipt by the Court of any complaint against any conduct of any animal, the Justice of said Court must summon the alleged owner or said person harboring said animal to appear in person before him or her at the designated time at least three days subsequent to the service upon him or her of said summons, at which time and place the person who is summoned shall admit or deny the information contained in the complaint and, if he denies such information, a hearing shall be had at that time or an adjourned time before the Justice of said Court. Service upon said owner or other person harboring said animal of a summons shall be made in the same manner as service of a summons in a civil action in civil court as prescribed by the laws of the State of New York. If, after such hearing, the Justice hearing the same shall find that the animal complained of had committed a violation of any one of the provisions set forth in this article hereinabove or if said person summoned admits the allegations of the complaint, the Justice may fix a civil penalty as set forth below in the Section entitled Penalties for offenses.

§ 208-7.2.1 Penalties for offenses.

Any person to whom such notice is sent and who thereafter violates the provisions of §208-7.2 shall be subject to a fine not exceed \$50 for the first such violation, \$100 for the second such violation and \$200 for the third such violation.

CARRIED  
5 Ayes                      0 Nays

**APPROVED AGREEMENT WITH LABELLA RE: FLUORIDE SHED AT WTP**  
Moved by Trustee Katsanis and seconded by Trustee Sheehan approving the Professional Services Agreement with LaBella Associates regarding the Fluoridation Building for \$4,200. LaBella will assist in obtaining approval from Orleans County Health Department and identify materials/equipment necessary to meet relevant codes/safety regulations.

CARRIED  
5 Ayes                      0 Nays

**APPROVED TREASURERS REPORT**  
Moved by Trustee Farone and seconded by Trustee Barry approving the Treasurer’s Report for the month of May.

CARRIED  
5 Ayes                      0 Nays

**APPROVED MINUTES**  
Moved by Trustee Sheehan and seconded by Trustee Katsanis that in as much as each member received copies of the minutes of May 27, 2020 and there being no errors or omissions, minutes are hereby approved as written.

CARRIED  
5 Ayes                      0 Nays

**APPROVED PAYMENT OF VILLAGE BILLS**

Moved by Trustee Farone and seconded by Trustee Barry approving the monthly journal entries and the payment of the following Village bills:

General	voucher #35310	\$94,260.70
Water	to voucher #35432	\$17,949.28
Sewer		\$20,119.40

CARRIED

5 Ayes                      0 Nays

**APPROVED PAYMENT OF BULLARD INVOICES**

Moved by Trustee Katsanis and seconded by Trustee Sheehan approving payment of the following Bullard Park Invoices:

Barre Stone	\$589.93
Graybar	\$444.82
Stockham Lumber Co	\$519.16

CARRIED

5 Ayes                      0 Nays

**APPROVED PAYMENT TO DONEGAN**

Moved by Trustee Katsanis and seconded by Trustee Barry approving payment of \$940.50 to Bernard Donegan for the following services:

Water Improvement (Plant)	\$ 85.50
Disinfection Project	\$855.00

CARRIED

5 Ayes                      0 Nays

**APPROVED PAYMENT TO LABELLA**

Moved by Trustee Katsanis and seconded by Trustee Sheehan approving payment of \$29,117.22 to LaBella Associates for the South Clinton/West Academy Street Water Main Replacement Project for the period of February 22, 2020 to April 17, 2020 pending Trustee Sheehan getting clarification on the mileage amount.

CARRIED

5 Ayes                      0 Nays

**APPROVED PURCHASE OF ROCK-HOUND**

Moved by Trustee Farone and seconded by Trustee Barry approving the request from Superintendent of Public Works Jay Pahura to purchase a rock-hound attachment for their Bobcat Skid Steer Loaders for \$5,980.68 out of Equipment Reserves.

CARRIED

4 Ayes	0 Nays
Trustee Farone	
Trustee Barry	1 Abstained
Trustee Sheehan	Trustee Katsanis
Mayor Banker	

**APPROVED EAP AGREEMENT**

Moved by Trustee Katsanis and seconded by Trustee Sheehan approving Mayor Banker sign the agreement with Royal Employer Services to provide Employee an Assistance Program to Village employees for \$1,080 for the period of July 1, 2020 to June 30, 2021.

CARRIED

5 Ayes                      0 Nays

**APPROVED CEMETERY DEEDS**

Moved by Trustee Farone and seconded by Trustee Katsanis approving Mayor Banker sign the following Cemetery Deeds:

Takisha Johnson	S.G. 647 Deerfield Avenue
Michael J and Nora J McArdle	S.G. 147 Deerfield Avenue

**CARRIED**

5 Ayes	0 Nays
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**ACCEPTED APPLICATION**

The following application was accepted and will be placed on file for future reference:

Kaitlyn VanSkiver	Cleaner
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**RESIDENT REQUEST**

Attorney Gavenda will send a letter to resident Phil Gibson that he is responsible for the catch-up water/sewer bill from when his meter was replaced and offer him a payment plan.

**CORRESPONDENCE FROM NYS CANAL CORP**

The Board of Trustees received a correspondence from the New York State Canal Corporation regarding their acting as Lead Agency for the Earthen Embankment Integrity Program.

**CORRESPONDENCE FROM AUDITOR**

The Board of Trustees received a correspondence from Freed Maxick regarding the audit for the fiscal year ending May 31, 2020.

**APPOINTMENT TO PLANNING BOARD**

Moved by Trustee Barry and seconded by Trustee Sheehan approving Mayor Banker's appointment of Michael Kincaid to the Planning Board to finish Kevin Sheehan's term. Mr Kincaid's term will end April 1, 2024.

**CARRIED**

5 Ayes	0 Nays
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**APPROVED EXTENDING STATE OF EMERGENCY**

Moved by Trustee Katsanis and seconded by Trustee Sheehan approving Mayor Banker sign the "State of Emergency Declaration" renewal for another 30 days.

**CARRIED**

5 Ayes	0 Nays
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**CLEANER**

Trustee Farone and Trustee Barry will review applications and schedule interviews for the cleaner position.

**APPROVED PAYMENT TO STC**

Moved by Trustee Farone and seconded by Trustee Barry approving payment of \$21,375 to STC Construction, Pay Application 6 for the Disinfection Project for the period ending May 31, 2020.

**CARRIED**

5 Ayes	0 Nays
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**PLANNING BOARD INFORMATION**

Trustee Farone provided copies of the Vacant Building Registry and Architectural Preservation and Standards which the Planning Board has put together for the Board of Trustees to review. Both of the documents will be discussed at the Jun 24, 2020 Workshop Meeting.

**NESBITT BILLING**

Moved by Trustee Katsanis and seconded by Trustee Farone authorizing Attorney Gavenda to send a letter to Steve Nesbitt stating the Village is requesting \$2,000 for back usage of water. The Attorney will also draft an ‘Out of District User Agreement’ for Mr Nesbitt to sign. The Village will be installing three meters at the homes on Wilson Road as soon as possible and will be billed quarterly going forward.

CARRIED

5 Ayes

0 Nays

**TESLA MEETING**

Trustee Katsanis, Attorney Gavenda and Ram Shrivastava from Larsen Engineers will meet to discuss the bill from TESLA. After they have met, a meeting with TESLA will be scheduled.

**EXECUTIVE SESSION**

Moved by Trustee Katsanis and seconded by Trustee Farone to adjourn to executive session to discuss personnel matters at 6:49 PM.

CARRIED

5 Ayes

0 Nays

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Katsanis and seconded by Trustee Barry to come out of executive session at 7:05 PM.

CARRIED

5 Ayes

0 Nays

**MEETING ADJOURNED**

Moved by Trustee Katsanis and seconded by Trustee Sheehan that there being no further business, meeting is hereby adjourned at 7:07 PM.

CARRIED

5 Ayes

0 Nays

Respectfully submitted,

Linda K Babcock  
Clerk-Treasurer