

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, June 22, 2022 at 6:00 PM, Village Hall, 35 East Bank Street, Albion New York.

Present were Mayor Angel Javier Jr., Trustees Christopher Barry, Zachary Burgess, Tim McMurray, and Joyce Riley. Also in attendance was Attorney John C Gavenda, Pollution Control Plant Chief Operator Aric Albright, Water Treatment Plant Chief Operator Adam Rush, and Police Chief David Mogle. There were 35 residents present.

Meeting audio was recorded and kept on file.

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

OPENED PUBLIC HEARING

Moved by Trustee Riley and seconded by Trustee McMurray to open the Public Hearing at 6:02PM to hear comments regarding Village Code- Chapter 59 Parks and Recreation.

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Aye

Discussion as follows:

Ms. Burgess discussed concern with parks being unlocked at night and due to COVID and changes in personnel at police department, possibly communication was not handed down to new Police Chief and new officers in regard to parks being locked at night and unlocked in mornings.

Mr. Sheehan expressed his displeasure and concern for parks being unlocked at night. Summarizes existing Chapter 59 Section 1 of Village Code, closed park with fence, gate and way to lock it or latch, should be locked from 10PM to 8AM, asked Board members if this has been done in the last 2months since they started talking about changing code.

Trustee McMurray -gates have sporadically been closed

Mr. Sheehan asked Board to admit that 59-1 has not been enforced.

Trustee McMurray- as of right now yes, it is assumed the parks are considered closed from 10PM-8AM due to posted signs.

Mr. Sheehan mentioned vandalism throughout parks currently, Sheehan request roll call vote.

Trustee Barry request Village Attorney’s input on Chapter 59-1 of Village Code on residents’ comments.

Attorney Gavenda confirms throughout history, parks have always been locked, and current board voted 3-2, but believed Public Hearing was for changes in code, not in regards to locking of parks. He then reads Village Code Chapter 59 Section 1 as follows:

B.

Any park which is physically closed by fence, gates or other physical device is not open.

Attorney Gavenda-States it doesn't say locked or not locked.

John Grillo, Recreational Director discusses why Lafayette was originally locked-due to wading pool years ago.

Trustee Barry suggest placing locks on all parks with fences

Ms. Oschmann asked whose responsibility it would be to open and close parks going forward

Trustee Barry-nothing currently in place and suggested options

Mayor Javier request Chief Mogle to give list of complaints from history for all parks

Chief Mogle explained to residents to call and report issues at parks going forward

CLOSE PUBLIC HEARING

Moved by Trustee Barry and seconded by Trustee McMurray to close public hearing at 6:24PM

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Aye

ADOPTED LOCAL LAW #1, 2022

The following motion was made, Local Law #1, 2022 was proposed by Trustee McMurray who moved its adoption and seconded by Trustee Riley approving to amend CHAPTER §59 Parks and Recreation to the Village Code:

WHEREAS, a proposed Local Law #1 of the year 2022 for the purpose of amending CHAPTER §59 Parks and Recreation 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 June 22, 2022 did adopt a motion that a Public Hearing be held on the aforesaid proposed Local Law at 6:00 PM on June 22, 2022, 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 22, 2022, and

WHEREAS, a notice of such Public Hearing on said proposed Local Law was duly published in the Batavia Daily Newspaper on June 10, 2022 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 22, 2022 at which time all were heard who wished to speak regarding said Local Law,

NOW THEREFORE BE IT RESOLVED, that the following Local Law #1, 2022 be hereby made part of the code of the Village of Albion, New York:

Local Law No. 1 of the year 2022
Village of Albion, Orleans County

§ 59

PARKS AND RECREATION

§ 59-1 Title

This chapter shall be known and may be cited as the “Village of Albion Parks Local Law”. The provisions herein are established to maintain property, and a reasonable degree of safety to maintain life and liberty, and property of the citizens of the Village. The provisions herein are also to provide for the public health, safety and welfare of the users of the parks and recreational areas contained within the Village.

§ 59-2 Applicability

The prohibitions, rules and regulations contained in this chapter shall apply to all parks and public lands and facilities devoted or used for recreational or similar purposes which are owned, leased or otherwise under the control, supervision and jurisdiction of the Village of Albion, New York.

§ 59-3 Definitions

The following terms shall have the meaning herein indicated and used in this chapter. The grounds, buildings, thereon, water therein, and any property used in connection therewith or constituting a part thereof, which is now or may hereafter be owned, leased, used, maintained, operated or controlled by the Village of Albion for recreational and sports activities, include but is not limited to the so-called “Bullard Park”, “Lafayette H Beach Park”, “St. Joseph’s Park”, “Carosol Park”, “Veterans Memorial Park” “Albion Fire Department Field” and “Waterman Park”.

Person- Any individual, firm, partnership, corporation or association of persons, and when the singular form is used, it shall include the plural.

Vehicle- Every device or conveyance, upon or by which a person or property is or may be transported or drawn, and shall include motor vehicles as defined in the Vehicle and Traffic Law of the State of New York.

§ 59-4 Hours of Operation of Parks

A. All parks shall be open from 8:00AM until dusk. Each day they are open to the public. No person shall enter or remain in any park from dusk to 8:00AM. Any person violating this provision shall be subject to penalties provided for by § 59-20.

B. In the event a special community event or program is being conducted with the approval of the Village Board of Trustee either alone or in conjunction with any other approval entity, the hours of opening and closing, as set forth in subsection A above, may be altered to allow for either earlier opening or later closing time.

§ 59-5 Closing Park or Recreational Area

The Village of Albion Board of Trustees or its designee when necessary for public welfare or improvements of any park and/or any part thereof may close any park and/or any part thereof by posting proper signs at the entrance of the park to be closed or at the part of the park that is to be closed.

§ 59-6 Permit Required for Dispensing of Food and Drink: application

A. No person shall sell, send or otherwise dispense food or drink for consideration of whatever manner it would take, in any park or recreational area without a license as required by the Village Board of Trustees or its designee and written permission from said Board of Trustees.

B. Application for a permit shall be made in writing to the Village Board or its designee on forms to be supplied upon request by the applicant to the Village Boards.

§ 59-7 Selling and Soliciting

No person or entity shall sell or offer for sale any article or thing in any park or recreational area and no person shall solicit in any park or recreational area for any purpose whatsoever. The provisions of this section shall not apply to any person or organization holding a permit in any park or recreational area authorized by the Village Board of Trustees or its designee within the provisions of their written permit obtained pursuant to this chapter or section 59-6 (B) of this Chapter.

§ 59-8 Posting of Written or Permitted Material

No person shall post any bill, notice, advisement or other written or printed matter within the limits of any park or recreational area without the express written consent of the Village Trustees or its designee.

§ 59-9 Fees

Admissions, permit or any other fees which may be charge for the use of the park or recreational area or any portion thereof for certain activities shall be established for time to time by the Village Board of Trustees.

§ 59-10 Building on Park or Recreational Area Property

All buildings, existing or later constructed on park or recreational area property shall be used only for the purpose for which such buildings were designed. A “building” for the purpose of this chapter shall mean any structure which stands on park or recreational area property.

§59-11 Buildings Designed as Shelters

Buildings in a park or recreational area recognized and designed as shelters shall be used only for purposes of picnicking.

§59-12 Conduct and Supervision of Children

No parent, guardian or other person having charge of caring for any child/children shall permit them to do any act prohibited by this chapter. Children under of the age of nine (9) or any other child/children who has/have the propensity of disregarding the directions of their parents, guardian or other person having charge of caring for the child/children shall at all times be under the supervision and control of that parent, guardian or other person having charge of the caring for those child/children.

§ 59-13 Unlawful Uses of Property

No person shall handle, injury, destroy, or damage or appropriate to themselves trees, shrubs, flowers or other plants growing in any park or recreational area; or damage, destroy, deface or appropriate to themselves or anybody else any buildings, fence, bench, table, fireplace, sign or other property within the limits of any park or recreational area. In addition, thereto, there shall be no unauthorized moving of any property by any person from the place in the park or recreational area in which such park area property is situate.

§ 59-14 Disruptive Behavior

No person shall do any act or acts which causes disruptions of the public peace, or which are meant to annoy or alarm another person present in any park or recreational area. Additionally, any act or acts which can constitute disorderly conduct, harassment or loitering as defined in the New York State Penal Law or the ordinances of the Village of Albion are forbidden under this section. No music will be played at level that disturbs the use and enjoyment of the park or recreational area by any person or group of people in the park or recreational area.

§ 59-15 Use of Firearms or Dangerous Instruments

No person shall carry or discharge an air rifle, firearm, slingshot, bow and arrow, throw stones or any other missile or object within the limits or any park.

§ 59-16 Disposal of Trash, Burning Prohibited

Trash, including all manner of garbage or refuse of any form or shape whatsoever shall be disposed of in a park or recreational area by those creating the garbage and refuse and placed only in those containers which are appropriately and conspicuously marked for such purpose. At no time shall there be any burning of trash by the public in any park or recreational area.

§ 59-17 Pets and Animals

No dogs or other domesticated animals are allowed in any park for any reason (unless there is a specific area designated for domestic animals) without the prior written consent of the Village Board of Trustees or its designee.

§ 59-18 Use of Alcoholic Beverages

No alcoholic beverages are allowed in any park or recreational area without the prior written consent of the Village Board of Trustees or its designee or an order signed by the Mayor of the Village of Albion. No permission or consumption of alcohol will be granted by the Board of Trustees of the Village of Albion without the applicant having first supplied the Village of Albion proof that he and or the group or the body represented by such applicant has and will keep in full force and effect during

the duration of the event such liability insurance naming the Village as an additional insured thereunder with limits acceptable to the Village of Albion Board of Trustees.

§ 59-19 Vehicle Traffic

Obedience to signs, markings.

All motor vehicles operated within the park limits shall be operated in accordance with all traffic signs and road markings erected on or along the park or recreational area roadways.

A. Use of the established roadways.

No motor vehicles are to be operated on other than the established roadways in any park or recreational area.

B. Standing, Parking.

Motor vehicles shall stand or be parked only in park or recreational area locations designated for such purpose.

C. Speed.

No person shall operate a motor vehicle within the park limits of any park or recreational area at a rate of speed greater than 15mph.

E. “Motor vehicle” defined.

For the purposes of this chapter, a motor vehicle shall include every vehicle propelled by muscular or any other means of power, except a wheelchair.

§ 59-20 Applicability of Other Provisions

All other provisions of New York State Vehicle and Traffic Law and the traffic ordinances of the Village of Albion are subject to the punishment therein provided and all provisions of the State, the statute of New York and other ordinances of the Village and the penalties therein provided shall apply to any action, violation, offense or crime committed within any park in the Village.

Each violation of this provision of this chapter shall be punishable by a fine not to exceed two hundred and fifty dollars (\$250.00) or imprisonment not to exceed 15 days or both such fine and imprisonment. If property damage is a result of the action of the defendant, restitution for such property damage will be sought by the Village of Albion. Restitution would include the cost to replace the damage property as well as the labor utilized in repairing or replacing the proper.

CARRIED

Mayor Javier	Aye
Trustee Riley	Aye
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Aye

LOCK AND UNLOCK PARKS

Moved by Trustee Barry and seconded by Trustee Burgess to ensure parks are secure at night.

Discussion followed

No vote was had

Moved by Trustee Barry and seconded by Trustee Burgess to amend securing of the parks at night to lock Lafayette and St. Joes at 10PM.

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Nay

Trustee Barry to work with Chief Mogle to scheduling of closing and opening of parks.

DEPARTMENT HEAD REPORTS

The Board of Trustees received monthly reports for May from Superintendent of Public Works James Pahura, Provisional Chief David Mogle, Fire Chief Rob Conner, Animal Control Officer Harry Pappionetti, Water Treatment Plant Chief Operator Adam Rush and Pollution Control Plant Chief Operator Aric Albright.

PRESENTATION ON ADA GUIDELINES

The Board of Trustees were given a presentation on the importance of ADA Guidelines and Policies along with the background of a local satellite office on an independent living program in the Community. Todd, Chief Policy Officer suggested obtaining an ADA Coordinator, Trustee Riley will follow up with Todd and Scott Crossett.

ACCEPTED RESIGNATION LETTER

Moved by Trustee Barry and seconded by Trustee Riley accepting the resignation of Code Enforcement Officer Kevin Sheehan effective May 31, 2022.

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Aye

VACANT CODE ENFORCEMENT POSITION

Trustee Riley informed Board of interview set for 6/23/2022 on a potential candidate
Position will be Temporary, Part-Time for the interim

CONCERNED CITIZEN ON VACANT CEO

Cody representing MileStone Construction Group expressed concern of no CEO for 2 weeks and has a deadline, asked Board to allow architect who drew plans to stamp letter stating "MileStone

Construction Group built this per code per specs” and he can bring in a 3rd party to inspect while Board searches for CEO.

Attorney Gavenda-Individual would have to come in and Board would have to approve.

Mayor Javier advised Cody; Village is unable to allow a letter from architect but will follow up.

Trustee Barry suggested Cody reach out to his firm in regards to the letter and the Village will continue with interview set for 6/23/2022.

PAYROLL SERVICES

Trustee Riley to allow Clerk to explore different options for payroll and schedule payroll and HR companies to present to the Board

TABLED JUNETEENTH

The Board of Trustees tabled the discussion on recognizing Juneteenth as a Holiday for July 20, 2022 meeting

PARK BATHROOMS

Trustee McMurray-according to NY State Health Department regulations, due to inoperable bathrooms the park program cannot be held at Vets or Lafayette Parks for the 2022 Parks Program in 2022.

CODE ENFORCEMENT CAR AS SURPLUS

Removed from discussion

TABLED FOOD TRUCK FEES

The Board of Trustees tabled the discussion on the fee schedule for a Vendor License in Village Code-Chapter 241-6: Peddling and Soliciting; one day to seven days: \$100, eight days to six months: \$250, over six months to (1) one year: \$500

APPROVED TREASURERS REPORT

Moved by Trustee Burgess and seconded by Trustee McMurray approving the Treasurer’s report for the month of May 2022

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Aye

APPROVED MINUTES

Moved by Trustee McMurray and seconded by Trustee Burgess approving the following meeting minutes for May 24, 2022, May 25, 2022, May 31, 2022 and June 7, 2022. Trustee McMurray stating the following change to May 31, 2022, his vote that was not recorded or witnessed by Village Clerk to be changed to a Yes vote.

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Aye

APPROVED PAYMENT OF VILLAGE BILLS

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

General	\$39,285.01
Water	\$19,835.53
Sewer	\$4,731.58

Voucher numbers 40646-40769 for invoices paid May 27, 2022 to June 22, 2022

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Aye

APPROVED CIVIL SERVICE EXTENSION

Moved by Trustee Riley and seconded by Trustee Barry to allow Mayor to request a 30-day extension on Civil Service certificate of eligible list for police officer for Part-Time and Full-Time

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Aye

TABLED GCASA SEWER CONNECTION

The Board of Trustees tabled the discussion on allowing GCASA'S new building to connect to Village sewer, Attorney Gavenda will confer with Town of Albion Attorney

APPROVED VILLAGE OFFICE HOURS

Moved by Trustee Burgess and seconded by Trustee Barry to extend the Village Office hours on Wednesdays starting July 6, 2022 to 8AM to 6PM

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Aye

APPROVED PAYMENT TO THE BONADIO GROUP

Moved by Trustee Riley and seconded by Trustee Barry approving payment of \$5025.00 for services rendered thru May 2022.

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Aye

APPROVED PAYMENT FROM GRANT FUNDS

Moved by Trustee McMurray and seconded by Trustee Burgess approving payment of \$18,500 to Idemia, \$13,151.18 to MES, and \$1,395.50 to Bernard P. Donegan, Inc

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Aye

APPROVED USE OF EQUIPMENT RESERVES

Moved by Trustee Riley and seconded by Trustee Barry allowing Jay Pahura to use \$7510.00 to pay Thru-Way Spring, Inc for 9' Rugby dump body tub

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Aye

APPROVE LINE INCREASES

Moved by Trustee Riley and seconded by Trustee Burgess to allow increase in lines: A2680 for \$249.70, and A1640.0426 for \$42,006.26

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Aye

APPROVED CEMETERY DEEDS

Moved by Trustee McMurray and seconded by Trustee Burgess approving Mayor Javier to sign the following cemetery deeds:

Stephanie Emerson	S.G. 296 Deerfield Avenue
Latonya Long	S.G. 597 Deerfield Avenue
Linda L. Delles	S.G. 841 Mapleview Avenue
Randall H. & Joni P. Robishaw	Lot 1373 Spruce Avenue N#3
Rajean A. Furmanski	Lot 709 Calla Path

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Aye

ACCEPTED APPLICATIONS

The Board of Trustees received applications from the following individuals and will be placed on file for reference for 1 year:

Kyle Carter	Cemetery
Allan Walls	Cemetery

APPROVED BAND AT CANAL

Moved by Trustee Barry and seconded by Trustee McMurray to allow Cold Fusion to play August 25, 2022, paid for by donation, Mary Delamarter will contact Fire Department to see if they would like to sell refreshments.

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Aye

APPROVED USE OF AMPHITHEATER

Moved by Trustee McMurray and seconded by Trustee Burgess to allow the use of the Jodi Hughson use of Amphitheater for wedding ceremony. Trustee McMurray had contacted Ms. Hughson to complete a special events permit

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Aye

APPROVED WATER PAYMENT REQUEST

Moved by Trustee Barry and seconded by Trustee Burgess to allow the following payment plans and Water billing clerk to determine payment plans for each:

235 E State St
 98 Hawthorne Dr
 111 Beaver St, Apt B
 228 W Academy St, Lot 28
 217 E State St
 230 W State St, Apt A
 77 North St
 128 S Clinton St, Apt 1
 222 W State St, Apt B
 20 Beechwood Blvd
 141 Bayberry Lane
 96 Hawthorne Dr

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Aye

REVIEW FLUORIDE GRANT

Water Treatment Plant Chief Operator Adam Rush, addressed the Board to allow Attorney Gavenda to review Fluoride grant contract.

APPROVED PAYMENT FROM GRANT FUNDS

Moved by Trustee Burgess and seconded by Trustee McMurray approving payment of \$4,474.80 to Siemens, and \$7,879.08 to Analytical Technology Inc.

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Aye

APPROVED CLOSING OF STREET

Moved by Trustee McMurray and seconded by Trustee Riley to close West State St from S Main to S Liberty for Holy Family Law Fete on 8/7/2022 from 7AM to 7PM

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Aye

APPROVED ROOF REPAIR AT SEWER PLANT

Moved by Trustee McMurray and seconded by Trustee Barry to allow R.A. Hartz Company to begin repairs on roof at sewer plant.

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Aye

EXECUTIVE SESSION

Moved by Trustee Barry and seconded by Trustee Riley to go into executive to discuss personnel and communication with counsel at 7:29PM

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Aye

EXIT EXECUTIVE SESSION

Moved by Trustee McMurray and seconded by Trustee Burgess to come out of executive at 8:23PM

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Aye

APPROVED ATTORNEY

Moved by Trustee Barry and seconded by Trustee Burgess to allow Attorney Gavenda to use Attorney Hodgson Russ LLP as counsel for labor issue.

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Aye

REINSTATE POLICE PAY

Moved by Trustee McMurray and seconded by Trustee Barry to have police pay reinstated until further findings from Bonadio Group

Discussion as follows:

Attorney Gavenda discussed arbitration process and past practice.

CARRIED

Mayor Javier	Nay
Trustee Riley	Nay
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Aye

APPROVED OF ALLOWING EMPLOYEE ADDITIONAL VACATION DAYS

Moved by Trustee McMurray seconded by Trustee Barry to bump employee to 5 additional days now and not receive additional 5 at beginning of 2yr as managerial agreement states.

DENIED

Mayor Javier	Nay
Trustee Riley	Nay
Trustee Barry	Nay
Trustee Burgess	Aye
Trustee McMurray	Aye

MEETING ADJOURNED

Moved by Trustee Burgess and seconded by Trustee McMurray that there being no further business, meeting is hereby adjourned at 8:35PM.

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Aye
Trustee Burgess	Aye
Trustee McMurray	Aye

Respectfully submitted,

Tracy A. VanSkiver
Clerk-Treasurer