

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, March 11, 2020 at 6:30 PM, at the Village Hall, 35 East Bank Street, Albion, New York.

Present were Deputy Mayor Gary Katsanis, Trustees Stan Farone, Mattea Navarra, Peter Sidari and Attorney John C Gavenda. Mayor Eileen S Banker was absent. Also present were 12 residents/students.

Deputy Mayor Katsanis opened the meeting with the pledge of allegiance at 6:30 PM.

PUBLIC HEARING

Deputy Mayor Katsanis opened the public hearing at 6:30 PM to hear comments regarding adding CHAPTER 242 Mobile Food Vendors to the Village Code.

No residents present wished to speak.

CLOSED PUBLIC HEARING

Moved by Trustee Farone and seconded by Trustee Sidari that in as much as nobody present wished to speak relating to adding CHAPTER 242 Mobile Food Vendors to the Village Code, the Public Hearing closed at 6:32 PM.

CARRIED

4 Ayes

0 Nays

ADOPTED LOCAL LAW #1, 2020

The following resolution 2020-6, Local Law #1, 2020 was proposed by Trustee Navarra who moved its adoption and seconded by Trustee Farone approving to add CHAPTER 242 Mobile Food Vendor to the Village Code:

WHEREAS, a proposed Local Law #1 of the year 2020 for the purpose of adding CHAPTER §242 Mobile Food Vendor 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 February 12, 2020 did adopt a motion that a Public Hearing be held on the aforesaid proposed Local Law at 6:30 PM on March 11, 2020, at 35-37 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 March 11, 2020, and

WHEREAS, a notice of such Public Hearing on said proposed Local Law was duly published in the Batavia Daily Newspaper on February 26, 2020 and

WHEREAS, a Public Hearing on said proposed Local Law was held by the Board of Trustees, at 35-37 East Bank Street, Albion, New York at 6:30 PM on March 11, 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 #1, 2020 be hereby made part of the code of the Village of Albion, New York:

Local Law No. 1 of the year 2020
Village of Albion, Orleans County

CHAPTER 242 MOBILE FOOD VENDORS

§ 242-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

MOBILE FOOD TRAILER ("MFT")

A commercially manufactured and/or fabricated trailer for the purpose of commercial food preparation and sales and which is self-contained and is towed/transported from site-to-site via a motorized vehicle, in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution.

MOBILE FOOD VEHICLE ("MFV")

A commercially manufactured, self-contained, motorized mobile food unit in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution.

MOBILE FOOD VEHICLE VENDOR ("MV")

The owner of a mobile food trailer/mobile food vehicle or the owner's agent; hereinafter referred to as "vendor."

§ 242-2. License required, when allowed

- A. It shall be unlawful for any person, firm or corporation to conduct or operate or permit to be conducted or operated a mobile food trailer or mobile food vehicle within the Village of Albion without first obtaining a license from the Village of Albion Clerks Office. All licenses shall be nontransferable. The mobile food vendor shall exhibit the same at any time upon demand by the Village of Albion Police Department or any other officer of the Village. Said license shall be obtained in full at least 2 days before the first operation of the mobile food vending business.
- B. It shall be unlawful for any person to operate a mobile food vehicle on private property without first having obtained a valid license as prescribed in this section. Operation of a mobile food vehicle on private property shall be regulated in accordance with all applicable provisions of the Village Code.

*All MFTV/MFW/MV involved with a special event approved by the Village of Albion Board of Trustees are exempt from obtaining a license.

§ 242-3. Application requirements.

- A. The application for the license shall include a statement verified by the person or persons who are to conduct such mobile food vending business, and if a corporation, by the president and treasurer thereof, containing the following information:
- B. The full name and address of each of such persons and, if a corporation, the state under the laws of which it is organized, the exact location of its principal office and place of business and the names and addresses of its officers.
- C. The location(s) within the Village of Albion where such mobile food vending business is to be conducted.
- D. The date on which such person intends to begin doing business within the Village of Albion.
- E. Proof of all applicable licenses, i.e. New York State Health Department, inspections and insurance, including liability insurance for the MFT or MFV.
- F. A brief description of the firm and the kinds of food the applicant desires to sell.
- G. Proof demonstrating acknowledgement and consent of the property owner to permit the vendor to operate on the site, signed by the property owner to include the following:

A site plan, drawn to scale and with dimensions, indicating the location of all existing buildings, structures, driveways, parking spaces, and improvements, and the location or areas where the proposed vending activity, structures and improvements related to the vending activity, will be located upon the site

§ 242-4. Issuance of license; fee.

- A. The fee for the solicitor's permit required by this article shall be as determined by the Village of Albion Board of Trustees. The amount of the fee may be amended from time to time by Resolution.
- B. Any applicant who shall have been refused a license by the licensing officer may apply to the Village Board of Trustees therefor at a meeting hereof, and the same may be granted or refused by the Board.

[1] *Editor's Note: A fee schedule is located in the office of the Village clerk.*

§ 246-5. Suspension of license.

Any license may be revoked by the Village of Albion Police Department or any other officer, investigator, or other person designated by the Village, if the holder fails to comply with any of the sections contained in this article, or if it is found that the holder has made a false statement in their application.

§ 242-6 License non-assignable, renewal.

The license herein provided for is not assignable. It may be renewed at its expiration only upon the execution and approval of a new application.

§ 242-7. Regulations.

- A. It shall be unlawful for a mobile food trailer; or a mobile food vehicle to park, stand or operate on a public street or place which is adjacent to or within a fifty-foot radius, or a thirty-foot radius if on private land, of the nearest edge of any building or section of a building comprising a licensed food establishment, excluding any patio, awning or temporary enclosure attached thereto, the kitchen of which is open for serving food to patrons. This requirement may be waived if the application is submitted together with the written consent of the proprietor of the adjacent licensed food establishment.
- B. Every MFTV/MFW/MV must at all times carry on the vehicle a measuring device with a capacity of not less than 50 feet as a condition of its permit.
- C. All mobile food trailer and vehicle vendors must abide by all parking and vehicle and traffic laws, ordinances, rules and regulations at all times, including any hour maximum duration requirements in force and effect at that time and location.
- D. It shall be unlawful for any mobile food trailer or mobile food vehicle to operate within 50 feet of the boundary line of any fair, carnival, circus, festival, special event or civic event that is sanctioned or licensed by the Village of Albion
- E. All signage associated with a mobile food vendor must be permanently affixed to the mobile food vehicle. One additional sandwich sign is licensed as long as the additional sign in no way obstructs vehicular or pedestrian traffic.
- F. All mobile food trailers and mobile food vehicles shall be equipped with trash receptacles of a sufficient capacity that shall be changed as necessary to prevent overflow or the creation of litter of debris.
- G. A mobile food vendor shall not conduct activities in such a manner as will interfere with a pedestrian or vehicular use of the public streets and places.
- H. A mobile food vendor shall not directly or indirectly cause or permit the public streets and places to be littered with papers, wrappings or any other debris or refuse.
- I. A mobile food vendor shall make no false statements or representations in the course of his activities and shall conduct themselves at all times in an orderly and lawful manner.
- J. All MFT/MFV/MV shall not use or blow upon or ring any sound instrument or thing or shout or cry out for the purpose of attracting attention to his wares or giving notice of his approach.
- K. A mobile food vendor shall not sell any confectionery or ice cream within 250 feet of any school property between the hours of 8:00 a.m. and 4:00 p.m. on any school days.
- L. No person shall conduct MFT/MFV/MV business within the Village of Albion at any place or places other than that named in the statement filed with the Village of Albion Clerks office pursuant to § 246-3 herein.
- M. It shall be unlawful for any MFT/MFV/MV to conduct or operate a mobile food trailer or mobile food vehicle on holidays, and prior to 8am or after 9pm on any other days. Holiday's include New Year's Day, Thanksgiving Day, and Christmas Day.
- N. All Mobile Food Vendor licenses are null and void during the Albion Strawberry Festival.

§ 242-8. Weighing and measuring devices.

Any vendor carrying, keeping or using scales, measures or other appliances for weighing or measuring shall first have the same inspected by the County of Orleans, Weights and Measures; and if the latter shall find such appliances correct and true, he shall issue his certificate to that effect, and such certificate shall be affixed thereto in a conspicuous place. A vendor shall not carry, keep for use or use any such appliances which shall not be correct and true and do not give a record and give the weight and quality claimed by said vendor.

§ 246-9. Penalties for offenses.

Any person who violates any provision of this article shall, upon conviction thereof, be subject to a fine not less than \$250 or to exceed \$500, or to imprisonment for a term not to exceed 15 days or both.

This Local Law shall become effective upon filing of the same with the State of New York Secretary of State as required by law.

CARRIED

4 Ayes

0 Nays

APPROVED SURPLUS PROPERTY

Moved by Trustee Sidari and seconded by Trustee Navarra approving the Superintendent of Public Works Jay Pahura's request to declare the 2002 and 2007 Chevys as surplus property with the proceeds going to Equipment Reserves.

CARRIED
4 Ayes 0 Nays

APPROVED PURCHASE OF VEHICLES

Moved by Trustee Farone and seconded by Trustee Sidari approving the request from Superintendent of Public Works Jay Pahura to purchase two (2) used vehicles for no more than \$35,000 and to be paid from Equipment Reserves.

CARRIED
4 Aye 0 Nays

DOG ORDINANCE

The Superintendent of Public Works Jay Pahura and Code Enforcement Officer Tracy VanSkiver will discuss the current Dog Ordinance Law. Mr Pahura informed the Board of Trustees that there is an issue in Waterman Park and the Canal Park with individuals not picking up their dog droppings.

MEO START DATE

Moved by Trustee Navarra and seconded by Trustee Sidari approving the start date for Shaun Stephens as Motor Equipment Operator for the Department of Public Works as March 16, 2020 with a fifty-two (52) week probationary period.

CARRIED
4 Ayes 0 Nays

APPROVED TREASURERS REPORT

Moved by Trustee Navarra and seconded by Trustee Farone approving the Treasurer's Report for the month of February.

CARRIED
4 Ayes 0 Nays

APPROVED MINUTES

Moved by Trustee Sidari and seconded by Trustee Farone that in as much as each member received copies of the minutes of February 26, 2020 and there being one error or omission, minutes are hereby approved as written with the following change:

Under: **APPROVED INCREASE IN WATER/SEWER RATES**

The headings OLD and NEW need to be tabbed over above the rates

CARRIED
3 Ayes 0 Nays
Trustee Sidari
Trustee Farone 1 Abstained
Deputy Mayor Katsanis Trustee Navarra

APPROVED MINUTES

Moved by Trustee Sidari and seconded by Trustee Navarra that in as much as each member received copies of the minutes of March 3, 2020 and there being no errors or omissions, minutes are hereby approved as written.

CARRIED
3 Ayes 0 Nays
Trustee Sidari
Trustee Navarra 1 Abstained
Deputy Mayor Katsanis Trustee Farone

APPROVED MINUTES

Moved by Trustee Farone and seconded by Trustee Sidari that in as much as each member received copies of the minutes of March 4, 2020 and there being no errors or omissions, minutes are hereby approved as written.

CARRIED

3 Ayes	0 Nays
Trustee Farone	
Trustee Sidari	1 Abstained
Deputy Mayor Katsanis	Trustee Navarra

APPROVED PAYMENT OF VILLAGE BILLS

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

General	voucher #34642	\$48,453.98
Water	to voucher #34747	\$ 6,009.01
Sewer		\$ 6,716.91

CARRIED

4 Ayes	0 Nays
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APPROVED PAYMENT TO OSBORN

Moved by Trustee Farone and seconded by Trustee Sidari approving payment of \$247.50 to Osborn, Reed & Burke LLP for services rendered in February 2020 regarding employee matters.

CARRIED

4 Ayes	0 Nays
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APPROVED PAYMENT TO WENDEL

Moved by Trustee Farone and seconded by Trustee Sidari approving payment of \$7,091.41 to Wendel for services rendered through January 31, 2020 for the Disinfection Project.

CARRIED

4 Ayes	0 Nays
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APPROVED PAYMENT TO LABELLA ASSOCIATES

Moved by Trustee Farone and seconded by Trustee Navarra approving payment of \$1,313.46 to LaBella Associates for services rendered November 23, 2019 to December 27, 2019 regarding the Water Main Replacement Project of South Clinton Street and West Academy Street.

CARRIED

4 Ayes	0 Nays
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APPROVED PAYMENT TO CIR ELECTRICAL

Moved by Trustee Sidari and seconded by Trustee Farone approving Pay Request #2 for \$18,834.70 to CIR Electrical Construction for services rendered through January 31, 2020 for the Disinfection Project.

CARRIED

4 Ayes	0 Nays
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APPROVED PAYMENT TO ZENNER PERFORMANCE

Moved by Trustee Farone and seconded by Trustee Navarra approving payment of \$590.48 to Zenner Performance for the purchase of meters out of the replacement of meters funding.

CARRIED

4 Ayes	0 Nays
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APPROVED TOSHIBA LEASE AGREEMENT

Moved by Trustee Sidari and seconded by Trustee Navarra approving Deputy Mayor Katsanis sign the lease agreement with Toshiba regarding the copier for the Water Treatment Plant. The monthly payment will be \$71.90 for 63 months.

CARRIED
4 Ayes 0 Nays

APPROVED DEPAUL IN LIEU OF TAX AGREEMENT

Moved by Trustee Sidari and seconded by Trustee Farone approving Deputy Mayor Katsanis sign the “Payment in Lieu of Tax Agreement” for the DePaul Albion Housing Development Corporation project. The Village will receive \$3000 annually to support emergency services.

CARRIED
4 Ayes 0 Nays

APPROVED CEMETERY DEEDS

Moved by Trustee Navarra and seconded by Trustee Sidari approving Deputy Mayor Katsanis sign the following Cemetery Deeds:

John L and Sandra L Broer S.G. 592 and 593 Deerfield Avenue
Paula Creasey #31 Evergreen Columbarium

CARRIED
4 Ayes 0 Nays

APPROVED EMPLOYEES TO DONATE TIME

Moved by Trustee Sidari and seconded by Trustee Farone approving the employees to donate sick time to an employee who will be out of work against Attorney Gavenda’s opinion. The employee will need to use all their time first.

CARRIED
4 Ayes 0 Nays

ACCEPTED APPLICATION

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

Dominic C DiCureia Cemetery

CORRESPONDENCE

The Board of Trustees received a correspondence from Police Chief Roland Nenni stating he is eligible for retirement in the next fiscal year, June 1, 2020 to May 31, 2021.

EUROPEAN CHERRY FRUIT FLY

Moved by Trustee Farone and seconded by Trustee Sidari approving the USDA request to place traps on Village property for the European Cherry Fruit Fly with the condition that if they need to spray, the Village Board will be notified first.

CARRIED
4 Ayes 0 Nays

CORRESPONDENCE

The Board of Trustees tabled acting on the correspondence from NYCOM regarding the gross receipts tax payment policy of Avangrid until the March 25, 2020 Workshop Meeting. Attorney Gavenda would like more time to review.

APPROVALS FOR K9

Moved by Trustee Navarra and seconded by Trustee Sidari approving to deposit \$2,500 from the Orleans County District Attorney’s Office to TA-37 - K9 account.

CARRIED
4 Ayes 0 Nays

Moved by Trustee Sidari and seconded by Trustee Navarra approving to transfer \$1,500.00 from A0.3120.108 - K9 Stipend to A0.3120.204 - Police Car Equipment.

CARRIED
4 Ayes 0 Nays

Moved by Trustee Navarra and seconded by Trustee Farone approving to transfer \$6,516.97 from TA37 - K9 Account to A0.3120.0204 - Police Car Equipment.

CARRIED
4 Ayes 0 Nays

Moved by Trustee Sidari and seconded by Trustee Navarra approving to purchase a Police Canine for \$8,000.00 from A0.3120.204 - Police Car Equipment.

CARRIED
4 Ayes 0 Nays

APPROVED LEASE AGREEMENT WITH WAYSIDE

Moved by Trustee Farone and seconded by Trustee Sidari approving Deputy Mayor Katsanis sign the rental agreement with Wayside Landscaping & Nursery (working for NYS Canal Authority) for office space at 121 North Main Street. The monthly rent will be \$400, with a month to month term and a \$100 deposit which will be placed in a non-interest-bearing account

CARRIED
4 Ayes 0 Nays

MEETING ADJOURNED

Moved by Trustee Navarra and seconded by Trustee Sidari that there being no further business, meeting is hereby adjourned at 7:12 PM.

CARRIED
4 Ayes 0 Nays

Respectfully submitted,

Linda K Babcock
Clerk-Treasurer