The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, April 13, 2011 at 6:00 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Eileen S Banker, Fred Miller, Jeannette Riley, Kevin P Sheehan and Attorney John C Gavenda.

The minutes were taken by Mayor Theodorakos.

Mayor Theodorakos opened the meeting with the pledge of allegiance at 6:05 PM.

EXECUTIVE SESSION

Moved by Trustee Riley and seconded by Trustee Banker to adjourn to executive session for personnel issues at 6:06 PM.

CARRIED

5 Ayes

0 Nays

EXECUTIVE SESSION CLOSED

Moved by Trustee Riley and seconded by Trustee Sheehan to come out of executive session 6:55 PM.

CARRIED

5 Ayes

0 Nay

The Clerk-Treasurer entered the meeting to take minutes.

PUBLIC HEARING

Mayor Theodorakos opened the Public Hearing to present and hear comments relating to the tentative budget as proposed by the Board of Trustees for the Fiscal Year beginning June 1, 2011.

Mayor Theodorakos read the figures of the Tentative Budget:

GEN	ED.	۸T	LI	\mathbf{U}
VILIN		~! /	1.1	<i>J</i> IN1.

Appropriations \$3,661,253.14	Estimated Revenue \$ 937,695.81	Fund Balance \$200,000.00	Tax Levy \$2,523,557.33
	•		

WATER FUND

Appropriations	Estimated Revenue	Fund Balance
\$1,547,533.05	\$1,470,500.00	\$ 77,033.05

SEWER FUND Appropriations

\$1,317,756.70	\$1,057,900.00	\$259,856.70

Estimated Revenue

The assessed valuation for this year is \$144,562,658.00. The tax rate for the proposed budget is \$17.46 per 1000 which is an increase of \$1.83 per 1000.

PUBLIC HEARING CLOSED

Moved by Trustee Miller and seconded by Trustee Sheehan that in as much as no one wished to speak regarding the tentative budget, the Public Hearing was closed at 7:03 PM.

CARRIED

Fund Balance

5 Ayes

RESIDENT

Moved by Trustee Sheehan and seconded by Trustee Miller approving the request from Mr Sanford Church to remove the \$1,000.00 tampering fee that will be going on his June 2011 Village tax bill. There was no police report done so that the Village could go after the tenant that moved out. The Attorney will review the \$1,000 fee in the Village Code. Trustee Riley feels we should recoup the cost of replacing the meter. The Clerk-Treasurer will ask the Superintendent of Public Works Dale Brooks for the cost of the

CARRIED

4 Ayes

1 Nay

Trustee Sheehan

Mayor Theodorakos

Trustee Miller Trustee Riley

Trustee Banker

RESIDENT

Residents Mr and Mrs Mark Parker addressed the Board of Trustees about the recent complaint they filed regarding the Code Enforcement Officer Ron Vendetti. Mr Parker asked that Mr Vendetti be immediately suspended. Trustee Riley and Trustee Banker will have a meeting with the Parkers and then they will meet with Mr Vendetti about the complaint.

DEPT HEAD

Moved by Trustee Miller and seconded by Trustee Sheehan approving the Clerk-Treasurer's request to remove the water/sewer bill from the billing system for 61 Brown Street in the amount of \$146.84.

CARRIED

5 Ayes

0 Nays

DEPT HEAD

Moved by Trustee Riley and seconded by Trustee Banker authorizing Attorney Gavenda to look into a Civil Suit against the tenant/owner who left a \$5,839.96 water/sewer bill at 134 West Bank Street when they abandon the home.

CARRIED

5 Ayes

0 Nays

ACCEPT TREASURERS REPORT

Moved by Trustee Riley and seconded by Trustee Banker accepting the Treasurer's Report for March 2011.

CARRIED

5 Ayes

0 Nays

APPROVED PAYMENT OF BILLS

Moved by Trustee Riley and seconded by Trustee Sheehan approving the payment of the following Village bills:

General Fund

voucher #8909

\$68,782.93

Water Fund

to #9206

\$20,426.06

Sewer Fund

\$11,751.63

CARRIED

5 Ayes

0 Nays

STRAWBERRY FESTIVAL REQUEST

Moved by Trustee Banker and seconded by Trustee Sheehan approving the request from the Strawberry Festival Committee to use the Village's Platt Street parking lot during the Festival which will be held on June 10, 2011 and June 11, 2011.

CARRIED

5 Ayes

PUBLIC HEARING

Mayor Theodorakos opened the Public Hearing that consistent with section 3-300 of the Village Law of the State of New York, the Village Board of Trustees may provide by resolution in lieu of any other residency requirement imposed by law, that any appointed village officer may reside within the county in which the Village is wholly or partially situated to any office, board, committee or commission.

Prior to said appointment due consideration and preference will be given to individuals seeking appointment in the following order:

- a.) Applicants who reside within the Village of Albion;
- b.) Applicants who reside within the County in which the Village is wholly or partially situated and who own real property within the Village of Albion; or
- c.) Applicants who reside within the County in which the Village is wholly or partially situated but do not own any real property within the Village of Albion.

In all instances the intent is to appoint persons who are best qualified to perform the responsibilities of the office. In the case of equally qualified candidates preference will always be given to Village residents, except in the event where an appointed officer who is also a Village employee is up for re-appointment, in which case preference will be given to the Village employee, even though he or she may not be a Village resident.

Residents were given the opportunity to speak. The following are the topics that were discussed:

Trustee Riley would like "C" excluded

Trustee Miller asked if it really needed to be changed. The Board of Trustees has always had the ability to do a resolution

Attorney Gavenda stated that the Comptrollers and NYCOM feel the Local Law should be redone

PUBLIC HEARING CLOSED

Moved by Trustee Sheehan and seconded by Trustee Banker that in as much everyone who wished to speak regarding section 3-300 of the Village Law of the State of New York, where the Village Board of Trustees may provide by resolution in lieu of any other residency requirement imposed by law, that any appointed village officer may reside within the county in which the Village is wholly or partially situated to any office, board, committee or commission had the opportunity to speak, the Public Hearing is hereby closed at 7:41PM.

CARRIED

5 Ayes

0 Nays

LOCAL LAW ADOPTED

The following Local Law #1 was proposed by Trustee Sheehan who moved its adoption and seconded by Trustee Banker:

LOCAL LAW #1 FOR 2011 CHAPTER 74 RESIDENCY

That consistent with section 3-300 of the Village Law of the State of New York, the Village Board of Trustees may provide by resolution in lieu of any other residency requirement imposed by law, that any appointed village officer may reside within the county in which the Village is wholly or partially situated to any office, board, committee or commission.

Prior to said appointment due consideration and preference will be given to individuals seeking appointment in the following order:

- a.) Applicants who reside within the Village of Albion;
- b.) Applicants who reside within the County in which the Village is wholly or partially situated and who own real property within the Village of Albion; or
- c.) Applicants who reside within the County in which the Village is wholly or partially situated but do not own any real property within the Village of Albion.

In all instances the intent is to appoint persons who are best qualified to perform the responsibilities of the office. In the case of equally qualified candidates preference will always be given to Village residents, except in the event where an appointed officer who is also a Village employee is up for re-appointment, in which case preference will be given to the Village employee, even though he or she may not be a Village resident.

CARRIED

3 Ayes

2 Nays

Trustee Sheehan

Trustee Miller

Trustee Banker

Trustee Riley

Mayor Theodorakos

APPROVED MINUTES

Moved by Trustee Miller and seconded by Trustee Sheehan that in as much as each member received copies of the minutes of March 8, 2011; March 9, 2011; March 15, 2011; March 21, 2011; March 23, 2011; March 24, 2011; March 29, 2011; March 30, 2011; April 4, 2011 and there being no errors or omissions, minutes are hereby approved as written.

CARRIED

5 Ayes

0 Nays

APPROVE PAYMENT CHATFIELD BILLS

Moved by Trustee Miller and seconded by Trustee Banker approving the following bills submitted by Chatfield Engineers to be paid:

McKinstry Street Storm Sewer/Rd Reconstruction	09-944-18	\$ 158.40
Meadowbrook Road Reconstruction	09-943-12	\$ 300.00
Water System Capital Improvement Plan	09-943-12	\$2,994.00
Water System Capital Improvement Plan	09-943P&S1	\$ 192.00
JMIPCF Capital Improvement Plan	09-924-7	\$8,216.00
General Engineering Services	94-193-163	courtesy discount

CARRIED

5 Ayes

0 Nays

APPROVE PAYMENT CHATFIELD BILL

Moved by Trustee Sheehan and seconded by Trustee Banker approving the following bill submitted by Chatfield Engineers to be paid:

Green Project Initiative

10-976-13

\$1,244.75

CARRIED

4 Ayes

0 Nays

Trustee Sheehan

Trustee Banker

1 Abstained

Trustee Riley

Trustee Miller

Mayor Theodorakos

APPROVE PAYMENT TO CANAM

Moved by Trustee Miller and seconded by Trustee Sheehan approving payment to CanAm Environmental Safety Inc for asbestos sampling as submitted by Superintendent of Public Works Dale Brooks. The invoices will be paid out of the un-appropriated Capital Reserves and Small Cities Funds.

Village Hall Attic	\$2,874.00
Village Hall 3 rd floor	\$2,395.00
19 North Main St	\$1,437.00
61 Brown Street	\$ 479.00

CARRIED

5 Ayes

APPROVE PAYMENT TO SYSTMS OF NY

Moved by Trustee Banker and seconded by Trustee Riley approving payment to Systms of New York as submitted by the Water Treatment Plant Operator Kevin Miller. The invoices will be paid out of the Water Treatment Plant Capital Reserves.

Security/Surveillance

\$9,950.00

Firewall and Systems Monitoring Installation

\$3,209.92

CARRIED

5 Ayes

0 Nays

APPROVED SERGI PAYROLLS

Moved by Trustee Riley and seconded by Trustee Sheehan approving Mayor Theodorakos to sign the payrolls of Sergi Construction for the Sanitary Sewer Project.

CARRIED

5 Ayes

0 Nays

APPROVED PAYMENT TO DONEGAN

Moved by Trustee Miller and seconded by Trustee Riley approving payment to Bernard P Donegan Inc for services rendered.

\$2,361.36 for financial management services for the Sanitary Sewer Project in January

\$931,14 for financial management services for the Sanitary Sewer Project in February

CARRIED

5 Ayes

0 Nays

APPROVED PAYMENT TO HODGSON RUSS ATTY

Moved by Trustee Miller and seconded by Trustee Riley approving payment to Hodgson Russ Attorneys for the following invoices:

January

\$1,331.80

February

\$4,003.14

CARRIED

5 Ayes

0 Nays

APPROVED PAYMENT DAVID LIPPITT

Moved by Trustee Riley and seconded by Trustee Banker approving payment to David W Lippitt Esq. in the amount of \$346.50 for services rendered in February.

CARRIED

5 Ayes

0 Nays

CEMETERY DEEDS APPROVED

Moved by Trustee Riley and seconded by Trustee Miller approving Mayor Theodorakos to sign the following Cemetery Deeds:

Shanya Beasley

S.G. 392 Zephyr Avenue

Todd Efing

S.G. 444 Deerfield Avenue

Catherine L Greene

S.G. 269 Deerfield Avenue

#20 Evergreen Columbarium

Marsha H Shaw Mary Swiercznski

S.G. 390 Deerfield Avenue

CARRIED

5 Ayes

APPLICATIONS ACCEPTED

The following applications were accepted and will be place on file for future reference:

Seasonal

Matthew J Blanar Casey A Busenbark Russell W Calkins
Daniel G Deibel Cory L Fitzwater Wade J Muscarella
Mark J Nenni Mark W Preston Justin P Preston
Joseph O Rotoli Kevin P Soule

Water/Sewer/DPW Donald B Thering Ricky E Meise John Grillo Eric C VanDorn

APPROVED MUNICIPAY

Moved by Trustee Miller and seconded by Trustee Sheehan approving Mayor Theodorakos to sign the MuniciPay Application/Agreement. This will allow the residents to pay their water/sewer bills by credit card. There will be no cost to the Village of Albion for providing this service.

CARRIED

5 Ayes

0 Nays

APPROVED AMOUNT ADDED TO TAX BILL

Moved by Trustee Riley and seconded by Trustee Miller approving the following outstanding water/sewer/lawn mowing charges be added to the June 2011 Village of Albion tax bills:

OWNER
OAK ORCHARD MHC
ALBRIGHT, ARIC
STIRK, MORGAN
WHITTIER, DEBORAH
LUTES, NOEL
PERAGINE, ANGELA
FOSTER, GREG
JENKS, MICHAEL
ALBION MOBILE HOMES
PRESTON, AARON
BURLEY, THERESA
DINGMAN, CHUCK
DERWICK, GARY
DERWICK, GARY
HICKS, SR. DAVID
PEREZ, JOSE
UPDYKE, STEVEN
MILLER, DANA
DUGAN, DEWAIN
PERAGINE, ANGELA
PANEK, JAMES
STRITZINGER, PETER
LUTES, SCOTT
FRIEDL, MARIA
HOWARD, DONALD
COLONNA, RICHARD
COLONNA, RICHARD
COLONNA, DAVID
SMITH, GERALDINE
COLONNA, RICHARD
STARKWEATHER, JEFF
CORRIGAN, STEVE
THEODORAKOS, J
ZARAGOZA, LORENZO
COOK, DONALD
PULLEY, HENRI
PATHSTONE CORP
WITTMAN, WILLIAM

73.6-3-25	43.32	16.04	SCHLEEDE, DALE
73.6-3-37	26.04	26.04	COLONNA, RICHARD
73.6-3-38	58.56	58.56	KINTER, CHRIS
73.6-3-75	100.72	70.72	WITTMAN, WILLIAM
73.6-4-32	52.08	52.08	CAPWELL, JOSHUA
73.6-5-24	121.28	96.28	HOME BUYER FUNDING
73.6-6-21	43.16	48.72	OTTO, GAIL
73.6-6-25	33.22	33.22	PERAGINE, ANGELA
73.6-6-49	113.40	113.40	SAJ, GARY
73.6-7-16	57.44	57.44	PARKER, MARK
73.6-7-23	53.64	28.64	HILDRETH, ARTHUR
73 .6 -7-39	61.66	61.66	RYAN, RICHARD
73.6-7 - 66	111.83	86.83	COLONNA, DAVID
73.6-7-72	169.02	94.02	COLONNA, JEFFREY
73.6-7-73	99.19	99.19	COLONNA, JEFFREY
73.6-7-85	74.68	44.68	HOLT, JAMES
73.6-7-89	172.76	117.76	FLANNERY, MOIRA
73.7-1-13	162.30	157.30	GLEASON, DANIEL
73.7-2-35	82.59	27.59	MCPHERSON, ED
73.8-1-22.13	79.68	54.68	MARTINEZ, MARIA
73.9-2-51	306.19	226.49	HILLCREST HOMES
73.11-1-16	622.29	622.29	FLANNERY, MOIRA
73.13-2-4.1	39.94	41.34	ALBANESE, DEAN
73.13-2-27	136.14	72.97	LAUBACHER, SARAH
73.23-1-7	375.27	345.27	PULLEY, HENRI
73.23-1-21	79.68	54.68	WITTMAN, WILLIAM
TOTAL	\$9,785.12	\$8,145.82	

TAX MAP#	AMOUNT	OWNER
62.15-1-22	\$ 525.00	WALL, WILLIE
62.18-2-42	\$ 150.00	MATTISON, WAYNE
62.20-2-5	\$ 600.00	PAWLACZYK, LUCY
73.5-2-22	\$ 150.00	LUTES, SCOTT/CHRISTINE
73.5-2-30	\$ 225.00	HOWARD, DONALD
73.5-3-44	\$ 525.00	STEPHENS, WILLIAM/CRYSTAL
73.6-2-1	\$ 375.00	SHAW, SCOTT
73.6-2-3	\$ 300.00	GRITSAY, BOGDEN
73.6-3-9	\$1,125.00	HAMZA, JEROLD J
73.6-3-74	\$ 112.50	COTE, ESTATE OF
73.6-3-84	\$1,050.00	MC CLARY, STEVEN M
73.6-5-59	\$ 450.00	DUBOIS, SUSAN
73.6-5-68	\$ 225.00	BENNETT, PAMELA
73.6-7-21	\$ 787.50	HUNT JR, CHARLES H
73.6-7-77	\$ 675.00	HUNT JR, CHARLES H
73.6-7-80	\$ 900.00	VANDEGENACHTE, DANIEL
73.6-7-81	\$ 900.00	VANDEGENACHTE, DANIEL
73.7-1-13	\$ 375.00	GLEASON, DAN
73.7-1-36	\$ 225.00	DEHULLER, ROBERT/HAYES,P
73.7-2-3	\$ 300.00	KUYAL, GARY/KIMBERLY
73.7 - 2-55	\$1,950.00	DUCKETT, GILBERT LIVING TRUST
73.9-2-12	\$ 225.00	SAVAGE, DAVID
73.10-1-53	\$ 675.00	HUNT JR, CHARLES H
73.11-1-52	\$ 75.00	MOSHER, VIRGINIA/RIBBLE, B
73.13-1-7	\$1,275.00	RUSHING, ROBERT
73.13-2-27	\$1,725.00	LAUBACHER, SARAH
	\$15,900.00	

CARRIED

5 Ayes

APPROVE AMOUNT ADDED TO TAX BILL

Moved by Trustee Miller and seconded by Trustee Sheehan approving \$44,468.04 for invoices that the Village of Albion paid referencing 106 South Clinton Street to be added to James and Cheryl McCarthy's June 2011 Village tax bill. This amount includes the additions of the invoices for January and February 2011 from Hodgson Russ Attorneys.

CARRIED

5 Ayes

0 Nays

TABLED LEASE AGREEMENT

Tabled approving the supplemental lease agreement as submitted by The Assembly for State of New York for the office at 121 North Main Street. The Village Clerk-Treasurer will check to see what they are currently paying in rent. The Board of Trustees will readdress the lease renewal at the Special Meeting on April 20, 2011 at 6:30PM.

APPROVED SWAN LIBRARY REQUEST

Moved by Trustee Miller and seconded by Trustee Sheehan approving the request from Swan Library to close West State Street between Main Street and Liberty Street on June 28, 2011 for their Summer Reading Kick Off Program and August 25, 2011 for their Annual Ice Cream Social from 4:00PM to 8:00PM. Superintendent of Public Works Dale Brooks will provide them with the cones to use for those days.

CARRIED

5 Aves

0 Navs

NFAVO MEETING NOTICE

Correspondence from Northwestern Frontier Association of Village Officials regarding the dinner meeting that will be held on April 20, 2011 at the Shelridge Country Club.

FIRE DEPARTMENT REQUEST

Moved by Trustee Riley and seconded by Trustee Sheehan approving the Fire Department's request to transfer \$500.00 from A 3410.0422 OSHA Training to A3410.0201 Fire Gear to cover the remaining amount due on five sets of fire gear.

CARRIED

5 Ayes

0 Nays

APPROVED ROLL OVER/SELL BACK

Moved by Trustee Riley and seconded by Trustee Banker accepting the rollover/sell back vacation for the managerial/non-union staff as submitted: BACK

EMPLOYEE	HOURS ROLLOVER	HOURS SELL E
Aric Albright	56	80
Stacey Andrews	68.75	0
Linda Babcock	70	70
Dale Brooks	0	48
Kevin Miller	80	80
Mary Santiago	0	35
Ronald Vendetti	0	80
Tracy VanSkiver	0	40
Jason Zicari	80	80
	CARRIEI	
	5 Ayes	0 Nays

APPROVED MEDICAL OPT OUT

Moved by Trustee Riley and seconded by Trustee Sheehan accepting the medical opt out request from William Downey, William Logan, Dale Snyder and Jason Zicari for the 2011-2012 fiscal year.

CARRIED

4 Ayes

1 Nay

Trustee Riley

Trustee Banker

Trustee Sheehan

Trustee Miller

Mayor Theodorakos

APPROVED PAYMENT TO ECG

Moved by Trustee Miller and seconded by Trustee Banker approving payment to the Environmental Construction Group (ECG) for the asbestos removal for:

35-37 East Bank Street \$17,650.00 19 North Main Street \$ 9,190.00 61 Brown Street \$ 450.00

CARRIED

5 Ayes

0 Nays

APPROVED REQUEST

Moved by Trustee Miller and seconded by Trustee Sheehan approving the request from The Lord's House Inc to use the East Bank Street parking lot on May 1, 2011 from 2:00 PM to 6:00 PM for their five year celebration.

CARRIED

5 Ayes

0 Nays

APPROVED MAYOR TO SIGN EFC LETTER

Moved by Trustee Sheehan and seconded by Trustee Banker authorizing Mayor Theodorakos to sign the letter to NYS Environmental Facilities Corporation (EFC) approving the conversion of \$86,870 from EFC BAN to Local share BAN. This is for the 2007 Sanitary Sewer Improvement Project.

CARRIED

5 Ayes

0 Nays

CORRESPONDENCE

The Board of Trustees received a correspondence from Staff Sergeant Timothy Boyer regarding using the Board Room April 26, 2011 at 10:00 AM to further discuss the development of the Orleans County Multi-Agency SWAT Team.

CORRESONDENCE

The Board of Trustees received a correspondence from the Strawberry Festival with an application for them to participate in the parade on June 11, 2011.

POLICE CHIEF

The Board of Trustees discussed having an exit interview with Police Chief London before he retires on April 29, 2011.

CDBG DISCUSSED

Discussed the CDBG grant. The Board OF Trustees was working on applying for the housing rehab for \$400,000, but at this point there are not enough applications to submit a strong application. The Clerk-Treasurer will check with Stuart I Brown's Office to see if the Village can apply for a smaller amount. Also discussed at looking into applying for the paving of the streets that had recent infrastructure work done or doing East State Street from Platt Street to the east (infrastructure /paving). Superintendent of Public Works Dale Brooks has already done the core sample for East State Street.

PARKS PROGRAM

The Board of Trustees slightly touched on the new rules from the State regarding recreation programs.

EXECUTIVE SESSION

Moved by Trustee Riley and seconded by Trustee Banker to adjourn to executive session for personnel issues at 8:27 PM.

CARRIED

5 Ayes

EXECUTIVE SESSION CLOSED

Moved by Trustee Miller and seconded by Trustee Banker to come out of executive session 9:02 PM.

CARRIED

5 Ayes

0 Nay

ACCEPT AFD MEMBER

Moved by Trustee Miller and seconded by Trustee Banker to accept Jeff A Gifaldi as a new member into the Albion Fire Department.

CARRIED

5 Ayes

0 Nays

MEETING ADJOURNED

Moved by Trustee Riley and second by Trustee Miller that there being no further business, meeting is hereby adjourned at 9:03 PM.

CARRIED

5 Ayes

0 Nays

Respectfully submitted,

Linda K Babcock

Clerk-Treasurer