

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, August 10, 2011 at 7:00 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.

Mayor Theodorakos opened the meeting with the pledge of allegiance at 7:00 PM.

PUBLIC HEARING

Mayor Theodorakos opened the Public Hearing to consider changing the zoning from R-1 to General Commercial for 465, 467 and 469 East State Street.

There was no one present to speak.

CLOSED PUBLIC HEARING

Moved by Trustee Riley and seconded by Trustee Miller that in as much as everyone who wished to speak regarding consideration of changing the zoning from R-1 to General Commercial for 465, 467 and 469 East State Street were heard, the Public Hearing is hereby closed at 7:02 PM.

CARRIED

5 Ayes

0 Nays

APPROVED ZONING CHANGE

Moved by Trustee Riley and seconded by Trustee Miller approving to change the zoning from R-1 to General Commercial for 465, 467 and 469 East State Street.

CARRIED

5 Ayes

0 Nays

RESIDENT

Resident, Mr Ed Fitzsimmons informed the Board of Trustees that the Superintendent of Public Works Dale Brooks and the DPW workers should be commended for the outstanding job they did in front of his home. He thanked the Board of Trustees, Dale Brooks and the men who were working in front of his home.

RESIDENT

Resident, Mr Larry Montello addressed the Board of Trustees about the 911 event he will be doing at the Court House. The ceremony will be at 6:00 PM. He is requesting to close (partially close) Main Street in front of the Court House for approximately one hour so the American flag can be hung from the two ladder trucks. Superintendent of Public Works Dale Brooks will contact the New York State Department of Transportation to check into Mr Montello's request.

ACCEPT TREASURERS REPORT

Moved by Trustee Sheehan and seconded by Trustee Miller accepting the Treasurer's Report for July 2011.

CARRIED

5 Ayes

0 Nays

APPROVED MINUTES

Moved by Trustee Sheehan and seconded by Trustee Banker that in as much as each member received copies of the minutes of July 27, 2011 and there being no errors or omissions, minutes are hereby approved as written.

CARRIED

5 Ayes

0 Nays

APPROVED PAYMENT OF BILLS

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

General Fund	voucher #10028	\$111,967.04
Water Fund	to #10273	\$ 14,862.46
Sewer Fund		\$ 6,399.69

CARRIED

5 Ayes

0 Nays

APPROVE PAYMENT CHATFIELD BILLS

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

2007 Sanitary Sewer Improvements	06-765-45	\$ 240.00
JMPCF Capital Improvement Plan	09-924-11	\$6,807.20
Green Project Initiative	10-976-17	\$ 455.00
East State St Storm & Road	11-1008P&S1	\$ 63.00
East State St Storm & Road	11-1008-2	\$2,576.00
West Bank Street Storm Sewer	04-652P&S2	\$ 28.00

CARRIED

5 Ayes

0 Nays

APPROVE PAYMENT CHATFIELD BILLS

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

121 North Main Street Façade	08-888-9	\$ 852.50
121 North Main Street Façade	08-888P&S3	\$ 480.00

CARRIED

4 Ayes

1 Nay

Trustee Riley

Trustee Miller

Trustee Sheehan

Trustee Banker

Mayor Theodorakos

APPROVED SERGI PAYROLLS

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

CARRIED

5 Ayes

0 Nays

BALDWIN LEASE APPROVED

Moved by Trustee Sheehan and seconded by Trustee Miller approving Mayor Theodorakos to sign the lease agreement with Bernard Baldwin for 121 North Main Street. The lease agreement will be for two years with a 2 ½% rent increase each year.

CARRIED

5 Ayes

0 Nays

NYS EFC CORRESPONDENCE

Correspondence received from NYS Environmental Facilities Corporation accepting the JMPCF Improvements Project Engineering Agreement with the Village dated October 13, 2010.

CEMETERY DEEDS APPROVED

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

Shirley A Abron	S.G. 580 Deerfield Avenue
Donald R & Sylvia A Harris	S.G. 586 and 587 Deerfield Avenue

CARRIED

5 Ayes

0 Nays

APPROVED FINAL PAY ESTIMATE

Moved by Trustee Miller and seconded by Trustee Banker approving the Final Pay Estimate #23 to Sergi Construction in the amount of \$18,502.39 for work performed on the Sanitary Sewer Project subject to Superintendent of Public Works Dale Brooks approval.

CARRIED

5 Ayes

0 Nays

APPROVED CHANGE ORDER #8 & #9 SANITARY SEWER

Moved by Trustee Sheehan and seconded by Trustee Miller approving Change Order #8 and #9 for the Sanitary Sewer Project as submitted by Chatfield Engineers subject to Superintendent of Public Works Dale Brooks approval.

CARRIED

5 Ayes

0 Nays

APPROVED PAYMENT OSBORN, REED & BURKE

Moved by Trustee Riley and seconded by Trustee Sheehan approving payment to Osborn, Reed & Burke for services rendered in June 2011 and July 2011 in the amount of \$412.50.

CARRIED

5 Ayes

0 Nays

JMPCF

New York State Environmental Facilities (NYSEFC) sent information for the Board of Trustees to review adding more improvement work to the project without increasing the bottom line of the CWSRF long term financing.

Moved by Trustee Sheehan and seconded by Trustee Banker approving adding the additional work to the project without increasing the bottom line of the CWSRF long term financing. Mayor Theodorakos will check with NYSEFC to see if the additional work can be treated as a separate project and would the Village still have the option to take a lesser amount.

CARRIED

5 Ayes

0 Nays

PUBLIC HEARING 7:30 PM

Mayor Theodorakos opened the Public Hearing to consider adding Chapter 126 title Recreational Vehicle and Motor Home Ordinance.

Discussed the 30 day period, what does set up mean and there was a suggestion of giving a warning notice first.

PUBLIC HEARING CLOSED

Moved by Trustee Banker and seconded by Trustee Miller that in as much as everyone who wished to speak regarding adding Chapter 126 to the code of the Village of Albion were heard, the Public Hearing is hereby closed at 7:43 PM.

CARRIED

5 Ayes

0 Nays

LOCAL LAW #2

The following Local Law #2 was proposed by Trustee Riley who moved its adoption and seconded by Trustee Sheehan:

LOCAL LAW #2
FOR 2011
CHAPTER 184
RECREATIONAL VEHICLE AND MOTOR HOME ORDINANCE

Title.

This chapter shall be known as the "Recreational Vehicle and Motor Home Ordinance."

Definitions.

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

RECREATIONAL VEHICLE or MOTOR HOME

Any vehicle used, designed for use or capable of being used as sleeping or living quarters, whether propelled by its own power or by the power of another vehicle to which it may be attached.

Restrictions on use.

A. No recreational vehicle or motor home shall be used within or on any property within the village limits for use as sleeping or living quarters or for any other purpose in connection with such sleeping or living quarters.

B. It shall be unlawful for any person to set up any recreational vehicle or motor home on any public way in the Village of Albion.

C. It shall be unlawful for any person being the owner or occupant of any land or premises within the village to use or permit the use of any mobile home, recreational vehicle or motor home for any of the prohibited uses thereof as set forth in this chapter.

Exceptions:

1. Permitted uses in the Village Parks associated with a sanctioned event.
2. No more than 2 recreational vehicles or motor homes may be used on a developed lot in the Village

Penalties for offenses.

A. Criminal penalty. Any person who violates any provision of this chapter shall, upon conviction thereof, be subject to a fine not to exceed \$250 or to imprisonment for a term not to exceed 15 days, or both. Each day of non-compliance shall be considered a separate offense.

B. Civil penalties; construal.

(1) Obedience to the provisions set forth herein may be enforced by criminal information for the penalties herein prescribed, as well as by prosecution of the offender as provided in Subsection A of this section, or by civil action for a penalty or by civil remedy at law or equity by way of injunction or otherwise to abate or prevent a violation of the provisions of this chapter.

(2) Neither a judgment in nor the pendency of a criminal prosecution for an alleged violation of the provisions of this chapter nor a judgment in or the pendency of a civil action of law or in equity shall be a bar to the other form of proceeding.

(3) The imposition of a penalty for a violation of this chapter shall not excuse the violation or permit it to continue, and the remedies herein provided for penalties and civil action to enjoin or abate a violation shall be cumulative.

CARRIED

5 Ayes

0 Nays

RESOLUTION ADOPTED

The following resolution was proposed by Trustee Banker who moved its adoption and seconded by Trustee Miller:

WHEREAS, the Pullman Memorial Universalist Church of Albion, New York intends to submit a grant application to the Office of Parks, Recreation and Historic Preservation;

WHEREAS, the Pullman Memorial Universalist Church was formally dedicated January 31, 1895;

WHEREAS, boaters whom travel the Erie Canal are interested in seeing the historic built architectural heritage in the Village of Albion;

WHEREAS, the Church has housed numerous community events over the years such as musical entertainment and meetings for discussions on social and economic issues; and

WHEREAS, damage from the severe roof leaks has rendered their main meeting space unusable for the past few years, thus forcing the use of the sanctuary for these events;

WHEREAS, funding from the Office of Parks, Recreation and Historic Preservation could significantly help with the roof and masonry repairs that the Church so desperately needs;

NOW, THEREFORE BE IT RESOLVED, the Village of Albion Board of Trustees does hereby support the Pullman Memorial Universalist Church's application for the Office of Parks, Recreation and Historic Preservation Grant.

CARRIED

5 Ayes

0 Nays

CLARENDON STREET BRIDGE PROJECT

Discussed the Clarendon Street Bridge Project. The Village Clerk-Treasurer will put together a list of events that have taken place for the project so far and the steps that need to happen in the future.

CANAL GRANT

Update on the 2007 Canal Grant for the 121 North Main Façade, Canal Signage Project – the bid opening was August 9th. The Superintendent of Public Works Dale Brooks and Mr Jason Foote from Chatfield Engineers will be putting together a recommendation for the work that should be done. The Board of Trustees will review their recommendation at the August 24, 2011 Workshop Meeting.

ORLEANS COUNTY DISASTER MANUAL

Trustee Banker will contact Orleans County regarding their Disaster Manual.

PUBLIC HEARING SCHEDULED

Moved by Trustee Sheehan and seconded by Trustee Banker approving a Public Hearing to be held on Wednesday, September 14, 2011 at 7:00 PM to consider dedicating Railroad Street as a Village Street.

CARRIED

5 Ayes

Nays

EXECUTIVE SESSION

Moved by Trustee Riley and seconded by Trustee Sheehan to adjourn to executive session for personnel issues at 8:06 PM.

CARRIED

5 Ayes

0 Nays

EXECUTIVE SESSION CLOSED

Moved by Trustee Banker and seconded by Trustee Sheehan to come out of executive session 9:35 PM.

CARRIED

5 Ayes

0 Nays

HPC

Historic Preservation Commission Chairman Jordan Bonafede addressed the Board about where the Historic Preservation Commission is in adopting the historic district. Also discussed was putting training in next year's budget for the HPC members.

Moved by Trustee Banker and seconded by Trustee Sheehan approving the following transfer which will be used for postage for the Historic Preservation Commission to mail certified letters to the owners of their intent to include them in the proposed district and the date of when the Public Hearing will be:

\$300.00 from A 1010.401 Meetings/Schools to A 3620.412 Postage

\$400.00 from A 1210.404 Schools to A 3620.412 Postage

CARRIED

5 Ayes

0 Nays

FORD CREDIT APPROVED

Moved by Trustee Miller and seconded by Trustee Banker approving Mayor Theodorakos to sign the two year lease agreement with Ford Credit for the K9 vehicle, a 2011 Chevrolet Tahoe.

CARRIED

5 Ayes

0 Nays

EXECUTIVE SESSION

Moved by Trustee Riley and seconded by Trustee Sheehan to adjourn to executive session for personnel issues at 9:51 PM.

CARRIED

5 Ayes

0 Nays

EXECUTIVE SESSION CLOSED

Moved by Trustee Riley and seconded by Trustee Banker to come out of executive session 10:25 PM.

CARRIED

5 Ayes

0 Nays

SPECIAL MEETING SCHEDULED

Moved by Trustee Riley and seconded by Trustee Sheehan to hold a Special Meeting on September 7, 2011 at 6:00 PM to discuss the Village finances.

CARRIED

5 Ayes

0 Nays

48 LIBERTY STREET OLD TAX BILLS

The Board of Trustees discussed the old tax bills for 48 North Liberty Street. Attorney Gavenda will check with Attorney Doug Heath to see if his client will accept the Village's offer to forgive the interest/penalties on the house they are interested in purchasing through the County auction. Also discussed was sending a letter to the Orleans County Treasurer informing her of the other old Village taxes the Village has.

FIRE TRUCK SPECS

Trustee Sheehan asked the Board of Trustees if they had any problems with a truck committee getting specs for a new fire truck. The Fire Department will eventually be applying for a grant to purchase the vehicle. The Board has no issues with the committee getting the specs together.

MEETING ADJOURNED


Moved by Trustee Riley and second by Trustee Miller that there being no further business, meeting is hereby adjourned at 10:45 PM.

CARRIED

5 Ayes

0 Nays

Respectfully submitted,



Linda K Babcock
Clerk-Treasurer