

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, December 8, 2010 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.

RESIDENT

Resident, Mr Thom Jennings addressed the Board of Trustees about the FOIL request he submitted on July 29, 2010. He is concerned about the amount of time it took to get the final answer. Mayor Theodorakos agreed that the amount of time it took to answer his FOIL is unacceptable and that the Village of Albion needs to address the procedure on how they should be handled.

DEPARTMENT HEAD REQUEST

Moved by Trustee Riley and seconded by Trustee Sheehan approving the Clerk-Treasurers request to transfer \$4,000.00 from A 1910.0401-Unallocated Insurance to A 1420.0403-Settlements to cover the deductible for an insurance settlement.

CARRIED

4 Ayes	1 Nay
Trustee Riley	Trustee Miller
Trustee Sheehan	
Trustee Banker	
Mayor Theodorakos	

DEPARTMENT HEAD RECOMMENDATION

Moved by Trustee Miller and seconded by Trustee Banker approving the Superintendent of Public Works, Dale Brooks' recommendation to accept the high bid of \$1,275.00 from Richard Colonna for the surplus wood at the Densmore Street site.

CARRIED

5 Ayes	0 Nays
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DEPARTMENT HEAD RECOMMENDATION

Moved by Trustee Sheehan and seconded by Trustee Riley approving the recommendation from Superintendent of Public Works, Dales Brooks to reimburse Ms Pearce \$141.44 for her tire which was allegedly damaged due to the construction on her street. Mr Brooks had a discussion with Ms Pearce about her request after the last Board Meeting.

CARRIED

4 Ayes	1 Nay
Trustee Sheehan	Trustee Miller
Trustee Riley	
Trustee Banker	
Mayor Theodorakos	

Trustee Miller stated that he would have liked to see the alleged pipe, police report or pictures before voting on the request for reimbursement.

DEPARTMENT HEAD REQUEST

Moved by Trustee Sheehan and seconded by Trustee Miller approving the request from Superintendent of Public Works, Dale Brooks that the bicycles on the third floor of the Village Hall be declared surplus property.

CARRIED

5 Ayes	0 Nays
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Discussion on where the bikes could be stored in the future, possibly the basement of 121 North Main Street. The Board of Trustees will find out what Chief London's thoughts are.

DEPARTMENT HEAD REQUEST

Moved by Trustee Sheehan and seconded by Trustee Banker approving the Superintendent of Pollution Control, Aric Albright's request to transfer \$600.00 from G 8130.0405 - electricity to G 8130.0204 - sampler final.

CARRIED

5 Ayes

0 Nays

CORRESPONDENCE

The "Petition for recognition as the representative group for the purpose of negotiations" correspondence was submitted by the Managers and Clerical employees. Next step is for the Board of Trustees to accept or reject the request. Attorney Gavenda will get details of the Taylor Law, which states that certain employees are exempt.

CLARENDON ST BRIDGE MEETING

Attorney Gavenda and Mayor Theodorakos have a meeting scheduled for December 16, 2010 with Orleans County regarding the Clarendon Street Bridge.

The Board of Trustees received a correspondence from Midland Management LLC as agent for Crimson Heights Apartments regarding the Clarendon Street Bridge Project. They are requesting the design consultants and engineers work on options that do not require closing one of the two access points to Crimson Drive.

APPROVED REVISED E-MAIL

Moved by Mayor Theodorakos and seconded by Trustee Riley approving the following e-mail policy for the employees of the Village of Albion:

All e-mail generated by you as a Village of Albion employee, vendor, agent, or public official reflects back on the Village of Albion.

The purpose of this policy is to ensure the proper use of the Village of Albion's computer and e-mail system and make users aware of what the Village of Albion deems as acceptable and unacceptable use of the systems. The Village of Albion reserves the right to amend this policy at its discretion. In case of amendments, users will be informed in a timely manner.

The computers and e-mail are business communication tools and users are obligated to use these tools in a responsible, effective and lawful manner. Although, by its very nature, e-mail seems to be less formal than written communication, the same laws apply. Therefore, it is important that users are aware of the legal risks of e-mail.

- Please note that if you send e-mail with libelous, defamatory, offensive, racist or obscene remarks you and the Village of Albion can be held liable.
- If you forward e-mail with libelous, defamatory, offensive, racist or obscene remarks, you and the Village of Albion can be held liable.
- If you unlawfully forward confidential information you and the Village of Albion can be held liable.
- You should not forward or copy messages containing libelous, defamatory, offensive, racist or obscene remarks, with or without the permission of the author. If so, you and the Village of Albion can be held liable.

The following rules are required to be followed by the Village of Albion and are to be strictly adhered to:

- It is strictly prohibited to send, copy (either hand copy or electronically) or forward e-mail containing libelous, defamatory, offensive, racist or obscene remarks. If you receive e-mail of this nature you must promptly notify your supervisor.

- Do not forward a message containing confidential information without first acquiring permission from the sender.
- Do not send unsolicited e-mail messages that have no legitimate Village purpose.
- Do not forge or attempt to forge e-mail messages.
- Do not send e-mail messages using another person's e-mail account.
- Do not subscribe to programs or open incoming emails that contain racist, bigoted, pornographic or sexually explicit material.
- Do not open emails that you know have no legitimate Village purpose other than those personal emails that are further explained herein.
- Do not disguise or attempt to disguise your identity when sending e-mail.
- When sending e-mail, sign your name, title and Village name at the end. A disclaimer will be added underneath your signature.

This communication including attachments, may contain information that is confidential. If you are not the intended recipient of this communication, or if you believe that you have received this communication in error, please notify the sender immediately and kindly delete this email, including attachments, without reading or saving them in any manner.

Please note that any views or opinions in this email are solely those of the author and do not necessarily represent those of the Village of Albion. Finally, the recipient should check the email and any attachments for the presence of viruses. The Village of Albion accepts no liability for any damages caused by any viruses transmitted by the email.

- If you forward e-mail, state clearly what action you expect the recipient to take.
- Only send e-mail of which the content could be displayed on a public notice board. If they cannot be displayed publicly in their current state, consider rephrasing the e-mail, use other means of communication, or protect the information by using a password.
- Users need to request permission from their supervisor before subscribing to a newsletter or newsgroup.
- Delete any e-mail messages that you do not need to have a copy of, and set your e-mail account to automatically empty your deleted file upon closing.

Although the Village of Albion's computer and e-mail systems are meant for business use, the Village of Albion allows the reasonable use of e-mail for personal use, if certain guidelines are adhered to:

- Personal use of e-mail should not interfere with work.
- Personal e-mail must adhere to the guidelines in this policy.
- Personal e-mail should be kept in a separate folder named "Private". The e-mail in this folder must be deleted weekly so as not to clog up the system.
- The forwarding of chain letters, junk-mail, and jokes is strictly forbidden.
- It is strictly forbidden to send, forward, hard copy and distribute e-mail containing libelous, defamatory or offensive racist and obscene remarks.
- It is also prohibited to use the e-mail system to operate a business, conduct an external job search, solicit money for personal gain, campaign for political causes or candidates, or promote or solicit funds for a religious or other personal cause.

You must have no expectation of privacy in anything you create, store, send or receive on the Village of Albion's computer system. Your e-mail can be monitored without prior notification if the Village of Albion deems it necessary. If there is evidence that you are not adhering to the guidelines set out in this policy, the Village of Albion reserves the right to take disciplinary action, including termination and/or legal action.

All e-mail accounts maintained on the Village of Albion's system are the property of the Village of Albion. Passwords should not be given to other people and should be changed at regular intervals. E-mail accounts not used for sixty (60) days may be deactivated and possibly deleted.

If you have any questions or comments about this e-mail Policy or use of the Village Computer system please contact a supervisor. If you do not have any questions, the Village of Albion presumes that you understand and are aware of the rules and guidelines in this computer and e-mail Policy and will adhere to them.

CARRIED

4 Ayes
 Mayor Theodorakos
 Trustee Riley
 Trustee Banker
 Trustee Sheehan

1 Nay
 Trustee Miller

Clerk-Treasurer to check to make sure the disclaimer is showing on all Village e-mail accounts and that all employees receive the revised copy.

COURT COMPUTER

Moved by Trustee Riley and seconded by Trustee Banker authorizing Attorney Gavenda to send a letter to the Town of Albion regarding moving the old Village Court computer to the Town of Albion Court Office.

CARRIED

5 Ayes
 0 Nays

ACCEPT TREASURERS REPORT

Moved by Trustee Sheehan and seconded by Trustee Miller accepting the Treasurer's Report for November 2010.

CARRIED

5 Ayes
 0 Nays

APPROVE MINUTES

Moved by Trustee Sheehan and seconded by Trustee Riley that in as much as each member received copies of the November 10, 2010 and November 22, 2010 minutes and there being one error or omission on November 10, 2010, minutes are hereby approved as written with the following correction:

Page 1 under WTP add that the Health Department is comfortable with the changes Mr Miller implemented and that he was pro-active

Acknowledged the Special Meeting of November 18, 2010 was cancelled.

CARRIED

5 Ayes
 0 Nays

SCHEDULED PUBLIC HEARING

Moved by Mayor Theodorakos and seconded by Trustee Banker approving a Public Hearing be held on January 12, 2011 at 7:00 PM to propose adopting a Local Law regarding residency for Public Officers. It was stated that even after the Local Law is passed, the approval of residency would still need a resolution from the Board of Trustees.

CARRIED

3 Ayes
 Mayor Theodorakos
 Trustee Banker
 Trustee Sheehan

2 Nays
 Trustee Miller
 Trustee Riley

EXECUTIVE SESSION

Moved by Trustee Riley and seconded by Trustee Sheehan to adjourn to executive session for personnel issues at 8:22 PM.

CARRIED

5 Ayes

0 Nays

EXECUTIVE SESSION CLOSED

Moved by Trustee Miller and seconded by Trustee Riley to come out of executive session 9:43 PM.

CARRIED

5 Ayes

0 Nay

APPROVE PAYMENT OF BILLS

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

General Fund	voucher #7889	\$ 48,204.45
Water Fund	to #8104	\$ 6,609.01
Sewer Fund		\$ 14,148.68

CARRIED

5 Ayes

0 Nays

APPROVE PAYMENT CHATFIELD BILLS

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

Green Project Initiative	10-976-9	\$ 52.00
2007 Sanitary Sewer Improvements	06-765-39	\$1,400.00
General Engineering Services	94-193-160	\$ 513.00
McKinstry Street Road Reconstruction	94-944-15	\$ 175.80
General Engineering Services	94-193-158	\$ 130.00

CARRIED

5 Ayes

0 Nays

The invoice for General Engineering Services, invoice 94-193-158 for \$130.00 was tabled. The invoice is for creating a base map of the parking lot on North Main Street.

MC KINSTRY STREET PROJECT BILLS

Moved by Trustee Sheehan and seconded by Trustee Banker approving the payment of the following McKinstry Street Road Reconstruction Project bill as submitted by the Superintendent of Public Works, Dale Brooks:

Helena Chemical Company	\$ 652.30
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CARRIED

4 Ayes

1 Nay

Trustee Sheehan

Trustee Miller

Trustee Banker

Trustee Riley

Mayor Theodorakos

APPROVE SERGI PAYROLLS

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

CARRIED

5 Ayes

0 Nays

APPROVE PAYMENT TO DAVID W LIPPITT

Moved by Trustee Riley and seconded by Trustee Banker approving payment to David W Lippitt, Esquire for services rendered in October for \$30.00.

CARRIED

5 Ayes

0 Nays

APPROVE CEMETERY DEEDS

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

Richard M Shaw

S.G. 112/113 Deerfield Avenue

CARRIED

5 Ayes

0 Nays

ACCEPT APPLICATIONS

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

Timothy J Irwin

Seasonal Summer Help

Jimmy T Lammers

WTP, DPW or PCF

COUNTY OF ORLEANS IDA LEASE

Moved by Trustee Riley and seconded by Trustee Sheehan approving Mayor Theodorakos to sign the lease agreement with Orleans County Industrial Development Agency's for two years, with rent to be \$1,760.00 per month. Denied the IDA's request to include 5 – 1 year extensions at the \$1,760.00 rate. The Board of Trustees would like the option to negotiate the rate for the yearly extensions.

CARRIED

4 Ayes

0 Nays

Trustee Riley

Trustee Sheehan

1 Abstained

Trustee Miller

Trustee Banker

Mayor Theodorakos

APPROVE AGREEMENT WITH FLEX TECH

Moved by Trustee Miller and seconded by Trustee Sheehan approving Mayor Theodorakos to sign the agreement with FlexTech per NYSERDA for the scope of work at the Joint Municipal Industrial Pollution Control Facility (JMIPCF). The entire cost of the energy audit will be paid for by NYSERDA.

CARRIED

5 Ayes

0 Nays

APPOINT CHIEF WTP OPERATOR

Moved by Trustee Sheehan to appoint Mr Kevin Miller as "Chief Water Treatment Plant Operator" from the Civil Service List with an eight week probationary period. There was no second so motion died.

Moved by Trustee Sheehan and seconded by Trustee Banker appointing Mr Kevin Miller as "Chief Water Treatment Plant Operator" from the Civil Service list with a three month probationary period.

CARRIED

5 Ayes

0 Nays

Mayor Theodorakos would like the Clerk-Treasurer and Mr Miller to schedule the next water meeting in early January, 2011.

APPROVE MEMORANDUM OF UNDERSTANDING

Moved by Trustee Miller and seconded by Trustee Banker approving Mayor Theodorakos to sign the "2010 Memorandum of Understanding" with Orleans County regarding the Major Felony Crime Task Force.

CARRIED

4 Ayes	0 Nays
Trustee Miller	
Trustee Banker	1 Abstained
Trustee Sheehan	Trustee Riley
Mayor Theodorakos	

ADOPT RESOLUTION RE: PROPERTY TAX CAP

The following resolution was proposed by Trustee Riley who moved its adoption and seconded by Trustee Miller regarding "A Property Tax Cap Must Include Mandate Relief":

WHEREAS the level of property taxation throughout New York has reached dangerously high levels; and

WHEREAS New York leads the nation in property taxes simply because we lead the nation in imposing inefficient state mandates on our local governments; and

WHEREAS two of the largest components of every municipal budget over which local officials have little control – pension payments and health insurance costs – are increasing at exorbitant rates; and

WHEREAS in the case of pension costs, bills from the State Retirement System will increase by an average of 40% in both 2011 and 2012; and

WHEREAS state laws pertaining to the collective bargaining of contracts between municipalities and employee unions, particularly those pertaining to firefighters and police officers, do not allow local officials to reasonably control the costs such contracts impose on property taxpayers; and

WHEREAS as a solution to New York's property tax crisis, the Governor of New York and the New York State Legislature will, in 2011, consider enactment of legislation imposing a cap on the annual growth in property taxes; and

WHEREAS a property tax cap will only work if it is simultaneously accompanied by a repeal of current state mandates that require local governments to increase spending and property taxes; and

WHEREAS a property tax cap without repeal of costly state mandates will, by definition, lead to drastic cuts in essential local services and dramatic layoffs of municipal employees;

NOW, THEREFORE, BE IT RESOLVED by the Village of Albion that the Governor of the State of New York and the members of the New York State Senate and New York State Assembly must reform the cost drivers that lead to high property taxes in New York – including pension benefits, health insurance costs and the collective bargaining process – as the central element of any effort to provide overdue property tax relief to the residents and businesses of New York.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, Senator Maziarz, Member of Assembly Hawley, and the New York State Conference of Mayors.

CARRIED

3 Ayes	1 Nay
Trustee Riley	Trustee Sheehan
Trustee Miller	1 Abstained
Mayor Theodorakos	Trustee Banker

APPROVE ENVIRONMENTAL REVIEW

Moved by Trustee Miller and seconded by Trustee Banker approving Mayor Theodorakos to sign the documents for the Environmental Review for the JMPCF Project and acknowledge the receipt of it as submitted by Stuart I Brown Associates. A notice will be in the Batavia Daily Newspaper December 13, 2010 to inform residents that a "Finding of No Significant Impact" had been issued for the project.

CARRIED

5 Ayes 0 Nays

HEALTH INSURANCE

Trustee Sheehan and Attorney Gavenda will meet with Attorney Lippitt to clear up any questions on the Health Insurance change. MVP is doing away with the current policy they carry for the Village employees.

APPROVE RESOLUTION FOR SEQR 121 FACADE PROJECT

The following resolution and the signing of the State Environmental Quality Review (SEQR) was proposed by Trustee Riley who moved its adoption and seconded by Trustee Banker for the Canal Area Improvement Project, as submitted by Chatfield Engineers:

RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) procedures, the Village Board of the Village of Albion has reviewed the significance of and potential environmental impact of the Canal Area Improvement Project. This project will specifically consist of construction of a brick façade, replacement of windows and doors, installation of hand railing, signage and building improvements, and other miscellaneous items associated with general improvements to the Albion Visitors Center Building located at 121 North Main Street, Albion, New York 14411.

RESOLVED, that the Village Board hereby concurs with Chatfield Engineers, P.C. that the Project is considered a Type II Action in accordance with 6NYCRR Part 617.5 (c)(2) & (4); a replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site.

RESOLVED, that the Village Board hereby accepts the Environmental Assessment of this project, prepared by Chatfield Engineers, P.C. The Village Board further declares that, based on the Environmental Assessment, it finds that the projects will result in no significant adverse impacts to the environment and requires no further action.

CARRIED

4 Ayes 1 Nay
Trustee Riley Trustee Miller
Trustee Banker
Trustee Sheehan
Mayor Theodorakos

APPROVAL TO BID

Moved by Trustee Banker and seconded by Trustee Sheehan authorizing the Canal Area Improvement Project go out to bid once the Village of Albion receives approval from the New York State Department of Transportation (NYSDOT).

CARRIED

4 Ayes 1 Nay
Trustee Banker Trustee Miller
Trustee Sheehan
Trustee Riley
Mayor Theodorakos

CORRESPONDENCE

The Board of Trustees received a correspondence from Albion Fire Flies regarding their intent to hold a Gun Raffle at the Carlton Fire Department Recreation Hall on Saturday, April 9, 2011.

MEETING ADJOURNED

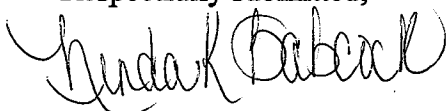
Moved by Trustee Riley and second by Trustee Miller that there being no further business, meeting is hereby adjourned at 10:28 PM.

CARRIED

5 Ayes

0 Nays

Respectfully submitted,



Linda K Babcock
Clerk-Treasurer