

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, February 9, 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 reopened the Public Hearing that was recessed on January 12, 2011 regarding Section 3-300 of the Village Law of the State, in which the Village Board of Trustees may provide 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 any Village of Albion resident expressing a desire to fill the position in said office, board, committee or commission.

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

How there needs to be work on the language of the law

Why should Village positions and Board positions be treated differently

How a resolution would still be needed to appoint someone who lives outside of the Village

#### **PUBLIC HEARING RECESSED**

Moved by Trustee Miller and seconded by Trustee Sheehan recessing the Public Hearing to consider amending the Code of the Village of Albion at 7:15 PM. Attorney Gavenda asked the Board of Trustees to email him their suggestions and he will draft a new law.

#### **CARRIED**

5 Ayes

0 Nays

#### **HPC APPOINTMENT**

Mayor Theodorakos' appointment of Ms Mary Ann Braunbach to the Historic Preservation Commission wasn't approved by a majority vote. The Mayor read Ms Braunbach's qualifications and credentials and stated that she also owns a downtown building. There was a discussion on how Village residents should be looked at first to serve on the different Boards.

#### **CHATFIELD ENGINEERS**

Mr Jason Foote from Chatfield Engineers provided a project status report on:  
2007 Sanitary Sewer Improvements-87% completed

\*Change Order #1 - Meadowbrook Drive Road Reconstruction/Storm Sewer Project-completed

\*Change Order #2 - Green Project Reserve-31 of the 38 items on list are completed

\*Change Order #3 - Televising of Interceptor Sewer-completed, Sergi to televise sanitary sewer crossing of canal with remaining money

\*Change Order #5 - Additional paving/storm-completed

Village is waiting to get a final determination on:

\*Eligible vs Ineligible items

\*Confirm principle forgiveness and grant amounts

\*When Village can convert to long term financing

\*Conversion of EFC BAN to Village BAN

Mr Foote assured the Board of Trustees that the Village is not running out of money. The problem is the funds need to be transferred to the right line item to fix the over/under amounts.

**APPROVED ENGINEERING AMENDMENT**

Moved by Trustee Riley and seconded by Trustee Sheehan approving Mayor Theodorakos to sign the "Amendment to Owner-Engineer Agreement" for \$10,900.00, as submitted by Chatfield Engineers for the Sanitary Sewer Improvement Project and Meadowbrook Subdivision Road Reconstruction Project.

**CARRIED**

5 Ayes 0 Nays

**APPROVED CHANGE ORDER #6**

Moved by Trustee Riley and seconded by Trustee Sheehan approving Mayor Theodorakos to sign Change Order #6 for the Sanitary Sewer Project. The change order pertains to the differences between estimated quantities and actual installed quantities for Change Order #1 and Change Order #5.

**CARRIED**

5 Ayes 0 Nays

**APPROVED PAY ESTIMATE #19**

Moved by Trustee Sheehan and seconded by Trustee Banker approving payment to Sergi Construction for Pay Estimate #19 in the amount of \$54,623.49. The Sanitary Sewer Project is now 87% completed.

**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	10-976-11	\$ 877.50
2007 Sanitary Sewer Improvements	06-765-41	\$ 120.00
JMPCF Capital Improvement Plan	09-924-5	\$6,162.00
General Engineering Services	94-193-162	\$ 97.50

**CARRIED**

5 Ayes 0 Nays

**AMSA SUPPORT**

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

WHEREAS, the Albion Main Street Alliance (hereinafter referred to as AMSA) intends to make application for the 2011 New York Main Street Grant; and

WHEREAS, as an accredited program of the National Trust for Historic Preservation, AMSA is entrusted to help downtown building owners find funding for appropriate renovation and rehabilitation; and

WHEREAS, funding from the 2011 New York Main Street Grant could strengthen substantially the building stock in the downtown area of Albion as well as encourage economic development and support local jobs; and

WHEREAS, the 2011 New York Main Street Grant will not require tax payer funding and has the potential for tax payer savings; and

WHEREAS, all building owners in the selected area will have an equal opportunity to obtain funding; and

WHEREAS, AMSA seeks the nonmonetary support of the Village of Albion Board of Trustees in its application for the 2011 New York Main Street Grant;

NOW, THEREFORE BE IT RESOLVED, the Village of Albion Board of Trustees does hereby support AMSA's application for the 2011 New York Main Street Grant.

**CARRIED**

5 Ayes

0 Nays

Applications are due April 28, 2011

**NATIONAL GRID**

Ms Laurie Mastin from National Grid provided the Board of Trustees a history of the Water Treatment Plant electrical use. She stated by leveling out the peak times the Village saves approximately \$400.00 a month. She stated that if the plant goes to two shifts the electric bill will go up. The Village isn't on a time of use rate; they are billed at a blended rate. She invited the Board to attend their municipal meeting on March 24<sup>th</sup>.

**RESIDENT**

Mr Reid Cole of the First United Methodist Church asked if the Village could remove the snow on Platt Street and East State Street. Trustee Miller will discuss the request with Superintendent of Public Works, Dale Brooks.

**CDBG GRANT**

Ms Kathy Dear from Stuart I Brown Associates discussed the Community Development Block Grant (CDBG) Program for 2011. The Village needs to decide what, if anything they want to apply for: Housing/Public Facilities or infrastructure. Municipal housing and public facility projects are limited to \$400,000; municipal infrastructure projects are capped at \$600,000. Ms Dear will provide a sample ad for the Village of Albion to place in the Lake Country Pennysaver asking residents to contact the Village if they are interested in the housing rehab program. The Village of Albion will need to hold two Public Hearings. The first one can be done at any time and the second one should be held in April or early May. Applications are due by May 27, 2011.

**RESIDENT**

Moved by Trustee Miller and seconded by Trustee Sheehan approving resident Ms Brenda Cooper-Gabrielson's request for the Village of Albion to pay for her sewer invoice from Albion Bower Plumbing & Heating in the amount of 75.99. Ms Cooper-Gabrielson had complained of low water pressure in her home. It was discovered that the water line was broke in front of her home which was the Village's responsibility.

**CARRIED**

5 Ayes

0 Nays

**APPROVED ASBESTOS BID**

Moved by Trustee Miller and seconded by Trustee Sheehan approving Superintendent of Public Works, Dale Brooks recommendation to award low bid to ECG for the asbestos removal project. ECG will remove the asbestos at 61 Brown Street, 19 North Main Street and the third floor area of the Village complex for \$27,290.00.

**CARRIED**

5 Ayes

0 Nays

**ACCEPT TREASURERS REPORT**

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

**CARRIED**

5 Ayes

0 Nays

Trustee Miller would like the number of FOI requests added under the "Transactions for the Month".

**APPROVED MINUTES**

Moved by Trustee Riley and seconded by Trustee Sheehan that in as much as each member received copies of the January 19, 2011 and January 26, 2011 minutes and there being one error or omission, minutes are hereby approved as written with the following corrections:

January 26, 2011, page 1, under Department Head Reports-Public Works  
Upstate Roofing did repairs on the roof at 121 North Main Street, they thought they fixed the problem, but it's still leaking. Need to know status on the chimneys

**CARRIED**

5 Ayes 0 Nays

**APPROVED PAYMENT OF BILLS**

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

General Fund	voucher #8481	\$61,989.20
Water Fund	to #8655	\$11,021.69
Sewer Fund		\$ 6,569.78

**CARRIED**

5 Ayes 0 Nays

**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

**APPROVED PAYMENT TO DONEGAN**

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

Sanitary Sewer Project	12/06/10-12/30/10	\$4,121.66
\$333,130 Bond Anticipation Note	1/31/2011	\$2,224.38

**CARRIED**

5 Ayes 0 Nays

**APPROVED PAYMENT TO MC GILL**

Moved by Trustee Miller and seconded by Trustee Sheehan approving payment of \$1,460.86 to Timothy R McGill, Bond Counsel for the issuance of the \$333,130 Bond Anticipation Note.

**CARRIED**

5 Ayes 0 Nays

**APPROVED PAYMENT CAN AM**

Moved by Trustee Miller and seconded by Trustee Banker approving payment to CanAm Environmental Safety Inc for the following invoices:

#257	Training	\$ 780.00
#258	Prepare bid documents	\$2,826.00

**CARRIED**

5 Ayes 0 Nays

**CEMETERY DEED APPROVED**

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

Barbara J Kihlmire	S.G. 351 and 352 Zephyr Avenue
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**CARRIED**

5 Ayes 0 Nays

**APPLICATION ACCEPTED**

The following application was accepted and will be place on file for future reference:  
David Rice PT Summer Parks Labor

**APPOINTMENT**

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

**CARRIED**

5 Ayes

0 Nays

**RESIGNATION LETTER**

The Board of Trustees accepted, with regret the resignation of Mr Gary Moore from the Zoning Board due to the conflict from his recent election as Town of Albion Justice.

**CARRIED**

5 Ayes

0 Nays

**APPOINTMENT TO ZONING BOARD**

Mayor Theodorakos appointed Mr Christopher Kinter to the Village of Albion Zoning Board to finish the term left by Mr Gary Moore's resignation. Term will expire on April 1, 2013.

**IDA LEASE**

The Board of Trustees received a correspondence from Mr Whipple, Orleans County IDA regarding the 5 one year lease amounts that are needed for their recently approved lease agreement for 121 North Main Street. Mayor Theodorakos will contact Mr Whipple to discuss the request.

**CORRESPONDENCE**

Correspondence received for New York Canal Corporation regarding the 6<sup>th</sup> Annual Canal Clean Sweep which will be held on April 15-17, 2011.

**CORRESPONDENCE**

Correspondence received from Go Art.

**ALBION STRAWBERRY FESTIVAL**

Moved by Trustee Riley and seconded by Trustee Miller approving the following request from the Strawberry Festival Committee for their 25<sup>th</sup> Annual Festival to be held on June 10, 2011 and June 11, 2011:

Use of the picnic tables at Bullard Park

Close East State Street and East Bank Street between Main Street and Platt Street

Use of the Police Department and DPW as in the past

**CARRIED**

5 Ayes

0 Nays

**AFSCME**

The Board of Trustees received a correspondence from AFSCME requesting information for the upcoming contract negotiations. Payroll Clerk has provided the information to AFSCME. The current agreement expires on May 31, 2011.

**PBA**

The Board of Trustees received a correspondence from the Police Benevolent Association regarding the upcoming contract negotiations. The current agreement expires on May 31, 2011.

**FIRE FLIES DRILL TEAM REQUEST**

The Board of Trustees tabled the request from the Albion Fire Flies Drill Team to add their equipment to the Village's insurance. Trustee Sheehan will discuss request with Fire Department member Harry Papponetti.

**SHORLINE PROJECT**

Moved by Trustee Miller and seconded by Trustee Riley approving payment to New York State Department of Environmental Conservation for the Water Treatment Plant Shoreline Project in the amount of \$31,695.54. The invoice will be paid out of the Water Treatment Plant Capital Reserves funds.

**CARRIED**

5 Ayes

0 Nays

**COMPREHENSIVE PLAN**

Moved by Trustee Sheehan and seconded by Trustee Banker approving Stuart I Brown Associates to provide services for the Comprehensive Plan update per the Comprehensive Plan Committee's recommendation for a fee of \$23,400. Village of Albion and Town of Albion will each be responsible for one half of the cost.

**CARRIED**

5 Ayes

0 Nays

**EMPLOYEE REQUEST**

The Board of Trustees tabled employee Mr William Logan's request to received ½ pay for 30 days after all the donated time is exhausted, at which time he can resubmit his request.

**HEALTH DEPT CORRESPONDENCE**

Per Chief of the Water Treatment Plant Kevin Miller, Chatfield Engineers is responding to the Orleans County Health Department letter dated January 24, 2011 regarding the 2010 Water System Inspection that was done on November 8, 2010.

**SHARE SERVICES**

Moved by Trustee Sheehan and seconded by Trustee Miller approving the Town of Albion's request for the Village of Albion to support them in having the Center of Governmental Research do a study of the two highway departments.

**CARRIED**

5 Ayes

0 Nays

**TOWER AGREEMENT**

The Board of Trustees tabled approving the lease agreement with Crowne Castle. Attorney Gavenda doesn't like the wording in the index.

**EXECUTIVE SESSION**

Moved by Trustee Sheehan and seconded by Trustee Miller to adjourn to executive session for personnel issues at 9:55 PM.

**CARRIED**

5 Ayes

0 Nays

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Banker and seconded by Trustee Miller to come out of executive session 10:14 PM.

**CARRIED**

5 Ayes

0 Nay

**APPROVE PURCHASE**

Moved by Trustee Miller and seconded by Trustee Riley approving Superintendent of Public Works, Dale Brooks request to purchase two new vehicles out of the CHIPS funds for the fiscal year June 1, 2010 through May 31, 2011.

**CARRIED**

5 Ayes

0 Nays

**MEETING ADJOURNED**

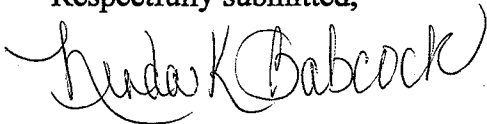
Moved by Trustee Riley and second by Trustee Sheehan that there being no further business, meeting is hereby adjourned at 10:15 PM.

**CARRIED**

5 Ayes

0 Nays

Respectfully submitted,



Linda K Babcock  
Clerk-Treasurer