

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, January 12, 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 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 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:

- If salary and non-paid personnel could be separated
- Need to still do resolution for appointing someone out of Village
- The Attorney will research on the removal of an individual from a Board, Committee or Commission
- Adding individuals who live outside of the Village, but own property inside the Village
- How the way it is being done now is not illegal, but would be a tighter fit
- It is hard to get residents to volunteer for non paying positions

Mr Sanford A Church sent a letter stating he feels there are a sufficient number of qualified residents of the Village who can competently serve on boards, committees or commissions.

PUBLIC HEARING RECESSED

Moved by Trustee Banker and seconded by Trustee Miller recessing the Public Hearing to consider amending the Code of the Village of Albion until January 26, 2011 at 7:00 PM.

CARRIED

3 Ayes

0 Nays

RESIDENT

Resident, Mr William Burgio addressed the Board of Trustees regarding the recent final water bill he received. The automatic meter read system that was installed in 2008 was not working properly, causing his consumption to be billed incorrectly. Mr Burgio can make payments on his final water/sewer bill over the next five months.

RESIDENT

Resident, Mr Gilbert Williams addressed the Board of Trustees regarding the letter he received from the water clerk dated November 22, 2010. The automatic meter read system that was installed in 2008 was not working properly, causing the consumption to be billed incorrectly.

Moved by Trustee Banker and seconded by Trustee Miller approving Mr Williams make monthly payments on the amount due for the under billed amount. Water Clerk will send Mr Williams a letter stating what his monthly payments will be.

CARRIED

3 Ayes

0 Nays

DEPARTMENT HEAD REQUEST

Moved by Trustee Miller and seconded by Trustee Banker approving the Superintendent of Public Works, Dale Brooks to attend "Advocacy Day" March 8 & 9, 2011 in Albany.

CARRIED

3 Ayes

0 Nays

Superintendent of Public Works, Dale Brooks provided the Board of Trustees information regarding purchasing a new loader. The Board tabled the discussion until Mr Brooks gets a price to include the trade in of their old one.

TRANSFER OF FUNDS

Moved by Trustee Miller and seconded by Trustee Banker approving the transfer of \$7,340.00 to a .2 – equipment, for the skidsteer purchase. \$3,340.00 will come from A8560.0401, brush grinding and \$4,000.00 from A 5110.0408, rental of equipment.

CARRIED

3 Ayes

0 Nays

APPROVE BID SPECS

Moved by Trustee Banker and seconded by Trustee Miller approving the "Bid Specs" for the asbestos abatement for 61 Brown Street, third floor/attic area of 35-37 East Bank Street and 19 North Main Street, per Attorney Gavenda's approval.

CARRIED

3 Ayes

0 Nays

APPROVE PAYMENT TO CanAm

Moved by Trustee Miller and seconded by Trustee Banker approving Approved payment to CanAm Environmental Safety, Inc out of the Capital Reserve Funds. The following invoices are for the asbestos inspection, survey and final report for:

Invoice #252	61 Brown Street	\$1,983.00
Invoice #253	3 rd Floor/Attic Village Hall	\$1,275.00
Invoice #254	19 North Main St	\$2,650.00

CARRIED

3 Ayes

0 Nays

ACCEPT TREASURERS REPORT

Moved by Trustee Miller and seconded by Trustee Banker accepting the Treasurer's Report for December 2010.

CARRIED

3 Ayes

0 Nays

TABLED APPROVING MINUTES

Tabled approving minutes of December 29, 2010 until the Workshop Meeting that will be held on January 26, 2011.

APPROVE PAYMENT OF BILLS

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

General Fund	voucher #	\$ 44,815.57
Water Fund	to #	\$ 25,391.25
Sewer Fund		\$ 18,026.80

Trustee Sheehan had audited the bills and informed Trustee Banker that everything was in order.

CARRIED

3 Ayes

0 Nays

APPROVE PAYMENT CHATFIELD BILLS

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

Green Project Initiative	10-976-10	\$ 186.00
2007 Sanitary Sewer Improvements	06-765-40	\$ 120.00
JMPCF Capital Improvement Plan	09-924-4	\$ 6,162.00
General Engineering Services	94-193-161	\$ 2,137.50
McKinstry Street Storm Sewer and Road Reconstruction	09-944-16	\$ 263.70

CARRIED

3 Ayes

0 Nays

TABLED AMENDMENT TO OWNER-ENGINEER AGREEMENT

Tabled the approval of 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. The Board of Trustee would like more detail from Chatfield Engineers.

APPROVE SERGI PAYROLLS

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

CARRIED

3 Ayes

0 Nays

APPROVE PAYMENT TO DONEGAN

Moved by Trustee Miller and seconded by Trustee Banker approving payment to Bernard P Donegan Inc for services rendered through October 31, 2010.

Sanitary Sewer Lines	\$2,274.34
JMPCF	\$ 97.47
CDU	\$ 194.94

CARRIED

3 Ayes

0 Nays

APPROVE PAYMENT TO HODGSON RUSS

Moved by Trustee Miller and seconded by Trustee Banker approving payment to Hodgson Russ Attorneys for services rendered in the amount of \$3,894.96 for November 2010 and \$91.50 and \$2,178.60 for December 2010.

CARRIED

3 Ayes

0 Nays

APPROVE PAYMENT TO DAVID W LIPPITT

Moved by Trustee Banker and seconded by Trustee Miller approving payment to David W Lippitt, Esquire for services rendered:

November 2010	\$150.00
December 2010	\$855.00

CARRIED

3 Ayes

0 Nays

CLOSE CAPITAL RESERVE ACCT

Moved by Trustee Miller and seconded by Trustee Banker approving the Clerk-Treasurer to close out the 98/31 Capital Reserve Project. The left over funds will be transferred to the water fund.

CARRIED

3 Ayes

0 Nays

SPEICAL MEETING

Moved by Trustee Miller and seconded by Trustee Banker to hold the Annual Organizational Meeting on Monday, April 4, 2011 at 7:00 PM.

CARRIED

3 Ayes

0 Nays

SCHEDULED PUBLIC HEARING

Moved Trustee Miller and seconded by Trustee Banker approving a Public Hearing to be held on April 13, 2011 at 7:00 PM to present the proposed Village Budget for the fiscal year June 1, 2011 through May 31, 2012.

CARRIED

3 Ayes

0 Nays

SCHEDULED SPECIAL MEETING

Moved Trustee Banker and seconded by Trustee Miller approving a Special Meeting to be held on April 20, 2011 at 6:30 PM to adopt the Village Budget for the fiscal year June 1, 2011 through May 31, 2012.

CARRIED

3 Ayes

0 Nays

DOG SHOW

Moved by Trustee Miller and seconded by Trustee Banker approving Double Q Agility Club's request to use Bullard Park July 21, 2011 through July 24, 2011 for their dog show. The Village Clerk-Treasurer will send a letter to Double Q Agility Club with Mr Grillo's contact information.

CARRIED

3 Ayes

0 Nays

APPROVE PAYMENT TO STUART I BROWN ASSOCIATES

Moved by Trustee Banker and seconded by Trustee Miller approving payment to Stuart I Brown Associates for \$1,400.00. The period on the invoice is June 26, 2010 to August 27, 2010 and is in regards to the Administration of the 2008 Small Cities Grant.

CARRIED

3 Ayes

0 Nays

RESIDENT REQUEST

Moved by Trustee Miller and seconded by Trustee Banker approving the request of Mr Mike Neidert of the Free Methodist Church, to host two "sled nights" at Bullard Park. Dates to be determined at a later time and will take place from 6:00 PM to 10:00 PM. The Village Clerk will notify the Police Chief once the dates are scheduled.

CARRIED

3 Ayes

0 Nays

APPROVE PAYMENT OF TAX BILLS

Moved by Trustee Miller and seconded by Trustee Banker approving the payment of the following County/Town Village owned property tax bills:

61 Brown Street \$1,320.69

19 North Main Street \$ 557.15

CARRIED

3 Ayes

0 Nays

APPROVE PURCHASE OF SERVER

Moved by Trustee Miller and seconded by Trustee Banker authorizing the emergency purchase of a new server for the Village Office. Approximate cost of the new server will be \$6,000.00. There will be a correspondence sent to Dell questioning the warranty of the old server and about the problem with it.

CARRIED

3 Ayes

0 Nays

EXECUTIVE SESSION

Moved by Trustee Banker and seconded by Trustee Miller to adjourn to executive session for personnel issues at 8:42 PM.

Trustee Sheehan entered executive session.

CARRIED

3 Ayes

0 Nays

EXECUTIVE SESSION CLOSED

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

CARRIED

4 Ayes

0 Nay

SCHEDULED SPECIAL MEETING

Moved by Trustee Banker and seconded by Trustee Miller approving a Special Meeting to be held on Wednesday, January 19, 2011 at 5:30 PM to discuss the property at 106 South Clinton Street.

CARRIED

4 Ayes

0 Nays

APPROVE MEMORANDUM OF UNDERSTANDING

Moved by Trustee Banker and seconded by Trustee Sheehan approving Mayor Theodorakos to sign the following "Memorandum of Understanding" with the Town of Albion:

The Village of Albion is a municipal corporation organized under the laws of the State of New York with office at 35-37 East Bank Street, Albion, New York 14411 and is hereafter referred to as "Village".

The Town of Albion is a municipal corporation organized under the laws of the State of New York with offices at 3665 Clarendon Road, Albion, New York 14411 and is hereafter referred to as "Town".

WHEREAS, the Town is the owner of the various water districts within its borders and does solely perform the operation and maintenance of its pure water system; and

WHEREAS, the Village does own and maintain the water delivery system within its borders and does solely perform the operation and maintenance of its pure water system; and

WHEREAS, both the Village and the Town have on staff personnel who have been certified and licensed by the New York State Department of Health to operate and maintain the water system within their respective municipal borders. Said certificate issued by the New York State Department of Health known as a class D license; and

WHEREAS, it is the mandate of the New York State Department of Health that any municipality that operates and maintains a pure water delivery system must provide personnel who maintain and possess a valid class D license/certificate to oversee the operation of the pure water delivery system; and

WHEREAS, for purposes of disaster preparedness the Village and the Town wish to enter into an Agreement wherein if either municipality is temporarily without an employee holding a valid class D license issued by the New York State Department of Health for the operation and maintenance of pure water systems the other municipality will make available one of its licensed employees to oversee the operation and maintenance of the pure waters delivery system in the municipality making the request for assistance; and

WHEREAS, the parties hereto understand that the municipalities' obligation to provide said employee holding a class D certification is totally dependent on availability of said employee and that is supplying said employee it will not detract from efficient and necessary duties that employee performs for the municipality from which he/she came; and

WHEREAS, the parties hereto wish to reduce to writing their duties and obligations they will have with one another during the term of this inter-municipal agreement; and

WHEREAS, the requesting municipality agrees to assume any and all liability and will indemnify and hold harmless the responding municipality from any and all claims or losses incurred by the requesting municipality as a result of the services performed by the responding municipalities employee to assist the other in the operation and maintenance of its pure water systems.

NOW THEREFORE, it is hereby agreed by the Village Board of Trustees and the Town Board of Albion, that

1. In the event of an emergency if wither municipality is without an employee possessing a valid and current class D license issued by the New York State Department of Health for the operation and maintenance of a municipal pure water system, upon the request of the municipality lacking said licensed employee the responding municipality will supply an employee holding a valid and current class D license dependent however upon the availability of said employee and the extent of service being made by the requesting municipality.
2. The parties hereto agree to indemnify and hold one another harmless with respect to any claims or losses that may arise as a result of services performed by the responding municipality's employee in relation to the request of the other municipality for assistance.
3. The life of this agreement shall be a period of twelve (12) months from the date of the full execution of the same by the municipalities herein concerned and shall automatically renew itself each year for an additional twelve month period upon the consent of the Village Board of Trustees and the Town of Albion Board unless a notice of termination is provided to the other party as set forth below; and
4. That either party may terminate this agreement upon sixty (60) days written notice to the other party of the municipalities intent to withdraw from said inter-municipal agreement.

The Memorandum of Understanding will expire on October 1, 2011.

CARRIED

4 Ayes

0 Nays

DISCUSSION

Tabled discussion on the resolution regarding the Albion Fire Department until the Special Meeting Wednesday, January 19, 2011 at 5:30 PM.

MEETING ADJOURNED

Moved by Trustee Banker and second by Trustee Miller that there being no further business, meeting is hereby adjourned at 9:55 PM.

CARRIED

4 Ayes

0 Nays

Respectfully submitted,



Linda K Babcock
Clerk-Treasurer