

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, July 10, 2013 at 7:00 PM, at the Village Hall, 35 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Eileen S Banker, Fred Miller, Peter Sidari and Attorney John C Gavenda.

Trustee Kevin P Sheehan was absent.

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

PUBLIC HEARING

Mayor Theodorakos opened the Public Hearing at 7:00PM to consider amending the Code of the Village of Albion by removing Section B of the 290-64 Zoning code; correct "thief" to "chief" in 161-6 B and remove the term "practical builder" from 135-7 and 135-9.

Resident Mr Mark Parker asked if any businesses are currently in violation and if it's being dropped for a possible new business. Attorney Gavenda stated that it is correcting the code.

CLOSED PUBLIC HEARING

Moved by Trustee Miller and seconded by Trustee Sidari that is as much as everyone who wished to speak to consider amending the Code of the Village of Albion by removing Section B of the 290-64 Zoning code; correct "thief" to "chief" in 161-6 B and remove the term "practical builder" from 135-7 and 135-9 were heard, the Public Hearing closed at 7:07 PM.

CARRIED

4 Ayes

0 Nays

ADOPT LOCAL LAW # 4, 2013

The following Local Law #4 was proposed by Trustee Miller who moved its adoption and seconded by Trustee Banker:

WHEREAS, a proposed Local Law #4 of the year 2013 for the purpose of amending CHAPTER 135, CHAPTER 161 and CHAPTER 290 was presented to the Village of Albion Board of Trustees, and

WHEREAS, the Board of Trustees at a Regular Board Meeting of said Board held on Wednesday, June 12, 2013 did adopt a motion that a Public Hearing be held on the aforesaid proposed Local Law at 7:00 PM on July 10, 2013, at 35-37 East Bank Street, Albion New York and that said notice thereof be published in the Batavia Daily Newspaper, the official newspaper of the Village of Albion at least seven days before July 10, 2013, and

WHEREAS, a notice of such Public Hearing on said proposed Local Law was duly published in the Batavia Daily Newspaper on June 28, 2013, and

WHEREAS, a Public Hearing on said proposed Local law was held by the Board of Trustees, at 35-37 East Bank Street, Albion, New York at 7:00 PM on July 10, 2013, at which time all were heard who wished to speak regarding said Local Law,

NOW THEREFORE BE IT RESOLVED, that the following Local Law be hereby made part of the code of the Village of Albion, New York:

LOCAL LAW #4
CHAPTER 135
BUILDINGS, UNSAFE

§ 135-7 Failure to comply with notice; survey of premises

- A. Upon the refusal or neglect of the person or persons served with the notice and order provided for by § 135-6 of this chapter to comply with any or all of the requirements of such notice and order within the time prescribed by such notice and order, then, upon order of the Village Board of Trustees, a notice of survey shall be served upon such person or persons in the manner prescribed by § 135-6 of this chapter, notifying such person or persons that a survey of the premises described in such notice of survey will be made at the time and place specified in such notice of survey, which time shall not be less than 24 hours from the time of the service of such notice of survey, and which notice of survey shall further notify such person or persons that such survey will be made at such time and place as are specified therein by the Code Enforcement Official of the Village of

Albion, New York, and a engineer or architect named by the Board of Trustees of the Village of Albion, New York, and designated in such notice and by a engineer or architect appointed by the person or persons notified as herein provided. Such notice shall further notify such person or persons that, in the event of the refusal or neglect of such person or persons so notified to appoint such third surveyor and to cause his attendance at the time and place of the survey as set forth in the notice of survey, then and in such event the Code Enforcement Official of Albion, New York, and the engineer or architect named by the Board of Trustees and designated in such notice of survey shall make the survey and report. Such notice of survey shall state that, in the event that the building or structure or any part thereof shall be reported unsafe or dangerous under such survey, then an application will be made at a special term of the Supreme Court in the Eighth Judicial District not less than five nor more than 10 calendar days thereafter for an order determining the building or structure or any part thereof to be a public nuisance and directing that it shall be repaired and secured or taken down and removed.

§ 135-9 Compensation of surveyors

The engineer or the architect named by the Board of Trustees as hereinbefore provided who may act on any survey called in accordance with this chapter and the engineer or architect appointed as hereinbefore provided by the person or persons notified as hereinbefore provided shall each be entitled to and receive a fee to be fixed by the Village Board to be paid by the Village Treasurer. A cause of action is hereby created for the benefit of the village against the owner of said building or structure and against the owner of the lot or parcel of land on which the same is situated for the amount so paid with interest. The amount so collected shall be paid to the Village Treasurer in reimbursement of the amount paid by him or her as aforesaid.

CHAPTER 161

FIRE PREVENTION AND BUILDING CONSTRUCTION

§161-6 Duties and powers of Fire Marshall

- A. The Bureau of Code Enforcement and Fire Prevention shall oversee and direct the activities of the Fire Marshall. As the Bureau chief, the Code Enforcement Officer shall prepare and maintain standard operating procedures of Fire Marshall.

CHAPTER 290

ZONING

§290-64 Drive-in business

Remove section B

B. All drive-in businesses shall be a minimum of 200 feet from other such businesses, which distances shall be computed as follows:

- (1) For such businesses on the same side of the street, 200 feet measured diagonally between the two closest property lines.
- (2) For such businesses on opposite sides of the street, 200 feet measured diagonally between the two closest property corners.
- (3) For four-corner intersections, one such business may be located on a diagonally opposite corner exclusive of the two-hundred-foot distance requirement

CARRIED

4 Ayes

0 Nays

PUBLIC HEARING FOR RESIDENT

A court stenographer was present for the hearing with Mr Dan Dunn regarding the property he owns at 125 North Liberty Street.

CLOSED PUBLIC HEARING

Moved by Trustee Banker and seconded by Trustee Sidari to close the Public Hearing at 7:20 PM.

CARRIED

4 Ayes

0 Nays

APPROVED 30 DAY EXTENSION

Moved by Trustee Banker and seconded by Trustee Miller granting Mr Dunn's request for a 30 day extension, to give him enough time to file an Article 78 with the Department of Labor. Because Mr Dunn stipulated that the building must come down, the Board of Trustees agreed to bypass the engineer survey of the property.

CARRIED

4 Ayes

0 Nays

RESIDENTS

Mrs Rhonda Parker presented proposals for the Board of Trustees to act on.

Mr Mark Parker addressed the Board of Trustees regarding the complaints he filed.

APPROVED PLANNING/ZONING BOARD PAY

Moved by Trustee Miller and seconded by Trustee Banker to change the pay for the Planning and Zoning Board members as follow:

Zoning Board \$30/meeting for members and \$50/meeting for Chairperson

Planning Board – wants to change from paid once a year to every meeting.
\$30/meeting for members and \$50/meeting for Chairperson

CARRIED

4 Ayes

0 Nays

APPROVED LEASE AGREEMENT

Moved by Trustee Miller and seconded by Trustee Sidari approving Mayor Theodorakos to sign the lease agreement with the State of New York for Assemblyman Hawley's office at 121 North Main Street. The agreement will be for 2 years with a 2% increase per year.

CARRIED

3 Ayes

0 Nays

Trustee Miller

Trustee Sidari

1 Abstained

Mayor Theodorakos

Trustee Banker

TABLED REQUEST

Tabled the request from Office Annable's to sell 27 hours of his unused vacation time from the 2012-2013 fiscal year due to his over sight. Attorney Gavenda apologized to the Board of Trustees and said he would like to address this at the July 24, 2013 meeting.

TABLED EBS CONTRACT

Tabled authorizing the Mayor to sign the renewal with EBS-RMSCO. There will be a meeting scheduled with BeneCare, two Trustees and two employees to hear more about their plan and to say here are our issues, how would you handle them.

ACCEPT TREASURERS REPORT

Moved by Trustee Miller and seconded by Trustee Sidari accepting the Treasurer's Report for June 2013.

CARRIED

4 Ayes

0 Nays

APPROVED MINUTES

Moved by Trustee Banker and seconded by Trustee Sidari that in as much as each member received copies of the minutes of June 26, 2013 and there being no errors or omissions, minutes are hereby approved as written.

CARRIED

4 Ayes

0 Nays

APPROVED PAYMENT OF BILLS

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

General Fund	voucher #16034	\$74,737.05
Water Fund	to #16292	\$15,638.64
Sewer Fund		\$ 7,106.74

CARRIED

4 Ayes

0 Nays

APPROVED PAYMENT CHATFIELD BILLS

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

JMPCF Capital Improvement Plan	09-924-34	\$14,261.20
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CARRIED

4 Ayes

0 Nays

TABLED PAYMENT TO CHATFIELD

The Board of Trustees tabled approving the following invoice submitted by Chatfield Engineers until the July 24, 2013 Workshop Meeting:

Washington Street Drainage Project	11-1024-2	\$ 4,750.00
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APPROVED PAYMENT USING BUILDING RESERVES

Moved by Trustee Sidari and seconded by Trustee Banker approving a portion of the M&T Heating & A/C Services invoice out of Building Reserves for the repair of the 3rd floor air conditioner at 121 North Main Street. Amount to be paid is \$1,331.26 of the \$3,800.00 invoice.

CARRIED

4 Ayes

0 Nays

APPROVED REMOVAL OF TAX BILLS

Moved by Trustee Miller and seconded by Trustee Banker approving to remove the following 2013-2014 Village tax bills:

Time Warner Cable	500.1-4-4.1	\$860.58
Time Warner Cable	500.-4-4./V	\$ 92.46

Time Warner has a Franchise Agreement with the Village of Albion.

CARRIED

4 Ayes

0 Nays

APPROVED SEWER BREAK

Moved by Trustee Banker and seconded by Trustee Sidari approving the Superintendent of Public Works Dale Brooks recommendation to remove a portion of the sewer bill for 118/120 East State Street. Amount to be removed due to frozen pipes leaking in his basement which didn't go into the Village's sanitary sewer is \$326.77.

CARRIED

4 Ayes

0 Nays

APPROVED GHI INSURANCE

Moved by Trustee Sidari and seconded by Trustee Banker approving Mayor Theodorakos to sign the agreement with GHI (dental insurance) for the period of September 1, 2013 to August 31, 2014. There will be a 0% increase in the rate.

CARRIED

4 Ayes

0 Nays

PUBLIC HEARING SCHEDULED

Moved by Trustee Miller and seconded by Trustee Banker to hold a Public Hearing on July 24, 2013 at 7:00 PM to hear comments on the Community Development Block Grant Program (CDBG). Residents are invited to attend the hearing, to assist the Village in defining community development priorities and to assist the Board in identifying possible projects, in addition to those identified by the Village, for inclusion in an application for CDBG funding. The Village will provide information at the hearing to comply with the legislative and program requirements which govern the CDBG Program. At this time, the Village is considering submission a CDBG grant application for sanitary system improvements in response to the Notice of Funding Availability issued by the Regional Economic Development Councils through the New York State Consolidated Funding Application process.

CARRIED

4 Ayes

0 Nays

CORRESPONDENCE FROM LABELLA

The Board of Trustees received a correspondence from LaBella Associates regarding the income surveys needed for the grant. Surveys are coming in very slow and we are two weeks past the deadline. The Board of Trustees discussed going door-to-door to help get the surveys that are needed. As of June 26, 2013 LaBella Associates has received:

Caroline Street	5 out of the required 22
Crimson Drive	8 out of the 83
East State Street	8 out of 53

APPROVED TO SUBMIT APPLICATION (rescinded July 24, 2013 and readopted)

The following resolution 3-2103, was proposed by Trustee Banker who moved its adoption and seconded by Trustee Miller:

RESOLVED, that the Mayor of the Village of Albion, Orleans County, New York, is hereby authorized as the official representative of the Village of Albion to execute and submit a Community Development Block Grant application to the administrative agency for the Fiscal Year 2013 program, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required.

CARRIED

4 Ayes

0 Nays

TABLED ADOPTION OF LOCAL SHARE RESOLUTION

The Board of Trustees tabled adoption of the resolution to commit to provide local share of the cost to construct sanitary sewer improvements until the July 24, 2013 Workshop Meeting. The Board of Trustees didn't have the costs in front of them to see how much the total project would be.

RESOLUTION FOR BULLARD PARK APPLICATION

The following resolution 5-2013 was proposed by Trustee Banker who moved its adoption and seconded by Trustee Sidari:

WHEREAS, the Village of Albion is applying to the New York State Office Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project to be located on the corner of East Avenue and Clarendon Street known as Bullard Park. A site located within the territorial jurisdiction of this Board;

NOW, THEREFORE, be it resolved by the Board of Trustees that Linda K Babcock, as Village Clerk-Treasurer of the Village of Albion, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$500,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Village of Albion for rehabilitating Bullard Park and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

BE IT FURTHER RESOLVED that the Village of Albion does hereby approve and endorse the application for a grant under the Environmental Protection Fund for a park project known as Bullard Park Phase I.

BE IT FURTHER RESOLVED that said property shall be forever maintained by the Village of Albion as a municipal park in this community consistent with the rules promulgated by OPRHP.

CARRIED

4 Ayes

0 Nays

COMMUNITY SUPPORT BULLARD PARK

The following resolution 4-2013, was proposed by Trustee Sidari who moved its adoption and seconded by Trustee Banker:

WHEREAS, the Village of Albion is seeking Environmental Protection Fund (EPF) grant funds to pay for a portion of the cost to rehabilitate Bullard Park; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) requires a municipality without an adopted Comprehensive Plan to pass a resolution affirming that there is public and community support for a proposed project; and

WHEREAS, the Village adopted an updated Comprehensive Plan in January 2013; and

WHEREAS, a Bullard Park Plan was included as part of the updated Comprehensive Plan; and

WHEREAS, a Bullard Park Community Workshop was held on December 12, 2011 to obtain community input on the elements to be included in the rehabilitation of the park; and

WHEREAS, a Comprehensive Plan public hearing was held on April 26, 2012 which included discussion on Bullard Park; and

WHEREAS, public support for Bullard Park was overwhelming at the Workshop and Public Hearing;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees does affirm with the adoption of this resolution that there is widespread public and community support for the proposed Bullard Park rehabilitation project.

CARRIED

4 Ayes

0 Nays

APPROVED PAYMENT TO STC

Moved by Trustee Banker and seconded by Trustee Miller approving the final payment to STC Construction for Contract #3, pay application #5 for the project at the Joint Municipal Industrial Pollution Control Facility in the amount of \$21,920.00. The Board of Trustees also received the following documents from Chatfield Engineers for Contract #3:

1. Contractor's final payment acknowledgements
2. Contractor's affidavit that all liens and claims have been paid
3. AIA Document G706 – Contractor's affidavit of payment of debts and claims
4. AIA Document G 706A – Contractor's affidavit of release of liens
5. AIA Document G707 – Consent of surety to final payment
6. Certificate of Substantial Completion

CARRIED

4 Ayes

0 Nays

APPROVED CEMETERY DEEDS

Moved by Trustee Sidari and seconded by Trustee Banker approving Mayor Theodorakos to sign the following Cemetery Deeds:

Dean W & Dolores R Brooks

S.G. 485 Zephyr Avenue

Gerald C & Beverly T Monagan

#13 & #14 Evergreen Columbarium

CARRIED

4 Ayes

0 Nays

CORRESPONDENCE

The Board of Trustees received documents from Bernard Donegan's office regarding the \$100,000.00 BAN. The Village received a 1.58% rate from Five Star Bank.

THANK YOU

The Board of Trustees discussed sending a thank you to the Tonawanda Indian Baptist Church for the fireworks they provided on Saturday, July 6, 2013 at Bullard Park. Also discussed putting a thank you in the Lake Country Pennysaver to the Strawberry Festival Committee, Theater on Main Street, the Church concert series and the Merchants Association for all they do for the Village of Albion

NY SAFE ACT

Trustee Banker will provide the resolution calling for repeal of the "New York Safe Act" for the Board of Trustees to look at adopting at the July 24, 2013 meeting.

RULES/PROCEDURES

The Board of Trustees will review the "Rules of Procedures at Regular Meetings" and "Rules of Procedures at Workshop Meetings" as provided by Attorney Gavenda. The Board of Trustees will look at adopting them at the July 24, 2013 Workshop Meeting.

EXECUTIVE SESSION

Moved by Trustee Sidari and seconded by Trustee Miller to adjourn to executive session for personnel issues at 8:47 PM.

CARRIED

4 Ayes

0 Nays

EXECUTIVE SESSION CLOSED

Moved by Trustee Sidari and seconded by Trustee Banker to come out of executive session at 10:00 PM.

CARRIED

4 Ayes

0 Nays

DEPT HEAD VEHICLE

Moved by Trustee Miller and seconded by Trustee Sidari allowing Police Chief Nenni to take home a Village vehicle. Trustee Miller stated that when the Chief needs to respond to an emergency situation from his home, having the Village vehicle which is equipped with his special gear will save time. The vehicle will be used for Police business only.

CARRIED

4 Ayes

0 Nays

APPROVED TO HIRE COUNSEL

Moved by Trustee Miller and seconded by Trustee Banker approving to hire Hodgson Russ Attorneys as special counsel.

CARRIED

4 Ayes

0 Nays

MEETING ADJOURNED

Moved by Trustee Miller and seconded by Trustee Sidari that there being no further business, meeting is hereby adjourned at 10:02 PM.

CARRIED

4 Ayes

0 Nays

Respectfully submitted,



Linda K Babcock
Clerk-Treasurer