

A Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, March 10, 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 Gavenda.

Mayor Theodorakos opened the meeting with the pledge of allegiance.

PUBLIC HEARING

Mayor Theodorakos opened the Public Hearing at 7:00 PM to discuss community needs and priorities and to provide residents with information about the Small Cities Program.

This is the second of two hearings. The Village of Albion is looking at applying for the 2010 NYS Community Development Block Grant (CDBG) Program. If the Board of Trustees decides to apply this year, they will need to decide if they want to reapply for improvements at the Pollution Control Plant or apply for housing rehab.

CLOSE PUBLIC HEARING

Moved by Trustee Sheehan and second by Trustee Banker that in as much as everyone who wished to speak regarding the community needs and priorities were heard, the Public Hearing is hereby closed at 7:02 PM.

CARRIED

5 Ayes

0 Nays

PUBLIC HEARING

Mayor Theodorakos reopened the Public Hearing that was recessed from February 10, 2010 at 7:15 PM to establish the maximum speed limit in, on or about the parking areas, private streets, roadways and driveways of the Mobile Home Park or manufactured home park known as Oak Orchard Estates in the Village at not less than 15 miles per hour as authorized by Sections 1640-a and 1643 of New York's Vehicle and Traffic Law.

The Oak Orchard Park Association presented the Board of Trustees with 100 signatures supporting the Village of Albion amending Sections 1640-a and 1643 of New York's Vehicle and Traffic Law.

CLOSE PUBLIC HEARING

Moved by Trustee Riley and second by Trustee Sheehan that in as much as everyone who wished to speak regarding changes to Sections 1640-a and 1643 of New York's Vehicle and Traffic Law were heard, the Public Hearing is hereby closed at 7:10 PM.

CARRIED

5 Ayes

0 Nays

MOTION TO ENFORCE

Moved by Trustee Sheehan and seconded by Trustee Banker adopting the following resolution changing Sections 1640-a of the New York's Vehicle and Traffic Law:

NOW THEREFORE BE IT ADOPTED by the Village Board of the Village of Albion as follows:

1. There is hereby enacted that the maximum speed limit in any of the following areas shall not be less than fifteen (15) miles per hour – parking areas, private streets, roadways or driveways located in the mobile home park or manufactured home park known as Oak Orchard Estates and its successors and/or assigns located in the Village of Albion, County of Orleans and State of New York.
2. Posting of the speed limits within the parking areas, private streets, roadways or driveways located in the mobile home park or manufactured home park known as Oak Orchard Estates and its successors and/or assigns shall be the responsibility and at the sole expense of Oak Orchard Estates and its successors and/or assigns.

3. This local law is made in accordance with Section 1640-a and 1643 of the New York State Vehicle and Traffic Law.
4. This local law shall be effective upon filing with the Secretary of State in accordance with the Municipal Home Rule Law.

CARRIED

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

DEPT HEAD

Moved by Trustee Sheehan and seconded by Trustee Miller approving Superintendent of Public Works, Dale Brooks' request to declare the old Christmas decorations that are in the basement of the Village Office as surplus property.

CARRIED

5 Ayes	0 Nays
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Discussed the bills that Mr Dan Green turned in. Mr Green alleges that the Public Works vehicle was the reason his back window was broken. There was no police report filed. The Board of Trustees would like Police Chief, Dean London to contact Mr Green to find out what happened.

AMSA

Mr Ted Malone, representing AMSA addressed the Board of Trustees about ideas in the gazebo at the Canal Park. AMSA would like to put an approximate 8' x 6' temporary vinyl sign in the gazebo. Volunteers will be sitting in the gazebo greeting boaters, bicyclist, etc and it would only be rolled down during inclement weather. The group would like to put something on the sign welcoming visitors and will maintain it. It will be up from the middle of May to the middle of October. Mr Malone also asked if the international sign for information (?) could be put up. Trustee Riley asked if the sign ordinance would apply to the temporary vinyl sign. Mr Malone will contact Code Enforcement Officer, Ron Vendetti in the morning to discuss the codes for temporary signs with him.

Moved by Trustee Riley and seconded by Trustee Banker approving AMSA's request to put a temporary vinyl sign in the gazebo to be used to block inclement weather from the volunteers who will be sitting in the gazebo greeting visitors, pending approval from Code Enforcement Officer, Ron Vendetti.

CARRIED

5 Ayes	0 Nays
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CLARENDON STREET BRIDGE

Mr Christopher Sheridan from New York State Department of Transportation and Mr Kevin Miller from Bergmann Associates were present to discuss the Clarendon Street Bridge Project. Mr Sheridan gave a background on the project to the Board of Trustees and the residents that were in attendance. The Village had been approved for funding in the past, but past administration wanted to look at putting in an at grade crossing, causing the funding to be delayed. Genesee Valley Transportation opposed another grade crossing. Since then the Village Board of Trustees has requested to have the funds reinstated. The bridge has been recommended for funding in the 2011 - 2014 Transportation Improvement Program. Mr Sheridan stated that it is likely that the bridge could have weight restrictions, one-lane reduction or be closed due to structural deficiencies placed on it before the Village can get the funds secured. If another project fails, the Village could receive funding earlier. That is why Mr Sheridan suggested that the Village be ready to go. Unfortunately the Village would have to front approximately \$285,000 for design services. That amount would be reimbursed around November 2011, possibly as early as May 2011. The design phase needs to be complete before the project can advance to construction. The Village will get reimbursed for the design, but if the economy continues to struggle the construction funds could be pushed out one year.

RESIDENT

Mr Conrad Cropsey addressed the Board of Trustees about tax credits. He stated that there are state and federal tax credits available which historic building owners could apply for. Together they offer a 40% incentive to help owners maintain their buildings. Ms Katelin Olson, the AMSA Director, stated she is looking into the National Trust officials coming to Albion to help explain how building owners could use the tax credits.

RESIDENT

Mr Tim Lindsay from the Harvest Christian Fellowship Church asked the Board of Trustees permission to use Bullard Park on Saturday mornings. Mr Lindsay was informed that they are public parks and unless he wants to reserve a pavilion located in Bullard Park, it is first come first serve.

RESIDENT

Moved by Trustee Riley and seconded by Trustee Banker approving Ms Melissa Olles request to have her final bill reduced. She stated her final bill was not done when she requested it resulting in a higher bill. The new amount due will be \$35.08.

CARRIED

5 Ayes

0 Nay

CHATFIELD ENGINEERS – JASON FOOTE

Mr Jason Foote from Chatfield Engineers presented the Board of Trustees with an update of the following projects:

2007 Sanitary Sewer Project

Main installation complete for all streets with the exception of the Meadowbrook Drive subdivision

Contractor currently installing sanitary laterals on Caroline Street, East Bank Street, West Bank Street and North Clinton Street

Next job progress meeting will be Thursday, March 25, 2010 at 7:30 AM at the Village Hall

2009 McKinstry Street Storm Sewer and Road Reconstruction

Plans and specs for project are complete

Requesting approval to bid project

Construction to start the end May

Meadowbrook Drive Water Main Replacement

Village Department of Public Works started the water main installation for Phase 2 this week

The new water main must be in service prior to starting any sanitary sewer or storm sewer work

Meadowbrook Drive Road Reconstruction and Storm Sewer

Plans are complete and have been forwarded to Sergi

Road work will be completed by Sergi Construction once water main, sanitary sewer and drainage work is finished and weather is favorable

Mr Foote also informed the Board of Trustees that the Sanitary Sewer Project will under run approximately \$240,000.00. One area that was talked about was the interceptor line from the Albion Correctional Facility to the Pollution Control Plant which is part of the DEC consent order. There are other areas that need to be addressed which will be looked at later.

APPROVE TELEVISIONING

Moved by Trustee Sheehan and seconded by Trustee Banker approving Jason Foote from Chatfield Engineers recommendation to televise the interceptor line from the Albion Correctional Facility to the Pollution Control Plant pending approval from EFC. Under run money from the Sanitary Sewer Project will be used and the cost for Sergi Construction to televise the line is approximately \$42,000.00.

CARRIED

5 Ayes 0 Nays

APPROVE TO BID

Moved by Trustee Riley and seconded by Trustee Banker authorizing Chatfield Engineers prepare the McKinstry Street Storm Sewer and Road Reconstruction bids. The Village will advertise for bids on March 22, 2010, open the bids on April 15, 2010 and award the project on April 21, 2010.

CARRIED

5 Ayes 0 Nays

APPROVED PAYMENT OF CHATFIELD BILLS

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

121 North Main Street Facade	08-888-7	\$ 1,730.00
General Engineering Services	94-193-155	\$ 242.50
DPW Building Repairs	08-897-8	\$ 160.00
Meadowbrook Road Reconstruction	09-952-4	\$ 2,372.00
Meadowbrook Drive Water Main Project	09-951-5	\$ 500.00
2007 Sanitary Sewer Improvements	06-765-30	\$ 9,463.00

CARRIED

5 Ayes 0 Nays

APPROVE PAYMENT TO SERGI

Moved by Trustee Sheehan and seconded by Trustee Banker approving Mayor Theodorakos to sign Pay Estimate #9 and the payment of \$276,638.86 to Sergi Construction. The project is 52% completed as of February 26, 2010.

CARRIED

5 Ayes 0 Nays

RESIDENT

Mr and Mrs Charles Vick submitted a request for the penalty amount to be removed from their latest water/sewer bill. Their request states that they never received the original bill and when they finally received their late notice it had "does not live here" on the envelope.

Moved by Trustee Riley and seconded by Trustee Sheehan approving Mr and Mrs Charles Vick's request to remove the penalty amount on their latest water/sewer bill.

CARRIED

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

RESIDENT

Ms Virginia Tross's son, Mr Tom Mulford, submitted a request to have his mother's final water/sewer bill be removed for 97 Heritage Estates.

Moved by Trustee Sheehan and seconded by Trustee Miller denying Mr Tom Mulford's request to remove his mother's final water/sewer bill for 97 Heritage Estates, per Water Clerk, Tracy Van Skiver's recommendation, due to the fact that the water department was not notified until the middle of the billing to do the final.

CARRIED

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

Trustee Riley said she feels the late fee should have been removed.

APPROVE PAYMENT OF BILLS

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

General Fund	voucher #5446	\$46,054.81
Water Fund	to #5636	\$53,118.90
Sewer Fund		\$ 2,454.89

CARRIED

5 Ayes	0 Nays
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CEMETERY DEEDS

Moved by Trustee Riley and seconded by Trustee Banker authorizing Mayor Theodorakos to sign the following Cemetery Deeds:

Monteen Gilmore	S.G. 259 Zephyr Avenue
Arthur Burger	S.G. 249 Zephyr Avenue

CARRIED

5 Ayes	0 Nays
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ACCEPT APPLICATIONS

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

Kevin K Kelley	PT Truck Drive Pollution Control Plant
Robert G Emerson	PT Fire Department Office Clerk

APPROVE FIRE DEPT MEMBERS

Moved by Trustee Sheehan and seconded by Trustee Miller accepting Paula H Fuller, Cynthia J Hunt, Renee' L Rowley and Kelly J Szklany's applications to be active members of the Albion Fire Department.

CARRIED

5 Ayes	0 Nays
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ANNUAL MEETING DATE SET

Moved by Trustee Riley and seconded by Trustee Miller approving the Annual Organizational Meeting be held on Monday, April 5, 2010 at 6:00 PM.

CARRIED

5 Ayes	0 Nays
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PUBLIC HEARING SET

Moved by Trustee Sheehan and seconded by Trustee Miller approving a Public Hearing on the proposed budget for the fiscal year 2010 - 2011 be held on April 14, 2010 at 7:00 PM at the Village Council Chambers.

CARRIED

5 Ayes	0 Nays
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SPECIAL MEETING DATE SET

Moved by Trustee Miller and seconded by Trustee Banker approving a Special Meeting be held on Wednesday, March 24, 2010 at 6:00 PM to meet with Police Chief, Dean London and Code Enforcement Officer, Ron Vendetti regarding the Managerial Agreement.

CARRIED

5 Ayes

0 Nays

SPECIAL MEETING DATE SET

Moved by Trustee Riley and seconded by Trustee Sheehan approving a Special Meeting be held on Tuesday, March 30, 2010 at 7:00 PM to meet with AFSCME Union representatives regarding contract negotiations.

CARRIED

5 Ayes

0 Nays

APPROVE MINUTES

Moved by Trustee Riley and seconded by Trustee Sheehan that in as much as each member received copies of the February 6, 2010 and February 21, 2010 minutes and there being no errors or omissions, minutes are hereby approved as written.

CARRIED

5 Ayes

0 Nays

APPROVE MINUTES

Moved by Trustee Sheehan and seconded by Trustee Miller that in as much as each member received copies of the February 24, 2010 minutes and there being no errors or omissions, minutes are hereby approved as written.

CARRIED

4 Ayes

0 Nays

Trustee Sheehan

Trustee Miller

1 Abstained

Trustee Banker

Mayor Theodorakos

Trustee Riley

APPROVE MINUTES

Moved by Trustee Riley and seconded by Trustee Banker that in as much as each member received copies of the March 2, 2010 minutes and there being no errors or omissions, minutes are hereby approved as written.

CARRIED

5 Ayes

0 Nays

ACCEPT TREASURERS REPORT

Moved by Trustee Sheehan and seconded by Trustee Banker accepting the Treasurer's Report for the month of January 2010.

CARRIED

5 Ayes

0 Nays

NEWSLETTER

Chatfield Engineers provided the Board of Trustees with a newsletter that will update the residents on the work being done for the sanitary sewer project. The newsletter will be placed in the Lake Country Pennysaver.

SERGI PAYROLLS REVIEWED

Moved by Trustee Riley and seconded by Trustee Sheehan approving Mayor Theodorakos to sign the payrolls for Sergi Construction showing that he has reviewed them.

CARRIED

5 Ayes

0 Nays

APPROVE PAYMENT HODGSON RUSS

Moved by Trustee Riley and seconded by Trustee Miller approving payment to Hodgson Russ Attorneys in the amount of \$7,141.90 for professional services.

CARRIED

5 Ayes

0 Nays

ORLEANS SHARED WATER PROJECT RESOLUTION

Moved by Trustee Riley and seconded by Trustee Banker adopting the following resolution for Orleans County to submit a grant application to the New York State Department of State & Local Government Efficiency Grant Program to fund a study examining cost and service impacts of providing water services on a countywide basis:

WHEREAS, the New York Department of State Local Government Efficiency Program offers grant funding to local jurisdictions to study the cost savings and service impacts of sharing government services across jurisdictions; and

WHEREAS, the Village of Albion dedicated to providing high quality government service delivery to local residents in a cost effective manner; and

WHEREAS, Orleans County and the Towns and Villages therein have an interest in examining potential cost savings and service impacts to taxpayers that may result from a County-wide approach to the provision of water services; and

WHEREAS, certain Towns and Villages within Orleans County have expressed an interest in a County-wide approach to the provision of water services; and

WHEREAS, Orleans County desires to submit a grant application to the Local Government Efficiency grant program in the amount of \$35,000, proceeds of which would be used to engage an expert and independent evaluation of the cost impacts of sharing water services; and

WHEREAS, the outcome of the study will be used to inform local leaders and residents about cost and service implications of water service delivery options available to the community;

NOW THEREFORE BE IT RESOLVED, by the Village of Albion Village Board as governing body of the Village of Albion does hereby support an application, as Co-Applicant to the County of Orleans, for funds from the New York State Local Government Efficiency Grant Program for the 2009-2010 Program Year for the purposes of conducting a study of the service and cost implications of sharing water services, and

BE IT FURTHER RESOLVED, that the Village Clerk shall file a certified copy of this resolution with the Local Government Efficiency Grant Program by no later than March 31, 2010 and that the Village Clerk shall provide a certified copy of this resolution to Camoin Associates, the County's grant writing consultant, by no later than March 26, 2010.

CARRIED

4 Ayes

1 Nay

Trustee Riley

Trustee Miller

Trustee Banker

Trustee Sheehan

Mayor Theodorakos

CORRES

Water Clerk, Tracy VanSkiver submitted a suggestion to the Board of Trustees on how final water/sewer bills could be pro-rated. The Trustees will be contacting Ms VanSkiver to review her suggestion.

CORRES

Correspondence received from BMP America Inc thanking the Albion Fire Department for responding to the oven fire at their business in Medina on February 19, 2010.

CORRES

Correspondence received from Computel Consultants. Their company does research for municipalities to see if they have been underpaid for cable television franchise fees.

CORRES

Information received from Assembly Member Steve Hawley regarding the Governmental Conference trip scheduled for May 16th through May 18th, 2010.

E-MAIL POLICY ADOPTED

Tabled the decision on adopting the e-mail policy. Attorney Gavenda would also like to review the Computer Policy that is already in place.

APPROVE JOINING COUNTY BOARD OF ETHICS

The following resolution was presented by Trustee Miller who moved its adoption and seconded by Trustee Sheehan:

WHEREAS, the Orleans County Legislature established a County Board of Ethics by the enactment of Local Law #3 of 2008;

WHEREAS, article 9 of Section 6 of the law reads "at the request of its municipal board, the County Board of Ethics may act as an ethics board to any municipality located within the County with respect to Article 18 of the General Municipal Law and any code of ethics adopted by such municipality pursuant thereto;"

WHEREAS, the Village of Albion may, in future governmental dealings, become involved in activities which may be interpreted as having questionable ethical implications;

NOW THEREFORE BE IT RESOLVED, that the Village of Albion hereby agrees to utilize the services of the Orleans County Board of Ethics, should any event occur which is deemed to warrant their involvement.

CARRIED

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

2007 CANAL GRANT

Mayor Theodorakos would like Paul Chatfield, of Chatfield Engineers to attend the next Regular Board Meeting on April 14, 2010 to discuss the 2007 Canal Grant.

APPROVE 1033 PROGRAM

Moved by Trustee Miller and seconded by Trustee Riley approving Mayor Theodorakos sign the Memorandum of Agreement with the New York State Division of Criminal Justice Services per Police Chief, Dean London recommendation. The Secretary of Defense is authorized to transfer to Federal, State and Local law enforcement agencies personal property that is excess to the needs of the Department of Defense.

CARRIED

5 Ayes	0 Nays
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POLICE CONTRACT

The Board of Trustees will be reviewing the Police Department's proposed contract. Their current contract will end on May 31, 2010.

EFC

Discussion on program from EFC regarding energy evaluations for Sewer Plants. Wendell will be doing an electrical study on the Pollution Control Plant and make recommendations for free.

TAMPERING FEE

Discussed the tampering fee procedure for individuals who tamper with the water meters. Currently there is an individual who has been charged the \$1,000.00 fee. The Board of Trustees would like to pursue criminal charges. Police Chief, Dean London will be notified of the details. The \$1,000.00 will not be added to the owner's taxes.

MEETING CLOSED

Moved by Trustee Miller and second by Trustee Sheehan that there being no further business, meeting is hereby adjourned at 10:20 PM.

CARRIED

5 Ayes

0 Nays

Respectfully submitted,


Linda K. Babcock

Clerk-Treasurer