

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, March 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 and Attorney John C Gavenda.

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

#### **RESIDENT**

Ms Diane Palmer discussed with the Board of Trustees the Eastman at the Albion Court House Square Concert Series that will be coming to the Village of Albion. The first concert will be on Saturday, March 12, 2011 at the Holy Family Parish Church.

#### **DEPT HEAD**

Moved by Trustee Riley and seconded by Trustee Miller approving Superintendent of Public Works, Dale Brooks request to transfer \$1,100.00 from A 5110.0404-lawn mowing to A 7110.102-PT employees.

**CARRIED**

4 Ayes                      0 Nays

#### **ACCEPT TREASURERS REPORT**

Moved by Trustee Riley and seconded by Trustee Miller accepting the Treasurer's Report for February 2011.

**CARRIED**

4 Ayes                      0 Nays

#### **APPROVED MINUTES**

Moved by Trustee Banker and seconded by Trustee Riley that in as much as each member received copies of the February 23, 2011, March 1, 2011 and March 5, 2011 minutes and there being three errors or omissions, minutes are hereby approved as written with the following corrections:

February 23, 2011 under Code Enforcement Report – include that Ron refused to do a report, stating that it's not part of his job description

March 1, 2011 Attorney Gavenda wasn't in attendance

March 5, 2011 Attorney Gavenda wasn't in attendance

The Board of Trustees also acknowledged that the Special Meeting scheduled for March 2, 2011 was cancelled.

**CARRIED**

4 Ayes                      0 Nays

#### **APPROVED SERGI PAYROLLS**

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

**CARRIED**

4 Ayes                      0 Nays

#### **APPROVED PAYMENT TO STU BROWN ASSOCIATES**

Moved by Riley and seconded by Trustee Miller approving payment to Stuart I Brown Associates for administration of the 2010 CDBG Grant for Improvements to the JMPCF in the amount of \$1,400.

**CARRIED**

4 Ayes                      0 Nays

**APPROVED PROPOSAL STU BROWN ASSOCIATES**

Moved by Trustee Banker and seconded by Trustee Riley approving the Mayor to sign the proposal from Stuart I Brown Associates to prepare the 2011 Small Cities Grant Application for \$6,500.

**CARRIED**

4 Ayes

0 Nays

**SCHEDULE PUBLIC HEARING CDBG**

Moved by Trustee Miller and seconded by Trustee Banker to schedule a Public Hearing for April 4, 2011 at 7:00PM to discuss the community development needs and priorities and to provide residents with information about the Community Development Block Grant Program.

**CARRIED**

4 Ayes

0 Nays

**APPROVED PAYMENT TO HODGSON RUSS ATTORNEYS**

Moved by Trustee Miller and seconded by Trustee Banker approving payment to Hodgson Russ Attorneys in the amount of \$173.59 for services rendered in December 2010.

**CARRIED**

4 Ayes

0 Nays

**APPROVED CHANGE ORDER #3**

Moved by Trustee Miller and seconded by Trustee Riley approving Change Order #3 as submitted by Chatfield Engineers for the McKinstry Street Storm Sewer Project.

**CARRIED**

4 Ayes

0 Nays

**APPROVED PAYMENT TO KEELER CONSTRUCTION**

Moved by Trustee Miller and seconded by Trustee Banker approving the final payment, Pay Estimate #4, to Keeler Construction for the McKinstry Street Storm Sewer Project in the amount of \$8,846.71 per Chatfield Engineers recommendation.

**CARRIED**

4 Ayes

0 Nays

**CEMETERY DEEDS APPROVED**

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

|                             |  |
|-----------------------------|--|
| Theodore Jenney             | S.G. 480 Deerfield Avenue                |
| Jeanne D Nenni              | S.G. 428 and 429 Deerfield Avenue        |
| Jeanne D Nenni              | S.G. 426, 427, 403 and 431 Deerfield Ave |
| Mark G and Barbara A Parker | S.G. 316, 317 and 318 Deerfield Avenue   |

**CARRIED**

4 Ayes

0 Nays

**APPLICATIONS ACCEPTED**

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

|                  |                   |
|------------------|-------------------|
| Cemetery         | DPW Summer Help   |
| Robert L Neilans | Travis W Klossner |

**ACCEPT AFD MEMBERS**

Moved by Trustee Banker and seconded by Trustee Miller accepting Heather E Johnston, Michael R Robb and Kevin W Tesmer applications to be active members of the Albion Fire Department.

**CARRIED**

4 Ayes

0 Nays

**DOG SHOW**

The Board of Trustees tabled the request from the Tonawanda Valley Kennel Club for permission to hold their annual dog show at Bullard Park on September 3 and 4, 2011. They are also requesting permission to start setting up on Tuesday, August 30, 2011. The Board of Trustees would like the Recreation Director, John Gillo and the Superintendent of Public Works, Dale Brooks to discuss what went right/wrong last year and work out the details. The Board of Trustees will readdress the request at the March 23, 2011 Workshop Meeting.

**LIQUOR LICENSE**

Received notification from the Sheret Post with their intentions of renewing their liquor license for 131 South Main Street.

**TOWNS BILLING**

Moved by Trustee Riley and seconded by Trustee Miller approving the Clerk's request to switch the Towns monthly water billing back to quarterly. The majority of the Towns do not pay monthly and prefer to be billed quarterly.

**CARRIED**

4 Ayes

0 Nays

**PUBLIC HEARING SCHEDULED**

Moved by Trustee Riley and seconded by Trustee Banker approving a Public Hearing regarding residency requirements to be held on April 13, 2011 at 7:30 PM. Attorney Gavenda will provide the Clerk the language for the legal notice.

**CARRIED**

4 Ayes

0 Nays

**CORRES**

The Board of Trustees tabled discussion on the correspondence from Mrs Theresa Albanese requesting the General Commercial Zoning district to be extended south to encompass 180 feet along her property at 237 Academy Street, they would like more details.

**RESOLUTION**

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

WHEREAS, the Board of Trustees approve, Ms Mary Santiago, Deputy Clerk, to reside outside the Village of Albion limits.

**CARRIED**

4 Ayes

0 Nays

**CLARENDON ST BRIDGE MEMORANDUM**

Moved by Trustee Riley and seconded by Trustee Banker approving Mayor Theodorakos to sign the memorandum request for "No-cost time extension of local/miscellaneous contract" with NYS DOT for the Clarendon Street Bridge Project.

**CARRIED**

4 Ayes

0 Nays

**APPROVED PAYMENT OF BILLS**

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

|              |               |             |
|--------------|---------------|-------------|
| General Fund | voucher #8671 | \$38,334.11 |
| Water Fund   | to #8872      | \$ 8,941.70 |
| Sewer Fund   |               | \$10,816.41 |

**CARRIED**

4 Ayes

0 Nays

**APPROVED PAYMENT CHATFIELD BILLS**

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

|  |           |            |
|--|-----------|------------|
| Green Project Initiative                       | 10-976-12 | \$ 341.25  |
| JMPCF Capital Improvement Plan                 | 09-924-6  | \$6,162.00 |
| Water System Capital Improvement Plan          | 09-943-11 | \$2,495.00 |
| McKinstry Street Storm Sewer/Rd Reconstruction | 09-944-17 | \$ 316.80  |
| Planning Board Services                        | 98-330-20 | \$ 130.00  |

**CARRIED**

4 Ayes

0 Nays

**SPECIAL MEETING SCHEDULED**

Moved by Trustee Riley and seconded by Trustee Banker to hold a Special Meeting on March 29, 2011 at 6:30 PM for contract negotiations with the Albion Benevolent Association and 7:30 PM for contract negotiations with AFSCME.

**CARRIED**

4 Ayes

0 Nays

**INTEGRATED AGREEMENT APPROVED**

Moved by Trustee Riley and seconded by Trustee Miller approving Mayor Theodorakos to sign the Professional Service Agreement with Integrated Systems for 50 hours at a rate of \$85.00 per hour.

**CARRIED**

4 Ayes

0 Nays

**DEPARTMENT HEAD REQUEST**

Moved by Trustee Miller and seconded by Trustee Banker approving Police Chief Dean London to sign the paperwork with Glatfelter Claims Management regarding the 2006 Dodge Durango.

**CARRIED**

4 Ayes

0 Nays

**APPROVED PAYMENT ATTORNEY LIPPITT**

Moved by Trustee Banker and seconded by Trustee Riley approving payment to David W Lippitt for services rendered in January 2011 for \$33.00.

**CARRIED**

4 Ayes

0 Nays

**ADOPT RESOLUTION ATTORNEY LIPPITT**

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

WHEREAS, the Village Board of the Village of Albion previously appointed David W Lippitt Esq., a sole practitioner, as legal counsel for labor and employment matters at the rate of \$165 per hour;

WHEREAS, Mr Lippitt will be joining the law firm of Osborn, Reed & Burke, LLP on March 1, 2011 in an "of Counsel" relationship;

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Albion hereby appoints the law firm of Osborn, Reed & Burke, LLP, David W. Lippitt, Esq., of Counsel, as legal counsel labor and employment matters at the rate of \$165 per hour effective March 1, 2011.

**CARRIED**

4 Ayes

0 Nays

**DEPARTMENT HEAD REQUEST**

Moved by Trustee Riley and seconded by Trustee Banker approving Cemetery Foreman, Jason Zicari to provide a letter of intent to Robert Green Truck Division for the purchase of a 2011 Chevrolet 3500 HD stake body truck. The current truck couldn't pass inspection.

**CARRIED**

4 Ayes

0 Nays

Jason will need to contact Dale about using a DPW truck until his new one comes in.

**SPECIAL MEETING SCHEDULED**

Moved by Trustee Banker and seconded by Trustee Riley to hold a Special Meeting on Tuesday, March 15, 2011 at 6:00 PM for budget review.

**CARRIED**

4 Ayes

0 Nays

**DEPT HEAD REQUEST**

Moved by Trustee Riley and seconded by Trustee Banker approving Cemetery Foreman, Jason Zicari to purchase a computer, amount not to exceed \$1,000.

**CARRIED**

4 Ayes

0 Nays

**EXECUTIVE SESSION**

Moved by Trustee Riley and seconded by Trustee Banker to adjourn to executive session for personnel issues at 8:13 PM.

**CARRIED**

4 Ayes

0 Nays

Mayor Theodorakos took the minutes from this point.

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Banker and seconded by Trustee Miller to come out of executive session 8:50 PM.

**CARRIED**

4 Ayes

0 Nay

**MEETING ADJOURNED**

Moved by Trustee Miller and second by Trustee Banker that there being no further business, meeting is hereby adjourned at 8:51 PM.

**CARRIED**

4 Ayes

0 Nays

Respectfully submitted,



Linda K Babcock  
Clerk-Treasurer