

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, November 10, 2010 at 6:00 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Eileen S Banker and Jeannette Riley,

Mayor Theodorakos opened the meeting with the pledge of allegiance at 6:00 PM.

Trustee Miller entered meeting at 6:03 PM and Trustee Sheehan entered at 6:07 PM.

WTP

Mr Todd Shervin and Ms Nancy Kelly from the Orleans County Health Department were present to discuss the treatment of the Village of Albion water. It was noted that the changes Superintendent of the Water Plant, Kevin Miller implemented were discussed with the Health Department who is comfortable with the changes Mr Miller implemented and that he was pro-active. It was suggested that the Village of Albion add more booster stations to help with the chlorine levels in the distribution system, especially near Murray. Mr Shervin stated that the Water Treatment Plant is showing age and parts such as rusty bolts, broken hangers, pipe fittings, re-packing pumps, etc should be replaced. Also discussed was the adding of security cameras at the plant.

Attorney Gavenda entered meeting at 6:50 PM.

DEPARTMENT HEAD REQUEST

Moved by Trustee Sheehan and seconded by Trustee Banker approving the Superintendent of Public Works, Dale Brooks' request to declare the cut wood at the Densmore Street site as surplus property.

CARRIED

5 Ayes 0 Nays

DEPARTMENT HEAD REQUEST

Moved by Trustee Sheehan and seconded by Trustee Miller approving the Superintendent of Public Works, Dale Brooks' approving the following proposal:

Proposal from CanAm Environmental Safety Inc for 19 North Main Street to perform an asbestos demolition survey - amount not to exceed \$2,700.

CARRIED

5 Ayes 0 Nays

DEPARTMENT HEAD REQUEST

Moved by Trustee Miller and seconded by Trustee Banker approving the Superintendent of Public Works, Dale Brooks' approving the following proposal:

Proposal from CanAm Environmental Safety Inc for 35-37 East Bank Street, 3rd floor to perform an asbestos project design and monitoring services for \$4,994.00.

CARRIED

5 Ayes 0 Nays

CIVIL SERVICE LIST

Moved by Trustee Sheehan and seconded by Trustee Riley approving Mayor Theodorakos to request the Village Civil Service list for two part time clerks. One clerk will be for the Code Enforcement Office and the other one for the Public Works Office.

CARRIED

5 Ayes 0 Nays

DEPT HEAD

Discussion on the storm sewer problem near Freeze Dry. Mayor Theodorakos will contact Mr Bob Traver for the NYS Department of Transportation to ask him to come out and look at the problem, which might have been caused when the Route 98/31 construction project was done. Superintendent of Public Works, Dale Brooks stated the cost would be approximately \$6,000.00 to fix with his department doing the work. The work needs to be done before winter. There will be pictures taken for documentation during the fixing of the storm sewer.

121 N MAIN ST CHIMNEYS

Superintendent of Public Works, Dale Brooks stated he is waiting for the prices for repairing the chimneys on the roof of 121 North Main Street.

61 BROWN STREET

Moved by Trustee Miller and seconded by Trustee Riley approving an asbestos survey to be done for 61 Brown Street.

CARRIED

5 Ayes

0 Nays

CLARENDON ST BRIDGE MEETING

Attorney Gavenda will be setting up a meeting with Chuck Nesbitt, Attorney Dan Schubel, Chris Sheridan from DOT, Dale Brooks and the Mayor to discuss the Clarendon Street Bridge.

INVOICE SHORELINE PROJECT

Trustee Banker stated that the Village Clerk should be getting an e-mail from the NYS Department of Environmental Conservation regarding the invoice that is due for the Shoreline Erosion Project.

REVISED E-MAIL

The Board of Trustees will review revised e-mail policy as submitted by Attorney Gavenda and will discuss the policy at the December 8, 2010 Regular Meeting.

RESIDENT

Resident, Ms Tabbetha Pearce hasn't responded to the request to contact the Superintendent of Public Works, Dale Brooks to provide more information regarding her recent claim. The Board of Trustees took no action on her request.

ACCEPT TREASURERS REPORT

Moved by Trustee Riley and seconded by Trustee Sheehan accepting the Treasurer's Report for October 2010.

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 October 25, 2010, October 27, 2010 and November 4, 2010 minutes and there being one error or omission on October 27, 2010, minutes are hereby approved as written with the following correction:

Page 1 under Clarendon Street Bridge Project, the last sentence

Also discussed meeting with representatives of Orleans County regarding being the administer of the project and transferring ownership of the bridge to them.

CARRIED

5 Ayes

0 Nays

APPROVE PAYMENT OF BILLS

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

General Fund	voucher #7657	\$ 47,788.29
Water Fund	to #7873	\$ 10,799.78
Sewer Fund		\$ 8,323.58

CARRIED

5 Ayes

0 Nays

APPROVE PAYMENT CHATFIELD BILLS

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

Meadowbrook Drive Road Reconstruction	09-952-11	\$ 1,910.00
Green Project Initiative	10-976-8	\$ 763.50
2007 Sanitary Sewer Improvements	06-765-38	\$ 5,848.80
JMPCF Capital Improvement Plan	09-924-3	\$ 821.60
General Engineering Services	94-193-159	\$ 970.00
General Engineering Services- courtesy discount	94-193-159	\$ - 873.00

CARRIED

5 Ayes

0 Nays

MC KINSTRY STREET PROJECT BILLS

Moved by Trustee Riley and seconded by Trustee Sheehan approving the payment of the following McKinstry Street Road Reconstruction Project bills as submitted by the Superintendent of Public Works, Dale Brooks:

Barre Stone Products	\$98,159.67
Chatfield Engineers	\$ 6,537.00
EJ Militello Concrete Inc	\$24,920.46
Fastenal	\$ 80.47
Keeler Construction	\$ 990.00
Oak Orchard Concrete	\$ 7,581.50
Stockham Lumber	\$ 311.40
Volvo Rents	\$ 374.40

CARRIED

5 Ayes

0 Nays

The Board of Trustees decided that when it's time to borrow the funds for the project, overtime for the Village employees will not be submitted for reimbursement.

APPROVE PAYMENT TO BERNARD DONEGAN

Moved by Trustee Miller and seconded by Trustee Sheehan approving payment to Bernard P Donegan, Inc for financial consulting services for the following:

Joint Municipal Industrial Pollution Control Facility \$2,014.42
Sanitary Sewer Lines projects in the amount of \$3,137.20

CARRIED

5 Ayes

0 Nays

APPROVE PAYMENT TO HODGSON RUSS

Moved by Trustee Sheehan and seconded by Trustee Miller approving payment to Hodgson Russ for services rendered in the amount of \$187.90.

CARRIED

5 Ayes

0 Nays

APPROVE PAYMENT TO DAVID W LIPPITT

Moved by Trustee Sheehan and seconded by Trustee Banker approving payment to David W Lippitt, Esquire for services rendered in September for \$30.00.

CARRIED

5 Ayes

0 Nays

APPROVE CEMETERY DEEDS

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

Roger K & Dana L Bolton	Lot 926 Cedar Avenue S#1 & S#2
James Carlin	99 Ashwood Way
Jennie H Seager	S.G. 461 and 462 Deerfield Avenue
Mary G Miesner	S.G. 451 and 452 Deerfield Avenue

CARRIED

5 Ayes

0 Nays

ACCEPT APPLICATION

The following application was accepted and placed on file for future reference:

Darin D Beach	Anything
---------------	----------

APPOINTMENT TO COUNTY PLANNING BOARD

Moved by Trustee Sheehan and seconded by Trustee Banker approving Mayor Theodorakos appointments to the Orleans County Planning Board as Village of Albion representatives:

Mr Daniel Gleason-full time for a term of three years

Mr Clifford Thom-alternate for a term of three years

Terms will be from January 1, 2011 to December 31, 2013.

CARRIED

5 Ayes

0 Nays

APPROVE PAYMENT

Moved by Trustee Sheehan and seconded by Trustee Miller reluctantly approving payment to United National Insurance Company for \$1,123.09 per Attorney Gavenda's recommendation. The amount due is the Village of Albion's deductible obligation for the Michael Haugh case.

CARRIED

5 Ayes

0 Nays

COUNTY OF ORLEANS IDA LEASE TABLED

Tabled discussing the Industrial Development Agency's lease which expires January 31, 2011 until the December 8, 2010 Regular Meeting.

VILLAGE COURT COMPUTER TABLED

The Board of Trustees tabled the decision to transfer the Village of Albion Court computer to the Town of Albion Court until the December 8, 2010 Board Meeting.

EXECUTIVE SESSION

Moved by Trustee Riley and seconded by Trustee Sheehan to adjourn to executive session for personnel issues at 8:21 PM.

CARRIED

5 Ayes

0 Nays

EXECUTIVE SESSION CLOSED

Moved by Trustee Miller and seconded by Trustee Banker to come out of executive session 9:26 PM.

CARRIED

5 Ayes

0 Nay

APPROVE SETTLEMENT AGREEMENT

Moved by Trustee Riley and seconded by Trustee Miller approving Attorney Gavenda's recommendation to notify the insurance company of the Village of Albion's request to settle the action regarding the Michael Haugh case. The Village of Albion will be responsible to pay the deductible of \$5,000.00. The amount will be paid out of the settlement line item in the Village Budget.

CARRIED

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

Trustee Sheehan stated he would like to get the recommendation from the Attorney, Paula Newcomb who is representing the Village of Albion, before approving to settle.

APPROVE PURCHASE BACK HOE

Moved by Trustee Miller and seconded by Trustee Riley approving Superintendent of Public Works, Dale Brooks request to purchase a new back hoe. The back hoe will be paid out of the capital equipment reserve funds. The state bid cost for the back hoe is approximately \$60,000 to \$65,000.

CARRIED

5 Ayes	0 Nay
--------	-------

APPROVE SKIDSTEER TO BE LEASED

Moved by Trustee Riley and seconded by Trustee Miller approving Superintendent of Public Works, Dale Brooks request to lease a new skidsteer. The lease will be for three years. This year's lease amount will be paid out of line items brush grinding and equipment rental. The approximate yearly lease amount will be \$7,300.00.

CARRIED

5 Ayes	0 Nay
--------	-------

CEMETERY LEASE

Moved by Trustee Riley and seconded by Trustee Miller approving Mayor Theodorakos to sign the lease renewal for the Cemetery tenant, as submitted by Jason Zicari. The monthly rent will stay at \$600.00 and will be for the period of December 1, 2010 to May 31, 2011.

CARRIED

5 Ayes	0 Nays
--------	--------

APPROVE SERGI PAYROLLS & PAY ESTIMATE #18

Moved by Trustee Riley and seconded by Trustee Banker approving Mayor Theodorakos to sign the payrolls and the payment of Pay Estimate #18 to Sergi Construction for the Sanitary Sewer Project. The amount to be paid is \$39,184.71 and is 86% completed as of November 5, 2010.

CARRIED

5 Ayes	0 Nays
--------	--------

APPROVE LEGAL NOTICE CDBG FUNDS

Moved by Trustee Miller and seconded by Trustee Sheehan approving the Legal Notice for the \$600,000 CDBG funds, as submitted by Stuart I Brown Associates, be placed in the Batavia Daily Newspaper. The Legal Notice will read as followed:

LEGAL NOTICE

Village of Albion
Community Development Block Grant Program
Early Warning Notice of an Action In or Near the Floodplain and Wetland
Floodplain & Wetland Management Review

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS

The Village of Albion, 35-37 East Bank Street, Albion, NY 14411, Dean Theodorakos, Mayor and Chief Executive Officer, has reviewed the following project activities as they relate to the environment and has done so according to the regulations established by the U.S. Department of Housing and Urban Development (HUD) in 24 CFR, Part 58.

PROJECT DESCRIPTION

The Village will utilize \$600,000 in Community Development Block Grant (CDBG) funds to undertake improvements to the Joint Municipal Industrial Pollution Control Facility (JMIPCF). The proposed improvements include the replacement of the east wall of the flow equalization tank, replacement of Pump Station No. 1, and electrical and process control improvements.

Based on the Flood Insurance Rate Maps published by the Federal Government for the Village of Albion, it has been determined that a portion of the project area may be located within the 100-year floodplain. In addition, according to maps based on the National Wetlands Inventory, it has been determined that a designated wetland area is located within or adjacent to the project site.

A description of the proposed activities, including the location of the proposed improvements, is available for review and may be examined and copied, upon request, at the Village Hall, 35-37 East Bank Street, Albion, NY 14411, during normal business hours beginning November 15, 2010. The purpose of this notice is to advise the public about the proposed action and to solicit comments on the improvements and their impact on the environment and the floodplain and wetland areas.

In order to be considered, written comments should be received by the Village of Albion at the above address on or before November 29, 2010. The Village will proceed to complete the Floodplain and Wetland Management Review process based on comments and suggestions received during the comment period.

CARRIED

5 Ayes

0 Nays

REAL LEASE APPROVED

Moved by Trustee Sheehan and seconded by Trustee Banker approving Mayor Theodorakos and the Clerk-Treasurer to sign documents provided by Real Lease to lease the new fire department vehicle. Lease will be \$7,899.80 for six years.

CARRIED

5 Ayes

0 Nays

EMPLOYEE RETIREMENT

Moved by Trustee Riley and seconded by Trustee Banker accepting Mrs. Nancy Mack's letter with her intentions to retire from the Village of Albion after 32 years of service, effective December 31, 2010. The Board of Trustees would like to thank Mrs Mack for her years of service.

CARRIED

5 Ayes

0 Nays

CORRESPONDENCE

Correspondence received from Ms Maarit Vaga representing AMSA, regarding status of the rear façade project for 121 North Main Street. Mayor Theodorakos stated that he has e-mailed Ms Vaga informing her that he has been working with the engineer, architect, SHPO and the NYS Department of Transportation (NYSDOT) to keep the project moving. The hope is to have two designs which meet SHPO and DOT's approval and put them both out to bid. The one design would be what is already done and the second design would be a scaled down version.

FIRE DEPARTMENT

Trustee Sheehan asked Attorney Gavenda to write a letter to members of the Albion Fire Department who haven't been active for awhile asking them to turn in their gear. Trustee Sheehan will inform Fire Chief, Rocky Sidari to contact Attorney Gavenda to review the request.

LEGISLATURE MEETING

Mayor Theodorakos stated he attended a meeting Monday with the Orleans County Legislature's where they informed the Mayors and Supervisors in attendance that they are thinking about stopping the distribution of the county sales tax to the towns and villages beginning in 2012. There was much opposition from the Towns and Villages who were in attendance.

WORKSHOP MEETINGS

Mayor Theodorakos would like the Department Heads attending the next Workshop Meeting on December 22, 2010 to start looking at their budgets for the fiscal year 6/1/11-5/31/12.

FOIL REQUEST

Attorney Gavenda provided the Board of Trustees a copy of the letter he is sending Mr Thom Jennings regarding his FOIL request and that he will contact Ms Andrea Rebeck asking her to do an affidavit stating she can't get the file that is being requested off her pen.

PUBLIC OFFICERS

Attorney Gavenda provided information for the Board of Trustees to review regarding Public Officers.

MEETING ADJOURNED

Moved by Trustee Riley and second by Trustee Miller that there being no further business, meeting is hereby adjourned at 9:58 PM.

CARRIED

5 Ayes

0 Nays

Respectfully submitted,



Linda K Babcock
Clerk-Treasurer