

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, October 10, 2012 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, Kevin P Sheehan, Peter Sidari and Attorney John C Gavenda.

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

**PUBLIC HEARING FOR SMITH STREET**

Mayor Theodorakos opened the Public Hearing at 7:00 PM to hear comments regarding removing Smith Street from the Village's street inventory.

There was nobody present who wished to speak regarding removing Smith Street from the Village's street inventory.

**CLOSED PUBLIC HEARING**

Moved by Trustee Sheehan and seconded by Trustee Miller that in as much as everyone who wished to speak regarding removing Smith Street from the Village's street inventory were heard, the Public Hearing is hereby closed at 7:04 PM.

CARRIED

5 Ayes

0 Nays

**ADOPT LOCAL LAW #5, 2012**

The following Local Law #5, 2012 was proposed by Trustee Banker who moved its adoption and seconded by Trustee Sidari:

WHEREAS, a proposed Local Law # 5 of the year 2012 for the purpose of amending CHAPTER was presented to the Village Board of Trustees, and

WHEREAS, the Board of Trustees at a Regular Workshop Meeting of said Board held on Wednesday, August 22, 2012 did adopt a motion that a Public Hearing be held on the aforesaid proposed Local Law at 7:00 PM on October 10, 2012, at 35 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 October 10, 2012, and

WHEREAS, a notice of such Public Hearing on said proposed Local Law was duly published in the Batavia Daily Newspaper on September 28, 2012, and

WHEREAS, a Public Hearing on said proposed Local Law was held by the Board of Trustees, at 35 East Bank Street, Albion, New York at 7:00 PM on October 10, 2012, 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:

CHAPTER 263  
VEHICLES AND TRAFFIC

263-45 Schedule IX: Stop Intersections.

REMOVE:

Stop Sign on  
Smith Street

Direction of Travel  
South

At Intersection of  
Moore Street

This Local Law shall become effective upon the filing of the same with the State of New York Secretary of State as required by law.

CARRIED

5 Ayes

0 Nays

**ACCEPT TREASURERS REPORT**

Moved by Trustee Sheehan and seconded by Trustee Banker accepting the Treasurer's Report for September 2012.

CARRIED

5 Ayes

0 Nays

The Board of Trustees questioned whether the sidewalks that were done on East State Street this year could be taken out of the Sidewalk Capital Reserves funds. The Clerk-Treasurer will discuss the amount with the Superintendent of Public Works Dale Brooks.

**APPROVED MINUTES**

Moved by Trustee Sheehan and seconded by Trustee Miller that in as much as each member received copies of the minutes of September 26, 2012 and there being one error or omission, minutes are hereby approved as written with the following correction:

Page 3 under Executive Session Closed – change to - Moved by Trustee Miller

CARRIED

5 Ayes

0 Nays

**APPROVED PAYMENT OF BILLS**

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

General Fund	voucher #13636	\$77,379.07
Water Fund	to #13865	\$36,500.20
Sewer Fund		\$24,597.51

CARRIED

5 Ayes

0 Nays

**APPROVED PAYMENT CHATFIELD BILLS**

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

121 N Main Roof/Chimney Repairs	11/1018-9	\$ 130.00
Bullard Park Concept Plan	12-1036-5	\$ 480.00
JMPCF Capital Improvement Plan	09-924-25	\$5,750.90

CARRIED

5 Ayes

0 Nays

**APPROVED PAYMENT CHATFIELD BILL**

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

121 N Main Street Façade	08-888-17	\$ 675.00
--------------------------	-----------	-----------

CARRIED

4 Ayes

1 Nay

Trustee Sheehan

Trustee Miller

Trustee Banker

Trustee Sidari

Mayor Theodorakos

**APPROVED PAYMENT TO DioGUARDI CONSTRUCTION**

Moved by Trustee Banker and seconded by Trustee Sheehan approving payment to DioGuardi Construction, as submitted by Chatfield Engineers in the amount of \$31,446.25, for work performed on the 121 North Main Street Rear Façade Project. This contract is 95% completed as of September 28, 2012.

CARRIED

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

**APPROVED PAYMENT BERGMANN ASSOCIATES**

Moved by Trustee Sheehan and seconded by Trustee Miller approving payment to Bergmann Associates in the amount of \$4,666.03, for services rendered July 14, 2012 to August 31, 2012 for the Clarendon Street Bridge Project. This is pay estimate #3.

CARRIED

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

**APPROVED CANAM ENVIRONMENTAL SAFETY INVOICE**

Moved by Trustee Sheehan and seconded by Trustee Sidari approving payment to CanAm Environmental Safety Inc for services rendered at Mt Albion Cemetery in the amount of \$1,755.00. The invoice will be paid from the funds in the Cemetery interest account that is in the money market.

CARRIED

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

**APPROVED CEMETERY DEEDS**

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

Luis Alayon	S.G. 523 Deerfield Avenue
Tod Clements	Lot 48 Persimmon Path SE #2
Chris Mathes	Lot 1261 Cliff Avenue SE #1

CARRIED

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

**PUBLIC HEARING FOR PARKING LOT RESTRICTIONS**

Mayor Theodorakos opened the Public Hearing at 7:15 PM to hear comments to consider amending 263-31.1 of the code of the Village of Albion entitled "Vehicles and Traffic - Parking Restrictions," to excluding vehicles in excess of 6,000 pounds from parking in the Village Parking Lot extending between McKinstry Street and Platt Street

Mr John Ivison and Mr Lucas Silversmith from Helena were present for clarification that the loading docks on the south side of their business would not be affected by the amendment. It was noted that the loading docks would not be affected.

**CLOSED PUBLIC HEARING**

Moved by Trustee Miller and seconded by Trustee Sheehan that in as much as everyone who wished to speak regarding amending 263-31.1 of the code of the Village of Albion entitled "Vehicles and Traffic - Parking Restrictions," to excluding vehicles in excess of 6,000 pounds from parking in the Village Parking Lot extending between McKinstry Street and Platt Street, the Public Hearing is hereby closed at 7:22 PM.

CARRIED

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

**ADOPT LOCAL LAW #6, 2012**

The following Local Law #6, 2012 was proposed by Trustee Miller who moved its adoption and seconded by Trustee Sheehan:

WHEREAS, a proposed Local Law # 6 of the year 2012 for the purpose of amending CHAPTER 263 entitled "Vehicles and Traffic" 31.1 "Parking Restriction" was presented to the Village Board of Trustees, and

WHEREAS, the Board of Trustees at a Regular Workshop Meeting of said Board held on Wednesday, September 26, 2012 did adopt a motion that a Public Hearing be held on the aforesaid proposed Local Law at 7:15 PM on October 10, 2012, at 35 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 October 10, 2012, and

WHEREAS, a notice of such Public Hearing on said proposed Local law was duly published in the Batavia Daily Newspaper on September 28, 2012, and

WHEREAS, a Public Hearing on said proposed Local Law was held by the Board of Trustees, at 35 East Bank Street, Albion, New York at 7:15 PM on October 10, 2012, 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:

CHAPTER 263  
VEHICLES AND TRAFFIC

**DELETE:**

263.31.1 (F)(1) which states:

Exception Tractor Trailers will be allowed to park on the west end of Platt Street Parking lot from Platt Street to the west end of the North American Mortgage Building.

**INSERT**

No vehicle in excess of 6000 pounds is permitted to park in the Village of Albion parking lot located between Platt Street and McKinstry Street other than for loading and unloading of the vehicle to benefit the owner or tenants of the building adjacent to said parking lot.

**CARRIED**

5 Ayes

0 Nays

**CORRESPONDENCED**

Tabled the request from Ms Vickie Golisano's for the Village of Albion to pay to have the windshield replaced on her vehicle. Ms Golisano alleges that a stone fell off a Village vehicle damaging her windshield. The Board of Trustees would like the Superintendent of Public Works Dale Brooks to make a recommendation for the Board to review at the October 26, 2012 Workshop Meeting.

**CORRESPONDENCED**

Correspondence received from The Medina Sandstone Society Inc supporting the proposed "Quarrymen's Park".

**APPROVED TO DO SURVEY**

Moved by Trustee Miller and seconded by Trustee Sheehan approving Attorney Gavenda to have a survey done on the parcel south on the Presbyterian Church on Main Street.

**CARRIED**

5 Ayes

0 Nays

**LEASE AGREEMENT**

Moved by Trustee Miller and seconded by Trustee Sheehan approving Mayor Theodorakos to sign the lease agreement with Crossroads Abstract Corporation. The lease will be for one year with a 2 ½% increase.

**CARRIED**

5 Ayes

0 Nays

**CLARENDON STREET DRAFT DESIGN**

The Board of Trustees discussed the Draft Design Report for the Clarendon Street Bridge Project as submitted by Bergmann Associates. The Board would like Mr Chris Sheridan, DOT; Mr Kevin Miller, Bergmann Associates and the Superintendent of Public Works Dale Brooks to attend the workshop meeting on October 24, 2012 at 6:00PM.

**APPROVED CHANGING MEETING TIME**

Moved by Trustee Miller and seconded by Trustee Sheehan to change the starting time of the October 24, 2012 Workshop Meeting to 6:00PM instead of 7:00PM.

**CARRIED**

5 Ayes

0 Nays

**CORRESPONDENCED**

Correspondence from the American Wind Symphony Orchestra regarding their 2013 tour and stated they would like to make a stop in Albion. Mayor Theodorakos will be meeting with Mr Robert Boudreau on October 16, 2012 at 7:30 AM to get details.

**RESIDENT**

Moved by Trustee Sheehan and seconded by Trustee Sidari approving Freeze-Dry's request to remove \$2,255.52 in penalties from two of their water/sewer bills, due to the confusion of the two bills. The Board of Trustees denied removing the penalties from the third bill in the amount of \$454.33, as this bill was not in question. The Board of Trustees stated that in the future, they should notify the Village as soon as possible if they have any questions their bills.

**CARRIED**

5 Ayes

0 Nays

**DISASTER MANUAL**

The Code Enforcement Officer Ron Vendetti stated he would be happy to update the Disaster Manual.

**WEB SITE PROPOSAL**

The Board of Trustees chose not to use Mr Stephen Drew for the Mt Albion Cemetery web-site.

**WTP**

The Superintendent of the Water Treatment Plant Kevin Miller informed the Board that he would like to make sure the Water Treatment Plant Operator Trainee position is still active. He would also like to create 2 part-time positions for the plant. The Board of Trustees stated that he should prepare the documents and submit for the Board to review.

**EXECUTIVE SESSION**

Moved by Trustee Banker and seconded by Trustee Sheehan to adjourn to executive session for litigation matters at 8:27 PM.

**CARRIED**

5 Ayes

0 Nays

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Miller and seconded by Trustee Banker to come out of executive session at 9:09 PM.

**CARRIED**

5 Ayes

0 Nays

**HODGSON RUSS ATTORNEYS**

The Board of Trustees wanted it noted that Attorney Gavenda had asked Attorney Daniel Spitzer the following, "The Mayor was of the understanding that the sole source of funds to pay Hodgson Russ for the balance due your office would be what was collected from the McCarthy's" Attorney Daniel Spitzer responded, "That's what we agreed to as to our fees. Note that, as I believe you are aware, the Village has to pay Sheriff's fees, filing fees, etc., as we are not ethically allowed to cover those costs."

**MEETING ADJOURNED**

Moved by Trustee Sheehan and second by Trustee Sidari that there being no further business, meeting is hereby adjourned at 9:16 PM.

**CARRIED**

5 Ayes

0 Nays

Respectfully submitted,  
*Linda K Babcock*  
Linda K Babcock  
Clerk-Treasurer