

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, September 9, 2015 at 7:00 PM, at the Village Hall, 35 East Bank Street, Albion, New York.

Present were Mayor Dean A London, Trustees Eileen S Banker, Stan Farone, Gary Katsanis, Peter Sidari and Attorney John C Gavenda.

Also present were Superintendent of Public Works Dale Brooks, Police Chief Roland Nenni, Water Treatment Plant Chief Operator Kevin Miller and Pollution Control Plant Chief Operator Aric Albright. There were 8 residents/students present.

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

#### **REQUEST TO FIX MARKERS AT CEMETERY**

Mr Tim Archer from Albion Central School offered to have his students, who will be learning about the Civil War, clean up the grave markers of the Civil War Veterans in Mt Albion Cemetery. Many are rusted and could use a cleaning/touch up. They will also catalog the names and create a booklet.

Moved by Trustee Banker and seconded by Trustee Farone approving the request of Mr Tim Archer's class from Albion Central School to clean/paint the Civil War Veteran's markers at Mt Albion Cemetery.

CARRIED

5 Ayes

0 Nays

#### **RESIDENT**

Ms Shirlon Harris told the Board of Trustees that residents should have to acquire a permit to shoot movies on Village streets and sidewalks. Trustee Farone informed her they would look into her request.

#### **RESIDENT**

Mr Bill Francis addressed the Board of Trustees about the drainage problem in front of his home on Platt Street. The Superintendent of Public Works Dale Brooks will ask Mr Jason Foote from Clark Patterson Lee to look at the problem and provide the Village suggestions on how to fix it.

#### **NO ACTION TAKEN TO HIRE FROM LIST**

The Board of Trustees took no action on hiring from the Certification of Eligible's list for Police Officer.

#### **ACCEPTED HIGH BIDDER FOR MILLINGS**

Moved by Trustee Sidari and seconded by Trustee Katsanis accepting the only bid for the 1,000 ton of millings from Barre Stone for \$2.50 per ton.

CARRIED

5 Ayes

0 Nays

#### **APPROVED SALTER TO AUCTION**

Moved by Trustee Farone and seconded by Trustee Banker to authorize the Superintendent of Public Works Dale Brooks to take the salter, that wasn't bid on, to Roy Teitsworth Inc auction.

CARRIED

5 Ayes

0 Nays

#### **SIEMAN'S MODEM**

The Water Treatment Plant Chief Operator Kevin Miller provided the Board of Trustees with a "Development of a Control Bid Specification for the Sieman's D620 Modem Tank Level and PLC Controls upgrade/replacement" from RS Automation. An RFP will need to be done. The Board of Trustees would like to see Chatfield Engineer's report, when it is completed, on the whole water distribution system and what it shows needs upgrading.

**RENOVATING OF 1 MILLION GALLON TANK**

Tabled approving the recommendation from Utility Service Group to renovate the 1 million gallon tank at a cost of \$935,000. The Board of Trustees would like to see Chatfield Engineer's report, when it is completed, on the whole water distribution system and what it shows needs upgrading.

**APPROVED SIGN AT MT ALBION**

Moved by Trustee Banker and seconded by Trustee Farone approving the request from Albion Central School to place a sign for Charles W Howard at Mt Albion cemetery and having the Village take ownership of it.

CARRIED

5 Ayes 0 Nays

**SOLAR PROJECTS**

The Board of Trustees approved a Request for Proposals (RFP) be done for the solar projects at the Water Treatment Plant and Pollution Control Facility. Attorney Gavenda will review.

**APPROVED SOFTWARE FOR WTP**

Moved by Trustee Katsanis and seconded by Trustee Banker approving the request from Water Treatment Plant Chief Operator Kevin Miller to purchase software from HACH Company for \$2,446.73.

CARRIED

5 Ayes 0 Nays

**ACCEPTED TREASURERS REPORT**

Moved by Trustee Farone and seconded by Trustee Banker accepting the Treasurer's Report for August 2015.

CARRIED

5 Ayes 0 Nays

**APPROVED MINUTES**

Moved by Trustee Katsanis and seconded by Trustee Farone that in as much as each member received copies of the minutes of August 26, 2015 and there being no errors or omissions, minutes are hereby approved as written.

CARRIED

5 Ayes 0 Nays

**APPROVED PAYMENT OF BILLS**

Moved by Trustee Katsanis and seconded by Trustee Farone approving the payment of the following Village bills:

|              |                  |              |
|--------------|------------------|--------------|
| General Fund | voucher #22337 - | \$161,671.99 |
| Water Fund   | to #22514        | \$ 43,089.91 |
| Sewer Fund   |                  | \$ 12,495.21 |

CARRIED

5 Ayes 0 Nays

**APPROVED PAYMENT CHATFIELD BILL**

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

|                                 |            |            |
|---------------------------------|------------|------------|
| JMIPCF Capital Improvement Plan | 09-924-58  | \$ 98.10   |
| JMIPCF Capital Improvement Plan | 09-914-59  | \$1,700.00 |
| JMIPCF Capital Improvement Plan | 09-924P&S6 | \$ 125.00  |

CARRIED

5 Ayes 0 Nays

**APPROVED PAYMENT TO SAVARINO**

Moved by Trustee Katsanis and seconded by Trustee Banker approving payment to Savarino Companies for Pay Estimate 10 (Final Payment), Contract 4 at the Joint Municipal Industrial Pollution Control Facility for \$58,155.54.

CARRIED

5 Ayes

0 Nays

**APPROVED PAYMENT TO CLARK PATTERSON LEE**

Moved by Trustee Katsanis and seconded by Trustee Banker approving payment to Clark Patterson Lee for services rendered through July 24, 2015 in the amount of \$18,200 for the roof replacement project.

CARRIED

5 Ayes

0 Nays

**APPROVED PAYMENT TO CAPPELLINO CHEVROLET**

Moved by Trustee Banker and seconded by Trustee Farone approving payment to Cappellino Chevrolet Inc for the purchase of a 2015 Chevrolet to be paid out of sewer reserves for \$25,163.35.

CARRIED

5 Ayes

0 Nays

**APPROVED LOAN DOCUMENTS FOR SKID-STEER LOADER**

Moved by Trustee Farone and seconded by Trustee Sidari approving Mayor London to sign the loan documents from First Niagara Leasing for the purchase of a S590 T4 Bobcat Skid-steer Loader. The Board also approved the following resolution:

WHEREAS, the above Lessee is a political subdivision of the state in which Lessee is located (the "State") and is duly organized and existing pursuant to the Constitution and laws of the State.

WHEREAS, pursuant to applicable law, the governing body of the Lessee ("Governing Body") is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the Lessee.

WHEREAS, the Governing Body hereby finds and determines the execution of one or more lease-purchase agreements ("Equipment Leases") in the principal amount not exceeding the amount stated above ("Principal Amount") for the purpose of acquiring the property generally described below ("Property") and to be described more specifically in the Equipment Leases is appropriate and necessary to the functions and operations of the Lessee.

**Brief Description of Property:**

One (1) Bobcat S590 T4 Skid-Steer Loader SIN: AR9R15376

WHEREAS, First Niagara Leasing, Inc. ("Lessor") is expected to act as the Lessor under the Equipment Leases.

WHEREAS, the Lessee may pay certain capital expenditures in connection with the property prior to its receipt of proceeds of the Equipment Leases ("Lease Purchase Proceeds") for such expenditures and such expenditures are not expected to exceed the Principal Amount.

WHEREAS, the U.S. Treasury Department regulations do not allow the proceeds of a tax-exempt borrowing to be spent on working capital and the Lessee shall hereby declare its official intent to be reimbursed for any capital expenditures for Property from the Lease Purchase Proceeds.

NOW, THEREFORE, Be It Resolved by the Governing Body of the Lessee:

Section 1. The Lessee hereby determines that it has critically evaluated the financing alternatives available to it pursuant to 2 NYCRR Section 39.2 and that entering into the Equipment Leases and financing the acquisition of the Property thereby is in the best interests of the Lessee. Such evaluation shall be available as a public record.

The specific reason for such determination is that entering into such Equipment Leases results in a lower overall cost to the Lessee. Execution of the Equipment Leases will not cause the Lessee to be in violation of the limits contained in paragraph c of subdivision 6 of Section 109-b of the General Municipal Law.

Section 2. The Lessee is hereby authorized to acquire and install the Property (the "Project") and is hereby authorized to finance the Project by entering into the Equipment Leases. Any action taken by the Lessee in connection therewith is hereby ratified and confirmed.

Section 3. Either one of the Mayor OR the Clerk-Treasurer (each an "Authorized Representative") acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Equipment Lease (including, but not limited to, escrow agreements) as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized.

Section 4. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Equipment Leases on behalf of the Lessee.

Section 5. The aggregate original principal amount of the Equipment Leases shall not exceed the Principal Amount and shall bear interest as set forth in the Equipment Leases and the Equipment Leases shall contain such options to purchase by the Lessee as set forth therein.

Section 6. The Lessee's obligations under the Equipment Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Equipment Lease and the Lessee's obligations under the Equipment Leases shall not constitute general obligations of the lessee or indebtedness under the Constitution or laws of the State.

Section 7. It is hereby determined that the purpose of the Project is an object or purpose described in subdivision 32 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is (10) years.

Section 8. It is hereby determined the term of the Equipment Leases authorized by this resolution will not be in excess of (3) years.

Section 9. The Governmental Body has determined that the Project is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

Section 10. The Governing Body of Lessee anticipates that the Lessee may pay certain capital expenditures in connection with the Property prior to the receipt of the Lease Purchase Proceeds for the Property. The Governing Body of Lessee hereby declares the Lessee's official intent to use the Lease Purchase Proceeds to reimburse itself for Property expenditures. This section of the Resolution is adopted by the Governing Body of Lessee for the purpose of establishing compliance with the requirements of Section 1.150-2 of Treasury Regulations. This section of the Resolution does not bind the Lessee to make any expenditure, incur any indebtedness, or proceed with the purchase of the Property.

Section 11. BANK QUALIFIED: LESSEE CERTIFIES THAT IT HAS DESIGNATED THIS LEASE AS A QUALIFIED TAX-EXEMPT OBLIGATION IN ACCORDANCE WITH SECTION 265(b)(3) OF THE CODE, THAT IT HAS NOT DESIGNATED MORE THAN \$10,000,000 OF ITS OBLIGATIONS AS QUALIFIED TAX-EXEMPT OBLIGATIONS IN ACCORDANCE WITH SUCH SECTION FOR THE CURRENT CALENDER YEAR AND THAT IT REASONABLY ANTICIPATES THAT THE TOTAL AMOUNT OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY LESSEE DURING THE CURRENT CALENDER YEAR WILL NOT EXCEED \$10,000,000.

Section 12. The Authorized Representative is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Equipment Leases authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Code.

Section 13. This resolution is not subject to any mandatory or permissive referendum pursuant to the Local Finance Law or Section 109-b of the General Municipal Law.

Section 14. This Resolution shall take effect immediately upon its adoption and approval.

CARRIED

5 Ayes

0 Nays

#### **CORRESPONDENCE**

The Board of Trustees received a correspondence from the Department of Public Service regarding 2 hearings they will be holding:

1. An examination of low income programs offered by the major electric and gas utilities in New York State.
2. A Joint Petition submitted by Time Warner and Charter Communications seeking commission approve to merge into a new entity called New Charter

#### **APPROVED TRANSFER OF FUNDS**

Moved by Trustee Sidari and seconded by Trustee Banker approving the Superintendent of Public Works Dale Brooks request to transfer \$104.14 from F8340.411 to F8340.208 to cover the loan payment for the skid-steer.

CARRIED

5 Ayes

0 Nays

#### **APPROVED CHANGE ORDER 1, CONTRACT 7**

Moved by Trustee Katsanis and seconded by Trustee Sidari approving Mayor London to sign Change Order #1, Contract 7 for the JMPCF Project per Chatfield Engineers recommendation. The Change Order is for additional costs due to the removal/disposal of asbestos materials in the existing roof and for an extension of time for the asbestos work.

CARRIED

5 Ayes

0 Nays

#### **EXECUTIVE SESSION**

Moved by Trustee Katsanis and seconded by Trustee Sidari to adjourn to executive session for personnel issues at 8:02 PM.

CARRIED

5 Ayes

0 Nays

#### **EXECUTIVE SESSION CLOSED**

Moved by Trustee Katsanis and seconded by Trustee Sidari to come out of executive session at 8:30 PM.

CARRIED

5 Ayes

0 Nays

**MEETING ADJOURNED**

Moved by Trustee Katsanis and seconded by Trustee Sidari that there being no further business, meeting is hereby adjourned at 8:30 PM.

CARRIED

5 Ayes

0 Nays

Respectfully submitted,



Linda K Babcock  
Clerk-Treasurer