

The Workshop Meeting of the Board of Trustees of the Village of Albion was held Wednesday, July 24, 2013 at 7:00 PM, at 35 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Eileen S Banker, Fred Miller, Kevin P Sheehan and Attorney John C Gavenda.

Trustee Peter Sidari was absent.

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

PUBLIC HEARING 7:00 PM

Mayor Theodorakos opened the Public Hearing at 7:00 PM for the public to assist the Board of Trustees in identifying possible projects, in addition to those identified by the Village, for inclusion in an application for CDBG funding. At this time, the Village is considering submission a CDBG grant application for sanitary system improvements in response to the Notice of Funding Availability issued by the Regional Economic Development Councils through the New York State Consolidated Funding Application process.

The Board of Trustees discussed getting the required income surveys. Trustee Banker and Trustee Sidari went door to door on East State Street to inform the residents how important it is for them to fill out the surveys and that they are totally confidential. Also, Trustee Banker will go to Crimson Heights Friday, July 26, 2013 to talk to those residents regarding the same.

CLOSED PUBLIC HEARING

Moved by Trustee Banker and seconded by Trustee Miller that in as much as everyone who wished to speak to assist the Board of Trustees in identifying possible projects, in addition to those identified by the Village, for inclusion in an application for CDBG funding were heard, the Public Hearing closed at 7:14 PM.

CARRIED

4 Ayes

0 Nays

RESCIND RESOLUTION #2013-3

Moved by Trustee Banker and seconded by Trustee Miller to rescind the resolution done on July 10, 2013 authorizing the Mayor to execute and submit a 2013 Community Development Grant application on behalf of the Village of Albion (this needed to be done after the Public Hearing, not before).

CARRIED

4 Ayes

0 Nays

ADOPTED RESOLUTION #2013-6

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

RESOLVED, that the Mayor of the Village of Albion, Orleans County, New York, is hereby authorized as the official representative of the Village of Albion to execute and submit a Community Development Block Grant application to the administrative agency for the Fiscal Year 2013 program, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required.

CARRIED

4 Ayes

0 Nays

MURAL

Moved by Trustee Sheehan and seconded by Trustee Banker approving to take ownership of the mural being donated by the Rotary Club, contingent on receiving the letter from them asking the Village to do so. Also discussed getting the owners approval to place the mural on their building.

CARRIED

4 Ayes

0 Nays

DEPARTMENT HEAD REPORTS

The Board of Trustees received monthly reports from the Animal Control Officer Harry Papponetti, Department of Public Works Dale Brooks, Police Chief Roland Nenni, Code Enforcement Officer Ron Vendetti, Cemetery Supervisor Jason Zicari, Village Clerk Linda Babcock and the Water Treatment Plant Superintendent Kevin Miller

The Board of Trustees didn't receive a monthly report from the Superintendent of the Pollution Control Plant Aric Albright.

There was a discussion on whether Mrs Monnier received a copy of Chatfield Engineer's report regarding her drainage issue. The Clerk-Treasurer will check to see if the report was sent to her.

Mayor Theodorakos will invite Mr Alan Sanford to the next Board Meeting to hear his ideas on how the Village can best utilize the bandstand he built as his Eagle Project. Mr Sanford donated the bandstand to the Village.

APPROVED REVISED PLANNING/ZONING BOARD PAY

Moved by Trustee Miller and seconded by Trustee Banker to revise the pay approved at the July 10, 2013 Board Meeting for the Planning and Zoning Board members as follow:

Zoning Board \$40/meeting for members and \$50/meeting for Chairperson

Planning Board – \$40/meeting for members and \$50/meeting for Chairperson

CARRIED

4 Ayes

0 Nays

APPROVED RULES/PROCEDURES

Moved by Trustee Sheehan and seconded by Trustee Banker approving the adoption of the "Rules of Procedures at Regular Board Meetings" and "Rules and Procedures at Workshop Board Meetings" subject to the Attorney's final approval and the correction of a couple of typos.

CARRIED

4 Ayes

0 Nays

APPROVED MINUTES

Moved by Trustee Banker and seconded by Trustee Sheehan that in as much as each member received copies of the minutes of July 10, 2013 and there being no errors or omissions, minutes are hereby approved as written.

CARRIED

4 Ayes

0 Nays

RESOLUTION 2013-7 ADOPTED SAFE ACT

The following resolution 2013-7 was proposed by Trustee Banker who moved its adoption and seconded by Trustee Miller:

RESOLUTION OF THE VILLAGE OF ALBION OPPOSING THE PROCESS OF ENACTMENT AND REQUESTING REPEALING OF THE NEW YORK SECURE AMMUNITION AND FIREARMS ENFORCEMENT (SAFE) ACT

WHEREAS, the right of the people to keep and bear arms is guaranteed as an individual right under the Second Amendment to the United States Constitution; and,

WHEREAS, the right of the people to keep and bear arms for defense of life, liberty, and property is regarded as an inalienable right by the people of Village of Albion; and,

WHEREAS, the lawful ownership of firearms is, and has been, a valued tradition in Albion, and the rights protected by the Second Amendment to the United States Constitution are exercised by many of our residents; and,

WHEREAS, the people of the Village of Albion and the State of New York derive economic and environmental benefits from all safe forms of recreation involving firearms, including, but not limited to, hunting and target shooting while utilizing all types of firearms available under the Constitution of the United States; and,

WHEREAS, the enactment of the NY SAFE Act (Chapter 1 of Laws of 2013) has prompted significant debate over both the process by which it was enacted and certain provisions contained within it; and,

WHEREAS, having reviewed the legislation and severely restrictive time constraints under which it was passed, it is our conclusion that there is no possible way any individual could read the entire bill and understand its full implications prior to voting on it; and,

WHEREAS, our state legislators most certainly did not have the time to request, and receive, the input of their constituents regarding this matter; and,

WHEREAS, there will be a significant financial impact due to the permits that will have to be renewed requiring additional manpower and computer systems their associated expense; and,

WHEREAS, Governor Cuomo has proposed spending \$36 million dollars in his 2013-2014 Executive Budget for the implementation of the NY SAFE Act at a time when New York State residents are crying out for tax relief; and,

WHEREAS, this legislation severely impacts the possession and use of firearms now employed for defense of life, liberty, and property; and,

WHEREAS, this legislation severely impacts the possession and use of firearms now employed for forms of recreation including, but not limited to, hunting and target shooting; and,

WHEREAS, we find the legislation does little more than negatively impact lawful gun ownership.

NOW, BE IT RESOLVED, that, the Village of Albion does hereby oppose, and request the repeal of any legislation, including the sections within the NY SAFE Act (Chapter 1 of the Laws of 2013), which infringe upon the right of the people to keep and bear arms;

BE IT FURTHER RESOLVED, that the Village of Albion requests the members of New York State Senate and Assembly who represent all, or part of, Orleans County to reply, in writing, with their views on, and actions taken, in support of, or opposition to, the NY SAFE Act;

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to President Barack Obama, Vice President Joseph Biden, Governor Andrew Cuomo, Senator Charles Schumer, Senator Kirsten Gillibrand, Congressman Chris Collins, New York State Senator George Maziarz, Assembly Speaker Sheldon Silver, New York State Assembly member Steve Hawley, and all other individuals and/or entities deemed necessary and proper.

CARRIED

4 Ayes

0 Nays

APPROVED LICENSE AGREEMENT 535 MOORE STREET

Moved by Trustee Sheehan and seconded by Trustee Miller approving Mayor Theodorakos to sign the License Agreement regarding a structure that encroaches on Village property at 535 Moore Street. It was noted that in the future, if anything happened to the building, the building would be removed from the Village's right of way.

CARRIED

4 Ayes

0 Nays

CORRES

The Board of Trustees received a correspondence from Rite Aid regarding their Workplace Flu Shot Program.

ADAPTIVE REUSE OVERLAY TO COUNTY

The "adaptive reuse overlay" will go to the next Village Planning Board Meeting for their approval.

APPROVED EMPLOYEE REQUEST

Moved by Trustee Sheehan and seconded by Trustee Miller approving Office Annable's request to sell 27 hours of his unused vacation time from the 2012-2013 fiscal year in the 2013-2014 fiscal year. Trustee Sheehan stated that this would be for one time only due to the circumstance.

CARRIED

4 Ayes

0 Nays

EBS

Moved by Mayor Theodorakos and seconded by Trustee Miller approving the Mayor to sign the BeneCare proposal, pending the cost to the Village will be the same or less than the current cost the Village pays to EBS-RMSCO.

CARRIED

3 Ayes 1 Nay
 Mayor Theodorakos Trustee Sheehan
 Trustee Miller
 Trustee Banker

APPROVED PAYMENT TO CHATFIELD

Moved by Trustee Miller and seconded by Trustee Banker approving the following invoice from Chatfield Engineers to be paid:

11-1024-2	Washington Street Drainage Study	\$4,750.00
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CARRIED

4 Ayes 0 Nays

RESOLUTION 2013-8 ADOPTED LOCAL SHARE

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

WHEREAS, the Village Board has authorized the Mayor to file a \$600,000 Community Development Block Grant (CDBG) application on behalf of the Village of Albion for assistance to fund a portion of the cost to construct sanitary sewer improvements; and

WHEREAS, Chatfield Engineers, the engineering firm engaged by the Village of Albion to prepare construction cost estimates has determined the cost to construct sanitary sewer improvements will exceed \$600,000;

NOW THEREFORE BE IT RESOLVED, that the Albion Village Board hereby commits that it will provide local funds for project costs in excess of the funds provided through the CDBG grant and for any overruns that may be incurred to construct the improvements recommended in the preliminary engineering report prepared by Chatfield Engineers.

CARRIED

4 Ayes 0 Nays

APPROVED AUDIT FOR DEFERRED PLAN

Moved by Trustee Sheehan and seconded by Trustee Banker approving Freed Maxick to prepare the audit for the employees Deferred Compensation Plan per state requirement at a cost of \$1,900. Nationwide Retirement Solutions will reimburse the Village \$500 towards the audit.

CARRIED

4 Ayes 0 Nays

LETTER TO TOWNS/CORRECTIONAL FACILITY

The Village Office will send letters to the Town's informing them that the water rates will increase 2½% starting November 1, 2013. Per water agreements the Village must give the Towns three months notice. Also, will send a letter to the Correctional Facility stating the water and sewer rates will increase 2½% starting November 1, 2013. At the June 26, 2013 meeting the Board of Trustees approved to increase the water and sewer rates to the Towns and Correctional Facility.

EXECUTIVE SESSION

Moved by Trustee Miller and seconded by Trustee Banker to adjourn to executive session for personnel and litigation issues at 8:38 PM.

CARRIED

4 Ayes 0 Nays

Village Clerk Linda Babcock was excused from the meeting. Mayor Theodorakos took minutes from this point.

EXECUTIVE SESSION CLOSED

Moved by Trustee Sheehan and seconded by Trustee Miller to come out of executive session at 9:25 PM.

CARRIED

4 Ayes

0 Nays

APPROVED TO HIRE SPECIAL COUNSEL

Moved by Trustee Sheehan and seconded by Trustee Miller approving to hire Attorney David Lippitt as special counsel.

CARRIED

4 Ayes

0 Nays

MEETING ADJOURNED

Moved by Trustee Miller and second by Trustee Sheehan that there being no further business, meeting is hereby adjourned at 9:27 PM.

CARRIED

4 Ayes

0 Nays

Respectfully submitted,



Linda K Babcock
Clerk-Treasurer