

The Workshop Meeting of the Board of Trustees of the Village of Albion was held Wednesday, July 28, 2010 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, Kevin P. Sheehan and Attorney John Gavenda.

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

PUBLIC HEARING

Mayor Theodorakos opened the Public Hearing at 7:00 PM, that was tabled from the June 23, 2010 Workshop Meeting, to consider changes to the Code of the Village of Albion establishing the rules and regulations with respect to the collection of brush and tree parts produced by owners, occupants and contractors.

Items discussed were the spring and fall pick-up that is done by the Public Works Department, encouraging residents to use the weekly refuse pick-up and the Village brush pile site on Densmore Road.

PUBLIC HEARING CLOSED

Moved by Trustee Miller and seconded by Trustee Sheehan that in as much as everyone who wished to speak regarding establishing the rules and regulations with respect to the collection of brush and tree parts produced by owners, occupants and contractors were heard, the Public Hearing is hereby closed at 7:09 PM.

CARRIED

4 Ayes

0 Nays

LOCAL LAW ADOPTED

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

WHEREAS, a proposed Local Law #5 of the year 2010 for the purpose of establishing the rules and regulations with respect to the collection of brush and tree parts produced by owners, occupants and contractors was presented to the Village of Albion Board of Trustees at a Workshop Meeting of said Board held on July 28, 2010, and

WHEREAS, the Board of Trustees, at the Workshop Meeting of said Board of Trustees held on May 26, 2010 did adopt a motion that a Public Hearing be held on aforesaid to propose amendment to the Local Law at 7:00 PM on Wednesday June 23, 2010 then tabled until Wednesday July 28, 2010, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York, and that notice was published in the Batavia Daily Newspaper, the official newspaper of the Village of Albion, at least seven days before June 23, 2010, and

WHEREAS, a notice of such Public Hearing was duly published in the Batavia Daily Newspaper on the 14th day on June 2010, and

WHEREAS, a Public hearing on said proposed Local Law was held by the Board of Trustees of the Village of Albion at the Village Council Chambers, 35-37 East Bank Street, Albion, New York at 7:00 PM on Wednesday, July 28, 2010 at which time all were heard who wished to speak regarding said Local Law,

NOW THEREFORE BE IT RESOLVED, that the following law be hereby made part of the code of the Village of Albion, New York:

VILLAGE OF ALBION LOCAL LAW #5

- A. The Superintendent of Public Works is authorized to provide for the collection of brush and tree parts at such times and in such manner as the Board of Trustees shall from time to time provide.
- B. The authorization provided for in the preceding subsection shall apply only to brush and tree parts produced by the individual activity or efforts of the owner or occupant of the property, or designee (e.g. lawn mowing contractor).

- C. Brush and tree parts produced by commercial tree trimming contractors must be removed from the property by the contractor or by the owner or occupant of the property. Such brush and tree parts may not be placed at or near the curb or street right-of-way, except temporarily as may be necessary in the course of the work which produced the brush and tree parts.
- D. The Village of Albion will not collect or remove brush or tree parts produced by commercial contractors.

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

4 Ayes 0 Nays

EXECUTIVE SESSION

Moved by Mayor Theodorakos and seconded by Trustee Sheehan to adjourn to executive session for ongoing litigation at 7:11 PM.

CARRIED

4 Ayes 0 Nays

Trustee Riley entered meeting at 7:13 PM.

EXECUTIVE SESSION CLOSED

Moved by Trustee Riley and seconded by Trustee Sheehan to come out of executive session at 8:11 PM.

CARRIED

5 Ayes 0 Nays

61 BROWN STREET

Moved by Trustee Sheehan and seconded by Trustee Banker for the general release of liability, abstract and taking title of the property located at 61 Brown Street.

CARRIED

4 Ayes 0 Nay
 Trustee Sheehan
 Trustee Banker 1 Abstained
 Trustee Miller Trustee Riley
 Mayor Theodorakos

CELL PHONE POLICY

Moved by Trustee Banker and seconded by Trustee Riley to change the policy relating to the Fire Departments cell phones. The Fire Department will be asked to turn in their cell phones by July 31, 2010 and in lieu of, the Department will received funds through the Fire Contract line item in their budget. The cell phones will be taken out of the Village of Albion's name and the department will receive \$125.00 per month instead.

CARRIED

5 Ayes 0 Nays

TRANSFER OF FUNDS

Moved by Trustee Miller and seconded by Trustee Riley to transfer \$1,250.00 from A 3410.429-telephone to A 3410.411 fire contract money.

CARRIED

5 Ayes 0 Nays

FIRE DEPT REQUEST

Tabled request from Harry Papponetti to transfer \$2,000.00 from A1640.0426 (parts/repairs streets) to A 3410.409 (equipment repair). Board of Trustees would like an explanation for the request.

APPROVE MINUTES

Moved by Trustee Sheehan and seconded by Trustee Miller that in as much as each member received copies of the July 14, 2010 minutes and there being 4 corrections and/or omissions minutes are hereby approved as written with the following corrections:

Page 4 under "REVOLVING LOAN", change Capital Reserve to Revolving Loan
 change asbestos survey to asbestos cost estimate
 Page 4 under corres from NYSEFC add support to our eligible
 Page 5 under "I/I PROJECT" add that "This is part of the mandated Consent Order and the Village of Albion will provide the funds from a grant they received."

CARRIED

5 Ayes 0 Nays

APPROVE PAYMENT TO MCGILL

Moved by Trustee Riley and seconded by Trustee Sheehan approving payment to Timothy R McGill in the amount of \$1,257.12 for services rendered as the bond counsel in connection with the issuance of the Village of Albion's \$1,114,246 Bond Anticipation Note, 2010.

CARRIED

5 Ayes 0 Nays

APPROVE CHANGE ORDER #1

Moved by Trustee Miller and seconded by Trustee Riley approving Mayor Theodorakos to sign the Change Order No.1 for the McKinstry Street Storm Sewer and Roadway Improvement Project as submitted by Chatfield Engineers.

CARRIED

5 Ayes 0 Nays

SPECIAL MEETING SCHEDULED

Moved by Trustee Miller and seconded by Trustee Sheehan to schedule a Special Meeting for Thursday, August 12, 2010 at 6:00 PM for contract negotiations.

CARRIED

5 Ayes 0 Nays

APPROVAL TO CLOSE OFFICE

Moved by Trustee Riley and seconded by Trustee Miller approving the Village Office to be closed on August 19, 2010 for the office staff to attend the KVS User Conference that will be held in Orchard Park.

CARRIED

5 Ayes 0 Nays

CORRES

Correspondence received from the New York State & Local Retirement System regarding the early retirement incentives. The Board of Trustees took no action, as there was no interest shown from the Village employees.

CORRES

Correspondence received from the New York State Department of Labor regarding the inspection of the Albion Police Department on June 23, 2010.

CORRES

Discussed the correspondence received from New York State Environmental Facilities Corporation (NYSEFC) regarding new provisions authorizing additional support to our eligible Clean Water State Revolving Fund (CWSRF) projects. The additional support will be in the form of principal forgiveness. NYSEFC is asking the Village to confirm its intent to proceed with the Joint Municipal Pollution Control Facility (JMPCF) project.

Moved by Trustee Banker and seconded by Trustee Sheehan approving Mayor Theodorakos to sign the form and send to New York State Environmental Facilities Corporation confirming the Village of Albion's intent to proceed with the Joint Municipal Pollution Control Facility (JMPCF) project.

CARRIED

5 Ayes

0 Nays

CORRES

Correspondence received from New York State Conference of Mayors and Municipal Officials regarding "Certificate of Public Service" awards.

DISCUSSION

Moved by Trustee Miller and seconded by Trustee Riley to amend the Village policy regarding laterals back to the way it used to be.

There was a discussion on laterals and sidewalks as to whom/should be responsible.

Trustee Riley left meeting at 8:50 PM.

CARRIED

1 Aye

3 Nays

Trustee Miller

Trustee Sheehan

Trustee Banker

Mayor Theodorakos

Mayor Theodorakos would like research and analysis done on sidewalks and laterals before changing the law.

NATIONAL GRID RE: STUDY

Moved by Trustee Sheehan and seconded by Trustee Banker approving National Grid to do a free no-obligation energy study. National Grid will provide the Village of Albion with a proposal detailing the ways we can save on energy costs.

CARRIED

4 Ayes

0 Nays

MEETING ADJOURNED

Moved by Trustee Sheehan and second by Trustee Banker that there being no further business, meeting is hereby adjourned 9:15 PM.

CARRIED

4 Ayes

0 Nays

Respectfully submitted,



Linda K Babcock
Clerk-Treasurer