

The Workshop Meeting of the Board of Trustees of the Village of Albion was held Wednesday, June 24, 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, Stanley Farone, Gary Katsanis and Attorney John C Gavenda.

Also in attendance was Police Chief Roland Nenni, Superintendent of Public Works Dale Brooks, Code Enforcement Officer Ron Vendetti and Albion Fire Department members Harry Papponetti, Steve Lanning, Dale Banker, Ron Armstrong and Jeremy Graham. There were 4 residents present.

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

PUBLIC HEARING 7:00PM

Mayor London opened the Public Hearing at 7:00PM to hear comments to consider adding Chapter 156 Garage Sales to the Village Codes.

Resident Harry Papponetti stated he is concerned about the continued garage sales.

After a discussion the following will be deleted: § 156-7. Exemptions. D. Any charitable, educational, cultural, religious corporation, association or institution, civic group, service club, associations or not-for-profit corporations.

Trustee Pete Sidari entered meeting at 7:06 PM

CLOSED PUBLIC HEARING

Moved by Trustee Banker and seconded by Trustee Katsanis that in as much as everyone who wished to speak relating to consider adding Chapter 156 Garage Sales to the Village Codes, the Public Hearing closed at 7:09 PM.

CARRIED

5 Ayes

0 Nays

ADOPTED LOCAL LAW #2, 2015

The following resolution 2015-16, Local Law #2, 2015 was proposed by Trustee Farone who moved its adoption and seconded by Trustee Banker:

WHEREAS, a proposed Local Law #2 of the year 2015 for the purpose of adding CHAPTER 156 Garage Sales was presented to the Village of Albion Board of Trustees, and

WHEREAS, the Board of Trustees at a Regular Board Meeting of said Board held on Wednesday, June 10, 2015 did adopt a motion that a Public Hearing be held on the aforesaid proposed Local Law at 7:00 PM on June 24, 2015, at 35-37 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 June 24, 2015, and

WHEREAS, a notice of such Public Hearing on said proposed Local Law was duly published in the Batavia Daily Newspaper on June 13, 2015, and

WHEREAS, a Public Hearing on said proposed Local law was held by the Board of Trustees, at 35-37 East Bank Street, Albion, New York at 7:00 PM on June 24, 2015, at which time all were heard who wished to speak regarding said Local Law,

NOW THEREFORE BE IT RESOLVED, that the following Local Law #2, 2015 be hereby made part of the code of the Village of Albion, New York:

LOCAL LAW #2, 2015
CHAPTER 156 GARAGE SALES

§ 156-1. Title.

This chapter shall be known as the "Garage Sale Law."

§ 156.2. Purpose.

The occasional conduct of sales of personal property from residential areas of the village known as "garage sales," "lawn sales," "attic sales," "yard sales" or by any other similar designation has proliferated and, in some cases, created traffic congestion problems. Such sales often have continued for extended periods of time resulting in ongoing retail operation to the detriment and

degradation of the character of residential neighborhoods. The purpose of this chapter is to regulate and restrict the conduct of such garage sales in order to protect the safety, health and welfare of the village residents and to preserve the character of residential neighborhoods.

§ 156-3. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them herein:
GARAGE SALE:

A. The sale or offering for sale of new, used or secondhand items of tangible personal property from any one residential premises.

B. The sale of tangible personal property from residential premises entitled "garage sale," "yard sale," "tag sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale," "flea market" or any similar casual or occasional sale advertised to the public at large as such.

PERSON -- An individual, partnership, family group, an unincorporated association or a corporation.

RESIDENTIAL PREMISES -- A single- or multiple-family dwelling unit used for residential purposes which is not located in an area of the village zoned for commercial, industrial, business, manufacturing or mercantile uses.

VILLAGE -- The Village of Albion.

§ 156-4. Days allowed.

Except as provided in § 156-7 hereof, it shall be unlawful after the effective date of this chapter for any person to conduct a garage sale from residential premises of the village on days other than Friday, Saturday, and Sunday

§ 156-5. Hours of operation.

Garage sales pursuant to this chapter shall be conducted between the hours of 8:00 a.m. and 6:00 p.m. only on the days allowed.

§ 156-6 Advertising signs.

An advertising sign no greater in size than two feet by two feet may be installed on the premises on which the garage sale will be conducted. Such sign shall be displayed only during the hours of sale and shall be removed within 24 hours after the sale is concluded. No sign or other display advertising the sale shall be placed on any public place or right-of-way of the village, and no illuminated or lighted sign may be used to advertise a garage sale.

§ 156-7. Exemptions.

This chapter shall not apply to.

A. A person selling personal property pursuant to an order or process of a court of competent jurisdiction or to any public official acting pursuant to and within the scope of his authority.

B. Any person advertising in a publication of general circulation the sale of tangible personal property, not displayed to the public, for a period not to exceed two weeks in any continual six-month period.

C. Any sale of personal property authorized or licensed to do so pursuant to any state statute or any other local law, ordinance, rule or regulation.

§ 156-8. Additional requirements.

The owner of the property where a garage sale is held shall be responsible for the maintenance of good order and decorum on the premises during the hours of the garage sale and shall not permit the parking of motor vehicles on or about the public streets or such premises which would impede the flow of vehicular traffic and shall not obstruct or impede pedestrian traffic on the sidewalks of the village.

§ 156-9. Enforcement.

This chapter shall be enforced by any code enforcement officer or any police officer of the village. It shall be the duty of any such officer to investigate any violation of this chapter coming to his attention and to prosecute the same before the Town Justice of the Town of Albion.

§ 156-10 Penalties for offenses.

Any person who shall violate the provisions of this chapter shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine of not less than \$25 nor more than \$250 or imprisoned for not more than 15 days, or both. Each day that such violation continues shall be considered and constitute a separate violation.

CARRIED

5 Ayes

0 Nays

LARSEN ENGINEERS SOLAR SITE

Mr Ben Frevert and Mr Brad Kelly from Larsen Engineers discussed the proposed solar PV systems. For the first site, they are looking at the Water Treatment Plant property on Wilson Road. They are too late to present their proposal at the July meeting of the Carlton Planning Board, so they will apply to be on the August agenda for approval.

DEPARTMENT HEAD REPORTS

The Board of Trustees received monthly reports from the Animal Control Officer Harry Papponetti, Police Chief Roland Nenni, Code Enforcement Officer Ron Vendetti, Cemetery Supervisor Jason Zicari, Village Clerk Linda Babcock, Water Treatment Plant Chief Operator Kevin Miller and the Pollution Control Plant Chief Operator Aric Albright.

The Board of Trustees didn't receive a monthly report from Superintendent of Public Works Dale Brooks.

APPROVED USE OF SEWER RESERVES

Moved by Trustee Sidari and seconded by Trustee Farone approving the Superintendent of Public Works Aric Albright's request to purchase a 4x4 ½ ton, rear cap truck out of sewer reserves for \$25,163.35.

CARRIED

4 Ayes

1 Nay

Trustee Sidari

Trustee Katsanis

Trustee Farone

Trustee Banker

Mayor London

WATER LINE

The Superintendent of Public Works Dale Brooks and the Superintendent of the Pollution Control Plant Aric Albright will review the possibility of installing a water line west of the Village.

TABLED APPROVING FIRE TRUCK BID

The Board of Trustees tabled approving to award the bid for the new fire truck until the July 8, 2015 Regular Meeting. The Board of Trustees and Attorney Gavenda would like to see the Fire Department Committee's documentation for recommending the company they did.

TABLED APPROVING AFD TRAINING MATERIAL

The Board of Trustees tabled approving the standard operating guidelines for "Training and Certification Drivers" and "Operation of Vehicles" as presented by the Fire Department until the July 8, 2015 Regular Meeting so Attorney Gavenda can review them.

APPROVED TO HIRE POLICE OFFICER

Moved by Trustee Sidari and seconded by Trustee Katsanis approving to hire Daniel Baase as a Police Officer per Chief Nenni's recommendation. He will start at Step Two (2) in the PBA Contract with a 78 week probationary period.

CARRIED

5 Ayes

0 Nays

APPROVED PURCHASE OF VEHICLE

Moved by Trustee Farone and seconded by Trustee Sidari authorizing an emergency purchase of a K9 vehicle to replace the one that was in an accident and the insurance company totaled.

CARRIED

5 Ayes

0 Nays

APPROVED INSURANCE COVERAGE CHANGE

Moved by Trustee Sidari and seconded by Trustee Farone approving to add a blanket addendum to the insurance policy to cover equipment in police vehicles, not to exceed \$20,000 per vehicle, \$100,000 total limit for an approximate cost of \$400 a year.

CARRIED

5 Ayes

0 Nays

VILLAGE POLICIES

Trustee Sidari has the Village policies and is reviewing them.

APPROVED PAYMENT TO HARRIS BEACH

Moved by Trustee Farone and seconded by Mayor London approving payment to Harris Beach for services rendered in the amount of \$2,757.50 noting that anything after this the LDC will be responsible for. Attorney Gavenda stated that nobody is benefiting from the LDC except the Village of Albion.

CARRIED

4 Ayes

1 Nay

Trustee Farone

Trustee Katsanis

Mayor London

Trustee Banker

Trustee Sidari

WTP OPERATOR/TRAINEE LIST

The time limit for the Water Treatment Plant Operator Trainee Certification of Eligible's list has expired. The list will be sent back to Orleans County Civil Service with no action taken.

REQUEST CIVIL SERVICE LIST

Moved by Trustee Katsanis and seconded by Trustee Sidari approving Mayor London to request the Certification of Eligible's list for the Water Treatment Plant Operator/Trainee from Orleans County Civil Service.

CARRIED

5 Ayes

0 Nays

APPROVED MINUTES

Moved by Trustee Farone and seconded by Trustee Sidari that in as much as each member received copies of the minutes of June 6, 2015 and June 10, 2015 and there being one error or omission, minutes are hereby approved as written with the following correction:

June 6, 2015 under approved pre-employment offer, the vote was:

2 Ayes

1 Nay

Trustee Farone

Trustee Katsanis

Mayor London

So the motion died.

CARRIED

5 Ayes

0 Nays

APPROVED PAYMENT TO BERGMANN

Moved by Trustee Farone and seconded by Trustee Katsanis approving payment to Bergmann Associates for Pay Estimate 14 in the amount of \$50,825.64 for services rendered for the Clarendon Street Bridge.

CARRIED

| | |
|------------------|----------------|
| 4 Ayes | 1 Nay |
| Trustee Farone | Trustee Sidari |
| Trustee Katsanis | |
| Trustee Banker | |
| Mayor London | |

APPROVED PATMENT TO KEELER

Moved by Trustee Farone and seconded by Trustee Banker approving payment to Keeler Construction, Pay Estimate 3, in the amount of \$106,375.78 for services performed for the Clarendon Street Bridge project.

CARRIED

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| 5 Ayes | 0 Nays |
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APPROVED PAYMENT TO PARADIGM

Moved by Trustee Katsanis and seconded by Trustee Sidari approving payment to Paradigm Environmental Services for the asbestos testing for the roof project in the amount of \$1,695.

CARRIED

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| 5 Ayes | 0 Nays |
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APPROVED HIRING FOR CLASS C LICENSE

Moved by Trustee Farone and seconded by Trustee Sidari approving to hire Mr William Logan from the Certification of Eligible's list for a PT Water Treatment Plant Operator/Trainee with a Classification C License with a fifty-two (52) week probationary period at \$25.37 per hour.

CARRIED

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| 5 Ayes | 0 Nays |
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ACCEPTED APPLICATIONS

The following applications were accepted and will be placed on file for future reference:

| | |
|----------------------|-------------------------------|
| Steven M Wolter | MEO/Mechanic/Water Department |
| Gina Marie Montanari | Park Supervisor |
| Andrew Hollenbeck | Park Supervisor |

APPROVED REMOVAL OF VILLAGE TAX BILLS

Moved by Trustee Farone and seconded by Trustee Sidari approving the Clerk-Treasurer to remove the tax bills for 134 and 136 Liberty Street for \$230.75. The tax map number for the Village owned parcels are 73.6-7-80 and 73.6-7-81.

CARRIED

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|--------|--------|
| 5 Ayes | 0 Nays |
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CORRESPONDENCE

The Board of Trustees received a correspondence from NYS Agriculture and Markets regarding the recent Dog Control Officer Inspection. The report indicates the services were rated satisfactory.

SPECIAL EVENTS PERMIT APPLICATIONS

The Police Chief Roland Nenni, the Superintendent of Public Works Dale Brooks, Clerk-Treasurer Linda Babcock and Office Clerk Tracy VanSkiver will work on the Special Events Permit Applications.

GRANTS

Attorney Gavenda will contact Ms Jean O'Connell regarding the Main Street Grant.

APPROVED AWARD OF CONTRACT 6

Moved by Trustee Sidari and seconded by Trustee Katsanis approving Chatfield Engineers recommendation to award Contract 6 Asphalt Pavement Improvements for the JMIPCF Project to American Paving & Excavating for \$121,755.

CARRIED

5 Ayes

0 Nays

APPROVED AWARD OF CONTRACT 7

Moved by Trustee Katsanis and seconded by Trustee Sidari approving Chatfield Engineers recommendation to award Contract 7 Roof Replacement for the JMIPCF Project to Leo J Roth Corporation for \$226,000.

CARRIED

5 Ayes

0 Nays

COMMUNITY ACTION REQUEST

Moved by Trustee Sidari and seconded by Trustee Katsanis approving the request from Community Action to place their 50th Anniversary banner at Bullard Park.

CARRIED

5 Ayes

0 Nays

CORRESPONDENCED

The Board of Trustees received a correspondence from Orleans County Civil Service stating Dale Brooks' position will stay as Superintendent of Public Works.

REQUEST EXAM

Moved by Trustee Banker and seconded by Trustee Katsanis approving Mayor London to request the Superintendent of Public Works exam.

CARRIED

5 Ayes

0 Nays

APPROVED ADDENDUM TO HOLLEY AGREEMENT

Moved by Trustee Katsanis and seconded by Trustee Sidari approving the Addendum to the Agreement with Holley to operate their Waste Water Treatment Plant as submitted by Attorney Gavenda. The addendum extends the agreement for five (5) years and an annual increase in compensation shall be reviewed/discussed to be not more than three (3) percent from the previous year.

CARRIED

5 Ayes

0 Nays

544 EAST STATE STREET

The Board of Trustees discussed the Request for Proposals (RFP) being too restricted for the 544 East State Street property.

CORRESPONDENCE

Mayor London stated that Adam Tabelski provided him information from the company he works for to do a preliminary assessment on the Village's energy. It was concluded that this is what Larsen Engineers is currently doing with their solar energy proposal.

POSITION DISCUSSED

The Board of Trustees discussed the General Maintenance position in the DPW Union Contract. The Superintendent of Public Works Dale Brooks recommended the Board doesn't fill that position.

MEETING ADJOURNED

Moved by Trustee Katsanis and seconded by Trustee Sidari that there being no further business, meeting is hereby adjourned at 8:59 PM.

CARRIED

5 Ayes

0 Nays

Respectfully submitted,

Linda K Babcock
Linda K Babcock
Clerk-Treasurer