

The Workshop Meeting of the Board of Trustees of the Village of Albion was held Wednesday, June 26, 2013 at 7:00 PM, at 35 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Eileen S Banker, Peter Sidari and Attorney John C Gavenda.

Trustee Kevin P Sheehan entered meeting at 7:05 PM.

Trustee Fred Miller was absent.

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

#### **RESIDENTS**

Resident Mr Mark Parker addressed the Board of Trustees about the FOIL he submitted and has not had a response on.

Resident Ms Rhonda Parker addressed the Board of Trustees about the violation she received regarding the barn on their property.

#### **DEPARTMENT HEAD REPORTS**

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

#### **REMOVAL OF TREES**

Approved the Superintendent of Public Works Dale Brooks recommendation to have/take the following trees down:

- 210 South Clinton Street (north side of driveway)
- 344 South Clinton Street (south side of driveway)
- 221 West State Street (hanging over house)
- 119 Platt Street (2 shabby maples)
- 121 Reynolds Street (2 trees pushing sidewalk up)

#### **APPROVED FIRST NIAGARA LEASE AGREEMENT**

Moved by Trustee Banker and seconded by Trustee Sheehan approving Mayor Theodorakos to sign the lease agreement with First Niagara Bank for the purchase of the 2013 Chevrolet Tahoe for the Albion Police Department. The lease agreement is for three years.

CARRIED

4 Ayes

0 Nays

#### **APPROVED CELL PHONE STIPEND INCREASE**

Moved by Trustee Sheehan and seconded by Trustee Banker approving the request from Department Heads to increase the cell phone stipend for qualified employees from \$25 per month to \$50 per month, as long as we can find the money in the budget to cover the increase. The Village Clerk-Treasurer will look at the budget to see where the additional \$300 for each Department Head could come from.

CARRIED

4 Ayes

0 Nays

#### **TABLED SENDING ADAPTIVE REUSE OVERLAY TO COUNTY**

Per Attorney John C Gavenda's recommendation, tabled Code Enforcement's recommendation to send the "adaptive reuse overlay" to the Orleans County Planning Board until the July 10, 2013 meeting.

#### **PLANNING BOARD MEMBER**

It was noted that there hasn't been any replies to the ad looking for interested persons to serve on the Planning Board.

**SOLICITOR'S PERMIT**

The Village Clerk found on May 13, 1992 the Board of Trustees did adopted a resolution stating that all Hawking and Peddling licenses issued by the Board of Trustees of the Village of Albion shall not be valid and shall be of no affect during special festival or celebration days as may be determined by the Village of Albion Board of Trustees.

**APPROVED MINUTES**

Moved by Trustee Sidari and seconded by Trustee Banker that in as much as each member received copies of the minutes of May 29, 2013 and June 12, 2013 and there being no errors or omissions, minutes are hereby approved as written.

CARRIED

4 Ayes

0 Nays

**ACCEPTED APPLICATIONS**

The Board of Trustees accepted the following application to be place on file for future reference:  
Cemetery – Sam R.E. Remley

**APPROVED YOUTH BUREAU AGREEMENT**

Moved by Trustee Sheehan and seconded by Trustee Sidari approving Mayor Theodorakos to sign the Agreement with the Orleans County Youth Bureau to receive the Village's award of \$632 towards Juvenile Aid.

CARRIED

4 Ayes

0 Nays

**SMITH STREET EASEMENT**

The Board of Trustees received a correspondence from Church and Church requesting an easement for his clients who have a building on their property that encroaches on the Village's "paper street" named Smith Street. Attorney Gavenda represents the buyer.

Moved by Trustee Sheehan and seconded by Trustee Banker approving to hire Attorney Sandstone to draw up the easement for the structure that encroaches on Village property. 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

**TABLED EBS-RMSCO RENEWAL**

Tabled approving Mayor Theodorakos to sign the renewal with EBS-RMSCO until after the meeting that will clarify the issues some of the employees are experiencing with the insurance.

**EMPLOYEE REQUEST**

Tabled Office Annable's request to sell 27 hours of his unused vacation time from the 2012-2013 fiscal year to the 2013-2014 fiscal year until the July 10, 2013 meeting. Attorney Gavenda would like time to review his request.

**APPROVE PAYMENT FOR PIPE**

Moved by Trustee Sidari and seconded by Trustee Banker approving payment to Lock City Supply in the amount of \$12,631.00 to be paid out of the Capital Fund. The Capital Fund will be reimbursed when the Village receives the \$100,000 funds for the drainage project.

CARRIED

4 Ayes

0 Nays

**APPROVED MAYOR TO SIGN MAIN STREET LAND DOCUMENTS**

Moved by Trustee Banker and seconded by Trustee Sidari approving Mayor Theodorakos to sign the warranty deed documents from the Village to the Village, as prepared by Attorney Gavenda for the piece of land adjacent to the North Main Street parking lot. Attorney Gavenda stated that nobody has ever claimed the land.

CARRIED

4 Ayes

0 Nays

**CORRESPONDENCE FROM NYS COMPTROLLER**

The Board of Trustees received a correspondence from NYS Office of the State Comptroller stating they determined that the Village's tax levy for 2014 was materially within the allowable limit.

**CORRESPONDENCE FROM NYS COMPTROLLER**

The Board of Trustees received the Village of Albion Water and Sewer Rents report of examination from the Office of the State Comptroller for the period January 1, 2010 to March 15, 2013. There were 7 recommendations, 4 were corrected in February 2013 when they were pointed out, 2 corrected in June 2013 after the meeting with the New York State Comptroller and the last one is being handled by the Superintendent of the Water Treatment Plant Kevin Miller.

**NOTICES OF CLAIMS**

General Municipal Law §53 was added and requires each city and village to file with the New York State Department of State, a certificate that designates the New York State Secretary of State as the local government's agent for service of notices of claim. Also the Board of Trustees will need to provide the name and address of a person to which the Secretary of State will forward any notices of claims and provide a time limit of 90 days to file such a claim on the Village.

Moved by Trustee Banker and seconded by Trustee Sheehan approving the designation and appointment of Clerk-Treasurer Linda K Babcock as the person to whom the Secretary of State must mail notices of claims to.

CARRIED

4 Ayes

0 Nays

**CORRESPONDENCE**

The Board of Trustees received a correspondence from Chatfield Engineers showing the Joint Municipal Industrial Pollution Control Facility flows and electrical usage for the past several years. Mr Chatfield stated that he attributes a portion of the reduction to the extensive sanitary sewer improvements recently completed.

**CORRESPONDENCE**

The Board of Trustees received a correspondence from the Orleans County District Attorney noting the Orleans County Major Crime Task Force's next meeting will be held on June 28, 2013 at 9:00 AM.

**CORRESPONDENCE**

The Board of Trustees received a correspondence from LaBella Associates announcing that the 2013 NYS Consolidated Funding Applications are now available online.

**CORRESPONDENCE**

The Board of Trustees received a correspondence from The Albion Free Methodist Church's Discipleship Pastor Mr Kevin Eccles regarding a community clean-up event he would like to do on July 14, 2013. The Board of Trustees appreciates this wonderful event and will have the Superintendent of Public Works Department pick up the bags of trash the following morning.

**RESIDENT**

Resident Mr Maurice Taylor asked the Board of Trustees about having a tree trimmed in front of his house. Because the limbs are near the electric line the Superintendent of Public Works Dale Brooks will contact National Grid to handle. Mr Taylor also inquired as to the time frame for written complaints to be handled and time frame to acquire a building permit.

**EAGLE SCOUT PROJECT**

The Superintendent of Public Works Dale Brooks will pick up Eagle Scout Alan Sanford's project that he has completed for the Village. The Board of Trustees will discuss how to best utilize and maintain the stage he has built. The Board of Trustees would like to thank Mr Sanford for his donation.

**SAFE ROUTES TO SCHOOL GRANT**

The following revised resolution<sup>#2, 2013</sup> was proposed by Trustee Sidari who moved its adoption and seconded by Trustee Sheehan. New York State Department of Transportation stated that the resolution adopted March 27, 2013 for the "Safe Routes to School Project needed more details.

WHEREAS, the Village of Albion desires to advance the Safe Routes to Schools Project, PIN 475581, by making a commitment of 100% of the non-federal share of the costs,

NOW THEREFORE, the Village of Albion Board, duly convened does hereby,

RESOLVE, that the Village of Albion Board hereby approves the above-subject project, and it is hereby further,

RESOLVED, that the Village of Albion Board hereby authorizes the Village Clerk-Treasurer to pay in the first instance 100% of the federal and non-federal share of the cost of ACT Electronic Trailer Mounted Solution for the Project or portions thereof, and it is further

RESOLVED, that the sum of ten thousand dollars (\$10,000) is hereby appropriated and made available to cover the cost of participation in the above Project, and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Village of Albion shall convene as soon as possible to appropriate said excess amount immediately, and it is further

RESOLVED, that the Mayor of the Board of Trustees of the Village of Albion is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the Village of Albion with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipalities first instance funding of project costs and permanent funding of the local share of federal aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately

CARRIED

Ayes 4

0 Nays

**EXECUTIVE SESSION**

Moved by Trustee Sidari and seconded by Trustee Banker to adjourn to executive session for litigation issues at 8:03 PM.

CARRIED

4 Ayes

0 Nays

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Sidari and seconded by Trustee Sheehan to come out of executive session at 8:38 PM.

CARRIED

4 Ayes

0 Nays

**RESIDENT**

Moved by Trustee Sheehan and seconded by Trustee Banker approving Attorney Gavenda to invite the property owner of 125 North Liberty Street, Mr Dan Dunn to the July 10, 2013 meeting for a hearing to determine if an engineer survey should be ordered for his property.

CARRIED

4 Ayes

0 Nays

To keep the project moving the following motion was made:

Moved by Trustee Sidari and seconded by Trustee Sheehan approving an engineer survey be done on the 125 North Liberty Street property.

CARRIED

4 Ayes

0 Nays

**WATER/SEWER RATES**

Moved by Trustee Sheehan and seconded by Trustee Banker approving to raise the water/sewer rates beginning July 1, 2013 as follow:

Water inside Village 5%

Water outside (Towns, Correctional Facility) 2 ½%  
(Pending their contract's allow Village to increase rate-Attorney will look at contracts)

Sewer inside Village 5%

Sewer outside 5%

The Board of Trustees stated that due to the much needed upgrades at the Pollution Control Facility and the Water Treatment Plants, the purchasing of new equipment and the increasing costs to run the plants were all factors in the increases.

CARRIED

4 Ayes

0 Nays

**MEETING ADJOURNED**

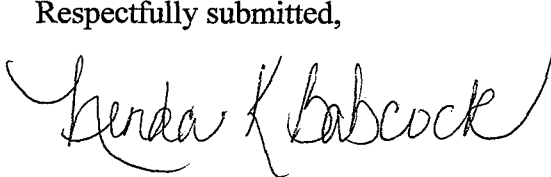
Moved by Trustee Sidari and second by Trustee Sheehan that there being no further business, meeting is hereby adjourned at 9:02 PM.

CARRIED

4 Ayes

0 Nays

Respectfully submitted,



Linda K Babcock  
Clerk-Treasurer