

The Workshop Meeting of the Board of Trustees of the Village of Albion was held Wednesday, March 23, 2011 at 5:30 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Eileen S Banker, Jeannette Riley and Kevin P Sheehan.

Mayor Theodorakos opened the meeting with the pledge of allegiance at 5:34 PM.

Trustee Miller entered the meeting at 5:41 PM.

#### **SPECIAL MEETING SCHEDULED**

Moved by Trustee Sheehan and seconded by Trustee Banker to hold a Special Meeting on Thursday, March 30, 2011 at 6:00 PM for budget review.

**CARRIED**

5 Ayes

0 Nays

#### **SPECIAL MEETING SCHEDULED**

Moved by Trustee Sheehan and seconded by Trustee Banker to hold a Special Meeting on Wednesday, April 6, 2011 at 6:00 PM for budget review.

**CARRIED**

5 Ayes

0 Nays

#### **SPECIAL MEETING SCHEDULED**

Moved by Trustee Sheehan and seconded by Trustee Banker to hold a Special Meeting on Saturday, April 16, 2011 at 1:30 PM for budget review.

**CARRIED**

5 Ayes

0 Nays

Attorney Gavenda entered the meeting at 6:55 PM.

#### **CHATFIELD ENGINEERS**

Mr Jason Foote from Chatfield Engineers was present to discuss the problem on the Albion Central School property and whose responsibility it is to correct it. The Superintendent of Public Works Dale Brooks will locate the lateral that is broke and Mr Foote will schedule a meeting to get all the parties involved together to discuss how to remedy the problem.

#### **RESIDENT**

The Board of Trustees received a correspondence from resident, Mrs Angie Fleming who lives at 3 Clover Lane. She alleges that ever since the project was completed on her street, she has had a serious water problem on her property and in her basement. Superintendent of Public Works Dale Brooks and Mr Jason Foote will meet to look into her complaint.

#### **TOWN OF ALBION REQUEST**

Town of Albion Councilperson Mr Ryan Miller addressed the Board of Trustees about a joint effort between the Village and Town of Albion to fund a movie night at Bullard Park. He estimates that each municipality would need to contribute approximately \$1,500.00 for the event. The Board of Trustees tabled the approval, stating the Village budget is being worked on now for the fiscal year June 1, 2011 – May 31, 2012 and it's very tight. Mayor Theodorakos will talk with Recreation Director John Grillo and get his thoughts on the event.

## DEPARTMENT HEAD REPORTS

**Cemetery – Cemetery Foreman, Mr Jason Zicari** provided the Board of Trustees with his report for the month of February. He also informed them that he has ordered the new truck for the cemetery. He also stated that the seasonal employees will start coming back as soon as the weather permits. Mr Zicari provided Mayor Theodorakos with a reminder notice on the general rules of residents who own or tend to the gravesites that will be put in the next Village newsletter.

**Police – Chief London** provided his report and the K-9 report for the month of January. He also discussed the following:

Two officers trying to place a resident under arrest were bit by his dog and had to receive treatment.

The K-9 vehicle has been ordered, it's a 2011 Chevy Tahoe, and delivery will be in approximately 12 weeks. The Village mechanics will install the equipment, saving approximately \$5,000.

Chief London would like to thank the Fire Department for donating Albion 67 to the Albion Police Department.

**Public Works – Superintendent of Public Works, Dale Brooks** provided his monthly report. Also discussed:

Problems with meters – Attorney Gavenda will send a letter to Data Matic expressing the Villages concerns

East State Street storm/road project that the DPW will be doing

The third floor asbestos abatement is completed and eventually will need to install electric and heat

Who will be doing the demolition of the two properties (61 Brown Street/19 North Main Street the Village owns. Mayor Theodorakos will send a letter to Orleans County requesting use of county vehicles if the Village employees do the demolition on the Main Street building. Dale will provide the approximate cost estimate for the Village employees to do the work

Need to add funds to the 2011/2012 budget to finish the park grant for Carosol and Veterans Parks. Trustee Miller will discuss with Office Clerk Stacey Andrews what needs to be done to finish the project

Tonawanda Dog Show – discussed parking, having an agreement for them to sign, the possibility of setting an hourly charge for any damage the Village will have to take care of after the show, providing them with the form that the residents receive when renting out a pavilion. Attorney Gavenda will help draft the agreement

**Pollution Control Facility –**

Superintendent of Pollution Control, Aric Albright provided the Board of Trustees will his February report

**Water Plant – Superintendent of the Water Treatment Plant, Kevin Miller** provided his report for February. He also provided the Board of Trustees will copies of the proposal for the security/surveillance for the WTP as provided by Systems of New York

**Village Office – Village Clerk, Linda Babcock** provided her report for the month of February. The Village Office recently had a computer station crash. A new computer has been ordered at the state bid price

**Animal Control – Animal Control Officer, Harry Papponetti** provided his report for February

## APPROVED TRANSFERS

Moved by Trustee Riley and seconded by Trustee Miller approving the following transfers as requested by the Village Clerk-Treasurer:

A1325.403 Computer programs	to	A1325.202 Computer	\$1,000.00
A1910.401 Insurance	to	A1325.202 Computer	\$2,251.64
			(\$2,079 – server; \$172.64 – new comp)
F8310.403 Computer Maint	to	F8310.201 Computer	\$1,500.00
G8110.403 Computer Maint	to	G8110.201 Computer	\$1,500.00

Also, approved the Village Clerk to use the Office Equipment Capital Reserves for the purchase of new computer for Village Office, \$926.14 is in the reserves. Cost for new computer is \$1,098.78, State Bid price.

**CARRIED**

5 Ayes

0 Nays

Code Enforcement – Code Enforcement Officer, Ron Vendetti was absent

**FIRE FLIES**

Members of the Albion Fire Department and Mr Mike Pilon from Albion Agencies were present to discuss the Albion Fire Flies. Discussion on who's name the vehicles should be in (Village of Albion or Albion Fire Department), who should be paying the insurance for the department vehicles, adding a line in the Fire Department budget for insurance, having the Fire Flies sign some kind of a waiver and how many calls the members of the Fire Flies Team are responding to.

Moved by Trustee Miller to add to the Fire Contract line item money for insurance for the Fire Department pending Attorney Gavenda approval. There was no second, so motion died.

It was decided to table decision on putting the Fire Flies equipment of the Village's Insurance policy until the March 29, 2011 Special Meeting. Attorney Gavenda will research request.

**EXECUTIVE SESSION**

Moved by Trustee Riley and seconded by Trustee Banker to adjourn to executive session to discuss personnel matters at 9:02 PM.

**CARRIED**

5 Ayes

0 Nays

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Riley and seconded by Trustee Miller to come out of executive session at 9:48 PM.

**CARRIED**

5 Ayes

0 Nays

**ADOPT BOND RESOLUTION FOR JMIPCF**

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

**BOND RESOLUTION DATED MARCH 23, 2011 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF ALBION, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE JOINT MUNICIPAL INDUSTRIAL POLLUTION CONTROL FACILITY CAPITAL IMPROVEMENTS WITHIN THE VILLAGE, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.**

WHEREAS, the purpose hereinafter described consists of sewer system capital improvements to include the Joint Municipal Industrial Pollution Control Facility (JMIPCF) Improvement Project, authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law;

WHEREAS, the Village has, on February 25, 2009, duly determined that the purpose hereinafter described constitutes a "type II" action under the State Environmental Quality Review Act of the State of New York and the applicable regulations thereunder ("SEQRA") which will not result in any significant adverse environmental impacts and such purpose is not subject to any further environmental review under SEQRA; now therefor, be it

RESOLVED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF ALBION, NEW YORK (hereinafter referred to as the "Village"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Village of Albion shall undertake the construction of capital improvements to the Joint Municipal Industrial Pollution Control Facility located at 14740 Densmore Street, Albion, New York, including, without limitation, the rehabilitation of existing concrete tanks and the acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, and other site and incidental improvements that may be required in connection therewith for such construction and Village use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$5,200,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance said purpose.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$5,200,000 and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of obligations as herein authorized.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Village and all the taxable real property in the Village is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount.

Section 5. It is hereby determined and declared that the Village reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Village Treasurer, the Village's chief fiscal officer. The Village Treasurer and the Village Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Village of Albion.

**Section 7.** The faith and credit of the Village of Albion, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

**Section 8.** After compliance with Section 9 hereof, this resolution shall be published in full by the Village Clerk of the Village of Albion together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Village, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

**Section 9.** This resolution is subject to a permissive referendum of the qualified electors of the Village of Albion, pursuant to Section 36.00 of the Local Finance Law.

The motion having been duly seconded, it was adopted and the following votes were cast:

**CARRIED**

5 Ayes 0 Nays

**COVA**

Moved by Trustee Banker and seconded by Trustee Riley approving COVA to hold an Easter Egg Hunt at Bullard Park on Friday, April 1, 2011. Recreation Director, John Grillo has been notified of the event.

**CARRIED**

5 Ayes 0 Nays

**EMPLOYEE DISCUSSED**

Moved by Trustee Banker and seconded by Trustee Miller approving the recommendation of Police Chief Dean London for summary discipline with respect to a certain Police Officer, and authorize the Police Chief to impose that discipline.

**CARRIED**

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

**MEETING ADJOURNED**

Moved by Trustee Riley and seconded by Trustee Miller that there being no further business, meeting is hereby adjourned 9:51 PM.

**CARRIED**

5 Ayes 0 Nays

Respectfully submitted,

*Linda K. Babcock*  
Linda K. Babcock  
Clerk-Treasurer