

The Workshop Meeting of the Board of Trustees of the Village of Albion was held Wednesday, September 22, 2010 at 6:00 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Fred Miller and Jeannette Riley.

Mayor Theodorakos opened the meeting with the pledge of allegiance at 6:05 PM.

**VILLAGE PROJECTS**

Discussion on the following building projects:

- 1. The third floor asbestos
- 2. 19 North Main Street, waiting for asbestos survey
- 3. The roof leaking at 121 North Main Street

**VILLAGE PARKING LOT**

Discussion on the trucks parking in the Village of Albion parking lot on Platt Street. Mayor Theodorakos stated that he has been in contact with Mr Jim Whipple, Orleans Economic Development, who will contact the Village to let them know if the problem becomes serious. The Board will then discuss how to handle the situation.

**REVISED E-MAIL POLICY**

Tabled adopting the revised e-mail/computer policy presented by Attorney Gavenda until the October 13, 2010 Regular Board Meeting.

**CHANGE ORDER #4**

Discussion on Change Order #4 for the Sanitary Sewer Project. The Board of Trustees would like to see the budget for the project before approving the Change Order.

**APPROVE MINUTES**

Moved by Trustee Riley and seconded by Trustee Miller that in as much as each member received copies of the September 8, 2010 minutes and there being no error or omissions, minutes are hereby approved as written. The Board of Trustees also acknowledged that the Special Meeting that was to be held on Monday, September 13, 2010 was cancelled.

**CARRIED**

3 Ayes                      0 Nays

**APPROVE PAYMENT TO HODGSON RUSS**

Moved by Trustee Riley and seconded by Trustee Miller approving payment to Hodgson Russ LLP for services rendered in the amount of \$429.30.

**CARRIED**

3 Ayes                      0 Nays

**CORRESPONDENCE**

Correspondence received from the NYS Governor Traffic Safety Committee Department of Motor Vehicles notifying the Village it has been awarded \$6,040 to participate in the statewide "Selective Traffic Enforcement Program".

**INFORMATION**

Information provided to the Board of Trustees about the "Mayor Joins \$25.00 on the 25<sup>th</sup> Campaign". New York Conference of Mayors (NYCOM) is supporting the efforts of the New York Press Association urging New Yorker's to spend \$25.00 on September 25, 2010 with a Main Street business. Unfortunately, the information wasn't provided in time to participate.

Mayor Theodorakos took minutes to this point. The Village Clerk-Treasurer entered meeting at 6:44 PM.

**VFW POST 4635/AMERICAN LEGION**

Moved by Trustee Miller and seconded by Trustee Riley approving payment to the VFW Post 4635 and the American Legion Sheret Post 35 as approved for in the June 1, 2010 through May 31, 2011 budget.

**CARRIED**

3 Ayes

0 Nays

**NYS CDBG PROJECT #10PR132-10**

Moved by Trustee Riley and seconded by Trustee Miller approving Mayor Theodorakos to sign the following documents for the New York State Office of Community Renewal Grant Agreement #10PR132-10. The \$600,000 the Village received will be used to do upgrades at the Pollution Control Plant:

Grant Agreement

Designation of Depository for Direct Deposit of HTFC Funds

Authorized Signature Form for Disbursement Request

**CARRIED**

3 Ayes

0 Nays

Attorney Gavenda entered meeting 6:55 PM.

**NATIONAL GRID**

Tabled decision on National Grid's request for reimbursement of alleged over payments of gross receipts taxes that the Village of Albion received in error until the October 13, 2010 Regular Board Meeting. New York State Conference of Mayors (NYCOM) provided their opinion that the revised settlement agreement from National Grid is a reasonable resolution to the dispute.

**PUBLIC HEARING**

Mayor Theodorakos opened the Public Hearing at 7:00PM to consider changes to Section 173-3(C) of the Code of the Village of Albion, which will be changing the publication requirements of proposed historic preservation district and/or amendments thereto and re-designating the Building Inspector to Code Enforcement Officer. Also to consider deleting the mandate in Section 173-3(E) requiring the Historic Preservation Commission to record with the office of the Orleans County Clerk notice of each property designation as a landmark and the boundary line of each designated historic district.

Discussion on filing the district with the Orleans County Clerk's Office. Also discussed was the proposed district. The Historic Preservation Commission will conduct Public Hearings to hear comments about the proposed district when ready.

**PUBLIC HEARING CLOSED**

Moved by Trustee Riley and seconded by Trustee Miller that in as much as everyone who wished to speak regarding considering changes to Section 173-3(C) of the Code of the Village of Albion, which will be changing the publication requirements of proposed historic preservation district and/or amendments thereto and re-designating the Building Inspector to Code Enforcement Officer. Also to consider deleting the mandate in Section 173-3(E) requiring the Historic Preservation Commission to record with the office of the Orleans County Clerk notice of each property designation as a landmark and the boundary line of each designated historic district were heard, the Public Hearing is hereby closed at 7:16 PM.

**CARRIED**

3 Ayes

0 Nays

**LOCAL LAW ADOPTED**

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

WHEREAS, a proposed Local Law #8 of the year 2010 for the purpose of changes to Section 173-3(C) of the Code of the Village of Albion changing the publication requirements of proposed historic preservation district and/or amendments thereto and re-designating the Building Inspector to Code Enforcement Officer. Also to consider deleting the mandate in Section 173-3(E) requiring the Historic Preservation Commission to record with the office of the Orleans County Clerk notice of each property designation as a landmark and the boundary line of each designated historic was presented to the Village of Albion Board of Trustees at a Workshop Meeting of said Board held on September 22, 2010, and

WHEREAS, the Board of Trustees, at the Workshop Meeting of said Board of Trustees held on August 25, 2010 did adopt a motion that a Public Hearing be held on aforesaid to propose amendment to the Local Law at 7:00PM on Wednesday, September 22, 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 ten days before September 22, 2010, and

WHEREAS, a notice of such Public Hearing was duly published in the Batavia Daily Newspaper on the 13<sup>th</sup> day of September 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 7:00PM on Wednesday, September 22, 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 #8

CHAPTER 173  
Historic Preservation

173-3 (C)

Notice of a proposed designation shall be sent by certified mail return receipt requested, to the owner of the property proposed for designation, describing the property and announcing a public hearing by the Commission to consider the designation. Where the proposed designation involves so many owners that individual notice is infeasible, notice may instead be published at least once in a newspaper of general circulation at least 10 days no more than 20 days prior to the date of the public hearing. Once the commission has issued notice of a proposed designation, no building permits shall be issued by the Code Enforcement Officer until the Commission has made its decision

**CARRIED**

3 Ayes

0 Nays

**DEPT HEAD**

Resident, Ms Nonnie Brown, 302 East Park Street filed a complaint with the Village of Albion stating her vehicle was damaged due to the construction in her area.

Moved by Trustee Riley and seconded by Trustee Miller approving to pay for the East Park Street resident's vehicle to get fixed. Payment will be made out to The Tranny Shop for \$389.32.

**CARRIED**

3 Ayes

0 Nays

**EXECUTIVE SESSION**

Moved by Trustee Miller and seconded by Trustee Riley to adjourn to executive session for pending legal litigation issues at 7:23 PM.

**CARRIED**

3 Ayes

0 Nays

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Riley and seconded by Trustee Miller to come out of executive session at 7:43 PM.

**CARRIED**

3 Ayes

0 Nays

**OFFICIAL MINUTES**

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

**WHEREAS**, there are various committees, boards and commissions that have been established by the Village of Albion Board of Trustees to address important concerns of the Village; and

**WHEREAS**, these committees, boards and commissions hold regularly scheduled meetings through the year wherein minutes of said meetings are taken by the secretary or the secretary's designee so that there is a record established of the proceedings of the committee, board or commission; and

**WHEREAS**, it is preferred that the recording of the proceeding of any committee, board or commission is generally made in written form; and

**WHEREAS**, the use of electronic recording devices for recordation of committee, board and/or commission meetings is discouraged unless it is the only means of making an accurate recording of the proceeding; and

**WHEREAS**, it is the desire of the Village Board of Trustees to limit the recording of committee, board and/or commission meetings to only the written record made by the group's secretary; and

**WHEREAS**, committee, board and/or commission members are authorized to take notes of the proceeding if the members so desire but only the secretary's written notes will be the official record of the group; and

**WHEREAS**, no electronic recording device will be utilized or authorized by any committee, board and/or commission member other than the secretary and then only in very limited circumstances;

**NOW, THEREFORE**, be it resolved that

1. The secretary and/or the secretary's designee of the committee, board or commission established by the Village of Albion Board of Trustees is the only person authorized to create the official record of the committee, board or commission; and

2. No electronic recording device will be used by any committee, board or commission member without the express written authorization of the president of the group; and

3. Only on rare occasions will the secretary and/or the secretary's discipline shall be authorized to make any electronic recordings of any regular or special meeting of committee, board and/or commission; and

4. If any member of the committee, board or commission other than its secretary is found to be recording by electronic means the meeting the committee, board and/or commission said member will be immediately expelled from the meeting and shall be suspended from any further attendance until the issue is brought to the attention of the Village of Albion Board of Trustees and the appropriate disciplinary action is taken by the Village Board.

**CARRIED**

3 Ayes

0 Nays

**SPECIAL MEETING SCHEDULED**

Moved by Trustee Riley and seconded by Trustee Miller approving a Special Meeting to be held on Thursday, October 7, 2010 at 6:15 PM to discuss salary reviews.

**CARRIED**

3 Ayes

0 Nays

**TABLED ADOPTION OF RESOLUTION JUVENILE AID PROGRAM**

Tabled the adoption of the resolution for of the Village of Albion to participate in the Juvenile Aid Program until the October 13, 2010 Regular Board Meeting.

**APPROVE MAJOR FELONY CRIME TASK FORCE**

Tabled approving Mayor Theodorakos to sign the 2011 Major Felony Crime Task Force Memorandum of Understanding until the October 13, 2010 Regular Board Meeting.

**PCF UPGRADE PROJECT**

Since two Board Members are absent, the discussion on the Pollution Control Facility Upgrade Project was tabled until the Regular Board Meeting on October 13, 2010.

**MEETING ADJOURNED**

Moved by Trustee Riley and second by Trustee Miller that there being no further business, meeting is hereby adjourned 7:56 PM.

**CARRIED**

3 Ayes

0 Nays

Respectfully submitted,



Linda K Babcock  
Clerk-Treasurer