

The Workshop Meeting of the Board of Trustees of the Village of Albion was held Wednesday, March 13, 2024, at 6:00 PM, Village Hall, 35 East Bank Street, Albion New York.

Present were Mayor Angel Javier, Deputy Mayor Joyce Riley, Trustee David Buczek, and Trustee Timothy McMurray  
Absent: Trustee Chris Barry

Also, in attendance was, Animal Control Officer Harry Papponetti, Police Chief David Mogle, Water Treatment Plant Chief Operator Adam Rush, Department of Public Works Superintendent Jay Pahura, Pollution Control Plant Chief Operator Aric Albright, Parks and Recreational Director John Grillo, Code Enforcement Officer Chris Kinter, and Cemetery Superintendent Jason Zicari  
Excused: Fire Chief Jeremy Graham

Also, in attendance approximately 7 residents

Meeting audio was recorded and kept on file.

Mayor Javier opened the meeting with a pledge of allegiance at 6:00 PM.

**PRESENTATION**

Representatives from WaterWorth program presented the Board with facts and findings for potential water rate increases due to increased cost and current WIIA projects

**PRESENTATION**

Representative Kathy Saville from NYCLASS gave an overview of the services offered, as the Village is already using her investment services

**DEPT HEAD REPORTS**

The Board of Trustees received monthly reports for February from Superintendent of Public Works James Pahura, Police Chief David Mogle, Animal Control Officer Harry Papponetti, Water Treatment Plant Chief Operator Adam Rush, Pollution Control Plant Chief Operator Aric Albright, Cemetery Superintendent Jason Zicari, Code Enforcement Officer Chris Kinter and Park & Recreation Director John Grillo. Excused: Fire Chief Jeremy Graham

**APPROVE MEETING MINUTES**

Moved by Trustee Riley and seconded by Trustee McMurray to approving the February 28, 2024, meeting minutes

**CARRIED**

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Buczek	Aye
Trustee McMurray	Aye

**WATER/SEWER RATES**

Tabled until 3/26/2024

**CHANGE TO MEETING MINUTES**

Moved by Trustee McMurray and seconded by Trustee Buczek to change the account numbers in the 2/15/2024-Regular Meeting Minutes, original A0.3410.0418 (Physicals)  
CORRECT- reallocate \$1500.00 from expense lines, A0.3120.0418 (Physicals) to A0.3120.0424 (Schools and Conferences) per request of Police Chief David Mogle

**CARRIED**

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Buczek	Aye
Trustee McMurray	Aye

**CAMERAS DPW AND BULLARD**

Tabled until 3/26/2024

**ADOPTION OF BOND RESOLUTION BR 2024-3**

**EXTRACT OF MINUTES OF MEETING OF THE VILLAGE BOARD  
ADOPTING BOND RESOLUTION**

At a meeting of the Board of Trustees of the Village of Albion, Orleans County, New York, held at the Village Offices in Albion, New York, on the 13<sup>TH</sup> day of March 2024:

PRESENT: Mayor Angel Javier Jr, Deputy Mayor Joyce Riley, Trustee David Buczek and Trustee Tim McMurray

ABSENT: Trustee Chris Barry

Trustee McMurray presented the following resolution and duly moved that it be adopted and was seconded by Trustee Buczek:

**SUPPLEMENTAL BOND RESOLUTION DATED MARCH 13, 2024 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF ALBION, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE WATER SYSTEM 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 water system capital improvements authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law; and

WHEREAS, pursuant to a bond resolution dated August 28, 2019 (the “Original Bond Resolution”) the Board of Trustees of the Village of Albion, New York (hereinafter referred to as the “Village”) approved expenditures for, and the issuance and sale of, up to \$3,249,000 aggregate principal amount of general obligation bonds and bond anticipation notes relative to the construction of water system capital improvements; and

WHEREAS, actual project costs have proved to be approximately \$1,992,440 higher than the maximum estimated project costs and the Village desires to provide for the financing thereof by supplementing the Original Bond Resolution by the adoption of this Supplemental Bond Resolution; and

WHEREAS, on August 28, 2019, the Village Board of Trustees has heretofore 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 continue to undertake the construction of water system improvements, to include reconstruction of, and improvements to, the water treatment plant and distribution system, and the acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, and other incidental improvements that may be required in connection therewith for such construction and Village use, as set forth in the Original Bond Resolution (hereinafter referred to as “purpose”), in an additional amount not to exceed \$1,992,440 and additional general obligation serial bonds in an aggregate principal amount not to exceed \$1,992,440 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance such additional costs of said purpose and said additional amount is hereby appropriated therefor.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is now estimated to be \$5,241,440. The plan for financing of said purpose is to provide (i) up to \$3,249,000 of such maximum cost by the issuance of bonds or bond anticipation notes as authorized under the Original Bond Resolution, and (ii) up to \$1,992,440 of such maximum cost by the issuance of bonds or bond anticipation notes 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 1 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) 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, subject to statutory limitations, if any.

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, if applicable, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, whether to authorize the receipt of bids in an electronic format, 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:

**VOTED BY ROLL CALL AND RECORD:**

- Mayor Javier- Aye
- Trustee Riley- Aye
- Trustee Barry-Absent
- Trustee McMurray-Aye
- Trustee Buczek- Aye

**SHORT-TERM FINANCING**

Moved by Trustee McMurray and seconded by Trustee Riley to approve the short-term financing of \$3,000,000 for WIIA 2 project, pending financing from EFC

**CARRIED**

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Buczek	Aye
Trustee McMurray	Aye

**HIRE CODE OFFICER**

Moved by Trustee Riley and seconded by Trustee Buczek to hire Chris Kinter provisional, as full-time code officer, position is to be salaried, 2080, starting rate of \$28.00, pending Civil Service results

**CARRIED**

Mayor Javier	Aye
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Buczek	Aye
Trustee McMurray	Nay

**ADOPT RESOLUTION 2024-09**

At a meeting of the Village of Albion Board of Trustees held on the 13<sup>th</sup> day of March 2024, 6:00PM at 35-37 East Bank Street, Albion, New York at which the following were:

- PRESENT: Angel Javier, Mayor  
 Joyce Riley, Deputy Mayor  
 David Buczek, Trustee  
 Timothy McMurray, Trustee

Trustee McMurray moved the adoption of the following resolution, Trustee Riley, seconded the motion.

**RESOLUTION 2024-09**

POTENTIAL PILOT PLAN BETWEEN THE VILLAGE OF ALBION AND ORLEANS COUNTY ON PROPERTY PURCHASED IN THE VILLAGE OF ALBION

WHEREAS, the Board of Trustees of the Village of Albion have been informed by the Orleans County Legislator of their resolve to remove certain properties from within the Village limits which properties were subject to the Village of Albion taxing authority, and

WHEREAS, the Village Board of Trustees was not advised of the intentions of the Orleans County Legislator prior to its actions, and

WHEREAS, the impact of the yearly tax shortfall will fall not upon the Village of Albion but rather upon the taxpayers and customers of Village supplied water and sewer and other services, and

WHEREAS, the lack of notice will have an immediate impact upon the Village's ability to fairly collect revenues to pay these additional charges, and

WHEREAS, the true and actual impact of the tax will ultimately fall upon the Village of Albion taxpayers and customers of Village supplied water and sewer and other services, people who can ill afford an unwanted, unplanned, and additional burden, and

WHEREAS, The County Legislators did remove more than six thousand dollars from its yearly allotment to the Village from the County tax monies, due to the decreased assessment that they caused, and

WHEREAS, The County did not offer any remuneration in the form of a PILOT or other instrument to compensate for this loss, and

WHEREAS, The Village of Albion Board of Trustees acknowledges the County Legislators has a right to purchase the properties for their own needs, we find it unacceptable that they would seek to be punitive to constituents who also support the tax levies and program in the county.

The Remedy to the above concerns would be a reinstatement of loss County tax revenue with perpetuity and a 3.5% increase yearly PILOT for the properties.

This resolution shall take effect immediately.

UPON being put to a vote, the following "AYE" in favor of the foregoing resolution:

Mayor, Angel Javier Jr- AYE  
Deputy Mayor, Joyce Riley-AYE  
Trustee, Christopher Barry-ABSENT  
Trustee, Timothy McMurray-AYE  
Trustee, David Buczek-AYE

This resolution was deemed passed March 13, 2024

**TERMINATE RENTAL AGREEMENT**

Moved by Trustee Riley and seconded by Trustee Buczek to accept the letter received from GOMAC on their intent to terminate their lease agreement effective 3/31/2024 for the property located at 121 N Main St, Unit 311

**CARRIED**

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Buczek	Aye
Trustee McMurray	Aye

**RESERVES**

Moved by Trustee Riley and seconded by Trustee Buczak to approve the request from Water Treatment Plant Chief Operator Adam Rush, check received from Rodan Energy Solutions Inc-generator issue \$2,837.25

**CARRIED**

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Buczek	Aye
Trustee McMurray	Aye

**USE OF CONTINGENCY**

Moved by Trustee Riley and seconded by Trustee Buczek to approve the use of contingency funds for the amount of \$157.16 for white board

**CARRIED**

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Buczek	Aye
Trustee McMurray	Aye

**APPROVE PAYMENT/INVOICES**

Moved by Trustee Riley and seconded by Trustee McMurray to approve payment for the following invoices:

- Bernard Donegan, Inc                      \$4,952.07, services 1/5/24-1/31/2024
  - o \$790.65                      Fire Truck/Plow Truck
  - o \$1,953.66                    WIIA 1
  - o \$1,710.26                    WIIA 2
  - o \$497.50                      FMS
- Wendel                                      \$6,845.12, waterline river crossing
- Webster Szanyi LLP                      \$3,451.25,

- \$2,818.75 Services rendered 3/23-5/2023
- \$632.50 Services rendered 6/2023

**CARRIED**

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Buczek	Aye
Trustee McMurray	Aye

**BUDGET ADJUSTMENTS**

Moved by Trustee McMurray and seconded by Trustee Buczek to approve the following budget adjustments:

- WIIA 1 Project           \$1,953.66 & \$6,845.12
  - Increase Expense H0.8320.0200.010
  - Increase Revenue H0.0000.3991.010
  
- WIIA 2 Project           \$1,710.26
  - Increase Expense H0.8320.0200.013
  - Increase Revenue H0.0000.3991.013
  
- Increase expense A0.7110.0410.000 \$665.19           Cement for pavilion
- Increase revenue F0.0000.2680.000 \$2,837.25       Rodan Energy
- Increase expense A0.1210.0404.000 \$157.16         White Board
- Increase expense F0.8340.0428.000 \$447.56         Meter Pit
- Increase expense A0.3120.0405.000 \$3654.80       Car seat grant expense

**CARRIED**

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Buczek	Aye
Trustee McMurray	Aye

**REQUEST TRAP INVASIVE PEST**

Moved by Trustee McMurray and seconded by Trustee Buczek to approve USDA to trap box tree moth and European cherry fruit fly's on Village property

**CARRIED**

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Buczek	Aye
Trustee McMurray	Aye



**CEMETERY DEED**

Moved by Trustee McMurray and seconded by Trustee Buczek to approve Mayor to sign the cemetery deed for the following:

David E. & Deborah L. Beach  
Audrey Mair

S.G. 201 Deerfield Avenue  
S.G. 845 Mapleview Avenue

**CARRIED**

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Buczek	Aye
Trustee McMurray	Aye

**INVOICE/BUDGET ADJUSTMENT**

Moved by Trustee McMurray and seconded by Trustee Buczek to approve the payment and budget adjustment for STC Construction, Inc, for WIIA 2 project \$350, 388.50, increase expense line H0.8320.0200.013 and revenue line H0.8320.4910.013

**CARRIED**

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Buczek	Aye
Trustee McMurray	Aye

**BREAK REQUEST**

Moved by Trustee Buczek and seconded by Trustee McMurray to approve a one-time sewer break request from Leigha Doreen of \$132.99, as leak still continues

**CARRIED**

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Buczek	Aye
Trustee McMurray	Aye

**FUTURE MEETING DATES**

Discussion was had on changing workshop and regular meeting dates due to timing of invoices

**TRANSFER OF FUNDS**

Moved by Trustee McMurray and seconded by Trustee Riley to approve reserves and cemetery miscellaneous funds to NYCLASS account totaling \$633,049.81

**ENTER EXECUTIVE**

Moved by Trustee McMurray and seconded by Trustee Buczek to enter executive at 8:13PM to discuss personnel matters

**CARRIED**

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Buczek	Aye
Trustee McMurray	Aye

**EXIT EXECUTIVE**

Moved by Trustee McMurray and seconded by Trustee Buczek to exit executive at 9:23PM

**CARRIED**

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Buczek	Aye
Trustee McMurray	Aye

**SHARED SERVICES**

Moved by Trustee Buczek and seconded by Trustee McMurray for Trustee McMurray to reach out to Town of Albion to engage in conversation to possibly developing an MOU to merge Code Enforcement between the Village and the Town

**CARRIED**

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Buczek	Aye
Trustee McMurray	Aye

**MEETING ADJOURNED**

Moved by Trustee Buczek and seconded by Trustee McMurray having no further business, the meeting is hereby adjourned at 9:23PM.

**CARRIED**

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Buczek	Aye
Trustee McMurray	Aye

Respectfully submitted,

Tracy A. VanSkiver  
Clerk-Treasurer

*\*Italics indicate approved changes*