

The Workshop Meeting of the Board of Trustees of the Village of Albion was held Wednesday, August 28, 2024, at 7:00 PM, Village Hall, 35 East Bank Street, Albion New York.

Present were Mayor Angel Javier, Deputy Mayor Joyce Riley, Trustee William Gabalski, Trustee Greg Bennett and Trustee Timothy McMurray

Department Heads

Present: Superintendent of Public Works James Pahura, Police Chief David Mogle, Pollution Control Plant Chief Operator Aric Albright, Code Enforcement Officer Chris Kinter, Fire Chief Jeremy Graham and Park & Recreation Director John Grillo

Absent: Animal Control Officer Harry Papponetti, Water Treatment Plant Chief Operator Adam Rush and Cemetery Superintendent Jason Zicari

Mayor Javier opened the meeting with a pledge of allegiance at 7:00PM

ENTER EXECUTIVE

Moved by Trustee Gabalski and seconded by Trustee Bennett to enter executive at 7:00pm to discuss a personnel matter

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Bennett	Aye
Trustee Gabalski	Aye
Trustee McMurray	Aye

EXIT EXECUTIVE

Moved by Trustee Gabalski and seconded by Trustee Bennett to exit executive at 7:05pm

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Bennett	Aye
Trustee Gabalski	Aye
Trustee McMurray	Aye

GRANT WRITER

Jay Grasso from G&G Grant writing updated the Board on the various grants applied for and upcoming opportunities, a tentative public meeting has been set for NY Forward applicants for 9/12/24 at 6pm

CAMERAS

Two representatives from Upstate Alarm asked the Board if they had any questions regarding the quotes they provided for the DPW and Bullard Park.

RESIDENT

Moved by Trustee Bennett and seconded by Trustee Riley to remove 50% of property maintenance, mowing charges to property 222 E Bank St

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Bennett	Aye
Trustee Gabalski	Aye
Trustee McMurray	Aye

OPEN PUBLIC HEARING

Moved by Trustee McMurray and seconded by Trustee Riley to open the public hearing to hear from the public on rezoning E Bank St parcels 73.6-3-21 & 73.6-3-23 from R2 One & Two family residential to GC General Commercial at 8:04pm

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Bennett	Aye
Trustee Gabalski	Aye
Trustee McMurray	Aye

CLOSE PUBLIC HEARING

Moved by Trustee Bennett and seconded by Trustee Riley to close the public hearing at 8:05pm

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Bennett	Aye
Trustee Gabalski	Aye
Trustee McMurray	Aye

APPROVE REZONING

Moved by Trustee Gabalski and seconded by Trustee Bennett to approve rezoning E Bank St parcels 73.6-3-21 & 73.6-3-23 from R2 One & Two family residential to GC General Commercial

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Bennett	Aye
Trustee Gabalski	Aye
Trustee McMurray	Aye

DEPT HEAD REPORTS

The Board of Trustees received monthly reports for July 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, Fire Chief Jeremy Graham and Park & Recreation Director John Grillo

CAMERAS

Moved by Trustee McMurray and seconded by Trustee Riley to allow Chief Mogle to purchase cameras using grant funds from Upstate Alarm, as the procurement policy was followed in the amount of \$27,584.58

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Bennett	Aye
Trustee Gabalski	Aye
Trustee McMurray	Aye

APPROVE MEETING MINUTES

Moved by Trustee Bennett and seconded by Trustee McMurray approving the minutes for August 14, 2024

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Bennett	Aye
Trustee Gabalski	Aye
Trustee McMurray	Aye

MEO POSITION

Trustee Riley advised DPW Superintendent to hire a MEO for his department

SCHOOL ZONE

Trustee Bennett requesting an area of McKinstry St to be a school zone or reduce speed zone, Attorney to gather information, tabled until 9/11/24

GENERATOR

Discussion on the need for a new generator and/or separation of electric at Fire Department building. No immediate need, investigate grant options, Police Chief will look into alternative option for Police Department

CROSSING GUARD

Trustee Bennett informed Board, Police Department will cover until an agreement is finalized with ACS, for the beginning of the school year

TREASURERS REPORT

Moved by Trustee McMurray and seconded by Trustee Bennett to accept the July treasurers report

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Bennett	Aye
Trustee Gabalski	Aye
Trustee McMurray	Aye

BUDGET ADJUSTMENTS

Moved by Trustee McMurray and seconded by Trustee Gabalski to approve the following budget adjustments/use of funds/payment of invoices:

Increase expense line F0.8320.0402.00	\$4210.00	Koester
Use of water improvements reserves	\$4210.00	
Increase expense line H0.8320.0200.010	\$746.25	Donegan, Inc
Increase revenue line H0.8320.3991.000	\$746.25	
Increase expense line H0.8320.0200.013	\$597.00	Donegan, Inc
Increase revenue line H0.8320.3991.013	\$597.00	
Increase revenue line A0.0000.3389.000	\$1427.34	Child safety seat grant
Increase revenue line A0.0000.3089.000	\$2715.00	Additional AIM monies
Use of Air Header reserves	\$12,335.00	

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Bennett	Aye
Trustee Gabalski	Aye
Trustee McMurray	Aye

APPROVE GRANT AND LOAN

Moved by Trustee McMurray and seconded by Trustee Bennett to accept the estimated Rural development loan of \$471,000 at a rate of 4.0% and \$50,000 grant, for purchase of 2 Dump/plow trucks

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Bennett	Aye
Trustee Gabalski	Aye
Trustee McMurray	Aye

ADOPT RESOLUTION 2024-25

RESOLUTION 2024-25

Authorizing and providing for the incurrence of indebtedness for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending its purchase snowplow trucks (2)

At a meeting of the Village of Albion Board of Trustees held on the 28th day of August at 7:00PM at 35-37 East Bank Street, Albion, New York at which the following were:

PRESENT: Angel Javier, Jr, Mayor
 Joyce Riley, Deputy Mayor
 Tim McMurray Trustee
 Greg Bennett, Trustee
 William Gabalski, Trustee

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

WHEREAS, it is necessary for the Village of Albion (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of \$471,000 pursuant to the provisions of NY Finance Law; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983 (c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$ 10,000.

4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.
11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.

14. That if the Government requires that a reserve account be established and maintained, disbursements from that account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:
- (a) Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.
 - (b) Repairing or replacing short-lived assets.
 - (c) Making extensions or improvements to the facility.
- Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ under the terms offered by the Government; that the Deputy Mayor and Clerk Treasurer of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee

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

Mayor, Angel Javier Jr
 Deputy Mayor, Joyce Riley-Aye
 Trustee, William Gabalski-Aye
 Trustee, Timothy McMurray-Aye
 Trustee, Greg Bennett-Aye

This resolution shall take effect immediately.

EMPLOYMENT APPLICATIONS

Accept the following applications to be kept on file for one (1) year

Devin Bruno	MEO
Brandon Michaud	MEO
Scott Balcerzak	MEO

Stephen Kessler MEO

CEMETERY DEEDS

Moved by Trustee McMurray and seconded by Trustee Bennett to approve the cemetery deed:

Ronald L. Ebbs	S.G. 853 Mapleview Avenue
Randy H. & Valeria A. Stearns	S.G. 139 Deerfield Avenue
David K. & Patrina M. Burnett	S.G. 891-894 Deerfield Avenue

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Bennett	Aye
Trustee Gabalski	Aye
Trustee McMurray	Aye

LETTER OF SUPPORT

Letter of support from Assemblyman Steve Hawley, regarding NYS Route 98 lift bridge

OFFICE HOURS

Moved by Trustee McMurray and seconded Trustee Gabalski to open office September 16-September 19 at 9am, rather than 8am

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Bennett	Aye
Trustee Gabalski	Aye
Trustee McMurray	Aye

BUDGET ADJUSTMENTS

Moved by Trustee McMurray and seconded by Trustee Gabalski to approve the following budget adjustments/use of funds/payment of invoices:

Increase expense line	H0.8320.0200.010	Wendel	\$8,583.98
Increase revenue line	H0.8320.3991.010		
Increase expense line	H0.8320.0200.013	Wendel	\$17,311.30
Increase revenue line	H0.8320.3991.013		

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Bennett	Aye
Trustee Gabalski	Aye
Trustee McMurray	Aye

HIRE MEO

Moved by Trustee McMurray and seconded by Trustee Bennett to hire Robert Verhagen, rate of pay per DPW Union Contract MEO, 52-week probation period, start date at discretion of DPW Superintendent

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Bennett	Aye
Trustee Gabalski	Aye
Trustee McMurray	Aye

RESIGNATION

Moved by Trustee Riley and seconded by Trustee Gabalski to accept the resignation of Adam Rush as Chief Water Plant Operator, effective 9/20/2024

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Bennett	Aye
Trustee Gabalski	Aye
Trustee McMurray	Aye

GUIDE

Codes and DPW Department introduced a process for mowing, Mayor would like this to be part of Village Code, tabled until 10/23/24

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Bennett	Aye
Trustee Gabalski	Aye
Trustee McMurray	Aye

ENTER EXECUTIVE

Moved by Trustee Gabalski and seconded by Trustee McMurray to enter executive session at 8:55pm to discuss personnel matter

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Bennett	Aye
Trustee Gabalski	Aye
Trustee McMurray	Aye

CLERK LEFT MEETING, TRUSTEE MCMURRAY TO CONTINUE WITH MEETING MINUTES

EXIT EXECUTIVE

Moved by Trustee Gabalski and seconded by Trustee Riley to exit executive session at 10:01pm

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Bennett	Aye
Trustee Gabalski	Aye
Trustee McMurray	Aye

ADOPT RESOLUTION 2024-26

RESOLUTION 2024-26

RESOLUTION OF THE VILLAGE OF ALBION

AUTHORIZING THE PRESENTMENT OF AN AGREEMENT TO A CERTAIN VILLAGE EMPLOYEE TO ADDRESS POTENTIAL DISCIPLINE OF SAID EMPLOYEE UP TO AND INCLUDING EMPLOYMENT TERMINATION IF NECESSARY

WHEREAS, the VILLAGE OF ALBION BOARD OF TRUSTEES (hereinafter referred to as VILLAGE) is in receipt of a Settlement Agreement proposing to resolve discipline of a certain Village employee;

WHEREAS, the Village has reviewed the Settlement Agreement;

NOW, THEREFORE, IT IS HEREBY RESOLVED,

1. The majority of the VILLAGE BOARD OF TRUSTEES approve said Settlement Agreement; and
2. The Village authorizes Mayor Javier or his designee to sign said Settlement Agreement and present said Agreement to the certain Village employee and the Village of Albion DPW Employees Association (“Association”) of which the certain employee is a member, for their consideration and execution; and
3. Should the certain Village employee and/or the Association fail to execute the Settlement Agreement, the Mayor is authorized to immediately suspend the certain employee without pay until further notice.
4. This Resolution shall take effect upon the roll call vote of the VILLAGE.

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, William Gabalski-Aye
Trustee, Timothy McMurray-Aye
Trustee, Greg Bennett-Aye

This resolution shall take effect immediately.

MEETING ADJOURNED

Moved by Trustee Bennett and seconded by Trustee Gabalski having no further business, the meeting is hereby adjourned at 10:15pm

CARRIED

Mayor Javier	Aye
Trustee Riley	Aye
Trustee Bennett	Aye
Trustee Gabalski	Aye
Trustee McMurray	Aye

Respectfully submitted,

Tracy A. VanSkiver
Clerk-Treasurer