

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, February 12, 2020 at 6:30 PM, at the Village Hall, 35 East Bank Street, Albion, New York.

Present were Mayor Eileen S Banker, Trustees Gary Katsanis, Stan Farone, Mattea Navarra, Peter Sidari and Attorney John C Gavenda. Also present were 18 residents/students.

Mayor Banker opened the meeting with the pledge of allegiance at 6:30 PM.

**MOBILE FOOD VENDOR CODE**

Moved by Trustee Sidari and seconded by Trustee Katsanis to schedule a Public Hearing for Wednesday, March 11, 2020 at 6:30 PM to hear comments regarding adding Chapter 242 Mobile Food Vendors to the Village code.

CARRIED  
5 Ayes                      0 Nays

**APPROVED TREASURERS REPORT**

Moved by Trustee Farone and seconded by Trustee Navarra approving the Treasurer’s Report for the month of January.

CARRIED  
5 Ayes                      0 Nays

**APPROVED MINUTES**

Moved by Trustee Katsanis and seconded by Trustee Sidari that in as much as each member received copies of the minutes of January 22, 2020 and there being no errors or omissions, minutes are hereby approved as written.

CARRIED  
5 Ayes                      0 Nays

**APPROVED PAYMENT OF VILLAGE BILLS**

Moved by Trustee Navarra and seconded by Trustee Farone approving the monthly journal entries and the payment of the following Village bills, pending Trustee Navarra’s completion of auditing them:

General	voucher #34369	\$65,350.92
Water	to voucher #34548	\$21,485.90
Sewer		\$ 7,925.23

CARRIED  
5 Ayes                      0 Nays

**APPROVED PAYMENT TO OSBORN**

Moved by Trustee Sidari and seconded by Trustee Navarra approving payment of \$280.50 to Osborn, Reed & Burke LLP for services rendered in January 2020 regarding employee matters.

CARRIED  
5 Ayes                      0 Nays

**APPROVED PAYMENT TO CIR ELECTRICAL**

Moved by Trustee Katsanis and seconded by Trustee Farone approving payment of \$10,530.75 to CIR Electrical Construction Corporation for services rendered for the UV Disinfection Project through December 31, 2019.

CARRIED  
5 Ayes                      0 Nays

**APPROVED PAYMENT TO WENDEL**

Moved by Trustee Katsanis and seconded by Trustee Navarra approving payment of \$3,501.56 to Wendel for service rendered through December 31, 2019 for the UV Disinfection System Project.

CARRIED  
5 Ayes                      0 Nays

**APPROVED PAYMENT OF BULLARD PARK INVOICES**

Moved by Trustee Katsanis and seconded by Trustee Navarra approving payment of the following Bullard Park invoices:

Cedar Forest Products	\$37,476.70
Lock City Supply Inc	\$ 4,082.90

CARRIED  
5 Ayes                      0 Nays

The Village Clerk will invite John Papponetti to the February 26, 2020 Workshop Meeting to give the Board an update on the Bullard Park Project.

**APPROVED PAYMENT TO O'CONNELL ELECTRIC**

Moved by Trustee Farone and seconded by Trustee Katsanis approving payment of \$10,203 to O'Connell Electric Company to provide preventative maintenance on the pumps at 3060 Oak Orchard Road. It will be paid out of water fund balance.

CARRIED  
5 Ayes                      0 Nays

**TABLED DONEGAN AGREEMENT**

The Board of Trustees tabled the agreements with Bernard P Donegan regarding the Water System Improvement Capital Project and other financial matters until the February 26, 2020 Meeting.

**ACCEPTED APPLICATIONS**

The following applications were accepted and will be placed on file for future reference:

Samuel Veilleux – Seasonal Cemetery  
Daniel E Geiger and Steve M Wolter – MEO

**APPROVED TO HIRE MEO**

Moved by Trustee Farone and seconded by Trustee Sidari approving to hire Shaun Stephens for the open Motor Equipment Operator position at the Department of Public Works effective March 23, 2020.

CARRIED  
5 Ayes                      0 Nays

**APPROVED INCREASE IN LINE ITEMS**

Moved by Trustee Katsanis and seconded by Trustee Farone approving to increase A0.3120.204 (Police Car Equipment) and A0.3389 (Other Public Safety) by \$6854 for a patrol rifle upgrade grant the Albion Police Department received.

CARRIED  
5 Ayes                      0 Nays

**APPROVED PURCHASE OF SALT**

Moved by Trustee Sidari and seconded by Trustee Katsanis approving the request from Superintendent of Public Works Jay Pahura to purchase 200 tons of non-treated salt. The Board also approved transferring the funds from A0.8560.408 (Tree Grant) to A0.5142.402 (Salt).

CARRIED  
5 Ayes                      0 Nays

**ACCEPTED NEW MEMBERS OF THE AFD**

Moved by Trustee Farone and seconded by Trustee Navarra accepting Spencer L Burton and Taylor J Holland as new members of the Albion Fire Department.

CARRIED  
5 Ayes                      0 Nays

**WATER/SEWER REQUEST**

The Board of Trustees tabled the request from landlord Scott Schmidt asking for a break on his water/sewer bill for the period of October 2, 2019 through January 3, 2020. Trustee Navarra will contact the water billing clerk to get a better understanding of what happened.

**RESIDENT REQUEST FOR PAYMENT PLAN**

Moved by Trustee Sidari and seconded by Trustee Katsanis approving the request from resident Valerie Carscallen for a three month payment of her October 2, 2019 through January 3, 2020 water/ sewer bill. Ms Carscallen had a high bill due to a leak in her home.

CARRIED

5 Ayes 0 Nays

**RESIDENT REQUEST FOR PAYMENT PLAN**

Moved by Trustee Sidari and seconded by Trustee Navarra approving the request from resident David Draper for a three month payment plan of his October 2, 2019 through January 3, 2020 water/sewer bill. Mr Draper had a high bill due to a leak in his home.

CARRIED

5 Ayes 0 Nays

**MURAL ON FIREHALL**

Moved by Trustee Sidari and seconded by Trustee Farone approving the request from Albion teacher Tim Archer for his students to paint “Welcome to Albion” above the current mural on the canal side of the Firehall. Mayor Banker will see if they will be touching up the mural as part of the project. He will bring the design to the Board before the students start the project.

CARRIED

5 Ayes 0 Nays

**ARCHITECTURAL STANDARDS**

The Board of Trustees tabled the Architectural Preservation and Standards submitted by the Planning Board until the February 26, 2020 Workshop Meeting. Trustee Sidari will discuss with Code Enforcement Officer Tracy VanSkiver.

**ADOPTED RESOLUTION 2020-4 MU-1 SCHEDULE**

The following Resolution 2020-4 was proposed by Trustee Farone who moved its adoption and seconded by Trustee Katsanis regarding the Records Retention and Disposition Schedule MU-1 and appointing Linda Babcock as the Record Management Officer:

**RESOLVED**, by the Village Board of the Village of Albion that Records Retention and Disposition Schedule MU-1, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

**FURTHER RESOLVED**, that in accordance with Article 57-A:

- (a) Only those records will be disposed of that are described in Records Retention and Disposition Schedule MU-1 after they have met the minimum retention periods described therein;
- (b) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond established legal minimum periods.

**RESOLVED**, that Linda Babcock, Village of Albion Clerk/Treasurer, is appointed Records Management Officer (RMO) Village of Albion.

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board does hereby authorize Mayor Eileen Banker and RMO Linda Babcock to apply to New York State Archives for a 2020-2021 LGRMIF individual services grant in an amount not to exceed \$75,000.

CARRIED

5 Ayes 0 Nays

**PAPER STREET-DENSMORE STREET**

Moved by Trustee Farone and seconded by Trustee Navarra approving Attorney Gavenda do a “Quit Claim Deed” for the paper street by 608 Densmore Street, pending he gets an appraisal of the property.

CARRIED

5 Ayes 0 Nays

### **HEALTH INSURANCE**

Moved by Trustee Katsanis and seconded by Trustee Farone approving the following regarding employees adding domestic partners to the Village health insurance with the understanding the employee would be responsible for the difference in cost between what they currently are enrolled in and what plan they would need plus their deductibles:

Such coverage is permitted, but is not mandated and the decision as to whether such coverage is offered resides with the employer.

New York does not recognize common law marriage (New York Domestic Relations Law § 11). However, the New York Insurance Law recognizes a "chiefly dependent" standard. Dependence includes both unilateral dependence and mutual interdependence, which may be evidenced by a nexus of factors, including common ownership of property, common house holding, shared budgeting or length of relationship. The registration of a domestic partnership would constitute strong evidence of mutual interdependence.

While an insurer may, if requested by the employer, issue a policy covering domestic partners, the employer is not compelled to request such a policy. A refusal by an employer to provide such coverage is not a violation of the New York Human Rights Law. So, while New York would permit an insurer to cover domestic partners, it does not require such coverage by employers. Many employers do provide such coverage to attract and keep employees but pass on the additional cost to the employee. Some employers cover part or all of the additional cost, but if they do, such payments are imputed income to the employee and reportable on their W-2.

If the Village decides to offer domestic partner coverage it is the carrier which determines the eligibility requirements and typically requires an affidavit like the attached. The Insurance Department has opined that Section 360.3 of New York Compilation of Codes, Rules and Regulations, title 11, part 360 (Regulation 145) requires a group health insurer that provides domestic partner coverage to a small group to provide such coverage to any other eligible small group that applies for it (See OGC Opinions dated October 12, 2005 and May 19, 2004). Thus, to the extent that an employer seeks to impose more stringent qualifications for coverage than those provided by the insurer – such as by lengthening the duration of a relationship necessary to qualify for domestic partner coverage – the insurer may be unable to acquiesce as a legal matter to the employer's re-defined eligibility requirements for domestic partner coverage.

CARRIED

5 Ayes

0 Nays

### **GIRL SCOUTS**

Mayor Banker informed the Board of Trustees that she will be meeting with the Girl Scouts on March 4, 2020 at 5:00PM if they would like to stop in.

### **APPROVED SURPLUS EQUIPMENT**

Moved by Trustee Katsanis and seconded by Trustee Sidari approving Chief Nenni's recommendation to declare the 2008 Dodge Charger as surplus property. The revenue from the sale of the vehicle will be used towards the purchase of the new one.

CARRIED

5 Ayes

0 Nays

### **APPROVED SURPLUS PROPERTY**

Moved by Trustee Katsanis and seconded by Trustee Sidari approving Chief Nenni's request to declare the 2008 Dodge vehicle as surplus property.

CARRIED

5 Ayes

0 Nays

### **APPROVED PURCHASE OF VEHICLE**

Moved by Trustee Navarra and seconded by Trustee Sidari approving Chief Nenni's request to purchase a 2019 Chevy Tahoe for \$54,757.09 with a four year payment plan.

CARRIED

5 Ayes

0 Nays

**WATER/SEWER RATES**

The motion made by Trustee Katsanis to raise the residential water rate by .24 cents and the residential sewer rate by .19 cents was not seconded. The discussion was tabled until the February 26, 2020 Workshop Meeting.

**MEETING ADJOURNED**

Moved by Trustee Navarra and seconded by Trustee Katsanis that there being no further business, meeting is hereby adjourned at 8:07 PM.

**CARRIED**

5 Ayes

0 Nays

Respectfully submitted,

Linda K Babcock  
Clerk-Treasurer