

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, December 14, 2011 at 7:00 PM, at the Albion Fire Hall, 108 Platt Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Fred Miller, Jeannette Riley, Kevin P Sheehan and Attorney John C Gavenda.

Mayor Theodorakos opened the meeting with the pledge of allegiance at 7:00 PM.

#### **PUBLIC HEARING**

Moved by Trustee Sheehan and seconded by Trustee Miller to open the recessed Public Hearing to consider dedicating Railroad Street as a Village Street at 7:01 PM.

Attorney Gavenda stated that all the documents are in order to dedicate Railroad Street as a Village Street.

#### **CLOSED PUBLIC HEARING**

Moved by Trustee Riley and seconded by Trustee Miller that in as much as everyone who wished to speak regarding the dedication of Railroad Street as a Village Street were heard, the Public Hearing is hereby closed at 7:03 PM.

#### **CARRIED**

4 Ayes

0 Nays

#### **RESOLUTION RAILROAD STREET**

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

WHEREAS, a street known as Railroad Street is shown on the tax maps of the Village of Albion running parallel to the south side of the existing railroad tracks east and west between West Academy Street and Hamilton Street; and

WHEREAS, there is no evidence that Railroad Street was ever dedicated as a street in the Village of Albion; and

WHEREAS, Railroad Street was never improved as a village street in that it never had the appropriate base and topcoat to accommodate vehicular traffic; and

WHEREAS, the Village of Albion Board of Trustees has determined pursuant to Village Law Section 6-610 there is a need to reestablish Railroad Street and improve the same so that appropriate fire protection can be provided to those properties that lay immediately south adjacent to Railroad Street between West Academy Street and Hamilton Street in the Village; and

WHEREAS, by reestablishing and formally dedicating Railroad Street to the Village of Albion the Village intends to take the necessary steps to improve Railroad Street to support vehicular traffic including but not limited to fire fighting apparatus; and

WHEREAS, it is the intent that the width of said street shall be less than the two rods called for in the Village Law § 6-610; and

WHEREAS, it appears that the County of Orleans Industrial Development Agency (COIDA) has an ownership interest in the real property more particularly described herein and Falls Road Railroad Company has a leasehold interest; and

WHEREAS, GVT is willing to surrender its leasehold interest and COIDA is willing to quitclaim its interest in the real property more specifically set forth herein so that the same can be improved as a village street and added to the Village of Albion's inventory of streets;

NOW THEREFORE, BE IT RESOLVED, that the Village of Albion hereby accepts the QUITCLAIM DEED from the Village of Albion with respect to Railroad Street with the following metes and bounds description:

ALL THAT TRACT or parcel of land situate in the Village of Albion, Town of Albion, County of Orleans, State of New York distinguished as being part of Lot 3, Township 15, Range 2 of the Holland Land Company's survey, so-called; bounded and described as follows:

BEGINNING AT THE point of intersection of the northerly bounds of Railroad Street and the westerly bounds of West Academy Street, said point being 244.09 feet southerly from the southerly bounds of Washington Street;

THENCE SOUTHERLY ALONG the westerly bounds of West Academy Street a distance of 48.18 feet to a point in the southerly bounds of Railroad Street, said point being the northeasterly corner of lands deeded to Peter J. Dragan by deed recorded in the Orleans County Clerk's Office in Liber 217 of Records at page 133;

THENCE WESTERLY ALONG the southerly bounds of Railroad Street a distance of 667.05 feet to a point in the easterly bounds of Hamilton Street, said point being the northwesterly corner of part of lands deeded to Shawn R. Malark by deed recorded in the Orleans County Clerk's Office in Liber 826 of Records at page 6924;

THENCE NORTHERLY ALONG the easterly bounds of Hamilton Street a distance of 48.18 feet to a point in the northerly bounds of Railroad Street, also being the southerly bounds of lands now or formerly owned by the New York Central Railroad;

THENCE EASTERLY ALONG the northerly bounds of Railroad Street a distance of 666.96 feet to the point or place of beginning; and be it further

RESOLVED, that the Mayor is authorized to sign on behalf of the Village of Albion all documents necessary to complete the transfer of the real property from COIDA and Falls Road Railroad Company; and be it further

RESOLVED, that the Village of Albion hereby formally dedicates the above referenced parcel as a village street and the Village of Albion will hereby improve and maintain said parcel as a village street and that Railroad Street will be added to the inventory of the Village Streets; and be it further

RESOLVED, that the Mayor of the Village of Albion is hereby authorized to accept the QUITCLAIM DEED from COIDA to the Village of Albion which will be recorded in the Orleans County Clerk's Office in the name of the Village of Albion establishing the formal dedication of said Railroad Street; and be it further

RESOLVED, that along with said deed will be recorded the instrument survey prepared by Ottney & Miller, L.S.P.C. on August 2, 2011 Job No.: 11-084.

**CARRIED**

4 Ayes

0 Nays

**AMSA**

Ms Katelin Olson from the Albion Main Street Alliance (AMSA) thanked the Board of Trustees for their support in the Village of Albion being awarded \$477,000 to be used for downtown rehabilitation projects. Business owners can receive up to \$50,000 as part of a 50/50 reimbursable grant depending on the size of the project. Some building owners will qualify for up to 90% back in grant reimbursement and federal and state historic preservation tax credits. An additional \$50,000 from the grant will be used on streetscape improvements, such as signage and vegetation.

**PT POLICE CLERK HIRED**

Moved by Trustee Miller and seconded by Trustee Sheehan approving Police Chief Roland Nenni's recommendation to hire Ms Kimberly Kennedy from the Civil Service Certification of Eligible's List for Part Time Police Clerk at a rate of \$9.50 per hour with a six (6) month probationary period.

**CARRIED**

4 Ayes

0 Nays

**RETIREMENT OF STAFF SERGEANT BOYER**

Moved by Trustee Miller and seconded by Trustee Riley to regretfully accept Staff Sergeant Timothy Boyer's letter stating his intent to retire from the Albion Police Department effective December 31, 2011.

**CARRIED**

4 Ayes

0 Nays

**POLICE OFFICER LIST REQUESTED**

Moved by Trustee Miller and seconded by Trustee Sheehan approving Mayor Theodorakos to request the Orleans County Civil Service list for Police Officer.

**CARRIED**

4 Ayes

0 Nays

**MAJOR FELONY CRIME TASK FORCE DISCUSSED**

The Board of Trustees briefly discussed the Major Felony Crime Task Force. Trustee Sheehan will talk with Legislator Smith to see if the County is planning on having a meeting to discuss the issues.

**DEPT HEAD DPW**

Moved by Trustee Miller and seconded by Trustee Riley approving Superintendent of Public Works Dale Brooks recommendation to purchase a 2011 Caterpillar backhoe for \$81,464.00 minus the trade in of \$76,214.00 for a cost of \$5,250.00.

**CARRIED**

4 Ayes

0 Nays

**ACCEPT TREASURERS REPORT**

Moved by Trustee Riley and seconded by Trustee Miller accepting the Treasurer's Report for November 2011.

**CARRIED**

4 Ayes

0 Nays

**APPROVED MINUTES**

Moved by Trustee Sheehan and seconded by Trustee Miller that in as much as each member received copies of the minutes of November 9, 2011 and December 6, 2011 and there being one error or omission, minutes are hereby approved as written with the following correction:

November 9, 2011, page 7, under Skate Park Recommendations:  
The \$2,000 donation will be used towards a picnic table not a quarterpipe

**CARRIED**

4 Ayes

0 Nays

**APPROVED PAYMENT OF BILLS**

Moved by Trustee Sheehan and seconded by Trustee Riley approving the payment of the following Village bills except for the payment to Albion Central School for use of their facility in the amount of \$250.00. Trustee Sheehan will ask Recreation Director John Grillo to attend the Workshop meeting on December 28, 2011 to discuss:

General Fund	voucher #11046	\$70,434.98
Water Fund	to #11258	\$14,036.88
Sewer Fund		\$ 4,704.68

**CARRIED**

4 Ayes                      0 Nays

**APPROVED PAYMENT CHATFIELD BILLS**

Moved by Trustee Riley and seconded by Trustee Sheehan approving the following bills submitted by Chatfield Engineers to be paid:

JMPCF Capital Improvement Plan	09-924-15	\$2,174.60
JMPCF Capital Improvement Plan	09-924-P&S4	\$1,260.00

**CARRIED**

4 Ayes                      0 Nays

**APPROVED PAYMENT TO GREATER NIAGARA NEWSPAPERS**

Moved by Trustee Riley and seconded by Trustee Miller approving payment to the Greater Niagara Newspaper for the Joint Municipal Industrial Pollution Control Facility Project's advertisement for bids in the amount of \$113.42.

**CARRIED**

4 Ayes                      0 Nays

**APPROVED APD RENOVATION BILLS**

Moved by Trustee Sheehan and seconded by Trustee Riley approving the payment of the following Albion Police Station emergency renovation invoices:

Albion Ace Hardware	\$ 853.95
The Family Hardware	\$ 112.33
Lowe's	\$ 75.00
Ludwick Paving Inc	\$7,215.00
Oak Orchard Concrete	\$1,381.70
Shirley's Concrete Pumping Inc	\$1,166.00
Stockham Lumber	\$3,029.20
Volvo Rents	\$2,461.10
General Glass & Mirror	\$1,689.00

**CARRIED**

4 Ayes                      0 Nays

**APPROVED CAPITAL RESERVE USE**

Moved by Trustee Miller and seconded by Trustee Riley approving \$7,412.00 to be used from the un-appropriated Capital Reserves for replacement of lighting in the Village buildings.

**CARRIED**

4 Ayes                      0 Nays

**APPROVED PAYMENT OSBORN, REED AND BURKE**

Moved by Trustee Riley and seconded by Trustee Sheehan approving payment to Osborn, Reed and Burke LLP for the following services rendered:

September \$614.13, October \$660.00 and November \$841.50

**CARRIED**

4 Ayes                      0 Nays

**CEMETERY DEEDS APPROVED**

Moved by Trustee Sheehan and seconded by Trustee Riley approving Mayor Theodorakos to sign the following Cemetery Deeds:

Marie Drennen	S.G. 113A/B Veterans Companion
Karl V & Debra C Heuer	S.G. 490 and 491 Deerfield Avenue

**CARRIED**

4 Ayes 0 Nays

**TOSHIBA AGREEMENT APPROVED**

Moved by Trustee Miller and seconded by Trustee Riley approving Mayor Theodorakos to sign the lease agreement for the Village Office copier, with Toshiba.

**CARRIED**

4 Ayes 0 Nays

**CPA APPROVED FOR AUDIT**

Moved by Trustee Riley and seconded by Trustee Miller approving Bailey, Carr CPA's, P.C. to perform an audit for the 2008 Park Rehabilitation Grant in the amount of \$1,500.00.

**CARRIED**

4 Ayes 0 Nays

**CORRESPONDENCE**

The Board of Trustees received a correspondence from Stuart I Brown Associates regarding the "Local Government Records Management Improvement Fund (LGRMIF). Trustee Riley asked if a joint application with the Town of Albion could be done. The information will be provided to Officer Scribner so he can research the grant.

**WATER FUND ANALYSIS**

Mayor Theodorakos provided an analysis of the Water Fund for the last three years for the Board of Trustees to review.

**PLAQUE RECEIVED**

The Board of Trustees received a plaque from AYSAP for letting them use Bullard Park as their home field for their football games.

**EXECUTIVE SESSION**

Moved by Trustee Miller and seconded by Trustee Riley to adjourn to executive session for litigation matters at 7:50 PM.

**CARRIED**

4 Ayes 0 Nays

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Sheehan and seconded by Trustee Riley to come out of executive session 8:26 PM.

**CARRIED**

4 Ayes 0 Nays

**CREATE LABOR POSITION**

Moved by Trustee Riley and seconded by Trustee Sheehan approving the creation of a labor position through Orleans County Civil Service for the Department of Public Works.

**CARRIED**

4 Ayes 0 Nays

**EXECUTIVE SESSION**

Moved by Trustee Sheehan and seconded by Trustee Miller to adjourn to executive session for personnel matters at 8:28 PM.

**CARRIED**

4 Ayes

0 Nays

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Riley and seconded by Trustee Miller to come out of executive session 9:03 PM.

**CARRIED**

4 Ayes

0 Nays

**MEETING ADJOURNED**

Moved by Trustee Riley and second by Trustee Sheehan that there being no further business, meeting is hereby adjourned at 9:04 PM.

**CARRIED**

4 Ayes

0 Nays

Respectfully submitted,



Linda K Babcock  
Clerk-Treasurer