

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, July 13, 2011 at 7:00 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

Also in attendance was Code Enforcement Officer, Ron Vendetti.

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

**RESIDENT**

Moved by Trustee Sheehan and seconded by Trustees Riley approving the request from Ms Katelin Olson, AMSA to use the Canal Park on August 13, 2011 for the Pirate-Palooza they will be having in conjunction with a weekend of activities sponsored by New York called Canal Splash. The event will be 10:00 AM to 5:00 PM.

**CARRIED**

4 Ayes

0 Nays

**RESIDENT**

Moved by Trustee Sheehan and seconded by Trustee Riley approving Mr Gary Allen, First United Methodist Church's requesting to close Platt Street from East State Street north to the corner of their church on Sunday, August 14, 2011 from 2:00 PM to 5:00 PM for an event they will be having. Superintendent of Public Works, Dale Brooks will provide the barricades for them to use.

**CARRIED**

4 Ayes

0 Nays

**RESIDENT**

Moved by Trustee Miller and seconded by Trustee Riley approving to forgive the penalty and interest amounts for the Village taxes of 1993-1997 for 48 North Liberty Street subject to Attorney Gavenda checking into whether the Village can legally even collect the old taxes. Attorney Douglas Heath will discuss with his client whether they will accept the offer, as they were looking to having the taxes removed. There are six properties that have taxes due before 1997.

**CARRIED**

4 Ayes

0 Nays

**ACCEPT TREASURERS REPORT**

Moved by Trustee Sheehan and seconded by Trustee Riley accepting the Treasurer's Report for June 2011.

**CARRIED**

4 Ayes

0 Nays

**APPROVED MINUTES**

Moved by Trustee Riley and seconded by Trustee Miller that in as much as each member received copies of the minutes of June 22, 2011 and there being two errors or omissions, minutes are hereby approved as written with the following corrections:

Page 2 Canal Park Grant	under the vote change one of Sheehan's to Riley
Page 3 Hawley Lease	under the Aye vote change Banker to Riley

**CARRIED**

4 Ayes

0 Nays

**APPROVED PAYMENT OF BILLS**

Moved by Trustee Riley and seconded by Trustee Miller approving the payment of the following Village bills:

General Fund	voucher #9789	\$71,742.02
Water Fund	to #10020	\$24,282.79
Sewer Fund		\$10,335.82

**CARRIED**

4 Ayes

0 Nays

**APPROVE PAYMENT CHATFIELD BILLS**

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

Green Project Initiative	10-976-16	\$ 685.75
--------------------------	-----------	-----------

**CARRIED**

3 Ayes

0 Nays

Trustee Riley

Trustee Sheehan 1 Abstained

Mayor Theodorakos Trustee Miller

**APPROVE PAYMENT CHATFIELD BILLS**

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

Meadowbrook Road Reconstruction	09-952-15	\$ 100.00
McKinstry Street Storm Sewer	09-944-20	\$ 396.00
2007 Sanitary Sewer Improvements	06-765-44	\$ 60.00
JMPCF Capital Improvement Plan	09-924-10	\$3,403.60
Planning Board Services	98-330-23	\$ 65.00
General Engineering Services	94-193-165	\$ 300.00
East State Street Storm/Road Reconstruction	11-1008-1	\$2,372.00
West Bank Street Storm Sewer	04-652-4	\$ 94.00

**CARRIED**

4 Ayes

0 Nays

**APPROVED SERGI PAYROLLS**

Moved by Trustee Sheehan and seconded by Trustee Riley approving Mayor Theodorakos to sign the payrolls of Sergi Construction for the Sanitary Sewer Project.

**CARRIED**

4 Ayes

0 Nays

**BOND COUNSEL AGREEMENT**

Moved by Trustee Riley and seconded by Trustee Miller approving Mayor Theodorakos to sign the agreement with Timothy R McGill, to serve as Bond Counsel for the EFC financing for the Joint Municipal Pollution Control Plant project.

**CARRIED**

4 Ayes

0 Nays

**APPROVED PAYMENT TO TIMOTHY R MCGILL**

Moved by Trustee Miller and seconded by Trustee Sheehan approving payment to Timothy R McGill for the following services rendered:

1. \$846.68 for services rendered for the Amendment #2 to the ARRA Project Finance Agreement dated May 26, 2011
2. \$1,382.31 for services rendered for the \$333,130 Bond Anticipation Note
3. \$4,049.23 for services rendered for the \$845,000 Public Improvement Bond

**CARRIED**

4 Ayes

0 Nays

**APPROVED PAYMENT TO DONEGAN**

Moved by Trustee Miller and seconded by Trustee Sheehan approving payment to Bernard P Donegan Inc for services rendered:

Sewer Lines	\$2,513.05
JMPCF	\$ 928.00
FMS	\$ 480.00

**CARRIED**

4 Ayes

0 Nays

**APPROVED PAYMENT TO STUART I BROWN**

Moved by Trustee Miller and seconded by Trustee Riley approving payment to Stuart I Brown Associates for preparation of the 2011 CDBG Grant Application in the amount of \$6,500.00.

**CARRIED**

4 Ayes

0 Nays

**APPROVED PAYMENT TO HODGSON RUSS ATTORNEYS**

Moved by Trustee Riley and seconded by Trustee Miller approving payment of \$225.50 to Hodgson Russ Attorneys for services rendered April 22, 2011 to May 31, 2011.

**CARRIED**

4 Ayes

0 Nays

**APPROVED PAYMENT TO CAN AM**

Moved by Trustee Riley and seconded by Trustee Sheehan approving payment to CanAm Environmental Safety Inc for an asbestos survey for the 121 North Main Street Façade Project in the amount of \$750.00.

**CARRIED**

3 Ayes

1 Nay

Trustee Riley

Trustee Miller

Trustee Sheehan

Mayor Theodorakos

**APPROVED PAYMENT TO CAN AM**

Moved by Trustee Miller and seconded by Trustee Sheehan approving payment to CanAm Environmental Safety Inc for an asbestos demolition survey and report for 106 South Clinton Street in the amount of \$2,495.00.

**CARRIED**

4 Ayes

0 Nays

**APPROVED PAYMENT TO NIAGARA REFUSE**

Moved by Trustee Miller and seconded by Trustee Riley approving payment to Niagara County Refuse Disposal in the amount of \$6,984.87 for debris from 19 North Main Street and 61 Brown Street.

**CARRIED**

4 Ayes

0 Nays

**APPROVED PAYMENT TAX BILL**

Moved by Trustee Miller and seconded by Trustee Sheehan approving payment of the delinquent County tax bill for 61 Brown Street in the amount of \$870.77.

**CARRIED**

4 Ayes

0 Nays

**SURPLUS PROPERTY**

Moved by Trustee Sheehan and seconded by Trustee Miller authorizing 61 Brown Street be declared surplus property.

**CARRIED**

4 Ayes

0 Nays

**CEMETERY DEEDS APPROVED**

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

Harry and Charlotte Fischer	S.G. 332 Deerfield Avenue
Roger J Gibson	S.G. 332 Zephyr Avenue
Robert J Hill	S.G. 288/289 Deerfield Avenue
Jonathan P and Sharon W Martino	S.G. 376/377 Deerfield Avenue
Michelle L Pickett	S.G. 470 Deerfield Avenue
Donald Rosario	S.G. 403 Deerfield Avenue
Jay and Kelly M Kovaleski	S.G. 583, 584 and 585 Deerfield Avenue

**CARRIED**

4 Ayes

0 Nays

**APPLICATION ACCEPTED**

The following application was accepted and will be place on file for future reference:  
Cemetery – Brian J Baker

**APPROVED ROYAL EMPLOYER SERVICES**

Moved by Trustee Sheehan and seconded by Trustee Miller approving Mayor Theodorakos to sign the contract with Royal Employer Services for July 1, 2011 to June 30, 2012.

**CARRIED**

4 Ayes

0 Nays

**GLATFELTER INS GROUP**

Tabled the recommendation from Glatfelter Insurance Group regarding an electrical/mechanical equipment testing service for the deep well pumps over 100hp. The Board of Trustees would like the Chief Water Treatment Plant Operator, Kevin Miller's approval before signing the recommendation.

**CORRESPONDENCE**

Correspondence received from the State of New York Public Relations Board notifying the Board of Trustees that a conference is scheduled for July 20, 2011 at 10:00 AM regarding the separation from AFSCME.

Correspondence received from AFSCME advising the Village of Albion that the authority to represent Local 1436 rests exclusively with Administrator Cullen and Deputy Administrator Eames.

**HONDA-TECH SHOW**

Moved by Trustee Sheehan and seconded by Trustee Riley approving the request from Dan/Lisa DeCarlo (Arnolds Auto Parts) to hold the Honda-Tech Show at Bullard Park, date to be determined, and denied their request to use the Village's Insurance. They will need to fill out an event form that will be provided by Code Enforcement Officer Ron Vendetti. They will also need to contact Recreation Director John Grillo to inform him of the date the event will be held.

**CARRIED**

4 Ayes

0 Nays

**CORRESPONDENCE**

Moved by Trustee Riley and seconded by Trustee Miller approving the request from The Holy Family Parish to close off East State Street from the Presbyterian Church to Platt Street on July 17, 2011 from 11:30 AM to 3:00 PM for the Ecumenical Picnic in the Court House Square.

**CARRIED**

4 Ayes

0 Nays

**CORRESPONDENCE**

Correspondence received from the Historic Preservation Commission regarding a Special Public information forum to be held on July 14, 2011 from 7:00PM to 9:00PM to discuss the historic district designation process.

**NYS 1033 FEDERAL EXCESS PROPERTY**

Moved by Trustee Sheehan and seconded by Trustee Riley approving Mayor Theodorakos to sign the Memorandum of Agreement for the NYS 1033 Federal Excess Property Program per Chief Nenni's request.

**CARRIED**

4 Ayes

0 Nays

**KENNEL CLUB AGREEMENT**

Moved by Trustee Riley and seconded by Trustee Miller approving to cap the repairs the Tonawanda Valley Kennel Club will be responsible for at \$2,000, if there is damage at Bullard Park due to their dog show. The Superintendent of Public Works Dale Brooks will control where they are allowed to park their vehicles. The Board of Trustees also noted that the Village of Albion will not be responsible to tow out any vehicles that may get stuck. Attorney Gavenda will prepare the amended contract for the Club to use Bullard Park this year's dog show.

**CARRIED**

4 Ayes

0 Nays

**PROJECT STATUS REPORT 201 CDBG**

Moved by Trustee Sheehan and seconded by Trustee Riley approving Mayor Theodorakos to sign the Project Status Report for the 2010 CDBG Grant as prepared by Stuart I Brown Associates.

**CARRIED**

4 Ayes

0 Nays

**PUBLIC HEARING SET**

Moved by Trustee Riley and seconded by Trustee Miller to hold a Public Hearing on August 10, 2011 at 7:00PM to consider changing the zoning for the three parcels on East State Street. Code Enforcement Officer Ron Vendetti will provide the language for the notice.

**CARRIED**

4 Ayes

0 Nays

**LIQUOR LICENSE ELKS**

The Board of Trustees received notification from the Albion Lodge 1006 PBO Elks with their intention to renew their liquor license for 428 West State Street.

**APPROVED PAYMENT TO SERGI**

Moved by Trustee Sheehan and seconded by Trustee Miller approving Mayor Theodorakos to sign and the payment of Pay Estimate #22 in the amount of \$74,845.10 to Sergi Construction for work completed as part of the Green Initiative Project.

**CARRIED**

4 Ayes

0 Nays

**APPROVED ENGINEERING AGREEMENT**

Moved by Trustee Riley and seconded by Trustee Sheehan approving Mayor Theodorakos to sign the "Engineering Services Agreement Amendment No.1" for the JMPCF Improvement Project as submitted by Chatfield Engineers.

**CARRIED**

4 Ayes

0 Nays

**CHATFIELD UPDATE**

Correspondence from Chatfield Engineers with the Status Report for the following projects:

**2007 Sanitary Sewer Project**

1. All work is completed with the exception of a few minor punch list items.
2. Sergi to mill and re-pave transition at the west end of West Bank Street next week.

**Green Initiative Project**

1. Holy Family Church corrections are complete except for final restoration.
2. Remaining work includes 57 North Main Street, 25 East Bank Street, 20 East Bank Street, 10 East Park Street
3. All remaining work will be completed by the end of July.

**Televising of Interceptor Sewer**

1. Sergi was unsuccessful in their attempt to install a line through the inverted siphon sanitary sewer located under the Canal on Ingersoll Street. The line was to be used to pull the televising camera through the pipe. Therefore, no more televising will take place.

**Visitor's Center Facade Renovations Project**

1. The Facade portion of the project is currently out for bids. Bid opening is July 22, 2011.
2. Construction is expected to begin around late August 2011.

**East State Street Road & Storm Sewer Improvements Project**

1. Surveying for road and storm sewer is 100% complete.
2. Design for road and storm sewers is about 80% complete.
3. We plan to meet with Dale in the next week or so to review plans and finalize design.
4. Maps and descriptions have been sent to Village Attorney for his use in obtaining the required easements.

**JMPCF Improvements Project**

1. Design of raw water pump station modifications is at about 90% complete.
2. Design of new turbo-blowers is about 75% complete.
3. Meeting with Rick Albright and Electrical Engineer on July 27, 2011 to resolve final control system questions.
4. Electrical and control design is expected to be completed shortly thereafter.
5. Structural engineer has completed analysis of equalization tank east wall and proposed improvement options.
6. Structural plans and specifications should be complete along with above items early in August.
7. Paul has been addressing scoping and budget with EFC and Chuck Bastian.

**RESIDENT**

Resident Mr Larry Harvey asked the Board of Trustees for an update on the property at 50 Meadowbrook Drive owned by Mr and Mrs James McCarthy. The Mayor assured Mr Harvey that the Village is doing everything they can to get his properties cleaned up, it's a process.

**SEWER RATE INCREASE APPROVED**

Moved by Trustee Sheehan and seconded by Trustee Miller approving to increase the sewer rates by .25 cents per thousand, starting with the next billing. A notice will be included in the next billing explaining why the increase will take place.

	OLD	NEW
Inside residents	\$2.86	\$3.11
Outside users	\$3.75	\$4.00
Correctional Facility	\$3.75	\$4.00

**CARRIED**

4 Ayes

0 Nays

**LAFAYETTE PARK PROGRAM**

Discussion on Recreation Director John Grillo's request to have the Park Directors at Lafayette Park move to Bullard Park due to lack of participants. The Board of Trustees are not in favor of the idea and suggested that Mr Grillo try to promote the park program in that area. Not having a park program at Lafayette can be discussed for next year.

**EXECUTIVE SESSION**

Moved by Trustee Riley and seconded by Trustee Miller to adjourn to executive session for pending litigation issues at 8:20 PM.

**CARRIED**

4 Ayes

0 Nays

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Miller and seconded by Trustee Riley to come out of executive session 9:19 PM.

**CARRIED**

4 Ayes

0 Nays

**APPROVED ASBESTOS SURVEY**

Moved by Trustee Riley and seconded by Trustee Sheehan approving CanAm Environmental Safety Inc to prepare bid specs for the removal of asbestos at 106 South Clinton Street, not to exceed \$2,500.

**CARRIED**

4 Ayes

0 Nays

**MEETING ADJOURNED**

Moved by Trustee Riley and second by Trustee Miller that there being no further business, meeting is hereby adjourned at 9:20 PM.

**CARRIED**

4 Ayes

0 Nays

Respectfully submitted,



Linda K Babcock  
Clerk-Treasurer