

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, July 9, 2014 at 7:00 PM, at the Village Hall, 35 East Bank Street, Albion, New York.

Present were Mayor Dean A London, Trustees Eileen S Banker, Stan Farone, Gary Katsanis, Peter Sidari and Attorney John C Gavenda.

Also present were Superintendent of Public Works Dale Brooks, Code Enforcement Officer Ron Vendetti and Police Chief Roland Nenni. There were 0 residents present.

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

#### **PUBLIC HEARING**

Mayor London opened the Public Hearing to hear comments regarding renewal of the cable franchise agreement by and between the Village of Albion and Time Warner Cable

#### **RECESSED PUBLIC HEARING**

Moved by Trustee Farone and seconded by Trustee Sidari to recess the Public Hearing to hear comments regarding renewal of the cable franchise agreement between the Village of Albion and Time Warner Cable until the July 23, 2014 Workshop Meeting.

CARRIED

5 Ayes

0 Nays

#### **POLICE SERGEANT APPOINTED**

Moved by Trustee Sidari and seconded by Trustee Farone to appoint Officer David M Mogle from the Certification of Eligible's List for Police Sergeant with a 26 week probationary period.

CARRIED

5 Ayes

0 Nays

Mr David Mogle held the bible for his son as the Village Clerk swore Sergeant David Mogle into his new role in the Police Department. Sergeant Mogle has been with the department for 6 years.

#### **DEPT HEAD**

The Board of Trustees discuss the drainage issue on Washington and Clinton Street. The Superintendent of Public Works Dale Brooks informed the Board of Trustees that the approximate cost would be \$30,000 if we don't acquire an easement from the property owner or \$20,000 if we do.

Attorney Gavenda will send a letter to the resident whose driveway was damaged by the Fire truck when they responded to a fire call at his home.

#### **APPROVED PRESBYTERIAN REQUEST**

Moved by Trustee Farone and seconded by Trustee Banker approving Ms Kim Remley's request to use a small portion of the grass area in the lot next to the First Presbyterian Church for a flower garden. When the Village of Albion is ready to do the parking lot the garden will have to be taken out.

CARRIED

3 Ayes

1 Nay

Trustee Farone

Trustee Katsanis

Trustee Banker

Trustee Sidari

#### **APPROVED PAYMENT TO BERGMANN**

Moved by Trustee Katsanis and seconded by Trustee Farone approving payment to Bergmann Associates for services rendered 1/1/14 to 6/6/14 in the amount of \$102,912.23 for the Clarendon Street Bridge Project.

CARRIED

5 Ayes

0 Nays

The Board of Trustees discussed if using Village workers could be used towards in-kind service. Mayor London will ask Bergmann Associates for a schedule of deadlines for the project.

**ACCEPTED TREASURERS REPORT**

Moved by Trustee Farone and seconded by Trustee Banker accepting the Treasurer's Report for June 2014.

CARRIED  
5 Ayes                      0 Nays

**APPROVED MINUTES**

Moved by Trustee Katsanis and seconded by Trustee Banker that in as much as each member received copies of the minutes of June 25, 2014 and there being no errors or omissions, minutes are hereby approved as written.

CARRIED  
5 Ayes                      0 Nays

**APPROVED PAYMENT OF BILLS**

Moved by Trustee Katsanis and seconded by Trustee Banker approving the payment of the following Village bills:

General Fund	voucher #19097	\$40,600.63
Water Fund	to #19265	\$16,793.75
Sewer Fund		\$ 5,599.88

CARRIED  
5 Ayes                      0 Nays

**APPROVED PAYMENT CHATFIELD BILL**

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

JMPCF Capital Improvement Plan	09-924-34	\$2,251.60
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CARRIED  
5 Ayes                      0 Nays

**APPROVED PAYMENT TO DONEGAN INC**

Moved by Trustee Sidari and seconded by Trustee Farone approving payment to Bernard P Donegan Inc for the following services rendered May 1, 2014 to May 31, 2014:

JMPCF	\$456.58
Clarendon Bridge	\$1,529.20
FMS/CDU	136.00

CARRIED  
5 Ayes                      0 Nays

**APPROVED PAYMENT TO DONEGAN INC**

Moved by Trustee Sidari and seconded by Trustee Katsanis approving payment to Bernard P Donegan Inc for services rendered regarding the \$80,000 Bond Anticipation Note in the amount of \$726.74.

CARRIED  
5 Ayes                      0 Nays

**APPROVED CEMETERY DEED**

Moved by Trustee Sidari and seconded by Trustee Farone approving Mayor London to sign the following Cemetery Deed:

Paul A and Mary Louise Mann	S.G. 574 and 575 Deerfield Avenue
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CARRIED  
5 Ayes                      0 Nays

**PUBLIC HEARING SCHEDULED**

Moved by Trustee Banker and seconded by Trustee Farone to hold a Public Hearing on Wednesday, July 23, 2014 at 7:00 PM to hear comments regarding possibly amending the Local Code of the Village of Albion regarding signs permitted in the R-C district.

CARRIED

5 Ayes

0 Nays

**TABLED REMOVAL OF TAX BILLS**

The Board of Trustees tabled approving to remove the following 2014-2015 Village tax bills until the July 23, 2014 Workshop Meeting:

Time Warner Cable	500.-4-4./V	\$ 91.54
Time Warner Cable	500.1-1-4.1	\$902.72

**TABLED ADOPTING RESOLUTION STANDARD WORK DAY**

The Board of Trustees tabled adopting the Standard Work Day for the NYS & Local Employees Retirement System until the July 23, 2014 Workshop Meeting.

**ADOPTED RESOLUTION 2014-22**

The following resolution 2014-22 was proposed by Trustee Sidari whom moved its adoption and seconded by Trustee Katsanis:

Opposing the Environmental Protection Act and Army Corps of Engineers proposed rulemaking that changes the Clean Water Act

WHEREAS, the U.S. Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) have released a 371 proposed rulemaking defining the Waters of the U.S. under the Clean Water Act; and

WHEREAS, both agencies are seeking a rule change to give the federal government more authority by expanding the definition of "navigable waters" in the Clean Water Act; and

WHEREAS, the rule change proposed by the EPA and the Corps would subject almost all physical areas with a connection to downstream navigable waters, including features such as ditches, natural or man-made ponds, and flood plains, to the jurisdiction of the Clean Water Act; and

WHEREAS, the proposed rule change, if adopted, will cause significant economic harm to local farmers, stall the development of businesses, take control of land use for sustainable food production out of our local providers' hands, and negatively impact County-owned and maintained infrastructure such as roadside ditches and flood-control channels; and

WHEREAS, the cost to our farms, municipalities and taxpayers will be enormous; and

WHEREAS, the New York Farm Bureau opposes the proposed rule change; and

WHEREAS, it is impractical for the federal government to regulate every ditch, pond and rain puddle that may have some tenuous connection or "significant nexus", miles away, to a body of water currently defined as "navigable"; now, therefore be it

RESOLVED, that the Village of Albion Board of Trustees hereby strongly opposes the EPA and Corps proposed rulemaking that changes the Clean Water Act, as proposed; and be it

FURTHER RESOLVED, that the Clerk for the Village of Albion Board of Trustees is hereby directed to forward a certified copy of this resolution to Senator Schumer, Senator Gillibrand, Congressman Collins, the Environmental Protection Agency, the U.S. Army Corps of Engineers, State Senator Maziarz, State Assemblyman Hawley, State Assemblywoman Corwin, Orleans County and all others deemed appropriate.

CARRIED

5 Ayes

0 Nays

**ADOPTED RESOLUTION 2014-23**

The following resolution 2014-23 was proposed by Trustee Sidari whom moved its adoption and seconded by Trustee Katsanis:

Calling upon the NYS Public Service Commission to set a condition of merger for ComCast's proposed buyout of Time Warner creating voting seat on their Board of Directors representing a customer voice and another representing a voice of government

WHEREAS, Orleans County represents a rural region that is economically focused on agri-business and recreation where high-speed Internet service is essential for commercial economic growth, for our education systems, and the overall well-being of our citizens; and

WHEREAS, today's agricultural enterprises leverage cutting edge bio-technology, renewable energy, and hi-tech heavy equipment which depend on the Internet; and

WHEREAS, the Internet Innovation Alliance has published the following statistics relative to broadband access and jobs:

More than 62% of American workers, including our farmers, rely on the Internet to do their jobs

Among U.S. workers, 14% telecommute or work from home at least one day a week

Jobs that depend upon broadband availability are projected to increase 25% by 2018

Job seekers had a 27% increase in success by using social networks to generate referrals

A \$10 billion investment in broadband would produce nearly 500,000 new jobs

Local economic growth and secondary investment enabled by broadband expansion is 10 times the initial investment; and

WHEREAS, there are significant areas of the County without access to high speed broadband services because of geographic isolation, topographic conditions, and low population density; and

WHEREAS, broadband providers have not found it economically feasible to provide broadband services to many of the remote areas of the County; and

WHEREAS, ComCast has submitted for approval a proposal to "buyout" Time Warner NYS services now under consideration by the New York State Public Service Commission; and

WHEREAS, it has been our observation small businesses tend to be willing to listen to the voice of the community and be agile with regard to delivering profitable services, however larger businesses frequently seem too distant in listening to the voices in a small community when they have a monopoly as is the case with broadband services in our region; and

WHEREAS, Orleans County, in unison with Niagara County, presented recommendations for the proposed merger at a Public Hearing held on Monday, June 16th at the North Campus of SUNY Buffalo; and

WHEREAS, the most significant point in the presentation was to recommend a condition of the proposed merger be the creation of a voting seat on the Board of Directors representing a customer voice (the source of their income) and another representing a voice of government (source of grant funds that you presently leverage to expand your private network); and

WHEREAS, this Board of Trustees believes these two seats are foundational to ensure our voices are not only heard, but are part of any go-forward decisions for broadband expansion in Western New York; now, therefore be it

RESOLVED, that the New York State Public Service Commission examine the long-term benefits and opportunities of the aforementioned Board of Director seats, and set requirements to assure the public interests are well represented alongside the private interests of this or any future telecommunication providers; and be it

FURTHER RESOLVED, that certified copies of this resolution be forwarded to Governor Andrew M. Cuomo, the Commissioner of New York State Public Service Commission, State Senator George Maziarz, Assembly Member Stephen Hawley, Assembly Member Jane Corwin, Orleans County and all others deemed necessary and proper.

CARRIED

5 Ayes

0 Nays

**APPROVED PAYMENT TO MCGILL**

Moved by Trustee Farone and seconded by Trustee Sidari approving payment of \$703.15 to Timothy R McGill for services rendered in connection with the issuance of the \$80,000 Bond Anticipation Note.

CARRIED

5 Ayes

0 Nays

**APPROVED REQUEST TO CLOSE STREET**

Moved by Trustee Sidari and seconded by Trustee Banker approving the request from Ms Rebecca Karls to close East State Street between Platt Street and Ingersoll Street to hold a car show on September 13, 2014 from 9-5.

CARRIED

5 Ayes

0 Nays

**BANDS**

Moved by Trustee Farone and seconded by Trustee Sidari guaranteeing an additional \$1,500 to hold Concerts on the Canal for three more weeks if sponsors can't be acquired to fund them.

CARRIED

5 Ayes

0 Nays

**CORRESPONDENCE**

Mayor London received a correspondence from GACSA inviting him to take a tour of the apartments they owned next to their offices. He will let the Board members know the date.

**EXECUTIVE SESSION**

Moved by Trustee Katsanis and seconded by Trustee Sidari to adjourn to executive session for personnel issues at 8:34 PM.

CARRIED

5 Ayes

0 Nays

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Katsanis and seconded by Trustee Sidari to come out of executive session at 9:07 PM.

CARRIED

5 Ayes

0 Nays

**MEETING ADJOURNED**

Moved by Trustee Katsanis and seconded by Trustee Sidari that there being no further business, meeting is hereby adjourned at 9:08 PM.

CARRIED

5 Ayes

0 Nays

Respectfully submitted,

*Linda K Babcock*

Linda K Babcock  
Clerk-Treasurer