

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, June 9, 2010 at 7:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Eileen S Banker, Fred Miller, Kevin P Sheehan and Attorney John Gavenda.

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

#### **FIRE FLIES**

Mr Walter Batt, Mr Mark Luft and Mr Michael Furness, representing the Albion Fire Flies described to the Board of Trustees what they are about. Mr Batt told the history of the Fire Flies and stated that they don't use tax dollars. All the equipment is paid for by them. You do have to be an active member of the Albion Fire Department to belong to the Fire Flies. In the future they would like to see a 300' water line installed at their track which is located at the old Albion Fair Grounds.

#### **RESIDENT**

Received a request from Crimson Heights Apartments asking the Board of Trustees to forgive the penalties on their latest water/sewer bills. The Board of Trustees decided not to act on request. The penalty amounts will stay on their accounts.

#### **DEPARTMENT HEAD**

The Clerk-Treasurer requested the Board of Trustees to address a tampering charge of \$1,000.00 that has not been paid. Also, requested the Board of Trustees address a water/sewer bill left by a property owner for \$5,839.96. Mayor Theodorakos asked Attorney Gavenda what recourse the Village has when residents don't pay their bills. Attorney Gavenda will set up a meeting with the County Attorney and whoever else he feels should attend to discuss. Attorney Gavenda will also contact the Village of Medina Attorney to see what their municipality does in these cases and also check into taking legal action against individuals who leave unpaid bills at a residence when they move.

Moved by Trustee Sheehan and seconded by Trustee Miller approving the Clerk-Treasurer removed the \$1,000.00 tampering fee from the Village books.

**CARRIED**

4 Ayes

0 Nays

#### **APPROVE MINUTES**

Moved by Trustee Sheehan and seconded by Trustee Miller that in as much as each member received copies of the May 24, 2010 and May 26, 2010 minutes and there being no corrections or omissions minutes are hereby approved as written.

**CARRIED**

4 Ayes

0 Nays

#### **ACCEPT TREASURERS REPORT**

Moved by Trustee Sheehan and seconded by Trustee Miller accepting the Treasurer's Report for May 2010.

**CARRIED**

4 Ayes

0 Nays

#### **APPROVE PAYMENT OF BILLS**

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

General Fund	voucher #6462	\$17,657.35
Water Fund	to #6513	\$ 8,387.92
Sewer Fund		\$ 4,623.02

**CARRIED**

4 Ayes

0 Nays

**APPROVED PAYMENT OF CHATFIELD BILLS**

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

Planning Board Services	98-330-19	\$ 124.00
McKinstry Street Storm Sewer	09-944-9	\$ 1,590.30
Meadowbrook Drive Water Main Replacement	09-951-8	\$ 175.00
Water System Capital Improvement Plan	09-943-9	\$ 2,495.00
Green Project Initiative	10-976-3	\$ 156.00
Meadowbrook Road Reconstruction	09-952-6	\$ 175.00
2007 Sanitary Sewer Improvements	16-765-33	\$ 5,897.60

**CARRIED**

4 Ayes

0 Nays

**APPROVE PAYMENT TO DONEGAN**

Moved by Trustee Miller and seconded by Trustee Sheehan approving payment to Bernard P Donegan Inc for professional services in the amount of \$321.26.

**CARRIED**

4 Ayes

0 Nays

**APPROVE PAYMENT TO DAVID LIPPITT**

Moved by Trustee Sheehan and seconded by Trustee Banker approving payment to David W Lippitt, Esquire for services rendered in the amount of \$470.00.

**CARRIED**

4 Ayes

0 Nays

**APPROVE PAYMENT TO SERGI**

Moved by Trustee Miller and seconded by Trustee Sheehan approving Mayor Theodorakos to sign payrolls and the payment of Pay Estimate #12 of \$236,664.99 to Sergi Construction. The project is 66% completed as of May 28, 2010.

**CARRIED**

4 Ayes

0 Nays

**APPROVE CEMETERY DEEDS:**

Moved by Trustee Sheehan and seconded by Trustee Banker approving Mayor Theodorakos to sign the following Cemetery Deed:

Stacy Balthrop                      S.G. 433 Zephyr Avenue

**CARRIED**

4 Ayes

0 Nays

**ACCEPT APPLICATIONS**

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

Park Supervisors  
Kevin B Howard

**NEW FIRE DEPT MEMBERS**

Moved by Trustee Sheehan and seconded by Trustee Miller approving the following as new members into the Fire Department:

David M Mogle and Thomas W Snyder

**CARRIED**

4 Ayes

0 Nays

**K9 AGREEMENT**

Moved by Trustee Miller and seconded by Trustee Banker approving Mayor Theodorakos to sign the K9 agreement as prepared by Attorney Gavenda.

**CARRIED**

4 Ayes

0 Nays

**REQUEST – HILLCREST HOMES**

Moved by Trustee Sheehan and seconded by Trustee Banker authorizing Mayor Theodorakos to sign the Application for Approval of Plans for a Waste Water Disposal System for Hillcrest Homes as submitted by Metzger Civil Engineering.

**CARRIED**

4 Ayes

0 Nays

**APPROVE NYSDEC MODIFICATION**

Move by Trustee Miller and seconded by Trustee Banker authorizing Mayor Theodorakos to sign the "Fourth Order of Modification" for the State of New York and State Pollutant Discharge Elimination System (SPDES) Permit # NY-0028401.

**CARRIED**

4 Ayes

0 Nays

**PURCHASE OFFER**

Discussion on approving Mayor Theodorakos to sign the purchase offer for 19 North Main Street for \$12,500.00. Mayor Theodorakos stated he has concerns and would like a little more time to do research. There was a discussion on doing a parking study, checking into the demolition cost and getting inside the building to see what damage there is.

Moved by Trustee Miller and seconded by Trustee Banker to authorize Mayor Theodorakos to sign the purchase offer agreement for 19 North Main Street in the amount of \$12,500.00.

**CARRIED**

2 Ayes

2 Nays

Trustee Miller

Trustee Sheehan

Trustee Banker

Mayor Theodorakos

Motion didn't carry as there wasn't a majority vote.

Ms Sue Starkweather, from the Albion Central School District stated that maybe the students could do the study for part of their community service projects. Mayor Theodorakos will send information to Ms Starkweather for her to review.

**STUDENTS PRESENT RESULTS OF COMPREHENSIVE PLAN STUDY**

Students from the Albion Central School District provided the Board of Trustees the results from the comprehensive study. The students had 467 surveys to review. The last Comprehensive Plan was completed in 1996 and should be review every 5 years. The students did an excellent job compiling the information together.

**SWAN LIBRARY REQUEST**

Moved by Trustee Banker and seconded by Trustee Sheehan approving Swan Library's request to close West State Street to traffic between Main Street and Liberty Street on the following dates for programs they will be holding:

June 29<sup>th</sup> 4:00 PM – 8:00 PMAugust 26<sup>th</sup> 4:00 PM – 8:00 PM**CARRIED**

4 Ayes

0 Nays

**CORRES**

Correspondence received from USDA regarding the Pre-Eligibility Determination Notification for the Wastewater Treatment Plant Upgrade. Mayor Theodorakos will send a letter stating that the Village of Albion isn't interested at this time.

**CORRES**

Correspondence received from Stuart I Brown Associates regarding funding availability for the New York State Community Development Block Grant Community Planning Program (NYS CDBG).

**FIRST NIAGARA BANK AGREEMENT**

Tabled authorizing Mayor Theodorakos to sign the Collateral Pledge and Control Agreement with First Niagara Bank until the June 23, 2010 meeting. The Village Clerk-Treasurer will contact First Niagara asking for a written explanation of what the agreement is for and why it's being required.

**E-MAIL POLICY**

Moved by Trustee Sheehan and seconded by Trustee Banker approving the new computer use/e-mail policy as prepared by Attorney Gavenda with one addition, adding "computer" to the language where applicable. Village Clerk-Treasurer will contact Integrated Systems to get the disclaimer added to the end of all the Villages e-mails.

**CARRIED**

3 Ayes	1 Nay
Trustee Sheehan	Trustee Miller
Trustee Banker	
Mayor Theodorakos	

**MEDIATOR MEETING**

Mayor Theodorakos stated that the meeting with the mediator from the Public Employees Relation Board will be around the last week of July.

**GRANT FOR BULLARD PARK**

Discussion on applying for a grant to do improvements to Bullard Park. Trustee Miller feels there is not enough time to submit an application this year as the deadline is due in July. He feels that the parties involved should start working on it for next year's application. The application is available on line and the appropriate parties will review it.

**MEETING CLOSED**

Moved by Trustee Banker and second by Trustee Miller that there being no further business, meeting is hereby adjourned at 9:27 PM.

**CARRIED**

4 Ayes	0 Nays
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Respectfully submitted,



Linda K Babcock  
Clerk-Treasurer