

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, October 14, 2015 at 7:00 PM, at the Village Hall, 35 East Bank Street, Albion, New York.

Present were Deputy Mayor Eileen S Banker, Stanley Farone, Gary Katsanis, Peter Sidari and Attorney John C Gavenda. There were 42 residents present.

Mayor Dean London was absent.

Also in attendance were Police Chief Roland Nenni, Code Enforcement Officer Ron Vendetti, Chief Sewer Treatment Plant Operator Aric Albright and Chief Water Treatment Plant Operator Kevin Miller.

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

#### **PUBLIC HEARING – CRFS GRANT FUNDS**

Deputy Mayor Eileen Banker opened the public hearing at 7:00 pm to obtain citizen views regarding any aspect to the Claims Recovery Financial Services, LLC project's implementation including, but not limited to any construction, financing, and employment opportunities resulting from the project.

There were no residents present who wished to speak.

#### **CLOSED PUBLIC HEARING**

Moved by Trustee Farone, seconded by Trustee Katsanis that in as much as everyone who wished to speak regarding the implementation of the Claims Recovery Financial Services LLC, grant were heard, the public hearing be closed at 7:03 pm.

CARRIED

4 Ayes

0 Nays

#### **RESIDENT**

Lion's Club representatives Dan Parker, President and Lloyd Wright, Treasurer presented the Village with a check for \$10,000 to be used for playground equipment at Bullard Park. They also presented a check for \$3,342.78 from "Rock the Park". The Board of Trustees thanked them for their continued efforts toward Bullard Park improvements.

#### **RESIDENT**

Ms. Cora Goyette addressed the Board of Trustees regarding the condition of 254 East Bank Street. She stated that the property was not being maintained to code and would like it cleaned up. Trustee Farone looked at this property prior to the meeting. CEO Vendetti stated that he has also looked at this property and there are no code violations involved at this time. He and Trustee Farone will both continue to monitor the residence. If there are any code violations in the future, a violation notice will be sent.

#### **RESIDENT**

David Snell addressed the Board of Trustees regarding several downtown issues. He thanked the Superintendent of Public Works Dale Brooks for getting the parking lot along the canal striped. He said he would like to see diagonal parking on Main Street. This would need approval from the New York State Department of Transportation. Trustee Sidari will check with the DOT to see if this is a possibility. Mr. Snell discussed the condition of Waterman Park. He said someone might be interested in volunteering to maintain the landscaping at the park. The Board told Mr. Snell that if someone is interested they should submit a letter to the board. He mentioned the signage on Main Street at the lift bridge, the lamp posts downtown and the possibility of allowing one-way traffic through Briggs Alley in the future. The Board of Trustees thanked Mr. Snell for his suggestions.

#### **RESIDENT**

Lisa Stratton of the Albion Merchants Association addressed the Board of Trustees concerning Beggars Night. Orleans County Sheriff candidates Randy Bower and Thomas Drennan both requested permission to set up a table to distribute candy. They would be wearing campaign shirts at the event. The Board denied their requests. This event is for downtown businesses and civic organizations.

**RESIDENT**

Tammy Ramos addressed the Board of Trustees regarding the Beaver Street neighborhood. She is a resident of that neighborhood and has several safety concerns. Most of her concerns pertain to juveniles in the neighborhood. She read a letter from another person in the same neighborhood with the same concerns. She would like to see the police do more to assist them. Chief Nenni told Ms. Ramos that their department is aware of the situation and have increased their patrols in the neighborhood. He told Ms. Ramos that the police are limited when it comes to juveniles. The majority of the complaints are for juveniles at private residences. They are not loitering in the streets. There was discussion of reviving the Neighborhood Watch group for the area. Chief Nenni expressed his willingness to work with the residents in this neighborhood in order to make it safer.

**PROVISIONAL PROMOTION**

Chief Nenni made a recommendation to the Board of Trustees to promote Officer William B. Annable to sergeant. This position was left vacant when Sergeant Scribner retired. The promotion would be provisional and would require successful completion of the Civil Service Sergeant's test.

Moved by Trustee Sidari and seconded by Trustee Farone to promote Officer William B. Annable to the position of provisional sergeant effective October 14, 2015. His probationary period will begin once he successfully completes the Civil Service Sergeant exam.

CARRIED

4 Ayes

0 Nays

**SCHOOLING**

The Board of Trustees approved Chief Nenni's request to attend the NYS Police Executive Intelligence Summit November 18-19, 2015. The Summit is being paid for by New York State.

**CORRESPONDENCE**

Superintendent of Public Works Dale Brooks informed the Village Board of Trustees that the 11" stainless V sander with screens sold at auction for \$7,000.00.

**SOLAR ENERGY RFPs**

Ben Miller and Brad Kelly of Larsen Engineers presented the preliminary results of the bid opening for the installation of solar panels at the Water Treatment Plant on Wilson Road and the Waste Water Treatment on Densmore Street. The opening was held on Tuesday, October 13, 2015. There were proposals submitted from six (6) different companies. Larsen Engineers gave the Board of Trustees a preliminary recommendation, but had not completed their analysis. They stated that they would be able to finish the analysis and make a presentation in about one (1) week. This is a time sensitive issue due to grant funding for such projects. The Board of Trustees will schedule a special meeting once Larsen Engineers completes their analysis and is ready to make its recommendation.

**DECLINE OFFER FOR RENOVATION OF 1M GALLON TANK**

Moved by Trustee Katsanis and seconded by Trustee Sidari to decline Utility Service Group's offer to renovate the 1 million gallon tank at a cost of \$935,000.00 . Attorney Gavenda will send a letter of declination.

CARRIED

4 Ayes

0 Nays

**ACCEPT TREASURER'S REPORT**

Moved by Trustee Farone and seconded by Trustee Katsanis accepting the Treasurer's report for September 2015.

CARRIED

4 Ayes

0 Nays

**APPROVE MINUTES**

Moved by Trustee Farone and seconded by Trustee Katsanis to approve the minutes of the September 23, 2015 Workshop Meeting.

CARRIED

4 Ayes

0 Nays

**APPROVE PAYMENT OF BILLS**

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

General Fund	voucher #22539	\$53,820.47
Water Fund	to #22783	\$35,838.57
Sewer Fund		\$ 9,863.89

CARRIED  
4 Ayes                      0 Nays

**APPROVE PAYMENT TO CHATFIELD ENGINEERS**

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

JMIPCF Capital Improvement Plan	09-924-60	\$408.40
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CARRIED  
4 Ayes                      0 Nays

**APPROVE PAYMENT TO BERNARD P. DONEGAN INC.**

Moved by Trustee Katsanis and seconded by Trustee Sidari approving the following bills submitted by Bernard P. Donegan Inc. to be paid:

JMIPCF Capital Improvement Plan	\$565.90
Clarendon Street Bridge	\$503.75
Roof Replacement Project	\$503.75
Fire Truck	\$139.00
FMS/CDU	\$139.00

CARRIED  
4 Ayes                      0 Nays

**APPROVE PAYMENT TO CLARK PATTERSON LEE**

Moved by Trustee Sidari and seconded by Trustee Farone approving payment to Clark Patteson Lee for services rendered for the Roof Replacement Project in the amount of \$7800.00

CARRIED  
4 Ayes                      0 Nays

**TABLED PAYMENT TO BERGMANN ASSOCIATES**

Tabled payment to Bergmann Associates for services rendered August 1, 2015 through September 30, 2015 for the Clarendon Street Bridge Project in the amount of \$3773.47 Trustee Katsanis will speak with Superintendent of Public Works Dale Brooks on the status of the project.

**APPROVE CEMETERY DEEDS**

Moved by Trustee Sidari and seconded by Trustee Farone authorizing Deputy Mayor Banker to sign the following Cemetery deeds:

Kenneth J. Blank	S.G. 616 Mezeron Path
Richard C. Starkweather	S.G. 1495A Circlet
Sonya Schott	S.G. 108 Ashwood Way
Andrea Danes	S.G. 109 Ashwood Way

CARRIED  
4 Ayes                      0 Nays

**ADOPT RESOLUTION #19 FOR 2016 CHEVROLET TAHOE LEASE**

Moved by Trustee Sidari and seconded by Trustee Katsanis authorizing Mayor London to sign the lease agreement for the 2016 Chevrolet Tahoe to be used by the Police Department along with the attached resolution:.

Lessee: Village of Albion / Principal Amount Expected To Be Financed: \$38,832.30

WHEREAS, the above Lessee is a political subdivision of the state in which Lessee is located (the "State") and is duly organized and existing pursuant to the Constitution and laws of the State.

WHEREAS, pursuant to applicable law, the governing body of the Lessee ("Governing Body") is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the Lessee.

WHEREAS, the Governing Body hereby finds and determines the execution of one or more lease-purchase agreements ("Equipment Leases") in the principal amount not exceeding the amount stated above ("Principal Amount") for the purpose of acquiring the property generally described below ("Property") and to be described more specifically in the Equipment Leases is appropriate and necessary to the functions and operations of the Lessee.

Brief Description of Property: 2016 Chevrolet Tahoe VIN 1GNSKFEC5GR114274

WHEREAS, First Niagara Leasing, Inc. ("Lessor") is expected to act as the Lessor under the Equipment Leases.

WHEREAS, the Lessee may pay certain capital expenditures in connection with the property prior to its receipt of proceeds of the Equipment Leases ("Lease Purchase Proceeds") for such expenditures and such expenditures are not expected to exceed the Principal Amount.

WHEREAS, the U.S. Treasury Department regulations do not allow the proceeds of a tax-exempt borrowing to be spent on working capital and the Lessee shall hereby declare its official intent to be reimbursed for any capital expenditures for Property from the Lease Purchase Proceeds.

NOW, THEREFORE, WHEREAS, the above Lessee is a political subdivision of the state in which Lessee is located (the "State") and is duly organized and existing pursuant to the Constitution and laws of the State.

WHEREAS, pursuant to applicable law, the governing body of the Lessee ("Governing Body") is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the Lessee.

WHEREAS, the Governing Body hereby finds and determines the execution of one or more lease-purchase agreements ("Equipment Leases") in the principal amount not exceeding the amount stated above ("Principal Amount") for the purpose of acquiring the property generally described below ("Property") and to be described more specifically in the Equipment Leases is appropriate and necessary to the functions and operations of the Lessee.

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WHEREAS, the U.S. Treasury Department regulations do not allow the proceeds of a tax-exempt borrowing to be spent on working capital and the Lessee shall hereby declare its official intent to be reimbursed for any capital expenditures for Property from the Lease Purchase Proceeds.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Lessee:

Section 1. The Lessee hereby determines that it has critically evaluated the financing alternatives available to it pursuant to 2 NYCRR Section 39.2 and that entering into the Equipment Leases and financing the acquisition of the Property thereby is in the best interests of the Lessee. Such evaluation shall be available as a public record.

The specific reason for such determination is that entering into such Equipment Leases results in a lower overall cost to the Lessee. Execution of the Equipment Leases will not cause the Lessee to be in violation of the limits contained in paragraph c of subdivision 6 of Section 109-b of the General Municipal Law.

Section 2. The Lessee is hereby authorized to acquire and install the Property (the "Project") and is hereby authorized to finance the Project by entering into the Equipment Leases. Any action taken by the Lessee in connection therewith is hereby ratified and confirmed.

Section 3. The Mayor ( an "Authorized Representative") acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate, enter into,

execute, and deliver such other documents relating to the Equipment Lease (including, but not limited to, escrow agreements) as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized.

Section 4. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Equipment Leases on behalf of the Lessee.

Section 5. The aggregate original principal amount of the Equipment Leases shall not exceed the Principal Amount and shall bear interest as set forth in the Equipment Leases and the Equipment Leases shall contain such options to purchase by the Lessee as set forth therein.

Section 6. The Lessee's obligations under the Equipment Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Equipment Lease and the Lessee's obligations under the Equipment Leases shall not constitute general obligations of the lessee or indebtedness under the Constitution or laws of the State.

Section 7. It is hereby determined that the purpose of the Project is an object or purpose described in subdivision 32

of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is] (5) years.

Section 8. It is hereby determined the term of the Equipment Leases authorized by this resolution will not be in excess of (5) years.

Section 9. The Governmental Body has determined that the Project is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

Section 10. The Governing Body of Lessee anticipates that the Lessee may pay certain capital expenditures in connection with the Property prior to the receipt of the Lease Purchase Proceeds for the Property. The Governing Body of Lessee hereby declares the Lessee's official intent to use the Lease Purchase Proceeds to reimburse itself for Property expenditures. This section of the Resolution is adopted by the Governing Body of Lessee for the purpose of establishing compliance with the requirements of Section 1.150-2 of Treasury Regulations. This section of the Resolution does not bind the Lessee to make any expenditure, incur any indebtedness, or proceed with the purchase of the Property.

Section 11. BANK QUALIFIED: LESSEE CERTIFIES THAT IT HAS DESIGNATED THIS LEASE AS QUALIFIED TAX-EXEMPT OBLIGATION IN ACCORDANCE WITH SECTION 265(b)(3) OF THE CODE, THAT IT HAS NOT DESIGNATED MORE THAN \$10,000,000 OF ITS OBLIGATIONS AS QUALIFIED TAX-EXEMPT OBLIGATIONS IN ACCORDANCE WITH SUCH SECTION FOR THE CURRENT CALENDER YEAR AND THAT IT REASONABLY ANTICIPATES THAT THE TOTAL AMOUNT OF TAX LEASE EXEMPT OBLIGATIONS TO BE ISSUED BY LESSEE DURING THE CURRENT CALENDER YEAR WILL NOT EXCEED \$10,000,000.

Section 12. The Authorized Representative is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Equipment Leases authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Code.

Section 13. This resolution is not subject to any mandatory or permissive referendum pursuant to the Local Finance Law or Section 109-b of the General Municipal Law.

Section 14. This Resolution shall take effect immediately upon its adoption and approval.

CARRIED

4 Ayes

0 Nays

**ACCEPT NEW FIRE DEPARTMENT MEMBERS**

Moved by Trustee Farone and seconded by Trustee Sidari to accept the following as new members of the Albion Fire Department:

Stefanie Peruzzini

Jeffrey A, Royer

CARRIED

4 Ayes

0 Nays

**TABLED SALE OF SURPLUS**

Tabled Mt Albion Cemetery Supervisor Jason Zicari's request to declare items as surplus/scrap. The Board of Trustees would like to see a list of the items.

**APPROVE PAYMENT TO J. O'CONNELL & ASSOCIATES INC.**

Moved by Trustee Katsanis and seconded by Trustee Farone approving payment to J. O'Connell & Associates for \$8500.00 for services rendered November 1, 2015 through January 31, 2016.

CARRIED  
4 Ayes                      0 Nays

**APPROVE TO ATTEND ACEC NEW YORK SEMINAR**

Moved by Trustee Farone and seconded by Trustee Sidari approving Trustee Katsanis to attend a seminar on October 20, 2015 in Batavia, New York sponsored by ACEC New York. Topics include doing business with the Environmental Facilities Corporation and financing water infrastructure projects.

CARRIED  
4 Ayes                      0 Nays

**EXECUTIVE SESSION**

Moved by Trustee Farone and seconded by Trustee Katsanis to adjourn to executive session to discuss personnel matters at 9:23 pm.

CARRIED  
4 Ayes                      0 Nays

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Katsanis and seconded by Trustee Farone to come out of executive session at 10:11 pm.

CARRIED  
4 Ayes                      0 Nays

**MEETING ADJOURNED**

Moved by Trustee Sidari and seconded by Trustee Katsanis that there being no further business, the meeting is hereby adjourned at 10:12 pm.

CARRIED  
4 Ayes                      0 Nays

Respectfully submitted,

*Mary L. O'Sullivan*

Mary L. O'Sullivan  
Deputy Clerk-Treasurer