

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, September 14, 2011 at 7:00 PM, at 121 North Main Street, Second Floor, Albion, New York.

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

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

PUBLIC HEARING 7:00PM

Mayor Theodorakos opened the Public Hearing to consider dedicating Railroad Street as a Village Street at 7:00 PM.

Mr Alan Austin asked how many more paper streets there are in the Village. Also discussed was how the Village would look at each paper street case by case.

Attorney Gavenda requested the Board of Trustees recess the Public Hearing until September 28, 2011.

RECESSED PUBLIC HEARING

Moved by Trustee Sheehan and seconded by Trustee Miller to recess the Public Hearing to consider dedication of Railroad Street as a Village Street, until September 28, 2011.

CARRIED

4 Ayes

0 Nays

RESIDENTS

Mr & Mrs Mark Parker addressed the Board of Trustees about the complaints they have in regards to the Code Enforcement Officer Ronald Vendetti. A court stenographer took minutes of the discussion.

RESIDENT

Tabled the request from residents Mr & Mrs Richard Moore for a break on the sewer portion of their water/sewer bill. The Board of Trustees would like the Water Maintenance worker to go into the home to see for a fact that the water didn't go into the sanitary sewer.

ACCEPT TREASURERS REPORT

Moved by Trustee Sheehan and seconded by Trustee Miller accepting the Treasurer's Report for August 2011.

CARRIED

4 Ayes

0 Nays

APPROVED MINUTES

Moved by Trustee Miller and seconded by Trustee Sheehan that in as much as each member received copies of the minutes of August 18, 2011, August 24, 2011 and September 7, 2011 and there being no errors or omissions, minutes are hereby approved as written.

CARRIED

4 Ayes

0 Nays

APPROVED PAYMENT OF BILLS

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

General Fund	voucher #10289	\$81,318.27
Water Fund	to #10511	\$15,846.32
Sewer Fund		\$10,700.93

CARRIED

4 Ayes

0 Nays

APPLICATIONS ACCEPTED

The following applications were accepted and will be placed on file for future reference:
Highway Department – Joseph P Russo and Lee P Snyder

ACCEPT AFD MEMBERS

Moved by Trustee Sheehan and seconded by Trustee Banker accepting the following as new members into the Albion Fire Department:
Ferdinand R Piano and Carmen C Quatro

APPROVED PAYMENT AMATO, FOX & CO

Moved by Trustee Sheehan and seconded by Trustee Banker approving payment to Amato, Fox and Company for the preparation of the June 1, 2010 to May 31, 2011 annual audit in the amount of \$6,000.00.

CARRIED

4 Ayes

0 Nays

PUBLIC HEARING 7:30 PM

Mayor Theodorakos opened the Public Hearing to consider changing the zoning from R-1 to General Commercial for 465, 467 and 469 East State Street at 7:30 PM.

Discussion on why all of the north side of East State Street between Brown Street and Community Action is not being re-zoned.

CLOSED PUBLIC HEARING

Moved by Trustee Miller and seconded by Trustee Sheehan that in as much as everyone who wished to speak regarding the consideration of changing the zoning from R-1 to General Commercial for 465, 467 and 469 East State Street were heard, the Public Hearing is hereby closed at 7:33 PM.

CARRIED

4 Ayes

0 Nays

LOCAL LAW #3

The following Local Law #3 was proposed by Trustee Banker who moved its adoption and seconded by Trustee Sheehan:

WHEREAS, a proposed Local Law No. 3 of the year 2011 for the purpose of amending the Village of Albion Zoning Map was presented to the Village Board of Trustees, and

WHEREAS, the Board of Trustees at a regular meeting of said Board held on August 24, 2011 did adopt a motion that a Public Hearing be held on the aforesaid proposed Local Law at 7:30 PM on September 14, 2011, at 121 North Main Street, Second Floor, Albion, New York, and that said notice thereof be published in the Medina Journal, the official newspaper of the Village of Albion at least seven days before September 14, 2011, and

WHEREAS, a notice of such Public Hearing was duly published in the Medina Journal on August 31, 2011, and

WHEREAS, a Public Hearing on said proposed Local Law was held by the Board of Trustees at 121 North Main Street, Second Floor, Albion, New York at 7:30 PM on September 14, 2011, at which time, all were heard who wished to speak regarding said Local Law,

NOW THEREFORE BE IT RESOLVED, that the following Local Law be hereby made part of the code of the Village of Albion, New York:

VILLAGE OF ALBION
LOCAL LAW NO. 3, 2011

BE IT ENACTED by the Village Board of Trustees of the Village of Albion, New York as follows:

Section 1) The Zoning Map of the Village of Albion provided for in Chapter 290 of the Code of the Village of Albion "Zoning" and Article IV entitled Establishment of Zoning Districts and Applicability of Regulations, Sub Section 290-21 entitled Zoning Map is hereby amended to change the zoning classification of the following described premises to General Commercial.

Premises described as 465 East State Street (Tax Map No. 73.7-2-16)

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Albion, Village of Albion, County of Orleans and State of New York, distinguished as being part of Lot 35, Township 15, Range 1 of the Holland Land Company's survey, so-called, bounded and described as follows:

BEGINNING at a point in the northerly bounds of East State Street at a distance of 80.28 feet westerly as measured along the northerly bounds of East State Street, from the westerly bounds of Brown Street Road; thence westerly along the northerly bounds of East State Street a distance of 41.00 feet to a point; thence northerly along a line forming an interior angle of 89° 07' 35" with the northerly bounds of East State Street, a distance of 202.88 feet to a point on the southerly bounds of lands, appropriated by the People of the State of New York for the New York Barge Canal; thence easterly along the southerly bounds of said canal lands a distance of 41.21 feet to a point; thence southerly along a line parallel with the second described course above a distance of 206.39 feet to the point or place of beginning and being in accordance with a survey map prepared by George L Miller, L.S. No. 12001 dated November 26, 1996.

Premises described as 467 East State Street (Tax Map No. 73.7-2-17)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Albion, Village of Albion, County of Orleans and State of New York, being part of Lot 35, Township 15, Range 1, Holland Land Purchase, bounded and described as follows:

BEGINNING at a point on the north street line of East State Street, said point being 68.6 feet west of the center line of Brown Road; thence westerly along the north street lien of East State Street, a distance of 43.60 feet to a point; thence northerly at an included angle of 89° 10' 05" a distance of 206.39 feet to a point on the south lien of the New York State Barge Canal; thence easterly along the south line of the Canal property at an included angle of 95° 49' 50" a distance of 66.56 feet to a point; thence southerly at an included angle of 78° 5' 41" a distance of 213.72 feet to the point and place of beginning.

Premises described as 469 East State Street (Tax Map No. 73.7-2-18)

ALL THAT TRACT, PIECE OR PARCEL OF LAND, situate in the Town of Albion, Village of Albion, County of Orleans and State of New York, being part of Lot No. 35, Township 15, Range One, bounded and described as follows:

COMMENCING 43-6/10 feet east from the southwest corner of land owned by Martin Jagodsuiski in 1901 and deeded to him by William Brignall and wife by deed dated March 26, 1901, and recorded in Orleans County Clerk's Office in Book 120 of Deeds at Page 569 on the north side of East State Street; thence east 68-6/10 feet to the center of Brown Street; thence north 404-56/100 feet to the center of the Erie Canal; thence west along the center of said canal 68-6/10 feet; thence south to the place of beginning.

This Local Law shall become effective upon the filing of the same with the State of New York Secretary of State as required by law.

CARRIED

4 Ayes

0 Nays

APPROVED PAYMENT CHATFIELD BILLS

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

JMPCF Capital Improvement Plan	09-924-12	\$13,614.40
JMPCF Capital Improvement Plan	09-924P&S3	\$ 270.00
General Engineering Services	94-193-166	\$ 197.50
Green Project Initiative	10-976-18	\$ 357.50
Village Planning Board Services	98-330-24	\$ 162.50
Meadowbrook Drive & Water Main Replacement	09-951P&S4	\$ 12.50

CARRIED

4 Ayes

0 Nays

APPROVED PAYMENT CHATFIELD BILL

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

121 North Main Street Façade	08-888-10	\$ 450.00
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CARRIED

3 Ayes

1 Nay

Trustee Banker

Trustee Miller

Trustee Sheehan

Mayor Theodorakos

APPROVED PAYMENT DONEGAN

Moved by Trustee Sheehan and seconded by Trustee Banker approving the following payments to Bernard P Donegan Inc for services rendered:

Sewer Lines	\$ 679.52	McKinstry Street Sewer	\$2,227.54
JMPCF	<u>\$1,054.96</u>	McKinstry Street Road	\$1,362.74
	\$1,734.48	Meadowbrook Dr Water	<u>\$ 838.60</u>
			\$4,428.88

Sewer Lines	\$ 462.26	\$333,130 Bond Anticipation Note	\$2,244.05
JMPCF	\$ 429.00		
CDU	<u>\$ 90.00</u>		
	\$ 990.26		

CARRIED

4 Ayes

0 Nays

APPROVED PAYMENT STUART BROWN

Moved by Trustee Sheehan and seconded by Trustee Banker approving payment to Stuart I Brown Associates for services rendered for the Joint Municipal Industrial Pollution Control Facility (JMPCF) Project in the amount of \$2,800.00.

CARRIED

4 Ayes

0 Nays

APPROVED PAYMENT CAN AM

Moved by Trustee Sheehan and seconded by Trustee Miller approving payment to Can Am Environmental Safety in the amount of \$2,500.00 for the asbestos abatement project manual and bid specifications for 106 South Clinton Street and \$1,995.00 for the pre-renovation inspection, testing and final report for the Albion Police Station.

CARRIED

4 Ayes

0 Nays

APPROVED WATER METER FEE SCHEDULE

Moved by Trustee Banker and seconded by Trustee Sheehan approving the following fee schedule as recommended by Superintendent of Public Works Dale Brooks, for the cost to replace stolen/damaged meters:

\$190.00 - inside meter \$285.00 - both meters

CARRIED

4 Ayes 0 Nays

SPECIAL EVENTS APPLICATION

The Board of Trustees liked the Special Events Permit Application as submitted by Code Enforcement Officer Ronald Vendetti. It was discussed if there should be fees and noted that it's a work in progress and anyone who has suggestions should give them to Mr Vendetti.

ALBION EXEMPTS INC LIQUOR LICENSE

Received notification from the Albion Exempts, Inc with their intention of renewing their liquor license.

CEMETERY DEEDS APPROVED

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

Melody A DeCarlo	S.G. 394 and 395 Zephyr Avenue
C.W. Lattin	Lot 9 Ash Avenue C#1
Araceli Rodriguez	S.G. 30 Deerfield Avenue
Randy H Stearns	S.G. 526 Deerfield Avenue

CARRIED

4 Ayes 0 Nays

CEMTERY GHOST WALK

Moved by Trustee Miller and seconded by Trustee Banker approving Ms Sue Starkweather from Albion Central Schools, request to use Mount Albion Cemetery for a ghost walk Saturday October 15, 2011. Tour times are 1-3PM and 6-9PM. The funds from the event will be donated to Mt Albion Cemetery to finish off the gazebo by putting a pergola on top. The Village Clerk-Treasurer will send the Special Events Permit application to Ms Starkweather which will need to be submitted prior to the event.

CARRIED

4 Ayes 0 Nays

UN-APPROPRIATED CAPITAL RESERVES FUND PROJECT

Moved by Trustee Sheehan and seconded by Trustee Banker authorizing funds from the un-appropriated Capital Reserve be used to renovate the Police Station. The Police Station sustained damage from a recent heavy rain. The amount is not to exceed \$20,000.

CARRIED

4 Ayes 0 Nays

CLEANER APPROVED

Moved by Mayor Theodorakos and seconded by Trustee Sheehan approving Superintendent of Public Works Dales Brooks request to hire ARC to clean the Village Office and 121 North Main Street buildings until May 31, 2011. The amount per month will be \$373.00 and is not to exceed what is left in the Village budget for cleaning.

CARRIED

4 Ayes 0 Nays

APPROVED MASON'S REQUEST

Moved by Trustee Sheehan and seconded by Trustee Banker approving the Mason's request to leave their trailer at Bullard Park for 4 to 5 weeks during the football season. The Mason's will provide proof of insurance with the Village of Albion being additionally named on it.

CARRIED

4 Ayes

0 Nays

RECREATION SUMMARY

Received a summary of the Recreation Meeting that was held on September 8, 2011 which details items that need to be addressed in the parks before the start of next year's program.

APPROVED PAYMENT TO OSBORN, REED & BURKE

Moved by Trustee Banker and seconded by Trustee Sheehan approving payment to Osborn, Reed & Burke LLP in the amount of \$231.00 for services rendered in August 2011.

CARRIED

4 Ayes

0 Nays

UN-APPROPRIATED CAPITAL RESERVES PROJECT

Moved by Trustee Sheehan and seconded by Trustee Miller to use \$4,500 of the un-appropriated Capital Reserve funds to repair the chimney, parapet wall, replace caps, dry-lock wall, tuck point front top section and rebuild back north corner of the Fire Department Building.

CARRIED

4 Ayes

0 Nays

APPROVED PAYMENT TO M JESSMER

Moved by Trustee Sheehan and seconded by Trustee Miller approving payment to Michael Jessmer Masonry for work performed on the Fire Department Building in the amount of \$4,250.00.

CARRIED

4 Ayes

0 Nays

CHATFIELD CORRESPONDENCE

Received a correspondence from Chatfield Engineers PC with copies of the "Close Out Documents" for the Sanitary Sewer Project.

CLARENDON STREET BRIDGEPROJECT

Moved by Trustee Sheehan and seconded by Trustee Banker approving Mayor Theodorakos sign the engineering agreement with Bergmann Associates for the Clarendon Street Bridge Project. Also received a correspondence from NYSDOT regarding the Marchiselli reimbursement that the Village will be receiving.

CARRIED

4 Ayes

0 Nays

EXECUTIVE SESSION

Moved by Trustee Banker and seconded by Trustee Sheehan to adjourn to executive session for litigation matters at 8:12 PM.

CARRIED

4 Ayes

0 Nays

EXECUTIVE SESSION CLOSED

Moved by Trustee Miller and seconded by Trustee Banker to come out of executive session 8:52 PM.

CARRIED

4 Ayes

0 Nays

DISTRICT ATTORNEY

District Attorney Joseph Cardone and Chief Nenni were in attendance to discuss the Major Felony Crime Task Force. Orleans County sent a correspondence to the three Villages involved in the Task Force stating there will be a reduction in compensation to the Village's for the budget year 2012. The Village of Albion was getting reimbursed \$50,000 a year. Discuss:

- * Getting the whole \$25,000 before June 1, that way it will not effect this year's fiscal budget
- * Doing a six month contract for 2012 instead of a year
- * The Board of Trustees will discuss keeping an officer on the Task Force at budget discussion for fiscal year June 1, 2011 to May 31, 2012
- * Asked Mr Cardone to approach the Towns to ask them to pitch into helping fund the Task Force
- * Scheduling a joint meeting with the representatives from the County Legislatures and the other two Villages

EXECUTIVE SESSION

Moved by Trustee Miller and seconded by Trustee Banker to adjourn to executive session for litigation matters at 9:34 PM.

CARRIED

4 Ayes

0 Nays

EXECUTIVE SESSION CLOSED

Moved by Trustee Sheehan and seconded by Trustee Banker to come out of executive session 10:19 PM.

CARRIED

4 Ayes

0 Nays

MEETING ADJOURNED

Moved by Trustee Miller and second by Trustee Sheehan that there being no further business, meeting is hereby adjourned at 10:21 PM.

CARRIED

4 Ayes

0 Nays

Respectfully submitted,



Linda K Babcock
Clerk-Treasurer