

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, September 8, 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, Jeannette Riley and Attorney John Gavenda.

Mayor Theodorakos opened the meeting with the pledge of allegiance at 7:01 PM.

ACCEPT TREASURERS REPORT

Moved by Trustee Riley and seconded by Trustee Banker accepting the Treasurer's Report for August 2010.

CARRIED

4 Ayes

0 Nays

Trustee Sheehan entered meeting at 7:04 PM.

CELL PHONE STIPEND

Moved by Trustee Sheehan and seconded by Trustee Banker approving \$1,250.00 be transferred to the Albion Fire Department. The stipend amount is in place of cell phones for the five officers.

CARRIED

5 Ayes

0 Nays

CHATFIELD ENGINEERS

Mr Jason Foote, Chatfield Engineers, provided the Board of Trustees with Change Order #4 in the amount of \$68,845.00 for the Sanitary Sewer Project. The Change Order is for the additional landscaping and grading that was necessary for the completion of the Meadowbrook Road Reconstruction Project. Additional work to be performed is extensive cutting and filling along the backside of the gutters, restoration of the lawn areas disturbed when the Village installed the water main, regrading of the existing drainage swale near Clover Lane, regrading of existing drainage swales and/or creating of new swales along the roadway to promote drainage to inlet structures and top soil and seed to all disturbed areas. Mr Foote explained that because of the time frame at the time the entire project went out to bid, the total restoration was not included in the bid process.

Mr Foote and Village Clerk-Treasurer will get together the morning of September 13, 2010 to review financials. The Board of Trustees tabled approving Change Order #4 until their Special Meeting Monday, September 13, 2010.

Mr Foote also provided the Board of Trustees with a list of properties that the Village of Albion could look into including with the under run money for the Sanitary Sewer Project. Mr Foote will check with Environmental Facility Corporation to see if they would approve including the list of properties. Sergi Construction would finish original contract and then move on to next phase if approved.

RESIDENT

Resident, Ms Nonnie Brown, McKinstry Street, addressed the Board of Trustees about the following: How she gave permission for her neighbors to park on her yard during the construction on their street, the companies the Village hired to do the construction park their equipment on her yard without permission, how the Village employees working in the area have been very accommodating, how the contractors dumped stone at the end of her driveway making it hard for her to leave for work, the cracked water pipe problem, the two trees the Village owns that need to come down and the problem with the alignment and front tires of her vehicle which she feels was caused by the construction in her area. Ms Brown will turn in an estimate for the damage to her vehicle and the Board of Trustees will review her request for the Village of Albion to pay to fix her vehicle at that time.

FIRE FLIES

Discussion on request from Mr Mike Furness representing the Fire Flies. They would like to have a tournament on October 2, 2010 at the old track on West State Street and need the track swept, snow fence/posts and bleachers. The Albion Exempts use to own the land where the track is, but has sold the property to the Elks. Attorney to review the deed and the liability issue. Mayor Theodorakos will talk to Dale about the fence/posts and bleachers.

APPROVE MINUTES

Moved by Trustee Riley and seconded by Trustee Miller that in as much as each member received copies of the August 25, 2010 minutes and there being one error or omission, minutes are hereby approved as written with the following correction:

Page 1 under Department Head, the year of the surplus vehicle is 2007

CARRIED

5 Ayes

0 Nays

APPROVE PAYMENT CHATFIELD BILLS

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

McKinstry Street Storm Sewer/Rd Reconstruction	09-944-12	\$ 6,789.50
Meadowbrook Drive Road Reconstruction	09-952-9	\$ 6,264.00
Green Project Initiative	10-976-6	\$ 620.50
2007 Sanitary Sewer Improvements	06-765-36	\$ -0-

CARRIED

5 Ayes

0 Nays

APPROVE PAYMENT TO LIPPITT

Moved by Trustee Sheehan and seconded by Trustee Banker approving payment to David W Lippitt Esq. for services rendered in the amount of \$90.00.

CARRIED

5 Ayes

0 Nays

APPROVE PAYMENT TO KEELER

Moved by Trustee Sheehan and seconded by Trustee Miller approving Mayor Theodorakos to sign Pay Estimate #2 for the McKinstry Street Storm Sewer Project. The amount to be paid is \$140,064.30 to Keeler Construction. The project is 81% completed as of August 31, 2010.

CARRIED

5 Ayes

0 Nays

APPROVE PAYMENT TO SERGI

Moved by Trustee Sheehan and seconded by Trustee Miller approving Mayor Theodorakos to sign payrolls and the payment of Pay Estimate #15 for the Sanitary Sewer Project. The amount to be paid is \$247,849.40 to Sergi Construction. The project is 80% completed as of August 31, 2010.

CARRIED

5 Ayes

0 Nays

APPROVE PAYMENT RIDGEWAY

Moved by Trustee Miller and seconded by Trustee Sheehan approving payment to Town of Ridgeway for \$204.20. Payment is for the Village of Albion's share of the Time Warner Cable Franchise negotiation.

CARRIED

5 Ayes

0 Nays

APPROVE CEMETERY DEEDS

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

Rolland Kast	Lot 571 Heath Path (W#1-5 & E#1 & 2)
Kenneth E & Carol A Marshall	S.G. 290 and 291 Deerfield Avenue
Ronald T Christopher	S.G. 378 and 379 Deerfield Avenue

CARRIED

5 Ayes 0 Nays

ACCEPT APPLICATION

The following application was accepted and placed on file for future reference:

Shawn R Arnett	Water Treatment Plant Operator
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CORRESPONDENCE

Correspondences received from NYS Office of Community Renewal and Stuart I Brown Associates regarding the 2010 CDBG (Small Cities) Grant of \$600,000 that the Village of Albion was awarded. Mayor Theodorakos asked that a copy of the award letter be sent to the Batavia Daily Newspaper and the Medina Journal.

CORRES

Tabled approving Mayor Theodorakos to sign the New York State Community Development Block Grant (NYS CDBG) Agreement until the September 22, 2010 Workshop Meeting. The Village of Albion was awarded \$600,000 for project #10PR132-10 which will be used for upgrades at the Pollution Control Plant.

CORRESPONDENCE

Correspondence received from Office of Community Renewal regarding the "Response to Monitoring Close Out Report" for the \$600,000.00 the Village had received. Funds were used for the Sanitary Sewer Project. The letter states that the Village is cleared to close out the grant.

CORRESPONDENCE

Correspondence received from Environmental Facilities Corporation regarding the 2010 Tour of Western and Central New York Communities to build awareness for the Clean and Drinking Water State Revolving Funds.

APPROVE AD IN DIRECTORY

Moved by Trustee Miller and seconded by Trustee Sheehan approving the ad listing the Village of Albion's phone numbers be placed in the Lake Country Pennysaver Community Directory.

CARRIED

5 Ayes 0 Nays

APPROVE PAYMENT OF BILLS

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

General Fund	voucher #7174	\$39,325.88
Water Fund	to #7371	\$82,589.96
Sewer Fund		\$10,934.64

CARRIED

5 Ayes 0 Nays

LETTER TO OWNERS

Discussion on the letter provided by Chatfield Engineers that will be sent to property owners who have violations of the Village's Sewer Use Ordinance. The correspondence will offer a one time "Corrective Action Program" to help the owners rectify infiltration and inflow problems at their property. Attorney Gavenda will contact Chatfield Engineers to see what they need to get the agreement in place.

MCKINSTRY RD PROJECT BILLS

Moved by Trustee Riley and seconded by Trustee Sheehan approving the payment of the following McKinstry Street Road Reconstruction Project bills as submitted by the Superintendent of Public Works, Dale Brooks:

Barre Stone Products	\$15,508.15
Keeler Construction	\$ 1,912.50
Lock City Supply	\$ 3,726.74
Pocono Mohawk Construction	\$31,400.00

CARRIED

5 Ayes

0 Nays

It was noted that the Superintendent of Public Works, Dale Brooks, needs to provide the man hours for the 2008 Park Development Grant and the McKinstry Street Road Reconstruction Project.

CROWN CASTLE AGREEMENT

Tabled Crown Castle's request to extend their current lease agreement until 2014 with the Village of Albion until the September 22, 2010 Workshop Meeting. The Board of Trustees would like to see a clause added regarding the Village of Albion having the option to terminate the agreement.

PROCLAMATION CHARLES HOWARD DAY

Mayor Theodorakos read the following Proclamation which was moved by Trustee Riley and seconded by Trustee Sheehan:

WHEREAS, Charles W. Howard was a lifelong resident of the Albion community and was deeply involved in various community organizations and causes and;

WHEREAS, Mr. Howard embarked upon a career as Santa Claus seventy-three years ago and;

WHEREAS, Mr. Howard's career accomplishments, including being named official Santa Claus for Macy's Thanksgiving Day parades in New York City and his creation of Santa Claus School and Christmas Park in Albion, brought recognition, pride, and delight to the Albion community and;

WHEREAS, Mr. Howard left the Albion community with countless wonderful memories which need to be preserved and shared and;

WHEREAS, Mr. Howard will be honored in a celebration on September 25, 2010;

NOW, THEREFORE, BE IT RESOLVED that the Village of Albion declares September 25, 2010 as Charles W. Howard day.

CARRIED

5 Ayes

0 Nays

CLARENDON STREET BRIDGE PROJECT

Mayor Theodorakos will contact Mr Kevin Miller, Bergmann Associates and Mr Christopher Sheridan, NYS DOT and invite them to attend the September 22, 2010 Workshop Meeting to discuss the Clarendon Street Bridge project.

NATIONAL GRID

Tabled decision on National Grid's request for reimbursement of alleged over payments of gross receipts taxes that the Village of Albion received in error. New York State Conference of Mayors (NYCOM) provided their opinion that the revised settlement agreement from National Grid is a reasonable resolution to the dispute. Clerk will contact NYCOM to get a copy of the revised agreement for the September 22, 2010 Workshop Meeting.

INVOICE SHORELINE PROJECT

Tabled payment to NYS Department of Environmental Conservation for the Shoreline Erosion Project until the September 22, 2010 Workshop Meeting. Trustee Banker is researching the funding.

VILLAGE PROJECTS

Trustee Miller and Trustee Riley will be meeting with Superintendent of Public Works, Dale Brooks about the following building projects on Tuesday, September 14, 2010:

1. The third floor asbestos
2. Asbestos survey for 19 North Main Street
3. The roof leaking at 121 North Main Street

VILLAGE PARKING LOT

Discussion on the trucks parking in the Village of Albion parking lot on Platt Street and what the original agreement states. Attorney Gavenda will look into the concerns as to the space they take up. Will discuss further at the September 22, 2010 Workshop Board Meeting.

NOTICE TO QUIT

Attorney Gavenda provided the "Notice to Quit" paperwork for Mayor Theodorakos to sign which was approved at the August 25, 2010 Workshop Meeting.

E-MAIL POLICY REVIEWED

Discussion on the recently adopted e-mail/computer use policy regarding not being able to forward e-mails received without the sender's permission. Attorney Gavenda will review policy.

SPECIAL MEETING SET

Moved by Trustee Miller and seconded by Trustee Riley to hold a Special Meeting on Wednesday, September 15, 2010 at 6:00 PM to review the recommendations from the Salary Review Committee.

CARRIED

5 Ayes

0 Nays

MEETING ADJOURNED

Moved by Trustee Riley and second by Trustee Miller that there being no further business, meeting is hereby adjourned 9:43 PM.

CARRIED

5 Ayes

0 Nays

Respectfully submitted,



Linda K Babcock
Clerk-Treasurer