

The Workshop Meeting of the Board of Trustees of the Village of Albion was held Wednesday, January 28, 2015 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, Stanley Farone and Gary Katsanis. Trustee Pete Sidari and Attorney John C Gavenda were absent.

Also in attendance was the Superintendent of the Department of Public Works Dale Brooks, the Superintendent of the Pollution Control Plant Aric Albright, the Superintendent of the Water Treatment Plant Kevin Miller, Recreation Director John Grillo and Albion Fire Department member Jeremy Graham.

There were 6 residents present.

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

REBUILD BULLARD PARK COMMITTEE

Moved by Trustee Farone and seconded by Trustee Banker approving to hire Jean O'Connell for a fee not to exceed \$6,000 to apply for a grant for the Rebuild Bullard Park Project. The Village will contribute \$3,000; the Lion's Club has committed to \$2,000 and the Elks has committed to \$1,000. The Board of Trustees approved the Village's portion to be paid from Park Reserves.

CARRIED

4 Ayes

0 Nays

In the past the Village has applied for two (2) \$600,000 grants and was turned down. Ms O'Connell suggested applying for a smaller grant not exceeding \$400,000. It was determined that two (2) Board Members and two (2) Rebuild Bullard Park Committee members will meet to work on reducing the plan. Chatfield Engineers will be contacted to provide an estimate to scale down the original plan he did a few years ago. Mayor London and the Board of Trustees thanked the committee members and are grateful for all the hard work they have done for this project.

DEPARTMENT HEAD REPORTS

The Board of Trustees received monthly reports from the Superintendent of Public Works Dale Brooks, Police Chief Roland Nenni, Albion Fire Department, Animal Control Officer Harry Papponetti, Code Enforcement Officer Ron Vendetti, Cemetery Supervisor Jason Zicari, Village Clerk Linda Babcock, Water Treatment Plant Superintendent Kevin Miller and the Superintendent of Pollution Control Plant Aric Albright.

APPROVED TO INCREASE LINE ITEMS

Moved by Trustee Katsanis and seconded by Trustee Farone approving the Superintendent of Public Works Dale Brooks request to use \$3,790 of the millings to help pay for the salter. Motion also included to increase A 5410.0201 (Skidsteer) and A 2650 (Sale of Scrap).

CARRIED

4 Ayes

0 Nays

APPROVED FUNDS TO EQUIPMENT RESERVES

Moved by Trustee Farone and seconded by Trustee Banker approving the Superintendent of Public Works Dale Brooks request to transfer the balance of the millings \$2,764.43 to Equipment Reserves. Motion also included to increase A 230 (Reserves) and A 2650 (Sale of Scrap).

CARRIED

4 Ayes

0 Nays

SURPLUS EQUIPMENT

Moved by Trustee Banker and seconded by Trustee Farone approving the Albion Fire Department's request to surplus 60 old air packs. The Fire Department has upgraded the air packs and can no longer use the old ones.

CARRIED

4 Ayes

0 Nays

APPROVED PAYMENT TO HARRIS BEACH

Moved by Trustee Katsanis and seconded by Trustee Banker approving to pay the remaining balance of the Harris Beach invoice of \$2,000.00 for services rendered for the LDC.

CARRIED

4 Ayes

0 Nays

APPROVED TRANSFER OF FUNDS

Moved by Trustee Katsanis and seconded by Trustee Banker approving to transfer the following funds:

\$2,000 from A 1420.0403 (Settlements) to A 1420.0401 (Attorneys)

CARRIED

4 Ayes

0 Nays

APPROVED TO TRANSFER FUNDS

Moved by Trustee Banker and seconded by Trustee Farone approving Code Enforcement Ron Vendetti's request to move \$695.00 from A 3620.404 (Copier Service Contract) to A 3620.201 (Equipment) to buyout his copier lease.

CARRIED

4 Ayes

0 Nays

APPROVED MEMORANDUM WITH ORLEANS COUNTY – IMPACT TOOLS

Moved by Trustee Farone and seconded by Trustee Katsanis approving Mayor London to sign the memorandum of understanding with Orleans County regarding the funds the Albion Police Department's will receive from the Operation IMPACT Tools Initiative in the amount of \$7,680.00.

CARRIED

4 Ayes

0 Nays

APPROVED MINUTES

Moved by Trustee Katsanis and seconded by Trustee Farone that in as much as each member received copies of the minutes of the January 14, 2015 meeting and there being no errors or omissions, minutes are hereby approved as written.

CARRIED

4 Ayes

0 Nays

ADOPTED RESOLUTION 2-015-1 FOR LOADER

Moved by Trustee Katsanis and seconded by Trustee Farone to adopt the following Resolution 2015-1:

Resolution and Declaration of Official Intent

Lessee: Village of Albion

Principal Amount Expected To Be Financed: \$99,693.00

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:

Hyundai Model HL740-9A Wheel Loader, including all attachments and accessories

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, 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. Either one of the Mayor OR the Village Clerk-Treasurer (each 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 (10) 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 A 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-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

APPROVED ADDENDUM FROM GO ARTS

Moved by Trustee Banker and seconded by Trustee Katsanis approving Mayor London to sign the Addendum to the Cultural Services Contract awarding the Village an additional \$300 from GO ART. The Village already was approved for 2,230.00. The funds will be used for the Downtown Concert Series the Village of Albion will be holding.

CARRIED

4 Ayes

0 Nays

APPROVED TO TRANSFER FUNDS

Moved by Trustee Katsanis and seconded by Trustee Farone approving to transfer the following funds:

\$133.93 from A1910.401 (Insurance) to A 1950.401 (Taxes)

This is to cover the payment of the taxes for 134/136 Liberty Street.

CARRIED

4 Ayes

0 Nays

RESCIND WTP MAINT MECH APPOINTMENT

Moved by Trustee Banker and seconded by Trustee Farone rescinding the appointment made on November 12, 2014 of Michael Clemons as Water Treatment Plant Maintenance Mechanic. Mr Clemons didn't meet the qualifications per Orleans County Civil Service.

CARRIED

4 Ayes

0 Nays

APPROVED APPOINTMENT OF WTP MAINT MECHANIC

Moved by Trustee Farone and seconded by Trustee Katsanis appointing Michael Clemons as Water Treatment Plant Maintenance Mechanic effective January 28, 2015 with a 52 week probationary period. Mr Clemons rate of pay will be \$23.19.

CARRIED

4 Ayes

0 Nays

APPROVED TO POST FOR WTP OPERATOR TRAINEE POSITION

Moved by Trustee Katsanis and seconded by Trustee Farone approving to post internally, for a period of ten (10) working days, the position of Water Treatment Plant Operator Trainee.

CARRIED

4 Ayes

0 Nays

BRIDGE REMOVAL AWARDED

Moved by Trustee Farone and seconded by Trustee Banker awarding low bidder Keeler Construction the contractor who will remove the Clarendon Street Bridge for a cost of \$442,639.99.

CARRIED

4 Ayes

0 Nays

TOWPATH TROUBADOURS CONCERT

The Erie Canal Traveling Towpath Troubadours Concert will be stopping in Albion on July 12, 2015 at 6:00PM. The group "The Old Hippies" received a grant from GO ART and will perform from a houseboat on the canal.

MERCHANT MEETINGS

Trustee Katsanis stated that since the Village of Albion no longer has a Program Coordinator, he is willing to attend the Merchant Association meetings.

EXECUTIVE SESSION

Moved by Trustee Katsanis and seconded by Trustee Farone to adjourn to executive session to discuss personnel matters at 8:09 PM.

CARRIED

4 Ayes

0 Nays

EXECUTIVE SESSION CLOSED

Moved by Trustee Katsanis and seconded by Trustee Banker to come out of executive session at 9:30 PM.

CARRIED

4 Ayes

0 Nays

APPROVED TO HIRE CHATFIELD FOR WATER STUDY

Moved by Trustee Banker and seconded by Trustee Farone to hire Chatfield Engineers for \$6,500 to update the Village of Albion Water System Capital Improvement Plan to clearly document the necessary improvements to the Water Treatment Plant and distribution system to properly serve the Village of Holley. Also, \$2,400 to complete a hydraulic analysis to determine if improvements would be needed to meet the demands in the Village of Holley Water System.

CARRIED

4 Ayes

0 Nays

APPROVED TRANSFER OF FUNDS

Moved by Trustee Katsanis and seconded by Trustee Banker approving to transfer \$8,900 from F 1990.401 (Contingency) to F 1440.401 (Engineer) to pay for Chatfield Engineers to update the Village of Albion Water System Capital Improvement Plan.

CARRIED

4 Ayes

0 Nays

MEETING ADJOURNED

Moved by Trustee Katsanis and seconded by Trustee Farone that there being no further business, meeting is hereby adjourned at 9:35 PM.

CARRIED

4 Ayes

0 Nays

Respectfully submitted,



Linda K Babcock
Clerk-Treasurer