

The Workshop Meeting of the Board of Trustees of the Village of Albion was held Wednesday, April 12, 2023, at 6:00 PM, Village Hall, 35 East Bank Street, Albion New York.

Present were Deputy Mayor Joyce Riley, Trustee Tim McMurray, and Trustee Burgess
Mayor Angel Javier Jr enters meeting at 6:37PM

Also in attendance was Attorney John C Gavenda, Police Chief David Mogle, Pollution Control Plant Chief Operator Aric Albright, Animal Control Officer Harry Papponetti, and Fire Chief Rob Conner

Meeting audio was recorded and kept on file.

Deputy Mayor Riley opened the meeting with the pledge of allegiance at 6:00 PM.

APPROVE MEETING MINUTES

Moved by Trustee McMurray and seconded by Trustee Burgess to approve the March 22, 2023, meeting minutes with the correction to the Town rates to take effect July 1, 2023, rather than June 1, 2023, and the April 3, 2023, meeting minutes.

CARRIED

Mayor Javier	Absent
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Burgess	Aye
Trustee McMurray	Aye

OPEN PUBLIC HEARING

Moved by Trustee Burgess and seconded by Trustee McMurray to open public hearing for the 2023-2024 tentative budget at 6:00PM.

CARRIED

Mayor Javier	Absent
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Burgess	Aye
Trustee McMurray	Aye

CLOSE PUBLIC HEARING

Moved by Trustee McMurray and seconded by Trustee Burgess to close public hearing for the 2023-2024 tentative budget at 6:01PM as no one wished to speak on the matter.

CARRIED

Mayor Javier	Absent
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Burgess	Aye
Trustee McMurray	Aye

BASKETBALL COURT

Dave Kenyon and Chuck Nesbitt representing WENDEL, along with Susan Oschmann spoke on project and grant for basketball court being done at Bullard Park

ADOPT RESOLUTION 17-2022-MONUMENT-BRIDGE COLLAPSE

RESOLUTION 17-2022

BRIDGE COLLASPE MONUMENT

MOTION for adoption of this Resolution by: Trustee McMurray

Seconded by: Trustee Burgess

Be it here by enacted by the Board of Trustees of the Village of Albion as follows:

WHEREAS, on September 28, 1859, a horrific tragedy fell upon the Village of Albion while watching a tightrope specialist cross over the Erie Canal on a suspended rope, a group of spectators who had gathered on the bridge traversing the canal, at the main street crossing fell into the canal as a result of the bridge collapsing; and

WHEREAS, the weight of the spectators on the bridge caused the Main Street bridge to collapse; and

WHEREAS, as a result of the collapse of the bridge 15 victims perished; and

WHEREAS, the Albion Rotary Club has requested the opportunity to erect a monument approximately four (4) feet in height made of red granite memorialize this event; and

NOW THEREFORE BE IT RESOLVED, that the Village of Albion does hereby consent to the erection of the monument proposed by the Albion Rotary Club upon to memorialize the tragic event under the following conditions

1. That said memorial shall be placed on land owned by the Village of Albion on the south side of the Erie canal just east of the existing Main Street bridge, said location to be approved by the Village of Albion; and
2. The Village of Albion after consulting with the Albion Rotary Club install a footer sufficient to support the four (4) foot red granite monument; and
3. The content of the inscription placed on the monument will first be approved by the Village of Albion prior to the inscription being placed on the red granite, and
4. After placement of the red granite monument the Village of Albion will take ownership of said monument and shall perpetually maintain said monument at said location, and

- 5. The cost of laying of the footer and perpetual maintenance of the monument shall be the sole expense of the Village of Albion and the cost to purchase the red granite inscription and setting of the monument on therefore mentioned footer of foundation shall be the sole expense of the Albion Rotary Club, and be it further

RESOLVED, that the Mayor of the Village of Albion is hereby authorized to execute the necessary documentation if any to facilitate the installation of said monument; and be it further

RESOLVED, as a condition of the execution of said monument the Albion Rotary Club shall transfer ownership of said monument to the Village of Albion to be added to its inventor of assets of the Village.

UPON being put to a vote, the following “AYE” in favor of the foregoing resolution:

- Village Mayor, Angel Javier-Absent
- Village Trustee, Joyce Riley-Aye
- Village Trustee, Zachary Burgess-Aye
- Village Trustee, Christopher Barry-Absent
- Village Trustee, Timothy McMurray-Aye

RFP-BASKETBALL COURT

Moved by Trustee Burgess and seconded by Trustee McMurray to request RFP for Phase 1 Basketball court-resurfacing of existing blacktop

CARRIED

Mayor Javier	Absent
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Burgess	Aye
Trustee McMurray	Aye

DEPARTMENT HEAD REPORTS

The Board of Trustees received monthly reports for October from Superintendent of Public Works James Pahura, Police Chief David Mogle, Fire Chief Rob Conner, Animal Control Officer Harry Papponetti, Water Treatment Plant Chief Operator Adam Rush and Pollution Control Plant Chief Operator Aric Albright, Cemetery Superintendent Jason Zicari, Code Enforcement Officers Anne Podolak and Chris Kinter and Park & Recreation Director John Grillo.

SURPLUS

Moved by Trustee McMurray and seconded by Trustee Burgess to declare 12 Fire hawk Pursuit 255-60R18 tires and Setina “The Body Guard” Police Car cage for a Chevrolet Tahoe as surplus

CARRIED

Mayor Javier	Absent
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Trustee Riley	Aye
Trustee Barry	Absent
Trustee Burgess	Aye
Trustee McMurray	Aye

COPS HIRING PROGRAM

Moved by Trustee McMurray and seconded by Trustee Burgess to approve Chief Mogle to move forward on the COPS hiring program

CARRIED

Mayor Javier	Absent
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Burgess	Aye
Trustee McMurray	Aye

EXPRESSION WALL

Attorney to write contract with Frank Corso for expression wall

COVID POLICY

Moved by Trustee McMurray and seconded by Trustee Burgess to approve covid paid/unpaid leave in accordance with Compliance with NY COVID-19 Leave Laws. All employees must provide a licensed medical provider or testing facility confirming the positive result after the first diagnosis, to take effect immediately.

CARRIED

Mayor Javier	Absent
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Burgess	Aye
Trustee McMurray	Aye

Mayor Angel Javier Jr enters meeting at 6:37PM

USE OF VILLAGE VEHICLE

Discussion was held, Trustee McMurray would like justification on need and use of taking home village vehicle. Deputy Mayor Riley would like on monthly board report showing how often Dept Heads come in to work after hours.

DEC-CONTAMINATED SOIL

Confirmation email from Todd Caffoe, Division of Environmental Remediation, representing New York State Department of Environment and Conservation approving the spreading of the contaminated soil at the water treatment plant

FINANCIAL STRESS STATUS

Clerk to schedule appointment for KeyBank representative to speak to board

AFD MEMBER

Moved by Trustee Riley and seconded by Trustee McMurray to approve Adam Rush as new AFD member

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Burgess	Aye
Trustee McMurray	Aye

DOT LETTERS

Moved by Trustee Burgess and seconded by Trustee McMurray to allow Mayor to sign letters to the Department of Transportation on behalf of the Albion Strawberry festival to close Route 98 from Park St to Bridge 6/8/23 to 6/10/23 and the AMA to close 98 from Bank St to Bridge 6/22/23-9/28/23 every Thursday at 3PM

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Burgess	Aye
Trustee McMurray	Aye

USE OF VILLAGE SERVICES

Moved by Trustee Burgess and seconded by Trustee McMurray to allow use of various services during the Albin Strawberry Festival

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Burgess	Aye
Trustee McMurray	Aye

CLOSE OF VILLAGE STREETS

Moved by Trustee Burgess and seconded by Trustee Riley to allow closing of the following streets for the Albion Strawberry Festival 6/8/23-6/10/23

- E Bank St from Main St to Platt St
- W Bank St from Main St to Liberty St
- E State St from Main St to Platt St
- E State St from Platt St to Ingersoll-Saturday only
- W State St from Main St to Liberty St

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Burgess	Aye
Trustee McMurray	Aye

CLOSE VILLAGE STREET

Moved by Trustee Riley and seconded by Trustee Burgess to close E Bank St from Platt St to Main St, October 28, 2023 from 10am-9pm for Spooky Night on Bank St

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Burgess	Aye
Trustee McMurray	Aye

PAY INVOICES

Moved by Trustee Riley and seconded by Trustee McMurray to approve payment of the following invoices:

- Wendel	Professional Services	\$830.00
		\$7,678.52
- Bernard P. Donegan, Inc	Professional Services	
	o Fire Dept	\$487.50
	o WIIA 1	\$1365.00
	o WIIA2	\$3501.36
	o FMS	\$48.75

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Burgess	Aye
Trustee McMurray	Aye

USE RESERVE FUNDS

Moved by Trustee McMurray and seconded by Trustee Burgess to approve the use of the remaining \$5K in sludge truck reserve fund for the hauling of sludge

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Burgess	Aye

Trustee McMurray	Aye
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EMPLOYMENT APPLICATIONS

Moved by Trustee McMurray and seconded by Trustee Riley to approve the following employment applications:

- Mt. Albion Cemetery Dave Swanson
- Summer Park Supervisor Amari Jones, Liana Flugel, Autumn Flugel, Javon Jones, and Sophia Albanese

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Burgess	Aye
Trustee McMurray	Aye

RELEVY TO COUNTY

Moved by Trustee McMurray and seconded by Trustee Burgess to send the following unpaid water/sewer bills to Orleans County and to added to the 2023-2024 Village taxes

TAX MAP	WATER	SEWER	TOTAL	Owner
73.6-3-66	\$127.30	\$67.10	\$194.40	Corso, Frank
73.6-3-66	\$63.83	\$68.69	\$132.52	Corso, Frank
73.6-4-11	\$35.27	\$30.50	\$65.77	JPM of WNY LLC
62.13-1-1	\$26.97	\$30.50	\$57.47	Oak Orchard Estates
62.13-1-1	\$28.41	\$30.50	\$58.91	Oak Orchard Estates
62.13-1-1	\$27.66	\$30.50	\$58.16	Oak Orchard Estates
62.13-1-1	\$22.19	\$30.50	\$52.69	Oak Orchard Estates
62.13-1-1	\$141.18	\$128.55	\$269.73	Oak Orchard Estates
62.13-1-1	\$28.41	\$30.50	\$58.91	Oak Orchard Estates
62.13-1-1	\$57.04	\$62.38	\$119.42	Oak Orchard Estates
62.18-1-48	\$52.16	\$64.05	\$116.21	CK3 Rentals LLC
62.18-2-40	\$560.97	\$192.19	\$753.16	JP Morgan Mortgage Acquisition Corp.
62.18-2-57	\$31.25	\$33.55	\$64.80	175 North Main Street, LLC
62.18-2-57	\$28.41	\$30.50	\$58.91	175 North Main Street, LLC
62.18-2-7	\$145.31	\$131.58	\$276.89	Fuller, Cornelius
62.18-3-49	\$96.85	\$97.04	\$193.89	Bidwell, Shelby
62.19-1-1	\$115.91	\$97.60	\$213.51	Albion Mobile Homes Inc
62.19-1-1	\$109.43	\$91.64	\$201.07	Albion Mobile Homes Inc
62.19-1-1	\$84.66	\$64.05	\$148.71	Albion Mobile Homes Inc
62.19-1-1	\$84.66	\$64.05	\$148.71	Albion Mobile Homes Inc
62.19-1-25.1	\$28.41	\$30.50	\$58.91	Dimatteo, James
62.19-1-3	\$192.08	\$182.41	\$374.49	Cramer, Brian
62.19-1-46	\$26.15	\$3.05	\$29.20	Bokman, Brad

62.19-1-46	\$28.41	\$30.50	\$58.91	Bokman, Brad
62.19-1-46	\$28.41	\$30.50	\$58.91	Bokman, Brad
62.19-2-17	\$26.17	\$30.50	\$56.67	Henderson, Barbara
62.19-2-22.1	\$32.83	\$30.50	\$63.33	Derwick, Gary
62.19-2-22.1	\$71.53	\$77.27	\$148.80	Derwick, Gary
62.19-2-22.1	\$33.41	\$30.50	\$63.91	Derwick, Gary
62.19-2-22.3	\$85.02	\$93.42	\$178.44	Derwick, Gary
62.19-3-44	\$280.35	\$280.70	\$561.05	Oberer, Dee
73.10-1-12.112	\$506.88	\$165.13	\$672.01	K Holdings, LLC
73.10-1-24	\$46.82	\$51.00	\$97.82	Hawley Development Corp
73.10-2-56	\$52.83	\$64.05	\$116.88	Baker, Elisabeth
73.11-1-13	\$102.57	\$101.51	\$204.08	Scharping, Jason
73.13-2-18	\$28.41	\$30.50	\$58.91	Ettinger, Carol
73.13-2-37	\$114.55	\$125.19	\$239.74	Keybank National Association
73.14-1-29	\$118.75	\$100.65	\$219.40	US Bank National Association
73.23-1-21	\$9.80	\$0.00	\$9.80	Wittman, William
73.23-1-21	\$147.16	\$131.15	\$278.31	Wittman, William
73.5-1-15	\$28.41	\$30.50	\$58.91	Panek, James
73.5-1-5	\$69.38	\$76.13	\$145.51	Duke Properties, LLC
73.5-1-5	\$117.78	\$99.68	\$217.46	Duke Properties, LLC
73.5-1-5	\$51.95	\$61.00	\$112.95	Duke Properties, LLC
73.5-1-5	\$73.25	\$80.43	\$153.68	Duke Properties, LLC
73.5-1-5	\$15.62	\$40.80	\$56.42	Duke Properties, LLC
73.5-1-5	\$175.23	\$193.99	\$369.22	Duke Properties, LLC
73.5-1-5	\$125.46	\$0.00	\$125.46	Duke Properties, LLC
73.5-2-10	\$431.05	\$449.78	\$880.83	Cheney, Matthew
73.5-2-44	\$32.97	\$30.50	\$63.47	Moss, Wilfred Jr
73.5-2-44	\$57.72	\$63.14	\$120.86	Moss, Wilfred Jr
73.5-2-50	\$90.91	\$97.60	\$188.51	JPM of WNY LLC
73.5-3-19	\$51.26	\$55.95	\$107.21	Golisano, Vicki
73.5-3-22	\$174.82	\$163.20	\$338.02	Long, Latonya
73.5-3-29	\$143.39	\$147.50	\$290.89	Murphy, Roy & Charlene
73.5-3-57	\$28.41	\$30.50	\$58.91	Moss, Wilfred Jr
73.5-3-8	\$28.41	\$30.50	\$58.91	Rosario Farms
73.5-4-1.1	\$411.22	\$433.49	\$844.71	Webster, Mark
73.5-4-1.1	\$48.41	\$10.50	\$58.91	Webster, Mark
73.5-4-26	\$49.82	\$54.34	\$104.16	Blood, John
73.5-4-32	\$107.95	\$30.50	\$138.45	Cardenas, Juan
73.6-3-17	\$28.41	\$30.50	\$58.91	Orleans Property Management, LLC
73.6-3-17	\$54.66	\$63.16	\$117.82	Orleans Property Management, LLC
73.6-3-3	\$145.69	\$159.74	\$305.43	105-107 East Bank Street, LLC
73.6-3-3	\$77.69	\$64.05	\$141.74	105-107 East Bank Street, LLC

73.6-3-4	\$28.70	\$30.82	\$59.52	Zaffrann, Martin
73.6-3-47	\$125.60	\$127.09	\$252.69	Zaffrann, Marty
73.6-3-47	\$62.76	\$67.50	\$130.26	Zaffrann, Marty
73.6-3-47	\$56.82	\$65.88	\$122.70	Zaffrann, Marty
73.6-3-88	\$53.89	\$58.75	\$112.64	JF Holdings, LLC
73.6-4-24	\$26.25	\$27.36	\$53.61	Skyroc Enterprises
73.6-4-8	\$56.82	\$61.00	\$117.82	Martillotta, Joe & Deborah
73.6-5-32	\$27.07	\$35.89	\$62.96	Tia Lusk & Jonathan McGee
73.6-6-31	\$191.64	\$171.68	\$363.32	Martillotta, Joe
73.6-6-50	\$115.91	\$97.60	\$213.51	Ham, Kyle
73.6-7-35	\$90.91	\$97.60	\$188.51	Thomas Mwandu & Daniel Mathews
73.6-7-58	\$58.91	\$0.00	\$58.91	Long, Latonya
73.6-7-58	\$313.74	\$347.10	\$660.84	Long, Latonya
73.6-7-68	\$35.30	\$31.24	\$66.54	Irvine, George
73.6-7-74	\$219.98	\$82.36	\$302.34	Schmidt, Angel
73.6-7-90.2	\$71.27	\$69.61	\$140.88	Theodorakos, James
73.7-2-27	\$160.31	\$137.47	\$297.78	Salvatore, Helen & David
73.7-2-61	\$28.41	\$30.50	\$58.91	Orleans Properties LLC
73.7-2-63	\$195.15	\$213.68	\$408.83	Walls, Jerry
73.8-1-17	\$31.25	\$33.55	\$64.80	Snell, John
73.8-1-2	\$142.84	\$156.68	\$299.52	Seibert, Timothy
73.8-1-8	\$218.05	\$211.33	\$429.38	Collazo, Peter K
73.9-1-12	\$23.41	\$30.50	\$53.91	Hazel Turner
73.9-2-4	\$28.41	\$30.50	\$58.91	Moss, Wilfred
	\$8,811.68	\$7,678.17	\$16,489.85	

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Burgess	Aye
Trustee McMurray	Aye

REFUND TO TOWN

Moved by Trustee Riley seconded by Trustee McMurray to approve a check written to the Town of Carlton for the overbilled water in the amount of \$27,221.34 for 9,258,966 gallons

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Burgess	Aye
Trustee McMurray	Aye

TRAINING

Moved by Trustee Riley and seconded by Trustee Burgess to add \$5K to 2023-2024 budget for training in office on Water/Sewer billing logics program

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Burgess	Aye
Trustee McMurray	Aye

APPOINTMENT VILLAGE HISTORIAN

Moved by Trustee Riley and seconded by Trustee McMurray to approving the appointment of Susan Starkweather-Miller as Village Historian for 1 year to expire April 2024

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Burgess	Aye
Trustee McMurray	Aye

ADOPT RESOLUTION 16-2022-HIRING OUTSIDE COUNSEL IN FORMATION OF FIRE DISTRICT

**RESOLUTION 16-2022: HIRING OF OUTSIDE COUNSEL
IN FORMATION OF FIRE DISTRICT**

MOTION for adoption of this Resolution by: Trustee Burgess

Seconded by: Trustee McMurray

Be it here by enacted by the Board of Trustees of the Village of Albion as follows:

WHEREAS, The Town of Albion, the Town of Gaines, the Village of Albion, and the Albion Fire Department are engaged in discussions concerning the possible formation of a Fire District involving those entities, and

WHEREAS, meetings having taken place involving the above-named entities on both February 24, 2023, and April 1, 2023, with another meeting currently scheduled for April 22, 2023; and

WHEREAS, the above-named entities are desirous of engaging outside counsel to assist their respective municipal counsels in any possible Fire District formation; and

WHEREAS, the above-named entities have identified Raymond S. DiRaddo, Esq., 31 Erie Canal Drive, Suite A, Rochester, New York 14626, as outside counsel to be engaged.

NOW, THEREFORE BE IT RESOLVED,

Section 1: The Village of Albion Board of Trustees does approve the engagement of Raymond S. DiRaddo, Esq., as outside counsel to assist John C. Gavenda, Esq., in any possible Fire District formation.

Section 2: Village of Albion Mayor and Village of Albion Attorney, John C. Gavenda, Esq., are authorized to sign a legal services agreement with Raymond S. DiRaddo, Esq.

Section 3.: Raymond S. DiRaddo, Esq., is to submit periodic vouchers for payment through John C. Gavenda, Esq., at the rate of \$175.00 per hour and may include his services since February 24, 2023.

Section 4: The aforesaid approval is contingent upon similar approvals by Resolution from the Town of Gaines and Town of Albion.

Section 5: This Resolution shall take effect immediately.

VOTED BY ROLL CALL AND RECORD:

Trustee Barry-Absent
Trustee Riley-Aye
Trustee McMurray-Aye
Trustee Burgess-Aye
Mayor Javier-Aye

Submitted – April 12, 2023

LEGAL AGREEMENT

Moved by Trustee Burgess and seconded by Trustee Riley to allow Mayor to sign the legal agreement with Raymond DiRaddo, Esq as special counsel in negotiations of establishing a fire district, the cost will be shared between the town of Albion and Town of Gaines

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Burgess	Aye
Trustee McMurray	Aye

ENTER EXECUTIVE

Moved by Trustee McMurray and seconded by Trustee Burgess to enter executive session at 7:07PM to discuss personnel matter.

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Burgess	Aye
Trustee McMurray	Aye

EXIT EXECUTIVE

Moved by Trustee McMurray and seconded by Trustee Burgess to exit executive session at 7:28PM

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Burgess	Aye
Trustee McMurray	Aye

RETAIN SERVICES

Moved by Trustee Riley and seconded by Trustee Burgess to allow Attorney to retain the service of Law Firm Webster Szanyi, for the investigation of a complaint from a particular employee.

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Burgess	Aye
Trustee McMurray	Aye

THANK YOU

Mayor wanted to thank Albion Fire Department on the mutual aid with Medina Fire Department on April 7, 2023 the burning of the Carpet Facility on Route 63, in the Village of Medina

MEETING ADJOURNED

Moved by Trustee Riley and seconded by Trustee Burgess that there being no further business, the meeting is hereby adjourned at 7:28PM.

CARRIED

Mayor Javier	
Trustee Riley	Aye
Trustee Barry	Absent
Trustee Burgess	Aye
Trustee McMurray	Aye

Respectfully submitted,

Tracy A. VanSkiver
Clerk-Treasurer