

September 14, 2005: Village Board Minutes

Body:

The regular meeting of the Village Board of Trustees of the Village of Albion was held Wednesday, September 14, 2005 at 7:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Edward L. Salvatore, Trustees H. Dale Banker, John R. Daniels, Michael F. Neidert and Bruce P. Sidari.

Mayor Salvatore opened meeting with the Pledge of Allegiance.

RESIDENT Correspondence received from Jamie Bragg,
328 South Clinton Street

REQUEST requesting sidewalks on North side of
Allen Road

Discussion followed as to who is responsible for sidewalks. Statement was made that there is a short stretch of sidewalk there that people have been complaining about because it is in such poor condition. Mayor stated we could put this on our list and should we acquire a grant we might consider this area. The ditch in that area was discussed – it would hinder a sidewalk being put in.

**CORRES:
TO BE
WRITTEN** Moved by Trustee Sidari and seconded by Trustee Banker that the proper Village Department head write a letter to home owner regarding condition of their sidewalk on
Allen Road

CARRIED

5 Ayes

0 Nays

RESIDENT Correspondence received from Pam Moors,
112 Washington Street
, requesting

REQUEST break on sewer portion of her bill due to the fact the water ran into her back yard.

**APPROVAL
FOR
SEWER
ADJUSTMENT** Moved by Trustee Neidert and seconded by Trustee Sidari approving adjustment of sewer portion of bill for Pam Moors of 112 Washington Street due to fact water did not go down the sewer.

CARRIED

5 Ayes

0 Nays

**MINUTES
APPROVED** Moved by Trustee Banker and seconded by Trustee Daniels that in as much as each member received copies of the August 10, 2005 and September 7, 2005 minutes and there being no errors or omissions, minutes are hereby approved as written.

CARRIED

5 Ayes

0 Nays

DEPT. REPORT Treasurer's report for month of August received and accepted.

BANK APPROVED Moved by Trustee Daniels and seconded by Trustee Neidert approving First Niagara be added to the list of official banks to be used by the Village of Albion.

CARRIED

5 Ayes 0 Nays

APPLICATION The following application was approved to be placed on file for future reference:
STREET DEPT. - Tracey Belcher

JUDGE'S REPORT Moved by Trustee Sidari and seconded by Trustee Neidert approving Judge's report for the month of August.

CARRIED

5 Ayes 0 Nays

NEW AFD MEMBER Moved by Trustee Neidert and seconded by Trustee Daniels accepting Joshua Wolch as a newly approved member of the Albion Fire Department.

CARRIED

5 Ayes 0 Nays

REQUEST Request received from Orleans County Cornell Co-operative Extension regarding excess road grindings. Mayor stated we already received a request for the excess grindings from the Town of Carlton last month.

APPROVAL FOR EXCESS GRINDINGS Moved by Trustee Daniels and seconded by Trustee Banker approving Town of Carlton's request for use of excess grindings.

CARRIED

5 Ayes 0 Nays

LIQUOR LICENSE RENEWAL Notice received from Albion Columbus Club, *East Avenue*, stating their intention to renew their liquor license.

CORRES: Thank You received from ARC of Orleans County.

MAP OF BRIDGE CLARENDON STREET Map presented regarding Clarendon Street Bridge. Board stated they would like to see something a little more elaborate with better detail.

APPROVED FOR PAYMENT Moved by Trustee Banker and seconded by Trustee Neidert approving the following payments to Chatfield Engineers:

JMIPCF Consent Order	-	\$ 1,625.00
General Engineering	-	650.00

CARRIED

5 Ayes

0 Nays

CORRES: Notice of self insurance premium received from Orleans County.

APPROVED FOR PAYMENT Moved by Trustee Sidari and seconded by Trustee Daniels approving payment of the following Village Bills:

General Fund	-	\$ 66,530.27	Vou. # 3323 – 3394
Water Fund	-	110,211.68	Vou. # 1122 – 1141
Sewer Fund	-	51,308.64	Vou. # 1089 – 1109

CARRIED

5 Ayes

0 Nays

LIQUOR LICENSE RENEWAL Notice received from William Shay stating his intent to renew liquor license for Shay's located at 56 North Main Street

LIQUOR LICENSE RENEWAL Notice received from St. Mary's Athletic Club, Inc. with their intent to renew their liquor license at 538 Moore Street

SURPLUS DECLARED Moved by Trustee Neidert and seconded by Trustee Banker declaring excess wood as surplus as recommended by Supervisor Doug Long.

CARRIED

5 Ayes

0 Nays

APPROVAL TO ADV. FOR BIDS Moved by Trustee Neidert and seconded by Trustee Daniels to advertise for sale of surplus wood.

CARRIED

5 Ayes

0 Nays

EXECUTIVE SESSION Moved by Trustee Banker and seconded by Trustee Neidert to adjourn to executive session to discuss possible litigation and property purchase.

CARRIED

5 Ayes

0 Nays

SESSION REOPENED Moved by Trustee Sidari and seconded by Trustee Banker to reopen session at 9:10 PM.

CARRIED

5 Ayes

0 Nays

APPROVAL TO PAY Moved by Trustee Sidari and seconded by Trustee Banker to offer Orleans Computer \$500.00 to settle bill.

CARRIED

5 Ayes

0 Nays

DISCUSS: Discussion regarding mural to be painted on back of Mr. & Mrs. Bonafede's building on

Main Street

. The Board is in full support of the application to Go Art for a grant for the mural.

MEETING CLOSED Moved by Trustee Banker and seconded by Trustee Sidari that there being no further business, meeting be adjourned at 9:25 PM.

CARRIED

5 Ayes

0 Nays

Respectfully submitted,

Kathleen R. Ludwick
Clerk – Treasurer
Village of Albion

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August 10, 2005: Village Board Minutes - Aug. 10, 2005

Body:

The regular meeting of the Village Board of Trustees of the Village of Albion was held Wednesday, August 10, 2005 at 7:0PM at the Village Council Chambers, 35-37 East Bank Street, Albion, NY 14411

Present were Mayor Edward L. Salvatore, Trustee H. Dale Banker, John R. Daniels, Michael F. Neidert and Bruce P. Sidari.

7:00 PUBLIC HEARING 7:00 PM Public Hearing held for the purpose of dissolving present Historic Law)Chapter 173) and Historic Committee and adopting new Historic Law **HISTORIC** and appointing new Committee.
LAW

Board previously received copies of Historic Law suggested by State. Law was reviewed and Mayor stated only change was on page 2 (d) (i) the work recommend was inserted. Mayor presented SEQR

HEARING CLOSED Moved by Trustee Daniels and seconded by Trustee Neidert that there being no one to speak regarding Public Hearing, Hearing is hereby closed.

CARRIED

5 Ayes

0 Nays

LOCAL LAW NO. 9 2005 The following resolution was proposed by Trustee Daniels who moved its adoption and seconded by Trustee Neidert:

WHEREAS, a proposed Local Law No. 9 of the year 2005 for the purpose of amending the Codes of the Village Of Albion specifically Chapter Historic Preservation Law was presented the Village Board of Trustees at a regular meeting of said Board held on July 13, 2005, and

WHEREAS, the Board of Trustees, at a regular meeting of said Board held on July 13, 2005 did adopt a motion that a Public Hearing be held on aforesaid proposal Local Law at 7:00 PM on August 10, 2005 at the Village Council Chambers, 35-

37 East Bank Street, Albion, New York, and that notice was

published in the Batavia Daily News, the official newspaper of the Village of Albion, at least seven days before August 10, 2005, and

WHEREAS, a notice of such Public Hearing was duly published in the Batavia Daily News on the 29th day of July, 2005, and

WHEREAS, a Public Hearing on said proposed Local Law was held by the Board of Trustees of the Village of Albion at the Village Council Chambers,

35-37 East Bank Street, Albion, New York, at 7:00 PM on August 10, 2005,

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. 9, 2005**

Adopted: August 10, 2005

BE IT ENACTED by the Board of Trustees of the Village of Albion, New

York as follows:

Chapter 173

HISTORIC PRESERVATION LAW

A LOCAL LAW relating to the establishment of landmarks or historic districts in the Village Of Albion, NY.

§ 173.1 PURPOSE

It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of landmarks and historic districts is necessary to promote the economic, cultural, educational, and general welfare of the public, inasmuch as the identity of a people is founded on its past, and inasmuch as Albion has many significant historic, architectural and cultural resources which constitute its heritage, this act is intended to:

- (a) Protect and enhance the landmarks and historic districts which represent distinctive elements of Albion's historic, architectural, and cultural heritage;
- (b) Foster civic pride in the accomplishments of the past;
- (c) Protect and enhance Albion's attractiveness to visitors and the support and stimulus to the economy thereby provided, and
- (d) Insure the harmonious, orderly, and efficient growth and development of the Village.

§ 173.2 HISTORIC PRESERVATION COMMISSION

There is hereby created a commission to be known as the Albion Historic Preservation Commission.

- (a) The Commission shall consist of seven members to be appointed, to the extent available in the community, by the Mayor as follows:
 - at least one shall be an architect experienced in working with historic buildings
 - at least one shall be a historian;
 - at least one shall be a resident of an historic district;
 - at least one shall have demonstrated significant interest in and commitment to the field of historic preservation evidenced either by involvement in a local historic preservation group, employment or volunteer activity in the field of historic preservation, or other serious interest in the field; andall members shall have a known interest in historic preservation and architectural development within the Village of Albion.
- (b) Commission members shall serve for a term of four years, with the exception of the initial term of one of the seven members, which shall be one year, one which shall be two years, and one which shall be three years.
- (c) The Chairman and Vice Chairman of the Commission shall be elected by and from among the members of the Commission.
- (d) The powers of the Commission shall include:
 - (i) Recommend employment of staff and professional consultants a necessary to carry out duties of the Commission.
 - (ii) Promulgation of rules and regulations as necessary to carry out the duties of the Commission.

specified in detail and shall be filed, in writing, in the Village Clerk's Office for public inspection.

(c) Notice of a proposed designation shall be sent by registered mail to the owner of the property proposed for designation, describing the property and announcing a public hearing by the Commission to consider the designation. Where the proposed designation involves so many owners that individual notice is infeasible, notice may instead be published at least once in a newspaper of general circulation at least fifteen days prior to the date of the public hearing. Once the Commission has issued notice of a proposed designation, no building permits shall be issued by the building inspector until the Commission has made its decision.

(d) The Commission shall hold a public hearing prior to designation of any landmark or historic district. The Commission, owners and any interested parties may present testimony or documentary evidence at the hearing which will become part of a record regarding the historic, architectural, or cultural importance of the proposed landmark or historic district. The record may also contain staff reports, public comments, or other evidence offered outside of the hearing.

(e) The Commission shall forward notice of each property designated as a landmark and the boundaries of each designated historic district to the office of the Orleans County Clerk for recordation.

§ 173.4 CERTIFICATE OF APPROPRIATENESS FOR ALTERATION, DEMOLITION OR NEW CONSTRUCTION AFFECTING LANDMARKS ON HISTORIC DISTRICTS

No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction, or moving of a landmark or property within a historic district, nor shall any person make any material change in the appearance of such property, its light fixtures, free-standing lights, sign, sidewalks, fences, stairs, out buildings, walls, driveways or alleys, paving or other exterior element which affect the appearance and cohesiveness of the landmark or historic district. without first obtaining a certificate of appropriateness from the Historic Preservation Commission.

§ 173.5 CRITERIA FOR APPROVAL OF A CERTIFICATE OF APPROPRIATENESS

(a) In passing upon an application for a certificate of appropriateness, the interior Historic Preservation Commission shall not consider changes to spaces, unless they are open to the public.

The Commission's decision shall be based on the following principles:

(i) Properties which contribute to the character of the historic district shall be retained, with their historic features altered as little as possible;

(ii) Any alteration of existing properties shall be compatible with their historic character, as well as with the surrounding district; and

(iii) New construction shall be compatible with the district in which it is located.

(b) In applying the principle of compatibility, the Commission shall consider the following factors:

(i) The general design, character and appropriateness to the property of the proposed alteration or new construction;

(ii) The scale of proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood;

(iii) Texture, materials, and color and their relation to similar features of other properties in the neighborhood;

(iv) Visual compatibility with surrounding properties, including proportion of the property's front façade, proportion and arrangement of windows and other openings within the façade, roof shape, and the rhythm of

spacing of properties on streets, including setback; and

(v) The importance of historic, architectural or other features to the significance of the property.

§ 173.6 CERTIFICATE OF APPROPRIATENESS APPLICATION PROCEDURE

(a) Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for such a certificate with the Historic Preservation Commission. The application shall contain:

- (i) Name, address and telephone number of applicant;
- (ii) Location and photographs of property;
- (iii) Elevation drawings of proposed changes, if available;
- (iv) Perspective drawings, including relationship to adjacent properties, if available;
- (v) Samples of color or materials to be used;
- (vi) Where the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination, and a plan showing the sign's location on the property; and
- (vii) Any other information which the Commission may deem necessary in order to visualize the proposed work.

by (b) No building permit shall be issued for such proposed work until a certificate of appropriateness has first been issued by the Historic Preservation Commission. The certificate of appropriateness required this act shall be in addition to and not in lieu of any building permit that may be required by any other ordinance of the Village of Albion.

(c) The Commission shall approve, deny or approve the permit with modifications within sixty-two days from receipt of the completed application. The Commission may hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views.

(d) All decisions of the Commission shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the Village Clerk's Office for public inspection. The Commission's decision shall state the reasons for denying or modifying any application.

the (e) Certificates of appropriateness shall be valid for twelve months, after which the owner must reapply if he still wishes to undertake work on property.

§ 173.7 HARDSHIP CRITERIA FOR DEMOLITION

An applicant whose certificate of appropriateness for a proposed demolition has been denied may apply for relief on the ground of hardship. In order to prove the existence of hardship, the applicant shall establish that:

- (i) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
- (ii) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
- (iii) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

§ 137.8 HARDSHIP CRITERIA FOR ALTERATION

An applicant whose certificate of appropriateness for a proposed alteration has been denied may apply for relief on the ground of hardship. In order to prove the existence of hardship, the applicant shall establish that the property is

incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible.

§ 173.9 HARDSHIP APPLICATION PROCEDURE

(a) After receiving written notification from the Commission of the denial of a certificate of appropriateness, an applicant may commence the hardship process with the Commission by making a written request for relief to the Commission within thirty days. No building permit or demolition permit shall be issued unless the Commission makes a finding that a hardship exists.

(b) The Commission may hold a public hearing on the hardship application at which an opportunity will be provided for proponents and opponents of the application to present their views.

(c) The applicant shall consult in good faith with the Commissions, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.

(d) All decisions of the Commission shall be in writing. A copy shall be sent to the applicant be registered mail and a copy filed with the Village Clerk's Office for public inspection. The Commission's decision shall state the reasons for granting of denying the hardship application. If the application is granted, the Commissio

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May 11, 2005: Village Board Minutes - May 11, 2005

Body:

The regular meeting of the Village Board of Trustees of the Village of Albion was held Wednesday, May 11, 2005 at 7:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Edward L. Salvatore, Trustees H. Dale Banker, John R. Daniels, Michael F. Neidert and Bruce P. Sidari.

Mayor Salvatore opened meeting with the Pledge of Allegiance.

PUBLIC HEARING 7:00 PM Public Hearing opened for the purpose of amending the Codes of the Village of Albion specifically Chapter 236 Noise.

Trustee Neidert explained the minor changes to the law.

HEARING CLOSED Moved by Trustee Neidert and seconded by Trustee Banker that there being no one to speak for or against amending Code 236 Noise, Public hearing is hereby closed.

CARRIED

5 Ayes

0 Nays

LOCAL LAW NO. 7 2005 The following resolution was proposed by Trustee Neidert who moved its adoption and seconded by Trustee Daniels:

WHEREAS, a proposed local Law No. 7 of the year 2005 for the purpose of amending the Codes of the Village of Albion specifically Chapter 236 Noise was presented to the Village Board of Trustees at a regular meeting of said Board held on April 6, 2005, and

WHEREAS, the Board of Trustees, at a regular meeting of said Board Held on April 6, 2005 did adopt a motion that a Public Hearing be held on aforesaid proposed Local Law at 7:00 PM on May 11, 2005 at the Village Council Chambers, 35-

37 East Bank Street, Albion, New York
, and that notice was

published in the Batavia Daily News, the official newspaper of the Village of Albion, at least seven days before May 11, 2005, and

WHEREAS, a notice of such Public Hearing was duly published in the Batavia Daily News on the 3rd day of May 2005, and

WHEREAS, a Public Hearing on said proposed Local Law was held by the Board of Trustees of the Village of Albion at the Village Council Chambers,

35-37 East Bank Street, Albion, New York
, at 7:00 PM on May 11, 2005,

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. 7, 2005**

Adopted: May 11, 2005

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

CHAPTER 236 – Noise

236-4 (A)

of
sound
dBA's
No person shall cause, suffer, allow or permit the operation of any source sound on a particular category of property or any public space of right-of-way in such a manner as to create a sound level that exceeds the particular level limits set forth as follows: between 7:00 AM and 10:00 PM (55) and between 10:00 PM and 7:00 AM, (45) dBA's. Holidays between June 1 and September 30, (45) dBA's, when measured anywhere outside the property line of the sound producing device.

236-6 (B)

public
4
It shall be unlawful to operate any radio, apparatus, talking machine, loud-speaker, amplifier or other sound-making device in any street, part or gathering place in such a fashion as to exceed a noise level set forth in §236-4 (A). However, these levels will be measured twenty (20) feet from the sound-producing device.

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

5 Ayes

0 Nays

**TABLE
CHANGES
TO POLICY**

Moved by Trustee Neidert and seconded by Trustee Sidari to table decision on changes to Managerial Policy.

CARRIED

5 Ayes

0 Nays

**MINUTES
APPROVED**

Moved by Trustee Banker and seconded by Trustee Neidert that in as much as each member received copies of the April 13, April 27, April 29 and May 04, 2005 minutes and there being no errors or omissions, minutes are hereby approved as written.

CARRIED

5 Ayes

0 Nays

**APPLICA-
TIONS**

The following applications were approved to be placed on file for future reference:

P-T PARKS, CEMETERY and STREET DEPT.

Johnny Greer
Donald Heard

James Holt
Travis Tyman
David Slone

P-T PARK SUPERVISORS

Matthew Beach
Natalie Bokman
Samantha McGrath

Jacob Monacelli
Michael Pellegrino
Arielle Rich

Michele Sicurella
Elissa Vagg

**CEMETERY
DEEDS**

Moved by Trustee Neidert and seconded by Trustee Daniels authorizing Mayor Salvatore to sign the following Cemetery Deeds:

William E. & Marcia J. Elwell – Lot 537 Pilgrim Path E #1 & E #2
Steven McClary & Jeanette Pinson (McClary) – S.G. 239/240 Deerfield Avenue

Mary Grace Nenni – Lot 36 Mountain Path W #3
Kurt T. Schmitt – S.G.
21 Deerfield Avenue
Charles A., Sara M. Vick – S.G.
37 Deerfield Avenue

CARRIED

5 Ayes

0 Nays

JUDGE'S REPORT APPROVED Moved by Trustee Banker and seconded by Trustee Neidert accepting Judge's report for the month of April.

CARRIED

5 Ayes

0 Nays

APPROVAL FOR SCHOOL Moved by Trustee Daniels and seconded by Trustee Neidert approving Attorney, John Gavenda, attend school on Zoning, Subdivision and Land Development in Rochester, New York.

CARRIED

5 Ayes

0 Nays

APPROVAL TO SIGN AGREEMENT Moved by Trustee Sidari and seconded by Trustee Banker approving Mayor Salvatore sign agreement regarding Ground Lease with Golbal Signal.

CARRIED

5 Ayes

0 Nays

APPROVAL TO PURCHASE Moved by Trustee Neidert and seconded by Trustee Daniels approving Street Superintendent, Doug Long, be allowed to purchase such items as stone, asphalt, etc. off the Orleans County Highway Department bid list.

CARRIED

5 Ayes

0 Nays

LIQUOR LICENSE Notice received from Albion Exempts Inc. of their intention to apply for a liquor license for their premises located at
143 South Clinton Street

APPROVED CONTRACT Moved by Trustee Sidari and seconded by Trustee Neidert authorizing Mayor Salvatore to sign Matrix Communications Group renewal contract in the amount of \$703.28.

CARRIED

5 Ayes

0 Nays

CORRES: Correspondence received from St. Paul Travelers regarding claimant Jason Mullins.

DISCUSS: Discussion regarding sidewalk restoration. Several locations were noted such as
South Clinton Street, South Main Street, Hazard Parkway

Rt. 31 and Rt. 98 by Eckerd's.

PAYMENT APPROVED Moved by Trustee Neidert and seconded by Trustee Daniels approving payment to Chatfield Engineers for the following bills:

Village of Albion JMIPCF Consent Order	-	\$ 1,625.00
Sidewalk Enhancement Project	-	189.40
Clover Lane Watermain Installation	-	556.00

CARRIED

5 Ayes

0 Nays

PAYMENT APPROVED Moved by Trustee Sidari and seconded by Trustee Neidert approving payment of the following Village Bills:

General Fund	- \$ 22,463.06	Vou. # 2840 - 2897
Water Fund	- 36,764.76	Vou. # 914 - 930
Sewer Fund	- 31,497.24	Vou. # 920 - 938

CARRIED

5 Ayes

0 Nays

APPROVAL TO EXTEND CONTRACT Moved by Trustee Daniels and seconded by Trustee Banker approving one year extension to the current agreement with D & B for McKenna leachate treatment as per recommended by Superintendent David Millis.

CARRIED

5 Ayes

0 Nays

APPROVAL TO EXTEND CONTRACT Moved by Trustee Neidert and seconded by Trustee Daniels approving one year extension to the current agreement with Waste Management for Orleans Sanitary Landfill Treatment as per recommended by Superintendent David Millis.

CARRIED

5 Ayes

0 Nays

AFD APPOINTMENT APPROVED Moved by Trustee Banker and seconded by Trustee Daniels approving appointment of Deputy Chief Darryl Szklany as Village representative to the County Fire Advisory Board.

CARRIED

5 Ayes

0 Nays

APPROVE RATE INCREASE Moved by Trustee Sidari and seconded by Trustee Neidert approving increase of sewer rates for Northwood Apartments

Present rate \$5.41 - Increase rate \$5.57

CARRIED

5 Ayes

0 Nays

CAPITAL PROJECT CLOSED Moved by Trustee Banker and seconded by Trustee Neidert that in as much as all bills been paid pertaining to the Water Tank Tower, the capital project is hereby closed and finished.

CARRIED

5 Ayes

0 Nays

BUDGET AMENDMENT Moved by Trustee Sidari and seconded by Trustee Neidert approving to amend budget for fiscal year 06/2004 – 05/31/2005 as follows:

Sewer Fund – G0- 81120.203 (\$11,332.82) Vac Truck payment

Water Fund – Inter Fund Transfer (\$53,051.02) from Capital Fund
Water Tank Tower for Capital Debt F0-9710.6

CARRIED

5 Ayes

0 Nays

CONTRACT TABLED Moved by Trustee Banker and seconded by Trustee Sidari to table decision on signing contract with NYS DEC regarding Shoreline Protection Project.

CARRIED

5 Ayes

0 Nays

PUBLIC HEARING 7:15 Public Hearing for the purpose of amending the Codes of the Village of Albion specifically Chapter 173 Historic Areas, Preservation of.

Attorney Gavenda explained the changes in the law basically states any major moves or changes in regards to the Historic areas would have to come before the Village Board for approval.

Moved by Trustee Banker and seconded by Trustee Neidert that there being no one to speak regarding Local Law amendments, public hearing is hereby closed.

CARRIED

5 Ayes

0 Nays

The following resolution was proposed by Trustee Neidert who moved its adoption and seconded by Trustee Banker:

WHEREAS, a proposed Local Law No. 8 of the year 2005 for the purpose of amending the Codes of the Village of Albion specifically Chapter 173 Historic Areas, Preservation of which was presented to the Village Board of Trustees at a regular meeting of said Board held on April 6, 2005, and

WHEREAS, the Board of Trustees, at a regular meeting of said Board held on April 6, 2005 did adopt a motion that a Public Hearing be held on aforesaid proposed Local Law at 7:15 PM on May 11, 2005 at the Village Council Chambers, 35-

37 East Bank Street, Albion, New York
, and that notice was

published in the Batavia Daily News, the official newspaper of the Village of Albion, at least seven days before May 11, 2005, and

WHEREAS, a notice of such Public Hearing was duly published in the Batavia Daily News on the 3rd day of May 2005, and

WHEREAS, a Public Hearing on said proposed Local Law was held by the Board of Trustees of the Village of Albion at the Village Council Chambers,

35-37 East Bank Street, Albion, New York
, at 7:15 PM on May 11, 2005,

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. 8, 2005**

Adopted: May 11, 2005

Be It Enacted by the Board of Trustees of the Village of Albion, New York as follows:

Chapter 173-2 D

D. The Committee shall make recommendation to the Village Board of Trustees for its consideration and implementation the following:

- (1) The adoption of criteria for the identification of significant historic, architectural and cultural parks and for the delineation of historic districts.
- (2) The promulgation of rules and regulations necessary for the conduct of its business.
- (3) The conduct of surveys of significant historic, architectural and cultural landmarks and historic districts within the Village.
- (4) The designation of identified structures or resources as landmarks and historic districts.
- (5) The making of recommendations to the village government concerning the acquisition of façade easements or other interests in real property as necessary to carry out the purposes of this chapter.
- (6) The increase of public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs.
- (7) The making of recommendations to village government concerning the utilization of state, federal or private funds to promote the preservation of landmarks and historic districts within the village.
- (8) Recommending the acquisition of a landmark structure by the village where its preservation is essential to the purposes of this chapter and where private preservation is not feasible.
- (9) The approval or disapproval of applications for certificates of appropriateness pursuant to this chapter.

Chapter 173-3 A (1) & (2)

A. Criteria.

(1) Landmarks. The Committee may recommend to the Village Board of Trustees for its consideration and designation an individual property area landmark if it:

- (a) Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state or nation; or
- (b) Is identified with historic personages; or
- (c) Embodies the distinguishing characteristics of an architectural style; or
- (d) Is the work of a designer whose work has significantly influenced an age; or
- (e) Because of unique location or a singular physical characteristic, represents an established and familiar visual feature of the neighborhood.

(2) Historic districts: The Committee may recommend to the Village Board of Trustees for its consideration and designation a group of properties as an Historic district if it contains properties which meet one or more of the criteria for designation of a landmark; and, by reason of possessing such qualities, it constitutes a distinct section of the Village of Albion.

Chapter 173-3 B

(5) Any action taken by Committee with respect to the Procedures subdivision of this chapter shall be presented to the Village Board of Trustees for final approval.

Chapter 173-6

E. A person aggrieved by the decision of the Village of Albion Historic



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June 08, 2005: Village Board Minutes - June 08, 2005

Body:

The regular meeting of the Village Board of Trustees of the Village of Albion was held Wednesday, June 8, 2005 at 7:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, NY.

Present were Mayor Edward L. Salvatore, Trustees H. Dale Banker, John R. Daniels, Michael F. Neidert and Bruce P. Sidari.

Mayor Salvatore opened meeting with the Pledge of Allegiance.

RESIDENT REQUEST Correspondence received from Mrs. Millie Gavenda regarding her water bill at 322 East Park Street

Moved by Trustee Sidari and seconded by Trustee Banker that normal procedure would have to be followed and Mrs. Gavenda can have her meter tested but if the meter shows no problem she will have to pay the \$25.00 due to the fact the leak dial was moving and she was informed of this.

CARRIED

5 Ayes

0 Nays

MINUTES APPROVED Moved by Trustee Neidert and seconded by Trustee Sidari that in as much as each member received copies of the May 11, 2005 and May 31, 2005 minutes and there being no errors or omission, minutes are hereby approved as submitted.

CARRIED

5 Ayes

0 Nays

DEPT. REPORT Treasurer's report for month of May received and accepted.

APPLICA-TIONS The following application was approved to be placed on file for future reference:

Park Supervisor – Stephen Donnelly

DEPT. REPORT Cemetery report received and accepted for month of May and Annual report. Trustee Banker asked that Mr. Zicari be reminded that the mileage should now show on the monthly report.

CEMETERY DEEDS APPROVED Moved by Trustee Banker and seconded by Trustee Daniels authorizing Mayor Salvatore to sign the following Cemetery Deeds:

163 Deerfield Avenue Kenneth J. & Beatrice Kaniecki – S.G. 162 &

121 Deerfield Avenue Merrill – Grinnell – S.G.

34 Deerfield Avenue Lilly R. Parker – S.G.

130 Deerfield Avenue

CARRIED

5 Ayes

0 Nays

JUDGE'S REPORT Moved by Trustee Daniels and seconded by Trustee Sidari approving Judge's report for month of May.

CARRIED

5 Ayes

0 Nays

DEPT. REPORT Animal Control report for month of May.

DEPT. REPORT Fire Department report for month of May.

LIBRARY CONTRACT Moved by Trustee Daniels and seconded by Trustee Sidari authorizing Mayor Salvatore to sign the contract with Swan Library in the amount of \$20,000.00.

CARRIED

5 Ayes

0 Nays

CONTRACT APPROVED WITH BFI Moved by Trustee Banker and seconded by Trustee Neidert authorizing Mayor Salvatore to sign renewal agreement with BFI for dumpster service at the complex on East Bank Street.

CARRIED

5 Ayes

0 Nays

DISCUSS: BRIDGE Discussion regarding Clarendon Street Bridge. Received suggestion from residents on both sides of the Bridge to close bridge down and create Dead Ends on both sides of Clarendon Street.

Traffic problems could be created for McKinstry Street which is a high traffic area for children walking to school. Mayor stated he feels this could create enormous amount of problems. The point was brought up that it could be difficult for buses to make the turn from Crimson on to McKinstry. Mayor asked if we should have a Public Hearing. Trustee Sidari stated a Hearing would give everyone an opportunity to give their input.

APPROVAL FOR PUBLIC Moved by Trustee Sidari and seconded by Trustee Neidert approving a Public Hearing be held on Wednesday July 13, 2005 for the purpose of discussing the possibility of dead ending Clarendon Street.

CARRIED

5 Ayes

0 Nays

APPROVED FOR PAYMENT Moved by Trustee Neidert and seconded by Trustee Banker approving the following payments to Chatfield Engineers:

General Engineering	-	\$ 52.00
Clover Lane Watermain	-	24.00

CARRIED

5 Ayes

0 Nays

DEPT. REPORT Code Enforcement report received and accepted for month of May.

DEPT. REPORT Street Department report received and accepted for month of May.

DEPT. REPORT Pollution Control Facility report received and accepted for month of May.

LEASE APPROVED Moved by Trustee Sidari and seconded by Trustee Neidert authorizing Mayor Salvatore to sign lease agreement with Mark Derisley for rental on Cemetery Apartment.

CARRIED

5 Ayes

0 Nays

DISCUSS: Trustee Neidert discussed easements to clean ditch on Meadowbrook Drive. Attorney Gavenda stated he has them typed and will bring them down to Village Office to be mailed.

EXECUTIVE SESSION Moved by Trustee Banker and seconded by Trustee Neidert to adjourn to executive session to discuss personnel matter. (7:45 PM)

CARRIED

5 Ayes

0 Nays

SESSION REOPENED Moved by Trustee Sidari and seconded by Trustee Neidert to reopen session. (8:15 PM).

CARRIED

5 Ayes

0 Nays

PAYMENTS APPROVED Moved by Trustee Daniels and seconded by Trustee Neidert approving payment of the following Village Bills (Orleans Computer on hold).

General Fund	-	\$37,565.49	Vou. # 2977 - 3015
Water Fund	-	31,049.27	Vou. # 953 - 968
Sewer Fund	-	28,445.59	Vou. # 964 - 980

CARRIED

5 Ayes

0 Nays

DISMISSAL Moved by Trustee Sidari and seconded by Trustee Banker approving the Dismissal of Dean London as Chief of Police.

CARRIED

5 Ayes

0 Nays

REHIRE Moved by Trustee Sidari and seconded by Trustee Daniels approving Dean London be rehired as Chief of Police.

CARRIED

5 Ayes

0 Nays

MEETING Moved by Trustee Daniels and seconded by Trustee Banker that there being
ADJOURNED no further business, meeting is hereby adjourned.

CARRIED

5 Ayes

0 Nays

Respectfully submitted,

Kathleen R. Ludwick
Clerk – Treasurer
Village of Albion

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July 13, 2005: Village Board Minutes - July 13, 2005

Body:

The regular meeting of the Village Board of Trustees of the Village of Albion was held Wednesday, July 13, 2005 at 7:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, NY.

Present were Mayor Edward L. Salvatore, Trustees H. Dale Banker and John R. Daniels.

PUBLIC HEARING 7:00 PM Public Hearing opened for the purpose of discussing the possibility of closing a portion of *Clarendon Street* which would create a dead end street.

Mr. Mike Hadick, of 152 Clarendon, who first requested Bridge be shut down addressed Board stating he had changed his mind after watching the traffic in that area he agrees the bridge is to highly traveled to close down. However he would recommend the possibility of closing *Crimson Drive* on the East

end. He feels this area is an extremely dangerous intersection. When you pull off of Crimson you never know if someone is coming up over the Bridge and they have a very short distance in which to stop. This intersection should be closely looked at for safety reasons.

Mr. James Pore, *Clarendon Street*, agrees with Mr. Hadick that the bridge needs to stay open for traffic flow however the *Crimson Drive* intersection is extremely dangerous.

Mayor Salvatore stated everyone who contacted him regarding the Bridge were 100% against closing the Bridge as it is a main artery to Village. We, as a Board, were worried if we changed the flow of traffic it would divert to

McKinstry Street which is a highly traveled area for children walking to school. We needed to hold this Public Hearing to hear everyone's view point and now we will notify the State and our Engineers which way we intend to go. Trustee Banker suggested Dean London, Chief of Police, do a traffic study on

Crimson Drive to see if it would be feasible to close the east. Trustee Daniels agreed that is a dangerous intersection.

HEARING CLOSED Moved by Trustee Daniels and seconded by Trustee Banker, as all interested parties were heard regarding Public Hearing, hearing is hereby closed at 7:10 PM.

CARRIED

3 Ayes

0 Nays

MOTION NOT TO CLOSE Moved by Trustee Daniels and seconded by Trustee Banker authorizing Mayor Salvatore to notify the State and Engineer that the Village would not be closing off *Clarendon Street*

but we will be doing a study
CLARENDON regarding
Crimson Drive

STREET

CARRIED

3 Ayes

0 Nays

OEDA

Mr. Don Kennedy, of Orleans Economic Development, presented Board with results of study (Village of Albion and Medina Downtown Strategic Plan). Mayor stated it is a good report and will be an asset to the Village. Mr. Kennedy stated he supports the Mayor's position to keep business's and the Library in the Downtown area.

**SWAN
LIBRARY**

Mr. James Bell, Attorney for Swan Library, addressed the Board with an update as to what is going on with the Swan Library and their plans to relocate. At the present time the Library has a contract, with the Pilon's, for the purchase of the old Eckerd Building for approximately \$525,000. He stated they are presently vigorously pursuing financing and seeking other grant money. At present we do not know when we can say we will have the money. Mr. Bell stated he is here, not to ask for money, but asking for support and the Library Board would be interested to here what feed back is from the public. The Board would like to do what is in the best interest of the community.

Mayor stated he has repeatedly voiced his opinion that he disapproves of the move. He asked if the Library has looked into selling the present building to see if it is marketable. He also heard that the purchase offer on the old lumber company with Fred Pilon has lapsed. Is this not where your parking lot was going to be and if you don't have that property where are residents going to park? If I remember, this was one of your reasons for moving (more parking facilities).

Mr. Bell stated they feel there might be adequate parking without that piece of property. Mr. Pilon is just asking to much money and we need to secure the building first.

Mayor stated current plans show you will be removing three walls of present building and roof removal – you might as well start from scratch. Are you going to be putting on a second floor? I disagree with you on the parking.

I don't think you are going to have enough with just the one lot.

Mr. Bell stated it will not be a two story building and we may renegotiate with Mr. Pilon at a later date for parking property.

Trustee Banker stated the meeting he went to last year the total cost was anticipated being four to five million for the finished project.

Would you not need a public referendum? The way today's finances are if the Village were to spend that kind of money the taxpayers would be extremely upset. I would like to see the Library Board seriously look at consolidating with the School seeing as how the Library already shows on the School taxes for approximately \$400,0000.

Mr. Bell stated he wasn't sure of the finances but Sue Rubnicky could tell you specifically what the serious financial difficulties would be in consolidating.

Trustee Daniels stated he would like to see the Library stay where they are or pick a different location other than Eckerd's.

Mayor stated he and the Board fully support the need of the Library to expand but in this day and age we have to look at finances. I heard the Library was offered land at no cost. This would give you a cost savings of \$600,000. Would this not be a more prudent avenue to follow?

Mr. Bell stated I think the one problem with that is we might have to come up with a bigger front load.

Mayor stated even if you receive some grant money, eventually you are going to have to come to the people for the money. What if they turn it down - then what do you do with a project you can't finish?

Mr. Bell stated that is not an easy question to answer.

Mayor finished by saying we support the Library's need to expand but we would like you to carefully take into consideration all options.

RESIDENT Mr. Gary Allen, representing the First United Methodist Church, addressed

Board requesting the use of the
East Bank Street
parking lot for their annual
community event on August 27, 2005 from 3:00 PM to 6:00 PM.

APPROVAL TO USE PARKING LOT Moved by Trustee Banker and seconded by Trustee Daniels approving the First United Methodist Church be allowed to hold their community event in the *East Bank Street* parking lot on August 27, 2005.

CARRIED

3 Ayes

0 Nays

RESIDENT Correspondence received from Susan Thaine, Care Net Pregnancy, requesting the use of Mt. Albion Cemetery for their Annual Walk fundraiser on September 10, 2005 from 7:30 AM to 11:00 AM.

APPROVAL FOR WALK Moved by Trustee Daniels and seconded by Trustee Banker approving Care Net Pregnancy use Mt. Albion Cemetery for their Annual Walk fundraiser on September 10, 2005 from 7:30 AM to 11:00 AM.

CARRIED

3 Ayes

0 Nays

RESIDENT Correspondence received from Carrie O'Neill, Crime Victim Assistance Program, requesting the use of Mt. Albion Cemetery for a walk fund raiser on October 8, 2005 which would benefit Domestic Violence and Child Abuse Victims within our county.

APPROVAL FOR WALK Moved by Trustee Banker and seconded by Trustee Daniels approving Crime Victim Assistance Program use Mt. Albion Cemetery for a walk fund raiser on October 8, 2005.

CARRIED

3 Ayes

0 Nays

MINUTES APPROVED Moved by Trustee Daniels and seconded by Trustee Banker that in as much as each member received copies of the June 8, 2005 minutes and there being no errors or omissions, minutes are hereby approved as written.

CARRIED

3 Ayes

0 Nays

DEPT. REPORT Treasurer's report received and accepted for the month of June.

APPLICATIONS The following applications were approved to be placed on file for future reference:

Cemetery – Travis Tyron
Laborer - Richard Clark

DEPT. REPORT Cemetery report received and accepted for the month of June. Noted mileage did not show on report.

APPROVAL TO SIGN Moved by Trustee Banker and seconded by Trustee Daniels authorizing Mayor Salvatore to sign the following Cemetery Deeds:

CEMETERY DEEDS William V & Ruth A. Covis – S.G. 429 &
430 Zephyr Avenue
Clarence DeLorme –

92 Ashwood Avenue

Cora Williams – S.G.

471 Zephyr Avenue

Dale Neihaus – S.G. 184 &

185 Deerfield Avenue

Donald & Dorothy Hering – 328 &

329 Zephyr Avenue

CARRIED

3 Ayes

0 Nays

CORRES: Correspondence received from Allen Kidder, of Genesee Community College, thanking Officer Scribner for presenting critical safety information to their staff.

JUDGE'S REPORT APPROVED Moved by Trustee Daniels and seconded by Trustee Banker approving Judge's report for month of June.

CARRIED

3 Ayes

0 Nays

DEPT. REPORT Street Department report receive and accepted for month of June.

APPROVAL TO PURCHASE Moved by Trustee Banker and seconded by Trustee Daniels approving Mr. Long's request to expend \$4,067.01 out of Sewer Capital Reserve for purchase of new pump for Brown Street Lift Station.

CARRIED

3 Ayes

0 Nays

APPROVED BID Moved by Trustee Daniels and seconded by Trustee Banker authorizing Mayor Salvatore sign agreement with Modern who was low bidder for Equalization Basin as per recommended by Pollution Control Facility Superintendent, David Millis.

CARRIED

3 Ayes

0 Nays

DEPT. REPORT Fire Department report received and accepted for month of June.

DEPT. REPORT Animal Control report received and accepted for month of June.

DEPT. REPORT Code Enforcement report received and accepted for month of June.

BINGO INSPECTOR APPOINTED Moved by Trustee Daniels and seconded by Trustee Banker approving Mayor Salvatore's appointment of Albert D'Andrea to serve as Village Bingo Inspector till April 1, 2006.

CARRIED

3 Ayes

0 Nays

APPROVAL TO CLOSE STREET Moved by Trustee Daniels and seconded by Trustee Banker approving ABA's request for close off both East and West Bank Streets on July 22, 2005 for a car show.

CARRIED

3 Ayes

0 Nays

Mayor noted that the Albion Business Association is very active and doing a great job of promoting Albion.

LIQUOR RENEWAL NOTICE Received notice from Janine Post, Thomas Post and Chalyce Ribble stating their intention to renew their liquor license for The Club located at 469 East State Street

CONTRACT APPROVED Moved by Trustee Daniels and seconded by Trustee Banker authorizing Mayor Salvatore to sign renewal contract with Royal Employer Services in the amount of \$1,080.00.

CARRIED

3 Ayes

0 Nays

DISCUSS: RE: HISTORIC LAW Mayor had previously distributed copies of the Historic Law he received from Andrea Reebak. He stated it has been brought to our attention by an Attorney from SHIPO that we did not do a SEQR when we adopted our Historic Law and therefore was not done right. We need to correct the situation. We therefore need to hold a Public Hearing in August for the purpose of dissolving present law and Committee and adopt new Historic Law based on law sent to us by State and appoint Committee. We need to have the SEQR in place prior to adopting the new law.

PUBLIC HEARING TO ADOPT HISTORIC LAW Moved by Trustee Banker and seconded by Trustee Daniels to hold a Public Hearing on August 10, 2005 at 7:00 PM for the purpose of dissolving present Historic Law and Committee and adopt new Historic Law and appoint Committee.

CARRIED

3 Ayes

0 Nays

PAYMENT APPROVED Moved by Trustee Banker and seconded by Trustee Daniels approving pay estimate #2 to GA Falcone in the amount of \$9,249.91 for services pertaining to Sidewalk Enhancement Project Contract B & C as per recommended by Chatfield Engineers.

CARRIED

3 Ayes

0 Nays

Moved by Trustee Daniels and seconded by Trustee Banker approving the following payments to Chatfield Engineers:

WTP Fluoridation System Upgrade	-	\$ 375.00
JMIPCF Concrete Tank Evaluation	-	2,475.00

CARRIED

3 Ayes

0 Nays

APPROVAL TO PAY BILLS Moved by Trustee Banker and seconded by Trustee Daniels approving payment of the following Village Bills:

General Fund	- \$ 49,430.26	Vou. # 3094 - 3164
Water Fund	- 40,323.49	Vou. # 992 - 1009
Sewer Fund	- 10,460.06	Vou. # 1005 - 1030

CARRIED

3 Ayes

0 Nays

MEETING Notice received from the Northwestern Frontier Association of Village

NOTICE Officials of their Summer Meeting to be held on Wednesday, July 20, 2005 at Basket Factory Restaurant hosted by Village of Middleport.

CORRES: Correspondence received from Joan Turner disputing her water and sewer bill for
431 West State Street
Lot # 33.

APPROVAL TO ADJ. BILL Moved by Trustee Daniels and seconded by Trustee Banker approving to adjust total consumption for billing dates 4/14/05 and 5/18/05 from 59,000 to 56,731 gallons for both water and sewer charges as per recommended by Street Superintendent, Doug Long.

CARRIED

3 Ayes

0 Nays

CORRES: Correspondence received from Mr. & Mrs. Tomasino, of 45 Meadowbrook Drive, requesting a break on sewer portion of their bill due to the fact their water pump broke causing the back-up water pump to start using water to pump the water out of the sump pump to the back yard.

APPROVAL TO ADJ. SEWER BILL Moved by Trustee Banker and seconded by Trustee Daniels approving adjustment to Mr. & Mrs. Tomasino's sewer portion of their bill for 4,915 gallons as per recommended by Street Superintendent, Doug Long.

CARRIED

3 Ayes

0 Nays

CORRES: Correspondence received from ARC of Orleans County giving Village
ARC RE: formal notification of the interest and intent of ARC to establish an
HOME Individual Residential Alternative in the Village of Albion. Home would be constructed on
Hamilton Street
. They intent to build a single story residence which will be home to seven individuals. The site and building plans are being assessed for project feasibility and compliance with all pertinent regulations and the most current New York State Building Codes.

APPROVAL TO HOLD PUBLIC HEARING Moved by Trustee Banker and seconded by Trustee Daniels approving a Public Hearing to be held on Wednesday, August 10, 2005 for the purpose of hearing all interested parties regarding ARC establishing a Individual Residential Alternative in the Village of Albion on
Hamilton Street
.

CARRIED

3 Ayes

0 Nays

EXECUTIVE SESSION Moved by Trustee Daniels and seconded by Trustee Banker to adjourn to executive session to discuss possible litigation.

CARRIED

3 Ayes

0 Nays

SESSION REOPENED Moved by Trustee Daniels and seconded by Trustee Banker to reopen session at 8:25 PM.

CARRIED

3 Ayes

0 Nays

APPROVED Moved by Trustee Daniels and seconded by Trustee Banker approving
PAYMENT payment to Orleans Computer with a rate of \$60.00 per hour for invoice

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February 09, 2005: Village Board Minutes - Feb. 09, 2005

Body:

The regular meeting of the Village Board of Trustees of the Village of Albion was held on Wednesday, February 9, 2005 at 7:00 PM at the Village Council Chambers

35-37 East Bank Street, Albion, New York

Present were Mayor Edward L. Salvatore, Trustees H. Dale Banker, John R. Daniels and Bruce P. Sidari.

Mayor opened meeting with the Pledge of Allegiance.

7:00 PUBLIC HEARING ZONING 7:00 PM Public Hearing for the purpose of adopting a Local Law amending the codes of the Village of Albion specifically Zoning to change the zoning of

353-355 West Bank Street
(along North Side of
Bank Street
only) from

CHANGE General Commercial (GC) to Multi Family Residential District (R-3).

353-355 W. BANK Resident Mr. Edward Scharping of
303 West Bank Street
, addressed Board

with several questions regarding Zoning change:

- 1) Will the purchasers live in the home?
- 2) I understand the owners are in two businesses (painting and farming). Will they be renting to their employees?
- 3) Will all the buildings on the property be used for rentals.

Mr. Scharping stated depending on the answers to these questions, he might have more.

Mr. John Gavenda, council for Mr. & Mrs. Panek, owners of 353-355 West Bank Street, stated it is their intention that Mr. John Panek and his wife Barbara will live and have life use of the home. What used to be the store, the front building, will be made into a two family dwelling.

The Panek's realize they will need a special use permit to meet set back requirements and they also realize they need County approval, they will not skirt any of the necessary requirements. They have no intention of changing the home in the back building to a two family dwelling. The storage building on premises will be used for storage (strictly residential).

Mr. Scharping stated he has contacted several neighbors and they all agree an R-3 zone would be improper for this area. It is one of the few areas left in the Village that is still R-1 and then turns into R-2 by

West Street

Mr. Scharping again stated the set back requirements under the Zoning Law. He feels this change is just not conclusive to his area and not appropriate. The application simply amounted to a letter from their Attorney and I don't believe a tax map is good enough. There also must be a SEQOR on a NYS form. I believe this meeting is invalidated and the Board can not properly legally act on this tonight. I am just trying to protect and conserve property values.

Trustee Siardi stated it seems to me going back to residential would be better than leaving it commercial in the middle of a residential zone.

Attorney Gavenda stated the property is presently empty and going down hill these people are purchasing with intent to make it better.

Mayor Salvatore stated we do have a Short Environmental Assessment Form on file with a map. However we will not take action till we get results from the Planning Board.

HEARING CLOSED Moved by Trustee Sidari and seconded by Trustees Daniels that in as much everyone was heard who wished to speak regarding Public Hearing, the hearing be closed.

4 Ayes

CARRIED
0 Nays

7:15 PUBLIC HEARING CHANGE REQUIREMENTS ZONING & PLANNING 7:15 PM Public Hearing for the purpose of adopting a Local Law amending the Codes of the Village of Albion specifically Chapter 290 (Zoning) Article VIII Administration and Enforcement 290-72 and 290-74 to add minimum requirements for Planning and Zoning Board Members.
All Board members agreed that training for the Planning and Zoning Board Members was in the best interest of the Village. The way laws are changing all the time it is good to try and keep on top of them. The decisions these Boards are making could be detrimental to the Village and they need to know what the rules and laws are and keep up with the changes.

HEARING CLOSED Moved by Trustee Banker and seconded by Trustee Sidari that in as much as all were heard who wished to speak, hearing is closed.

4 Ayes

CARRIED
0 Nays

LOCAL LAW # 2, 2005 The following resolution was proposed by Trustee Sidari who moved its adoption and seconded by Trustee Banker:

WHEREAS, a proposed Local Law No. 2 of the year 2005 for the purpose of amending the Codes of the Village of Albion specifically Chapter 290 (Zoning) Article VIII Administration and Enforcement 290-72 and 290-74 which was presented to the Village Board of Trustees at a regular meeting of said Board held on January 12, 2005, and

WHEREAS, the Board of Trustees, at a regular meeting of said Board held on January 12, 2005 did adopt a motion that a Public Hearing be held on aforesaid proposed amendment to the Local Law at 7:15 PM on February 9, 2005 at the Village Council Chambers,

35-37 East Bank Street, Albion, New York

and that notice was published in the Batavia Daily News, the official newspaper of the Village of Albion, at least seven days before February 9, 2005, and

WHEREAS, a notice of such Public Hearing was duly published in the Batavia Daily News on the 25th day of January, 2005, and

WHEREAS, a Public Hearing on said proposed Local Law was held by the Board of Trustees of the Village of Albion at the Village Council Chambers,

35-37 East Bank Street, Albion, New York

at 7:15 PM on February 9, 2005,

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. 2, 2005

Adopted: February 9, 2005

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

CHANGE:

CHAPTER 290-72 Creation, appointment and organization of Planning Board.

- C. Members and the Chairperson of such Planning Board shall be appointed by the Village Board.
 - (1) Minimum requirements for Planning Board members.
 - (A) Training - Each Board member is required to complete a minimum of two hours of training per calendar year. At the discretion of the remaining members of the Planning Board, and upon recommendation to the Village Board or The Village Board of its own accord, may remove a member for failure to comply with this requirement.
 - (B) Attendance - Each Board member shall be required to attend 75% of the scheduled meetings in each calendar year. In addition, failure to attend three consecutive meetings without good cause may be grounds for removal from the Board.

CHANGE:

CHAPTER 290-74 Creation, appointment and organization of Zoning Board of Appeals

- C. Minimum requirements for Zoning Board of Appeals Members
 - (1) Training – Each Board member is required to complete a minimum of two hours of training per calendar year. At the discretion of the remaining members of the Zoning Board of Appeals, and upon recommendation to the Village Board or the Village Board of its own accord, may remove a member for failure to comply with this requirement.
 - (2) Attendance – Each Board member shall be required to attend 75% of the scheduled meetings in each calendar year. In addition, failure to attend three consecutive meetings without good cause may be grounds for removal from the Board.

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

PUBLIC HEARING 7:30 PM Public Hearing to discuss community development needs and priorities, for the upcoming Small Cities Grant application and to provide residents with information about the Small Cities program and describe

SMALL CITIES describe the Village's plan to meet these priority needs.

Mayor Salvatore explained it is the Village's intention to continue the upgrading of the Village's Storm and Sanitary Sewers. Also included will be the

Platt Street
area sidewalk and back parking lot by canal area.

Mr. Joe Martillotta of
Meadowbrook Drive
stated his approval in
continuing the upgrade of the Sanitary Sewers.

HEARING CLOSED Moved by Trustee by Trustee Banker and seconded by Trustee Daniels that in as much as all were heard who wished to speak regarding hearing, hearing is hereby closed.

CARRIED

4 Ayes

0 Nays

FOLLOW UP Trustee Sidari will follow up with David Millis regarding proposal submitted by Chatfield Engineers for the evaluation of concrete tanks/walls at the Pollution Control Facility.

AMENDED CONTRACT APPROVED SBA Moved by Trustee Banker and seconded by Trustee Daniels authorizing Mayor Salvatore to sign amended agreement with SBA (Cingular Wireless).

CARRIED

4 Ayes

0 Nays

MINUTES APPROVED Moved by Trustee Daniels and seconded by Trustee Sidari that in as much as each member received copies of the minutes of the Village Board meeting held January 12, 2005 and there being no errors or omissions, minutes are hereby approved as written.

CARRIED

4 Ayes

0 Nays

APPLICATIONS The following applications were approved to be placed on file for future reference:

- CEMETERY & STREETS - Robert Neilans
- STREET DEPT. - Mathew G. Draper
- STREET OR PARKS (PT) - Ray Smith
Michael Donnelly

DEPT. REPORT Monthly report for month of January received and accepted from Cemetery Department.

CEMETERY DEEDS Moved by Trustee Sidari and seconded by Trustee Banker authorizing Mayor Salvatore to sign the following Cemetery Deeds:

- Kathie M. Biaselli - S.G. 5 &
6 Deerfield Avenue
- Sandra Williams - S.G.
51 Deerfield Avenue

CARRIED

4 Ayes

0 Nays

DEPT. REPORT Monthly report for month of January received and accepted from Street Department.

DEPT. REPORT Monthly report for month of January received and accepted from Water Treatment Plant.

APPROVAL FOR PUBLIC HEARING Moved by Trustee Sidari and seconded by Trustee Banker approving a Public Hearing be held March 9, 2005 to adopt a Local Law amending the codes of the Village of Albion specifically Chapter 161 regarding exemption for minor buildings as per requested by Code Enforcement Officer, Ron Vendetti.

CARRIED

4 Ayes

0 Nays

APPROVAL TO SIGN CONTRACT Moved by Trustee Banker and seconded by Trustee Daniels authorizing Mayor Salvatore to sign contract with Cummins Northeast, Inc. regarding maintenance for generator located at Fire Hall (serial no. E940542930).

CARRIED

4 Ayes

0 Nays

REPORT Engineering report received from Chatfield Engineers for the Village Of Albion Fiscal Year 2005 Drainage and Roadway Improvements.

COST ESTIMATES Cost estimates were presented from Chatfield Engineers for the following projects under consideration for the upcoming year:

closed.

CLOSED

4 Ayes

0 Nays

**LOCAL
LAW #3
2005**

The following resolution was proposed by Trustee Sidari who moved its adoption and seconded by Trustee Banker:

WHEREAS, a proposed Local Law No. 3 of the year 2005 for the purpose of amending the Codes of the Village of Albion specifically Chapter 263 Vehicle and Traffic Article VII Administration and Enforcement which was presented to the Village Board of Trustees at a regular meeting of said Board held on January 12, 2005, and

WHEREAS, the Board of Trustees, at a regular meeting of said Board held on January 12, 2005 did adopt a motion that a Public Hearing be held on aforesaid proposed amendment to a Local Law at 7:45 PM on February 9, 2005, at the Village Council Chambers,

*35-37 East Bank Street
, Albion,*

New York, and that notice was published in the Batavia Daily News, the official newspaper of the Village of Albion, at least seven days before February 9, 2005, and

WHEREAS, a notice of such Public Hearing was duly published in the Batavia Daily News on the 25th day of January, 2005, and

WHEREAS, a Public Hearing on said proposed Local Law was held by the Board of Trustees of the Village of Albion at the Village Council Chambers,

*35-37 East Bank Street, Albion, New York
at 7:45 PM on February 9, 2005,*

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 here by made part of the code of the Village of Albion, New York:

VILLAGE OF ALBION
LOCAL LAW NO. 3, 2005

Adopted: February 9, 2005

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

ADD TO:

Chapter 263 – Vehicle and Traffic, Article VII, 263-45 Schedule IX
Stop Intersections:

STOP SIGN ON	DIRECTION OF TRAVEL	AT INTERSECTION OF
--------------	------------------------	-----------------------

*Brown St
.
North*

Linwood Avenue

*Brown St
.
South*

Linwood Avenue

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

CARRIED

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March 02, 2005: Village Board Minutes - Mar. 02, 2005

Body:

The Workshop Meeting of the Village Board of Trustees of the Village of Albion was held Wednesday, March 2, 2005 at 7:00 PM at the Village Council Chambers,

35-37 East Bank Street, Albion, NY 14411

Present were Mayor Edward L. Salvatore, Trustees H. Dale Banker and John R. Daniels.

Mayor Salvatore opened meeting with the Pledge of Allegiance.

David Millis, Pollution Control Facility –

- 1) Flows are presently high and will probably get higher when the snow melts.
- 2) Eric completed four days of schooling and is doing very well.
- 3) Discussion regarding Cable bill.
- 4) Have received half of the responses to our sewer inquiry letter. We have at least three that admit that their drainage is connected to the Sewer line.
- 5) Discussion regarding proposal from Chatfield Engineers for tank evaluation. Mayor stated the cost of the study is in next years budget.

Rick Preston, Water Treatment Plant –

- 1) Talked to Marc Chamberlain – they are having a workshop meeting tonight – he will ask for the 15 yr. minimum and we should have an answer tomorrow.
- 2) After completing this years Audit it shows an increase (up to 19%) in unaccounted for water which calculates out to 109,722,912 gallons.
- 3) Bill Logan passed his Grade II A exam with a 97% . They will be accepting his previous schooling as experience so he will be applying for his license.
- 4) For the past two Sundays we have had a problem with needle ice restricting the intake.
- 5) Received call from Town of Clarendon requesting emergency connection from the Town of Barre be opened. The MCWA had a main break that caused the Town of Clarendon storage tank to drain. We supplied Clarendon and Murray throughout the day.
- 6) Discussion regarding electric comparisons done between Water Treatment Plant and the Pollution Control Facility. We have found that the Treatment Plant qualifies for a lower rate and we will receive credit from September forward.

Trustee Banker asked if we take over the Town of Barre would they consider still helping clean hydrants in that area because we might not be able to get there for a couple of weeks after a storm to do hydrants. Rick stated that since they have been dealing with us they have done nothing in water and bottom line I think they only clean hydrants once a year.

Trustee Banker stated I just don't want this to be a problem later on maybe it could be a trade off seeing as how the Barre Fire Department is going to get free water.

Discussion followed regarding Town of Barre selling us their generator and trailer.

Question was asked, how do we stand on pass through agreement and lease agreement. Attorney Gavenda stated he is working on them.

Michael Salvatore, Fire Department –

- 1) January we had 53 calls of which 31 were EMS and one structure fire.
- 2) February we had 41 calls of which 23 were EMS and one structure fire. Also called to structure Fire for assistance was Barre, Carlton and Hulberton.
- 3) Asked if bids were needed for security system at Fire Hall he has a bid price from Simplex– answer, no it is under the amount needed for bids. Rick Preston stated he has a name of a company he has been working with for a security system for the Water Treatment Plant. Mr. Salvatore stated he has money in his budget for second floor which he won't be using this year.
- 4) Discussion regarding the finishing of bathrooms.

Jason Zicari, Cemetery –

- 1) Apartment will be ready for rent by April 1, 2005 – discussion followed regarding rent – all agreed the rent would be \$550.00. All agreed to purchase a stove for the apartment.
- 2) Cemetery had: 5 Traditional Interment; 2 Cremations, 1 Saturday Funeral and 6 vault storage.

Doug Long, Street Department –

- 1) Water – performed 20 stake outs of Village utilities for contractors, completed monthly reading of “large” water meters, Repaired two water main breaks and three service laterals, performed numerous water turn-offs and turn ons per Village Office directions, Cleared snow from fire hydrant and repaired hydrant markers as needed.
- 2) Sewer – Repaired collapsed sanitary main and two broken service laterals.
- 3) Streets – Replaced several street signs, repaired pot holes, hauled crusher run stone to stockpile for needed street dig site repairs, removed snow from problem areas and intersections as needed, installed 2 additional STOP signs at Linwood / Brown and crews have been out salting and plowing 12 days. Trustee Banker stated stop signs looked good however I think the village is going to have to trim some trees in that area come spring in order to see the signs.
- 4) Miscellaneous – Removed tree and ground out stump, removed snow from roof overhangs downtown, completed prep work for GO ART room at Visitors Center and completed prep work for coatroom at Visitors Center.
- 5) Overtime for February is down.
- 6) Discussion regarding Engineer proposal for Clover Lane Water Main Installation – Doug stated he has this in his budget.

APPROVAL FOR ENGINEERS SERVICES CLOVER LANE Moved by Trustee Daniels and seconded by Trustee Banker approving Mayor Salvatore sign the Clover Lane Water Main Installation Engineering Proposal submitted by Chatfield Engineers in the amount of \$3,856.00.

CARRIED

3 Ayes

0 Nays

Kathy Ludwick, Village Office –

- 1) First batch of Birth and Death Books were picked up by Code Publishers, up to the year 1941, for micro filming.
- 2) Dean London and myself filed (we hope) the last report for the old COPS Equipment Grant.
- 3) Have been receiving letters from outside consumers regarding connections into the sanitary sewer.
- 4) Meeting with Kathy Dear of Stu Browns office and am trying to finish up and do final reports for the Canal grant, which we thought was finished.
- 5) Received FEMA check in the amount of \$8,552.88 – another check will be coming for the Sandy Creek project.

- 6) Been working on my portion of the budget and Linda and I worked on union covered wages.
- 7) Rolled C of D over 2.34% interest rate.
- 8) Water and Sewer bills went out on February 10, 2005 so we have been busy handling phone calls.
- 9) Stacie will be back to work on March 7, 2005.
- 10) Received call from Insurance Company that they received a second bid on

McKinstry Street

residing which came in at \$2,958.00. They are ready to go ahead and close case. All agreed this was a better bid than the first one.

Discussion regarding insurance – Clerk to ask Albion Agencies if they received a bid from NYMIR

Discussion regarding retirement costs.

MEETING CLOSED Moved by Trustee Banker and seconded by Trustee Daniels that there being no further business, meeting is hereby adjourned.

CARRIED

3 Ayes

0 Nays

Respectfully submitted,

Kathleen R. Ludwick
Clerk – Treasurer
Village of Albion

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May 04, 2005: Village Board Minutes - May 04, 2005

Body:

The Workshop Meeting of the Village Board of Trustees of the Village of Albion was held Wednesday, May 4, 2005 at 7:00 PM at the Village Council Chambers, 35-37

East Bank Street, Albion, NY

Present were Mayor Edward L. Salvatore, Trustees H. Dale Banker, Michael F. Neidert and Bruce P. Sidari.

Mayor Salvatore opened meeting with the Pledge of Allegiance.

**DEPT.
REPORTS**

Supervisors:

Jason Zicari, Cemetery –

- 1) Received back pre-application from Mr. & Mrs. Mark Derisley and all seems to be in order.
- 2) Working on typical Spring items.
- 3) Interments: (4) Traditional Interments; (1) Cremation Interment; (2) Saturday Funerals and (1) Vault Removal.
- 4) Installed 16 foundations for memorial dealers.
- 5) Requested by Town of Albion to open grave at Union Cemetery and requested by Town of Gaines to open grave at Otter Creek Cemetery.
- 6) Installed faucets, warning tags and drain plugs throughout Cemetery.

APPROVAL Moved by Trustee Sidari and seconded by Trustee Neidert accepting Mr. & **TO**
RENT Mrs. Mark Derisley's application to rent apartment at Mt. Albion Cemetery.

CARRIED

4 Ayes

0 Nays

Attorney Gavenda will draw up lease for the Derisley's.

Rick Preston, Water Treatment Plant –

- 1) All quality reports have been issued and delivered and Kathy has put it on the web site.
- 2) Been in contact with NYRWA about doing some more leak detection.
- 3) Town of Murray is taking 94% of the water they use South of the Canal from the Village of Albion.
- 4) According to the latest numbers from the last billing, we are showing more improvement.

Kathy Ludwick, Village Office –

- 1) Finally signed forms regarding approval of extension on COPS Grant.
- 2) Linda & I met with First American Mortgage Company regarding method of mortgage payments for new tax year.
- 3) Sent in NYS Department of Labor Occupational Report for year.

- 4) Set in quarterly reports for payroll.
- 5) Rolled C of D with 2.73% Interest rate.
- 6) Water Shut Off's were done this month with a total of 30 shut offs of which 2 are still off.
- 7) Delivered tax rate information to County for printing of our tax roll.
- 8) Set up several meetings and placed necessary Ads in paper for Spring Clean up, Hydrant Flushing, Notice of increase in water / sewer and upcoming Public Hearings.
- 9) Biker group riding the Canal Trail will be stopping at out Park on Saturday for their lunch.

Ron Vendetti, Code Enforcement –

- | | |
|--|---|
| <p>1) Report in more detail:</p> <p style="padding-left: 20px;">Building Permits Issued - 12</p> <p style="padding-left: 20px;">Demolition or Removal Permits Issued - 6</p> <p style="padding-left: 20px;">CO's Issued - 7</p> <p style="padding-left: 20px;">CC's Issued - 0</p> <p style="padding-left: 20px;">Appearance Tickets Issued - 3</p> <p style="padding-left: 20px;">Notice of Violation's Issued - 68</p> <p style="padding-left: 20px;">Parking Tickets Issued (</p> | <p>2) Getting ready to send papers to Marilyn Tucker and Joe Martillotta to go before the Historic Board to seek approval to tear down property on East State and</p> |
|--|---|

Fire Lane
) - 16

Main Street

Doug Long, Street Department –

- 1) Water - Completed monthly and quarterly reading of water meters; performed 57 stake outs for contractors; repaired and/or abandoned 8 service laterals and repaired one main break; water shut off's per Village Office directions and flushed hydrants.
- 2) Sewer – Cleaned and Televised Sanitary Sewers 70% completed. Starting 15" this week.
- 3) Streets – Repaired put holes and plow damaged areas; removed plow from trucks, started sweeping streets, picked up brush and saw-cut street opening sites in preparation for asphalt installation.
- 4) Streets – Prep DPW equipment trailer, installed new decking; replaced sump pump@ Albion Visitors Center; remodeled 1" Floor stairwell area at Village Office; Boarded up

601 Moore Street
; Rolled ball fields,

Orleans County Highway
(used Vactor truck)

Orchard Street
which

601 Moore St
..

removed shrubs front area of St. Joe's Park; replaced exterior restroom door locks @ Albion Visitors Center; opened Bullard Park restrooms; Assist PCF operating "tanker" truck and assisted both Town of Gaines (water leak detection) and

Doug stated he had a serious water main break on

showed a loss of 200,000 gallons. This has been fixed, however, we still have a sewer main break in the same area which we are in the process of fixing.

Trustee Banker question as to who pays for the boarding up of

He was informed it was added to the properties tax bill.

Doug stated he is working with a women who is in charge of students from Albion Central School who are in danger of not graduating. They are trying to get these students involved in community projects for extra credit and they will be at Bullard Park. Are there any restrictions. It was decided the Albion Central School should list the Village of Albion as an additionally insured on their Insurance Policy for the length of time the students will be on village property. (Doug will call her)

Discussion followed regarding
155 McKinstry Street

Discussion regarding the law that covers grass violations. Discussion continued into blighted properties and the ones the County refuses to foreclose on. Mr. Vendetti stated we need to keep ahead of them which is hard to do. All Towns and Cities have the same problem.

David Millis, Pollution Control Facility –

- 1) Land Application started this morning.
- 2) Waiting for results of sample

Harry Papponetti, Animal Control –

- 1) 62 Complaints
- 2) 23 Informational
- 3) 2 Dog bites
- 4) 1 Cat bite
- 5) 11 Wild Life Animal Complaints

Calls tripled from last month. Finally picked up dog at school upon complaint of Mr. Soule.

Discussed a serious problem with cats around the Village and by the McDonald's dumpster. Discussing problem with Orleans County Health Department.

Eric Bradshaw, Fire Department –

- 1) Received letter from Brighton Fire Chief stating approval to use John Papponetti.
- 2) Boat will be coming out of storage from winter – is it ok to park it where it was last year.
- 3) Discussion regarding the completion of the bathrooms in the Fire Hall. Board agreed they need an exact amount of what it will take to finish project. Discussion followed as to different groups that might be able to assist in the completion of this project such as Correctional Facility, BOCES and Iroquois Job.

Trustee Banker asked that the Department Heads who take vehicles home start reporting their mileage on their monthly reports.

Trustee Neidert discussed the Medical changes for Department Heads and the increase in employee portion from 10% to 12 %. We are just trying to standardize all Departments. Ron Vendetti stated he can appreciate the fact they are trying to standardize but what about the raises being standardized.

David Millis asked how open would the Board be to extending the length of the contract. All agreed that probably would be no problem. These items are to be put on next weeks agenda.

**VILLAGE
JUSTICE**

Moved by Trustee Banker and seconded by Trustee Neidert approving Mayor Salvatore's appointment of Julie Andrews to serve as Acting Village Justice for one year (till April 01/06).

CARRIED

5 Ayes

0 Nays

**MEETING
CLOSED**

Moved by Trustee Neidert and seconded by Trustee Banker that there being no further business, meeting be adjourned at 8:10 PM.

CARRIED

5 Ayes

0 Nays

Respectfully submitted,

Kathleen R. Ludwick
Clerk – Treasurer
Village of Albion

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September 07, 2005: Village Board Minutes - Sept. 07, 2005

Body:

The Workshop Meeting of the Village Board of Trustees of the Village of Albion was held Wednesday, September 7, 2005 at 7:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Edward L. Salvatore, Trustee H. Dale Banker, John R. Daniels, Michael F. Neidert and Bruce P. Sidari.

Mayor Salvatore opened meeting with Pledge of Allegiance.

Dean London, Police Department

Chief London presented Service Award to Larry Harvey, President of the Orleans Veterans Club for their donation of \$1,000.00 to the Drug Task Force Unit. Chief London thanked the club for their community support in fighting drugs.

Mayor Salvatore also commended the VFW for their enormous amount of work being done to the Club's property. It is a tribute to the VFW for cleaning up their property. Congratulations!

- 1) Monthly report for June, July and August.
- 2) Have answered 3,783 calls year to date
- 3) Having vandalism problems in the trailer parks – the officers are working very hard to solve these crimes.
- 4) I will be attending a meeting tomorrow night with the residents of Heritage Estates who will be starting a neighborhood watch program.
- 5)

West State Street

, 100 block, has been a hot zone for several months. Things

should calm down now that the residents at 111 and 120 have been evicted.

Mayor explained that there has been numerous complaints of drug activity, serving minors and prostitution happening at these addresses. One property is owned by Colonna and the other by Kinter.

Trustee Neidert asked if the Board could have a meeting with the Landlords of the Village and lay the problems out for them and try and work on them together. Discussion followed regarding eviction laws and how leases should be written.

Discussion regarding fires on

Temperance Street

Paul Chatfield of Chatfield Engineers addressed Board with updates on several projects:

- 1) Smoke Testing which is part of the consent order – majority completed only section left is Bowman's Line, Interceptor Sewers,

Orchard Street

and

McClelland Street

Paul thanked the DPW who worked extremely hard to complete this program within the 6 days. The notice to residents worked out really well.

Mayor asked what happens next for the consent order? We will do a final review and present it to the Board and action will be needed to be taken by the Code Officer or who ever.

Trustee Sidari asked if the consent order will be satisfied with these studies – answer yes. Trustee Sidari stated this project is going to cost an extreme

amount of money, what is the best way to finance this? Through one large grant or several small grants? Engineer stated I don't think you will ever get a grant that large that would cover it all. It will probably have to be divided up. You will need to set up a plan of attack. This is a project that will not be completed for 15 years. We will be asking for a six to nine month extension for the final sewer study, which I am sure we will be allowed.

Discussion followed regarding smoke testing results and the violators.

Rick Preston, Water Treatment Plant –

- 1) Up again on pumping
- 2) Presented report on water usage with comparison of last year to this year. We were down but with this last billing in August we are back on line thanks to a dry hot spring and the extra water Town of Murray is purchasing. Discussion followed regarding report. Trustee Sidari stated if the Town of Albion is down 9,000 because they are pumping through the Town of Barre and the Town of Barre is up 9,000, where is the Town of Murray's usage? Rick responded it's in their but I will have to analyze it monthly to show you.
- 3) Low service pump is ordered – hope there will be no set back due to hurricane.
- 4) Analyzer came back.
- 5) Started using Acid Treatment in water but I think there is going to be a hefty price increase.
- 6) Discussion regarding Fluoride treatment versus not using Fluoride due to the fact it might be unattainable. Monroe County Water Authority can't get any. They say once you use Fluoride you have to always use Fluoride. Mayor asked what happens if you can't get it? Rick stated water treatment chemicals are hard to find as the Chinese are buying up all raw materials to treat water. Trustee Banker asked how much of a reserve do we have on chemicals. Discussion followed.
- 7) As you all know lightning struck Booster Station #1 – we have turned it into the insurance company. Cost is going to be Over \$50,000.00 and we have a \$2,500.00 deductible.
- 8) I will be needing to get water samples to be tested for lead and copper – so I will be asking several of the Village employees to assist me.

Jason Zicari, Cemetery Department –

- 1) Busy with burials the beginning of summer.
- 2) Hot weather slowed down grass growing which gave us time to do repairs and painting.
- 3) Purchased computer for office
- 4) Want to thank Trustee Sidari for the pizza, wings & pop he purchased for the workers.
- 5) Care-Net will be holding their Walk-A-Thon this Saturday.
- 6) Tenants at Mt. Albion have given their notice – they will be moving in 6 to 8 weeks.

Trustee Neidert asked Jason if he would include the mileage on his truck on his monthly report.

MOTION Moved by Trustee Neidert and seconded by Trustee Sidari approving that any **RE:**
LEASE future lease for the Mt. Albion Cemetery apartment be a one year lease.

CARRIED

5 Ayes

0 Nays.

Harry Papponetti, Animal Control Department –

- 1) Due to hot months - dog calls are up especially barking dogs.
- 2) Problem with animals on West Park and West State Streets.
- 3) We have had five dog bits so far.
- 4) Have had an increase in calls regarding bats in July and August.
- 5) Have sent several animals out for testing – so far all negative.
- 6) Several woodchuck calls.
- 7) Raccoon population seems to be coming back
- 8) Trying to reduce calls as much as possible due to cost of gas.
- 9) Discussion regarding Canandaigua leash law – dogs can not be on a leash more

than 12 hours.

Code Officer – Not in Attendance – but sent report.

Street Superintendent – Not in Attendance – but sent report. Also submitted report with update on Sandy Creek Clean-up.

David Millis, Pollution Control Facility –

- 1) Draining Tanks and ready for concrete wall evaluation.
- 2) Rick's flows are up but mine are down.
- 3) Electrical usage low however bills are high due to price increase.
- 4) Received land application renewal permit.
- 5) In process of renewing our SPEDES permit.
- 6) Have renewed our Waste hauling renewal permit.
- 7) Received sewer discharge application from Wal-Mart – should I process this? Has any decisions been made as to what we are doing with there sewer request?
- 8) Sump pump discharge problem on

Brown Road

. Owner will not respond to my calls or letters. Attorney Gavenda will contact her.

Eric Bradshaw, Albion Fire Department –

- 1) Discussion regarding teams that will be leaving to aid after Hurricane.
- 2) Dog Show a success – one small accident which the Fire Department will pay cost.

Kathy Ludwick, Village Office –

- 1) Filed final papers with NYS DOT for the division of the \$125,000.00 which was divided into two separate grants.
- 2) Filed for draw under the \$324,000.00 sidewalk grant – approximately \$2,094.00 left.
- 3) Water bills were sent out on August 10, 2005.
- 4) Attended meeting on August 24, 2005 in Batavia regarding election.
- 5) Will be at NYCOM school from September 19 – 23.

PROCLAMATION Moved by Trustee Sidari and seconded by Trustee Neidert authorizing Mayor to sign Proclamation submitted by DAR proclaiming September 18 through 24, 2005 as Constitution Week.

CARRIED

5 Ayes

0 Nays

APPOINTMENTS Moved by Trustee Sidari and seconded by Trustee Banker approving the Mayor's appointments to the Historic Preservation Commission:

Joe Martillotta	- 4 year term - term ending 04/01/09
Mary Adele Theodorakis	- 4 year term - term ending 04/01/09
Holly Ricci Canham	- 4 year term - term ending 04/01/09
Judy Koehler	- 4 year term - term ending 04/01/09
Sue Heard	- 3 year term - term ending 04/01/08
Patty Cammarata	- 2 year term - term ending 04/01/07
Carol Tibbits	- 1 year term - term ending 04/01/06

CARRIED

5 Ayes

0 Nays

SURPLUS DECLARED Moved by Trustee Neidert and seconded by Trustee Daniels declaring excess "Millings" as surplus material, as per request of Street Superintendent.

CARRIED

5 Ayes

0 Nays

**BID
AWARD**

Moved by Trustee Neidert and seconded by Trustee Sidari awarding sidewalk contract to low bidder Ludwick Paving Inc. for the amount of \$ 8,435.00 per recommendation of Chatfield Engineers.

CARRIED

5 Ayes

0 Nays

DISCUSS: Discussion followed regarding several subjects:

- 1) Parks – summer parks program ran very smooth at Bullard.
- 2) Computers – Anti-Virus and outstanding bill to Orleans Computer
- 3) Village's Dental Plan
- 4)

*Platt Street
Parking Lot*

- 5) Gas prices – warn Department Heads
- 6) Correspondence from and to Union
- 7) Reminder of meeting at Assemblyman Nesbitt's Office on Friday.

**MEETING
CLOSED**

Moved by Trustee Sidari and seconded by Trustee Banker that there being no further business, meeting be adjourned at 9:25 PM.

CARRIED

5 Ayes

0 Nays

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March 09, 2005: Village Board Minutes - Mar. 09,2005

Body:

The Regular Meeting of the Village Board of Trustees of the Village of Albion was held Wednesday, March 9, 2005 at 7:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, NY.

Present were Mayor Edward L. Salvatore, Trustees John R. Daniels, Michael F. Neidert and Bruce P. Sidari.

Mayor Salvatore opened meeting with the Pledge of Allegiance.

PUBLIC HEARING 7:00 PM Public Hearing for the purpose of adopting a Local Law amending the codes of the Village of Albion specifically Fire Prevention and Building Construction Chapter 161-14 (B) Permits regarding small, non-commercial structures.

Code Enforcement Officer Ron Vendetti explained reason for change. This would only affect small buildings so they would be exempt from having to have building permits for foundations. It calls for buildings 150ft. or smaller. These type buildings are only sheds and storage sheds.

HEARING CLOSED Moved by Trustee Neidert and seconded by Trustee Daniels that in as much as everyone was heard who wished to speak regarding said Public Hearing, hearing is hereby closed 7:08 PM.

CARRIED

4 Ayes

0 Nays

LOCAL LAW # 4 2005 The following Resolution was proposed by Trustee Sidari who moved its adoption and seconded by Trustee Daniels:

WHEREAS, a proposed Local Law No. 4 of the year 2005 for the purpose of amending the Codes of the Village of Albion specifically Chapter 161 Fire Prevention and Building Construction 161-14 (B-3) Permits which was presented to the Village Board of Trustees at a regular meeting of said Board held on February 9, 2005, and

WHEREAS, the Board of Trustees, at a regular meeting of said Board held on February 9, 2005 did adopt a motion that a Public Hearing be held on aforesaid proposed amendment to the Local Law at 7:00 PM on March 9, 2005 at the Village Council Chambers,
35-37 East Bank Street, Albion, New York, and

that notice was published in the Batavia Daily News, the official newspaper of the Village of Albion, at least seven days before March 9, 2005, and

WHEREAS a notice of such Public Hearing was duly published in the Batavia Daily News on the 2nd day of March, 2005 and

WHEREAS, a Public Hearing on said proposed Local Law was held by the Board of Trustees of the Village of Albion at the Village Council Chambers,
35-37 East Bank Street, Albion, New York, at 7:00 PM on March 9, 2005,

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. 4, 2005

Adopted: March 9, 2005

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

CHANGE – CHAPTER 161-14 B (3) to read

(3) Small, noncommercial structures not intended for use by one or more persons for living, sleeping, eating or cooking; for example, a small storage building, not for vehicle storage, which does not exceed 150 square feet of floor space and not more than 15 feet in height, provided that it meets all other applicable laws and regulations.

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

**REQUEST
FOR
SEWER**

Mr. Gene Christopher, Town of Albion Supervisor, along with Jody Neal, Town of Albion Planning Board Chairman, addressed the Board requesting a resolution be passed by the Village Board stating the Village would furnish sewer services East and West of the Village limits on Route 31 if the Town of Albion creates Sewer Districts. This would help the Town with their future plans immensely. The town would create two separate sewer districts and identify the specific areas involved. At that point the Village would enter into an agreement with the Town to furnish sewer services to these areas. The Board asked the Town if a sewer district is created going West on Route 31 they would like to see it include

Gaines Basin Road
and loop back up

Allen Road

to Route 98. Mr. Christopher stated that would be no problem.

Discussion followed with various questions regarding sewer districts, who would be responsible for upkeep of lines and where the districts would extend to.

**RES.
FOR
SEWER**

The following resolution was proposed by Trustee Neidert who moved its adoption and seconded by Trustee Sidari:

WHEREAS, the Village of Albion Board of Trustees did receive a request from the Town of Albion to furnish Sanitary Sewer Services East and West of the Village limits on Route 31, and

WHEREAS, the Town of Albion is willing to create two separate sewer districts with specific boundaries for these two areas, and

WHEREAS, the Village of Albion realizes these sewer districts would be beneficial to the growth of the Town of Albion in the future

NOW THEREFORE BE IT RESOLVED, the Village of Albion hereby approves to furnish Sanitary Sewer Services to the Town of Albion East and West of the Village line on Route 31 to the sewer districts that will be created by the Town of Albion

CARRIED

4 Ayes

0 Nays

RESIDENT Mr. James Pore of

106 Clarendon Street
addressed the Board with his

concern of water standing in front of his home due to a sidewalk being ruined by a Village tree that needs to be cut down. He stated the tree was marked to be cut down last year but nothing has been done. He tries to keep his sidewalk clean of snow and water as it is a direct route the kids walk to get to school.

Mayor Salvatore explained what is happening with the
Clarendon Street

bridge repair. When this is done I assume the sidewalk in that area will be addressed at the same time. However, I will have Mr. Long come and check the tree out and we can do something about that. We also want to thank you for keeping the sidewalks open through the winter if more residents would do that it would deter the children from walking in the road.

RESIDENT Ms. Bonnie Doolan addressed the Board with the complaint of noise from BPS factory located on

East Avenue

. Ms. Doolan feels the Board isn't working fast enough to solve the problem.

Trustee Neidert explained, as he did to Ms. Doolan on the phone the night before, the Board is presently looking into purchasing a Decimal Meter to get a proper reading on the noise and until that happens we won't be able to get readings that would stand up in Court. We have been looking into the proper meter needed and we are trying to find the money to purchase it as we did not account for it in this year's budget. The meter we have now does not show the decimal reading as being a problem. We have changed the law, made numerous calls to professionals in this field trying to attack this problem properly. We are working as fast as we can.

Mayor Salvatore stated we sympathize with you but we are working as fast as we can.

REQUEST FOR SEWER Mr. & Mrs. Roger Baetzold, and their Engineer, Brian Sorochty addressed Board requesting they be allowed to tap into the Village Sanitary Sewer System on

Allen Road

. Their home will be located outside the Village

CONNECTION limits on the North Side of Allen Road approximately 975 ft. west of the intersection of

Hamilton Street

Discussion followed as to where they could tap in because the end of that line is on private property. Attorney Gavenda checked out the map presented by Mr. & Mrs. Baetzold's Engineer and it was determined there was room to tap in before private property.

APPROVAL TO CONNECT TO SEWER Moved by Trustee Neidert and seconded by Trustee Daniels approving Mr. & Mrs. Baetzold be allowed to tap into the Village Sanitary Sewer System as long as they understand there is going to be a fee set soon for outside users, and they sign the standard agreement.

CARRIED

4 Ayes

0 Nays

PUBLIC HEARING 7:30 PM Public Hearing to discuss Community Development needs and priorities, to provide residents with information about the Small Cities program and to describe the Village's plan to meet these priority needs.

Jason Foote, of Chatfield Engineers, presented some of projects that are going to be involved in the grant application:

1) Project Area A Platt Street
Drainage Improvements - \$182,735.70

- 2) *Project Area B West Bank St.*
 Improvements - 219,880.50
 3) *Project Area C Municipal Parking Lot Improvements* - 166,829.25

HEARING CLOSED Moved by Trustee Neidert and seconded by Trustee Daniels that in as much as everyone was heard who wished to speak regarding said Public Hearing, Hearing is hereby closed.

CARRIED

4 Ayes 0 Nays

RES. RE. 2005 GRANT The following resolution was proposed by Trustee Neidert who moved its adoption and seconded by Trustee Daniels:

RESOLVED, that the Mayor of the Village of Albion, Orleans County, New York, is hereby authorized as the official representative of the Village to execute and submit a Small Cities application t the administrative agency for the Fiscal Year 2005 program, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required.

CARRIED

4 Ayes 0 Nays

APPROVAL TO SIGN Moved by Trustee Daniels and seconded by Trustee Neidert authorizing Mayor Salvatore to sign the Applicant Disclosure Update Report and the Residential Anti Displacement and Relocation Assistance Plan documents which will be filed with the 2005 grant application.

CARRIED

4 Ayes 0 Nays

RESIDENT REQUEST Correspondence received from Ms. Joyce O'Connor and Mr. Thomas Gerhardy requesting relief from a portion of their sewer bill due to the fact they had leaks that did not go down the sewer. Board wants these requests to be turned over to Street Superintendent for further investigation.

Rezoning of
353-355 West Bank Street
 from General Commercial (GC) to
 R-2 Residential. Public Hearing was held February 9, 2005. Board waited to hear from the Orleans County Planning Board and the Village Planning Board before making decision.

Both Planning Boards had no problem with zoning change as long as it is consistent with the Comprehensive Plan and the area zoning.

LOCAL LAW # 5 2005 The following resolution was proposed by Trustee Neidert who moved its adoption and seconded by Trustees Sidari:

WHEREAS, a proposed Local Law No. 5 of the year 2005 for the purpose of amending the Codes of the Village of Albion Specifically Chapter 290 Zoning to change the zoning of

353-355 West Bank Street
 (along North

side of

Bank Street

only) from General Commercial (G-C) to R-2 Residential which was presented to the Village Board of Trustees at a regular meeting if said Board held on January 12, 2005, and

WHEREAS, the Board of Trustees, at a regular meeting of said Board held on January 12, 2005 did adopt a motion that a Public Hearing be held on aforesaid proposed amendment to the Local Law at 7:00 PM on February 9, 2005 at the Village Council Chambers,

35-37 East Bank Street, Albion, New York
, and

that notice was published in the Batavia Daily News, the official newspaper of the Village of Albion, at least seven days before February 9, 2005, and

WHEREAS, a notice of such Public Hearing was duly published in the Batavia Daily News on the 14th day of January, 2005, and

WHEREAS, a Public Hearing on said proposed Local Law was held by the Board of Trustees of the Village of Albion at the Village Council Chambers,

35-37 East Bank Street, Albion, New York

at 7:00 PM on February 9, 2005

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. 5, 2005

Adopted: March 9, 2005

BE IT ENACTED by the Village Board of Trustees

Section 1) 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 Regulation, Sub. Section 290-21 entitled Zoning Map is hereby amended to change the zoning classification of the following Described premises to R-2 Residential

Parcel 1

Premises described as

353 West Bank Street

(Tax Map No. 73.05-1-15)

All that tract or parcel of land, situate in the Village of Albion, County of Orleans and State of New York, being part of Lot No. 3, Township 15, and Range 2 of the Holland Land Company's Land, described and bounded as follows: North side of

West Bank Street

; BEGINNING at a railroad spike

marking the intersection of the north line of

West Bank Street

with the west

line of

West Street

; thence (1) North 03 degrees 28'20" West for a distance

of 27.16 feet to an iron stake; thence (2) South 86 degrees 31'40" West for a distance of 113.44 feet to an iron stake; thence (3) North 00 degrees 39'12" West and along the east line of lands of Wilson James Halstead, as described in Liber 241 of Deeds, at page 280, a distance of 90.90 feet to an iron stake on the south line of the New York State Barge Canal; thence (4) North 77 degrees 04'30" East and along the south line of the New York State Barge Canal for a distance of 379.27 feet to an iron stake; thence (5) South 03 degrees 28'20" East and along the west line of lands belonging to Harold W. and Bertha Benson, as described in Liber 272 of Deeds, at page 506, for a distance of 135.40 feet to a point on the north line of

West Bank Street

; thence (6) South

76 degrees 55'43" West and along the north line of

West Bank Street

, for a

distance of 268.92 feet to the point of beginning.

Parcel 2

Premises described as

355 West Bank Street

(Tax Map No. 73.05-2-1)

All that tract or parcel of land, situate in the Village of Albion, County of Orleans and State of New York, being part of Lot No. 3, Township 15 and Range 2 of the Holland Land Company's Land, described as follows: South side of

West Bank Street

; BEGINNING at the intersection of the south line

of
West Bank Street
with the east line of
West Street
; thence (1) North 76
degrees 55'43" East and along the south line of
West Bank Street
for a distance of 129.81 feet to a drill hole in the sidewalk; thence the
following three courses along lands belonging to David A. and Deborah
A. Postle, as described in Liber 372 of Deeds, at page 381; thence (2)
South 03 degrees 28'20" East for a distance of 57.00 feet to an iron stake;
thence (3) North 76 degrees 55'43" East for a distance of 4.00 feet to an iron
stake; thence (4) South 03 degrees 28'20" East for a distance of 99.58 feet to
an iron stake; thence (5) South 88 degrees 20'26" West and along the north
line of lands of Christopher N., Clifford L. and Paul Platek, as described in
Liber 401 of Deeds, at page 633, and along the north line of lands of Byron
and Winifred Brooks as described in Liber 237 of Deeds, at page 379, for a
distance of 132.00 feet to a point on the east line of
West Street
; thence (6)
West Street
for a
distance of 130.09 feet to the point of beginning.

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

CARRIED

4 Ayes

0 Nays

RESIDENT REQUEST Request received from Spencer Beales on behalf of Patricia Osborne
of
205 East Bank Street
, for a break on sewer portion of bill due to fact
they had a leak.

REQUEST DENIED Moved by Trustee Daniels and seconded by Trustee Neidert to deny Mr.
Beales request, per recommendation of Street Superintendent, as the
Village is unable to determine how much water was discharged to
basement floor or what amount is still possible being discharged to
sanitary system via a leaking faucet or toilet.

CARRIED

4 Ayes

0 Nays

RESIDENT REQUEST Request received from Little Leapers of 158 Hamilton Street for break
on water and sewer bill due to high bill.

REQUEST DENIED Moved by Trustee Sidari and seconded by Trustee Daniels to deny
Little Leapers request, per recommendation of Street Superintendent,
as the meter tested "PASSING" for accuracy. Village also checked and
found no leaks on premises.

CARRIED

4 Ayes

0 Nays

RESIDENT REQUEST Request received from Joseph Bedard of
431 West State St.
lot # 26

REQUEST for break on the sewer portion of his bill due to the fact he had a leak
which did not go down sewer.

ADJUST- MENT APPROVED Moved by Trustee Neidert and seconded by Trustee Sidari approving
to adjust Mr. Joseph Bedard's sewer bill due to the fact water was not
discharged into the Sanitary System.

CARRIED

4 Ayes

0 Nays

**MINUTES
APPROVED**

Moved by Trustee Daniels and seconded by Trustee Sidari that in as much as each member received copies of the February 9, 2005 and March 2, 2005 minutes and there being no errors or omissions, minutes are hereby approved as written.

CARRIED

4 Ayes

0 Nays

**DEPT.
REPORT**

Treasurer's report receive and accepted for month of February.

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December 14, 2005: Village Board Minutes

Body:

The regular meeting of the Village Board of Trustees of the Village of Albion was held Wednesday December 14, 2005 at 7:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Edward L. Salvatore, Trustees H. Dale Banker, John R. Daniels, Michael F. Neidert and Bruce P. Sidari.

PUBLIC HEARING 7:00 PM Public Hearing for the purpose of amending the Codes of the Village of Albion specifically Chapter 116 Water (116-1 add D 1) ; (116-7 amend). Mayor Salvatore read amendment and addition to local law – no one wished to speak concerning amendments.

Moved by Trustee Sidari and seconded by Trustee Neidert that there being no further comment regarding said Public Hearing, hearing is hereby closed.

CARRIED

5 Ayes

0 Nays

LOCAL LAW NO. 10, 2005 ADOPTED The following resolution was proposed by Trustee Neidert who moved its adoption and seconded by Trustee Sidari:

WHEREAS, a proposed Local Law No. 10 of the year 2005 for the purpose of amending the Codes of the Village of Albion specifically Chapter 116 Water was presented to the Village Board of Trustees at a regular meeting of said Board held November 9, 2005, and

WHEREAS, the Board of Trustees, at a regular meeting of said Board held on November, 9, 2005 did adopt a motion that a Public Hearing be held on aforesaid proposed Local Law at 7:00 PM on December 14, 2005 at the Village Council Chambers,
35-37 East Bank Street, Albion, New York
, and

that notice was published in the Batavia Daily News, the official newspaper of the Village of Albion, at least seven days before December 14, 2005, and

WHEREAS, a notice of such Public Hearing was duly published in the Batavia Daily News on the 23rd day of November, 2005, and

WHEREAS, a Public Hearing on said proposed Local Law was held by the Board of Trustees of the Village of Albion at the Village Council Chambers,

35-37 East Bank Street, Albion, New York
, at 7:00 PM on December 14, 2005,

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. 10, 2005**

Adopted: December 14, 2005

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

Section 116-1 Application for use; tapping

ADD

D. Any premises where water service has been terminated for a period of six (6) months shall be inspected by the Code Enforcement Officer or agent to insure compliance with the requirements for a Certificate of Occupancy.

Section 116-7 Cross Connection prohibited; civil penalty

AS AMENDED:

A. Cross-connection between different water supplies in or on any premises receiving Village of Albion water service are prohibited. A cross-connection is an arrangement or installation of water supply pipes, fixtures or equipment which do or may allow the transfer of water to or from the Village of Albion water service to any other water service or supply of any type whatever.

B In the event that it is determined by employees of the Village that a cross-connection does exist in or on any premises, the village water service shall be immediately terminated without notice to the owner or tenants. In addition, the owner of any premises in or upon which a cross-connection is determined to exist shall be subject to a civil penalty EN as set forth from time to time by the Board of Trustees. [amended 8-14-1996 by L.L. No. 5-1996].

C. Any village water service terminated as above provided for in Subsection B shall not be reinstated until:

- (1) The premises have been repaired to remove the cross-connection.
- (2) A new application for water service has been made to the village and approved.
- (3) The premises have been inspected by a village employee or agent.
- (4) All penalties due have been paid.
- (5) All costs incurred by village have been paid.

D. A potable water supply within the Village of Albion will be supplied by a Public Water System as defined by Par 5, Subpart 5-1 of the New York State Sanitary Code. A Public Water supply means a community water system which supplies water to the public for human consumption through pipes or other constructed conveyances, if such system has at least 5 service connections or regularly serves an average of at least 25 individuals daily at least 60 days of the year.

Section 116-11 Termination of service

If a water bill is not paid after a two-month period following the period of the unpaid billing, a shutoff notice will be forwarded by regular mail to the responsible consumer. If the unpaid water bill is not paid within twenty (20) days, commencing with the day of mailing said notice, the water supply to the premises of the delinquent consumer will be terminated. Wherever a water supply is terminated for nonpayment of a water bill, an additional charge for services, as is from time to time established by resolution of the Village Board of Trustees, payable in advance, will be imposed before water service to the premises of the delinquent consumer will be restored.

Any village water service terminated as above the Code Enforcement Officer will be notified of the termination of the potable water supply. Whenever any water service is terminated for a period of 24 hours the Certificate of Occupancy shall be removed and not be reinstated until:

- (1) The premises have been inspected by The Code Enforcement Officer or agent and it is shown to meet the requirements of a Certificate of Occupancy.
- (2) The provision of § 116-12 have been met.

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

5 Ayes

0 Nays

REQUEST FOR Request for amendment to Zoning Map, submitted by Theresa Albanese, –
for extension of General Commercial District to include
309 West Academy REZONE Street

impact

Both the Village of Albion Planning Board and Orleans County Planning Board have approved this zoning stating there would be no negative to the Village or the Neighborhood. This was addressed at the November meeting but tabled allowing Ms. Eibl time to check into it further.

Attorney Dan DiMatteo, representing the Albanese family, addressed Board regarding the pending application to bring the property inconformity based on history. Mr. DiMatteo explained that the owner did take down the green houses but there is still a green house business he hasn't decided whether they will reopen a small green house or not but he definitely would like to put up a small office for his coin business on this property. The Albanese's have owned this property for more than eighty years and has been used as commercial property this whole time. They have always shown pride in their property and maintained it to very high standards and there would be no change in this property use other than the small office building.

Everything else would stay just as it is today. We have no other plans for it. Basically we are not the ones who asked for the zoning change it was recommended by the Village's Code Officer.

Mayor Salvatore read letter from Mrs. Albanese stating their business will be adversely impacted if the proposed application is not granted. They understand the concerns that were expressed at the November meeting by one neighbor whose property backs up to their property and a concerned citizen, who does not live adjacent to property. But assured them that any plans will enhance the property and will not detract from the present character of the neighborhood and will enhance real estate values. She stated they take pride in their neighborhood. Their past record on maintenance has been one of only improving said property and not creating a eyesore in any way for their neighborhood or the Village of Albion. Mrs. Albanese stated as you are aware the adjacent properties to ours is the Orleans County Highway Department head quarters and the Orleans County Fuel Farm which services more than twenty government agencies and are responsible for the largest volume of traffic and truck noise generated in the neighborhood. We believe our proposed use of the West Academy property will serve as a reasonable buffer and enhancement to the future of the Village of Albion.

Ms. Eibl stated she is still concerned that in the future, if the property is zoned commercial, who knows what could happen. Maybe Mr. & Mrs. Albanese will leave it as is but if something happens to them maybe their kids will think differently.

Mr. Albanese stated by son owns a house on this property and has just put considerably amount of money into remodeling it and feels the same way as we do.

Mr. Eibl asked if their was another way they could get what they want without rezoning to Commercial like a special use permit.

Trustee Sidari explained the different zones and what could be done in each. Mrs. Irwin addressed the Board and thanked Trustee Sidari for the information he supplied as she could not get answers any where else. Mrs. Irwin stated there is plenty of vacant commercial property in the Village and after all his place of business now is in his home.

She also stated her displeasure with the possible rezone.

Discussion followed regarding buildings on the North end of the property and the trucks that are presently parked there.

Mrs. Irwin stated sometimes she can hear the trucks start up early in the morning. Mr. Albanese stated there are also County trucks parked right next to the property. Mrs. Irwin stated she can tell the difference in the the trucks when they start up.

Ms. Eibl feels

Clinton Street

is one of the only beautiful streets left in Albion

and she does not want to see the neighborhood change. (Ms. Eibl's property backs up to Mr. Albanese's property which is located on

Academy Street

.)

Ms. Eible wants to know what Mr. Albanese's grand plan is for the future. Mr. Albanese stated I have no plan I did not request this rezone.

Trustee Sidari stated he feels the Village Planning Board fell down on this.

He feels they should start over again and get some questions answered

Attorney DiMatteo stated he feels Mr. Sidari has an underline reason as

to why he is against this rezone because of his feeling towards Mr. Albanese.

Mr. Albanese stated I followed all the rules. The Village Code Officer came

to me and said I should rezone. It went before the Village Planning Board and

the Orleans County Planning Board. Both Boards reviewed the request and

responded with approvals for the rezone.

Discussion followed.

Mr. Albanese submitted petition signed by 18 residents who support rezone and are residents who are neighbors of property in question.

Ms. Eibl submitted petition signed by 25 residents who do not support the rezone and are from different areas of the Village.

MOTION TO TABLE Moved by Trustee Banker and seconded by Trustee Sidari to table request for further research regarding R-3 Zone.

CARRIED

5 Ayes

0 Nays

EMPIRE ZONE Mrs. Gabrielle Barone addressed the Board thanking them for their support of the Empire Zone.
At the present time the Empire Zone as we know it no longer exists till the Control Board approves what we are submitting. They have set new guide lines which we have to follow for our Empire Zones. We are submitting six contiguous areas but are allowed to apply for seven. I previously e- mailed you the resolutions that need to be adopted in order for us to proceed with this application. Mrs. Barone explained the present zone at

111 West Avenue

will no longer be in the Empire Zone. The new zone will be on East and West side of Route 98 from Village line to Route 31 A.

Mrs. Barone explained the new requirements set by the Control Board for Empire Zones.

Mayor asked why we could not connect

Washington Street
and the old

Ames plaza as an Empire Zone. At least we could keep the Empire Zone in the Village seeing as how you are taking out

West Avenue

Discussion regarding St. Gobain, Washington Mutual and Viking Polymer. Trustee Neidert stated he feels the Village is losing. Why not go from

West Academy Street west
on Route 31.

Mayor stated if we approve these resolutions as written we are not looking out for the Village. I am against the resolutions as written. We do not approve the seventh zone outside the Village limits.

Discussion followed as to who is on the committee for establishing the zones: Ken DeRoller, Mark Chamberlain, Gene Christopher, John Masiti, Ed Orbanek and Paul Hendel.

General consensus was the Board supports the Empire Zone but does not approve of the new seventh zone. Zone 1 is West end in medina; Zone 2 is Medina Industrial Park; Zone 3 is in Lyndonville; Zone 4 is in Albion; Zone 5 is in Albion and Zone 6 in Holley.

EMPIRE ZONE RES. FOR AREA 4

The following amended resolution was proposed by Trustee Sidari who moved its adoption and seconded by Trustee Daniels:

WHEREAS, pursuant to Section 961 of the General Municipal Law, the County authorized, pursuant to Local Law No. 2 of 2002 and this municipality concurred with the application by Orleans County for designation of certain areas as an Empire Zone within the meaning of said statute, such designation was approved by the New York State Commissioner of Economic Development and was formally designated by the Empire Zones Designation Board on October 11, 2002; and

WHEREAS, the New York State Legislature and the Governor have enacted into law changes to the Empire Zones program, whereby each existing Empire Zone must configure its existing zone acreage into six "distinct and separate contiguous" areas; the boundaries of said areas to be included in said Empire Zone within this municipality shall be as set forth in Schedule A, which is attached hereto and made a part hereof; and

WHEREAS, pursuant to Sections 957 (d) and 961 of the General Municipal Law, the COUNTY OF ORLEANS has proposed the redesignation of the existing ORLEANS COUNTY Empire Zone into six "distinct and separate contiguous areas", which will include the Village of ALBION; and

WHEREAS, such redesignation could greatly benefit the residents of Orleans County in that new businesses would be encouraged to locate in the zone area, existing businesses would be encouraged to expand in the zone area and new and expanded businesses would generate new jobs for Village of ALBION residents; and

WHEREAS, the VILLAGE OF ALBION is desirous of working with ORLEANS COUNTY through the Empire Zone Program to provide enhanced job opportunities for its residents; and

NOW, THEREFORE, BE IT RESOLVED, by the VILLAGE BOARD of the VILLAGE OF ALBION, New York, that it fully supports and concurs in the submission of an application by THE COUNTY OF ORLEANS for the redesignation of certain areas as an Empire Zone.

SCHEDULE A – Area 4 – ALBION INDUSTRIAL CENTER/WAMU/

MCKINSTRY STREET

Legal Description for Area 4:

Starting at a point adjacent to

East Road

beginning at W 78.111596, N

43.142833, Thence, westerly 350.39 meters to a point W 78.113140, N

43.142809, Thence, northerly 31.67 meters to a point W 78.113146, N

43.142906, Thence, westerly 19.85 meters to a point W 78.113222, N

43.142909, Thence, northerly 151.03 meters to a point W 78.113205, N

43.143392, Thence, northeasterly 473.24 meters to a point W 78.111125, N

43.143554, Thence, southerly 97.65 meters to a point W 78.111134.43.

143240,

Thence, westerly 40.98 meters to a point W 78111306, N 43.143234,

Thence, southerly 38.89 meters to a point W 78.111303, N 43.143114,

Thence, westerly 68.76 meters to a point W78.11608, N 43.143114,

Thence, southerly 87.78 meters to a starting point W 78.111596, N

43.142833

The above legal description for Area 4 includes the following whole tax parcels in the Village of Albion:

73.10-1-12.114 ; 73.10-1-12.112 ; 73.10-1-12.111 ; 73.10-1-12.113 ;

73.10-1-19.1 ; 73.10-1-12.12 ; 73.10-1-12.151

CARRIED

5 Ayes

0 Nays

**EMPIRE
ZONE
RES. FOR
AREA 5**

The following amended resolution was proposed by Trustee Sidari who moved its adoption and seconded by Trustee Daniels:

WHEREAS, pursuant to Section 961 of the General Municipal Law, the County authorized, pursuant to Local Law No. 2 of 2002 and this municipality concurred with the application by Orleans County for designation of certain areas as an Empire Zone within the meaning of said statute, such designation was approved by the New York State commissioner of Economic Development and was formally designated by the Empire Zones Designation Board on October 11, 2002; and

enacted

WHEREAS, the New York State Legislature and the Governor have into law changes to the Empire Zones program, whereby each existing Empire Zone must configure its existing zone acreage into six "distinct and separate contiguous" areas; the boundaries of said areas to be included in said Empire Zone within this municipality shall be set forth in Schedule A, which is attached hereto and made a part hereof; and

WHEREAS, pursuant to Sections 957 (d) and 961 of the General Municipal Law, the COUNTY OF ORLEANS has proposed the redesignation of the existing ORLEANS COUNTY Empire Zone into six "distinct and separate contiguous areas", which will include the Village of ALBION; and

WHEREAS, such redesignation could greatly benefit the residents of Orleans County in that new businesses would be encouraged to locate in the zone area, existing businesses would be encouraged to expand in the zone area and new and expanded businesses would generate new jobs for Village of Albion residents; and

WHEREAS, the COUNTY OF ORLEANS wishes to redesignate certain

areas within the VILLAGE of ALBION is desirous of working with ORLEANS COUNTY through the Empire Zone Program to provide enhanced job opportunities for its residents; and

NOW, THEREFORE, BE IT RESOLVED, by the VILLAGE BOARD of the VILLAGE OF ALBION, New York, that it fully supports and concurs in the submission of an application by THE COUNTY OF ORLEANS for the redesignation of certain areas as an Empire Zone.

SCHEDULE A – Area 5 – ALBION BUSINESS PARK
Legal Description for Area 5

Starting at a point adjacent to
Telegraph Ave.
beginning at W 78.093714, N
43.143028, Thence, westerly 853.27 meters to a point W 78.101495, N
43.142959, Thence, northerly 310.53 meters to a point W 78.101476, N

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December 07, 2005: Village Board Minutes

Body:

The Workshop Meeting of the Village Board of Trustees of the Village of Albion was held Wednesday, December 7, 2005 at 7:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Edward L. Salvatore, Trustees H. Dale Banker, John R. Daniels, Michael F. Neidert and Bruce P. Sidari.

Mayor opened meeting with the Pledge of Allegiance.

Chief Dean London – Police Department

- 1) Arrests are down this month (28). Efforts are working well addressing trouble areas.
- 2) Tracs grant update – ordered all equipment for cars. Have received everything but the printer arm rests.
- 3) Federal forfeiture account – Still waiting for money.
- 4) Mock scenario event on December 12, 2005. Orleans County Health Dept. is holding a mock Asian flu pandemic at the American Legion from 3:00 pm to 6:00 pm. Police Explorers will help with event.
- 5) One of our local drug arrests provided information that a large dealer from Buffalo was supplying him with hydro mariguana. In connection with DEC we arrested that dealer and seized 18 pounds of hydro marijuana with a street value of \$63,000.00.
- 6) I'm still working on policy for Sex Offender's and hope to have it for Board's review in January.
- 7) Met with Ben Midea and Paul Chappius regarding neighborhood concerns over dances held at Knights of Columbus. We will stay on top of this situation.
- 8) request a motion to declare a 1992 Honda Civic as surplus equipment and place ad in paper.

CAR DECLARED SURPLUS Moved by Trustee Neidert and seconded by Trustee Daniels approving the 1992 Honda Civic be declared surplus equipment and approve it be advertised for sale by sealed bid.

CARRIED

5 Ayes

0 Nays

APPOINTMENT OF ACTING CODE OFFICER Moved by Trustee Daniels and seconded by Trustee Sidari that Douglas Long be declared Acting Code Enforcement Officer during the time Ron Vendetti is off.

CARRIED

5 Ayes

0 Nays

Doug Long – Code Enforcement

- 1) Briefly reviewed monthly activity report

Doug Long – Street Department

- 1) Completed monthly reading of large water meters; performed 18 stake outs; ; repaired service lateral a water main break; assisted at Booster station in installing replacement electrical parts and assisted NY Rural Water representative in leak

detection project.

- 2) Investigated resident complaint regarding sewer – NOT a village problem.
- 3) Picked up brush, leaves from curbside; shift work started December 2nd and crews were out plowing and salting street four days this month.
- 4) Re-visited Sandy Creek and removed “new” debris from waterway; installed XMAS wreaths on street light poles in downtown area; finished ditch installation at Meadowbrook area – clean-up of debris remains to be completed; assisted Orleans County in cleaning culvert pipe and assisted Keeler Construction in clean-up and disposal of concrete debris at Washington Industrial Site.
- 5) Had bid opening for surplus wood and spreader and we received no bids. We re-advertised in the Pennysaver and the bid opening will be Dec. 12, 2005.

Rick Preston, Water Treatment Plant –

- 1) Presented updated numbers from last month – production versus sales.
- 2) Both precipitators completed – the work Kevin did was exceptional. If we had hired someone it would have cost \$23,000.00 to \$66,000.00. Doing it ourselves it cost \$8,000.00. Trustee Banker stated a letter of accommodation should be placed in Mr. Miller’s file.
- 3) Transformer rebuilt and installed
- 4) Heard from Congresswoman Slaughter that \$250,000 has been appropriated for break wall project. Mr. Gavenda has been working with DEC to make the wording right in the agreement that will be agreeable to both sides.
- 5) As a member benefit – Dan Tousley, the Circuit Rider for NYS Rural Water spent two days in the Village doing a hydrant survey.
- 6) On 11/07/05 the intake plugged with sand – it was back flushed and back on line in a couple of hours.
- 7) Requests an executive session to discuss personnel matter.

Discussion regarding leak detecting equipment and the sharing of it with the Townships.

Trustee Banker asked if there were any grants out there that might cover an item such as this.

Harry Papponetti – Animal Control

- 1) Calls down for the month of November.
- 2) Cat problem is picking up. Laws have changed covering cats.
- 3) Had yearly state inspection and we were written up on one item that needs to be addressed. We have no Veterinarian to cover emergency care service at night – neither does the County. By law we have to have one on call. This could turn out to be costly if we have to take them out side the County. It is something that needs to be addressed.
- 4) We received notification from County of increase in fees.

Kathy Ludwick, Village Office

- 1) Finishing up Asset cards for Auditors – Still need Fire Department’s and update from Sewer Department.
- 2) Worked on Grant with Gary Derwick and Gary Kent regarding Inter-Generational Community Center. We now have 15 open / pending grants.
- 3) Will be paying NYS Retirement bill on December 13, 2005. We have enough in budget to pay in full without amortizing and with a little left over in each fund.
- 4) Received notice from Excellus regarding increase in medical rates.
- 5) Attended meeting with Police and CSEA representative regarding Dental Policy.
- 6) Paid interest on Bonds for General Fund - \$12,320.00 and Water Fund - \$46,228.13.
- 7) C of D roll over rate was 4.15%
- 8) Water Billing was sent out on November 10, 2005. Second quarter totaled approximately \$359,354.99. When you average out your revenues we should take in at least \$366,261.00 per quarter. First quarter did show a profit of \$79,818.70

Attorney Gavenda discussed Sanitary Sewer agreement with the Town of Albion. To be put on next weeks agenda.

Discussion regarding up keep of Town’s sewer line to Wal Mart – it should be clearly stated in the contract that the Village of Albion is not responsible for upkeep of their line.

RES. RE. The following resolution was proposed by Trustee Daniels who moved its adoption and seconded by Trustee Sidari:

**GRANT FOR
COMMUNITY
CENTER**

We, the Village of Albion Board of Trustees and Mayor Edward Salvatore, whole heartedly endorse the creation of an Intergenerational Community Center in, or contiguous to, the Village of Albion.
We enthusiastically support partnership with the Albion Betterment Committee in this venture and intend to support the effort.

CARRIED

5 Ayes

0 Nays

APPROVAL TO PROCESS LEACHATE Moved by Trustee Banker and seconded by Trustee Neidert approving the Village will temporarily accept Leachate from the Wal Mart complex until proper sewer lines are installed. As long as Wal-Mart complies with all Village sewer regulations and is responsible for all such costs of disposal.

CARRIED

5 Ayes

0 Nays

Noted that Fire Department should send representative to address monthly fire Report.

Trustee Banker noted that monthly mileage report was not reported from Mt. Albion Cemetery during the summer months as Mr. Zicari does not take his truck home during the summer. Minutes should reflect this notation.

EXECUTIVE SESSION Moved by Trustee Sidari and seconded by Trustee Banker to adjourn to executive session to discuss a personnel matter.

CARRIED

5 Ayes

0 Nays

SESSION REOPENED Moved by Trustee Sidari and seconded by Trustee Neidert to reopen session at 8:42 PM.

CARRIED

5 Ayes

0 Nays

MEETING CLOSED Moved by Trustee Sidari and seconded by Trustee Daniels that there being no further business, meeting be adjourned at 8:43 PM.

CARRIED

5 Ayes

0 Nays

Respectfully submitted,

Kathleen R. Ludwick
Clerk – Treasurer
Village of Albion

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November 09, 2005: Village Board Minutes

Body:

The regular meeting of the Village Board of Trustees of the Village of Albion was held Wednesday November 9, 2005 at 7:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, NY 14411.

Present were Mayor Edward L. Salvatore, Trustee H. Dale Banker, John R. Daniels, Michael F. Neidert and Bruce P. Sidari.

Mayor Salvatore opened meeting with Pledge of Allegiance.

PUBLIC HEARING FOR 7:00 PM Public Hearing for the purpose of adopting a Local Law amending the Zoning Map of the Village of Albion to extend the General Commercial Zone on *West Academy Street, south* to include *309 West Academy Street*

REZONE 309 W. ACADEMY Tax map no. 73.13-2-42.

Mr. Albanese, owner of the property addressed the Board stating the property was a non compliant pre existing commercial use. It has been used commercially since 1917 but since I tore the green houses down I was informed the property automatically goes to Residential unless the Board agrees to extend the commercial zone. I would like to build a office on this property for my business, which is very low key, but it needs to be commercial before I can do that. I have no intention of selling the property for commercial use. I have built a home next to this property and my son lives there and just remodeled his home. We have no intention of letting this property out of the family. In fact my grandchildren will probably build on this property. This property butts up to commercial property (County Fuel Farm) plus there is a commercial trailer park and apartment house across the street.

Trustee Neidert stated he had a phone call from a neighbor, Dusty DeCarlo, who stated has no problem with this rezone.

Mayor stated if this property does not get zoned commercial it will transfer to R-3 which includes multiple dwelling.

Ms. Gail Eibl, of

Clinton Street

, stated her property backs up to the property which her family has owned for 55 years and it is a beautiful part of town and very peaceful. Any change to go forward with rezoning, she is against. I know Mr. Albanese says his intentions are good but you don't know what is going to happen in the future. The Village has enough Commercial land zoned I haven't had time to look into it but I hear there is a Master Plan for the Town of Albion which includes the Village and I would like you to postpone your decision for 30 days till I have time to look into it.. There are many others against this but couldn't come tonight. She felt she was not given proper notification.

Mayor Salvatore explained that all the rules were followed regarding this zone change. It came before the Board and we set a hearing date which was properly advertised. It then went to the Village Planning Board, which they voted and recommended the property be rezoned to commercial. It then went before the Orleans County Planning Board, which they also recommended the property be rezoned to commercial and now we are having the Public Hearing to hear all persons interested. There are no provisions in the law to notify each individual person.

Mr. Gar Trusselle stated he lives on

Clinton Street

and even through his

property does not butt up to this property he is against the rezoning. The County trucks are enough we want no more trucks. He would like more time to discuss options. He heard Mr. Albanese wants to build an office and storage buildings.

Short discussion regarding General Commercial Zone compared to R1 or R3.

HEARING CLOSED Moved by Trustee Neidert and seconded by Trustee Sidari that in as much as everyone interested in public hearing has been heard, the public hearing is hereby closed.

CARRIED

5 Ayes

0 Nays

REFERRED TO COMM. Moved by Trustee Neidert and seconded by Trustee Sidari to refer zoning change request to committee.

CARRIED

5 Ayes

0 Nays

RESIDENT Mr. Leon Lusk addressed Board regarding his water / sewer bill for 36

North Street

. He requested an adjustment last month but was turned down

by the Board. He is requesting the Board reconsider their decision.

He understands the first bill he had a leak but doesn't know why the next bill would be high. It was explained that part of the leak would have appeared in the last bill and that is probably why the seconded bill is high.

Board had Clerk check to see if the new bill going out November 10, 2005 was also high. Clerk checked and yes the bill is even higher. Board told

Mr. Lusk he must have another leak but Mr. Lusk stated he has checked and all leaks were fixed before.

APPROVED TO CHECK METER Moved by Trustee Neidert and seconded by Trustee Banker to have Village go out and check Mr. Lusk's line again up to meter and to check meter. In the mean time all late fees will be waived.

CARRIED

5 Ayes

0 Nays

RESIDENT Mr. Ross Zastrow of
110 Linwood Avenue
addressed Board regarding water
drainage on

Linwood Avenue
and
Ingersoll Street

. Discussion followed regarding the fact when the storm sewer was put in, by Pro Construction the drain tile was never connected back in. Trustee Sidari stated if the connection was made it would drain several pieces of property in that area that are having a problem. Mayor stated he was unaware of this. Trustee Banker asked, what shape is the line in. Questioned was asked if we hook it in and it still doesn't drain – whose responsibility is it? Discussion followed .

APPROVAL TO RE-CONNECT STORM SEWER Moved by Trustee Banker and seconded by Trustee Neidert to notify the Street Department to re-establish connection.

CARRIED

5 Ayes

0 Nays

MR. STAN DUDEK RE: Mr. Stan Dudek of Orleans Transit presented Board with update on the Transit system. The County in partnership with the RTA a bus service established routes in Albion and Medina. There are also Routes that go to

TRANSIT SYSTEM Holley, Brockport, Elba and Batavia. There are approximately 142 stops mostly in the Villages. If called they will also go to homes. The cost is only \$1.00 per trip. This service has opened up many opportunities to our residents. We take residents to and from work as well as dialysis patients and we are handicapped accessible. Our service records show we are up 49% from a year ago. We ask you as a Board to encourage your residents to utilize the bus service.
Discussion followed regarding costs and where subsidies come from.

RESIDENT Correspondence received from Mr. David Burnette regarding water / sewer bill for
620 East State Street

ADJUST-MENT OF BILL DENIED Moved by Trustee Neidert and seconded by Trustee Sidari that in as much as Mr. Burnette's meter was tested and found to be working properly request for correction to bill is denied per Street Superintendents recommendation.

CARRIED

5 Ayes

0 Nays

RESIDENT Correspondence received from Mr. David Burnette regarding water / sewer regarding water bill due at
119 McClelland Street

ADJUST-MENT OF BILL DENIED Moved by Trustee Neidert and seconded by Trustee Daniels that no action be taken regarding Mr. Burnette's request for relief of portion of water / sewer bill for
119 McClelland Street
as per recommended by Street Superintendent
as meter was found to be operating properly.

CARRIED

5 Ayes

0 Nays

RESIDENT Correspondence received from Mr. Arthur Waterstreet regarding water / sewer bill for
14686 East Avenue
He stated water service was off however
a small consumption of water was used each month.

ADJUST-MENT OF BILL DENIED Moved by Trustee Neidert and seconded by Trustee Daniels denying Mr. Waterstreet's request for relief of water / sewer bill, as per recommended by Street Superintendent, as meter was tested and found to be working and Mr. Zwifka stated the water service was on when he went to pull meter for testing.

CARRIED

5 Ayes

0 Nays

RESIDENT Correspondence from Ms. Dorothy Spann of
29 Lydun Drive
requesting her
water / sewer account be reviewed as her bill doubled.

ADJUST-MENT OF BILL DENIED Moved by Trustee Banker and seconded by Trustee Daniels stating no action to be taken on water / sewer bill for
29 Lydun Drive
per recommendation
of Street Superintendent as it appears a leak was present for a long time.

CARRIED

5 Ayes

0 Nays

RESIDENT Correspondence received from Ms. Glenda Williams of
11 Ingersoll Street
requesting relief of a portion of her water / sewer bill.

**ADJUST-
MENT TO** Moved by Trustee Banker and seconded by Trustee Daniels approving
adjustment to water / sewer bill for
11 Ingersoll Street
as per recommended
BILL by Street Superintendent as meter tested 4 % fast.
APPROVED

CARRIED

5 Ayes

0 Nays

RESIDENT Correspondence received from Mr. Gar Trusselle regarding his water / sewer
bill for
214 South Main Street apartment # 2
. Mr. Trusselle was under the
assumption the valve was off however checking the inactive accounts
Stacie found readings for this account.
Request to be referred back to Village Office and Street Department for
further investigation.

MINUTES Moved by Trustee Banker and seconded by Trustee Sidari that in as much as
APPROVED each member received copies of the October 12, 2005 and November 2, 2005
minutes and there being no errors or omissions, minutes are hereby approved
as written.

CARRIED

5 Ayes

0 Nays

**DEPT.
REPORT** Treasurer's report for month of October received and accepted.

CEMETERY Moved by Trustee Daniels and seconded by Trustee Neidert authorizing
DEEDS Mayor Salvatore to sign the following Cemetery Deeds:

517 Zephyr Avenue Kenneth Bieber – S.G.
Raymond G. Gardner – Lot 1025 Marigold Path W #5
Suzanne Harling - S.G. 1304 /
1305 Greenbank Avenue
(Lester) Shirley Turner -
134 Deerfield Avenue

CARRIED

5 Ayes

0 Nays

JUDGE'S Moved by Trustee Daniels and seconded by Trustee Banker approving
REPORT Judge's report for month of October.

CARRIED

5 Ayes

0 Nays

**RES.
RE: TREE
PLANTING
GRANT** The following resolution was proposed by Trustee Neidert who moved its
adoption and seconded by Trustee Banker:
RESOLVED:
That Edward Salvatore, as Mayor, or such person as successor in office is

hereby authorized and directed to file an application for funds in an amount not to exceed \$7,500.00 and upon approval of said request to enter into an execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to this Village for the planting of trees in the Village.

CARRIED

5 Ayes

0 Nays

APPROVED FOR PAYMENT Moved by Trustee Sidari and seconded by Trustee Neidert approving the following payments to Chatfield Engineers:

General Engineering	-	\$ 1,116.50
Planning Board Services	-	104.00
JMIPCF Consent Order	-	812.50
2005 Drainage Improvements	-	16.00
JMIPCF Concrete Tank Evaluation	-	495.00

CARRIED

5 Ayes

0 Nays

APPROVED FOR PAYMENT Moved by Trustee Banker and seconded by Trustee Neidert approving payment of the following Village Bills:

General Fund	-	\$ 36,669.59	Vou. No. 3516 – 3581
Water Fund	-	52,056.92	Vou. No. 1194 – 1215
Sewer Fund	-	4,760.49	Vou. No. 1155 – 1167

CARRIED

5 Ayes

0 Nays

DISCUSS: Discussion regarding closing skate board park due to vandalism. Fence needs to be taken down due to damage that has been done to it. Decision to wait till Spring.

DISCUSS: Discussion regarding problem on *Moore Street*.

EASEMENT APPROVED Moved by Trustee Banker and seconded by Trustee Sidari regarding intersection of Moore and *Sanford Street*
: Attorney Gavenda to secure an easement from Edward Kelly and pole to be moved

CARRIED

5 Ayes

0 Nays

Discussion regarding tree on Day Street.

EXECUTIVE SESSION Moved by Trustee Sidari and seconded by Trustee Banker to adjourn to executive session to discuss a personnel matter. (9:10 PM)

CARRIED

5 Ayes

0 Nays

SESSION REOPENED Moved by Trustee Sidari and seconded by Trustee Banker to reopen session at 9:48 PM.

CARRIED

5 Ayes

0 Nays

**MEETING
CLOSED**

Moved by Trustee Sidari and seconded by Trustee Neidert that there being no further business, meeting is adjourned.

CARRIED

5 Ayes

0 Nays

Respectfully submitted,

Kathleen R. Ludwick
Clerk – Treasurer
Village of Albion

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November 02, 2005: Village Board Minutes

Body:

The Workshop Meeting of the Village Board of Trustees of the Village of Albion was held Wednesday, November 2, 2005 at the Village Council Chambers,
35-37 East Bank Street

Albion, New York 14411

Present were Mayor Edward L. Salvatore, Trustees H. Dale Banker, John R. Daniels, Michael F. Neidert and Bruce P. Sidari.

Mayor opened meeting with the Pledge of Allegiance.

Rick Preston, Water Treatment Plant –

- 1) Normal gallonage and stuff down less than a million but still up 22 million for the year.
- 2) Low service pump put together and installed thanks to Ray, Tim, Dusty and Aric. We are getting approximately 400,000 gallons per day more than expected.
- 3) Received first check for the insurance claim.
- 4) Rebuilt transformer is scheduled to be reinstalled the week of November 14, 2005.
- 5) Completed our semi-annual proficiency testing for lab certification.
- 6) Started work on one of the precipitators – we should be done by Monday with one tank.
- 7) Lead and Copper testing should a deduction from last time so we passed the criteria for State Health Department.
- 8) Last page of report, per request of Mayor, is analysis of Electric. Usage up 11% cost up 45%. Booster Station usage up 8% cost only up 9%.

Discussion followed regarding electric bills, possible use of generators, alternatives for electric power and grants available through NIMO.

Trustee Banker asked if there is going to be a problem with the fact the Water shows 61% of overtime budget already used. Rick stated he doesn't feel there will be a problem.

Mayor Salvatore questioned the fact the Town of Albion's water usage is down. Rick explained that is because the Town of Murray is now pumping through the Town of Barre. Town of Carlton is down but it should show up in the Town of Gaines.

Trustee Banker asked if working a 24 hour shift is cost effective. Rick explained we are maintaining demand – so many gallons processed still uses the same amount of electric.

Trustee Neidert stated he received results from Scott Sampson on Electric survey and we will be switching to Select Energy as they had the lowest rate - he received a bid from Advantage but they were higher. We are aware of the Electric problem and we are working on it.

Discussion followed regarding purchase of Hydropower.

Doug Long, Street Department –

- 1) Brush pick up under way this week with leaf pick up to start next week.
- 2) Hydrant flushing finished and we had to replace one hydrant.
- 3) Completed Sandy Creek Clean-up.
- 4) Removed old poles from Bullard Park due to rotting.
- 5) Started ditch on Meadowbrook - Attorney questioned whether easements were in order.

- 6) Requested approval for shift work during winter months. Shift would be from 3:00AM to 11:00 AM. It was noted by the Board that when that shift is over they do not want the individual staying and working overtime. They also want to make sure the individual has something to do if they are not plowing or sanding. Trustee Neidert asked, if we approve this, when the weather is nice could we just tell that person not come in at 3:00 AM but to work his regular shift that day.

Discussion followed.

Roll called followed regarding Shift Work for Street Department:

Banker – yes ; Daniels – yes; Neidert – yes; Sidari – yes; Salvatore – no.

- 7) Requested the following items be declared as surplus equipment:
 Sewer Flusher
 1992 Spreader
 Black and White Van

SURPLUS EQUIP. DECLARED Moved by Trustee Neidert and seconded by Trustee Banker declaring 1992 Sewer Flusher as surplus equipment.

CARRIED

5 Ayes

0 Nays

SURPLUS EQUIP. DECLARED Moved by Trustee Neidert and seconded by Trustee Banker declaring 1992 Spreader as surplus equipment.

CARRIED

5 Ayes

0 Nays

SURPLUS EQUIP. DECLARED Moved by Trustee Neidert and seconded by Trustee Sidari declaring the Black and White Van be declared surplus equipment.

CARRIED

5 Ayes

0 Nays

- 8) Contacted Wal Mart regarding soil and they have none as yet.
 9) Attempted to test large water meters last Saturday for their accuracy and found the precision meters do not have test ports. Ordered parts and put them in today so we will attempt to test next Saturday. Discussion followed regarding overtime paid to men for coming in on Saturday to test meters. Doug explained that is the only day Dan Reed can do the testing. Doug stated if these meters test bad major money could be recovered. Discussion followed regarding alternatives such as hiring a firm to come in to to test yearly. Doug to check for future if there is a firm out there that does this and what the cost would be.
 10) Correspondence received from Timothy Bourke regarding Chestnut tree in front of his home on Day Street. He wants the tree cut down and his yard cleaned up plus \$95.00 for his services in cleaning up the chestnuts.. Discussion followed.

Moved by Trustee Banker and seconded by Trustee Daniels approving to cut tree down at 117 Day Street.

2 Ayes

Trustee Neidert – Nay
 Trustee Sidari – Nay
 Mayor Slavatore – Nay

Moved by Trustee Neidert and seconded by Trustee Sidari tree to be cut down if rated to be unsafe next year - cost out of next years budget.

2 Ayes

Trustee Banker – Nay
 Trustee Daniels – Nay

MOTION RE: Moved by Trustee Neidert and seconded by Trustee Sidari tree to be rated next week and if found to be defective tree will be taken down

TREE this year.

CARRIED

3 Ayes

Trustee Banker – Abstained
Trustee Daniels – Abstained

Discussion followed regarding water and sewer hook –ups on
Allen Road

. Mayor asked

how do we know when to start billing sewer when the Town hooks residents to Water?

General agreement that we need to have a procedure in place.

Ron Vendetti, Code Enforcement –

- 1) Presented request for change in Local Law regarding termination of water services and Certificate of Occupancy needed for reinstatement of services.

APPROVAL Moved by Trustee Sidari and seconded by Trustee Neidert approving a Public
FOR Hearing be held Wednesday, December 14, 2005 at 7:00 PM at the Village
PUBLIC Council Chambers,
35-37 East Bank Street, Albion, NY
for the purpose of

HEARING adopting a Local Law amending the Codes of the Village of Albion
specifically Chapter 116 Water

CARRIED

5 Ayes

0 Nays

Dean London, Police Department –

- 1) Calls total 3,957 so far this year. We have had 59 arrests this month with is higher than the summer months due to efforts addressing trouble areas.
- 2) Drug arrest on

East State Street

- 3) Received grant from the Governors Traffic Safety Committee in the amount of \$4,600.00. This grant will allow us to outfit remaining patrol cars with computers.
- 4) Federal Forfeiture Account set up so we should receive money the second week of November.
- 5) Clean up event held October 22, 2005 went well. Would like to Thank Doug Long for furnishing the trash bags and gloves.
- 6) Looking into policy regarding Sex Offender notification. Will have a policy for Boards review at next months meeting.
- 7) Detail addressed the problem at Knights of Columbus on October 29, 2005. Border Patrol was called in and they arrested 15 illegal aliens. If problem continues we will conduct another detail.

Kathy Ludwick, Village Office –

- 1) Had conference call with Standard & Poor's – we should be getting our rating soon.
- 2) Met with General Code Publishers and they have taken back a few Birth and Death books and are presently correcting the problems we had.
- 3) Filed Quarterly tax reports.
- 4) Water Shut Off's for non-payment were done this month – we shut off approximately 39 – all are back on.
- 5) Paid Interest payment on Sewer Bond for Waste Water Treatment Facility. We have one more principal payment due in May (\$45,000.00) and one last interest payment due in May (\$1,743.75) and this Bond will be finished.
- 6) Fox and Company were here on Tuesday and completed Court Audit and delivered the preliminary financials for year end.
- 7) Working on Asset file with Fox and Company. I am requesting a capitalization threshold be set at \$5,000.00, which was recommended by Auditors. I am also requesting Fox and Company be allowed to depreciate our assets and help set up the new system. From this point on we will be able to keep it up ourselves. This system has to be set up this year according to NYS GADSB laws.

SET ASSET LIMIT Moved by Trustee Sidari and seconded by Trustee Neidert approving capitalization threshold for the Village of Albion Asset Account be set at \$5,000.00.

CARRIED

5 Ayes

0 Nays

APPROVAL TO HIRE Moved by Trustee Sidari and seconded by Trustee Neidert approving Fox and Company be allowed to set up new asset file and depreciate equipment for a cost of \$3,000.00. This will bring up is compliance with NYS GADSB laws.

CARRIED

5 Ayes

0 Nays

RES. RE. TAX CERTIORARI CLAIMS The following resolution was proposed by Trustee Daniels who moved its adoption and seconded by Trustee Banker:

TAX CERTIORARO CLAIMS

BE IT RESOLVED, that the Village of Albion will work cooperatively on a case by case basis with the Albion Central School District, Town of Albion, Town of Barre, Town of Carlton and / or the Town of Gaines to defend tax certiorari claims that have a potentially significant impact on the District's real property tax revenue. The Board of Education and the Board's attorney will review each case to determine whether to equally share the cost of attorney fees of a mutually agreed upon special counsel or to appoint special District counsel and request collaboration from the corresponding towns and village. The Superintendent will be the liaison between the Board of Education, the District's attorney and elected officials.

Resolution passed with condition of approval of Village Attorney.

CARRIED

5 Ayes

0 Nays

Mayor Salvatore stated the Village requested proposals for Administrative and Program Delivery Services relating to the 2005 Small Cities Grant and we only received one response from Stuart I. Brown Associates. I recommend we approve Stuart I. Brown Associates proposal for the amount not to exceed \$11,700.00.

ACCEPTED PROPOSAL Moved by Trustee Sidari and seconded by Trustee Daniels accepting Stuart I. Brown's proposal amount of \$11,700.00 for Administrative and Program Delivery Service for the Village's 2005 Small Cities Grant.

CARRIED

5 Ayes

0 Nays

INSURANCE Trustee Neidert requested an Aflac representative be allowed to come in to talk with the Village employees regarding supplemental insurance. This would be of no cost to the Village but only an opportunity for the Village employees to pick up supplemental coverage if they want to pay for it. All agreed.

INFORMATION Trustee Banker presented amendment to the Vehicle and Traffic Law. He will furnish copies to all the Department Heads.

INFORMATION Job write up for Street Superintendent was presented to Board members for their approval. All agreed it was OK.

**MEETING
CLOSED**

Moved by Trustee Sidari and seconded by Trustee Banker that there being no further business, meeting be adjourned at 9:27 PM.

CARRIED

5 Ayes

0 Nays

Respectfully submitted,

Kathleen R. Ludwick
Clerk – Treasurer
Village of Albion

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October 05, 2005: Village Board Minutes

Body:

The Workshop Meeting of the Village Board of Trustees of the Village of Albion was held Wednesday, October, 5, 2005 at 7:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Edward L. Salvatore Trustees H. Dale Banker, John R. Daniels, Michael F. Neidert and Bruce P. Sidari.

Mayor opened meeting with Pledge of Allegiance.

Jason Zicari, Cemetery Department –

- 1) Working to clean up tree damage from last weeks storm – E-mailed Bruce and Mike regarding hiring John Ugorek back for a couple of days a week to help with clean up. We have two big events coming up (Domestic Violence Walk and Lattin Tour) that we need to get ready for. I should have enough in budget to cover his pay. I want to Thank Doug for sending me men from the Street Department to help out all this week and I know he is getting behind on his work. Discussion followed.
- 2) Tenant still moving –October will be their last month. Someone has called interested in the apartment. Noted that who ever moves in will have to sign a one year lease.

APPROVAL TO HIRE Moved by Trustee Sidari and seconded by Trustee Neidert approving the hiring of John Ugorek as a part – time employee for Mt. Albion Cemetery.

CARRIED

5 Ayes

0 Nays

Chief Dean London, Police Department –

- 1) Monthly report reviewed.
- 2) Officer Yarid has left employment for the Sheriff's Department
- 3) Working with the Department of Justice to try and receive our portion of forfeiture money. Problem being there hasn't been a report filed since 1997 to present and I have had quite a job tracking back to the finances to bring us back in compliance but I am almost done.
- 4) Brennan Meaken called regarding Clean Up Day for Village – his church group will be holding it on October 22nd and Eric Bradshaw will open the Fire Hall for a place to coordinate out of.
- 5) Discussion regarding Time Warner static IP address – cost will be an extra \$10.00 a month.
- 6) We are now on the E-Justice System which gives us the ability to do our own criminal history's. This will be a time saver.
- 7) Meeting with Company out of Texas regarding being a BETA test site for Y-FI.
- 8) Met with Assemblyman Charles Nesbitt regarding problem areas in Village. He might be able to get funds to held with overtime.
- 9) Held Bike auction – income was \$79.00. I want to Thank the explorers for helping out and bring the bikes down.

Discussion regarding meeting with Police Chief's and Sheriff regarding Civil Service List for Police Officer's and having them go to the Police Academy (at their own

expense). Which would create a better list to choose from.

APPROVAL TO HIRE Moved by Trustee Daniels and seconded by Trustee Banker approving the hiring of Jeffrey Gifaldi as a Village of Albion Police Officer at Step # 2 with ten days vacation, two personal days and other benefits as per contract.

CARRIED

5 Ayes

0 Nays

David Millis, Pollution Control Facility –

- 1) Tanks have been drained and evaluated. Chatfield Engineers will be issuing a report soon stating priorities.
- 2) Eric Albright passed his Waste Water II A test.
- 3) The facility passed Health lab samples.
- 4) Sent information to Scott Sampson regarding utility bills but have heard nothing to date.
- 5) Paper work sent in for USDA grant which would pay 50% of preliminary Engineering costs for Consent Order.
- 6) Wal Mart submitted Sewer Application for treating waste – they have answered all my questions and I am satisfied. Will our contract be with Wal Mart or the Town of Albion? – Should we not have some sort of agreement with the Town of Albion saying no one else can tap into this line and who do we bill? Town of Albion created sewer district # 3 therefore we would bill the Town of Albion.
- 7) We have to address Mr. Bower's request to connect to the Village Sewer Line. He wants to connect just west of Federal Industries which is outside the Village limits. Mayor stated he will have to apply to the Town of Albion under Sewer District # 3. If Mr. Bower were to have his business in the Village then we would address his request. Discussion followed.

Doug Long, Street Department –

- 1) Smoke Testing summary was sent to DEC along with a request to extend the deadline from October to May 2006. We found several problems which will need to be addressed, there is a lot of work to be done.
- 2) Reviewed Monthly report.
- 3) Worked with Terry's Tree service this month.
- 4) Sandy Creek clean up finished east of

Brown Street

bridge all the way to

Butts Road and West of Brown Street bridge to canal.

- 5) Will be scheduling Hydrant Flushing and brush and leave pick up shortly.
- 6) We may be possibly starting

Washington Street

property clean up

next week. Ron stated there is a problem with where you are dumping the stone as someone needs to get a permit. Discussion followed regarding Sandstone Park.

Trustee Neidert spoke regarding purchasing top soil from Wal Mart site for Bullard Park.

APPROVAL TO PURCHASE Moved by Trustee Neidert and seconded by Trustee Sidari giving Trustee Neidert permission to pursue purchasing dirt from Wal Mart site if dirt is decent.

CARRIED

5 Ayes

0 Nays

Mayor discussed problem by Tim Hortons with radios cutting out – could be due to power leak. Doug Long will check out.

Rick Preston, Water Treatment Plant –

- 1) Does not have information on Fluoride treatment from Health Dept. yet.
- 2) Village is just doing reading but has done some figuring and Village resident numbers are up on sales 13.2 million gallons in sales.
- 3) Discussion regarding water usage of Correctional Facility. Accidentally turned on Town of Albion valve. Village lost approximately \$4,100.00 in sales.
- 4) Been working with the Insurance Company regarding Booster Station.
- 5) Inspection by State of our lab turned up two problems but we have corrected them.
- 6) Town of Carlton was contract runs out in January so we need to start working on it.
- 7) Yearly samples have been sent in and we should hear results in a week or so.
- 8) Steel ordered to repair precipitator.

Ron Vendetti, Code Enforcement –

- 1) Attended
Erie Street
neighborhood meeting. Did follow up inspection and am at a loss to explain violations given by one of the neighbors. Of all Colonna's places this is one of the best. However I did find a violation on the complaining neighbors property which I will be addressing. Board and neighbors will receive a report.
- 2)
14 King Street
and place next door have same problem – Landlord is coming up with a dumpster to clean it up.
- 3) In order of prioritizing the house on *Erie and Ingersoll Street* would not have been on my list.
- 4) Please note that the Breuilly house on *West Avenue* is being painted.

Trustee Banker reported the West soffit at Sugar Creek is bare plywood.

Harry Papponetti, Animal Control –

- 1) Things are back to normal
- 2) County Health Department had to send out 750 letters regarding rapid cat. and it had to be broadcast on radio for two weeks.
- 3) Heritage Estates had a rapid raccoon – Officer Luft handled the situation immediately.
- 4) 658 calls year to date.

Kathy Ludwick, Village Office –

- 1) Birth and Death records are now on Laser Fiche Program. Having some problems but Code Publishers will be coming back next week to correct them. If necessary they will have to take books back and redo them.
- 2) Will be having conference call to update Village's credit rating for bonding purposes.
- 3) Presently working with Clerk from Oakfield setting up our Asset Track System. After this is done I will be in touch with the Department Supervisors to start entering their equipment. This will bring us in compliance with GASB laws.
- 4) Attended NYCOM School September 19 – 23. written brief synopsis given to each Board member.

EXECUTIVE SESSION Moved by Trustee Neidert and seconded by Trustee Sidari to adjourn to executive session to discuss personnel matter at 8:20 PM.

CARRIED

5 Ayes

0 Nays

SESSION Moved by Trustee Sidari and seconded by Trustee Neidert to reopen

OPENED session at 9:00 PM.

CARRIED

5 Ayes

0 nays

**APPOINT-
MENT** Moved by Trustee Daniels and Trustee Banker appointing Gary VanWycke
as provisional Sergeant for the Albion Police Dept. effective immediately.

CARRIED

5 Ayes

0 Nays

Discussion regarding Nextel taking over our frequency.

Discussion regarding Old Grammar School property.

**MEETING
CLOSED** Moved by Trustee Sidari and seconded by Trustee Neidert that there being
no further business, meeting be adjourned at 9:15 PM.

CARRIED

5 Ayes

0 Nays

Respectfully submitted,

Kathleen R. Ludwick
Clerk – Treasurer
Village of Albion

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October 12, 2005: Village Board Minutes

Body:

The regular meeting of the Village Board of Trustees of the Village of Albion was held Wednesday, October 12, 2005 at 7:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Edward L. Salvatore, Trustees H. Dale Banker, John R. Daniels and Bruce P. Sidari.

Mayor Salvatore opened meeting with the Pledge of Allegiance.

RESIDENT Ms. Carol Vespi addressed the Board on behalf of the Albion Business Association. Ms. Vespi gave a brief description of First Night Franchise which the ABA is purchasing allowing them to hold a First Night on December 31, 2006 from 12 Noon to 12 Midnight. This would be a not for profit, family geared, non alcoholic function. Such events as sleigh rides, 5 K race, clowns, live bands, procession, etc.. Ms. Vespi stated she is originally from Albion and has recently returned to Albion but lived in Little Falls for many years where this event was held. Money made would be donated for a specific community project or charity.

Mayor Salvatore stated he feels it is a great idea and is very enthused about it .

Trustee Banker stated the ABA should be commended for the many new projects they have been holding and ideas they have been coming up with. Board supports the idea of a First Night.

RESIDENT REQUEST Correspondence received from Mrs. Theresa Albanese requesting the commercial zone be extended on *West Academy Street* to include her

property at
307 West Academy Street
(tax map # 73.13-2-4)

Mayor stated this request will need to go to the Village Planning Board and the County Planning Board for their review. In the meantime, however, we can set a date for a Public Hearing and those reviews should be back in time for the Hearing.

PUBLIC HEARING TO ADOPT LOCAL Moved by Trustee Daniels and seconded by Trustee Banker approving a Public Hearing be held November 9, 2005 at 7:00 PM for the purpose amending the Codes of the Village of Albion specifically Chapter 290 Zoning to extend Commercial Zone on

West Academy Street
to include

LAW
307 West Academy Street

CARRIED

4 Ayes

0 Nays

CORRES: Correspondence from Leona Davis of *114 West Bank Street* disputing her

water bill.

**ADJUST-
MENT IN
BILL
APPROVED** Moved by Trustee Daniels and seconded by Trustee Sidari authorizing Ms. Davis's Water and Sewer bill be adjusted from 37,000 gallons to 7,500 gallons per recommendation of Street Superintendent, Doug Long.

CARRIED

4 Ayes

0 Nays

CORRES: Correspondence from Jennifer Harberger, 402 West State Street disputing her Water / Sewer bill.

**ADJUST-
MENT IN
BILL
APPROVED** Moved by Trustee Banker and seconded by Trustee Sidari authorizing Ms. Harberger's Water / Sewer bill be adjusted from 50,000 gallons to 49,020 gallons and 64,000 gallons to 62,745 gallons per recommendation of Street Superintendent, Doug Long.

CARRIED

4 Ayes

0 Nays

CORRES: Correspondence from Ms. Glenda Williams, 11 Ingersoll Street, disputing her Water / Sewer bill.

**ADJUST-
MENT IN
BILL
APPROVED** Moved by Trustee Sidari and seconded by Trustee Daniels authorizing Ms. Glenda Williams's Water / Sewer bill be adjusted from 127,000 gallons to 122,115 gallons and 108,000 gallons to 103,846 gallons per recommendation of Street Superintendent, Doug Long.

CARRIED

4 Ayes

0 Nays

CORRES: Correspondence from Leon Lusk, 36 North Street, disputing his Water / Sewer bill.

**ADJUST-
MENT TO
BILL
DENIED** Moved by Trustee Sidari and seconded by Trustee Daniels denying Mr. Lusk's request for adjustment on his Water / Sewer bill per recommendation of Street Superintendent, Doug Long.

CARRIED

4 Ayes

0 Nays

CORRES: Correspondence from Mary Jane Narburg, 17 Heritage Estates, requesting adjustment on her Sewer bill.

**ADJUST-
MENT TO
SEWER
APPROVED** Moved by Trustee Banker and seconded by Trustee Sidari approving adjustment to Sewer portion of bill for 17 Heritage Estates as per recommended by Street Superintendent, Doug Long.

CARRIED

4 Ayes

0 Nays

CORRES: Correspondence from Terry Champeney,

107 McClelland Street
, requesting

adjustment on her Water / Sewer bill.

**ADJUST-
MENT TO
BILL** Moved by Trustee Daniels and seconded by Trustee Banker denying
Terry Champeney's request for an adjustment to her Water / Sewer
bill per recommendation of Street Superintendent, Doug Long.

CARRIED

4 Ayes

0 Nays

CORRES: Correspondence from Ms. Mary Braumbaugh,
333 West State Street

requesting adjustment to her Water / Sewer bill.

**ADJUST-
MENT TO
BILL
DENIED** Moved by Trustee Daniels and seconded by Trustee Banker denying
Ms. Mary Braumbaugh request for adjustment to her Water / Sewer
bill as per recommended by Street Superintendent, Doug Long.

CARRIED

4 Ayes

0 Nays

**MINTUES
APPROVED** Moved by Trustee Banker and seconded by Trustee Daniels that
in as much as each member received copies of the September 14, 2005
and October 5, 2005 minutes and there being no errors or omissions,
minutes are hereby approved as written

CARRIED

4 Ayes

0 Nays

**DEPT.
REPORT** Treasurer's report received and accepted for month of September.

**CEMETERY
DEEDS** Moved by Trustee Daniels and seconded by Trustee Banker authorizing
Mayor Salvatore to sign the following Cemetery Deeds:

Cheryl Blake – S.G.
257 Zephyr Avenue
Tod Clementas – S.G. 36 Mountain Pass W # 2
Orls. County Legislature – S.G. 232-241 Single Veterans Section

CARRIED

4 Ayes

0 Nays

**JUDGE'S
REPORT** Moved by Trustee Daniels and seconded by Trustee Banker approving
Judge's report for the month of September.

CARRIED

4 Ayes

0 Nays

**APPROVAL
FOR
REMOVAL
OF STREET
LIGHT** Moved by Trustee Daniels and seconded by Trustee Sidari authorizing
Mayor Salvatore to sign contract with Niagara Mohawk for temporary
removal of street light from NM pole #'s 5 & 154 to accommodate
reconstruction of the
Ingersoll Street
canal bridge.

CARRIED

4 Ayes

0 Nays

CONTRACT APPROVED Moved by Trustee Banker and seconded by Trustee Daniels authorizing Mayor Salvatore to sign maintenance contract with Onan Cummins Northeast for generator located at Village Hall / Fire Department.

CARRIED

4 Ayes

0 Nays

APPROVAL TO SIGN GRANT Moved by Trustee Daniels and seconded by Trustee Sidari authorizing Mayor Salvatore to sign 2005 Community Development Block Grant agreement (10FA153-05) in the amount of \$195,000.00 for Roof and Brick Repair for the Downtown Area.

CARRIED

4 Ayes

0 Nays

Mayor Salvatore stated that we were only allotted a portion of the grant that we applied for. We did not get the portion for infrastructure drainage. We know that money will probably be tight next year but we will keep looking and try and find a infrastructure grant.

GRANT NOTICE Notice received from NYS regarding Grant received under the TraCS – Electronic Ticket and Accident Report Project in the amount of \$4,607.00.

LETTER TO BE WRITTEN Moved by Trustee Banker and seconded by Trustee Sidari that a letter recognizing Officer Nenni's excellent work on the TraCS grant application be written and placed in his file.

CARRIED

4 Ayes

0 Nays

CHANGE ORDER APPROVED Moved by Trustee Sidari and seconded by Trustee Banker approving Change Order # 1 for Ludwick Paving Inc. for *East Bank Street Sidewalk* Replacement project as per recommended by Chatfield Engineers.

CARRIED

4 Ayes

0 Nays

PAYMENT APPROVED Moved by Trustee Banker and seconded by Trustee Daniels approving Pay Estimate # 1 to Ludwick Paving Inc. for *East Bank Street Sidewalk*

Project in the amount of \$7,880.70 as per recommended by Chatfield Engineers.

CARRIED

4 Ayes

0 Nays

PAYMENT APPROVED Moved by Trustee Daniels and seconded by Trustee Sidari approving Pay Estimate # 3 to G.A. Falcone Construction for Contract C: Main Street Decorative Walks in the amount of \$2,000.00 as per recommended by Chatfield Engineers.

CARRIED

4 Ayes

0 Nays

APPROVAL FOR PAYMENT Moved by Trustee Banker and seconded by Trustee Daniels approving the following payments to Chatfield Engineers:

General Engineering	-	\$ 416.00
JMIPCF Consent Order	-	812.50
JMIPCF Concrete Tank	-	495.00

CARRIED

4 Ayes

0 Nays

APPROVAL FOR PAYMENT Moved by Trustee Daniels and seconded by Trustee Sidari approving payment of the following Village Bills:

General Fund	-	\$ 18,915.92	Vou. No. 3432 - 3481
Water Fund	-	\$ 23,366.30	Vou. No. 1157 - 1176
Sewer Fund	-	\$ 4,634.40	Vou. No. 1126 - 1139

CARRIED

4 Ayes

0 Nays

APPROVAL TO SIGN CONTRACT Moved by Trustee Sidari and seconded by Trustee Banker authorizing Mayor Salvatore to sign contract with Bero Architects for Historic Grant for Architectural Services at 114-120 North Main Street, Albion.

CARRIED

4 Ayes

0 Nays

CORRES: Correspondence received from Albion Fire Department requesting letter of approval to hold the 2008 Western New York Firemen's Convention in the Village of Albion.

APPROVAL FOR CONVENTION Moved by Trustee Banker and seconded by Trustee Sidari approving a letter of approval be written welcoming the 2008 Western New York Firemen's Convention to the Village of Albion.

CARRIED

4 Ayes

0 Nays

CHANGE ORDER APPROVED Moved by Trustee Sidari and seconded by Trustee Banker approving Change Order # 4 for GA Falcone regarding the Sidewalk Enhancement Project Contract B.

CARRIED

4 Ayes

0 Nays

APPROVAL TO SIGN ORDER OF MODIFICATION Moved by Trustee Sidari and seconded by Trustee Banker authorizing Mayor Salvatore to sign Order of Modification from DEC regarding Consent Order.

CARRIED

4 Ayes

0 Nays

CORRES: Correspondence received from Street Superintendent, Doug Long, regarding Washington Street Site Clean-Up. Discussion followed – letter will be referred to Committee.

DISCUSS: Discussion regarding guidelines for Street Superintendent title.

RESIDENT Mr. Reggie Cichocki addressed Board regarding where Village Line ends on the Rt. 98 North. – Discussion followed regarding bill board and if it is located in the Village of Albion or Town of Gaines Mr. Cichocki will put questions in writing per recommendation of Village Attorney.

EXECUTIVE SESSION Moved by Trustee Daniels and seconded by Trustee Sidari to adjourn to executive session to discuss possible litigation and property matters. 8:00 PM

CARRIED

4 Ayes

0 Nays

SESSION REOPENED Moved by Trustee Daniels and seconded by Trustee Sidari to reopen session at 9:10 PM.

CARRIED

4 Ayes

0 Nays

Discussion regarding Fire Contracts with the Town of Albion and the Town of Gaines which will be renewing January 1, 2006.

CORRES. APPROVED Moved by Trustee Banker and seconded by Trustee Sidari that Attorney Gavenda write a letter to the Town of Gaines informing them of the increase in their Fire Contract.

CARRIED

4 Ayes

0 Nays

APPROVAL TO PURCHASE Moved by Trustee Daniels and seconded by Trustee Sidari approving option # 2, as submitted by Attorney Gavenda, for the purchase of the Old Grammar School (16 East Academy Street). Monies provided thru a New York State Grant to resolve blight in that area. Motion is pending Engineering study and report.

CARRIED

4 Ayes

0 Nays

DISCUSS: Discussion regarding Clarendon Street Bridge and the options for Crimson Drive.

MEETING CLOSED Moved by Trustee Sidari and seconded by Trustee Banker that there being no further business, meeting be adjourned at 9:30 PM.

CARRIED

4 Ayes

0 Nays

Respectfully submitted,

Kathleen R. Ludwick

Clerk – Treasurer
Village of Albion

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November 16, 2005: Special Meeting

Body:

A Special Meeting of the Village Board of Trustees of the Village of Albion was held Wednesday, November 16, 2005 at 5:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Edward L. Salvatore, Trustees H. Dale Banker, John R. Daniels, Michael F. Neidert and Bruce P. Sidari. Also present Attorney John Gavenda.

Mayor opened meeting with the Pledge of Allegiance.

EXECUTIVE SESSION Moved by Trustee Sidari and seconded by Trustee Neidert to adjourn to executive session to discuss a personnel matter.

CARRIED

5 Ayes

0 Nays

SESSION REOPENED Moved by Trustee Sidari and seconded by Trustee Banker to reopen session.

CARRIED

5 Ayes

0 Nays

MISC: Mayor Salvatore presented information on the following projects for the
INFO. RE: Boards review:
QUOTES

1) Quotes for
Washington Street
project – Keeler low quote at
\$17,00.00.

ELECTRIC BIDS RESULTS Trustee Neidert received correspondence from Scott Sampson regarding electric bids. Fourteen bidders were canvassed with three responses. Select Energy was low bidder. Trustee Neidert stated he is also working on Health Insurances.

MEETING CLOSED Moved by Trustee Sidari and seconded by Trustee Banker that there being no further business, meeting is hereby adjourned.

CARRIED

5 Ayes

0 Nays

Respectfully submitted,

Kathleen R. Ludwick
Clerk – Treasurer
Village of Albion

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