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## January 27, 2010: Workshop Meeting

### Body:

A Workshop Meeting of the Board of Trustees of the Village of Albion was held Wednesday, January 27, 2010 at 7:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

Mayor Theodorakos opened the meeting with the pledge of allegiance.

**PUBLIC HEARING** Mayor Theodorakos opened the Public Hearing at 7:00 PM to establish a Local Law wherein the Village of Albion would be obligated to indemnify and hold harmless by providing any employee of the Village a legal defense in any judicial, quasijudicial administrative proceeding under either federal or state law including but not limited to criminal and civil court proceedings and administrative proceedings.

Attorney Gavenda informed the Board of Trustees that this Local Law would cover anyone acting on the Village's behalf.

**PUBLIC CLOSED** Moved by Trustee Riley and second by Trustee Banker that in as much as everyone who wished to speak regarding establishing a Local Law wherein the Village of Albion would be obligated to indemnify and hold harmless by providing any employee of the Village a legal defense in any judicial, quasijudicial administrative proceeding under either federal or state law including but not limited to criminal and civil court proceedings and administrative proceeding were heard the Public Hearing is hereby closed at 7:03 PM.

### CARRIED

5 Ayes

0 Nays

**RESOLUTION** The following resolution was proposed by Trustee Riley who moved its **ADOPTED** adoption and seconded by Trustee Sheehan:

**WHEREAS**, the Village of Albion today, January 27, 2010 adopted Local Law No. 1 of 2010 entitled "Indemnification of Village Employees"; and

**WHEREAS**, the Village of Albion has by way of the aforementioned local law guaranteed indemnification of village employees as defined in the aforementioned local law; and

**WHEREAS**, the Village of Albion had been encouraged by its insurance agent, Albion Agencies in the distant past to adopt a local law wherein the Village of Albion agreed to indemnify its employees but the local law was never adopted; and

**WHEREAS**, several Notice of Claims have been filed against the Village of Albion and/or its employees prior to today, January 27, 2010; and

**WHEREAS**, the Village of Albion recognizes its past, present and future obligation to indemnify its employees and cover the expenses incurred in defending its employees from any judicial, quasi-judicial, or administrative proceeding under federal or state law including but not limited to civil and criminal proceedings and administrative proceedings arising out of any alleged act or omission which occurred while the employee was acting or in good faith purporting to act within the scope of his or her public employment duties, prior to the enactment of Local Law No. 1 for 2010.

**NOW, THEREFORE BE IT RESOLVED**, that the Village of Albion hereby will indemnify and provide legal counsel to any of its employees who may be or are the subject of any judicial, quasi-judicial or administrative proceeding under either state or federal law including but not limited to civil and criminal court proceedings and administrative proceedings initiated prior to the enactment of Local Law No. 1 of 2010 entitled Indemnification of Employees; and it be it further

**RESOLVED**, that the Village of Albion will provide the same indemnification as is set forth in the aforementioned Local Law No. 1 of 2010 for any action commenced or threatened to be commenced against a Village employee prior to January 27, 2010;

VILLAGE OF ALBION  
LOCAL LAW #1, 2010

### INDEMNIFICATION OF VILLAGE EMPLOYEES

As used in this chapter, unless the context otherwise requires, the following terms shall have the meanings indicated:  
**ACTION**

Any judicial or quasi judicial or administrative proceeding under either federal or state law, including but not

limited to civil and criminal court proceedings and administrative proceedings. This definition shall not extend to actions commenced by the Village against the employee.

**EMPLOYEE**

Any person holding a position by election, appointment or employment in the service of the Village, but not including a volunteer, any person not compensated for his services, or an independent contractor. The term "employee" shall include a former employee, his or her estate or judicially appointed representative.

**VILLAGE**

The Village of Albion, County of Orleans and State of New York.

- A. Legal defense of employees. Upon compliance by the employee with provisions of §\_\_\_\_ the Village shall provide for the defense of the employee in any action arising out of any alleged act or omission which occurred or is alleged to have occurred while the employee was acting or in good faith purporting to act within the scope of his public employment or duties. Such defense shall not be provided where such action or proceeding is brought by or on behalf of the Village.
- B. Representation by attorney; fees.

(1) Subject to the conditions set forth in this chapter, the employee shall be represented by the Village Attorney or an attorney employed or retained by the Village for the defense of the employee. The Village Board shall employ or retain an attorney for the defense of the employee whenever:

- a. The Village does not have a Village Attorney; or
- b. The Village Board determines, based upon its investigation and review of the facts and circumstances of the case, that representation by the Village Attorney would be inappropriate; or
- c. A court of competent jurisdiction determines that a conflict of interest exists and that the employee cannot be represented by the Village Attorney.

(2) Reasonable attorney's fees and litigation expenses shall be paid by the Village to such attorney employed or retained, from time to time, during the pendency of the action or proceeding, subject to certification by the Village Mayor that the employee is entitled to representation under the terms and conditions of this chapter. Payment of such fees and expenses shall be made in the same manner as payment of other claims and expenses of the Village. Any dispute with respect to representation of multiple employees by the Village Attorney or by an attorney employed

Text Box:



or retained for such purposes or with respect to the amount of the fees or expenses shall be resolved by the court.

- C. Provision of defense. Where the employee delivers process and a request for a defense to the Village Attorney or the Village Mayor, as required by §\_\_\_\_, the Village Attorney or the Village Mayor, as the case may be, shall take the necessary steps, including the retention of an attorney under the terms and conditions provided in Subsection B on behalf of the employee to avoid entry of a default judgment, pending resolution of any question relating to the obligation of the Village to provide a defense.

- A. The duties to defend provided in this chapter shall be contingent upon:
  - 1. Delivery to the Village Attorney or, if none, to the Village Mayor of the original or a copy of any summons, complaint, process, notice, demand or pleading within five (5) days after he is served with such document; and
  - 2. The full cooperation of the employee in the defense of the action or proceeding and defense of any action or proceeding against the Village based upon the same act or omission, and in the prosecution of any appeal.
- B. Such delivery as provided for in subsection \_\_\_\_ shall be deemed a request by the employee that the Village provide for his defense pursuant to this chapter unless the employee shall state in writing that a defense is not requested.

The benefits of this chapter will inure only to employees as defined herein and shall not enlarge or diminish the rights of any other party, nor shall any provision of this chapter be construed to affect, alter or repeal any provisions of the Workers' Compensation Law.

The benefits of this chapter shall be extended to an employee who is a member of a negotiating unit for which an agreement has been negotiated pursuant to Civil Service Law, Article 14, only if such agreement expressly so provides.

The provisions of this chapter shall not be construed to impair, alter limit or modify the rights and obligations of any insurer under any policy of insurance.

Except as otherwise specifically provided in this chapter, the provisions of this chapter shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any unit, entity, officer or employee of the Village or any right to defense provided for any governmental officer or employee by, in accordance with or by reason of any other provision of state or federal statutory or common law.

The provisions of this chapter shall apply to all actions and proceedings specified herein which have been commenced, instituted or brought on or after the effective date of this chapter.

**CARRIED**

5 Ayes                      0 Nays

**AMSA** President Maarit Vaga, Vice President Sue Starkweather and Main Street Manager Katelin Olson did a presentation to the Board of Trustees on the Albion Main Street Alliance (AMSA). AMSA is a group of volunteer citizens who want to revitalize Albion. The following points were discussed:

The Four Point Approach, which is Organization, Promotion, Design and Economic Restructuring  
AMSA's successes which include: Beautification Projects, Canal Park Improvements, Community Events and First Fridays

Trustee Riley left the meeting at 7:40 PM.

Mayor Theodorakos thanked the AMSA members for coming in.

**APPROVED** Moved by Trustee Sheehan and seconded by Trustee Banker that in as much as  
**MINUTES** each member received copies of the December 23, 2009, January 6, 2010, January 13, 2010 and January 23, 2010 minutes and there being two errors, additions and/or corrections, minutes are hereby accepted as written with the following corrections/additions:

January 13, 2010            Page 2 - under approved payment to Sergi, Trustee Banker seconded the motion, not Trustee Sheehan

January 6, 2010            Page 2 - under discussion with Code Enforcement Officer, Trustee Sheehan wants added that Code Enforcement Officer Ron Vendetti stated he wants to re-coup his attorney's fees which

were around \$60,000 which could be buried in his salary over six years. This would also end all future litigations. Mayor Theodorakos stated that there was a lot of discussion that night.

**CARRIED**

3 Ayes 1 Nay  
Trustee Sheehan Trustee Miller  
Trustee Banker  
Mayor Theodorakos

Trustee Miller stated his nay vote was because not everything that happened at the meeting was put in the minutes.

**TABLED** Tabled approving the following bill submitted by Chatfield Engineers until the  
**PAYMENT** February 10, 2010 Regular Board Meeting.  
**OF CHATFIELD**

**BILL** 121 North Main Street 08-888-6 \$ 432.50

**FIRE DEPT** Trustee Miller questioned the Fire Department's current cell phone bill. He stated **CELL BILL** about a year ago the Board of Trustees addressed the cell phones paid by the Village and switch the users to a stipend except for the Fire Department. At that time the bills were about \$200.00 per month. Now the bill is around \$250.00 per month. Tabled the discussion on the Fire Department's monthly cell phone bill. Mayor Theodorakos and Trustee Banker will be meeting with Fire Chief Eric Bradshaw on Friday, January 29, 2010 and will discuss the bill with him.

**CHANGE** Moved by Trustee Banker and seconded by Trustee Miller changing the second  
**PUBLIC** Public Hearing date for the 2010 New York State Community Development **HEARING** Block Grant Program from  
Wednesday, February 24, 2010 at 7:00 PM to  
**DATE** Wednesday, March 10, 2010 at 7:00 PM.

**CARRIED**

4 Ayes 0 Nays

**SPECIAL** Moved by Trustee Banker and seconded by Trustee Miller approving to hold a  
**MEETING** Special Board Meeting on Saturday, February 6, 2010 at 1:15 PM to discuss the Managerial Agreement which expired May 31, 2009.

**CARRIED**

4 Ayes 0 Nays

**INCOME** There was a discussion on the income survey for outside Village sewer users. **SURVEY** Stuart I Brown Associates will do the survey for free. The survey will need to be done if the Board of Trustees decides to reapply for the NYS Community Development Block Grant (CDBG) Program. Last year the Village was denied their application which would have been used for upgrades at the Pollution Control Plant. The Board of Trustees will have two Public Hearings. The first one on February 10, 2010 at 7:00 PM and the second one on March 10, 2010 at 7:00 PM to discuss and provide residents with information on the CDBG Program which can be used for infrastructure improvements or for housing.

Moved by Trustee Banker and seconded by Trustee Miller approving Stuart I Brown Associates to handle the income survey, providing it doesn't obligate the Village in anyway.

**CARRIED**

4 Ayes 0 Nays

**RESOLUTION** The following resolution was proposed by Trustee Miller who moved its  
**YOUTH** adoption and seconded by Trustee Banker:  
**PROGRAM**

WHEREAS, for a number of years, the Village of Albion participated in and funded the activities of the Youth Recreation Program, and

WHEREAS, the accounting and bookkeeping requirements have resulted in the Village of Albion becoming the administrative body for the activities of the Youth Recreation Program through the collection and disbursement of monies for the payment of invoices, assuming responsibility for employee payroll and the handling of other accounting and administrative responsibilities,

NOW THEREFORE BE IT RESOLVED, that the Village of Albion agrees to participate in the Youth Recreation Program for the Year 2010 and agrees to be responsible for paying funds toward the operation of the programs planned, and has budgeted funding for such, as it has in the past.

**CARRIED**

4 Ayes 0 Nays

**ELECTION** Moved by Trustee Sheehan and seconded by Trustee Miller appointing the  
**INSPECTORS** following residents as Election Inspectors for the upcoming Village Election to be held Tuesday, March 16, 2010.

Charlene Bloom Inda McFarland  
Judy Seever E Jean Smith

**CARRIED**

4 Ayes 0 Nays

**ANIMAL** Moved by Trustee Sheehan and seconded by Trustee Miller approving Mayor  
**CONTROL** Theodorakos to sign the agreement with Orleans County regarding the sheltering  
**AGREEMENT** and fees for animal control. Orleans County will charge the Village of Albion \$5.00 per day for dogs and \$3.00 per day for cats.

**CARRIED**

4 Ayes

0 Nays

**TOWN OF ALBION FIRE CONTRACT** Moved by Trustee Sheehan and seconded by Trustee Miller approving Attorney Gavenda to do the contract for the Fire Contract Money due from the Town of Albion with a 3% increase.

**CARRIED**

4 Ayes

0 Nays

**RESIDENT** Resident Joe Martillotta addressed the Board of Trustees with his concerns regarding parking at the building he just purchased at 469 East State Street. Also discussed was how he should determine when the business was officially closed.

**ATTORNEY REQUEST** Moved by Trustee Sheehan and seconded by Trustee Miller approving Attorney Gavenda's request to have the Village Clerk-Treasurer, Linda Babcock sign the affidavit for the property at 340 Childs Street stating that there are no outstanding real property taxes due to the Village of Albion. Also approved Mayor Theodorakos to sign the "Quit Claim Deed" for the same parcel.

**CARRIED**

4 Ayes

0 Nays

**EMPLOYEE REQUEST** Tabled approving Officer O'Hearn's request for his dependent to be covered under the Village of Albion's cobra policy. If approved the dependent will be responsible for the total premium. Attorney Gavenda will check into the request and have details for the February 10, 2010 Workshop Meeting.

**MEETING** Moved by Trustee Miller and seconded by Trustee Sheehan that there being no business, meeting is hereby adjourned at 8:59 PM. **CLOSED** further

**CARRIED**

4 Ayes

0 Nays

Respectfully Submitted,

Linda K Babcock  
Clerk-Treasurer

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## January 06, 2010: Special Meeting

### Body:

A Special Meeting of the Board of Trustees of the Village of Albion was held Wednesday, January 6, 2010 at 6:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Fred Miller, Kevin Sheehan and Attorney John Gavenda.

Also present was Code Enforcement Officer, Ron Vendetti.

Mayor Theodorakos opened the meeting with the pledge of allegiance.

**RESIDENT** Moved by Trustee Miller and seconded by Trustee Sheehan approving resident Michael Neidert's requested to use the sledding hill at Bullard Park on Friday, January 15, 2010 from 6:00 PM to 10:00 PM for his Church's annual event.

**CARRIED**

3 Ayes

0 Nays

**TRUSTEE APPOINTED** Mayor Theodorakos appointed Eileen Banker to fill the vacant Trustee position.

Her term will begin immediately and ending March 31, 2010. The following is the letter Mayor Theodorakos sent to the Board of Trustees expressing his feelings on her appointment:

After our last Board meeting Eileen Banker again expressed her desire to fill our vacant Trustee position. As you know I have been reluctant to make an appointment to fill the position. I have felt that as long as we were getting things done it would be best to leave the position vacant. I now think it is time to fill the slot. Although I do believe we have done a good job so far, and I thank you for that, I worry about making upcoming critical decisions (e.g., budgets, capital projects, Small Cities/CDBG application, management agreement, personnel) without a full Board.

Eileen is an excellent candidate. She submitted a current resume and I will provide copies to you. She is well-qualified and eager to serve. She has a broad range of experience and knowledge that will serve us well. She often attends Board meetings and is active in the community.

I will appoint Eileen this evening and expect she will engage quickly. She will assume Trustee Committee assignments formerly associated with the vacant position. Please welcome her aboard.

Dean

The Clerk-Treasurer will contact Ms Banker to make arrangements to swear her in.

**MANAGERIAL** Code Enforcement Officer, Ron Vendetti was present as one of the

**CONTRACT** representatives for the non-union employees. He presented the

**CODES**

Board of Trustees with copies of the new Managerial Agreement that the non-union employees had put together. The agreement would be for June 1, 2009 through May 31, 2013. The old agreement expired on May 31, 2009. He discussed what changes were made in the agreement.

The Board of Trustees had a discussion regarding the responsibilities and duties of the Code Enforcement Officer.

Items talked about:

Ron Vendetti believes that there are duties of Fire Marshall that he should not have to perform.

The Civil Service job description was discussed and Mr Vendetti stated he was not hired as a Fire Marshall, just a Code Enforcement Officer

The Mayor gave Mr Vendetti a letter asking him to list what the duties are that he feels he should not have to perform

The Village Code Enforcement and Fire Prevention Codes was discussed and possibly revising the codes

Mr Vendetti is not happy with the outcome of the grievance committee's decision and with the Board of Trustees accepting their decision. Mr Vendetti will contact other Villages to compare responsibilities of Code Enforcement Officers.

Code Enforcement Officer Ron Vendetti stated he wants to re-coup his attorney's fees which were around \$60,000 which could be buried in his salary over six years. This would also end all future litigations. Mayor Theodorakos stated that there was a lot of discussion that night.

**MEETING** Moved by Trustee Miller and seconded by Trustee Sheehan that there being no  
**CLOSED** further business, meeting is hereby adjourned at 8:30PM.

3 Ayes

**CARRIED**

0 Nays

Respectfully Submitted,

Linda K Babcock  
Clerk-Treasurer

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**January 13, 2010: Regular Meeting**

**Body:**

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, January 13, 2010 at 7:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

Mayor Theodorakos opened the meeting with the pledge of allegiance.

**PUBLIC**  
establish the

**HEARING**

Mayor Theodorakos opened the Public Hearing at 7:00 PM to maximum speed limit in, on or about the parking areas, private streets, roadways and driveways of the mobile home park or manufactured home park known as Oak Orchard Estates in the Village at not less than 15 miles per hour as authorized by Sections 1640-a and 1643 of New York's Vehicle and Traffic Law.

**PUBLIC**  
much as

**CLOSED**

Moved by Trustee Miller and second by Trustee Banker that in as everyone who wished to speak regarding changes to Sections 1640-a and 1643 of New York's Vehicle and Traffic Law were heard the Public Hearing is hereby closed at 7:02 PM. Trustee Miller stated that he is not comfortable raising the speed limit from 10 to 15 miles per hour. His concerns are that there are no sidewalks for the pedestrians, the driveways are close together and how much over the speed limit will stick in court. Trustee Miller stated that the park should try to enforce the speed limit themselves until every avenue is exhausted. Maybe they should check into installing temporary speed bumps.

**PUBLIC**  
open the Public

**HEARING**

**RE-OPENED**

Moved by Trustee Miller and seconded by Trustee Banker to re-hearing per Attorney Gavenda's recommendation at 7:11 PM.

**CARRIED**

3 Ayes

0 Nays

Mr Daniel McGillivray, a resident of Oak Orchard Estates was present and wants the Board of Trustees to consider enforcing the speed limit inside the park. The Board of Trustees will have Police Chief Dean London check with the Town of Gaines Court to see what tickets would stick in court.

**PUBLIC**

Moved by Trustee Miller and seconded by Trustee Banker to adjourn the Public

**HEARING** Hearing until February 10, 2010.

**ADJOURNED**

**CARRIED**

3 Ayes

0 Nays

**SURPLUS** Moved by Trustee Miller and seconded by Trustee Banker approving the

**PROPERTY** following items be declared as surplus equipment, per the Superintendent of the

**APPROVED** Public Works, Dale Brooks's recommendation:

AL-3 2000 Expedition from Fire Department  
Miscellaneous tires that don't fit village vehicles  
Light bars  
Cages  
Gas Powered Sidewalk Vacuum

**CARRIED**

3 Ayes

0 Nays

**CHATFIELD** Jason Foote from Chatfield Engineers was present to give the Board of Trustees

**UPDATE** a project status report on the following projects:

2007 Sanitary Sewer Improvements - contractor will continue to install sanitary sewer mains, no laterals, throughout the winter. Next Job Progress Meeting will be Thursday January 21, 2010 at 7:30 AM at the Village Hall.

2009 McKinstry Street Storm Sewer and Road Reconstruction - Plans and specs for the storm sewer portion have been sent to various agencies for review and comment. Currently doing the design process for the road reconstruction portion which the Village DPW will be completing. The Albion Central School District's portion of the drainage project is complete.

Meadowbrook Drive Water Main Replacement - The bids for the Water Main materials for phase 2 will be opened on February 5, 2010 at the Village Hall. Phase 2 will be completed by the DPW in the Spring of 2010 and prior to road work to be done by Sergi.

Meadowbrook Drive Road Reconstruction and Storm Sewer - Currently completing the design for the remaining portion of the project. Road work will be completed by Sergi Construction once sanitary sewer work is finished and weather is favorable.

**TABLE** Tabled approving the minutes for the December 23, 2009 and January 6, 2010

**APPROVING MINUTES** meetings until the January 27, 2010 Workshop Meeting.

**ACCEPT** Moved by Trustee Miller and seconded by Trustee Banker accepting the

**TREASURERS REPORT** Treasurer's Report for the month of December.

**CARRIED**

3 Ayes

0 Nays

**APPROVE** Moved by Trustee Miller and seconded by Trustee Banker approving the

**PAYMENT OF BILLS** payment of the following Village bills:

**OF BILLS**

\$31,538.00	General Fund	voucher #4973	
\$19,548.00	Water Fund	to #5188	
5,751.94	Sewer Fund		\$

**CARRIED**

3 Ayes 0 Nays

Trustee Miller had a question on the Police Department's phone bill and he has talked to the Police Chief about it.

**APPROVED** Moved by Trustee Miller and seconded by Trustee Banker approving the

**PAYMENT** following bills submitted by Chatfield Engineers be paid:

**OF CHATFIELD**

<b>BILLS</b>	General Engineering Services	94-193-
153	\$ - 0 -	
	Water System Capital Improvement	09-943-
5	\$ 2,495.00	
	2007 Sanitary Sewer Project	06-765-
28	\$ 8,869.00	

**CARRIED**

3 Ayes 0 Nays

Trustee Miller stated he wanted to tabled approving the bill submitted by Chatfield Engineers for Engineering services for 121 North Main Street for \$443.50 until the January 27, 2010 Workshop Meeting.

**APPROVED** Moved by Trustee Miller and seconded by Trustee Banker approving Mayor

**PAYMENT** Theodorakos to sign and the payment of Pay Estimate #7 to Sergi Construction **SERGI** for \$136,758.01.

**CARRIED**

3 Ayes 0 Nays

**APPROVE** Moved by Trustee Miller and seconded by Trustee Banker approving Police Chief

**PURCHASE** London's request to purchase the "Live Scan" for the Police Department.

The department needs to pay for the equipment first and then submit paperwork for reimbursement through the Operation Impact Tools Grant. The approximate cost is \$30,000.00.

**CARRIED**

3 Ayes 0 Nays

**ACCEPT** The following application was received and accepted to be placed on file for

**APPLICATIONS** future reference:

Thomas J Calabrese - Anything

**ACCEPT** Moved by Trustee Miller and seconded by Trustee Banker approving Matthew J

**AFD NEW** Francis's application to be an active member of the Albion Fire Department.

**MEMBER**

**CARRIED**

3 Ayes 0 Nays

**RESOLUTION** The following resolution was proposed by Trustee Miller who moved its

**NO REG** adoption and seconded by Trustee Banker:

**DAY**

NOW THEREFORE BE IT RESOLVED, the Village of Albion will NOT hold a registration day for the upcoming Village Election to be held on March 16, 2010.

**CARRIED**

3 Ayes 0 Nays

**RESOLUTION** The following resolution was proposed by Trustee Banker who moved its

**FOR THE** adoption and seconded by Trustee Miller:

**ELECTION**

NOW THEREFORE BE IT RESOLVED, that the General Election for the Village of Albion will be held on Tuesday, March 16, 2010 at the Village Board Room, 35-37 East Bank Street, Albion, New York with the polls opening at 12:00 noon and closing at 9:00 PM.

**CARRIED**

3 Ayes 0 Nays

**2010** Discussion on the 2010 NYS Community Development Block Grant (CDBG)

**NYSCDBG** Program. Trustee Miller questioned what Stuart Brown would charge the Village to re-write the application. The Village applied for the 2009 NYS CDBG and was denied. The Village will need to hold two Public Hearings and decide if they want to re-apply for the infrastructure work for the Pollution Control Plant or apply for the rehab of homes.

**SET** Moved by Trustee Miller and seconded by Trustee Banker approving a Public

**PUBLIC** Hearing be held on Wednesday, February 10, 2010 at 7:00 PM to hear comments

**HEARING** pertaining to the Village of Albion possibly submitting an application for the 2010 New York State Community Development Block Grant Program.

**CARRIED**

3 Ayes 0 Nays

**SET** Moved by Trustee Miller and seconded by Trustee Banker approving a second

**PUBLIC** Public Hearing be held on Wednesday, February 24, 2010 at 7:00 PM to hear

**HEARING** comments pertaining to the Village of Albion possibly submitting an application for the 2010 New York State Community Development Block Grant Program.

**CARRIED**

3 Ayes 0 Nays

**CORRES** Correspondence received from Albion Agencies regarding Notice of Claims coverage.

**SET** Moved by Trustee Miller and seconded by Trustee Banker approving a Public

**PUBLIC** Hearing to be held on Wednesday, January 27, 2010 at 7:00 PM to hear comments

**HEARING** regarding establishing a local law wherein the Village of Albion would be obligated to indemnify and hold harmless by providing

any employee of the Village of Albion a legal defense in any judicial, quasijudicial or administrative proceeding under either federal or state law including but not limited to criminal and civil court proceedings and administrative proceedings.

**CARRIED**

3 Ayes

0 Nays.

**RESOLUTION** The following resolution was proposed by Trustee Miller who moved its

**SET** adoption and seconded by Trustee Banker :

**STANDARD**

**WORK DAY** BE IT RESOLVED, that the Village of Albion hereby establishes that seven (7) hours as the standard work day for elected and appointed officials (examples: Mayor, Trustees, PT Office Clerk and the Attorney) and will report the following days worked to the New York State and Local Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body.

**CARRIED**

3 Ayes

0 Nays

**WTP** Superintendent of the Water Treatment Plant, Kevin Miller, informed the Board

**REQUEST** of Trustees that he has received three quotes for work that needs to be done in the

pipe gallery room. The quotes were:

RS Automotive \$ 9,860.00

Suburban Electric \$ 9,850.00

Speer Equipment \$10,741.80

He has money in his budget that he can use for the repairs.

**RESIGNATION** The Board of Trustees accepted Eric Bradshaw's letter of resignation as the PT Office Clerk for the Albion Fire Department effective immediately.

**NYSEFC** Correspondence received from New York State Environmental Facilities

**CHANGE** Corporation (NYSEFC) informing the Board of Trustees that they have found the

**ORDER #2** Change Order #2 that was submitted to be acceptable and hereby approved.

**TENANT** Moved by Trustee Miller and seconded by Trustee Banker approving the Ministry

**REQUEST** of Concern's request for permission to install a programmable alarm system in

their office at 121 North Main Street. Ministry of Concern will pay Doyle Securities to install the system.

**CARRIED**

3 Ayes

0 Nays

**EMPLOYEE** Tabled approving Officer O'Hearn's request for his dependent to be covered **REQUEST** under the Village of Albion's cobra policy. If approved the dependant will be responsible for the total premium. Attorney Gavenda will check into the request and have details for the January 27, 2010 Workshop Meeting.

**CORRES** Correspondence received from Orleans County Chamber of Commerce regarding the Legislative Luncheon they will be hosting on January 29, 2010 at Tillman's Village Inn.

**ANNUAL** Moved by Trustee Miller and seconded by Trustee Banker  
approving Mayor  
**REPORT** Theodorakos sign the Office of Community Renewal's  
2009 Annual Performance Report for the 2008 Small Cities Grant.

**CARRIED**

3 Ayes 0 Nays

**MANAGE-** The Board of Trustees will discuss the proposed Management  
**MENT** Agreement/Contract at the January 27, 2010 Workshop Meeting.  
**AGREEMENT**

**MEETING** Moved by Trustee Banker and seconded by Trustee Miller that  
there being no

**CLOSED** further business, meeting is hereby adjourned at 8:26 PM.

**CARRIED**

3 Ayes 0 Nays

Respectfully Submitted,  
Linda K Babcock  
Clerk-Treasurer

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## January 19, 2010: Historic Preservation Meeting

### Body:

VILLAGE OF ALBION  
HISTORIC PRESERVATION COMMISSION

**January 19, 2010**

### Meeting Minutes

#### PRESENT:

Commission Members:, Thom Jennings, Louis Becker, Andrea Rebeck, Neil Johnson, Matthew Ballard and Mariadele Theodorakos

#### ABSENT:

Aric Albright  
Also in attendance:  
CEO Ronald Vendetti  
Mayor Theodorakos  
Trustees: Fred Miller and Jeanette Riley  
AMSA: Katelin Olsen

#### CALL TO

The meeting was called to order at 7:04 pm by Thom

#### ORDER

Jennings.  
Pledge of Allegiance followed.

#### ADJUST

Add: Workshop date at the end of the meeting

#### AGENDA

#### MINUTES

A motion was made by Andrea Rebeck , seconded by

#### APPROVED

Louis Becker , to approve the minutes of the December 15, 2009 meeting with the following correction:

- Under: 105/107 North Main St :  
Remove statement about the contractor not being at "fault" and replace it with: it is the responsibility of the property owner to obtain a Certificate of Appropriateness

**Motion passed unanimously**

#### OLD

[105/107 North Main Street](#) - There was discussion about

#### BUSINESS Main St.

the Snell/Withey building located at 105/107 North

Thom stated that he told the property owners they did not need to attend the meeting tonight. CEO Vendetti stated that the COA applications that were

submitted do not include windows. The applications only list "intention".

Discussion followed concerning how members were notified of upcoming COAs. Andrea Rebeck stated that she would like COA copies sent to members by US mail. Thom Jennings felt e-mail was sufficient. It was agreed that applications could be scanned and e-mailed as long as they were legible.

Otherwise, they should be sent by US mail.

There was also discussion about the required 10 days to review any COA application. Thom felt there was room for flexibility. He stated that the decision to be flexible had been approved previously by the commission. Andrea stated that the 10 day rule should be adhered to. Minutes will be reviewed to determine if this was previously stated.

105 North Main Street: The COA application that was submitted had no drawings. This makes the application incomplete. Andrea moved to reject the application - it is incomplete and much of the work has already been done.

Commission members - Andrea, Neil and Lou all stated that they would have liked to see drawings, as required. CEO Vendetti stated that drawings were not submitted because the work being done was interior. He stated that the project would be done in phases and that the temporary bracing will probably remain for years - not months.

Andrea made a motion to return the COA application for 105 North Main Street to CEO Vendetti as "incomplete". The COA needs to address: windows, length of time for bracing, design for bracing and mortar mix to be used.

Matthew Ballard seconded the motion

### **Motion passed unanimously**

107 North Main Street The application for 107 North Main Street was similar to that of 105 North Main Street. It did not address the necessary items.

After a brief discussion, a motion was made by Louis Becker, seconded by Mariadele Theodorakos to return COA application for 107 North Main Street to CEO Vendetti as "incomplete". The application needs to reference windows, length of time for bracing, design for bracing and mortar mix to be used.

### **Motion passed unanimously**

**HARDSHIP**  
the

Thom distributed samples of hardship applications to the

**CRITERIA**

reviewed.

place for

application"

should be

about 25

Theodorakos.

days to

HPC members. The HPC law for hardship was

He stated that there is currently no procedure in

hardships. There should be an actual "hardship

available. It was agreed by all that this application

made available online. CEO Vendetti inquired

North Liberty Street - owned by James

It was determined that Mr. Theodorakos had 30

apply for hardship. He would now need to resubmit an entire application and be denied again - as the 30 day limit has passed. Thom stated that he did not mind waiving the filing of a new application since there was not a procedure in place. It was agreed that the 30 days for appeal could begin immediately. Mr. Theodorakos would only need to submit a written request for hardship consideration- not another completed application .

Paul Chatfield addressed the commission

**CHATFIELD**

concerning an

**PRESENTATION**

email that referenced his credentials as the village engineer. He distributed information about his company's qualifications as well as projects they have worked on. HPC member Matthew Ballard apologized to Mr. Chatfield, the HPC and the public for any problems caused by the comments that were made in the email correspondence. Mayor Theodorakos commended Mr. Chatfield on his experience with him, stating that he always did a very thorough job.

Mr. Chatfield thanked the HPC for listening to him.

He will return next month to discuss 121 North Main Street on behalf of the Village.

**COA: 48 NORTH**

**MAIN STREET**

was

was

. The

This was

CEO Vendetti stated that he had issued a "stop work order"

for 48 North Main Street - First Niagara Bank. Work

being done on columns. The base of the column

removed and the intent was to replace it with foam

current base of the column is "built up" plywood.

not original to the building. The columns are hollow, but structural. It is difficult to tell how far the plywood

rot has gone. Andrea stated that the new material used would need to support the weight of the columns.

Fred Miller stated that Steve Ernst did the plywood replacement back in the 90's and suggested that the HPC talk with him about what he did during that repair.

Andrea felt that synthetic epoxy could trap water underneath and create more rot in the future.

A motion was made by Andrea Rebeck, seconded by Matthew Ballard to table the COA for 48 North Main Street pending Andrea contact the contractor doing the work to obtain more information.

### **Motion passed unanimously**

**UPDATES:**            121 North Main Street: SHPO recommendations will be reviewed. Should be on agenda for next month's meeting.

Mt. Albion Cemetery: No names were given for consultants yet.

Design Guidelines: Andrea stated that she is working on design guidelines. She said she spoke with Katelin Olsen who agreed to help devise these guidelines.

**WORKSHOP:**        An HPC workshop was scheduled for Saturday February 13, 2010 from 9:30am - 11:30am at the Village Hall. Topics to include: COAs, HPC law, forms, hardship procedures and design guidelines.

**ADJOURN:**            A motion was made by Mariadele Theodorakos,

seconded

By Andrea Rebeck to adjourn the meeting at

9:02pm.

**Motion passed unanimously**

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## February 10, 2010: Regular Board Meeting

### Body:

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, February 10, 2010 at 7:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

Mayor Theodorakos opened the meeting with the pledge of allegiance.

**PUBLIC** Mayor Theodorakos opened the Public Hearing at 7:00 PM to discuss community

**HEARING** needs and priorities and to provide residents with information about the Small

**CDBG** Cities program.

**GRANT**

This is the first of two hearings. The Village of Albion is looking at applying for the 2010 NYS Community Development Block Grant (CDBG) Program. If the Board of Trustees decides to apply this year, they will need to decide if they want to reapply for improvements at the Pollution Control Plant or apply for housing rehab.

Mr Daniel McGillivary, a resident of Oak Orchard Estates feels the Board of Trustees should address the flooding on North Street. Mayor Theodorakos stated that the Village is working on replacing infrastructure throughout the Village and when completed should help that area.

**PUBLIC** Moved by Trustee Riley and second by Trustee Miller that in as much as  
**CLOSED** everyone who wished to speak regarding the community needs and priorities  
were heard, the Public Hearing is hereby closed at 7:06 PM.

**CARRIED**

5 Ayes

0 Nays

**PUBLIC** Mayor Theodorakos reopened the Public Hearing at 7:07 PM to establish the

**HEARING** maximum speed limit in, on or about the parking areas, private streets,

**OO ESTATES** roadways and driveways of the mobile home park or manufactured home park

**SPEED** known as Oak Orchard Estates in the Village at not less than 15 miles per hour as **LIMIT** authorized by Sections 1640-a and 1643 of New York's Vehicle and Traffic Law.

Trustee Miller is not comfortable raising the speed limit from 10

to 15 miles per hour stating he feels it is a safety concern. Trustee Miller stated that the park should try to enforce the speed limit themselves until every avenue is exhausted. Maybe they should check into installing temporary speeds bumps. Also discussed was putting a sign in showing how fast you are going, having the Police Department shoot radar, what time frame the biggest problem with speeders is and asking the Police Chief his thoughts or concerns. Trustee Banker suggested the park have the residents sign a petition showing their support.

**PUBLIC** Moved by Trustee Riley and second by Trustee Miller that in as

much as

**CLOSED** everyone who wished to speak regarding changes to Sections 1640-a and 1643 of

New York's Vehicle and Traffic Law were heard, the Public Hearing is hereby closed at 7:25 PM.

**CARRIED**

5 Ayes 0 Nays

Motion made by Trustee Sheehan to approve the changes to Sections 1640-a and 1643 of New York's Vehicle and Traffic Law which will allow the Albion Police Department to enforce the 15 MPH speed limit inside the mobile home park known as Oak Orchard Estates. There was no second, so motion died.

**REOPEN** Moved by Trustee Riley and seconded by Trustee Banker to reopen Public

**PUBLIC** Hearing at 7:40 PM.

**HEARING**

**CARRIED**

5 Ayes 0 Nays

**RECESS** Moved by Trustee Riley and seconded by Trustee Banker to recess the Public

**PUBLIC** Hearing on changing Sections 1640-a and 1643 of New York's Vehicle and

**HEARING** Traffic Law until March 10, 2010 at 7:30 PM.

**CARRIED**

5 Ayes 0 Nays

Trustee Banker and Trustee Sheehan will attend the next Oak Orchard Estates Association meeting to hear how the residents feel about the Albion Police Department enforcing the speed limit inside the park.

**RESIDENT** Ms Kim Remley and the students from TGIF Skateboard Park Youth presented the Board of Trustees with a couple of proposals they have put together showing the equipment for the Bullard Skate Park. Discussion included:

Cost to repair the old equipment that is in the park

Why the community needs a skate park

What kind of equipment the youth would like

The Board of Trustees will discuss replacing the equipment at the budget workshop meeting.

**DEPT** Superintendent of the Water Treatment Plant, Kevin Miller addressed the Board

**HEAD** of Trustees about applying for a grant to do a water study. Stuart I Brown Associates will write the application for \$4,000.00. Kevin Miller has talked to a few of the area municipalities to see if they

are willing to contribute to the cost. The application deadline is February 24, 2010. Mayor Theodorakos will talk to Stu Brown and Kevin Miller will contact the rest of the municipalities and they will compare information Thursday afternoon. If there is enough interest a Special Meeting will be held on Friday, February 12, 2010 at 7:00 AM.

**SPECIAL** Moved by Trustee Riley and seconded by Trustee Sheehan to hold a Special

**MEETING** Meeting on Friday, February 12, 2010 at 7:00 AM.

**CARRIED**

5 Ayes

0 Nays

**DEPT** Superintendent of the Public Works, Dale Brooks has requested the old Christmas

**HEAD** Decorations in the basement of the Village Office be declared surplus property.

**DPW** Mr Michael Bonafede will stop in to look at them.

**DEPT** Cemetery Superintendent, Jason Zicari provided the Board of Trustees with the

**HEAD** actions his department will take to address the complaint filed by the tenant who resides in the cemetery apartment.

**DEPT** Moved by Trustee Riley and seconded by Trustee Miller approving Code

**HEAD** Enforcement Officer, Ron Vendetti purchased a 2010 Impala from State Bid. The \$16,854.00 vehicle will be financed over four years and will not have remote start on it.

**CARRIED**

5 Ayes

0 Nays

**RESIDENT** Moved by Trustee Sheehan and seconded by Trustee Miller approving resident Dorothy Boyer, 26 Hazard Parkway with a break on the sewer portion of her latest water/sewer bill. Ms Boyer's outside water spigot had frozen causing water to go on the ground and not through the sanitary sewer system.

**CARRIED**

5 Ayes

0 Nays

**RESIDENT** Resident Ms Melissa Olles addressed the Board of Trustees regarding her final water/sewer bill. She doesn't feel she should have to pay the final read charge because the Village didn't read the meter when they should have. Tabled decision until the next meeting so the Board of Trustees can have the Village Office research her account.

**RESIDENT** Moved by Trustee Riley and seconded by Trustee Banker approving resident Ms Sandra McKenna's request for a payment plan for her recent water/sewer bill in the amount of \$626.76. The Village had a hard time gaining access to the basement to fix the meter. Her first payment of 1/3 will be due immediately, second payment due March 10, 2010 and the third payment due April 10, 2010.

**CARRIED**

5 Ayes

0 Nays

**APPROVED** Moved by Trustee Sheehan and seconded by Trustee Miller that in as much as

**MINUTES** each member received copies of the January 27, 2010 minutes and there being no errors or corrections, minutes are hereby accepted as written.

**CARRIED**

5 Ayes 0 Nays

**ACCEPT** Moved by Trustee Riley and seconded by Trustee Miller

approving the

**TREASURERS REPORT** Treasurer's Report for the month of January.

**CARRIED**

5 Ayes 0 Nays

**APPROVE** Moved by Trustee Sheehan and seconded by Trustee Miller

approving the

**PAYMENT OF BILLS** payment of the following Village bills with the exception of the

payment to

**OF BILLS** United National Group for \$1,017.25. The Village Attorney is working on that invoice.

\$43,687.43 General Fund voucher #5231

\$22,509.33 Water Fund to #5425

4,752.61 Sewer Fund \$

**CARRIED**

5 Ayes 0 Nays

**APPROVED** Moved by Trustee Riley and seconded by Trustee Sheehan

approving the

**PAYMENT OF CHATFIELD** following bill submitted by Chatfield Engineers be paid:

**OF CHATFIELD**

**BILL** 121 North Main Street 08-888-6 \$

432.50

**CARRIED**

4 Ayes 1 Nay

Trustee Riley Trustee

Miller

Trustee Sheehan

Trustee Banker

Mayor Theodorakos

Trustee Miller stated he didn't approve of this from day one.

Trustee Miller left the meeting.

**APPROVED** Moved by Trustee Riley and seconded by Trustee Sheehan

approving the

**PAYMENT OF CHATFIELD** following bills submitted by Chatfield Engineers be paid:

**OF CHATFIELD**

**BILL** General Engineering Services 94-193-154 \$

97.00

6,547.00 McKinstry Street Storm Sewer & Road 09-944-6 \$

4,058.00 Meadowbrook Road Reconstruction 09-952-3 \$

500.00 Meadowbrook Drive Water Main Project 09-951-4 \$

09-943-6 Water System Capital Improvement

\$ 1,247.50

2007 Sanitary Sewer Improvements 06-765-29 \$

9,144.00

**CARRIED**

4 Ayes 0 Nays

Trustee Miller returned.

**CORRES** Moved by Trustee Riley and seconded by Trustee Sheehan approving Mayor Theodorakos sign the Engineering Service Proposal for the Meadowbrook Drive Water Main Project submitted by Chatfield Engineers. The cost for Chatfield Engineers services will be \$11,000.00.

**CARRIED**

5 Ayes 0 Nays

**APPROVE** Moved by Trustee Riley and seconded by Trustee Sheehan approving Chatfield

**LOW** Engineers recommendation to accept the low bid for the Meadowbrook Drive **BID** Water Main Project material from Blair Supply Inc. The Village received

the following bids for the material:

Blair Supply Inc \$41,948.60

Ramsco \$43,041.74

Lock City Supply \$96,909.23

Lock City had a mathematic error entered in their bid proposal.

**CARRIED**

5 Ayes 0 Nays

**ADOPT** The following resolution was proposed by Trustee Sheehan who moved its

**BOND** adoption and seconded by Trustee Banker for the roadwork to be done on

**RESOLUTION** McKinstry Street:

BOND RESOLUTION DATED FEBRUARY 10, 2010 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF ALBION, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE ROAD IMPROVEMENTS WITHIN THE VILLAGE, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the purpose hereinafter described consists of road improvements authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law;

WHEREAS, the Village hereby determines and finds that the purpose hereinafter described constitutes a "type II" action under the State Environmental Quality Review Act of the State of New York and the applicable regulations thereunder ("SEQRA") which will not result in any significant adverse environmental impacts in that the purpose consists of replacement or reconstruction of a structure or facility, in kind, on the same site, and such purpose is not subject to any further environmental review under SEQRA; now therefor, be it

RESOLVED BY THE VILLAGE BOARD OF

TRUSTEES OF THE VILLAGE OF ALBION, NEW YORK (hereinafter referred to as the "Village"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Village of Albion shall undertake the construction of road improvements, to include boxing out the existing roadway, installation of geotextile fabric, sub-base material, and a suitable base course and top course asphalt, along with curbing and sidewalk improvements, and other incidental improvements that may be required in connection therewith for such construction and Village use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$291,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance said purpose.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$291,000 and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of obligations as herein authorized.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 20 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen (15) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Village and all the taxable real property in the Village is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount.

Section 5. It is hereby determined and declared that the Village reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Village Treasurer, the Village's chief fiscal officer. The Village Treasurer and the Village Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Village of Albion.

Section 7. The faith and credit of the Village of Albion, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. After compliance with Section 9 hereof, this resolution shall be published in full by the Village Clerk of the Village of Albion together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Village, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution is subject to a permissive referendum of the qualified electors of the Village of Albion, pursuant to Section 36.00 of the Local Finance Law.

**CARRIED**

5 Ayes

0 Nays

**ADOPT**  
moved its

**BOND**

work to be done

The following resolution was proposed by Trustee Sheehan who  
adoption and seconded by Trustee Banker for the storm sewer

**RESOLUTION** on McKinstry Street:

BOND RESOLUTION DATED FEBRUARY 10, 2010  
OF THE VILLAGE BOARD OF TRUSTEES OF THE  
VILLAGE OF ALBION, NEW YORK, AUTHORIZING  
GENERAL OBLIGATION SERIAL BONDS TO  
FINANCE SEWER SYSTEM CAPITAL

**IMPROVEMENTS**

WITHIN THE VILLAGE, AUTHORIZING THE  
ISSUANCE OF BOND ANTICIPATION NOTES IN  
CONTEMPLATION THEREOF, THE EXPENDITURE  
OF SUMS FOR SUCH PURPOSE, AND

**DETERMINING**

OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the purpose hereinafter described consists of  
sewer system capital improvements authorized to be undertaken  
by the Village Board of Trustees pursuant to the Village Law;

WHEREAS, the Village hereby determines and finds that  
the purpose hereinafter described constitutes a "type II" action  
under the State Environmental Quality Review Act of the State of  
New York and the applicable regulations thereunder ("SEQRA")  
which will not result in any significant adverse environmental  
impacts in that the purpose consists of replacement or  
reconstruction of a structure or facility, in kind, on the same site,  
and such purpose is not subject to any further environmental  
review under SEQRA; now therefor, be it

RESOLVED BY THE VILLAGE BOARD OF  
TRUSTEES OF THE VILLAGE OF ALBION, NEW YORK  
(hereinafter referred to as the "Village"), by the favorable vote of  
not less than two-thirds of all of the members of such Board, as  
follows:

Section 1. The Village of Albion shall undertake the  
construction of sewer system improvements, to include  
the installation of 12" - 30" diameter storm sewer pipe and  
manholes along McKinstry Street between East Avenue  
and East Park Street in the Village of Albion, such new  
drainage pipe to replace an existing undersized storm  
sewer, and the acquisition of original furnishings,  
equipment, machinery or apparatus, or the replacement of  
such equipment, machinery or apparatus, and other  
incidental improvements that may be required in  
connection therewith for such construction and Village  
use (hereinafter referred to as "purpose"), and general  
obligation serial bonds in an aggregate principal amount  
not to exceed \$619,000 and bond anticipation notes in  
anticipation thereof (and renewals thereof) of the Village  
are hereby authorized to be issued to finance said purpose.

Section 2. The estimated aggregate maximum cost of  
said purpose, including preliminary costs and costs  
incidental thereto and costs of the financing thereof, is  
estimated to be \$619,000 and said amount is hereby  
appropriated therefor. The plan for financing of said  
purpose is to provide all of such maximum cost by  
issuance of obligations as herein authorized.

Section 3. It is hereby determined and declared that (a)

said purpose is one of the class of objects or purposes described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30), (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Village and all the taxable real property in the Village is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount.

Section 5. It is hereby determined and declared that the Village reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Village Treasurer, the Village's chief fiscal officer. The Village Treasurer and the Village Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Village of Albion.

Section 7. The faith and credit of the Village of Albion, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. An annual appropriation shall be made in each year

sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. After compliance with Section 9 hereof, this resolution shall be published in full by the Village Clerk of the Village of Albion together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Village, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution is subject to a permissive referendum of the qualified electors of the Village of Albion, pursuant to Section 36.00 of the Local Finance Law.

**CARRIED**

5 Ayes 0 Nays

**APPROVED** Moved by Trustee Riley and seconded by Trustee Sheehan authorizing payment

**PAYMENT** to Bernard P Donegan Inc for \$1,678.16. Payment is for financial management

**DONEGAN** services for the Sanitary Sewer and McKinstry Street projects.

**CARRIED**

5 Ayes 0 Nays

**APPROVED** Moved by Trustee Riley and seconded by Trustee Sheehan approving Mayor

**PAYMENT** Theodorakos to sign Pay Estimate #8 and the payment of \$250,199.03 to Sergi **SERGI** Construction. The project is 43% completed as of February 5, 2010.

**CARRIED**

5 Ayes 0 Nays

**APPROVE** Moved by Trustee Sheehan and seconded by Trustee Miller approving Mayor

**MAYOR TO** Theodorakos to sign that he has reviewed the payrolls for the Sanitary Sewer

**REVIEW &** Project for the following weeks:

**SIGN** w/e 1/9/2010 - 1/23/2010 Sergi Construction

w/e 1/3/2010 - 1/24/2010 PDS Construction

**CARRIED**

5 Ayes 0 Nays

**CEMETERY** Moved by Trustee Riley and seconded by Trustee Banker authorizing Mayor

**DEEDS** Theodorakos to sign the following Cemetery Deed:

David R Bieber S.G. 418 Deerfield Avenue

**CARRIED**



**MEETING** Special Meeting on Sunday, February 21, 2010 at 8:00 AM to discuss the Managerial Agreement which ended May 31, 2009.

**CARRIED**

5 Ayes 0 Nays

**CLARENDON** The Board of Trustees would like Kevin Miller from Bergmann Associates and

**BRIDGE** Chris Sheridan from NYSDOT to attend the February 24, 2010 Workshop Meeting to discuss the Clarendon Street Bridge Project.

**PAINTING** The Board of Trustees agreed that the Department of Public Works should finish painting the three rooms upstairs at the Village Office.

There was a discussion on what the break room is and/or will be used for. The Code Enforcement Officer, Ron Vendetti would like to use it as his office.

**RESIGNATION** Trustee Miller stated that he is ready to make the motion asking for Ms

**REQUEST** Andrea Rebeck's resignation from the Historic Preservation Commission based

on her being insubordinate. Mayor Theodorakos stated that she is committed and puts a lot of time and energy into the community. He also stated that it is political. Trustee Miller stated it's not political and that he has given her ample time to come and discuss with the Board her actions at a Village Board Meeting.

Moved by Trustee Miller and seconded by Trustee Riley asking Ms Andrea Rebeck to submit her resignation from the Historic Preservation Commission based on her refusal to meet with the Board of Trustees.

**CARRIED**

4 Ayes 1 Nay  
Trustee Miller Mayor

Theodorakos

Trustee Riley  
Trustee Banker  
Trustee Sheehan

Mayor Theodorakos asked where the Code Enforcement Officer, Ron Vendetti's response to the Historic Preservation Committee is regarding the Certificate of Appropriateness for the Fischer/Snell building.

**MEETING** Moved by Trustee Riley and seconded by Trustee Sheehan that there being no

**CLOSED** further business, meeting is hereby adjourned at 10:01 PM.

**CARRIED**

5 Ayes 0 Nays

Respectfully Submitted,  
Linda K Babcock  
Clerk-Treasurer

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**February 12, 2010: Special Meeting**

**Body:**

A Special Meeting of the Board of Trustees of the Village of Albion was held Friday, February 12, 2010 at 7:00 AM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Eileen S Banker, Jeannette Riley and Attorney John C Gavenda. Mayor Theodorakos opened the meeting with the pledge of allegiance at 7:00 AM.

**MOTION** Moved by Trustee Riley and seconded by Trustee Banker based on the  
**RE APPL** information from Stuart I Brown Associates the Village of Albion Board of  
**WATER** Trustees will not pursue doing an application to do a water study at this time.  
**STUDY**

**CARRIED**

3 Ayes 0 Nays

The application is due February 24, 2010 and Stuart I Brown Associates doesn't feel there is enough time to submit one. The Board of Trustees agreed to move forward on the concept and will look at doing an application in the future.

The Board of Trustees agreed that the Code Enforcement Officer can use the break room as his office. The Conference Room on the second floor can be used as the break room.

Trustee Riley wants it on record that at no time had she made it a political decision to ask for Ms Andrea Rebeck's resignation. She was in favor of the motion made at the February 12, 2010 meeting because Ms Rebeck has refused to meet with the Board of Trustees.

**MEETING** Moved by Trustee Riley and seconded by Trustee Banker that there being no

**CLOSED** further business, meeting is hereby adjourned at 7:10 AM.

**CARRIED**

3 Ayes 0 Nays

Respectfully Submitted,  
Linda K Babcock  
Clerk-Treasurer



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## February 06, 2010: Special Meeting

### Body:

A Special Meeting of the Board of Trustees of the Village of Albion was held Saturday, February 6, 2010 at 1:15 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

Mayor Theodorakos opened the meeting with the pledge of allegiance.

### EXECUTIVE SESSION

Moved by Trustee Riley and seconded by Trustee Sheehan to adjourn to executive session for collective bargaining negotiations at 1:17 PM.

**CARRIED**

5 Ayes 0 Nays

### EXECUTIVE SESSION CLOSED

Moved by Trustee Sheehan and seconded by Trustee Riley to come out of executive session at 3:45 PM.

**CARRIED**

5 Ayes 0 Nays

### CODE ENFORCEMENT

Moved by Trustee Riley and seconded by Trustee Sheehan to submit a letter to Code Enforcement Officer, Ronald Vendetti concerning the findings of the Grievance Committee.

**CARRIED**

4 Ayes 0 Nays  
Trustee Riley  
Trustee Sheehan 1 Abstained  
Trustee Miller Trustee Banker  
Mayor Theodorakos

### MEETING RECESSED

Moved by Trustee Sheehan and second by Trustee Miller that there being no further business, meeting is hereby recessed at 3:48 PM and will be continued on February 21, 2010 at 8:00 AM.

**CARRIED**

5 Ayes 0 Nays

Minutes were taken by Attorney John C Gavenda.  
Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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## February 21, 2010: Special Meeting

### Body:

A Special Meeting of the Board of Trustees of the Village of Albion was held Sunday, February 21, 2010 at 8:00 AM, a continuation from the February 6, 2010 Special Meeting, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

Mayor Theodorakos opened the meeting with the pledge of allegiance at 8:06 AM.

### **EXECUTIVE SESSION**

Moved by Trustee Riley and seconded by Trustee Banker to adjourn to executive session for collective bargaining negotiations at 8:07 AM.

**CARRIED**

5 Ayes

0 Nays

### **EXECUTIVE SESSION CLOSED**

Moved by Trustee Riley and seconded by Trustee Sheehan to come out of executive session at 10:35 AM.

**CARRIED**

5 Ayes

0 Nays

### **MANAGEMENT AGREEMENT**

Moved by Trustee Sheehan and seconded by Trustee Banker to adopt counter proposal to proposed Management Agreement. Counter proposal to be retyped by Village Attorney, John C Gavenda and reviewed before submission to Management.

**CARRIED**

5 Ayes

0 Nays

### **MEETING ADJOURNED**

Moved by Trustee Banker and second by Trustee Miller that there being no further business, meeting is hereby adjourned 10:36 AM.

**CARRIED**

5 Ayes

0 Nays

Minutes were taken by Attorney John C Gavenda.  
Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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## February 24, 2010: Workshop Meeting

### Body:

A Workshop Meeting of the Board of Trustees of the Village of Albion was held Wednesday, February 24, 2010 at 7:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Deputy Mayor Kevin P Sheehan, Trustees Fred Miller, Eileen S Banker, Jeannette Riley and Attorney John Gavenda. Deputy Mayor Sheehan opened the meeting with the pledge of allegiance.

### **RESIDENT**

Received a correspondence from Janice Coville asking the Village to consider picking up leaves inside Heritage Estates. Deputy Mayor stated that it is private property; therefore the Village Public Works Department can't pick up the leaves inside the park.

### **RESIDENT**

Received a correspondence from Ms Norma DiLaura and Ms Virginia DiLaura requesting the Village of Albion's help in repairing their lawn and replacing bushes that were taken out when the sanitary sewer work was done in front of their home. They are also requesting reimbursement for the bill they paid Bower's Albion Plumbing & Heating to repair their sewer line. Jason Foote from Chatfield Engineers was notified and said that Sergi Construction had done the work in front of their home; therefore they are responsible for the home owner's problem. Mr Foote will give Sergi Construction the \$1,094.14 bill to pay.

### **HEALTH INS APPROVED**

Moved by Trustee Banker and seconded by Trustee Riley approving Mr Tom O'Hearn's request for his son to receive Health Insurance through the Village of Albion. His cost will be for the entire premium and will be due to the Village of Albion at least one week before the Village submits payment to MVP for the employees.

**CARRIED**

4 Ayes

0 Nays

### **PUBLIC HEARING SCHEDULED**

Moved by Trustee Riley and seconded by Trustee Banker approving a Public Hearing to be held on Wednesday, April 14, 2010 at 7:00 PM to hear comments pertaining to the Village of Albion amending Chapter 66 of the Village Codes title Procurement Policy.

**CARRIED**

4 Ayes

0 Nays

### **APPROVE MINUTES**

Moved by Trustee Riley and seconded by Trustee Miller that in as much as each member received copies of the February 10, 2010 minutes and there being two errors or corrections, minutes are hereby accepted as written

with the following corrections:

page 10 remove the word "e-mail" from the discussion when Trustee Miller stated that he is ready to make a motion asking for Ms Andrea Rebeck's resignation and change the last sentence to read - Trustee Miller stated it's not political and he has given her ample time to come and discuss with the Board her actions at a Village Board Meeting.

**CARRIED**

4 Ayes

0 Nays

**APPROVE MINUTES**

Moved by Trustee Banker and seconded by Trustee Riley that in as much as each member received copies of the February 12, 2010 minutes and there being no errors or corrections, minutes are hereby accepted as written.

**CARRIED**

4 Ayes

0 Nays

**ADOPT RESOLUTION FOR ELECTION**

The following resolution was proposed by Trustee Miller who moved its adoption and seconded by Trustee Banker that pursuant to Section 15-104 (3) (b) of the Election Law of the State of New York, the General Village Election for the Village of Albion, Orleans County, New York, will be held on Tuesday, March 16, 2010 at the Village of Albion Board Room, 35-37 East Bank Street, Albion, New York, with the polls opening at 12:00 Noon and closing at 9:00 PM and the name and address of those persons duly nominated for Village Office are listed as follows:

**DEMOCRATIC PARTY**

MAYOR - 4 years, Tracy A Jennings, 321 Linwood Avenue, Albion, NY

TRUSTEE - 4 years, James A Skaggs, 304 Ingersoll Street, Albion, NY

TRUSTEE - 4 years, Sandra E Walter, 129 West Bank Street, Albion, NY

**REPUBLICAN PARTY**

MAYOR - 4 years, Dean A Theodorakos, 236 South Main Street, Albion, NY

TRUSTEE - 4 years, Eileen S Banker, 8 Clarendon Street, Albion, NY

TRUSTEE - 4 years, Kevin P Sheehan, 116 South Clinton Street, Albion, NY

The Village will NOT be holding a registration day. All eligible voters should register with the County Board of Elections. Deadline for registration is March 5, 2010.

**CARRIED**

4 Ayes

0 Nays

**CORRES**

Moved by Trustee Riley and second by Trustee Miller approving the Albion Strawberry Festival Committee's request of the following for their 24th annual festival to be held on June 11<sup>th</sup> and 12<sup>th</sup>:

Use Bullard Park's picnic tables

Close East State Street and East Bank Street between Main Street and Platt Street

Have the Police Department and Public Works Department help out like they have in the past

**CARRIED**

4 Ayes

0 Nays

**CORRES**

Receive a correspondence from the Albion Police Benevolent Association regarding contract negotiations. Deputy Sheehan will contact the PBA President, Sergeant Luft confirming that the Board received their letter regarding their contract that will expire on May 31, 2010.

**CORRES**

Received a correspondence from the Tonawanda Valley Kennel Club asking permission to use Bullard Park for their annual dog show to be held on September 4<sup>th</sup> and 5<sup>th</sup>. The Club will be setting up starting on Tuesday, August 31, 2010 as done in the past.

Moved by Trustee Miller and seconded by Trustee Banker approving the Tonawanda Valley Kennel Club's request to use Bullard Park for their annual dog show pending Recreation Director, Mr John Grillo is involved so that it is better coordinated.

**CARRIED**

4 Ayes

0 Nays

**NYSDEC PUBLIC HEARING**

Deputy Mayor Sheehan reminder the Board of Trustees of the Public Hearing New York State Department of Environmental Conservation (NYSDEC) will be holding on March 1, 2010 from 7:00 PM to 9:00 PM at the Albion Fire Department. NYSDEC has scheduled the Public Hearing to hear comments on addressing the contamination related to the Albion Former Manufactured Gas Plant located on Ingersoll Street.

**SCHOOL APPROVED**

Moved by Trustee Riley and seconded by Trustee Banker approving Code Enforcement Officer, Ron Vendetti and Part Time Code Enforcement Officer, Scott Bradshaw to attend the Finger Lakes Building Officials Association School at the RIT Inn and Conference Center. The school will be held March 15<sup>th</sup> through March 18<sup>th</sup> and they will be sharing a room for the three nights.

**CARRIED**

4 Ayes

0 Nays

**HPC**

Trustee Banker wanted to re-open the motion that was made at the February 10, 2010 Regular Board Meeting asking for Ms Andrea Rebeck's resignation from the Historic Preservation Board.

Moved by Trustee Banker and seconded by Trustee Sheehan rescinding the motion asking Ms Andrea Rebeck to resign from the HPC.

**CARRIED**

2 Ayes

2 Nays

Trustee Banker

Trustee Riley

Trustee Sheehan

Trustee

Miller

Motion died.

Trustee Miller voted nay stating that it has gone on long enough and as a Board the majority agreed to ask her to resign. Ms Rebeck was invited months ago to meet with the Board of Trustees and refused. Trustee Banker stated she has met with Ms Rebeck and she can understand her reasons why she didn't want to. Trustee Sheehan stated that he voted the way he did

because he was told lies and has received conflicting stories.

**MEETING CLOSED**

Moved by Trustee Riley and second by Trustee Banker that there being no further business, meeting is hereby adjourned at 7:50 PM.

**CARRIED**

4 Ayes

0 Nays

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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## March 02, 2010: Special Meeting

### Body:

A Special Meeting of the Board of Trustees of the Village of Albion was held Tuesday, March 2, 2010 at 6:30 AM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Eileen S Banker, Fred Miller, Jeannette Riley and Attorney John C Gavenda.

Mayor Theodorakos opened the meeting with the pledge of allegiance at 6:30 AM.

### **EXECUTIVE SESSION**

Moved by Trustee Riley and seconded by Trustee Banker to adjourn to executive session for collective bargaining negotiations at 6:30 AM.

**CARRIED**

4 Ayes

0 Nays

### **EXECUTIVE SESSION CLOSED**

Moved by Trustee Banker and seconded by Trustee Riley to come out of executive session at 7:34 AM.

**CARRIED**

4 Ayes

0 Nays

### **MEETING ADJOURNED**

Moved by Trustee Riley and second by Trustee Miller that there being no further business, meeting is hereby adjourned 7:35 AM.

**CARRIED**

4 Ayes

0 Nays

Minutes were taken by Attorney John C Gavenda.

Respectfully submitted,

Linda K Babcock

Clerk-Treasurer

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## March 05, 2010: Special Board Meeting

### Body:

A Special Meeting of the Board of Trustees of the Village of Albion was held Friday, March 5, 2010 at 6:00 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

Absent Trustee Riley.

Also in attendance were Sergeant Boyer, Sergeant Luft, Sergeant Fuller and Officer Gilfadi representing the Police Officers.

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

### EXECUTIVE SESSION

Moved by Trustee Banker and seconded by Trustee Miller to adjourn to executive session for collective bargaining negotiations at 6:00 PM.

**CARRIED**

4 Ayes

0 Nays

### EXECUTIVE SESSION CLOSED

Moved by Trustee Banker and seconded by Trustee Sheehan to come out of executive session at 6:40 PM.

**CARRIED**

4 Ayes

0 Nays

### MEETING ADJOURNED

Moved by Trustee Banker and second by Trustee Miller that there being no further business, meeting is hereby adjourned 6:41 PM.

**CARRIED**

4 Ayes

0 Nays

Minutes were taken by Mayor Dean A Theodorakos.

Respectfully submitted,

Linda K Babcock

Clerk-Treasurer

doubt, please call the town offices for clarification.

## March 10, 2010: Regular Board Meeting

### Body:

A Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, March 10, 2010 at 7:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

Mayor Theodorakos opened the meeting with the pledge of allegiance.

### **PUBLIC HEARING**

Mayor Theodorakos opened the Public Hearing a 7:00 PM to discuss community needs and priorities and to provide residents with information about the Small Cities Program.

This is the second of two hearings. The Village of Albion is looking at applying for the 2010 NYS Community Development Block Grant (CDBG) Program. If the Board of Trustees decides to apply this year, they will need to decide if they want to reapply for improvements at the Pollution Control Plant or apply for housing rehab.

### **CLOSE PUBLIC HEARING**

Moved by Trustee Sheehan and second by Trustee Banker that in as much as everyone who wished to speak regarding the community needs and priorities were heard, the Public

Hearing is hereby closed at 7:02 PM.

**CARRIED**

5 Ayes

0 Nays

### **PUBLIC HEARING**

Mayor Theodorakos reopened the Public Hearing that was recessed from February 10, 2010 at 7:15 PM to establish the maximum speed limit in, on or about the parking areas, private streets, roadways and driveways of the Mobile Home Park or manufactured home park known as Oak Orchard Estates in the Village at not less than 15 miles per hour as authorized by Sections 1640-a and 1643 of New York's Vehicle and Traffic Law.

The Oak Orchard Park Association presented the Board of Trustees with 100 signatures supporting the Village of Albion amending Sections 1640-a and 1643 of New York's Vehicle and Traffic Law.

### **CLOSE PUBLIC HEARING**

Moved by Trustee Riley and second by Trustee Sheehan that in as much as everyone who wished to speak regarding changes to Sections 1640-a and 1643 of New York's Vehicle and Traffic Law were heard, the Public Hearing is hereby closed at 7:10 PM.

**CARRIED**

5 Ayes

0 Nays

**MOTION TO ENFORCE**

Moved by Trustee Sheehan and seconded by Trustee Banker adopting the following resolution changing Sections 1640-a of the New York's Vehicle and Traffic Law:

NOW THEREFORE BE IT ADOPTED by the Village Board of the Village of Albion as follows:

1. There is hereby enacted that the maximum speed limit in any of the following areas shall not be less than fifteen (15) miles per hour - parking areas, private streets, roadways or driveways located in the mobile home park or manufactured home park known as Oak Orchard Estates and its successors and/or assigns located in the Village of Albion, County of Orleans and State of New York.
- 2. Posting of the speed limits within the parking areas, private streets, roadways or driveways located in the mobile home park or manufactured home park known as Oak Orchard Estates and its successors and/or assigns shall be the responsibility and at the sole expense of Oak Orchard Estates and its successors and/or assigns.
- 3. This local law is made in accordance with Section 1640-a and 1643 of the New York State Vehicle and Traffic Law.
- 4. This local law shall be effective upon filing with the Secretary of State in accordance with the Municipal Home Rule Law.

**CARRIED**

4 Ayes	1 Nay
Trustee Sheehan	Trustee

Miller

Trustee Banker  
Trustee Riley  
Mayor Theodorakos

**DEPT HEAD**

Moved by Trustee Sheehan and seconded by Trustee Miller approving Superintendent of Public Works, Dale Brooks' request to declare the old Christmas decorations that are in the basement of the Village Office as surplus property.

**CARRIED**

5 Ayes	0 Nays
--------	--------

Discussed the bills that Mr Dan Green turned in. Mr Green alleges that the Public Works vehicle was the reason his back window was broken. There was no police report filed. The Board of Trustees would like Police Chief, Dean London to contact Mr Green to find out what happened.

**AMSA**

Mr Ted Malone, representing AMSA addressed the Board of Trustees about ideas in the gazebo at the Canal Park. AMSA would like to put an approximate 8' x 6' temporary vinyl sign in the gazebo. Volunteers will be sitting in the gazebo greeting boaters, bicyclist, etc and it would only be rolled down during inclement weather. The group would like to put something on the sign welcoming visitors and will maintain it. It will be up from the middle of May to the middle of October. Mr Malone also asked if the international sign for information (?) could be put up. Trustee Riley asked if the sign ordinance would apply to the temporary vinyl sign. Mr Malone will contact Code Enforcement Officer, Ron Vendetti in the morning to discuss the codes for temporary signs with him.

Moved by Trustee Riley and seconded by Trustee Banker approving AMSA's request to put a temporary vinyl sign in the gazebo to be used to block inclement weather from the volunteers who will be sitting in the gazebo greeting visitors, pending approval from Code Enforcement Officer, Ron Vendetti.

**CARRIED**

5 Ayes

0 Nays

### **CLARENDON STREET BRIDGE**

Mr Christopher Sheridan from New York State Department of Transportation and Mr Kevin Miller from Bergmann Associates were present to discuss the Clarendon Street Bridge Project. Mr Sheridan gave a background on the project to the Board of Trustees and the residents that were in attendance. The Village had been approved for funding in the past, but past administration wanted to look at putting in an at grade crossing, causing the funding to be delayed. Genesee Valley Transportation opposed another grade crossing. Since then the Village Board of Trustees has requested to have the funds reinstated. The bridge has been recommended for funding in the 2011 - 2014 Transportation Improvement Program. Mr Sheridan stated that it is likely that the bridge could have weight restrictions, one-lane reduction or be closed due to structural deficiencies placed on it before the Village can get the funds secured. If another project fails, the Village could receive funding earlier. That is why Mr Sheridan suggested that the Village be ready to go. Unfortunately the Village would have to front approximately \$285,000 for design services. That amount would be reimbursed around November 2011, possibly as early as May 2011. The design phase needs to be complete before the project can advance to construction. The Village will get reimbursed for the design, but if the economy continues to struggle the construction funds could be pushed out one year.

### **RESIDENT**

Mr Conrad Cropsey addressed the Board of Trustees about tax credits. He stated that there are state and federal tax credits available which historic building owners could apply for. Together they offer a 40% incentive to help owners maintain their buildings. Ms Katelin Olson, the AMSA Director, stated she is looking into the National Trust officials coming to Albion to help explain how building owners could use the tax credits.

### **RESIDENT**

Mr Tim Lindsay from the Harvest Christian Fellowship Church asked the Board of Trustees permission to use Bullard Park on Saturday mornings. Mr Lindsay was informed that they are public parks and unless he wants to reserve a pavilion located in Bullard Park, it is first come first serve.

### **RESIDENT**

Moved by Trustee Riley and seconded by Trustee Banker approving Ms Melissa Olles request to have her final bill reduced. She stated her final bill was not done when she requested it resulting in a higher bill. The new amount due will be \$35.08.

**CARRIED**

5 Ayes

0 Nay

### **CHATFIELD ENGINEERS - JASON FOOTE**

Mr Jason Foote from Chatfield Engineers presented the Board of Trustees with an update of the following projects:

2007 Sanitary Sewer Project

the Main installation complete for all streets with the exception of Meadowbrook Drive subdivision

East Contractor currently installing sanitary laterals on Caroline Street, Bank Street, West Bank Street and North Clinton Street

Next job progress meeting will be Thursday, March 25, 2010 at 7:30 AM at the Village Hall  
2009 McKinstry Street Storm Sewer and Road

Reconstruction

Plans and specs for project are complete

Requesting approval to bid project

Construction to start the end May

Meadowbrook Drive Water Main Replacement

Village Department of Public Works started the water main installation for Phase 2 this week

The new water main must be in service prior to starting any sanitary sewer or storm sewer work

Meadowbrook Drive Road Reconstruction and Storm

Sewer

Plans are complete and have been forwarded to Sergi

Road work will be completed by Sergi Construction once water main, sanitary sewer and drainage work is finished and weather is favorable

Mr Foote also informed the Board of Trustees that the Sanitary Sewer Project will under run approximately \$240,000.00. One area that was talked about was the interceptor line from the Albion Correctional Facility to the Pollution Control Plant which is part of the DEC consent order. There are other areas that need to be addressed which will be looked at later.

**APPROVE TELEVISING**

Moved by Trustee Sheehan and seconded by Trustee Banker approving Jason Foote from

Chatfield Engineers recommendation to televise the interceptor line from the Albion Correctional Facility to the Pollution Control Plant pending approval from EFC. Under run money from the Sanitary Sewer Project will be used and the cost for Sergi Construction to televise the line is approximately \$42,000.00.

**CARRIED**

5 Ayes

0 Nays

**APPROVE TO BID**

Moved by Trustee Riley and seconded by Trustee Banker authorizing Chatfield Engineers prepare the McKinstry Street Storm Sewer and Road Reconstruction bids. The Village will advertise for bids on March 22, 2010, open the bids on April 15, 2010 and award the project on April 21, 2010.

**CARRIED**

5 Ayes

0 Nays

**APPROVED PAYMENT OF CHATFIELD BILLS**

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

121 North Main Street Facade	08-888-7	\$
1,730.00		

General Engineering Services	94-193-155	\$
242.50		
DPW Building Repairs	08-897-8	\$
160.00		
Meadowbrook Road Reconstruction	09-952-4	\$
2,372.00		
Meadowbrook Drive Water Main Project	09-951-5	\$
500.00		
2007 Sanitary Sewer Improvements	06-765-30	\$
9,463.00		

**CARRIED**

5 Ayes 0 Nays

**APPROVE PAYMENT TO SERGI**

Moved by Trustee Sheehan and seconded by Trustee Banker approving Mayor Theodorakos to sign Pay Estimate #9 and the payment of \$276,638.86 to Sergi Construction. The project is 52% completed as of February 26, 2010.

**CARRIED**

5 Ayes 0 Nays

**RESIDENT**

Mr and Mrs Charles Vick submitted a request for the penalty amount to be removed from their latest water/sewer bill. Their request states that they never received the original bill and when they finally received their late notice it had "does not live here" on the envelope.

Moved by Trustee Riley and seconded by Trustee Sheehan approving Mr and Mrs Charles Vick's request to remove the penalty amount on their latest water/sewer bill.

**CARRIED**

4 Ayes 1 Nay  
Trustee Riley Trustee

Miller

Trustee Sheehan  
Trustee Banker  
Mayor Theodorakos

**RESIDENT**

Ms Virginia Tross's son, Mr Tom Mulford, submitted a request to have his mother's final water/sewer bill be removed for 97 Heritage Estates.

Moved by Trustee Sheehan and seconded by Trustee Miller denying Mr Tom Mulford's request to remove his mother's final water/sewer bill for 97 Heritage Estates, per Water Clerk, Tracy Van Skiver's recommendation, due to the fact that the water department was not notified until the middle of the billing to do the final.

**CARRIED**

4 Ayes 1 Nay  
Trustee Sheehan Trustee Riley  
Trustee Miller  
Trustee Banker  
Mayor Theodorakos

Trustee Riley said she feels the late fee should have been removed.

**APPROVE PAYMENT OF BILLS**

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

General Fund voucher #5446

\$46,054.81  
Water Fund to #5636  
\$53,118.90  
Sewer Fund \$  
2,454.89

**CARRIED**

5 Ayes 0 Nays

**CEMETERY DEEDS**

Moved by Trustee Riley and seconded by Trustee Banker authorizing Mayor Theodorakos to sign the following Cemetery Deeds:

Monteen Gilmore S.G. 259 Zephyr Avenue  
Arthur Burger S.G. 249 Zephyr Avenue

**CARRIED**

5 Ayes 0 Nays

**ACCEPT APPLICATIONS**

The following applications were received, accepted and will be placed on file for future reference:

Kevin K Kelley PT Truck Drive Pollution Control Plant

Robert G Emerson PT Fire Department Office Clerk

**APPROVE FIRE DEPT MEMBERS**

Moved by Trustee Sheehan and seconded by Trustee Miller accepting Paula H Fuller, Cynthia J Hunt, Renee' L Rowley and Kelly J Szklany's applications to be active members of the Albion Fire Department.

**CARRIED**

5 Ayes 0 Nays

**ANNUAL MEETING DATE SET**

Moved by Trustee Riley and seconded by Trustee Miller approving the Annual Organizational Meeting be held on Monday, April 5, 2010 at 6:00 PM.

**CARRIED**

5 Ayes 0 Nays

**PUBLIC HEARING SET**

Moved by Trustee Sheehan and seconded by Trustee Miller approving a Public Hearing on the proposed budget for the fiscal year 2010 - 2011 be held on April 14, 2010 at

7:00 PM at the Village Council Chambers.

**CARRIED**

5 Ayes 0 Nays

**SPECIAL MEETING DATE SET**

Moved by Trustee Miller and seconded by Trustee Banker approving a Special Meeting be held on Wednesday, March 24, 2010 at 6:00 PM to meet with Police Chief, Dean London and Code Enforcement Officer, Ron Vendetti regarding the Managerial Agreement.

**CARRIED**

5 Ayes 0 Nays

**SPECIAL MEETING DATE SET**

Moved by Trustee Riley and seconded by Trustee Sheehan approving a Special Meeting be held on Tuesday, March 30, 2010 at 7:00 PM to meet with AFSCME Union representatives regarding contract negotiations.

**CARRIED**

5 Ayes

0 Nays

**APPROVE MINUTES**

Moved by Trustee Riley and seconded by Trustee Sheehan that in as much as each member received copies of the February 6, 2010 and February 21, 2010 minutes and there being no errors or omissions, minutes are hereby approved as written.

**CARRIED**

5 Ayes

0 Nays

**APPROVE MINUTES**

Moved by Trustee Sheehan and seconded by Trustee Miller that in as much as each member received copies of the February 24, 2010 minutes and there being no errors or omissions, minutes are hereby approved as written.

**CARRIED**

4 Ayes

0 Nays

Trustee Sheehan

Trustee Miller

1 Abstained

Trustee Banker

Mayor Theodorakos

Trustee Riley

**APPROVE MINUTES**

Moved by Trustee Riley and seconded by Trustee Banker that in as much as each member received copies of the March 2, 2010 minutes and there being no errors or omissions, minutes are hereby approved as written.

**CARRIED**

5 Ayes

0 Nays

**ACCEPT TREASURERS REPORT**

Moved by Trustee Sheehan and seconded by Trustee Banker accepting the Treasurer's Report for the month of January 2010.

**CARRIED**

5 Ayes

0 Nays

**NEWSLETTER**

Chatfield Engineers provided the Board of Trustees with a newsletter that will update the residents on the work being done for the sanitary sewer project. The newsletter will be placed in the Lake Country Pennysaver.

**SERGI PAYROLLS REVIEWED**

Moved by Trustee Riley and seconded by Trustee Sheehan approving Mayor Theodorakos to sign the payrolls for Sergi Construction showing that he has reviewed them.

**CARRIED**

5 Ayes

0 Nays

**APPROVE PAYMENT HODGSON RUSS**

Moved by Trustee Riley and seconded by Trustee Miller approving payment to Hodgson Russ Attorneys in the amount of \$7,141.90 for professional services.

**CARRIED**

5 Ayes

0 Nays

**ORLEANS SHARED WATER PROJECT RESOLUTION**

Moved by Trustee Riley and seconded by Trustee Banker adopting the following resolution for Orleans County to submit a grant application to the New York State Department of State & Local Government Efficiency Grant

Program to fund a study examining cost and service impacts of providing water services on a countywide basis:

WHEREAS, the New York Department of State Local Government Efficiency Program offers grant funding to local jurisdictions to study the cost savings and service impacts of sharing government services across jurisdictions; and

WHEREAS, the Village of Albion dedicated to providing high quality government service delivery to local residents in a cost effective manner; and

WHEREAS, Orleans County and the Towns and Villages therein have an interest in examining potential cost savings and service impacts to taxpayers that may result from a County-wide approach to the provision of water services; and

WHEREAS, certain Towns and Villages within Orleans County have expressed an interest in a County-wide approach to the provision of water services; and

WHEREAS, Orleans County desires to submit a grant application to the Local Government Efficiency grant program in the amount of \$35,000, proceeds of which would be used to engage an expert and independent evaluation of the cost impacts of sharing water services; and

WHEREAS, the outcome of the study will be used to inform local leaders and residents about cost an service implications of water service delivery options available to the community;

NOW THEREFORE BE IT RESOLVED, by the Village of Albion Village Board as governing body of the Village of Albion does hereby support an application, as Co-Applicant to the County of Orleans, for funds from the New York State Local Government Efficiency Grant Program for the 2009-2010 Program Year for the purposes of conducting a study of the service and cost implications of sharing water services, and

BE IT FURTHER RESOLVED, that the Village Clerk shall file a certified copy of this resolution with the Local Government Efficiency Grant Program by no later than March 31, 2010 and that the Village Clerk shall provide a certified copy of this resolution to Camoin Associates, the County's grant writing consultant, by no later than March 26, 2010.

**CARRIED**

4 Ayes  
Trustee Riley

1 Nay  
Trustee

Miller

Trustee Banker  
Trustee Sheehan  
Mayor

Theodorakos

**CORRES**

Water Clerk, Tracy VanSkiver submitted a suggestion to the Board of Trustees on how final water/sewer bills could be pro-rated. The Trustees will be contacting Ms VanSkiver to review her suggestion.

**CORRES**

Correspondence received from BMP America Inc thanking the Albion Fire Department for responding to the oven fire at their business in Medina on February 19, 2010.

**CORRES**

Correspondence received from Computel Consultants. Their company does research for municipalities to see if they have been underpaid for cable television franchise fees.

**CORRES**

Information received from Assembly Member Steve Hawley regarding the Governmental Conference trip scheduled for May 16<sup>th</sup> through May 18<sup>th</sup>, 2010.

**E-MAIL POLICY ADOPTED**

Tabled the decision on adopting the e-mail policy. Attorney Gavenda would also like to review the Computer Policy that is already in place.

### **APPROVE JOINING COUNTY BOARD OF ETHICS**

The following resolution was presented by Trustee Miller who moved its adoption and seconded by Trustee Sheehan:

WHEREAS, the Orleans County Legislature established a County Board of Ethics

by the enactment of Local Law #3 of 2008;

WHEREAS, article 9 of Section 6 of the law reads "at the request of its municipal board, the County Board of Ethics may act as an ethics board to any municipality located within the County with respect to Article 18 of the General Municipal Law and any code of ethics adopted by such municipality pursuant thereto;"

WHEREAS, the Village of Albion may, in future governmental dealings, become involved in activities which may be interpreted as having questionable ethical implications;

NOW THEREFORE BE IT RESOLVED, that the Village of Albion hereby agrees to utilize the services of the Orleans County Board of Ethics, should any event occur which is deemed to warrant their involvement.

#### **CARRIED**

4 Ayes	0 Nays
Trustee Miller	
Trustee Sheehan	1 Abstained
Trustee Banker	Trustee Riley
Mayor Theodorakos	

### **2007 CANAL GRANT**

Mayor Theodorakos would like Paul Chatfield, of Chatfield Engineers to attend the next Regular Board Meeting on April 14, 2010 to discuss the 2007 Canal Grant.

### **APPROVE 1033 PROGRAM**

Moved by Trustee Miller and seconded by Trustee Riley approving Mayor Theodorakos sign the Memorandum of Agreement with the New York State Division of Criminal Justice Services per Police Chief, Dean London recommendation. The Secretary of Defense is authorized to transfer to Federal, State and Local law enforcement agencies personal property that is excess to the needs of the Department of Defense.

#### **CARRIED**

5 Ayes	0 Nays
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### **POLICE CONTRACT**

The Board of Trustees will be reviewing the Police Department's proposed contract. Their current contract will end on May 31, 2010.

### **EFC**

Discussion on program from EFC regarding energy evaluations for Sewer Plants. Wendell will be doing an electrical study on the Pollution Control Plant and make recommendations for free.

### **TAMPERING FEE**

Discussed the tampering fee procedure for individuals who tamper with the water meters.

Currently there is an individual who has been charged the \$1,000.00 fee. The Board of Trustees would like to pursue criminal charges. Police Chief, Dean London will be notified of the details. The \$1,000.00 will not be

added to the owner's taxes.

**MEETING CLOSED**

Moved by Trustee Miller and second by Trustee Sheehan that there being no further business, meeting is hereby adjourned at 10:20 PM.

**CARRIED**

5 Ayes

0 Nays

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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## January 23, 2010: Special Meeting

### Body:

A Special Meeting of the Board of Trustees of the Village of Albion was held Saturday, January 23, 2010 at 1:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

Mayor Theodorakos opened the meeting with the pledge of allegiance at 1:05 PM.

**EXECUTIVE** Moved by Trustee Riley and seconded by Trustee Sheehan to adjourn to

**SESSION** executive session to discuss the matters regarding propose, pending or current litigations and to speak with Village Attorney and discuss matters regarding appointment, employment or promotion of a particular individual at 1:06 PM.

**CARRIED**

5 Ayes 0 Nays

**EXECUTIVE** Moved by Trustee Sheehan and seconded by Trustee Miller to come out of **SESSION** executive session at 3:01 PM.

**CLOSED**

**CARRIED**

5 Ayes 0 Nays

**MEETING** Moved by Trustee Sheehan and seconded by Trustee Riley that there being no

**CLOSED** further business, meeting is hereby adjourned at 3:02 PM.

**CARRIED**

5 Ayes 0 Nays

Respectfully Submitted,  
Linda K Babcock  
Clerk-Treasurer

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## February 16, 2010: Historic Preservation Meeting

### Body:

VILLAGE OF ALBION  
HISTORIC PRESERVATION COMMISSION

**February 16, 2010**

Meeting Minutes

### PRESENT:

Commission Members: Thom Jennings, Louis Becker, Andrea Rebeck, Neil Johnson, Matthew Ballard

Mariadele Theodorakos and Aric Albright

Also in attendance:

Trustee Eileen Banker

AMSA: Katelin Olsen

Property owner: Beth Giordano

### CALL TO

The meeting was called to order at 7:06 pm by Thom

### ORDER

Jennings.

Pledge of Allegiance, roll call and introductions followed.

### ADJUST meeting

Add: Public comment to the beginning of the

### AGENDA

(will discuss again later in this meeting.) No one in attendance wished to comment at this time.

Add: COA 25 East Bank Street before "procedures"

### MINUTES APPROVED

A motion was made by Louis Becker, seconded by Andrea Rebeck, to approve the minutes of the January 19, 2010 meeting with the following corrections:

- Under 48 North Main Street: change word

spelling from

apoxy to epoxy

- Under Chatfield: change emails to "an email"

**Motion passed unanimously**

Upon review of the minutes, it was noted that Mr. Theodorakos had not reapplied for a hardship therefore the

30 day extension that was granted has been revoked.

### COA:

A COA application was presented to the HPC for 25

**25 E. BANK ST**

East

Bank Street owned by Beth Giordano. The application was

for doors and windows on the rear of the building.

Thom stated that he had spoke with Julian Adams concerning this project. Julian said that it was not as significant because it was on the rear of the building.

Neil felt that the rear of this building "fronts" the canal and therefore, alterations should be carefully considered.

Discussion about the windows followed. The property owner would like to install vinyl windows. She stated that energy efficiency is a big concern for her. Andrea, Neil and Mariadele all felt that the standards in the downtown district call for wood therefore wood should be used. Andrea mentioned that vinyl windows would not last long term. Aric felt that whatever kept the elements out should be acceptable. Lou and Matt both suggested that the property owner price out wood windows. If it appeared to be too costly, she could then apply for a hardship through the Village of Albion board.

Neil also suggested that Beth speak to Katelin Olsen of AMSA concerning the possibility of grant money.

It was determined that at this time, the property owner should price out the wood windows. Lou will correspond with the property owner on behalf of the HPC. Adele offered to assist.

**PUBLIC**

The HPC wishes to allow anyone in attendance at their

**COMMENT**

meetings, the chance to speak. All agreed that the opportunity for public comment should be made available

at the beginning of each regular meeting. A time limit of

five (5) minutes per person was set.

**ROLL CALL**

The HPC has decided that a "roll call" vote should be made

**VOTE**

for all future COA applications so that each member's

response to the application is documented.

**48 NORTH**

A "stop work order" was issued last month for work being

**MAIN STREET**

done on columns at 48 North Main Street. To date, the

owner has not contacted the HPC to continue the project.

The HPC had previously given permission to the property owner to install a new sign on the front lawn

of the property. There is some concern that the sign that was installed is not what the HPC approved. Members will check the original COA for this sign to confirm.

**ADJOURN**  
the

had been  
wish to open  
Ballard,

Prior to adjourning, Neil Johnson wished to discuss

status of an HPC member. At this time, nothing

confirmed so the rest of the commission did not

a discussion. A motion was made by Matthew

seconded by Louis Becker to adjourn the meeting.

**Motion passed - 6 ayes**

**1 nay - Neil Johnson**

Meeting adjourned at 8:15 pm.

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**March 24, 2010: Workshop Meeting**

**Body:**

A Workshop Meeting of the Board of Trustees of the Village of Albion was held Wednesday, March 24, 2010 at 7:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

Mayor Theodorakos opened the meeting with the pledge of allegiance.

**DEPT HEAD REQUEST**

Moved by Trustee Miler and seconded by Trustee Banker approving the Superintendent of the Water Treatment Plant, Kevin Miller's request to transfer \$3,000.00 from F 8320.0410-electricity to F 8330.0413-metering equipment to purchase metering equipment for the Water Treatment Plant.

**CARRIED**

3 Ayes 0 Nays

**DEPT HEAD REQUEST**

Moved by Trustee Miller and seconded by Trustee Banker approving Superintendent of Public Works, Dale Brooks request to attend the annual Cornell Local Roads School June 7, 2010 through June 9, 2010.

**CARRIED**

3 Ayes 0 Nays

**APPROVE MINUTES**

Moved by Trustee Miller and seconded by Trustee Banker that in as much as each member received copies of the March 5, 2010 and March 10, 2010 minutes and there being no errors or corrections, minutes are hereby accepted as written.

**CARRIED**

3 Ayes 0 Nays

**SET SPECIAL MEETING DATE**

Moved by Trustee Miller and seconded by Trustee Banker approving the Village Budget for the fiscal year starting June 1, 2010 to May 31, 2011 be adopted at the scheduled Workshop Meeting on April 28, 2010 at 7:00 PM.

**CARRIED**

3 Ayes 0 Nays

**SERGI PAYROLLS REVIEWED**

Moved by Trustee Miller and seconded by Trustee Banker approving Mayor Theodorakos sign the payrolls for Sergi Construction showing that he has

reviewed them.

**CARRIED**

3 Ayes

0 Nays

**APPROVE STU BROWN PROPOSAL**

Moved by Trustee Miller and seconded by Trustee Banker approving Mayor Theodorakos sign the proposal from Stuart I Brown Associates to prepare the application for the 2010 Small Cities Grant. Mr Brown's fee will be \$3,000.00.

**CARRIED**

3 Ayes

0 Nays

**ADOPT RESOLUTION CDBG GRANT**

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

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 Community Development Block Grant (Small Cities) application to the administrative agency for the Fiscal Year 2010 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**

3 Ayes

0 Nays

**K-9 DISCUSSED**

Tabled decision on the correspondence received from Officer Joseph Fuller requesting renegotiating the current K9 compensation agreement for home care. Attorney Gavenda requested more time to review Officer Fuller's request.

**BUDGET MEETINGS SCHUDELE**

Mayor Theodorakos talked about the upcoming budget meetings. The following is the time frame:

Each Department Head needs to contact their Trustee/Trustees to meet with them to review their proposed budgets between now and April 8<sup>th</sup>

By 9:00 AM Friday, April 9<sup>th</sup> the revisions need to be submitted to Linda

Linda will need to have the revised budget ready by April 10<sup>th</sup> for the Board of Trustees to review before the Public Hearing to present the tentative budget is held on April 14, 2010

**SET SPECIAL MEETING DATE**

Moved by Trustee Banker and seconded by Trustee Miller approving a Special Meeting to be held on Saturday, April 3, 2010 at 1:00 PM at Village Hall to discuss contract negotiations.

**CARRIED**

3 Ayes

0 Nays

**SET SPECIAL MEETING DATE**

Moved by Trustee Banker and seconded by Trustee Miller approving a Special Meeting to be held on Saturday, April 10, 2010 at 1:00 PM at Village Hall to review proposed budget.

**CARRIED**

3 Ayes

0 Nays

**APPROVE SCHOOL**

Moved by Trustee Banker and seconded by Trustee Miller approving Code Enforcement Officer, Ronald Vendetti's request to attend/stay overnight for the Spring Floodplain and Stormwater Workshop in Oneonta, New York. The Workshop will be held on May 4<sup>th</sup> and 5<sup>th</sup>.

**CARRIED**

3 Ayes                      0 Nays

**MEETING CLOSED**

Moved by Trustee Banker and second by Trustee Miller that there being no further business, meeting is hereby adjourned at 7:35PM.

**CARRIED**

3 Ayes                      0 Nays

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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## March 30, 2010: Special Board Meeting

### Body:

A Special Meeting of the Board of Trustees of the Village of Albion was held Tuesday, March 30, 2010 at 7:00 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Eileen S Banker, Fred Miller, Jeannette Riley and Kevin P Sheehan.

Absent Attorney John C Gavenda

Also in attendance were AFSCME Union representatives

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

### EXECUTIVE SESSION

Moved by Trustee Banker and seconded by Trustee Miller to adjourn to executive session for collective bargaining negotiations at 7:01 PM.

**CARRIED**

5 Ayes

0 Nays

### EXECUTIVE SESSION CLOSED

Moved by Trustee Sheehan and seconded by Trustee Banker to come out of executive session at 7:20 PM.

**CARRIED**

5 Ayes

0 Nays

### DISCUSSION

There was a discussion about the need for equal exchange of proposals, rather than AFSCME (DPW, Cemetery, Water and Pollution Control) submitting their proposal.

### SET MEETING DATE

Moved by Trustee Miller and seconded by Trustee Banker to schedule a Special Meeting on Thursday, April 15, 2010 at 6:30 PM for further negotiations.

**CARRIED**

5 Ayes

0 Nays

### SET MEETING DATE

Moved by Trustee Miller and seconded by Trustee Banker to schedule a Special Meeting on Monday, April 12, 2010 at 6:30 PM.

**CARRIED**

5 Ayes

0 Nays

Trustee Miller stated that the Police have some concerns.

### EXECUTIVE SESSION

Moved by Trustee Miller and seconded by Trustee Banker to adjourn to executive session for collective bargaining negotiations at 7:30 PM.

**CARRIED**

5 Ayes

0 Nays

### EXECUTIVE SESSION CLOSED

Moved by Trustee Banker and seconded by Trustee Miller to come out of

executive session at 7:35 PM.

**CARRIED**

5 Ayes

0 Nays

**K9**

Moved by Trustee Banker and seconded by Trustee Miller that while the police dog is in service with the Village he will not be breed without Board approval or breeding will be subject to the approval of the Village Board.

**CARRIED**

5 Ayes

0 Nays

**K9 PAYMENT APPROVED**

Moved by Trustee Miller and seconded by Trustee Banker authorizing payment of the handling for the police dog fee from \$10.00 to \$15.00 per the Fair Labor Standard Act (FLSA).

**CARRIED**

5 Ayes

0 Nays

**MEETING ADJOURNED**

Moved by Trustee Miller and second by Trustee Banker that there being no further business, meeting is hereby adjourned 7:42 PM.

**CARRIED**

5 Ayes

0 Nays

Minutes were taken by Trustee Jeannette Riley.  
Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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## March 31, 2010: Special Board Meeting

### Body:

A Special Meeting of the Board of Trustees of the Village of Albion was held Wednesday, March 31, 2010 at 7:00 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Eileen S Banker, Fred Miller, Jeannette Riley and Attorney John C Gavenda

Also in attendance was Richard K Ertel from Amato, Fox and Company, PC

Mayor Theodorakos opened the meeting with the pledge of allegiance at 7:13 PM.

### AUDIT

Mr Richard Ertel from Amato, Fox and Company reviewed the Village's audit for the fiscal year June 1, 2008 through May 31, 2009 with the Board of Trustees. He stated the Village is in good shape. All the funds received more revenues than what was expended, which added money to each fund balance. There was a question on the amount showing in the Capital Project Reserves. Mr Ertel will have Mr John Kania contact the Village Clerk to review the figures.

### MEETING ADJOURNED

Moved by Trustee Riley and second by Trustee Miller that there being no further business, meeting is hereby adjourned 7:49 PM.

**CARRIED**

4 Ayes

0 Nays

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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**April 05, 2010: Annual Organizational Meeting**

**Body:**

The Organizational Meeting of the Board of Trustees of the Village of Albion was held on Monday, April 5, 2010 at 6:00 Pm at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

Mayor Theodorakos opened the meeting with the pledge of allegiance.

Oath of Office was administered by Linda K Babcock to newly elected officials Mayor Dean A Theodorakos, Trustee Eileen S Banker and Trustee Kevin P Sheehan.

**DEPUTY MAYOR**

Mayor Theodorakos appointed Kevin P Sheehan as Deputy Mayor.

**CLERK-TREASURER**

Moved by Trustee Riley and seconded by Trustee Miller approving Mayor Theodorakos appointment of Linda K Babcock as Clerk-Treasurer for a term of two years.

**CARRIED**

5 Ayes 0 Nays

**DEPUTY CLERK-TREASURER**

Moved by Trustee Sheehan and seconded by Trustee Miller approving Mayor Theodorakos appointment of Mary L Santiago as Deputy Clerk-Treasurer for a term of two years.

**CARRIED**

5 Ayes 0 Nays

**REGISTRAR**

Moved by Trustee Riley and seconded by Trustee Miller approving Mayor Theodorakos appointment of Linda K Babcock as Registrar of Vital Statistics for a term of two years.

**CARRIED**

5 Ayes 0 Nays

**DEPUTY REGISTRAR**

Moved by Trustee Miller and seconded by Trustee Sheehan approving Mayor Theodorakos appointment of Mary L Santiago as Deputy Registrar of Vital Statistics for a term of two years.

**CARRIED**

5 Ayes 0 Nays

**FAIR HOUSING OFFICER**

Moved by Trustee Banker and seconded by Trustee Miller approving Mayor Theodorakos appointment of Linda K Babcock as Fair Housing Officer for a term of one year.

**CARRIED**

5 Ayes 0 Nays

**BINGO INSPECTOR**

Because there is not an organization in the Village holding Bingo at this time, Mayor Theodorakos didn't appoint a Bingo Inspector.

**PLANNING BOARD**

Moved by Trustee Miller and seconded by Trustee Banker approving Mayor Theodorakos appointment of John Andrews to the Planning Board for a term of five years.

**CARRIED**

5 Ayes 0 Nays

**ZONING BOARD**

Moved by Trustee Riley and seconded by Trustee Banker approving Mayor Theodorakos appointment of Jean Smith to the Zoning Board for a term of five years.

**CARRIED**

5 Ayes 0 Nays

**RECREATION COMMITTEE**

Moved by Trustee Miller and seconded by Trustee Banker approving Mayor Theodorakos appointment of Paula Knaak, Laura Harvey, Annette Finch, Bernard Baldwin and Kathy LaLonde to the Recreation Committee for a term of one year each.

**CARRIED**

5 Ayes 0 Nays

**HISTORIC PRESERVATION**

Moved by Trustee Riley and seconded by Trustee Sheehan approving Mayor Theodorakos appointment of Matt Ballard to the Historic Preservation Committee for a term of four years.

**CARRIED**

5 Ayes 0 Nays

**PROCUREMENT POLICY**

Moved by Trustee Riley and seconded by Trustee Banker adopting the Village's Procurement Policy for goods and services which are not required by law to be publicly bid.

**CARRIED**

5 Ayes 0 Nays

**INVESTMENT POLICY**

The following resolution was proposed by Trustee Sheehan who moved its adoption and seconded by Trustee Miller:

BE IT RESOLVED, that the objective of the Investment Policy of the Village of Albion is to minimize risk; to insure that investments mature when the cash is required to finance operations, and to insure a competitive rate of return. In accordance with this policy, the Clerk-Treasurer is hereby authorized to invest all funds including proceeds of obligations and reserve funds in:

- Certificates of Deposit issued by a Commercial Bank or Trust Company authorized to do business in New York State;
- Time Deposits Accounts in a Commercial Bank or Trust Company authorized to do business in New York State.

BE IT RESOLVED, that Certificates of Deposit and Time Deposit

Accounts shall be fully insured by insurance of the Federal Deposit Insurance Corporation, and Commercial Bank's pledge collateral.

BE IT RESOLVED, that a register of investments be kept in the office of the Clerk - Treasurer. At least annually, and if practicable, at the April meeting of the Board of Trustees, members shall review and amend, if necessary, those investment guidelines.

BE IT RESOLVED, no investments will be made in a Savings and Loan Bank.

**CARRIED**

5 Ayes

0 Nays

#### **OFFICIAL BANKS**

The following resolution was proposed by Trustee Riley who moved its adoption and seconded by Trustee Sheehan:

WHEREAS, the Board of Trustees has determined that the Village Law Section 4-412 (3) (2) requires the designation of banks or trust companies for the deposit of all Village monies;

NOW THEREFORE BE IT RESOLVED:

Section 1. That the Board of trustees designates the following institutions as depositories of all moneys received by the Village Treasurer, Clerk and Receiver of taxes: First Niagara Bank, HSBC, Bank of America and JP Morgan Chase

**CARRIED**

5 Ayes

0 Nays

#### **EARLY PAYMENT**

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

WHEREAS, the Board of Trustees has determined to authorize payment in advance of audit of claims for public utility services, postage, freight, express charges, car rental fees, pager fees, schooling fees, credit cards, charge cards (ex. Home Depot) and medical reimbursements, and

WHEREAS, all such claims shall be presented at the next regular meeting for audit, and

WHEREAS, the claimant and officer incurring or approving the same shall be jointly and severally liable for any amount the Board of Trustees disallows.

NOW THEREFORE BE IT RESOLVED:

Section 1. That the Board of Trustees authorizes payment in advance of audit of claims for public utility services, postage, freight, express charges, car rental fees, pager fees, schooling fees, credit cards, charge cards and medical reimbursements and all such claims shall be presented at the next regular meeting for audit and the claimant and officer incurring or approving the same be jointly and severally liable for any amount disallowed by the Board of Trustees.

**CARRIED**

5 Ayes

0 Nays

**MILAGE**

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

WHEREAS, THE Board of Trustees has determined to pay a fixed rate for mileage as reimbursement to officers and employees of the Village who use their personal automobiles while performing their official duties on behalf of the Village;

Section 1. That the Board of Trustees shall approve reimbursement to such officers and employees at the rate of .45 cents per mile.

**CARRIED**

5 Ayes 0 Nays

**SCHOOL ATTENDANCE**

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

WHEREAS, there is to be held during the coming official year;

- A. The New York State Conference of Mayors Annual Meeting and Training School;
- B. The New York State Conference of Mayors Fall Training School for Fiscal Officers and Municipal Clerks;
- C. The New York State Conference of Mayors, Public Works School, and

WHEREAS, attendance by certain municipal officials and employees at one or more of these meetings, conferences or schools benefit the municipality;

NOW THEREFORE BE IT RESOLVED:

Section 1. That the following officers and employees are authorized to attend the following schools:

- A. Board of Trustees, Mayor, Clerk-Treasurer and Deputy Clerk-Treasurer are hereby authorized to attend the NYS Conference of Mayors Annual Meeting and the NYS Conference of Mayors Fall Training School for Fiscal Officers and Municipality Clerks.
- B. Superintendent of the DPW is hereby authorized to attend the NYS Conference of Mayors Public Works School.

**CARRIED**

5 Ayes 0 Nays

**NEWSPAPER**

Moved by Trustee Riley and seconded by Trustee Miller approving the Batavia Daily Newspaper as the official newspaper for the Village of Albion.

**CARRIED**

5 Ayes 0 Nays

**DISASTER MANUAL**

Moved by Trustee Riley and seconded by Trustee Sheehan adopting the amended Emergency Preparedness Disaster Manual for the Village of Albion.

**CARRIED**

5 Ayes 0 Nays

**DISASTER COORDINATOR**

Moved by Trustee Sheehan and seconded by Trustee Banker approving Mayor

Theodorakos appointment of Eric Bradshaw as Disaster Coordinator for a term of one year.

**CARRIED**

5 Ayes

0 Nays

**MEETING DATES**

Moved by Trustee Sheehan and seconded by Trustee Miller setting official meeting dates for the Village Board of Trustees as the second Wednesday of every month for their Regular Meetings and the fourth Wednesday of every month for their Workshop Meetings.

**CARRIED**

5 Ayes

0 Nays

**TRUSTEE COMMITTEES**

Mayor Theodorakos appointed Trustees to the following Departments:

Trustee            Banker            Trustee Miller            Trustee Riley

Trustee Sheehan

Fire Department Control	Police Department	Police Department	Animal
Historic Preservation Department	Animal Control	Public Relations	Fire
Cemetery	Trailer Parks	Trailer Parks	Insurance
Attorney	Recreation	Insurance	Recreation
Village Office	Street Department	Street Department	Water/Sewer
Water/Sewer	Village Office	Codes	Attorney
Codes		Cemetery	

\*Mayor Theodorakos to serve as ex-officio member of each committee as prescribed and will oversee the Planning Board.

**APPROVE PURCHASE**

Moved by Trustee Riley and seconded by Trustee Banker approving Cemetery Supervisor, Jason Zicari to purchase fencing out of this year's budget. In the past few months there has been two motor vehicle accidents where the fence was hit damaging it. The Village of Albion will be receiving insurance money to cover the majority of the cost. The balance will come out of this year's Cemetery budget. The approximate total cost for the fence will be \$3,500.00.

**CARRIED**

5 Ayes

0 Nays

**PUBLIC HEARING SET**

Moved by Trustee Banker and seconded by Trustee Sheehan approving a Public Hearing be held to rescind Local Law # 1, 2010 of the Village of Albion entitled "Indemnification of Village Employees" be held on April 28, 2010 at 7:00 PM at the Village Council Chambers.

**CARRIED**

5 Ayes

0 Nays

**EXECUTIVE SESSION**

Moved by Trustee Banker and seconded by Trustee Riley to adjourn to executive session for collective bargaining negotiations at 6:23 PM.

**CARRIED**

5 Ayes

0 Nays

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Riley and seconded by Trustee Miller to come out of executive session at 7:50 PM.

**CARRIED**

5 Ayes

0 Nays

**MEETING CLOSED**

Moved by Trustee Banker and second by Trustee Miller that there being no further business, meeting is hereby adjourned at 7:51 PM.

**CARRIED**

5 Ayes

0 Nays

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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## April 03, 2010: Special Board Meeting

### Body:

A Special Meeting of the Board of Trustees of the Village of Albion was held Saturday, April 3, 2010 at 1:00 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

Mayor Theodorakos opened the meeting with the pledge of allegiance at 1:03 PM.

### **EXECUTIVE SESSION**

Moved by Trustee Riley and seconded by Trustee Banker to adjourn to executive session for collective bargaining negotiations at 1:04 PM.

**CARRIED**

5 Ayes 0 Nays

### **EXECUTIVE SESSION CLOSED**

Moved by Trustee Riley and seconded by Trustee Sheehan to come out of executive session at 2:18 PM.

**CARRIED**

5 Ayes 0 Nays

### **SET SPECIAL MEETING DATE**

Moved by Trustee Banker and seconded by Trustee Sheehan approving a Special Meeting to be held on Thursday, April 29, 2010 at 6:00 PM at Village Hall. Attorney David Lippitt of Rochester will be contacted asking him to attend the meeting.

**CARRIED**

5 Ayes 0 Nays

### **MEETING ADJOURNED**

Moved by Trustee Riley and second by Trustee Miller that there being no further business, meeting is hereby adjourned 2:37 PM.

**CARRIED**

5 Ayes 0 Nays

Minutes were taken by Attorney John C Gavenda.

Respectfully submitted,

Linda K Babcock

Clerk-Treasurer

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## April 10, 2010: Special Board Meeting

### Body:

A Special Meeting of the Board of Trustees of the Village of Albion was held Saturday, April 10, 2010 at 1:00 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Fred Miller, Jeannette Riley, Kevin P Sheehan and Attorney John C Gavenda.

Mayor Theodorakos opened the meeting with the pledge of allegiance at 1:09 PM.

### **EXECUTIVE SESSION**

Moved by Trustee Riley and seconded by Trustee Sheehan to adjourn to executive session for collective bargaining negotiations at 1:09 PM.

**CARRIED**

4 Ayes 0 Nays

### **EXECUTIVE SESSION CLOSED**

Moved by Trustee Riley and seconded by Trustee Miller to come out of executive session at 3:30 PM.

**CARRIED**

4 Ayes 0 Nays

### **PUBLIC HEARING DATE SET**

Moved by Trustee Riley and seconded by Trustee Sheehan to hold a Public Hearing on Wednesday May 12, 2010 at 7:00 PM to amend New York State's Regulation 1203.

**CARRIED**

4 Ayes 0 Nays

### **EXECUTIVE SESSION**

Moved by Trustee Miller and seconded by Trustee Sheehan to adjourn to executive session to discuss the Village budget at 3:32 PM.

**CARRIED**

4 Ayes 0 Nays

Trustee Sheehan left the meeting at 3:45 PM.

### **EXECUTIVE SESSION CLOSED**

Moved by Trustee Miller and seconded by Trustee Riley to come out of executive session at 4:25 PM.

**CARRIED**

4 Ayes 0 Nays

### **MEETING ADJOURNED**

Moved by Trustee Miller and second by Trustee Riley that there being no further business, meeting is hereby adjourned 4:26 PM.

**CARRIED**

4 Ayes 0 Nays

Minutes were taken by Attorney John C Gavenda.

Respectfully submitted,

Linda K Babcock

Clerk-Treasurer

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## April 12, 2010: Special Board Meeting

### Body:

A Special Meeting of the Board of Trustees of the Village of Albion was held Monday, April 12, 2010 at 6:30 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Fred Miller, Jeannette Riley, Kevin P Sheehan.

Absent were Trustee Eileen S Banker and Attorney John C Gavenda.

Mayor Theodorakos opened the meeting with the pledge of allegiance at 6:35 PM.

### **EXECUTIVE SESSION**

Moved by Trustee Riley and seconded by Trustee Sheehan to adjourn to executive session for collective bargaining negotiations at 6:36 PM.

**CARRIED**

4 Ayes

0 Nays

Trustee Riley left the meeting at 7:35 PM.

### **EXECUTIVE SESSION CLOSED**

Moved by Trustee Miller and seconded by Trustee Sheehan to come out of executive session at 8:10 PM.

**CARRIED**

3 Ayes

0 Nays

### **MEETING ADJOURNED**

Moved by Trustee Sheehan and second by Trustee Miller that there being no further business, meeting is hereby adjourned 8:11 PM.

**CARRIED**

3 Ayes

0 Nays

Minutes were taken by Mayor Dean A Theodorakos.

Respectfully submitted,

Linda K Babcock

Clerk-Treasurer

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**April 14, 2010: Regular Board Meeting**

**Body:**

A Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday,

April 14, 2010 at 7:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

Mayor Theodorakos opened the meeting with the pledge of allegiance.

**PUBLIC HEARING**

Mayor Theodorakos opened the Public Hearing at 7:00 PM to present and hear comments relating to the tentative budget as proposed by the Board of Trustees for the fiscal year June 1, 2010 through May 31, 2011.

**GENERAL FUND:**

Appropriations	Est Revenues	Fund Bal
Tax Levy		
\$3,547,383.28	\$ 886,264.00	\$ 300,000.00
\$2,361,119.28		

**WATER FUND**

Appropriations	Est Revenues	Fund Bal
Tax Levy		
\$1,571,220.55	\$1,527,700.00	\$ 43,250.55

**SEWER FUND**

Appropriations	Est Revenues	Fund Bal
Tax Levy		
\$1,450,522.69	\$1,124,500.00	\$ 326,022.69

Mayor Theodorakos stated that the pay for the Board of Trustees remains the same as the current year and that in the four years he has been on the Board, the Board has not put in for a raise. The final budget will be adopted at the April 28, 2010 Workshop Meeting.

**CLOSE PUBLIC HEARING**

Moved by Trustee Miller and second by Trustee Sheehan that in as much as everyone who wished to speak regarding the tentative proposed budget were heard, the Public

Hearing is hereby closed at 7:07 PM.

**CARRIED**

5 Ayes

0 Nays

**ORLEANS COUNTY COMM SERVICE PROGRAM**

Mr Michael Furness from the Community Service Program was present to inform the Board of Trustees about the program he runs through the Orleans County Sheriff's Department. The individuals he oversees would be able to perform their community service obligation by performing work for the Village. The Village Clerk will inform the

Department Heads about the program and give them Mr Furness's contact information.

**PUBLIC HEARING**

Mayor Theodorakos opened the Public Hearing at 7:17 PM to hear comments regarding amending Chapter 66 of the Village Code entitled "Procurement Policy". The amendment will address the requirement that the Village of Albion through its purchasing procedure solicit small, minority and women owned businesses as potential sources of supplies, services, construction and other contracts in compliance with the Community Block Grant Program.

**CLOSE PUBLIC HEARING**

Moved by Trustee Miller and second by Trustee Riley that in as much as everyone who wished to speak regarding amending Chapter 66 of the Village Code entitled "Procurement Policy", the Public Hearing is hereby closed at 7:24 PM.

**CARRIED**

5 Ayes

0 Nays

**ADOPT RESOLUTION**

The following resolution was proposed by Trustee Riley who moved its adoption and seconded by Trustee Sheehan regarding receiving funding under the Community Development Block Grant Program:

**WHEREAS**, the Village of Albion received funding under the Community Development Block Grant (CDBG) Program; and

**WHEREAS**, under the CDBG program regulations, communities are required to comply with the procurement standards established for federal assistance programs; and

**WHEREAS**, these procurement standards require that, whenever possible, small, minority, and women-owned businesses should be solicited as potential sources of supplies, services, and construction and other contracts; and

**NOW THEREFORE BE IT RESOLVED**, that the Village Board of the Village of Albion hereby amends its existing procurement policy to require that consideration in the solicitation of bids or quotes for services, supplies or contracts be given to:

Small and/or locally owned businesses, with priority to businesses owned by or which employ low or moderate income persons as defined by HUD; and Qualified Minority and Women owned Business Enterprises (M/WBE) firms listed in the directory of ratified minority and women-owned businesses maintained by the Empire Development Corporation on its website at <http://205.232.252.35> or at <http://www.empire.state.ny.us/smallandgrowingbusinesses/mwbe.asp>; and

**BE IT FURTHER RESOLVED**, that these provisions shall apply to the procurement of goods and services related to the implementation of the CDBG funded programs and activities as well as to the procurement of goods and services related to the general conduct of business by the Village of Albion

**CARRIED**

5 Ayes

0 Nays

Moved by Trustee Sheehan and seconded by Trustee Banker approving AMSA Program Manager, Ms Katelin Olsen's request to block off vehicle traffic on Beaver Alley from Main Street every Friday between June 18th and October 29th, 10:00 AM to 7:00PM to have a Farmers Market in the parking lot behind the Day and Pratt Buildings. Also approved AMSA to block off vehicle traffic on Beaver Alley Saturday May 29th, 7:00 AM to 6:00 PM for a Flea Market. AMSA will be responsible to place and remove barricades that the Superintendent of Public Works, Dale Brooks will provide.

**CARRIED**

5 Ayes 0 Nays

Moved by Trustee Riley and seconded by Trustee Banker approving AMSA Program Manager, Ms Katelin Olsen's request to use the Canal Park for Connect-the-Canal-Communities Picnic on Saturday, June 5th, 2:00 PM to 9:00 PM.

**CARRIED**

5 Ayes 0 Nays

Moved by Trustee Sheehan and seconded by Trustee Banker approving AMSA Program Manager, Ms Katelin Olsen's request to plant flowers in the Village parking lot adjacent to the Fire Department in the strip that currently has grass in it.

**CARRIED**

5 Ayes 0 Nays

#### **RESIDENT**

Mr DJ Moore addressed the Board of Trustees about using St Joe's Park for Little League practice. The Board of Trustees asked that he contact the Recreation Director, John Grillo to discuss details. Dale Brooks thought that the park should be rolled and mowed by the end of this week.

#### **AMERICAN LEGION**

Mr Larry Montello from the American Legion informed the Board of Trustees that everything looks good for the upcoming Strawberry Festival and the Memorial Day parade.

Moved by Trustee Riley and seconded by Trustee Sheehan approving Mr Montello's request to hold the annual car show at Bullard Park Sunday, August 1, 2010, noon to 4:00 PM pending the availability and the Recreation Director, John Grillo has nothing scheduled for that day. In the past the car show had been held in the parking lot of the American Legion, but the event has grown and is requiring more space. Mr Grillo will contact Mr Montello to work out the details.

**CARRIED**

5 Ayes 0 Nays

#### **RESIDENT**

Resident Ms Lucy Schleede addressed the Board of Trustees about the house she owns at 311 East State Street that recently burned. Ms Schleede turned in a letter of complaint against Code Enforcement Officer, Ron Vendetti. Before the house is torn down she would like to take the asbestos siding off to use on a shed at her home. Attorney John Gavenda informed Ms Schleede to apply for her demolition permit for 311 East State St. It is up to the Department of Labor to enforce any removal of asbestos.

#### **CHATFIELD ENGINEERS**

Paul Chatfield updated the Board of Trustees about the plans for the Enhancements to 121 North Main Street façade and the Erie Canal Way Trail. He has received SHPO's approval with conditions. Mr Chatfield will be attending the next Historic Preservation meeting to discuss the changes with them. Mr Chatfield will set up a meeting with Mayor Theodorakos, Mr Steve Beauvais, Project Manager for New York State Department of Transportation and himself to see if the funding is still available.

Paul Chatfield will be sending the Mayor a copy of the draft letter that will be sent to Village residents regarding the corrections that need to be done at their homes regarding illegal discharge into the Villages sanitary sewer system. The Village has received Green Initiative funds to help homeowners with the cost. The Board will need to determine the different percentages that each homeowner could receive to help offset the cost of the repair. Percentage will be determined on an individual basis depending on the cost of repair.

Correspondence received from Chatfield Engineers regarding modifying the Resident Project Representation Services from \$75,000.00 to \$94,000.00. The increase is due to the contractor working through the winter and having to deal with difficult weather conditions and many unexpected situations. Additional inspection hours were incurred as a result of the slower than expected production rate.

Correspondence received from Chatfield Engineers regarding the Joint Municipal Industrial Pollution Control Facility (JMIPCF) Evaluation Report and Capital Improvement Plan.

#### **DEPT HEAD-YARD WASTE**

Moved by Trustee Riley and seconded by Trustee Banker to hold a Public Hearing on Wednesday, May 26, 2010 at 7:00 PM to hear comments regarding the "Yard Waste Code" as presented by Superintendent of Public Works, Dale Brooks. Attorney Gavenda will review proposed code.

**CARRIED**

5 Ayes

0 Nays

#### **DEPT HEAD-TOWN METERS**

Superintendent of Public Works, Dale Brooks informed the Board of Trustees that a new meter will need to be purchased for the 5corners in the Town of Gaines. Mr Brooks has talked with the Superintendent of Gaines, Ron Manella and he stated that at the Town of Gaines Board meeting, his Board approved splitting the cost of the meter with the Village of Albion. The Board of Trustees would like to review the Water Agreement between the Village and the Town of Gaines before making a decision.

#### **DEPT HEAD TREE REMOVAL**

Superintendent of Public Works, Dale Brooks and Mayor Theodorakos drove around the Village evaluating trees. It was agreed that the Board of Trustees should go along with Mr Brook's recommendation regarding tree removal and the replanting of trees.

#### **APPROVE MINUTES**

Moved by Trustee Riley and seconded by Trustee Sheehan that in as much as each member received copies of the March 24, 2010, March 30, 2010, March 31, 2010, April 3, 2010 and April 5, 2010 minutes and there being one correction on the April 5, 2010 minutes, minutes are hereby approved as written with the following correction:

Page 4 under appointment of Disaster Coordinator add Eric

Bradshaw's name

**CARRIED**

5 Ayes

0 Nays

**ACCEPT TREASURERS REPORT**

Moved by Trustee Sheehan and seconded by Trustee Miller accepting the Treasurer's Report for the month of March 2010.

**CARRIED**

5 Ayes

0 Nays

**APPROVE PAYMENT OF BILLS**

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

\$39,242.16	General Fund	voucher #5676
\$24,577.41	Water Fund	to #5941
\$12,791.87	Sewer Fund	

Trustee Miller stated that sales tax was paid on the Lowe's bill he audited and that it should be corrected.

**CARRIED**

5 Ayes

0 Nays

**APPROVE PAYMENT OF BILL**

Moved by Trustee Riley and seconded by Trustee Banker approving payment to Orleans Land Restoration Corporation for the Village's share of the Shared Service Grant for the water study. Amount of the invoice is \$90.91.

**CARRIED**

5 Ayes

0 Nays

**APPROVED PAYMENT OF CHATFIELD BILLS**

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

156	General Engineering Services	94-193-
	\$ 524.50	
7	McKinstry St Storm/Road Reconstruction	09-944-
	\$ 1,133.20	
2	McKinstry St Storm/Road Reconstruction	09-944P & S
	\$ 548.50	
	Meadowbrook Road Reconstruction	09-952P & S2
\$ 105.00		
	Meadowbrook Drive Water Main Project	09-951P & S3
\$ 27.00	Meadowbrook Drive Water Main Project	09-951-
6	\$ 1,037.50	
7	Water System Capital Improvement Plan	09-943-
	\$ 1,247.50	
1	Green Project Initiative	10-976-
	\$ 1,773.00	
31	2007 Sanitary Sewer Improvements	06-765-
	\$ 9,944.00	

**CARRIED**

5 Ayes

0 Nays

**APPROVE PROPOSAL RE: GREEN INITIATIVE**

Moved by Trustee Miller and seconded by Trustee Sheehan approving Mayor Theodorakos sign the proposal submitted by Chatfield Engineers for \$10,950.00 for services relating to the Green Project Reserve Initiative Grant Plan of Attack.

**CARRIED**

5 Ayes 0 Nays

**APPROVE PAYMENT TO SERGI**

Moved by Trustee Sheehan and seconded by Trustee Banker approving Mayor Theodorakos to sign Pay Estimate #10 and the payment of \$137,104.00 to Sergi Construction. The project is 56% completed as of April 2, 2010.

**CARRIED**

5 Ayes 0 Nays

**RESOLUTION ADOPTED**

The following resolution was proposed by Trustee Riley who moved its adoption and seconded by Trustee Sheehan regarding providing the local share of the cost of constructing improvements to the Joint Municipal Industrial Pollution Control Facility (JMIPCF):

WHEREAS, the Village has commissioned a preliminary engineering evaluation to define the extent of improvements and cost associated with the construction of needed improvements to the Village of Albion Joint Municipal Industrial Pollution Control Facility (JMIPCF); and

WHEREAS, the cost of undertaking the priority recommendations set forth in the engineering evaluation is estimated at \$889,930, including construction, legal, engineering and administrative costs; and

WHEREAS, the Village Board has previously authorized the Mayor to file a Small Cities application in the amount of \$600,000 for the construction of the needed improvements at the JMIPCF.

NOW, THEREFORE BE IT RESOLVED, that the Village Board commits that it will provide \$288,930 in funds plus any overruns that may be incurred to construct the proposed improvements recommended in the preliminary engineering analysis referenced herein, to address the problems and eliminate the problems facing residents within the Village of Albion. THIS COMMITMENT IS CONDITIONED ON THE VILLAGE RECEIVING THE \$600,000 SMALL CITIES GRANT REFERRED TO ABOVE. THE VILLAGE'S FUNDS ARE TO BE PROVIDED BY CAPITAL RESERVE FUNDS OR GENERAL OBLIGATION BONDS TO BE ISSUED BY THIS BOARD CONSISTENT WITH APPLICABLE LAWS OF THE STATE OF NEW YORK.

**CARRIED**

5 Ayes 0 Nays

**ACCEPT APPLICATIONS**

The following applications were received, accepted and will be placed on file for future reference:

Recreation Director

John J Grillo

Anything/Summer Help

Atwell, Michael A

Biscaro, Dale R

Colonna, Jeffrey R

Dugan, Matthew G

Hawley,

Thomas J

Johnson, Steven R

Marsh, Roger A

Mitchell, Richard W                      Rice, David  
 Ruger, Darian R                              Smart, Devin L                              Smeltzer,  
 Cory N

Cemetery

Addison, DMarkis D                      Ballard, Matthew R  
 Botello, Florencio                      Coleman, Erik J                      Conley, Lee  
 H                      Crandall, Wayne T                      DellaCosta, Alexis J  
                     Eaklor, YoVonda F                      Eloveris, Michael W                      Fenner,  
 Sanford J                      Fleck, Thomas J                      Fredenburg, Calvin  
 J                      Hubbard, Trevor S                      Jones, Douglas N  
 Lowe, Robert C                      Marling, Joshua L                      Montello,  
 Lawrence J                      Mullins, Jason G                      Neilans, Robert  
 L                      Rademacher, Robert J                      Rodgers Jr, Charles  
                     Skrip, David M                      Smith, Robert S  
 Swanson, Eric C                      Tschetter, William W                      Daniels,  
 Rodney B

**ACCEPT THE NEW FIRE OFFICERS**

Moved by Trustee Miller and seconded by Trustee Banker accepting the following new Fire Department Officers:

- Chief.....Rocky Sidari
- Deputy Chief..... Rob Conner
- Asst. Chief.....Harry Papponetti
- Captain.....Shawn Cook
- 1Lt.....Jeremy Graham
- 2Lt.....Jared Hapeman
- Chief Mech.....H. Dale Banker
- President.....Paulette Sikorski
- Vice Pres.....William Frances Sr.
- Treasurer.....Angela Dalle
- Secretary.....Jenny Johnston
- Financial Sec.....Krystle Hughson
- Squad Pres.....Dominic Sidari
- Squad Treasurer.....Ron Miesner

Offices become effective May 1st at noon.

**CARRIED**

5 Ayes                                      0 Nays

**WATER/SEWER BILLS TO TAXES**

Moved by Trustee Riley and seconded by Trustee Miller approving the following outstanding water/sewer bills for 2009 be added to the June 2010 Village tax bills. The names on the list are the owners of the property and not necessarily the ones who didn't pay their bill:

TAX MAP #	OWNER	WATER	SEWER
62.13-1-1	OAK ORCHARD ESTATES	\$ 1,340.38	\$ 408.26
62.15-1-22	JOHN WALL	\$ 28.64	\$ 28.64
62.18-2-23	JOHN SCURRY	\$ 106.67	\$ 48.67
62.18-2-41	TIMOTHY PIERCE	\$ 301.22	\$ 218.08
62.18-2-57	WILLIAM WITTMAN	\$ 269.07	\$ 176.07
62.18-3-21	ELIZABETH OFFHAUS	\$ 122.94	\$ 67.94
62.18-3-35	MICHAEL JENKS	\$ 64.13	\$ 64.13
62.19-1-1	RICHARD DECARLO	\$ 196.23	\$ 108.23
62.19-2-15	JODY STATES	\$ 46.04	\$ 16.04
62.19-2-22.1	GARY DERWICK	\$ 28.64	\$ 28.64

62.19-2-42	SALVADOR SOLIS	\$	234.61	\$	201.61
62.19-3-3	THOMAS CAPWELL	\$	297.72	\$	131.17
73.1-1-37	ELIZABETH PENAFIEL	\$	67.17	\$	37.17
73.5-1-14	CHARLES PETERSON	\$	229.47	\$	149.67
73.5-1-18	PETE STRITZINGER	\$	82.40	\$	49.40
73.5-1-19	AMY JACZYNSKI	\$	135.46	\$	105.46
73.5-2-30	DONALD HOWARD	\$	194.73	\$	134.73
73.5-2-46	CALVIN ROBINSON JR	\$	46.04	\$	16.04
73.5-2-49	WILLIAM HAYES	\$	99.68	\$	44.68
73.5-2-57	RICHARD COLONNA	\$	227.23	\$	169.23
73.5-2-59	RICHARD COLONNA	\$	128.66	\$	98.66
73.5-3-8	RICHARD COLONNA	\$	222.53	\$	109.53
73.5-3-18	DAVID COLONNA	\$	213.58	\$	158.58
73.5-3-26	JULES BONAFEDE	\$	166.29	\$	228.29
73.5-3-29	ROY MURPHY	\$	513.49	\$	390.49
73.5-3-47	RICHARD COLONNA	\$	72.08	\$	37.20
73.5-3-49	WILFRED MOSS	\$	46.73	\$	16.73
73.5-4-21	SHELBY PLUECKHAHN	\$	154.91	\$	121.91
73.5-4-22	JEFF STARKWEATHER	\$	158.74	\$	128.74
73.5-4-30	JAMES THEODORAKOS	\$	46.04	\$	16.04
73.5-4-32	ROSA PEREZ	\$	247.17	\$	247.17
73.5-4-38	LORENZO ZARAGOZA	\$	73.10	\$	43.10
73.5-4-49	RENEE COOK	\$	28.64	\$	28.64
73.5-4-54	MARTY ZAFFRANN	\$	302.79	\$	182.79
73.6-2-7	LINDA SMITH	\$	96.68	\$	33.68
73.6-2-53	HENRI PULLEY	\$	241.42	\$	156.42
73.6-2-68	MAUREEN ALESSI	\$	97.08	\$	42.08
73.6-3-3	WILLIAM WITTMAN	\$	112.92	\$	112.92
73.6-3-37	RICHARD COLONNA	\$	104.68	\$	47.40
73.6-3-38	RICHARD PASNIK	\$	285.61	\$	252.61
73.6-3-41	DAVID COLONNA	\$	123.98	\$	63.98
73.6-4-6	DONALD HOWARD	\$	289.03	\$	146.03
73.6-4-16	ARIC ALBRIGHT	\$	79.28	\$	46.28
73.6-4-24	SUSAN PARKER	\$	114.35	\$	81.35
73.6-4-27	JOHN GURNEY	\$	46.04	\$	16.04
73.6-4-33	STEVEN SALVATORE	\$	62.02	\$	62.02
73.6-5-31	DONALD LOVE JR	\$	98.97	\$	68.97
73.6-5-68	PAMELA BENNETT	\$	28.64	\$	28.64
73.6-6-11	ERICK MATEO	\$	74.68	\$	44.68
73.6-6-12	DONNA BOYCE	\$	28.64	\$	28.64
73.6-6-21	GAIL OTTO	\$	46.04	\$	16.04
73.6-7-12	JAMES THEODORAKOS	\$	46.20	\$	46.20
73.6-7-23	ARTHUR HILDRETH	\$	375.90	\$	342.90
73.6-7-89	MOIRA FLANNERY	\$	257.12	\$	194.12
73.7-1-13	DANIEL GLEASON	\$	82.88	\$	32.88
73.7-1-15	MARIA SANCHEZ	\$	55.74	\$	25.74
73.7-1-38	WILLIAM HAYES	\$	168.09	\$	138.09
73.7-2-2	GARY KUYAL	\$	721.92	\$	625.92
73.7-2-3	GARY KUYAL	\$	71.10	\$	71.10
73.7-2-35	EDWARD MCPHERSON	\$	59.13	\$	59.13
73.8-1-22.22	TRACY CHALKER	\$	255.88	\$	195.88

73.9-2-2	WILFRED MOSS	\$ 74.68	\$ 44.68
73.9-2-15	LINDA SMITH	\$ 116.37	\$ 83.37
73.9-2-51	RICE HOMES	\$ 421.68	\$ 270.68
73.9-2-54.2	RICE HOMES	\$ 88.63	\$ 58.63
73.10-1-8	XHEZIDE BELA	\$ 123.74	\$ 90.74
73.10-1-53	CHARLES HUNT	\$ 121.48	\$ 121.48
73.10-1-60	HAROLD BREUILLY	\$ 208.96	\$ 153.96
73.11-1-10	MARY NAPOLEON	\$ 101.78	\$ 41.78
73.11-1-16	MOIRA FLANNERY	\$ 443.25	\$ 521.64
73.11-1-17	MARY NAPOLEON	\$ 65.14	\$ 64.38
73.23-1-7	HENRI PULLEY	\$ 46.04	\$ 16.04
73.23-1-12	LINDA SMITH	\$ 92.08	\$ 32.08
		\$ 12,421.07	\$ 8,490.93

**CARRIED**

5 Ayes

0 Nays

**MOWING CHARGES TO TAXES**

Moved by Trustee Miller and seconded by Trustee Sheehan approving the following lawn mowing charges for 2009 to be added to the June 2010 Village tax bill:

<u>TAX MAP #</u>	<u>OWNER</u>	<u>ADDRESS</u>
<u>AMOUNT</u>		
62.15-1-22	Wall, Willie	41 Lydun
Drive \$ 225.00		
62.18-2-43	Lutes, Noel	152 Ingersoll
St \$ 375.00		
62.18-3-50	Wood, Margaret	219 Ingersoll
St \$ 562.50		
73.5-3-44	Stephens, William & Crysal	118 Day
Street \$ 337.50		
73.6-2-1	McKenna, Melissa	134 W Bank
St \$ 712.50		
73.6-3-9	Hamza, Jerold J	139 E Bank
St \$ 900.00		
73.6-3-84	McClary, Steven M	222 E Bank
St \$1,125.00		
73.6-3-38	Pasnik, Richard A & Debra A	227 E State
St \$ 562.50		
73.6-5-3	Northrop, Charles & Sally	224 E Park
St \$ 150.00		
73.6-5-59	Dubois, Susan	117 Reynolds
St \$ 675.00		
73.6-7-21	Hunt Jr, Charles H	104 Beaver
St \$ 375.00		
73.6-7-80	Vandegenachte, Daniel	134 Liberty
St \$1,012.50		
73.6-7-81	Vandegenachte, Daniel	136 Liberty
St \$1,012.50		
73.7-1-31	Busenbark, Jodi M	113 McKinstry
St \$ 225.00		
73.7-2-55	Duckett, Gilbert Living Trust	129 Clarendon
St \$2,025.00		

73.9-2-43	Dragon, Peter	158 W Academy
St \$ 337.50		
73.10-1-53	Hunt Jr, Charles H	26 W
Avenue \$1,050.00		
73.10-2-56	Jamele, John & Helga	2 Meadowbrook
Dr \$1,200.00		
73.13-1-7	Rushing, Robert	344 Hamilton
St \$2,850.00		

**CARRIED**

5 Ayes 0 Nays

**MEDICAL OPT OUT**

Moved by Trustee Riley and seconded by Trustee Miller approving the following employees request to opt out of medical insurance for the fiscal year June 1,2010 to May 31, 2011. William E Downey, William Logan, Nancy Mack, Dale Snyder, Robert VanWuyckhuysen and Jason Zicari

**CARRIED**

5 Ayes 0 Nays

**ROLL OVER/SELL BACK**

The following employees have submitted their request to roll over and/or sell back unused vacation days:

NAME	DAYS ROLLOVER	DAYS SELL BACK
Aric Albright	0	6
Stacey Andrews	5	4
Linda Babcock	10	10
Dale Brooks	0	0
Dean London	0	5
Nancy Mack	0	0
Kevin Miller	8	10
Mary Santiago	0	5
Ronald Vendetti	0	8.5
Tracy VanSkiver	0	0
Jason Zicari	8	10

**REQUEST**

Ms Peg Wiley representing the Oak Orchard Lighthouse Committee requested permission to place an 8 ½ x 11 literature box in Waterman Park on Main Street. The box would contain forms that residents could take to purchase bricks for the Lighthouse at the lake. The Board of Trustees suggested she put a flyer on the bulletin board in Waterman Park informing residents where to pick up the forms. Village Clerk will contact Ms Wiley to give her the information.

**NFAVO SPRING MEETING**

Correspondence received from the Northwestern Frontier Association of Village Officials (NFAVO) regarding the dinner meeting that the Village of Holley will be hosting. The dinner will be April 21, 2010 at the Village Inn.

**RESIDENT REQUEST**

Request received from Ms Jackie Condoluci requesting a break on her latest water/sewer bill.

Moved by Trustee Sheehan and seconded by Trustee Riley approving the penalty amount be removed from Ms Condoluci's water/sewer bill per Superintendent of Public Works, Dale Brooks's recommendation. There

is no proof that the water wasn't used or that the system malfunctioned.

**CARRIED**

5 Ayes

0 Nay

**E-MAIL POLICY**

Attorney Gavenda will review the e-mail policy and have it ready for the April 28, 2010 Workshop Meeting.

**TOWN OF ALBION FIRE CONTRACT**

Moved by Trustee Riley and seconded by Trustee Sheehan approving Mayor Theodorakos sign the agreement with the Town of Albion for the 2010 Fire Contract. The amount of \$24,720.00 will be billed to the Town of Albion quarterly.

**CARRIED**

5 Ayes

0 Nays

**APPROVE PAYMENT OF BILL**

Moved by Trustee Sheehan and seconded by Trustee Banker approving payment to Stuart I Brown Associates for Professional services for the 2008 Small Cities Grant in the amount of \$1,400.00. The period covered is 10/01/2009 through 3/26/2010.

**CARRIED**

5 Ayes

0 Nays

**APPROVE PAYMENT OF BILL**

Moved by Trustee Sheehan and seconded by Trustee Banker approving payment to David W Lippitt Esquire for Professional services relating to managerial employee terms and conditions of employment in the amount of \$225.00. Attorney Gavenda will check with Mr Lippitt to see if he can meet with the Board of Trustee on April 26, 2010.

**CARRIED**

5 Ayes

0 Nays

**APPROVE FLEXCARE**

Moved by Trustee Sheehan and seconded by Trustee Riley approving Mayor Theodorakos to sign the letter to MVP Health Care confirming that the Village of Albion appointed Flexcare Inc as their exclusive Insurance Broker.

**CARRIED**

5 Ayes

0 Nays

**PROCUREMENT POLICY**

Mayor Theodorakos would like the Village Clerk to look into a possible error on the second page in the original code of the Procurement Policy.

**CONFERENCE APPROVED**

Moved by Trustee Sheehan and seconded by Trustee Riley approving Trustee Sheehan's request for permission to attend the Government Conference Trip to Albany on May 16 through May 18, 2010. Assemblyman Steve Hawley will be hosting the trip.

**CARRIED**

4 Ayes

0 Nays

Trustee Sheehan

Trustee Riley

Trustee Miller

1 Abstained

Trustee

Banker

Mayor Theodorakos

**FINAL READ CHARGE**

Moved by Trustee Miller and seconded by Trustee Banker approving

Water Clerk, Tracy VanSkiver's recommendation to eliminate the \$25.00 final read charge for the water/sewer bills. The administrative fees will remain at \$10.00 for sewer and \$5.00 for water and be added to the final bills instead of the \$25.00 fee.

**CARRIED**

5 Ayes

0 Nays

**BOARD ROOM CHAIRS**

The Board of Trustees agreed that the chairs that are not being used from the old conference room at 121 North Main Street should be switched out with the chairs in the Board Room at the Village Office.

**EXECUTIVE SESSION**

Moved by Trustee Riley and seconded by Trustee Sheehan to adjourn to executive session for collective bargaining negotiations at 9:45 PM.

**CARRIED**

5 Ayes

0 Nays

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Riley and seconded by Trustee Miller to come out of executive session at 10:32 PM.

**CARRIED**

5 Ayes

0 Nays

**MEETING CLOSED**

Moved by Trustee Riley and second by Trustee Banker that there being no further business, meeting is hereby adjourned at 10:33 PM.

**CARRIED**

5 Ayes

0 Nays

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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**April 15, 2010: Special Board Meeting**

**Body:**

A Special Meeting of the Board of Trustees of the Village of Albion was held Thursday, April 15, 2010 at 6:30 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Fred Miller, Jeannette Riley and Kevin P Sheehan.

Absent were Trustee Eileen S Banker and Attorney John C Gavenda.

Also present were Village employees Mr Scott Bradshaw, Mr Dale Snyder, Mr Robert Ballard, Mr Bradley Rouse, Mr Paul Fadale and from AFSCME Mr Dennis Eames.

Mayor Theodorakos opened the meeting with the pledge of allegiance at 6:34 PM.

**EXECUTIVE SESSION**

Moved by Trustee Riley and seconded by Trustee Miller to adjourn to executive session for collective bargaining negotiations at 6:35 PM.

**CARRIED**

4 Ayes                      0 Nays

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Riley and seconded by Trustee Miller to come out of executive session at 7:50 PM.

**CARRIED**

4 Ayes                      0 Nays

**BUDGET REVIEW**

Discussion concerning budget review.

**EXECUTIVE SESSION**

Moved by Trustee Sheehan and seconded by Trustee Riley to adjourn to executive session for collective bargaining negotiations at 8:05 PM.

**CARRIED**

4 Ayes                      0 Nays

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Riley and seconded by Trustee Sheehan to come out of executive session at 8:20 PM.

**CARRIED**

4 Ayes                      0 Nays

**MEETING ADJOURNED**

Moved by Trustee Miller and second by Trustee Riley that there being no further business, meeting is hereby adjourned 8:21 PM.

**CARRIED**

4 Ayes                      0 Nays

Minutes were taken by Mayor Dean A Theodorakos.

Respectfully submitted,

Linda K Babcock

Clerk-Treasurer

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## April 26, 2010: Special Board Meeting

### Body:

A Special Meeting of the Board of Trustees of the Village of Albion was held Monday, April 26, 2010 at 6:30 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Fred Miller, Jeannette Riley and Eileen S Banker.

Absent were Trustee Kevin P Sheehan and Attorney John C Gavenda.

Mayor Theodorakos opened the meeting with the pledge of allegiance at 6:33 PM.

### **BUDGET REVIEW**

The Board of Trustees worked on the budget for the fiscal year June 1, 2010 to May 31, 2011.

### **SPECIAL MEETING SET**

Moved by Trustee Banker and seconded by Trustee Riley to hold a Special Meeting on Tuesday, April 27, 2010 to review the proposed budget for the fiscal year June 1, 2010 to May 31, 2011.

**CARRIED**

4 Ayes

0 Nays

### **MEETING ADJOURNED**

Moved by Trustee Banker and second by Trustee Riley that there being no further business, meeting is hereby adjourned 9:35 PM.

**CARRIED**

4 Ayes

0 Nays

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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## April 27, 2010: Special Board Meeting

### Body:

A Special Meeting of the Board of Trustees of the Village of Albion was held Monday, April 27, 2010 at 7:00 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Fred Miller, Jeannette Riley, Kevin P Sheehan and Eileen S Banker.

Absent was Attorney John C Gavenda.

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

### **BUDGET REVIEW**

The Board of Trustees worked on the budget for the fiscal year June 1, 2010 to May 31, 2011.

### **DEPT HEAD REQUEST**

Moved by Trustee Riley and seconded by Trustee Sheehan approving Cemetery Supervisor, Jason Zicari's recommendation to increase the rent for the apartment at Mt Albion Cemetery to \$600.00 per month starting June 1, 2010.

**CARRIED**

5 Ayes

0 Nays

### **MEETING ADJOURNED**

Moved by Trustee Riley and second by Trustee Miller that there being no further business, meeting is hereby adjourned 9:32 PM.

**CARRIED**

5 Ayes

0 Nays

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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**PUBLIC HEARING 7:15 PM**

7:15 PM opened the Public Hearing regarding the Village of Albion to withdraw and dismiss Local Law #1 of 2010 entitled Indemnification of Village Employees and to retain the pre-existing Defense and Indemnification, Chapter 19 of the Code of the Village of Albion.

**CARRIED**

5 Ayes 0 Nays

**PUBLIC HEARING CLOSED**

Moved by Trustee Banker and seconded by Trustee Sheehan that in as much as everyone who wished to speak regarding withdrawing and dismissing Local Law #1 of 2010 entitled Indemnification of Village Employees and to retain the pre-existing Defense and Indemnification, Chapter 19 of the Village of Albion were heard the Public Hearing is hereby closed at 7:19 PM.

**CARRIED**

5 Ayes 0 Nays

**DISMISS LOCAL LAW #1**

Moved by Trustee Miller and seconded by Trustee Sheehan to withdraw and dismiss Local Law #1 of 2010 entitled Indemnification of Village Employees and to retain the pre-existing Defense and Indemnification, Chapter 19 of the Village of Albion.

**CARRIED**

5 Ayes 0 Nays

**DEPT HEAD REQUEST**

Moved by Trustee Miller and seconded by Trustee Banker approving Superintendent of Public Works, Dale Brooks request to purchase a new meter for 5 corners located in the Town of Gaines. The Town of Gaines will pay half of the cost and be responsible for half of the maintenance/repair of the meter. Approximate cost of the meter is \$5,200.00. Mr Brooks would like to have the same agreement for all Town meters.

**CARRIED**

5 Ayes 0 Nays

**CHATFIELD ENGINEERS**

Moved by Trustee Riley and seconded by Trustee Sheehan awarding low bid for the McKinstry Street Storm Sewer Project to Keeler Construction per Mr Jason Foote of Chatfield Engineers recommendation. Their bid amount is \$360,084.00.

Mr Foote stated that the removal of the railroad tracks is not included in the bid amount and he is confident that \$75,000.00 will cover it. When the tracks are removed by the railroad company all the infrastructure will be replaced.

**CARRIED**

5 Ayes 0 Nays

**APPROVE MINUTES**

Moved by Trustee Riley and seconded by Trustee Miller that in as much as each member received copies of the April 10, 2010, April 12, 2010, April 14, 2010, April 15, 2010 and April 26, 2010 minutes and there being no errors or corrections, minutes are hereby accepted as written.

**CARRIED**

5 Ayes 0 Nays

**CORRESPONDENCE**

Correspondence received from NYS Environmental Facilities Corporation finding the Change Order #3 for the Sanitary Sewer

Improvements project acceptable.

**PT MEO WAGES**

Moved by Trustee Riley and seconded by Trustee Miller approving the Part-time MEO employee at the Pollution Control Plant's rate will be \$15.00 per hour. The employee's time will not be split with the Department of Public Works.

**CARRIED**

4 Ayes  
Trustee Riley

1 Nay  
Trustee

Sheehan

Trustee Miller  
Trustee Banker  
Mayor Theodorakos

**CORRESPONDENCE**

Received a correspondence from Bennett, DiFilippo & Kurtzhaltz, LLP regarding Oak Orchard Estates requesting a reduction in their assessment. Attorney Douglas Heath from Heath and Martin, who represents the Town of Gaines, is seeking contribution from the Village of Albion and the Albion School District towards the cost of litigation. Attorney Gavenda will check into what the approximate cost would be for the Village.

**CORRESPONDENCE**

A parade application for their 24<sup>th</sup> Annual Strawberry Festival was received. The Village Clerk-Treasurer will respond back as to who will be participating.

**CORRESPONDENCE**

Moved by Trustee Sheehan and seconded by Trustee Miller approving Recreation Director, John Grillo's request to have Red Cross provide training to the 2010 Summer Park Attendants in "Till Help Arrives". The cost is \$45.00 for the training session.

**CARRIED**

5 Ayes  
0 Nays

**OLD PROJECTS DISCUSSED**

2007 Canal Grant - Paul Chatfield will be setting up a meeting with Steve Beauvais from NYSDOT, Mayor Theodorakos, himself and any other Board member who would like to attend to discuss next step/funding for the project.

Clarendon Street Bridge Project - Decide how the Village would like to proceed.

**E-MAIL POLICY**

Tabled discussion on e-mail policy until the May 12, 2010 meeting.

**EXECUTIVE SESSION**

Moved by Trustee Miller and seconded by Trustee Riley to adjourn to executive session for collective bargaining negotiations at 8:08 PM.

**CARRIED**

5 Ayes  
0 Nays

Trustee Riley took minutes from this point.

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Miller and seconded by Trustee Banker to come out of executive session at 8:49 PM.

**CARRIED**

5 Ayes  
0 Nays

**MEETING SET**

Moved by Trustee Sheehan and seconded by Trustee Banker to hold a Special Meeting on Wednesday, May 12, 2010 at 6:00 PM to meet with the Police Department for union negotiations.

**CARRIED**

5 Ayes 0 Nays

**MEETING CLOSED**

Moved by Trustee Banker and second by Trustee Miller that there being no further business, meeting is hereby adjourned at 8:50 PM.

**CARRIED**

5 Ayes 0 Nays

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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## May 05, 2010: Special Board Meeting

### Body:

A Special Meeting of the Board of Trustees of the Village of Albion was held Wednesday, May 5, 2010 at 7:00 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

Absent was Trustee Fred Miller.

Mayor Theodorakos opened the meeting with the pledge of allegiance at 7:02 PM.

### **EXECUTIVE SESSION**

Moved by Trustee Sheehan and seconded by Trustee Banker to adjourn to executive session for personnel issues at 7:03 PM.

**CARRIED**

4 Ayes 0 Nays

### **EXECUTIVE SESSION CLOSED**

Moved by Trustee Riley and seconded by Trustee Sheehan to come out of executive session at 8:38 PM.

**CARRIED**

4 Ayes 0 Nays

### **RETAIN ATTORNEY**

Moved by Trustee Riley and seconded by Trustee Sheehan to retain Attorney David Lippitt at \$150.00 per hour for employee and labor issues/matters.

**CARRIED**

4 Ayes 0 Nays

### **MEETING ADJOURNED**

Moved by Trustee Banker and second by Trustee Riley that there being no further business, meeting is hereby adjourned 8:39 PM.

**CARRIED**

4 Ayes 0 Nays

Minutes were taken by Attorney John C Gavenda.

Respectfully submitted,

Linda K Babcock

Clerk-Treasurer

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## May 06, 2010: Special Meeting

### Body:

A Special Meeting of the Board of Trustees of the Village of Albion was held Thursday, May 6, 2010 at 6:30 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Eileen S Banker, Fred Miller, Jeannette Riley and Kevin P Sheehan.

Absent was Attorney John C Gavenda.

Also present were Village employees Mr Scott Bradshaw, Mr Dale Snyder, Mr Robert Ballard and Mr Bradley Rouse and from AFSCME Mr Dennis Eames.

Mayor Theodorakos opened the meeting with the pledge of allegiance at 6:30 PM.

### **EXECUTIVE SESSION**

Moved by Trustee Sheehan and seconded by Trustee Riley to adjourn to executive session for collective bargaining negotiations at 6:31 PM.

**CARRIED**

5 Ayes                      0 Nays

### **EXECUTIVE SESSION CLOSED**

Moved by Trustee Riley and seconded by Trustee Miller to come out of executive session at 7:55 PM.

**CARRIED**

5 Ayes                      0 Nays

### **MEETING ADJOURNED**

Moved by Trustee Riley and second by Trustee Banker that there being no further business, meeting is hereby adjourned 7:56 PM.

**CARRIED**

5 Ayes                      0 Nays

Minutes were taken by Mayor Dean A Theodorakos.

Respectfully submitted,

Linda K Babcock

Clerk-Treasurer

doubt, please call the town offices for clarification.

## May 12, 2010: Regular Board Meeting

### Body:

A Special Meeting of the Board of Trustees of the Village of Albion was held Wednesday, May 12, 2010 at 6:00 PM, before their Regular Meeting at 7:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

Also in attendance were Officer Jeffrey Gifaldi, Sergeant Mark Luft, Sergeant Timothy Boyer and Sergeant Joseph Fuller representing the APD Union.

Mayor Theodorakos opened the meeting with the pledge of allegiance at 6:05 PM.

### EXECUTIVE SESSION

Moved by Trustee Riley and seconded by Trustee Sheehan to adjourn to executive session for collective bargaining negotiations at 6:06 PM.

**CARRIED**

5 Ayes 0 Nays

Mayor Theodorakos took minutes up to this point.

### EXECUTIVE SESSION CLOSED

Moved by Trustee Miller and seconded by Trustee Sheehan to come out of executive session at 7:01PM.

**CARRIED**

5 Ayes 0 Nays

### PUBLIC HEARING

Tabled setting a Public Hearing date regarding NYS Regulation 1203. Attorney Gavenda would like more time to review.

### DEPARTMENT HEAD

Moved by Trustee Miller and seconded by Trustee Sheehan approving Superintendent of Public Works, Dale Brook's recommendation to declare the Kubota zero turn mower and the two (2) walk behind push mowers as surplus property.

**CARRIED**

5 Ayes 0 Nays

### RESIDENT

Mr Walter VanAst addressed the Board of Trustees about his property at 19 North Main Street.

Moved by Trustee Miller and seconded by Trustee Riley approving Attorney Gavenda to draw up a proposed purchase offer of \$12,500.00 for 19 North Main Street. Mr VanAst will be responsible to pay any outstanding taxes against the property.

**CARRIED**

5 Ayes 0 Nays

### RESIDENT

Mr Tim Lindsay asked the Board of Trustees if St Joe's Park could be opened at 9:00 AM on the days he will be using the park. The park currently opens at 10:00AM. He has talked with Chief London who said his department could do that, if the Board of Trustees approved it. The Board of Trustees will leave it up to the Chief's discretion. Mr Tim Lindsay to contact Chief London to open St Joe's Park early on the days he will be using the park.

**APPROVE MINUTES**

Moved by Trustee Riley and seconded by Trustee Sheehan that in as much as each member received copies of the April 27, 2010, April 28, 2010 and May 5, 2010 minutes and there being no corrections or omissions minutes are hereby approved as written.

**CARRIED**

5 Ayes

0 Nays

**ACCEPT TREASURERS REPORT**

Moved by Trustee Riley and seconded by Trustee Miller accepting the Treasurer's Report for the month of April 2010.

**CARRIED**

5 Ayes

0 Nays

**APPROVE PAYMENT OF BILLS**

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

	General Fund	voucher #5996
\$50,199.28		
	Water Fund	to #6210
\$31,242.72		
	Sewer Fund	
\$10,707.11		

**CARRIED**

5 Ayes

0 Nays

**APPROVED PAYMENT OF CHATFIELD BILLS**

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

	General Engineering Services	94-193-
157	\$ N/C	
	Meadowbrook Road Reconstruction	09-952-
5	\$ 350.00	
	McKinstry St Storm/Road Reconstruction	09-944P &
S3	\$ 158.00	
	McKinstry St Storm/Road Reconstruction	09-944-
8	\$ 936.00	Water System Capital Improvement Plan
09-943-8	\$ 1,247.50	Meadowbrook Dr Water
	Main Replacement	09-951-7
	2007 Sanitary Sewer Improvements	06-765-
32	\$ 6,397.60	
	Green Project Initiative	10-976-
2	\$ 3,302.00	

**CARRIED**

5 Ayes

0 Nays

**APPROVE PAYMENT TO MCGILL**

Moved by Trustee Riley and seconded by Trustee Sheehan approving payment to Timothy R McGill for legal services rendered for Short-Term

CWSRF ARRA Financing in the amount of \$1,101.57.

**CARRIED**

5 Ayes

0 Nays

**APPROVE PAYMENT TO STUART BROWN**

Moved by Trustee Miller and seconded by Trustee Banker approving payment to Stuart I Brown Associates for preparation of the 2010 CDBG Application in the amount of \$3,000.00.

**CARRIED**

5 Ayes

0 Nays

**APPROVE PAYMENT TO SERGI**

Moved by Trustee Riley and seconded by Trustee Miller approving Mayor Theodorakos to sign payrolls and the payment of Pay Estimate #11 of \$117,472.63 to Sergi Construction. The project is 59% completed as of April 30, 2010.

**CARRIED**

5 Ayes

0 Nays

**APPROVE CEMETERY DEEDS:**

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

Gerald T Marshall	S.G. 496/497 Zephyr Avenue
Thomas McNall Jr	573 Heath Path E #3
Bruce D Taylor	S.G. 16 Deerfield Avenue

**CARRIED**

5 Ayes

0 Nays

**APPROVE CEMETERY LEASE:**

Moved by Trustee Sheehan and seconded by Trustee Miller approving Mayor Theodorakos to sign the renewal lease with Ms Deborah Hennekey. Her monthly rent amount will be \$600.00 for the period of June 1, 2010 to November 30, 2010.

**CARRIED**

5 Ayes

0 Nays

**ACCEPT APPLICATIONS**

The following applications were received, accepted and will be placed on file for future reference:

	<u>Anything/Summer Help</u>	
Calabrese, Thomas J	Carter, Maida	Davis,
Brent R		
Dumrese, Zachary J	Fenner, Sanford J	Francis,
Matthew J	Hatfield, Mark T	Holler, Nicholas
C Jones, El-Rick	Naples, Anthony	
Freedom, Joshua Lee	Rodgers Jr, Charles W	Ruger, Darian
R Strapp, Scott A		Williams, Larry
A		
	<u>Cemetery</u>	
Montague, Aaron V	Poprawski, Daniel J	
	<u>Park Supervisors</u>	
Allamon, Lucas	Atwell, Rebecca	
Ausman, Tyler		
Ballard, Lauren M	Bierdeman, Elizabeth-	
Arts/Crafts	Carter,	
Maida	Cole, Virginia	DeSmit,

Dylan Ebbs, Carrie-Arts/Crafts Francis,  
Caitlin Francis, Matthew Fromm,  
Melissa Hess, Alexa D Miller,  
Samantha Moore, Lindsay Ostrawski,  
Alexandra Whittier, Taylor

**NEW FIRE DEPT MEMBERS**

Moved by Trustee Sheehan and seconded by Trustee Banker approving the following as new members into the Fire Department:

Aaron Batt Michael A Furness Matthew  
Gruenewald  
Ashton Mohney Robert Snell Jared  
Thomson

**CARRIED**

5 Ayes 0 Nays

**CORRESPONDENCE**

Correspondence received from Stuart I Brown Associates regarding the "Assistance to Firefighters Grants". Trustee Banker will contact the Fire Chief to see if they would be interested in applying for the grant.

**CORRESPONDENCE**

Correspondence received from the Office of Community Renewal regarding the NYS CDBG Project for 2005, the Roof and Brick Program. The Office of Community Renewal has confirmed that the Village of Albion is cleared to close out the grant.

**SET YEAR END MEETING DATE**

Moved by Trustee Miller and seconded by Trustee Riley to hold the Village of Albion's year end meeting date on May 26, 2010, the same day as the monthly Workshop Meeting.

**CARRIED**

5 Ayes 0 Nays

**APPROVE MVP CONTRACT**

Moved by Trustee Sheehan and seconded by Trustee Miller approving Mayor Theodorakos to sign the agreement with MVP Health Insurance for the period of January 1, 2010 through December 31, 2010.

**CARRIED**

5 Ayes 0 Nays

**LIQUOR LICENSE RENEWAL**

Correspondence received from Roumanos Village House Restaurant with their intent to renew their liquor license.

**BORROW-A-BIKE PROGRAM**

Moved by Trustee Banker and seconded by Trustee Miller approving the Adopt-A-Bike program to resume. The volunteers will be putting the bikes in place around May 15, 2010.

**CARRIED**

5 Ayes 0 Nays

**HISTORIC BOARD APPOINTMENT**

Moved by Trustee Banker and seconded by Trustee Sheehan approving Mayor Theodorakos appointment of Jordan Bonafede to the Historic Preservation Commission for a term of four years. Mr Bonafede will fill the slot from when Mr Jennings term ended and he didn't want to be re-appointed.

**CARRIED**

4 Ayes	0 Nays
Trustee Banker	
Trustee Sheehan	1 Abstained
Trustee Riley	Trustee

Miller

Mayor Theodorakos

Code Enforcement Officer, Ron Vendetti stated that Linda Smith is interested in being place on the Historic Board. Mr Vendetti will contact Ms Smith to inform her to submit a letter of interest to Mayor Theodorakos. There is a second vacancy that needs to be filled.

#### **CORRESPONDNECE**

Correspondence received from NYSDEC regarding the inspection of the Pollution Control Facility that was performed on March 18, 2010. The report states that overall, it is a well operated and maintained facility.

#### **CEMTERY INFORMATION**

The Board of Trustees tabled discussion on the information Cemetery Supervisor, Jason Zicari submitted regarding fees, rules and regulations for the columbarium until the May 26, 2010 Workshop Meeting.

#### **APPROVE PAYMENT TO BERNARD P DONEGAN**

Moved by Trustee Riley and seconded by Trustee Miller approving payment to Bernard P Donegan Inc in the amount of \$2,832.26 for Financial Management Services for the Sanitary Sewer Project, McKinstry Street Project and Meadowbrook Drive Project.

#### **CARRIED**

5 Ayes	0 Nays
--------	--------

Correspondence received from Bernard P Donegan with results of the May 11, 2010 Note Sale for the 2010 Bond Anticipation Note of \$1,116,246. First Niagara Bank was low bidder at 1.35%.

#### **SET SPECIAL MEETING DATE**

Moved by Trustee Banker and seconded by Trustee Sheehan to hold a Special Meeting on May 24, 2010 at 6:30 PM to meet with non-union employees regarding their agreement which expired on May 31, 2009.

#### **CARRIED**

5 Ayes	0 Nays
--------	--------

#### **FIRE DEPARTMENT STUDY**

The Board of Trustees received the Fire Department Study that Emergency Services Consulting International (ESCI) completed. The consultant will be at the May 26, 2010 meeting to review study with the Board of Trustees.

#### **CORRESPONDENCE**

Griffith Energy sent the Village of Albion a letter regarding using them as a natural gas supplier. The Village currently uses Chautauqua Energy Management's company to get bids for gas and electric. Village Clerk-Treasurer will give Griffith Energy their contact information.

#### **RESIDENT REQUEST**

The Board of Trustees decided not to make a motion to give Mr Martillotta a break on the water tap fee of \$250.00. Code Enforcement Officer, Ron Vendetti will contact Mr Martillotta and tell him about a tax exempt program that is in place through the Orleans County Real Property Office.

#### **E-MAIL POLICY**

Attorney Gavenda will review the e-mail policy he put together with the

computer use agreement that is already in place and have it ready for the May 26, 2010 Workshop Meeting for the Board of Trustees to review.

#### **2007 CANAL GRANT**

Mayor Theodorakos and Paul Chatfield had a meeting with Department of Transportation regarding the 2007 Canal Grant to confirm that the grant money is still available. Mr Chatfield will be checking into what the next step should be.

#### **CLARENDON BRIDGE**

Moved by Trustee Riley and seconded by Trustee Sheehan to meet on June 23, 2010 at 6:00 PM to discuss the Clarendon Street Bridge Project.

**CARRIED**

5 Ayes

0 Nays

#### **LIBRARY SITE PLAN REVIEW**

The Code Enforcement Officer, Ron Vendetti informed the Board of Trustees that the site plan for the new Swan Library was delivered Wednesday to the Village. Costich Engineer will be reviewing the plans and Swan Library will be responsible for the fee that Costich Engineers will be charging to review the documents.

#### **APPROVAL TO APPLY FOR GRANT**

Moved by Trustee Miller and seconded by Trustee Riley approving the Police Department to apply for the NYS Child Passenger Safety Program Grant in the amount of \$8,500.00.

**CARRIED**

5 Ayes

0 Nays

#### **APPROVE USE OF PICNIC TABLES**

The Board of Trustees doesn't mind COVA using the picnic tables for their open house; pending nobody has booked the pavilions for that day. Trustee Sheehan will get the date of their event. Superintendent of Public Works, Dale Brooks will take the tables and pick them up for their use.

#### **MEETING CLOSED**

Moved by Trustee Riley and second by Trustee Banker that there being no further business, meeting is hereby adjourned at 8:14 PM.

**CARRIED**

5 Ayes

0 Nays

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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## May 24, 2010: Special Board Meeting

### Body:

A Special Meeting of the Board of Trustees of the Village of Albion was held Monday, May 24, 2010 at 6:30 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

Also present were Village employees Mr Aric Albright, Ms Stacey Andrews, Ms Linda Babcock, Mr Dale Brooks, Ms Nancy Mack, Mr Kevin Miller, Ms Mary Santiago, Ms Tracy VanSkiver and Mr Ronald Vendetti.

Mayor Theodorakos opened the meeting with the pledge of allegiance at 6:32 PM.

### NON-UNION EMPLOYEES

Discussion on the Managerial/Non-Union Employee General Policies and Guidelines which expired on May 31, 2009. Decided to form a committee to lay out procedure on doing performance reviews on the employees that are part of the above policies and guidelines. Trustee Riley, Trustee Banker, Ms Mary Santiago, Mr Dean London and Mr Ronald Vendetti were chosen to serve on the committee. Their first meeting will be held on June 16, 2010 at 7:00 AM.

Mayor Theodorakos requested each Department Head give the Board of Trustees their Civil Service job description within the next two weeks and add whatever duties they perform that aren't listed.

### MEETING ADJOURNED

Moved by Trustee Riley and second by Trustee Miller that there being no further business, meeting is hereby adjourned 7:33 PM.

**CARRIED**

5 Ayes

0 Nays

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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**May 26, 2010: Workshop Meeting**

**Body:**

The Workshop Meeting of the Board of Trustees of the Village of Albion was held Wednesday, May 26, 2010 at 6:00 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Eileen S Banker, Jeannette Riley and Kevin P Sheehan.

Trustee Fred Miller and Attorney John Gavenda arrived at 6:50 PM.

Mayor Theodorakos opened the meeting with the pledge of allegiance at 6:03 PM.

**COLUMBARIUM INFO**

Moved by Trustee Banker and seconded by Trustee Riley approving Cemetery Supervisor, Jason Zicari's recommendation on the Columbarium Charges, Rules/Regulations and the Niche Engraving Form he submitted to the Board of Trustees, pending Attorney Gavenda's approval.

**CARRIED**

4 Ayes 0 Nays

**APPROVE PAYMENT VILLAGE BILLS**

Moved by Trustee Sheehan and seconded by Trustee Banker approving the following Village bills be paid:

General Fund	voucher #6212	
\$41,754.05		
Water Fund	to	\$ 8,774.50
Sewer Fund	voucher #6387	\$
3,604.19		

**CARRIED**

4 Ayes 0 Nays

**NON UNION/MANAGERIAL**

Moved by Trustee Riley and seconded by Trustee Banker approving extending the current non-union/managerial document for one year with one change under Health Insurance. It will not list the actual Health Insurance Plan. Instead, the language will read whatever the current medical provider is. The document will expire on May 31, 2011.

**CARRIED**

4 Ayes 0 Nays

**APPROVED CHIP ADJUSTMENT**

Moved by Trustee Riley and seconded by Trustee Banker approving the Village Clerk-Treasurer adjust the appropriation and revenue accounts pertaining to the CHIP funds the Village received for the current year. Both accounts will be adjusted by \$31,541.90.

**CARRIED**

4 Ayes 0 Nays

**ACCEPT APPLICATIONS**

The following applications were accepted and placed on file for future

reference:

Seasonal  
Aaron V Montague  
Armstrong

Park Supervisors  
Kathleen Adduci Mark  
Taylor Armstrong Carrie

Bagg

**APPROVE YEAR END TRANSFERS**

Moved by Trustee Riley and seconded by Trustee Banker approving the Village Clerk-Treasurer transfer funds to the following accounts that were over-spent.

<u>AMOUNT</u>	<u>ACCOUNT TO</u>	<u>ACCOUNT FROM</u>
	A 1640.0426 Parts/Repairs Streets	A 1620.0405
Electricity	\$4,000.00	
	A 1640.0426 Parts/Repairs Streets	A 1620.0412. 121 Building
Maint	\$3,500.00	
	A 1640.0426 Parts/Repairs Streets	A 5182.0401 Street
Lighting	\$3,500.00	
	A 3310.0404 Sign Posts	A 5182.0401 Street Lighting
\$	550.00	
	A 5142.0402 Salt	A 5142.0202 2 Plows
\$	3,300.00	
	A 7110.0405 Parts & Repairs Parks	A 8170.0401 Deflector Brooms
\$	480.00	
	A 7110.0405 Parts & Repairs Parks	A 8170.0403 Gutter
Brooms	\$ 285.00	
	A 7110.0409 Ground Surface	A 8170.0403 Gutter
Brooms	\$ 865.00	
	A 7110.0409 Ground Surface	A 8170.0404 Repairs to Sweeper
\$	1,130.00	

**CARRIED**

4 Ayes 0 Nays

**POLICE CONTRACT APPROVED**

Moved by Trustee Banker and seconded by Trustee Sheehan approving Mayor Theodorakos to sign Police Contract. The term of the contract is June 1, 2010 through May 31, 2011.

**CARRIED**

4 Ayes 0 Nays

**RECESS**

Moved by Trustee Banker and seconded by Trustee Sheehan to recess at 6:40 PM until 7:00 PM.

**CARRIED**

4 Ayes 0 Nays

**RECESS OVER**

Moved by Trustee Riley and seconded by Trustee Banker to continue the Board Meeting at 7:00 PM.

**CARRIED**

5 Ayes 0 Nays

**PUBLIC HEARING**

Moved by Trustee Riley and seconded by Trustee Sheehan to reschedule the Public Hearing on the "Yard Waste Code" to June 23, 2010 at 7:00 PM.

**CARRIED**

5 Ayes

0 Nays

**RECOGNIZE PAST FIRE CHIEF**

The following resolution was proposed by Trustee Riley who moved its adoption and seconded by Trustee Sheehan:

Whereas, Eric Bradshaw served as Fire Chief for the Albion Fire Department for five years, from May 2005 through April 2010,

Whereas, Chief Bradshaw exemplified extraordinary dedication and leadership during his tenure as Chief,

Whereas, the Albion Village Board greatly appreciates Chief Bradshaw's contributions to the Albion Fire Department and the Village,

NOW, THEREFORE, BE IT RESOLVED that the Albion Village Board, on behalf of the Village of Albion, recognizes and thanks Eric for his services.

**CARRIED**

5 Ayes

0 Nays

Mayor Theodorakos also presented Eric Bradshaw with a plaque from the Board of Trustees thanking him for his dedication and leadership as Fire Chief during May 2005 through April 2010.

**FIRE DEPT STUDY**

Mr Kent Greene and Mr Todd LaDue from Emergency Services Consulting provided the Board of Trustees with the recently completed Fire Department Study.

**RESIDENT**

Ms Tami Martin of Caroline Street addressed the Board of Trustees about her sewer problem at the house she purchased. She feels the Village should dig up the road and determine who should take care of solving her sewer problem, the Village of Albion or herself. Mayor Theodorakos and Trustee Sheehan will obtain names of a couple of companies that have cameras to televise sewer lines to give to Ms Martin to call. If the problem she is having is the Village's fault, the Village will pay the company, if not she will be responsible for the charges.

Trustee Miller feels the Village should look at the Village of Medina's policy regarding charging residents to televise their lines for a nominal fee. The Village of Albion has the equipment. It was stated that the cost of the camera is very expensive and the Village shouldn't look at providing that service. Trustee Riley suggested that the Mayor write a letter after he talks to Ms Martin confirming the information that he gives her.

**DEPT HEAD**

Superintendent of the Water Treatment Plant, Kevin Miller gave the Board of Trustees an update on the Water Treatment Plant. He currently is looking at finding ways to reduce the price of electric. Mr Miller will contact the Town of Ridgeway and Town of Shelby to set up a meeting to discuss providing them with water. Trustee Banker and Trustee Sheehan will also be attending the meeting.

**APPROVE MINUTES**

Moved by Trustee Sheehan and seconded by Trustee Miller that in as much as each member received copies of the May 6, 2010 and May 12, 2010 minutes and there being no corrections or omissions minutes are hereby approved as written.

**CARRIED**

5 Ayes

0 Nays

**CORRES**

Correspondence received from Crown Castle asking the Village of Albion to sign agreement granting consent to Crown Castle for future co-locations, construction drawings, and/or modifications of equipment and any other consent requirements within their lease area. This would eliminate them having to get the Village of Albion's consent prior to entering sublease/collocation agreements. The Board of Trustees chose not to act on the request, and to leave the current agreement as is.

**HISTORIC BOARD APPOINTMENT**

Moved by Trustee Sheehan and seconded by Trustee Banker approving Mayor Theodorakos appointment of Linda K Smith to the Historic Preservation Commission for a term of two years. Ms Smith will fill the slot created when Mr Neil Johnson resigned in the middle of his term.

**CARRIED**

4 Ayes

0 Nays

Trustee Banker

Trustee Sheehan

1 Abstained

Trustee Riley

Trustee

Miller

Mayor Theodorakos

**COLUMBARIUM DISCUSSED**

Attorney Gavenda reviewed the documents from Cemetery Supervisor, Jason Zicari regarding Columbarium purchasing, rules/regulation and engraving. Under "Niches" he suggested that a document be signed by the individual purchasing the "Niche" stating there will be no refund if not paid in one year.

**MEETING ADJOURNED**

Moved by Trustee Banker and second by Trustee Riley that there being no further business, meeting is hereby adjourned 9:04 PM.

**CARRIED**

5 Ayes

0 Nays

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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## June 09, 2010: Regular Board Meeting

### Body:

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, June 9, 2010 at 7:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

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

### **FIRE FLIES**

Mr Walter Batt, Mr Mark Luft and Mr Michael Furness, representing the Albion Fire Flies described to the Board of Trustees what they are about. Mr Batt told the history of the Fire Flies and stated that they don't use tax dollars. All the equipment is paid for by them. You do have to be an active member of the Albion Fire Department to belong to the Fire Flies. In the future they would like to see a 300' water line installed at their track which is located at the old Albion Fair Grounds.

### **RESIDENT**

Received a request from Crimson Heights Apartments asking the Board of Trustees to forgive the penalties on their latest water/sewer bills. The Board of Trustees decided not to act on request. The penalty amounts will stay on their accounts.

### **DEPARTMENT HEAD**

The Clerk-Treasurer requested the Board of Trustees to address a tampering charge of \$1,000.00 that has not been paid. Also, requested the Board of Trustees address a water/sewer bill left by a property owner for \$5,839.96. Mayor Theodorakos asked Attorney Gavenda what recourse the Village has when residents don't pay their bills. Attorney Gavenda will set up a meeting with the County Attorney and whoever else he feels should attend to discuss. Attorney Gavenda will also contact the Village of Medina Attorney to see what their municipality does in these cases and also check into taking legal action against individuals who leave unpaid bills at a residence when they move. Moved by Trustee Sheehan and seconded by Trustee Miller approving the Clerk-Treasurer removed the \$1,000.00 tampering fee from the Village books.

### **CARRIED**

4 Ayes

0 Nays

### **APPROVE MINUTES**

Moved by Trustee Sheehan and seconded by Trustee Miller that in as much as each member received copies of the May 24, 2010 and May 26, 2010 minutes and there being no corrections or omissions minutes are hereby approved as written.

**CARRIED**

4 Ayes

0 Nays

**ACCEPT TREASURERS REPORT**

Moved by Trustee Sheehan and seconded by Trustee Miller accepting the Treasurer's Report for May 2010.

**CARRIED**

4 Ayes

0 Nays

**APPROVE PAYMENT OF BILLS**

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

	General Fund	voucher #6462	
\$17,657.35			
	Water Fund	to #6513	\$
8,387.92			
	Sewer Fund		\$
4,623.02			

**CARRIED**

4 Ayes

0 Nays

**APPROVED PAYMENT OF CHATFIELD BILLS**

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

	Planning Board Services	98-330-
19	\$ 124.00	
	McKinstry Street Storm Sewer	09-944-
9	\$ 1,590.30	
	Meadowbrook Drive Water Main Replacement	09-951-
8	\$ 175.00	
	Water System Capital Improvement Plan	09-943-
9	\$ 2,495.00	
	Green Project Initiative	10-976-
3	\$ 156.00	
	Meadowbrook Road Reconstruction	09-952-
6	\$ 175.00	
	2007 Sanitary Sewer Improvements	16-765-
33	\$ 5,897.60	

**CARRIED**

4 Ayes

0 Nays

**APPROVE PAYMENT TO DONEGAN**

Moved by Trustee Miller and seconded by Trustee Sheehan approving payment to Bernard P Donegan Inc for professional services in the amount of \$321.26.

**CARRIED**

4 Ayes

0 Nays

**APPROVE PAYMENT TO DAVID LIPPITT**

Moved by Trustee Sheehan and seconded by Trustee Banker approving payment to David W Lippitt, Esquire for services rendered in the amount of \$470.00.

**CARRIED**

4 Ayes

0 Nays

**APPROVE PAYMENT TO SERGI**

Moved by Trustee Miller and seconded by Trustee Sheehan approving

Mayor

Theodorakos to sign payrolls and the payment of Pay Estimate #12 of \$236,664.99 to Sergi Construction. The project is 66% completed as of May 28, 2010.

**CARRIED**

4 Ayes

0 Nays

**APPROVE CEMETERY DEEDS:**

Moved by Trustee Sheehan and seconded by Trustee Banker approving Mayor Theodorakos to sign the following Cemetery Deed:

Stacy Balthrop

S.G. 433 Zephyr Avenue

**CARRIED**

4 Ayes

0 Nays

**ACCEPT APPLICATIONS**

The following applications were received, accepted and will be placed on file for future reference:

Park Supervisors

Kevin B Howard

**NEW FIRE DEPT MEMBERS**

Moved by Trustee Sheehan and seconded by Trustee Miller approving the following as new members into the Fire Department:

David M Mogle and Thomas W Snyder

**CARRIED**

4 Ayes

0 Nays

**K9 AGREEMENT**

Moved by Trustee Miller and seconded by Trustee Banker approving Mayor Theodorakos to sign the K9 agreement as prepared by Attorney Gavenda.

**CARRIED**

4 Ayes

0 Nays

**REQUEST - HILLCREST HOMES**

Moved by Trustee Sheehan and seconded by Trustee Banker authorizing Mayor Theodorakos to sign the Application for Approval of Plans for a Waste Water Disposal System for Hillcrest Homes as submitted by Metzger Civil Engineering.

**CARRIED**

4 Ayes

0 Nays

**APPROVE NYSDEC MODIFICATION**

Move by Trustee Miller and seconded by Trustee Banker authorizing Mayor Theodorakos to sign the "Fourth Order of Modification" for the State of New York and State Pollutant Discharge Elimination System (SPDES) Permit # NY-0028401.

**CARRIED**

4 Ayes

0 Nays

**PURCHASE OFFER**

Discussion on approving Mayor Theodorakos to sign the purchase offer for 19 North Main Street for \$12,500.00. Mayor Theodorakos stated he has concerns and would like a little more time to do research. There was a discussion on doing a parking study, checking into the demolition cost and getting inside the building to see what damage there is.

Moved by Trustee Miller and seconded by Trustee Banker to authorize Mayor Theodorakos to sign the purchase offer agreement for 19 North Main Street in the amount of \$12,500.00.

**CARRIED**

2 Ayes  
Trustee Miller

2 Nays  
Trustee

Sheehan

Trustee Banker  
Mayor

Theodorakos

Motion didn't carry as there wasn't a majority vote.

Ms Sue Starkweather, from the Albion Central School District stated that maybe the students could do the study for part of their community service projects. Mayor Theodorakos will send information to Ms Starkweather for her to review.

#### **STUDENTS PRESENT RESULTS OF COMPREHENSIVE PLAN STUDY**

Students from the Albion Central School District provided the Board of Trustees the results from the comprehensive study. The students had 467 surveys to review. The last Comprehensive Plan was completed in 1996 and should be review every 5 years. The students did an excellent job compiling the information together.

#### **SWAN LIBRARY REQUEST**

Moved by Trustee Banker and seconded by Trustee Sheehan approving Swan Library's request to close West State Street to traffic between Main Street and Liberty Street on the following dates for programs they will be holding:

June 29<sup>th</sup> 4:00 PM - 8:00 PM

August 26<sup>th</sup> 4:00 PM - 8:00 PM

**CARRIED**

4 Ayes  
0 Nays

#### **CORRES**

Correspondence received from USDA regarding the Pre-Eligibility Determination Notification for the Wastewater Treatment Plant Upgrade. Mayor Theodorakos will send a letter stating that the Village of Albion isn't interested at this time.

#### **CORRES**

Correspondence received from Stuart I Brown Associates regarding funding availability for the New York State Community Development Block Grant Community Planning Program (NYS CDBG).

#### **FIRST NIAGARA BANK AGREEMENT**

Tabled authorizing Mayor Theodorakos to sign the Collateral Pledge and Control Agreement with First Niagara Bank until the June 23, 2010 meeting. The Village Clerk-Treasurer will contact First Niagara asking for a written explanation of what the agreement is for and why it's being required.

#### **E-MAIL POLICY**

Moved by Trustee Sheehan and seconded by Trustee Banker approving the new computer use/e-mail policy as prepared by Attorney Gavenda with one addition, adding "computer" to the language where applicable. Village Clerk-Treasurer will contact Integrated Systems to get the disclaimer added to the end of all the Villages e-mails.

**CARRIED**

3 Ayes  
Trustee Sheehan  
1 Nay  
Trustee

Miller

Trustee Banker  
Mayor Theodorakos

#### **MEDIATOR MEETING**

Mayor Theodorakos stated that the meeting with the mediator from the Public Employees Relation Board will be around the last week of July.  
**GRANT FOR BULLARD PARK**

Discussion on applying for a grant to do improvements to Bullard Park. Trustee Miller feels there is not enough time to submit an application this year as the deadline is due in July. He feels that the parties involved should start working on it for next year's application. The application is available on line and the appropriate parties will review it.

**MEETING CLOSED**

Moved by Trustee Banker and second by Trustee Miller that there being no further business, meeting is hereby adjourned at 9:27 PM.

**CARRIED**

4 Ayes

0 Nays

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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**June 23, 2010: Workshop Meeting**

**Body:**

The Workshop Meeting of the Board of Trustees of the Village of Albion was held Wednesday, June 23, 2010 at 6:00 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

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

**CLARENDON STREET BRIDGE**

Discussion on the Clarendon Street Bridge Project. Mr Chris Sheridan from NYS Department of Transportation provided the Board of Trustees two different scenarios the Village could pursue. The Board of Trustees would like a few questions answered before determining what to do. Mayor Theodorakos will contact Kevin Miller, from Bergmann Associates, with a list of questions and invite him and Mr Sheridan to a future Board Meeting.

**ADOPT RESOLUTION**

Moved by Trustee Riley and seconded by Trustee Banker authorizing Mayor Theodorakos to sign the easement with the Albion Central School District regarding the Village's storm water and sanitary lines as submitted by Attorney Gavenda.

**CARRIED**

5 Ayes                      0 Nays

**APPROVE MINUTES**

Moved by Trustee Banker and seconded by Trustee Sheehan that in as much as each member received copies of the June 9, 2010 minutes and there being no corrections or omissions minutes are hereby approved as written.

**CARRIED**

5 Ayes                      0 Nays

**APPROVED EAP PROGRAM**

Moved by Trustee Riley and seconded by Trustee Banker authorizing Mayor Theodorakos to sign the contract for the Employee Assistance Program (EAP) for the period of July 1, 2010 through June 30, 2011.

**CARRIED**

5 Ayes                      0 Nays

**POLICIES**

Trustee Riley and Trustee Banker will work on the Sexual Harassment and Violence in the Work Place Polices. The Employees Assistance

Program (EAP) will be doing the training.

**APPROVED COLLATERAL AGREEMENT**

Moved by Trustee Sheehan and seconded by Trustee Miller authorizing Mayor Theodorakos to sign the Collateral Control Agreement with First Niagara Bank.

**CARRIED**

5 Ayes

0 Nays

**APPROVED KEELER AGREEMENT**

Moved by Trustee Sheehan and seconded by Trustee Miller authorizing Mayor Theodorakos to sign the agreement with Keeler Construction for the McKinstry Street Storm Sewer Project. The contract amount is \$360,084.00.

**CARRIED**

5 Ayes

0 Nays

**APPROVED POCONO MOHAWK CONSTRUCTION**

Moved by Trustee Riley and seconded by Trustee Miller authorizing Mayor Theodorakos to sign the job proposal from Pocono Mohawk Construction Company for the removal and replacement of the existing railroad crossing on McKinstry Street for \$31,400.00.

**CARRIED**

5 Ayes

0 Nays

**APPROVED GHI CONTRACT**

Moved by Trustee Sheehan and seconded by Trustee Riley authorizing Mayor Theodorakos to sign the contract from Emblem Health, formally GHI, for the period of September 1, 2010 through August 31, 2011. There will be a 0% rate adjustment for that period.

**CARRIED**

5 Ayes

0 Nays

**APPROVED REAL LEASE PROPOSAL**

Moved by Trustee Riley and seconded by Trustee Sheehan authorizing Mayor Theodorakos to sign the Municipal Lease Purchase Proposal from Real Lease for the purchase of a 2011 Chevy Truck for the Albion Fire Department. The cost of the vehicle is \$41,635.93 and will be leased for six years.

**CARRIED**

5 Ayes

0 Nays

**PUBLIC HEARING**

Mayor Theodorakos opened the Public Hearing at 7:00 PM to consider changes to the Code of the Village of Albion establishing the rules and regulations with respect to the collection of brush and tree parts produced by owners, occupants and contractors.

The following was discussed:

If there was a storm and the property owner had a few branches down, what would the contractor do with them?

Opening the Village dump site on Saturdays

Still having a Spring and Fall pick up

Contractors leaving the debris at the curb for the Village to take care of

**PUBLIC HEARING CLOSED**

Moved by Trustee Miller and seconded by Trustee Banker that in as much as everyone who wished to speak regarding establishing the rules and regulations with respect to the collection of brush and tree parts produced by owners, occupants and contracts were heard, the Public Hearing is hereby closed at 7:13 PM.

**CARRIED**

5 Ayes 0 Nays

**PUBLIC HEARING RE-OPENED**

Moved by Trustee Miller and seconded by Trustee Banker to re-open Public Hearing at 7:14 PM.

**CARRIED**

5 Ayes 0 Nays

**PUBLIC HEARING TABLED**

Moved by Trustee Riley and seconded by Trustee Miller adjourning the Public Hearing at 7:17 PM, on establishing the rules and regulations with respect to the collection of brush and tree parts produced by owners, occupants and contracts until the July 28, 2010 Workshop Meeting.

**CARRIED**

5 Ayes 0 Nays

**PARKING STUDY**

Ms Katelin Olson from the Albion Main Street Alliance (AMSA) provided the Board of Trustees with the parking study that was done for the period on June 15<sup>th</sup> through June 23<sup>rd</sup>. There was a discussion on the spaces available and whether there is a need for more.

**PURCHASE OFFER**

Moved by Trustee Miller and seconded by Trustee Riley authorizing Mayor Theodorakos to sign the purchase offer of \$12,500.00, as provided by Attorney Gavenda, for 19 North Main Street.

**CARRIED**

5 Ayes 0 Nays

Mayor Theodorakos stated that he would have like to have waited for the cost of demolishing the building.

**RESIDENT**

Mr Jerry D'Andrea asked the Board of Trustees when his sidewalk would be taken care of. It was noted that his sidewalk would be replaced by the end of the year. The Superintendent of Public Works, Dale Brooks will also look at the catch basin problem by his home.

**CORRES**

Chatfield Engineers provided a copy of the correspondence he had sent NYS DEC regarding the JMIPCF SPDES Permit NY-0028401. Discussion on the \$100,000 grant the Village received to help owners off-set the cost of repairs for their illegal connections into the Village system. When the Board of Trustees decides on the amount, Chatfield Engineers will do letters to the property owners and inform them of the amount the Village of Albion will offer to help defray the cost.

**APPROVE ABSTRACT**

Moved by Trustee Riley and seconded by Trustee Miller approving the Village of Albion cover the cost of an abstract for 19 North Main Street.

**CARRIED**

4 Ayes 1 Nay  
Trustee Riley Trustee

Banker

Trustee Miller

Trustee Sheehan  
Mayor Theodorakos

**APPROVED AMENDMENT ENGINEER SERVICES**

Moved by Trustee Miller and seconded by Trustee Sheehan authorizing Mayor Theodorakos to sign the Amendment to the Owner-Engineer Agreement for the Sanitary Sewer Project as submitted by Chatfield Engineers from \$75,000 to \$94,000.

**CARRIED**

5 Ayes 0 Nays

**HPC REQUEST**

Moved by Trustee Riley and seconded by Trustee Sheehan approving \$500.00 from the Mayor's schooling budget be used for the Historic Preservation Board to mail letters to the properties in the new Historic District that is being created.

**CARRIED**

4 Ayes 1 Nays  
Trustee Riley Trustee

Miller

Trustee Sheehan  
Trustee Banker  
Mayor Theodorakos

**REQUEST**

Received a request from Ms Lorienda Smith representing the Albion BizKids Program. They would like to sell lemonade in the downtown area on Friday, July 2, 2010 from approximately 12:00 PM to 1:30 PM. The Board of Trustees doesn't have any concerns with the request.

**SALARY REVIEW POLICY**

Moved by Trustee Riley and seconded by Trustee Banker approving the Salary Review Policy as submitted.

**CARRIED**

5 Ayes 0 Nays

**CORRESPONDENCE**

Correspondence received from Ms Jean Johnston regarding the work being done on Meadowbrook Drive. Mayor Theodorakos stated that there will be a job meeting on June 24, 2010 to get the latest update on the project. Chatfield Engineers will be doing a newsletter that will be sent to the residents on Meadowbrook Drive and Clover Lane. Trustee Miller inquired if the job meetings for the McKinstry Street Storm Sewer Project with Keeler Construction could be held at 7:00 AM.

**EXECUTIVE SESSION**

Moved by Trustee Miller and seconded by Trustee Sheehan to adjourn to executive session for contract, public health and safety issues at 8:41PM.

**CARRIED**

5 Ayes 0 Nays

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Banker and seconded by Trustee Sheehan to come out of executive session at 8:55 PM.

**CARRIED**

5 Ayes 0 Nays

**MEETING ADJOURNED**

Moved by Trustee Riley and second by Trustee Miller that there being no further business, meeting is hereby adjourned 8:56 PM.

**CARRIED**

5 Ayes

0 Nays

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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**March 25, 2010: Histroic Preservation Board**

**Body:**

VILLAGE OF ALBION  
HISTORIC PRESERVATION COMMISSION

**March 25, 2010**

Meeting Minutes

**PRESENT:**

Commission Members: Louis Becker, Andrea Rebeck, Neil Johnson, Matthew Ballard Aric Albright Mariadele Theodorakos ( via cell phone )

Village of Albion: Mayor Theodorakos

**CALL TO**

The meeting was called to order at 7:00 pm by Loius Becker

**ORDER  
ADJUST**

Pledge of Allegiance and introductions followed.  
Add: Public comment - no one spoke at this time

**AGENDA**

**MINUTES**

A motion was made by Matthew Ballard, seconded by

**APPROVED**

Andrea Rebeck , to approve the minutes of the February 16, 2010 meeting as written.

**Motion passed unanimously**

**OLD**

discussed.

The property located at 125 Liberty was

**BUSINESS:**

Mariadele expressed concern over whether or not the property owner was making a "good faith effort" to sell or maintain the property. There was no

action taken

by the HPC at this time.

**NEW**

New Chair: The HPC will require a new chair.

Louis Becker

**BUSINESS :**

is currently "acting" chair. Lou stated that he could

give a

list of possible candidates to the Mayor. It was

decided that

an ad would be placed in the Lake Country

Pennysaver for

individuals interested in becoming HPC members.

Lou will

work with the Mayor to write an ad with the right

criteria. The

ad will be placed in the next available

Pennysaver.

**COA:**  
application

**20 S. MAIN ST**

represent the

addition done

and

The Christ Episcopal Church submitted a COA for the demolition of a rear "outhouse" extension which had been damaged. No one was present to represent the church. There was an unauthorized demolition of this addition done at some point between Saturday, March 20, 2010 and Sunday, March 21, 2010.

Mayor Theodorakos informed the commission that the Village did not authorize a demolition. He stated that he had spoke with members of the church and they were fully aware of the process for a COA. He believed that they had planned to attend the meeting and follow the process. He was surprised to see that the addition had been removed over the weekend. He also stated that he believed that the church had now obtained an attorney. The Mayor said that he spoke with Julian Adams about the situation. Julian recommended the church be cited for not obtaining the proper COA. Julian informed the Mayor that the HPC could require a rebuild, but it would not be practical. He stated that the back wall of the building would need to be repaired as soon as possible to prevent further damage to the structure. Andrea Rebeck stated that not obtaining the proper permit for a demolition violated the NYS Fire Protection & Building Code. She stressed the dangers involved in this situation. She felt that they should be cited for the violation of the Fire Protection and Building Codes.

Andrea also told the HPC that she had met with Cora Goyette, of Christ Church several times. She said that she informed her and other church representatives of the options to remedy the damaged part of the structure. She said that there were other options available - not just demolition. Andrea said that if bricks were salvaged from the demolition they could be used to repair the back wall.

She believes other failed COA applications have led to this current situation.

All members agreed that a message needs to be sent to the community by the HPC and the Village Board.

Neil Johnson told the HPC that he had spoke to Kevin Doherty several months ago regarding what

the proper procedure would be to remove the rear part of the building. The conversation took place prior to the most recent damage. Neil said that was the last he heard from Mr. Doherty. He mentioned that the church originally purchased this building to maintain parking spaces. The majority of the church's available funds are tied up in the repair of their bell tower.

Since the demolition had already occurred, there was no motion necessary from the HPC. The situation is in the Village Board's hands now.

Mayor Theodorakos informed the HPC that he would be meeting with the Village attorney and representatives of Christ Church in the near future. He asked the commission members if anyone would like to attend. He will contact Lou Becker prior to the meeting.

**COAs:  
had  
48 N MAIN ST**

First Niagara Bank located at 48 North Main Street

previously applied for a COA for a new sign to be located in front of the building. The sign was approved by the HPC with revisions. The revisions needed to be submitted to the Code Enforcement Officer prior to the installation of the sign.

The sign has since been installed. It is the belief of the HPC that the sign is not the one that they approved. The chair will check with Code Officer Vendetti to make sure that he did receive the proper paperwork.

The HPC would like the Village Code Officer to cite First Niagara Bank for doing the work without obtaining the proper COA.

First Niagara Bank also submitted a COA for repair of columns on the front of their building back in January. The COA application had been "tabled" pending more information from the contractor. To date, no one from the HPC has heard anything else. There is plywood surrounding the columns at this time to protect them from the elements.

Mayor Theodorakos suggested that the Chair of the HPC speak to Code Officer Vendetti, and possibly the contractor who is working on the columns.

**COA**

Mayor Theodorakos inquired about the status of the COA

**UPDATE**

for the back of 121 North Main Street. The HPC explained

**121 N MAIN ST**

that Simbari Design needed to present the revised plan.

The mayor suggested that members of the HPC attend the

Village meeting on 4/16/10. He stated that Mr.

Chatfield would be there and they could discuss the status with him then. Andrea stated that the design was submitted to SHPO and approved. It just needs to be returned to the HPC for a final review. Mayor Theodorakos told the HPC that he would make sure Mr. Chatfield got the required information to them.

**COA**

The Village of Albion submitted a COA application for the

**108 N. PLATT ST**

the side gable ends of the firehall. Superintendent of Public Works Dale Brooks was present on behalf of the Village.

The firehall is not a historic structure but falls within the district. The samples that were submitted for review were vinyl and metal. The HPC maintains a practice of "no vinyl" in the historic district. The metal sample that was submitted was small. The HPC would like to see a larger sample of the product the Village would like to use. The application was "tabled" until a better sample is submitted.

**PROJECTS:**

working on.

There are several projects the HPC is currently

Economic

These include the revised COA application, an

Form.

Hardship Form and Local Landmark Designation

designation

Neil redistributed a copy of a model landmark

complex

form. Andrea stated that economic hardship is a

"form" for

process and it would not be practical to create a

hardship.

**ADJOURN:**

by Neil

A motion was made by Aric Albright and seconded

Johnson to adjourn the meeting at 8:19 pm.

**Motion passed unanimously**

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**April 20, 2010: Historic Preservation**

**Body:**

VILLAGE OF ALBION  
HISTORIC PRESERVATION COMMISSION

**April 20, 2010**

Meeting Minutes

**PRESENT:** Commission Members: Louis Becker, , Neil Johnson, Matthew Ballard and Aric Albright

**ABSENT:** Mariadele Theodorakos and Andrea Rebeck  
Village of Albion: Trustee Banker,

**Code Enforcement Officer Scott Bradshaw**

**CALL TO** The meeting was called to order at 7:01 pm by  
Loius Becker

**ORDER** Pledge of Allegiance and introductions followed.  
**ADJUST** None

**AGENDA**

**MINUTES** A motion was made by Aric Albright, seconded by  
**APPROVED** Neil Johnson , to approve the minutes of the March  
25, 2010 meeting as written.

**Motion passed unanimously**

A motion was made by Aric Albright, seconded by Neil Johnson to approve the minutes of the  
Special Meeting

held on April 6, 2010.

**Motion passed**

**3 Ayes**                      **1 Nay - Matthew Ballard**  
None

**PUBLIC**  
**COMMENT:**

**COA** Thomas Johnson addressed the HPC on behalf of  
First  
**48 N. MAIN ST** Niagara Bank. A COA application was previously  
submitted  
for repair of the column bases on the front of the  
building.

Mr.

"lifting"

The existing bases are plywood and have rotted.  
Johnson told the HPC that there was discussion of  
the columns as part of the repair - the columns are  
load bearing. There is concern for moisture to get in

- causing more rot if this repair is done improperly. There is not enough money budgeted for this type of repair. After some discussion about the best way to remedy this situation, a motion was made by Aric Albright, seconded by Neil Johnson to allow First Niagara Bank to proceed with their COA as presented - repairing the column bases and replacing the dry rotted wood.

### **Motion passed unanimously**

**CANAL** Katelin Olson of AMSA addressed the HPC concerning a  
**GAZEBO** "temporary sign" she would like to place on the gazebo near  
**TEMP SIGN** the Fire Hall for boaters on the canal. The banner would be  
6 ft by 6 ft. and would be attached to the west  
side of the  
gazebo. The colors selected were yellow and  
maroon. It would only be lowered during bad  
weather and would be used only during the boating  
season.  
Aric Albright and Scott Bradshaw suggested  
removing the banner during non-attended hours due  
to vandalism.  
A motion was made by Neil Johnson, seconded  
by Aric  
Albright to approve the installation of a temporary  
banner on  
The west side of the gazebo.  
**Motion passed anonymously**

**COA** Thomas Simbari addressed the HPC on the façade project  
**121 N MAIN ST** for the Visitor's Center located at 121 North Main  
**Street.**  
This project had come before the HPC several  
months ago.  
At that time, the project was referred to SHPO for  
review.  
Mr. Simbari went over all of the changes that were  
made at  
SHPO's suggestion. He told the HPC that SHPO  
left the  
color choices up to them. Mr. Simbari said that the  
designs  
would try to hide electric and drainage. He also  
said that he  
would make an attempt to salvage any Medina  
sandstone

brick that was there for reuse. He told the HPC that the would be matched as closely as possible and presented samples. He said the main entrance door would be mahogany, the rest room doors would be stained to "look like" mahogany but would be metal doors.

A motion was made by Neil Johnson, seconded by Matthew Ballard to approve the COA for the façade at 121 North Main Street as revised and presented by Mr. Simbari.

### **Motion passed unanimously**

**COA**  
for repair  
**108 PLATT ST**  
Superintendent

but was not  
spoke on  
Village  
original

A COA had previously been presented to the HPC to the side gable ends of the firehall. DPW

Dale Brooks had previously addressed the HPC present today. Code Officer Scott Bradshaw behalf of Mr. Brooks. He told the HPC that the would put up whatever the HPC decided on. The

proposed metal covering was vertical. The HPC would like to see horizontal 26 gauge metal siding - preferably brick red.

Aric  
siding and

A motion was made by Neil Johnson, seconded by Albright to deny the original COA with the vertical makes a recommendation for horizontal (26 gauge) siding instead.

### **Motion passed unanimously**

**PROJECTS:**  
owners  
fairly sure  
were no  
boundaries.  
important.  
through

Katelin Olsen told the HPC that downtown business owners had applied for money through AMSA. She is fairly sure that #4 and #6 will each receive funding. There were no further updates at this time. Neil Johnson brought up the Historic District boundaries. He stated that establishing the boundaries was important. He also commented that getting a public hearing through might be difficult.

**ADJOURN:**  
Aric

A motion was made by Neil Johnson, seconded by

Albright to adjourn the meeting at 8:40pm.

**Motion passed unanimously**

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## May 18, 2010: Historic Preservation Board

### Body:

VILLAGE OF ALBION  
HISTORIC PRESERVATION COMMISSION

**May 18, 2010**

Meeting Minutes

**PRESENT:** Commission Members: Louis Becker, Neil Johnson, Matthew Ballard , Aric Albright, Mariadele Theodorakos Andrea Rebeck and Jordan Bonafede  
Village of Albion: Mayor Theodorakos  
Code Officer Scott Bradshaw

**CALL TO** The meeting was called to order at 7:04 pm by Loius Becker  
**ORDER** Pledge of Allegiance and introductions followed.  
**ADJUST** None

### AGENDA

**MINUTES** A motion was made by Matthew Ballard, seconded by  
**APPROVED** Aric Albright , to approve the minutes of the April 20, 2010 meeting as written.  
**Motion passed unanimously**

**PUBLIC COMMENT:** None

### OLD BUSINESS:

**108 N. PLATT ST** The HPC had previously denied a COA application to install

vertical siding on the gable sides of the building and recommended horizontal (26 gauge) siding instead. There was some discussion about suggesting cement clapboard siding. Lou Becker stated that he had called the DPW Superintendent Dale Brooks about this change but he had not heard back from him yet. At this time, no one on the HPC objects to the original recommendation - as the building is not historic.

**25 E. BANK ST** The HPC discussed the COA that had been submitted by Beth Giordano for window replacement at 25 East Bank Street. Katelin Olson

**105/107 N. MAIN**

of AMSA stated that a grant for \$500.00 was awarded to Ms. Giordano. The work needs to be completed within 6 months. The HPC should expect to hear from Ms. Giordano soon.

The HPC would like to obtain a possible "finish date" for the work being done at 105/107 North Main Street. To date, the work is not complete. Andrea asked if the building was in compliance at this time. Scott Bradshaw stated that he would get a copy of the building permit - if there is one and check the date of issuance.

**NEW BUSINESS:**

**DISTRICT**

district.

**BOUNDARIES:**

Jordan

be

The HPC formed a committee to develop the historic

The committee will consist of Matthew Ballard,

Bonafede and Neil Johnson. Andrea Rebeck will

available as a resource, if needed.

The HPC felt that the Village attorney should be available during the committee meetings. He should also be attending regular monthly meetings whenever possible.

Katelin Olson of AMSA told the HPC that there is a list started of all properties that should be included in the downtown historic district but their list does not include the Courthouse Square.

It was noted that if the HPC proposes a district no permits will be issued within that area until the district is formed. A notice would need to be placed in the legal newspaper - The Batavia Daily News. Andrea Rebeck suggested the HPC obtain photos of each of the buildings to be included in the district. These photos should be available at the public hearing to establish the district. They could eventually be made into a photobook to be kept on file for HPC use.

**LETTER OF**

of

**INTEREST**

on the

Mayor Theodorakos presented the HPC with a letter

of interest from Linda Smith to fill the vacant position

would be

**Commission.** All of the members agreed that she

a valuable asset.

**ADJOURN:**

A motion was made by Andrea Rebeck, seconded by Jordan Bonafede to adjourn the meeting at 8:15 pm.

**Motion passed unanimously**

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**June 15, 2010: Historic Preservation Board**

**Body:**

VILLAGE OF ALBION  
HISTORIC PRESERVATION COMMISSION

**June 15, 2010**

Meeting Minutes

**PRESENT:**

Commission Members: Louis Becker, Matthew Ballard , Aric Albright, Mariadele Theodorakos ,Jordan Bonafede and Linda Smith

Village of Albion: Mayor Theodorakos  
Attorney John Gavenda

**CALL TO**

The meeting was called to order at 7:02 pm by Louis Becker

**ORDER  
ADJUST**

Pledge of Allegiance and introductions followed.  
None

**AGENDA**

**MINUTES**

A motion was made by Matthew Ballard, seconded by

**APPROVED**

Jordan Bonafede , to approve the minutes of the May 18, 2010 meeting with the following corrections:

- Remove Dele and Neil from "present"
- Correct the spelling of "Loius" to "Louis"

**Motion passed unanimously**

**PUBLIC  
COMMENT:**

None

**OLD BUSINESS:**

**108 N. PLATT ST**  
to

Lou stated that he had dropped off some information

hasn't

Dale Brooks about siding options, to date, he

heard back from him.

**105/107 N MAIN**

The HPC had inquired about the issuance of a building permit for 105 & 107 North Main St. PT Code Officer Scott Bradshaw was going to check on the status/ expiration - if one was issued. The HPC has not heard back from Mr. Bradshaw.

**NEW BUSINESS:**

**COMP. PLAN  
Plan Survey  
SURVEY**

The HPC was informed that the Comprehensive recently sent to Village and Town of Albion residents reported favorable results for the continuation of preservation efforts in Albion.

**DISTRICT**

A handout was distributed to Commission members showing the suggested district to be adopted. A motion was made by Jordan Bonafede, seconded by Mariadele Theodorakos to issue a notice of proposed designation of the listed tax map parcels, as presented - coinciding with the corrected map and including the Erie Canal and all of its right of ways in the Village of Albion.

Ayes:

Nays

Abstain

Louis Becker

Aric Albright

Linda Smith

Matthew Ballard  
Jordan Bonafede  
Mariadele Theodorakos

The HPC discussed legal notification to property owners within the district. Attorney Gavenda stated that a legal notice would need to be placed in the Village's official newspaper. He also said that individual letters to the property owners would need to be sent by registered/certified mail.

A motion was made by Jordan Bonafede, seconded by Matthew Ballard that if the funds are made available, certified letters be sent to each property owner, along with return receipt notification.

**Motion passed unanimously**

Katelin Olsen of AMSA suggested the HPC ask to be on the agenda for the next Village board meeting (workshop) to request the funding.

Mariadele Theodorakos to ask the Village Board to re-appropriate \$900.00 in funding to cover the cost of mailing notices to the downtown property owners.

**Motion passed unanimously**

The wording of the notice was discussed during the meeting. Linda Smith stated that she would work on the letter to be sent to the property owners and email it to the

HPC members for comment/review. This will be available by the Special meeting to be held on June 24, 2010.

Mayor Theodorakos suggested that the HPC compile information for a public hearing. He suggested including the benefits of a CLG, the accomplishments of the historic district and the possibility of grant funding for property owners in the district. He also recommended speaking to Julian Adams for assistance. Lou said he would contact Julian.

**ADJOURN:**

A motion was made by Mariadele Theodorakos, seconded by Matthew Ballard to adjourn the meeting at 8:28 pm.

**Motion passed unanimously**

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**June 24, 2010: Historic Preservation Board**

**Body:**

VILLAGE OF ALBION  
HISTORIC PRESERVATION COMMISSION

**June 24, 2010**

Special Meeting Minutes

**PRESENT:**

Commission Members: Louis Becker, Matthew Ballard , Aric Albright and Linda Smith  
Jordan Bonafede (arrived at 4:28pm)  
Village of Albion: CEO Vendetti

**CALL TO**

The meeting was called to order at 4:15 pm by Louis Becker

**ORDER  
ADJUST**

Pledge of Allegiance followed.  
None

**AGENDA**

**LETTER**

Linda Smith had drafted the letter to property owners

**TO**

informing them that their property was to be included in

**PROPERTY**

the historic district. Members reviewed the letter.

**OWNERS**

CEO Vendetti addressed the commission. He informed them that he was again responsible for overseeing the HPC and asked that they please keep him informed .

Discussion followed about the method of mailing the letters. The law states that the letters need to be sent by *registered* mail. The cost per letter would now be \$11.94. Ron stated that once the notice for the proposed district was done - no further building permits would be issued for the district area however, regular property maintenance would still be allowed.

Julian

Lou stated that he was still waiting to hear from

for the

Adams about possible assistance with the funding

letters.

Ron said that his office would do the letters, folding, stuffing and postage. He said he would like advance notice so that he could free up some time on his secretary's schedule.

The HPC discussed a return receipt for the letters being sent. An additional cost of \$2.30/letter would

be incurred. This receipt is not required by the current law. The cost per letter would now be \$14.24.

**REQUEST**

A motion was made by Aric Albright, seconded by

**FOR FUNDS**  
additional

Jordan Bonafede to ask the Village Board for an

\$1500.00 in funding to cover the additional expenses incurred to notify property owners that their property is in a proposed district, as defined in the Village of Albion's Historic Preservation Law.

**Motion passed unanimously**

**LETTER/**  
Vendetti  
**EMAIL**  
owner's

The format of the letter was again discussed. CEO will try to use mail merge to place each property name on the letter ( making it more personable ). He also said he would try to set the HPC up with an email account - he will add the Village's address and his phone number for contact info.

He also  
account -  
number for

**PUBLIC**

The process for a public hearing was discussed. There was

**HEARING**  
in the  
attend. There  
at the  
will check  
available.  
in the  
the  
anyone wishing  
should be set  
should still  
a

some concern that there might not be enough room in the Village Board Room for everyone wishing to attend. There was discussion about using the Large Group Room at the Albion High School to hold the hearing. Jordan will check with Michael Bonafede to see what dates might be available. The HPC Law states that notice must be publicized in the Village's legal paper no less than 15 days prior to the hearing. Ron suggested a sign up sheet for anyone wishing to speak. He stated that a 5 minute maximum per speaker. The HPC also felt that those who could not attend should still be able to express their opinion. Members felt that

could not

**ADJOURN:**  
Aric

notarized letter could be submitted by those who

attend the hearing.

A motion was made by Linda Smith, seconded by

Albright to adjourn the meeting at 5:33pm.

**Motion passed unanimously**

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## May 19, 2010: Planning Board

### Body:

Village of Albion  
Planning Board

### May 19, 2010 MEETING MINUTES

**PRESENT:** Members: Clifford Thom, John Andrews, Steven Corrigan  
Daniel Gleason and Steven Watkins  
Ronald Vendetti, Code Enforcement Officer

Clifford Thom opened the meeting at 7:00 pm with the  
Pledge of Allegiance

**APPROVAL** Moved by John Andrews and seconded by Steve Watkins,  
that

**OF** in as much as each member received copies of the  
minutes from  
**MINUTES** the January 20, 2010 meeting, and being that there were no  
errors or omissions, the minutes are hereby approved as  
submitted.

**Motion passed unanimously**

**CHAIR** A motion was made by Dan Gleason, seconded by Steve  
Watkins

to re-appoint Cliff Thom as chair of the Planning Board .

**Motion passed unanimously**

The meeting date will stay the same: 3<sup>rd</sup> Wednesday of the  
month  
at 7:00 pm.

**301 WEST** Eric Schoff of Marathon Engineers addressed the board  
concerning

**AVENUE** the expansion of the rear parking lot located at 301 West  
Avenue -

Oak Orchard Health Center. The expansion would add a  
net of 10  
new parking spaces to be utilized by the staff.

The board addressed drainage, lighting, dumpsters and  
sidewalk

concerns. The drainage will be collected in a dry well. Any  
overflow will go into existing storm sewers.

### **SEQR:**

A motion was made by Dan Gleason, seconded by John Andrews to become the lead agency for  
this project.

## **Motion passed unanimously**

The SEQR was reviewed and the findings were adopted. A motion was made by Steve Watkins, seconded by John Andrews to make a negative declaration. This project has no significant environmental impact.

### **Motion passed unanimously**

**SWAN** Kevin Doherty and Susan Rudnicky addressed the board

**LIBRARY** concerning the proposed new library building to be located at 134 South Main Street. The plan is for the building to face south. The board informed Mr. Doherty that they would prefer to see the building face Main Street (east). The plans included tie-ins for storm and sanitary sewers. The presentation also covered green areas. The current property would increase green space by 40%. The library plan stated that the board asked about dumpster location. Mr. Doherty regular the library will not be using dumpsters. They plan to use will be a garbage pick up provided by the county contract. There cans will be kept. Mr. August Doherty said he hoped that site work could be started by public Mr. Vendetti told the board that there would be a 30 day begin review period. This would require the SEQR process

**SEQR** Immediately.

**Andrews** A motion was made by Dan Gleason, seconded by John For the Planning Board to act as lead agency for the **SEQR**.

### **Motion passed unanimously**

The SEQR was reviewed and the findings were adopted. A motion was made by Dan Gleason, seconded by John Andrews to make a negative declaration. This project has no significant environmental impact.

### **Motion passed unanimously**

**EAST AVE** CEO Ron Vendetti mentioned the current location of Chase Bank

**ZONING** at 231 East Avenue. The zoning is currently LI (light industrial).

Permit In order for the bank to be allowable - a Special Use  
would need to be issued.

## SEQR

A motion was made by Dan Gleason, seconded by John  
Andrews

to act as lead agency for this SEQR.

**Motion passed unanimously**

A motion was made by John Andrews, seconded by Dan Gleason to make a negative  
declaration. This project has no significant environmental impact.

**Motion passed unanimously**

Planning This change will now need to be submitted to the County  
Board for approval.

**ADJOURN** A motion was made by Dan Gleason, seconded by Steve  
Watkins

that there being no further business, the meeting is hereby  
Adjourned at 8:02 pm.

**Motion passed unanimously**

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doubt, please call the town offices for clarification.

**June 16, 2010: Planning Board**

**Body:**

Village of Albion  
Planning Board

**June 16, 2010  
MEETING MINUTES**

**PRESENT:** Members: Clifford Thom, Daniel Gleason and Steven Watkins  
Ronald Vendetti, Code Enforcement Officer

Clifford Thom opened the meeting at 7:00 pm with the Pledge of Allegiance

**APPROVAL** Moved by Dan Gleason and seconded by Steve Watkins, that

**OF** in as much as each member received copies of the minutes from  
**MINUTES** the May 19, 2010 meeting, and being that there were no errors or omissions, the minutes are hereby approved as submitted.

**Motion passed unanimously**

**301 WEST** Oak Orchard Community Health Center submitted a letter stating

**AVENUE** that all the requirements from the Village and County Planning

Boards have been met. CEO Ron Vendetti still needs a cross

access agreement and he needs to know about tree ownership.

A motion was made by Steve Watkins and seconded by

Dan

Gleason to adopt the final site plan for 301 West Avenue providing

the two above conditions have been met.

**Motion passed unanimously**

**ZONING** The zoning for the Chase Bank Complex located at 321 East

**CHANGE** Avenue was discussed. The current use does not include general office space.

A motion was made by Dan Gleason, seconded by Steve

Watkins

Industrial (LI)

To recommend the Village board change the Light

Zoning to include General Office Space as a special use.

**Motion passed unanimously**

**SWAN**

plan

**LIBRARY**

King & King Architects addressed the board with a concept

for the new library to be located at 134 South Main Street.

**CONCEPT**

was

**The plan is for the library to face south on the lot. The goal**

**PLAN**

the south

board a

by

East

that this

noise from

would

to be highly visible to everyone entering the Village from

and to be a more energy efficient building. K & K told the

southerly facing building would reduce the energy footprint

30-50% by reducing lighting needs and heating costs. The

side of the building would face Main Street. K & K stated

side would still be "inviting" and would also reduce the

Main Street traffic. Dan Gleason told King & King that he

be interested in seeing the energy models for this 30 - 50 % reduction. CEO Vendetti asked if the same efficiency could be obtained by insulating the building better. King & King said that in the long term, their plan is still the most efficient.

King & King said the following modifications in the site plan have been made: increase vegetation, place garbage in rear of the building, use existing water and gas lines for connection and tie the sewer into Main Street. The driveway on the NW side is currently

12 ft. - this would need to be widened.

CEO Vendetti stated that none of the above changes would be reviewed by the AFD or Public Works until a site plan is presented.

King & King reviewed the building entrances, the security features,

and exterior materials to be used.

CEO Vendetti inquired about parking. The maximum occupancy of the building is 401 people. The current plan shows 50 -51 spaces.

King & King stated that parking would be provided based on what is required in the zoning law. They could add more parking spaces, but this would reduce the "green space". If there are not enough spaces, the library will either need to add more or ask the zoning board for a variance.

A shared entrance with Ace Hardware was mentioned. King & King said that a curb cut already existed for a separate entrance so they plan to utilize it. Dan Gleason suggested a public hearing be held on the subject of the orientation of the building - facing south. King & King stressed the importance of "timing" and would like the site plan approved by August or September. Cliff and Steve agreed that a public hearing should be held to address the orientation of the building and the number of parking spaces being provided. A motion was made by Dan Gleason, seconded by Steve Watkins to hold a public hearing on: Wednesday July 7, 2010 at 7:00pm.

#### Motion passed unanimously

Kevin Doherty said he would contact Mr. Vendetti about the availability of the Large Group Room in the High School . The Village will provide the legal notice in the Daily News for the hearing.

**ADJOURN:** A motion was made by Dan Gleason, seconded by Steve Watkins

That there being no further business, the meeting is hereby adjourned at 8:14pm

#### Motion passed unanimously

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## July 07, 2010: Planning Board

### Body:

Village of Albion  
Planning Board

### Public Hearing July 7, 2010 MINUTES

**PRESENT:** Members: Clifford Thom, Daniel Gleason , Steven Watkins  
Steve Corrigan and John Andrews  
Ronald Vendetti, Code Enforcement Officer

The Public Hearing was opened at 7:01pm, the Pledge of Allegiance followed.

Chair Cliff Thom reviewed the rules/guidelines for a public hearing. King & King architects did a power point presentation for everyone present. It covered many aspects of the proposed new library including: connectivity, accessibility, sustainability and energy efficiency. Cliff thanked King & King and inquired again if there was anyone else present who wished to sign up to speak at the hearing. There were no new sign ups.

The following people addressed the Board at the Hearing:

CW Lattin: He is in support of King & King Architects and in favor of the southerly orientation of the building.

Susan Rudnicky: Feels the proposed plan meets the requests of the community She supports the current plan.

Lynne Phillips: Feels there is strong community support for the new library

Richard Remley: He stated that the library provides the community with much needed internet access, as well as other valuable resources.

Kevin Doherty: He said that a community survey showed support for the library .

He spoke highly of King & King and their ability to work within the library's budget.

Thomas McFarland: Discussed the funding of the library. He is in favor of saving money wherever it can be saved. If a southerly orientation helps - he is in support of it.

John Dailey questioned the compliance of the new building. CEO Vendetti explained that this was a "concept plan" discussion and that an actual site plan review would still need to take place - this was not a compliance issue.

The issue of compliance for the number of parking spaces was mentioned.

Mr. Vendetti stated that the Zoning Board would address that issue.

A motion was made by Steve Corrigan, seconded by Dan Gleason that in

as much as everyone present who wished to speak was heard, the public hearing hereby be closed at 8:04 pm.

**Motion passed unanimously**

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## July 14, 2010: Regular Board Meeting

### Body:

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday,

July 14, 2010 at 7:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

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

### RESIDENT

Resident Ms Tami-Rose Martin addressed the Board of Trustees about her house at 65 Caroline Street. She would like the Village to fix the lateral in the middle of the road stating that she feels the Village caused the damage. Trustee Riley and Trustee Miller will look into her problem and asked that she get the report from the person who recently televised the sanitary sewer to them.

### RESIDENT

Moved by Trustee Riley and seconded by Trustee Miller approving Mr Joe Martillotta's request for an easement in the Village of Albion's 25' right-of-way at 469 East State Street.

**CARRIED**

5 Ayes 0 Nays

Moved by Trustee Riley and seconded by Trustee Banker approving Mr Joe Martillotta's request to grade his parking lot at 469 East State Street to the Village of Albion's existing drain, pending Superintendent of Public Works, Dale Brooks confirms that it is the Village's drain.

**CARRIED**

5 Ayes 0 Nays

Moved by Trustee Miller and seconded by Trustee Banker approving Mr Joe Martillotta's request for the Village of Albion to waive the 30 day waiting period when applying for his liquor license for his tavern located at 469 East State Street.

**CARRIED**

5 Ayes 0 Nays

### RESIDENT

Resident, Mr Eric Hess addressed the Board of Trustees about the gopher problem at his home on East State Street. Also discussed were the neighbor's tree that is ruining his barn, painting the barn and the neighbor's high grass. Code Enforcement Officer, Ron Vendetti will check into the high grass complaint. The Board of Trustees will talk to Animal Control Officer, Harry Papponetti about the gopher problem. Mayor Theodorakos informed Mr Hess to put his complaints/questions in writing and Mr Vendetti will respond to

them.

**RESIDENT**

Mr Scott Shaw asked the Board of Trustees to forgive the lawn mowing charges on the current Village tax bill on the property he purchased through the County auction. No action was taken.

**RESIDENT**

Mr Larry Montello and Mr Thad Nauden addressed the Board of Trustees about holding the 911 Ceremony at Bullard Park. The morning ceremony will be at the American Legion and then they would like to move the event to Bullard Park. Trustee Miller will contact Recreation Director, John Grillo to see if he has any conflicting issues with the American Legion using Bullard Park on September 11, 2010.

**DEPT HEAD**

Moved by Trustee Sheehan and seconded by Trustee Miller approving Superintendent of Public Works, Dale Brooks request to purchase 1" risers for catch basins on West Bank Street through the Sanitary Sewer Project, pending OK from EFC.

**CARRIED**

5 Ayes 0 Nays

**DEPT HEAD**

Moved by Trustee Miller and seconded by Trustee Riley to hold a Public Hearing on August 11, 2010 to hear comments on adding "General Office Complex's" under Special Use Permit, Section 290-33 Light Industrial District.

**CARRIED**

5 Ayes 0 Nays

**APPROVE MINUTES**

Moved by Trustee Sheehan and seconded by Trustee Miller that in as much as each member received copies of the June 23, 2010 minutes and there being no corrections or omissions minutes are hereby approved as written.

**CARRIED**

5 Ayes 0 Nays

**ACCEPT TREASURERS REPORT**

Moved by Trustee Miller and seconded by Trustee Riley accepting the Treasurer's Report for June 2010.

**CARRIED**

5 Ayes 0 Nays

**APPROVE PAYMENT OF BILLS**

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

\$253,495.64	General Fund	voucher #6544	
47,148.92	Water Fund	to #6867	\$
40,728.09	Sewer Fund		\$

**CARRIED**

5 Ayes 0 Nays

**APPROVED PAYMENT OF CHATFIELD BILLS**

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

10	McKinstry Street Storm Sewer	09-944-
	\$ 1,048.00	
7	Meadowbrook Drive Road Reconstruction	09-952-
	\$ 2,157.00	
	Meadowbrook Road Reconstruction	09-952P&S3
\$	45.00	
	Green Project Initiative	10-976-
4	\$ 331.00	
	2007 Sanitary Sewer Improvements	16-765-
34	\$ 5,822.60	

**CARRIED**

5 Ayes 0 Nays

**APPROVE PAYMENT TO DAVID LIPPITT ATTORNEY**

Moved by Trustee Banker and seconded by Trustee Sheehan approving payment to Attorney David W Lippitt for services rendered for the month of June 2010 in the amount of \$255.00.

**CARRIED**

5 Ayes 0 Nays

**APPROVE PAYMENT TO SERGI**

Moved by Trustee Sheehan and seconded by Trustee Riley approving Mayor Theodorakos to sign payrolls and the payment of Pay Estimate #13 for \$110,711.37 to Sergi Construction. The project is 69% completed as of July 2, 2010.

**CARRIED**

5 Ayes 0 Nays

**EXECUTIVE SESSION**

Moved by Trustee Riley and seconded by Trustee Sheehan to adjourn to executive session for possible legal action at 8:19 PM.

**CARRIED**

5 Ayes 0 Nays

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Miller and seconded by Trustee Riley to come out of executive session at 9:06 PM.

**CARRIED**

5 Ayes 0 Nays

**CODE OFFICER APPOINTMENT**

Moved by Trustee Miller and seconded by Trustee Banker approving Mayor Theodorakos appointment of Ronald A Vendetti as Code Enforcement Officer.

**CARRIED**

5 Ayes 0 Nays

**APPROVE CEMETERY DEEDS:**

Moved by Trustee Riley and seconded by Trustee Banker approving Mayor Theodorakos to sign the following Cemetery Deeds:  
Deborah R Atkinson/Scott E Dragon S.G. 117, 118, 119, 120, 122 and 123

Clifford O Eddy Jr	Deerfield Avenue S.G. 374 Deerfield Avenue
--------------------	---

**CARRIED**

5 Ayes 0 Nays

## **ACCEPT APPLICATIONS**

The following applications were received, accepted and will be placed on file for future reference:

Water/Waste Water Plant Operator - Douglas D Taylor  
Cemetery/Anything - Andrew P Hendrickson  
Russell Craft

## **APPROVE THYSSENKRUPP ELEVATOR**

Move by Trustee Miller and seconded by Trustee Sheehan authorizing Mayor Theodorakos to sign the Elevator Maintenance Agreement with ThyssenKrupp Elevator for 121 North Main Street.

**CARRIED**

5 Ayes 0 Nays

## **NATIONAL GRID SETTLEMENT AGREEMENT**

Correspondence received from National Grid regarding the Settlement Offer and conference call, which was held July 7, 2010. National Grid has offered to split the over payments with the Village of Albion. Clerk-Treasurer will check into what is in revenues and Attorney Gavenda will check with NYCOM to see what other municipalities agreed to split the cost with National Grid.

## **CLOSE OUT 2008 CDBG PROGRAM**

Moved by Trustee Riley and seconded by Trustee Sheehan approving Mayor Theodorakos to sign the Close Out Documents for the 2008 Community Development Block Grant Program (CDBG) as submitted by Stuart I Brown Associates.

**CARRIED**

5 Ayes 0 Nays

## **REVOLVING LOAN FUND**

Moved by Trustee Miller and seconded by Trustee Banker approving setting a project up entitled "Purchase of 19 North Main Street". The funds will be used out of the un-appropriated revolving loan fund to purchase the building. The approximate cost is \$14,555.43.

**CARRIED**

5 Ayes 0 Nays

Trustee Sheehan provided the Board of Trustees with the asbestos cost estimate for 19 North Main Street.

## **CORRESPONDENCE**

Correspondence received from NYS Environmental Facilities Corporation regarding new provisions authorizing additional support to our eligible Clean Water State Revolving Fund (CWSRF) projects. The additional support will be in the form of principal forgiveness.

## **DOG SHOW**

Village Clerk-Treasurer will contact the Tonawanda Kennel Club informing them to contact Recreation Director, John Grillo and Superintendent of Public Works, Dale Brooks about the upcoming Dog Show that will be held at Bullard Park.

## **PAYMENT TO STU BROWN**

Moved by Trustee Riley and seconded by Trustee Sheehan approving payment of \$2,800.00 to Stuart I Brown Associates for professional services. The invoice is for the period of April 1, 2010 through June 25, 2010.

**CARRIED**

5 Ayes 0 Nays

## **CORRESPONDENCES**

Received the following correspondences from Chatfield Engineers:

Job Progress Meeting held on July 12, 2010 for the 2009  
McKinstry Street/Storm

Sewer Project

Correspondence to Keeler Construction regarding the revised  
boring layout and

water main relocation for the 2009 McKinstry Street

Project

### **CONCERN**

Trustee Banker will contact Superintendent of Public Works, Dale Brooks regarding the complaint she received regarding the deep man holes on Brown Street near Linwood Avenue.

### **HPC REQUEST**

Moved by Trustee Sheehan and seconded by Trustee Banker approving to use a portion of the funds that are left in the Trustee's schooling line item. The funds will be in addition to the \$500.00 from the Mayor's schooling to help offset the cost of mailings to the proposed Historic District property owners.

### **CARRIED**

3 Ayes

Trustee Sheehan

Trustee Banker

2 Nays

Trustee Riley

Trustee

Miller

Mayor Theodorakos

There was a discussion on changing the law in how property owners can be notified from registered return receipt to certified return receipt.

### **3<sup>RD</sup> FLOOR**

Discussion on the asbestos survey done for the third floor in the Village Office building. Clerk-Treasurer to check into whether the un-appropriated Capital Reserve funds can be used to clean up the asbestos. Asbestos was found in the floor tiles where the bikes are stored, the records room and the attic.

### **ALBION POLICE DEPT**

Trustee Miller informed the Board of Trustees that the Albion Police Department has been awarded an \$8,500 grant to participate in the statewide "Child Passenger Safety" program from New York State. The funds will be used to purchase a trailer to be used for the program.

Officer Nenni has attended the 1033 Program regarding receiving surplus property from the New York State Department of Defense.

### **I/I PROJECT**

Moved by Trustee Sheehan and seconded by Trustee Banker approving to help residents with 50% of the cost to repair infiltration and inflow problems when contractual work is required on private property. This is part of the mandated Consent Order and the Village of Albion will provide the funds from a grant they received. Chatfield Engineers will be sending notices out to the appropriate home owners and the funding will be available for a limited time.

### **CARRIED**

5 Ayes

0 Nays

### **MEDIATION MEETING**

Brief discussion on setting a meeting date with the mediator for the AFSCME Union Contract.

### **COMPREHENSIVE PLAN**

Mayor Theodorakos stated that the sub committees are being formed for the Comprehensive Plan and he encourages the Board of Trustees to get involved. Next meeting will be July 27, 2010 at 6:00 PM.

**SET PUBLIC HEARING DATE**

Moved by Trustee Riley and seconded by Trustee Sheehan to hold a Public Hearing on August 11, 2010 to hear comments on changing the wording on how correspondences are mailed to property owners in a proposed Historic District.

**CARRIED**

5 Ayes 0 Nays

**MEETING CLOSED**

Moved by Trustee Sheehan and second by Trustee Banker that there being no further business, meeting is hereby adjourned at 10:33PM.

**CARRIED**

5 Ayes 0 Nays

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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## July 28, 2010: Workshop Meeting

### Body:

The Workshop Meeting of the Board of Trustees of the Village of Albion was held Wednesday, July 28, 2010 at 7:00 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

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

### **PUBLIC HEARING**

Mayor Theodorakos opened the Public Hearing at 7:00 PM, that was tabled from the June 23, 2010 Workshop Meeting, to consider changes to the Code of the Village of Albion establishing the rules and regulations with respect to the collection of brush and tree parts produced by owners, occupants and contracts.

Items discussed were the spring and fall pick-up that is done by the Public Works Department, encouraging residents to use the weekly refuse pick-up and the Village brush pile site on Densmore Road.

### **PUBLIC HEARING CLOSED**

Moved by Trustee Miller and seconded by Trustee Sheehan that in as much as everyone who wished to speak regarding establishing the rules and regulations with respect to the collection of brush and tree parts produced by owners, occupants and contracts were heard, the Public Hearing is hereby closed at 7:09 PM.

### **CARRIED**

4 Ayes

0 Nays

### **LOCAL LAW ADOPTED**

The following resolution was proposed by Trustee Miller who moved its adoption and seconded by Trustee Sheehan:

WHEREAS, a proposed Local Law #5 of the year 2010 for the purpose of establishing the rules and regulations with respect to the collection of brush and tree parts produced by owners, occupants and contracts was presented to the Village of Albion Board of Trustees at a Workshop Meeting of said Board held on July 28, 2010, and

WHEREAS, the Board of Trustees, at the Workshop Meeting of said Board of Trustees held on May 26, 2010 did adopt a motion that a Public Hearing be held on aforesaid to propose amendment to the Local Law at 7:00 PM on Wednesday June 23, 2010 then tabled until Wednesday July 28, 2010, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York, and that notice was published in the Batavia Daily Newspaper, the official newspaper of the Village of Albion, at least seven days before June 23, 2010, and

WHEREAS, a notice of such Public Hearing was duly published in the Batavia Daily Newspaper on the 14<sup>th</sup> day on June 2010, 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 Wednesday, July 28, 2010 at which time all were heard who wished to speak regarding said Local Law,

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

**VILLAGE OF ALBION**

**LOCAL LAW #5**

- A. The Superintendent of Public Works is authorized to provide for the collection of brush and tree parts at such times and in such manner as the Board of Trustees shall from time to time provide.
- B. The authorization provided for in the preceding subsection shall apply only to brush and tree parts produced by the individual activity or efforts of the owner or occupant of the property, or designee (e.g. lawn mowing contractor).
- C. Brush and tree parts produced by commercial tree trimming contractors must be removed from the property by the contractor or by the owner or occupant of the property. Such brush and tree parts may not be placed at or near the curb or street right-of-way, except temporarily as may be necessary in the course of the work which produced the brush and tree parts.
- D. The Village of Albion will not collect or remove brush or tree parts produced by commercial contractors.

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

**EXECUTIVE SESSION**

Moved by Mayor Theodorakos and seconded by Trustee Sheehan to adjourn to executive session for ongoing litigation at 7:11 PM.

**CARRIED**

4 Ayes

0 Nays

Trustee Riley entered meeting at 7:13 PM.

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Riley and seconded by Trustee Sheehan to come out of executive session at 8:11 PM.

**CARRIED**

5 Ayes

0 Nays

**61 BROWN STREET**

Moved by Trustee Sheehan and seconded by Trustee Banker for the general release of liability, abstract and taking title of the property located at 61 Brown Street.

**CARRIED**

4 Ayes

0 Nay

Trustee Sheehan

Trustee Banker

Trustee Miller

Mayor Theodorakos

1 Abstained

Trustee Riley

**CELL PHONE POLICY**

Moved by Trustee Banker and seconded by Trustee Riley to change the policy relating to the Fire Departments cell phones. The Fire Department will be asked to turn in their cell phones by July 31, 2010 and in lieu of, the Department will received funds through the Fire Contract line item in

their budget. The cell phones will be taken out of the Village of Albion's name and the department will receive \$125.00 per month instead.

**CARRIED**

5 Ayes

0 Nays

**TRANSFER OF FUNDS**

Moved by Trustee Miller and seconded by Trustee Riley to transfer \$1,250.00 from

A 3410.429-telephone to A 3410.411 fire contract money.

**CARRIED**

5 Ayes

0 Nays

**FIRE DEPT REQUEST**

Tabled request from Harry Papponetti to transfer \$2,000.00 from A1640.0426 (parts/repairs streets) to A 3410.409 (equipment repair).

Board of Trustees would like an explanation for the request.

**APPROVE MINUTES**

Moved by Trustee Sheehan and seconded by Trustee Miller that in as much as each member received copies of the July 14, 2010 minutes and there being 4 corrections and/ or omissions minutes are hereby approved as written with the following

corrections:

Page 4

under "REVOLVING LOAN", change Capital Reserve to

Revolving Loan

change asbestos survey to asbestos cost

estimate

Page 4

under corres from NYSEFC add support to

our eligible

Page 5

under "I/I PROJECT" add that "This is part

of the

mandated Consent Order and the Village of

Albion will

provide the funds from a grant they

received."

**CARRIED**

5 Ayes

0 Nays

**APPROVE PAYMENT TO MCGILL**

Moved by Trustee Riley and seconded by Trustee Sheehan approving payment to Timothy R McGill in the amount of \$1,257.12 for services rendered as the bond counsel in connection with the issuance of the Village of Albion's \$1,114,246 Bond Anticipation Note, 2010.

**CARRIED**

5 Ayes

0 Nays

**APPROVE CHANGE ORDER #1**

Moved by Trustee Miller and seconded by Trustee Riley approving Mayor Theodorakos to sign the Change Order No.1 for the McKinstry Street Storm Sewer and Roadway Improvement Project as submitted by Chatfield Engineers.

**CARRIED**

5 Ayes

0 Nays

**SPECIAL MEETING SCHEDULED**

Moved by Trustee Miller and seconded by Trustee Sheehan to schedule a Special Meeting for Thursday, August 12, 2010 at 6:00 PM for contract negotiations.

**CARRIED**

5 Ayes

0 Nays

**APPROVAL TO CLOSE OFFICE**

Moved by Trustee Riley and seconded by Trustee Miller approving the Village Office to be closed on August 19, 2010 for the office staff to attend the KVS User Conference that will be held in Orchard Park.

**CARRIED**

5 Ayes

0 Nays

**CORRES**

Correspondence received from the New York State & Local Retirement System regarding the early retirement incentives. The Board of Trustees took no action, as there was no interest shown from the Village employees.

**CORRES**

Correspondence received from the New York State Department of Labor regarding the inspection of the Albion Police Department on June 23, 2010.

**CORRES**

Discussed the correspondence received from New York State Environmental Facilities Corporation (NYSEFC) regarding new provisions authorizing additional support to our eligible Clean Water State Revolving Fund (CWSRF) projects. The additional support will be in the form of principal forgiveness. NYSEFC is asking the Village to confirm its intent to proceed with the Joint Municipal Pollution Control Facility (JMPCF) project.

Moved by Trustee Banker and seconded by Trustee Sheehan approving Mayor Theodorakos to sign the form and send to New York State Environmental Facilities Corporation confirming the Village of Albion's intent to proceed with the Joint Municipal Pollution Control Facility (JMPCF) project.

**CARRIED**

5 Ayes

0 Nays

**CORRES**

Correspondence received from New York State Conference of Mayors and Municipal Officials regarding "Certificate of Public Service" awards.

**DISCUSSION**

Moved by Trustee Miller and seconded by Trustee Riley to amend the Village policy regarding laterals back to the way it used to be.

There was a discussion on laterals and sidewalks as to whom/should be responsible.

Trustee Riley left meeting at 8:50 PM.

**CARRIED**

1 Aye

3 Nays

Trustee Miller

Trustee

Sheehan

Trustee

Banker

Mayor

Theodorakos

Mayor Theodorakos would like research and analysis done on sidewalks and laterals before changing the law.

**NATIONAL GRID RE: STUDY**

Moved by Trustee Sheehan and seconded by Trustee Banker approving

National Grid to do a free no-obligation energy study. National Grid will provide the Village of Albion with a proposal detailing the ways we can save on energy costs.

**CARRIED**

4 Ayes

0 Nays

**MEETING ADJOURNED**

Moved by Trustee Sheehan and second by Trustee Banker that there being no further business, meeting is hereby adjourned 9:15 PM.

**CARRIED**

4 Ayes

0 Nays

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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## July 10, 2010: Historic Preservation Board Meeting

### Body:

VILLAGE OF ALBION  
HISTORIC PRESERVATION COMMISSION

**July 20, 2010**

Meeting Minutes

### PRESENT:

Commission Members: Louis Becker, Matthew Ballard , Aric Albright, Mariadele Theodorakos ,Jordan Bonafede and Andrea Rebeck

Village of Albion: CEO Vendetti  
Attorney John Gavenda  
Trustee Banker  
Historian Neil Johnson

AMSA: Katelin Olsen  
SHPO Guest: Julian Adams

### CALL TO

The meeting was called to order at 7:02 pm by Louis Becker

### ORDER ADJUST

Pledge of Allegiance and introductions followed.  
None

### AGENDA

### MINUTES

A motion was made by Matthew Ballard, seconded by

### APPROVED

Jordan Bonafede , to approve the minutes of the June 15, 2010 meeting as written

**Motion passed unanimously**

A motion was made by Aric Albright, seconded by Jordan Bonafede to approve the minutes of the special meeting held on June 24, 2010 as written.

### Motion passed unanimously

### PUBLIC

None

### COMMENT:

### OLD BUSINESS:

**108 N. PLATT ST** DPW Superintendent Dale Brooks had previously stated that

he was "okay" with whatever decision the HPC made

concerning the Albion Firehall. They have

suggested

concrete clapboard siding.

A motion was made by Andrea Rebeck, seconded by Mariadele Theodorakos to conditionally approve the revised - previously submitted and denied COA for 108 North Platt Street with the condition that it be cement clapboard siding as approved - no grain, smooth finish with exposure of no more than 5 inches. Mr. Brooks will be asked to submit a revised application.

**Motion passed unanimously**

**25 E. BANK ST**  
application

The HPC discussed a previously submitted COA

of AMSA

for windows at 25 East Bank Street. Katelin Olsen

stated that Beth Giordano was awarded a grant for her windows. A contract was signed with AMSA . The HPC has requested a product sheet for the replacement windows. Katelin will contact Beth for the materials and product information.

**105/107 N MAIN**

Discussion concerning 105/107 North Main Street. Katelin stated that AMSA awarded a grant for 2<sup>nd</sup> floor windows. The grant is a 6month grant, but can be extended if necessary. CEO Vendetti stated that to date, no COA application has been submitted to his office.

**NEW BUSINESS:**

**HISTORIC DISTRICT**

**LOCAL LAW**  
seconded by Jordan

A motion was made by Andrea Rebeck,

Village code

Bonafede to make the following revisions to the

Section 173:

- Change registered mail to certified, return receipt requested.
- Change the legal notice from 15 days to : no

more than

20, no less than 10 days.

- Change "Building inspector" to " Code Officer".

Enforcement

**Motion passed unanimously**

**FUNDING:**  
property

Funding for mailing letters to proposed district

promised

owners was discussed. The Village Board has

\$700.00 in funding. Julian Adams suggested

educating the public about the district prior to holding a public hearing. He felt this could promote a positive image for the district.  
CEO Vendetti thought that it might be helpful to also form good communications with new property owners and take this opportunity to "mend fences" with others.

**PUBLIC HEARING** The HPC discussed setting a date for the public hearing.  
The group is hoping to possibly do this by the end of September. The 28<sup>th</sup> and/or 30<sup>th</sup> were mentioned.  
Jordan will check to see if the LGI at the Albion High School is available for those two dates. The cost is \$20.00 per night.  
advertisement. Code Enforcement will pay for the legal Mr. Vendetti also warned of the potential for a negative turnout.  
Julian stated that the hearing was not a public vote, it was a hearing and shouldn't alter the commission's decision.

**PUBLIC OUTREACH** A Public Outreach committee was formed to promote a positive image for the new historic district before the hearing.  
Bonafede, Matthew Ballard, Mariadele Theodorakos, Jordan Trustee Banker and Katelin Olsen all volunteered.

**LETTER TO OWNERS** The letter to property owners needs to be finalized. Linda Smith originally drafted the letter. CEO Vendetti will attempt to re-format the letter and forward it to the other HPC members. Andrea stated that she would like to look at other letter samples, maybe making it more personable.

**JULIAN ADAMS DISCUSSION** Julian spoke to the HPC members on various subjects including preservation law and other commissions. He asked if any members of the HPC had any concerns that they wished to discuss. Andrea inquired about excusable absences, or a maximum number of allowable

absences.

guidelines.

Julian told

offers

with the

or not

Julian said

Currently COA

than 10

Julian suggested the commission set its own

The members asked about training requirements.

them that there are no "requirements" but SHPO

a variety of trainings for free to commissions.

The group discussed the legality of filing a district

County Clerk. Someone needs to check whether

this is a requirement or is it just a "model law".

he would check with New York State.

The HPC also discussed COA deadlines.

applications must be received by members no less

days prior to a meeting. The commission has been asked in the past to make exceptions. Julian said that deadlines should be adhered to. It is not fair to hold some people and not others to a deadline.

The HPC thanked Julian for attending the meeting and participating in their discussion.

#### **ADJOURN:**

A motion was made by Andrea Rebeck, seconded by Jordan Bonafede to adjourn the meeting at 9:16 pm.

**Motion passed unanimously**

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## August 07, 2010: Special Meeting

### Body:

A Special Meeting of the Board of Trustees of the Village of Albion was held Saturday, August 7, 2010 at 7:00 AM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

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

### EXECUTIVE SESSION

Moved by Trustee Riley and seconded by Trustee Sheehan to adjourn to executive session for proposed, pending or current litigation issues at 7:01 AM.

**CARRIED**

5 Ayes 0 Nays

### EXECUTIVE SESSION CLOSED

Moved by Trustee Sheehan and seconded by Trustee Banker to come out of executive session at 7:33 AM.

**CARRIED**

5 Ayes 0 Nays

### PROCEED WITH INVESTIGATION

Moved by Trustee Banker and seconded by Trustee Sheehan to proceed with the investigation of the Albion Fire Department issue and passing it onto the State Police Department.

**CARRIED**

3 Ayes 1 Nay  
Trustee Banker Trustee

Miller

Trustee Sheehan  
Mayor Theodorakos 1 Abstained  
Trustee Riley

Trustee Miller left meeting at 7:33 AM.

### RETAIN ATTORNEY

Moved by Trustee Riley and seconded by Trustee Banker approving to retain Attorney Daniel DiMatteo to review Mr David Snell's request for a fence license agreement so it can remain in the Village of Albion's right of way at 308 Ingersoll Street.

**CARRIED**

4 Ayes 0 Nays

### MEETING ADJOURNED

Moved by Trustee Banker and seconded by Trustee Riley that there being no further business, meeting is hereby adjourned 8:03 AM.

**CARRIED**

Minutes taken by Attorney Gavenda.  
Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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## August 11, 2010: Regular Board Meeting

### Body:

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday,

August 11, 2010 at 7:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

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

### **PUBLIC HEARING**

Mayor Theodorakos opened the Public Hearing at 7:00 PM to consider changes to Section 173-3 ( C ) of the Code of the Village of Albion regarding notice requirements for public hearings in relation to historic preservation.

Discussed changing the publication of the notice that a Public Hearing will be held, from 15 days to at least 10 days but not more than 20 days prior to the hearing. Also discussed was changing the wording regarding no building permits shall be issued from Building Inspector to Code Enforcement Officer.

### **PUBLIC HEARING CLOSED**

Moved by Trustee Miller and seconded by Trustee Sheehan that in as much as everyone who wished to speak regarding changes to Section 173-3 ( C ) of the Code of the Village of Albion regarding notice requirements for public hearings were heard, the Public Hearing is hereby closed at 7:05 PM.

### **CARRIED**

4 Ayes

0 Nays

### **LOCAL LAW ADOPTED**

The following resolution was proposed by Trustee Miller who moved its adoption and seconded by Trustee Sheehan:

WHEREAS, a proposed Local Law #6 of the year 2010 for the purpose of changing notice requirements for public hearings in relation to historic preservation was presented to the Village of Albion Board of Trustees at a Regular Meeting of said Board held on July 14, 2010, and

WHEREAS, the Board of Trustees, at the Regular Meeting of said Board of Trustees held on July 14, 2010 did adopt a motion that a Public Hearing be held on aforesaid to propose amendment to the Local Law at 7:00 PM on Wednesday August 11, 2010, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York, and that notice was published in the Batavia Daily Newspaper, the official newspaper of the Village of Albion, at least ten days before August 11, 2010, and

WHEREAS, a notice of such Public Hearing was duly published in the Batavia Daily Newspaper on the 28<sup>th</sup> day of July 2010, 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 Wednesday, August 11, 2010 at which time all were heard who wished to speak regarding said Local Law,

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

**VILLAGE OF ALBION**

**LOCAL LAW #6**

**CHAPTER 173-3**

C. Notices of a proposed designation shall be sent by certified mail return receipt requested to the owner of the property proposed for designation, describing the property and announcing a public hearing by the Commission to consider the designation.

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

**RESIDENT**

Resident, Ms Tami-Rose Martin addressed the Board of Trustees about her house at 65 Caroline Street. Ms Martin inquired if the investigation into her sewer problem is done, so she can decide what her next step will be. She feels that her sewer problem was caused by the Village of Albion. The Village of Albion code states that laterals are the responsibility of the home owner. She also made the accusation that the Mayor's cousin got his lateral fixed on West State Street in a timely matter. Mayor Theodorakos adamantly refuted that allegation. Mayor Theodorakos apologized for it taking so long. There will be a meeting before August 18, 2010 with Trustee Riley, Trustee Miller, Superintendent of Public Works, Dale Brooks and Tami-Rose Martin to go over all documentation.

**PUBLIC HEARING**

Mayor Theodorakos opened the Public Hearing at 7:15 regarding considering changes to Section 290-33 ( D ) of the Village Code by adding "general office complexes" to the special use permit category.

**PUBLIC HEARING CLOSED**

Moved by Trustee Miller and seconded by Trustee Sheehan that in as much as everyone who wished to speak regarding considering changes to Section 290-33 ( D ) of the Village Code by adding "general office complexes" to the special use permit category were heard, the Public Hearing is hereby closed at 7:21 PM.

**CARRIED**

4 Ayes

0 Nays

**LOCAL LAW ADOPTED**

The following resolution was proposed by Trustee Miller who moved its adoption and seconded by Trustee Sheehan:

WHEREAS, a proposed Local Law #7 of the year 2010 for the purpose of considering changes to Section 290-33 ( D ) of the Village Code by adding "general office complexes" to the special use permit category was presented to the Village of Albion Board of Trustees at a Regular Meeting of said Board held on July 14, 2010, and

WHEREAS, the Board of Trustees, at the Regular Meeting of said Board of Trustees held on July 14, 2010 did adopt a motion that a Public Hearing be held on aforesaid to propose amendment to the Local Law at 7:15 PM on Wednesday August 11, 2010, at the Village Council

Chambers, 35-37 East Bank Street, Albion, New York, and that notice was published in the Batavia Daily Newspaper, the official newspaper of the Village of Albion, at least ten days before August 11, 2010, and

WHEREAS, a notice of such Public Hearing was duly published in the Batavia Daily Newspaper on the 31<sup>st</sup> day of July 2010, 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 Wednesday, August 11, 2010 at which time all were heard who wished to speak regarding said Local Law,

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

**VILLAGE OF ALBION**

**LOCAL LAW #7**

The following is to be added as a subcategory to section 290-33

(D) (3) General Office Complexes

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

**RESIDENT**

Resident, Ms Eileen Sorochty addressed the Board of Trustees about forgiving the penalty amount on her Village tax bill. She feels that the Board of Trustees should review how it is worded. Trustee Sheehan offered to pay the \$64.08 in late fees.

**RESIDENT**

Resident, Mr Eric Hess addressed the Board of Trustees about the gopher problem at his home on East State Street and complaints he has against the Code Enforcement Officer. The Village of Albion doesn't provide the service to trap wild animals and provided Mr Hess with two names of individuals in the area that provide nuisance animal service. On the complaints against Mr Vendetti, Mayor Theodorakos asked Mr Hess to put his complaints in writing. A meeting date was set for Friday, August 13, 2010 with Trustee Banker, Mr Vendetti and Mr Hess to review his complaints.

**RESIDENT**

Per Trustee Sheehan, Mr Larry Montello has requested the use of Bullard Park on September 24, 2010 for a car show.

Moved by Trustee Sheehan and seconded by Trustee Banker approving Mr Montello's request to use Bullard Park Friday, September 24, 2010 to hold a car show. The Recreation Director, Mr John Grillo has already been contacted about the event.

**CARRIED**

4 Ayes

0 Nays

**DEPT HEAD**

Water Treatment Plant Supervisor, Kevin Miller introduced Mr Brenden Diddlecmom, from ECS. He addressed the Board of Trustees about using their company as a second source of pricing for electric and natural gas rates. Discussion on how the Village of Albion now uses Chautauqua Energy and if the Village has a contract with them.

**APPROVE MINUTES**

Moved by Trustee Sheehan and seconded by Trustee Miller that in as much as each member received copies of the July 28, 2010 minutes and

there being one correction or omissions, minutes are hereby approved as written with the following correction:

Page 1 under the closing of the first Public Hearing, the vote should be

4 Ayes 0 Nays

**CARRIED**

4 Ayes

0 Nays

**ACCEPT TREASURERS REPORT**

Moved by Trustee Sheehan and seconded by Trustee Banker accepting the Treasurer's Report for July 2010.

**CARRIED**

4 Ayes

0 Nays

**APPROVE PAYMENT OF BILLS**

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

\$66,028.77	General Fund	voucher #6901
\$16,129.34	Water Fund	to # 7122
5,489.98	Sewer Fund	\$

Trustee Miller would like bills regarding claims against the Village voted on separately. He stated that the Trustee auditing the bills for the month, would be the only one who would see it. The rest of the Board of Trustees agreed.

**CARRIED**

4 Ayes

0 Nays

**APPROVED PAYMENT OF CHATFIELD BILLS**

Tabled approving payment of the following bill submitted by Chatfield Engineers:

121 N Main Façade 08-888-8 \$ 1,212.50

Mayor Theodorakos will be meeting with Mr Chatfield on a different project and will discuss the façade project with him.

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

11	McKinstry Street Storm Sewer/Rd Reconstruction	09-944-
	\$ 9,415.50	
	Meadowbrook Drive Road Reconstruction	09-952-
8	\$ 5,881.00	
	Green Project Initiative	10-976-
5	\$ 520.00	
	2007 Sanitary Sewer Improvements	06-765-
35	\$ -0-	

**CARRIED**

4 Ayes

0 Nays

**APPROVE AMENDMENT OF AGREEMENT**

Moved by Trustee Sheehan and seconded by Trustee Banker approving Mayor Theodorakos to sign the "Amendment to Owner-Engineer Agreement" for the Sanitary Sewer Project. The amended agreement is for additional engineering services for the Meadowbrook Drive Road Reconstruction Project in the amount of \$33,000.00.

**CARRIED**

4 Ayes 0 Nays

**APPROVE PAYMENT TO BERNARD P DONEGAN INC**

Moved by Trustee Sheehan and seconded by Trustee Miller approving payment to Bernard P Donegan, Inc for the following invoices:

Sewer Lines and Sewer Plant Projects

\$1,209.81

McKinstry St Storm Sewer/Road and Meadowbrook Water

Project \$4,717.14

**CARRIED**

4 Ayes 0 Nays

**APPROVE PAYMENT TO SERGI**

Moved by Trustee Sheehan and seconded by Trustee Miller approving

Mayor

Theodorakos to sign payrolls and the payment of Pay Estimate #14 for the Sanitary Sewer Project. The amount to be paid to Sergi Construction is \$123,662.49. The project is 73% completed as of July 30, 2010.

**CARRIED**

4 Ayes 0 Nays

**APPROVE PAYMENT TO KEELER CONSTRUCTION**

Moved by Trustee Miller and seconded by Trustee Sheehan approving

Mayor

Theodorakos to sign Pay Estimate #1 for the McKinstry Street Storm Sewer Project in the amount of \$151,278.48 to Keeler Construction. The project is 43% completed as of July 30, 2010.

**CARRIED**

4 Ayes 0 Nays

**APPROVE CHANGE ORDER**

Moved by Trustee Sheehan and seconded by Trustee Miller approving Mayor Theodorakos to sign Change Order #2 for the McKinstry Street Storm Sewer Project. The amount of the Change Order is \$10,000.00 and will cover the additional cost associated with the horizontal boring under East Avenue.

**CARRIED**

4 Ayes 0 Nays

**APPROVE CEMETERY DEEDS:**

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

- Companion James H & Nancy A Carlin S.G. 111A/B Veterans
- E#1 Leo C Murphy Lot 573 Heath Path
- Companion Thomas W & Marion G Levanduski S.G. 112A/B Veterans
- Rodney L & Karen L Bryant S.G. 482 Zephyr Avenue

**CARRIED**

4 Ayes 0 Nays

**APPROVE FIRE DEPT MEMBERS**

Moved by Trustee Sheehan and seconded by Trustee Banker accepting Steve H Papponetti and Jonathan L Dalle applications to be active members of the Albion Fire Department.

**CARRIED**

4 Ayes 0 Nays

**LIQUOR LICENSE RENEWAL**

Received notification from the Orleans Veterans Club, Inc with their intentions of renewing their liquor license at 39 Platt Street.

**LIQUOR LICENSE RENEWAL**

Received notification from the Crooked Door Tavern, LLC with their intentions of applying for their liquor license at 469 East State Street.

**LEASE RENEWAL**

Moved by Trustee Sheehan and seconded by Trustee Miller approving Mayor Theodorakos to sign the lease renewal for Bernard Baldwin for 121 North Main Street, Suite 240. The term of the lease will be from September 1, 2010 through September 1, 2011 with no changes.

**CARRIED**

3 Ayes	0 Nays
Trustee Sheehan	
Trustee Miller	1 Abstained
Mayor Theodorakos	Trustee

Banker

**REQUEST**

Moved by Trustee Sheehan and seconded by Trustee Banker approving the request received from the Lord's House Church of God in Christ to hold a tent meeting on Village property located between the Presbyterian Church and 19 North Main Street.

The meetings will be held on Thursday, August 26, 2010 through Saturday, August 28, 2010 from 7:00 PM to approximately 9:30 PM. Village Clerk will inform the Albion Police Department that the event will be taking place.

**CARRIED**

4 Ayes	0 Nays
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**VILLAGE/TOWN PARK AGREEMENT**

Tabled approving the Mayor to sign the "Inter-municipal Agreement Parks and Recreation" with the Town of Albion as submitted by Attorney Gavenda. The Town of Albion will contribute an annual amount to assist the Village of Albion in defraing the cost of capital improvements of the parks. Trustee Miller would like to talk to Recreation Director, Mr John Grillo to get his opinion on the agreement.

**FENCE LICENSE AGREEMENT**

Moved by Trustee Sheehan and seconded by Trustee Banker approving Mayor Theodorakos to sign the License Agreement with David B and Karen Snell for 308 Ingersoll Street. The fence located at that property is partial located in the Village of Albion's right-of-way. The Village of Albion issued a License Agreement in 1995 with regard to a garage that encroaches upon the Village property at that address.

**CARRIED**

3 Ayes	1 Nay
Trustee Sheehan	Trustee

Miller

Trustee Banker
Mayor Theodorakos

Trustee Miller stated that he would like to see a time limit set in the agreement.

**RESOLUTION LICENSE AGREEMENT**

The following resolution was proposed by Trustee Sheehan who moved its adoption and seconded by Trustee Banker regarding the License Agreement with David B and Karen Snell for 308 Ingersoll

Street:

WHEREAS, the Village of Albion received a request to grant a License Agreement for a fence to David B. and Karen Snell who reside at 308 Ingersoll Street in the Village of Albion; and

WHEREAS, the Village of Albion DPW Supervisor and Code Enforcement Officer have ensured there is no encroachment on water/sewer lines or other public services; and

WHEREAS, the Village of Albion issued a License Agreement in 1995 with regard to a garage that encroaches upon the Village property.

NOW THEREFORE BE IT RESOLVED, that the Village Board of the Village of Albion hereby agrees to grant a License Agreement to David B. and Karen Snell, their successors and or assigns:

- 1. Providing that the portion of the fence now partially situate on the premises owned by the VILLAGE OF ALBION as shown on attached survey, remains in its present location and SNELLS, Snell's successors and/or assigns are solely liable to maintain the fence and the lands contained by the fence.
- 2. Providing that so long as the fence remains in its present location, shown on the said survey, the SNELLS, their successors and/or assigns use the fence for its usual and customary purposes.
- 3. Providing that the SNELLS and their successors and/or assigns agree to make no claim for ownership or other interest in that portion of the premises owned by the VILLAGE OF ALBION on which the fence is situated.
- 4. Providing that in the event SNELLS or their successors or assigns ever enlarge, remove, relocate or replace the fence, or if the same is substantially damaged by fire or other cause the license hereby granted covering the fence encroachment will cease and expire.
- 5. Providing the SNELLS, their heirs, successors and/or assigns agree to forever indemnify, defend and hold harmless the VILLAGE OF ALBION and their successors and assigns from any liability to, claim of damage to or action by any person for death of , injury to or damage to any person or property in any manner arising, directly or indirectly, from the existence or exercise of rights granted under this Agreement, on which the fence is presently located, except as such death, injury or damage is caused by the negligent action of the VILLAGE OF ALBION or their successors and assigns. The existence of the fence encroachment shall not be deemed a negligent action of the VILLAGE OF ALBION.

BE IT FURTHER RESOLVED, that with finding that the public rights of access are not significantly compromised by license, Dean Theodorakos, Mayor of the Village of Albion is hereby authorized to sign said License Agreement.

**CARRIED**

3 Ayes                      1 Nay  
Trustee Sheehan        Trustee

Miller

Trustee Banker  
Mayor Theodorakos

**TRANSFER OF FUNDS**

Moved by Trustee Sheehan and seconded by Trustee Banker approving

the Fire Department's request to transfer \$1,500.00 from A3410.0429- telephone to A3410.409- repair to small equipment. Mr Harry Papponetti provided the Board of Trustees with a list of small equipment repairs that will get paid out of that line item.

**CARRIED**

4 Ayes

0 Nays

**TRANSFER OF FUNDS**

Tabled approving the Recreation Director, Mr John Grillo's request to transfer \$198.00 from A7310.0405, park supplies to A7310.0201, park equipment. Money will be used to purchase a new grill. Trustee Miller will discuss with Mr Grillo.

**EXECUTIVE SESSION**

Moved by Trustee Banker and seconded by Trustee Sheehan to adjourn to executive session for pending legal litigation at 8:52 PM.

**CARRIED**

4 Ayes

0 Nays

Attorney Gavenda entered meeting at 8:58 PM.

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Banker and seconded by Trustee Miller to come out of executive session at 9:37 PM.

**CARRIED**

4 Ayes

0 Nays

**FORGIVE WATER/SEWER BILL**

Moved by Trustee Banker and seconded by Trustee Miller forgiving the water/sewer bill for 65 Caroline Street because of the ongoing situation that is being investigated. The billing period is April 1, 2010 through June 30, 2010. It was stated that forgiving the water/sewer bill, doesn't mean the Village is taking responsibility for the problem.

**CARRIED**

3 Ayes

1 Nay

Trustee Banker

Trustee

Sheehan

Trustee Miller

Mayor Theodorakos

**MEETING CLOSED**

Moved by Trustee Sheehan and second by Trustee Miller that there being no further business, meeting is hereby adjourned at 9:40 PM.

**CARRIED**

4 Ayes

0 Nays

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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## August 12, 2010: Special Meeting

### Body:

A Special Meeting of the Board of Trustees of the Village of Albion was held Thursday, August 12, 2010 at 6:00 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Eileen S Banker, Fred Miller, Jeannette Riley and Kevin P Sheehan.

Also in attendance was mediator, Greg Poland; AFSCME representative, Dennis Eames; Union employees: Robert Ballard, Scott Bradshaw, Paul Fadale, Brad Rouse and Dale Snyder.

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

### EXECUTIVE SESSION

Moved by Trustee Riley and seconded by Trustee Banker to adjourn to executive session for collective bargaining negotiations at 6:01 PM.

**CARRIED**

5 Ayes 0 Nays

Trustee Sheehan left meeting at 7:35 PM.

### EXECUTIVE SESSION CLOSED

Moved by Trustee Banker and seconded by Trustee Miller to come out of executive session at 8:05 PM.

**CARRIED**

4 Ayes 0 Nays

### MEETING ADJOURNED

Moved by Trustee Miller and second by Trustee Banker that there being no further business, meeting is hereby adjourned 8:51 PM.

**CARRIED**

4 Ayes 0 Nays

Minutes taken be Mayor Theodorakos.

Respectfully submitted,

Linda K Babcock

Clerk-Treasurer

doubt, please call the town offices for clarification.

**August 25, 2010: Workshop Meeting**

**Body:**

The Workshop Meeting of the Board of Trustees of the Village of Albion was held Wednesday, August 25, 2010 at 7:00 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

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

**RESIDENT**

Resident, Mr Lou Becker addressed the Board of Trustees about the Charles W Howard Day event that Ms Carol Culhane his wife Jeri and he have been working on. The event will be held Saturday, September 25, 2010 from 9:00 AM to 6:00 PM. Activities will be held on the Court House Square, the First United Methodist Church and the Erie Canal Schoolhouse Bed and Breakfast. There will also be guided bus tours of the Santa Claus School property, Mt Albion Cemetery, Village architectural and historical landmarks and the Cobblestone Museum. There was a discussion on putting the Christmas tree up on the Court House lawn, hanging a Christmas banner and doing a resolution proclaiming a "Charlie W Howard Day".

**AMSA**

Moved by Trustee Riley and seconded by Trustee Banker approving Ms Katelin Olsen, Program Manager for the Albion Main Street Alliance (AMSA) request to use the Canal Park and the municipal parking lot along the canal on Saturday, October 9, 2010 for a flea market and fall festival for children. The hours will be from 10:00 AM to 4:00 PM.

**CARRIED**

5 Ayes 0 Nays

Ms Olsen invited the Board of Trustees to be judges for the scarecrow costume and gourd/vegetable painting contest that will be taking place.

**DEPT HEAD**

Moved by Trustee Sheehan and seconded by Trustee Miller approving Superintendent of Public Works, Dale Brooks request to declare the 2007 Police car as surplus property.

**CARRIED**

5 Ayes 0 Nays

**APPROVE MINUTES**

Moved by Trustee Sheehan and seconded by Trustee Miller that in as much as each member received copies of the August 7, 2010; August 11, 2010 and August 12, 2010 minutes and there being one error or omission, minutes are hereby approved as written with the following correction:

August 11, 2010, Page 7, under Forgive Water/Sewer Bill, Trustee Sheehan voted nay not Trustee Miller

**CARRIED**

5 Ayes 0 Nays

**APPROVE PAYMENT TO ATTY DIMATTEO**

Moved by Trustee Riley and seconded by Trustee Sheehan approving payment to Attorney Daniel M DiMatteo for services rendered in the amount of \$150.00.

**CARRIED**

5 Ayes 0 Nays

**ADOPT STANDARD WORK DAY**

The following resolution adopting the standard work day was proposed by Trustee Sheehan who moved its adoption and seconded by Trustee Banker:

WHEREAS, the New York State and Local Employees' Retirement System established Section 315.4, a new regulation on retirement reporting for elected and appointed officials which became effective August 12, 2009; and

WHEREAS, the new regulation adds additional requirements for both employers and elected and appointed officials, including an expanded record of work activities, a more detailed resolution and

specific time frames within which requirements must be completed;

NOW THEREFORE BE IT RESOLVED, that the Village of Albion hereby establishes the following as standard work days for certain elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body;

Dean A Theodorakos	6 hours for Standard Work Day
Eileen S Banker	6 hours for Standard Work Day
Kevin P Sheehan	6 hours for Standard Work Day
John C Gavenda	6 hours for Standard Work Day

AND BE IT FURTHER RESOLVED, the above list reflects only those elected and appointed officials with terms of office commencing after August 12, 2009, as stipulated in the new regulation and who do not participate in our time reporting system.

**CARRIED**

5 Ayes 0 Nays

**CORRES TO COMMUNITY RENEWAL**

Moved by Trustee Miller and seconded by Trustee Sheehan approving Mayor Theodorakos to sign the response letter to New York State Office of Community Renewal as provided by Stu Brown Associates. The letter is in regards to the response of the Comprehensive Monitoring Close Out Report for the NYS Community Development Block Grant (CDBG) Project No. PR 111-08.

**CARRIED**

5 Ayes 0 Nays

**ADOPT WORK PLACE POLICY**

Moved by Trustee Sheehan and seconded by Trustee Miller to adopt the following "Violence in the Work Place Policy" as submitted by the Violence in the Work Place Committee:



VILLAGE OF ALBION

POLICY PROHIBITING WORKPLACE VIOLENCE

POLICY STATEMENT

The Village of Albion is concerned and committed to the safety and health of our employees. We have a zero tolerance policy towards violence, threats of violence, harassment, intimidation, bullying and other disruptive behavior in the workplace. We will provide the necessary resources to meet our goal of a safe workplace.

We require the prompt and accurate reporting of all violent incidents whether or not physical injury has occurred. All reports of incidents are taken seriously and dealt with appropriately. Employees who are found to have violated this policy are subject to disciplinary action, up to and including termination. The Village of Albion will not discriminate against victims of workplace violence.

All employees, including managers and supervisors, are responsible for using safe work practices, following all policies and procedures, and for assisting in maintaining a safe and secure work environment.

DEFINITIONS:

Workplace Violence

Workplace violence is defined as any act that occurs in the workplace that creates a hostile work environment that affects employees' physical or psychological well-being. This can take the form of harassment, verbal threats, aggressive or threatening behavior and physical assault or abuse.

A workplace may be any location either permanent or temporary where an employee performs any work-related duty. This includes, but is not limited to, Village property, clients' homes and traveling to and from work assignments.

Types of workplace violence that can occur are:

- Violence by strangers
- Violence by customers or clients
- Violence by co-workers, subordinates, and supervisors
- Violence by personal relations



PROHIBITED BEHAVIOR

- Prohibited conduct includes, but is not limited to:
- Injuring another person physically

- Engaging in behavior that creates a reasonable fear of injury to another person
- Engaging in behavior that subjects another person to extreme emotional distress
- Possessing, brandishing, or using a weapon that is not required by the individual's position while on Village property or engaging in Village business
- Intentionally damaging property
- Threatening to injure an individual or to damage property
- Committing injurious acts motivated by, or related to, domestic violence or sexual harassment
- Retaliating against any employee who reports a violation of this policy

**PROCEDURE:**

- 1. Any incident that constitutes a potential or actual threat of violence towards an employee must be reported to a Supervisor. The circumstances of the incident may dictate the incident first be reported to the Village Police Department or Department Head/Designee.
- 2. Supervisors will take any appropriate actions to eliminate any immediate risk/danger if they exist.
- 3. Employees will preserve, to the extent possible, any physical evidence.
- 4. Following a report of an incident, the Supervisor along with the appropriate Department Head shall coordinate an immediate investigation. If appropriate, this investigation will be in cooperation with the Police Department.
- 5. Any disciplinary actions will be applied according to established procedures:
  - o Section 75 "Disciplinary Proceedings" of the Civil Service Law
  - o Article XVIII "Disciplinary Actions" of the Collective Bargaining Agreement between the Village of Albion and the Albion Police Benevolent Association
  - o Article 18 "Discipline and Discharge" of the Collective Bargaining Agreement between the Village of Albion and AFSCME Council 66, Local 1436-A
  - o Village of Albion Disciplinary Policy
- 6. Criminal investigations will be the responsibility of the Albion Police Department.

**CARRIED**

5 Ayes                      0 Nays

**2010 DODGE CHARGER PURCHASE**

Moved by Trustee Miller and seconded by Trustee Riley approving Mayor Theodorakos to sign the documents from Ford Motor Credit Company for the leasing of the 2010 Dodge Charger for the Albion Police Department.

**CARRIED**

5 Ayes                      0 Nays

**SPECIAL MEETING SCHEDULED**

Moved by Trustee Sheehan and seconded by Trustee Riley to schedule a Special Meeting for Monday, September 13, 2010 at 6:00 PM for contract negotiations.

**CARRIED**

5 Ayes                      0 Nays

**INVOICE SHORELINE PROJECT**

Tabled approving payment to the New York State Department of Environmental Conservation for the Village of Albion Water Treatment Plant Shoreline Project. The amount of the invoice is \$57,802.54. Trustee Banker will research the member initiative program from Senator Maziarz and (at the time the project started) Assemblyman Nesbitt for the project. Both offices were supposed to cover one half of the cost of the outstanding amount due. Trustee Sheehan will contact Mr Mike Stankiewicz asking for an extension on due date.

**3<sup>RD</sup> FLOOR**

The Board of Trustees discussed the third floor asbestos. The project will need to go out to bid and the Minority and Women Owned Business's will need to be reached out to. Trustee Riley and Trustee Miller will discuss the project with Superintendent of Public Works, Dale Brooks at their next meeting with him.

**VILLAGE PARKING LOT**

Discussion on the trucks parking in the Village of Albion parking lot on Platt Street. The tenants have concerns as to the space they take up. Mayor Theodorakos will meet with Jim Whipple from Orleans County IDA to discuss options. The Village of Albion Code states that tractor trailers will be allowed to park on the west end of Platt Street Parking Lot from Platt to the west end of the North American Mortgage Building. Will discuss further at the September 8, 2010 Regular Board Meeting.

**19 NORTH MAIN STREET**

The Board of Trustees discussed the cost of the asbestos survey for 19 North Main Street. The project will also need to go out to bid and the Minority and Women Owned Business's will need to be reached out to.

**121 FAÇADE PROJECT**

Mayor Theodorakos gave an update of the 121 Façade and Canal Signage Project. He had met with Mr Paul Chatfield and Mr Tom Simbari, Simbari Architecture, PLLC to discuss the project with them. SHIPO has approved the design. The next step is, the Department of Transportation will need to accept the scope of work. It was suggested that the Village put two bid packages together, one for the original project and one scaling down the scope of the project. The bids specs should be ready in the next couple of months.

**APPROVED PAYMENT OF CHATFIELD BILL**

Moved by Trustee Banker and seconded by Trustee Sheehan approving payment of a portion of the following bill submitted by Chatfield Engineers. Total invoice \$1,212.50. 121 N Main Façade 08-888-8 \$ 432.50

**CARRIED**

4 Ayes 1 Nay  
Trustee Banker Trustee Miller  
Trustee Sheehan  
Trustee Riley  
Mayor Theodorakos

**CLARENDON STREET BRIDGE PROJECT**

Mayor Theodorakos gave an update on the Clarendon Street Bridge Project. The Department of Transportation will be sending the Village of Albion a correspondence regarding the funds for the project. As soon as the Village of Albion receives it, Mayor Theodorakos would like to invite Mr Kevin Miller, Bergmann Associates and Mr Christopher Sheridan, NYS DOT to a Village Board meeting to discuss the project.

**NATIONAL GRID**

Discussed update on National Grid's request for reimbursement of alleged over payments of gross receipts taxes that the Village of Albion received in error. New York State Conference of Mayors (NYCOM) is still reviewing.

**TOWN OF ALBION PARK AGREEMENT**

Moved by Trustee Sheehan and seconded by Trustee Banker approving Mayor Theodorakos sign the Inter-municipal Agreement between the Town of Albion and Village of Albion regarding Parks and Recreation with one change, adding a sixth member to the Recreation Committee. The Town of Albion will contribute \$4,000.00 towards the skate park equipment the Village will purchase this year. They will contribute \$6,000.00 in the Village's fiscal year of June 1, 2011 through May 31, 2012 and future contributions will be determined by the Town of Albion.

**CARRIED**

5 Ayes 0 Nays

**RECREATION COMMITTEE**

Moved by Trustee Miller and seconded by Trustee Riley to change the members on the Recreation Committee from five (5) members to six (6) members.

**CARRIED**

5 Ayes 0 Nays

**TRANSFER OF FUNDS**

Moved by Trustee Sheehan and seconded by Trustee Miller approving Recreation Director, Mr John Grillo's request to transfer \$198.00 from A7310.0405, park supplies to A7310.0201, park equipment. Money will be used to purchase a new grill.

**CARRIED**

5 Ayes 0 Nays

**SAFER GRANT**

Mayor Theodorakos and Trustee Sheehan will meet with members of the Fire Department to discuss the "Safer Grant."

**PUBLIC HEARING**

Moved by Trustee Banker and seconded by Trustee Sheehan approving a Public Hearing be held on Wednesday, September 22, 2010 at 7:00 PM to hear comments pertaining to changing the code of the Village of Albion, Chapter 173 titled Historic District. The changes would include:

- 1. No need to file the district at the County Clerk's Office

- 2. Change wording from Building Inspector to Code Enforcement Office
- 3. Changing the time to publish holding a Public Hearing from 15 days before to 10 no more than 20 days before

**CARRIED**

5 Ayes 0 Nays

**121 NORTH MAIN ST ROOF**

Trustee Miller and Trustee Riley will discuss with Dale the roof leaking at 121 North Main Street. If the project is to be paid from the un-appropriated Capital Reserve funds, the project will need to go out to bid and the Minority and Women Owned Business's will need to be reached out to.

**LATERALS**

There was a brief discussion on the meeting with Ms Tami-Rose Martin; Mr Ozzie Frances, friend; Superintendent of Public Works, Dale Brooks; Trustee Riley and Trustee Miller. The Village Code states it's the property owner's responsibility to fix their laterals. Ms Martin provided no additional proof that her problem is the Village's fault.

**EXECUTIVE SESSION**

Moved by Trustee Sheehan and seconded by Trustee Banker to adjourn to executive session for pending legal litigation and personnel issues at 8:39 PM.

**CARRIED**

5 Ayes 0 Nays

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Sheehan and seconded by Trustee Riley to come out of executive session at 9:28 PM.

**CARRIED**

5 Ayes 0 Nays

**PETITION FOR EVICTION**

Moved by Trustee Sheehan and seconded by Trustee Miller for Attorney Gavenda to do a petition of eviction agreement for the property at 61 Brown Street.

**CARRIED**

5 Ayes 0 Nays

**PART-TIME RAISES**

Moved by Trustee Sheehan and seconded by Trustee Riley approving a 2% raise for part-time employees, Martha London, David Nayman, Kevin Kelley and Evonne Yaskivich effective immediately.

**CARRIED**

5 Ayes 0 Nays

**RESIDENT COMPLAINT**

Trustee Banker will contact the resident of 146 Caroline Street regarding the recent complaint she filed against Code Enforcement Officer, Ronald Vendetti.

**MEETING MINUTES**

Trustee Riley provided a summary of the minutes from two meetings she had attended, the meeting with Tami-Rose Martin and the upgrade committee meeting.

**MEETING ADJOURNED**

Moved by Trustee Riley and second by Trustee Sheehan that there being no further business, meeting is hereby adjourned 9:44 PM.

**CARRIED**

5 Ayes 0 Nays

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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## September 08, 2010: Regular Board Meeting

### Body:

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, September 8, 2010 at 7:00 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Eileen S Banker, Fred Miller, Jeannette Riley and Attorney John Gavenda.

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

### **ACCEPT TREASURERS REPORT**

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

**CARRIED**

4 Ayes

0 Nays

Trustee Sheehan entered meeting at 7:04 PM.

### **CELL PHONE STIPEND**

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

**CARRIED**

5 Ayes

0 Nays

### **CHATFIELD ENGINEERS**

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

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

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

**RESIDENT**

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

**FIRE FLIES**

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

**APPROVE MINUTES**

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

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

**CARRIED**

5 Ayes

0 Nays

**APPROVE PAYMENT CHATFIELD BILLS**

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

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

**CARRIED**

5 Ayes

0 Nays

**APPROVE PAYMENT TO LIPPITT**

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

**CARRIED**

5 Ayes

0 Nays

**APPROVE PAYMENT TO KEELER**

Moved by Trustee Sheehan and seconded by Trustee Miller approving Mayor Theodorakos to sign Pay Estimate #2 for the McKinstry Street Storm Sewer Project. The amount to be paid is \$140,064.30 to Keeler

Construction. The project is 81% completed as of August 31, 2010.

**CARRIED**

5 Ayes

0 Nays

**APPROVE PAYMENT TO SERGI**

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

**CARRIED**

5 Ayes

0 Nays

**APPROVE PAYMENT RIDGEWAY**

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

**CARRIED**

5 Ayes

0 Nays

**APPROVE CEMETERY DEEDS**

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

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

**CARRIED**

5 Ayes

0 Nays

**ACCEPT APPLICATION**

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

Shawn R Arnett

Water Treatment Plant Operator

**CORRESPONDENCE**

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

**CORRES**

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

**CORRESPONDENCE**

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

**CORRESPONDENCE**

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

**APPROVE AD IN DIRECTORY**

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

**CARRIED**

5 Ayes 0 Nays

**APPROVE PAYMENT OF BILLS**

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

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

**CARRIED**

5 Ayes 0 Nays

**LETTER TO OWNERS**

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

**MCKINSTRY RD PROJECT BILLS**

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

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

**CARRIED**

5 Ayes 0 Nays

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

**CROWN CASTLE AGREEMENT**

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

**PROCLAMATION CHARLES HOWARD DAY**

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

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

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

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

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

and;

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

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

**CARRIED**

5 Ayes

0 Nays

**CLARENDON STREET BRIDGE PROJECT**

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

**NATIONAL GRID**

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

**INVOICE SHORELINE PROJECT**

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

**VILLAGE PROJECTS**

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

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

**VILLAGE PARKING LOT**

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

**NOTICE TO QUIT**

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

**E-MAIL POLICY REVIEWED**

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

**SPECIAL MEETING SET**

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

**CARRIED**

5 Ayes

0 Nays

**MEETING ADJOURNED**

Moved by Trustee Riley and second by Trustee Miller that there being no

further business, meeting is hereby adjourned 9:43 PM.

**CARRIED**

5 Ayes

0 Nays

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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## September 13, 2010: Special Meeting

### Body:

The Special Meeting of the Board of Trustees of the Village of Albion that was to be held on Monday, September 13, 2010 at 6:00 PM for contract negotiations, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York was cancelled.

Respectfully Submitted,

Linda K Babcock  
Clerk-Treasurer

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## July 21, 2010: Planning Board

### Body:

Village of Albion  
Planning Board

### July 21, 2010 MEETING MINUTES

**PRESENT:** Members: Clifford Thom, Daniel Gleason ,Steven Corrigan and John Andrews  
Ronald Vendetti, Code Enforcement Officer

Clifford Thom opened the meeting at 7:00 pm with the Pledge of Allegiance

**APPROVAL** Moved by Dan Gleason and seconded by Steve Corrigan, that

**OF** in as much as each member received copies of the minutes from  
**MINUTES** the June 16, 2010 meeting and the July 7, 2010 Public Hearing, and being that there were no errors or omissions, the minutes are hereby approved as submitted.

**Motion passed unanimously**

**SWAN** CEO Vendetti addressed the board concerning the Swan Library's

**LIBRARY** plans. He relayed comments given to him by various Village

departments. Mr. Dale Brooks of the DPW had requested that the

gutter to the north side be replaced or adjusted so that it did not sit

over the top of the storm sewer. He also would like confirmation

that the building is totally off the easement on the north side. K&K

Architects were unsure - they would verify. Mr. Brooks also

would like to know what type of trees were going to be planted as

a buffer on the north side of the building.

radius for The Albion Fire Department would like to verify that the turn around of emergency vehicles is adequate.

discussion Parking was also addressed. There was some concerning how many spaces would be sufficient. The current law would require 73 spaces. The current plan allows for 60 spaces. Discussion followed about adjusting the plan or applying for a variance.

provide Kevin Doherty stated that the Library might be willing to additional parking in the future if the need should arise.

He said a provision could be made for the additional 13 spaces through an Agreement with the Village of Albion and the Swan Library. The Agreement could designate a "trigger" to implement the additional spaces.

was Luc Lefebvre of K & K Architects discussed the review that submitted by Metzger Civil Engineering, PLLC. He inquired about preliminary site plan approval. CEO Vendetti informed Mr. Lefebvre that a preliminary site plan review was being conducted tonight, but that a final review would not take place until all of the issues previously discussed have been addressed ( The emergency turn around radius, buffers, parking and drainage ).

Clifford Thom recommended that a landscape sheet also should be submitted. A buffer on the Liberty Street side was also mentioned.

Luc stated that a buffer on that side might promote mischievous activity. The Planning Board does not feel a buffer will be needed on the Liberty Street side.

It was understood that if K & K presented a "complete" plan in August to the Village Planning Board with no areas undetermined, approval could be made to send the plan on to the County Planning Board. If the county approves, the plan will then be sent back to the Village Planning Board for final

approval.

The next Village Planning Board meeting will be Wednesday August 18, 2010. The plan would need to be submitted to the County by: August 19, 2010 for review on August 26, 2010.

**ADJOURN:** A motion was made by Dan Gleason, seconded by John Andrews

That there being no further business, the meeting is hereby adjourned at 7:57 pm.

**Motion passed unanimously**

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## September 15, 2010: Special Meeting

### Body:

A Special Meeting of the Board of Trustees of the Village of Albion was held Wednesday, September 15, 2010 at 6:00 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Eileen S Banker, Fred Miller and Jeannette Riley.

Mayor Theodorakos opened the meeting with the pledge of allegiance at 6:15 PM.

### **SPECIAL MEETING SCHEDULED**

Moved by Trustee Miller and seconded by Trustee Banker approving to start the scheduled Workshop Meeting Wednesday, September 22, 2010 at 6:00 PM instead of 7:00 PM to discuss salary reviews.

**CARRIED**

4 Ayes

0 Nays

### **MEETING ADJOURNED**

Moved by Trustee Riley and second by Trustee Banker that there being no further business, meeting is hereby adjourned 7:04 PM.

**CARRIED**

4 Ayes

Minutes were taken by Mayor Dean A

Theodorakos.

Respectfully submitted,

Linda K  
Babcock  
Clerk-Treasurer

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**September 22, 2010: Workshop Meeting**

**Body:**

The Workshop Meeting of the Board of Trustees of the Village of Albion was held Wednesday, September 22, 2010 at 6:00 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Fred Miller and Jeannette Riley.

Mayor Theodorakos opened the meeting with the pledge of allegiance at 6:05 PM.

**VILLAGE PROJECTS**

Discussion on the following building projects:

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

**VILLAGE PARKING LOT**

Discussion on the trucks parking in the Village of Albion parking lot on Platt Street. Mayor Theodorakos stated that he has been in contact with Mr Jim Whipple, Orleans Economic Development, who will contact the Village to let them know if the problem becomes serious. The Board will then discuss how to handle the situation.

**REVISED E-MAIL POLICY**

Tabled adopting the revised e-mail/computer policy presented by Attorney Gavenda until the October 13, 2010 Regular Board Meeting.

**CHANGE ORDER #4**

Discussion on Change Order #4 for the Sanitary Sewer Project. The Board of Trustees would like to see the budget for the project before approving the Change Order.

**APPROVE MINUTES**

Moved by Trustee Riley and seconded by Trustee Miller that in as much as each member received copies of the September 8, 2010 minutes and there being no error or omissions, minutes are hereby approved as written. The Board of Trustees also acknowledged that the Special Meeting that was to be held on Monday, September 13, 2010 was cancelled.

**CARRIED**

3 Ayes

0 Nays

**APPROVE PAYMENT TO HODGSON RUSS**

Moved by Trustee Riley and seconded by Trustee Miller approving payment to Hodgson Russ LLP for services rendered in the amount of \$429.30.

**CARRIED**

3 Ayes

0 Nays

**CORRESPONDENCE**

Correspondence received from the NYS Governor Traffic Safety Committee Department of Motor Vehicles notifying the Village it has

been awarded \$6,040 to participate in the statewide "Selective Traffic Enforcement Program".

#### **INFORMATION**

Information provided to the Board of Trustees about the "Mayor Joins \$25.00 on the 25<sup>th</sup> Campaign". New York Conference of Mayors (NYCOM) is supporting the efforts of the New York Press Association urging New Yorker's to spend \$25.00 on September 25, 2010 with a Main Street business. Unfortunately, the information wasn't provided in time to participate.

Mayor Theodorakos took minutes to this point. The Village Clerk-Treasurer entered meeting at 6:44 PM.

#### **VFW POST 4635/AMERICAN LEGION**

Moved by Trustee Miller and seconded by Trustee Riley approving payment to the VFW Post 4635 and the American Legion Sheret Post 35 as approved for in the June 1, 2010 through May 31, 2011 budget.

**CARRIED**

3 Ayes

0 Nays

#### **NYS CDBG PROJECT #10PR132-10**

Moved by Trustee Riley and seconded by Trustee Miller approving Mayor Theodorakos to sign the following documents for the New York State Office of Community Renewal Grant Agreement #10PR132-10. The \$600,000 the Village received will be used to do upgrades at the Pollution Control Plant:

Grant Agreement

Designation of Depository for Direct Deposit of HTFC Funds

Authorized Signature Form for Disbursement Request

**CARRIED**

3 Ayes

0 Nays

Attorney Gavenda entered meeting 6:55 PM.

#### **NATIONAL GRID**

Tabled decision on National Grid's request for reimbursement of alleged over payments of gross receipts taxes that the Village of Albion received in error until the October 13, 2010 Regular Board Meeting. New York State Conference of Mayors (NYCOM) provided their opinion that the revised settlement agreement from National Grid is a reasonable resolution to the dispute.

#### **PUBLIC HEARING**

Mayor Theodorakos opened the Public Hearing at 7:00PM to consider changes to Section 173-3(C) of the Code of the Village of Albion, which will be changing the publication requirements of proposed historic preservation district and/or amendments thereto and re-designating the Building Inspector to Code Enforcement Officer. Also to consider deleting the mandate in Section 173-3(E) requiring the Historic Preservation Commission to record with the office of the Orleans County Clerk notice of each property designation as a landmark and the boundary line of each designated historic district.

Discussion on filing the district with the Orleans County Clerk's Office. Also discussed was the proposed district. The Historic Preservation Commission will conduct Public Hearings to hear comments about the proposed district when ready.

## **PUBLIC HEARING CLOSED**

Moved by Trustee Riley and seconded by Trustee Miller that in as much as everyone who wished to speak regarding considering changes to Section 173-3(C) of the Code of the Village of Albion, which will be changing the publication requirements of proposed historic preservation district and/or amendments thereto and re-designating the Building Inspector to Code Enforcement Officer. Also to consider deleting the mandate in Section 173-3(E) requiring the Historic Preservation Commission to record with the office of the Orleans County Clerk notice of each property designation as a landmark and the boundary line of each designated historic district were heard, the Public Hearing is hereby closed at 7:16 PM.

**CARRIED**

3 Ayes

0 Nays

## **LOCAL LAW ADOPTED**

The following resolution was proposed by Trustee Riley who moved its adoption and seconded by Trustee Miller:

WHEREAS, a proposed Local Law #8 of the year 2010 for the purpose of changes to Section 173-3(C) of the Code of the Village of Albion changing the publication requirements of proposed historic preservation district and/or amendments thereto and re-designating the Building Inspector to Code Enforcement Officer. Also to consider deleting the mandate in Section 173-3(E) requiring the Historic Preservation Commission to record with the office of the Orleans County Clerk notice of each property designation as a landmark and the boundary line of each designated historic was presented to the Village of Albion Board of Trustees at a Workshop Meeting of said Board held on September 22, 2010, and

WHEREAS, the Board of Trustees, at the Workshop Meeting of said Board of Trustees held on August 25, 2010 did adopt a motion that a Public Hearing be held on aforesaid to propose amendment to the Local Law at 7:00PM on Wednesday, September 22, 2010, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York, and that notice was published in the Batavia Daily Newspaper, the official newspaper of the Village of Albion, at least ten days before September 22, 2010, and

WHEREAS, a notice of such Public Hearing was duly published in the Batavia Daily Newspaper on the 13<sup>th</sup> day of September 2010, 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 7:00PM on Wednesday, September 22, 2010 at which time all were heard who wished to speak regarding said Local Law,

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

**VILLAGE OF ALBION**

LOCAL LAW #8  
CHAPTER 173  
Historic Preservation

173-3 (C)

Notice of a proposed designation shall be sent by certified mail return receipt requested, 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 10 days no more than 20 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 Code Enforcement Officer until the Commission has made its decision

**CARRIED**

3 Ayes

0 Nays

**DEPT HEAD**

Resident, Ms Nonnie Brown, 302 East Park Street filed a complaint with the Village of Albion stating her vehicle was damaged due to the construction in her area.

Moved by Trustee Riley and seconded by Trustee Miller approving to pay for the East Park Street resident's vehicle to get fixed. Payment will be made out to The Tranny Shop for \$389.32.

**CARRIED**

3 Ayes

0 Nays

**EXECUTIVE SESSION**

Moved by Trustee Miller and seconded by Trustee Riley to adjourn to executive session for pending legal litigation issues at 7:23 PM.

**CARRIED**

3 Ayes

0 Nays

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Riley and seconded by Trustee Miller to come out of executive session at 7:43 PM.

**CARRIED**

3 Ayes

0 Nays

**OFFICAL MINUTES**

The following resolution was proposed by Trustee Riley who moved its adoption and seconded by Trustee Miller:

**WHEREAS**, there are various committees, boards and commissions that have been established by the Village of Albion Board of Trustees to address important concerns of the Village; and

**WHEREAS**, these committees, boards and commissions hold regularly scheduled meetings through the year wherein minutes of said meetings are taken by the secretary or the secretary's designee so that there is a record established of the proceedings of the committee, board or commission; and

**WHEREAS**, it is preferred that the recording of the proceeding of any committee, board or commission is generally made in written form; and

**WHEREAS**, the use of electronic recording devices for recordation of committee, board and/or commission meetings is

discouraged unless it is the only means of making an accurate recording of the proceeding; and

**WHEREAS**, it is the desire of the Village Board of Trustees to limit the recording of committee, board and/or commission meetings to only the written record made by the group's secretary; and

**WHEREAS**, committee, board and/or commission members are authorized to take notes of the proceeding if the members so desire but only the secretary's written notes will be the official record of the group; and

**WHEREAS**, no electronic recording device will be utilized or authorized by any committee, board and/or commission member other than the secretary and then only in very limited circumstances;

**NOW, THEREFORE**, be it resolved that

1. The secretary and/or the secretary's designee of the committee, board or commission established by the Village of Albion Board of Trustees is the only person authorized to create the official record of the committee, board or commission; and

2. No electronic recording device will be used by any committee, board or commission member without the express written authorization of the president of the group; and

3. Only on rare occasions will the secretary and/or the secretary's discipline shall be authorized to make any electronic recordings of any regular or special meeting of committee, board and/or commission; and

4. If any member of the committee, board or commission other than its secretary is found to be recording by electronic means the meeting the committee, board and/or commission said member will be immediately expelled from the meeting and shall be suspended from any further attendance until the issue is brought to the attention of the Village of Albion Board of Trustees and the appropriate disciplinary action is taken by the Village Board.

**CARRIED**

3 Ayes

0 Nays

**SPECIAL MEETING SCHEDULED**

Moved by Trustee Riley and seconded by Trustee Miller approving a Special Meeting to be held on Thursday, October 7, 2010 at 6:15 PM to discuss salary reviews.

**CARRIED**

3 Ayes

0 Nays

**TABLED ADOPTION OF RESOLUTION JUVENILE AID PROGRAM**

Tabled the adoption of the resolution for of the Village of Albion to participate in the Juvenile Aid Program until the October 13, 2010 Regular Board Meeting.

**APPROVE MAJOR FELONY CRIME TASK FORCE**

Tabled approving Mayor Theodorakos to sign the 2011 Major Felony Crime Task Force Memorandum of Understanding until the October 13, 2010 Regular Board Meeting.

**PCF UPGRADE PROJECT**

Since two Board Members are absent, the discussion on the Pollution Control Facility Upgrade Project was tabled until the Regular Board Meeting on October 13, 2010.

**MEETING ADJOURNED**

Moved by Trustee Riley and second by Trustee Miller that there being no further business, meeting is hereby adjourned 7:56 PM.

**CARRIED**

3 Ayes

0 Nays

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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## October 07, 2010: Special Meeting

### Body:

Cancelled

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## October 05, 2010: Special Meeting

### Body:

A Special Meeting of the Board of Trustees of the Village of Albion was held Tuesday, October 5, 2010 at 6:00 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Eileen S Banker, Fred Miller, Jeannette Riley and Kevin P Sheehan.

Mayor Theodorakos opened the meeting with the pledge of allegiance at 6:05 PM.

### EXECUTIVE SESSION

Moved by Trustee Sheehan and seconded by Trustee Miller to adjourn to executive session to discuss personnel matters at 6:06 PM.

### CARRIED

5 Ayes

0 Nays

### EXECUTIVE SESSION CLOSED

Moved by Trustee Miller and seconded by Trustee Banker to come out of executive session at 7:15 PM.

### CARRIED

5 Ayes

0 Nays

### SPECIAL MEETING SCHEDULED

Moved by Trustee Banker and seconded by Trustee Miller approving to schedule a Special Meeting on Monday, October 25, 2010 at 6:00 PM for contract negotiations.

### CARRIED

5 Ayes

0 Nays

### CHANGE MEETING TIME

Moved by Trustee Banker and seconded by Trustee Miller changing the starting time of the Regular Board Meeting on Wednesday, November 10, 2010 to 6:00 PM.

### CARRIED

5 Ayes

0

Nays

### CANCEL WORKSHOP MEETING

Moved by Trustee Banker and seconded by Trustee Miller to cancel the Workshop Meeting scheduled for Wednesday, November 24, 2010.

### CARRIED

5 Ayes

0

Nays

### MEETING ADJOURNED

Moved by Trustee Banker and second by Trustee Miller that there being no further business, meeting is hereby adjourned 7:20 PM.

**CARRIED**

5 Ayes  
Nays

0

Minutes were taken by Mayor Dean A Theodorakos.

Respectfully submitted,

Linda K Babcock  
Clerk-Treasurer

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## October 13, 2010: Regular Board Meeting

### Body:

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, October 13, 2010 at 6:30 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

Mayor Theodorakos opened the meeting with the pledge of allegiance at 6:33 PM.

### **HEALTH INSURANCE**

Mr Don Bardeen and Mr Don Jablonski discussed Health Insurance with the Board of Trustees. They have provided health and group insurance brokerage service for the Village in the past years.

### **CHATFIELD ENGINEERS**

An energy audit will be done at the Joint Municipal Industrial Pollution Control Facility. One of the requirements of the principal forgiveness offer is to participate in the energy evaluation with NYSERDA which will be no cost to the Village.

### **APPROVED CHATFIELD AGREEMENT**

Moved by Trustee Sheehan and seconded by Trustee Banker approving Mayor Theodorakos to sign the Engineering Agreement with Chatfield Engineers for the Joint Municipal Industrial Pollution Control Facility in the amount of \$391,353.00. The contract consists of the following contracts:

- 1. Equalization Tank and Raw Sewage Pump Station Improvements
- 2. Electrical/SCADA System Improvements
- 3. General Construction

### **CARRIED**

4 Ayes

0 Nays

Contract one will be addressed first along with contract two which ties into the first contract. The approximate time frame for the project is:

Bids will be March/April

Project starting in May/June and

Completed by October/November

### **APPROVED CHANGE ORDER #4 AND #5**

Moved by Trustee Sheehan and seconded by Trustee Banker approving Mayor Theodorakos to sign Change Order #4 and Change Order #5 for the Sanitary Sewer Project.

- 1. Change Order #4 in the amount of \$68,845.00 is for the additional landscaping and grading that was necessary for the completion of the Meadowbrook Road Reconstruction Project. Additional work to be performed is extensive cutting and filling along the backside of the gutters, restoration of the

lawn areas disturbed when the Village installed the water main, regrading of the existing drainage swale near Clover Lane, regrading of existing drainage swales and/or creating of new swales along the roadway to promote drainage to inlet structures and top soil and seed to all disturbed areas. Mr Foote explained that because of the time frame at the time the entire project went out to bid, the total restoration was not included in the bid process.

- 2. Change Order #5 in the amount \$72,519.00 is for the contractor to install additional asphalt top over the entire width of the road on portions of Caroline Street, East Bank Street, West Bank Street and North Clinton Street.

**CARRIED**

4 Ayes

0 Nays

### **APPROVE PAYMENT TO SERGI**

Moved by Trustee Sheehan and seconded by Trustee Miller approving Mayor Theodorakos to sign payrolls and the payment of Pay Estimate #16 for the Sanitary Sewer Project. The amount to be paid is \$90,645.26 to Sergi Construction. The project is 78% completed as of October 1, 2010.

**CARRIED**

4 Ayes

0 Nays

### **DISCUSSION**

Mr Chatfield handed out a summary of the construction costs showing a balance of approximately \$174,118 for the Sanitary Sewer Project which could be used to complete additional work such as spot repairs or section replacement.

Mr Chatfield provided the Board of Trustees with his engineering fees associated with various projects over the years. The summary also shows the courtesy discounts he provided over the years for the Village.

The Green Project is getting under way with letters ready to go out to the effected residents.

### **DEPARTMENT HEAD**

The Board of Trustees agreed that Code Enforcement Officer, Ron Vendetti should work with Police Chief, Dean London regarding the property at 61 Brown Street that the Village has acquired.

### **WAGES**

Code Enforcement Officer, Ron Vendetti informed the Board of Trustees that the non-union management and clerks are requesting an answer on wage increases. A committee was formed of Board members and employees who came up with recommendations. Mayor Theodorakos and Trustee Banker stated it's moving along.

### **DEPARTMENT HEAD REQUEST**

Moved by Trustee Sheehan and seconded by Trustee Banker approving the Superintendent of the Pollution Control Plant, Aric Albright's request to transfer \$3,810.00 from G8130.0405-electrical to G8130.0209-conveyor.

**CARRIED**

4 Ayes

0 Nays

### **STREET LIGHTS**

Discussion on the street lights in the downtown area that are not working properly. It was determined that the Department of Public Works will take care of them and fine out what the problem is. Trustee Miller thought it

would be a good idea to take down the flags and check the photo eyes to make sure they are working properly at the same time they fix them.

**RESIDENT**

Employment Specialist, Ms Randi Lang is requesting a break on the sewer portion of Mr Brandon Pitt's water/sewer bill for the period 3/24/10-7/01/10. Ms Lang states that due to Mr Lang's disability, he wasn't able to hear the leak in his toilet.

Moved by Trustee Miller and seconded by Trustee Sheehan authorizing the penalty amount of \$111.44 be removed from Mr Pitt's water/sewer bill for the period of March 24, 2010 through July 1, 2010. Mr Pitts will have 10 days to pay the balance of his bill.

**CARRIED**

4 Ayes 0 Nays

**RESIDENT**

Tabled decision on resident, Ms Tabbetha Pearce's request for reimbursement for the purchase of a tire which she alleges was damaged from the construction. The Board of Trustees would like the Superintendent of Public Works, Dale Brook's recommendation before making a decision.

**APPROVE MAJOR FELONY CRIME TASK FORCE**

Moved by Trustee Miller and seconded by Trustee Sheehan approving Mayor Theodorakos to sign the 2011 Major Felony Crime Task Force Memorandum of Understanding. Also signing the document is Orleans County, Village of Medina and Village of Holley.

**CARRIED**

4 Ayes 0 Nays

**ACCEPT TREASURERS REPORT**

Moved by Trustee Sheehan and seconded by Trustee Banker accepting the Treasurer's Report for September 2010.

**CARRIED**

4 Ayes 0 Nays

**APPROVE MINUTES**

Moved by Trustee Miller and seconded by Mayor Theodorakos that in as much as each member received copies of the September 15, 2010 and September 22, 2010 minutes and there being no error or omissions, minutes are hereby approved as written.

**CARRIED**

4 Ayes 0 Nays

The Board of Trustees acknowledged that the Special Meeting scheduled for October 7, 2010 was cancelled.

**APPROVE PAYMENT OF BILLS**

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

General Fund	voucher #7406	\$62,180.33
Water Fund	to #7606	\$ 9,355.37
Sewer Fund		\$13,400.22

**CARRIED**

4 Ayes 0 Nays

Trustee Banker stated that getting the Department Heads to sign their vouchers is difficult. They will be reminded that it is their responsibility to make sure their vouchers are signed before they are approved by the Board.

**APPROVE PAYMENT CHATFIELD BILLS**

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

McKinstry Street Storm Sewer/Rd Reconstruction 09-944-

13	\$ 4,854.50	Meadowbrook Drive Road Reconstruction	09-952-
10	\$ 4,844.00	Green Project Initiative	10-976-
7	\$ 234.00	2007 Sanitary Sewer Improvements	06-765-
37	\$ 248.00	Water System Capital Improvement Plan	09-943-
10	\$ 4,990.00		

The portion of invoice 94-193-158, in the amount of \$130.00 for creating a base map of the parking lot on North Main Street was tabled. The Board of Trustees would like clarification as to what work they had done. The amount of that invoice to be paid is \$582.00 which was for organizing files and attending the ARRA audit meeting.

**CARRIED**

4 Ayes 0 Nays

**APPROVE PAYMENT TO KEELER**

Moved by Trustee Banker and seconded by Trustee Miller approving Mayor Theodorakos to sign Pay Estimate #3 for the McKinstry Street Storm Sewer Project. The amount to be paid is \$53,679.02 to Keeler Construction. The project is 94% completed as of October 1, 2010.

**CARRIED**

4 Ayes 0 Nays

**MC KINSTRY STREET PROJECT BILLS**

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

Albion Ace Hardware	\$ 134.44
Barre Stone Products	\$ 6,391.51
Hanson Aggregates	\$15,811.00
Keeler Construction	\$ 8,772.50
Oak Orchard Concrete	\$ 1,794.50
Orleans County Highway	\$ 39.15
Volvo Rents	\$ 1,373.00

**CARRIED**

4 Ayes 0 Nays

Clerk-Treasurer needs to get the amount of overtime pay for Village employees who worked on the McKinstry Street Road Reconstruction Project.

**APPROVE CEMETERY DEEDS**

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

Eric Bradshaw	#24 Evergreen
Columbarium	
Gwendolen J Ferchen	S.G. 419-422 Deerfield
Avenue	
Mary L Knights	S.G. 27 and 28 Deerfield
Sally J Lusk	#22 Evergreen
Columbarium	

**CARRIED**

4 Ayes

0 Nays

**ACCEPT APPLICATION**

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

Michael R Schuck      Water Treatment Plant Trainee

**ACCEPT FIRE DEPT MEMBERS**

Moved by Trustee Sheehan and seconded by Trustee Banker accepting Brandi M Ferris and Nancy L Francis applications to be active members of the Albion Fire Department.

**CARRIED**

4 Ayes

0 Nays

**STUART I BROWN AGREEMENT**

Moved by Trustee Sheehan and seconded by Trustee Miller approving Mayor Theodorakos to sign the Agreement with Stuart I Brown Associates for the Joint Municipal Industrial Pollution Control Facility (JMIPCF) Improvement Project. Stuart I Brown Associates will be the administrator for the project for an amount not to exceed \$14,000.00.

**CARRIED**

4 Ayes

0 Nays

**CORRESPONDENCE**

Correspondence received from USDA, notifying the Village of Albion of their intent to lease approximately 3150 net usable square feet of office space in Albion.

**JUVENILE AID RESOLUTION**

The following resolution was proposed by Trustee Miller who moved its adoption and seconded by Trustee Banker approving the Village of Albion to participate in the 2010 Juvenile Aid Program:

WHEREAS, for a number of years, the Village of Albion participated in and funded the activities of the Juvenile Aid Program, and

WHEREAS, the accounting and bookkeeping requirements have resulted in the Village of Albion becoming the administrative body for the activities of the Juvenile Aid Program through the collection and disbursement of monies for the payment of invoices, assuming responsibility for employee payroll and the handling of other accounting and administrative responsibilities,

NOW THEREFORE BE IT RESOLVED, that the Village of Albion agrees to participate in the Juvenile Aid Program for the Year 2010 and agrees to be responsible for paying funds toward the operation of the programs planned, and has budgeted funding for such, as it has in the past.

**CARRIED**

4 Ayes

0 Nays

**VILLAGE PROJECTS**

There was a discussion of the third floor at the Village Hall. The main room, known as the bike room, is off limits and will be re-tagged. The Board of Trustees will review the cost of doing the separate areas to determine how much of the project will be done.

Moved by Trustee Sheehan and seconded by Trustee Miller approving Superintendent of Public Works, Dale Brooks to get the spec's ready for bids to go out to address the asbestos. Code Enforcement Officer, Ron

Vendetti will provide the list of minority and women owned businesses that will need to be reached out to.

**CARRIED**

4 Ayes

0 Nays

**NATIONAL GRID**

Moved by Trustee Sheehan and seconded by Trustee Banker approving Mayor Theodorakos to sign the settlement agreement with National Grid. National Grid had requested reimbursement of alleged over payments of gross receipts taxes that the Village of Albion received in error. New York State Conference of Mayors (NYCOM) provided their opinion that the revised settlement agreement from National Grid is a reasonable resolution to the dispute. The Attorney will check into how much the Village of Albion needs to pay back National Grid.

**CARRIED**

4 Ayes

0 Nays

**INVOICE SHORELINE PROJECT**

The Board of Trustees tabled payment to NYS Department of Environmental Conservation for the Shoreline Erosion Project. The Clerk-Treasurer will response to the letter of August 12, 2010 requesting payment from the Village for the project. Trustee Banker will provide the Clerk-Treasurer with the contact information at the DEC. Apparently, one half of the member item funds has been found and needs to be internally transferred. The other half needs to be looked into further.

**DEPARTMENT HEAD**

Trustee Banker and Code Enforcement Officer, Ron Vendetti will meet with resident, Mr Peter Collazo regarding the complaint he had filed on Mr Vendetti.

**MEETING ADJOURNED**

Moved by Trustee Miller and second by Trustee Sheehan that there being no further business, meeting is hereby adjourned at 9:22 PM.

**CARRIED**

4 Ayes

0 Nays

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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## October 25, 2010: Special Meeting

### Body:

A Special Meeting of the Board of Trustees of the Village of Albion was held Monday,

October 25, 2010 at 6:00 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York for contract negotiations.

Present were Mayor Dean A Theodorakos, Trustees Eileen S Banker and Kevin P Sheehan.

Also present was mediator Mr Greg Poland.

Mayor Theodorakos opened the meeting with the pledge of allegiance at 6:04 PM.

### EXECUTIVE SESSION

Moved by Trustee Banker and seconded by Trustee Sheehan to adjourn to executive session for contract negotiations at 6:05 PM.

### CARRIED

3 Ayes

0 Nays

### EXECUTIVE SESSION CLOSED

Moved by Trustee Banker and seconded by Trustee Sheehan to come out of executive session at 8:05 PM.

### CARRIED

3 Ayes

0 Nays

### MEETING ADJOURNED

Moved by Trustee Banker and second by Trustee Sheehan that there being no further business, meeting is hereby adjourned 8:06 PM.

### CARRIED

3 Ayes

0

Nays

Minutes were taken by Mayor Dean A Theodorakos.

Respectfully submitted,

Linda K Babcock  
Clerk-Treasurer

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## October 27, 2010: Workshop Meeting

### Body:

The Workshop Meeting of the Board of Trustees of the Village of Albion was held Wednesday, October 27, 2010 at 7:00 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Eileen S Banker, Fred Miller, Jeannette Riley and Attorney John C Gavenda.

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

### **CLARENDON STREET BRIDGE PROJECT**

Mr Christopher Sheridan from Department of Transportation and Mr Kevin Miller from Bergmann Associates were present to discuss the Clarendon Street Bridge Project. There was a discussion on the different options the Board of Trustees have to choose from for the project.

If the Village opts to progress design today and carry the cost until the funds are available, there would be \$285,000 of debt by the time the Village would be repaid in November 2011. The benefit of this would be that the Village has a fully designed bridge ready to be bid on by November 2011, with the potential to bid out in the spring 2012, if other bridge projects in the region slip in their schedules and free up funds.

If the Village decides to wait to start the detail design of the bridge plans until November 2011, there would be not costs carried by the Village. It would however delay construction until spring 2013 at the earliest if other projects slip in their schedules. If no other bridge project slips in schedule and design was delayed, it would be delayed until 2014.

The Village could choose to carry the debt of \$1,300,000 until November 2013. This option would allow the bridge to be constructed in 2012.

The Board of Trustees could approve Bergmann Associates to get the design work approved, which would cost approximately \$40,000 to \$50,000 that the Village would need to carry until funding is in place. Another option is to get the plans done and on the shelve which would cost approximately \$240,000.00 that the Village would need to carry.

Mr Sheridan stated that the State and Local Agreement needs to be updated. When that is completed the Village of Albion will be reimbursed for the invoices that have already been submitted.

There was a discussion on the Department of State being responsible for doing the litigations for the acquisitions of properties. Mr Miller stated that a traffic study needs to be done. Also discussed meeting with representatives of Orleans County regarding being the administer of the project and transferring ownership of the bridge to them.

### **EXECUTIVE SESSION**

Moved by Trustee Riley and seconded by Trustee Banker to adjourn to executive session for personnel issues, ongoing litigation's and collective bargaining discussion at 8:17 PM.

**CARRIED**

4 Ayes

0 Nays

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Banker and seconded by Trustee Miller to come out of executive session at 9:43 PM.

**CARRIED**

4 Ayes

0 Nays

**PUBLIC OFFICERS/EMPLOYEES**

Attorney Gavenda discussed with the Board of Trustees Village Local Law, Article 3-300 regarding eligibility for employees who are elected or appointment to and continuance in office. The Board of Trustees can adopt a Local Law stating that the Village Clerk-Treasurer, Deputy Clerk-Treasurer, Code Enforcement Officer, members of the Planning Board, Zoning Board and Historic Board may live outside the Village limits. A Public Hearing would need to be held if the Board of Trustees would choose to change Article 3-300. In previous years, members of the Board of Trustees did adopt resolutions regarding residency for the Clerk-Treasurer, Deputy Clerk-Treasurer and Code Enforcement Officer. Trustee Riley suggested the Historic Preservation Commission be an advisory board, with the Board of Trustees making the decisions. Mayor Theodorakos wasn't comfortable with doing that and questioned what impact that would have on the CLG and that the Local Law's would all need to be changed.

**SPECIAL MEETING SCHEDULED**

Moved by Trustee Riley and seconded by Trustee Banker approving to schedule a Special Meeting on Thursday, November 4, 2010 at 6:30 PM for Village business and contract negotiations.

**CARRIED**

4 Ayes

0 Nays

**RESIDENT**

Moved by Trustee Banker and seconded by Trustee Riley authorizing the water department to turn the service back on at 627 East State Street, owned by Mr Peter Collazo. Trustee Banker will send a letter to Mr Collazo informing him that he will be responsible for paying the outstanding water bill of \$146.48 before the service will be restored.

**CARRIED**

4 Ayes

0 Nays

**APPROVE CROSSROADS LEASE**

Moved by Trustee Riley and seconded by Trustee Banker approving Mayor Theodorakos to sign the lease agreement with Crossroad Abstract with no increase in rent for the term of November 1, 2010 to October 31, 2011.

**CARRIED**

4 Ayes

0 Nays

**USE OF FUNDS**

Moved by Trustee Miller and seconded by Trustee Banker approving Chief London's request to purchase a trailer for the Child Passenger Safety Seat Program for \$8,500.00. The Village will be reimbursed by funds from the State.

**CARRIED**

4 Ayes

0 Nays

**REQUEST CHIEF'S LIST**

Moved by Trustee Riley and seconded by Trustee Miller authorizing

Mayor Theodorakos to request Orleans County Civil Service to schedule the Police Chief's test.

**CARRIED**

4 Ayes

0 Nays

**MEETING ADJOURNED**

Moved by Trustee Riley and second by Trustee Banker that there being no further business, meeting is hereby adjourned at 10:17 PM.

**CARRIED**

4 Ayes

0 Nays

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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**November 04, 2010: Special Meeting**

**Body:**

A Special Meeting of the Board of Trustees of the Village of Albion was held Thursday, November 4, 2010 at 6:30 PM for Village business and salary review, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

Mayor Theodorakos opened the meeting with the pledge of allegiance at 6:30 PM.

**CROWNE CASTLE AGREEMENT**

Moved by Trustee Sheehan and seconded by Trustee Banker approving Mayor Theodorakos to sign the agreement with Crowne Castle adding an additional 15 years to the current agreement and adding a clause that the Village of Albion can terminate the agreement at anytime.

**CARRIED**

3 Ayes

0 Nays

Trustee Miller entered meeting at 6:34 PM.

**APPROVE MINUTES**

Moved by Trustee Banker and seconded by Trustee Sheehan that in as much as each member received copies of the October 5, 2010 and October 13, 2010 minutes and there being no errors or omissions, minutes are hereby approved as written.

**CARRIED**

4 Ayes

0 Nays

**APPROVE PROPOSAL FROM BPD, INC**

The following resolution was proposed by Trustee Sheehan who moved its adoption and seconded by Trustee Banker regarding the proposal from Bernard P Donegan for financial consulting services for the Joint Municipal Industrial Pollution Control Facility Project:

**BE IT RESOLVED BY THIS BOARD OF TRUSTEES AS FOLLOWS:**

- 1. The firm of Bernard P Donegan, Inc is hereby designated financial consultant to the Village of Albion.
- 2. Said firm shall be compensated for its services to be rendered in connection with the proposed approximate \$5,200,000 Capital Project in accordance with its proposal letter dated September 24, 2010.
- 3. The Mayor is hereby authorized to execute and deliver said proposal letter.
- 4. This resolution shall take effect immediately. The motion having been duly offered and seconded, the following votes were cast:

**CARRIED**

4 Ayes

0 Nays

**APPROVE PAYMENT TO BERNARD DONEGAN**

Moved by Trustee Sheehan and seconded by Trustee Banker approving

payment to Bernard P Donegan, Inc for financial consulting services for the following:

Joint Municipal Industrial Pollution Control Facility  
\$674.08 Sanitary Sewer Lines projects in the  
amount of \$480.72

**CARRIED**

4 Ayes

0 Nays

**TABLED CHANGE ORDER #6**

The Board of Trustees tabled approving Mayor Theodorakos to sign Change Order #6 for Chatfield Engineers in the amount of \$19,640.00 for the Sanitary Sewer Project. The Board of Trustees would like to discuss further the additional work that could be done.

**BEECHWOOD APARTMENTS APPROVAL**

Moved by Trustee Sheehan and seconded by Trustee Miller approving Clerk-Treasurer, Linda Babcock to sign the "Supervising Agency Consent" document for Beechwood Apartments. Pathstone Corporation plans on renovating the housing complex and needs the Village of Albion to submit the document before they can submit their documents to receive tax benefits, including an exemption from mortgage tax.

**CARRIED**

4 Ayes

0 Nays

**ACCEPT HPC MEMBER RESIGNATION**

Mayor Theodorakos regretfully accepted, Mr Lou Becker's resignation from the Historic Preservation Commission and seconded by Trustee Miller.

**CARRIED**

4 Ayes

0 Nays

**CORRESPONDENCE**

Correspondence received from Genesee/Finger Lakes Regional Planning Council regarding a workshop on December 3, 2010.

**CORRESPONDENCE**

Correspondence received from Genesee-Orleans Regional Arts Council asking for \$500 in support of their programs and services in our municipality. It was determined that the Village of Albion supports their programs but shouldn't donate any funds.

**APPROVE PAYMENT TO SERGI**

Moved by Trustee Sheehan and seconded by Trustee Banker approving Pay Estimate #17 in the amount of \$177,915.32 to Sergi Construction. Project is 84% completed as of October 22, 2010.

**CARRIED**

4 Ayes

0 Nays

**CORRESPONDENCE**

Chatfield Engineers provided a copy of the correspondence he sent to Sergi Construction, dated October 29, 2010, regarding Change Order #2 for the Sanitary Sewer Project.

**SANITARY SEWER UNDER RUN FUNDS**

Moved by Trustee Miller and seconded by Trustee Banker to not use the approximately \$174,118 of under run money for the Sanitary Sewer Project as proposed by Chatfield Engineers. There was a discussion of possibility the Public Works Department might be able to do the work over a period of time.

**CARRIED**

4 Ayes

0 Nays

## **RESIDENT**

Tabled request from resident Tabbetha Pearce for the Village of Albion to reimburse her for a flat tire she alleges was due to the construction. The Clerk-Treasurer will send her a letter requesting her to contact the Superintendent of Public Works, Dale Brooks to provide him with more information.

Trustee Riley entered meeting at 7:02 PM.

## **HEALTH INSURANCE**

Discussion on Health Insurance coverage. Trustee Riley, Trustee Sheehan, a representative from the Albion Police Department, AFSCME Union and the non-union employees will meet with Mr Don Bardeen and Mr Don Jablonski to discuss the options for Health Insurance coverage on Monday, November 8, 2010<sup>at</sup> 5:00 PM. The Village of Albion has until February 1, 2011, the date the policy will be cancelled by MVP, to decide what plan they will be changing to.

## **SALARY REVIEW**

Code Enforcement Officer, Ron Vendetti who is the representative for the non-union employees, was present to answer any questions the Board of Trustees had concerning the salary review committee's recommendations. He questioned what the status was. It was noted that the Board of Trustees is working on it and will schedule individual meetings with each employee that is affected. There was a discussion on why the Board of Trustees wouldn't meet with everyone together instead of individually.

## **EXECUTIVE SESSION**

Moved by Trustee Banker and seconded by Trustee Sheehan to adjourn to executive session for ongoing litigations and personnel issues at 7:42 PM.

**CARRIED**

5 Ayes

0 Nays

## **EXECUTIVE SESSION CLOSED**

Moved by Trustee Sheehan and seconded by Trustee Riley to come out of executive session at 10:05 PM.

**CARRIED**

5 Ayes

0 Nays

## **SPECIAL START TIME**

Moved by Trustee Sheehan and seconded by Trustee Banker approving to start the Regular Meeting at 6:00 PM instead of 7:00 PM on Wednesday, November 10, 2010.

**CARRIED**

5 Ayes

0 Nays

## **DEPARTMENT HEAD TO ATTEND WORKSHOP MEETING**

Moved by Trustee Sheehan and seconded by Trustee Riley to reinstate Department Head attendance and department updates at the monthly workshop meetings.

**CARRIED**

5 Ayes

0 Nays

## **SPECIAL MEETING SCHEDULED**

Moved by Trustee Riley and seconded by Trustee Banker approving to schedule a Special Meeting on Thursday, November 18, 2010 at 6:30 PM for job review discussion.

**CARRIED**

5 Ayes

0 Nays

**MEETING ADJOURNED**

Moved by Trustee Miller and second by Trustee Banker that there being no further business, meeting is hereby adjourned 10:12 PM.

**CARRIED**

5 Ayes

0 Nays

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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## August 18, 2010: Planning Board

### Body:

Village of Albion  
Planning Board

### August 18, 2010 MEETING MINUTES

**PRESENT:** Members: Clifford Thom, Daniel Gleason and John Andrews  
Ronald Vendetti, Code Enforcement Officer

Clifford Thom opened the meeting at 7:01 pm with the Pledge of Allegiance

**APPROVAL** Moved by Dan Gleason and seconded by John Andrews, that

**OF** in as much as each member received copies of the minutes from  
**MINUTES** the July 21, 2010 meeting and being that there were no errors or omissions, the minutes are hereby approved as submitted.

**Motion passed unanimously**

**PUBLIC** A motion was made by Dan Gleason, seconded by John Andrews  
**HEARING** to open the public hearing to discuss the subdivision of property located at 433 West Avenue. The hearing opened at 7:02 pm.

Mr. Shawn Morrison addressed the board stating that he wished to split the parcel and sell part of it to his neighbor to the west. He stated that this would help alleviate parking on the front lawn of the neighboring property.

Everyone present who wished to speak was heard. There were no objections from the public or the Village. A motion was made by John Andrews, seconded by Dan Gleason to close the public hearing at 7:04 pm.

**Motion passed unanimously**

**SUB-** A motion was made by John Andrews, seconded by Dan  
**Gleason**

**DIVISION** to allow the sub-division of property located at 433 West Avenue.

**433 WEST** Motion passed unanimously

**AVENUE**

**ADJOURN:** A motion was made by John Andrews, seconded by Dan Gleason

that there being no further business, the meeting is hereby adjourned at 7:06 pm.

Motion passed unanimously

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**November 10, 2010: Regular Meeting**

**Body:**

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, November 10, 2010 at 6:00 PM, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Eileen S Banker and Jeannette Riley, Mayor Theodorakos opened the meeting with the pledge of allegiance at 6:00 PM. Trustee Miller entered meeting at 6:03 PM and Trustee Sheehan entered at 6:07 PM.

**WTP**

Mr Todd Shervin and Ms Nancy Kelly from the Orleans County Health Department were present to discuss the treatment of the Village of Albion water. It was noted that the changes Superintendent of the Water Plant, Kevin Miller implemented were discussed with the Health Department who is comfortable with the changes Mr Miller implemented and that he was pro-active. It was suggested that the Village of Albion add more booster stations to help with the chlorine levels in the distribution system, especially near Murray. Mr Shervin stated that the Water Treatment Plant is showing age and parts such as rusty bolts, broken hangers, pipe fittings, re-packing pumps, etc should be replaced. Also discussed was the adding of security cameras at the plant.

Attorney Gavenda entered meeting at 6:50 PM.

**DEPARTMENT HEAD REQUEST**

Moved by Trustee Sheehan and seconded by Trustee Banker approving the Superintendent of Public Works, Dale Brooks' request to declare the cut wood at the Densmore Street site as surplus property.

**CARRIED**

5 Ayes                      0 Nays

**DEPARTMENT HEAD REQUEST**

Moved by Trustee Sheehan and seconded by Trustee Miller approving the Superintendent of Public Works, Dale Brooks' approving the following proposal:

Proposal from CanAm Environmental Safety Inc for 19 North Main Street to perform an asbestos demolition survey - amount not to exceed \$2,700.

**CARRIED**

5 Ayes                      0 Nays

**DEPARTMENT HEAD REQUEST**

Moved by Trustee Miller and seconded by Trustee Banker approving the Superintendent of Public Works, Dale Brooks' approving the following proposal:

Proposal from CanAm Environmental Safety Inc for 35-37 East Bank Street, 3<sup>rd</sup> floor to perform an asbestos project design and monitoring services for \$4,994.00.

**CARRIED**

5 Ayes                      0 Nays

**CIVIL SERVICE LIST**

Moved by Trustee Sheehan and seconded by Trustee Riley approving Mayor Theodorakos to request the Village Civil Service list for two part time clerks. One clerk will be for the Code Enforcement Office and the other one for the Public Works Office.

**CARRIED**

5 Ayes                      0 Nays

**DEPT HEAD**

Discussion on the storm sewer problem near Freeze Dry. Mayor Theodorakos will contact Mr Bob Traver for the NYS Department of Transportation to ask him to come out and look

at the problem, which might have been caused when the Route 98/31 construction project was done. Superintendent of Public Works, Dale Brooks stated the cost would be approximately \$6,000.00 to fix with his department doing the work. The work needs to be done before winter. There will be pictures taken for documentation during the fixing of the storm sewer.

**121 N MAIN ST CHIMNEYS**

Superintendent of Public Works, Dale Brooks stated he is waiting for the prices for repairing the chimneys on the roof of 121 North Main Street.

**61 BROWN STREET**

Moved by Trustee Miller and seconded by Trustee Riley approving an asbestos survey to be done for 61 Brown Street.

**CARRIED**

5 Ayes

0 Nays

**CLARENDON ST BRIDGE MEETING**

Attorney Gavenda will be setting up a meeting with Chuck Nesbitt, Attorney Dan Schubel, Chris Sheridan from DOT, Dale Brooks and the Mayor to discuss the Clarendon Street Bridge.

**INVOICE SHORELINE PROJECT**

Trustee Banker stated that the Village Clerk should be getting an e-mail from the NYS Department of Environmental Conservation regarding the invoice that is due for the Shoreline Erosion Project.

**REVISED E-MAIL**

The Board of Trustees will review revised e-mail policy as submitted by Attorney Gavenda and will discuss the policy at the December 8, 2010 Regular Meeting.

**RESIDENT**

Resident, Ms Tabbetha Pearce hasn't responded to the request to contact the Superintendent of Public Works, Dale Brooks to provide more information regarding her recent claim. The Board of Trustees took no action on her request.

**ACCEPT TREASURERS REPORT**

Moved by Trustee Riley and seconded by Trustee Sheehan accepting the Treasurer's Report for October 2010.

**CARRIED**

5 Ayes

0 Nays

**APPROVE MINUTES**

Moved by Trustee Riley and seconded by Trustee Sheehan that in as much as each member received copies of the October 25, 2010, October 27, 2010 and November 4, 2010 minutes and there being one error or omission on October 27, 2010, minutes are hereby approved as written with the following correction:

Page 1 under Clarendon Street Bridge Project, the last sentence  
Also discussed meeting with representatives of Orleans County regarding being the administer of the project and transferring ownership of the bridge to them.

**CARRIED**

5 Ayes

0 Nays

**APPROVE PAYMENT OF BILLS**

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

General Fund	voucher #7657	\$ 47,788.29
Water Fund	to #7873	\$ 10,799.78
Sewer Fund		\$ 8,323.58

**CARRIED**

5 Ayes

0 Nays

**APPROVE PAYMENT CHATFIELD BILLS**

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

Meadowbrook Drive Road Reconstruction	09-952-11	\$ 1,910.00
Green Project Initiative	10-976-8	\$ 763.50
2007 Sanitary Sewer Improvements	06-765-38	\$ 5,848.80
JMIPCF Capital Improvement Plan	09-924-3	\$ 821.60
General Engineering Services	94-193-159	\$ 970.00

**CARRIED**

5 Ayes

0 Nays

**MC KINSTRY STREET PROJECT BILLS**

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

Barre Stone Products	\$98,159.67
Chatfield Engineers	\$ 6,537.00
EJ Militello Concrete Inc	\$24,920.46
Fastenal	\$ 80.47
Keeler Construction	\$ 990.00
Oak Orchard Concrete	\$ 7,581.50
Stockham Lumber	\$ 311.40
Volvo Rents	\$ 374.40

**CARRIED**

5 Ayes

0 Nays

The Board of Trustees decided that when it's time to borrow the funds for the project, overtime for the Village employees will not be submitted for reimbursement.

**APPROVE PAYMENT TO BERNARD DONEGAN**

Moved by Trustee Miller and seconded by Trustee Sheehan approving payment to Bernard P Donegan, Inc for financial consulting services for the following:

Joint Municipal Industrial Pollution Control Facility	
\$2,014.42	Sanitary Sewer Lines projects in the amount of
\$3,137.20	

**CARRIED**

5 Ayes

0 Nays

**APPROVE PAYMENT TO HODGSON RUSS**

Moved by Trustee Sheehan and seconded by Trustee Miller approving payment to Hodgson Russ for services rendered in the amount of \$187.90.

**CARRIED**

5 Ayes

0 Nays

**APPROVE PAYMENT TO DAVID W LIPPITT**

Moved by Trustee Sheehan and seconded by Trustee Banker approving payment to David W Lippitt, Esquire for services rendered in September for \$30.00.

**CARRIED**

5 Ayes

0 Nays

**APPROVE CEMETERY DEEDS**

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

Roger K & Dana L Bolton	Lot 926 Cedar Avenue S#1 & S#2
James Carlin	99 Ashwood Way
Jennie H Seager	S.G. 461 and 462 Deerfield Avenue
Mary G Miesner	S.G. 451 and 452 Deerfield Avenue

**CARRIED**

5 Ayes

0 Nays

**ACCEPT APPLICATION**

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

Darin D Beach	Anything
---------------	----------

**APPOINTMENT TO COUNTY PLANNING BOARD**

Moved by Trustee Sheehan and seconded by Trustee Banker approving Mayor Theodorakos appointments to the Orleans County Planning Board as Village of Albion representatives:

Mr Daniel Gleason-full time for a term of three years

Mr Clifford Thom-alternate for a term of three years

Terms will be from January 1, 2011 to December 31, 2013.

**CARRIED**

5 Ayes 0 Nays

**APPROVE PAYMENT**

Moved by Trustee Sheehan and seconded by Trustee Miller reluctantly approving payment to United National Insurance Company for \$1,123.09 per Attorney Gavenda's recommendation. The amount due is the Village of Albion's deductible obligation for the Michael Haugh case.

**CARRIED**

5 Ayes 0 Nays

**COUNTY OF ORLEANS IDA LEASE TABLED**

Tabled discussing the Industrial Development Agency's lease which expires January 31, 2011 until the December 8, 2010 Regular Meeting.

**VILLAGE COURT COMPUTER TABLED**

The Board of Trustees tabled the decision to transfer the Village of Albion Court computer to the Town of Albion Court until the December 8, 2010 Board Meeting.

**EXECUTIVE SESSION**

Moved by Trustee Riley and seconded by Trustee Sheehan to adjourn to executive session for personnel issues at 8:21 PM.

**CARRIED**

5 Ayes 0 Nays

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Miller and seconded by Trustee Banker to come out of executive session 9:26 PM.

**CARRIED**

5 Ayes 0 Nay

**APPROVE SETTLEMENT AGREEMENT**

Moved by Trustee Riley and seconded by Trustee Miller approving Attorney Gavenda's recommendation to notify the insurance company of the Village of Albion's request to settle the action regarding the Michael Haugh case. The Village of Albion will be responsible to pay the deductible of \$5,000.00. The amount will be paid out of the settlement line item in the Village Budget.

**CARRIED**

4 Ayes 1 Nay  
Trustee Riley Trustee Sheehan  
Trustee Miller  
Trustee Banker  
Mayor Theodorakos

Trustee Sheehan stated he would like to get the recommendation from the Attorney, Paula Newcomb who is representing the Village of Albion, before approving to settle.

**APPROVE PURCHASE BACK HOE**

Moved by Trustee Miller and seconded by Trustee Riley approving Superintendent of Public Works, Dale Brooks request to purchase a new back hoe. The back hoe will be paid out of the capital equipment reserve funds. The state bid cost for the back hoe is approximately \$60,000 to \$65,000.

**CARRIED**

5 Ayes 0 Nay

**APPROVE SKIDSTEER TO BE LEASED**

Moved by Trustee Riley and seconded by Trustee Miller approving Superintendent of Public Works, Dale Brooks request to lease a new skidsteer. The lease will be for three years. This year's lease amount will be paid out of line items brush grinding and equipment rental. The approximate yearly lease amount will be \$7,300.00.

**CARRIED**

5 Ayes 0 Nay

**CEMETERY LEASE**

Moved by Trustee Riley and seconded by Trustee Miller approving Mayor Theodorakos to sign the lease renewal for the Cemetery tenant, as submitted by Jason Zicari. The monthly rent will stay at \$600.00 and will be for the period of December 1, 2010 to May 31, 2011.

**CARRIED**

5 Ayes 0 Nays

**APPROVE SERGI PAYROLLS & PAY ESTIMATE #18**

Moved by Trustee Riley and seconded by Trustee Banker approving Mayor Theodorakos to sign the payrolls and the payment of Pay Estimate #18 to Sergi Construction for the Sanitary Sewer Project. The amount to be paid is \$39,184.71 and is 86% completed as of November 5, 2010.

**CARRIED**

5 Ayes

0 Nays

**APPROVE LEGAL NOTICE CDBG FUNDS**

Moved by Trustee Miller and seconded by Trustee Sheehan approving the Legal Notice for the \$600,000 CDBG funds, as submitted by Stuart I Brown Associates, be placed in the Batavia Daily Newspaper. The Legal Notice will read as followed:

**LEGAL NOTICE**

Village of Albion

Community Development Block Grant Program

Early Warning Notice of an Action In or Near the Floodplain and Wetland

Floodplain & Wetland Management Review

**TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS**

The Village of Albion, 35-37 East Bank Street, Albion, NY 14411, Dean Theodorakos, Mayor and Chief Executive Officer, has reviewed the following project activities as they relate to the environment and has done so according to the regulations established by the U.S. Department of Housing and Urban Development (HUD) in 24 CFR, Part 58.

**PROJECT DESCRIPTION**

The Village will utilize \$600,000 in Community Development Block Grant (CDBG) funds to undertake improvements to the Joint Municipal Industrial Pollution Control Facility (JMIPCF). The proposed improvements include the replacement of the east wall of the flow equalization tank, replacement of Pump Station No. 1, and electrical and process control improvements.

Based on the Flood Insurance Rate Maps published by the Federal Government for the Village of Albion, it has been determined that a portion of the project area may be located within the 100-year floodplain. In addition, according to maps based on the National Wetlands Inventory, it has been determined that a designated wetland area is located within or adjacent to the project site.

A description of the proposed activities, including the location of the proposed improvements, is available for review and may be examined and copied, upon request, at the Village Hall, 35-37 East Bank Street, Albion, NY 14411, during normal business hours beginning November 15, 2010. The purpose of this notice is to advise the public about the proposed action and to solicit comments on the improvements and their impact on the environment and the floodplain and wetland areas.

In order to be considered, written comments should be received by the Village of Albion at the above address on or before November 29, 2010. The Village will proceed to complete the Floodplain and Wetland Management Review process based on comments and suggestions received during the comment period.

**CARRIED**

5 Ayes

0 Nays

**REAL LEASE APPROVED**

Moved by Trustee Sheehan and seconded by Trustee Banker approving Mayor Theodorakos and the Clerk-Treasurer to sign documents provided by Real Lease to lease the new fire department vehicle. Lease will be \$7,899.80 for six years.

**CARRIED**

5 Ayes

0 Nays

**EMPLOYEE RETIREMENT**

Moved by Trustee Riley and seconded by Trustee Banker accepting Mrs. Nancy Mack's letter with her intentions to retire from the Village of Albion after 32 years of service, effective December 31, 2010. The Board of Trustees would like to thank Mrs Mack for her years of service.

**CARRIED**

5 Ayes

0 Nays

**CORRESPONDENCE**

Correspondence received from Ms Maarit Vaga representing AMSA, regarding status of the

rear façade project for 121 North Main Street. Mayor Theodorakos stated that he has e-mailed Ms Vaga informing her that he has been working with the engineer, architect, SHPO and the NYS Department of Transportation (NYSDOT) to keep the project moving. The hope is to have two designs which meet SHPO and DOT's approval and put them both out to bid. The one design would be what is already done and the second design would be a scaled down version.

#### **FIRE DEPARTMENT**

Trustee Sheehan asked Attorney Gavenda to write a letter to members of the Albion Fire Department who haven't been active for awhile asking them to turn in their gear. Trustee Sheehan will inform Fire Chief, Rocky Sidari to contact Attorney Gavenda to review the request.

#### **LEGISLATURE MEETING**

Mayor Theodorakos stated he attended a meeting Monday with the Orleans County Legislature's where they informed the Mayors and Supervisors in attendance that they are thinking about stopping the distribution of the county sales tax to the towns and villages beginning in 2012. There was much opposition from the Towns and Villages who were in attendance.

#### **WORKSHOP MEETINGS**

Mayor Theodorakos would like the Department Heads attending the next Workshop Meeting on December 22, 2010 to start looking at their budgets for the fiscal year 6/1/11- 5/31/12.

#### **FOIL REQUEST**

Attorney Gavenda provided the Board of Trustees a copy of the letter he is sending Mr Thom Jennings regarding his FOIL request and that he will contact Ms Andrea Rebeck asking her to do an affidavit stating she can't get the file that is being requested off her pen.

#### **PUBLIC OFFICERS**

Attorney Gavenda provided information for the Board of Trustees to review regarding Public Officers.

#### **MEETING ADJOURNED**

Moved by Trustee Riley and second by Trustee Miller that there being no further business, meeting is hereby adjourned at 9:58 PM.

**CARRIED**

5 Ayes

0 Nays

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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## November 18, 2010: Special Meeting

### Body:

A Special Meeting of the Board of Trustees of the Village of Albion that was to be held on Thursday, November 18, 2010 at 6:30 PM for Village business and salary review, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York was cancelled.

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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**November 22, 2010: Special Meeting**

**Body:**

A Special Meeting of the Board of Trustees of the Village of Albion was held Monday, November 22, 2010 at 6:30 PM for Village business and job review, at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

Present were Mayor Dean A Theodorakos, Trustees Eileen S Banker, Fred Miller, Jeannette Riley and Kevin P Sheehan.

Mayor Theodorakos opened the meeting with the pledge of allegiance at 6:30 PM.

**EXECUTIVE SESSION**

Moved by Trustee Banker and seconded by Trustee Riley to adjourn to executive session for collective bargaining and personnel discussion at 6:32 PM.

**CARRIED**

5 Ayes 0 Nays

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Sheehan and seconded by Trustee Miller to come out of executive session at 7:35 PM.

**CARRIED**

5 Ayes 0 Nays

**AFSCME AGREEMENT**

Moved by Trustee Sheehan and seconded by Trustee Banker to accept AFSCME Local 1636 agreement dated October 25, 2010. This is a one year agreement from June 1, 2010 to May 31, 2011 with a 2% wage increase effective December 1, 2010. All the other contract provisions will stay the same.

**CARRIED**

3 Ayes	2 Nays
Trustee Sheehan	Trustee Miller
Trustee Banker	Trustee Riley
Mayor Theodorakos	

**PAY UPGRADES**

Moved by Trustee Riley and seconded by Trustee Sheehan to approve the base pay upgrades, which are based on job reviews, of 2½% effective December 1, 2010 and 2½% effective May 31, 2011 for the positions of Pollution Control Plant Operator, Department of Public Works Superintendent, Cemetery Supervisor, Clerk-Treasurer, Deputy Clerk-Treasurer, Accounts Payable Clerk, Water Clerk and the Codes Officer Clerk.

**CARRIED**

4 Ayes	1 Nay
Trustee Riley	Trustee Miller
Trustee Sheehan	
Trustee Banker	
Mayor Theodorakos	

**APPROVED TAXES TO COUNTY**

Moved by Trustee Riley and seconded by Trustee Sheehan approving the following unpaid taxes to be transferred to Orleans County:

62.18-2-3	NIEBOR JOSEPH	1,253.90
62.18-2-8	SLICK ANGEL	1,175.53
62.18-2-23	SCURRY JOHN	1,447.07
62.18-2-25	MARTIN DOROTHY	1,063.09
62.18-2-29	BUTTON JAMIE	724.07
62.18-2-34	HUGHSON DAVID	1,124.42
62,18-2-42	MATTISON WAYNE	899.53
62.18-2-43	LUTES NOEL	1,274.21
62.18-2-	LAKE DOUGLAS M	979.62
47.1		
62.18-2-69	ANDREWS LARRY	1,362.94
62.18-2-70	PILON MICHAEL R	1,003.46
62.18-2-71	DEFILIPPS JODI	943.83
62.18-3-5	FANNING THOMAS M	1,022.20
62.18-3-11	JEPSON ROBERT	1,243.68
62.18-3-24	MCCARTHY JAMES	425.92
62.18-3-32	MILLER TIMOTHY	293.04

62.18-3-34	HENDERSON BARBARA J	884.21
62.19-2-4	BASIC ASSETS CORP	340.73
62.19-2-17	HENDERSON BARBARA J	681.47
62.19-2-27	HELLEMS DAVID	1,081.84
62.19-2-42	SOLIS SALVADOR	1,412.50
62.19-2-		
49.1	SANBORN DAVETTE M	1,362.94
62.19-3-3	CAPWELL THOMAS	978.59
62.19-3-6	SMITH KATHLEEN G	340.73
62.19-3-11	SANBORN DAVETTE	937.02
62.19-3-26	HARDING KEVIN	85.18
62.19-3-	RUSHING ROBERT	
30.1	TIMOTHY	178.89
62.19-3-41	UPDYKE STEVEN M	1,260.72
62.19-3-42	UPDYKE STEVEN M	20.45
62.20-2-5	PAWLACZYK LUCY	102.22
62.20-2-19	KNIGHT JAMES	488.95
62.20-2-58	CLARK TOMMIE	596.28
73.5-1-7	FAMILY HALSTEAD	1,354.42
73.5-2-9	OSTROWSKI PAUL D	1,022.20
73.5-2-42	DIXON RALPH JR	1,158.50
73.5-2-48	MILLER CLARK	988.13
73.5-2-57	COLONNA RICHARD	1,369.16
73.5-3-18	COLONNA DAVID	1,342.67
73.5-3-23	STRATTON JAY	1,277.75
73.5-3-44	STEPHENS WILLIAM	538.24
73.5-3-45	PREST DEBORAH	695.09
73.5-4-		
1.131	WEBSTER DAVID	707.03
73.5-4-20	PIKE DAVID	1,158.50
73.5-4-24.2	MCNEIL LATONYA C	3.41
73.5-4-30	THEODORAKOS JAMES T	715.06
73.6-1-10	APPLEMAN DANIEL	1,260.72
73.6-2-6	VANDERLAAN RICHARD	827.99
73.6-2-32	FURNESS JOSEPH	1,107.39
73.6-2-44	WARD MICHAEL	1,257.30
73.6-2-54.2	DUNCAN LYDIA	899.53
73.6-2-55	FISHER DONNA L	1,158.50
73.6-3-4	LAINÉ LORA	1,090.35
73.6-3-5	LAINÉ LORA	766.65
73.6-3-6	LAINÉ LORA	146.52
73.6-3-9	HAMZA JEROLD J	1,236.55
73.6-3-11	TOWER WILLIAM	253.85
73.6-3-17	MACK MICHAEL	766.65
73.6-3-20	FITZAK JOHN M	557.10
73.6-3-25	SCHLEEDE DALE	817.76
73.6-3-38	FEDERAL HOME LOAN	2,383.84
73.6-3-40	ST. JOHN BRANDON	678.06
73.6-3-41	COLONNA DAVID	1,354.86
73.6-3-63	BLACK COREY	1,095.46
73.6-3-64	PARK PLACE	
	DEVELOPMENT LLC	596.28
73.6-3-74	COTE MARCEL PHILLIP	937.02
73.6-3-84	MCCLARY STEVEN M	2,248.45
73.6-4-34	BOWLES MARCIA	884.21
73.6-4-40	KINGSBURY LISA	988.13
73.6-5-3	NORTHROP CHARLES	1,100.52
73.6-5-24	HOME BUYER FUNDING	
	LLC	945.54
73.6-5-25	KINSEY DEBORAH S	638.88
73.6-5-28	PATRONSKI BRIAN	732.58
73.6-5-29	THERING GAIL S	672.96
73.6-5-34	WHITTIER RENE	523.03
73.6-5-36	HAMILTON PATRICIA	511.10
73.6-5-38	EQUITY SEARCH, INC.	511.10
73.6-5-47	SARGENT CLAYTON	425.92
73.6-5-55	GREER ANDREA	763.24

73.6-5-61	SCHAFFER JOSEPH	937.02
73.6-5-68	BENNETT PAMELA	863.16
73.6-5-75	BRADSHAW SCOTT	834.80
73.6-6-8	DEXTER PAMELA J	732.58
73.6-6-24.1	KITANIK NANCY J	889.32
73.6-6-41	THOM CLIFFORD	1,064.80
73.6-7-12	THEODORAKOS JAMES	1,378.47
73.6-7-13	MCCARTHY JAMES	1,022.20
73.6-7-20	OSBORN SHERRY	1,090.35
73.6-7-21	HUNT CHARLES H JR.	545.04
73.6-7-22	LUTES NOEL	950.64
73.6-7-23	HILDRETH EVA	1,601.25
73.6-7-24	THEODORAKOS JAMES	2,282.92
73.6-7-33	RUSSO NICHOLAS M	596.28
73.6-7-36	ALBION ENTERPRISES LLC	851.84
73.6-7-39	RYAN RICHARD L	732.58
73.6-7-54	YODER STEPHEN	868.87
73.6-7-67	GAINES LUCAS R	937.02
73.6-7-77	HUNT CHARLES H JR.	141.41
73.6-7-80	VANDEGENACHTE DANIEL	1,614.73
73.6-7-81	VANDEGENACHTE DANIEL	1,444.36
73.6-7-85	HOLT RUBY	831.39
73.7-1-36	DEHULLER ROBERT	988.13
73.7-2-10	CHURCH SANFORD	957.47
73.7-2-11	ROACH ROSE MARIE	812.65
73.7-2-55	GILBERT DUCKETT	2,939.83
73.7-2-61	LAMB ASSOCIATES OF WNY, LLC	1,572.91
73.7-2-62.2	WALLS JERRY	83.48
73.7-2-74	PACHECO JOY	1,073.31
73.9-1-28	COLONNA RICHARD	2,862.17
73.9-2-10	VANDERLAAN RICHARD	851.84
73.9-2-11	VANDERLAAN RICHARD	51.11
73.9-2-12	SAVAGE DAVID A	340.73
73.9-2-43	DRAGON PETER	1,219.71
73.9-2-47	RILEY JEANNETTE	814.35
73.10-1-15	ALBION COLUMBUS CLUB	102.22
73.10-1-17	ALBION COLUMBUS CLUB	3,420.97
73.10-1-28.1	BAKER RONALD GRANT	2,640.69
73.10-2-33	ORD ROBERT	1,618.49
73.10-2-75	MCCARTHY JAMES	1,362.94
73.11-1-13	WISNER MAUREEN	962.58
73.11-1-16	RAY STEVEN	3,232.43
73.11-1-32	FOOS JOHN	1,754.78
73.11-1-41	PARKER LYLE	1,158.50
73.11-1-50.1	VANDERLAAN RICHARD	1,328.86
73.11-1-52	MOSHER VIRGINIA L	1,586.11
73.13-1-1.11	HERRING JAMES	676.36
73.13-1-2.12	PAGE JOHN	201.03
73.13-1-7	RUSHING ROBERT	4,009.45
73.13-1-8.1	TINY SHOES CHILD CARE	2,856.80
73.13-2-37	COVIS JOSEPHINE	827.99
73.23-1-2	THEODORAKOS JAMES	204.44
73.23-1-8	THEODORAKOS JAMES	715.54
73.23-1-15.12	PRINTUP KENNETH	477.03
73.23-1-19	GATES, DAVID J	834.80
73.23-1-24	WITHEY GARY	442.95
73.23-1-40	MCCARTHY JAMES	867.17
62.15-1-2	ABRON WILLIE	1,107.39
62.15-1-7	LIPSCOMB A.J.	1,158.50
62.15-1-14	MCDONALD ROBERTA	1,327.16
62.15-1-21	WASHINGTON ROSA L	1,177.23
62.15-1-23	SCOTT ROBERT	1,223.23
62.15-1-25	LYNCH GLORIA	1,056.28
62.19-1-23	JONES BENJAMIN C	1,039.24
62.19-1-24	DINGMAN CHARLES M III	863.76

**CARRIED**

5 Ayes

0 Nays

**POLICE CHIEF LIST**

Moved by Trustee Riley and seconded by Trustee Miller to set the salary range for the Police Chief's Civil Service exam at \$60,144.00 to \$73,509.00 and will be open-competitive.

**CARRIED**

5 Ayes

0 Nays

**REVIEW/UPDATE JOB DESCRIPTIONS**

Moved by Trustee Banker and seconded by Trustee Riley to review/update management and non-union job descriptions by the end of the current fiscal year. Trustee Banker and Trustee Riley to coordinate.

**CARRIED**

5 Ayes

0 Nays

**HEALTH INSURANCE**

Moved by Trustee Sheehan and seconded by Trustee Riley to offer the high deductible, fully reimbursed health insurance plan to the Village of Albion employees.

**CARRIED**

5 Ayes

0 Nays

**MEETING ADJOURNED**

Moved by Trustee Riley and second by Trustee Miller that there being no further business, meeting is hereby adjourned 8:05 PM.

**CARRIED**

5 Ayes

0 Nays

Minutes taken by Mayor Theodorakos  
Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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**December 21, 2010: Historic Preservation**

**Body:**

**Minutes of the December 21, 2010 Meeting  
Village of Albion Historic Preservation Commission  
Village Hall**

The meeting was called to order at 7:00 p.m. by chairman Matthew Ballard who led the Pledge of Allegiance  
Present: Aric Albright, Andrea Rebeck, Linda Smith, Matt Ballard, and Jordan Bonafede.

Absent. Mariadele Theodorakos

Introductions were made by those present: Commission members; Bob Ballard, recorder; ron Vendetti, CEO; Marie Follett & Mike Southcott from the Methodist Church.

Public Comment: None.

Adjustment of the Agenda: 121 N. Main will be added.

The minutes of the November 16, 2010 meeting were accepted as written after motions by Linda and Jordan.

First United Methodist Church: Mrs. Follett and Mr. Southcott presented copies of pictures of areas of their church that are in need of repair that include roof, drainage and masonry walls. They come before the Commission regarding a C of A application. Andrea advised them that the HPC/CLG currently is only advisory in nature and has no jurisdiction at this point in time, but that recommendations could be made. Discussion and review continued regarding options available. Andrea offered to continue the dialogue with SHPO and the church in hopes of attaining grants and to offer any further technical assistance. Contact information was exchanged.

Church representatives and Ron left the meeting at this point.

Updates on Residency/Vacancy: Matt spoke on the December 8, 2010 Village board meeting he attended and said that a public hearing will be held on January 16, 2010 to pass a law that will provide a mechanism to permit non-residents of the village to serve on various commissions, committees and other appointed positions. From a legal standpoint, this is

preferred over the historical practice of resolutions. Public support of this will benefit the entire village and not just HPC. Matt will submit a letter on behalf of the HPC/CLG recommending that all current non-resident members be re-appointed prior to the public announcement to fill the remaining vacancy.

CLG Survey: Matt distributed copies of the annual survey that he was required to submit by the December 15<sup>th</sup> deadline. Commission members thanked him for his diligence in completing it.

HPC/CLG Budget: Matt was directed to contact the Village Clerk (Linda Babcock) and Billing Clerk (Stacey Andrews) regarding how to submit a request to the village board on establishing/creating a budget that will allow for a more efficient process to receive and administer grants and funds, rather than going through different departments.

Retrieval of Past "C of A"s and HPC minutes: Matt will contact Ron to obtain copies of all past "C of A"s. Obtaining past HPC minutes may be difficult as the earliest records are stored in "locations" other than HPC meeting recordings. (e.g. other committee discussions).

121 North Main: It appears that the project is over budget by approximately \$40,000 and a Board decision on the chimneys is still pending. Most likely this will be re-visited in the Spring of 2011.

The meeting was adjourned at 8:06 p.m. after motions by Aric and Jordan.

Respectfully submitted,

Robert F. Ballard,

Recorder

12/22/10

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## December 29, 2010: Workshop Meeting

### Body:

The Workshop Meeting of the Board of Trustees of the Village of Albion was held Wednesday, December 29, 2010 at 7:00 PM at the Village Council Chambers, 35-37 East Bank Street, Albion, New York.

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

Also in attendance were Department Heads Aric Albright, Dale Brooks, Dean London, Kevin Miller and Ronald Vendetti.

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

### DEPARTMENT HEAD REPORTS

Since the Department Heads will be attending the monthly Workshop Meetings, it will be up to them and their Trustees whether they still have their monthly meetings. They should still discuss significant issues with them.

#### Water Plant -

Discussion on the pumps at the plant that desperately need replacing. Kevin Miller and Aric Albright have been working on them. The approximate replacement cost for the pumps will be \$10,000 each.

#### DPW -

Discussion on his department fixing water leaks and the problems with the software for the automatic read system. Village Office will check to see if there is a way the system could flag readings that have a large flux of usage.

Dale gave an update on the asbestos abatement for the Village buildings. The bids are being put together and should be ready for the Board of Trustees to review at the January 12, 2011 Board Meeting.

Discussion on the chimneys at 121 North Main Street. The five chimneys need to be addressed before the roof can be replaced. It will cost approximately \$2,500 per chimney to fix. The Historic Preservation should look at the chimneys to see what ones are prominent to save. Dale will have someone look at the roof again to see if they can tell where it is leaking and try to temporarily fix it for the winter.

Discussed working on a Capital Improvement Plan for the Village owned buildings.

The sanitary and storm sewers need to be checked out before East State Street will be resurfaced.

#### Code Enforcement -

Attorney Gavenda and Mayor Theodorakos will respond to the

complaint filed against the Code Officer.  
Police -  
Discussed the Police Department getting AFD 67 when it becomes surplus equipment. They would use the vehicle mainly for the SWAT Team.  
The Chief feels the landlord meetings have been very beneficial for the relationship with them.

The 2011-2012 Budget was discussed. The Department Heads have received their worksheets and should turn them into the Clerk by February 1, 2011. The Clerk should have the Budget ready for the Board of Trustees by February 8, 2011. It was decided that the Department Heads will meet with their Trustees to review their requests first, then meet with the whole Board of Trustees in March.

**APPROVE HIRING**

Moved by Trustee Sheehan and seconded by Trustee Banker approving the hiring of Ms Rebecca J Lane from the Certification of Eligible's List as a part time clerk for the Department of Public Works per Mr Dale Brooks recommendation. The hourly rate will be \$9.50 per hour with a probationary period of six months.

**CARRIED**

3 Ayes 0 Nays

**APPROVE HIRING**

Moved by Trustee Sheehan and seconded by Trustee Banker approving the hiring of Ms Brandi M Ferris from the Certification of Eligible's List as a part time clerk for the Code Enforcement Office per Mr Ronald Vendetti's recommendation. The hourly rate will be \$9.50 per hour with a probationary period of six months.

**CARRIED**

3 Ayes 0 Nays

**APPROVE MINUTES**

Moved by Trustee Sheehan and seconded by Trustee Banker that in as much as each member received copies of the December 8, 2010 minutes and there being one error or omission, minutes are hereby approved as written with the following correction:

Page 4 under Scheduled Public Hearing, should be 2 Nays

**CARRIED**

3 Ayes 0 Nays

**EXECUTIVE SESSION**

Moved by Trustee Sheehan and seconded by Trustee Banker to adjourn to executive session for personnel matters at 8:48 PM.

**CARRIED**

3 Ayes 0 Nays

**EXECUTIVE SESSION CLOSED**

Moved by Trustee Sheehan and seconded by Trustee Banker to come out of executive session at 9:18 PM.

**CARRIED**

3 Ayes 0 Nays

**SHORELINE PROJECT INVOICE**

Tabled discussion on the Water Treatment Plant Shoreline Protection Project invoice until the January 12, 2011 Regular Board Meeting.

**ADVERTISE FOR BOARDS**

Mayor Theodorakos will be placing an ad looking for residents to serve on the Village of Albion Planning Board, Zoning Board and Historic Preservation Board.

**EDA LEASE APPROVED**

Moved by Trustee Sheehan and seconded by Trustee Banker approving the amended proposal from County of Orleans Industrial Development Agency (COIDA), for the space they lease at 121 North Main Street. COIDA's proposal is to have an agreement in place on the rent for the 5 one-year renewal terms by June 1, 2011.

**CARRIED**

3 Ayes 0 Nays

At the December 8, 2010 Regular Board Meeting the Board of Trustees approved Mayor Theodorakos to sign the lease agreement with Orleans County Industrial Development Agency for two years, with rent to be \$1,760.00 per month.

**MEETING ADJOURNED**

Moved by Trustee Sheehan and second by Trustee Banker that there being no further business, meeting is hereby adjourned 9:42 PM.

**CARRIED**

3 Ayes 0 Nays

Respectfully submitted,  
Linda K Babcock  
Clerk-Treasurer

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## November 17, 2010: Planning Board Meeting

### Body:

Village of Albion  
Planning Board

### November 17, 2010 MEETING MINUTES

**PRESENT:** Members: Clifford Thom, Daniel Gleason , John Andrews and Steven Watkins  
Absent: Steven Corrigan  
Also in attendance: Ronald Vendetti, Code Enforcement Officer

Clifford Thom opened the meeting at 7:02 pm with the Pledge of Allegiance

**APPROVAL** Moved by Dan Gleason and seconded by Steve Watkins, that

**OF** in as much as each member received copies of the minutes from  
**MINUTES** the August 18, 2010 meeting and being that there were no errors or omissions, the minutes are hereby approved as submitted.

**Motion passed unanimously**

**SWAN** The Village Planning Board reviewed the County Planning Board's  
**LIBRARY** recommendations for the new Swan Library. The County had three (3) conditions for approval. They addressed exterior signage, natural screening for residences adjoining the property and parking/traffic flow within the property.  
**SITE PLAN** After reviewing the CPB recommendations and upon further discussion, a motion was made by Dan Gleason, seconded by Steve Watkins to accept the site plan for the Swan Library with the following condition: that the landscaping barrier between the library and any adjoining residences will be sufficient. If it is shown at any time not to be, adjustments will be made to maintain the

barrier and

protect the privacy of the adjoining residences.

**Motion passed unanimously**

**465 - 469**

for

**E. STATE**

There is

parking

CEO

height

discussed

canal's

not

since

no need

stressed

especially near

about the

construction of the

Andrews

East

proposed

exceed

Mr. Joe Martillotta presented the board with an application

a parking lot in the rear of 465 - 469 East State Street.

approximately 9000 square feet available - enough for 36

spaces. The lot would include 2 down turned lights.

Vendetti stated that the lights could not exceed 20 feet in

from the ground to the top of the light. The board

discussed the adjoining canal property. Mr. Martillotta stated that the

property varies from 62 to 68 feet and that the lot would

interfere with the canal's property. The board agreed that

since New York State no longer owns the Erie Canal there was

no need for review by the County Planning Board. CEO Vendetti

stressed the need for erosion control during construction -

especially near the canal. Mr. Martillotta will speak with CEO Vendetti

about the measures he needs to take prior to starting the

construction of the

lot. A motion was made by Steve Watkins, seconded by John

Andrews to approve the parking lot located in the rear of 465 - 469

East State Street with the provision that the wording of the

proposed plan ( specifically #6) be changed to : lights are not to

exceed 20 feet from the ground to the top of the lights.

**Motion passed - 3 ayes**

**Dan Gleason abstained**

**ALTERNATES** Cliff Thom asked Mayor Theodorakos if he had made any progress in finding an alternate for the Planning Board.

The Mayor board yet.

stated that he had not discussed it with members of the

**ADJOURN:** A motion was made by Dan Gleason, seconded by John Andrews

that there being no further business, the meeting is hereby adjourned at 7:22 pm.

**Motion passed unanimously**

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