

January 4, 2010

Town of Albion Town Board Organizational meeting held in the Town hall, 3665 Clarendon Rd.

Meeting began at 7:05 pm.

Pledge was said.

Present was Councilperson Timothy Neilans, Councilperson Clifford Thom, Supervisor Judith Koehler, Councilperson Matthew Passarell and Councilperson Ryan Miller. Also present was Attorney for the Town John Gavenda.

Supervisor Judith Koehler: I need a motion authorizing the posting of the blood drive on the Town of Albion website.

**Motion was made by Councilperson Matthew Passarell and was seconded by Councilperson Ryan Miller authorizing Councilperson Clifford Thom to post the flyer announcing a blood drive being held by the American Red Cross. Motion carried by the following vote:**

**Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye**

Supervisor Judith Koehler: I need a motion for the agenda.

**Motion was made by Councilperson Clifford Thom and was seconded by Councilperson Timothy to approve the agenda with the addition of the furnace repair and attendance at Board meetings. Motion carried by the following vote:**

**Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye**

Supervisor Judith Koehler: Next are the resolutions for conducting business.

**Resolution of Appointments for the Town of Albion for 2010:**

**Whereas, the Town of Albion Town Board desires a high degree of Professionalism, Fairness and Customer Service. We appoint the following personnel to the indicated positions and institute the following procedures:**

**Resolution #1      Historian**

**Resolved that Cheryl Staines is hereby appointed to the position of Historian at a salary of \$450.00/year. Motion made by Councilperson Timothy Neilans and seconded by Councilperson Clifford Thom. Resolution duly adopted by the following vote:**

**Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye**

**Resolution #2      Town Constable**

**Resolved that Philip McKenna is appointed Town Constable at a salary of \$100.00/year. Motion made by Councilperson Clifford Thom and seconded by Councilperson Matthew Passarell. Resolution duly adopted by the following vote:**

**Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye**

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**Resolution #3 Justice to Handle Dog Cases**

Resolved that Dennis Stirk and Kevin Howard are hereby authorized to issue appearance tickets as needed. Motion made by Councilperson Timothy Neilans and seconded by Councilperson Ryan Miller. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #4 Budget Officer**

Resolved that Thomas Baldwin is appointed Budget Officer at a salary of \$1000.00/year. Motion made by Councilperson Clifford Thom and seconded by Councilperson Matthew Passarell. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #5 Town Clerk Deputy**

Resolved that Sara Stirk is hereby appointed to serve as Deputy Town Clerk at a salary of \$13.80/Hr. Motion made by Councilperson Timothy Neilans and seconded by Councilperson Matthew Passarell. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #6 Registrar of Vital Statistics**

Resolved that Sarah M. Basinait is hereby appointed Registrar of Vital Statistics at a salary \$1,236.00/year. Motion made by Councilperson Clifford Thom and seconded by Councilperson Ryan Miller. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #7 Assessor**

Resolved that the County of Orleans will provide assessing services as per the contract. Motion made by Councilperson Timothy Neilans and seconded by Councilperson Clifford Thom. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #8 Bookkeeper to the Supervisor**

Resolved that St John is hereby appointed as bookkeeper to the Supervisor at a salary of \$3,000.00/yr. Motion made by Councilperson Matthew Passarell and seconded by Councilperson Clifford Thom. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #9 Accounting Firm**

Resolved that St. John & Baldwin is hereby appointed as accounting firm at a cost of \$9,100.00/year. Motion made by Councilperson Clifford Thom and seconded by Councilperson Timothy Neilans. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye

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Councilperson Timothy Neilans, aye Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #10 Election Inspector Fees Tabled**

**Resolved as follows:**

**Primary Day ----- 12 Noon – 9:00 p.m. at \$8.13/Hr**

**Registration Day-----12 Noon - 9:00 p.m. at \$45.00**

**Election Day----- 5:30 a.m. – 9:30 p.m. at \$8.13/Hr**

**School Attendance----- at \$10.00**

**Resolution #11 Assessment Review Board**

**Resolved as follows:**

**Chairman ----- at \$300.00/year**

**Members(4)----- at \$175.00/year**

**Motion made by Councilperson Matthew Passarell and seconded by Councilperson Timothy Neilans. Resolution duly adopted by the following vote:**

**Councilperson Clifford Thom, aye Councilperson Ryan Miller, aye**

**Councilperson Timothy Neilans, aye Supervisor Judith Koehler, aye**

**Councilperson Matthew Passarell, aye**

**Resolution #12 Zoning Board Salaries – Tabled**

**Resolved that the Chairman of the Zoning Board will receive \$350.00 /yr., Zoning Board members will receive \$250.00/yr.and a secretary is appointed to the Zoning Board at an hourly rate of \$7.15.**

**Resolution #13 Planning Board Salaries**

**Resolved that the Chairman of the Planning Board will receive \$1000.00/yr, the Board members will receive \$600.00/yr and a secretary is appointed at a salary of \$500.00/yr. Motion made by Councilperson Timothy Neilans and seconded by Councilperson Ryan Miller. Resolution duly adopted by the following vote:**

**Councilperson Clifford Thom, aye Councilperson Ryan Miller, aye**

**Councilperson Timothy Neilans, aye Supervisor Judith Koehler, aye**

**Councilperson Matthew Passarell, aye**

**Resolution #14 Water/Sewer Superintendent**

**Resolved that Jed Standish is appointed to the position at a salary of \$18,792.00/year. Motion made by Councilperson Clifford Thom and seconded by Councilperson Timothy Neilans. Resolution duly adopted by the following vote:**

**Councilperson Clifford Thom, aye Councilperson Ryan Miller, aye**

**Councilperson Timothy Neilans, aye Supervisor Judith Koehler, aye**

**Councilperson Matthew Passarell, aye**

**Resolution #15 Official Newspaper**

**Resolved that the Batavia Daily News will be the Official Newspaper for the Town of Albion. The Lake Country Penneysaver may also be used for publishing Public hearings and notices. Motion made by Councilperson Ryan Miller and seconded by Councilperson Matthew Passarell. Resolution duly adopted by the following vote:**

**Councilperson Clifford Thom, aye Councilperson Ryan Miller, aye**

**Councilperson Timothy Neilans, aye Supervisor Judith Koehler, aye**

**Councilperson Matthew Passarell, aye**

**Resolution #16 Voting Delegates to the Association of Towns**

**Resolved that Judith Koehler is hereby appointed Delegate to the Association of Towns and the alternate to serve in this capacity will be Timothy Neilans. Motion made by**

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Councilperson Clifford Thom and seconded by Councilperson Ryan Miller. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #17      Water/Sewer Clerk**

Resolved that Sarah M. Basinait is hereby appointed to the position at a salary of \$6,589.00/year. Motion made by Councilperson Timothy Neilans and seconded by Councilperson Ryan Miller. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #18      Elected Officials Salaries**

Resolved are the following salaries:

Board Members Each-----\$ 3,396.00  
Town Clerk -----\$28,506.00  
Supervisor -----\$ 5,382.00  
Highway Superintendent-----\$46,920.00

Justice – Kevin Howard, \$14,000.00 & Dennis Stirk, \$14,000.00

Motion made by Councilperson Ryan Miller and seconded by Councilperson Timothy Neilans. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #19      Investment of Town Funds**

Resolved that the Supervisor be authorized to invest any and all surplus funds that the Town may have in any legal investment at the highest rate of interest available to municipalities. Motion made by Councilperson Clifford Thom and seconded by Councilperson Matthew Passarell. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #20      Bank Depositories**

Resolved that First Niagara is designated as depository of funds for the Town of Albion. This also authorizes First Niagara Bank in addition to the Tax Collector to collect taxes. Motion made by Councilperson Timothy Neilans and seconded by Councilperson Clifford Thom. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #21      Town Official Bond**

Resolved that to satisfy section 25 of the Town Law of New York which require certain officials to an undertaking, which may be in a form of a bond, and the proper bonding has been supplied, the cost of the undertaking shall be charged against the Town. Motion made by Councilperson Clifford Thom and seconded by Councilperson Ryan Miller. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

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**Resolution #22 Town Clerks Office Hours**

Monday 8:30 am – 11:00 am & 12:00 pm – 4:00 pm  
Tuesday 8:30 am – 11:00 am & 12:00 pm – 4:00 pm  
Thursday 8:30 am – 11:00 am & 12:00 pm – 4:00 pm  
Friday 8:30 am – 11:00 am & 12:00 pm – 4:00 pm  
Closed Wednesday.

Motion made by Councilperson Clifford Thom and seconded by Councilperson Matthew Passarell. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #23 Mileage**

Resolved that any Town Officer or employee that utilizes their vehicle in the furtherance of business pertaining to the Town of Albion, and thereby benefiting the Town of Albion, shall be compensated for use of said vehicle in the amount of \$.50 /mile upon presentation of proof to the Town Clerk. It must include the reason for presentation of the claim. Motion made by Councilperson Timothy Neilans and seconded by Councilperson Clifford Thom. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #24 Monthly Meeting**

Resolved that the monthly meetings shall be held on the second Monday of the month at 7:00 p.m. except if otherwise published and that all Department heads are asked to attend. Motion made by Councilperson Clifford Thom and seconded by Councilperson Matthew Passarell. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #25 Department Reports**

Resolved that each Department head (Town Clerk, Highway Superintendent and Code Enforcement Officer) shall present to the Board before or at the start of the monthly meeting a short written report outlining significant accomplishments for the month and to report any issues that the Board should be aware of. Issues (personnel matters, etc.) should be discussed in executive session. Such matters shall be documented and presented to the Board in a separate report. All department reports shall be recorded in the meeting minutes, both the written version and online. Motion made by Councilperson Timothy Neilans and seconded by Councilperson Clifford Thom. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #26 Travel**

Resolved that Town personnel who may choose to travel to conventions, seminars or other events dealing with Town business and will incur hotel stay or airline travel will require authorization from the Town board prior to commencement of travel if compensation is requested. Motion made by Councilperson Matthew Passarell and seconded by Councilperson Timothy Neilans. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye



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Councilperson Timothy Neilans, aye Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #27 Holidays**

Resolved that the holidays for the Town of Albion are as follows:

New Year's Eve, New Year's Day, Martin Luther King Day, Presidents Day, Close noon on Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Close noon on Primary Day, Veterans Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve and Christmas Day. If any one of the above holidays falls on a Saturday then it shall be observed on the Friday before and if it falls on a Sunday than it shall be observed on the following Monday. Motion made by Councilperson Matthew Passarell and seconded by Councilperson Timothy Neilans. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #28 Presentation of Vouchers**

Resolved that an abstract of all vouchers is required for consideration of payment at the Town Board meetings. All vouchers must be presented to the Town Clerk's office on the Tuesday before the Board meeting and before close of business on that day. All vouchers must be itemized, stating dates, event, mileage, food etc including the required department head signature. Vouchers for food reimbursement must be itemized, with alcoholic beverages subtracted from the total. Also no faxes of bills will be accepted. Motion made by Councilperson Clifford Thom and seconded by Councilperson Ryan Miller. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #29 Board Minutes**

Resolved that the Board minutes will be typed and placed in the Boards mailboxes ten- (10) working days after the meeting. Approved minutes shall be emailed to Councilperson Thom 10 days after approval. Motion made by Councilperson Clifford Thom and seconded by Councilperson Matthew Passarell. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #30 Janitorial Duties**

Resolved that the ARC of Orleans County will assume the janitorial duties at \$316.11 per month as per contract. Motion made by Councilperson Timothy Neilans and seconded by Councilperson Clifford Thom. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #31 Town Attorneys**

Resolved that John Gavenda is hereby appointed at a salary of \$175.00 per hour. Attorney Gavenda is to be used for all routine matters. The Office of Hodgson Russ is hereby appointed for special services only, including bond issues, etc. Hodgson Russ may only be consulted with prior approval from Attorney Gavenda, the Supervisor or the Deputy Supervisor. Attorney Gavenda may call on an as-needed basis. Motion made by

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Councilperson Clifford Thom and seconded by Councilperson Timothy Neilans.

Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #32      Check Signing**

Resolved that all checks shall be signed by the Supervisor, with signatory powers also accorded to the Deputy Supervisor in the absence of the Supervisor. Motion made by Councilperson Thom and seconded by Councilperson Passarell. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #33      Building and Grounds: Operation and Maintenance**

Resolved that Councilperson Thom will chair and Code Enforcement Officer Strong will serve on this committee for the 2010-year. This committee shall be responsible for an inventory of all improvements to the Town real estate and mechanicals contained therein. Based on that inventory they will establish a maintenance and replacement schedule, including budgetary recommendations. Additionally all building maintenance issues shall be directed to Councilperson Thom. Motion made by Councilperson Timothy Neilans and seconded by Councilperson Matthew Passarell. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #34      Water Committee**

Resolved that Supervisor Koehler, Councilperson Neilans, Highway Superintendent Standish and Town Clerk Basinaït will serve on this committee for the 2010-year. Motion made by Councilperson Clifford Thom and seconded by Councilperson Ryan Miller. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #35      Highway Department Committee**

Resolved that Councilperson Ryan Miller will chair this committee for 2010- year. Motion made by Councilperson Timothy Neilans and seconded by Councilperson Clifford Thom. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #36      Deputy Supervisor**

Resolved that Councilperson Neilans is hereby appointed as the Deputy Supervisor and he will act in the capacity as Supervisor when the need arises. Motion made by Councilperson Matthew Passarell and seconded by Councilperson Clifford Thom. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

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**Resolution #37 Voting Machine Rental**

Resolved that a charge of \$300.00 will apply for anyone using the Town of Albion voting machines and said charge must be paid in advance of using machines. Motion made by Councilperson Timothy Neilans and seconded by Councilperson Matthew Passarell. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #38 Policy Committee**

Resolved that Supervisor Koehler will chair this committee and that the board shall move methodically toward the adoption of a policy and employee manual that reflects consistency and compliance with regulations and generally accepted practices. This committee shall have secretarial services, access to legal counsel and electronic policy document management support. Motion made by Councilperson Clifford Thom and seconded by Councilperson Timothy Neilans. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #39 Emergency Preparedness Committee**

Resolved the Councilperson Thom will chair this committee and shall be responsible for developing a town emergency plan consistent with the county's emergency preparedness plan and in cooperation with the Albion Fire Department. Motion made by Councilperson Ryan Miller and seconded by Councilperson Timothy Neilans. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #40 Liaison to Albion Planning and Zoning Boards**

Resolved that Councilperson Timothy Neilans and Councilperson Clifford Thom will be the liaison to the Town of Albion's Planning and Zoning Boards. Motion made by Councilperson Clifford Thom and seconded by Councilperson Matthew Passarell. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

**Resolution #41 Liaison to County Planning and Zoning Boards**

Resolved that Councilperson Thom will be the liaison to the County of Orleans Planning and Zoning Boards. Motion made by Councilperson Timothy Neilans and seconded by Councilperson Matthew Passarell. Resolution duly adopted by the following vote:

Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye

Supervisor Judith Koehler: I need a motion to approve the minutes of the executive session on November 23.



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**Motion was made by Councilperson Timothy Neilans and was seconded by Councilperson Clifford Thom to approve the executive session of November 23, 2009 as submitted by Supervisor Judith Koehler. Motion carried by the following vote:**

**Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye**

Supervisor Judith Koehler: I need a motion to approve the minutes of December 14<sup>th</sup>.

**Motion was made by Councilperson Clifford Thom and was seconded by Councilperson Timothy Neilans to approve the minutes of December 14, 2009 as published and submitted. Motion carried by the following vote:**

**Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye**

Supervisor Judith Koehler: I need a motion to approve the minutes of December 21<sup>th</sup>.

**Motion was made by Councilperson Timothy Neilans and was seconded by Councilperson Matthew Passarell to approve the minutes of December 21, 2009 as published and submitted. Motion carried by the following vote:**

**Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye**

Supervisor Judith Koehler: I need a motion to approve the minutes of December 28<sup>th</sup>.

**Motion was made by Councilperson Clifford Thom and was seconded by Councilperson Timothy Neilans to approve the minutes of December 28, 2009 as published and submitted. Motion carried by the following vote:**

**Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye**

Supervisor Judith Koehler: I need a motion to approve the minutes of December 28 executive session.

**Motion was made by Councilperson Matthew Passarell and was seconded by Councilperson Clifford Thom to approve the minutes of December 28, 2009 executive session as published and submitted by Supervisor Judith Koehler. Motion carried by the following vote:**

**Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye**

Supervisor Judith Koehler: I need a motion for the key policy.

**Motion was made by Councilperson Ryan Miller and was seconded by Councilperson Matthew Passarell to adopt the key policy. The key policy in its entirety is hereby filed with and made a part of these minutes. Motion carried by the following vote:**

**Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye**

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Supervisor Judith Koehler: I need a resolution for the contract with the Albion Main Street Alliance.

**Resolution #42                    AGREEMENT BETWEEN THE TOWN OF ALBION  
and THE ALBION MAIN STREET ALLIANCE**

This Agreement made the 4<sup>th</sup> day of January, 2009 by and between the Town of Albion, a municipal corporation, duly organized pursuant to the laws of the State of New York with principal offices located at 3665 Clarendon Road, Albion, New York (hereinafter referred to as "Town") and the Albion Main Street Alliance, a not for profit organization having its principal office located at 102 North Main Street, Suite 1, Albion, New York (hereinafter referred to as "AMSA").

*WHEREAS*, AMSA was formed to administer the National Trust Main Street Program (hereinafter referred to as the Program) which is to directly benefit the Town; and

*WHEREAS*, the Town and AMSA each desire to advance the public purpose of economic development in the central business district of the Village of Albion and elsewhere; and

*WHEREAS*, the central business district of the Village of Albion is located wholly within the Town; and

*WHEREAS*, after due deliberation of the respective Boards of AMSA and the Town both decided it prudent and necessary to commit resources to a joint economic development endeavor or program; and

*WHEREAS*, both parties desire to maximize the public worth of this program by having clearly defined roles and responsibilities; and

*WHEREAS*, the primary objective of the Program is to stimulate and promote the Village of Albion's downtown business district revitalization using a patented four point approach comprised of promotion, economic restructuring, organization and design concept; and

*WHEREAS*, services of the Program are designed to provide benefits including but not limited to access to grants, increased business sales, increased property values, and job retention and creation; and

*WHEREAS*, the success of the Program is based upon the infusion of capital from a variety of sources one of which would include the Town; and

*WHEREAS*, the parties recognize that the Town must be the recipient of a quantifiable return in direct relation to any capital it contributes to the operation of AMSA; and

*WHEREAS*, AMSA has requested the Town to commit to making an annual contribution of Ten Thousand (\$10,000.00) Dollars for the calendar year of 2010, 2011, and 2012; and

*WHEREAS*, the Town is desirous of obtaining the aforementioned services which will go to benefit the community as a whole commencing the 1<sup>st</sup> day of January, 2010 up to and including December 31, 2012; and

*WHEREAS*, the parties hereto agree that any services provided by AMSA that go to benefit the Town directly or indirectly will be charged out by AMSA at Twenty and 25/100 (\$20.25, as determined by the National Volunteer rate established by the Independent Sector Coalition, the official nationally accepted determiner of volunteer rates) Dollars per hour for which the Town will be entitled to receive Five Hundred (500) hours of service from AMSA for each year of this contract; and

*WHEREAS*, it is the intent of AMSA to exceed the Five Hundred (500) hours of service time to the Town each year and the parties hereto agree that the Town shall not be liable for the payment of any services in excess of Five Hundred (500) hours extended by AMSA for the Town's benefit for which the \$10,000.00 annual contribution is made by the Town. Volunteer hours are documented in the Program Manager's report filed quarterly with the National Trust for Historic Preservation and the Western Erie Canal Alliance.

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**NOW, THEREFORE**, in consideration of the mutual covenants herein made and other and valuable consideration, it is agreed by and between the parties hereto as follows:

1. **AMSA will provide a minimum of Five Hundred (500) hours of the National Main Street services annually to the Town for a period of three (3) years commencing on the 1<sup>st</sup> day of January, 2010 up to and including the 31<sup>st</sup> day of December, 2012.**
2. **The Town agrees to pay AMSA the sum of Ten Thousand (\$10,000.00) Dollars per year for the services mentioned herein. This payment will be made by way of Ten Thousand (\$10,000.00) Dollars cash. The donation made by the Town is to go to support programs including but not limited to the following: business promotional activities, and educational activities such as the , Olde Erie Canal Festival, Harvest Festival, beautification effort (including the American flag display program and the flower program).**
3. **The Program may have one or more advisory committees to which the Supervisor of the Town shall have the right to appoint a minimum of one (1) member to each committee. The committee members will have nominal terms that are staggered for convenience.**
4. **The Program will have a staff person with the title of Program Manager who will be in the employ of AMSA.**
5. **The parties shall periodically consider whether or not to make appropriations to the continued operation of the Program in the same manner they make other appropriations.**
6. **The success of the program depends on the cooperation of other funders. It is the intent of the program to actively encourage such entities and individuals through communications, awareness of program activities and other mutually beneficial means.**
7. **This Agreement shall inure to the benefit and shall bind the heirs, successors, and assigns of the parties hereto.**
8. **This term of this Agreement shall be three (3) years commencing on January 1, 2010 and may be modified, amended or renewed at any time by agreement of the parties.**

**IN WITNESS WHEREOF**, the parties hereto have caused their presence to be signed by their duly authorized officers and their corporate seals to be hereunto affixed the day and year first above written.

**Motion was made by Councilperson Timothy Neilans and was seconded by Councilperson Matthew Passarell to adopt this resolution. Resolution duly adopted by the following vote:**

**Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye**

Supervisor Judith Koehler: I need a motion to list officials at the Board meetings.

**Motion was made by Councilperson Matthew Passarell and Councilperson Ryan Miller authorizing the listing of other Town Officials in attendance at Town Board meetings. Motion carried by the following vote:**

**Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye**

Supervisor Judith Koehler: I need a motion to close.

January 4, 2010

**Motion was made by Councilperson Matthew Passarell and was seconded by Councilperson Timothy Neilans to close the meeting at 8:20 pm. Motion carried by the following vote:**

**Councilperson Clifford Thom, aye      Councilperson Ryan Miller, aye  
Councilperson Timothy Neilans, aye      Supervisor Judith Koehler, aye  
Councilperson Matthew Passarell, aye**

**DRAFT**