

October 4, 2010

Town of Albion Town Board meeting and public hearing held in the Town hall, 3665 Clarendon Rd.

Meeting called to order at 7:00 pm.

Pledge of Allegiance was said.

Present were Councilperson Ryan Miller, Councilperson Clifford Thom, Supervisor Judith Koehler, Councilperson Timothy Neilans and Councilperson Matthew Passarell. Also present were Highway Superintendent Jed Standish, Town Clerk Sarah Basinait and Attorney of the Town John Gavenda.

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

Motion was made by Councilperson Ryan Miller and was seconded by Councilperson Matthew Passarell to approve the agenda with the addition of the cable update and the highway overhead doors. Motion carried by the following vote:

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

Supervisor Judith Koehler: I need a motion to approve the August 30th minutes.

Motion was made by Councilperson Clifford Thom and was seconded by Councilperson Timothy Neilans to approve the minutes of the August 30, 2010 meeting as published and submitted. Motion carried by the following vote:

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

Supervisor Judith Koehler: I need a motion to approve the September 13th minutes.

Motion was made by Councilperson Timothy Neilans and was seconded by Councilperson Clifford Thom to approve the minutes of the September 13, 2010 meeting as published and submitted. Motion carried by the following vote:

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

Supervisor Judith Koehler: I need a motion to approve the September 20th minutes.

Motion was made by Councilperson Timothy Neilans and was seconded by Councilperson Matthew Passarell to approve the minutes of the September 20, 2010 meeting with a correction to the prepayment of the Univera and the MVP vouchers. It should be corrected to read paid prior to audit. Motion carried by the following vote:

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

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Councilperson Matthew Passarell, aye

Supervisor Judith Koehler: I need a motion to approve the January 19th minutes.

Motion was made by Councilperson Clifford Thom and was seconded by Councilperson Matthew Passarell to approve the minutes of the January 19, 2010 meeting as published and submitted. Motion carried by the following vote:

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

Supervisor Judith Koehler: I need a motion to approve the January 25th minutes.

Motion was made by Councilperson Ryan Miller and was seconded by Councilperson Timothy Neilans to approve the minutes of the January 25, 2010 meeting as published and submitted. Motion carried by the following vote:

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

Supervisor Judith Koehler: I need a motion to approve the February 22nd minutes.

Motion was made by Councilperson Clifford Thom and was seconded by Councilperson Ryan Miller to approve the minutes of the February 22, 2010 meeting as published and submitted. Motion carried by the following vote:

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

Supervisor Judith Koehler: I need a resolution for the vouchers.

Resolution #79 Payment of Claims

Whereas, the following is against the Town:

General A & B #'s – 330 – 364	\$ 13,574.29
Highway DA & DB #'s – 161 – 170	\$ 3,840.79
Water Districts #'s – 63 – 66	\$ 4,180.64
Sewer District #13	\$ 34.12
For a grand total of	\$ 21,602.84

Motion was made by Councilperson Timothy Neilans and was seconded by Councilperson Clifford Thom to approve payment of the above listed claims.

Resolution duly adopted by the following vote:

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

Supervisor Judith Koehler: I need motion to open the public hearing on Local Law #3.

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Motion was made by Councilperson Clifford Thom and was seconded by Councilperson Timothy Neilans to open the public hearing on Local Law #3, Dog Control Law, at 7:11 pm. Motion carried by the following vote:

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

Discussion followed regarding the law and the need for the Town of Albion to implement this law due to New York State discontinuing the dog licensing system.

Motion was made by Councilperson Clifford Thom and was seconded by Councilperson Matthew Passarell to close the public hearing on Local Law #3, Dog Control Law, at 7:20 pm. Motion carried by the following vote:

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

Supervisor Judith Koehler: I need a resolution approving Local Law #3.

Resolution #80 Local Law #3 – Dog Control Law

Local Law #3, Dog Control Law, in its entirety is hereby filed with these minutes. Said Local Law #3 is also hereby filed with the Secretary of State. Motion was made by Councilperson Clifford Thom and was seconded by Councilperson Timothy Neilans authorizing the adoption of Local Law #3, Dog Control Law, of the Town of Albion. Resolution duly adopted by the following vote:

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

Supervisor Judith Koehler: We received three bids for the computers.

The Board discussed the bids and asked questions regarding them. After discussion the Board made the following decision:

Resolution #81 Computer/Copier Bid

Whereas, the Town of Albion bid out for computers, copier and server. Whereas, the Town of Albion received three bids with said bids being opened on October 4, 2010 at 10:00 am.

Now therefore be it resolved, the Town of Albion Town Board hereby awards the bid to Duplicating Consultants in the amount of \$14,289.21.

Motion was made by Councilperson Clifford Thom and was seconded by Councilperson Timothy Neilans authorizing the award of the bid as stated above. Resolution duly adopted by the following vote:

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

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Supervisor Judith Koehler: I need a motion to accept the resignation of Dennis Ignaszak.

Motion was made by Councilperson Matthew Passarell and was seconded by Councilperson Timothy Neilans to accept the resignation of Dennis Ignaszak as the Fair Housing Officer for the Town of Albion. Motion carried by the following vote:

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

Supervisor Judith Koehler: I need a motion to appoint Tim Neilans.

Motion was made by Councilperson Matthew Passarell and was seconded by Councilperson Clifford Thom to appointing Councilperson Timothy Neilans as the Fair Housing Officer for the Town of Albion. Motion carried by the following vote:

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

Supervisor Judith Koehler: I need a motion for a five minute recess.

Motion was made by Councilperson Timothy Neilans and was seconded by Councilperson Clifford Thom to recess for five minutes at 8:00 pm. Motion carried by the following vote:

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

Motion was made by Councilperson Clifford Thom and was seconded by Councilperson Timothy Neilans to reopen the meeting at 8:06 pm. Motion carried by the following vote:

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

Supervisor Judith Koehler: I need a motion to establish a time limit for the drug testing.

Motion was made by Councilperson Timothy Neilans and was seconded by Councilperson Matthew Passarell setting the time limit for the notification of drug testing at 40 minutes from the time of notification to respond for the test. Motion carried by the following vote:

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

Supervisor Judith Koehler: I need a resolution to increase the bond counsel costs.

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Resolution #82 Increase Bond Counsel Cost – WIA 7A, 7B, 7C & 7D

The agreement to increase the bond counsel line item in the budget for Water Improvement Area 7 in its entirety is hereby filed with and made a part of these minutes.

Motion was made by Councilperson Timothy Neilans and was seconded by Councilperson Clifford Thom authorizing the adoption of this resolution.

Resolution duly adopted by the following vote:

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

Supervisor Judith Koehler: Next is the discussion of the overhead doors in the highway.

The Board and Highway Superintendent Jed Standish discussed this and the cost for replacing the damaged door. The Town Board decided that if the funding was available that they should bid to replace all four doors in the highway department. The following action was taken:

Motion was made by Councilperson Timothy Neilans and was seconded by Councilperson Ryan Miller authorizing Highway Superintendent Jed Standish to bid out for four new overhead garage doors. Said bids will be advertised in the October 12, 2010 edition of the Batavia Daily News with the bid opening on October 21, 2010 at 10:00 am. Motion carried by the following vote:

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

Supervisor Judith Koehler: I need motion to adopt the preliminary budget.

Motion was made by Councilperson Clifford Thom and was seconded by Councilperson Timothy Neilans adopting the 2011 tentative budget as the 2011 preliminary budget. Motion carried by the following vote:

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

Supervisor Judith Koehler: I need a motion for executive session.

Motion was made by Councilperson Matthew Passarell and was seconded by Councilperson Timothy Neilans to enter executive session at 9:21 pm for the discussion of a personnel matter and contract negotiations. Motion carried by the following vote:

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

Minutes approved with the above corrections by the Town Board at their regular meeting held on December 13, 2010.