

Town of Albion
Regular Monthly Meeting
May 12, 2015

Present: Supervisor Aaron Walter
Councilman Thomas Reff
Councilman Brad Hilton
Councilman Randy Mattison
Councilman Lonny Mattison
Recording Secretary: Amy J. Ford, Town Clerk

Supervisor Walter called the meeting to order at 6:30pm then led in the Pledge of Allegiance to the Flag.

Previous monthly minutes: Supervisor Walter stated that he was misquoted in the Hwy Supt.'s report section (A) He stated it should be "He would check with the Town's Attorney for a resolution on putting up more NO Parking signs near the Fish Hatchery". **Motion made by Councilman Randy Mattison seconded by Councilman Lonny Mattison to accept the minutes with corrections made. Motion carried. Adopted (5-0) Supervisor Walter – aye; Councilman Reff – aye; Councilman Hilton – aye; Councilman Randy Mattison – aye; Councilman Lonny Mattison – aye**

Reports: 1) Oswego County Legislator: Mr. Potter read the list of thirteen resolutions the County has for May 2015. A copy is available in the Clerk's office.

2) Hwy Supt.: Mr. Cronk reported: A) Cemetery on Co. Rt 28 has a grave stone that is tilting into the sunken grave. Three other graves are in need of filling as well. The Hwy workers would fix the graves. B) Bull Run Rd & Towsley Rd's pipes are done. C) The empty fuel tanks at the Municipal Bldg. have been removed and the NYSDEC representative has been assisting with the procedure. Supervisor Walter stated that he would like something in writing from the NYSDEC that states the Town of Albion is in the process of removing the tanks to come into compliance. The tanks can now be sold as is. D) Issue with Hog Back Rd.: Mr. Cronk stated that twenty years ago there was a gentlemen's agreement that Hog Back Rd. would not be posted in the Spring with the other town roads. Mr. Cronk also stated that the two senior Hwy workers who have worked over the last twenty years have also stated the road has never been posted. The pipe will be fixed. Mrs. Ford would check the past minutes to see if the gentlemen's agreement was written. Mr. Cronk would like the Town Board and the County of Oswego Hwy Dept. to get together and decide on what to do with the road.

3) DCO: Mr. Cronk reported: A) the ASPCA had contacted him about a dog running loose on Co Rt 22 near the school. The Pitt-bull jumped/smashed through his garage window and took off; however, the State Police caught it and brought it back. B) Albion Cross Rd issue: The dogs downstairs are licensed but not the ones upstairs. Supervisor Walter stated to send the tickets in the mail since Mr. Cronk isn't allowed on the premises. C) Dog Census: Mr. Cronk stated he would like the board to put money aside in next year's budget to be able to do a dog census for 2016.

4) Supt. of Cemeteries: Ms. Butler was absent but Supervisor Walter stated there was nothing new other than a burial last week and the workers are putting down a foundation and corner markers. They are also getting the cemetery ready for Memorial Day.

5) CEO/BI: Mr. Mowers read his report as follows for April 2015: He issued twelve permits: 8 renewals, 1 new & 3 other (pool/shed/OWTS). He also issued one Certificate of Occupancy and two Certificates of Completion. He has completed 24 hours of continued Education Credits. Mr. Mowers also stated that a

new house was being built on Mattison Rd. (which is a seasonal road). Councilman Randy Mattison asked if a turn- a-round was going to be built. Mr. Mowers stated Mr. Cronk and owner Mr. Derek Pollock have discussed putting one in. Mr. Mowers then stated he would not issue a Certificate of Occupancy until the road is Fire Apparatus Lane accessible; he will however issue a Certificate of Completion when the time comes.

6) Town Justice: Judge Allen was absent; Judicial Grant procedures are on hold until he returns.

7) Fire Dept.: Chief Holcomb submitted the following report for April 2015: hey had 22 calls. Check Balance = \$61,902.75, expenses = \$4,013.26; checking account balance moved to May 2015 = \$57,889.75.

8) NOCA: Mr. Dealing was absent.

9) Town Clerk: For the month of April 2015 total disbursed was \$432.50 (Town = \$395.00, NYS Ag & Markets = \$15.00 & NYS Health Dept. = \$22.50); petty cash is at \$25.00. Mrs. Ford also stated that on her report she has 62 dogs that she has marked either deceased or their licenses have been cancelled due to lack of renewal (3 – 4 years late). Mrs. Ford also submitted a brief summary of her NYSTCA Conference.

Motion made by Councilman Lonny Mattison seconded by Councilman Hilton to accept the report as read. Motion carried. Adopted (5-0) Supervisor Walter – aye; Councilman Reff – aye; Councilman Hilton – aye; Councilman Randy Mattison – aye; Councilman Lonny Mattison – aye

10) Supervisor for May 2015: as follows

<u>Receipts</u>	<u>Disbursements</u>
General Money Market = \$54,620.99	General Money Market = \$34,839.22
Hwy Money Market = \$34,900.42	Hwy Money Market = \$39,347.95
<u>Account Balances (as of 4/30/15)</u>	
General Money Market = \$423,336.52	Hwy Money Market = \$457,125.46
General Checking Account = \$23,612.53	Hwy Checking Account = \$6,595.56
Trust & Agency = \$14,820.77	Cemetery= \$88,032.33

Motion made by Councilman Hilton seconded by Councilman Reff to accept the report as read Motion carried. Adopted (5-0) Supervisor Walter – aye; Councilman Reff – aye; Councilman Hilton – aye; Councilman Randy Mattison – aye; Councilman Lonny Mattison –aye

Supervisor Reff asked about the Pilot agreement with Tail-Water Lodge. Supervisor Walter stated that it is not a frozen assessment; it can change whenever Assessor Maxwell deems it. Supervisor Walter then stated it has gone up \$6,000 more from last year and it will go up again next year. Supervisor Walter is still waiting for a copy of the pilot agreement.

Supervisor Walter then asked the board to sign the following resolution # 3 of 2015 “NYSDOT Permit”

Resolution # 3 of 2015
NYSDOT Permit

The Town Board of the Town of Albion adopted the following Resolution at their Regular Town Board Meeting of the month of May, held on May 12, 2015 at 6:30pm as follows:

Aaron Walter moved the adoption of a resolution to Obtain the new undertaking from the New York State Department of Transportation for permit issuance as follows:

Undertaking
For the benefit of
The New York State Department of Transportation
In connection with work affecting state highways
(For use by New York municipalities and federal agencies)

WHEREAS, the undersigned Town of Albion (hereinafter referred to as “Permittee”) from time-to-time receives permits from the New York State Department of Transportation (hereinafter referred to as “NYSDOT”) and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, Permittee’s access and operation upon state right-of-way is conditioned upon compliance with Highway Law Sections 52,102,203, and/or 2334, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic 9including

motorized and non-motorized travel) affected by Permittee's operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses.

NOW, THEREFORE, in relation to all operation and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions:

1) Permit applications – Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration.

2) Rules, Regulations & Conditions – Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.

3) Site Restoration – Permittee shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the Permittee fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.

4) Payment & Release of Liens – Permittee shall be responsible for the payment of all costs and material relating to its work in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all lien claims made by persons supplying services or materials to Permittee in connection with Permittee's work.

5) Indemnity – In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agent, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations, whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify, and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the Permittee's activities or operations under any and all permits issued using this Undertaking.

FURTHERMORE, Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general purposes.

This Undertaking shall be applicable to all permitted activities and operation undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked by the Permittee or rejected by NYSDOT upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

IN WITNESS THEREOF, the Town of Albion agrees to the terms of this Undertaking, and has caused its execution by the authorized officer.

Dated this 12th day of May 2015

Councilor- Brad Hilton

Councilor- Lonny Mattison

Councilor- Randy Mattison

Councilor- Thomas Reff

Supervisor- Aaron Walter

Town Clerk- Amy Ford

Supervisor Walter also stated that he had written and signed a letter to the NYS Dept. of Health giving the Town's authorization to the Altmar Volunteer Fire Dept. to provide medical assistance to the township.

Pay Bills: General abstract # 5, bills # 143 - # 171 = \$13,094.41. Supervisor Walter stated that bill # 171 be increased to \$698.02 for the veterans. General abstract # 5, bills # 143 - # 171 = \$13,292.43. **Motion made by Councilman Lonny Mattison seconded by Councilman Randy Mattison to accept and pay all general bills for May 2015 with corrections made. Motion carried. Adopted (5-0) Supervisor Walter – aye, Councilman Reff – aye; Councilman Hilton – aye; Councilman Randy Mattison – aye; Councilman Lonny Mattison – aye**

Hwy abstract # 5, bills # 65 - # 80 = \$13,804.60. Supervisor Walter stated that bill # 75's appropriation number be changed to DA5110.1 from DA5142.1; the total amount stays the same. **Motion made by Councilman Randy Mattison seconded by Councilman Reff to accept and pay Hwy bills for May 2015 with corrections made. Motion carried. Adopted (5-0) Supervisor Walter – aye; Councilman Reff – aye;**

Old Business: 1) Distribution of Lighting District Cost – contract up June 2015: Supervisor Walter is still trying to contact them.

2) Austin Rd/Road Maintenance & Classification: There has to be a Public Notice and the Town attorney needs to be involved. It will cost \$400- \$500 to begin the process next month.

3) Municipal Building signage: Supervisor Walter will get a quote for 5" letters and a quote for a sign similar to the one on the building out back of the municipal building. When the details are finalized the Municipal Building will have a sign that says "Altmar/Albion Municipal Building".

4) Fleet Plan Implementation: Board will review at budget time.

5) 59 Howardville Drive: nothing yet.

New Business: 1) Sale of fuel tanks: Auctions International has worked with Mr. Cronk before; Mrs. Ford will compile a list of items as well to be auctioned off also.

2) Roadside dumping: Councilman Randy Mattison stated that Hong Kong Road and County route 28 near Grindstone Creek are spotted with garbage. Supervisor Walter stated that the County's Landfill at Bristol Hill would be open Wednesday's & Saturdays for household hazardous waste. Fliers would be available in the hallway. Mr. Baxter would post the information also on the Town's website.

3) Municipal Water Feasibility Study: Supervisor Walter was contacted by Tail-Water Lodge' lawyer and was asked if the town would be interested in municipal water. Supervisor stated that he was, however, the town could not afford it. Supervisor Walter then contacted the Town of Richland to see if they had enough water to supply Albion and was told yes. He then stated that the Town of Albion do a Feasibility Study first and poll the town residents then do an Engineering Study, both studies would cost between \$3,000 - \$4,000 to conduct.

Councilman Reff stated the Feasibility Study should be posted for next month's meeting and to see how many residents come to show interest.

Mr. Baxter stated that the Town should do a survey of the residents, the feasibility study would have a price tag but there is financing available. However, the State Comptroller would have a say in the target amount. Grants could bring the target rate down. Mr. Baxter then stated that the Fire Insurance savings have been shown in areas that have water lines put in and fire hydrants near properties.

Mrs. Ford would put an article in the papers stating the Town of Albion would be doing a Feasibility Study on Municipal Water at their next monthly meeting June 9, 2015 at 6:30pm. Town residents are invited to show support for or against municipal water.

Reports continued: 11) Tug Hill Circuit Rider: Mr. Baxter reported: A) the money for the NYS Tug Hill Commission Annual Meeting & Dinner would be due May 15th. B) The Town's website is up to date and the Town Clerk's hours have been changed. Mr. Baxter stated there are Grants available to assist with improvements to the municipal building, he would keep checking on the latest updates.

Public Comment: 1) Mr. Bill Sheeley asked about the cemeteries. Supervisor Walter stated that the headstones could not be fixed (if broken) without the town contacting and getting permission from the family members. He also stated that the town would need to post a legal notice in the papers first.

2) Mr. Bill Sheeley then asked about the court bench. Supervisor Walter stated that it has been put on hold because Judge Allen has been out of town and also the quote Judge Allen received is over the amount the Procurement Policy states is requested to go for bid on. If the town receives another quote that is broken down into phases and each phase is under the amount requested for bids then the town would look into it.

Adjournment: **Motion made by Councilman Lonny Mattison seconded by Councilman Hilton to adjourn the meeting. Motion carried. Adopted (5-0) Supervisor Walter – aye; Councilman Reff – aye; Councilman Hilton – aye; Councilman Randy Mattison – aye; Councilman Lonny Mattison – aye**
Supervisor Walter called the meeting to a close at 8:10pm.

Respectfully submitted;

Amy J. Ford, Town Clerk