

February 28, 2011
Town of Albion
Special Meeting
6:00 P.M.

1. Call to order
2. Pledge
3. Exits
4. Roll call
5. Attendance sheet
6. Additions, Deletions, and Approval of agenda—
7. John Iverson of Helena and presentation—Section 1

Accept SEQR
March 14 for public hearing

8. 6:30—Presentation of energy audit—Section 2
9. Standard Work Day--Sarah
10. 7:00 Public Hearing on items for consideration of Office of Community Renewal Grant application—Gabriel Barone—Section 3
11. AUD presentation for board consideration
12. Adjourn

We need to have an executive session to discuss (1) pending litigation, (2) purchase/sale of land, (3) negotiation of a contract. We will have it either at the end of the meeting OR in between presentations.

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

Meeting called to order at 6:10 pm.

Pledge of Allegiance was said and the exit message was given.

Present were Councilperson Ryan Miller, Councilperson Clifford Thom, Supervisor Judith Koehler, Councilperson Timothy Neilans. Councilperson Matthew Passarell arrived at 6:12 pm. Also present were Code Enforcement Officer Daniel Strong, Attorney for the Town John Gavenda and Town Clerk Sarah Basinait.

Supervisor Judith Koehler: I need a motion to approve the agenda.

Motion was made by Councilperson Timothy Neilans and was seconded by Councilperson Clifford Thom to approve the agenda with the addition of Red Hawk. 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: We will now have the presentation on the Helena project.

John Iverson, Helena Chemical, gave the Board a presentation on a proposed project on Long Bridge Rd and that the zoning needed to be changed to an overlay district. Jason Foote, Chatfield Engineers reviewed the Long Form SEQR with the Board and those in attendance. Discussion ensued regarding the date for the public hearing and the following action was taken:

Motion was made by Councilperson Clifford Thom and was seconded by Councilperson Timothy Neilans authorizing a public hearing on April 11, 2011 at 7:00 pm for the presentation of the Helena Chemical and the possible addition of a Railroad Overlay Zoning District to the Town of Albion Zoning Code. 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: Next is the presentation of the energy audit.

Dennis Gruarin, Lime Energy, presented the Board with the energy audit of the Town of Albion building. He gave the Board a proposal on changing all light fixtures in the Town hall excluding outside lighting. The Board asked questions regarding this. After discussion the following action was taken:

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Motion was made by Councilperson Clifford Thom and was seconded by Councilperson Timothy Neilans to accept the proposal from Lime Energy to replace all lighting fixtures in the Town hall at a cost of \$11,598.54. Said cost will be paid between National Grid and the Town of Albion. National Grid cost will be \$7,141.16 and the Town of Albion cost, after a 15% discount for paying a lump sum, will be \$3,788.77. Said proposal and contract, signed by Supervisor Judith Koehler, in their entirety are hereby filed with and made a part of these minutes. 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 open the public hearing on the Office of Community renewal program.

Motion was made by Councilperson Clifford Thom and was seconded by Councilperson Timothy Neilans to open the public hearing on the Office of Community Renewal program at 7:04 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	

Gabrielle Barone, VP of Development for the OEDA, gave a brief overview of the program and what potential projects may be funded by this. The Board asked questions regarding this.

Supervisor Judith Koehler: I need a motion to close the public hearing on the Office of Community renewal program.

Motion was made by Councilperson Clifford Thom and was seconded by Councilperson Timothy Neilans to close the public on the Office of Community Renewal program at 7:10 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 sign the pre-application.

Motion was made by Councilperson Timothy Neilans and seconded by Councilperson Clifford Thom authorizing Supervisor Judith Koehler to sign the preliminary application to the Office of Community Renewal for the Liberty Sweet Farms project located at 3816 Oak Orchard Rd. Motion carried by the following vote:

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

After the motion was made Supervisor Judith Koehler stated that she should recuse herself and that she should not be signing the document because of her husband's association with the Panek family. The motion then was amended as follows:

Motion was made by Councilperson Timothy Neilans and seconded by Councilperson Mathew Passarell authorizing Deputy Supervisor Clifford Thom to sign the preliminary application to the Office of Community Renewal for the Liberty Sweet Farms project located at 3816 Oak Orchard Rd. Motion carried by the following vote:

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

Supervisor Judith Koehler: I need a resolution for the standard work day.

Resolution #66 Standard Work Day and Reporting Resolution

The Resolution in its entirety is hereby filed with and made a part of these minutes.

Motion was made 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: I need a motion for a five minutes recess before executive session.

Motion was made by Councilperson Thom and was seconded by Councilperson Matthew Passarell to have a five minute recess before entering executive session at 7:35 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

Sat 3/5/2011 12:29 PM

From: "Michael Bonafede" <bonafede@yahoo.com>
To: "sarah basinait" <townclerk@townofalbion.com>
post executive session

Monday, February 28, the board came out of executive session at 7:55 on a motion by Councilperson Neilans and a second by Councilperson Miller. The board voted to have Dan Spitzer author a letter to Dan Schuth of Soil and Water in response to his landfill letter on a motion by Councilperson Passarell and a second by Councilperson

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Neilans. The board also discussed proceeding with the traffic study on Lewis Road and East County House Road to be undertaken on advice of Beth Holden, Esq. and Dan Spitzer, who will provide a recommendation on Tuesday, March 1. Motion to adjourn by Councilperson Miller and a second by Councilperson Passarell at 8:00.

Minutes approved with highlighted changes at the regular Town Board meeting held on March 14, 2011.

28-Feb-11

Town of Albion Special Meeting and Public hearing

Please sign in:

- | | |
|------------------------------------|-----------|
| 1. <u>James Kravick</u> | 28. _____ |
| 2. <u>John Iverson</u> | 29. _____ |
| 3. <u>Jason Fook</u> | 30. _____ |
| 4. <u>DENNIS GARARIN</u> | 31. _____ |
| 5. <u>Ed Vick Jr + Katie Marks</u> | 32. _____ |
| 6. <u>Tom Rivers</u> | 33. _____ |
| 7. _____ | 34. _____ |
| 8. _____ | 35. _____ |
| 9. _____ | 36. _____ |
| 10. _____ | 37. _____ |
| 11. _____ | 38. _____ |
| 12. _____ | 39. _____ |
| 13. _____ | 40. _____ |
| 14. _____ | 41. _____ |
| 15. _____ | 42. _____ |
| 16. _____ | 43. _____ |
| 17. _____ | 44. _____ |
| 18. _____ | 45. _____ |
| 19. _____ | 46. _____ |
| 20. _____ | 47. _____ |
| 21. _____ | 48. _____ |
| 22. _____ | 49. _____ |
| 23. _____ | 50. _____ |
| 24. _____ | 51. _____ |
| 25. _____ | 52. _____ |
| 26. _____ | 53. _____ |
| 27. _____ | 54. _____ |



Office of the New York State Comptroller
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

Standard Work Day and Reporting Resolution RS 2417-A

(12/10)

BE IT RESOLVED, that the Town of Albion / Location code 30363 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
Elected Officials									
Councilperson	Timothy Neilans			8	01/01/10-12/31/13	N	3.90		
Councilperson	Ryan Miller			8	01/01/10-12/31/11	N	.69		
Highway Superintendent	Jed P. Standish			8	01/01/08-12/31/11	N	26.38		
Town Clerk	Sarah M Basirait			8	01/01/08-12/31/11	N	17.97		
Appointed Officials									
Code Enforcement Officer	Daniel Strong			8		Y	16.60		

If additional rows are needed, please use form RS2417-B and attach.

On this 1 day of March, 2011, Sarah M Basirait (Signature of clerk), clerk of the governing board of the Town of Albion (Name of Employer), of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 28 day of Feb., 2011 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of 5 members, and that 5 of such members were present at such meeting and that of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto Set my hand and the seal of the Town of Albion (Name of Employer)

This document consists of 1 page(s) (see additional RS2417-B forms attached).

(seal)

Terms & Conditions



Date: 2/21/2011

Customer Name: TOWN OF ALBION Application No: 799183
Address: 3665 CLARENDON RD
Town, State, and Zip Code: ALBION, NY 14411

6. Equipment and Customer Contribution

(a) The Installation Contractor will install the equipment listed on the attached Small Business Energy Savings Plan, incorporated herein by reference. The estimated cost of the installation including the estimated cost of the Customer's contribution is also itemized on this report. The Customer may choose to pay its cost contribution over twelve or twenty-four months or may choose to pay it in one lump sum. If the Customer chooses to pay it in one lump sum, the Company shall discount the Customer's contribution by 15%.

The Customer opts to pay its cost contribution by (check one):

- ☒ Lump sum payment of \$3,788.77 includes Customer discount of 15%
☐ Twelve (12) monthly payments of \$371.45 per month
☐ Twenty-four (24) monthly payments of \$185.72 per month

(b). The Customer shall pay no more than the estimated cost shown on the report. If the actual cost of the installation is less than the estimated cost or if the Installation Contractor chooses not to make an installation in accordance with Section 5, the Installation Contractor shall adjust the customer's contribution and advise the Customer.

7. Participation in Other Energy Efficiency Programs


The installed measures are not eligible for incentives from other energy efficiency programs.

8. Authorized Signature of Customer

By signing below, the Customer agrees to the applicability of the terms and conditions described above.

CUSTOMER ADDRESS WHERE MEASURES WILL BE INSTALLED:

TOWN OF ALBION
3665 CLARENDON RD
ALBION, NY 14411

Signature: Name(Print):  Judith Koehler

Title: Supervisor

Date: 02-28-11



Incorporated



Not Incorporated



If Not Incorporated, Federal ID # _____

FAX 3 pages AFTER SIGNING + include
fax exempt cert. to 2831619

Terms & Conditions

nationalgrid

Date: 2/21/2011

Customer Name:	TOWN OF ALBION	Vendor:	LIME ENERGY CO
Address:	3665 CLARENDON RD	Audit Date:	02/15/2011
Town, State, and Zip Code:	ALBION, NY 14411	Auditor	DENNIS GRUARIN
Account Number:	77249-61109	Application No:	799183

National Grid ("Company") is offering an energy conservation program ("Program") to certain commercial and industrial customers ("Customer") that have an average monthly demand less than or equal to 100 kW. Under the Program, the Company is arranging the installation of certain energy efficiency measures ("Measures") at the facilities of eligible customers. Customer agrees to have a contractor hired by the Company for the Program install the Measures and pay a portion of the installation cost as described in Section Six listed below. The following are terms and conditions that govern the Program and the installation of the Measures:

1. Measures to be Installed

An independent contractor ("Installation Contractor") hired by the Company will install at Customer's property the conservation Measures described in Section Six below. The Installation Contractor shall permanently disable all lamps replaced pursuant to this Agreement (make them unfit for reuse). The disposal of any lighting equipment which is removed (with exception of fluorescent ballasts and lamps) will be the responsibility of the participating Customer. The disposal of any fluorescent ballasts and lamps will be the responsibility of an outside contractor hired by the Company.

2. Installation Date

The Installation Contractor will attempt to install the Measures within thirty (30) days of Customer signing this Agreement.

3. Warranty and Disclaimers


- (a) The Company will provide a one-time equipment replacement free of charge for any equipment that fails to operate according to manufacturer's specifications for a period of two years after the date of the original installation. Lamps will be warranted for one year.
- (b) Customer may have other warranty rights that may have been provided by the manufacturer of the devices installed under this Agreement. Customer, however, may exercise such rights only against the manufacturer, and not against the Company or its affiliates.
- (c) OTHER THAN THE REPLACEMENT WARRANTY STATED IN SUBPARAGRAPH 3(a) ABOVE, NEITHER THE COMPANY NOR ITS AFFILIATES MAKE ANY WARRANTIES OF ANY KIND, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE
- (d) The Company does not guarantee that the Measures will, in fact, save any level of energy or result in a lowering of the customer's electric utility bill.
- (e) Neither the Company nor its affiliates shall be liable to Customer for consequential or incidental damages arising out of the Program, whether in contract, tort (including negligence) or any other theory of recovery.

4. Access to Property

- (a) Customer will provide reasonable access to Customer's property during normal business hours for Installation Contractor to perform the installation work.
- (b) In addition, the Customer will allow the Company to make a reasonable number of follow-up visits during the twenty-four months following installation, with advance notice and at a time convenient to the customer. The purpose of the follow-up visits is to provide the Company with an opportunity to review the operation of the Measures for program education purpose. During the follow-up visits, the Company may make suggestions to the Customer regarding operation of the Measures, but the Customer is under no obligation to follow any such suggestions. If the Customer does follow any instructions, the Company will not be liable to the Customer in tort (including negligence) for the Customer's reliance on the suggestions.

5. Discretion of Installation Contractor

When undertaking the installation, the Installation Contractor or the Company (at their sole discretion) may choose not to make the installations specified below for reasons related to safety, discovery of unforeseen conditions, or the complete utilization of the Company's program budget.

Initial Here: 



Project Implementation Information

Contractor Responsibilities

1. Pack and stack lamps and ballasts for recycle pick up. Contractors must properly pack all recycles. Contractors are not allowed to remove lamps or ballasts from the site.
2. Move all debris to customer designated area for disposal by customer (Metal/Cardboard etc.)
3. Determine lift equipment necessary to complete project.
4. Implement project according to scope as mutually agreed to by customer and Lime Energy. In most, if not all cases, this is a fixture for fixture swap utilizing existing wiring.
5. Minimize interruptions to customer operations by scheduling project according to customer guidelines and timeframes.
6. Follow all customer specified safety requirements.

Customer Responsibilities

1. Provide storage area for recycled lamps and ballasts.
2. Provide a means of disposal for cardboard and metal (Project Debris)
3. Reimburse contractor for lift charges (if applicable) upon project completion.
4. Provide schedule for project implementation that provides for minimal impact to operations while maximizing available work hours for timely project completion.
5. Make best efforts to remove obstructions in work areas.
6. Alert staff and management of pending project and authorized work hours.

LIFT PRICING SCHEDULE (APPROXIMATE COSTS)

20' Scissor Lift = \$175.00 per day / \$375.00 per week

30' Scissor Lift = \$175.00 per day / \$500.00 per week

40' Boom Lift = \$175.00 per day / \$550.00 per week

Note:

The installation process may be intrusive to your operations and as such, you may want to consider off and/or expanded installation hours in an attempt to minimize these interruptions. Please be advised that due to the nature of the work, there may be occasional interruptions, whether planned or accidental to lighting circuits. Every attempt will be made to make the installation process as non-intrusive and convenient as possible.

(Signature)

Judith Koehler

(date)

2/28/11