

March 11, 2024  
Town of Albion Regular Meeting

Agenda

1. Call Meeting to Order
2. Pledge of Allegiance
3. Exit Message
4. FYI: Remind residents to sign attendance sheet
5. Roll Call
6. Public Comment
7. Motion to approve agenda
8. Motion to approve the minutes of February 20, 2024 meeting
9. Resolution to approve the vouchers
10. Resolution to approve the audit of the Town Clerk, Tax Collector and court clerk
11. NYSDA Committee update
12. Albion Strawberry Festival Donation
13. Motion to appoint Joe Martillotta to the Assessment Review Board to fill the vacancy for a term 3/11/2024 – 9/30/2024.
14. Resolutions concerning the Joint Fire District
  - A. Resolution for SEQR
  - B. Resolution of Dissolution Plan
  - C. Resolution of Descriptive Summary
  - D. Resolution of Endorsement
  - E. Resolution calling for a public hearing on April 24, 2024 at 6 pm
15. Executive Session

11-Mar-24

**Albion Town Board Regular Meeting**

**Please sign in:**

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_

8. \_\_\_\_\_

9. \_\_\_\_\_

10. \_\_\_\_\_

11. \_\_\_\_\_

12. \_\_\_\_\_

13. \_\_\_\_\_

14. \_\_\_\_\_

15. \_\_\_\_\_

16. \_\_\_\_\_

17. \_\_\_\_\_

18. \_\_\_\_\_

19. \_\_\_\_\_

20. \_\_\_\_\_

21. \_\_\_\_\_

22. \_\_\_\_\_

23. \_\_\_\_\_

24. \_\_\_\_\_

25. \_\_\_\_\_

26. \_\_\_\_\_

27. \_\_\_\_\_

28. \_\_\_\_\_

29. \_\_\_\_\_

30. \_\_\_\_\_

31. \_\_\_\_\_

32. \_\_\_\_\_

33. \_\_\_\_\_

34. \_\_\_\_\_

35. \_\_\_\_\_

36. \_\_\_\_\_

37. \_\_\_\_\_

38. \_\_\_\_\_

39. \_\_\_\_\_

40. \_\_\_\_\_

41. \_\_\_\_\_

42. \_\_\_\_\_

43. \_\_\_\_\_

44. \_\_\_\_\_

45. \_\_\_\_\_

46. \_\_\_\_\_

47. \_\_\_\_\_

48. \_\_\_\_\_

49. \_\_\_\_\_

50. \_\_\_\_\_

51. \_\_\_\_\_

52. \_\_\_\_\_

53. \_\_\_\_\_

54. \_\_\_\_\_

March 11, 2024

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

Meeting called to order at 5:00 pm.

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

Present were Councilperson Darlene Benton, Councilperson Sandra Bensley, Supervisor Richard Remley, Councilperson Terry Wilbert and Councilperson Arnold Allen.

Supervisor Richard Remley: I need a motion to approve the agenda.

**Motion was made by Councilperson Darlene Benton and was seconded by Councilperson Sandra Bensley approving the agenda as submitted. Motion carried by the following vote:**

**Councilperson Darlene Benton, aye**

**Councilperson Sandra Bensley, aye**

**Supervisor Richard Remley, aye**

**Councilperson Terry Wilbert, aye**

**Councilperson Arnold Allen, aye**

Supervisor Richard Remley: I need a motion to approve the minutes.

**Motion was made by Councilperson Arnold Allen and was seconded by Councilperson Darlene Benton approving the minutes of the February 20, 2024 meeting as published and submitted. Motion carried by the following vote:**

**Councilperson Darlene Benton, aye**

**Councilperson Sandra Bensley, aye**

**Supervisor Richard Remley, aye**

**Councilperson Terry Wilbert, aye**

**Councilperson Arnold Allen, aye**

Supervisor Richard Remley: I need a resolution for the vouchers.

**Resolution #57                      Payment of Claims**

**Whereas, the following are against the Town:**

**General, Highway, Water & Sewer      85 - 122 \$ 226,988.05**

**Motion was made by Councilperson Sandra Bensley and was seconded by Councilperson Darlene Benton authorizing the payment of the above listed claims. Resolution duly adopted by the following vote:**

**Councilperson Darlene Benton, aye**

**Councilperson Sandra Bensley, aye**

**Supervisor Richard Remley, aye**

**Councilperson Terry Wilbert, aye**

**Councilperson Arnold Allen, aye**

Supervisor Richard Remley: I need a resolution to accept the audit.

**Resolution # 58                      Audit Town Clerk, Tax Collector and Court Clerk**

**Motion was made by Councilperson Arnold Allen and was seconded by Councilperson Darlene Benton approving the audit of the Town Clerk, Tax Collector and Court Clerk. Motion carried by the following vote:**

**Councilperson Darlene Benton, aye**

**Councilperson Sandra Bensley, aye**

**Supervisor Richard Remley, aye**

**Councilperson Terry Wilbert, aye**

**Councilperson Arnold Allen, aye**

Supervisor Richard Remley: I need a motion for the donation to the Strawberry Festival.

Motion was made by Councilperson Arnold Allen and was seconded by Councilperson Darlene Benton authorizing the donation of \$4500.00 to the strawberry festival to hear bands play. Motion carried by the following vote:

Councilperson Darlene Benton, aye  
Supervisor Richard Remley, aye  
Councilperson Arnold Allen, aye

Councilperson Sandra Bensley, aye  
Councilperson Terry Wilbert, aye

Supervisor Richard Remley: I need a motion to appoint Joe Martillotta.

Motion was made by Councilperson Arnold Allen and was seconded by Councilperson Darlene Benton appointing Joe Martillotta to the Assessment review board for a term of 3/11/2024 to September 30, 2024. Motion carried by the following vote:

Councilperson Darlene Benton, aye  
Supervisor Richard Remley, aye  
Councilperson Arnold Allen, aye

Councilperson Sandra Bensley, aye  
Councilperson Terry Wilbert, aye

Supervisor Richard Remley: I need a resolution for dissolution plan Albion fire protection district.

#### **Resolution #60            DISSOLUTION PLAN ALBION FIRE PROTECTION DISTRICT**

The Town Board of the Town of Albion, County of Orleans, New York, pursuant to Article 17-A of the New York General Municipal Law proposes to dissolve the Albion Fire Protection District , contingent upon the establishment of the Albion Joint Fire District .

(a) The name of the local government entity to be dissolved is the Albion Fire Protection District. The Albion Fire Protection District was established by action of the Albion Town Board, Orleans County, New York in December 1955.

(b) The territorial boundaries of the Albion Fire Protection District encompass the entire geographic area of the Town of Albion. Less that area of the Town of Albion that encompasses the Village of Albion, Orleans County, New York.

(c) The type or class of entity to be dissolved is a Fire Protection District established by New York Town Law.

(d) the fiscal estimate of the cost of dissolution of the Albion Fire Protection District is approximately \$ 5,000 for professional fees, publications fees and disbursements.

(e) Since the Albion Fire Protection District does not employ any public employees, there is no plan for the transfer or elimination of public employees because of the dissolution.

(f) The Albion Fire Protection District currently possesses no assets. Therefore, there will be no property transfer, real or personal because of the dissolution.

(g) The Albion Fire Protection District has no liabilities and indebtedness, bonded and otherwise, except for the contractual obligations set forth in a 2023-2027 Fire Contract between the Village of Albion and the Town of Albion currently in effect. This contract sets forth that the Town of Albion does engage the Village of Albion (and derivatively the Albion Fire Department) to furnish firefighting and other emergency services conducted by the Albion Fire Department throughout the area encompassed within the Albion Fire Protection District. The Town of

Albion is contracted to pay \$124, 034.31 for calendar year 2024 and \$127, 755 34 for calendar year 2025 to the Village of Albion or fire protection

(h) According to the Memorandum of Understanding (MOU) executed among the Village of Albion, the Town of Albion and the Town of Gaines, last dated January 10<sup>th</sup>, 2024, the Town of Albion and the Village of Albion will terminate their respective fire protection contracts effective December 31, 2024.

(i) The residents of the Albion Fire Protection District will be furnished fire protection services by the newly established Albion Joint Fire District following the dissolution of the Albion Fire Protection District. The level of fire protection services will remain the same as is currently provided within the Albion Fire Protection District by the agreement with the Village of Albion.

Any expenses the Town of Albion incurs, outside the cost fire protection contract, regarding the Albion Fire Protection District will be eliminated from the Town of Albion budget for 2025. For the calendar year 2024 , it is proposed that the Town of Albion and Village of Albion modify their fire protection contract to provide monthly payments, and that the Town of Albion and the Village of Albion established a local law which will provide that a certain percentage of the unpaid fire protection monies be transferred to the newly established Albion Fire District.

(j) The Albion Fire Protection District has no assets, liabilities or indebtedness. Other than the liability under the fire protection contract mentioned in paragraph (g) and (h) above. Any taxes levied, collected, and allocated to the Albion Fire Protection District will be expended by the effective date of dissolution, pursuant to the terms of the fire protection agreement with the Village, which will expire December 31, 2027. There will be no unexpended taxes for the fire protection district as of December 31, 2024. Should there be any unexpended monies in the Albion Fire Protection District budget, such monies will be paid to the newly formed Albion Joint Fire District, which will be used for fire protection until the Albion Joint Fire District can levy its own taxes commencing January 2025.

(k) The Albion Fire Protection District did not adopt, or make, any rules or regulations for the Albion Fire Protection District. Accordingly, there will be no rules or regulations remaining after the effective date of dissolution.

(l) The effective date of the proposed dissolution is December 31, 2024, at 11:50 PM contingent upon the successful establishment of the Albion Joint Fire District.

(m) The public hearing on the proposed dissolution plan will be held on April 24, 2024, at 6:00 PM , or as soon after as the matter can be heard, at the Albion High School LGI ( Large Group Instruction ), 324 East Avenue, Albion , New York 14411.

(n) In order to carry out this dissolution, the Albion Joint Fire District must be established so that there is uninterrupted fire protection for those residents of the Town of Albion currently provided fire protection by the Albion Fire Protection District. The process of establishment of the Albion Joint Fire District occurring simultaneously with this dissolution

Endorsed March 11, 2024, subject to a public hearing and resolution of Adoption.

Motion was made by Councilperson Terry Wilbert and was seconded by Councilperson Sandra Bensley authorizing the adoption of the aforementioned resolution. Resolution duly adopted by the following vote:

Councilperson Darlene Benton, aye  
Supervisor Richard Remley, aye  
Councilperson Arnold Allen, aye

Councilperson Sandra Bensley, aye  
Councilperson Terry Wilbert, aye

Supervisor Richard Remley: I need a resolution for the descriptive summary.

**Resolution #61      DESCRIPTIVE SUMMARY DISSOLUTION PLAN ALBION FIRE PROTECTION DISTRICT**

The Town Board of the Town of Albion, pursuant to Article 17-A of the General Municipal Law proposes to dissolve the Albion Fire Protection District, contingent upon the establishment of the Albion Joint Fire District.

- The entity to be dissolved is the Albion Fire Protection District, established in 1982.
- The boundaries of the Albion Fire Protection District is the Town of Albion less that part of the Village of Albion, which lies within the Town of Albion.
- The cost of dissolution of the Albion Fire Protection District is approximately \$ 5,000 for professional fees, publications fees and disbursements.
- There is no plan for the transfer or elimination of public employees since the Albion Fire Protection District does not employ any individuals.
- The Albion Fire Protection District currently possesses no assets, therefore there will be no property transfer, real or personal, because of the dissolution.
- The Albion Fire Protection District has no liabilities and indebtedness, bonded and otherwise, except for the contractual obligations set forth in a 2023-2027 Fire Contract between the Village of Albion and the Town of Albion currently in effect.
- The Albion Fire Protection District encompasses the entire Town of Albion, except the Village of Albion. The Town of Albion fire protection agreement with the Village of Albion which ends on December 31, 2027, will be terminated as of December 31, 2024.
- The residents of the Albion Fire Protection District will be furnished fire protection services by the Albion Joint Fire District and the level of fire protection services will remain the same.
- Any taxes allocated to the Albion Fire Protection District will be spent by the effective date of dissolution, which is December 31, 2024.
- There will be no rules or regulations that pertain to the Albion Fire Protection District effective after December 31, 2024.
- The effective date of the proposed dissolution is December 31, 2024, at 11:59 PM, contingent upon the successful establishment of the Albion Joint Fire District.
- The public hearing on the proposed dissolution plan will be held on April 24, 2024, at 6:00 PM, or as soon after as the matter can be heard, at the Albion High School LGI ( Large Group Instruction ), 324 East Avenue, Albion, New York 14411.

Endorsed March 11, 2024, subject to a public hearing and resolution of Adoption.

Motion was made by Councilperson Darlene Benton and was seconded by Councilperson Terry Wilbert authorizing the adoption of the aforementioned resolution. Resolution duly adopted by the following vote:

Councilperson Darlene Benton, aye  
Supervisor Richard Remley, aye  
Councilperson Arnold Allen, aye

Councilperson Sandra Bensley, aye  
Councilperson Terry Wilbert, aye

Supervisor Richard Remley: I need a resolution for the descriptive summary.

**RESOLUTION #62 OF ENDORSEMENT DISSOLUTION OF THE ALBION FIRE PROTECTION DISTRICT**

**A RESOLUTION AUTHORIZING THE TOWN OF ALBION, ORLEANS COUNTY, NEW YORK, TO ENDORSE A PLAN TO DISSOLVE THE ALBION FIRE PROTECTION DISTRICT**

WHEREAS, The Town Board of the Town of Albion has begun the process to establish a joint fire district, to be called the Albion Joint Fire District, and

WHEREAS, the dissolution of the Albion Fire Protection District would be necessary upon the establishment of the Albion Joint Fire District, and

WHEREAS, the Town Board of the Town of Albion, having been presented a Dissolution Plan for the Dissolution of the Albion Fire Protection District, endorses such plan for the purposes of commencing dissolution proceedings and in order to receive public comment on the plan.

BE IT RESOLVED that the Town Board of the Town of Albion, Orleans County, New York, hereby endorses such Dissolution Plan dated March 11, 2024, and

BE IT FURTHER RESOLVED that the Clerk of the Town of Albion is hereby authorized to publish, post and make available, pursuant to law, copies of such Dissolution Plan, and a descriptive summary where and when required, and

BE IT FURTHER RESOLVED that the Town Board of the Town of Albion will hold a public hearing on the Dissolution Plan on April 24, 2024, at the Albion High School LGI (Large Group Instruction), 324 East Avenue, Albion, New York 14411, 6:00 P.M. or as soon thereafter as this public hearing may be held at which time the Town Board will hear all interested parties regarding said Dissolution Plan.

Motion was made by Councilperson Sandra Bensley and was seconded by Councilperson Arnold Allen authorizing the adoption of the aforementioned resolution. Resolution duly adopted by the following vote:

Councilperson Darlene Benton, aye

Councilperson Sandra Bensley, aye

Supervisor Richard Remley, aye

Councilperson Terry Wilbert, aye

Councilperson Arnold Allen, aye

Supervisor Richard Remley: I need a resolution for the public hearing.

**Resolution #63 NOTICE OF PUBLIC HEARING DISSOLUTION OF ALBION FIRE PROTECTION DISTRICT**

Whereas, The Town Board of Albion (Board ) having reviewed and discussed the Dissolution Plan for the Albion Fire Protection District for dissolution dated March 11, 2024, and the having determined it is in the public interest to endorse said Dissolution Plan and hold a public hearing to commence the dissolution process, and

NOTICE IS HEREBY GIVEN that a Public Hearing regarding the Dissolution Plan of the Albion Fire Protection District will be held by the Town Board of Albion for its consideration at a public hearing to be held at the Albion High School LGI (Large Group Instruction), 324 East Ave., Albion, NY 14411 on April 24, 2024, at 6:00pm.

At such hearing, any interested person shall be given a reasonable opportunity to be heard on any aspect of the proposed Dissolution of the Albion Fire Protection District. The Resolution to be considered is as follows;

A RESOLUTION AUTHORIZING THE TOWN BOARD OF THE TOWN OF ALBION , ORLEANS COUNTY, NEW YORK, TO DISSOLVE THE ALBION FIRE PROTECTION DISTRICT SUBJECT TO THE TERMS AND CONDITIONS AS SET FORTH IN THE PLAN FOR DISSOLUTION DATED MARCH 11. 2024.

A brief description of the boundaries of the Albion Fire Protection District is the entire Town of Albion including the area of the Village of Albion that lies within the Town of Albion located within the County of Orleans, State of New York.

The Descriptive Summary of the Plan for Dissolution is as follows

**DESCRIPTIVE SUMMARY  
DISSOLUTION PLAN  
ALBION FIRE PROTECTION DISTRICT**

The Town Board of the Town of Albion , pursuant to Article 17-A of the General Municipal Law proposes to dissolve the Albion Fire Protection District , contingent upon the establishment of the Albion Joint Fire District.

- The entity to be dissolved is the Albion Fire Protection District, established in 1982.
- The boundaries of the Albion Fire Protection District is the Town of Albion less that part of the Village of Albion, which lies within the Town of Albion .
- The cost of dissolution of the Albion Fire Protection District is approximately \$ 5,000 for professional fees, publications fees and disbursements.
- There is no plan for the transfer or elimination of public employees since the Albion Fire Protection District does not employ any individuals.
- The Albion Fire Protection District currently possesses no assets, therefore there will be no property transfer, real or personal, because of the dissolution.
- The Albion Fire Protection District has no liabilities and indebtedness, bonded and otherwise, except for the contractual obligations set forth in a 2023-2027 Fire Contract between the Village of Albion and the Town of Albion currently in effect.
- The Albion Fire Protection District encompasses the entire Town of Albion , except the Village of Albion . The Town of Albion fire protection agreement with the Village of Albion which ends on December 31, 2027, will be terminated as of December 31, 2024.
- The residents of the Albion Fire Protection District will be furnished fire protection services by the Albion Joint Fire District and the level of fire protection services will remain the same.
- Any taxes allocated to the Albion Fire Protection District will be spent by the effective date of dissolution, which is December 31, 2024.
- There will be no rules or regulations that pertain to the Albion Fire Protection District effective after December 31, 2024.
- The effective date of the proposed dissolution is December 31, 2024, at 11:59 PM, contingent upon the successful establishment of the Albion Joint Fire District.
- The public hearing on the proposed dissolution plan will be held on April 24, 2024 , at 6:00 PM , or as soon after as the matter can be heard, at the Albion High School LGI ( Large Group Instruction ),324 East Avenue, Albion , New York 14411.

The full plan for Dissolution of the Albion Fire Protection District may be examined at the following locations.

Town of Albion Website  
<https://townofalbion.com>

Town Hall  
Town of Albion  
3665 Clarendon Road  
Albion, New York 14411

Orleans County Public Safety Building (DAs) Office

13925 NY State Route 31 West  
Albion NY 14411

Orleans County Administration Building  
14016 NY State Route 31 West  
Albion, NY 14411

The Villages of Orleans County  
14012 State Route 31  
Albion, New York 14411

Plan endorsed this date, subject to a public hearing and resolution of adoption.

Motion was made by Councilperson Terry Wilbert and was seconded by Councilperson Sandra Bensley authorizing the adoption of the aforementioned resolution. Resolution duly adopted by the following vote:

Councilperson Darlene Benton, aye  
Supervisor Richard Remley, aye  
Councilperson Arnold Allen, aye

Councilperson Sandra Bensley, aye  
Councilperson Terry Wilbert, aye

Supervisor Richard Remley: I need a motion to close.

Motion was made by Councilperson Sandra Bensley and was seconded by Councilperson Arnold Allen authorizing the close of the meeting at 5:40 pm. Motion carried by the following vote:

Councilperson Darlene Benton, aye  
Supervisor Richard Remley, aye  
Councilperson Arnold Allen, aye

Councilperson Sandra Bensley, aye  
Councilperson Terry Wilbert, aye

| Account#  | Account Description | Fee Description         | Qty                          | Local Share |
|---|---------------------|-------------------------|------------------------------|-------------|
| A1255   | Conservation        | Conservation            | 2                            | 4.46        |
|   | Misc. Fees          | Cert. Copies - Death    | 25                           | 250.00      |
|   |                     | Cert. Copies - Marriage | 3                            | 30.00       |
|   |                     | Sub-Total:              |                              |             |
| A2544   | Dog Licensing       | Female, Spayed          | 14                           | 126.00      |
|   |                     | Female, Unspayed        | 1                            | 17.00       |
|   |                     | Male, Neutered          | 11                           | 99.00       |
|   |                     | Male, Unneutered        | 4                            | 68.00       |
|   | Sub-Total:          |                         |                              | \$310.00    |
| B1560   | Building Permits    | Building Permits        | 2                            | 130.00      |
|   |                     | Sub-Total:              |                              | \$130.00    |
|   |                     |                         | Total Local Shares Remitted: | \$724.46    |
| Amount paid to: NYS Ag. & Markets for spay/neuter program |                     |                         |                              | 40.00       |
| Amount paid to: NYS Environmental Conservation            |                     |                         |                              | 380.54      |
| Total State, County & Local Revenues:                     |                     | \$1,145.00              | Total Non-Local Revenues:    | \$420.54    |

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Sarah M. Basinait, Town Clerk, Town of Albion during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

Supervisor

Date

Town Clerk

Date

# TOWN OF ALBION HIGHWAY AND WATER

3665 Clarendon Road Albion, NY 14411 • 585-589-7048 x3 • [highway@townofalbion.com](mailto:highway@townofalbion.com)

## Monthly Report February 2024

Plow 10x Salt 12x

Clean equipment

Replace bonnet bolts of hydrants on state roads

Replace air dryer and brake chamber 255

Clean Butts Road underpass trash

Repair service saddle and service line Allen Road VOA Vac

Joe and Rob water school (Batavia)

Cut trees on Moore St

Service 253

Water leak Rt 31 at Eagle Harbor

Install new 8" main valve to isolate leak

Patch pot holes

Flush dead ends

Inspect all meter/pressure vaults

Clean up cemeteries sticks

Grease equipment

Communications: MRB water leak, Marchese comp, BridgeNY review, LSLI mailing, Moore St materials bid out,



36th Annual  
ALBION  
STRAWBERRY FESTIVAL  
June 7 & 8, 2024



February 9, 2024

Town Supervisor F. Richard Remley  
Town of Albion  
3665 Clarendon Rd  
Albion, NY 14411

Dear Mr. Remley

The Strawberry Festival committee thanks you and the Town council for continuing to support the Albion Strawberry Festival year after year. We again ask for your financial support for the 36<sup>th</sup> Annual Strawberry Festival which will be held on June 7-8<sup>th</sup> 2024. This festival will continue to have our annual parade, crafters on the courthouse lawn, entertainment, food vendors, Kids Entertainment area, Car Cruise in and Turtle Race down the Erie Canal.

Sincerely,

*Rebekah Karls*

Logistics Committee chair

Box 356  
Albion, NY 14411

eightiesbuff@gmail.com

Town of Albion  
3665 Clarendon Rd  
Albion, NY 14411  
585-589-7048 Extension 5  
TDD# 1-800-662-1220

*F. Richard Remley – Supervisor*

*Sandra Bensley – Councilperson*  
*Darlene Benton – Councilperson*

*Arnold Allen - Councilperson*  
*Terry Wilbert – Councilperson*

---


Bonadio & Co., LLP  
171 Sully's Trail  
Pittsford, New York 14534

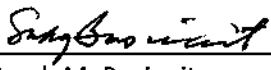
In connection with your engagement to apply agreed-upon procedures to selected financial transactions and on the procedures of the Town of Albion, New York's (the Town's) Justice Court, Town Clerk, and Tax Collector (collectively, the Departments) for the period from January 1, 2023 to December 31, 2023, we confirm, to the best of our knowledge and belief, the following representations.

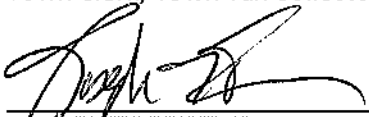
- 1) We acknowledge that we are responsible for the presentation of the Departments' transactions.
- 2) We have obtained from the necessary parties their agreement to the procedures and their acknowledgment that the procedures are appropriate for their purposes.
- 3) We have provided you with all relevant information and access under the terms of our agreement.
- 4) We have disclosed to you all known matters contradicting the Departments' transactions.
- 5) There have been no communications from regulatory agencies, internal auditors, other independent practitioners or consultants, and others affecting the Departments' transactions, including communications received between December 31, 2023 and the date of this letter.
- 6) We are not aware of any material misstatements in the Departments' transactions.
- 7) We have disclosed to you all known events subsequent to the date of the Departments' transactions for the period ending December 31, 2023, to the date of this letter and the date of your report, that would have a material effect on the Departments' transactions.
- 8) For the period from January 1, 2023 to December 31, 2023, the Departments' transactions are reasonable.
- 9) We are responsible for selecting the criteria and for determining that such criteria are appropriate for our purposes.
- 10) We have responded fully to all inquiries made to us by you during the engagement.
- 11) Your report is intended solely for the information and use of the Town and the respective Department and is not intended and should not be used by anyone other than those specified parties.

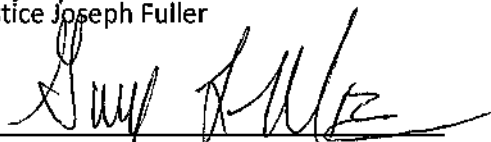
Very truly yours,

TOWN OF ALBION, NEW YORK

  
F. Richard Remley, Town Supervisor

  
Sarah M. Basinait  
Town Clerk, Town Tax Collector

  
Justice Joseph Fuller

  
Justice Gary Moore

**TOWN OF ALBION, NEW YORK  
JUSTICE COURT, TOWN CLERK  
AND TAX COLLECTOR  
DEPARTMENTS**

**Independent Accountant's Report  
On Applying Agreed-Upon Procedures  
For the Year Ended December 31, 2023**

**Bonadio & Co., LLP**  
Certified Public Accountants

**INDEPENDENT ACCOUNTANT'S REPORT  
ON APPLYING AGREED-UPON PROCEDURES**

March 12, 2024

To the Town Board of the  
Town of Albion, New York:

We have performed the procedures enumerated below on selected financial transactions and processes for the Town of Albion, New York (the Town) Justice Court, Town Clerk, and Tax Collector Departments (collectively, the Departments) (the specified parties) for the year ended December 31, 2023. The Town's management is responsible for the Town's and the Departments' compliance with those requirements.

The Departments have agreed to and acknowledged that the procedures performed are appropriate to meet the intended purpose. This report may not be suitable for any other purpose. The procedures performed may not address all the items of interest to a user of this report and may not meet the needs of all users of this report and, as such, users are responsible for determining whether the procedures performed are appropriate for their purposes.

The procedures and associated findings are as follows:

**Justice Court**

**Procedure #1**

Perform the steps as described in the Justice Court checklist as provided in Appendix 10 of the New York State Office of the State Comptroller "Annual Checklist for Review of Justice Court Records" (Appendix 10), and list any additional comments or exceptions related to each inquiry, as applicable.

**Finding**

See attached documentation of Appendix 10 checklist with additional comments and exceptions.

**Procedure #2**

Obtain and document an understanding of the internal accounting controls over the procedures for handling cash and recording transactions through discussions with the Court Clerks.

**Finding**

Procedure performed without exception.

**Procedure #3**

Observe that the total amounts due on the Distribution Summaries and outstanding bail as of December 31, 2023 agree to the net bank balances and any cash on hand.

**Finding**

Procedure performed without exception.

171 Sully's Trail  
Pittsford, NY 14534  
p (585) 381-1000  
f (585) 381-3131

[www.bonadio.com](http://www.bonadio.com)

**Procedure #4**

Obtain the bank reconciliations for the Justice's bail and fine accounts for each of two months haphazardly selected and compare to supporting documentation such as original bank statements, deposits-in-transit, and outstanding check lists.

**Finding**

Procedure performed without exception.

**Procedure #5**

Obtain a haphazard sample of five receipts and five disbursements from the Justice's fine and bail accounts for the year ended December 31, 2023, and compare to supporting documentation such as ticket, casework or Distribution Summary monthly report. Observe whether the receipts sampled above were made within 72 hours of collection.

**Finding**

Procedure performed without exception for the five disbursements selected for each justice. Of the five receipts selected for Justice Fuller, four were not deposited within 72 hours of collection. Of the five receipts selected for Justice Moore, four were not deposited within 72 hours of collection.

**Procedure #6**

Obtain the bail account balances as of December 31, 2023, and compare to Bail Defendant's Report for the Justice.

**Finding**

Procedure performed without exception.

**Procedure #7**

Obtain a haphazard sample five dockets per justice for closed cases for the year ended December 31, 2023 and observe whether they are complete and agree to the amounts reported.

**Finding**

Procedure performed without exception.

**Town Clerk****Procedure #1**

For the cash receipts process, determine whether:

- a. The cash receipts journal is up to date and maintained in a manner that identifies the date received, payer, purpose and that the amounts received are referenced to subsidiary receipt records.
- b. Un-deposited cash receipts are kept safeguarded.
- c. Duplicate deposit slips are maintained.
- d. Deposit amounts per the bank statement agree with cash receipt amounts based on a random sample of 5 cash receipts.
- e. Deposits are taken to the bank and recorded timely, with timely defined as no later than the third business day after \$250 has been collected, based on a random sample of 5 deposits.

**Finding**

Procedure performed without exception.

**Procedure #2**

The cash receipts journal is totaled and summarized monthly.

**Finding**

Procedure performed without exception.

**Procedure #3**

For the cash disbursements process, determine whether:

- a. The cash disbursements journal is up to date and maintained in a manner that identifies amounts disbursed either individually or totals referenced to abstracts or payroll.
- b. Pre-numbered check stock is used for disbursements.
- c. Obtain a haphazard sample of 5 checks to ensure they are signed by the Town Clerk.
- d. Cancelled checks or check images are returned with bank statements and maintained on file.
- e. Unused checks are properly controlled (blank check stock).
- f. Checks are recorded in the disbursements journal and are up-to-date.

**Finding**

Procedure performed without exception.

**Procedure #4**

Obtain a sample of bank accounts to identify if they are reconciled timely, with timely defined as within 5-7 business days of receipt of the statement, or 7-10 business days of month-end, and that reconciliations are documented, reviewed, and agree with accounting records.

**Finding**

Of the three bank accounts obtained (April, June, and August 2023), we noted that reconciliations were documented, completed timely, and agreed with accounting records. However, we noted that two of the reconciliations selected (April and June 2023) were not reviewed.

**Tax Collector****Procedure #1**

Obtain the Tax Collector's settlement statement and determine whether all issues/concerns have been adequately resolved.

**Finding**

Procedure performed without exception.

**Procedure #2**

Obtain a sample of bank accounts to identify if they are reconciled timely, with timely defined as within 5-7 business days of receipt of the statement, or 7-10 business days of month-end, and that reconciliations are documented, reviewed and agree with accounting records.

**Finding**

Of the three bank accounts obtained (February, April, and July 2023), we noted that reconciliations were documented and completed timely. However, we noted that two of the reconciliations selected (February and April 2023) were not reviewed. Additionally, we noted that two of the selected months (February and April 2023) did not agree to accounting records.

**Procedure #3**

For the cash receipts process, determine whether:

- a. The cash receipts journal is up to date and maintained in a manner that identifies the date received, payer, tax account number, tax amount, and interest amount.
- b. Duplicate deposit slips are maintained.
- c. Deposit amounts per the bank statement agree with cash receipt amounts based on a random sample of 5 cash receipts.
- d. Deposits are taken to the bank and recorded timely, with timely defined as within one business day of collection based on a random sample of 5 receipts.

**Finding**

Procedure performed without exception.

**Procedure #4**

For the cash disbursements process, determine whether:

- a. Pre-numbered check stock is used for disbursements other than petty cash.
- b. Obtain a sample of 5 checks to ensure they are signed by the Tax Collector.
- c. Cancelled checks or check images are returned with bank statements and maintained on file.
- d. Payments are made at least weekly to the Supervisor, when required.

**Finding**

Procedure performed without exception.

We were engaged by the Town to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the AICPA. We were not engaged to and did not conduct an examination or review engagement, the objective of which would be the expression of an opinion or conclusion, respectively, on selected financial transactions and processes. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the Town and the Departments and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

This report is intended solely for the information and use of the Town, the Town Board, the New York State Office of the State Comptroller, and the Departments and is not intended to be and should not be used by anyone other than those specified parties.

*Bonadio & Co., LLP*

# Appendix 10 – Annual Checklist for Review of Justice Court Records

**Name of Municipality:**

Town of Albion, New York

**Month Reviewed:**

1/1/2023

**Through**

12/31/2023

**Name of Justice:**

Justice Joseph Fuller

**Review Performed By:**

Bonadio & Co., LLP

**Date**

1/25/2024

# Annual Checklist for Review of Justice Court Records

Yes No

## Cash Receipts Book

► Are pre-numbered receipt forms issued for all collections?

✓ ☐

► Are duplicate receipts kept for court records?

✓ ☐

► Are receipts recorded up-to-date?

✓ ☐

*Last recorded receipt:*

# 19294 Date 1/18/2024 Amount \$500

► Is the receipt book maintained in a manner to identify date received, payer, and the amount of fines, fees, bail and other categories of collection?

✓ ☐

► Are deposits identified?

✓ ☐

► Are duplicate deposit slips kept for court records?

✓ ☐

► Are deposits made within 72 hours of collection (exclusive of Sundays and holidays)?

☐ ✓ See Comment

► Are deposits recorded up-to-date?

✓ ☐ (attached)

*Last recorded deposit:*

Date 12/28/2023 Amount \$643

► Is the receipt book totaled and summarized at the end of each month?

✓ ☐

*Last Month Totaled and Summarized* 12/2023

## Cash Disbursements Book

► Are pre-numbered checks used for all disbursements other than petty cash?

✓ ☐

► Are all checks signed by the Justice?

✓ ☐

► Are canceled checks (or check images) returned with bank statements and kept for court records?

✓ ☐

► Are checks recorded up-to-date?

✓ ☐

*Last recorded check:*

# 1130 Date 12/20/2023 Amount \$2

## Bank Reconciliations

► Are bank accounts reconciled promptly after bank statements are received?

✓ ☐

*Last Bank Reconciliation for Each Bank Account:*

Date Performed 1/8/2024 Month Ending 12/31/2023

## Additional Supporting Records

► Is a list of bail maintained?

✓ ☐

► Is a record of uncollected installment payments maintained?

✓ ☐

See accompanying Independent Accountant's Report on Applying Agreed-Up-on Procedures.

# Annual Checklist for Review of Justice Court Records

## Dockets and Case Files

Yes No

- ▶ Are separate dockets maintained for various classifications of cases, such as Vehicle and Traffic, Criminal, Civil and Small Claims? ☒ ☐
- ▶ Are case files maintained for all cases? If manual, an index is an alphabetical list of cases with case numbers as a cross-reference. This will assist in locating cases since case files are filed by disposition date. If computerized, the index is maintained in the system and can be accessed at any time by name, ticket number or address. ☒ ☐
- ▶ Do dockets for disposed cases appear to be complete? ☒ ☐
- ▶ Do dockets for disposed cases agree with amounts reported? ☒ ☐

## Cash Book Reconciliation

- ▶ Is the cash book reconciled to the adjusted bank balances at the end of each month? ☒ ☐
- ▶ Does the cash book total agree with the bank reconciliation and supporting information? ☒ ☐

*Last Cash Reconciliation:*

Date Performed 1/8/2024 Month Ending 12/31/2023

## Reports to the Division of Criminal Justice Services

- ▶ Are reports made timely to the Division of Criminal Justice Services? ☒ ☐
- ▶ Has the court received any notices regarding late reporting?  
If yes, why were the reports late and what corrective actions were taken? ☐ ☒

## Reports to the Justice Court Fund

- ▶ Are reports made timely to the Justice Court Fund? ☒ ☐
- ▶ Do reported amounts agree with docket dispositions and case files? ☒ ☐
- ▶ Do reported amounts agree with cash receipt and disbursement books?  
Last report submitted: Month Ending 12/31/23 Date 1/8/2024 Amount \$641 ☒ ☐
- ▶ Has the court received any notices regarding late reporting?  
If yes, why were the reports late and what corrective actions were taken? ☐ ☒

See accompanying Independent Accountant's Report on Applying Agreed-Upon Procedures.

# Annual Checklist for Review of Justice Court Records

Yes No

## Reporting to the Department of Motor Vehicles - TSLED Program

- Has the court received any notices regarding pending cases?  
If yes, why were the cases pending and what corrective actions were taken, if any \_\_\_\_\_

☐ ☒

Note: Cases over 60 days are eligible to be Scofflawed. TSLED sends a monthly listing of pending cases to the Court. The court should respond either manually or electronically to TSLED with the outcome of these pending cases.

- Are reports from TSLED to the court maintained and utilized?  
Last TSLED Report Available: Date \_\_\_\_\_ Available Online \_\_\_\_\_  
Note: Courts can access reports on-line from TSLED at any time.

☒ ☐ See Comment 2 (attached)

- How many cases are shown as pending in the last TSLED report? 9,463  
• Is the number of pending cases reasonable?  
• How many cases are shown as pending for more than 90 days? 1,348  
• What actions have been taken to dispose of these cases? Scoff Law

☒ ☐ See Comment 2 (attached)

## Overall Evaluation

See attached information for additional documentation of certain questions or "no" answers.

---

---

---

---

See accompanying Independent Accountant's Report on Applying Agreed-Upon Procedures.

# Appendix 10 – Annual Checklist for Review of Justice Court Records

**Name of Municipality:**

Town of Albion, New York

**Month Reviewed:**

1/1/2023

**Through**

12/31/2023

**Name of Justice:**

|                    |
|--------------------|
| Justice Gary Moore |
|                    |
|                    |
|                    |

**Review Performed By:**

|                    |
|--------------------|
| Bonadio & Co., LLP |
|                    |
|                    |
|                    |

**Date**

|           |
|-----------|
| 1/25/2024 |
|           |
|           |
|           |

# Annual Checklist for Review of Justice Court Records

Yes No

## Cash Receipts Book

► Are pre-numbered receipt forms issued for all collections?

✓ ☐

► Are duplicate receipts kept for court records?

✓ ☐

► Are receipts recorded up-to-date?

✓ ☐

*Last recorded receipt:*

# 18637 Date 1/19/2024 Amount \$193

► Is the receipt book maintained in a manner to identify date received, payer, and the amount of fines, fees, bail and other categories of collection?

✓ ☐

► Are deposits identified?

✓ ☐

► Are duplicate deposit slips kept for court records?

✓ ☐

► Are deposits made within 72 hours of collection (exclusive of Sundays and holidays)?

☐ ☒

► Are deposits recorded up-to-date?

✓ ☐

*Last recorded deposit:*

Date 12/28/2023 Amount \$1,337

► Is the receipt book totaled and summarized at the end of each month?

✓ ☐

*Last Month Totaled and Summarized* 12/2023

## Cash Disbursements Book

► Are pre-numbered checks used for all disbursements other than petty cash?

✓ ☐

► Are all checks signed by the Justice?

✓ ☐

► Are canceled checks (or check images) returned with bank statements and kept for court records?

✓ ☐

► Are checks recorded up-to-date?

✓ ☐

*Last recorded check:*

# 1181 Date 1/9/2024 Amount \$2,000

## Bank Reconciliations

► Are bank accounts reconciled promptly after bank statements are received?

✓ ☐

*Last Bank Reconciliation for Each Bank Account:*

Date Performed 1/7/2024 Month Ending 12/31/2023

## Additional Supporting Records

► Is a list of bail maintained?

✓ ☐

► Is a record of uncollected installment payments maintained?

✓ ☐

See accompanying Independent Accountant's Report on Applying Agreed-Upon Procedures

# Annual Checklist for Review of Justice Court Records

## Dockets and Case Files

Yes No

- ▶ Are separate dockets maintained for various classifications of cases, such as Vehicle and Traffic, Criminal, Civil and Small Claims? ☒ ☐
- ▶ Are case files maintained for all cases? If manual, an index is an alphabetical list of cases with case numbers as a cross-reference. This will assist in locating cases since case files are filed by disposition date. If computerized, the index is maintained in the system and can be accessed at any time by name, ticket number or address. ☒ ☐
- ▶ Do dockets for disposed cases appear to be complete? ☒ ☐
- ▶ Do dockets for disposed cases agree with amounts reported? ☒ ☐

## Cash Book Reconciliation

- ▶ Is the cash book reconciled to the adjusted bank balances at the end of each month? ☒ ☐
- ▶ Does the cash book total agree with the bank reconciliation and supporting information? ☒ ☐

*Last Cash Reconciliation:*

Date Performed 1/7/2024 Month Ending 12/31/2023

## Reports to the Division of Criminal Justice Services

- ▶ Are reports made timely to the Division of Criminal Justice Services? ☒ ☐
- ▶ Has the court received any notices regarding late reporting?  
If yes, why were the reports late and what corrective actions were taken? ☐ ☒

## Reports to the Justice Court Fund

- ▶ Are reports made timely to the Justice Court Fund? ☒ ☐
- ▶ Do reported amounts agree with docket dispositions and case files? ☒ ☐
- ▶ Do reported amounts agree with cash receipt and disbursement books?  
Last report submitted: Month Ending 12/31/23 Date 1/7/2024 Amount \$837 ☒ ☐
- ▶ Has the court received any notices regarding late reporting?  
If yes, why were the reports late and what corrective actions were taken? ☐ ☒

See accompanying Independent Accountant's Report on Applying Agreed-Upon Procedures

# Annual Checklist for Review of Justice Court Records

Yes No

## Reporting to the Department of Motor Vehicles - TSLED Program

- Has the court received any notices regarding pending cases?  
If yes, why were the cases pending and what corrective actions were taken, if any \_\_\_\_\_

○ ✓

Note: Cases over 60 days are eligible to be Scoff awed. TSLED sends a monthly listing of pending cases to the Court. The court should respond either manually or electronically to TSLED with the outcome of these pending cases.

- Are reports from TSLED to the court maintained and utilized?  
Last TSLED Report Available: Date \_\_\_\_\_ Available Online \_\_\_\_\_

✓

○ See Comment 1  
(attached)

Note: Courts can access reports on-line from TSLED at any time.

- How many cases are shown as pending in the last TSLED report? 9,463 \_\_\_\_\_
- Is the number of pending cases reasonable?
  - How many cases are shown as pending for more than 90 days? 1,348 \_\_\_\_\_
  - What actions have been taken to dispose of these cases? Scoff Law \_\_\_\_\_

✓

○ See Comment 2  
(attached)

## Overall Evaluation

See attached information for additional documentation of certain questions or "no" answers.

---



---



---



---

See accompanying Independent Accountant's Report on Applying Agreed-Upon Procedures

## **Appendix 10 – Justice Court Comments to checklist**

---

### **1. Cash Receipts Book**

- Justice Fuller - Of the five (5) cash receipts selected, we noted that four (4) were not deposited within 72 hours of collection.
- Justice Moore – Of the five (5) cash receipts selected, we noted that four (4) were not deposited within 72 hours of collection.

### **2. Reporting to Department of Motor Vehicles – TSLED Program**

- The TSLED report is accessible online. Hard copies of these reports are not maintained on file.
- The TSLED report used by the court does not have the number of cases pending for more than 90 days reported as a separate item. The court does receive a report documenting such information, but it is only received once a year (in February). The court ran the report from February 2023 in order to obtain the number of pending cases and subsequently ran the report for pending cases for last 60 days for both NYS and Out of State drivers. The difference between the amounts is the number of cases pending more than 90 days on this checklist.
- Until March 2020 (the start of the COVID-19 pandemic), the courts were using the Scoff Law and issuing warrants to dispose of cases. However, due to legislation passed as a result of the COVID-19 pandemic, the courts aren't currently allowed to suspend driver's licenses for non-payment. In May of 2021, NYS legislation was passed to adjust scoff laws. The law prohibits suspension of drivers' licenses for a failure to pay fines but includes a provision that failure to appear in court or answer a summons will result in suspension of a license. Therefore, the court is unable to take any action at this time with failure to pay fines.

| Town of Albion - 2024-03-11 - Abstract of Claims |                        |                |        |                |        |        |        |              |           |      |
|--|------------------------|----------------|--------|----------------|--------|--------|--------|--------------|-----------|------|
| #  | Claimant               | AA             | BB     | DA             | DB     | Water  | Sewer  | Amount       | Date      | Ck#  |
| 85   | Univera Healthcare     | 9060.8         |        | 9060.8         | 9060.8 |        |        | \$718.45     | AutoPay   |      |
| 86   | CSEA EBF               | 9060.8         |        | 9060.8         | 9060.8 |        |        | \$140.98     | AutoPay   |      |
| 87   | Charter Communications | 1620.4         |        |                |        |        |        | \$214.97     | AutoPay   |      |
| 88   | MVP Healthcare         | 9060.8         |        | 9060.8         | 9060.8 |        |        | \$9,642.41   | AutoPay   |      |
| 89   | NYSEG                  | 1620.4         |        |                |        |        | 8130.4 | \$1,234.56   | AutoPay   |      |
| 90   | James Bell             |                | 1420.4 |                |        |        |        | \$10,745.83  | 3/12/2024 | 4775 |
| 91   | Youleidy Vega          | 1110.403       |        |                |        |        |        | \$220.00     | 3/12/2024 | 4800 |
| 92   | MRB Group              | 1620.4         | 8020.4 |                |        |        |        | \$6,379.71   | 3/12/2024 | 4790 |
| 93   | Quill Corporation      | 1620.4, 1110.4 |        |                |        |        |        | \$573.86     | AutoPay   |      |
| 94   | Sample Media Group     | 5010.4         | 8020.4 |                |        |        |        | \$139.39     | 3/12/2024 | 4795 |
| 95   | James Lyons            | 1110.403       |        |                |        |        |        | \$220.00     | 3/12/2024 | 4786 |
| 96   | Save Time Cleaning     | 1620.4         |        |                |        |        |        | \$780.00     | 3/12/2024 | 4796 |
| 97   | Clearly                | 1620.4         |        |                |        |        |        | \$138.37     | AutoPay   |      |
| 98   | Monroe Ambulance       | 4540.4         |        |                |        |        |        | \$155,820.00 | 3/12/2024 | 4789 |
| 99   | National Grid          | 1620.4, 5182.4 |        |                |        | 8320.4 | 8130.4 | \$1,419.33   | AutoPay   |      |
| 100  | COP Security           | 1110.4         |        |                |        |        |        | \$2,450.50   | 3/12/2024 | 4778 |
| 101  | Kistner Concrete       | 1620.4         |        |                |        |        |        | \$7,282.00   | 3/12/2024 | 7282 |
| 102  | Thurway Spring         |                |        | 5142.4, 5148.4 |        |        |        | \$929.00     | 3/12/2024 | 4798 |
| 103  | Nothern Supply         |                |        | 5142.4, 5148.4 |        |        |        | \$680.00     | 3/12/2024 | 4791 |
| 104  | Momar, Inc             |                |        | 5130.4         |        |        |        | \$1,054.19   | 3/12/2024 | 4788 |
| 105  | Freightliner           |                |        | 5130.4         |        |        |        | \$1,807.04   | 3/12/2024 | 4781 |
| 106  | USA Blue Book          |                |        |                |        | 8340.4 |        | \$723.09     | 3/12/2024 | 4799 |
| 107  | JC Smith               |                |        | 5130.4         |        |        |        | \$38.85      | 3/12/2024 | 4782 |
| 108  | Blair Supply           |                |        |                |        | 8340.4 |        | \$326.40     | 3/12/2024 | 4777 |
| 109  | Bentley Bros           |                |        | 5130.4         |        |        |        | \$7.47       | 3/12/2024 | 4776 |
| 110  | Runnings Supply        |                |        | 5130.4         |        |        |        | \$163.68     | 3/12/2024 | 4794 |
| 111  | OC DPW                 |                |        | 5142.4, 5148.4 |        |        |        | \$2,257.52   | 3/12/2024 | 4792 |
| 112  | RAVI Engineering       |                |        | 5120.2         |        |        |        | \$15,665.75  | 3/12/2024 | 4793 |
| 113  | Arnolds Auto Parts     |                |        | 5130.4         |        |        |        | \$520.13     | 3/12/2024 | 4774 |
| 114  | Kimball Midwest        |                |        |                |        | 8340.4 |        | \$499.00     | 3/12/2024 | 4783 |
|  |                        |                |        |                |        |        |        | \$222,792.48 |           |      |

[illegible]