

APPROVED BOARD MINUTES February 27, 2014

MOTION by Trustee Retzlaff, seconded by Trustee Warmus, to enter into Executive Session for the purpose of litigation matters at 7:04 p.m. Carried.

MOTION by Trustee Retzlaff, seconded by Trustee Daluisio, to adjourn from Executive Session at 7:20 p.m. Carried.

The Village Board meeting was called to order at 7:30 PM by Mayor Manicki, who led the pledge to the flag.

PRESENT: Mayor Manicki, Trustees Retzlaff, Daluisio, Warmus and Mezydlo, Clerk/Treasurer Wachowiak, Attorney Trapp, CEO Czechowski Deputy Clerk Galbraith, Superintendent Sitzman and Eugene Nuwer

MOTION by Trustee Retzlaff, seconded by Trustee Warmus, to approve the minutes of the February 13, 2014 meeting. Carried.

MOTION by Trustee Mezydlo, seconded by Trustee Daluisio, to approve for payment bills on abstract dated February 27, 2014. Carried

Payroll	\$41,859.66
Abstract	\$44,747.22

MOTION by Trustee Retzlaff, seconded by Trustee Warmus, to approve the following monthly reports: Addendum to Public Works Report for December, Planning Board minutes for January and February. Carried.

COMMUNICATIONS

NYCOM 2014 Legislative Program brochure, Amendment to the Erie County Three-Year Cooperation Agreement from County Executive Mark Poloncarz, letter from Alternative Care Services of WNY Inc. with information and flyers on Alden's Sunshine Center for Adults, One Region Forward meeting March 29th in Eden and the newsletter from Grants Action News.

MOTION by Trustee Warmus, seconded by Trustee Mezydlo, to file as received all correspondence. Carried.

RESOLUTIONS/APPOINTMENTS/REQUESTS/MOTIONS:

Motion February 27, 2014

The following resolution was offered by Trustee Retzlaff, and seconded by Trustee Warmus, who moved its adoption, to wit:

Whereas, the Village of Alden, has been selected to receive up to \$30,000 for the Engineering Planning Grant through the New York Clean Water State Revolving Fund (CWSRF) program;

NOW, THEREFORE, BE IT:

RESOLVED that Mayor Manicki is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the Village of Alden obligations under the Engineering Planning Grant Agreement.

NOW, THEREFORE, BE IT:

RESOLVED that the Village of Alden authorizes and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for the Wastewater Engineering Study project. Under the Engineering Planning Grant Program, this local match must be at least 20% of the total project cost. The maximum local share appropriated subject to any changes agreed to by Mayor Manicki shall not exceed \$15,000. Based upon a total estimated maximum project cost of \$ 45,000. The Mayor may increase this local match through the use of in kind services without further approval from the Village of Alden.

Whereas, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law;

NOW, THEREFORE, BE IT:

RESOLVED that the Village of Alden hereby determines that the proposed study of inflow & infiltration conditions of the existing wastewater system and evaluation of potential capital improvements of the wastewater treatment facilities is a Type II action in accordance with 6 NYCRR Sections 617.5(c)(17) and 617.5(c)(18) which constitutes the mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns; and information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action and is there not subject to review under 6 NYCRR Part 617.

Roll call vote: Trustee Retzlaff- aye
Trustee Warmus- aye
Trustee Mezydlo- aye
Trustee Daluisio- aye
Mayor Manicki- aye Carried.

Local Law #1-2014-2% Property Tax Cap

MOTION by Trustee Retzlaff, and seconded by Trustee Mezydlo, to adopt Local Law #1-2014, authorizing a property tax levy in excess of the limit established under General Municipal Law section 3-C (law on file in office).

Roll call vote: Trustee Retzlaff- aye
Trustee Warmus- aye
Trustee Mezydlo- aye
Trustee Daluisio- aye
Mayor Manicki- aye

ON the Question: Mayor Manicki stated that they do not intend to exceed the 1.48% Tax Cap, but need to pass the law to protect the Village, in case the board would have to.
Carried.

The following resolution was offered by Trustee Warmus, and seconded by Trustee Daluisio, who moved its adoption, to wit:

Whereas, the Board of Trustees passed a resolution with respect to the procurement of goods and services on or about April 11, 2013, and

Whereas, such policy conformed to the requirements set forth in General Municipal Law section 103 pertaining to such acquisitions and the amendment thereto under Chapter 308 of the Laws of 2012 which allowed municipalities to piggyback off purchasing contracts of other municipal, state and federal purchasing contracts, and

Whereas, the State of New York under Chapter 497 of the Laws of 2013 amended such laws to provide that municipalities may utilize cooperative purchasing on contracts awarded using the “best value” standard, and

Whereas, the Board of Trustees has determined that the use of such “best value” standard would be in the best interests of the residents and taxpayers of the Village,

Now Be It Therefore Resolved, that the Procurement policy of the Village of Alden is hereby amended to permit cooperative purchasing on contracts awarded using the “best value” standard pursuant to section 1 of Chapter 497 of the Laws of 2013.

Roll call vote: Trustee Retzlaff- aye
Trustee Warmus- aye
Trustee Mezydlo- aye
Trustee Daluisio- aye
Mayor Manicki- aye

ON the Question: Attorney Trapp explained the reason for the resolution is that the state has amended the Procurement Policy,

Prior to recent amendments to New York State General Municipal Law § 103, contracts for public work and contracts for purchase contracts (i.e., contracts for the purchase of goods and standard services) had to be procured, as a general matter, by publicly advertised, low sealed bid. The recent changes to GML § 103 (the “Best Value Law”) give the Village the option to procure purchase contracts based on best value to the Village, as that phrase is defined in State Finance Law § 163. Under that section, best value is defined in terms of the optimization of quality, cost and efficiency. Carried.

WHEREAS, Andrew Cuomo as Attorney General made it clear that he intends to reduce the layers of government that exist in New York State by forcing the “Citizens Empowerment Act” through both houses of the New York State Legislature with little or

no public or legislative discussion targeting village government and promoting dissolution of Villages, and

WHEREAS, the New York State Assembly and Senate with little regard for community dialogue or in house debate surrendered to the Governor's bullying and voted to approve the Citizen's Empowerment Act, and

WHEREAS, As Governor, Andrew Cuomo continues to create legislation that is intended to create fiscal hardship on Villages and local government by capping property taxes at less than 2%, and

WHEREAS, the New York State Assembly and Senate again with little regard for community dialogue or in house floor debate surrendered to the Governor's bullying and voted to approve the Property Tax Cap, and

WHEREAS, the property Tax Cap has reduced local revenues with no increase in AIM funding to municipalities, and

WHEREAS, the "Tax Freeze" is a temporary program that does not provide relief from unfunded NY State mandates which annually increase the cost of local government services and further contributes to the tax burden on residents, and

WHEREAS, Reduced tax revenues eventually will make it necessary to reduce locally delivered services or exceed the imposed tax cap, and

WHEREAS, Governor Cuomo is proposing, in his 2014 – 15 budget, to impose further punitive legislation upon local government under the proposed "Tax Freeze", and

WHEREAS, The "Tax Freeze" requires consolidation municipal of services, and

WHEREAS, Many local municipalities affected have consolidated many municipal services and have little or no opportunity to further consolidate, and

WHEREAS, The "Tax Freeze" if enacted will promote additional fiscal hardship upon local government and especially upon Villages that have previously consolidated services, and

WHEREAS, Compliance with Governor Cuomo's continuing assault upon Village property tax revenue will eventually put Village governments in fiscal distress.

NOW, THEREFORE BE IT RESOLVED, that the Erie County Village Officials Association opposes the Tax Freeze legislation included in Governor Andrew Cuomo's proposed 2014-15 New York State Budget, and

Be it Further Resolved, That The Erie County Village Officials Association encourages the Senate and Assembly members to delete the punitive legislation known as the "Tax Freeze" from the Governor's proposed budget.

Roll call vote: Trustee Retzlaff- aye
Trustee Warmus- aye
Trustee Mezydlo- aye
Trustee Daluisio- aye
Mayor Manicki- aye

ON the Question: Mayor Manicki explained the reason for the resolution: local governments, area upset with Governor Cuomo's new tax rebate program that will be administered by the county. Attorney Trapp also explained that the schools are filing suit, as the state is trying to regulate governments, which they don't have the authority to do. . Carried.

MOTION by Trustee Daluisio, and seconded by Trustee Mezydlo, to approve a sign permit for The Fluffy Puppy, 13221 Broadway, as per submitted application. Carried.

MOTION by Trustee Warmus, and seconded by Trustee Retzlaff, to approve for payment EMS/Fire for payroll period February 8-21, 2014. Carried.

MOTION by Trustee Mezydlo, and seconded by Trustee Retzlaff, to approve a sign permit for Michael Cole, PLLC, 13349 Broadway, as per submitted application. Carried.

BUSINESS FROM FLOOR:

None

REPORTS FROM COMMITTEES/DEPARTMENTS:

None

UNFINISHED AND TABLED BUSINESS:

None

MOTION by Trustee Retzlaff, seconded by Trustee Daluisio, to adjourn at 7:43 p.m. Carried.

Respectfully submitted,

Sue Galbraith,
Deputy Village Clerk/Treasurer