

Approved BOARD MINUTES February 25, 2016

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 Daluisio, Mezydlo and Warmus, Clerk/Treasurer Wachowiak, Deputy Clerk Galbraith, CEO Czechowski, , Superintendent Sitzman, Eugene Nuwer, students: Makenzie King, Abby Thuman, Katie Williams, Emma Retzlaff, Morgan Rutan, Mariah Blahowicz, Mike Grosshans, Tim Kosnowski, Layton Miner, Emily Beres, Vicky Heist, Edward Sisson, Alex Lux, Hailey Rospeirski ad Brianna Smith.

Absent: Trustee Retzlaff and Attorney Trapp

MOTION by Trustee Warmus, seconded by Trustee Mezydlo, to approve the minutes of the February 11, 2016 meeting. Carried.

On the question – correction on testing 20 samples 2x a year was revised.

MOTION by Trustee Mezydlo, seconded by Trustee Daluisio, to approve for payment bills on abstract dated February 25, 2016. Carried

Payroll	\$44,810.87
Abstract	\$17,184.05

MOTION by Trustee Warmus, seconded by Trustee Daluisio, to approve the following reports: DPW Addendum for Dec. and Jan., Planning Board for Jan and Feb., Safety Committee for Feb., and E.C Governments and NEST minutes for January. Carried.

COMMUNICATIONS

NYS Comptroller Fiscal Stability scoring worksheet, Request from Alden Dollars for Scholars, resignation from Michael Sitzman, resolution concerning the 1977 Sales Tax Agreement from the Town of Evans, meeting minutes from E.C. Village Officials and Town of Alden, Grants Action Newsletter, information from NYCOM - dues, Time Warner- channel subscriptions, Municipal Audit Services – services they offer, Alden Central School – letter sent to NYSDOT, dangerous situation under viaduct of a bus almost being sideswiped by a tractor trailer due to road marking, no impact results from the NYS Park, Recreation and Historical Preservation Committee concerning Wastewater Treatment Facility SEQR. Two correspondence from Attorney Trapp concerning – FOIL Request search fees and Time Warner Cable franchise agreement and local fiscal stress report from Cornell University concerning Local Governments need a supportive State Partner.

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

RESOLUTIONS/APPOINTMENTS/REQUESTS/MOTIONS:

Resolutions/Appointments/Requests/Motions for February 25

MOTION by Trustee Warmus and seconded by Trustee Mezydlo, to approve the following for the Alden Community Scholarship Foundation 5K race: permission to utilize several Village Streets on Friday June 3rd, temporarily close W. Main St. from the point of the triangle to Willow Woods and erect one sign in Firemen’s Bandstand Park from May 25 – June 3, and a second sign from May 30- 6/3. Carried.

On the question – Trustee Warmus appreciated the washable paint used last year and recommends no permanent paint be used on the streets to denote the race route.

MOTION by Trustee Daluisio and seconded by Trustee Warmus to approve the formal site plan submission for Tim Horton's, 12886 Broadway, as per submitted application, with the following conditions:

- 1) Required copies of a revised, final site plan, signed by a New York State licensed architect or engineer, must be submitted and approved prior to the issuance of any Building Permit. Carried.

MOTION by Trustee Warmus and seconded by Trustee Mezydlo, to accept the resignation on Michael Sitzman from the ZBA, affective 7/25/2016. Carried.

On the question – Mike has been hired as a Laborer for the DPW.

MOTION by Trustee Mezydlo and seconded by Trustee Daluisio to approve the EMS/Fire calls for Feb.6-19, 2016. Carried.

MOTION by Trustee Warmus and seconded by Trustee Mezydlo to authorize Supt. Sitzman and 2 DPW employees to attend the Rural Water Training Conference, May, 16 – 19, 2016, in Lake Placid, NY. (Budget Item). Carried.

The following resolution is introduced by Trustee Warmus:

BOND RESOLUTION OF THE VILLAGE OF ALDEN, NEW YORK, ADOPTED FEBRUARY 25, 2016, AUTHORIZING THE CONSTRUCTION OF SEWER AND WASTEWATER TREATMENT PLANT IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$6,764,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$6,764,000 TO FINANCE SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF ALDEN, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Alden, in the County of Erie, New York (herein called the “Village”), is hereby authorized to construct sewer and wastewater treatment plant improvements. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$6,764,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of \$6,764,000 to finance said appropriation. Sewer assessments have been imposed in the Village and it is expected that such assessments shall continue to be imposed and collected by the Village and the amounts derived therefrom shall be budgeted and used to the pay principal of and interest on the bonds, and any notes issued in anticipation thereof, as the same shall become due and payable.

Section 2. Bonds of the Village in the principal amount of \$6,764,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00

and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption hereof, to cause to be published, in full, in the "*Alden Advertiser*," a newspaper having general circulation in said Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

VILLAGE OF ALDEN, NEW YORK

PLEASE TAKE NOTICE that on February 25, 2016, the Board of Trustees of the Village of Alden, in the County of Erie, New York, adopted the bond resolution entitled:

“Bond Resolution of the Village of Alden, New York, adopted February 25, 2016, authorizing the construction of sewer and wastewater treatment plant improvements, stating the estimated maximum cost thereof is \$6,764,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$6,764,000 to finance said appropriation,”

an abstract of such bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Village of Alden to construct sewer and wastewater treatment plant improvements; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$6,764,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of bonds in the principal amount of \$6,764,000 to finance said appropriation; and STATING that sewer assessments have been imposed in the Village and it is expected that such assessments shall continue to be imposed and collected by the Village and the amounts derived therefrom shall be budgeted and used to the pay principal of and interest on the bonds, and any notes issued in anticipation thereof, as the same shall become due and payable;

SECOND: AUTHORIZING the issuance of bonds in the principal amount of \$6,764,000 pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING that (a) the period of probable usefulness of the object or purpose for which the bonds are authorized is forty (40) years; (b) the proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized; and (c) the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: February 25, 2016

TERRY WACHOWIAK
Village Clerk

Section 8. The Village Clerk is hereby authorized and directed to cause a summary of this Bond Resolution to be published after this Bond Resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

The adoption of the foregoing resolution was seconded by Trustee Daluisio

and duly put to a vote on roll call, which resulted as follows:

Trustee Retzlaff – absent

Trustee Warmus – aye

Trustee Mezydlo –aye

Trustee Daluisio – aye

Mayor Manicki - aye

The resolution was declared adopted.

On the question – Mayor Manicki explained that the bond is to overhaul the sewer plant, and the village may not have to borrow \$6,764,000., we are hoping to receive grants to help out financially.

BUSINESS FROM FLOOR-

The students in attendance asked several questions of the board.

REPORTS FROM COMMITTEES/DEPARTMENTS:

Superintendent Sitzman – Bond resolution today, considering having infrastructural meeting with the Engineer. Elm St. sewer is complete, just manholes left, no issues, minor work, project moving along well.

Clerk Wachowiak - working on budget, two budget work sessions scheduled for March 3 & 4.

Deputy Clerk Galbraith – Village election March 15, two incumbents running unopposed. Mayor Manicki and Trustee Daluisio.

Mayor Manicki – the village received results from NYS Comptroller concerning Fiscal Stability Scoring. A score of 45 shows instability, the village is in good shape financially, as its score is 3. Thank you to the Winterfest Committee for this year’s successful event. Although some events had to be cancelled due to in climate weather, looking forward to a great event next year.

UNFINISHED AND TABLED BUSINESS:

None

ADJOURNMENT

Motion by Trustee Daluisio, seconded by Trustee Mezydlo, to adjourn. 7:50 pm. Carried.

I respectfully submit,

Sue Galbraith,
Deputy Village Clerk