

APPROVED BOARD MINUTES FEBRUARY 14, 2013

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 Warmus, Mezydlo, and Daluisio, Clerk/Treasurer Wachowiak, Deputy Clerk/Treasurer Galbraith, Attorney Trapp, CEO Czechowski, Bob and Dave Overhoff, Dan Czelusta, Shawn Eastland, and Sue DeWitt.

ABSENT: Trustee Sitzman and Supt. Sitzman

MOTION by Trustee Daluisio, seconded by Trustee Warmus, to approve the minutes of the January 24, 2013 meeting. Carried.

MOTION by Trustee Mezydlo, seconded by Trustee Warmus, to approve for payment bills on abstract dated February 14, 2013. Carried

Payroll \$34,025.81

General Fund \$52,454.27

MOTION by Trustee Daluisio, seconded by Trustee Mezydlo, to approve following monthly reports: Court, Treasurer, DPW, Fire Dept. and Fire Chiefs fuel reports for January and the Addendum to Public Works Report for December 2012. Carried.

COMMUNICATIONS

Minutes from the Town of Alden board meetings 1/22 and 2/4, memorandum from Justice Woods that the Courts will be closed from Feb. 14 – 18, 2013, communications from NYCOM concerning 2013 Legislative Programs and annual membership dues, letter from Senator Gallivan's office for a round table on Feb. 8th which Mayor Manicki attended, sign request from St. John's Lawn Fete and St. Aidan's plant sale, minutes from the Alden Chamber of Commerce Director's meeting on January 17, 2013, Federation of NY Solid Waste Assoc. brochure of upcoming conference May 5-8, 2013, information concerning a recent WGRZ report on local distressed governments, BRC Wealth Management portfolio account statement for Jan. 2013, request from the NFTA to keep bus stops shoveled, Association of Erie County Governments meeting notification for February 28, check from Erie County in the amount of \$100,000. for CDBG grant, unemployment statement from NYS Dept. of Labor, Time Warner Cable notice of increasing fees, correspondence from Eleanor White looking for approval from the board on running an adult day care facility – board needs more information including location before granting approval, notice from HomeServe of mail solicitation in our area, invitation for the board to participate in the Heritage & Reunion parade sponsored by the Alden Hook & Ladder Fire Co., notice of Director's meeting of Erie County Village Officials Association on February 21 and minutes of the January 17 meeting, notice of one injury report submitted to NYS Insurance Fund

Workman's Comp., rejection letter from Eric County Executive Mark Poloncarz for CDBG application, Alden Community Dollars for Scholars request for permission to hold their annual 5K with street closings, request from the Alden Ladies Auxiliary for use of the building for their annual Ladies Afternoon market place, and American City and County publication.

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

RESOLUTIONS/APPOINTMENTS/REQUESTS/MOTIONS:

Motion February 14, 2013

MOTION by Trustee Warmus, and seconded by Trustee Daluisio to Change the status of Haleigh Siegel from JR. firefighter to Active Restricted as voted on and approved by membership. Carried.

MOTION by Trustee Mezydlo, and seconded by Trustee Daluisio, to approve request from the Alden Hook & Ladder Fire Co. Ladies Auxiliary to use the community and board rooms for their 3rd annual Ladies Afternoon market place event on April 14 from 1-4 pm. Carried.

MOTION by Trustee Warmus, and seconded by Trustee Mezydlo. to approve Alden Office of Emergency Management Shelter Agreement with Alden Community Church, with terms and conditions stated in the agreement. Carried.

MOTION by Trustee Warmus, and seconded by Trustee Daluisio, to approve the Alden Community Scholarship Foundation request to hold their 8th Annual 5K Race Event on Friday, May 31, and utilize the following streets: Park, Irving, Emerson, and West Main Streets, N Westcott Ave., Meadow Dr. and Willow Woods Lane. The request also included closing West Main Street temporarily from Church St. to Willow Woods Lane. Carried.

On the question: Trustee Warmus again reiterated the request that they do not use permanent paint on the roads to mark the race route. Chalk was suggested.

MOTION by Trustee Warmus, and seconded by Trustee Daluisio, to adopt Local Law #1-2013, regarding 2% tax cap for budgetary purposes as required by New York State. Carried.

MOTION by Trustee Mezydlo, and seconded by Trustee Daluisio, to approve St. John's request to erect two signs in Firemen's Bandstand Park from July 13 – July 22nd to advertise their annual Lawn Fete. Carried.

MOTION by Trustee Mezydlo, and seconded by Trustee Daluisio, to approve St. Aidan's request to erect a sign in Firemen's Bandstand Park from May 9-19 to advertise their

annual plant sale, and to utilize the park for their sale on May 17, 18 & 19, 2013.
Carried.

BUSINESS FROM FLOOR:

Robert (Bob) Overhoff Sr. spoke on behalf of his grandson Dave Jr. concerning an ambulance bill he received. Dave Overhoff Jr. was transported by Alden Ambulance on June 23, 2012. According to Bob, "Dave advised the ambulance crew to take him to the VA Hospital; the ambulance crew advised him that he had to go to ECMC, since there was no Emergency Room open at the Veteran's Hospital."

Professional Ambulance Billing (PBA), who does the billing on behalf of the Village of Alden, sent two letters requesting insurance information. According to Bob "the first two letters sent in 7/2012 and 8/2013 were never received. The VA has declined payment of the ambulance bill due to the fact that it was submitted more than 90 days" after the transport.

The only letter according to Dave that he received was the third attempt, which is a pre collection letter. When Bob requested copies of the first 2 letters from PBA, Sandy told him once they are printed; they are no longer accessible but can be recreated. Bob feels "the board should make the billing service responsible for ambulance bill, if not the board should forgo the fee. Why should Dave be penalized?" Bob thanked Terry for her help, but questioned why the village doesn't do the billing themselves instead of resorting to a billing company.

Bob feels the billings should be sent certified mail. Attorney Trapp who handles ambulance collection matters, assured Mr. Overhoff, that he will look into the matter, and not worry about the collection aspect at this point. Trustee Daluisio asked how much the bill was. Bob responded "it was \$800, but why pay it when you have insurance."

Trustee Warmus asked for a copy of the correspondence in writing, along with a timeline of events. Attorney Trapp will handle the matter with Mr. Overhoff.

REPORTS FROM COMMITTEES/DEPARTMENTS:

CEO Czechowski – received notification from the town concerning SEQR, for rezoning of Roberts property on Broadway, Joe will notify the town, that the village has no objections.

Clerk Wachowiak – 6 petitions have been turned in for the three open Trustee seats in the March election. 3 incumbents, Warmus, Mezydlo and Daluisio, along with Overhoff, Retzlaff and Hutchenreuter.

Mayor Manicki – reviewed information discussed at the meeting with Senator Gallivan, Thanked Mark and Diane Cassell, Terry and Sue of the Clerk's office along with the committee of volunteers, for their help in making Winterfest a success, since it is a good event for the community.

UNFINISHED AND TABLED BUSINESS:

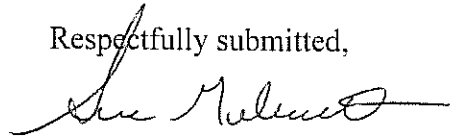
- Policy Manual Update- will arrange a meeting
- Surplus equipment to auction – working on it.

MOTION by Trustee Mezydlo, seconded by Trustee Daluisio, to adjourn the board meeting at 8:05 PM., to enter into executive session to discuss personnel. Carried.

MOTION by Trustee Daluisio, seconded by Trustee Warmus to adjourn from executive session and to re-enter the regular meeting at 8:10 p.m. Carried.

Motion by Trustee Mezydlo, seconded by Trustee Daluisio to adjourn at 8:11 p.m. Carried.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sue Galbraith", written in black ink.

Sue Galbraith
Deputy Village Clerk/Treasurer

Local Law No. 1 of the year 2013 for the Village of Alden, County of Erie

A local law authorizing a property tax levy in excess of the limit established under General Municipal Law section 3-c by the Board of Trustees of the Village of Alden.

Section 1. Legislative Intent

It is the intent of this local law to allow the Board of Trustees of the Village of Alden to adopt a budget for the fiscal year commencing June 1, 2013 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law section 3-c.

Section 2. Purpose

The purpose of this local law is to provide flexibility for the Board of Trustees and to protect both the Village and the residents from any actions of the State of New York.

Section 3. Authority

This local law is adopted pursuant to subdivision five of General Municipal Law section 3-c which expressly authorizes a local government's governing body to override the property tax cap for the next fiscal year by the adoption of a local law approved by a vote of no less than sixty (60) percent of the governing body.

Section 4. Tax Levy Override

The Board of Trustees of the Village of Alden, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law section 3-c.

Section 5. Severability

If a Court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision, section, or part of this local law or the application thereof to any person, firm, organization, corporation, or other entity or circumstance is invalid, illegal, void, and/or unconstitutional, the court's order or judgment shall not affect, impair, modify, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this local law or in its application to the person, firm, organization, corporation, or other entity or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.