

**Approved BOARD MINUTES August 27 2019.**

The Village Board meeting was called to order at 7:30 pm by Mayor Manicki, who led the pledge to the flag and welcomed those in attendance to the meeting.

**PRESENT:** Mayor Manicki, Trustees: Daluisio, Casell, Warmus and Overhoff, CEO Czechowski, Attorney Trapp, Clerk Galbraith, Superintendent Sitzman, Eugene Nuwer and Sue DeWitt, Alden Advertiser

**MOTION** by Trustee Casell seconded by Trustee Warmus to approve the minutes of the August 13, 2019 meeting. Carried.

**MOTION** by Trustee Warmus, seconded by Trustee Overhoff, to approve for payment bills on abstract dated August 27 2019. Carried.

Payroll	\$43523.88
Abstract	\$92265.34

**MOTION** by Trustee Daluisio, seconded by Trustee Casell, to approve the following monthly reports: courts – July, DPW Addendum – April, May, June and Planning Board June. Carried.

**COMMUNICATIONS:**

Erie County – minutes Assoc. of Erie County Governments and Shared service property tax savings plan meeting. NYS – hogweed report, Requests from - Dollars for Scholars & Chamber of Commerce. Solicitation from Alden Substance Abuse Coalition seeking funds for American Legion repairs. Correspondence from Mobile Home Parks concerning license renewals and town of Alden minutes.

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

**Resolutions/Appointments/Requests/Motions for August 27, 2019**

**MOTION** by Trustee Warmus and seconded by Trustee Daluisio, to approve the Alden Chamber of Commerce request as follows: use of Firemen’s Memorial Bandstand Park Dec, 6 & 7, 2019, install 15 Christmas trees in the park before Dec. 1, close Church St. starting at noon on Dec. 7, electric for the tree lighting on Dec. 7 at 5pm, removal of trees after Jan. 2, 2020, .installing snowflakes on light posts and on Bandstand and for the fire dept. to provide fire police for the event. Carried.

**MOTION** by Trustee Casell and seconded by Trustee Overhoff, to approve the Alden Community Scholarship Foundation permission to erect 1 sign in Firemen’s Memorial Bandstand Park from Sept. 26 – Oct.3 to advertise their BBQ Fundraiser. Carried.

**MOTION** by Trustee Warmus and seconded by Trustee Daluisio, to approve the fire/EMS calls for August 3-16,, 2019. Carried.

MOTION by Trustee Casell and seconded by Trustee Overhoff, to set a Public Hearing for September 10, at 7:35 pm, to hear comments on a 3 way stop at Irving and Emerson. Carried.

MOTION by Trustee Daluisio and seconded by Trustee Overhoff, to approve the Mobile Home Park License for the period of September 1, 2019 – August 31, 2020 for Alden Village Estates, 13535 Broadway, with the following conditions:

- 1) Potholes/paving work must be completed by October 15, 2019. This includes resolution of the sidewalk that was paved over on the west entrance drive (East Drive).

The Village of Alden will perform inspections as necessary to determine completion of the above items. Failure to complete said items within the required timeframes may affect the status of the Mobile Home Park License. Carried.

MOTION by Trustee Warmus and seconded by Trustee Casell, to approve the Mobile Home Park License for the period of September 1, 2019 – August 31, 2020 for Alden Landings, 13391 Broadway, with the following conditions:

- 1) Roadways/drainage – The final items for completion of the drainage work, as outlined in Noel Dill’s letter dated 8/26/19, must be completed by October 15, 2019.
- 2) Potholes/paving work must be completed by October 15, 2019.

The Village of Alden will perform inspections as necessary to determine completion of the above items. Failure to complete said items within the required timeframes may affect the status of the Mobile Home Park License. Carried.

MOTION by Trustee Warmus and seconded by Trustee Casell, to authorize Mayor Manicki to sign agreement with Millennium Construction for Elm St. sidewalks. Carried.

## EXTRACT OF MINUTES

Meeting of the Board of Trustees

of the Village of Alden,

in the County of Erie, New York

August 27, 2019

\* \* \*

A regular meeting of the Board of Trustees of the Village of Alden, in the County of Erie, New York, was held at the Village Hall, 13336 Broadway, Alden, New York, on August 27, 2019.

There were present: Hon. Michael Manicki, Mayor; and

Trustees: Casell, Warmus, Overhoff and Daluisio

There were absent: none

Also present: Sue Galbraith, Village Clerk

\* \* \*

Trustee Casell offered the following resolution and moved its adoption:

RESOLUTION OF THE VILLAGE OF ALDEN, NEW YORK, ADOPTED AUGUST 27, 2019, AMENDING THE BOND RESOLUTION ADOPTED ON APRIL 28, 2016

Recitals

WHEREAS, pursuant to a bond resolution adopted on April 28, 2016, the Board of Trustees of the Village of Alden, in the County of Erie, New York, has heretofore appropriated funds and authorized the issuance of bonds to finance sewer and wastewater treatment plant improvements at the estimated maximum cost of \$6,764,000; and

WHEREAS, due to an increase in project costs and the scope of the work, it has now been determined that the estimated maximum cost of such project shall be \$7,764,000, and it is in the public interest to increase said appropriation by \$1,000,000;

Now, therefore, be it

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

Section A. The bond resolution of the Village of Alden duly adopted by the Board of Trustees on April 28, 2016, entitled:

“Bond Resolution of the Village of Alden, New York, adopted April 28, 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.”

is hereby amended to read as follows:

BOND RESOLUTION OF THE VILLAGE OF ALDEN, NEW YORK, ADOPTED APRIL 28, 2016 AND AMENDED AUGUST 27, 2019, AUTHORIZING THE CONSTRUCTION OF SEWER AND WASTEWATER TREATMENT PLANT IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$7,764,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$7,764,000 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 \$7,764,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of \$7,764,000 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 \$7,764,000 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 August 27, 2019 the Board of Trustees of the Village of Alden, in the County of Erie, New York, adopted a resolution amending the bond resolution adopted by said Board of Trustees on April 28, 2016, which bond resolution, as amended, is entitled:

“Bond Resolution of the Village of Alden, New York, adopted April 28, 2016 and amended August 27, 2019, authorizing the construction of sewer and wastewater treatment plant improvements, stating the estimated maximum cost thereof is \$7,764,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$7,764,000 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 \$7,764,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of bonds in the principal amount of \$7,764,000 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 \$7,764,000 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: August 27, 2019

SUE GALBRAITH  
Village Clerk

Section 8. The Village Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary or in full, 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 Law.

\* \* \*

Section B. The amendment of the bond resolution as set forth in Section A of this resolution shall in no way affect the validity of any liabilities incurred, obligations issued, or action taken pursuant to said bond resolution prior to amendment, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as amended.

Section C. Said bond resolution, as amended, is subject to a permissive referendum as therein provided. In the event that a valid petition protesting against said bond resolution and requesting that it be submitted to the electors of said Village for their approval or disapproval is filed and the Proposition submitted therefor is defeated, the validity of the bond resolution adopted April 28, 2016 shall not be in any way affected and shall remain in full force and effect.

\* \* \*

The adoption of the foregoing resolution was seconded by Trustee Daluisio and duly put to a vote on roll call, which resulted as follows:

AYES: 5

NOES: 0

The resolution was declared adopted.

**BUSINESS FROM FLOOR-**

**REPORTS FROM COMMITTEES/DEPARTMENTS:**

**Superintendent Sitzman-** Broadway streetscape – meeting scheduled for next week, should start within 2 weeks. Baxter & Elm St., in engineering. WWTP-60% done, NYSDOT changing curbing/crosswalks at Broadway & Crittenden, in design phase. No word on crosswalks at Emerson.

**Trustee Warmus** – kudos to the Fire Dept. on their steak outing, great event.

**Trustee Overhoff**– we are seeking \$90,000 financing for ECWA connection, I thought it was \$80,000? Superintendent Sitzman – allows for a cushion, our estimates are a year old. Overhoff – did we combine 2 wells? Sitzman – yes. Wells 2&3.

**Mayor Manicki** – the fire dept. did a great job on the fire on Irving St.

**UNFINISHED AND TABLED BUSINESS:**

**ADJOURNMENT**

**Motion** by Trustee Casell, seconded by Trustee Daluisio to adjourn, with a moment of silence for Charles Airey (owner Alden Pools, served on several village committees), Alejandro “Alex” Lopez and Barbara Jurek. 7:47 pm. Carried.

I respectfully submit

Sue Galbraith,  
Village Clerk