

**Approved BOARD MINUTES November 8, 2022**

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

**PRESENT:** Mayor Prucnal, Trustees: Pruitt, Refermat, Becker and Casell. Clerk Galbraith, CEO Czechowski Superintendent Pruitt, Attorney Trapp, Shawn Eastland, Patrick Cavanaugh, Rose Wysocki, Mr. Marzec, Keith Sitzman and Dave Metz.

**MOTION** by Trustee Refermat, seconded by Trustee Becker, to approve the amended minutes dated October 25, 2022. On the question – 5 ayes, Carried.

**MOTION** by Trustee Casell seconded by Trustee Pruitt, to approve for payment bills on abstract dated November 8, 2022.

Payroll \$ 46,119.65

Abstract \$ 97,436.90

ON the question – no comment, 5 ayes, Carried.

**MOTION** by Trustee Pruitt seconded by Trustee Casell, to approve the following monthly reports: court, sheriff, Building Inspector, Planning Board minutes and Public Works report. On the question – no comment, 5 ayes, Carried.

**COMMUNICATIONS**

RBC Wealth investments for our LOSAP Program lost \$37,000 this year. Erie County – sales tax for November, up 6.8% ahead of last year, Climate Smart Committee Agenda. NYS - Cold relief information, webinars on cybersecurity, NYCOM – federal infrastructure funding Opportunities and \$150 million in Restore NY Grants. Town of Alden agenda, complaint from Westcott resident about the fire whistle.

**MOTION** by Trustee Pruitt and seconded by Trustee Becker, to file as received all correspondence. On the question –no comment, 5 ayes, Carried.

**Resolutions/Appointments/Requests/Motions for November 8, 2022**

**MOTION** by Trustee Becker and seconded by Trustee Pruitt to re-levy to the County of Erie for collection of delinquents 2022-2023 village taxes in the amount of \$13,806.38 On the question – no comment, 5 ayes, Carried.

**MOTION** by Trustee Casell and seconded by Trustee Becker to authorize Mayor Prucnal to sign the Sullivan Rd. agreement with the Town of Alden, expires 12/31/2024 On the question – no comment, 5 ayes, Carried.

**MOTION** by Trustee Pruitt and seconded by Trustee Becker, to authorize Mayor Prucnal to sign the Service fee agreement with Penflex Actuarial Services. LLC. For the dates of 11/1/22-10/31/23 for the Fire Department Service Award Program. On the question – no comment, 5 ayes, Carried.

**MOTION** by Trustee Becker and seconded by Trustee Casell, to approve the following

**RESOLUTION TO HOLD PUBLIC HEARING**

WHEREAS, the Village Board of the Village of Alden has received a written request from the Alden Hook & Ladder Fire Co. Inc., which seeks to amend its certificate of

incorporation to permit it to operate as a charitable tax-exempt corporation under Section 501(c)(3) of the Internal Revenue Code; and

WHEREAS, Section 404(f) of the New York State Not-for-Profit Corporation Law requires the approval of the Alden Village Board upon public hearing of the Alden Hook & Ladder Fire Company's application; and

WHEREAS, based on such request, it may be in the public interest, and a public hearing on the matter should be held for such purposes, pursuant to Section 404(f) of the New York State Not-for-Profit Corporation Law.

NOW THEREFORE, it is hereby

RESOLVED, that the Village Board of the Village of Alden shall convene and conduct a public hearing on December 13, 2022 at 7:35 p.m. at the Alden Village Hall, 13336 Broadway, Alden, New York 14004 for the purpose of considering the amendment of the certificate of incorporation of the Alden Hook & Ladder Fire Co. Inc. to permit it to operate as a charitable tax-exempt corporation under Section 501(c)(3) of the Internal Revenue Code, and that notice thereof shall be given by the Clerk as required by law. On the resolution to hold the public hearing:

Trustee Becker-aye  
Trustee Pruitt-aye  
Trustee Refermat-aye  
Trustee Casell-aye

Mayor Prucnal-aye On the question – no comment, 5 ayes, Carried.

MOTION by Trustee Becker and seconded by Trustee Pruitt, to set a public hearing for the SEQRA for the Wetzl Development Project, to be held at 7:45PM on Tuesday, November 22, 2022. On the question – no comment, 5 ayes, Carried.

MOTION by Trustee Pruitt and seconded by Trustee Becker, to set public hearings for the proposed Local Laws as listed below, to be held at 8:00PM (and running concurrently thereafter) on Tuesday, November 22, 2022:

Local Law #6-2022 Chapter 78, Bldg. Construction & Fire Prevention  
Local Law #7-2022 Chapter 165, Sewers  
Local Law #8-2022 Chapter 200, Vehicles & Traffic  
Local Law #9-2022 Chapter 204, Wellhead Protection  
Local Law #10-2022 Chapter 205, Water Use & Service

On the question: this motion was passed on October 25 but missed publication. – no comment, 5 ayes, Carried.

MOTION by Trustee Casell and seconded by Trustee Refermat, to approve CEO Czechowski to attend the annual Adirondack Building Officials Training Conference in Lake Placid, NY February 26 - March 2, 2023. This is a budgeted item. On the question – no comment, 5 ayes, Carried.

MOTION by Trustee Refermat and seconded by Trustee Pruitt, to approve the following:

**BUDGET TRANSFER RESOLUTION**

**WHEREAS**, the Village of Alden has received bids for the DPW generator and DPW HVAC improvement projects, and

**WHEREAS**, bid results and engineering costs exceed the original amounts budgeted for these two projects, and

**WHEREAS**, the Village Board wishes to proceed with the aforementioned projects, now therefore be it

**RESOLVED** that the Village Clerk/Treasurer is hereby directed to amend the 2022-2023 Village budget as follows:

Decrease Appropriation Account A9730.6 BAN Principal in the amount of **\$93,477.00** and

Increase Appropriation Account A9950.9 Transfer to Capital Projects in the amount of **\$93,477.00**, and further be it

**RESOLVED** that Capital Project: DPW Generator be increased by \$56,800.00, and Capital Project: DPW HVAC Improvements be increased by **\$36,677.00**

Trustee Becker-nay

Trustee Pruitt-aye

Trustee Refermat-nay

Trustee Casell-aye

Mayor Prucnal-aye On the question – no comment, 3 ayes, 2 nay, Carried.

MOTION by Trustee Becker and seconded by Trustee Casell, to accept Nussbaumer & Clarke, Inc. recommendation to award the contract for the Alden DPW Garage Improvements Mechanical contract to Pipitone Enterprises LLC for a Total Base Bid of \$79,177.00.

On the question: Trustee Becker, this is for the heater? Pruitt - yes

Trustee Becker-aye

Trustee Pruitt-aye

Trustee Refermat-nay

Trustee Casell-aye

Mayor Prucnal-aye On the question – no comment, 4 ayes, 1 nay, Carried.

MOTION by Trustee Pruitt and seconded by Trustee Becker, to accept Nussbaumer & Clarke, Inc. recommendation to award the contract for the Alden DPW Garage Improvements Electrical contract to CIR Electrical for a Total Base Bid of \$104,300.00.

Trustee Becker-nay

Trustee Pruitt-aye

Trustee Refermat-nay

Trustee Casell-aye

Mayor Prucnal-aye On the question – no comment, 3 ayes, 2 nays Carried.

MOTION by Trustee Becker and seconded by Trustee Pruitt, to approve the following

**BUDGET AMENDMENT RESOLUTION**

**WHEREAS**, the Village of Alden has approved the purchase of an F350 pickup truck in the 2021-2022 budget using funds from the General Fund DPW Equipment Reserve, and

**WHEREAS**, this truck is currently available, now therefore be it

**RESOLVED** that the Village Clerk/Treasurer is hereby directed to amend the 2022-2023 General Fund budget as follows:

Increase General Ledger account A511 – Appropriated Reserves in the amount of \$49,753.00 and

Increase Appropriation account A5110.298 – Street Maintenance/Equipment in the amount of \$49,753.00

On the question: Trustee Refermat-, is it currently purchased? Superintendent Pruitt – ordered last year, did not come in till November. On the question, 5 ayes, Carried.

#### **BUSINESS FROM THE FLOOR**

There were 3 members of Scout Troop 160, for their Community Badge.

#### **REPORTS FROM COMMITTEES/DEPARTMENT**

**Superintendent Pruitt** – thank you to the board for passing the resolutions. Milling and paving done and came in underestimated price. Thank you, towns of Alden, Darien, and Newstead, for helping us to haul milling. Will use CHIPS funds to pay for paving. Trustee Casell – do we get our salt from NYS? There is a substantial difference in pricing depending on location. Superintendent Pruitt – it is off county bid. Pruitt will be off Nov. 21,22&23.

**Attorney Trapp** – may not be at the next meeting

**Clerk Galbraith** – we will be closed Friday in honor of Veteran’s Day. Water bills due Nov. 28

**CEO Czechowski** – requesting an executive Session for litigation.

**Trustee Casell** – what is the annual \$25 charge for the banners? it is to cover the cost of hardware, brackets, poles, end caps, twist ties and the 2-3 days it takes each spring and fall to put them up. In the spring, we had to rent a lift. We also had to purchase boxes to put them in and store them. They are marked, so that they should go up in the same positions as last year.

**Mayor Prucnal** – code red postponed for new from town.

#### **UNFINISHED AND TABLED BUSINESS:**

#### **ADJOURNMENT**

Motion by Trustee Casell, seconded by Trustee Refermat to enter into an Executive Session to discuss possible litigation. 5-0 at 7:57 p.m.

Motion by Trustee Refermat, seconded by Trustee Becker to adjourn from the Executive Session and return to the Regular meeting, 5-0 at 8:19 p.m.

Motion by Trustee Refermat, seconded by Trustee Pruitt to authorize the Village Attorney to commence a civil action lawsuit against Severyn Development, Inc. and their principals and agents, with respect to Birch Creek Run, 5-0.

Motion by Trustee Becker, seconded by Trustee Pruitt to adjourn the Regular meeting, 5-0 at 8:22 p.m.

I respectfully submit.

Sue Galbraith,  
Village Clerk