

Approved BOARD MINUTES December 26, 2023.

The regular meeting of the Village of Alden Board of Trustees was held in the Municipal Building, 13336 Broadway, Alden, NY 14004.

MEETINGS TO DATE: Regular meetings 13, special meetings 0

Attendance:		Attended / Absent
Loren Prucnal,	Mayor	13 / 0
Mary Refermat,	Trustee/ Deputy Mayor	11/2
Doug Becker,	Trustee	10 / 3
Mark Casell,	Trustee	10 / 3
Theron Kibbe,	Trustee	2 / 0

Also Present:

Sue Galbraith	Clerk/Treasurer
Joe Czechowski	CEO/Building Inspector
Patrick Cavanaugh	Working Crew Chief
Albert Boucher	Mechanic
Josh Zelak	Laborer
Nick	Teamsters
Charles Trottier	CPA, Drescher & Malecki
Brenda & John Cieszki	Residents

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

MOTION by Trustee Casell seconded by Trustee Becker, to approve the minutes from the November 14, 2023, meeting. On the question - no comment 3 ayes, Refermat was not present, Kibbe was not appointed yet. carried.

MOTION by Trustee Refermat, seconded by Trustee Casell, to approve the minutes from the November 28, 2023, meeting. On the question - no comment 5 ayes, carried.

Charles Trottier, CPA, Drescher & Malecki, summarized the audit for the year ending May 31, 2022.

No significant deficiencies, no internal misstatements, no noticeable changes for the village's general fund and justice audits. Financially stable, clean audit.

MOTION by Trustee Becker seconded by Trustee Casell, to approve payment bills on abstract dated December 26, 2023.

Payroll	\$46,193.77
Abstract	\$285,880.17

On the question - no comment 5 ayes, carried.

MOTION by Trustee Becker seconded by Trustee Kibbe, to approve the following reports: RBC Wealth Management profile, Planning Board, Building Inspector, court and DPW.

On the question - no comment 5 ayes, carried.

COMMUNICATIONS

Erie County – ECWA meeting minutes, Assoc. of E.C. Governments- sales tax, NOAA Summary, mortgage tax and check for \$100,000 for CDBG Elm St. renovation project. NYS – Senator gallian newsletter, bridge NY, and information on Governor Hochul’s bill to move elections to even years, after 2025. Resignations and Letters of interest for Planning Board and Ethic Committee openings. Alden Central School Extract of minutes from 10/17 and neg dec for proposed future garage improvements. Rite-Aid bankruptcy information. Communication from Hopkins, Sorgi & McCarthy concerning PUD (Planned Unit Development) application requirements. The following two letters were sent to the Town of Alden and read at the meeting by Mayor Prucnal:

Attn: Hon. Brett Sitzman, Supervisor

Honorable Sir:

We spoke in October about a potential intermunicipal agreement with the Town regarding SD#2 (Alaura). When it was presented, the Village would be required to do a daily check and record the findings (typically about an hour a day). At this initial meeting, I requested a copy of the latest DEC Inspection, Operations Manual for the plant, and a list of duties. I attended the following Board meeting when the Town Budget was being discussed and gave the Town a price based on our Senior Operators hourly wage and benefits before receiving the requested information.

After reviewing the documents provided, it was determined that the one hour per day does not cover the duties and the required reports. The latest DEC report had a list of deficiencies which clearly indicates that there is currently not an adequate maintenance program in place. As you know, those deficiencies need to be addressed and it appears that no action has been taken over an extended period of time on those issues. They far exceed simply performing a daily check and recording the numbers in order to be compliant. It is also not clear if the Town has budgeted sufficient funds and is prepared to address the level of work which will be required in order to meet the DEC requirements.

At the present time, the Village of Alden does not find it in our best interest to proceed with an agreement with the Town for SD#2 in light of the lack of a documented maintenance program and an understanding with respect to how the DEC deficiencies will be addressed by the Town. In the event that the Town develops a plan with sufficient funding to address the concerns and undertakes the required work, the Village would be happy to reconsider this matter at a later date.

Sincerely,
Loren Prucnal
Mayor

The second letter from CEO Czechowski was also read at the meeting as follows:

Attn: Hon. Brett Sitzman, Supervisor

Honorable Sir:

On behalf of the Village of Alden Board of Trustees, I would like to thank you for the opportunity to discuss the Town of Alden’s needs with respect to your Building Department as a result of the impending retirement of CEO Chris Snyder. As you know, when the Village became aware of this potential situation quite some time ago, an initial offer of consolidation by the Village into the Village offices was considered as a way to lessen the burden on the Town and its residents.

As advised, the Village of Alden was in the process of hiring an Assistant Code Enforcement Officer at the time we first spoke about the potential vacancy in the Town. As such, we researched possible options that would allow the Town of Alden to continue uninterrupted Code Enforcement through the transition of Mr. Snyder's retirement at the end of 2023.

The most feasible option at the time seemed to be an intermunicipal agreement between the Town and Village where the Village would provide all Code Enforcement services to the Town for a set yearly fee. The Village would hire the necessary personnel and administer the services for both the Town and Village as they were deemed appropriate to provide the best service possible to all residents of Alden. This would include the Village hiring at least two Assistant Code Enforcement Officers rather than just one, as we had originally planned. Following this course of action would provide the services required in the Town without the need of the Town to hire its own individuals to provide this service. Naturally, the Code Enforcement services would then be controlled, managed, and maintained as a Village office under a shared services agreement at an anticipated cost savings to the Town, a preferred method of operation as recommended by the State. Other municipalities have such a shared services agreement under similar circumstances.

However, during discussions with the incumbent and new Town Board members, it became apparent that not all members were in agreement as to the current status of the Town Building Department and its future needs, and what the process and timeline may be to establish a Code Enforcement Program appropriate for the Town of Alden and its residents. As advised, the current state of the records in the Town would need to be addressed to ensure future efficiency and the adequacy of record retention requirements, in addition to the normal day-to-day operations of the office. The Village was also left with the rather distinct impression that there may be an unwillingness to give up a required level of control over Building Department personnel and activities that would be imperative to provide these necessary services.

Based upon that reluctance by the Town Board members, the timeline to research, discuss, and implement any possible agreement is much too short to perform the appropriate level of due diligence and monetary analysis in order to implement a three-year agreement as suggested by the Village. As I am certain you can appreciate, without the additional hiring by the Village, the Village will not be in a position to handle the Town services in 2024 and notice is hereby given that the current agreement for covering vacations will be terminated as of December 31, 2023.

Because of the closing deadlines to hire our own Assistant Code Enforcement Officer and sign that individual up for the required New York State Basic Code Enforcement Training, the Village Board has decided to move forward at this time with our own program in the best interests of the Village residents. That individual has now been hired by the Village and will soon begin the required training for the position.

We appreciate the fact that the Town is in a difficult position due to the pending retirement and the scarcity of individuals with the credentials for the office, but it appears that the Town has made the decision to proceed on its own either by seeking a candidate from another municipality or reviewing the credentials of potentially available individuals on the appropriate Civil Service list. Should the Town wish to reconsider an arrangement in the future, please feel free to contact the Village in this regard.

Sincerely,
Joseph Czechowski
Code Enforcement Officer

MOTION by Trustee Kibbe and seconded by Trustee Casell, to file as received all correspondence. On the question - no comment 5 ayes, carried.

Resolutions/Appointments/Requests/Motions for December 26, 2023

MOTION by Trustee Refermat, seconded by Trustee Casell, to approve Mayor Prucnal to sign the agreement with Barb Kapperman for accounting services, term to expire 12/31/2024. On the question - no comment 5 ayes, carried.

MOTION by Trustee Kibbe, seconded by Trustee Becker, to re-appoint Robin Gilbert, to the Village of Alden Ethics Committee, term to expire December 31, 2026. On the question - no comment 5 ayes, carried.

MOTION by Trustee Casell and seconded by Trustee Becker, to approve the following election inspectors for the March 19th election: Susan Schumacher and Elizabeth Mayer. The village election inspectors shall not be required to be residents of the village, provided that they are a resident of the County of Erie, in the State of New York. On the question - no comment 5 ayes, carried.

MOTION by Trustee Becker, and seconded by Trustee Refermat, to identify the polling place for the March 19th election, as 13336 Broadway, Village Municipal Building, and the hours from noon- 9 pm. On the question - no comment 5 ayes, carried.

MOTION by Trustee Becker and seconded by Trustee Refermat, to accept the resignation of John Lombardi from the Ethics Committee. On the question - no comment 5 ayes, carried.

MOTION by Trustee Refermat, seconded by Trustee Kibbe, to appoint John Lombardi, to the Village of Alden Planning Board, term to expire March 31, 2028. On the question - no comment 5 ayes, carried.

MOTION by Trustee Casell and seconded by Trustee Becker, to appoint Anna-Marie McCormick to the Ethics Committee, term to expire 12/31/2025. On the question - no comment 5 ayes, carried.

MOTION by Trustee Becker and seconded by Trustee Kibbe, to approve Superintendent of Public Works purchase of a 2024 Vac-all from Guthrie Sales and Service of WNY for \$482,904.83. This is a budgeted item. On the question - no comment 5 ayes, carried.

MOTION by Trustee Casell and seconded by Trustee Becker, to declare the following surplus and dispose of it as the Village Board deems necessary:

1 – iPad Air 16GB/WiFi, Model MD785LL/B, A1474

On the question – Trustee Casell, how is this disposed of? Superintendent Fleck – will sell at auction, CEO Czechowski has cleared the history. 5 ayes, carried.

MOTION by Trustee Kibbe and seconded by Trustee Becker, to declare the following surplus and sell at auction:

1993 Ford 555D tractor loader On the question - no comment 5 ayes, carried.

MOTION by Trustee Refermat, seconded by Trustee Casell, to approve hiring Susan Walters as an alternate crossing guard, pending background check and drug & alcohol testing. On the question - no comment 5 ayes, carried.

MOTION by Trustee Kibbe, seconded by Trustee Casell, to approve the change order for Milherst Construction, to use the construction allowance in the contract. The retainage amount of \$3,837.50 will bring the total expense to \$78,750.00. This is for the Wastewater improvement on West Main St., submitting for ARPA Funds. On the question - no comment 5 ayes, carried.

MOTION by Trustee Becker, seconded by Trustee Casell, to approve the change order for Argauer Excavating LLC, to use the construction allowance in the contract. The allowance amount of \$2,000 will bring the total expense to \$75,240.00 for the Water improvement to Well #1 submitting for ARPA Funds. On the question - no comment 5 ayes, carried.

MOTION by Trustee Refermat, and seconded by Trustee Casell, to approve the following companies to perform electrical inspections in the Village of Alden for the period January 1, 2024, through December 31, 2024, as per submitted applications:

- Commonwealth Electrical Inspection Agency
 - New York Electrical Inspection Agency
 - DEAN Electrical Inspections of WNY
- On the question - no comment 5 ayes, carried.

MOTION by Trustee Refermat, and seconded by Trustee Casell, to approve Temporary Business Signs for the following businesses as per submitted applications, to expire on December 31, 2024:

- Alden Pharmacy, 13203 Broadway
- The Whistle Stop Inn, 1338 Exchange Street
- Henry's Candy & Gifts, 13237 Broadway
- H&R Block, 13186 Broadway
- Alden Automotive, 13151 Broadway
- Lupine & Lead, 13179 Broadway
- The Pink Cow, 13119 Broadway
- Alden Village Estates, 13535 Broadway

- On the question - no comment 4 ayes, Becker abstains, carried.

BUSINESS FROM THE FLOOR

Brenda Cieszki – looking for information on water/sewer charges and garbage fees throughout village. Superintendent Fleck – looking into and gathering information on all avenues of refuse. Will take a while to compile the information.

Nick- Teamsters 264, had a tentative contract agreement a month ago and are still waiting. Emailed the attorney 3 times and the board once. Health insurance now has to wait till after January 1. Mayor Prucnal – attorney is out of town till Dec. 31. Trustee Refermat – thank you, Chris is working on it. The board would like to button it up.

REPORTS FROM COMMITTEES/DEPARTMENT

Clerk Galbraith -petitions for March 19 election are available January 2, 2024. 1 four-year term Mayor, 1 one-year term Trustee and 1 four-year term for Trustee.

CEO Czechowski -Chris the Assistant CEO, started 3 weeks ago. Will take Civil Service exam and start formal training in January. Wetzl – Slade Dr. foundations, getting things together.

Phil Fleck, Superintendent of Public Works - generator at DPW done. Well site #1, framing well 1, great progress. Other well is capped. Completion of south well 2-3 weeks. Garbage trucks are working on it and making progress.

Trustee Refermat – when appointing new people, suggest they attend a meeting, so the board can meet them. Antonia had a question on the traffic on Emerson & Broadway we need to be proactive, with the bank traffic patterns changing. In June we made a motion to hire an administrator, I would like to rescind that motion.

MOTION by Trustee Refermat and seconded by Trustee Becker to rescind the motion to hire an administrator.

On the question: Trustee Casell –don’t you think hiring an administrator is part of the succession plan. When there was no one at the DPW to sign vouchers, the administrator provides oversight to the trustees and Mayor and provides continuity to keep things running smoothly, duties above and beyond the clerk’s job. Superintendent Fleck - Sue does administrative duties. Mayor Prucnal – the Village of Lancaster just hired an Administrator for \$72,000-\$84,000 and East Aurora for \$130,000. They have accounting backgrounds, and we have a CPA who oversees things right now Trustee Casell – our salary is \$55,000. The administrator will have oversight of everything, including personnel, not doing Clerk/Treasurer work. We are putting ourselves in jeopardy. Trustee Becker – we were going with the administrator due to the DPW Coordinator position, but that is rescinded. Trustee Kibbe – Mark please explain your view for an administrator. Trustee Casell – no full slate of people, not efficient use of our time to reprimand employees. No continuity to do task of running village, administrator covers all department tasks, succession plan. Mayor Prucnal – the administrator is by appointment, just as the clerk is. CEO Czechowski – potential to be changed by the election, never continuity, past administrators did not cover other department. What we need to do is decide what we need, now that we have hired a Superintendent our needs have changed. We need to identify our needs.

Roll call vote – Trustee Becker – aye
 Trustee Kibbe – nay
 Trustee Refermat – aye
 Trustee Casell – nay
 Mayor Prucnal – aye. 3 ayes, 2 nays, carried

Trustee Casell – this didn’t just happen, one month ago we said we would advertise the administrator position. Mayor Prucnal – the whole board should be present to vote on it. up to the board. Trustee Casell – more critical path now to replace Sue, the decision was made in June. .Mayor Prucnal – who will train this administrator? Roles are currently different than 9 months ago.

UNFINISHED AND TABLED BUSINESS:

Motion by Trustee Becker, seconded by Trustee Refermat, to enter into an Executive Session at 8:45 p.m., to discuss personnel. On the question - no comment 5 ayes, carried.

Motion by Trustee Refermat, seconded by Trustee Becker, to exit the Executive Session at 9:25 pm., and re-enter the regular meeting On the question – Trustee Casell was not feeling well and was not present for the Executive Session 4 ayes, carried.

MOTION by Trustee Becker and seconded by Trustee Refermat to approve Superintendent of Public Works Fleck to purchase a garbage truck from Cycon at a price not to exceed \$350,000. On the question: Trustee Kibbe – get something decent. Does Trustee Casell know? It has been discussed prior and if we approve it before January 1, it will save the village \$50,000-\$60,000. Superintendent Fleck - we can then fix the other truck, and it should last another 5 years, and we can budget over the next 5 years.

Motion by Trustee Refermat, seconded by Trustee Becker, to adjourn the regular meeting at 9:32 p.m., with a moment of silence for Robert Jurek and Dorcus Nice. On the question - no comment 4 ayes, carried.

I respectfully submit.

Sue Galbraith,
Village Clerk