

MEETING NO. 19
REGULAR NO. 19

REGULAR TOWN BOARD MEETING
TOWN OF ALDEN

October 6, 2020
7:00 P.M.

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road, Alden, NY on Tuesday, October 6, 2020 at 7:00 P.M. Supervisor Adamski called the Meeting to Order and Councilwoman Pautler led in the Pledge of Allegiance. The Roll Call was taken by the Town Clerk.

PRESENT: Dean Adamski, Supervisor
Colleen Pautler, Councilwoman
Gina Waiss, Councilwoman

RECORDING SECRETARY: Alecia Barrett, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney
Colleen Rogers, Highway Superintendent
Residents

Councilwoman Pautler Moved and Supervisor Adamski seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of September 15, 2020.

CARRIED

Ayes 3 Adamski, Pautler & Waiss
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN PAUTLER, SECOND BY COUNCILWOMAN WAISS, WHO MOVED THAT THE FOLLOWING VOUCHERS BE ALLOWED AND PAID TO WIT; VOUCHERS #720 - 764 **ALL BILLS REVIEWED BY THE TOWN BOARD.**

<u>ACCOUNT</u>	<u>AMOUNT</u>		
	ABSTRACT #1	ABSTRACT #2	TOTAL
GENERAL FUND "A"	\$8,492.54	\$29,266.66	\$37,759.20
HIGHWAY FUND "DA/DB"	\$62,771.00	\$26,035.38	\$88,806.38
PART-TOWN FUND "B"	\$4,871.67	\$391.56	\$5,263.23
SPECIAL FIRE PROTECTION "SF"	\$7,140.43		\$7,140.43
SEWER DIST. #2 FUND "SA"	\$110.80	\$5,811.86	\$5,922.66
TRUST & AGENCY "T"	\$5,614.52	\$8,098.50	\$13,713.02
SPECIAL REFUSE FUND "SR"	\$39,709.10		\$39,709.10
STREET LIGHTING FUND "SL"	\$3,566.15		\$3,566.15
PERIWINKLE LTG. DIST."SL1"	\$52.05		\$52.05
ZOELLER RD WATER DIST "WZ"			
CAPITAL PROJECTS "HC"		\$110,264.58	
TOTAL	\$132,328.26	\$179,868.54	\$312,196.80

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON OCTOBER 6, 2020 AND

ADOPTED

Ayes 3 Adamski, Pautler & Waiss

Nays 0

BUSINESS FROM THE FLOOR

COMMUNICATIONS

Colleen Pautler

1. The Alden State Bank has agreed to pay for the balance of the score board at Robert O Smith Park.

Gina Waiss

1. AYB requested the 9X6 score board with the 2x9 sponsor panel below. Wanted clarification on whether a new sponsor panel was needed. Councilwoman Pautler stated yes, because the bank's artwork has changed. \$8,150.00 is the total cost estimate for the project.

Dean Adamski

1. Notice that COVID purchases were approved for reimbursement
2. 3rd quarter sales tax report, we are down 7.29%
3. Empire State Line is looking for 10 acres of property to lease for storage of heavy equipment for their power line project

7:05 PUBLIC HEARING FOR FEDERAL COMMUNITY DEVELOPMENT GRANT

Notice of Public Hearing was read by the Town Clerk

Councilwoman Pautler motioned and Supervisor Adamski seconded the motion to enter into Public Hearing for the purpose of discussing potential projects for funding by the Federal Community Development Grant Program; all were in favor. Supervisor Adamski opened the floor for public input on potential projects.

Supervisor Adamski noted for any approved project the Town will match up to 10% of the project.

4 Season Senior Shelter – larger space for seniors to meet with an open air concept could be “smart” and utilize touchless lights, faucets, etc. to minimize the spread of germs/bacteria. Open air concept would allow air flow for a healthier meeting environment.

New air filtration system for the Senior Center – in need of updated system, current system is outdated

10 station outdoor exercise area for seniors – more outdoor activities for seniors to enjoy

Councilwoman Pautler motioned and Supervisor Adamski seconded the motion to leave the public hearing; all were in favor.

7:10 PUBLIC HEARING FOR PROPOSED LOCAL LAW #1 OF 2020, OVERRIDE OF TAX CAP

Notice of Public Hearing was read by the Town Clerk

Councilwoman Pautler motioned and Councilwoman Waiss seconded the motion to enter into Public Hearing for the purpose of discussing impact of Local Law #1 of 2020, Override of Tax Cap; all were in favor.

Supervisor Adamski explained the Town Board did not want to exceed the tax cap, this Local Law is being put in place in case it cannot be avoided.

Concerns over the additional cost were voiced. Deputy Supervisor Rogers noted that it would be a small increase however, there is a multiple part formula used for the calculation. She also noted that it was the Town Board's wishes to stay under the tax cap and that they were still reviewing the budget for ways to find more savings.

Councilwoman Pautler motioned and Councilwoman Waiss seconded the motion to leave the public hearing; all were in favor.

NEW BUSINESS

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN PAUTLER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN WAISS, TO WIT;

WHEREAS, the Town Board, on behalf of all Special Districts and Special Improvements Districts, upon which the cost of maintenance is required by law to be apportioned and assessed in proportion to the amount of the benefits conferred has duly prepared detailed estimates in writing of the anticipated revenue and expenditures for such districts to determine the amount of money required to meet the expense of maintaining same; and

WHEREAS, the Town Board has assessed the amount of said estimates on several lots against which the expense of the Improvement was charged in proportion to the amount of benefit conferred; and

WHEREAS, Assessment Rolls were duly prepared according to law and said Assessment Rolls were duly filed in the Office of the Town Clerk.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. That a Public Hearing is hereby called and shall be held on October 20, 2020, at 7:05 PM Local Time, at the Town Hall, 3311 Wende Road, Alden, New York, at which time and place this Town Board will meet to consider the aforementioned Special District Budget for the Year 2021 and to hear all persons interested in the subject matter thereof, and concerning the same;
2. That a Notice of said Public Hearing be published in the Alden Advertiser and posted on the Town of Alden Board which Notice shall be in the form attached hereto and made a part hereof; and
3. This Resolution shall take effect immediately.

The question of the resolution of the foregoing motion was duly put to a vote on roll call, at a regular meeting on October 6, 2020, which resulted as follows:

CARRIED.

Ayes 3 Adamski, Pautler & Waiss

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR ADAMSKI, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN PAUTLER, TO WIT;

WHEREAS, the Budget Officer of the Town of Alden on September 25, 2020, duly filed the Tentative Budget of said Town for the fiscal year beginning January 1, 2021 with the Town Clerk of said Town; and

WHEREAS, the Town Clerk of the Town of Alden duly presented the Tentative Budget to the Town Board on September 25, 2020;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. That the Tentative Budget is hereby approved as and shall become the Preliminary Budget of the Town of Alden for the fiscal year beginning January 1, 2021;
2. That said Preliminary Budget shall be filed in the Office of the Town Clerk of the Town of Alden, 3311 Wende Road, Alden, New York 14004 and be made available by her to the public for inspection during the regular business hours;
3. That a Public Hearing on the Preliminary Budget of the Town of Alden for the year 2021, be held by the Alden Town Board at the Alden Town Hall, 3311 Wende Road, Alden, New York on October 20, 2020, at 7:10 P.M. Local Time;
4. That the necessary Notice of Public Hearing upon the Preliminary Budget, as required by Section 108 of the Town Law of the State of New York be published in the Alden Advertiser, the official newspaper of the Town of Alden, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof; and
5. This Resolution shall take immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on October 6, 2020, which resulted as follows:

CARRIED.

Ayes 3 Adamski, Pautler & Waiss

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN WAISS, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR ADAMSKI, TO WIT;

WHEREAS, the Town Board of the Town of Alden has fully considered the adoption of Local Law No. 1 of the Year 2020 (originally introduced as Local Law # 3 of 2020), entitled "Override of Tax Cap" which will allow the Town Board to override for the 2021 Budget that State imposed tax cap of 1.56% (the "Proposed Action"); and

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA; and

WHEREAS, the Code Enforcement Officer provided notice to the Erie County Division of Planning on or about September 1, 2020, for this Proposed Action, as required under Section 239-m of the General Municipal Law; and

WHEREAS, the New York State Environmental Quality Review Act requires the Town to determine the Lead Agency status and the Town Board did assume Lead Agency status on September 1, 2020.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby determines that Proposed Action is a Type II action and that no further review is needed; and
2. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting on October 6, 2020, the results of which were as follows:

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on October 6, 2020, which resulted as follows:

CARRIED.

Ayes 3 Adamski, Pautler & Waiss

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN PAUTLER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN PAUTLER, TO WIT;

WHEREAS, a Proposed Local Law #1 of 2020 (originally introduced as Local Law #3 of 2020) entitled "Override of Tax Cap was introduced to the Alden Town Board for consideration by Councilperson Waiss on September 1, 2020.

WHEREAS, an order was duly adopted by the Alden Town Board for a public hearing to be held by said Town Board on October 6, 2020 at 7:10 pm at the Alden Town Hall, 3311 Wende Road, Alden, New York 14004 to hear all interested parties on a proposed Local Law, and

WHEREAS, notice of said public hearing was duly published in the Alden Advertiser, and

WHEREAS, said public hearing was duly held on October 6, 2020 and all parties in favor of and opposed to the local law were heard; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 State Environmental Quality Review Act it has been determined by the Alden Town Board that the Local Law is a Type II Action, and

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law on September 17, 2020, and

WHEREAS, the Alden Town Board, after due deliberation, finds it in the best interest of said the Town of Alden to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board hereby adopts said Local Law No. 1 of the Year 2020 entitled "Tax Cap Override", a copy of which is attached hereto and made a part of this resolution,
2. That the Alden Town Clerk enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Alden, and to give due notice of the adoption of said Local Law to the Secretary of State of New York, post the same on the Town Bulletin Board and publish the same in the Alden Advertiser.
3. This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on October 6, 2020, which resulted as follows:

CARRIED.

Ayes 3 Adamski, Pautler & Waiss

Nays 0

Local Law No 1 of the year 2020 (Text 9.22.2020)

Town of Alden, County of Erie

Title: Override Tax Cap

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ALDEN, COUNTY OF ERIE AS FOLLOWS

SECTION ONE Legislative Intent

The State Constitution, Article XVI, §1, reserves all taxing power to the State and therefore local governments possess only that taxing power which has been expressly delegated to them by the State Legislature (Opns St Comp, 1990 No. 90-39; Opns St Comp, 1981, No. 81-331; Opns St Comp, 1973, No. 72-1085, unreported; 23 Opns St Comp, 1967, p 788).

The Town Board of the Town of Alden, County of Erie has reviewed the financial needs and obligations of the town. Due to contract obligations, limited revenue from non-real property tax sources, the rising cost of commodities and health care, the CoVid19 Pandemic, compliance with unfunded mandates, reductions in state and federal revenue sharing programs coupled with the limitations on raising revenue set forth in General Municipal Law, §3-c, the Town Board of the Town of Alden, County of Erie, hereby determines that it necessary to override the tax cap for the fiscal year 2021.

SECTION TWO Authority

General Municipal Law, §3-c (5) authorizes the town board to adopt a local law overriding the tax cap by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

SECTION THREE Tax Cap Override

The Town Board of the Town of Alden, County of Erie hereby overrides the tax cap as required by General Municipal Law, §3-c as for the town fiscal year of 2021.

SECTION FOUR. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION FIVE. Effective date.

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

THE FOLLOWING MOTION WAS OFFERED BY SUPERVISOR ADAMSKI, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN WAISS, TO WIT;

Motion to approve the request of the Alden Central School to use the Paved Loop and the Joe Panza Trail for the Cross Country Team practices and meets on October 6, 13, 14, 21 and 27, 2020 all at 5.00PM.

The School is responsible for complying all State and Federal Rules and Regulations regarding the CoVid-19 Pandemic.

The School has submitted a CoVid19 Safety Plan, as per the requirements of New York State and has submitted submit proof of insurance.

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on October 6, 2020, which resulted as follows:

CARRIED.

Ayes 3 Adamski, Pautler & Waiss

Nays 0

THE FOLLOWING MOTION WAS OFFERED BY COUNCILWOMAN WAISS, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR ADAMSKI, TO WIT;

Motion to approve the request of the Girl Scout Cadette Troup 30801 to use the Community Center on Thursdays from 3:50 pm until 5:40 PM on October 15 and 29, 2020; November 12, 2020; December 10, 2020; January 7 and 21, 2021; February 4 and 18, 2021; March 4 and 18, 2021; April 1, 15 and 29, 2021; May 13 and 27, 2021 and June 10, 2021.

The Girl Scouts are responsible for complying all State and Federal Rules and Regulations regarding the CoVid-19 Pandemic.

The Girl Scouts have submitted to the Town Board a CoVid19 Safety Plan, as per the requirements of New York State and must sign all required Town of Alden Safety Plans and Waivers.

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on October 6, 2020, which resulted as follows:

CARRIED.

Ayes 3 Adamski, Pautler & Waiss

Nays 0

POLLED AND ADDED WITH NO OBJECTION.

THE FOLLOWING MOTION WAS OFFERED BY COUNCILWOMAN PAUTLER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN WAISS, TO WIT;

Motion to approve the request of the Alden Home Bureau to use the Community Center on the 1st, 3rd and 5th Mondays of each month from 7:00 PM until 9:30 PM from February 2021 through September 2021.

The Alden Home Bureau is responsible for complying with all State and Federal Rules and Regulations regarding the CoVid-19 Pandemic and must sign the all required Town of Alden Safety Plans and Waivers.

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on September 15, 2020, which resulted as follows:

CARRIED.

Ayes 3 Adamski, Pautler & Waiss

Nays 0

THE FOLLOWING MOTION WAS OFFERED BY COUNCILWOMAN WAISS, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR ADAMSKI, TO WIT;

Motion to approve, effective immediately, the Town of Alden CoVid19 Safety Plan for the Senior/Community Center. All users of the Senior/Community Center are required to sign the Plan before using the Senior/Community Center.

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on October 6, 2020, which resulted as follows:

CARRIED.

Ayes 3 Adamski, Pautler & Waiss

Nays 0

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Colleen Pautler, Councilwoman – spoke with Kathy Wild the ceramics instructor about resuming ceramics. Town Hall is pinned and ready for the go-ahead to be re-keyed.

Jennifer Strong, Town Attorney – the Governor did extend until November 4th the right for Town Boards to continue to conduct public hearings virtually.

UNFINISHED AND TABLED BUSINESS

NOTICE OF MEETINGS

NEXT WORK SESSION:	October 13, 2020	@7:00 PM
REGULAR BOARD MEETING	October 20, 2020	@7:00 PM

MEMORIAL REMEMBRANCE - Paul Anderton

ADJOURNMENT

At 7:34 P.M. Supervisor Adamski adjourned the Meeting.

Alecia Barrett
Town Clerk