

MEETING NO. 2  
REGULAR NO. 2

REGULAR TOWN BOARD MEETING  
TOWN OF ALDEN

January 21, 2020  
7:00 P.M.

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road on Tuesday, January 21, 2020 at 7:00 P.M. Supervisor Adamski called the Meeting to Order and Councilwoman Waiss 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  
Mike Metzger, Town Engineer  
Chris Snyder, CEO  
Lenny Weglarski, DCO  
Bill Rogers, Highway Superintendent  
Colleen Rogers, Deputy Supervisor  
Justin Sullivan, Alden Advertiser

Councilwoman Pautler Moved and Supervisor Adamski seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of January 7, 2020

**CARRIED**

Ayes 3 Adamski, Pautler & Waiss  
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN PAUTLER, SECOND BY SUPERVISOR SAVAGE, WHO MOVED THAT THE FOLLOWING VOUCHERS BE ALLOWED AND PAID TO WIT; VOUCHERS #1 - 66 **ALL BILLS REVIEWED BY THE TOWN BOARD.**

<b><u>ACCOUNT</u></b>	<b><u>AMOUNT</u></b>		
	<b>ABSTRACT #1</b>	<b>ABSTRACT #2</b>	<b>TOTAL</b>
<b>GENERAL FUND "A"</b>	<b>\$15,583.26</b>		<b>\$15,583.26</b>
<b>HIGHWAY FUND "DA/DB"</b>	<b>\$159,868.54</b>		<b>\$159,868.54</b>
<b>PART-TOWN FUND "B"</b>	<b>\$12,751.73</b>		<b>\$12,751.73</b>
<b>SPECIAL FIRE PROTECTION "SF"</b>	<b>\$9,826.24</b>		<b>\$9,826.24</b>
<b>SEWER DIST. #2 FUND "SA"</b>	<b>\$289.91</b>		<b>\$289.91</b>
<b>TRUST &amp; AGENCY "T"</b>	<b>\$8,441.57</b>		<b>\$8,441.57</b>
<b>SPECIAL REFUSE FUND "SR"</b>	<b>\$36,412.05</b>		<b>\$36,412.05</b>
<b>STREET LIGHTING FUND "SL"</b>	<b>\$4,133.14</b>		<b>\$4,133.14</b>
<b>PERIWINKLE LTG. DIST."SL1"</b>	<b>\$60.24</b>		<b>\$60.24</b>
<b>ZOELLER RD WATER DIST "WZ"</b>	<b>\$14,576.50</b>		<b>\$14,576.50</b>
<b>CAPITAL PROJECTS "HC"</b>	<b>\$1,360.94</b>		<b>\$1,360.94</b>

**WATER DIST EXCHANGE ST  
“WX”**

**TOTAL**

<b>\$21,102.00</b>		<b>\$21,102.00</b>
<b>\$284,406.12</b>		<b>\$284,406.12</b>

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON JANUARY 21, 2020 AND

ADOPTED

Ayes 3 Adamski, Pautler & Waiss

Nays 0

**BUSINESS FROM THE FLOOR**

**COMMUNICATIONS**

**Supervisor Adamski**

1. List of concerns about renting Senior/Community Center from Dan Moultrup.
2. Letter from Mark Moore in response to letter CEO Office sent out.
3. Copy of letter from CEO to Mark Moore.
4. Letter from Alden Youth Baseball & Softball introducing new board.
5. Application for Assessor Trainee.
6. Letter from Teamsters.
7. Erie County Consortium Meeting Notice.

**NEW BUSINESS**

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

WHEREAS, protecting the people from harm by enforcing the rule of law is the foundational role of government, and

WHEREAS, County governments are vested by the State of New York with the responsibility to protect the most vulnerable among us, including the socioeconomically disadvantaged, the disabled, the elderly, and children; and

WHEREAS, no group is more vulnerable than the victims of crime, and a just society demands that crime victims should be recognized as key participants within the criminal justice system and be treated with dignity, fairness, and respect; and,

WHEREAS, for the past twenty-five years the State of New York has committed itself to reducing crime, and has succeeded as evidenced by official U.S. Department of Justice Uniform Crime Reporting Statistics showing that New York transformed from the second most dangerous state in America in the early 1990s to the safest large state in America by the early 2000s; and

WHEREAS, in the final stages of adopting its FY 2020 budget, the State of New York enacted sweeping criminal justice reforms including the elimination of cash bail for many specific enumerated crimes and . the imposition of stringent discovery mandates on police and prosecutors; and

WHEREAS, under bail reform, beginning January 1, 2020, judges will be stripped of their discretion to set bail for many specific enumerated crimes, which means those suspected of committing these crimes can no longer be held in jail after their arrest, regardless of the strength of the case against these defendants, or the length of the potential sentence faced by these

defendants, or the extent of the harm allegedly caused by these defendants, and instead these defendants will be released back into the general public; and

WHEREAS, these crimes include those that result in the deaths of innocent people, including several subcategories of homicide and manslaughter, resulting in those responsible for these deaths being released back into the community of grieving families; and

WHEREAS, these crimes include Making a Terroristic Threat and Money Laundering in Support of Terrorism in the Third and Fourth degree, resulting in those alleged to have supported terrorism in this manner, or who have threatened to commit acts of terrorism, being released immediately from police custody; and

WHEREAS, these crimes include Promoting an Obscene Sexual Performance by a Child; Possessing an Obscene Sexual Performance by a Child; Failure to Register as a Sex Offender; and Patronizing a Person for Prostitution in a School Zone, resulting in suspected child predators being released and returning into our community; and

WHEREAS, these crimes include Aggravated Assault Upon a Person Less than Eleven Years Old; Reckless Assault of a Child by a Daycare Provider; Criminal Sale of a Controlled Substance to a Child; Abandonment of a Child; and Criminal Possession of a Weapon on School Grounds, resulting in those suspected to have physically harmed or endangered children in this manner being free from custody; and

WHEREAS, these crimes include Endangering the Welfare of a Vulnerable Elderly Person or an Incompetent or Physically Disabled Person, resulting in the potential for further endangerment of seniors and these defenseless individuals; and

WHEREAS, these crimes include Aggravated Cruelty to Animals; Torturing Animals and Injuring Animals, resulting in the immediate release of those suspected of deliberately injuring, torturing and killing animals; and

WHEREAS, these crimes include Assault in the Third Degree, Aggravated Vehicular Assault, and other crimes of physical violence against people; and

WHEREAS, these crimes include Burglary of a Residence, resulting in the immediate release of these individuals back into the neighborhoods they are suspected of targeting; and

WHEREAS, these crimes include Bail Jumping and Unlawfully Fleeing a Police Officer in a Motor Vehicle, resulting in release on recognizance of the very individuals who have demonstrated a propensity to evade the law; and

WHEREAS, all of the offenders mentioned heretofore are at risk of not showing up for court, thereby placing a burden on public employees who, under this law, are required to send multiple court appearance reminders to these offenders, as well as police officers and District Attorneys who must commit resources to tracking and pursuing those who evade prosecution; and

WHEREAS, all offenders who are currently being held in custody for non-qualifying crimes including those mentioned heretofore will be eligible for release from custody on January 1, 2020; and

WHEREAS, the discovery mandates imposed by the State of New York will require police and District Attorneys, beginning January 1, 2020, to turn over voluminous trial-related materials to defense attorneys within 15 days, creating a mandate that will inevitably not be achieved in some cases and may result in the inability of the People to properly prosecute cases against criminal defendants; and

WHEREAS, discovery reform will also result in an opportunity for defendants to gain access to crime scenes that may include a victim's residence, thereby giving defendants accused of

burglaries, assaults, rapes and other crimes committed in victims' homes the right to return to those same homes; and

WHEREAS, the issues mentioned heretofore will undeniably impact past, present and future victims of crime in a negative manner, and in so doing, the bail and discovery reforms adopted by the State of New York will themselves further victimize these innocent individuals; and

WHEREAS, these bail and discovery laws, in their current form, represent a clear and present danger to society, will tilt the scales of justice in favor of suspected criminals and away from innocent crime victims, and risk reversing decades of bipartisan progress made by the State of New York in reducing crime; and

WHEREAS, the fundamental responsibility of governments to protect the vulnerable in society demands that the shortcomings of these laws be remedied prior to their effective date of January 1, 2020.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Alden hereby supports legislation (S.6853) introduced by Senator Chris Jacobs and implores the State of New York to immediately amend or otherwise delay implementation of these laws by convening an emergency session of the State Legislature, or by emergency executive authority, or by any other means deemed possible by the State, and to do so before December 31, 2019; and

BE IT FURTHER RESOLVED, that the Alden Town Board asks all counties in New York State to urge their state representatives to take immediate action on the foregoing issues, and

BE IT FURTHER RESOLVED, that copies of this resolution be provided to Attorney General Letitia James, Governor Andrew Cuomo, Lieutenant Governor Kathy Hochul, Senator Charles Schumer, Senator Kirsten Gillibrand, the New York State Association of Counties, the New York State Sheriffs' Association, the New York State Association of Chiefs of Police, the District Attorneys Association of New York, the New York State Defenders Association, the New York State Probation Officers Association, the New York Council of Probation Administrators, the Association of Justices of the Supreme Court of the State of New York, the New York State Association of City Court Judges, the County Judges Association of the State of New York, and the County Attorneys' Association of the State of New York.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on January 21, 2020, as follows:

**CARRIED.**

Ayes 3 Adamski, Pautler & Weiss

Nays 0

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

WHEREAS, the Town Board desires to retain special counsel to represent the Town of Alden in tax assessment challenge filed against the Town;

WHEREAS, hiring an attorney falls under the professional service exemption of the Town of Alden's Procurement Policy & Procedure Guidelines and the General Municipal Law;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. Joel Kurtzhalts, Esq. is hereby hired as Special Counsel to the Town of Alden to represent the Town of Alden in its defense of tax assessment challenges; and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on January 21, 2020, as follows:

**CARRIED.**

Ayes 3 Adamski, Pautler & Waiss

Nays 0

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

WHEREAS, the current STAR real property tax savings may be less than the amount of the STAR real property tax savings from the prior year and has no floor value, and

WHEREAS, the New State Legislature is considering legislation amending Subparagraph (i) of Paragraph (a) of Subdivision 2 of Section 1306-a of the Real Property Tax Law, as amended by Section I of Part LL of Chapter 59 of the Laws of 2019 to add language in relation to providing that the amount of a STAR real property tax savings may not be less than the amount of the STAR real property tax saving from the previous year, which will create a floor the STAR program, and

WHEREAS, the establishment of such legislation would create a floor that protects low income individuals and those on fixed incomes to ensure they receive, at a minimum, the same Star real property tax savings in the following year, and

WHEREAS, the New York State Assessor's Association supports this Bill,

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Alden that:

1. The Real Property Tax Law be amended to provide that the amount of a STAR real property tax savings not be less than the amount of the STAR real property tax savings from the prior year and hereby supports the New York State Bill;
2. he Town Clerk is hereby authorized to forward a copy of said resolution to the following persons: Governor Andrew Cuomo; Assemblyman Norris; and Senator Gallivan; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on January 21, 2020, as follows:

**CARRIED.**

Ayes 3 Adamski, Pautler & Waiss

Nays 0

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

WHEREAS, the Alden Town Board has received a request from the Highway Superintendent to purchase a new snowplow blade system off the Erie County Bid List;

WHEREAS, the Town's Procurement Policy & Procedure Guidelines ("Guidelines") and General Municipal Law state that the Town must prepare a request for proposal and then obtain written quotes, except when the purchase is made from the Erie County Bid List;

WHEREAS, Rusert Equipment LLC is on the Erie County Bid List (Contract Number: 219195-004) and offers the needed blade system;

WHEREAS, said Procurement Policy & Procedure Guidelines and General Municipal Law have been followed by purchasing from the Erie County Bid List; and

WHEREAS, the Town Board after full and careful review and consideration finds that it is in the public interest to authorize the purchase of the blade system.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of a 132" Polar Flex Plow Blade System, with hardware from Rusert Equipment LLC, to be delivered to the Town of Alden (delivery is free) at a total cost of \$2,280.00;
2. The Highway Superintendent of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on January 21, 2020, as follows:

**CARRIED.**

Ayes 3 Adamski, Pautler & Waiss

Nays 0

Supervisor Adamski Motioned and Councilwoman Pautler Seconded the Motion to table item E; Resolution to increase cost of e-cycling for TV.

The foregoing Motion was duly put to a roll call vote at a regular meeting on January 21, 2020, 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 Highway Superintendent has advised the Town Board that the Highway Department needs to purchase various equipment to outfit its newly purchased 2019 Ford F-150 4 x 4 Supercab truck would like to purchase this equipment pursuant to Contract #8996 Onondaga Piggyback Contract from Tenco Industries, Inc.;

WHEREAS, the Town of Alden's Procurement Policy & Procedure Guidelines and the General Municipal Law have been followed through purchase from the piggyback contract;

WHEREAS, The Town Board after full and careful review and consideration finds the request to purchase equipment to outfit the 2019 Ford F-150 4 x 4 Supercab truck as being consistent with its policies and in the interest of the residents of the Town of Alden.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of the various equipment to outfit the 2019 Ford F-150 4 x 4 Supercab truck, pursuant to the specifications dated March 25, 2019 at a cost of \$105,963.18 from Tenco Industries, Inc.;

2. That the Highway Superintendant of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase; and

3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on January 21, 2020, as follows:

**CARRIED.**

Ayes 3 Adamski, Pautler & Waiss  
Nays 0

Councilwoman Pautler Motioned and Supervisor Adamski Seconded the Motion to rescind the 01/07/2020 Motion appointing persons and setting payment for 2020 daily testing, monitoring and maintenance of SD2 is rescinded effective immediately.

The foregoing Motion was duly put to a roll call vote at a regular meeting on January 21, 2020, as follows:

**CARRIED.**

Ayes 3 Adamski, Pautler & Waiss  
Nays 0

Supervisor Adamski Motioned and Councilwoman Pautler Seconded the Motion to appoint Chris Snyder at an annual stipend of \$4,000.00 plus \$2,000.00 prorated from 01/21/2020 until 12/31/2020 for 2020 daily testing , monitoring and maintenance of SD2 and Scott Dryer will received \$30.00 per day for weekend/holiday testing.

The foregoing Motion was duly put to a roll call vote at a regular meeting on January 21, 2020, as follows:

**CARRIED.**

Ayes 3 Adamski, Pautler & Waiss  
Nays 0

**REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL**

Alecia Barrett, Town Clerk – County Tax collection is underway.

Jennifer Strong, Town Attorney – has a list of items to add to the next Work Session as well as several drafted policies for review.

Bill Rogers, Highway Superintendent – Finishing training this week. Weather pending will start ditching and draining in the park on Monday.

Mike Metzger, Town Engineer – SD2 outstanding matter with the contractor is being resolved.

Chris Snyder, CEO – Will be out of the Office next week Mon. – Wed. for training.

**NOTICE OF MEETINGS**

<b>NEXT WORK SESSION:</b>	<b>January 28, 2020</b>	<b>@7:00 PM</b>
<b>REGULAR BOARD MEETING</b>	<b>February 4, 2020</b>	<b>@7:00 PM</b>

**MEMORIAL REMEMBRANCE** - Vernon Krisher

**ADJOURNMENT**

At 7:15 P.M. Supervisor Adamski adjourned the Meeting.

Alecia Barrett  
Town Clerk