

MEETING NO. 24
REGULAR NO. 24

REGULAR TOWN BOARD MEETING
TOWN OF ALDEN

December 15, 2020
7:00 P.M.

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road, Alden, NY on Tuesday, December 15, 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: Bill Rogers, Highway Superintendent
Jennifer Strong, Town Attorney
Colleen Rogers, Deputy Town Supervisor
Chris Snyder, Code Enforcement Officer
Mike Metzger, Town Engineer
Len Weglarski, DCO
Residents

Councilwoman Pautler Moved and Councilwoman Waiss seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of December 1, 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 #931 - 977 **ALL BILLS REVIEWED BY THE TOWN BOARD.**

<u>ACCOUNT</u>	<u>AMOUNT</u>		
	ABSTRACT #1	ABSTRACT #2	TOTAL
GENERAL FUND "A"	\$18,633.48		\$18,633.48
HIGHWAY FUND "DA/DB"	\$1,536.09		\$1,536.09
PART-TOWN FUND "B"	\$3,457.06		\$3,457.06
SPECIAL FIRE PROTECTION "SF"			
SEWER DIST. #2 FUND "SA"	\$335.15		\$335.15
TRUST & AGENCY "T"	\$7,410.53		\$7,410.53
SPECIAL REFUSE FUND "SR"	\$39,780.92		\$39,780.92
STREET LIGHTING FUND "SL"	\$3,852.77		\$3,852.77
PERIWINKLE LTG. DIST."SL1"	\$64.37		\$64.37
ZOELLER RD WATER DIST "WZ"			
TOTAL	\$81,108.94		\$81,108.94

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON DECEMBER 15, 2020 AND

ADOPTED

Ayes 3 Adamski, Pautler & Weiss

Nays 0

BUSINESS FROM THE FLOOR

Laura Loehr, 13369 Henskee Road – read the following statement:

For Town Board, December 15, 2020

Laura Loehr, 13369 Henskee Rd. in Alden. You don't need to take notes, as I will provide you copies of my prepared remarks when I'm finished speaking. I have 3 points about communication to address.

After I called Town Hall last Friday to ask to attend tonight's meeting, Mr. Adamski, you called me from your place of business. After several minutes, you said you had no more time to talk with me, since you were trying to run a business and had customers in front of you.

You didn't seem to hear me then, so I'll try again to explain what my first issue is. Your Deputy Supervisor had said to me that there were new developments since the article in the Alden Advertiser of Dec. 10, 2020 was printed, and that there was wrong information in the article. So be it. My immediate concern is about how the Town is communicating about very important information needed by us Town residents.

First of all, in the Alden Advertiser article of December 10, 2020, it was stated, "In a statement shared to the Town of Alden's Facebook page,....." I said to you on the phone that I am one of the people who does not have a Facebook account, for personal reasons. Every year, the Alden Advertiser has been designated as the official newspaper for the Town Board. This is good, when legal notices, minutes, etc. are posted, to keep Town residents apprised of your activities on our behalf. But it is a weekly newspaper, and in this case, came out 9 days after the December 1 meeting of the Board. I had been curious about developments since attending the November 17 meeting along with my husband and around 100 other residents and fire department members. I eventually read that the motion to put into effect the proposed 3-fire district contracts was tabled on November 19—but again, it took a while to get that news. It was a surprise to read on December 10 that that very same 3-fire district plan which had been tabled was to be put into place anyway, despite all the input from many of the people at the November 17 meeting. There was a suspicion raised then that you really did intend to put into place a plan which virtually everyone there clearly thought was a very bad idea. And that's exactly what was reported in the Alden Advertiser on December 10.

In the meantime, I had been looking at the Town's website, which is provided through erie.gov. There are certainly Town Board minutes listed there (one has to know where to look, because there is no link to them on the home page). The minutes of the December 1 meeting weren't posted there on December 10, as they hadn't been approved by the Board yet. Mr. Adamski, you said on the phone that you posted something on the Alden Supervisor's Facebook page because that was the fastest way to get the news out. Not for people who don't use Facebook, it isn't! Why was this same information not posted on the home page of the Town's website? Isn't that the actual official place to disseminate information about Town government? I know that it's an easy thing to do by an authorized person—just as easy and just as fast as posting something on Facebook. AND, a resident of the Town does not have to have an account to access the information on the Town website.

Mr. Adamski, you stated to me on the phone that you would need to be constantly changing the information on the Town web page, as things have been developing quickly in the past few weeks. The same thing applies to Facebook, so why not put it in an official place? I pointed out

that you don't have to give details, just short statements that things have changed since the November 19 special meeting, and that nothing is settled yet, as of a certain date.

Again, to my knowledge Facebook has never been designated as an official means of communication for Town business. Many Town residents want to know what you do about such important matters as this, in a timely way. Use the official means, not social media.

Secondly, in the Alden Advertiser December 10 article, the Village Mayor said that since the November 17 meeting the village had not received any communication from the Town about renegotiating the contract to include the Village of Alden Fire Department. I was curious about that, so I called the mayor himself to verify this. As a civic-minded Town resident, I believe in checking a variety of sources of information. I told him I didn't need details, just general information. Mr. Casell affirmed to me what your Deputy Superintendent told me, that there have been developments since November 17 and December 1 which are not reflected in the Alden Advertiser article, and to expect changes to what is stated in the article. He told me of Mr. Adamski's reaching out to him by email after the meeting of November 17, and then again recently, proposing inclusion of the Alden Fire Department, but with major cuts to the funding of the Village Fire Department, in comparison to the 3 other fire departments. It would have been good to be assured that Town and Village governments were indeed communicating. Let us know that.

Thirdly, I will not repeat the many objections which were brought up by fellow Town residents at the November 17 Town Board meeting at which all of you took notes. Those objections and remarks remain very relevant. (However, I know now, after speaking with my insurance agent, approximately how much our homeowners' policy will increase if the 3-fire district plan is put in place, and it is more than what a tax increase would be to fund 4 fire districts.) But I would like to know how much of the "negotiations" have included your two fellow Council Members and the extra attorney hired by the Board to handle these fire department contracts, or if you, Mr. Adamski, have been the sole negotiator for the Town of Alden. After all, having just three Council members and a lawyer who is in addition to our Town's lawyer, to make decisions for the thousands of residents of this Town, is difficult enough as it is. But if only one of those four people is involved in so-called "negotiations", I find that quite alarming, undemocratic and irresponsible. Mr. Casell told me that his email communications with you have copies to other people in the Village who are pertinent to this discussion, but that your emails to him have no one else included in copies. So that makes me wonder how much the other two members of the Town Board knew about what was being negotiated.

I thank you all for listening to me, and look forward to your responses to my remarks, if any. Good communication with Town residents, with Village officials, and within the Town Board are extremely important to me as a Town of Alden resident, taxpayer, and voter.

In response to Mrs. Loehr's statement Supervisor Adamski responded stating the Town is still in negotiations with the fire companies in order to provide the best fire protection to the residents. He also acknowledged the concerns over residents who do not utilize social media or internet as a way to receive information.

COMMUNICATIONS

Town Attorney Jennifer Strong

1. Received signed Sullivan Rd. maintenance agreement

Supervisor Adamski

1. Reappointment request from Nicole Bognar as Assistant Assessor
2. Reappointment request from Susan Schumacher as Clerk to Building Inspector and ZBA
3. Reappointment request from Joanna Eisensmith as Deputy Town Clerk
4. Reappointment request from Robert Olsen as Deputy Dog Control Officer

NEW BUSINESS

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

WHEREAS, the Town of Alden Fire Protection District is a political subdivision of the State of New York pursuant to NYS Town Law section 175(7) and is the sponsor of the length of service award program ("LOSAP") pursuant to Article 11-A of the General Municipal Law, and

WHEREAS, a state disaster emergency as defined in Executive Law section 20 was declared by the Governor of the State of New York on March 7, 2020, and

WHEREAS, pursuant to General Municipal Law section 217(p) established by Chapter 113 of the laws of 2020 and effective June 17, 2020 whereby an active volunteer firefighter service award program may provide for the crediting of up to five additional points per month, prorated for periods of less than one month, to each active volunteer firefighter for each month that special emergency response rules were in place restricting firefighter responses to emergency responses and/or restricting the holding of activities for which points could be earned due to guidelines related to the state disaster emergency, and

WHEREAS, pursuant to such amendment of the NYS General Municipal Law ("GML") the Town Board, upon electing to provide the additional points authorized under GML section 217(p), shall adopt a resolution by April 30, 2021 determining the number of additional points to be credited per month, provided that any additional points credited pursuant to GML section 217(p) shall be in addition to any other points earned pursuant to GML section 217 during the state disaster emergency.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town of Alden Fire Protection District does hereby elect to provide an additional five (5) points credited per month for every active volunteer firefighter under the jurisdiction of the Fire Protection District pursuant to this Resolution and the provisions of GML section 217(p) and otherwise provided by law, and
2. Such additional points shall be credited beginning March 7, 2020 and prorated for the month of March in the amount of four (4) points, that being 77% of March 2020 remaining from March 7 through March 31, 2020, and
3. Such additional points shall be credited in the full amount of five (5) points for the months of April, May and June 2020 and any full months, and prorated for any partial months, thereafter until such time the state disaster emergency special emergency response rules in place restricting firefighter responses to emergency responses and/or restricting the holding of

activities for which points could be earned due to guidelines related to the state disaster emergency are ended and the further Resolution of the Town Board, and

4. Any additional points credited pursuant to GML section 217(p) and this Resolution shall be in addition to any other points earned pursuant to GML section 217 during the state disaster emergency commencing on March 7, 2020, and
5. This Resolution shall remain in effect until further Resolution and determination by the Town Board as provided in GML section 217(p) and as otherwise provided by law, and
6. The Town Clerk is directed to provide a copy of this Resolution to the named Plan Administrators for filing with the Plans, and said Administrators will be responsible for posting same in the respective fire stations and make copies available for all active volunteer members.
7. This Resolution shall take effect immediately.

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

CARRIED.

Ayes 3 Adamski, Pautler & Weiss

Nays 0

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

ORDERED, that the that was to be held on at 7:05 p.m. on the 15th day of December, 2020, for the purpose of hearing all persons interested in the proposed Local Law No. 4 of the Year 2020 entitled "Rezoning of Real Property on Broadway at Two Rod Road" is hereby cancelled due to the fact that the Notice was not published; and

ORDERED, that a hearing before the Alden Town Board shall be held at the Alden Town Hall, 3311 Wende Road, Alden, New York at 7:05 p.m. on the 5th day of January, 2021, for the purpose of hearing all persons interested in the proposed Local Law No. 4 of the Year 2020 entitled "Rezoning of Real Property on Broadway at Two Rod Road"; and

BE, IT FURTHER

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Alden Advertiser, designated by the Town as its official newspaper for this publication, such publication to be not less than ten days before the date of the public hearing; (b) post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; and (c) notify by mail all parties of interest pursuant to the General Municipal Law and the Town Law of the Public Hearing, not less than ten days before the date of the Public Hearing; and

BE, IT FURTHER

ORDERED, that the Town Clerk is to make copies of the proposed Local Law No. 4 of the Year 2020 entitled "Rezoning of Real Property on Broadway at Two Rod Road", available at her office for inspection and distribution to any interested person during business hours.

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

CARRIED.

Ayes 3 Adamski, Pautler & Weiss

Nays 0

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

WHEREAS, the Alden Town Board on November 4, 2019 adopted its 2020 Budget;

WHEREAS, the Town of Alden requests authorization to create budget account codes A. 6772.0438 and A.6772.0438.1000 for the purpose of recording and disbursing funds deemed necessary relating to the match for the 2020 Senior Center Roofing Project at the Alden Community Center and;

WHEREAS, an authorization is also requested to increase appropriations and expenditures in the amount of \$19,182 to the newly created budget codes and;

WHEREAS, the Town needs to transfer monies to allow for the payment of items as outlined below and;

WHEREAS, these budget transfers will not render the Town of Alden insolvent.

The Alden Board hereby authorizes the following transfers totaling \$ 19,182.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

This resolution shall take effect immediately.

From (Budget Code)	Amount	To (Budget Code)	General Explanation	Amount
A.1990.0400	\$12,700	A.6772.0438.1000	Engineering Fees	\$12,700
A.1990.0400	\$ 6,482	A.6772.0438.0000	Additional Expenses	\$ 6,482
	\$19,192			\$19,182

The above resolution was duly put to a roll call vote at a regular meeting on December 15, 2020, the results of which were 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 Alden Town Board on November 4th, 2019 adopted it's 2020 budget				
WHEREAS, the Town of Alden needs to transfer money to a s item's outlined below outlined below; and;				
WHEREAS , these budget transfers will not render the Town of Alden insolvent;				
NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:				
The Alden Town Board hereby authorizes the following transfers:				
From (Budget Code)	Amount	To (Budget Code)	General Explanation	Amount
A.1990.0400	\$4,372.25	A.1610.0200	EQUIP./ COVERED BY CARESACT	\$4,372.25
A.1935.0400	\$1,247.30	A.1930.0400	CONTRACTUAL	\$1,247.30
A.1220.0104	\$3,666.70	A.1220.0103	PAYROLL	\$3,666.70
A.9060.0800	\$2,565.34	A.9050.0800	INSURANCE	\$2,565.34
A.7140.0100	\$6,500.00	A.7110.0438	CONTRACTUAL	\$6,500.00
			TOTAL	\$18,351.59
The Resolution shall take effect immediately.				

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

CARRIED.

Ayes 3 Adamski, Pautler & Waiss
Nays 0

*****POLLED AND ADDED WITH NO OBJECTIONS*****

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

WHEREAS, the Alden Town Board has received a request from the Highway Superintendent insulate the Highway Buildings with spray foam the estimated cost of this public works project is less than \$10,000.00 but greater than \$2,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines (“Guidelines”) of the Town of Alden state that the Town must obtain written quotes from at least three (3) vendors;

WHEREAS, requests for written quotes were made to three (3) vendors and quotes were received as follows:

the highest quote is from Draft Busters at \$8,000.00;

the second highest quote is from Angelo's Southertier Spray Foam at \$7,776.00; and

the lowest quote is from LP Choate LLC at \$6,500.00;

WHEREAS, LP Choate LLC is the lowest responsible bidder.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the hiring of LP Choate LLC to insulate with spray foam the Highway Buildings, as per the attached quote, at a total cost of \$6,500.00;

2. LP Choate LLC must pay NYS Prevailing wages and submit all necessary documentation to the Department of Labor; must supply proof of NYS Worker's Compensation Insurance and General Liability Insurance naming the Town of Alden as an additional insured prior to commencing any work;
3. The Highway Superintendent of the Town of Alden is authorized to sign any and all necessary documents to effectuate this project; and
4. 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 December 15, 2020, which resulted as follows:

CARRIED.

Ayes 3 Adamski, Pautler & Weiss

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 and the Millgrove

Volunteer Fire Department, Inc., and the Crittenden Volunteer Fire Department, Inc.; and the Town Line Volunteer Fire Department Inc. have over a period of months have had lengthy and protracted discussions concerning altering said boundaries as established in a 1977 Boundary Agreement;

WHEREAS, Negotiations have continued since December 1, 2020 and have also included the Village of Alden;

WHEREAS, the Alden Town Board has the authority to establish Fire Protection District Boundaries; and

WHEREAS, the following boundaries, as shown on the attached map, shall designate the area in which each Volunteer Fire Company shall be responsible to respond on a first call basis.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. That the December 1, 2020 approval of the Boundary Line Agreement is hereby rescinded in favor of continuing with the 1977 Boundary Agreement between the Town; the Town Line Volunteer Fire Department, Inc.; Crittenden Volunteer Fire Department, Inc.; the Millgrove Volunteer Fire Department, Inc.; and the Village of Alden; a copy of which is on file in the office of the Town Clerk, on the terms and conditions contained therein; and

2. 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 December 15, 2020, which resulted as follows:

CARRIED.

Ayes 3 Adamski, Pautler & Weiss

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 having on the 17th day of November, 2020 commencing at 7:05 P.M. duly held a public hearing for the purpose of considering new contracts for the years 2021-2022 with the Town Line Volunteer Fire Department, Inc.; Crittenden Volunteer Fire Department, Inc.; and the Millgrove Volunteer Fire Department, Inc.; each of which said contracts shall be for fire protection to "Town of Alden Fire Protection District," and having heard all persons desiring to be heard in the matter and the matter of said contracts for such fiscal years having been fully discussed and considered;

WHEREAS, the Town approved Fire Protection Agreements on December 1, 2020; but since that date further negotiations have continued among the Town; Town Line Volunteer Fire Department, Inc.; Crittenden Volunteer Fire Department, Inc.; the Millgrove Volunteer Fire Department, Inc.; and the Village of Alden and a one year extension of the current Agreement has been agreed upon.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS, THAT:

1. The Town Board rescinds its December 1, 2020 approval of the Agreements with Town Line Volunteer Fire Department, Inc.; Crittenden Volunteer Fire Department, Inc.; and the Millgrove Volunteer Fire Department, Inc.;
2. The Town Supervisor be and hereby is authorized to execute Agreement extensions, copies of which are on file in the office of the Town Clerk, on the terms and conditions contained therein, for the 2021 Year, subject to further amendment as allowed in said Agreements, with the Town Line Volunteer Fire Department, Inc.; Crittenden Volunteer Fire Department, Inc.; the Millgrove Volunteer Fire Department, Inc.; and the Village of Alden.
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 December 1, 2020, which resulted as follows:

CARRIED.

Ayes 3 Adamski, Pautler & Weiss
Nays 0

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Jennifer Strong , Town Attorney – redrafted procurement policy as discussed at last Work Session and distributed to Board members; further discussion at Work Session. Planning Board did write a battery storage law that was distributed to the Board members; further discussion at Work Session. Has been working with Colleen Rogers on the Re-Org packet for the next Board Meeting; further discussion at the Work Session

Colleen Rogers, Deputy Town Supervisor – has been working with Jennifer on Re-Org pack and Jennifer has done a really good job on cleaning it up.

Chris Snyder, CEO – contractor came in today regarding a project with large additions.

Len Weglarski, DCO – holding two Beagles that were picked up yesterday on North Rd near Countyline

Mike Metzger, Town Engineer – Senior Center Roof trying to schedule final inspection with the contractor. Pay application is in now where they are asking for payment for the majority of their work. Will work with Colleen on getting paperwork needed distributed. Would like to discuss Cayuga Creek Water District at the Work Session.

UNFINISHED AND TABLED BUSINESS

NOTICE OF MEETINGS

WORK SESSION:

December 22, 2020

@7:00 PM

REGULAR BOARD MEETING

January 5, 2021

@7:00 PM

MEMORIAL REMEMBRANCE - James A. George, Jr. and Lisa M. Braun-Hall

ADJOURNMENT

At 7:28 P.M. Supervisor Adamski adjourned the Meeting.

Alecia Barrett
Town Clerk