

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road, Alden, NY on Tuesday, May 18, 2021 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 Deputy Town Clerk.

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

RECORDING SECRETARY: Alecia Barrett, Alden Town Clerk

OTHERS PRESENT: Chris Snyder, Code Enforcement Officer  
Bill Rogers, Highway Superintendent  
Mike Metzger, Town Engineer  
Lenny Weglarski, DCO  
Colleen Rogers, Deputy Town Supervisor  
Residents

Councilwoman Pautler Moved and Councilwoman Waiss seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of May 4, 2021

**CARRIED**

Ayes 3 Adamski, Waiss & Pautler  
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 #375 - 420 **ALL BILLS REVIEWED BY THE TOWN BOARD.**

<u>ACCOUNT</u>	<u>AMOUNT</u>		
	ABSTRACT #1	ABSTRACT #2	TOTAL
GENERAL FUND "A"	\$81,236.64		\$81,236.64
HIGHWAY FUND "DA/DB"	\$5,202.10		\$5,202.10
PART-TOWN FUND "B"	\$2,909.92		\$2,909.92
SPECIAL FIRE PROTECTION "SF"	\$42,647.90		\$42,647.90
WATER DIST. #1 FUND "WA"			
SEWER DIST. #1 FUND "SI"			
SEWER DIST. #2 FUND "SA"	\$4,165.78		\$4,165.78
TRUST & AGENCY "T"	\$9,912.31		\$9,912.31
SPECIAL REFUSE FUND "SR"	\$40,449.16		\$40,449.16
STREET LIGHTING FUND "SL"	\$3,704.29		\$3,704.29
PERIWINKLE LTG. DIST."SL1"	\$53.43		\$53.43
WATER DIST.NEWSTEAD "WO"			
<b>TOTAL</b>	<b>\$190,281.53</b>		<b>\$190,281.53</b>

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON MAY 18, 2021 AND

ADOPTED

Ayes 3 Adamski, Waiss & Pautler

Nays 0

**BUSINESS FROM THE FLOOR**

Leeza Brown, 1599 Lindan – announced moving forward with concerts in the park. Requested Board’s input on a new location that offer’s more space.

Dave Kocher, 1740 Meadow – asking the Board to consider the return to a full five (5) person Board. Believes returning to the larger Board is beneficial for the Community. Noted we are the last remaining town with the downsized Board. More Board members would share in the responsibilities; there are a lot of committees assigned to each Board member. Larger Board could accomplish more than what’s assigned through committees. In order for the additional seats to be on the ballot in November 2021, all required documents must be filed with the Board of Elections by the end of July. Meeting this deadline would allow (if passed) the two (2) seats to be filled in the follow November’s election. Not meeting the July 2021 deadline would mean the seats could not be filled (if passed) for more than two (2) years. Hopes this is a starting point toward meeting the July 2021 deadline as feedback from the Community is in favor of the increased Board.

- Supervisor Adamski added that he is in favor of an increased Board, however, it had been shot down twice in the past. The Board would want some public input, maybe through a public hearing. Would be beneficial to work up some numbers. Believes if we are going in that direction it would be more efficient to combine services; there are two (2) Courts. We are a Town of just 10k people and we have two (2) Courts. How many other Towns of our size have that? Combining services could be a cost savings. A public hearing could be held to get input on combining services.

Mr. Kocher added that as an active member of the community he was not aware the increased number of Board members was ever put to a vote. He believes the information was not fully given to the people.

- Deputy Supervisor Rogers added the votes were a while ago. The first time it was lost narrowly, the second time it was a considerable loss. Believes the problem was, there wasn’t enough information out there for people to make an informed decision. Believes we are stronger in numbers and that there is not enough representation. People need to be educated so they can make an informed decision. Believes if we all sat down at the table there could be combination of services to eliminate redundancies.

Mr. Kocher expressed urgency in coordinating a public hearing to get information out to the public. Position tonight is to start the conversation and mark a starting point; will add to the Work Session for further discussion.

**COMMUNICATIONS**

**Alecia Barrett, Town Clerk**

1. ACTS requesting use of the band shell; will add to Work Session for further discussion

**NEW BUSINESS**

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

Motion to approve the request of Alden Men's Softball to use the Robert O. Smith Park for the 2021 Season for games:

at 6.30 and 8.30 pm on: May 20; May 27; June 3, June 10 and June 17 at 5pm

and for games at 6:30, 6.45; 8 and 9.15 pm on June 24, July 1; July 8; July 15; July 22; July 29; August 12; August 19| August 26 and September 2

and on August 5 for make-up games.

All players must sign Waivers, to be filed with the Town Clerk, prior to participating in any games.

Alcohol consumption is not allowed in the Town Park.

Alden Men's Softball is responsible for complying all State and Federal Rules and Regulations regarding the CoVid-19 Pandemic.

Alden Men's Softball 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 May 18, 2021, which resulted as follows:

**CARRIED.**

Ayes 3 Adamski, Waiss & Paulter

Nays 0

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

WHEREAS, the Town Board of the Town of Alden has been made aware of the traffic safety concerns of its residents with respect to the intersection of Genesee Street and North Millgrove Road in the Town of Alden, and

WHEREAS, Genesee Street is a State Highway and North Millgrove Road is a County Highway.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. the Town Board of the Town of Alden hereby formally requests that a traffic and safety study be conducted for this intersection
2. These studies are requested due to the development of new businesses , high speed traffic, the number of serious accidents at this intersection;
3. The Town Clerk shall send the appropriate paperwork and resolutions to the proper agencies for action on this said resolution.
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 May 18, 2021, which resulted as follows:

**CARRIED.**

Ayes 3 Adamski, Waiss & Paulter

Nays 0

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

WHEREAS, the Town of Alden is desirous of preserving the viability of agricultural operations in the Town of Alden;

WHEREAS, the Town of Alden is concerned that the formation of the Cayuga Creek Water District and the running of water lines throughout portions of the Town of Alden in the Cayuga Creek Water District that are currently in Lancaster-Alden Agricultural District No. 16 may increase development pressures and make it more difficult to preserve lands in agriculture;

WHEREAS, the Town of Alden has determined that in order to aid in the preservation of agriculture it is necessary to place restrictions on future development within the Agricultural District while satisfying the needs of the residents of the Town of Alden for good potable water;

WHEREAS, the Town Board has also been advised that individuals with certain medical conditions may be negatively impacted by the presence of certain minerals and naturally occurring components of well water;

WHEREAS, the Town of Alden, has adopted a Comprehensive Plan for the Town of Alden, which plan sets forth a blueprint for future development of the Town of Alden, which Comprehensive Plan must be taken into account by the Town of Alden in the adoption of a hardship exception policy;

WHEREAS, the Town Board has created a hardship application form which is on file in the Building Department of the Town for applicants to complete if they believe that they are entitled to a hardship exception to the lateral restriction policy; and

NOW THEREFORE, BE IT RESOLVED, BY THE TOWN BOARD OF THE TOWN OF ALDEN AS FOLLOWS:

1. That the Town of Alden does hereby adopt the following lateral restriction policy:
  - a. The only land and/or structures which will be allowed to connect to the proposed waterline within the Lancaster Alden Agricultural District No. 16 will be existing structures at the time of construction, future agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the filing of the Final Notice of Intent by the Town. Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval is needed to move forward with project plans. Any parcel currently designated as falling within the commercial zone, as identified in the Notice filing, may also receive water service.
  - b. If a significant hardship can be shown by an existing resident, the lateral restriction to the resident's property may be removed by the Town upon approval by the Town Board. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply and clearly demonstrate the need for public water service. The Town shall develop a hardship application to be filed with the Town.
  - c. If it can be demonstrated to the Town Board's satisfaction that the landowner requested the county to remove his or her land from the agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the Town if the Town Board determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district; and
2. The Town of Alden also adopts the hardship exception application form that has been prepared for the Town of Alden as the Official Hardship Exception Application Form and the following Hardship Exception Policy:
  - a. The Town of Alden has determined that among the factors that will be considered in evaluating a request for a hardship exception to the lateral restriction policy are:
    - i. Quality of water including presence of potentially harmful components, including but not limited to the presence of (see list attached as Appendix A)
    - ii. Whether the harmful components can be easily removed through a water treatment system.
    - iii. The costs of treating water.
    - iv. Limitations on the quantity of water and whether quantity can be improved by drilling deeper and the costs associated with such drilling deeper.
    - v. Health conditions of residents that are requesting hardship exception.
    - vi. The location of the property and where such location fits with respect to the Comprehensive Plan adopted by the Town. Property located in areas designated for low density development will be viewed less favorably.

- vii. Other economic issues including requirements of lending institutions that public water be connected, water treatment costs, well drilling costs and other costs that may be identified by applicants.
- viii. Such other factors as may be raised by applicants in their request.

b. An applicant that wishes to make a request for a hardship application may obtain an application from the Town Building Department, which shall provide such assistance as may be required for the applicant to understand the application.

c. Upon receipt of the application, such application shall be reviewed by the Building Department to determine whether it is complete. If it is not complete, it shall be returned to the applicant for completion.

d. Upon receipt of a completed application, the application shall be forwarded to the Town Board for their review. The Town Board shall thereupon review the application and evaluate it in light of the various criteria that the Town Board has determined to be relevant and the Town Board shall issue its determination which determination shall set forth the decision and the various factors that the Town Board relied upon to make such decision. Such decision shall be rendered within 45 days of receipt of a completed application.

e. An applicant that has been denied its request for a hardship exception, shall have the right to petition within 45 days of receipt of the decision of the Town Board to petition the Town Board for reconsideration of such request, which request may contain additional information that the applicant either failed to include in the application or did not set forth in sufficient detail. Upon receipt of a request for reconsideration, the Town Board shall render its decision within 45 days of receipt of such request for reconsideration.

f. An applicant that has been denied a hardship exception following a request for reconsideration, shall have the right to commence an Article 78 proceeding against the Town.

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 May 18, 2021, which resulted as follows:

**CARRIED.**

Ayes 3 Adamski, Waiss & Pautler

Nays 0

**LATERAL RESTRICTION POLICY  
HARDSHIP APPLICATION CAYUGA CREEK WATER DISTRICT**

***Applicant Portion of Form***

Date: \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_ SBL # \_\_\_\_\_

Number of Years at this home? \_\_\_\_\_

Are you in the Lancaster-Alden Agricultural District No. 16? (Circle One) Yes No

Is your property vacant or improved? \_\_\_\_\_ Date Constructed: \_\_\_\_\_

Does a well exist? (Circle one) Yes No

What type of problems do you or have with your well and/or do your neighbors have with their wells? \_\_\_\_\_

What type of information do you have documenting your well problems? (Receipts, reports, water quality testing etc) \_\_\_\_\_

Reasons to request assistance under the Hardship Application? (health, financial, water quality)

Signature of Applicant \_\_\_\_\_

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**Town of Alden Portion of Form**

Does the applicant live in a lateral restriction area? (Circle One)                      Yes                      No

**Reasons to accept or deny hardship applications**

**Accept** - (Circle one below)

Demonstrated sound financial hardship with supporting documentation (attached).

Demonstrated significant water quality hardships that limit the ability of the ground water to be used for potable water with supporting documentation (attached).

Demonstrated health related hardships that require water to be provided by public system with supporting documentation (attached).

Demonstrated a hardship not identified above. (Describe) \_\_\_\_\_

**Deny** - Applicant did not demonstrate a hardship or supply sufficient information to qualify under the hardship portion of the Lateral Restriction Policy.

Building Department Review: Date: \_\_\_\_\_                      Initials: \_\_\_\_\_

Town Board Review: Date: \_\_\_\_\_                      Initials: \_\_\_\_\_

Comments: \_\_\_\_\_

**REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL**

Dean Adamski, Town Supervisor – has 2 quotes from vendors to get alarm system & fire system working at Town Hall.

Colleen Rogers, Deputy Town Supervisor – submitted COVID plan to Erie County to re-start lunch program at the Community Center. Bernie Rotella will be at the next Work Session.

Len Weglarski, Dog Warden – dog bite the other day. Dog is being held.

**UNFINISHED AND TABLED BUSINESS**

**NOTICE OF MEETINGS**

<b>WORK SESSION:</b>	<b>May 25, 2021</b>	<b>@7:00 PM</b>
<b>REGULAR BOARD MEETING</b>	<b>June 1, 2021</b>	<b>@7:00 PM</b>

**MEMORIAL REMEMBRANCE** - Nancy Sievenpiper

**ADJOURNMENT**

At 7:29 P.M. Supervisor Adamski adjourned the Meeting.

Alecia Barrett  
Town Clerk