

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road, Alden, NY on Tuesday, July 20, 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 Town Clerk.

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

RECORDING SECRETARY: Alecia Barrett, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney  
Mike Metzger, Town Engineer  
Colleen Rogers, Deputy Town Supervisor  
Bill Rogers, Highway Superintendent  
Lenny Weglarski, DCO  
Residents

Councilwoman Pautler Moved and Councilwoman Waiss seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of July 6, 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 #582 - 658 **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>\$33,208.86</b>		<b>\$33,208.86</b>
<b>HIGHWAY FUND "DA/DB"</b>	<b>\$156,953.86</b>		<b>\$156,953.86</b>
<b>PART-TOWN FUND "B"</b>	<b>\$4,697.36</b>		<b>\$4,697.36</b>
<b>GRANT "G"</b>	<b>\$2,950.00</b>		<b>\$2,950.00</b>
<b>SPECIAL FIRE PROTECTION "SF"</b>	<b>\$41,697.90</b>		<b>\$41,697.90</b>
<b>WATER DIST. #1 FUND "WA"</b>			
<b>WATER DIST.EXCHANGE ST. "WX"</b>	<b>\$5,593.50</b>		<b>\$5,593.50</b>
<b>SEWER DIST. #2 FUND "SA"</b>	<b>\$133.25</b>		<b>\$133.25</b>
<b>TRUST &amp; AGENCY "T"</b>	<b>\$19,555.95</b>		<b>\$19,555.95</b>
<b>SPECIAL REFUSE FUND "SR"</b>	<b>\$38,790.27</b>		<b>\$38,790.27</b>
<b>STREET LIGHTING FUND "SL"</b>	<b>\$3,662.42</b>		<b>\$3,662.42</b>
<b>PERIWINKLE LTG. DIST."SL1"</b>	<b>\$48.0</b>		<b>\$48.00</b>
<b>ZOELLER RD. WATER DIST. "WZ"</b>	<b>\$4,237.50</b>		<b>\$4,237.50</b>
<b>TOTAL</b>	<b>\$308,578.87</b>		<b>\$308,578.87</b>

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON JULY 20, 2021 AND

ADOPTED

Ayes 3 Adamski, Waiss & Pautler

Nays 0

**BUSINESS FROM THE FLOOR**

Robert Wohlgemuth, 11849 Genesee – Gave history of the Integer property and voiced concerns over Integer rezone. Mr. Sorgi addressed the concerns raised by Mr. Wohlgemuth.

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7:05 Public Hearing – Stachura Chicken permit

Councilwoman Pautler motioned and Councilwoman Waiss seconded the motion to enter into Public Hearing; all were in favor.

Notice of Public Hearing was read by the Town Clerk

Supervisor Adamski stated the object of the Public Hearing is for those interested to be heard regarding the Julie Stachura’s application for a Special Use Permit to Harbor Chickens.

No comments heard

Councilwoman Pautler motioned and Councilwoman Waiss seconded the motion to return to regular meeting; all were in favor.

**COMMUNICATIONS**

**Alecia Barrett, Town Clerk**

- 1. Request from ACS to use athletic field at Town Park for soccer; previously distributed to Board
- 2. Letter from neighbor of Ms. Stachura; previously distributed to Board

**Jennifer Strong, Town Attorney**

- 1. Application for audit & control is through part 1 of the review for Cayuga Creek Water District

**NEW BUSINESS**

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

Motion to approve the request of the Alden Youth Baseball, Inc. to use Diamonds 1 and 2 at the Robert O. Smith Park for a baseball tournament on July 30, 2021 at 5pm and 7pm; July 31, 2021 at 9am, 11 am, 1 PM and 3PM; and on August 1, 2021 at 11am and 1.30 pm.

Alden Youth Baseball, Inc. has submitted its COVID Safety Plan and proof of insurance.

Alden Youth Baseball, Inc. is responsible for complying all State and Federal Rules and Regulations regarding the CoVid-19 Pandemic.

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on July 20, 2021, which resulted as follows:

**CARRIED.**

Ayes 3 Adamski, Waiss & Paulter  
Nays 0

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

Motion to allow Court Clerk Sarah Miller to attend the Court Clerk's conference on September 12-15, 2021 in Albany, New York at a cost not to exceed \$680.00.

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on July 20, 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 Alden Town Board is considering an application by Julie Stachura for a Special Use Permit to Harbor Chickens at her residence located at 3805 North Millgrove Road in the Town of Alden (further identified by SBL # 85.00-4-2); (the "Proposed Action");

WHEREAS, the Town Code Enforcement Officer has inspected the premises and has found the same in compliance with all requirements of the Alden Town Code;

WHEREAS, the notice of public hearing was mailed to the neighboring parcel owners and the public hearing was held on July 20, 2021, after due publication in the Alden Advertiser; and

WHEREAS, at said public hearing all persons appearing in favor of and against the proposed action were heard and all concerns have been addressed.

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

1. The Town Board hereby directs the Code Enforcement Officer to issue to Julie Stachura a Special Use Permit to Harbor Chickens limited to six (6) hen chickens for a period of one year; 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 July 20, 2021, which resulted as follows:

**CARRIED.**

Ayes 3 Adamski, Waiss & Pautler  
Nays 0

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

WHEREAS, the Alden Town Board is considering an application by Kenneth Fix for the subdivision of three (3) lots. The entire parcel currently consists of approximately 16.32 vacant acres at South Newstead Road, in the Town of Alden, further identified as SBL 86.00-4-2.11. The first proposed lot ("Parcel A") would be an approximately 5.21 acre parcel; the second proposed lot ("Parcel B") would also be an approximately 5.21 acre parcel; and the remaining parcel will then be approximately 6.0 acres (The "Proposed Action");

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA but that a coordinated review should be conducted;

WHEREAS, the Town Board believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to subdivision; the agency with the broadest governmental powers for investigating the impact of the Proposed Action; has the greatest capacity for providing the most thorough environmental assessment of the Proposed Action; and is the most local agent with permitting authority;

WHEREAS, the Town Building Inspector has provided notice to the Erie County Division of Planning for this Proposed Action, as required under Section 239-m of the General Municipal Law and will provide notice to the Erie County Health Department.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA.
2. The Town Board has determined that it should be the Lead Agency for all environmental review of the Proposed Action.
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 July 20, 2021, which resulted as follows:

**CARRIED.**

Ayes 3 Adamski, Waiss & Pautler

Nays 0

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

WHEREAS, the Town Highway Superintendent has advised the Town Board that the Parks Department needs to purchase a new John Deere 4052M Heavy Duty Compact Utility Tractor ("Tractor"); that will be purchased from the State Bid List (Contract # PG XN CG 22) from LandPro Equipment LLC (through Deere & Company);

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

WHEREAS, the Parks Department is in possession of a 2013 New Holland Boomer ("Boomer") (Number: 40-2103014576) that is not of any use to the Town and would like to declare the same as surplus, so that it may be traded in to assist with purchasing the Tractor;

WHEREAS, The Town Board after full and careful review and consideration of the request finds said request to purchase a new Tractor and to trade in the Boomer 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 hereby determines that the Boomer is not needed for Town purposes and is surplus property and should be traded in (at a value of \$13,500.00) towards the purchase of the Tractor;
2. The Town Board approves the purchase of the Tractor for \$39,448.08 minus \$13,500.00 for the Boomer trade-in making the total purchase price \$25,948.08 from LandPro Equipment LLC (through Deere & Company);
3. That the Highway Superintendant of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase and trade-in; 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 July 20, 2021, which resulted as follows:

**CARRIED.**

Ayes 3 Adamski, Waiss & Pautler

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 is considering an application, by RE Lorenz Construction (Rodney Lorenz) for site plan approval of a proposed 6,173 sq. ft. office/shop at 2313 Townline Road, in the Town of Alden, further identified by SBL # 107.00-1-26.1 (The "Proposed Action");

WHEREAS, the Town Board of the Town of Alden has determined that the Proposed Action is an Unlisted Action under SEQRA but has determined that it is in the public interest to conduct a coordinated review;

WHEREAS, the Town of Board of the Town of Alden believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to site plan approval; is the agency with the broadest governmental powers for investigating the impact of the Proposed Action; and has the greatest capacity for providing the most thorough environmental assessment of the Proposed Action; and is the most local agent with permitting authority; and

WHEREAS, the Town Building Inspector has provided notice to the Erie County Division of Planning, for this proposed site plan approval, as required under Section 239-m of the General Municipal Law and has given notice of Lead Agency to the involved agencies.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board has determined that the proposed site plan approval is an Unlisted

Action under SEQRA;

2. The Town Board has determined that it should be the Lead Agency for all environmental review of the site plan approval; and
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 July 20, 2021, which resulted as follows:

**CARRIED.**

Ayes 3 Adamski, Waiss & Pautler  
Nays 0

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

Motion to adopt, effective immediately, the attached EEO and Racial Equity Statement.

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on July 20, 2021, which resulted as follows:

**CARRIED.**

Ayes 3 Adamski, Waiss & Pautler  
Nays 0

## **Equal Employment Opportunity**

The Town of Alden is committed to equal employment opportunity. We will not discriminate against employees or applicants for employment on any legally-recognized basis [protected class] including, but not limited to: veteran status, uniform service member status or any other protected class under federal, state or local law.

In New York, the following are a protected class: age (18 and over), race, creed, color, national origin, sexual orientation, sex, disability, predisposing genetic characteristics, military status and marital status.

## **Racial Equity Statement**

The Town of Alden is committed to racial equality. Diversity, equity, and inclusion provide varied perspectives that lead to better solutions.

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 is considering adoption of Local Law # 2 of the Year 2021 entitled " Amendment to Zoning Law of the Town of Alden, New York and Zoning Map of the Town of Alden, New York to reclassify the Zoning Classification for a portion of real property commonly referred to as 11870 Walden Avenue (SBL No. 96.00-3-44.111) by removing a portion of said property from the R-2 Residential District and R-A Rural-

Agricultural District Zoning District and adding said portion of real property commonly referred

to as 11870 Walden Avenue (SBL No. 96.00-3-44.111) to the M-1 Manufacturing District with said portion of real property commonly referred to as 11870 Walden Avenue (SBL No. 96.00-3-44.111) to be reclassified and Zoning Map Amendment" and is considering an application for site plan approval to develop this property ("Proposed Action"); and

WHEREAS, the Town Board of the Town of Alden is duly qualified to act as lead agency with respect to compliance with SEQRA which requires environmental review of certain actions undertaken by local governments; and

WHEREAS, the proposed action appears to be an Unlisted Action pursuant to the Rules and Regulations of the State Environmental Quality Review Act and the Town of Alden by resolution adopted on February 18, 2020, determined that it was the most appropriate body to act as lead agency under SEQRA and duly notified all other involved agencies as required by law; and

WHEREAS, County Planning has also been notified as required under Section 239-m of the General Municipal Law as well as all entities required to be notified under Town Law Section 264; and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Alden, after considering the action proposed herein, in reviewing the Full Environmental Assessment Form (Parts I, II and III), reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the SEQRA Regulations and thoroughly analyzing the project with respect to potential environmental concerns, determines that the action will not have a significant effect on the environment; and be it further

RESOLVED, that the Town Board of the Town of Alden hereby finds that the Full Environmental Assessment Form is satisfactory and approved; and be it further

RESOLVED, that the Town Supervisor is hereby authorized to execute the Part III of the Full Environmental Assessment Form; and be it further

RESOLVED, that the annexed Negative Declaration is hereby approved and the Town Clerk is hereby authorized and directed to file the same in accordance with the provisions of the General Regulations of the Department of Environmental Conservation.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on July 20, 2021, which resulted as follows:

**CARRIED.**

Ayes 3 Adamski, Waiss & Pautler

Nays 0

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

WHEREAS, a Local Law No 2 of 2021 (formally known as Local Law No. 1 of the Year 2020) entitled "Amendment to Zoning Law of the Town of Alden, New York and Zoning Map of the Town of Alden, New York to reclassify the Zoning Classification for a portion of real property commonly referred to as 11870 Walden Avenue, (formerly known as 0 Walden Avenue) (SBL No. 96.00-3-44.111) by removing a portion of said property from the R-2 Residential District and R-A Rural- Agricultural District Zoning District and adding said portion of real property commonly referred to as 11870 Walden Avenue (SBL No. 96.00-3-44.111) to the M-1 Manufacturing District with said portion of real property commonly referred to as 11870 Walden Avenue (SBL No. 96.00-3-44.111) to be reclassified and Zoning Map Amendment" was introduced to the Alden Town Board for consideration and referred to the Planning Board by Supervisor Adamski on February 18, 2020,

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Alden Town Board, as Lead Agency, as solicited on February 18, 2020, that adoption of said proposed Local Law is an Unlisted Action and will not have a significant effect upon the environment and all responses from all involved agencies have been addressed;

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law on February 20, 2020, and

WHEREAS, the Erie County Division of Planning was notified in February 2020;

WHEREAS, the Town Planning Board on March 10, 2020 recommended approval of the Local Law;

WHEREAS, a resolution was duly adopted by the Alden Town Board calling a public hearing to be held by the Alden Town Board on January 19, 2021 at the Alden Town Hall, to hear all interested parties on a proposed Local Law,

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

WHEREAS, said public hearing was duly held on January 19, 2021 and all parties in favor of and opposed to the local law were heard,

WHEREAS, said Local Law will not have any adverse impact on the current land uses in this area; 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. 2 of the Year 2021, entitled "Amendment to Zoning Law of the Town of Alden, New York and Zoning Map of the Town of Alden, New York to reclassify the Zoning Classification for a portion of real property commonly referred to as 11870 Walden Avenue (SBL No. 96.00-3-44.111) by removing a portion of said property from the R-2 Residential District and R-A Rural-Agricultural District Zoning District and adding said portion of real property commonly referred to as 11870 Walden Avenue (SBL No. 96.00-3-44.111) to the M-1 Manufacturing District with said portion of real property commonly referred to as 11870 Walden Avenue (SBL No. 96.00-3-44.111) to be reclassified and Zoning Map Amendment"; 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, and
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 July 20, 2021, which resulted as follows:

**CARRIED.**

Ayes 3 Adamski, Waiss & Pautler

Nays 0

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

WHEREAS, the Town of Alden wishes to ensure the highest level of service and professionalism; and

WHEREAS, the Town continues to aggressively search for and secure funding assistance for the Town Court; and

WHEREAS, Justice Christopher Cummings identified a funding opportunity to upgrade the current meeting room bathroom to a handicap accessible bathroom and a new Alden Town Court sign to help the public properly locate the court; now therefore be it



RESOLVED, that the Town Board of the Town of Alden does hereby support and approve a grant request to the New York State Unified Court System Justice Assistance Program; and be it further

RESOLVED, that such request shall not exceed the maximum award of \$30,000.00

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 July 20, 2021, which resulted as follows:

**CARRIED.**

Ayes 3 Adamski, Waiss & Pautler

Nays 0

**REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL**

Colleen Rogers, Deputy Supervisor – budget packets have been handed out.

Chris Snyder, CEO – courts are back open. Several people who were issued violations have called in

Dean Adamski, Supervisor – will not be able to attend next Work Session, neither will Gina Waiss, rescheduling Work Session to 8/3 at 6pm.

**UNFINISHED AND TABLED BUSINESS**

**NOTICE OF MEETINGS**

**WORK SESSION:**

**August 3, 2021**

**@6:00 PM**

**REGULAR BOARD MEETING**

**August 3, 2021**

**@7:00 PM**

**MEMORIAL REMEMBRANCE** - Bernard Fix

**ADJOURNMENT**

At 7:55 P.M. Supervisor Adamski adjourned the Meeting.

Alecia Barrett  
Town Clerk