

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road, Alden, NY on Tuesday, September 7, 2021 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  
Gina Waiss, Councilwoman  
Colleen Pautler, Councilwoman

RECORDING SECRETARY: Alecia Barrett, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney  
Chris Snyder, CEO  
Mike Metzger, Town Engineer  
Mike Fleming, Planning Board  
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 August 2, 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 #776 - 819 **ALL BILLS REVIEWED BY THE TOWN BOARD.**

<u>ACCOUNT</u>	<u>AMOUNT</u>		
	ABSTRACT #1	ABSTRACT #2	TOTAL
GENERAL FUND "A"	\$12,500.07	\$10,507.00	\$23,007.07
HIGHWAY FUND "DA/DB"	\$53,564.32	\$2,455.77	\$56,020.09
PART-TOWN FUND "B"	\$3,897.16	\$3,648.24	\$7,545.40
CONSOLIDATED WATER "WR"	\$6,496.88		\$6,496.88
SPECIAL FIRE PROTECTION "SF"	\$41,697.90		\$41,697.90
WATER DIST. #1 FUND "WA"			
WATER DIST.EXCHANGE ST. "WX"			
SEWER DIST. #2 FUND "SA"	\$191.94		\$191.94
TRUST & AGENCY "T"	\$9,350.95	\$12,814.01	\$22,164.96
SPECIAL REFUSE FUND "SR"	\$39,004.19		\$39,004.19
STREET LIGHTING FUND "SL"	\$3,840.12		\$3,840.12
PERIWINKLE LTG. DIST."SL1"	\$56.05		\$56.05
ZOELLER RD. WATER DIST. "WZ"			
<b>TOTAL</b>	<b>\$170,599.58</b>	<b>\$30,334.98</b>	<b>\$200,934.56</b>

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON SEPTEMBER 7, 2021 AND

ADOPTED

Ayes 3 Adamski, Waiss & Pautler

Nays 0

**BUSINESS FROM THE FLOOR**

Dave Kocher, Meadow – Questioned the Board member’s support of the 5 member board? Each Board member stated they were in favor of the 5 person Board.

Judith Fleming, Main St. – Questioned why, if the Board is in favor of 5 person Board, none of the Board members presented this to the Alden residents? Supervisor Adamski stated other Town Supervisor’s advised the best way to do this was by resident petition and they didn’t feel there was enough time to educate the residents. Mrs. Fleming went on to add that Alden is the last Town in NY state that has gone through a downsize and has not returned to a full Board. Questioned potential signage at Eck residence for advertisement.

Melissa Goff, Lavender – Questioned why the Board members didn’t help educate the public as to the benefits of a 5 person Board since they were made aware in May of the interest of the restoration of the Board? Since being made aware of the interest in May why have none of the Board members put an ad in the Advertiser or used their Town Official Facebook pages to help educate the public? Councilwoman Waiss responded stating she does not use Facebook for political views, she maintains only a private Facebook page socially. She went on to add that the Towns the Board was speaking with were advising not to address the 5 person Board now as there isn’t enough time to educate residents properly. Ms. Goff went on the question then why if the Board was made aware by Mr. Kocher in May, did the Board not begin to educate the residents at that point? Councilwoman Waiss stated she had no way of knowing that the residents wanted this.

Robert Johnson, E. Laray – With regard to the Eck HOP , what happens next? He is in favor of Mr. Eck being granted his HOP.

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7:05 PUBLIC HEARING FOR Eck HOP; firearms sale at 1203 Greenfield

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 comment on the HOP application for Patrick Eck.

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

**COMMUNICATIONS**

**Colleen Pautler, Councilwoman**

1. Received letter from County with regard to changes that need to be made to senior programs & senior lunch program; add to Work Session for further discussion.
2. New recommendations by Governor regarding guidelines; add to Work Session for further discussion

**Alecia Barrett, Town Clerk**

1. Letter from Bud Milligan supporting 5 person Board
2. Letter from Conrad Borucki supporting 5 person Board
3. Letter from James Uebelhoer supporting 5 person Board
4. Letter from Paul & Laura Loehr supporting 5 person Board

**Jennifer Strong, Town Attorney**

1. Circulated info on updating code for 5G cell towers
2. Town received Notice of Claim stemming from a school bus accident; has been turned over to insurance
3. Thank you to Parks Dept for the great job at the School House

**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 is in need of independent accounting and auditing services;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden and the New York General Municipal Law do not require written quotes when hiring professional services;

WHEREAS, independent accounting and auditing services are a professional service;

WHEREAS, Drescher and Malecki has competently served the Town of Alden for many years and has submitted a Letter Contract to provide independent accounting and auditing services to the Town for 2021 and trough 2025.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby authorizes and directs Supervisor Adamski to sign a Contract with Drescher & Malecki, LLP for independent accounting services:

for the Year ending 12/31 2021 at \$29,865

for the Year ending 12/31 2022 at \$30,330

for the Year ending 12/31 2023 at \$30,800

for the Year ending 12/31 2024 at \$31,300 and

for the Year ending 12/31 2025 at \$31,800.00

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 September 7, 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 COUNCILWOMAN PAUTLER, TO WIT;

WHEREAS, the New York State Law requires that the Town of Alden adopt a Workplace Violence Prevention Statement and

WHEREAS, the Alden Town Board has reviewed its Statement and discovered the need to update the same.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby adopts the attached amended Workplace Violence Prevention Statement (amended to update the name of the Town Supervisor);
2. The Town Clerk is hereby directed to send a copy of the Statement to all Town Employees and to all organizations who use any Town Facility who must acknowledge their receipt of the Statement; 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 September 7, 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, Patrick Eck has filed an Application for a Home Occupation Permit to sell firearms from his residence at 1203 Greenfield Drive, Alden, New York;

WHEREAS, the Applicant possesses a valid Federal Fire Arms License; and

WHEREAS, the Town Board, pursuant to Section 365-65(B) of the Alden Town Code is required to call a public hearing on the Application.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. A Public Hearing on the Home Occupation Permit Application of Patrick Eck be held by the Alden Town Board at the Alden Town Hall, 3311 Wende Road, Alden, New York on September 7, 2021 at 7:05 P.M. Local Time;
2. The necessary Notice of Public Hearing, as required by Section 365-65(B) of the Alden Town Code be published in the Alden Advertiser; posted on the Town Bulletin Board; and mailed to the adjacent property owners, which Notice shall be in the form attached hereto and made a part hereof; and
3. 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 September 7, 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 has discovered the need to update its Peddler/Solicitor's Permit Policy to increase the fee and to create a No-Knock List.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby adopts the attached TOWN OF ALDEN POLICY FOR PEDDLER/SOLICITORS PERMIT, effective as of this date and in addition to any local law; 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 September 7, 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 Alden Town Clerk has reviewed the new Retention and Disposition Schedule for New York Local Government Records ("LGS-1") issued by New York State Archives and has recommended that the Town Board adopt the new Schedule; and

WHEREAS, adopting the new schedule with assist the Town in obtaining grant funding for archiving records.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board hereby adopts, for use by all Town Officers in legally disposing of valueless records, the Retention and Disposition Schedule for New York Local Government Records ("LGS-1") issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records,
2. In accordance with Article 57-A: (a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records, after they have met the minimum retention periods described therein; and (b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.
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 September 7, 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 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 Proposed Action is an unlisted action within the requirements of the New York State Environmental Quality Review Act;

WHEREAS, the Town Building Inspector provided notice to the Erie County Division of Planning on July 6, 2021, for this Proposed Action, as required under Section 239-m of the General Municipal Law and "no recommendation" was received;

WHEREAS, the New York State Environmental Quality Review Act requires the Town to determine the Lead Agency status and the Lead Agency making a SEQR determination;

WHEREAS, the Town of Alden did assume Lead Agency Status on July 20, 2021;

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law the Town Board has prepared the Short Form Environmental Assessment Form, which is now on file with the Town Board and the Town's SEQR Intake Officer; and

WHEREAS, the Town of Alden Planning Board has reviewed the Proposed Action and recommended to the Town Board the approval of the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board, as Lead Agency, has determined that the Proposed Action is an Unlisted Action under SEQRA.
2. The Town of Alden, as Lead Agency, hereby determines that the unlisted action described in the attached SEQR NEGATIVE DECLARATION, NOTICE OF DETERMINATION OF NON-SIGNIFICANCE, which attached notice is hereby made a part of this Resolution, will not have a significant effect on the environment and that an environmental impact statement is not required to be prepared with respect to the Proposed Action.
3. That the following parcels, more particularly described as:

PROPOSED NORTH LOT

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Alden, County of Erie and state of New York, being part of Lot 28, Township 11 and Range 5 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the easterly line of Newstead Road (66 feet wide) at its intersection with the southerly line of lands conveyed to Jerry L. Eleccko by deed recorded in the Erie County Clerk's Office in Liber 11338 of Deeds at page 9778;

RUNNING THENCE EASTERLY along said southerly line of lands conveyed to Eleccko, and continuing along an easterly extension thereof, a distance of 962.18 feet to a point on the easterly line of Lot 28;

THENCE SOUTHERLY along said easterly line of Lot 28, a distance of 235.86 feet to a point distant 673.91 feet northerly from the southeast corner of lands conveyed to Dudel & Serwacki by deed recorded in said Clerk's Office in Liber 5665 of Deeds at page 443;

THENCE WESTERLY along a line drawn parallel with the southerly line of said lands conveyed to Dudel & Serwacki, a distance of 962.23 feet to a point on said easterly line of Newstead Road;

THENCE NORTHERLY along said easterly line of Newstead Road, a distance of 235.91 feet to the point of beginning. Said parcel containing an area of 5.21 acres, more or less.

and

PROPOSED SOUTH LOT

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Alden, County of Erie and state of New York, being part of Lot 28, Township 11 and Range 5 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the easterly line of Newstead Road (66 feet wide), distant 438.00 feet northerly from its intersection with the southerly line of lands conveyed to Dudel & Serwacki by deed recorded in said Clerk's Office in Liber 5665 of Deeds at page 443;

RUNNING THENCE NORTHERLY along said easterly line of Newstead Road, a distance of 235.91 feet to a point;

THENCE EASTERLY along a line drawn parallel with said southerly line of said lands conveyed to Dudel & Serwacki, a distance of 962.23 feet to a point on the easterly line of Lot 28;

THENCE SOUTHERLY along said easterly line of Lot 28, a distance of 235.91 feet to a point distant 438.00 feet from the southeast corner of said lands conveyed to Dudel & Serwacki;

THENCE WESTERLY along a line drawn parallel with said southerly line of said lands conveyed to Dudel & Serwacki, a distance of 962.28 feet to the point of beginning. Said parcel containing an area of 5.21 acres, more or less.

are given subdivision approval; 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 September 7, 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 COUNCILWOAMN WAISS, TO WIT;

RESOLUTION OF THE TOWN OF ALDEN, NEW YORK, ADOPTED SEPTEMBER 7,  
2021, PROVIDING FOR SUBMISSION OF A PROPOSITION AT THE NEXT BIENNIAL  
TOWN ELECTION TO BE HELD ON NOVEMBER 2, 2021, TO APPROVE OR  
DISAPPROVE THE PETITION TO INCREASE THE NUMBER OF COUNCILMEMBERS  
FROM TWO TO FOUR IN THE TOWN OF ALDEN, ERIE COUNTY, NEW YORK  
PURSUANT TO NEW YORK STATE TOWN LAW SECTION 81(2)(d) and 81(4)  
SUBMITTED TO THE ALDEN TOWN CLERK ON AUGUST 23, 2021.

RESOLVED BY THE TOWN BOARD OF THE TOWN OF ALDEN, IN THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

1. The Alden Town Clerk has acknowledged the filing up said Petitions with her office on August 23, 2021;
2. The Town Clerk has determined said Petitions to be valid;
3. That the Proposition to increase the number of Councilmembers from two to four in the Town of Alden, Erie County, New York pursuant to New York State Town Law Section 81(2)(d) and 81(4) shall be submitted to be voted on in the Town of Alden at the next Biennial Town Election to be held on November 2, 2021;
4. The Town Attorney is directed to prepare the Abstract of Proposition for submission to the Erie County Board of Elections;
5. The Town Clerk shall cause the Notice of such Proposition to be published at least once in the “*Alden Advertiser*,” a newspaper having a general circulation in the Town and designated as the official newspaper of the Town, and to be posted on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, said publication and posting to be at least ten (10) days before such Biennial Town Election.
6. The Town Clerk is hereby authorized and directed to include in the Notice of Proposition, notice that the Town Board will submit at the said Biennial Town Election, a Proposition to increase the number of Councilmembers from two to four in the Town of Alden, Erie County, New York pursuant to New York State Town Law Section 81 for approval or disapproval of the Proposition hereinafter referred to in such Notice.
7. At said Biennial Town Election, the vote upon the said Proposition shall be by separate ballot on voting machines or by paper ballot, as determined by the Erie County Board of Elections and the only persons qualified to vote upon said Proposition shall be the those voters registered by the Erie County Board of Elections to vote in the Town of Alden.
8. Said Notice shall be in substantially the following form:

TOWN OF ALDEN, NEW YORK

NOTICE OF PROPOSITION TO BE VOTED ON AT THE NOVEMBER 2, 2021

BIENNIAL TOWN ELECTION



*NOTICE IS HEREBY GIVEN that at the Biennial Town Election to be held on November 2, 2021, that the following Proposition is to be voted upon:*

PROPOSITION

*SHALL THE PETITION ENTITLED: "PETITION TO INCREASE THE NUMBER OF COUNCILMEMBERS FROM TWO TO FOUR IN THE TOWN OF ALDEN, ERIE COUNTY, NEW YORK PURSUANT TO NEW YORK STATE TOWN LAW SECTION 81", BE APPROVED?*

*By Order of the Town Board of the  
Town of Alden, in the County of  
Erie, New York*

*Dated: September 7, 2021*

9. 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 September 7, 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 on November 19, 2020 adopted its 2021 Budget;

WHEREAS, the Town of Alden requires an increase in appropriations and expenditures in the amount of \$15,317.23 in Account Code A.7110.0224. Said expenditures are a result of the purchase of a new John Deere Tractor 4052M. The tractor was approved by the Town Board on July 20<sup>th</sup> 2021.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

The Alden Town Board hereby authorizes the following transfer:

From Account: A.9950.0900 Equipment Transfer from Capital Projects Fund \$15,000.00

To Account: A.7110.0224 Parks Equipment \$15,000.00

From Account: A. 7110.0436 Parks Shelter \$317.23

To Account: A.7110.0224 Parks Equipment \$317.23

This resolution takes 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 August 16, 2021, which resulted as follows:

**CARRIED.**

Ayes 3 Adamski, Waiss & Pautler

Nays 0

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

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

Motion to approve, at a cost of \$50 to be paid by the Town, Mike DeWitt's attendance at the New York Upstate Chapter APA /New York Planning Federation Virtual Planning Conference in October 2021.

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on September 7, 2021, which resulted as follows:

**CARRIED.**

Ayes 3 Adamski, Waiss & Pautler

Nays 0

**REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL**

Colleen Rogers, Deputy Supervisor – CDBG projects, Cares Act – 3 Season shelter, Yearly CDBG, Water District #5, bicentennial celebration, cheerleader motion, spooktacular motion; follow up discussion at next Work Session

Mike Metzger, Town Engineer – has been in contact with Grant Writer regarding Water District #5

**UNFINISHED AND TABLED BUSINESS**

**NOTICE OF MEETINGS**

**WORK SESSION:**

**September 14, 2021**

**@7:00 PM**

**REGULAR BOARD MEETING**

**September 21, 2021**

**@7:00 PM**

**MEMORIAL REMEMBRANCE** - Sharon Jastrzab and Dolores Panek and Christine Kisiel

**ADJOURNMENT**

At 7:45 P.M. Supervisor Adamski adjourned the Meeting.

Alecia Barrett  
Town Clerk