

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road, Alden, NY on Tuesday, October 5, 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  
Mike Metzger, Town Engineer  
Lenny Weglarski, DCO  
Chris Snyder, CEO  
Colleen Rogers, Deputy Town Supervisor  
Frank Todaro, Legislator  
Residents

Councilwoman Pautler Moved and Councilwoman Waiss seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of September 21, 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 #872 - 915 **ALL BILLS REVIEWED BY THE TOWN BOARD.**

<u>ACCOUNT</u>	<u>AMOUNT</u>		
	ABSTRACT #1	ABSTRACT #2	TOTAL
GENERAL FUND "A"	\$44,131.93	\$10,414.47	\$54,546.40
HIGHWAY FUND "DA/DB"	\$11,006.01	\$6,970.78	\$17,976.79
PART-TOWN FUND "B"	\$2,499.24	\$1,039.30	\$3,538.54
CONSOLIDATED WATER "WR"			
SPECIAL FIRE PROTECTION "SF"	\$38,865.07		\$3,865.07
WATER DIST. #1 FUND "WA"			
WATER DIST.EXCHANGE ST. "WX"			
SEWER DIST. #2 FUND "SA"	\$33,603.64	\$259.00	\$33,862.64
TRUST & AGENCY "T"	\$7,445.38	\$10,339.65	\$17,785.03
SPECIAL REFUSE FUND "SR"	\$37,227.19		\$37,227.19
STREET LIGHTING FUND "SL"	\$4,101.45		\$4,101.45
PERIWINKLE LTG. DIST."SL1"	\$67.29		\$67.29
ZOELLER RD. WATER DIST. "WZ"			
<b>TOTAL</b>	<b>\$178,947.20</b>	<b>\$29,023.20</b>	<b>\$207,970.40</b>

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON OCTOBER 5, 2021 AND

ADOPTED

Ayes 3 Adamski, Waiss & Pautler

Nays 0

**BUSINESS FROM THE FLOOR**

Helen Brown, Village of Alden – Questioned communication between Town Board and Seniors regarding use of the Community Center. Senior group is 225 members; 65-80 people attend meetings. Currently they are renting the Crittenden Fire Hall to hold their meetings. They are getting their information from the Senior Van Driver who is not qualified to relay the information pertaining to their use of the Community Center. Requesting a review of the guidelines and policy updated accordingly. Supervisor Adamski stated this will be discussed at the next Work Session.

Melissa Goff, Lavender Lane – Questioned the Town Board on information shared on social media; asked for clarification. Applauded Colleen Rogers for the work she puts into obtaining grants for the Town. Went on to question the ethics of the entire Town Board.

Lee Weisbeck, Alden Advertiser – Questioned status of FOIL request submitted more than 4 weeks ago pertaining to payroll of all Town employees. Deputy Supervisor Colleen Rogers noted the Supervisor's Office is short staffed and the FOIL will be answered as soon as they are able.

Ron Bowman, Westwood Rd. – Questioned how the Advertiser is able to FOIL payroll information. Town Attorney Jennifer Strong stated that Town employees pay is a matter of public record and available when requested.

Mark Drogi, Walden Ave. – Stated he was present to discuss a property on Walden Ave, but first wanted to address the FOIL, submitted by Supervisor Adamski, denied by the Village of Alden. Stated a forensic accounting should be performed by a higher power. Went on to state he is not happy with things he sees going on in Alden.

Jason Barrett, Peters Corners Rd. – Questioned why if the Supervisor's Office is short staffed the Supervisor couldn't help with a FOIL response. Supervisor Adamski stated he is also busy spending many hours on the phone working on various Town matters including grant possibilities.

**COMMUNICATIONS**

**Jennifer Strong, Town Attorney**

1. Working with Town Clerk with regard to yearly training for Planning & ZBA Boards
2. Working with Colleen Rogers to ensure everyone completes annual harassment training
3. Reached out to the State Comptroller's Office for an update on Cayuga Creek water district

**Dean Adamski, Town Supervisor**

1. Third quarter sales tax revenue up over \$71k compared to this time last year.

**NEW BUSINESS**

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

Motion to address agenda item "I" before "A"

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on October 5, 2021, which resulted as follows:

**CARRIED.**

Ayes 3 Adamski, Waiss & Paulter

Nays 0

**PROCLAMATION OF THE TOWN OF ALDEN**  
**HONORING JUDY BOWMAN**

WHEREAS, On March 20, 2020 the Alden Community Center closed due to the Coronavirus Pandemic;

WHEREAS, As a result of this shutdown, the Silver Sneakers Fitness Program led by Judy Bowman every Wednesday came to a halt;

WHEREAS, In an effort to continue this valuable program, Judy Bowman turned to Zoom, a remote access solution for computers. Mrs. Bowman also increased the Fitness Program from one day a week to five days a week from her living room to those at their homes. Every morning at 10 o'clock, Judy began with light aerobic marching exercises to speed up heart rate and increase endurance, strength exercises to build back muscle strength, stretching exercises to maintain flexibility, and balance exercises to help feel steadier on our feet and prevent falls. "All of this to make us feel younger" Judy said;

WHEREAS, Attendance increased and averaged about 15 persons per day with a friendly greeting each morning from Judy. Many zoom participants were from Alden but the class size grew with folks from Florida, Ohio, and all the way from Panama. Some have been known to set their digital device to Zoom at 10 o'clock even during their vacation; and

WHEREAS, Judy returned to the Community Center in early July, 2021 when the Center reopened for the in-person class on Wednesdays and she also made the fitness class available online. Classes continue on Mondays, Wednesdays (in-person and online) and on Fridays.

NOW, THEREFORE BE IT PROCLAIMED:

1. That the Alden Town Board extends its deepest appreciation to Judy Bowman for her extraordinary commitment and dedication to the senior citizens of the Town of Alden. Through her expansion of the Silver Sneakers Fitness Program Judy helped many an Alden Senior through a very difficult time and not only helped our seniors maintain physical fitness, but assisting in their mental well-being.
2. That the Town Clerk is hereby directed to send certified copies of this Proclamation to Judy Bowman.

Dated: October 5, 2021  
Alden Town Board

Legislator Frank Todaro presented Judy Bowman with a proclamation from Erie County Legislature.

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

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS;

A hearing before the Town Board of the Town of Alden, in the County of Erie shall be held at the Town Hall, 3311 Wende Road, Alden, New York at 7:05 p.m. on the 19<sup>th</sup> day of October, 2021, for the purpose of hearing all persons interested in the use of Federal Community Development Funds in the Town of Alden; and

ORDERED, that the Town Clerk's Office is directed to (a) publish a notice of public hearing in the Alden Advertiser, designated as the official newspaper for this publication, such publication to be not less than five (5) days before the date of the public hearing; (b) and post as required by law one (1) copy of the Notice of Public Hearing no later than the day such Notice is published; and

The question of the adoption of the foregoing order was duly put to a vote on roll call, at a regular meeting on October 5, 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, Many years ago, the Town of Alden instituted a refuse tote program;

WHEREAS, as part of the refuse contract with the Town, Modern Disposal Services

(the Town's refuse hauler at that time) had Rehrig Pacific Company design and build the refuse totes for the Town of Alden; and

WHEREAS, Town is now in need of additional refuse totes from this sole source provider.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of an additional 112 95-gallon rollout refuse totes from Rehrig Pacific Company at a cost of \$72.00 per cart, plus shipping of \$750.00 for a total purchase price of \$8,814.00;
2. The Supervisor is authorized to sign any and all documents necessary to effectuate this purchase; 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 October 5, 2021, which resulted as follows:

**CARRIED.**

Ayes 3 Adamski, Waiss & Pautler

Nays 0

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

Motion to approve the request of Alden Chamber of Commerce to use the Community Center for a craft show and to use the Town Park for various Christmas in the Park events on December 4, 2021 from 9am until 12 pm.

The Chamber is responsible for complying with all Town, County, State and Federal Rules and Regulations regarding the CoVid-19 Pandemic

The Chamber must submit proof of liability insurance naming the Town of Alden as an additional insured prior to the event.

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on October 5, 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 approve the Alden Senior Citizens Club to use the Community Center for a pizza party on November 11, 2021 from 11 am until 2 pm.

The Senior Citizens Club is responsible for complying with all Town, County, 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 October 5, 2021, which resulted as follows:

**CARRIED.**

Ayes 3 Adamski, Waiss & Pautler

Nays 0

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

Motion to introduce Local Law # 3 of 2021 a "Local Law to Opt-Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites" and to refer the same to the Planning Board for review and recommendation.

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on October 5, 2021, which resulted as follows:

**CARRIED.**

Ayes 3 Adamski, Waiss & Pautler

Nays 0

Town of Alden

Local Law No. 3 of 2021

A Local Law to Opt-Out of Allowing Cannabis Retail Dispensaries and On-Site  
Consumption Sites as Authorized under Cannabis Law §131.

Be it hereby enacted by the Town Board of the Town of Alden as follows:

Section 1: Legislative Intent

It is the intent of this local law to opt the Town of Alden out of allowing retail cannabis dispensaries and on-site cannabis consumption locales within the Town of Alden that would otherwise be allowed under the Cannabis Law.

Section 2: Authority.

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes the Town Board to adopt a Local Law requesting the Cannabis Control Board to prohibit the establishment of retail cannabis dispensary licenses and/or on-site consumption licenses within the jurisdiction of the Town of Alden and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law §24.

Section 3: Local Cannabis Retail Dispensary and On-site Consumption Opt-Out.

The Town Board of the Town of Alden, County of Erie, State of New York, hereby opts-out of allowing cannabis retail dispensaries and cannabis on-site consumption locales from being established and operated within the Town of Alden.

Section 4: Severability.

Should a court determine that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is unconstitutional or invalid, such court order or judgement shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence paragraph, subdivision, or part of this Local Law or in its application to the person, firm, corporation, or circumstance, directly involved in the controversy in which such order or judgement shall be rendered.

Section 5: Permissive Referendum/Referendum on Petition.

This Local Law is subject to a referendum on petition in accordance with Cannabis Law §131 and the procedure outlined in Municipal Home Rule Law §24.

Section 6: Effective Date.

This Local Law shall be effective upon its filing with the Secretary of State. Pursuant to Cannabis Law §131, this Local Law is subject to Permissive Referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition, or a referendum has been conducted approving the Local Law.

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

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS;

A hearing before the Town Board of the Town of Alden, in the County of Erie shall be held at the Town Hall, 3311 Wende Road, Alden, New York at 7:10 p.m. on the 19<sup>th</sup> day of

October, 2021, for the purpose of hearing all persons interested in the use of Special CARES Act Federal Community Development Funds in the Town of Alden; and

ORDERED, that the Town Clerk's Office is directed to (a) publish a notice of public hearing in the Alden Advertiser, designated as the official newspaper for this publication, such publication to be not less than seven (7) days before the date of the public hearing; (b) and post as required by law one (1) copy of the Notice of Public Hearing no later than the day such Notice is published; and

The question of the adoption of the foregoing order was duly put to a vote on roll call, at a regular meeting on October 5, 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 allow Alden Youth Baseball to use the gymnasium at Town Hall Monday through Friday from 6.00 pm until 9.00 pm from January 3, 2022 through May 31, 2022 for baseball practice.

Alden Youth Baseball shall supply all required safety equipment needed for their practices.

All participants must sign a waiver before participating in the practices.

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

Alden Youth Baseball must submit proof of liability insurance to the Town Clerk prior to using the auditorium.

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on October 5, 2021, which resulted as follows:

**CARRIED.**

Ayes 3 Adamski, Waiss & Pautler

Nays 0

**REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL**

Alecia Barrett, Town Clerk – Received and distributed Tentative Budget for 2022 to all Board members. Also noted the office is in full swing for school tax collections. Supervisor Adamski noted he had noticed the Clerk's Office was open through lunch which was great.

Bill Rogers, Highway Superintendent – Congratulated Judy Bowman on a job well done. Wrapping up paving for the season.

Colleen Rogers, Deputy Town Supervisor – Working on CARES Act Grant. Encouraged Seniors to attend upcoming Public Hearing to voice how desperately the grant is needed.

Len Weglarski, DCO – Put new brakes and routers on the dog truck.

Mike Metzger, Town Engineer – Working with Planning Board. Continuing with map, plan & report for water district #5

**UNFINISHED AND TABLED BUSINESS**

**NOTICE OF MEETINGS**

**WORK SESSION:**

**October 12, 2021**

**@7:00 PM**

**REGULAR BOARD MEETING**

**October 19, 2021**

**@7:00 PM**

**MEMORIAL REMEMBRANCE -**

**ADJOURNMENT**

At 7:43 P.M. Supervisor Adamski adjourned the Meeting.

Alecia Barrett  
Town Clerk