

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road, Alden, NY on Tuesday, December 21, 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: Colleen Rogers, Deputy Town 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
Residents

Councilwoman Pautler Moved and Councilwoman Waiss seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of December 7, 2021 and the Public Hearing on December 7, 2021 and the Special Meeting on December 14, 2021.

CARRIED

Ayes 2 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 #1072 - 1133 **ALL BILLS REVIEWED BY THE TOWN BOARD.**

<u>ACCOUNT</u>	<u>AMOUNT</u>		
	ABSTRACT #1	ABSTRACT #2	TOTAL
GENERAL FUND "A"	\$20,063.03		\$20,063.03
HIGHWAY FUND "DA/DB"	\$61,233.53		\$61,233.53
PART-TOWN FUND "B"	\$6,312.57		\$6,312.57
CONSOLIDATED WATER "WR" SPECIAL FIRE PROTECTION "SF"	\$85,880.70		\$85,880.70
WATER DIST. #1 FUND "WA" WATER DIST.EXCHANGE ST. "WX"			
SEWER DIST. #2 FUND "SA"	\$123.33		\$123.33
TRUST & AGENCY "T"	\$17,180.24		\$17,180.24
SPECIAL REFUSE FUND "SR"			
STREET LIGHTING FUND "SL"	\$4,491.50		\$4,491.50
PERIWINKLE LTG. DIST."SL1" ZOELLER RD. WATER DIST. "WZ"	\$84.01		\$84.01
TOTAL	\$233,300.10		\$233,300.10

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON DECEMBER 21, 2021 AND

ADOPTED

Ayes 2 Waiss & Pautler

Nays 0

BUSINESS FROM THE FLOOR

Paul Loehr, Henskee Rd. – Asked for clarification on resolutions “B”, “F”, “G” & “H”

Laura Loehr, Henskee Rd. – Asked why Town Park sign is gone (blown over in wind storm). Had questions regarding summary of vouchers, when fire contract with the Village will be available and what the length of the contract will be, and when boundary line agreement will be available.

COMMUNICATIONS

Colleen Pautler, Councilwoman

1. Memo regarding annual sexual harassment/discrimination training

Colleen Rogers, Deputy Town Supervisor

1. Letter of retirement from Recreation Director, Dan Moultrup

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 in 2021 because of a decrease in population, as determined by the last Census, became a second class town;

WHEREAS, NY Town Law requires a second class town to establish, by town board resolution, the position of Confidential Secretary / Bookkeeper to the Supervisor and to set the salary for said position;

WHEREAS the Town of Alden, when it was a first class town, has had said position for well over thirty years;

WHEREAS, the Town Board would like to continue this important and vital position despite the reclassification of the Town as a second class town; and

WHEREAS, the 2022 Budget contains a budget (salary Line) for this position.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The existing position of Confidential Secretary/Bookkeeper to the Supervisor is confirmed as existing and reestablished for the Town of Alden, as a second class town; 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 21, 2021, which resulted as follows:

CARRIED.

Ayes 2 Waiss & Pautler

Nays 0

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

WHEREAS, the Town Highway Superintendent has advised the Town Board that the Highway Department needs to purchase a new Hyundai High-Lift 9400 with volvo style coupler and three yard bucket and 60" x 60" forks ("High Lift"); that will be purchased from the State Bid List (Contract # 0321198-HCE) from George & Swede Sales;

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 Highway Department is in possession of a 2013 John Deere Loader ("Loader ") (Serial Number: 1DW624KZTDF653495) 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 High-Lift;

WHEREAS, The Town Board after full and careful review and consideration of the request finds said request to purchase a new High-Lift and to trade in the Loader 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 Loader is not needed for Town purposes and is surplus property and should be traded in (at a value of \$115,000.00) towards the purchase of the High-Lift;
2. The Town Board approves the purchase of the High-Lift for \$143,800 minus \$115,000 for the Loader trade-in making the total purchase price \$28,876.00 from George & Swede Sales;
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 December 21, 2021, which resulted as follows:

CARRIED.

Ayes 2 Waiss & Pautler

Nays 0

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

WHEREAS, in the ordinary course of business NYSEG has received a request from the property owner (Lorenz & Sons, Inc.) adjacent to the Town of Alden owned Property on Townline Road to install electric service to the Lorenz and Sons parcel;

WHEREAS, the to install said service, NYSEG needs to remove trees and requires temporary access to the Town owned property to do so;

WHEREAS, NYSEG has requested that the Town grant to NYSEG a temporary access easement to allow for the tree clearing activities; and

WHEREAS, The Alden Town Board after full and careful review and consideration finds that it is in the public interest to enter into the proposed Tree Clearing Easement.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. That the Town Board does hereby authorize and direct the Supervisor and/or Deputy Supervisor to enter into and execute all necessary documents to effectuate the proposed Tree Clearing Easement with NYSEG; 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 21, 2021, which resulted as follows:

CARRIED.

Ayes 2 Waiss & Pautler
Nays 0

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

WHEREAS, the Alden Town Board is considering an application by Ken Myszka for the subdivision of two (2) lots. The entire parcel currently consists of approximately 4 acres at Parkwood Drive, in the Town of Alden, further identified as SBL 129.01-3-29.1. The first proposed lot ("Parcel A") would be an approximately 3 acre parcel with improvements; the second proposed lot ("Parcel B") would be an approximately .819 acre vacant parcel (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 October 22, 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 November 16, 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 parcel, more particularly described as:

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 159 in the 10th Township and 5th Range of the Buffalo Creek Reservation, being part of the Exception as shown on a map filed at the Erie County Clerk's Office under Cover No. 2232, being further bounded and described as follows: BEGINNING at a point in the south line of Map Cover No. 2232, at a distance of 635.40 feet west of the east line of Lot 159;

Thence westerly along the south line of Map Cover No. 2232, a distance of 170.00 feet to a point; Thence northerly at an interior angle of 90° 00' 00", a distance of 120.00 feet to a point;

Thence northwesterly at an exterior angle of 124° 25' 00", a distance of 85.22 feet along a non-radial line, to a point in the southeasterly line of Parkwood Drive (60.0 feet wide);

Thence northeasterly along the southeasterly line of Parkwood Drive, on a curve to the left, having a Radius of 130.00 feet and an Arc distance of 101.54 feet to a point, said point being the southwest corner of Sublot 15 as indicated on a map filed at the Erie County Clerk's Office under Cover No. 2232; Thence easterly along a non-radial line, a distance of 172.60 feet to a point; Thence southerly at an interior angle of 112° 39' 40", a distance of 158.51 feet to the Point or Place of Beginning. Containing within said bounds 0.819 acres of land more or less.

Is 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 December 21, 2021, which resulted as follows:

CARRIED.

Ayes 2 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 David Krol for the subdivision of two (2) lots. The entire parcel currently consists of approximately 67 acres at North Millgrove Road, in the Town of Alden, further identified as SBL 85.00-3-29. The first proposed lot ("Parcel A") would be an approximately 62 acre parcel with improvements and the second proposed lot ("Parcel B") would be an approximately 5 acre parcel with a pole barn (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 November 5, 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 November 16, 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 parcel, more particularly described as:

All that tract or parcel of land situate in the Town of Aden, County of Erie, and State of New York, being part of Lot 46 Township 11 Range 5 of the Holland Land Company's Survey, being more particularly described as follows: Beginning at a point in the west line of North Millgrove (66 feet wide), at a distance of 1750.00 feet south of the north line of said Lot 46, said point of beginning being the southeast corner of lands of Matthew D. and Molly T. Sims in a deed recorded in the Erie County Clerk's Office in Liber 11285 of Deeds at Page 2329; thence southerly along the west line of North Millgrove Road, a distance of 312.50 feet to a point; thence westerly at an exterior angle of 94° 23' 57", a distance of 698.95 feet to a point; thence northerly and parallel with the west line of North Millgrove Road, a distance of 312.50 feet to a point: thence easterly at an interior angle of 85° 36' 03", a distance of 698.95 feet to the point or place of beginning containing 5.00 acres more or less.

Is 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 December 21, 2021, which resulted as follows:

CARRIED.

Ayes 2 Waiss & Pautler

Nays 0

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

WHEREAS, the Town of Alden has negotiated a Contract for Fire Protection Services with the Village of Alden and with the Alden Hook & Ladder Fire Co., Inc.; and

WHEREAS, the Town Board must conduct a public hearing before approving said Contract; and

WHEREAS, the Public Hearing set for December 21, 2021 can not occur due to an error in the timing of the publication as proper public notice was not given.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. A public hearing be held before the Town Board on January 3, 2022 at 7:10 p.m. at the Alden Town Hall, 3311 Wende Road, Alden, New York at which time all interested persons shall be heard in regard to the Fire Protection Contract;
2. The Town Clerk is directed to Publish Notice of this Public Hearing in the Alden Advertiser no less than ten (10) days prior to the Public Hearing and to post Notice of the same on the Town signboard; 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 December 21, 2021, which resulted as follows:

CARRIED.

Ayes 2 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 has negotiated a Boundary Line Agreement with the Village of Alden and the Alden Hook & Ladder Fire Co., Inc.; the Townline Fire Department, Inc.; the Crittenden Volunteer Fire Department, Inc.; and the Millgrove Volunteer Fire Department, Inc. to provide coverage to the Town of Alden Fire Protection District; and

WHEREAS, the Town Board elects to conduct a public hearing before approving said Agreement.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. A public hearing be held before the Town Board on December 21, 2021 at 7:05 p.m. at the Alden Town Hall, 3311 Wende Road, Alden, New York at which time all interested persons shall be heard in regard to the Boundary Line Agreement;
2. The Town Clerk is directed to Publish Notice of this Public Hearing in the Alden Advertiser no less than ten (10) days prior to the Public Hearing and to post Notice

of the same on the Town signboard; 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 December 21, 2021, which resulted as follows:

CARRIED.

Ayes 2 Waiss & Pautler

Nays 0

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

WHEREAS, the Alden Town Board on November 19, 2020 adopted its 2021 Budget;

WHEREAS, the Town of Alden needs to transfer money to allow for payment of item as outlined below; and;

WHEREAS; this budget transfer will not render the Town insolvent;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

The Alden Town Board hereby authorizes the following transfer:

From (Budget Code)	Amount	To (Budget Code)	General Explanation	Amount
A.1990.0400	\$2848.50	A.8389.0401	The formation of Cayuga Creek Water District	\$2848.50
DB.9040.0800	\$5567.65	DB.5112.0433	Asphalt Road Construction Materials	\$5567.65
Db.5142.0449	\$75245.61	DB.5130.0225	Purchase of Hi-Lift & Grapple Truck	\$75245.61
			Total	\$83661.76

The 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 21, 2021, which resulted as follows:

CARRIED.

Ayes 2 Waiss & Pautler

Nays 0

POLLED AND ADDED WITH NO OBJECTION

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

Motion to allow St. John's School to use the gymnasium at Town Hall on the following weekdays from 6pm pm until 8 pm December 22,27, and 29; January 3,5, 12,14,17,19,24,26; and February: 2,7,9, 14,16, 21,23 and from 9am until 12 pm on the following Saturdays: January 8 and 22; February 12, 19 and 26 for basketball practice.

St. John's shall supply all required safety equipment needed for their practices.

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

St. John's is responsible for complying with all Town, County, State and Federal Rules and Regulations regarding the CoVid-19 Pandemic.

St. John's 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 December 21, 2021, which resulted as follows:

CARRIED.

Ayes 2 Waiss & Pautler
Nays 0

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

Remove items A, B & C from unfinished and tabled business.

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on December 21, 2021, which resulted as follows:

CARRIED.

Ayes 2 Waiss & Pautler
Nays 0

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Mike Metzger, Town Engineer – still working on legal description for WD#5; working with Jennifer Strong.

Chris Snyder, CEO – NYSEG at sewer plant today and replaced transformer; should help with the power surges.

Jennifer Strong, Town Attorney – Gov. Hochul signed into law, effective immediately, all Board Minutes must be posted on the Town website within 2 weeks of the meeting(s).

Colleen Rogers, Deputy Supervisor – Welcomed newly elected Town Supervisor Brett Sitzman to the Town.

UNFINISHED AND TABLED BUSINESS

NOTICE OF MEETINGS

WORK SESSION:

REGULAR BOARD MEETING

CANCELLED

January 3, 2022

@7:00 PM

@7:00 PM

MEMORIAL REMEMBRANCE - Kathleen M. Wagner, Norbert J. Klaczyk, Cynthia L. Dorminy, Ernestine E. Osucha, Robert C. Hy, Thomas Hanft, Antoinette Wrest

ADJOURNMENT

At 7:33 P.M. Deputy Supervisor Rogers adjourned the Meeting.

Alecia Barrett
Town Clerk