

MEETING NO. 21
REGULAR NO. 21

REGULAR TOWN BOARD MEETING
TOWN OF ALDEN

November 3, 2020
7:00 P.M.

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road, Alden, NY on Tuesday, November 3, 2020 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
Colleen Pautler, Councilwoman
Gina Waiss, Councilwoman

RECORDING SECRETARY: Alecia Barrett, Town Clerk

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

Councilwoman Pautler Moved and Supervisor Adamski seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of October 20, 2020.

CARRIED

Ayes 3 Adamski, Pautler & Waiss
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 #833 - 861 **ALL BILLS REVIEWED BY THE TOWN BOARD.**

<u>ACCOUNT</u>	<u>AMOUNT</u>		
	ABSTRACT #1	ABSTRACT #2	TOTAL
GENERAL FUND "A"	\$12,254.94	\$16,743.84	\$28,998.78
HIGHWAY FUND "DA/DB"	\$83,732.18	\$1,708.93	\$85,441.11
PART-TOWN FUND "B"	\$5,658.80	\$3,011.09	\$8,669.89
SPECIAL FIRE PROTECTION "SF"			
SEWER DIST. #2 FUND "SA"	\$130,740.65	\$388.32	\$131,128.97
TRUST & AGENCY "T"	\$18,655.14	\$8,285.22	\$26,940.36
SPECIAL REFUSE FUND "SR"	\$37,626.36	\$321.85	\$37,948.21
STREET LIGHTING FUND "SL"	\$3,650.61		\$3,650.61
PERIWINKLE LTG. DIST."SL1"	\$55.35		\$55.35
ZOELLER RD WATER DIST "WZ"			
CAPITAL PROJECTS "HC"			
TOTAL	\$292,374.03	\$30,459.25	\$322,833.28

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON NOVEMBER 3, 2020 AND

ADOPTED

Ayes 3 Adamski, Pautler & Waiss

Nays 0

BUSINESS FROM THE FLOOR

Ron Rebman, 12000 Broadway – street light out in front of his house.

COMMUNICATIONS

Alecia barrett

1. Received confirmation from the Department of State that LL#1 was filed on 10/22/2020
2. Resident called from 238 S. Woodside Dr., concerned that school buses cannot turn around and would like “No Parking” signs placed and enforced. Will add to WS agenda for further discussion

Jennifer Strong

1. Governor did extend today the right of Municipal Boards to hold meetings virtually

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7:05 PUBLIC HEARING FOR MOSICKI CHICKENS

Notice of Public Hearing was read by the Town Clerk

Councilwoman Pautler motioned and Supervisor Adamski seconded the motion to enter into Public Hearing for the purpose of discussing the Mosicki Special Use Permit for harboring chickens; all were in favor.

No public comment.

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

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7:10 PUBLIC HEARING FOR LOCAL LAW #2 OF 2020, REVISIONS TO THE TOWN OF ALDEN RESIDENCY REQUIREMENTS

Notice of Public Hearing was read by the Town Clerk

Councilwoman Pautler motioned and Councilwoman Waiss seconded the motion to enter into Public Hearing for the purpose of discussing Local Law #2 of 2020, Revisions to the Town of Alden Residency Requirements; all were in favor.

No public comment.

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

NEW BUSINESS

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

WHEREAS, the Alden Town Board of November 4, 2019 adopted its 2020 Budget;

WHEREAS, the Town of Alden requires an increase in appropriations and expenditures in the amount of \$100,000 in Account Code SA.9710.0600. Said expenditures are a result of the Serial Bond Principal

payment in the amount of \$130,612.00 for fiscal year 2020. The charge will close to the Sewer District Fund Balance Code SA.0909 at fiscal year end.

WHEREAS, this increase will not render the Town of Alden insolvent.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

This resolution shall take effect immediately.

The question of the resolution of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on November 3, 2020, which resulted as follows:

CARRIED.

Ayes 3 Adamski, Pautler & Waiss

Nays 0

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

WHEREAS, due the CoVid 19 Pandemic some non-union employees have been to use all of their allotted 2020 vacation time;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. Due the Pandemic, for only the 2020 Calendar Year, the Town in lieu of non-union employees using all of their allotted vacation time, shall be paid their hourly wage for each hour of unused vacation time.
2. This is a one-time event due to the Pandemic and does not establish any precedent for any employees or for other calendar years.
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 November 3, 2020, which resulted as follows:

CARRIED.

Ayes 3 Adamski, Pautler & Waiss

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 , Denise M. Mosicki has filed an application for a Special Use Permit to Harbor Chickens at her residence located at 12284 Broadway in the Town of Alden (further identified by SBL # 118.00-3-4); (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 neighboring parcel owners on October 21, 2020 and the public hearing was held on November 3, 2020, 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 Denise M. Mosicki 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 above resolution was duly put to a roll call vote at a regular meeting on November 3, 2020, the results of which were as follows:

CARRIED.

Ayes 3 Adamski, Pautler & Weiss

Nays 0

THE FOLLOWING RESOLUTION WAS TABLED;

WHEREAS, Dean Adamski, Budget Officer of the Town of Alden on September 25, 2020, duly filed the Tentative Budget of the Town of Alden for the Town's Fiscal Year beginning January 1, 2021 with the Alden Town Clerk;

WHEREAS, Town Clerk, Alecia Barrett, duly presented the Tentative Budget to the Alden Town Board on September 25, 2020;

WHEREAS, The Alden Town Board after full and careful review and consideration of the Tentative Budget recommended the approval of the Tentative Budget, making the Tentative Budget the Preliminary Budget of the Town of Alden for Fiscal Year 2021;

WHEREAS, on October 6, 2020, the Alden Town Board duly called a public hearing on the Preliminary Budget, notice of said public hearing was duly published and posted;

WHEREAS, the Preliminary Budget was duly filed in the Office of the Alden Town Clerk for inspection by the public; and

WHEREAS, the Alden Town Board conducted a public hearing on the Preliminary General Fund Budget for Fiscal Year 2021, on October 20, 2020. At which time all persons interested in the Preliminary General Fund Budget were given the opportunity to be heard.

WHEREAS, the Deputy Supervisor has reported to the Office of the State Comptroller proof of her calculations confirming that the tax levy limit has not been exceeded.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board hereby adopts the final General Fund Budget for the Fiscal Year beginning January 1, 2021;
2. The Town Clerk shall prepare and certify, in duplicate, copies of said General Fund Budget and deliver the same to Supervisor Adamski to be presented to the Legislature of Erie County; and
3. This resolution shall take effect immediately.

THE FOLLOWING RESOLUTION WAS TABLED;

WHEREAS, the Budget Officer of the Town of Alden on September 25, 2020, duly filed the Tentative Special District and Special Improvement District Budget of the Town of Alden for the Town's Fiscal Year beginning January 1, 2020, with the Alden Town Clerk;

WHEREAS, Town Clerk, Alecia Barrett, duly presented the Tentative Special District and Special Improvement District Budget to the Alden Town Board on September 25, 2020;

WHEREAS, The Alden Town Board after full and careful review and consideration of the Tentative Special District and Special Improvement District Budget recommended the approval of the same, making the Tentative Special District and Special Improvement District Budget the Preliminary Special District and Special Improvement District Budget of the Town of Alden for Fiscal Year 2021;

WHEREAS, on October 6, 2020, the Alden Town Board duly called a public hearing on the Preliminary Special District and Special Improvement District Budget, notice of which public hearing was duly published and posted;

WHEREAS, the Preliminary Special District and Special Improvement District Budget was duly filed in the Office of the Alden Town Clerk for inspection by the public;

WHEREAS, the Alden Town Board conducted a public hearing on the Preliminary Special District and Special Improvement District Budget for Fiscal Year 2021, on October 20, 2019. At which time all persons interested in the same were heard; and

WHEREAS, the Deputy Supervisor has reported to the Office of the State Comptroller proof of her calculations confirming that the tax levy limit has not been exceeded.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board hereby adopts the final Special District and Special Improvement District Budget for the Fiscal Year beginning January 1, 2021;
2. That the Town Clerk shall prepare and certify, in duplicate, copies of said Special District and Special Improvement District Budget and deliver the same to Supervisor Adamski to be presented to the Board of Legislators of Erie County; and
3. This resolution shall take effect immediately.

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 Contracts for Fire Protection Services with the Townline Fire Department, Inc.; Crittenden Volunteer Fire Department, Inc.; and the Millgrove Volunteer Fire Department, Inc.; and

WHEREAS, the Town Board must conduct a public hearing before approving said Contracts.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. A public hearing be held before the Town Board on November 17, 2020 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 Fire Protection Contracts;
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 November 3, 2020, which resulted as follows:

CARRIED.

Ayes 3 Adamski, Pautler & Waiss

Nays 0

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

WHEREAS, a Proposed Local Law # 2 of 2020 entitled "Revisions to the Town of Alden Residency Requirements"; was introduced to the Alden Town Board for consideration by Councilperson Waiss on August 18, 2020,

WHEREAS, a resolution was duly adopted by the Alden Town Board calling a public hearing to be held by the Alden Town Board on November 3, 2020 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 November 3, 2020 and all parties in favor of and opposed to the local law were heard,

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 State Environmental Quality Review Act it has been determined by the Alden Town Board that the Local Law is a Type II Action,

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law on October 22, 2020, 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 2020 entitled "Revisions to the Town of Alden Residency Requirements"; and, 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

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on November 3, 2020, which resulted as follows:

CARRIED.

Ayes 3 Adamski, Pautler & Waiss

Nays 0

Chapter 67. Residency Requirements

FINAL TEXT

[HISTORY: Adopted by the Town Board of the Town of Alden 12-4-2006 by L.L. No2-2006 (Ch 20B of the 1981 Code). Amended 11-4-2019 by L.L. 5-2019)]

§67-1. Title

This chapter shall be known as the “Residency Law of the Town of Alden.”

§ 67-2. Declaration of findings and purpose.

The purpose of this local law is to require that employees of the Town of Alden reside within the boundaries of the Town as a matter of public policy. Pursuant to such local law, the Town will be permitted to request a resident preference list pursuant to NYS Civil Service Law in the issuance of certification of candidates from an open competitive eligible list.

§67-3. Hiring of employees.

A. Civil service competitive classifications. The Town shall hire only persons who appear on a resident preference list issued for open competitive positions generated by the County of Erie, Department of Personnel, where such a list exists. In the event that such a resident preference list does not exist and a nonresident list is provided by the County of Erie, Department of Personnel, then the Town shall advise any nonresidents that appear on the list that they will only be considered for employment with the Town if they commit to relocating their residence into the Town of Alden with one (1) year of the date of commencing employment. In the event the employee does not relocate his residence to within the boundaries of the Town of Alden within said one (1) year period, he shall be terminated for failing to meet this condition of employment.

B. Noncompetitive civil service positions, full-time. The Town of Alden shall hire only those persons who reside within the Town of Alden on the date of hire.

C. Noncompetitive civil service positions, part-time and seasonal.

(1) Required Town residence. The Town of Alden shall hire for part-time and seasonal non-civil service positions only those persons who reside within the boundaries of the Town of Alden unless Subsection (2) herein applies.

(2) Exemption for part-time and seasonal employees. A person who resides outside the Town of Alden may be hired where the position requires a skill, expertise or degree of experience which cannot be satisfied by an applicant who resides within the Town, but only after the Town has exercised diligent efforts to find a Town resident with the skill, expertise or experience to fill the position. Given that the position is part-time or seasonal in nature, such an employee will not be required to relocate his residence to the Town.

§67-4. Breach of residence requirement; hearing.

A. Should it be alleged that an employee is no longer a resident of the Town, the employee’s supervisor or other appropriate municipal officer shall provide the employee with written notice of the alleged violation and shall allow the employee seven calendar days in which to respond. Where there is a failure to respond or where a response is not, in the judgment of the employee’s supervisor or other appropriate municipal official, sufficient to satisfy the requirements of this chapter, a hearing before the Alden Town Board shall be scheduled to examine the charge of nonresidency.

B. The employee shall be sent a notice of the hearing date at least 15 days prior to the hearing. Upon a determination by the Town Board that an employee is a nonresident in violation of this chapter, the employee shall be deemed to have voluntarily resigned as of the date of the hearing.

§67-5. Exceptions.

The following types of personnel shall be exempt, to the extent permitted by the New York State Town Law, from the residency requirement of this chapter:

A. Professional personnel; Town Constable; applicants with special skills or experience.

(1) Professional personnel such as attorneys, bookkeepers, accountants, engineers, surveyors, land use planners, economists, physicians, nurses and the like. In addition, as permitted by law, the Town of Alden will waive the residency requirement for the appointment of a Court Clerk, provided that the Justice(s) request the nonresident appointment.

(2) The Town may exempt the residency requirement for the position of Town Constable if no suitable resident applicants are available.

(3) The Town of Alden may conditionally appoint a nonresident to a position if the applicant possesses special skills and/or experience over available resident applicants contingent upon the nonresident appointee taking up residency within the Town or Village of Alden with one (1) year of his/her appointment.

B. Personnel incidental to independent contractors;

C. Personnel incidental to purchases and public works contracts subject to bid pursuant to the New York General Municipal Law §103; and

D. Personnel incidental to purchases and/or leases.

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 Copart of Connecticut, Inc for a Junk Yard Special Use Permit at 2639 and 2731 Townline Road, in the Town of Alden, further identified by SBL # 96.00-4-14.111 and 96.00-4-15.1) (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 special use permits; 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 special use permit, as required under Section 239-m of the General Municipal Law and is hereby directed to give 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 special use permit 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; 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 November 3, 2020, which resulted as follows:

CARRIED.

Ayes 3 Adamski, Pautler & Waiss

Nays 0

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Colleen Rogers, Deputy Supervisor – Sent out the letters with the Map, Plan & Report to residents of proposed Cayuga Creek water district.

Mike Metzger, Town Engineer – Rubber membrane is on the Senior Center roof. Demolition of the ceiling inside is done and the new grid is in place. Sub-contractor said the ceiling should be done by the end of the week.

UNFINISHED AND TABLED BUSINESS

NOTICE OF MEETINGS

NEXT WORK SESSION:

November 10, 2020

@7:00 PM

REGULAR BOARD MEETING

November 17, 2020

@7:00 PM

MEMORIAL REMEMBRANCE - Denise Bartosik-Dabb

ADJOURNMENT

At 7:22 P.M. Supervisor Adamski adjourned the Meeting.

Alecia Barrett
Town Clerk