

MEETING NO. 22  
REGULAR NO. 22

REGULAR TOWN BOARD MEETING  
TOWN OF ALDEN

November 17, 2020  
7:00 P.M.

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road, Alden, NY on Tuesday, November 17, 2020 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  
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 Councilwoman Waiss seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of November 3, 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 #862 - 904 **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>\$63,445.98</b>		<b>\$63,445.98</b>
<b>HIGHWAY FUND "DA/DB"</b>	<b>\$46,030.18</b>		<b>\$46,030.18</b>
<b>PART-TOWN FUND "B"</b>	<b>\$12,338.43</b>		<b>\$12,338.48</b>
<b>SPECIAL FIRE PROTECTION "SF"</b>			
<b>SEWER DIST. #2 FUND "SA"</b>	<b>\$327.82</b>		<b>\$327.82</b>
<b>TRUST &amp; AGENCY "T"</b>	<b>\$2,959.50</b>		<b>\$2,959.50</b>
<b>SPECIAL REFUSE FUND "SR"</b>	<b>\$40,680.68</b>		<b>\$40,680.68</b>
<b>STREET LIGHTING FUND "SL"</b>	<b>\$3,791.92</b>		<b>\$3,791.92</b>
<b>PERIWINKLE LTG. DIST."SL1"</b>	<b>\$61.61</b>		<b>\$61.61</b>
<b>ZOELLER RD WATER DIST "WZ"</b>			
<b>CAPITAL PROJECTS "HC"</b>			
<b>TOTAL</b>	<b>\$\$169,636.17</b>		<b>\$169,636.17</b>

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON NOVEMBER 17, 2020 AND

ADOPTED

Ayes 3 Adamski, Pautler & Weiss

Nays 0

**BUSINESS FROM THE FLOOR**

Gary Wagner, 1427 Two Rod – Addressed Supervisor Adamski with regard to the 11/5 article in the Alden Advertiser that stated the supplier of the failing boilers is no longer in business. Mr. Wagner went on to state that he had a conversation with Supervisor Adamski and that he knew Mr. Wagner was the supplier and he is still indeed in business. He also went on to add that the boilers were never properly maintained by the Code Enforcement Officer and that is why they have failed.

**COMMUNICATIONS**

**Councilwoman Pautler**

1. Received a thank you letter from Alden Substance Abuse & Prevention

.....  
7:05 PUBLIC HEARING FOR PROPOSED FIRE DISTRICT CONTRACTS

Councilwoman Pautler motioned and Councilwoman Weiss 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 proposed contracts. He read the following statement and then opened the floor for public comment:

### **Statement Regarding Approval of Fire Contracts**

The Town of Alden is authorized under the Town Law of New York State to provide for fire protection services within the Town of Alden Fire Protection District, which is comprised of all areas of the Town outside of the Village of Alden. The Town has a number of options available to it under law in terms of how to provide these fire protection services, which includes contracting with one or more fire companies. No fire company has a right to contract with the Town for these purposes, and instead the Town has the sole discretion to determine which fire companies to contract with in order to best serve the public interest.

The Town currently has four contracts in place for the provision of fire protection services, with (a) the Crittenden Volunteer Fire Department, Inc., (b) the Millgrove Volunteer Fire Department, Inc., (c) the Townline Volunteer Fire Department, Inc, and (d) Village of Alden. These contracts expire December 31, 2020.

During 2020 the Town will have expended more than \$611,000 under these contracts for fire protection services within the Town of Alden Fire Protection District, in addition to being subject to paying for certain training costs for all fire companies and service award costs in relation to the Village of Alden contract.

In conjunction with the process of entering into one or more contracts for fire protection for the period beginning January 1, 2021, the Town has carefully considered the best approach to provide effective fire protection while also protecting the interests of the Town and its taxpayers.

The Town Board will be considering a resolution to authorize entry into three contracts for fire protection services within the Town of Alden Fire Protection District, which will continue the Town's relationships with the Crittenden, Millgrove and Townline fire companies. Contracting with these three fire companies, instead of the four that the Town has contracted with over the past many years, will create an annual savings of \$62,000, which allows the Town of Alden to maintain a 0% tax increase for the 2021 budget year while still maintaining vital services and programs for Town residents. This result is particularly critical given the Covid-related fiscal pressures that the Town has and will continue to face.

It is important to note that the ambulance service for the entire Town will not change under this new arrangement with the three fire companies. The Town currently contracts with LVAC Ambulance service for the entire town (excluding the Village) and will continue to do so. In addition, there will be no change for Village of Alden residents, who will continue to receive fire protection through the Village of Alden Fire Department.

Under the new contract structure with the three fire companies, which will cover the 2021 and 2022 calendar years, each company will have an obligation to respond within the entire Town Fire Protection District, although a boundary agreement between the Town and the companies will identify the area of primary response for each company. The three fire companies have assured the Town that response time will be maintained in the best interests of our residents. The Town will continue to monitor response times throughout the proposed term of the new contracts and will pursue adjustments to the boundary agreement if warranted.

In that regard, Crittenden will be installing a substation located at 12800 West Main Street in the Town of Alden. This substation will be located in a leased portion of the Parks Department Building and will be fully functional by Jan 1, 2021. This substation will remain in operation until Crittenden finds a location for a new construction sub-station, which will be located in an area to ensure that homeowner rates will not be affected and response times will be maintained.

In addition to achieving significant cost-savings while maintaining effective response times, the contracts with the three fire companies will contain new provisions enhancing the Town's ability to ensure that taxpayer dollars are spent wisely and in the best interests of public safety, and will also more fully protect Town taxpayers against liabilities.

Although the Town Board does not wish to belabor the reasons why it believes that it is in the best interests of the Town's residents to no longer contract with the Village of Alden for fire protection services, we do wish to recognize that it appears that the monies paid by the Town to the Village under the existing contract (which is \$152,832.23 annually plus training costs and service award reimbursement) <sup>30,574.14</sup> ~~annually~~ funds the Village Fire Department, which essentially means that residents of the Town who live outside the Village are largely subsidizing fire protection services for Village residents. The Town Board is not only concerned about the inequitable tax burden placed on Town taxpayers in this regard, but is equally concerned that financial information from the Village relating to Fire Department expenditures has been insufficient. As a result, the Town Board necessarily is unable to have confidence in the Village's use of Town taxpayer monies.

Because of these and other related concerns, the Town Board has concluded that it is in the best interests of the Town and its residents to consolidate fire protection services through new agreements with the Crittenden, Millgrove and Townline companies, which will result in substantial cost-savings while maintain the level of fire protection that Town residents expect and deserve.

On behalf of the Town Board, I would like to thank the many men and women of the Alden Fire Department who throughout the years have dedicated their lives to the safety and

well-being of both the Town and Village residents. The Town Board has nothing but admiration for all first responders who selflessly put their life on the line for others, and greatly appreciates the contributions of the Alden Fire Department to preserving the safety and well-being of our community.

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Brett Sitzman, 895 W. Alaura – Read the following statement:

My name is Brett Sitzman I am the Public Information Officer for the Alden Hook & Ladder Fire Company and also a Town of Alden tax payer.

Read highlighted notes from September 8th & 22nd work sessions. (One year contract with a 1-1/2% increase with all four Fire Departments where all were in agreement, according to these minutes). It's interesting to note, the Chair and Co-Chair of the Fire Protection Committee were not involved in this process.

Mr Supervisor.....please help me understand how you went from that contract (which I hold in my hand), to negotiating behind closed doors with only three Fire Departments (excluding Alden) and coming up with the contract currently being presented, cutting the Alden Fire Department out completely, leaving a large portion of Town of Alden residents with longer response times? Additionally, why did the Town Board hire another Law Firm at an additional expense to the taxpayers and remove the Town's Attorney Jennifer Strong from this process after her initial involvement? She is

certainly competent and capable of carrying out these duties.

The Alden Fire Department historically responds to more calls annually in the town than any of the other three fire departments; approximately 200 so far this year to date!

From the standpoint of public safety, one of my sources has told me that you have been advised by all of the Fire Chiefs that you are currently negotiating with, that this contract (cutting out Alden) is not a good idea and response times will be negatively impacted. I will not reveal the source of this comment, however, he is here tonight and can respond publicly if he so chooses.

If you (the Town Board) continue down this path and approve this contract, this decision would be unconscionable and tantamount to negligence!

On a personal note.....(read first paragraph of town letter to village), the hypocrisy in that paragraph is stunning. As a 40+ year veteran of the Alden Hook & Ladder (having served as Chief and President), thousands of hours training, missing meals and family parties, running into burning buildings, never once asking "what's in it for me", I am personally offended by you referring to the Alden Hook & Ladder Fire Company as nothing but a social club in your conversations with the Mayor; in addition to you questioning the Hook & Ladder's tax exempt status and threatening to charge us back taxes on our Station 2 facility, which has been provided by the Hook & Ladder without any taxpayer dollars, for the benefit and protection of town residents.

There seems to be a lot of misinformation floating around out there, so let me be clear.....the Alden Hook & Ladder Fire Company DOES NOT receive ANY tax dollars and we would welcome an audit from the Town, County or State to prove it. Since the 1980's the Alden Hook and Ladder has worked very hard using private donations and funds raised to acquire property, build buildings and training grounds in order to better serve the town residents in that area. That being said, we do have a bank loan that we are currently paying on, (like many other fire companies do), and doing so with funds raised (again, no tax dollars being used)! If anyone would like to help us pay this off, we would welcome the contributions. By the way.....If you would like to see it, I have a copy of our "not for profit" listing from NYS Department of State, which I understand someone couldn't find.

I would like to take this opportunity to strongly urge you to rethink your position on this contract. Thank you for your time this evening!

The following residents spoke during the Public Hearing:

Paul Loehr, Henskee Rd.

Tom Darcy, Sullivan Rd.

JoAnne Karn, Three Rod Rd.

Jean LeBlanc, Broadway

Todd Gaffney, Westwood Rd.

Melissa Goff, Lavender Ln.

Fred Mitchell, Main St.

Mari Gary, Virginia Dr.

Nick Kratz, Wende Rd.

Bernadette Roland, Sullivan Rd.

Christine Schmidt, Westwood Rd.

Mr. Moyer, Sandridge Rd.

Joe Czechowski, Sandridge Rd.

Mike Manicki, Westcott Ave.

Ken Meyer, Sandridge

Cindy, Village Resident

Scott Sitzman, Crittenden Rd.

Suzanne Walter-Garry, Mayfield Dr.

Esther Kibbe, Baxter Ave.

James Guarino, North Rd.

Dave Gromek, Cary Rd.

Dan Rimkus, Crittenden

Don Stoffel, Three Rod

Tom Berger, Boncliff Dr.

Marlene Roll, Henskee

Bob Eleczko, Millgrove Fire Chief

Brett Sitzman, W. Alaura

Al P., Crittenden Fire Chief

Larry Turner, Henskee Rd.

Tom Czechowski, Henskee Rd.

Ms. Walter, Jane Dr.

Brett Broska, Townline Fire Chief

The following concerns/statements were voiced:

- Response times
- Properties with no public water
- Increase in cost of homeowners insurance
- Longevity of volunteers, new volunteers
- Demanded costs savings be found somewhere else, stating this is irresponsible and dangerous
- Questioned if a study was performed
- Questioned why this is being done, where did the loss of confidence in Alden come from
- Public health issues are at an all-time high during this pandemic
- What would the cost of a new substation be
- Questioned the true underlying issue
- Questioned the hiring of a special attorney for this matter
- Questioned why paperwork is an issue from both parties (Village & Town)

Residents demanded the Board reconsider their stance and listen to the people who vote for them. All questions and comments were in favor of keeping the relationship with the Village of Alden. Volunteers were acknowledged and thanked for their service to the community. Fire Chief Broska added that had The Village provided the proper documentation in the required timeframe that none of this would be happening.

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 would like to decorate the Alden Town Park with blue and white lights for the upcoming Holiday Season, to offer free and safe entertainment to its residents during the CoVid-19 Pandemic;

WHEREAS, the estimated total cost of 3,000 feet of blue LED lights and 3,000 feet of white LED lights with shipping costs is over \$1,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines (“Guidelines”) of the Town of Alden state that the Town must obtain quotes from at least two (2) vendors;

WHEREAS, Quotes were received as follows:

The highest quote is from Super Bright LEDs at a total cost of \$2,628.00;

The second highest quote is from Amazon at a total cost of \$2,604.00; and

The lowest quote is from Novelty Lights at a total cost of \$1,873.25;

WHEREAS, Novelty Lights is the lowest responsible bidder.

WHEREAS, The Town Board after full and careful review and consideration finds that it is in the public interest to authorize the purchase of said lights to be set up by Town Employees and by Volunteers.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of 6,000 feet of holiday lights from Novelty Lights at a total cost of \$1,873.25;
2. The Town Supervisor is authorized to sign any and all necessary documents to effectuate this purchase; and

3. 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 17, 2020, which resulted as follows:

**CARRIED.**

Ayes 3 Adamski, Pautler & Waiss

Nays 0

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

Motion to introduce Local Law #4 Rezoning of Real Property on Broadway at Two Rod Road and refer the same to the Planning Board.

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on November 17, 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 boiler system at the Town Hall has failed rendering the Town Hall without heat, making the Town Hall unsafe for its employees and at risk of pipes bursting;

WHEREAS, the Town's Procurement Policy & Procedure Guidelines ("Guidelines") state that the Town must prepare a request for proposal and then obtain written quotes, except in the case of an emergency;

WHEREAS, not having heat at Town Hall is an emergency situation due to the danger to employees and the risk of bursting pipes; and

WHEREAS, the Town Board after full and careful consideration finds that it is in the public interest to authorize the emergency purchase of a new boiler system for the Town Hall.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the emergency purchase of: a new boiler system (which includes removal of the broken system) as further outlined on the attached Proposal; for a total cost of \$55,045.00;
2. It is expected that National Fuel will offer a gas efficiency rebate and that the manufacturer of the current system will issue an approximately \$24,000.00 warranty payout due to the failure of the current system which will reduce the overall cost of the new boiler system;
3. The Highway Superintendent is authorized to sign any and all necessary documents to effectuate this purchase; and
4. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting on November 17, 2020, the results of which were as follows:

**CARRIED.**

Ayes 3 Adamski, Pautler & Waiss

Nays 0

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

ORDERED, that a hearing before the Alden Town Board shall be held at the Alden Town Hall, 3311 Wende Road, Alden, New York at 7:10 p.m. on the 1<sup>st</sup> day of December 1, 2020, for the purpose of hearing all persons interested in the proposed Local Law No. 3 of the Year 2020 "Tree Care Rezone"; and

BE, IT FURTHER

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Alden Advertiser, designated by the Town as its official newspaper for this publication, such publication to be not less than ten days before the date of the public hearing; (b) post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; and (c) notify by mail all parties of interest pursuant to the General Municipal Law and the Town Law of the Public Hearing, not less than ten days before the date of the Public Hearing; and

BE, IT FURTHER

ORDERED, that the Town Clerk is to make copies of the proposed "Local Law No. 3 of the Year 2020, entitled "Tree Care Rezone", available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on November 17, 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 WAISS, TO WIT;

WHEREAS, the Town Board of the Town of Alden is considering an application by Copart of Connecticut, Inc for a Junk Yard License 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, pursuant to Section 220-6 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 application for a Junk Yard License made by Copart of Connecticut, Inc. be held by the Town Board at the Alden Town Hall, 3311 Wende Road, Alden, New York on December 1, 2020 at 7:05 P.M. Local Time;
2. That the Town Clerk is hereby directed to publish the Notice of Public Hearing in the Alden Advertiser and to post the same on the Town Bulletin Board; 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 November 17, 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 Alden Town Board needs to renew the Contract with Professional Ambulance Billing, as the current contract is expiring;

WHEREAS, the proposed Agreement will be for a term of three years, with one year automatic renewal;

WHEREAS, the Town Board on the matter of said contracts for such term having been fully discussed and considered.

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

1. The Town Supervisor be and hereby is authorized to execute a Contract with Professional Ambulance Billing, a copy of which is on file in the office of the Town Clerk, on the terms and conditions contained therein, beginning on December 1, 2020; 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 17, 2020, which resulted as follows:

**CARRIED.**

Ayes 3 Adamski, Pautler & Waiss

Nays 0

**REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL**

Jennifer Strong, Town Attorney – sewer tax refund has been signed by the property owner. Sullivan Rd agreement with Village will be reviewed at next meeting.

Mike Metzger, Town Engineer – Attended CDBG site visit today with Chris Snyder. They presented the project and answered questions.

**UNFINISHED AND TABLED BUSINESS**

**NOTICE OF MEETINGS**

<b>SPECIAL MEETING:</b>	<b>November 19, 2020</b>	<b>@10:00 AM</b>
<b>WORK SESSION:</b>	<b>November 24, 2020</b>	<b>@7:00 PM</b>
<b>REGULAR BOARD MEETING</b>	<b>December 1, 2020</b>	<b>@7:00 PM</b>

**MEMORIAL REMEMBRANCE -**

**ADJOURNMENT**

At 9:18 P.M. Supervisor Adamski adjourned the Meeting.

Alecia Barrett  
Town Clerk