

MEETING NO. 21
REGULAR NO. 21

REGULAR TOWN BOARD MEETING
TOWN OF ALDEN

November 4, 2019
7:00 P.M.

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road on Monday, November 4, 2019 at 7:00 P.M. Supervisor Savage called the Meeting to Order and Councilwoman Pautler led in the Pledge of Allegiance. The Roll Call was taken by the Town Clerk.

PRESENT: Richard Savage, Supervisor
Dean Adamski, Councilman
Colleen Pautler, Councilwoman

RECORDING SECRETARY: Alecia Barrett, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney
Mike Metzger, Town Engineer
Chris Snyder, CEO
Lenny Weglarski, DCO
Residents
Student

Councilwoman Pautler Moved and Councilman Adamski seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of October 7, 2019 and the Minutes of the Special Meeting of October 8, 2019.

CARRIED

Ayes 3 Savage, Adamski & Pautler
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN PAUTLER, SECOND BY SUPERVISOR SAVAGE, WHO MOVED THAT THE FOLLOWING VOUCHERS BE ALLOWED AND PAID TO WIT; VOUCHERS #977 - 1007 **ALL BILLS REVIEWED BY THE TOWN BOARD.**

<u>ACCOUNT</u>	<u>AMOUNT</u>		
	ABSTRACT #1	ABSTRACT #2	TOTAL
GENERAL FUND "A"	\$23,066.04	\$69,889.16	\$92,955.20
HIGHWAY FUND "DA/DB"	\$12,661.94	\$36,457.23	\$14,027.52
PART-TOWN FUND "B"	\$2,489.78		\$2,489.78
WATER DISTRICT #1 FUND "WA"			
SPECIAL FIRE PROTECTION "SF"			
SEWER DIST. #2 FUND "SA"	\$1,478.28	\$174.00	\$1652.28
TRUST & AGENCY "T"	\$6,062.22	\$5,715.94	\$11,778.16
SPECIAL REFUSE FUND "SR"	\$37,084.26		\$37,084.26
STREET LIGHTING FUND "SL"	\$5,002.25		\$5,002.25
PERIWINKLE LTG. DIST."SL1"	\$38.86		\$38.86
TOTAL	\$87,883.63	\$123,774.07	\$211,657.70

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON NOVEMBER 4, 2019 AND

ADOPTED

Ayes 3 Savage, Adamski & Pautler

Nays 0

BUSINESS FROM THE FLOOR

Student introduction.

7:05 Public Hearing – Proposed Local Law #5

At 7:05 p.m. Supervisor Savage moved into Public Hearing. He explained the changes to the residency law to allow for non-residents to hold certain positions within the Town.

No public comment was heard. Councilwoman Pautler moved to return to Regular Meeting, Seconded by Supervisor Savage; unanimously carried.

COMMUNICATIONS

Supervisor Savage:

1. Letter from Tim Shannon regarding a recreational path in Alden for safe walking, jogging, biking, etc.
2. Property Tax Cap info has been submitted.
3. Application from Daniel Wood.
4. Thank you letter from Alden Evergreen Cemetary for lawn care and spring clean-up provided by The Park’s Dept.
5. Copy of letter from Councilman Adamski to Court Justices
6. Building Permit report for October 2019
7. NFTA letter regarding winter safety.
8. Certified Playground Inspector report card for Andy Sojka.
9. Color pictures and bill for work done on Exchange/Zoeller

Attorney Strong

1. The Historical Society would like to thank Andy for fixing their faucet.

NEW BUSINESS

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

WHEREAS, Colleen Rogers, Budget Officer of the Town of Alden on September 27, 2019, duly filed the Tentative 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 Budget to the Alden Town Board on September 27, 2019;

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 2020;

WHEREAS, on October 7, 2019, 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 2020, on October 21, 2019. At which time all persons interested in the Preliminary General Fund Budget were given the opportunity to be heard.

WHEREAS, the Budget Officer has reported to the Office of the State Comptroller proof of her calculations confirming that the tax levy limit.

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, 2020;
2. The Town Clerk shall prepare and certify, in duplicate, copies of said General Fund Budget and deliver the same to Supervisor Savage to be presented to the Legislature of Erie County; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on November 4, 2019, as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler

Nays 0

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

WHEREAS, Colleen Rogers, Budget Officer of the Town of Alden on September 27, 2019, 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 27, 2019;

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 2020;

WHEREAS, on October 7, 2019, 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 2020, on October 21, 2019. At which time all persons interested in the same were heard; and

WHEREAS, the Budget Officer has reported to the Office of the State Comptroller proof of her calculations confirming that the tax levy limit.

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, 2020;

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 Savage to be presented to the Board of Legislators of Erie County; and

3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on November 4, 2019, as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler

Nays 0

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

WHEREAS, the Town Board of the Town of Alden has fully considered the adoption of Local Law No. 3 of the Year 2019, entitled "Zoning" which will update the minimum parking requirements and update the modification process (the "Proposed Action"); and

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA; and

WHEREAS, the Code Enforcement Officer provided notice to the Erie County Division of Planning on or about September 25, 2019, for this Proposed Action, as required under Section 239-m of the General Municipal Law and the Division responded with two comments that were reviewed and discussed by the Town Board;

WHEREAS, the New York State Environmental Quality Review Act requires the Town to determine the Lead Agency status and the Town Board did assume Lead Agency status on October 7, 2019; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, the SEQRA Intake Officer has prepared the Short Form Environmental Assessment Form, which is now on file with the Town.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board did determine that the Proposed Action is an Unlisted Action under SEQRA.
2. The Town Board did determine that it should be the Lead Agency for all environmental review of the Proposed Action.
3. 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 said Proposed Action.

4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on November 4, 2019, as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler

Nays 0

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

WHEREAS, Local Law No. 3 of the Year 2019, entitled "Zoning" which will update the minimum parking requirements and update the modification process was circulated to the Town Board on September 3, 2019 and was introduced to the Town Board for consideration by Supervisor Savage on September 16, 2019;

WHEREAS, an order was duly adopted by the Alden Town Board for a public hearing to be held by said Town Board on October 21, 2019 at 7:15 pm the Alden Town Hall, 3311 Wende Road, Alden, New York 14004 to hear all interested parties on the proposed Local Law;

WHEREAS, notice of said public hearing was duly published in the Alden Advertiser, the official newspaper of the Town of Alden;

WHEREAS, said public hearing was duly held on October 21, 2019 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 (SEQRA) it has been determined by the Alden Town Board, as Lead Agency, as solicited on October 7, 2019, that adoption of said proposed Local Law is an Unlisted Action and will not have a significant effect upon the environment;

WHEREAS, the Erie County Division of Planning responded to the 239-m Notice with two comments that were reviewed and discussed by the Alden Town Board;

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law on October 8, 2019;

WHEREAS, the Town Planning Board on October 8, 2019 recommended approval of the Local Law;

WHEREAS, said Local Law will not have any adverse impact on the current land uses in this area; and

WHEREAS, the Town Board, after due deliberation, finds that it is in the best interests of the Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board hereby adopts said Local Law No. 3 of the Year 2019 entitled "Zoning" 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
3. This Resolution shall take effect immediately.

LOCAL LAW TO BE ENACTED BY
THE ALDEN TOWN BOARD
TOWN OF ALDEN, NEW YORK

2019 LOCAL LAW NO. 3

A LOCAL LAW AMENDING CHAPTER 365 ZONING; ARTICLE VIII OFF-STREET PARKING; SECTION 365-54: MINIMUM PARKING REQUIREMENTS and SECTION 365-59 MODIFICATION OF REQUIREMENTS OF THE TOWN CODE OF THE TOWN OF ALDEN

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ALDEN AS FOLLOWS:

Section 1. Title

This article shall be still be known as Article VIII. Off-Street Parking.

Section 2. Purpose.

The purpose of this amendment is to amend the minimum parking requirements and to allow the Town Board greater flexibility in modifying the minimum parking requirements..

Section 3. Authority.

This article is amended pursuant to authority of Municipal Home Rule Law.

Section 4. Amendments.

Alden Town Code Section 365-54 shall be amended to read:

§ 365-59 Minimum Parking Requirements.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on November 4, 2019, as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler

Nays 0

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

WHEREAS, the Town Board of the Town of Alden has fully considered the adoption of Local Law No. 4 of the Year 2019, entitled "Changes to Automotive use areas - paving requirements" (the "Proposed Action"); and

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA; and

WHEREAS, the Code Enforcement Officer provided notice to the Erie County Division of Planning on or about September 25, 2019, for this Proposed Action, as required under Section 239-m of the General Municipal Law and a "no recommendation" was received from the Division; and

WHEREAS, the New York State Environmental Quality Review Act requires the Town to determine the Lead Agency status and the Town Board did assume Lead Agency status on October 7, 2019; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board did determine that the Proposed Action is an Unlisted Action under SEQRA.
2. The Town Board did determine that it should be the Lead Agency for all environmental review of the Proposed Action.
3. 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 said Proposed Action.
4. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting on November 4, 2019, the results of which were as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler

Nays 0

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

WHEREAS, Local Law No. 4 of the Year 2019, entitled "Changes to Automotive use areas - paving requirements" which will allow the Town Board flexibility and clarification in site plan approvals in regard to hard surface requirements for businesses was circulated to the Town Board on September 4, 2019 and was introduced to the Town Board for consideration by Councilperson Pautler on September 16, 2019;

WHEREAS, an order was duly adopted by the Alden Town Board for a public hearing to be held by said Town Board on October 21, 2019 at 7:15 pm the Alden Town Hall, 3311 Wende Road, Alden, New York 14004 to hear all interested parties on the proposed Local Law;

WHEREAS, notice of said public hearing was duly published in the Alden Advertiser, the official newspaper of the Town of Alden;

WHEREAS, said public hearing was duly held on October 21, 2019 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 (SEQRA) it has been determined by the Alden Town Board, as Lead Agency, as solicited on October 7, 2019, that adoption of said proposed Local Law is an Unlisted Action and will not have a significant effect upon the environment;

WHEREAS, the Erie County Division of Planning issued a "no recommendation" to the 239-m Notice that was received by them on or about September 25, 2019;

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law on October 8, 2019;

WHEREAS, the Town Planning Board on October 8, 2019 recommended approval of the Local Law;

WHEREAS, said Local Law will not have any adverse impact on the current land uses in this area; and

WHEREAS, the Town Board, after due deliberation, finds that it is in the best interests of the Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board hereby adopts said Local Law No. 4 of the Year 2019, entitled "Changes to Automotive use areas - paving requirements" 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
3. This Resolution shall take effect immediately.

LOCAL LAW TO BE ENACTED BY
THE ALDEN TOWN BOARD
TOWN OF ALDEN, NEW YORK

2019 LOCAL LAW NO. 4

**A LOCAL LAW AMENDING CHAPTER 365 ZONING; ARTICLE IV
SUPPLEMENTARY REGULATIONS; SECTION 365-27 AUTOMOTIVE USE AREAS
OF THE TOWN CODE OF THE TOWN OF ALDEN**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ALDEN AS
FOLLOWS:**

Section 1. Title

This article shall be still be known as Article IV. Supplementary Regulations.

Section 2. Purpose.

The purpose of this amendment is to allow the Town Board greater flexibility in site plan approvals in regard to paving requirements for businesses.

Section 3. Authority.

This article is amended pursuant to authority of Municipal Home Rule Law.

Section 4. Amendments.

Alden Town Code Section 365-27A shall be amended to read:

A. Any portion of a lot, with the exception of one- and two-family homes, used for open off-street parking and, but not limited to, reservoir space for open sales, service or storage areas for motor vehicles, or boats, shall be deemed to be an automotive use area and shall be subject to the following requirements:

Alden Town Code Section 365-27A(1) shall be amended to read:

(1) Surfacing. Every automotive use area and access driveway thereto shall be paved with new process hot asphalt paving or concrete and shall be so graded and drained so as to dispose of surface water accumulations.

The Town Board, during its site plan review and approval process, may deviate from the above surfacing requirements as to separate employee only parking areas; equipment only storage areas and temporary storage/staging areas only, provided that such deviation is not inconsistent with public health, safety, and welfare. Further provided that entryways, customer and handicapped parking areas; active work areas; and vehicle display areas must always be paved with new process hot asphalt or concrete.

In addition, any granted deviation would take into consideration the nature of the business, its size, and any other factors deemed appropriate by the Town Board.

[Editor's Note: no other sections or subsections are being changed].

Section 5. Severability.

A. If any part of this Local Law shall be judicially declared invalid, void, unconstitutional, or unenforceable, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted

B. Nothing herein shall be deemed to be a waiver or restriction upon any rights and powers available to the Town of Alden to further regulate the subject matter of this Local Law.

Section 6. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State of the State of New York.

The above resolution was duly put to a roll call vote at a regular meeting on November 4, 2019, the results of which were as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler
Nays 0

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

WHEREAS, the Town Board of the Town of Alden has fully considered the adoption of Local Law No. 5 of the Year 2019, entitled "Amendment to Residency Requirements" which will allow the Town Board flexibility in its hiring process (the "Proposed Action"); and

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA; and

WHEREAS, the Code Enforcement Officer provided notice to the Erie County Division of Planning on or about September 25, 2019, for this Proposed Action, as required under Section 239-m of the General Municipal Law and a "no recommendation" was received from the Division; and

WHEREAS, the New York State Environmental Quality Review Act requires the Town to determine the Lead Agency status and the Town Board did assume Lead Agency status on October 7, 2019; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

5. The Town Board did determine that the Proposed Action is an Unlisted Action under SEQRA.
2. The Town Board did determine that it should be the Lead Agency for all environmental review of the Proposed Action.
3. 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 said Proposed Action.
6. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting on November 4, 2019, the results of which were as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler
Nays 0

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

WHEREAS, Local Law No. 5 of the Year 2019, entitled "Amendment to Residency Requirements" which will allow the Town Board flexibility in its hiring process, was circulated to the Town Board on September 23, 2019 and was introduced to the Town Board for consideration by Supervisor Savage on September 30, 2019;

WHEREAS, an order was duly adopted by the Alden Town Board for a public hearing to be held by said Town Board on November 4, 2019 at 7:05 pm the Alden Town Hall, 3311 Wende Road, Alden, New York 14004 to hear all interested parties on the proposed Local Law;

WHEREAS, notice of said public hearing was duly published in the Alden Advertiser, the official newspaper of the Town of Alden;

WHEREAS, said public hearing was duly held on November 4, 2019 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 (SEQRA) it has been determined by the Alden Town Board, as Lead Agency, as solicited on October 7, 2019, that adoption of said proposed Local Law is an Unlisted Action and will not have a significant effect upon the environment;

WHEREAS, the Erie County Division of Planning issued a "no recommendation" to the 239-m Notice that was received by them on or about September 25, 2019;

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law on October 8, 2019;

WHEREAS, said Local Law will not have any adverse impact on the current land uses in this area; and

WHEREAS, the Town Board, after due deliberation, finds that it is in the best interests of the Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board hereby adopts said Local Law No. 5 of the Year 2019, entitled "Amendment to Residency Requirements" which will allow the Town Board flexibility in its hiring process, 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
3. This Resolution shall take effect immediately.

LOCAL LAW TO BE ENACTED BY
THE ALDEN TOWN BOARD
TOWN OF ALDEN, NEW YORK

2019 LOCAL LAW NO. 5

**A LOCAL LAW AMENDING CHAPTER 67 RESIDENCY REQUIREMENTS;
SECTION 67-7A OF THE TOWN CODE OF THE TOWN OF ALDEN**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ALDEN AS
FOLLOWS:**

Section 1. Title

This section shall be still be known as Chapter 67 Residency Requirements.

Section 2. Purpose.

The purpose of this amendment is to allow the Town Board flexibility in its hiring process.

Section 3. Authority.

This article is amended pursuant to authority of Municipal Home Rule Law.

Section 4. Amendments.

Alden Town Code Section 67-7 A shall be amended to read:

67-7 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 such as attorneys, book keepers 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 non-resident appointment.

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

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

[Editor's Note: no other sections or subsections are being changed].

Section 5. Severability.

A. If any part of this Local Law shall be judicially declared invalid, void, unconstitutional, or unenforceable, all unaffected. provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted

B. Nothing herein shall be deemed to be a waiver or restriction upon any rights and powers available to the Town of Alden to further regulate the subject matter of this Local Law.

Section 6. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State of the State of New York.

The above resolution was duly put to a roll call vote at a regular meeting on November 4, 2019, the results of which were as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler
Nays 0

Councilman Adamski motioned and Councilwoman Pautler Seconded the motion to introduce proposed local law number 6 for 2019 which, if enacted, would reduce and return the Alden Town Planning Board to 5 members from its current 7 members. Reductions would be made as current terms expire.

The foregoing Motion was duly put to a roll call vote at a regular meeting on November 4, 2019, as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler
Nays 0

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

WHEREAS, the Town Board of the Town of Alden is considering the adoption of “Local Law No. 6 of the Year 2019, entitled “Local Law amending Section 365-90 of the Alden Town Code to decrease the number of members of the Town of Alden Planning Board” (the “Proposed Action”);

WHEREAS, the Town Board feels that the Proposed Action is an Unlisted Action under SEQRA;

WHEREAS, the Town Board believes that the Town is: the agency primarily responsible for undertaking such decisions; 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 Building Department is hereby directed to send notice to the Erie County Division of Planning as required under Section 239-m of the General Municipal Law and the Town Clerk is hereby directed to send notices to the neighboring municipalities.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA. The Town Board has determined that it should be the Lead Agency for all environmental review of the Proposed Action.

This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting on November 4, 2019, the results of which were as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler
Nays 0

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

WHEREAS, the County of Erie is responsible for maintaining many roads located within the Town of Alden;

WHEREAS, the County of Erie would like to contract with the Town of Alden from September 1, 2019 through August 31, 2022 to allow the Town of Alden to remove snow, to sand, and to control ice and snow on some of the County Roads located within the Town of Alden;

WHEREAS, the proposed Contract will pay the Town of Alden fair and adequate consideration for its winter road maintenance services on County Roads; and

WHEREAS, The Town Board after full and careful review and consideration of the County’s request finds that it is in the public interest to enter into the proposed Contract with the County of Erie.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. That the Town Board does hereby authorize Supervisor Savage to enter into and execute all necessary documents to effectuate the Contract with the County of Erie;

2. The Town Clerk is directed to mail two (2) certified counterparts of this Resolution; two (2) Contracts executed by the Supervisor and Insurance Certificates to the County of Erie; and

3. This Resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting on November 4, 2019, the results of which were as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler

Nays 0

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

WHEREAS, the Alden Town Board has received a request from the Parks Supervisor to purchase a new swings for the Town Parks; which will be purchased pursuant to the New York State Bid List;

WHEREAS, the Town's Procurement Policy & Procedure Guidelines ("Guidelines") of state that the Town must prepare a request for proposal and then obtain written quotes, except when the purchase is made from the New York State Bid List;

WHEREAS, Miracle Recreation Equip. Co. is on the New York State Bid List (Contract Number: PC 67836) and offers the needed swing set equipment (as per the attached quote);

WHEREAS, the Town Board after full and careful consideration finds that it is in the public interest to purchase the new swings.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of: one tot seat (\$1,867.00) and a swing frame with four single person seats (\$2,291.00); plus freight fees of \$490.65; minus the State Bid Discount of \$729.00 for a total cost of \$3,919.65 from Miracle Recreation Equip. Co.;
2. The Parks Supervisor is authorized to sign any and all necessary documents to effectuate this purchase; and
3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting on November 4, 2019, the results of which were as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler

Nays 0

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

WHEREAS, the Town of Alden is in need of fire dispatch services (a unique and specialized service) which can be provided at a lesser rate by entering into a joint agreement between the Town of Alden, Town of Lancaster and the Village of Alden with Lancaster Fire Control.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board does hereby authorize Supervisor Savage to enter into and execute all necessary documents to effectuate a Joint Service Agreement (with the Town of Lancaster and the Village of Alden) for Fire Dispatch Service with Lancaster Fire Control effective from January 1, 2020 through the year December 31, 2024; 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 4, 2019, the results of which were as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler
Nays 0

Supervisor Savage motioned and Councilwoman Pautler Seconded the motion to appoint Hanna Stover as part time Court Clerk for the balance of 2019, 19 hours per week with PT benefits as per the Town’s Personnel Policy. Annual reappointment will be at the organizational Meeting..

The foregoing Motion was duly put to a roll call vote at a regular meeting on November 4, 2019, as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler
Nays 0

Councilman Adamski motioned and Councilwoman Pautler Seconded the motion to appoint Daniel P Wood to the position of Town Constable, to work under the direction the Town Board with pay rate to be set as per the Town fee schedule. This appointment will be pending on Mr. Wood passing both the criminal background check and drug test required for all Town employees.

The foregoing Motion was duly put to a roll call vote at a regular meeting on November 4, 2019, as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler
Nays 0

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

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

WHEREAS, the Alden Town Board has received a request from the Parks Supervisor to purchase two therapeutic swing seats for the Town Parks; the estimated costs of which is under \$2,000.00;

WHEREAS, the Town's Procurement Policy & Procedure Guidelines (“Guidelines”) of state that the Town must prepare a request for proposal and then obtain written quotes from at least two vendors;

WHEREAS, the Parks Department has obtained the following two quotes:

the highest quote is from Miracle Recreation Equip. Co. at \$2,488 plus freight, and

the lowest quote is from R.E. Woodson, Inc. at \$884.00, plus freight of \$180.00 for a total price of \$1,064.00;

WHEREAS, R.E. Woodson, Inc. is the lowest responsible bidder.

WHEREAS, the Town Board after full and careful consideration finds that it is in the public interest to purchase the new therapeutic swing seats.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of two therapeutic swing seats with freight costs for a total cost of \$1,064.00 from R. E. Woodson, Inc.;
2. The Parks Supervisor is authorized to sign any and all necessary documents to effectuate this purchase; and
3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting on November 4, 2019, the results of which were as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler

Nays 0

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Bill Rogers, Highway Superintendent – monitored rain last Thursday, we were lucky, we fared well. Leading up to the forecasted weather we spent a couple days trimming trees and cleaning out drains. Found drainage coming out of the infield on a baseball diamond at Robert O Smith Park.

Mike Metzger, Engineer – Wheels in motion for NYSEG to come out to SD2 to set up a monitor for voltage fluctuations. Reached out again to Erie County Water Authority.

Chris Snyder, CEO – continuing to monitor SD2.

Len Weglarski, DCO – All good, quite week.

NOTICE OF MEETINGS

NEXT WORK SESSION:	November 12, 2019	@7:00 PM
REGULAR BOARD MEETING	November 18, 2019	@7:00 PM

MEMORIAL REMEMBRANCE - Elizabeth Hails

ADJOURNMENT

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

Alecia Barrett
Town Clerk