

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road, Alden, NY on Tuesday, January 18, 2022 at 7:00 P.M. Supervisor Sitzman called the Meeting to Order and Councilwoman Pautler led in the Pledge of Allegiance. The Roll Call was taken by the Town Clerk.

PRESENT: Brett Sitzman, 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
Sarah Miller, Deputy Town Supervisor
Residents

Councilwoman Pautler Moved and Councilwoman Waiss seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of January 3, 2022.

CARRIED

Ayes 3 Sitzman, 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 #1 - 48 **ALL BILLS REVIEWED BY THE TOWN BOARD.**

<u>ACCOUNT</u>	<u>AMOUNT</u>		
	ABSTRACT #1	ABSTRACT #2	TOTAL
GENERAL FUND "A"	\$17,126.41		\$17,126.41
HIGHWAY FUND "DA/DB"	\$19,477.00		\$19,477.00
PART-TOWN FUND "B"	\$4,387.80		\$4,387.80
CONSOLIDATED WATER "WR" SPECIAL FIRE PROTECTION "SF"	\$9,291.33		\$9,291.33
WATER DIST. #1 FUND "WA" WATER DIST.EXCHANGE ST. "WX"			
SEWER DIST. #2 FUND "SA"	\$195.77		\$195.77
TRUST & AGENCY "T"	\$2,933.51		\$2,933.51
SPECIAL REFUSE FUND "SR"			
STREET LIGHTING FUND "SL"	\$5,139.68		\$5,139.68
PERIWINKLE LTG. DIST."SL1" ZOELLER RD. WATER DIST. "WZ"	\$46.82		\$46.82
TOTAL	\$58,598.32		\$58,598.32

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON JANUARY 18, 2022 AND

ADOPTED

Ayes 3 Sitzman, Waiss & Pautler

Nays 0

Councilwoman Pautler moved to enter into Executive Session to discuss the Proposed Contract with the Village of Alden and Proposed Boundary Line Agreement. Executive Session to include the Town Board, Jennifer Strong, Jeff Swiatek , Deputy Mayor Prucnal , Fire Chief Erik Maderer.

Councilwoman Pautler moved to leave Executive Session and enter back into the Regular Meeting, seconded by Councilwoman Waiss.

Councilwoman Pautler announced there will not be public hearings as scheduled but they will be rescheduled for February 7, 2022. The boundary line agreement will not change, as indicated by the color drawing on display, however a technical adjustment needs to be made on the Intermunicipal agreement.

Tom Weisbeck, Broadway Street – questioned what the technical adjustment was.

Melissa Goff, Lavender Lane – Questioned the boundary lines dissecting St. John’s property; why is all of St. John’s property not covered by one station?

BUSINESS FROM THE FLOOR

COMMUNICATIONS

Brett Sitzman, Supervisor

1. Thanked volunteers for handing out COVID test kits and masks supplied by Erie County
2. Thank Bill Rogers & crew for hard work during recent snow storm
3. Received Thank You card from Alden Substance Abuse & Prevention Coalition
4. UB student reached out with regard to geological samples
5. Garden Club request for Community Center use for annual plant auction
6. Letter from Erie County Executive stating CDBG grant for Community Center flooring project was declined
7. Building inspector’s monthly report
8. Planning Board minutes

Jennifer Strong, Town Attorney

1. Drafted zoning board hearing notice for Zoning Board
2. New regulations from the Governor regarding video meetings
3. Working with Mike Metzger on 5G cell tower info

NEW BUSINESS

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

WHEREAS, The Town Supervisor would like to change Town Board meeting dates and to amend the agenda submission deadlines accordingly; and

WHEREAS, Notice (and a copy of the proposed changes) was given to the Town Board by Supervisor Sitzman on January 3, 2022 that he would request the Town Board adopt a resolution to amend the Town Council Rules of Procedure on January 18, 2022.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. That the Town Council Rules of Procedure be amended as follows effective as of January 18, 2022, as follows:

§ A371-1. Regular meetings

Regular meetings of the Alden Town Board shall be held at 7:00 p.m. on the first and third Mondays of each month unless said first or third Monday is a legal holiday, in which events such regular meeting shall be held at 7:00 p.m. on the following day. Each regular meeting and all adjourned sessions shall be open for consideration of any matter which, in accordance with the law and these rules, may be properly brought before the Town Board.

§ A371-7. Time for presentations to the Clerk.

All, resolutions and motions (except incidental ones) shall be submitted to the Town Clerk before 12:00 p.m. on Thursday for presentation at the regular meeting on the following Monday, unless said Thursday is a legal holiday, in which event all matters shall be presented to the Town Clerk before 12:00 p.m. on Wednesday. All matters presented to the Clerk in accordance with this rule shall be included on the agenda for the ensuing meeting. The agenda for the ensuing meeting shall be prepared and available at the Town Hall not later than 12:00 noon on the last business day preceding the ensuing meeting. The Town Board shall not consider nor act upon any matters which are not timely or scheduled on the agenda delivered to the Town Board members as aforesaid, except by unanimous consent by all members of the Board. This rule need not apply to special meetings, which are covered in § 2 and in § 62 of the Town Law of the State of New York.

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 January 18, 2022, which resulted as follows:

CARRIED.

Ayes 3 Sitzman, Waiss & Pautler

Nays 0

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

MOTION TO APPROVE KIWANIS USE OF COMMUNITY CENTER

Motion to approve the request of the Alden Kiwanis Club to use the Alden Community Center on February 13, 2022 from 10 am until 3 pm distribute the dinners for their annual Super Bowl Sunday Chicken BBQ Fundraiser.

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

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on January 18, 2022, which resulted as follows:

CARRIED.

Ayes 3 Sitzman, Waiss & Pautler

Nays 0

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

WHEREAS, the Town Board of the Town of Alden is considering an application, by JPW Development LLC for site plan approval of two proposed buildings each with three apartments with attached garages at Genesee Street, in the Town of Alden, further identified by SBLs # 85.00-4-24.112 and 85.00-4-42 (The “Proposed Action”);

WHEREAS, the Town Board 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 believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to site plan approval; 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 site plan approval, as required under Section 239-m of the General Municipal Law and has given 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 site plan approval 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 site plan approval; 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 January 18, 2022, which resulted as follows:

CARRIED.

Ayes 3 Sitzman, 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 Mary Walter for the subdivision of two lots. The entire parcel currently consists of approximately 28.6 acres at Reinhardt E. Road, in the Town of Alden, further identified as SBL 97.00-1-28. The first proposed lot (“Parcel A”) would be an approximately 25 acre parcel with improvements and

the second proposed lot ("Parcel B") would be an approximately 3.2 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 November 12, 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 SEQRA determination;

WHEREAS, the Alden Town Board did assume Lead Agency Status on December 7, 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 SEQRA Intake Officer; and

WHEREAS, during review of this Proposed Action, the Town of Alden assessed areas of environmental concern, and determined that no significant negative impacts would occur. In reaching this decision, the Town carefully considered all "Criteria" for Determination of Significance listed in the SEQRA Regulations.

WHEREAS, the Town of Alden Planning Board on December 13, 2021 reviewed the Proposed Action and recommended to the Town Board the approval of the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

4. The Town Board, as Lead Agency, has determined that the Proposed Action is an Unlisted Action under SEQRA;
5. The Town of Alden, as Lead Agency hereby concludes that the project will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic consideration;
6. That the following parcel, more particularly described as:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Alden, County of Erie, State of New York being part of Lot 27, Township 11, Range 5, of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at a point on the centerline of Reinhardt Road at the southeast corner of Liber 6142, Page 371, and south corner of Liber 10869, Page 7607. Said point also being 320.00 feet southeasterly of the west line of lands deeded to B. Walter by Liber 296, Page 168 and the west line of Map Cover No. 2093;

THENCE northerly forming an interior angle of 90°36'37", and along the east line of lands conveyed by Liber 10869, Page 7607 a distance of 24.75 feet to the north line of Reinhardt Road and the True Point or Place of Beginning;

THENCE continuing along said east line a distance of 274.52 feet to the northeast corner of Liber 10869, Page 7607;

THENCE northwesterly parallel with Reinhardt Road and along the northerly line of lands conveyed by Liber 10869, Page 7607 a distance of 18.00 feet to the northwest corner of Liber 10869, Page 7607 and being the northeast corner of lands conveyed by Liber 6412, Page 371, said point also being the northeast corner of Subdivision Lot 3 as shown on Map Cover 2093 as filed in the Erie County Clerk's Office;

THENCE northerly forming an exterior angle of 85°57'00" a distance of 404.92 feet to a point on the southeasterly bounds of lands deeded to CSX Railroad (formerly New York Central Railroad and formerly Conrail by Liber 5403, page 247;

THENCE northeasterly along the southeasterly bounds of said Railroad lands a distance of 205.77 feet to the east line lands deeded to Orton P. Ward by Liber 180, Page 360;

THENCE southerly along Orton P. Ward's east line a distance of 744.63 feet to a point on the north line of Reinhardt Road;

THENCE northwesterly along the northern bounds of Reinhardt Road, a distance of 198.51 feet to the point or place of beginning. CONTAINING 3.20± acres of land.

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 January 18, 2022, which resulted as follows:

CARRIED.

Ayes 3 Sitzman, Waiss & Pautler

Nays 0

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

MOTION TO APPROVE ALDEN GARDEN CLUB USE OF COMMUNITY CENTER

Motion to approve the request of the Alden Garden Club to use the Alden Community Center on May 18th, 2022 beginning at 4pm for their annual plant auction.

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

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on January 18, 2022, which resulted as follows:

CARRIED.

Ayes 3 Sitzman, Waiss & Pautler

Nays 0

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

MOTION TO ALLOW UB STUDENT TO COLLECT SOIL SAMPLES AT TOWN PARK

Motion to approve the request of UB Student, Caleb, to take soil samples in the Alden Town Park, as part of a college geology project. All soil sample locations shall be approved the Parks Supervisor. The Student shall repair any and all damage caused by taking the samples. The Town of Alden is not liable for any injury to student or to student's equipment while he is present on Town Property.

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on January 18, 2022, which resulted as follows:

CARRIED.

Ayes 3 Sitzman, Waiss & Pautler

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN PAUTLER, WHO MOVED IT BE TABLED, SECONDED BY COUNCILWOMAN WAISS, TO WIT;

WHEREAS, the Alden Town Board having on the 18th day of January, 2022 commencing at 7:05 P.M. duly held a public hearing for the purpose of considering an Boundary Line Agreement Amendment with: the Town Line Volunteer Fire Department, Inc.; the Crittenden Volunteer Fire Department, Inc.; the Millgrove Volunteer Fire Department, Inc.; and the Village of Alden/Alden Hook & Ladder Fire Co., Inc.; which Agreement shall define the responsibilities and geographical limitations of the four fire companies within the "Town of Alden Fire Protection District," and having heard all persons desiring to be heard in the matter and the matter of said Boundary Line Agreement Amendment having been fully discussed and considered.

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

1. Councilwomen Pautler be and hereby is authorized to execute said Boundary Line Agreement Amendment, a copy of which is on file in the office of the Town Clerk, on the terms and conditions contained therein beginning January 1, 2022; 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 January 18, 2022, which resulted as follows:

TABLED.

Ayes 2 Waiss & Pautler

Nays 0

Abstain 1 Sitzman

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN WAISS, WHO MOVED IT BE TABLED, SECONDED BY COUNCILWOMAN PAUTLER, TO WIT;

WHEREAS, the Alden Town Board having on the 18th day of January, 2022 commencing at 7:10 P.M. duly held a public hearing for the purpose of considering an Intermunicipal Agreement for Alden Fire Protection District for the years 2022 through 2026 with the Village of Alden; said Intermunicipal Agreement shall be for fire protection to "Town of Alden Fire Protection District," and having heard all persons desiring to be heard in the matter and the matter of said Intermunicipal Agreement for such fiscal years having been fully discussed and considered.

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

1. That Councilwomen Pautler be and hereby is authorized to execute said Intermunicipal Agreement for Alden Fire Protection District, with attached boundary line agreement amendment, copies of which are on file in the office of the Town Clerk, on the terms and conditions contained therein, for the fiscal years beginning January 1, 2022 and ending on December 31, 2026; 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 January 18, 2022, which resulted as follows:

TABLED.

Ayes 2 Waiss & Pautler
Nays 0
Abstain 1 Sitzman

POLLED AND ADDED WITH NO OBJECTIONS:

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 Contract for Fire Protection Services with the Village of Alden and the Village of Alden Fire Department; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. A public hearing be held before the Town Board on February 7, 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 above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on January 18, 2022, the results of which were as follows:

CARRIED.

Ayes 2 Waiss & Pautler
Nays 0
Abstain 1 Sitzman

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 Boundary Line Agreement with the Village of Alden and the Village of Alden Fire Department; 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 February 7, 2022 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 above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on January 18, 2022, the results of which were as follows:

CARRIED.

Ayes 2 Waiss & Pautler

Nays 0

Abstain 1 Sitzman

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Colleen Pautler, Councilwoman – thanked Mike Metzger for his quick response with creating the new boundary map.

Gina Waiss, Councilwoman – followed up with the ZBA members who still had not submitted proof of required training hours for 2021. Requests for park use are coming in, will continue to field until we have a Recreation Director.

Mike Metzger, Town Engineer – working with Jennifer Strong on list of steps for completing Water District #5.

UNFINISHED AND TABLED BUSINESS

NOTICE OF MEETINGS

WORK SESSION:

January 24, 2022

@7:00 PM

REGULAR BOARD MEETING

February 7, 2022

@7:00 PM

MEMORIAL REMEMBRANCE - Jerrold Bartels and Murray Fenwick and Elizabeth Mitchell and Phyllis Webb and Dennis Schrader

ADJOURNMENT

At 7:53 P.M. Supervisor Sitzman adjourned the Meeting.

Alecia Barrett
Town Clerk