

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road, Alden, NY on Monday, December 5, 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 Weiss, Councilwoman
Colleen Pautler, Councilwoman

RECORDING SECRETARY: Alecia Barrett, Town Clerk

OTHERS PRESENT: Sarah Miller, Deputy Town Supervisor
Jennifer Strong, Town Attorney
Mike Metzger, Town Engineer
Bill Rogers, Highway Superintendent
Chris Snyder, CEO
Residents

Councilwoman Weiss Moved and Supervisor Sitzman seconded the Motion table the approval of the Minutes and Synopsis of the Regular Meeting of November 7, 2022 and November 21, 2022.

CARRIED

Ayes 2 Sitzman & Weiss
Abstain 1 Pautler

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 #981 - 1007 **ALL BILLS REVIEWED BY THE TOWN BOARD.**

<u>ACCOUNT</u>	<u>AMOUNT</u>		
	ABSTRACT #1	ABSTRACT #2	TOTAL
GENERAL FUND "A"	\$42,765.21	\$19,429.99	\$62,195.20
HIGHWAY FUND "DA/DB"	\$42,355.68	\$568.97	\$42,924.65
PART-TOWN FUND "B"	\$17,119.83	\$1,800.00	\$17,119.83
WATER DISTRICT NO. 1 "WA" SPECIAL FIRE PROTECTION "SF"	\$6,233.73		\$18,919.83
SEWER DIST#1 FUND "SI"			
WATER DIST. EXCHANGE "WX"			
SEWER DIST. #2 FUND "SA"	\$517.73	\$56.91	\$574.24
TRUST & AGENCY "T"	\$18,799.19	\$6,866.06	\$25,665.25
SPECIAL REFUSE FUND "SR"	\$41,973.22		\$41,973.22
STREET LIGHTING FUND "SL"		\$5,878.79	\$5,898.79
PERIWINKLE LTG. DIST."SL1"	\$143.38		\$143.38
ZOELLER RD WATER DIST "WZ"			
TOTAL	\$169,907.57	\$34,620.72	\$204,528.29

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON DECEMBER 5, 2022 AND

ADOPTED

Ayes 3 Sitzman, Waiss & Pautler

Nays 0

BUSINESS FROM THE FLOOR

COMMUNICATIONS

Brett Sitzman, Town Supervisor

1. Received two reappointment requests: Jennifer Strong & Matthew Herdzik

Gina Waiss, Councilwoman

1. AYBS request for Community center use for registration

NEW BUSINESS

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

WHEREAS, the Town of Alden Highway Employees are subject to a Collective Bargaining Agreement with the Town of Alden;

WHEREAS, The Town Board after full and careful review and consideration of the proposed Collective Bargaining Agreement, finds that it is in the public interest to enter into the proposed Agreement with the Highway Employees as well as the Memorandum of Understanding;

WHEREAS, the Town of Alden and the Town of Alden Highway Workers have agreed upon the terms of a Collective Bargaining Agreement for a term through December 31, 2024, said Agreement is currently on file in the Office of the Town Supervisor.

NOW THEREFORE BE IT RESOLVED A FOLLOWS:

1. That the Town Board does hereby authorize Supervisor Sitzman to enter into and execute all necessary documents to effectuate the Collective Bargaining Agreement and MOU with the Town of Alden Highway Employees through December 31, 2024; and
2. This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on December 5, 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 WAISS, TO WIT;

Motion to hire Wendy Rath, as part time Court Clerk at a rate of \$16.00 per hour, not to exceed 19.5 hours per week. Subject to successful completion of all pre-employment checks.

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on December 5, 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 approve the request of the Alden Middle School to use the Community Center from 12/5/2022 through 12/23/2022 Mondays through Fridays from 8.00 am until 10.00 am for daily student tutoring.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on December 5, 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 Town Board of the Town of Alden is considering an application, by Mulvey Construction Inc. for site plan approval of a proposed new 23,000 square foot commercial contractor office and shop with at 11061 Walden Avenue, in the Town of Alden, further identified by SBL # 96.00-4-5 (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 Alden has provided notice to Erie County Planning as required under Section 239-m of the General Municipal Law and to all involved agencies;

WHEREAS, the New York State Environmental Quality Review Act requires the Town Board to determine the Lead Agency status and the Lead Agency making a SEQR determination;

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, the Applicant has prepared the Environmental Assessment Form, which is now on file with the Town Board and the Town's SEQR Intake Officer; and

WHEREAS, any comments received from the involved agencies have been fully addressed by the Code Enforcement Officer; and

WHEREAS, the Town of Alden Planning Board has recommended the approval of the site plan.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA and that a proper coordinated review has been conducted;
2. The Town Board has determined that the Town of Alden 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 SEQRA NEGATIVE DECLARATION, NOTICE OF DETERMINATION OF NON-SIGNIFICANCE, on file with the SEQRA Intake Officer, 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. The Town Board finds that the Proposed Action is consistent with the Town Code and approves the site plan and waives the paving requirement for the area behind the privacy fence and contingent upon all items in the letter of Metzger Civil Engineering, PLLC dated November 28, 2022 being resolved before any building permits are issued; and
5. This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on December 5, 2022, which resulted as follows:

CARRIED.

Ayes 3 Sitzman, Waiss & Pautler

Nays 0

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

WHEREAS, in the even to of an emergency the Town of Alden would like to have the use of an emergency shelter in place.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board does hereby authorize and direct the Town Supervisor to enter into and execute all necessary documents to effectuate an Emergency Shelter Agreement with Town Line Lutheran Church for the period of January 1, 2023 through December 31, 2024; and
2. This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on December 5, 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 COUNCILWOMAN PAUTLER, TO WIT;

WHEREAS, the Town of Alden has a long, proud tradition of staunchly supporting the Second Amendment of the United States Constitution, and

WHEREAS, the Town of Alden supports and promotes safe and responsible gun ownership rights of residents across the State of New York, and

WHEREAS, in the wake of the evil, heinous actions against defenseless persons at Tops Market in Buffalo, the New York State Legislature, after that terrible tragedy seized the opportunity to rush through 10 new laws that are meant to erode the right of legal gun owners and punish the legal & legitimate businesses in the firearm industry, and

WHEREAS, shortly thereafter, the Bruen Opinion was handed down from the United States Supreme Court striking down the restrictive nature of laws limiting and pertaining to Pistol Permits in New York, and

WHEREAS, with the ink barely dry on New York's newest gun laws, the New York State Senate and Assembly, in response to the Bruen Opinion, rushed to pass s.51001 & a.41001 during an Extraordinary Session that essentially gutted the Second Amendment rights of citizens across New York State to carry their concealed firearm in public, and

WHEREAS, the New York State Sheriffs' Association recognized, these new laws as "punitive licensing requirements that aim only to restrain and punish law-abiding citizens who wish to exercise their Second Amendment Rights", and

WHEREAS, as Town Board members in the Town of Alden, we take an oath of office to uphold the Constitution and this is clearly a flagrant violation of the Constitutional rights of our citizens, taking away their ability to protect themselves and their loved ones and creating a bureaucratic boondoggle that ultimately seeks to disarm our residents, now therefore, be it

RESOLVED, that the Alden Town Board is committed to pursuing all legislative and legal remedies, either alone or in concert with other like-minded municipalities, counties and organizations, to overturn the assault on our Constitutional rights and;

RESOLVED, that copies of this resolution be sent to all Erie County local governments with hope that we can join to overturn these wrong-headed laws;

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Honorable Governor

Kathy Hochul, Honorable Senate Majority Leader Andrea Stewart-Cousins, Honorable Senate Minority Leader Robert Ort, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Majority Leader of the Assembly Crystal Peoples-Stokes; Honorable Minority Leader of the Assembly William A. Barclay, and the Western New York Delegation and Erie County Executive Mark Poloncarz and the Erie County Legislature, The Association of Towns, and New York State Conference of Mayors.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on December 5, 2022, which resulted as follows:

CARRIED.

Ayes 3 Sitzman, Waiss & Pautler
Nays 0

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

Motion to re-introduce Proposed Local Law # 1 of 2023 (formerly known as Local Law # 2 of 2022) Small Wireless Technology in the Public Right of Way, as approved by the Planning Board on November 7, 2022 with minor edits made by the Town Board.

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on December 5, 2022, which resulted as follows:

CARRIED.

Ayes 3 Sitzman, Waiss & Pautler
Nays 0

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

WHEREAS, the Town Board of the Town of Alden is considering the adoption of Local Law No. 1 of the Year 2023, entitled "Small Wireless Technology in the Public Right of Way" (the "Proposed Action");

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

WHEREAS, the Town of Board of the Town of Alden believes that the Town of Alden 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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA and that an uncoordinated review shall be conducted.
2. The Town of Alden Code Enforcement Officer is directed to send notice of this resolution to Erie County Division of Planning under Section 239m of the General Municipal Law.
3. The Town Board has determined that it should be the Lead Agency for all environmental review of the Proposed Action.
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 November 21, 2022, which resulted as follows:

CARRIED.

Ayes 3 Sitzman, Waiss & Pautler

Nays 0

Councilwoman moved to leave regular session and enter into executive session for the discussion of personnel regarding Dog Control Officer; seconded by Councilwoman Waiss. All in favor.

Councilwoman Pautler moved to leave executive session and enter back into regular meeting; seconded by Councilwoman Waiss. All in favor.

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

Motion to set the hourly pay rate for Deputy Dog Control Officer, Robert Olsen at Dog Control Officer rate from 2022 budget, from 10/24/2022 until 12/31/2022.

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on December 5, 2022, which resulted as follows:

CARRIED.

Ayes 3 Sitzma, Waiss & Pautler

Nays 0

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Jennifer Strong, Town Attorney – reminder that she will not be at the next meeting, but will send out reminders for items that need attention.

Gina Weiss, Councilwoman – gave a heads up that the county upgrade to Office 365 need to log in from a Town issued device. Supervisor Sitzman added that he does not believe that is correct, further clarification is needed.

Mike Metzger, Town Engineer – working on developer plans. Working on bid spec package for senior center expansion

ANNOUNCEMENTS FROM SUPERVISOR

NOTICE OF MEETINGS

WORK SESSION

December 12, 2022

@7:00PM

REG. BOARD MEETING:

December 19, 2022

@7:00 PM

MEMORIAL REMEMBRANCE - Gretchen Smith

ADJOURNMENT

At 7:35 P.M. Supervisor Sitzman adjourned the Meeting.

Alecia Barrett
Town Clerk