

**PRIORITY OF BUSINESS SET BY SUPERVISOR PURSUANT TO
CHAPTER §A371 OF THE ALDEN TOWN CODE**

1. PLEDGE OF ALLEGIANCE – COUNCILWOMAN PAUTLER
2. CALLING THE ROLL OF BOARD MEMBERS BY THE TOWN CLERK
3. OFFER OF THE MINUTES OF THE PROCEEDINGS OF THE REGULAR MEETING OF SEPTEMBER 6, 2022
4. APPROVAL OF VOUCHERS
5. BUSINESS FROM THE FLOOR
6. PRESENTATION OF COMMUNICATIONS FROM BOARD MEMBERS AND OTHER TOWN OFFICIALS
7. NEW BUSINESS
 - A. Proclamation for Townline Volunteer Fire Department per S/BS
 - B. Resolution approving budget transfers per S/BS
 - C. Resolution declaring lead agency for Local Law No. 3 Design standards for metal buildings per S/BS
 - D. Resolution to issue SEQRA Negative Declaration & approve Local Law No. 1 of 2022 override of Tax Cap per S/BS
 - E. Resolution declaring SEQRA Negative Declaration & approving Minor Subdivision for Kimberly Northem at Broadway per S/BS
8. UNFINISHED & TABLED BUSINESS
9. REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL
10. ANNOUNCEMENTS FROM THE SUPERVISOR
11. NOTICE OF MEETINGS:

WORK SESSION:	September 26, 2022	@ 7:00 PM
REG. BOARD MEETING:	October 3, 2022	@ 7:00 PM
SPECIAL WORK SESSION:	October 19, 2022	@ 5:00 PM
12. MEMORIAL REMEMBRANCE: Kimberly S. Smith, Gerald E. Starzynski, Sr., and Diane L. Zymowski
13. ADJOURNMENT

A

PROCLAMATION OF THE TOWN OF ALDEN
HONORING THE TOWN LINE VOLUNTEER FIRE DEPARTMENT, INC.
ON ITS ONE HUNDRETH ANNIVERSARY

WHEREAS, In 1921, the Town Line Volunteer Fire Department was formed and consisted of thirty-five men;

WHEREAS, From 1921 through 1924 after a fundraising campaign, the Town Line Volunteer Fire Department purchased its first fire truck, a Model "T" Ford Chemical Truck with two 35-gallon tanks at a cost of \$1,600.00;

WHEREAS, In 1924 the Town Line Volunteer Fire Department was incorporated by the State of New York and granted a charter to operate in the Towns of Lancaster and Alden;

WHEREAS, In 1969, the Department after intense training and many equipment purchases, expanded its volunteer services adding Emergency Medical Services;

WHEREAS, In the early 1990s the Department further advanced its volunteer services by sending five EMTs for Advanced Life Support training;

WHEREAS, the celebration of the Department's One-Hundredth Anniversary was delayed until this year due to the Covid-19 Pandemic;

WHEREAS, to this day one-hundred one year later, the Town Line Volunteer Fire Department, Inc. continues its long distinguished history of providing fire protection and emergency response to the residents of Lancaster and Alden.

NOW, THEREFORE BE IT PROCLAIMED:

1. That the Alden Town Board hereby extends its deepest appreciation and congratulations to the Town Line Volunteer Fire Department, Inc. on the celebration of its One-Hundredth Anniversary and acknowledges the tireless dedication of its members, officers and volunteers.
2. That the Town Clerk is hereby directed to send certified copies of this Proclamation to The Town Line Volunteer Fire Department, Inc..

Dated: September 19, 2022
Alden Town Board



THE FOLLOWING RESOLUTION WAS OFFERED BY _____
 WHO MOVED ITS ADOPTION, SECONDED
 BY COUNCILMEMBER _____

WHEREAS, the Alden Town Board on November 16th, 2021 adopted its 2022 budget,

WHEREAS, the Town of Alden needs to transfer money to allow for payment of item as outlined below; and;

WHEREAS, these budget transfers will not render the Town of Alden insolvent;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

The Alden Town Board hereby authorizes the following transfers:

From (Budget Code)	Amount	To (Budget Code)	General Explanation
A.9060.0800	\$13,730.00	A.8389.0401	Cayuga Creek Topographic Map
A.1220.0201	\$1,807.00	A.1620.0444	General Building Maintenance
A.1410.0201	\$1,176.00	A.1620.0444	General Building Maintenance
Total:	\$16,713.00		

The Resolution shall take effect immediately.

The foregoing resolution was duly put to a roll call vote at a regular meeting on Sept 6th, 2022 as follows:

Supervisor Sitzman	Aye	Nay
Councilwoman Pautler	Aye	Nay
Councilwoman Waiss	Aye	Nay



RESOLUTION DECLARING LEAD AGENCY FOR LOCAL LAW NO. 3 OF 2022: DESIGN STANDARDS FOR METAL BUILDINGS

THE FOLLOWING RESOLUTION WAS OFFERED BY _____, WHO MOVED ITS ADOPTION, SECONDED BY _____

WHEREAS, the Town Board of the Town of Alden is considering the adoption of Local Law No. 3 of the Year 2022, entitled "Design Standards of Metal Buildings" (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 above resolution was duly put to a roll call vote at a regular meeting on September 19, 2022, the results of which were as follows:

Councilwomen Waiss	Aye	Nay
Supervisor Sitzman	Aye	Nay
Councilwomen Pautler	Aye	Nay

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Town of Alden			
Name of Action or Project: Local Law # 3 of 2022: Design Standards for Metal Buildings			
Project Location (describe, and attach a location map): Town Wide			
Brief Description of Proposed Action: Local Law regulating Design Standards for Metal Buildings			
Name of Applicant or Sponsor: Alden Town Board		Telephone: 716.937.6969 E-Mail: brett.sitzman@erie.gov	
Address: 3311 Wende Road			
City/PO: Alden		State: NY	Zip Code: 14004
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0 acres b. Total acreage to be physically disturbed? _____ 0 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0 acres			YES <input type="checkbox"/>
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): town wide local law <input type="checkbox"/> Parkland			

		NO	YES	N/A
5. Is the proposed action,	a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: _____		Date: _____
Signature: <u>Brett A. Sitzman</u>		Title: <u>Supervisor</u>

RESOLUTION TO ISSUE SEQRA NEGATIVE DECLARATION AND APPROVE LOCAL LAW NO. 1 OF 2022 OVERRIDE OF TAX CAP

THE FOLLOWING RESOLUTION WAS OFFERED BY _____, WHO MOVED ITS ADOPTION, SECONDED BY _____

WHEREAS, a Proposed Local Law No. 1 of 2022 entitled "Override of Tax Cap" was introduced to the Alden Town Board for consideration by Councilwomen Pautler on August 1, 2022.

WHEREAS, an order was duly adopted by the Alden Town Board for a public hearing to be held by said Town Board on September 6, 2022 at 7:05 pm at the Alden Town Hall, 3311 Wende Road, Alden, New York 14004 to hear all interested parties on a proposed Local Law, and

WHEREAS, notice of said public hearing was duly published in the Alden Advertiser, and

WHEREAS, said public hearing was duly held on September 6, 2022 and all parties in favor of and opposed to the local law were heard; and

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

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law on August 19, 2022, and

WHEREAS, the Alden Town Board, after due deliberation, finds it in the best interest of said the Town of Alden to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

- 1. The Alden Town Board hereby adopts said Local Law No. 1 of the Year 2022 entitled "Override of Tax Cap", 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.
- 3. This Resolution shall take effect immediately.**

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 19, 2022, as follows:

Councilwomen Weiss	Aye	Nay
Supervisor Sitzman	Aye	Nay
Councilwomen Pautler	Aye	Nay

Local Law No. 1 of 2022
Town of Alden, County of Erie
Title: Override of Tax Cap

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

SECTION ONE Legislative Intent

The State Constitution, Article XVI, §1, reserves all taxing power to the State and therefore local governments possess only that taxing power which has been expressly delegated to them by the State Legislature (Opns St Comp, 1990 No. 90-39; Opns St Comp, 1981, No. 81-331; Opns St Comp, 1973, No. 72-1085, unreported; 23 Opns St Comp, 1967, p 788).

The Town Board of the Town of Alden, County of Erie has reviewed the financial needs and obligations of the town. Due to contract obligations, limited revenue from non-real property tax sources, the rising cost of commodities and health care, the CoVid19 Pandemic, compliance with unfunded mandates, reductions in state and federal revenue sharing programs coupled with the limitations on raising revenue set forth in General Municipal Law, §3-c, the Town Board of the Town of Alden, County of Erie, hereby determines that it necessary to override the tax cap for the fiscal year 2023.

SECTION TWO Authority

General Municipal Law, §3-c (5) authorizes the town board to adopt a local law overriding the tax cap by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

SECTION THREE Tax Cap Override

The Town Board of the Town of Alden, County of Erie hereby overrides the tax cap as required by General Municipal Law, §3-c as for the town fiscal year of 2023.

SECTION FOUR. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION FIVE. Effective date.

This local law take effect immediately upon filing with the Secretary of State.

E

**RESOLUTION DECLARING SEQRA NEGATIVE DECLARATION AND APPROVING
MINOR SUBDIVISION FOR KIMBERLY NORTHEM AT BROADWAY**

THE FOLLOWING RESOLUTION WAS OFFERED BY _____, WHO MOVED ITS
ADOPTION, SECONDED BY _____

**WHEREAS, the Alden Town Board is considering an application by Kimberly
Northem for the subdivision of two (2) lots. The entire parcel currently consists of
approximately 10.25 improved acres at 13904 Broadway, in the Town of Alden, further
identified as SBL 190.00-2-10. The first proposed lot ("Parcel A") would be an
approximately 200' x 400' parcel containing an existing motel building; and the second
proposed lot ("Parcel B") would be an approximately 8.41 acre parcel with the existing
house, barn and pond (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 or about August 2, 2022, for this Proposed Action, as required under Section 239-m
of the General Municipal Law and no comment 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 August 15,
2022;

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 August 16, 2022 reviewed the
Proposed Action and recommended to the Town Board the approval of the Proposed
Action.**

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

- 1. The Town Board, as Lead Agency, has determined that the Proposed Action is an
Unlisted Action under SEQRA;**
- 2. 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;

- 3. That the following parcel, more particularly described as:**

Parcel A

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Alden, County of Erie and State of New York, being part of Lot No. 4, Township 11, Range 5 of the Holland Land Company's Survey, described as follows: BEGINNING at a point in the center line of Broadway (66 feet wide) also being the south line of Lot No. 4, 616.9 feet (deed), 616.55 feet (measured) west of the southeast corner of Lot No. 4, said point being the southwest corner of lands conveyed to Emanuel C. Julian by deed recorded the Erie County Clerk's Office in Liber 4867 of Deeds at page 576; running thence westerly along the centerline of Broadway 273.91 feet to a point, thence northerly parallel with the east line of Lot No. 4, said east line of Lot No. 4 also being the center line of County Line Road, 400 feet to a point, thence west and parallel with the centerline of Broadway 200.00 feet to a point, thence northerly parallel with the east line of Lot No. 4, 552.28 feet to the southwest corner of lands conveyed to Joseph V. Nowakowski and Marie M. Nowakowski his wife by deed recorded in the Erie County Clerk's Office in Liber 393 of Deeds at page 510, thence easterly along the south line of lands so conveyed to Nowakowski by deed aforesaid 470.23 feet (deed), 473.91 feet (measured) to the northwest corner of lands so conveyed to Julian by deed aforesaid; thence southerly parallel with the east line of Lot No. 4 and along the west line of lands so conveyed to Julian by deed aforesaid 949.27 feet (deed), 950.97 feet (measured) to the center line of Broadway, being the POINT OF BEGINNING.

Parcel B

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Alden, County of Erie and State of New York, being part of Lot No. 4, Township 11, Range 5 of the Holland Land Company's Survey, described as follows: COMMENCING at a point in the center line of Broadway (66 feet wide) also being the south line of Lot No. 4, 616.9 feet (deed), 616.55 feet (measured) west of the southeast corner of Lot No. 4, said point being the southwest corner of lands conveyed to Emanuel C. Julian by deed recorded the Erie County Clerk's Office in Liber 4867 of Deeds at page 576; running thence westerly along the centerline of Broadway 273.91 feet to the true POINT OF BEGINNING, running thence westerly along the centerline of Broadway 200 feet to a point, thence northerly parallel with the east line of Lot No. 4, said east line of Lot No. 4 also being the center line of County Line Road, 400 feet to a point, thence east and parallel with the centerline of Broadway 200.00 feet to a point, thence southerly parallel with the east line of Lot No. 4, 400.00 feet to the center line of Broadway, being the POINT OF BEGINNING.

are given subdivision approval; and

- 4. This resolution shall take effect immediately.**

The above resolution was duly put to a roll call vote at a regular meeting of the Alden Town

Board on September 19, 2022, the results of which were as follows:

Councilwomen Waiss	Aye	Nay
Supervisor Sitzman	Aye	Nay
Councilwomen Pautler	Aye	Nay