

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road, Alden, NY on Monday, February 21, 2023 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
Colleen Pautler, Councilwoman

RECORDING SECRETARY: Alecia Barrett, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney
Mike Metzger, Town Engineer
Chris Snyder, CEO
Residents

Approval of the Minutes and Synopsis of the Regular Meeting of January 17, 2023 moved to next meeting.

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 #126 - 167 **ALL BILLS REVIEWED BY THE TOWN BOARD.**

<u>ACCOUNT</u>	<u>AMOUNT</u>		
	ABSTRACT #1	ABSTRACT #2	TOTAL
GENERAL FUND "A"	\$53,320.72		\$53,320.72
HIGHWAY FUND "DA/DB"	\$5,979.75		\$5,979.75
PART-TOWN FUND "B"	\$17,293.89		\$17,293.89
CONSOLIDATED WATER "WR"	\$63,685.00		\$63,685.00
SPECIAL FIRE PROTECTION "SF"	\$125,118.00		\$129,477.79
WATER DIST. #1 FUND "WA"			
WATER DIST.EXCHANGE ST. "WX"	\$1,929.60		\$1,929.60
SEWER DIST. #2 FUND "SA"	\$237.09		\$237.09
TRUST & AGENCY "T"	\$263.00		\$263.00
SPECIAL REFUSE FUND "SR"	\$42,374.41		\$42,374.41
STREET LIGHTING FUND "SL"	\$5,397.36		\$5,397.36
PERIWINKLE LTG. DIST."SL1"	\$117.23		\$117.23
ZOELLER RD. WATER DIST. "WZ"	\$1,125.60		\$1,125.60
TOTAL	\$191,723.65		\$191,723.65

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON FEBRUARY 21, 2023 AND

ADOPTED

Ayes 2 Sitzman & Pautler

Nays 0

BUSINESS FROM THE FLOOR

Art Eisensmith – any updates on Ledgestone Village project? New information on the secondary access road?

Holly Ahl, E. Laray – possible hold on phase 3 & 4 until drainage issues from phases 1 & 2 are resolved? Why not plan for sprinklers all along if plans were for 160 units?

Ed Osborne, Meals on Wheels – Building status update?

COMMUNICATIONS

Brett Sitzman, Supervisor

1. Erie County sales tax remittance is up
2. E-mail from HCR received additional funding of

NEW BUSINESS

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

Motion to approve the request of AARP to use the large room of the Community Center on March 24, 2023 from 9.00 am until 3.30 pm for a driving course

AARP 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 February 21, 2023, which resulted as follows:

CARRIED.

Ayes 2 Sitzman & Pautler

Nays 0

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

Motion to approve the Alden Community Scholarship Foundation's use of the Town Park, including Shelters 1 and 2, the walking path, permanent lavatories, and the band shell on Thursday, June 22, 2023 for the 5K Race for scholarships. Foundation to provide a certificate of liability insurance with the Town of Alden named as an additional insured in the amount of \$1,000,000 per occurrence, \$3,000,000 aggregate, and sign an indemnification agreement. The Alden Hook & Ladder Fire Company Inc. must provide proof of liquor liability insurance.

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on February 21, 2023, which resulted as follows:

CARRIED.

Ayes 2 Sitzman & Pautler

Nays 0

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

Motion to establish E-Cycling hours: effective now, E-recycling shall be available to Town of Alden Residents at the Alden Town Hall on Mondays and Thursday from 9:00 am until 12 noon, excluding holidays.

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on February 21, 2023, which resulted as follows:

CARRIED.

Ayes 2 Sitzman & Pautler

Nays 0

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

WHEREAS, Justin and Janelle Jones have filed an application for a Special Use Permit to Harbor Chickens at their residence located at 814 South Blossom Lea Drive in the Town of Alden (further identified by SBL # 118.16-2-10.1); and

WHEREAS, the Town Board, pursuant to Section 365-11(C)(4) of the Alden Town Code is required to call a public hearing on the Application.

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

1. A Public Hearing on the application for a Special Use Permit to Harbor Chickens made by Mason and Kira Jaroslowsky be held by the Alden Town Board at the Alden Town Hall, 3311 Wende Road, Alden, New York on March 6, 2023 at 7:05 P.M. Local Time;

2. That the Building Department is hereby directed to publish the Notice of Public Hearing in the Alden Advertiser; to post the same on the Town Bulletin Board; and to mail the Notice to the property owners within 200 feet, which Notice shall be in the form attached hereto and made a part hereof; and

3. This Resolution shall take immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on February 21, 2023, which resulted as follows:

CARRIED.

Ayes 2 Sitzman & Pautler

Nays 0

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

Motion to Allow Planning Board Chair Mike DeWitt to attend the NYPF's Planning Conference from April 16- 18,2023 in Saratoga Springs, NY, at reasonable Town expense, not to exceed \$900.00

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on February 21, 2023, which resulted as follows:

CARRIED.

Ayes 2 Sitzman & Pautler

Nays 0

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

Motion to approve the request of the Marilla Auto Show Committee (“Car Show”) use of Alden Town Park including all shelters and one band shell on July 30, 2023 for The Alden Car, Truck and Cycle Show; contingent upon the receipt no later than July 1, 2023 of the following:

Proof of liability insurance naming the Town of Alden as an Additional Insured with coverage of \$1,000,000 per occurrence and general aggregate of \$2,000,000;

Signing of an Indemnification Agreement;

List of all Car Show Committee Members (names, addresses and cell phone numbers);

List of all towing companies;

Show itinerary and maximum amount of cars allowed.

And contingent upon the following conditions:

The Alden Hook & Ladder Fire Company Inc. may sell alcoholic beverages, within the limits of the laws of the State of New York, in a contained “Beer garden or beer tent” in the Alden Town Park from 12:00 pm until 6:00 pm on Sunday July 30, 2023, provided that a New York State Liquor license and liquor liability insurance be first obtained, proof of which to be submitted to the Town Clerk no later than July 1, 2023.

No spectator or show parking shall be allowed on the new sports fields in the Town Park; however Mercy Flight may land on these fields;

Car Show will contract with a towing company for any needed towing services during the Car Show;

All security personnel must be Sheriffs, New York State Police or peace-officer trained personnel;

Fire Police, County Sherriff or State Police, shall monitor the road closing and direct traffic for the duration of the car show;

Car Show personal shall throughout the day pick and empty trash cans;

Empty Trash cans to be returned to Town Park Garage at the end of the show;

Car show to supply (and remove) port-a-potties;

Car Show to clean up to the satisfaction of the Town after the event;

First aid tent, coordinated with Alden Fire Department;

Any costs incurred by the Town of Alden (including labor costs) may be billed to the Car Show;

Golf carts shall only be used only by the Fire Department and by Car Show Committee Members to assist handicapped persons and to move supplies and equipment.

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on February 21, 2023, which resulted as follows:

CARRIED.

Ayes 2 Sitzman & Pautler

Nays 0

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

WHEREAS, the Town of Alden Highway Superintendent has advised the Town Board that the Highway Department is in need of new RT-75 Heavy Duty MAX-Series Standard Machine ("Loader");

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden require that all estimated purchases over \$20,000.00 shall be formally bid pursuant to General Municipal Law section 103.

WHEREAS, the Town Board after full and careful review and consideration of the request finds said request to receive bids for new a new Loader as being in the public interest;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board hereby authorizes the Town of Alden Town Clerk to advertise for bids as outlined in the attached Instructions to Bidders;
2. The Town Board hereby authorizes the Town Clerk to publish Notice in the Alden Advertiser. Said Notice must be published more than five (5) days prior to Thursday March , 9, 2023 and must state the time when and place where the sealed bids will be publicly opened and read by the Town Clerk;
3. The Town Board hereby authorizes the Town Clerk to receive sealed bids, until 2:00 PM Prevailing time on Thursday March 9, 2023. All bids must contain the Non -collusive Bidding Certification; and
4. The Town Board reserves the right to reject all bids; 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 February 21, 2023, which resulted as follows:

CARRIED.

Ayes 2 Sitzman & Pautler
Nays 0

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

WHEREAS, Governor Hochul's state-of-the-state address contained a proposal to "...end the sale of new fossil fuel powered heating equipment by 2030...and calling for all new construction needs to be zero emission – starting in 2025 for small buildings and 2028 for large buildings;" and

WHEREAS, President Biden and the White House have come out against any prohibition of gas stoves; and

WHEREAS, the State's proposal is intended to help address climate change, but could create a burden for our region's working-class residents; and

WHEREAS, a ban on natural gas appliances and water heaters is not feasible for Western New York with harsh winter weather and exposed electrical infrastructure. Appliances used to heat water and cook food need to work during power outages especially during times of inclement weather; and

WHEREAS, this past December saw a blizzard rip through the Buffalo Metro Area leaving tens of thousands of residents stuck in their home without power, many for several days. Gas appliances, fed by more resilient infrastructure, allowed those residents to heat their homes, boil water, and safely cook their food for the days needed to clear the roads and restore electricity. Nearly four dozen people died during this storm, many more would have suffered if they had to rely on our power grid for cooking and emergency heating; and

WHEREAS, what is more, alternatives to natural gas-powered heating have yet to be proven reliable as a sole-source heating system in cold-weather climates; and

WHEREAS, electrical appliances have more moving parts and are expensive to maintain and repair, mandating their purchase is an unnecessary burden we are placing on families across New York State at a time when the cost of living has significantly outpaced wage growth; and

WHEREAS, currently, due to market conditions and technology limitations, most electric appliances are less efficient and absent improvements in electricity efficiencies and the electrical infrastructure grid, would likely cause increases in energy costs; and

WHEREAS, as we have seen with California's recent push to make everything electric, improperly planned energy transitions can lead to an increased strain on a state's electrical grid, leading to black outs and rationing, which is especially dangerous with the winter weather we experience; and

WHEREAS, the costs to transition the state's energy infrastructure grid should go through a more thorough review to understand how this will impact the energy production and distribution system as a whole, as well as the impact on residential energy systems, before any action is taken.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town of Alden hereby urges Governor Hochul and the New York State Legislature to pause in their rush and to fully examine the real life impact their decisions will have for all New Yorkers, especially those least able to afford them; and
2. The Alden Town Clerk is hereby directed to forward certified copies of this resolution to Governor Hochul's Office, the Western New York Delegation to the New York State Senate and Assembly, and any other party deemed necessary and proper; 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 February 21, 2023, which resulted as follows:

CARRIED.

Ayes 2 Sitzman & Pautler

Nays 0

POLLED AND ADDED WITH NO OBJECTION

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

WHEREAS, the Town Board of the Town of Alden is considering an application, by Crystal Clear Pools Inc. for site plan approval of a proposed new 2,650 square foot pole barn addition to its existing building located at 12433 Broadway, in the Town of Alden, further identified by SBL # 118.12-1-2 (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 SEQRA 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 SEQRA 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 hereby grants a waiver from the town code to allow for the west side of the building, east side of building and the area behind the building to be constructed of compacted stone in lieu of hard surface.

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 February 21, 2023, which resulted as follows:

CARRIED.

Ayes 2 Sitzman & Pautler

Nays 0

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

WHEREAS, several Alden Town Hall employees have informed the Town Board of difficulties with the Verizon phone service at Town Hall;

WHEREAS, the Procurement Policy & Procedure Guidelines ("Guidelines") of the Town of Alden and the General Municipal Law state that the Town must obtain written quotes from at least three (3) vendors;

WHEREAS, three quotes were requested and received for the purchase and installation of a VOIP phone system at Town Hall, as follows:

the highest bidder is Sangoma Technologies at \$149.80 for installation and \$109.80 per month;

the second bidder is Net Phone with \$0 installation and \$89.95 per month and

the third bidder is Custom Tel at \$0 installation and \$89/.95 per month.

WHEREAS, Net Phone and Custom Tel are tied for the lower bid; however Custom Tel is recommended by the Town's telephone equipment provider as the best fit for the existing telephone equipment and Custom Tel is therefore declared Custom Tel is the lowest responsible bidder; and

WHEREAS, The Town Board after full and careful review finds that it is in the public interest to authorize the purchase and installation of a VOIP phone service.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase and installation of a VOIP phone service system at Town Hall from Custom Tel at a monthly rate of \$89.95 and no installation fees;
2. The Supervisor is authorized to sign any and all necessary documents to effectuate this purchase and installation; and
3. This resolution shall take effect immediately.

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on February 21, 2023, which resulted as follows:

CARRIED.

Ayes 2 Sitzman & Pautler

Nays 0

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Colleen Pautler, Councilwoman – waiting to hear from Town of Newstead on kennel permit for dogs. Requested executive session for update on personnel in Supervisor's Office.

Alecia Barrett, Town Clerk – we are in full swing for county tax collection. Happy to get new phone service as we continue to have problems with our current service from Verizon.

Mike Metzger, Town Engineer – Senior Center addition plans have been received. There were a few areas of concern. WD#5 Map, Plan & Report is completed.

Supervisor Sitzman moved to enter into Executive Session for Personnel issues in Supervisor's Office, seconded by Councilwoman Pautler. All in favor.

Supervisor Sitzman moved to exit Executive Session, seconded by Councilwoman Pautler. No action was taken. All in favor.

UNFINISHED AND TABLED BUSINESS

NOTICE OF MEETINGS

WORK SESSION:

February 27, 2023

@7:00 PM

REGULAR BOARD MEETING

March 6, 2023

@7:00 PM

MEMORIAL REMEMBRANCE - Derek Zakrzewski and Alicja Malinowski

ADJOURNMENT

At 8:08 P.M. Supervisor Sitzman adjourned the Meeting.

Alecia Barrett
Town Clerk