

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road, Alden, NY on Monday, March 6, 2023 at 7:00 P.M. Supervisor Sitzman called the Meeting to Order and Councilwoman Waiss led in the Pledge of Allegiance. The Roll Call was taken by the Deputy Town Clerk.

PRESENT:

Brett Sitzman, Town Supervisor  
Colleen Pautler, Councilwoman  
Gina Waiss, Councilwoman

RECORDING SECRETARY:

Joanna Eisensmith, Deputy Town Clerk

OTHERS PRESENT:

Jennifer Strong, Town Attorney  
Bill Rogers, Highway Superintendent  
Chris Snyder, CEO  
Residents

Supervisor Sitzman Moved and Councilwoman Waiss seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of February 6, 2023 with corrections.

**CARRIED**  
Ayes 2 Sitzman & Waiss  
Abstain 1 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 #168 - 218 **ALL BILLS REVIEWED BY THE TOWN BOARD.**

| <u>ACCOUNT</u>               | <u>AMOUNT</u> |             |              |
|------------------------------|---------------|-------------|--------------|
|                              | ABSTRACT #1   | ABSTRACT #2 | TOTAL        |
| GENERAL FUND "A"             | \$53,320.72   | \$12,410.60 | \$65,731.32  |
| HIGHWAY FUND "DA/DB"         | \$5,979.75    | \$10,944.39 | \$16,924.14  |
| PART-TOWN FUND "B"           | \$17,293.89   | \$3,470.24  | \$20,764.13  |
| CONSOLIDATED WATER "WR"      | \$63,685.00   | \$40,796.88 | \$104,481.88 |
| 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      | \$8,428.11  | \$8,665.20   |
| TRUST & AGENCY "T"           | \$263.00      |             | \$263.00     |
| SPECIAL REFUSE FUND "SR"     | \$42,374.41   |             | \$42,374.41  |
| STREET LIGHTING FUND "SL"    | \$5,397.36    | \$92.37     | \$5,89.73    |
| PERIWINKLE LTG. DIST."SL1"   | \$117.23      |             | \$117.23     |
| ZOELLER RD. WATER DIST. "WZ" | \$1,125.60    |             | \$1,125.60   |

|              |                     |                    |                     |
|--------------|---------------------|--------------------|---------------------|
| <b>TOTAL</b> | <b>\$191,723.65</b> | <b>\$76,142.59</b> | <b>\$267,866.24</b> |
|--------------|---------------------|--------------------|---------------------|

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON MARCH 6, 2023 AND

ADOPTED  
Ayes 3 Sitzman, Pautler & Waiss  
Nays 0

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7:05 Public Hearing – Justin & Janelle Jones Special Use Permit to harbor chickens

Councilwoman Pautler moved to leave regular meeting and enter into the public hearing, second by Councilwoman Waiss. All in Favor.

Deputy Town Clerk Eisensmith acknowledged a letter received from the CEO from a neighbor of the Jones’

Deputy Town Clerk Eisensmith read the notice of public hearing.

Supervisor Sitzman acknowledged the receipt of the letter from Anthony and Judith Jaroszewski in opposition of the chickens.

Robert Ryan, Blossom Lea – opposed to the absurdly written letter submitted by the Jaroszewski’s. The Jones’ have always been kind and gracious to everyone since moving in.

Councilwoman Pautler moved to leave public hearing and enter back into regular meeting, second by Councilwoman Waiss. All in Favor.

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**BUSINESS FROM THE FLOOR**

Mike Johnson, E. Laray – handed a petition that has signatures from residents in the E. Laray, Greenfield, Jane & John neighborhood regarding issues with Ledgestone Village.

Holly Ahl, E. Laray – Asked if there are any new developments with Ledgestone Village? Waiting on FOIL responses to move forward with addressing issues.  
CEO Snyder stated there are no new developments.

**COMMUNICATIONS**

- Brett Sitzman, Supervisor**
- 1. Letter referencing chicken permit
  - 2. CEO monthly report

- Colleen Pautler, Councilwoman**
- 1. Emailed ZBA resume

## **NEW BUSINESS**

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

Motion to allow the Erie County Board of Elections to use the Town Hall Auditorium for training courses for election inspectors on April 18, 2023 at 9:00am; 1:00 pm and 6:00 pm and on April 19, 2023 at 9:00 am and 1:00 pm.

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on March 6, 2023, which resulted as follows:

### **CARRIED.**

Ayes 3 Sitzman, Pautler & Waiss

Nays 0

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

WHEREAS, the Alden Town Board is considering an application by Justin and Janelle Jones 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); (the "Proposed Action");

WHEREAS, the Town Code Enforcement Officer has inspected the premises and has found the same in compliance with all requirements of the Alden Town Code;

WHEREAS, the notice of public hearing was mailed to the neighboring parcel owners and the public hearing was held on March 6, 2023, after due publication in the Alden Advertiser; and

WHEREAS, at said public hearing all persons appearing in favor of and against the proposed action were heard and all concerns have been addressed.

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

1. The Town Board hereby directs the Code Enforcement Officer to issue to Justin and Janelle Jones a Special Use Permit to Harbor Chickens limited to six (6) hen chickens for a period of one year; 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 March 6, 2023, which resulted as follows:

### **CARRIED.**

Ayes 3 Sitzman, Pautler & Waiss

Nays 0

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

WHEREAS, Robert F. Morris has filed an application for a Special Use Permit to Harbor Chickens at his residence located at 928 West Alaura Drive in the Town of Alden (further identified by SBL # 117.16-1-19.1); 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 Robert F. Morris be held by the Alden Town Board at the Alden Town Hall, 3311 Wende Road, Alden, New York on March 20, 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 March 6, 2023, which resulted as follows:

**CARRIED.**

Ayes 3 Sitzman, Pautler & Waiss

Nays 0

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

WHEREAS, Catie Asimenios has filed an application for a Special Use Permit to Harbor Chickens at her residence located at 2047 Townline Road in the Town of Alden (further identified by SBL # 107.00-1-11.12); 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 Catie Asimenios be held by the Alden Town Board at the Alden Town Hall, 3311 Wende Road, Alden, New York on March 20, 2023 at 7:10 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 March 6, 2023, which resulted as follows:

**CARRIED.**

Ayes 3 Sitzman, Pautler & Waiss

Nays 0

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

WHEREAS, Michael Moran has filed an application for a Special Use Permit to Harbor Chickens at his residence located at 11837 Broadway in the Town of Alden (further identified by SBL # 118.00-2-29.11 and 118.00-2-51); and

WHEREAS, the Town Board, pursuant to Section 365-14(C)(6) 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 Michael Moran be held by the Alden Town Board at the Alden Town Hall, 3311 Wende Road, Alden, New York on March 20, 2023 at 7:15 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 March 6, 2023, which resulted as follows:

**CARRIED.**

Ayes 3 Sitzman, Pautler & Waiss

Nays 0

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

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS;

A hearing before the Town Board of the Town of Alden on behalf of the Alden Fire Protection District, in the County of Erie shall be held at the Town Hall, 3311 Wende Road, Alden, New York at 7:20 p.m. on the 20<sup>th</sup> day of March, 2023, for the purpose of hearing all persons interested in the proposed Hydrant Rental Agreement with the Consolidated Water District of the Town of Lancaster regarding the rental of 48 fire hydrants in the Town of Lancaster by the Alden Fire Protection District; and

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Alden Advertiser, designated as the official newspaper for this publication, such publication to be not less than ten (10) days before the date of the public hearing; and (b) posted as required by law one (1) copy of the Notice of Public Hearing no later than the day such Notice is published;

ORDERED, that the Town Clerk is to make copies of the proposed Rental Agreement available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on March 6, 2023, which resulted as follows:

**CARRIED.**

Ayes 3 Sitzman, Pautler & Waiss

Nays 0

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

WHEREAS, New York State General Municipal Law allows a municipality to  
approve the volunteer members of a volunteer fire department operating in said municipality;

WHEREAS, the Crittenden Volunteer Fire Department provides fire protection services within the Town of Alden pursuant to a contract with the Town of Alden;

WHEREAS, approval of members assists an injured volunteer firefighter in  
receiving worker's compensation benefits pursuant to New York State Volunteer Firefighter Benefit Law;

WHEREAS, Crittenden Volunteer Fire Department has approved Rachel Jackson, Adam Sobezak, Jeremy M. Stacey, Patrick O'Hare Jr. and Preston Smith as members; and

WHEREAS, Crittenden Volunteer Fire Department has submitted to the Alden Town Clerk's Office notification of these new members.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Alden Town Board hereby approves Rachel Jackson, Adam Sobezak, Jeremy M. Stacey, Patrick O'Hare Jr. and Preston Smith for membership in the Crittenden Volunteer Fire Department; 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 March 6, 2023, which resulted as follows:

**CARRIED.**

Ayes 3 Sitzman, Pautler & Waiss  
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 Alden Central School to use the Robert O. Smith Park for the 2023 Modified and JV Baseball Teams 2023 practices and games at 5:00 on: April 21; May 2; May 8; May 15, May 16; May 17; May 22; May 26 and May 30.

The School must submit proof of insurance to the Town Clerk prior to using the Park.

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on March 6, 2023, which resulted as follows:

**CARRIED.**

Ayes 3 Sitzman, Pautler & Waiss  
Nays 0

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

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED AS FOLLOWS;

A hearing before the Town Board of the Town of Alden, in the County of Erie shall be held at the Town Hall, 3311 Wende Road, Alden, New York at 7:25 p.m. on the 20th day of March, 2023, for the purpose of hearing all persons interested in the proposed Local Law No. 1 of the Year 2023 Small Wireless Technology in the Public Right-Of-Way; and

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Alden Advertiser, designated as the official newspaper for this publication, such publication to be not less than ten (10) days before the date of the public hearing; (b) and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; and

ORDERED, that the Town Clerk is to make copies of the proposed Local Law No. 1 of the Year 2023, entitled “Small Wireless Technology in the Public Right-Of-Way” available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on March 6, 2023, which resulted as follows:

**CARRIED.**

Ayes 3 Sitzman, Pautler & Waiss

Nays 0

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

Motion to introduce Local Law #2 of 2023 Local Law Rescinding Requirements of the Alden Town Code.

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on March 6, 2023, which resulted as follows:

**CARRIED.**

Ayes 3 Sitzman, Pautler & Waiss

Nays 0

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 (“Town Board”) has fully and properly considered adopting Local Law # 2 of 2023, a Local Law Rescinding Chapter 67 Residency Requirements of the Alden Town Code (the “Proposed Action”); and

WHEREAS, the Town Board, after completing the Short Environmental Assessment Form has determined that the Proposed Action is a Type II Action under SEQRA; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board hereby adopts the attached Determination of Type II Action.
2. The Town of Alden, as Lead Agency, hereby determines that the Type II action described in the attached Determination, 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.
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 March 6, 2023, which resulted as follows:

**CARRIED.**

Ayes 3 Sitzman, Pautler & Waiss

Nays 0

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

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED AS FOLLOWS;

A hearing before the Town Board of the Town of Alden, in the County of Erie shall be held at the Town Hall, 3311 Wende Road, Alden, New York at 7:30 p.m. on the 20th day of March, 2023, for the purpose of hearing all persons interested in the proposed Local Law No. 2 of the Year 2023 Local Law Rescinding Chapter 67 Residency Requirements of the Alden Town Code; and

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Alden Advertiser, designated as the official newspaper for this publication, such publication to be not less than ten (10) days before the date of the public hearing; (b) and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; and

ORDERED, that the Town Clerk is to make copies of the proposed Local Law No. 2 of the Year 2023, entitled "Local Law Rescinding Chapter 67 Residency Requirements of the Alden Town Code" available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on March 6, 2023, which resulted as follows:

**CARRIED.**

Ayes 3 Sitzman, Pautler & Waiss

Nays 0

**REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL**

Gina Waiss, Councilwoman – add splash pad to WS

**UNFINISHED AND TABLED BUSINESS**

**NOTICE OF MEETINGS**

**WORK SESSION:**

**March 13, 2023**

**@7:00 PM**

**REGULAR BOARD MEETING**

**March 20, 2023**

**@7:00 PM**

**MEMORIAL REMEMBRANCE -**

**ADJOURNMENT**

At 7:25 P.M. Supervisor Sitzman adjourned the Meeting.

Alecia Barrett  
Town Clerk