

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

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

RECORDING SECRETARY: Alecia Barrett, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney
Residents

Councilwoman Pautler Moved and Councilwoman Waiss seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of October 16, 2023.

CARRIED

Ayes 3 Sitzman, Pautler & Waiss
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 #946 - 995 **ALL BILLS REVIEWED BY THE TOWN BOARD.**

<u>ACCOUNT</u>	<u>AMOUNT</u>		
	ABSTRACT #1	ABSTRACT #2	TOTAL
GENERAL FUND "A"	\$4,388.23	\$18,422.54	\$22,810.77
HIGHWAY FUND "DA/DB"	\$6,259.47	\$4,590.13	\$10,849.60
PART-TOWN FUND "B"	\$2,653.00	\$4,949.30	\$7,602.30
SR CTR EXPANSION/4SEASON"HS"			
SPECIAL FIRE PROTECTION "SF"			
WATER DIST. #1 FUND "WA"			
WATER DIST.EXCHANGE ST. "WX"			
SEWER DIST. #2 FUND "SA"	\$629.92	\$440.00	\$1,069.92
TRUST & AGENCY "T"	\$12,892.25	\$3,354.63	\$16,246.88
SPECIAL REFUSE FUND "SR"	\$40,740.32		\$40,740.32
STREET LIGHTING FUND "SL"	\$6,088.49		\$6,088.49
PERIWINKLE LTG. DIST."SL1"			
ZOELLER RD. WATER DIST. "WZ"			
TOTAL	\$73,651.68	\$31,756.60	\$105,408.28

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

ADOPTED.

Ayes 3 Sitzman, Pautler & Waiss

Nays 0

BUSINESS FROM THE FLOOR

Paul Luderman, Four Rod – asked for clarification on language in agenda item ‘E.’

Holly Ahl, E. Laray – Provided Town Board with handout (and read aloud) outlining ongoing swale maintenance concerns and questioning landscape and fencing.

Mark Casell, Baxter – voiced concerns over changes to the Joe Panza Nature Trail and their negative impact on the native plants and intended use of the trail.

COMMUNICATIONS

Brett Sitzman, Town Supervisor

1. Updated request for MOWS wreath making fundraiser
2. Letters from Senior group members in support of items outlined in CDBG grant application
3. Notice of Genesee St culvert repair near N. Millgrove
4. Thanks to Highway Superintendent and Highway Clerk for submitting for reimbursement of funds from Christmas storm

Alecia Barrett, Town Clerk

1. Request from Kiwanis to use Community Center

NEW BUSINESS

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

WHEREAS, officers and employees in charge of various administrative units of the government of the Town of Alden have submitted estimates of revenues and expenditures for the fiscal year ending December 31, 2024;

WHEREAS, The Town’s Budget Officer, has caused a tentative budget to be prepared, and the Town Clerk has presented such budget to the Town Board; and

WHEREAS, the Town Board has met publicly and considered and discussed the preliminary budget for the year ending December 31, 2024, and a public hearing was conducted on October 16, 2023 as required by Section 108 of New York State Town Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. That the preliminary budget is changed, altered and revised and as hereinafter set forth as follows, for the fiscal year ending December 31, 2024:

Please see attached list of changes; 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 November 6, 2023, which resulted as follows:

CARRIED.

Ayes 3 Sitzman, Pautler & Weiss
Nays 0

Alden 2024 Budget

Proposed Amendments to Tentative Budget

Supervisor's 2024 Budget Proposed DRAFT 2024 Budget Proposed Adjustment

Proposed Adjustment A A.1991.0400 \$ 700 \$ - \$ (700) B.1991.0400 - 700 700 A.3120.0100 9,456 - (9,456) B.3120.0100 - 9,456 9,456 A.3120.0402 2,500 - (2,500) B.3120.0402 - 2,500 2,500 A.0000.1120 12,656 B.0000.1120 (12,656) Proposed Adjustment B A.0000.1001 \$ 1,400 A.0000.1120 (1,400) B.0599 (1,400) B.0000.1120 1,400 SA.0000.1001 (3,050) SA.0599 (3,600) SA.8130.0100 11,600 - (11,600) SA.8130.0401 - 18,250 18,250 Proposed Adjustment C A.5010.0100 \$ 69,552 \$ 71,639 \$ 2,087 A.0000.1001 (2,087) B.3620.0106 17,595 19,002 1,407 B.0000.1001 (1,407) Proposed Adjustment D A.7140.0108 \$ 560 \$ - \$ (560) A.7140.0408 - 560 56

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

WHEREAS, the Budget Officer of the Town of Alden on September 25, 2023, duly filed the Tentative Budget of the Town of Alden for the Town's Fiscal Year beginning January 1, 2024 with the Alden Town Clerk;

WHEREAS, the Town Clerk, duly presented the Tentative Budget to the Alden Town Board by email on September 25, 2023;

WHEREAS, The Alden Town Board after full and careful review and consideration of the Tentative Budget recommended and approved amendment of the Tentative Budget, making the Tentative Budget, as amended, the Preliminary Budget of the Town of Alden for Fiscal Year 2024;

WHEREAS, on October 2, 2023, the Alden Town Board duly called a public hearing on the Budget, notice of said public hearing was duly published and posted;

WHEREAS, the Alden Town Board conducted a public hearing on the Budget for Fiscal Year 2024, on October 16, 2023. At which hearing all persons interested in the Budget were given the opportunity to be heard.

WHEREAS, the Supervisor's Office will report to the Office of the State Comptroller proof of the calculations confirming that the tax levy limit has not been exceeded.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Preliminary Budget as changed, altered and revised and as hereinafter set forth is the final Budget for the Fiscal Year beginning January 1, 2024;
2. The Town Clerk shall prepare and certify, in duplicate, copies of said Budget and deliver the same to the Supervisor to be presented to the Legislature of Erie County; 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 November 6, 2023, which resulted as follows:

CARRIED.

Ayes 3 Sitzman, Pautler & Weiss
Nays 0

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

Motion to Introduce Local Law

Motion to Introduce Local Law # 6 of 2023: A Local Law providing for 10% property tax exemptions for Volunteer Firefighters and Ambulance Workers in the Town of Alden.

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

CARRIED.

Ayes 2 Pautler & Waiss

Abstain 1 Sitzman

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 Joseph Sterns for the subdivision of three lots. The entire parcel currently consists of approximately 49.6 acres at 2313 Townline Road, in the Town of Alden, further identified as SBL#s 107.00-1-38 and 39. The first proposed lot ("Parcel A") will be approximately 13.12 vacant acres; the second proposed lot ("Parcel B") will be approximately 11.42 acres; and the 25.06 acres with existing structures (The "Proposed Action");

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA;

WHEREAS, the Town Board believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to subdivision; the agency with the broadest governmental powers for investigating the impact of the Proposed Action; 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 Action, as required under Section 239-m of the General Municipal Law.

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 coordinated review should be conducted.
2. The Town Board has determined that it should be the Lead Agency for all environmental review of the 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 November 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 of Alden Building Inspector on October 27, 2023 made a report to the Alden Town Board that a house structure located at 527 Four Rod Road is dangerous and unsafe as defined by Chapter 115 of the Alden Town Code; the structure is so damaged by fire, that it utterly fails to provide the amenities essential to decent living so that the structure is unfit for human habitation.

WHEREAS, The Building Inspector has determined that the structure : can not be reasonable repaired; is dangerous to the health, morals, safety and general welfare; and is more than 80% damaged by fire from the original structure; and that building is a public nuisance.

WHEREAS, the Building Inspector has properly notified the owner, mortgagees, and all other persons having an interest in said real property that the structures have been found be to dangerous, unsafe, and a public nuisance and has given notice that the structures must be repaired or demolished.

WHEREAS, the Building Inspector has posted notice of the structure being dangerous, unsafe, and a public nuisance on the property.

NOW, THEREFORE, BE IT RESOLVED:

1. That a Hearing be held before the Alden Town Board on November 15, 2023 at 7:00 PM at the Alden Town Hall, 3311 Wende Road, Alden, New York on the report made by the Building Inspector and to take testimony of the Building Inspector, property owners and other persons with a legal interest in the property to determine if the structure is dangerous, unsafe and a public nuisance;

2. That the Notice of Hearing, as required by Section 115-7(B) of the Alden Town Code be published in the Alden Advertiser, and be posted on the Town Bulletin Board, and mailed to the property owner and other parties having a legal interest in the property, 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 November 6, 2023, which resulted as follows:

CARRIED.

Ayes 3 Sitzman, Pautler & Waiss

Nays 0

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

Motion Authorizing The Use of A Town Constable

Motion to authorize the use of a Town Constable for the Dangerous Building Hearing to be held at the Alden Town Hall on November 15, 2023 at 7:00 PM

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on November 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, the Town Board of the Town of Alden is considering an application, by Services by Dan Q., Inc. for site plan approval of proposed new 7,500 square foot warehouse building with paved parking at 2313 Townline Road, in the Town of Alden, further identified by SBL#s 107.00-1-38 and 39 (The "Proposed Action");

WHEREAS, the Town Board of the Town of Alden has determined 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 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.

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 November 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 properly, authorized, advertised, received and opened sealed bids for four Prime Contracts for General Construction, Electrical, Mechanical and Plumbing at the Senior Center for the Senior Center Expansion Project and no plumbing bids were received;

WHEREAS, the Town properly hired NCI Construction, for general construction, who possesses sufficient skills and qualifications to complete the necessary general construction work has requested a Change Order in the amount of \$8,000.00 for drainage work (to be completed by Dirt Works) and a Change Order for \$3,905.00 for roofing work (to be completed by Murray Roofing) from the Town to allow them to complete the general construction; and

WHEREAS, the Town Board after full and careful consideration finds that it is in the public interest to authorize the Change Orders.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the Change Orders (attached) at a total cost of \$11,905.00;
2. The Supervisor is authorized and directed to sign any and all necessary documents to effectuate these Change Orders; 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 November 6, 2023, which resulted as follows:

CARRIED.

Ayes 3 Sitzman, Pautler & Waiss

Nays 0

THE FOLLOWING MOTION WAS OFFERED BY COUNCILWOMAN WAISS, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR SITZMAN, 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 December 14, 2023 from 2:30 pm am until 6 pm to distribute Toys for Tots donations to needy families.

The Town Clerk is directed to mail a copy of this motion to the Kiwanis.

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

CARRIED.

Ayes 3 Sitzman, Pautler & Waiss

Nays 0

POLLED AND ADDED WITH NO OBJECTION

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

Motion to allow Alden's Meals on Wheels to use the Community Center on 11/29/23 in the evening to hold a wreath making fundraiser class.

The Town Clerk is directed to notify Meals-On-Wheels of this approval.

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

CARRIED.

Ayes 3 Sitzman, Pautler & Waiss

Nays 0

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Jennifer Strong, Town Attorney – reminder about Duck property public hearing on 11/15

Gina Waiss, Councilwoman – add splash pad to WS agenda

Councilwoman Pautler moved for an executive session for a matter of personnel in the Code Enforcement Office & sewer district and a session of Attorney-Client privilege, second by Councilwoman Waiss. All in favor.

Councilwoman Pautler moved to leave executive session and attorney client-privilege with no action taken, second Councilwoman Waiss. All in favor.

UNFINISHED AND TABLED BUSINESS

NOTICE OF MEETINGS

WORK SESSION:	November 13, 2023	@ 7:00 PM
PUBLIC HEARING-527 Four Rod	November 15, 2023	@7:00 PM
REGULAR BOARD MEETING	November 20, 2023	@4:30 PM

MEMORIAL REMEMBRANCE - Rosemary Freed and Dr. Marlin Gillette

ADJOURNMENT

At 9:10 P.M. Supervisor Sitzman adjourned the Meeting.

Alecia Barrett
Town Clerk