

MEETING NO. 4
REGULAR NO. 3

REGULAR TOWN BOARD MEETING
TOWN OF ALDEN

February 5, 2024
7:00 P.M.

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road, Alden, NY on Monday, February 5, 2024 at 7:00 P.M. Town Supervisor Pautler called the Meeting to Order and Councilmember Bork led in the Pledge of Allegiance. The Roll Call was taken by the Town Clerk.

PRESENT: Colleen Pautler, Town Supervisor
Gina Weiss, Councilmember
Randy Crist, Councilmember
Gwendolyn Bork, Councilmember
John Cieszki, Councilmember

RECORDING SECRETARY: Alecia Barrett, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney
Bill Rogers, Highway Superintendent
Mike Metzger, Town Engineer
Colleen Rogers, Budget Officer
Residents

Councilmember Weiss Moved and Councilmember Crist seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of January 16, 2024.

CARRIED

Ayes 5 Pautler, Weiss, Crist, Bork, Cieszki
Nays 0

Councilmember Weiss moved and Councilmember Cieszki seconded the Motion to move Approval of Vouchers to after item 7, New Business. All in favor. **Carried.**

BUSINESS FROM THE FLOOR

Ron Mayer, President of Alden Seniors – asked for an update on the Senior Center addition.

Joy Moultrup, Alden Seniors – gave list of items needed for Senior meetings.

Steve Fox, Wende – Are residents covered by Town in “disaster” situation when they show up to volunteer? Are supplies stock piled?

COMMUNICATIONS

Colleen Pautler, Town Supervisor

1. Extension on CDBG Grant
2. Met with Superintendent of ACS, enhance recreation
3. Request from Alden Garden Club; add to WS
4. CEO report

Gwendolyn Bork, Councilmember

1. Working with Grant Writer on opportunities and Comprehensive Plan

Jennifer Strong, Town Attorney

1. Digitized Comprehensive Plan

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER CIESZKI, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER BORK , TO WIT;

WHEREAS, the Highway Superintendent has advised the Town Board that the Highway Department needs to purchase a new tandem axle class 8 dump truck/plow truck with Extended Warranty (“Truck with warranty”)

WHEREAS, the Town of Alden’s Procurement Policy & Procedure Guidelines and the General Municipal Law have been followed through purchase through a “Piggyback” bid let by Cattaraugus County and awarded to Fleet Maintenance Inc;

WHEREAS, Cattaraugus County has met the NYS General Municipal Law “Piggyback” standards as: (1) Cattaraugus County is a New York State County; (2) as Cattaraugus County has made its contract available for use by other governmental entities; and (3) as Cattaraugus County did let its contract to the lowest responsible bidder or on the basis of best value.

WHEREAS, The Town Board after full and careful review and consideration of the request finds the request to purchase the Truck with warranty as being consistent with its policies and in the interest of the residents of the Town of Alden.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of the Truck with warranty from Fleet Maintenance Inc. for \$183,566.00 as further described on the attached Pricing Summary;
2. The Highway Superintendent is authorized to sign any and all necessary documents to effectuate this purchase; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 5, 2024, as follows:

CARRIED.

Ayes 5 Pautler, Waiss, Crist, Bork, Cieszki
Nays 0

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

WHEREAS, the Highway Superintendent has advised the Town Board that the Highway Department needs to purchase and have installed snow removal equipment package for the newly purchased tandem axle class 8 dump truck/plow truck (“Snow removal equipment package”)

WHEREAS, the Alden Town Code, the Town of Alden’s Procurement Policy & Procedure Guidelines and the NYS General Municipal Law by awarding this contract based upon the basis of best value;

WHEREAS, the Town of Alden believes that the Sourcewell Cooperative Contract # 062222-AGI-1 for the Snow removal equipment package qualifies as a best value purchase as Sourcewell has vetted this contract and created contracts for use by municipalities based upon their lowest responsible bidder; and further saves the Town of Alden the costs of bidding;

WHEREAS, The Town Board after full and careful review and consideration of the request finds the request to purchase the Truck with warranty as being consistent with its policies and in the interest of the residents of the Town of Alden.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of the Snow removal equipment package from Valley Fab and Equipment, Inc. for \$158,450.00 as further described on the attached Pricing Summary;
2. The Highway Superintendent is authorized to sign any and all necessary documents to effectuate this purchase and installation; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 5, 2024, as follows:

CARRIED.

Ayes 4 Paulter, Crist, Waiss, Bork, Cieszki
Nays 0

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

WHEREAS, The Alden Town Board adopted its 2024 Budget on November 6, 2023;

WHEREAS, the Town needs to transfer monies to allow for payments to W.B. Mason Co., Inc. for eleven new leather chairs for the meeting room and for newly-elected Councilmembers' training; 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	Amount
A.1990.0400	\$1,035.35	A.1620.0438	W.B. Mason Co., Inc. (11 Leather Chairs for Meeting Room)	\$1,035.35
A.1990.0400	\$927.60	A.1010.0479	Councilmember Training (Newly Elected Town Official School)	\$308.60 \$365.00 \$254.00
	\$1,962.95		TOTAL	\$1,962.95

This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 5, 2024, as follows:

CARRIED.

Ayes 5 Pautler, Waiss, Crist, Bork, Cieszki
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER CRIST, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER CIESZKI, TO WIT;

WHEREAS, the Alden Town Board has reviewed the Town of Alden Employee Handbook (“Handbook”) and noticed the need to provide additional vacation time to full-time non-union employees; and

WHEREAS, the Town Board believes that changes are fair to both the Employees of the Town of Alden and is in the best interests of residents of the Town of Alden; and

WHEREAS, the proposed revision to the Employee Handbook regarding vacation time is attached hereto.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby amends the Employee and adopts the new Employee Handbook dated February 6, 2024, to be effective immediately;
2. Supervisor Pautler is hereby directed to promptly provide the new Employee Handbook, to all Town of Alden Employees and Officials who must acknowledge receipt thereof by signing on the last page of the Handbook and return said page to the Town Clerk; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 5, 2024, as follows:

CARRIED.

Ayes 5 Pautler, Waiss, Crist, Bork, Cieszki

Nays 0

Vacation

Full-time employees are eligible for paid vacation time.

Part-time employees are not eligible for vacation time.

Full-time employees will receive vacation time according to the following schedule.

A week is defined as a standard work week in your department.

0-1st year: 2 weeks after 30 days of employment

After 5 years of continuous employment—3 weeks

After 10 years of continuous employment- 4 weeks

Submit vacation requests in writing at least one week in advance to your immediate supervisor. When possible, vacation requests are granted, taking into account operating requirements. Length of employment may determine priority in scheduling vacation times.

Vacation accruals shall be used in full day increments and shall be used by December 31 of each year. If not used in that time span, the vacation time will be lost. In no case will vacation accruals be carried over to subsequent years; and in no case will any employee be compensated for any unused vacation accruals upon separation or retirement from service.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER CIESZKI, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER BORK, TO WIT;

WHEREAS, in December, 2023, the Town of Alden by emergency declaration caused the unsafe and dangerous structure at 527 Four Rod Road in the Town of Alden to be demolished;

WHEREAS, the emergency demolition cost the Town of Alden \$4,995.00;

WHEREAS, the Alden Town Code at Section 117(E) allows the Town to relevy such costs onto the property taxes of the affected parcel.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. That the Alden Town Board hereby authorizes the Town Assessor to re-levy the amount of \$4,995.00 onto the 2025 county/town taxes of 527 Four Rod Road also known as SBL #118.00-6-9.2; and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 5, 2024, as follows:

CARRIED.

Ayes 5 Pautler, Waiss, Crist, Bork, Cieszki
Nays 0

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

WHEREAS, Town of Alden Zoning Board Of Appeals ("ZBA") members are appointed for five years terms;

WHEREAS, on January 4, 2021; the Town Board appointed Jeff Kurek to the ZBA for a six year term, to expire on December 31, 2026; and

WHEREAS on January 7, 2020 the Town Board appointed Chris Whittingham to the ZBA for a six year term, to expire on December 31, 2026 and Mr. Whittingham subsequently resigned from the ZBA in early 2023 creating a vacancy;

WHEREAS, on March 20, 2023 the Town Board appointed William Kissell to the ZBA to fill the vacancy; with a term to expire on December 31, 2026.

WHEREAS, the errors in the length of these terms now needs to be corrected.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT

1. The Alden Town Board hereby confirms the appointment of Jeff Kurek to the ZBA as of as of January 4, 2021 and hereby corrects the term to be a five year term to expire on December 31, 2025; and
2. The Alden Town Board hereby confirms the appointment of William Kissel to the ZBA as of as of March 20, 2023 and hereby corrects the term to expire on December 31, 2024; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 5, 2024, as follows:

CARRIED.

Ayes 5 Pautler, Waiss, Crist, Bork, Cieszki
Nays 0

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

WHEREAS, Town of Alden Board of Assessment Review members are appointed for five years terms;

WHEREAS, on January 7, 2020; the Town Board appointed Jenny Gerhart for a four year term, to expire on September 30, 2023;

WHEREAS, on January 4, 2021; the Town Board appointed Michael DeWitt to the Board of Assessment Review for a six year term, to expire on September 30, 2026; and

WHEREAS, the error in the length of this term now needs to be corrected.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT

1. The Alden Town Board hereby confirms the appointment of Jenny Gerhart to the Board of Assessment Review as of January 7, 2020 and hereby corrects the term to be a five year term to expire on September 30, 2024; and
2. The Alden Town Board hereby confirms the appointment of Michael DeWitt to the Board of Assessment Review as of January 4, 2021 and hereby corrects the term to be a five year term to expire on September 30, 2025; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 5, 2024, as follows:

CARRIED.

Ayes 5 Pautler, Waiss, Crist, Bork, Cieszki

Nays 0

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

WHEREAS, the Town of Alden is in immediate need of a full-time Code Enforcement Officer/Building Inspector;

WHEREAS, the Town of Alden has properly canvassed the Erie County Civil Service List and received two positive responses;

WHEREAS, one canvassed candidate lives a great distance from the Town of Alden and therefore is not a proper fit for the Town of Alden and the other candidate turned down the position;

WHEREAS, Scott M. Pease is currently on the Assistant CEO List; has completed all required training and certifications and has sat for the CEO Civil Service Examination;

WHEREAS, Scott M. Pease is properly certified, trained and experienced for the Town of Alden Code Enforcement Office Position, but needs the results of his recent civil service examination.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the hiring of Scott M. Pease as the Provisional Town of Alden Building Inspector/Code Enforcement Officer at the annual salary of \$67,000.00 and as further provided for in the Town of Alden Employee Handbook upon successful completion of all pre-employment requirements with a start date of February 20, 2024;
2. Upon passing the Civil Service CEO Examination and filing all necessary paperwork with the County of Erie the Provisional status will be removed; and

3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 5, 2024, as follows:

CARRIED.

Ayes 5 Pautler, Waiss, Crist, Bork, Cieszki

Nays 0

THE FOLLOWING MOTION WAS OFFERED BY COUNCILMEMBER CRIST, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER CIESZKI, TO WIT;

Motion to appoint Provisional Code Enforcement Officer Scott M Pease as SEQRA Intake Officer, Storm Water Pollution Prevention Officer and as a member of the Town of Alden Right to Farm Committee, at no additional compensation.

The foregoing Motion was duly put to a roll call vote at a regular meeting on February 5, 2024, as follows:

CARRIED.

Ayes 5 Pautler, Waiss, Crist, Bork, Cieszki

Nays 0

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

WHEREAS, the Town Board of the Town of Alden is considering an application, by Lucas James for site plan approval for the expansion (Phase III) of the existing single story senior-living housing complex; with the construction of 4 6-unit residential buildings and twelve 4-unit residential buildings at 11290 Broadway, in the Town of Alden, further identified by SBL # 118.00-1-20.2 (The "Proposed Action");

WHEREAS, the Town Board of the Town of Alden has determined that the Proposed Action is an Unlisted Action under SEQRA and has conducted a coordinated review;

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 review; is 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;

WHEREAS, the Town of Alden has provided notice to Erie County Planning as required under Section 239-m of the General Municipal Law;

WHEREAS, the New York State Environmental Quality Review Act requires the Town of Alden 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;

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, 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 contingent upon satisfactory review by the Town Engineer.

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 Board of the Alden finds that the Proposed Action is consistent with the Town Code and approves the site plan contingent upon:
 - A. A final set of plans resolving all of the issues raised in the recent letter from Metzger Civil Engineering, PLLC being filed with the Town that fully address to the satisfaction of the Town Engineer. No Building Permits shall be issued by the Town until all said issues are resolved and
 - B. That at such time that the current farm field located east of the Proposed Action be developed in any way that Lucas James or the current owner of the Proposed Project will install a barrier on the east side to prevent light pollution from affecting that east parcel; and.
4. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 5, 2024, as follows:

On the Question – Engineer Metzger requested the resolution specifically state phase 3. Amended to reflect Phase 3.

CARRIED.

Ayes 5 Pautler, Waiss, Crist, Bork, Cieszki

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER BORK, SECOND BY COUNCILMEMBER WAISS.

<u>ACCOUNT</u>	<u>AMOUNT</u>		
	ABSTRACT #1	ABSTRACT #2	TOTAL
GENERAL FUND "A"	\$13,951.02	\$17,001.67	\$30,952.69
HIGHWAY FUND "DA/DB"	\$6,908.63	\$49,064.09	\$55,972.72
PART-TOWN FUND "B"	\$2,176.46	\$3,271.06	\$5,447.52
SR CTR EXPANSION/4 SEASON "HS"	\$1,950.00	\$112,498.20	\$114,448.20
CONSOLIDATED WATER "WR"			
SPECIAL FIRE PROTECTION "SF"	\$117,610.00	\$3,721.90	\$121,331.90
SEWER DIST. #1 FUND "SI"			
SEWER DIST. #2 FUND "SA"	\$404.47	\$181.86	\$586.33
TRUST & AGENCY "T"	\$67,899.76	\$7,023.19	\$74,922.95
SPECIAL REFUSE FUND "SR"	\$39,419.97		
STREET LIGHTING FUND "SL"	\$7,209.39		
PERIWINKLE LTG. DIST."SL1"	\$175.44		
ZOELLER RD. WATER DIST."WZ"		\$13,862.90	\$13,862.90
WATER DIST. NEWSTEAD "WO"			
WATER DIST. EXCHANGE "WX"		\$20,120.60	\$20,120.60
WATER DIST. NO. 1 "WA"			
TOTAL	\$257,705.14	\$226,745.47	\$484,450.61

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON FEBRUARY 5, 2024 AND

CARRIED.

Ayes 5 Pautler, Waiss, Crist, Bork, Cieszki
Nays 0

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Gina Waiss, Councilmember – add Splash Pad to WS. Field dedication at Robert O Smith still moving forward, working with Bulldog Mfg.

Bill Rogers, Highway Superintendent – Welcome aboard Scott. Worked on drainage with Lucas James to alleviate water issues the residents of E. Laray were having.

Mike Metzger, Town Engineer – Pulling together all info for Cayuga Creek. Add Senior Center to WS.

Colleen Rogers, Budget Officer – Working on garbage contract.

UNFINISHED AND TABLED BUSINESS

NOTICE OF MEETINGS

WORK SESSION:

February 12, 2024

@ 7:00 PM

REGULAR BOARD MEETING

February 20, 2024

@7:00 PM

MEMORIAL REMEMBRANCE - Claudia Marx

ADJOURNMENT

At 7:45 P.M. Supervisor Pautler adjourned the Meeting.

Alecia Barrett
Town Clerk