

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road, Alden, NY on Monday, June 3, 2024 at 7:00 P.M. Town Supervisor Pautler called the Meeting to Order and Councilmember Waiss led in the Pledge of Allegiance. The Roll Call was taken by Town Clerk Barrett.

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

RECORDING SECRETARY: Alecia Barrett, Town Clerk

OTHERS PRESENT: Bill Rogers, Highway Superintendent
Scott Pease, CEO
Mike Metzger, Town Engineer
Colleen Rogers, Budget Officer
Residents

Councilmember Waiss Moved and Councilmember Crist seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of May 20, 2024.

On the question – Councilmember Cieszki was on time.

CARRIED

Ayes 5 Pautler, Bork, Waiss, Crist, 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"	\$95,380.85	\$7,675.66	\$103,056.51
HIGHWAY FUND "DA/DB"	\$7,311.52	\$418.40	\$7,729.92
PART-TOWN FUND "B"	\$1,367.13	\$17,056.52	\$18,423.65
SR CTR EXPANSION/4 SEASON "HS"	\$39,756.60		\$39,756.60
CONSOLIDATED WATER "WR"			
SPECIAL FIRE PROTECTION "SF"			
SEWER DIST. #1 FUND "SI"			
SEWER DIST. #2 FUND "SA"	\$400.38	\$1,481.82	\$1,882.20
TRUST & AGENCY "T"	\$10,311.81	\$291.00	\$10,602.81
SPECIAL REFUSE FUND "SR"	\$43,894.49		\$43,894.49
STREET LIGHTING FUND "SL"	\$5,506.73		\$5,506.73
PERIWINKLE LTG. DIST."SL1"			
ZOELLER RD. WATER DIST."WZ"			
WATER DIST. NEWSTEAD "WO"			

WATER DIST. EXCHANGE "WX"

WATER DIST. NO. 1 "WA"

TOTAL

\$203,929.51	\$26,923.40	\$230,852.91

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON JUNE 3, 2024 AND

CARRIED

Ayes 5 Pautler, Waiss, Crist, Bork, Cieszki

Nays 0

BUSINESS FROM THE FLOOR

Deb Woods, MOW – Thank you to the Board, the garden went in on Saturday.

COMMUNICATIONS

Colleen Pautler, Town Supervisor

- 1. Building Inspector’s monthly report

Gwendolyn Waiss, Councilmember

- 1. E-mail regarding Four Rod Rd property; add to WS

Jennifer Strong, Town Attorney

- 1. Has had Communications with Marc Butler regarding Ambulance CON
- 2. Has received information regarding events this weekend

7:05 Public Hearing – Cayuga Creek Water District

Councilmember Waiss moved to exit regular meeting and enter into public hearing, second by Councilmember Crist, All in Favor.

Town Clerk Barrett read the notice of public hearing.

Supervisor Pautler asked Town Engineer Metzger to give a summary as well as he provided copies of the Map, Plan & Report.

Supervisor Pautler opened the floor to public comment.

Joe Loftus, 180 Cayuga Creek – What is the \$1454 charge for? {estimated cost}
When is the vote? {resolution is on the agenda}

Deb Chadsey, 200 Cayuga Creek – What is the time frame for the process? Been waiting 20 years for water. Does the Board have any concerns or hesitancy with moving forward?
Formula doesn’t matter – wants water.

Tom Weisbeck, 11452 Broadway – Is the Grant guaranteed? No hard bid, cost is an estimate. Is the Grant confirmed in writing? {yes}
Previous formula is not consistent with other district calculations.
Would like better estimate of cost.

Jim Camarre, 117 Cayuga Creek – Explain the meaning on “typical” property? Of the 31 properties, how many are “typical?” Troubled that there is no confirmed cost per property. Is a proponent of equal share among everyone. Has water but still voted in favor of it, but should not have to subsidize cost for other properties.

Carey Leibring, 562 Cayuga Creek – Looking forward to Municipal water. Current well is out of code, would cost \$10k+ to have a new one dug.

Councilmember Waiss moved to exit public hearing and enter into regular meeting, second by Councilmember Crist, All in Favor.

7:10 Public Hearing - Townline Water District

Councilmember Waiss moved to exit regular meeting and enter into public hearing, second by Councilmember Crist, All in Favor.

Town Clerk Barrett read the notice of public hearing.

Supervisor Pautler asked Town Engineer Metzger to give a summary as well as he provided copies of the Map, Plan & Report.

Kevin Martin, 3551 Townline – Doesn’t understand the issue of the water cost.

Councilmember Waiss moved to exit public hearing and enter into regular meeting, second by Councilmember Crist, All in Favor.

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

WHEREAS, the Town Board of the Town of Alden (herein called the “Town”), in the County of Erie, New York has received a petition, signed and acknowledged or proved as required by law and in full compliance with the requirements of Section 191 of the Town Law, for the establishment of a water district in a portion of the Town, as described therein and herein; and

WHEREAS, the Town has received and reviewed a map, plan and report prepared by Metzger Civil Engineering, PLLC, competent engineers duly licensed by the State of New York, which report is dated December 2023 and was prepared for the proposed establishment of the Townline Water District (the “District”), in the Town, and construction of a water system therein, consisting of the construction of 1,000 linear feet of 8-inch waterlines along Townline Road north of Schlemmer Road, installation of fire hydrants and line valves, and other work required in connection therewith, including original equipment, assemblies, machinery, furnishings, valves, fittings, connections, fill, appurtenances and related site work and other ancillary work, as needed (referred to herein as the “Water Improvement”); and

WHEREAS, pursuant to the Order duly adopted on May 20, 2024, the Town Board determined to proceed with the proposed establishment of the District and the construction of the Water Improvement, and adopted an Order reciting a description of the boundaries of the

District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for such improvements, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying June 3, 2024, at 7:10 o'clock P.M. (Prevailing Time) as the time when, and the Town Hall, in the Town, as the place where, the Town Board would meet to consider the proposed establishment of the District and construction of the Water Improvement, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by Law; and

WHEREAS, certified copies of such Order were duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, a Public Hearing in the matter was duly held by the Town Board on said 3rd day of June, 2024, commencing at 7:10 o'clock P.M. (Prevailing Time), at the Town Hall, 3311 Wende Road, Alden, New York, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the proposed establishment of the District and the construction of the Water Improvement; and

WHEREAS, the map, plan and report dated December 2023 has been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the Town, as lead agent, has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law, and the Town Board has reviewed a Full Environmental Assessment Form and has determined that the project will not result in any significant adverse environmental impacts and the Town Board has adopted a Negative Declaration;

NOW, THEREFORE, upon the evidence adduced at such Public Hearing, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF ALDEN, IN THE COUNTY OF
ERIE, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that:

(a) the Petition was signed, and acknowledged or proved, or authenticated, as required by law and is otherwise sufficient;

(b) the Notice of Public Hearing was published, posted and filed as required by Law, and is otherwise sufficient;

(c) all the property and property owners included within the proposed District hereinabove referred to in the recitals hereof are benefited thereby;

(d) all the property and property owners benefited are included within the limits of the proposed District; and

(e) it is in the public interest to establish the District and construct the Water Improvement at the estimated maximum cost of \$366,000.

Section 2. The establishment of the District and construction of the Water Improvement are hereby approved at the estimated maximum cost of \$366,000, and said District shall be designated and known as the Townline Water District, in the Town of Alden, and shall be bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Alden, County of Erie and State of New York, being part of Lots 51 and 52 of Township 11, Range 5 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING AT A POINT on the west line of the Town of Alden and the east line of the Town of Lancaster, said point being on the north line of Town Line Road at the south corner of Liber 11382, page 9014; thence north along the west line of the Town of Alden and the east line of the Town of Lancaster to the center of Ellicott Creek; thence northeasterly, easterly southeasterly and southerly along the centerline of Ellicott Creek as it winds and bends and along the south line of Alden Water District 4, Area 5 to the north line of Liber 11235, page 674; thence west along the north line of Liber 11235, page 674 to an angle point; thence south along the west line of Liber 11235, page 674 to an angle point; thence west along the north line of Liber 11235, page 674 to a point on the west line of the Town of Alden and the east line of the Town of Lancaster; thence north along the west line of the Town of Alden and the east line of the Town of Lancaster to the point of beginning.

Section 3. The maximum amount proposed to be expended for the establishment of the District and construction of the Water Improvement as hereinabove described, is \$366,000, which cost is planned to be financed by the issuance of serial bonds of the Town, and the levy and collection of assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 4. The estimated cost of hook-up fees is \$1,500.00 and the estimated cost of the establishment of the District and the construction of the Water Improvement to the Typical Property (as defined in the Town Law) is \$3,893.24. The Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed. The permission of the State Comptroller is required because the cost of the establishment of the District and construction of the Water Improvement to such Typical Property is above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller.

Section 5. The Town Clerk of the Town is hereby authorized and directed within ten (10) days after the adoption of this resolution, to file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control at Albany, New York, together with an application by said Town Board, in duplicate, for permission to establish the District, in the Town, as herein described, pursuant to the provisions of the Town Law, and such application shall be executed and verified by and on behalf of said Town Board by the Supervisor of the Town.

Section 6. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on June 3, 2024, as follows:

CARRIED.

Ayes 5 Paulter, 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 Town Board of the Town of Alden (herein called the "Town"), in the County of Erie, New York has received a petition, signed and acknowledged or proved as required by law and in full compliance with the requirements of Section 191 of the Town Law, for the establishment of a water district in a portion of the Town, as described therein and herein; and

WHEREAS, the Town has received and reviewed a map, plan and report prepared by Metzger Civil Engineering, PLLC, competent engineers duly licensed by the State of New York, for the proposed establishment of the Cayuga Creek Water District (the "District"), in the Town, and construction of a water system therein, consisting of 8-inch waterlines along the streets in the new district, fire hydrants and line valves and other work required in connection therewith, including original

equipment, assemblies, machinery, furnishings, valves, fittings, connections, fill, appurtenances and related site work and other ancillary work, as needed (referred to herein as the “Water Improvement”); and

WHEREAS, pursuant to the Order duly adopted on May 20, 2024, the Town Board determined to proceed with the proposed establishment of the District and the construction of the Water Improvement, and adopted an Order reciting a description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for such improvements, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk’s office for public inspection and specifying June 3, 2024, at 7:05 o’clock P.M. (Prevailing Time) as the time when, and the Town Hall, in the Town, as the place where, the Town Board would meet to consider the proposed increase in the maximum amount to be expended in connection with the establishment of the District and construction of the Water Improvement, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by Law; and

WHEREAS, certified copies of such Order were duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, a Public Hearing in the matter was duly held by the Town Board on said June 3, 2024, commencing at 7:05 o’clock P.M. (Prevailing Time), at the Town Hall, 3311 Wende Road, Alden, New York, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the proposed establishment of the District and the construction of the Water Improvement; and

WHEREAS, the map, plan and report dated October 20, 2020 has been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the Town, as lead agent, has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law, and the Town Board has reviewed a Long Environmental Assessment Form and has

determined that the project will not result in any significant adverse environmental impacts and the Town Board has adopted a Negative Declaration;

WHEREAS, the maximum amount proposed to be expended for the establishment of the District and the construction of a water system therein, as set forth in the notice of public hearing on the establishment of the District and in the resolution duly adopted on March 16, 2021, was originally estimated to be \$887,600; and

WHEREAS, due to the increased cost of labor and/or materials, and based upon the determination of the Engineer, the maximum amount now proposed to be expended for the establishment of the District and the construction of a water system therein, is \$1,306,400, which is planned to be financed by the issuance of not to exceed \$1,306,400 bonds of the Town to finance said cost, and the levy and collection of assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable; provided, however, that grant funds have been or may be received to pay a part of such cost and any grant funds received from such sources and any other funds received from the United States of America and/or the State of New York in connection with the project described herein shall be applied towards the cost thereof or redemption of the Town's obligations issued therefor, or shall be budgeted as an offset to the taxes for the payment of the principal of and interest on said bonds, and the principal amount of bonds or notes issued to finance the project shall be reduced by the amount of grant funds received;

NOW, THEREFORE, upon the evidence adduced at such Public Hearing, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF ALDEN, IN THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that:

(a) the Notice of Public Hearing was published, posted and filed as required by Law, and is otherwise sufficient;

(b) all the property and property owners included within the proposed District hereinabove referred to in the recitals hereof are benefited thereby;

(c) all the property and property owners benefited are included within the limits of the proposed District; and

(d) it is in the public interest to establish the District and construct the Water Improvement at the estimated maximum cost of \$1,306,400.

Section 2. The establishment of the District and construction of the Water Improvement are hereby approved at the estimated maximum cost of \$1,306,400, and said District shall be designated and known as the Cayuga Creek Water District, in the Town of Alden, and shall be bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Alden, County of Erie and State of New York, being part of the tract of land called the Buffalo Creek Reservation, known and distinguished as part of Lot 66, in Township 10, Range 5, bounded and described as follows:

Commencing at a point on the center of Cayuga Creek Road (f/k/a West Alden Road) where said road intersects southerly boundary of Lot 66, thence east along the southerly boundary of Lot 66, 981.42 feet to the southeast corner of Lot 66, thence northerly 5,452.69 feet to the northeast corner of Lot 68, thence westerly along the north line of Lot 68, 2,289.30 feet to a point on the north line of lot 68.

Thence north to the north line of Lot 70, thence west along the north line of Lot 70 to a point 404 feet east from the centerline of Three Rod Road where the same meets the north line of Lot 71, also being the northwest corner of Zdrujewski at Liber 10963 Page 7963.

Thence south 121 feet, thence west 370.4 feet to a point in the centerline of Three Rod Road, thence southerly along the centerline of Three Rod Road a distance of 210 feet, thence westerly along the north line of Lot 71 a distance of 1,382.80 feet to a point in the northwest corner of Lot 71, then southerly a distance of 2,421.50 feet to the centerline of Cayuga Creek, then continuing along the centerline of Cayuga Creek a distance of 8,806.50 feet to the south line of Lot 66, thence easterly 80 feet to the centerline of Cayuga Creek Road (f/k/a/ West Alden Road) to the place of beginning.

Section 3. The maximum amount proposed to be expended for the establishment of the District and construction of the Water Improvement as hereinabove described, is \$1,306,400, which cost is planned to be financed by the issuance of serial bonds of the Town, and the levy and collection of assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 4. The estimated cost of hook-up fees is \$1,000.00 and the estimated cost of the establishment of the District and the construction of the Water Improvement to the Typical Property (as defined in the Town Law) is \$1,454.75. The Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed.

The permission of the State Comptroller is required because the cost of the establishment of the District and construction of the Water Improvement to such Typical Property is above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller.

Section 5. The Town Clerk of the Town is hereby authorized and directed within ten (10) days after the adoption of this resolution, to file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control at Albany, New York, together with an application by said Town Board, in duplicate, for permission to establish the District, in the Town, as herein described, pursuant to the provisions of the Town Law, and such application shall be executed and verified by and on behalf of said Town Board by the Supervisor of the Town.

Section 6. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on June 3, 2024, as follows:

CARRIED.

Ayes 5 Paulter, Waiss,Crist, Bork, Cieszki

Nays 0

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

Motion to appoint Jamie J. Rapini as secretary of the Town of Alden Zoning Board of Appeals, for a term to commence today and to expire 12/31/2024, salary as per Town of Alden Schedule of Salaries.

The foregoing Motion was duly put to a roll call vote at a regular meeting on June 3, 2024, as follows:

CARRIED.

Ayes 5 Paulter, Waiss,Crist, Bork, Cieszki

Nays 0

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

Motion to appoint Michaeline White as secretary of the Town of Alden Planning Board, for a term to commence today and to expire 12/31/2024, salary as per Town of Alden Schedule of Salaries.

The foregoing Order was duly put to a roll call vote at a regular meeting on June 3, 2024, as follows:

CARRIED.

Ayes 5 Paulter, 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 Linda Marzolf to the position of First Deputy Town Clerk, not to exceed 19.5 hours per week at an hourly rate of \$17.51, effective June 4, 2024 pending successful completion of all Town pre-employment and background checks.

The foregoing Order was duly put to a roll call vote at a regular meeting on June 3, 2024, as follows:

On the Question, Councilmember Crist – Per Re-Org 1st & 2nd Deputies have same duties, 19.5 hours per week.

Councilmember Cieszki – Hope both will be trained to cover meetings.

CARRIED.

Ayes 5 Paulter, Waiss,Crist, Bork, Cieszki

Nays 0

THE FOLLOWING MOTION WAS OFFERED BY COUNCILMEMBER CIESZKI, SECONDED BY COUNCILMEMBER BORK, TO WIT;

Motion to approve the request of Alden Junior Football & Cheerleading (“AJFC”) to use the Town Park football fields for football and cheer practice and games on Monday through Friday from 5 pm until 9 pm and Saturdays from 7 am until 8pm starting July 28 through November 9, 2024.

All participants must sign Waivers, to be filed with the Town Recreation Director prior to participating in any practice or game.

AJFC must submit proof of insurance naming the Town of Alden as an addition insured to the Town Recreation Director prior to its first practice.

The foregoing Motion was duly put to a roll call vote at a regular meeting on June 3, 2024, as follows:

CARRIED.

Ayes 5 Paulter, Waiss,Crist, Bork, Cieszki

Nays 0

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

Motion to approve the request of the Alden Auto Show Committee (“Car Show”) use of Alden Town Park including all shelters and one band shell on July 28, 2024 for The Alden Car, Truck and Cycle Show; contingent upon the receipt no later than July 1, 2024 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 28, 2024, 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, 2024.

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 foregoing Motion was duly put to a roll call vote at a regular meeting on June 3, 2024, as follows:

CARRIED.

Ayes 5 Paulter, Waiss,Crist, Bork, Cieszki

Nays 0

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

Motion to approve the request of the Alden Youth Baseball, Inc. to use Robert O. Smith Park (Diamond 1) for All-Star Games from 5.30 pm -8.30 pm on June 24, 2024 and July 1, 2024.

Alden Youth Baseball, Inc. must submit proof of general liability insurance naming the Town of Alden as an additional insured to the Recreation Director prior to using the Park.

All participants must sign Waivers, to be filed with the Recreation Director, prior to participating in any games or practices.

The foregoing Motion was duly put to a roll call vote at a regular meeting on June 3, 2024, as follows:

CARRIED.

Ayes 5 Paulter, 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, New York State imposes a 4% sales tax on most purchases made in New York State and allows its counties to impose an additional sales tax of 3%; and

WHEREAS, in 1984, Erie County enacted a “temporary” 1% additional sales tax to address fiscal issues, which has remained in effect substantially ever since; and

WHEREAS, in 2005, Erie County enacted another “temporary” 0.25% sales tax increase to address fiscal issues, which has remained in effect ever since; and

WHEREAS, in 2006, Erie County enacted another “temporary” 0.5% sales tax increase to address fiscal issues, which has remained in effect ever since; and

WHEREAS, currently, the Erie County Charter requires extensions of the “temporary” sales tax to be approved by either a supermajority of the legislature or by a majority of the legislature, subject to a public referendum; and

WHEREAS, Local Law Intro. 4-1 has been introduced to the legislature which would allow for this “temporary” tax to be extended with only a simple majority vote of the legislature and without the opportunity of the public to have a say on this important fiscal matter; and

WHEREAS, it is not uncommon for serious fiscal matters to require super-majority votes to be enacted: approving a tax hike above the two percent property tax cap requires a super-majority vote; approving a bond resolution requires a super-majority vote; and approving a “temporary” sales tax increase has always required a super-majority vote in Erie County, which would change if the charter is amended; and

WHEREAS, in addition to provoking a more thorough and thoughtful discussion of the issue, requiring a super-majority offers a greater chance to negotiate opportunities to benefit taxpayers, such as was done in 2023 with the first property tax decrease in over a decade, a sales tax holiday for home energy products during the winter quarter and a five-year road maintenance plan to keep our roads safe and passable; and

WHEREAS, as beneficial as requiring a super-majority has been for extending the “temporary” sales tax increase, perhaps more disturbing is that the proposed charter change takes away the public’s voice from the process; and

WHEREAS, as we approach the fortieth anniversary of some form of “temporary” sales tax, the public should have the option of bringing their voice to the ballot box on whether Erie County should continue to have the highest county-imposed sales tax in New York State; and

WHEREAS, the proposed charter change would silence the people and leave such a major decision in the hands of a few individuals who are also in charge of spending what is collected; and

WHEREAS, there has always been an option to extend the sales tax with a simple majority vote, but it requires a referendum; the attempt to silence the voice of the people at the ballot box indicates that it is the preference of elected officials to act without the input of the residents of Erie County whose actions may impact their ability to spend; and

WHEREAS, Erie County entered into a sales tax sharing agreement in 1977 in order to share the additional 3% sales tax revenues with cities, towns, villages and school districts in the following fashion: 35% to Erie County, 29% to the school districts, 10% to the three cities in Erie County, and 26% to the same three cities and the other municipalities in Erie County, which funds have been vitally important to municipalities; and

WHEREAS, with the creation of the “temporary” 1.75% sales tax, the county and state eliminated school districts from sharing that pool of revenue; and

WHEREAS, as such, if the charter is amended, towns and villages could easily be eliminated from sharing that pool of revenue with a simple majority vote, instead of either a super-majority vote or a majority vote to go to referendum; and

WHEREAS, the Town of Alden opposes Local Law Intro. 4-1 and asks that the item be received and filed due to its lessening the importance of the decision to extend the “temporary” sales tax increase and the effect of taking away the voice of the voters who can now vote on the issue with a simple majority vote of the legislature.

NOW, THEREFORE, BE IT

RESOLVED, the Town of Alden strongly opposes any measure that silences the public by removing their right to approve a decision, at a public referendum, being made on their behalf by elected officials who serve them; and be it further

RESOLVED, the Town of Alden expresses deep concern about proposed charter changes in Local Law Intro. 4-1 that will make it easier to extend taxes on the public, by removing a public approval process and allowing the decision to be approved by fewer lawmakers; and be it further

RESOLVED, the Town of Alden opposes Local Law Intro. 4-1 and asks that the Erie County Legislature receives and files the item.

The Town Clerk is directed to send a certified copy of this resolution to the Town of Alden delegation in the Eire County Legislature.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on June 3, 2024, as follows:

CARRIED.

Ayes 5 Paulter, Waiss,Crist, Bork, Cieszki

Nays 0

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilmember Waiss – Add Hiring Parks Supervisor to WS
Farmers Market was packed with the Car Show and everyone attending

Councilmember Crist – will be meeting with insurance Rep

Town Engineer Metzger – Senior Center addition punch list items have been taken care of.

Budget Officer Rogers – Happy the water districts are moving forward

Supervisor Pautler – request Executive Session.

Councilmember Waiss moved to leave regular meeting and enter into Executive Session for a Session of Attorney-Client Privilege, second by Councilmember Crist. All in Favor.

Councilmember Waiss moved to leave executive session and enter back into Regular Meeting, second by Councilmember Cieszki. All in Favor.

UNFINISHED AND TABLED BUSINESS

Resolution of Standard Work Days for Elected and Appointed Officials.

NOTICE OF MEETINGS

WORK SESSION:	June 10, 2024	@ 7:00 PM
REGULAR BOARD MEETING	June 17, 2024	@7:00 PM

MEMORIAL REMEMBRANCE –

ADJOURNMENT

At 9:00P.M. Supervisor Pautler adjourned the Meeting.

Alecia Barrett
Town Clerk