

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road, Alden, NY on Monday, July 1, 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 Deputy Town Clerk Marzolf.

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

RECORDING SECRETARY: Linda Marzolf, Town Clerk

OTHERS PRESENT: Scott Pease, CEO
Mike Metzger, Town Engineer
Residents

Councilmember Weiss Moved and Councilmember Crist seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of June 17, 2024.

CARRIED

Ayes 5 Pautler, Bork, Weiss, 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"	\$15,377.52	\$22,532.55	\$37,910.07
HIGHWAY FUND "DA/DB"	\$7,926.81	\$6,286.89	\$14,213.70
PART-TOWN FUND "B"	\$1,609.50	\$2,500.64	\$4,110.14
SR CTR EXPANSION/4 SEASON "HS"	\$618.41		\$618.41
CONSOLIDATED WATER "WR"			
SPECIAL FIRE PROTECTION "SF"	\$1,100.00		\$1,100.00
SEWER DIST. #1 FUND "SI"			
SEWER DIST. #2 FUND "SA"	\$61.74	\$3,575.00	\$3,636.74
TRUST & AGENCY "T"	\$26,649.18	\$2,776.00	\$29,425.18
SPECIAL REFUSE FUND "SR"	\$40,747.67		\$40,747.67
STREET LIGHTING FUND "SL"	\$6,439.30		\$6,439.30
PERIWINKLE LTG. DIST."SL1"			
WATER DIST. EXCHANGE "WX"			
WATER DIST. NO. 1 "WA"			
TOTAL	\$100,530.13	\$37,671.08	\$138,201.21

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON JULY 1, 2024 AND

CARRIED

Ayes 5 Pautler, Waiss, Crist, Bork, Cieszki

Nays 0

BUSINESS FROM THE FLOOR

Ron Rebman – Garbage pickup rules? Called Waste Management and took an extended period of time to get through.

COMMUNICATIONS

Colleen Pautler, Town Supervisor

- 1. Received June report from Building Inspector’s Office

7:05 Public Hearing – Cayuga Creek Water District

Councilmemembr Waiss moved and Councilmemembr Crist seconded the Motion to leave regular meeting and enter into public hearing; All in favor.

Notice of Public Hearing was read by Deputy Town Clerk Marzolf

Supervisor Pautler opened the floor to public comment.

Joe Loftus, 180 Cayuga Creek – When do we go to bid?

Justin Huett, 586 Cayuga Creek – Not in favor of this project and cost change. Wants update on progress of the project and if there will be another vote for this project. Questioned if Natural Gas can be hooked up the same time the water line is being run.

Natalie Huett, 586 Cayuga Creek – Are telephone, cable, electric, water and gas be done at the same time? Can citizens call for assistance?

Councilmemembr Waiss moved and Councilmemembr Crist seconded the Motion to leave public hearing and return to regular meeting; All in favor.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER CIESZKI, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER BORK, 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 payment to Hodgson Russ LLP for work related to the Employee Handbook; and

WHEREAS, this budget transfer 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	\$1,477.00	A.1420.0402	Hodgson Russ LLP (Employee Handbook)	\$1,477.00
	\$1,477.00		TOTAL	\$1,477.00

This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on July 1, 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 allow Courtney Krull, Supervisor’s Confidential Secretary/Clerk, to work up to 25 hours per week at an hourly rate of \$20.00, effective immediately for the remainder of 2024.

The foregoing Motion was duly put to a roll call vote at a regular meeting on July 1, 2024, as follows:

CARRIED.

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

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR PAUTLER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER WAISS, 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 dated October 27, 2020, as updated May 20, 2024, 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, the map, plan and report dated October 27, 2020, as updated May 20, 2024, has been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the maximum amount proposed to be expended for the establishment of the District and the construction of the Water Improvement, 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 expenditure of grant funds in the amount of \$532,560 received or expected to be received to pay a part of the cost of the project, the issuance of not to exceed \$773,840 bonds of the Town to finance the balance of 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; and

WHEREAS, pursuant to the Order duly adopted on June 17, 2024, the Town Board determined to proceed with the proposed amended proceedings for the 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 July 1, 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 amended 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 July 1, 2024, commencing at 7:05 o'clock P.M. (Prevailing Time), at the Town Hall, 3311 Wende Road, Alden, New York, at which time all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the proposed amended proceedings for the establishment of the District and the construction of the Water Improvement; 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;

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 amend the proceedings for the establishment of the District and construct the Water Improvement at the estimated maximum cost of \$1,306,400.

Section 2. The amended 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 expenditure of grant funds in the amount of \$532,560 received or expected to be received to pay a part of the cost of the project, the issuance of not to exceed \$773,840 bonds of the Town to finance the balance of 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.

Section 4. The estimated cost of hook-up fees is \$1,500.00 (if performed at the time of construction and if performed by the contractor that installs the water lines) and the estimated cost of the amended establishment of the District and the construction of the Water Improvement to the Typical Property (as defined in the Town Law) is \$1,454.60. 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 previously granted permission of the State Comptroller must now be amended ~~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 amend the proceedings for the establishment of the ~~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 July 1, 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 allow Brianna Quinn, Aquatics Supervisor, to work up to 39 hours per week at an hourly rate of \$18.91, effective immediately for the remainder of 2024.

The foregoing motion was duly put to a roll call vote at a regular meeting on July 1, 2024, as follows:

CARRIED.

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

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

Motion to approve the request of the Alden Home Bureau to use the Community Center (large room) on the 1st and 3rd Mondays of each month from 7:00 PM until 9:00 PM from September, 2024 through September 2025 contingent upon the Bureau completing the Rental Application.

The Town Clerk is directed to send a copy of this approved motion to the Alden Home Bureau.

The foregoing Order was duly put to a roll call vote at a regular meeting on July 1, 2024, as follows:

CARRIED.

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

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

WHEREAS, the Highway Superintendent has informed the Town Board that a new fence is needed for the Pickle Ball Court in the Town Park, specifically 258 feet of 4 feet 8 gauge black chain link fencing; the estimated cost of which is more than \$10,000.00;

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 as follows:

the highest bidder is R & R Fencing, LLC at \$12,993.00;

the second highest bidder is Iroquois Fence, Inc. at \$11,765.00; and

the lowest bidder is Excel Fence, Inc. at \$11,309.00.

WHEREAS, Excel Fence Inc. 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 installation of the new fence.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. **The Town Board approves the hiring of Excel Fence, Inc. to install a new fence at the Pickle Ball Court as per the attached specification, at a total cost of \$11,309.00;**
2. Excel Fence, Inc. must pay NYS Prevailing wages to any non-owner employees and must comply with all labor law requirements and postings prior to starting any work and must provide proof of liability insurance to the Town prior to starting any work; and
3. The Highway Superintendent is authorized to sign any and all necessary documents to effectuate this purchase and installation; and
4. **This resolution shall take effect immediately.**

The foregoing resolution was duly put to a roll call vote at a regular meeting on July 1, 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 is considering an application, by JPW Development LLC for site plan approval of one additional buildings with three apartments with an attached garage at Genesee Street, in the Town of Alden, further identified by SBLs # 85.00-4-24.112 and 85.00-4-42 (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 Board 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 is directed to provide 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 and to give notice of this Lead Agency declaration to the involved agencies.

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 foregoing resolution was duly put to a roll call vote at a regular meeting on July 1, 2024, as follows:

CARRIED.

Ayes 5 Paulter, Waiss,Crist, Bork, Cieszki

Nays 0

POLLED AND ADDED WITH NO OBJECTIONS:

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

Motion to hire: Judy Downhower, Nancy Mead, and Colleen Rogers as Temporary Bookkeepers in the Supervisor's Office at a rate of \$20.00 per hour each, not to exceed 19 hours per week per person. All are trained in governmental accounting, and will ensure a seamless transition following the retirement of Mary Ann Arnold. The duration of their employment will be determined by the Supervisor and will continue until a new part-time accountant is hired. These appointments will not negatively impact the budget and are expected to result in cost savings. Employment is contingent upon the successful completion of all pre-employment checks.

The foregoing motion was duly put to a roll call vote at a regular meeting on July 1, 2024, as follows:

CARRIED.

Ayes 5 Paulter, Waiss,Crist, Bork, Cieszki

Nays 0

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Supervisor Pautler - Need employee @ sewage treatment plant; add to WS
Made statement regarding accounting discrepancies.

Councilmember Cieszki – Received call from resident regarding WD#5; add to WS

Councilmember Waiss - Summer Rec started successfully today. ACS can use paved loop for XCountry, there is no conflict

Councilmember Crist - - Universal Voucher policy; add to WS. June 17 edit to agenda minutes: abstain from item 'D' and memorial page

Highway Superintendent Rogers – Work on Parks Supervisor. Band Shell from 1966, replace with permanent or mobile, but it's time.

Building Inspector Pease – Ways to collect fees and pay with credit card; add to WS

Town Engineer Metzger – Contractor was onsite for roof repairs at the Community Center. This was close-out work from the original contract/installation.

UNFINISHED AND TABLED BUSINESS

NOTICE OF MEETINGS

WORK SESSION:

July 18, 2024

@ 7:00 PM

REGULAR BOARD MEETING

July 15, 2024

@7:00 PM

MEMORIAL REMEMBRANCE – Fanny Holtz

ADJOURNMENT

At 7:40 P.M. Supervisor Pautler adjourned the Meeting.

Alecia Barrett
Town Clerk