

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road, Alden, NY on Monday, September 16, 2024 at 7:00 P.M. Town Supervisor Pautler called the Meeting to Order and Councilmember Cieszki led in the Pledge of Allegiance. The Roll Call was taken by 1st Deputy Town Clerk Marzolf.

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

RECORDING SECRETARY: Linda Marzolf, 1st Deputy Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney
Mike Metzger, Town Engineer
Residents

Councilmember Bork Moved and Councilmember Cieszki seconded the Motion to approve the Minutes of the Regular Meeting of August 5, 2024.

CARRIED

Ayes 3 Pautler, Bork, Cieszki
Nays 0
Abstain 2 Waiss, Crist

Supervisor Pautler Moved and Councilmember Waiss seconded the Motion to Table the Minutes of the Special Meeting of August 12, 2024.

CARRIED

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

Councilmember Waiss Moved and Councilmember Crist seconded the Motion to Approve the Minutes of the Regular Meeting of August 19, 2024.

CARRIED

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

Councilmember Waiss Moved and Councilmember Crist seconded the Motion to Approve the Minutes of the Regular Meeting of September 3, 2024.

CARRIED

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

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

<u>ACCOUNT</u>	<u>AMOUNT</u>					
	ABSTRACT #1	SPECIAL ABSTRACT #1	ABSTRACT #2			TOTAL
GENERAL FUND "A"	\$9,238.63	\$9,960.55	\$37,357.54			\$56,556.72
HIGHWAY FUND "DA/DB"	\$6,869.32		\$13,350.20			\$20,219.52
PART-TOWN FUND "B"	\$4,364.73		\$607.70			\$4,972.43
SR CTR EXPANSION/4 SEASON "HS"						\$0.00
CONSOLIDATED WATER "WR"	\$4,396.88					\$4,396.88
SPECIAL FIRE PROTECTION "SF"						\$0.00
SEWER DIST. #1 FUND "SI"						\$0.00
SEWER DIST. #2 FUND "SA"	\$605.17		\$2,052.76			\$2,657.93
TRUST & AGENCY "T"	\$30,722.78		\$20,738.67			\$51,461.45
SPECIAL REFUSE FUND "SR"						\$0.00
STREET LIGHTING FUND "SL"			\$5,767.02			\$5,767.02
PERIWINKLE LTG. DIST."SL1"						\$0.00
ZOELLER RD. WATER DIST."WZ"						\$0.00
WATER DIST. NEWSTEAD "WO"						\$0.00
WATER DIST. EXCHANGE "WX"						\$0.00
WATER DIST. NO. 1 "WA"						\$0.00
TOTAL	\$56,197.51	\$9,960.55	\$79,873.89	\$0.00	\$0.00	\$146,031.95

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON SEPTEMBER 16, 2024 AND

CARRIED

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

BUSINESS FROM THE FLOOR

PRESENTATIONS of COMMUNICATIONS from BOARD MEMBERS and OTHER TOWN OFFICIALS

Colleen Pautler, Town Supervisor

1. Received new contract from SPCA, given to Attorney Strong for review; add to WS
2. Request to start 9/23/24 Work Session early at 5:30 due to the Buffalo Bills Monday Night Football game. All in favor.

John Cieszki, Councilmember

1. Wants to schedule EOM meeting on 10/17 with the team

NEW BUSINESS

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 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 Alden has provided notice to Erie County Planning as required under Section 239-m of the General Municipal Law and to all involved agencies;

WHEREAS, the New York State Environmental Quality Review Act requires the Town Board 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; and

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.

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 of Alden, as Lead Agency, hereby determines that the unlisted action described in the SEQRA NEGATIVE DECLARATION, NOTICE OF DETERMINATION OF NON-SIGNIFICANCE, on file with the SEQRA Intake Officer, will not have a significant effect on the environment and that an environmental impact statement is not required to be prepared with respect to said Proposed Action;
4. The Town Board finds that the Proposed Action is consistent with the Town Code and approves the site plan contingent upon the Applicant signing the EAF; and
5. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 16, 2024, as follows:

CARRIED.

Ayes 5 Paulter, Waiss, Crist, Bork, Cieszki

Nays 0

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

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS;

A hearing before the Town Board of the Town of Alden, in the County of Erie shall be held at the Town Hall, 3311 Wende Road, Alden, New York at 7:10 p.m. on the 7th day of October, 2024, for the purpose of hearing all persons interested in the proposed Local Law No. 3 of the Year 2024 entitled "Authorizing Informational Enclosures with Tax Bills"; and

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

ORDERED, that the Town Clerk is to make copies of the proposed Local Law No. 3 of the Year 2024, entitled "Authorizing Informational Enclosures with Tax Bills"" available at her office for inspection and distribution to any interested person during business hours.

The foregoing Order was duly put to a roll call vote at a regular meeting on September 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 hire Kurt Pastuszynski as full time Parks Crew Chief starting on 9/20/24 at an annual rate of \$63,000 (prorated) pending successful completion of all pre employment checks.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 16, 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, a Proposed Local Law No. 1 of 2024 entitled "Override of Tax Cap" was introduced to the Alden Town Board for consideration by Councilmen Cieszki on July 15, 2024.

WHEREAS, a resolution was duly adopted by the Alden Town Board calling a public hearing to be held by the Alden Town Board on August 19, 2024 at the Alden Town Hall, to hear all interested parties on a proposed Local Law,

WHEREAS, notice of said public hearing was duly published in the Alden Advertiser, and

WHEREAS, said public hearing was duly held on August 19, 2024 and all parties in favor of and opposed to the local law were heard; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 State Environmental Quality Review Act it has been determined by the Alden Town Board that the Local Law is a Type II Action, and

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law by the Alden Town Clerk on or about August 6, 2024 and on or about August 20, 2024, and

WHEREAS, the Town submitted the 239m Notice and a "no recommendation" was received on September 4, 2024;

WHEREAS, the Alden Town Board, after due deliberation, finds it in the best interest of said the Town of Alden to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board hereby adopts said Local Law No. 1 of the Year 2024 entitled "Override of Tax Cap", a copy of which is attached hereto and made a part of this resolution,
2. That the Alden Town Clerk enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Alden, and to give due notice of the adoption of said Local Law to the Secretary of State of New York, post the same on the Town Bulletin Board and publish the same in the Alden Advertiser.
3. This Resolution shall take effect immediately.

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

CARRIED.

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

Local Law No. 1 of 2024 (text as of 7.9.24)
Town of Alden, County of Erie
Title: Override of Tax Cap

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ALDEN, COUNTY OF ERIE AS FOLLOWS:

SECTION ONE Legislative Intent

The State Constitution, Article XVI, §1, reserves all taxing power to the State and therefore local governments possess only that taxing power which has been expressly delegated to them by the State Legislature (Opns St Comp, 1990 No. 90-39; Opns St Comp, 1981, No. 81-331; Opns St Comp, 1973, No. 72-1085, unreported; 23 Opns St Comp, 1967, p 788).

The Town Board of the Town of Alden, County of Erie has reviewed the financial needs and obligations of the town. Due to contract obligations, limited revenue from non-real property tax sources, the rising cost of commodities and health care, compliance with unfunded mandates, reductions in state and federal revenue sharing programs coupled with the limitations on raising revenue set forth in General Municipal Law, §3-c, the Town Board of the Town of Alden, County of Erie, hereby determines that it necessary to override the tax cap for the fiscal year 2025.

SECTION TWO Authority

General Municipal Law, §3-c (5) authorizes the town board to adopt a local law overriding the tax cap by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

SECTION THREE Tax Cap Override

The Town Board of the Town of Alden, County of Erie hereby overrides the tax cap as required by General Municipal Law, §3-c as for the town fiscal year of 2025.

SECTION FOUR. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION FIVE. Effective date.

This local law take effect immediately upon filing with the Secretary of State.

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

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

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

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

WHEREAS, Crittenden Volunteer Fire Department has approved Jonathan Gerhardt as a member; and

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

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Alden Town Board hereby approves Jonathan Gerhardt for membership in the Crittenden Volunteer Fire Department; and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 16, 2024, as follows:

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 hire or rehire the following lifeguards at the following hourly rates from 9/23/24 – 12/30/24:

Rehires:

Skylar King- \$16.00

Riley Eggink-\$16.00

Avery Stahl-\$16.00

Hope Moch- \$16.00

Faith Moch- \$16.00

Anthony Kudla- \$16.00

Liam Farrell- \$16.00

James Fecio- \$16.50

Claire Stoltman- \$16.00

Sheeanne DeFedericis- \$16.00

Ayden Daigler- \$16.00

New Hires:

Ellen Ritchie- \$16.00

Isabelle King- \$16.00

contingent upon successful completion of all pre-employment checks.

The foregoing resolution was duly put to a roll call vote at a regular meeting on September 16, 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;

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS;

A hearing before the Town Board of the Town of Alden, in the County of Erie shall be held at the Town Hall, 3311 Wende Road, Alden, New York at 7:05 p.m. on the 7th day of October, 2024, for the purpose of hearing all persons interested in the use of Federal Community Development Funds in the Town of Alden; and

ORDERED, that the Town Clerk's Office is directed to (a) publish a notice of public hearing in the Alden Advertiser, designated as the official newspaper for this publication, such publication to be not less than five (5) days before the date of the public hearing; (b) and post as required by law one (1) copy of the Notice of Public Hearing no later than the day such Notice is published; and

The foregoing resolution was duly put to a roll call vote at a regular meeting on September 16, 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, a Proposed Local Law No. 2 of 2024 entitled "Rezoning of Real Property at the rear of 11290 Broadway" was introduced to the Alden Town Board for consideration by Supervisor Pautler on August 5, 2024.

WHEREAS, a resolution was duly adopted by the Alden Town Board calling a public hearing to be held by the Alden Town Board on September 3, 2024 at the Alden Town Hall, to hear all interested parties on a proposed Local Law,

WHEREAS, notice of said public hearing was duly published in the Alden Advertiser, and

WHEREAS, said public hearing was duly held on September 3, 2024 and all parties in favor of and opposed to the local law were heard; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 State Environmental Quality Review Act it has been determined by the Alden Town Board that the Local Law is an Unlisted Action, and

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law by the Alden Town Clerk on or about August 20, 2024, and

WHEREAS, the Town submitted the 239m Notice and a “no recommendation” was received;

WHEREAS, the Town Planning Board on December 15, 2020 recommended approval of the Local Law

WHEREAS, the Alden Town Board, after due deliberation, finds it in the best interest of said the Town of Alden to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town of Alden, as Lead Agency hereby concludes that the Proposed Project will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic consideration(s);
2. The Alden Town Board hereby adopts said Local Law No. 2 of the Year 2024

entitled “Rezoning of Real Property at the rear of 11290 Broadway”, a copy of which is attached hereto and made a part of this resolution;

3. That the Alden Town Clerk enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Alden, and to give due notice of the adoption of said Local Law to the Secretary of State of New York, post the same on the Town Bulletin Board and publish the same in the Alden Advertiser;

4. The Town Engineer is hereby directed to amend the Town of Alden Zoning Map; and

5. This Resolution shall take effect immediately.

The foregoing local law was duly put to a roll call vote at a regular meeting on September 16, 2024, as follows:

CARRIED.

Ayes 5 Paulter, Waiss,Crist, Bork, Cieszki

Nays 0

TEXT OF LOCAL LAW # 2 of 2024

A Local Law known as Local Law No. 2 of the Year 2024 entitled “Rezoning of Real Property at the rear of 11290 Broadway”

Be it enacted by the Town Board of the Town of Alden as follows:

SECTION 1. TITLE

This Law shall me known as Local Law No. 2 of the Year 2024 entitled “Rezoning of Real Property at the rear of 11290 Broadway”.

SECTION 2. PURPOSE

The purpose of this local law is to amend the Zoning Law of the Town of Alden to rezone the rear 12 +/- acres of a 39.57 +/- acre parcel located at 11290 Broadway in furtherance of the Town of Alden's adopted Comprehensive Plan.

SECTION 3. AMENDMENT OF ZONING LAW

The Zoning Classification of the following described area presently zoned RA under the Zoning Law of the Town of Alden is hereby amended and the property therein described as:

All that Tract or Parcel of Land, situate in the Town of Alden, County of Erie and State of New York, being part of Lot 41 & 42 in the 11th Township and 5th Range of the Holland Land Company's Survey and being further bounded and described as follows: **COMMENCING** at the intersection point of the west line of Lot 41 and the Present northerly line of Broadway (width varies) as established by land deeded to the People of the State of New York by Appropriation recorded in the Erie County Clerk's Office in Liber 4076 of deeds at Page 251; Thence northerly along the west line of Lot 41, a distance of 2,447.19 feet to the **Point of Beginning**; Thence continuing northerly along the west line of Lot 41, a distance of 919.17 feet to the northwest corner of Lot 41 & the southwest corner of Lot 42; Thence continuing northerly at an interior angle of 180°09'23" and along the west line of Lot 42, a distance of 246.77 feet to a point in the southerly line of land formerly owned by Conrail; Thence easterly at an interior angle of 79°27'32" and along the southerly line of land formerly owned by Conrail, a distance of 528.59 feet to a point; Thence southerly at an interior angle of 100°37'33", a distance of 1,177.93 feet to a point; Thence northwesterly at an interior angle of 76°57'00", a distance of 538.19 feet to the Point or Place of Beginning. Containing within said bounds 12.341 acres of land more or less.

is rezoned as R-3.

SECTION 4. AMENDMENT TO THE ZONING MAP

POLLED AND ADDED WITH NO OBJECTION

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

WHEREAS, On June 17, 2024, Erie County Civil Service released the Eligible List Report for Code Enforcement Officer in Erie County;

WHEREAS, the Town of Alden is required by Civil Service Law to hire from the candidates who scored in the top three percentile on the Eligible List;

WHEREAS, the Town of Alden, due to New York Civil Service Law requirements, must hire a new full-time Code Enforcement Officer/Building Inspector from the County List;

WHEREAS, the Town of Alden has properly canvassed the Eligible List and received nine positive responses;

WHEREAS, the top four candidates of the nine positive canvas responses were interviewed and have declined employment with the Town of Alden;

WHEREAS, to Elias Witmer is the next available candidate on the Eligible List; but has not yet completed all of the training required by New York State;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the hiring of Elias Witmer 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 September 30, 2024;

2. Elias Witmer must successfully complete the New York State Required training within nine months of September 30, 2024 to have his Provisional status removed and remain employed; and

3. This resolution shall take effect immediately.

The foregoing resolution was duly put to a roll call vote at a regular meeting on September 16, 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, effective September 30, 2024, Provisional Code Enforcement Officer Elias Witmer 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 September 16, 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 Alden Town Board adopted its 2024 Budget on November 6, 2023;

WHEREAS, the Town needs to transfer monies to allow for personnel expenditures in Supervisor’s Office for the balance of fiscal year 2024.

WHEREAS, these budget transfers will not render the Town of Alden insolvent.

The Alden Town Board hereby authorizes the following transfers:

From (Budget Code)	Amount	To (Budget Code)	General Explanation	Amount
A. 1620.0100	\$ 4,879	A.1220.0103	Asst. to Supervisor	\$4,879
A.1620.0100	\$12,359	A. 1220.0104	PT Temporary Clerks in Supt. Office	\$12,359
	\$17,238		TOTAL	\$17,238

This resolution shall take effect immediately.

The foregoing resolution was duly put to a roll call vote at a regular meeting on September 16, 2024, as follows:

CARRIED.

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

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilmember Bork – Funding donation potential of \$220k for band shell next year

Town Attorney Strong – received word that publication for public hearings are complete and neighboring municipality notifications would be completed by tomorrow.

Councilmember Weiss – Welcome to Elias & Kurt

UNFINISHED AND TABLED BUSINESS

NOTICE OF MEETINGS

WORK SESSION:

September 23, 2024

@ 5:30 PM

REGULAR BOARD MEETING

October 7, 2024

@ 7:00 PM

MEMORIAL REMEMBRANCE – Mary Ruhland

ADJOURNMENT

At 7:21 P.M. Supervisor Pautler adjourned the Meeting.

Linda Marzolf, First Deputy Town Clerk