

MEETING NO. 08
REGULAR NO. 08

REGULAR TOWN BOARD MEETING
TOWN OF ALDEN

April 21, 2025
6:00 P.M.

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road, Alden, NY on Monday, April 21, 2025 at 6:00 P.M. Town Supervisor Pautler called the Meeting to Order and Councilmember Waiss led the Pledge of Allegiance. The Roll Call was taken by 1st Deputy Town Clerk, Linda J. Marzolf.

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

RECORDING SECRETARY: Linda J. Marzolf, 1st Deputy Town Clerk

OTHERS PRESENT: Colleen Rogers, Budget Officer
Glenn Christner, Building Inspector & Code Enforcement Officer
Jennifer Strong, Town of Alden's Attorney
Michelle Gadd, Recreation Director
Residents

Motion to **Approve the Minutes** of the Regular Meeting of April 07 , 2025 was not made. Supervisor Pautler noted that the Agenda was missing the Item #3 to offer the minutes from previous meeting.

1st Deputy Town Clerk noted that the minutes were not transcribed and she had asked the 2nd Deputy Clerk to remove it. It was not clear to Deputy Clerks that the Agenda format could not be changed.

APPROVAL OF VOUCHERS

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

Apr-25						
THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER BORK , SECOND BY COUNCILMEMBER WAISS, WHO MOVED THAT THE FOLLOWING VOUCHERS BE ALLOWED AND PAID TO WIT; VOUCHERS # [360] to # [396]. ALL BILLS REVIEWED BY THE TOWN BOARD.						
ACCOUNT	AMOUNT					
	04/01/2025 2025	04/21/2025 2025				TOTAL
GENERAL FUND "A"	\$35,040.99	\$24,495.18				\$59,536.17
HIGHWAY FUND "DA/DB"	\$16,941.55	\$56,233.76				\$73,175.31
PART-TOWN FUND "B"	\$2,765.68	\$5,172.37				\$7,938.05
SR CTR EXPANSION/4 SEASON "HS"						\$0.00
GRANTS "G"		\$58,500.00				\$58,500.00
SPECIAL FIRE PROTECTION "SF"						\$0.00
SEWER INDUSTRIAL PARK "SI"						\$0.00
SEWER DIST. #2 FUND "SA"	\$8,865.81	\$859.19				\$9,725.00
TRUST & AGENCY "T"	\$3,199.77	\$1,743.43				\$4,943.20
SPECIAL REFUSE FUND "SR"		\$40,898.23				\$40,898.23
STREET LIGHTING FUND "SL"		\$5,285.16				\$5,285.16
PERIWINKLE LTG. DIST."SL1"		\$73.48				\$73.48
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	\$66,813.80	\$193,260.80	\$0.00	\$0.00	\$0.00	\$260,074.60

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON APRIL 21, 2025 and

CARRIED.

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

BUSINESS FROM THE FLOOR

None

PRESENTATIONS of COMMUNICATIONS from BOARD MEMBERS and Other TOWN OFFICIALS

Colleen Pautler, Town Supervisor

None

John Cieszki, Councilmember

1. The sewer plant has been running pretty hard lately due to all of the rain but we’ve been keeping an eye on it.
 - Kudos to Bill and Keith for keeping it in good working shape
 - April 28th I will be coming in from trade show in Erie and will do my best to make the [Work Session] meeting.

Gwendolyn Bork, Councilmember

1. Nothing at this time

Jennifer Strong, Town Attorney

1. Received communication from New York State Audit and Control asking for additional information on the Cayuga Creek Water District. Already working with Town Engineer and one other on that.
2. Nothing has come in on Townline Water District yet.

Gina Waiss, Councilmember

1. Reached out to a man from Verizon and asked if he would attend our next work session. He did not reply.

Randy Crist, Councilmember

1. Nothing at this time

NEW BUSINESS

RESOLUTION TO APPROVE BUDGET TRANSFER WITHIN THE 2025 BUDGET for MARCH VILLAGE CODE ENFORCEMENT OFFICER SERVICES

THE FOLLOWING RESOLUTION WAS OFFERED BY Councilmember Cieszki,
WHO MOVED ITS ADOPTION, SECONDED BY Councilmember Bork.

WHEREAS, The Alden Town Board adopted its 2025 Budget on November 4, 2024;

WHEREAS, The Alden Town Board approved the signing of an Intermunicipal Agreement between the Town and Village of Alden for CEO services at a Town Board meeting on January 6, 2025;

WHEREAS, the Town Supervisor signed said Intermunicipal Agreement on January 6, 2025;

WHEREAS, the Town needs to transfer funds to be able to pay the Village of Alden and Joseph Czechowski for March 2025 CEO services rendered in regards to said Intermunicipal Agreement;

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
B.6989.0411	\$2,450.00	B.3620.0400	March 2025 Village of Alden CEO and Joseph Czechowski after-hours CEO work	\$2,450.00
	\$2,450.00		TOTAL	\$2,450.00

This

resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on April 21, 2025, resulting as follows:

CARRIED.

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

RESOLUTION TO APPROVE LOCAL LAW NO. 1 OF 2025

THE FOLLOWING RESOLUTION WAS OFFERED BY Councilmember Bork,
WHO MOVED ITS ADOPTION, SECONDED BY Supervisor Pautler.

WHEREAS, a Proposed Local Law No. 1 of the Year 2025, entitled “Establishing A Local Government Code Enforcement Program” was introduced to the Alden Town Board for consideration by Councilmember Cieszki on February 18, 2025.

WHEREAS, a resolution was duly adopted by the Alden Town Board calling a public hearing to be held by the Alden Town Board on March 17, 2025 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 Akron Bugle, and

WHEREAS, said public hearing was duly held on March 17, 2025 and no persons appeared; 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 March 4, 2025, and

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

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. 1 of the Year 2025, entitled “Establishing A Local Government Code Enforcement Program”, 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 Akron Bugle.
- 4. This Resolution shall take effect immediately.**

The foregoing Resolution was duly put to a roll call vote at a regular meeting on April 21, 2025, as follows:

CARRIED.

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

RESOLUTION FOR DECLARING LEAD AGENCY FOR SITE PLAN at 12319 BROADWAY

THE FOLLOWING RESOLUTION WAS OFFERED BY Supervisor Pautler ,WHO MOVED ITS ADOPTION, SECONDED BY Councilmember Waiss.

WHEREAS, the Town Board of the Town of Alden is considering an application, by Buffalo Solar, Inc. for site plan approval of a new build business complex (office building, storage building, parking lot with EV charging stations, and solar farm) at 12319 Broadway, in the Town of Alden, further identified by SBL# 86.04-1-8 (The “Proposed Action”);

WHEREAS, the Town Board of the Town of Alden has determined that the Proposed Action is a Type I Action under SEQRA;

WHEREAS, the Town of Board of the Town of Alden believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to site plan approval; is the agency with the broadest governmental powers for investigating the impact of the Proposed Action; and has the greatest capacity for providing the most thorough environmental assessment of the Proposed Action; and is the most local agent with permitting authority; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

- 1. The Town Board has determined that the Proposed Action is a Type I Action under SEQRA and that a coordinated review is required and directs the Building Department to provide notice to the involved agencies;**
- 2. The Town Board has determined that it should be the Lead Agency for all environmental review of the Proposed Action; and**
- 3. This resolution shall take effect immediately.**
- 4. This resolution shall take effect immediately.**

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board of the

Town of Alden on April 21, 2025, the results of which were as follows:

CARRIED.

Ayes 5 Crist, Waiss , Bork, Cieszki, Pautler

Nays 0

**RESOLUTION DECLARING LEAD AGENCY FOR PROPOSED SITE PLAN APPROVAL
at 11290 BROADWAY**

THE FOLLOWING RESOLUTION WAS OFFERED BY Councilmember Waiss ,WHO MOVED
ITS ADOPTION, SECONDED BY Councilmember Crist.

WHEREAS, the Town Board of the Town of Alden is considering an application, by Lucas James for site plan approval for the expansion 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 but has determined that it is in the public interest to conduct a coordinated review; and

WHEREAS, the Town of Board of the Town of Alden believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to site plan approval; is the agency with the broadest governmental powers for investigating the impact of the Proposed Action; and has the greatest capacity for providing the most thorough environmental assessment of the Proposed Action; and is the most local agent with permitting authority.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

- 1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA and that a coordinated review should be conducted and directs the Building Department to provide notice to the involved agencies;**
- 2. The Town Board has determined that it should be the Lead Agency for all environmental review of the Proposed Action; and**
- 3. This resolution shall take effect immediately.**

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board of the Town of Alden on April 21, 2025, the results of which were as follows:

CARRIED.

Ayes 5 Crist, Waiss , Bork, Cieszki, Pautler

Nays 0

**RESOLUTION DELCARING LEAD AGENCY FOR MINOR SUBDIVISION OF LAND AT
3100 CRITTENDEN ROAD**

THE FOLLOWING RESOLUTION WAS OFFERED BY Councilmember Crist, WHO MOVED

ITS ADOPTION, SECONDED BY Councilmember Cieszki.

WHEREAS, the Alden Town Board is considering an application by Joel Lattimer of LNL Peters Corners LLC for the subdivision of two lots. The entire property (currently two parcels) currently consists of approximately 41.14 acres of land at 3092 - 3100 Crittenden Road, in the Town of Alden, further identified as SBL# 97.00-2-22.1 and 97.00-2-22.2. The first proposed lot ("Parcel A") will be approximately 31.14 vacant acres and the second proposed lot ("Parcel B") will be approximately 10 +/- acres with the existing single family house and accessory building (The "Proposed Action");

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

WHEREAS, the Town Board believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to subdivision; the agency with the broadest governmental powers for investigating the impact of the Proposed Action; has the greatest capacity for providing the most thorough environmental assessment of the Proposed Action; and is the most local agent with permitting authority.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

- 1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA and that a coordinated review should be conducted and directs the Building Department to provide notice to the involved agencies;**
- 2. The Town Board has determined that it should be the Lead Agency for all environmental review of the Proposed Action; and**
- 3. This resolution shall take effect immediately.**

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board of the Town of Alden on April 21, 2025, the results of which were as follows:

CARRIED.

Ayes 5 Crist, Waiss , Bork, Cieszki, Pautler

Nays 0

RESOLUTION DECLARING LEAD AGENCY FOR MINOR SUBDIVISION OF VACANT LAND ON WESTWOOD ROAD

THE FOLLOWING RESOLUTION WAS OFFERED BY Councilmember Cieszki, WHO MOVED ITS ADOPTION, SECONDED BY Councilmember Bork.

WHEREAS, the Alden Town Board is considering an application by Gary Kaczmarek for the subdivision of two lots. The entire parcel currently consists of approximately 25 acres of vacant land on Westwood Road, in the Town of Alden, further identified as SBL# 107.00-7-2. The first proposed lot ("Parcel A") will be approximately 22.92 vacant acres and the second proposed lot ("Parcel B") will be approximately 2.08 acres (The "Proposed Action");

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

WHEREAS, the Town Board believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to subdivision; the agency with the broadest governmental powers for investigating the impact of the Proposed Action; has the greatest capacity for providing the most thorough environmental assessment of the Proposed Action; and is the most local agent with permitting authority.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

- 1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA and that a coordinated review should be conducted and directs the Building Department to provide notice to the involved agencies;**
- 2. The Town Board has determined that it should be the Lead Agency for all environmental review of the Proposed Action; and**
- 3. This resolution shall take effect immediately.**

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board of the Town of Alden on April 21, 2025, the results of which were as follows:

CARRIED.

Ayes 5 Crist, Waiss , Bork, Cieszki, Pautler

Nays 0

RESOLUTION AUTHORIZING MAILING OF A TOWN NEWSLETTER

THE FOLLOWING RESOLUTION WAS OFFERED BY Councilmember Bork, WHO MOVED ITS ADOPTION, SECONDED BY Supervisor Pautler.

WHEREAS, the Town Board would like to create and mail, by first class mail a periodic newsletter to mail to Town of Alden residents, to assist Town residents in staying up to date on Town matters while the Alden Advertiser is on pause.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

- 1. The Town Board hereby authorizes the expenditure of town monies for the creation and mailing by first class mail of a periodic newsletter to Town residents; and**
- 2. This resolution shall take effect immediately.**

The foregoing Resolution was duly put to a roll call vote at a regular meeting on April 21, 2025, as follows:

CARRIED.

Ayes 5 Crist, Waiss , Bork, Cieszki, Pautler

Nays 0

RESOLUTION TO APPROVE AGREEMENT WITH ALDEN EVERGREEN CEMETERY TO USE THE SHED

THE FOLLOWING RESOLUTION WAS OFFERED BY Supervisor Pautler, WHO MOVED ITS ADOPTION, SECONDED BY Councilmember Waiss.

WHEREAS, The Town of Alden (“Town”) mows the grounds at the Alden Evergreen Cemetery (“Cemetery”) and would benefit from using the shed located at the Cemetery to store the equipment used at the Cemetery;

WHEREAS, the Town Board of the Town of Alden would like to enter into a License Agreement with the Alden Evergreen Cemetery, Inc. for the use of the shed.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

- 1. The Town Board approves the attached License Agreement with the Alden Evergreen Cemetery Inc. as being consistent with its policies and in the interest of the residents of the Town of Alden;**
2. That the Town Supervisor is authorized to sign any and all necessary documents to effectuate this Agreement; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on April 21, 2025, as follows:

CARRIED.

Ayes 5 Crist, Waiss , Bork, Cieszki, Pautler

Nays 0

LICENSE AGREEMENT

THIS AGREEMENT entered into this ____ day of April, 2025 , by and between the Alden Evergreen Cemetery, Inc. a Non-For-Profit Cemetery Corporation organized and existing under the laws of the State of New York with a principal place of business at 7 Woodbrook Drive # 2, East Aurora, New York 14052, party of the first part, (“Cemetery”) and TOWN OF ALDEN (the “Town”), a municipal corporation organized and existing under and by virtue of the laws of the State of New York and with offices and principal place of business at 3311 Wende Road, Alden, New York 14004 party of the second part.

WITNESSETH, that the Cemetery and Town, for the consideration hereinafter named, do hereby mutually agree as follows:

1. The Cemetery hereby gives and grants to the Town, and the Town hereby accepts from the Cemetery, a revocable non-exclusive license to use the storage shed located at the rear of the Alden Evergreen Cemetery located at 13041 Broadway, Alden, New York for the purpose of storing the Town’s lawn maintenance equipment that the Town uses to maintain the Alden Evergreen Cemetery. The space to be occupied by the Town pursuant to this Agreement is hereinafter referred to as the licensed premises. All of the foregoing shall be subject to the terms and conditions of this Agreement.

2. This Agreement shall be for a period commencing on April __, 2025, and continuing until either party gives thirty days written notice, by first class mail, to the other part of the termination of this License Agreement. At the termination of this Agreement: (a) said revocable license shall terminate, and (b) the Town shall, at its own cost and expense, immediately remove its lawn maintenance equipment from the licensed premises, and quit and surrender possession thereof to the Cemetery in good order and condition.

3. The Town agrees to reimburse Cemetery for any and all damages or injury to the shed that may arise, directly or indirectly, from the negligence, acts or omissions of Town or any of the Town’s employees, officers, agents or volunteers.

4. The Town agrees to shore-up the shed: including repairs, but not replacement of the siding and door.

5. Town agrees that the Town will defend, indemnify, and save harmless Cemetery of and from any and all suits, claims, actions, or causes of action of every name and description brought against the Cemetery for or on account of any death, injuries or damage received or sustained by any party or parties by or from the negligence of the Town, or any of the Towns’s officers, agents or volunteers and arising from the Town’s use of this license Agreement. The Cemetery agrees that the

Cemetery will defend, indemnify, and save harmless the Town of and from any and all suits, claims, actions or causes of action of every name and description brought against the Town for or on account of any death, injuries or damage received or sustained by any party or parties by or from the negligence of the Cemetery or any of the Cemetery's officers, agents or employees and arising during the Town's use of this License Agreement.

6. Any and all notices required hereunder shall be addressed to the parties at their respective addresses listed on page 1 hereof, or to such other address as may hereafter be designated in writing by either party hereto.

7. The revocable license granted herein: (a) is not a conveyance of real property, (b) is not intended to grant or convey to the Town the exclusive use of the land or shed on which the lawn maintenance equipment is to be stored, (c) is granted subject to grants, conveyances, easements, and rights-of-way heretofore made to others, and (d) is granted subject to the right (which the Cemetery hereby reserves) of the Cemetery to use and enjoy the lands and shed within the Alden Evergreen Cemetery, in any manner that does not unreasonably interfere with the right herein granted to the Town, and

8. The Town shall not assign this Agreement, or its right, title or interest herein.

9. This Agreement shall be construed in accordance with the laws of the State of New York, and constitutes the complete understanding and agreement of the parties with respect to the subject matter hereof. No modification or amendment of any of the provisions hereof shall be valid unless in writing and signed by both parties hereto.

IN WITNESS WHEREOF, the Town of Alden, has caused this agreement to be signed by its Supervisor, duly authorized so to do, and Alden Evergreen Cemetery Association has caused this agreement to be signed by its President, the day and year first above written.

TOWN OF ALDEN

By: _____
Colleen Pautler, Supervisor

ALDEN EVERGREEN CEMETERY ASSOCIATION

By: _____
Name: Sherry Sojka
Title: President

RESOLUTION DECLARING SURPLUS HIGHWAY DEPARTMENT AND PARKS DEPARTMENT EQUIPMENT AND AUTHORIZING SALE AT AUCTION

THE FOLLOWING RESOLUTION WAS OFFERED BY Councilmember Waiss, WHO MOVED ITS ADOPTION, SECONDED BY Councilmember Crist.

WHEREAS, the Highway Superintendent has advised the Town Board that the Highway Department and Parks Department have equipment and vehicles that are not of any use to the Town and that he would like to sell the same at auction; and

WHEREAS, The Town Board after full and careful review and consideration finds the request to auction the surplus equipment and vehicles as being in the public interest;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. That the Town Board hereby determines that the following pieces of highway equipment and vehicles:

- Carolina Band Saw HD10 Serial# 34068
- 2006 Brush Bandit 250 Chipper VIN# 4FMUS15196R0Z1329
- 2012 Chevy Silverado VIN# 1GC3KZCG4CF232770
- 1964 Band shell
- 2002 International Dump Truck VIN# 1HTGKAHR92H541105 with Smith Salter and front wing plow

And the following pieces of park department equipment:

- Water Wheel
- Flair Mower
- 72” Finish Mower

are no longer needed for Town purposes and are surplus property;

2. The Town Board hereby authorizes the Highway Superintendent to sell this surplus equipment at auction by Auction International;

3. The Town Board hereby authorizes the Highway Supervisor to sign any and all documentation to effectuate the auction, including signing over the titles or bills of sale; and

4. This resolution shall take effect immediately.

1. The foregoing Resolution was duly put to a roll call vote at a regular meeting on April 21, 2025, as follows:

CARRIED.

Ayes 5 Crist, Waiss , Bork, Cieszki, Pautler

Nays 0

Motion to Introduce Local Law # 2 of 2025

Motion to introduce Local Law # 2 of 2025 entitled: “Amendments to Chapter 95: Alcoholic Beverages”

1st: Councilmember Crist

2nd: Councilmember Cieszki

CARRIED.

Ayes 5 Crist, Waiss , Bork, Cieszki, Pautler

Nays 0

LOCAL LAW #2 OF 2025 (DRAFT 4.15.25)

Chapter 95

ALCOHOLIC BEVERAGES

ARTICLE I
Possession in Town Parks
and Community/Senior
Center

§ 95-1. Legislative intent.
§ 95-2. Title.

§ 95-3. Open containers prohibited.
§ 95-4. Permit required.
§ 95-5. Discarding of containers.
§ 95-6. Penalties for offenses.

[HISTORY: Adopted by the Town Board of the Town of Alden as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Parks and recreation areas — See Ch. 249.

ARTICLE I

Possession in Town Parks and Community/Senior Center [Adopted 6-1-1981 by L.L. No. 3-1981 (Ch. 3, Art. I, of the 1981 Code)]

§ 95-1. Legislative intent.

It is the intent of the Town Board of the Town of Alden, as an exercise of its police power, to promote the general health, safety and welfare of the residents of the Town by enacting this article, since it is the finding of the Town Board that the possession of open containers of alcoholic beverages and/or the consumption of alcoholic beverages by persons in the Town parks and Community/Senior Center of the Town of Alden, except under controlled conditions, is detrimental to the health, safety and welfare of the residents of the Town and contributes to the development of unsanitary conditions and the creation of nuisances.

§ 95-2. Title.

This article shall be known and may be cited as the "Town Alcoholic Beverages Law."

§ 95-3. Open containers prohibited.

- A. No person shall have, possess, carry or transport any liquor, wine, beer or other alcoholic beverage in an open bottle or other open container in the Town parks and Community/Senior Center of the Town of Alden.
- B. No person shall drink or otherwise consume any liquor, wine, beer or other alcoholic beverage in the Town parks, Community/Senior Center Town of Alden.

§ 95-4. Permit required.

- A. If any individual or organization desires to have, distribute or consume alcoholic beverages in the Town parks, Community/Senior Center Town of Alden, said individual or organization must apply to the Town Board, Town of Alden, or its duly authorized representatives for a permit therefor at least seven days prior to the date scheduled for using such beverage. No fee shall be charged for the granting of said permit.
- B. A permit shall be issued only upon the following conditions:
 - (1) Such individual or organization by its duly authorized agent must agree, in writing, to assume full responsibility for supervising the conduct of the group or individuals benefiting from such permit and to properly clean up and restore the premises after use to their prior condition. The permit shall be available for display upon the request of any police enforcement officer.
 - (2) Such individual or organization must further agree, in writing, that adequate precautions shall be taken to ensure that minors will not be served or allowed to consume alcoholic beverages at the permitted event or gathering.
 - (3) No alcoholic beverages shall be distributed or consumed other than on the specific premises described in the permit and only during the time stated therein.
 - (4) No permit shall be issued to any individual or organization which has previously been issued a permit and has failed to comply with the provisions thereof, except when authorized by the Town Board.
 - (5) Such individual or organization possesses the proper license from the NYS Liquor Authority.

§ 95-5. Discarding of containers.

No person shall discard alcoholic or other beverage containers within the Town Parks or Community/Senior Center, except in appropriate Town trash receptacles.

§ 95-6. Penalties for offenses.

The violation of any of the provisions of this article shall be punishable by a maximum fine of \$250 or by imprisonment for 15 days, or by both such fine and imprisonment. Each day any violation shall continue shall constitute a separate violation.

Motion to Introduce Local Law # 3 of 2025

Motion to introduce Local Law # 3 of 2025 entitled: “Amendments to Chapter 122: Community/Senior Center and Town Hall Gym”

1st: Councilmember Cieszki

2nd: Councilmember Bork

CARRIED.

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

LOCAL LAW #3 OF 2025 (draft 4.15.25)

Chapter 122 COMMUNITY/SENIOR CENTER & TOWN HALL

GYM

§ 122-1.	D.	Applicability of park rules and regulations.	§ 122-6.	I.	Use by religious groups.
	B.		§ 122-7.	.	Use by nonprofit organizations
§ 122-2.	E.	Teenage groups.			
§ 122-3.	F.	Rental for Private parties and fundraisers.	§ 122-8.	J.	Maintenance of facility by applicant.
§ 122-4.			O.		
	M.	Uses of more than one occurrence.	§ 122-9.	K.	Application.
§ 122-5.	L.	Cancellation of application by Town Board.	U.		V.

[HISTORY: Adopted by the Town Board of the Town of Alden 11-3-1980 (Ch. 7C of the 1981 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Parks and recreation areas — See Ch. 249.

§ 122-1. Applicability of park rules and regulations.

All park rules and regulations (where applicable), as set forth in Chapter 249, Parks and Recreation Areas, of the Town Code, shall apply to the use of the Community/Senior Center and Town Hall Gym.

§ 122-2. Teenage groups.

Teenage groups must be chaperoned by at least one adult or more as may be required by the Town Board, for every 20 youngsters.

§ 122-3. Rental for Private parties and fundraisers .

The use of the Community/Senior Center or Gym by individuals and entities for private

affairs or functions, such as birthday parties, showers, confirmation parties, wedding parties, wedding receptions, card parties, anniversaries, graduations and bar mitzvahs, and for fundraisers is allowed, pursuant to rules established by resolution of the Town Board. Use by individuals or entities for non-community and/or profit ventures is excluded.

§ 122-4. Uses of more than one occurrence

Any use of more than one occurrence shall not be granted by the Town Clerk without the prior approval of the Town Board.

§ 122-5. Cancellation of application by Town Board.

The Town Board has the right to cancel any approved application for the use of the Community/Senior Center or Gym when the use of such facility is deemed necessary by the Town Board for its agents or employees.

§ 122-6	ALDEN TOWN CODE	§
122-9		

§ 122-6. Use by nonprofit organizations.

Only nonprofit and/or community organizations of the Town of Alden shall be permitted to use the Community/Senior Center or Gym for the organization's meetings or programs at no cost.

§ 122-7. Maintenance of facility by applicant.

In addition, the applicant for the use of the Community/Senior Center or Gym shall comply with the general rules as established by resolution of the Town Board provided for the use and cleaning up of that portion of the premises used and shall be responsible for any damage or breakage resulting from said use

§ 122-8. Application.

All persons and/or organizations seeking a permit to use the Community /Senior Center shall file an application with the Town Clerk along with any required fee.

Motion to Introduce Local Law # 4 of 2025

Motion to introduce Local Law # 4 of 2025 entitled: “Amendments to Chapter 249: Parks and Recreations Areas”

1st: Councilmember Cieszki

2nd: Councilmember Bork

CARRIED.

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

LOCAL LAW #4 OF 2025 (draft 4.15.25)

Chapter 249

PARKS AND RECREATION AREAS

§ 249-1.	3. Use of parks.	C. § 249-2.	D. Rules and regulations.
E.	F.	G. § 249-3.	H. Penalties for offenses.

[HISTORY: Adopted by the Town Board of the Town of Alden 6-1-1981 (Ch. 14 of the 1981 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages in Town parks — See Ch. 95, Art. I.

§ 249-1. Use of parks.

The Town parks are to be used by Town and Village of Alden residents and their guests only.

§ 249-2. Rules and regulations.

It shall be unlawful for any person to do any of the acts hereinafter specified.

- I. Hours. For any reason to enter a park prior to 6:00 a.m. or to remain within the park after sundown.
 - (1) Special extension. If an organization or resident wishes to have the hours extended, this may be done upon request of the organization or resident to the Town Board, the Supervisor or a duly appointed representative at least five days prior to the reservation date. Approval of this request shall be granted by the Town Board, the Supervisor or a duly appointed representative.
 - (2) Hours of operation of recreation. The Recreation Director shall have the authority to extend the hours of access to the confines of the park when, in the judgment of the Director, public interest demands it.
 - (3) In case of an emergency or when, in the judgment of the Town Board, the Supervisor, the Recreation Director or a duly appointed Town representative, the public interest demands it, any portion of a park may be closed to the public or to designated persons until permission is given to reopen.
- J. Firearms. For any person to take or otherwise transport any firearms, air guns, slingshots or bows and arrows in a park. Responsibly supervised archery events will be allowed with written permission of the Town Board.
- K. Preservation of property. For any person to injure, deface, disturb or befoul any part of a park or any of the buildings, signs, equipment or other property found therein or to remove, injure

or destroy any tree, flower, shrub, rock or other mineral. The peeling of bark or the cutting or injuring of trees is prohibited.

- L. Fires. For any person to light any fire for any purpose in the park except in a stove, oven or fire circle provided for that purpose. Lighted matches must not be

§ 249-2

ALDEN TOWN CODE

§

249-3

deposited or left where they may cause fires.

- M. Garbage and refuse. Grounds must be maintained in a clean and sanitary condition. Littering of any kind is strictly prohibited. Garbage and refuse must be deposited in the receptacles provided.
- N. Dogs. For any person to bring dogs into a park unless the same are on a leash and kept on a leash while in the park.
- O. Hunting, fishing and trapping. For any person to hunt or trap game within park boundaries or for any person to fish within park boundaries where posted.
- P. Bathing and swimming. For any person to bathe or swim in any of the streams, pools or lakes in the park, except where and as prescribed by special rules governing the same.
- Q. Horses and riders. Horses and their riders are prohibited from using park areas, excepting over bridle paths or other paths established for said purposes. No rider shall travel at a gait in excess of a trot while in the park to preserve the safety of the public and avoid endangering children at play.
- R. Speed limit. No person shall drive or cause to be driven along or over any road within the park any vehicle at a speed or in a manner which endangers the life or limb of any person, and in no event shall the speed of any vehicle exceed 10 miles per hour, nor shall any person park or cause to be parked any vehicle at any point where a sign prohibiting parking has been erected pursuant to a direction of a Town employee or by the Town Board. Motorcycles, motor bicycles and motor scooters are to be parked at the parking lots and not driven off the paved highways.
- S. There is no vaping, smoking of cigarettes, cannabis or other materials anywhere in or on the Town Park or Recreation Area
- T. Glass containers. For any person, firm or corporation to possess any glass beverage container within the park
- U. . Loud noise. For any person to cause loud noise such as which disturbs other persons within the park or on property adjacent thereto.
- V. N. Alcoholic beverages. For any person, firm or corporation to possess any alcoholic beverage within the park unless permitted to do so by permit issued by the Town of Alden.
- O. Commercial enterprises. For any person, firm or corporation to sell or offer for sale for the purpose of earning a profit when the sale is part of a community event within the park any property or privilege whatsoever, unless authorized by the Town Board.
- P. Park reservations. Alden residents and organizations may reserve shelters at the Town park.
 - (1) The Town Clerk shall have the authority to grant permission to individuals who are residents of Alden to use the Town park shelters. Reservations will not be accepted before April 1 of the year of use.
 - (2) At the discretion of the Town Clerk, organizations of the Town of Alden, through their representatives, may be granted use of the Town park shelters after January 1 of the year of use. An exception to this rule would be organizations or individuals selling tickets for an event or products at the event. In such cases, permission is to be granted by the Alden Town Board at a regular meeting or special meeting of such Board.

§ 249-3. Penalties for offenses.

Violation of any of the foregoing rules and regulations set forth in § 249-2A through M, inclusive, shall constitute an offense, and a person guilty of such offense shall be punishable by a fine not exceeding \$250 or by imprisonment not exceeding 15 days, or both such fine and imprisonment.

Motion to Allow AYBS to use Robert O. Smith Park Diamonds 04-22-2025 to 05-01-2025

Motion to approve the request of the Alden Youth Baseball and Softball, Inc. to use Robert O. Smith Park Diamonds RO 1 and RO 2 for its practices from April 22, 2025 through May 1, 2025 on:

Mondays through Fridays from 5.00 pm until 9.00 pm and on Saturdays from 8.00 am until 1.00 pm.

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

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

The Town Clerk is directed to promptly provide a copy of this approval to Alden Youth Baseball.

1st: Supervisor Pautler

2nd: Councilmember Waiss

CARRIED.

Ayes 5 Crist, Waiss , Bork, Cieszki, Pautler

Nays 0

Motion to Hire Mary Erickson as Substitute Nutritional Director

Motion to hire Mary Erickson as substitute Nutritional Director effective for rest of calendar year 2025 at a rate of \$17.00 per hour, no benefits, except NYS retirement.

1st: Councilmember Waiss

2nd: Councilmember Crist

CARRIED.

Ayes 5 Crist, Waiss , Bork, Cieszki, Pautler

Nays 0

Motion to Approve the Request of the Alden Soccer Club to use the Town Parks for Soccer Camp

Motion to approve the request of the Alden Soccer Club to use the Robert O, Park and shelter for Soccer Camp from July 7 – 10th, 2025 from 9:00 am until 2:00 pm:

May through September on Mondays through Fridays from 5:00 pm until 8:00 pm

The Alden Soccer Club will submit proof of insurance to the Town Clerk before using the fields.

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

The Town Clerk is directly to promptly notify the Alden Soccer Club of this approval.

1st: Councilmember Crist

2nd: Councilmember Cieszki

CARRIED.

Ayes 5 Crist, Waiss , Bork, Cieszki, Pautler

Motion to Allow Town Park Use by Substance Abuse Coalition for Spooktacular 2025

Motion to allow the Alden Substance Abuse Coalition to use the Town Park and Joe Panza Nature Trail on October 17 and 18, 2025 all day on both days for a Trunk -Or- Treat and Halloween Spooktacular Events and to have access to the Park starting on September 29, 2025 for set-up in the weeks prior to the event and until October 25, 2025 to remove the decorations.

Alden Substance Abuse Coalition must submit proof of liability insurance to the Town Clerk prior to the events naming the Town of Alden as an additional insured.

The Town Clerk is directed to promptly send notice of this approval to the Coalition.

1st: Councilmember Cieszki

2nd: Councilmember Bork

CARRIED.

Ayes 4 Crist, Waiss, Bork, Cieszki

Nays 0

Abstain 1 Pautler

The Supervisor polled the Board for permission to add two items to the Agenda.

There were no objections.

POLL and ADD (A)

ORDER CALLING FOR PUBLIC HEARING FOR REMOVAL OF PLANNING BOARD MEMBER.

THE FOLLOWING ORDER CALLING PUBLIC HEARING WAS OFFERED BY COUNCILMEMBER WAISS, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER CRIST.

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 6:05 p.m. on the 5th day of May, 2025, for the purpose of hearing all persons interested in the removal of F. Duane Connors from the Town of Alden Planning Board; and

BE, IT FURTHER

ORDERED, that the Town Clerk is directed to mail of copy of this resolution to F. Duane Conners and to post one copy of this resolution on the Town Bulletin Board, not less than five days before the date of the Public Hearing.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on April 21, 2025, as follows:

CARRIED.

Ayes 5 Crist, Waiss , Bork, Cieszki, Pautler

POLL and ADD (B)

**Motion to Allow the Veterans Use of New Room in Community Center on
Wednesday, April, 23, 2025**

Contact: Marlene Roll

716-949-7840

7:00 PM - onwards

1st: Supervisor Pautler

2nd: Councilmember Waiss

CARRIED.

Ayes 5 Crist, Waiss , Bork, Cieszki, Pautler

Nays 0

UNFINISHED AND TABLED BUSINESS

**A. Motion to Approve Use of Town Park for National Night Out on August 5,2025
from 12pm-9pm**

Motion to Approve Use of Town Park (4.21.25 tabled from 4.7.25)

Motion to allow the Alden Substance Abuse Coalition to use the Town Park on August 5th, 2025 from 12 pm until 9 pm for the National Night Out Event .

The Alden Substance Abuse Coalition will submit proof of liability insurance naming the Town of Alden as an additional insured to the Town Clerk prior to the event.

The Town Clerk is directed to promptly send notice of this approval to the Alden Substance Abuse Coalition.

1ST: Councilmember Waiss

2ND: Councilmember Crist

CARRIED.

Ayes 4 Crist, Waiss, Bork, Cieszki

Nays 0

Abstain 1 Pautler

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

John Cieszki, Councilmember

- 1. 1st Deputy Clerk, Have we sent out the escrow receipts with the remaining Dog Census forms?
1st Deputy Clerk responded that 2nd Deputy Clerk and Building Department Clerk have been working on the remaining tax receipt mailing and did obtain the remaining (printed) Dog Census forms from Alycia Baran, Dog Control Office. 1st Deputy Clerk will verify if the process is completed.

Gwendolyn Bork, Councilmember

- 1. Nothing other than we are waiting for quotes back on the Insurance. Hopefully we'll get the call back. Councilmember Cieszki will talk with insurance representatives tomorrow since we are getting down to the deadline.

Jennifer Strong, Town Attorney

- 1. I did revise the Facility Use Forms that go with the Local Laws that the Board started tonight. I sent them to all of you (Board members). I don't know if you want to talk about them at the work session again or if they're good to go? Consensus from Board members was that the forms are good to go.

Gina Waiss, Councilmember

Nothing at this time

Randy Crist, Councilmember

- 1. I would like to put on the next work session about possibly updating or redoing the Street Directory. It hasn't been done in five years. 1st Deputy Town Clerk (Marzolf) noted that 2020 was the most recent update and that we get a lot of requests for it.

Bill Rogers, Highway Superintendent

- 1. I declare that "winter is over" so taking down that equipment. Moving over to our patching and summer services with brush and everything.

Glenn Christner, Code Enforcement Office/Building Inspector

- 1. Tried to reschedule the April Zoning Board Appeals Meeting to May 6th, 2025. Responses from two members so far. Still need a third one. April 28th would be the deadline to advertise that. Town Attorney Strong wanted to know why Building Inspector is doing that instead of the DBA Chairwoman? CEO Christner responded that he is working with her. Attorney responded "okay, and remember that there is still a vacancy on the Board that needs to be filled."

Colleen Rogers, Budget Officer

"I'm good" (Nothing at this time)

Michelle Gadd, Recreation Director

Nothing at this time

Linda J. Marzolf, 1st Deputy Town Clerk

Nothing tonight, thanks.

ANNOUNCEMENTS FROM THE SUPERVISOR

The only thing that I have is that our Intermunicipal Agreement with the Village is complete for the Building Department. We have Glenn Christner who will take over at 100% in our Building Department. I would like to thank the Mayor Mike Retzlaff and Code Enforcement Office Joe Czechowski for their assistance.

NOTICE OF MEETINGS

WORK SESSION	April 28, 2025	@ 6:00 PM
REGULAR BOARD MEETING	May 05, 2025	@ 6:00 PM

MEMORIAL REMEMBRANCE

Edward G. Mosman (April 5th)
Leo F. Drzazgowski (April 5th)
Joyce I. Green (April 6th)
Sharon A. Wuest (April 8th)
Lino W. Cometto III (April 11th)
Kenneth L. Peebles (April 13th)

6:32 PM Supervisor Pautler stated that she would like to go into **Executive Session** for a matter of Personnel in the Supervisor's Office, the Town Clerk's Office and the Senior Center. Supervisor Pautler needed the following to be present in the Executive Session:
The Town Board, the Town Attorney, the Recreation Director and the Budget Officer.

Councilmember Waiss made a motion to **Leave the Regular Town Board Meeting and move into Executive Session** with a second by Councilmember Crist.

All in Favor.

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

7:40 PM: Supervisor Pautler, with second by Councilmember Waiss, moved to **Leave the Executive Session and Return to regular meeting with No Action Taken.**

All in Favor.

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

ADJOURNMENT Supervisor Pautler adjourned the Meeting.

Minutes recorded by 1st Deputy Town Clerk – April 21, 2025
Minutes transcription completed by 1st Deputy Town Clerk Linda J. Marzolf – May 02, 2025