

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road, Alden, NY on Monday, October 15, 2025 at 6:00 P.M. Town Supervisor Pautler called the Meeting to Order and Councilmember Bork led the Pledge of Allegiance. The Roll Call was taken by 1st Deputy Town Clerk, Linda J. Marzolf

PRESENT: Colleen Pautler, Town Supervisor
Gina Waiss, Councilmember
Randy Crist, Councilmember
Gwendolyn Bork, Councilmember
Mark Kerl, Councilmember

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

OTHERS PRESENT: Mike Metzger, Town Engineer
Jennifer L. Strong, Town Attorney
Colleen Rogers, Budget Officer
Rick Coburn, CEO / Building Inspector
Bill Sivecz, Town Assessor

Residents: Approximately 45 residents including (but not all) Kevin Martin, Mark Drogi, Robert Wohlgemuth, Jim Fink (WBEN Radio AM 930), Melanie Rimkus, Rob Regan, Cathy Neyman, Bill and Jason Tamol, Steve Bennett, Deb Woods, Tom Weiseck, Jeremy Kroll, Charley Holcomb, Megan Haefner, Loren Prucnal, Renee Kowalski & Charlie, Jesse Jesonowski, Robert & Lori Hamilton, Carol, Robin, Bob Froebel, George, Philip, Walt

Guests:
Trautman & Associates, Architect Tim Rider
Hodgson Russ, Attorneys: Chuck Malcomb & Patrick Fitzgerald
Ryan Rich
Zach Dewey

Motion to Approve the Minutes of the Regular Meeting of **September 15, 2025** was made by Councilmember Gina Waiss with a second by Councilmember Crist.

The foregoing Motion was duly put to a roll call vote at a regular meeting on October 06, 2025, resulting as follows:

CARRIED.

Ayes 5 Crist, Waiss, Bork, Kerl and Pautler

Nays 0

APPROVAL OF VOUCHERS

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

Oct-25						
THE FOLLOWING RESOLUTION WAS OFFERED BY Councilmember , SECOND BY Councilmember , WHO MOVED THAT THE FOLLOWING VOUCHERS BE ALLOWED AND PAID TO WIT; VOUCHERS # [902] to # [958]. ALL BILLS REVIEWED BY THE TOWN BOARD.						
ACCOUNT	AMOUNT					
	10/6/2025					TOTAL
GENERAL FUND "A"	\$25,784.96					\$25,784.96
HIGHWAY FUND "DA/DB"	\$10,351.56					\$10,351.56
PART-TOWN FUND "B"	\$636.48					\$636.48
SR CTR EXPANSION/4 SEASON "HS"						\$0.00
GRANTS "G"						\$0.00
SPECIAL FIRE PROTECTION "SF"						\$0.00
SEWER INDUSTRIAL PARK "SI"						\$0.00
SEWER DIST. #2 FUND "SA"	\$33,129.68					\$33,129.68
TRUST & AGENCY "T"	\$2,302.75					\$2,302.75
SPECIAL REFUSE FUND "SR"	\$225.00					\$225.00
STREET LIGHTING FUND "SL"						\$0.00
PERIWINKLE LTG. DIST."SL1"	\$109.07					\$109.07
ZOELLER RD. WATER DIST."WZ"						\$0.00
WATER DIST. NEWSTEAD "WO"						\$0.00
CONS. WATER DIST "WR"						\$0.00
WATER DIST. EXCHANGE "WX"						\$0.00
WATER DIST. NO. 1 "WA"						\$0.00
TOTAL	\$72,539.50	\$0.00	\$0.00	\$0.00	\$0.00	\$72,539.50

The foregoing Motion was duly put to a roll call vote at a regular meeting on October 06, 2025, resulting as follows:

CARRIED:

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

BUSINESS FROM THE FLOOR

Robert Wohlgemuth (Alden, NY) : I would like to congratulate all of you. You are a shoe in for this current election. Gina was talking about cell towers, maybe at the Town Hall and at the Park.

Councilmember Waiss: I am guessing that Verizon chose to not move forward with that. We have never heard back.

Mr. Wohlgemuth: I have a complaint. Particularly in the last year myself service has been poor. There are times when I get emergency calls only, the overload or the strength. It never used to be like that. They got rid of the 3G towers. The 4G and 5G don't put out much power.

Councilmember Waiss: I used the opportunity when Verizon called [about the towers] to tell him how bad the service was. The Verizon representative responded that there are so many new builds & our wires are older.

Mr. Wohlgemuth: Town of Alden website has legal notices. But you don't have legal notices for public hearings on there. Who's ever monitoring it I think it's Bill, I think it should be moved in to the Clerk's office because they're the ones with all the records. They're the keepers of all the records. If we could do something about that to improve the Agenda and other stuff on the website that would be great.

Supervisor Pautler: Okay Mr. Wohlgemuth.

6:05 p.m. PUBLIC HEARINGS

**For the Application for Site Plan, Planned Unit Development and Minor
Subdivision Approval at 11580 Walden Avenue**

At 6:05 P.M. Supervisor Pautler asked for a Motion to leave the Regular session and go into Public Hearing #1.

A Motion to leave Regular Scheduled Town Board Meeting and to go into Public Hearing #1 was made by Councilmember Waiss, seconded by Councilmember Crist. The foregoing Motion was put to a Roll Call Vote and was

CARRIED

Ayes 5 Crist, Waiss, Bork, Kerl and Pautler / Nays 0

Supervisor Pautler asked 1st Deputy Town Clerk to read the Public Hearing Notice.

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING
SITE PLAN, PLANNED UNIT DEVELOPMENT AND MINOR SUBDIVISION
11580 WALDEN AVENUE, TOWN OF ALDEN
TOWN OF ALDEN**

PLEASE TAKE NOTICE, that the Town Board of the Town of Alden will conduct a public hearing pursuant to Section 365-51(B)(3) of the Alden Town Code on the application of 11580 Walden Avenue LLC and its affiliate North Eastern Alliance for Site Plan, Planned Unit Development and Minor Subdivision Approval for 11580 Walden Avenue, Alden, NY.

THEREFORE, pursuant to the Alden Town Code the Alden Town Board shall hold a public hearing on the proposed Application at the Alden Town Hall, 3311 Wende Road, Alden, New York at 6:05 p.m. on the 6th day of October, 2025, at which time interested parties may be heard. The meeting room is wheel chair accessible. Those needing special arrangements should call the Town Hall at 937-6969.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF ALDEN**

Dated: September 15, 2025

Supervisor Pautler stated that we will limit the questions to three minutes and we will have respect for one another as they are asking their questions and getting their answers. Everybody has their own opinion and we will listen to everyone who would like to speak. We will show respect.

Supervisor Pautler opened the floor to Charles Malcomb, Attorney at Hodgson Russ who is going to do a presentation first.

*Thank you, Supervisor Pautler. **My name is Charles Malcomb.** I'm an attorney with Hodgson and Russ.*

I represent the applicant, Northeastern Alliance. I want to introduce our team here today.

My client, Ryan Rich. My colleague, Pat Fitzgerald, also with Hodgson and Russ. Zach Dewey, also with Hodgson and Russ.

And Tim Rider with Trautman Associates. He's our engineering and architectural consultant. I thought what might be helpful for both the board and everybody in the room is to kind of recap some of the procedural history, how we got here, and to provide kind of a high-level overview of the project.

Tim Rider from Trautman is going to delve into some of the more detailed points on the site plan and also on some of the concerns that we know have been raised by both the board. And I understand some members of the community have indicated they have some concerns. So we're

going to try and highlight those here, address them, note how we're intending on mitigating those potential impacts.

And our hope tonight is that we have an opportunity to hear a lot of the questions and concerns that maybe some members of the public have. We'll do our best to address those tonight. But if we need to follow up, we'd like the opportunity to follow up in advance of the board's subsequent work session and town board meeting regularly scheduled on the 20th.

But we would ask at the conclusion of the public hearing tonight that the board close the public hearing so that we have a complete record on which we can kind of move forward and deal with the questions and the issues received. So the proposed use, or first of all, the location, it's the abandoned Erie County home and infirmary. Right now we have a property that's derelict, challenged, basically has become a county concern that they want to try and deal with.

And it's a property that needs to be put to beneficial reuse. It's a property that needs to generate tax revenue for the community. The property is 146 acres, and when Tim goes into the site plan details, he's going to kind of show where on the site we're proposing to construct the facility, how it's going to be screened, and some of the more detailed elements.

We're primarily developing on an already disturbed area. This property is built and, you know, to the rear of the buildings where the proposed facility will be located. It's asphalt and previously disturbed property.

The proposed use is a cannabis-cultivating, processing, and wholesale distribution facility. And right at the kind of outset, we want to note that this is not a retail establishment, which we know the town doesn't permit. This is the wholesale, this is the manufacturing, distributing type of use that is going to bring in jobs and significant revenue for the town with respect to putting the property back on the tax rolls.

The building size is about 58,000 square feet. There will also be a parking lot for employees and a loading dock. And right now on the property, there's an existing county facility, which the county is intending to retain.

That's one of the reasons we're requesting, as part of our application, a subdivision application so that that property can remain with the county. And obviously, there's intended easements that need to be worked out and negotiated for the county to continue being able to have, like, a utility service with property changes of ownership. This is kind of a unique permitting situation because when, in the typical development, you know, where a governmental agency is not involved, an applicant would negotiate with a private property owner, have a contract signed, and then present an application to the town board or the land-use approval authority for the purpose of getting, you know, the ability to move forward with the development.

And at that point, usually SEQR kicks off. But as we discussed in the prior meetings, and I think the last meeting that I was at in front of this board was in July, where we talked about, or June, where we talked about how the SEQR process needed to be handled because the county, as a governmental agency, has to study the environmental impacts of what it was doing, which was selling the property to my client for the purpose of this project. And at that time, we had kind of a significant amount of detail of what we were proposing, and we knew it was a Type 1 action because the county was going to be transferring more than 100 acres, and a Type 1 action requires certain things, and one of the things that's required is a coordinated review.

And that means all the agencies have to work together, but somebody has to take the lead. And the way the law works is the agency with... SEQR has to be done before any agency can make any decisions on an action, and the county had a decision to make whether they were going to sell us the property. And the other issue with respect to SEQR is that the lead on the environmental review needs to be the agency with the most jurisdiction over any particular project.

And here it was probably close because the town has a significant amount of jurisdiction here. I mean, you're the land-use authority reviewing the project for impacts, consistency with your local code, but ultimately whether this project went forward or not was really in the hands of the initial stage with the county because it was their property and they had a discretionary, completely

discretionary ability to say, we're not selling it to you. So that level of jurisdiction necessitated the county taking the lead.

So back in July of this year, July 14th, the county legislature, following a detailed review by the staff of the planning department, the DPW, the county, the county's attorney's office, the county legislature evaluated the environmental impacts of this project and they made a determination that there will be no significant adverse environmental impacts as the result of the project and that an environmental impact statement would not be prepared. That doesn't mean that there's no impacts whatsoever. It means that based on all the information that the county legislature had at its disposal, based on the legal standard, they determined that there wouldn't be a significant adverse impact that wasn't already addressed by the project or by the approvals.

And the county legislature ultimately, following the issuance of the negative declaration, was in the position where they could make a decision on selling the property and they made a determination to sell the property for this particular use. When we talked about the CEQA review and how that would affect the town, we noted we're going to be in front of the town. We still have to come to the town for approvals in order to construct and operate the facility and that's what we're doing here today.

And we've already kind of done a lot of prep work to get to this point. We obviously prepared a detailed application. We submitted the information from the county on the environmental review.

We had pre-application meetings. We also met with the planning board. My colleague Pat Fitzgerald was there with the client and the consultants to present it to the planning board to get their comments and feedback.

And ultimately the planning board recommended approval. So here's essentially, I just want to recap what we're asking for on this particular petition to the board. The town has a plan unit development law which is actually, I would say rather forward thinking in trying to use zoning tools in order to enhance development and to deal with properties that may be challenged.

And this law has been in existence and on the books for quite some time. And what the plan unit development law allows is it allows this board to take a look at a plan, determine whether it's consistent with the comprehensive plan and the goals of the town, and then be flexible in permitting both the uses and the layout of the property consistent with the principles that are set forth in the plan unit development law. The plan unit development law has a number of criteria in order for a property to be eligible for its use, and we meet those criteria.

And we've explained in detail in our application and in our letters why. When a plan unit development application is, or when a plan unit development plan is approved, the plan becomes the zoning law. It regulates the uses, the type, the layout of the site, and that kind of provides the framework of what we're going to, or what we're allowed to do on the site.

If there's ever a change, if there's any time, if there's something that is additional that's going to be constructed there that requires resubmission of the entire plan going through this process again, and the board has complete control. We're not able to deviate from the plan that ultimately gets approved by the board. I noted that we're also requesting a subdivision application consistent with the county's retention of its facility.

So now I'm going to just briefly touch on a couple of concerns that we've heard, both from the board. We've discussed it with the planning board. We've had discussions with the county at the time the county was doing the environmental review.

And then I'm going to ask Tim to come up and kind of go into more technical detail on some of these items and also address just kind of the general site plan layout and present that to the board and the folks here that are attending the hearing. With respect to odors, we've heard that some residents may be concerned with smells, odors from the facility. And I'm going to let Tim go into detail on his part, but essentially there are highly sophisticated filtration systems at the property, in the building, designed to significantly mitigate this potential impact.

And one of the benefits of this particular property is its proximity away from adjacent residences. I think the nearest residence is about 1,500 feet from the facility. So that, in addition to the sophisticated HVAC systems and filtration systems, the distance and the natural buffering also is a benefit and a mitigation measure.

Visual impacts. You're not going to really have visual impacts because this facility is going to be very well screened. And I think we talked about it at one of the meetings.

The goal is to have people not know we're there. And I think one of the questions was, is there going to be signage? The answer is probably just basic signage for the street number of the facility because there's a desire to not advertise that we're located there. Security was another issue that was raised.

These are highly, highly secure facilities. I think one comment I had seen noted, well, there's going to be a lot of valuable product in there, and it might be an enticement for somebody for some crime or some criminal activity. And I would say two things to that.

Number one, anytime you're going to be operating a successful business or you're going to have material, there's going to be some valuable equipment or product at a facility. Here, you're going to... It's going to be completely secure, fenced off, security cameras, and even internal to the facility, there's access control doors that separate the common areas where somebody would normally come in and all the rest of the product and workflow areas. There's a lot of need for there to be cleanliness.

And, you know, with respect to this particular operation, it's basically extremely clean and pharmaceutical-level facility. Which is... And there's not going to be, you know, anybody coming to the site for any type of retail-type use. We talked about that.

There's going to be fencing around the facility. So the idea is to have it basically, like, hidden away and highly secure. So the security issues are adequately mitigated by the proposed operations and the layout of the site, the fencing and the cameras and the security.

Noise, I think, was raised in one of the comments with respect to maybe some of the exhaust fans are going to be perceptible from two adjacent residences. And I would note, with respect to the normal operations of the facility, and Tim's going to touch on the noise issue a bit, it's basically imperceptible from a distance of 1,500 feet-plus. There's sound waves dissipate over distance.

There's a significant buffering from the residential communities. And there's also natural screening and barriers that help to dissipate potential noise. With respect to the alternative uses of the site, this is a very, very difficult site to develop.

And the primary issue is there's asbestos contamination, and so it would really take a real significant investment to remediate those buildings and to redevelop those buildings. And this is kind of a way to move that property forward. We're able to construct a facility without disturbing the initial or the existing buildings.

And then once that property or once that project is up and running and becoming profitable, there's resources and ability to deal with the remainder of the site, which if we ended up having the opportunity to do, we'd be back in front of this board for an amendment to the plan unit development plan, because nothing can move forward without this board's review and this board's approval. And at that time, there will be further secret review on any changes to the plan unit development plan. So I think that kind of is a long-winded recitation of kind of how we got here, what we're asking for, and what ultimately the next steps are.

But just before we get into the public hearing, I'd like Tim to kind of go through some of the details of the site plan and touch a little bit more from a technical standpoint on the impacts that some members of the community have raised.

Good evening, everyone. My name is Tim Rider. Architect with Trautman Associates

I'm an architect with Charlton Associates here in Buffalo, New York. I'm going to walk you through the site plan and a little bit about the building design. It's not a site map.

It's not a site plan. To orient you in our drawings, everything that we look at, Walden Avenue is along the bottom of the sheet. North is up, east is to the right, right? West is to the left.

This diagram here shows the subdivision of the site that Chuck was mentioning. This property is the property that Erie County will retain. They have a sheriff and Department of Public Works garage.

It's been operational there for several years, and they're going to continue to operate as is. Their property does extend out for utility access out to the street. That utility access creates, I guess, what we usually call Parcel A right at the corner of Old First Street.

We're also subdividing the property immediately around the cannabis facility. I guess the intention there is to separate the action and the use here from whatever might happen in the future at the existing building. And then the remainder of the parcel remains unchanged, I guess, from about a year up, is basically with them.

Looking a little bit closer at the existing site condition, again, Walden Avenue along the bottom. This driveway was formerly known as Home Road. It'll no longer be a public right-of-way.

It'll be turned over by the county to the property owner and will become a private driveway. We're maintaining that route exactly as it is, except for we are widening it to 26 feet for emergency vehicle access. There is an existing garage building that's in the backyard of the former Erie County home that we plan to demolish.

There is about three-quarters of our work area that's existing pavement parking lot, and about one-quarter of our work area that's existing lawn, which also serves as thoroughfare for every utility to and from all the different users of this property. So, like Chuck mentioned, everywhere that we're going to be building, we're building on land that has been previously developed and disturbed. This drawing shows the outline of the new building, 58-something thousand square feet, in the backyard or to the north side of the Erie County home.

To orient yourself to the home, this is only about half of that existing building. This is the original main entrance. It's the center of the building, so this represents about half of it.

The other wing, the 1970s, more modern, you know, addition is off the page here. Again, we're bringing driveway up off of Walden Avenue. We have a turn along the south side of our new building that'll access a parking lot for 72 cars.

We are expecting two shifts of operation when we get in full swing, of about 30 to 35 employees per shift. So we've built parking lots to accommodate shift-change parking. To the north side of the building, the road continues up.

This is an existing roadway that runs along the north side of our work area, and we'll be maintaining that road as is. We'll be extending pavement to the building for truck docks, dumpster pad in the back, and we are also maintaining the existing electrical house, which is where all the electrical infrastructure to the entire property serves out of. The main pedestrian entrance to the building is here on the south side.

It is the only place that pedestrians will be allowed to enter the building. It's basically the only door in. When we get to the floor plan, you'll see that we have exiting out, but in order to maintain security, we have a single check-in point to the building.

We also have a fence with motorized gates and a guard shack around the receiving area in the back to control access in the back of the property. We'll be restoring much of this area to the east and the north too long after the utilities are replaced. So looking at the floor plan of the building, again, same orientation.

Walden Avenue is down. Here's the main entrance that we noted. 75% of the building is cultivation area.

That's the north portion of the building right here. It was originally advertised to me as a greenhouse, right? So it evoked a certain image. When I went to New Jersey and I saw a facility they had just built, it's more a science laboratory than a greenhouse.

Everything is clean. Everything is sterile. You wear a hairnet.

Even I wore a hairnet. Booty's on your feet. The facility is, you know, very clean and secure, and the entire interior environment is very controlled.

After cultivation, we come into the processing part of the building. So this is where product is dried and trimmed, and then it's packaged and distributed out to the wholesale customers. This corner here, admin office, staff locker rooms, and beret parade.

Chuck mentioned internal security to the building. Basically, a line of demarcation here. So access control limits, staff access to the cultivation side of the building, to the processing side of the building, and vice versa.

The architectural design of the building is very plain and simple and, I guess, innocuous, and that is on purpose. We're not advertising what we do. We want to stay a blank slate to anyone that happens to get a view of the building in the backyard of the recount home.

This is the south facade, so this is that main entrance door. Again, we're not calling attention to ourselves. One single door, this is the north side.

You can see the loading dock. This is the door off the distribution room. No, this is the receiving door, and this is the distribution room.

Park traffic, we expect one tractor-trailer per day delivering product, consumable things that they use. And a fleet of, you know, a dozen or so white plane sprinter vans are picking up and delivering product from the building to the customers. Let's see, what else did you promise I would talk about? Noise, the filtration system.

Noise. So up on top of the building are several rooftop HVAC units, all electric, highly sophisticated, controlling the interior environment of the cultivation rooms. Noise level, 65 to 80 decibels is the normal operation.

So I just looked it up because I didn't know what that meant. 70 decibels is a noisy restaurant. So that's what we have on the roof.

Again, 1,500 feet away from the nearest house. The next nearest house is about 2,000 feet away. And again, masked line of sight by the wooded area that surrounds the north side of the property.

With regard to odor, three parts of the building have kind of three different systems for ventilation. The cultivation area of the building, 75% of it. We're not exhausting any air at all.

We're not bringing fresh air in. We are recirculating and conditioning the air that's in those cultivation rooms ourselves. CO2 is being added as necessary to enhance the plant growth.

Other than that, it's temperature and humidity controlled, and we're not bringing fresh air in. We're not exhausting air out of the cultivation areas. In the processing areas, we have, I guess, a more traditional HVAC system.

We have human occupants in those rooms, so by code we need to ventilate them. We bring 20% fresh ventilation air in, which means we're also exhausting 20% of the air in those spaces. The exhaust air goes through a series of carbon filters on its way out into the environment.

I guess all of the facilities like this that this group has built, there have been no complaints about odor. In fact, the one in New Jersey I know is right next to a food manufacturing facility, and I'm

pretty sure odor was a big problem for them too. And two years into operation, no complaints from anyone in New Jersey.

I would also say the location of this building. Any odor that could come out would be so dissipated and dissolved in just the air. I don't think it would be a concern.

Any other questions about the site or the building? I think we can turn it over to the supervisor, and the supervisor will take comments from the public. And as we're here, if you want to direct us to... First, I'm going to open it to the town board before I open it to the residents. Do the board members have any questions for the attorneys? I will now open it to the floor.

Supervisor Pautler: All's I ask is that you have respect, and as you raise your hand... What? Oh, yeah. You have to state your name and address and wait for me to point to you or nod to you, because I'm sure there's going to be a lot of hands going up. Three minutes? Three minutes.

If you could stand and state your name and address, please.

Judith Duranda, Genesee Street, Alden, New York. Why pick this residential area? Why pick this small little town? There are so many other areas I'm sure that this could have gone to.

I mean, the first one I think of is Bethlehem Steel. That whole area just sits there. Why pick this small little town? Yeah, I can speak to that.

Pat Fitzgerald from Hodgson and Russ. We had actually looked at a number of different locations throughout Erie County. This property obviously was off the tax rolls, and speaking with the legislature, this facility, just given the location, because of the, you know, one, I think it's, what, 170 acres or so? Is that right? 146.

146, okay. Just given the size of the property, the county's desire to get it back out of the tax rolls for the town of Baldwin. Some of the sites that we had looked at actually in the city of Buffalo didn't work for a variety of reasons.

Ultimately, this one just made the most sense, you know, given its location, including, you know, with the county retaining the one parcel where the public works would be, as well as the sheriff's. So that was essentially what caused us to, or caused our client to select this site. We've spent probably the last four years, you know, looking at different properties.

This one seemed to make the most sense for, you know, a number of different reasons, including. Can I ask one more question? Not this time. Okay.

Tom Weisbeck, Broadway, Alden.

I have a question. What products do you intend to manufacture at this facility? Cannabis? Yeah, okay, cannabis. How many different forms of it are there? What products do you intend to manufacture at this facility? Because I'm specifically looking for a certain range of products.

I'll get further questions after that.

My name is Ryan Rich. I'm a developer.

Thanks for having me. This facility, to start off, has been just manufacturing cannabis, dried plants, cannabis. Until further notice, that's all we're doing right now.

Tom Weisbeck, Broadway, Alden.

Do you ever intend to manufacture oil or extract? As of right now, it's just cannabis. Flower? Flower, cannabis. You're not intending to do, and I want this on the record, you are not intending to do oil or THC extract?

My name is Ryan Rich. Well, THC comes from cannabis, but right now it's just cannabis and dried flower is phase one.

The other things we're going to manufacture can be determined.

Tom Weisbeck, Broadway, Alden So, for instance, the property in New Jersey right now is manufacturing for Colfax, right? So it would be the same process here. I mean, there could be a point in the future where if they did want to use some type of distillate or oil.

That's through the New York State regulators. That's what I'm interested in. What method would you use to extract the oil?

GUEST: Well, we haven't even gotten there because that's not currently what we're doing.

Tom Weisbeck, Broadway, Alden So, to the extent that they were, that would be an entirely separate process. You don't intend to use liquid propane to extract THC?

GUEST I guess what I'm saying is right now in New Jersey, at their existing facility, they're only cultivating flower and distributing processing and distributing flower. It would be the same thing here.

If they were going to process the flower into oil, that would be through an entirely separate operation that I just don't have details on because it's not what we're doing.

Tom Weisbeck, Broadway, Alden I see. Interesting.Thanks.

Renee Kowalski, Home Road, Alden So I did some research with my husband in regards to the New Jersey facility and found that the surrounding homes had a 20 to 30 percent depreciation value. So I'm just curious as to how we handle that for being across the old bridge from the new facility.

GUEST I'd be happy to look at whatever information that you researched. But, I mean, typically, as we talked about during the proceeding, the point is and the goal is to be innocuous. So if there's no impacts emanating from the site, it's not going to affect your property values.

And I haven't seen any data that demonstrates that there's around a cannabis cultivation facility that there's any depreciation in property values. Okay. Would you be willing to send me or give me your e-mails, like the four of you?

Renee Kowalski, Home Road, Alden Sure. The research I found? Yes.

GUEST And just one comment, too, on the New Jersey facility. I mean, that's actually there's manufacturing facilities throughout, but you wouldn't even know, similar to this facility, that there's basically the address on the door and that's it.

So I'd be interested to see that data also. Okay. Thank you.

Melanie Rimkus, Alden, NY

I'm going to take my three minutes, if you want to stretch the timer or I can start one. I did. Thank you.

How will you guarantee tax money will be coming to Alden? Will you be looking for waivers or grant funding to offset taxes on your behalf? This is currently zoned as an RC district, and I know you spoke on that. How are you planning to supersede this? If you go bankrupt, then what guarantee do you have secured that the town residents will not be responsible for the cost of having an area county home with asbestos? The value of the surrounding homes, which I also found limited and have no problem, you can reach out to me and I will get that to you. Is the subdivision there to create clearance for manufacturer use? When did you first connect with the town and the planning board? What did the town do to inform transparency to us as residents for the situation? When did you give the application and letters to the town and the planning board for this? Can you give us the dates? Monday, August 4th, I spoke to the board about this topic.

There is a noise impact, which you spoke of. 70% decibels at a 24-hour use for a duration longer than a short period of time is a high EPA standard, the highest that there is, and it can cause hearing loss. Just to clarify that data.

It's okay, I'm getting it out because it's recording. Okay, I just didn't want you guys overloaded. If you're proud of the business, then why are you trying to hide it with no signs? Although I agree with it, but don't be unproud of it.

Okay, whether it's there or not, it's still there. Hiding it doesn't make it non-existent for the residents. Why did you estimate that the amount of tax dollars that you should be giving yearly to the town? Do you have that information? Do it proud or don't do it at all.

If it's so difficult to do it, then maybe shop elsewhere. To clarify that you're not touching the Erie County home, so the asbestos removal obviously at this present time is not something that you're doing, but maybe down the line, so this is no benefit currently in respect to that at the town. The reputation history of the owners of the new LLC, what is the information on that? What guarantee do you have as far as integrity of the proposed plan and the fact that you're actually going to keep it up to standard? Pass aside which ones will be used, how will you dispose of it, and how will you guarantee that it doesn't get into the ground? You can feel free to email me or get those answers.

Good question. I did it before the three minutes. Thank you.

GUEST I'll take a stab at a couple. I'll probably pass the buck on a couple of these. With respect to the taxes, how do we guarantee that the property will be taxed or will pay taxes? What happens is when this property transfers into private ownership, it's going to be on the tax rolls.

We're going to owe taxes. With respect to, I think you were probably getting at, are we going to apply for a pilot or is there going to be some tax abatement? The answer to that is probably yes. But you've got to look at it as right now the property is not on the tax rolls.

Eventually, even with the pilot, there's going to be revenues to the town. By law, the pilot payments are distributed in proportion of the percentage of tax to each of the jurisdictions. So if the town's, let's say, 10% of total tax, they'll get 10% of the pilot payments, unless there's some sort of separate agreement between the town, the school district, and the county to modify those percentages.

That rarely happens. With respect to the location of Erie County Home, let's see, one was right up front, why are you trying to hide it?

GUEST Well, we're trying to minimize any potential impacts. We're trying to minimize visual impacts.

We're trying to also address the security issue. I mean, we don't want people to know that this was there primarily because of security. That was one of the concerns that was raised, and that's one of the ways we're dealing with that potential issue, is by not advertising the location.

With respect to the asbestos abatement, it's cost prohibitive from a project standpoint to abate the asbestos in those current buildings. The project doesn't pencil. It doesn't work when you add in all that other cost.

Now, down the line, once the site becomes profitable, will there be an ability to do that? I'm making no promises tonight, but I do know that that kind of moving forward and having a profitable business at the site would afford our client the ability to do something else with that facility, which is something that has been talked about. But we're not ready to present a plan. We're not ready at this point to promise you anything.

We're just being realistic. There's a reason that that property sat there in that condition for a long period of time, and maybe there are some residents that are happy with that condition of the property and the fact that it's not on the tax rolls, but I think a lot of other people feel differently about that particular issue. When did we first approach the town? I may have to lean on my

partner, Pat, for the exact dates, but I can give you some milestone dates of when we were here presenting.

The county kind of kicked off this process when the county needed to decide whether or not they were going to sell the property and they had to do the environmental review. That process requires coordination, and so the town got a notice from the county saying, we're proposing this action, and you're an involved agency under the State Environmental Quality Review Act because you have a decision to make. And that's kind of when my involvement began is when we kicked off that process, and I want to say that was June of this year.

We didn't submit a formal application to the town because at that time we didn't have site control. We weren't ready to do so. We had a lot of work and homework we had to do before we got that done.

So there's really nothing for the town to do. It was in the county's hands initially. There was a long run-up to trying to get to that point, but the county kicked off the environmental review.

The county notified the town. There was no application yet at the town. There would be in the future, which is what we're doing here.

And then there was a lot of news articles in the paper about, and there was a county public hearing on the sale because that was subject to a public hearing. So this process has really been going, and it's been very public since about June.

Yeah, no, I think in terms of the – I forget the exact date, but I mean I do know it's been four years since we initially spoke with the county, and then I know possibly two years with the town. I know last summer we had a number of conversations, but at that point we still weren't sure how we – you know, the client wasn't sure how they were going to go forward. So, you know, Matt was saying the fact we had a couple of conversations last summer, there was no formal submittals or anything else, because we still had to get a number of documents, a whole bunch of information, obviously go through the county process and sort through that.

So, yes, it was June, July when the initial submittals were going into the county, and then that's where we've been speaking with the town since then. I mean in terms of the integrity of the owners, obviously Ryan, who's here, his brother, are both – they're members of the LLC, obviously part of Rich Products' family. Their partners are from throughout the country, Connecticut, Texas, and Pennsylvania, and then they actually – they own a publicly traded cannabis company, which they had actually sold to canopy holdings at one point, and they've done this in probably 14, 15 other states.

They have an operator in California who's, you know, best in class. You know, they know what they're doing. That's how they've designed these facilities, and that's part of the reason why, you know, even in terms of the design, whether it's, you know, the lack of signage or otherwise, that's how they've – you know, that's how they've built their business.

It's been successful 15-plus years now. You know, so, you know, part of the issue with the cannabis industry is it's very difficult to get financing because you can't go to a traditional lender because of the federal – you know, it's illegal at the federal level, so therefore it's on a state-by-state basis. So it requires – you know, part of the issue that New York State is seeing is, given the fact that they give out these cultivation licenses, people do not have the cash on hand to actually go forward and, you know, construct one of these projects.

So, you know, there's a whole bunch of, you know, issues that come into play in terms of who can actually do this and who can't. You know, and that's one of the things I think that we are very proud of is the team who's behind this has done this before and has been very successful in doing it. So.

I think I have a couple more here. One with respect to the zoning, how is this used to make it there? So, as I mentioned in my opening remarks, the town has a plan unit development law, and that law is designed to deal with unique properties, mostly larger properties. And the way that law works is we have to make a showing to the town that we meet the intent of the plan unit

development law and that what we're doing is consistent with some of the goals that the town has reflected in their planning documents.

And we ultimately present a plan, which is kind of what we're doing here today. We have the drawings, but there's more than just the drawings. There's information that we provided in the application.

There's commitments we made in the application. There's parameters of the environmental review, and all that becomes part of the plan development plan that gets reviewed by the town. And the law provides that, you know, these types of manufacturing and commercial uses are committed in a plan unit development.

So what will happen is the town board will review it, and they're reviewing the—we actually provided both preliminary and preliminary simultaneously. And once the town board makes a determination, what's on the plan becomes the permitted uses with respect to that property, and they can't be modified or changed without further approval by the town board. Now, when residential people want to do, like, maybe a dog business next door or something, they have to get an approval on some letters on the important neighbors.

Melanie Rimkus, Will that be happening again to inform the neighbors? Because there's a mailing that goes out so that we can have something to say because maybe we don't want a dog placed across the street from us, although it turns out really great. Every type of—every provision of the zoning code has its own procedures and requirements.

Will you be doing that? Have you done it?

GUEST Well, I mean, if not, send out a general mailer because my understanding of the law is that the requirement for this type of application is to have a public hearing, which is what we're all doing here now, and everybody's obviously aware of the project.

And that public hearing notice is published in the paper, and that's the notice that we're required to come out with. And so if we just did—if that—if I was in charge— Wait, one person at a time. Okay.

But I think we're—I mean, I'm trying to address all the questions that you did in the three minutes. Fine, you can get back to me. And I'm happy to do that if you want to talk after.

But I did also want to address the noise issue. When Tim was talking about the decibel level, that's the decibel level at the location. And as I mentioned also in my remarks, the sound waves will dissipate over distance.

And 70 decibels at the site is not 70 decibels at the nearest off-site meter, which is 1,500 feet away through significant vegetative areas, which do work to dissipate sound. That's per itself, right? Here. There's multiple.

They don't all get added. I just have a statement, and then we can get to questions. Okay.

Steve Bennett. Zoeller Road. I've been a resident for 45 years in this town.

My wife is longer than that than me. We've resided here over on Zoeller Road for the past 28 years. My wife's a coach at the high school, plus a teacher at Akron.

I'm also a life member at the Millgrove Department, so we have a vested interest of what's going on around in this area here. As any resident in the town of Alden will tell you, we live here for the quality of life. The quiet and beauty of living in the country setting is what we wanted and what Alden affords us.

To our dismay and my dismay of our neighbors, we are here to fight for what we believe, our rights, to advise you that we do not approve of the project. Not only have... Excuse me. He has the floor.

And the Erie County Legislature and our legislator, Frank Todaro, on how they sneak this in, selling it for a dollar, and then we're going to go to doing a pilot program and not pay taxes for a while, so you're getting the property for free. I'm hoping that the Town of Alden Board can help push back on this political hack job and the approval process of what is being done. As you know, the Town Board knows site plans and SEQR, as they brought up earlier, are required.

I'm not quite sure who did the SEQR on the county side, but on the full environmental assessment form, part two, identification of potential project impacts, there's two parts, and part 15 is impact on noise, odor, and light. Within that section, it asks, does the proposed action produce sounds above noise levels established by current legislation? I asked what noise, and you already found that out. They have multiple ventilation systems, chillers, fans.

They'll carry a constant humming noise throughout the day and night. Again, this is a country setting that carries sounds farther than normal than you're used to in a city. If you ever think about being out here, most of the neighbors probably know, you can hear the train going by on the tracks like it's right next to your house.

It carries, and it doesn't matter how many woods. I got more woods between me and the tracks, and I can hear it right next to me. Also within that section is a question, which asks if the proposed action retains ordinance for more than one hour per day.

What assurances do we have that the building filtration system will keep the smell from emanating from that facility? What happens if they don't, and who will enforce these measures? According to a study that I've been told, one cannabis plant can emit a smell equivalent to a chicken. How many plants will this have? 1,700, I heard, but I'm not sure. It depends on how many rooms we are doing each time.

Just say 1,700. How would you like to have 1,700 chickens in your backyard? They are inside the building, they're not in the backyard. Well, I'm saying though, with the filtration system, once it does go down.

So, what can be done? What can be done? We can file an article 78 within 30 days of the approval to challenge this in court, but I don't have the money to do that, and I don't think the town of Albany doesn't want to go through that. The money can go to better things. What else can be done? The town should demand a host community agreement.

Your three minutes is up, I'm sorry. His three minutes was up. I'm almost done, literally a minute.

I'm almost done. The town should demand a host community agreement with the project ownership. Again, a host community agreement.

The town can place stipulations and remedies on concerns of the community. These concerns are warranted but need something that is enforceable and accountable to the project ownership. Another concern is the time frame as to the removal of the buildings.

According to the code, I believe, once a project is approved, they have 90 days to start a demolition process. This should be stipulated somewhere for the time frame as to completion of it. Again, now that we heard everything, we don't know how long the building is going to go.

Finally, I want to thank you for your time. Sorry I went over for the three minutes. A couple thoughts I want to give to the board.

Just remember the town board passed a local law in 2021 opting out of the cannabis dispensaries located in our town. So why would you want to have a cannabis farm here? Lastly, as a town board, you work for the residents of Alden, not the residents of Erie County. Please remember that.

Any other questions?

Yes. **Phil Azazar, Home Road**. I just want to put things into perspective.

58,000 square foot building, roughly, I don't know, 200 by 200, 250 by 250, something like that. An acre is 204 by 204. Seems to me, I don't build facilities, and it seems to me that you could put a 58,000 square foot building on a five-acre plot, no problem.

I have a real problem giving them 150 acres. With a building in front with no guarantee of them tearing that building down, if that's really what we want to do here, take care of that and take care of the community, it makes no sense to put something that could fit on five acres on 150 acres. I have a real problem with that.

GUEST Can I just speak to that? Because I think part of the problem with this property actually right now is the fact that a large portion of it is wetlands. So the reason that Erie County has actually had a hard time selling it is because we can't develop most of it. So regardless of whether or not, one, with respect to giving away the property, that's actually not the case.

The cost to deal with the asbestos in that building and the other environmental issues that are actually at that property that our client is going to have to take on are very significant. I mean, potentially tens of millions of dollars. So it is not actually true that it's for a dollar.

RESIDENT There's a negative property value, which is something that's been discussed with the county. I would think we'd want to guarantee that you're going to take down half or all the buildings before we go any further. Well, it doesn't make any sense.

It may be so, but, I mean, my point is, you're not going to have anybody take the building down. I don't think anybody would care that anybody takes the building over. Well, then that's a separate conversation, though.

So if it's that, if you actually care about the building, which I thought that's what you just said, is that you want to see it taken down, you're not going to have another developer come in here and do that. Just from what it sounds like, I don't believe you're going to take it down. You said you're going to build a facility.

If it's profitable, which it won't be, you'll never have enough money to tear the building down. I would say you have to have a guarantee. You have a guarantee to tear the building down before you go in there.

And you only take a small amount of property, which, you know, what you're manufacturing aside, I don't agree with it, but you have a small amount of property. You don't need 150 acres. Wetlands or not, it's all not wetlands.

GUEST There's developable property there. What is it, 75%? It's not 75%. We had a wetland delineation done.

So what is it, 15 feet of walk-in? I don't know the number of acres of wetland. Okay. But it's more than half.

RESIDENT It seems to me you could go find a five-acre piece of property anywhere and just build this facility. We don't even have to have this conversation. Okay, I guess.

Something very simple. Somewhere else. Understood.

I guess. So why are we doing this? Who agrees to do this? Well, we're here having this public hearing and trying to address a concern. So I was just responding to the fact that you're going to be taking the building down.

GUEST The problem that the county has had in selling this parcel is that no one wants it. So if you actually want the building down, you're going to have to have some type of alternative use, because the developer is not going to come in, deal with the building, and also take over a piece of property where, say, it's at least 50%. Fifty percent at the bottom is wetland, right? So the whole purpose for the subdivision here is actually to allow us to deal with the environmental issue that would be at the property.

If you look at the historical data, there were a number of different spills that the county or other folks, prior owners, either did or were supposed to address. So those are certain things that we're going to have to take into account. So it's not to actually develop the remainder.

First of all, we can't develop the wetlands. We're going to have to get a freshwater wetland permit because we are within the buffer zone. However, I do point out that we're not actually extending past the current development area, so there is no impact associated with that.

That will go through the DEC process. Also, we've been working with SHPO. You know, other state agencies who have control and jurisdiction over those issues.

You know, but here, I understand that the building is a concern to the extent that the property was going to be transferred to a private party. That's certainly something that we've had conversations about. Ryan and I and his partners have had conversations about.

They, I'm sure, would like to take it down. The point is, if we get the facility up and running and start that, it's no different than if you were staging a construction project, right? So you're going to get that going first and then deal with the impacts from the building. You know, we're going to have to have it secured, you know, maintain the landscaping surrounding it, which is right now my understanding is the county is not doing, or there's some concerns over what it currently looks like, all of which we will and want to address.

You know, so we certainly appreciate the, you know, aesthetic impacts that, you know, negative impacts, I would say, that currently exist at the site. You know, it's something that the developers want to continue, or, you know, continue to look at going forward. Any other questions? Yes.

George Pietrek, I live in Miller. This place is massive and it's going to take a lot of electricity. Do we have the infrastructure for this? You mentioned that the facility will have a generator.

Not everyone has a generator if power goes. Like, I don't know what kind of structure this is and how much energy this is going to really consume. I guess I'll take a stab in generalities, talking about the electrical infrastructure.

GUEST At this property, the electrical infrastructure is robust. It's enough electricity to power about a half a million square feet of existing building. We're going to repurpose that electricity to the new cannabis facility.

The emergency generator on our site is not the supplement to public utility. It is simply in case of emergency. And I guess, to be honest, it won't be located on the site.

There'll be plug-in provision for trailer-mounted generators to be brought to the site in the event of a power outage. What is going on with the generator that's there now? It will remain as is. Go ahead.

Wastewater. Name and address? Oh, **Bob Fogle down at WendE Road.** Wastewater from cleaning everything.

Did we get any environmental impact studies done that showed anything? First of all, there are two sanitary outflows from building. One traditional sanitary. So it's going in the sewer system that's there now.

Yep. Nothing going to the creek. Let me finish.

Let me finish. Yes. Nothing sanitary? No to the creek.

Okay. Sanitary. Traditional sanitary.

Your bathroom, showers, break room, sink is going to the public sewer that's out in Walden Avenue. Yep. The process sanitary.

So this is the water that comes out of the cultivation area of the building. Cleaning and everything. pesticides.

Right. It could have trace elements, fertilizers, everything in it. It is a separate sewer connection.

Still flows to Erie County, but is carried separately, is permitted separately, and will be paid for separately. To the pumping station on Zoeller Road. Yes.

That goes down constantly. Yeah. Oh.

GUEST & RESIDENT exchange: Yeah. We're working with the Erie County Water and Sewer. And if that's a county issue, I mean, to the extent that there's a public utility.

Yeah. If there's an issue with the pump station, I mean, that, this is not a county issue. Well, no.

The issue is there's a problem with it right now. Okay. So that has to be taken into consideration.

So now the county has to get involved in it more than what they should already be involved in it. Sounds like something that should be brought up to the county. Well, it should be brought up in front of the board, because the board's the one that's going to make the decision on this.

Yeah, but I guess what Tim is saying is that if you're talking about an issue that you're currently having with the pump station. No, I'm not having any issues with it. Not me, but I have a subject system.

Okay. But I know that it goes down all the time. Okay.

And I know that it's been there for 100 years. Believe me, I'm not. We'll have a conversation with Erie County DPW about the pump station, but our discussions with the, that they had plenty of capacity for this use.

Well, the capacity is there. It's the problem with the pumping station. We'll look at it, yeah.

Okay. And I guess my other question was, what happens to, who is, who's going to be buying the marijuana? Is the state going to be buying from you? No. No.

So the state's not involved in it at all? No. Okay. Okay.

Mr. Wohlgemuth & GUEST exchange:, did you have something? I'll get you next. Did you have a question, Mr. Volkow? Yeah, I do. Okay, go ahead.

Well, first I have some papers to give to the town board. It's over. And while I'm doing this, what compensation are you giving Erie County for this property? I'm sorry? What compensation are you giving Erie County for this property? Taking on the environmental liabilities, billions of dollars.

Pardon me? It would likely be millions of dollars. No, how much are you paying to transfer this property? That's why, you see, you're viewing it from the standpoint of the dollar purchase price. Right, I want the dollar purchase price.

That's not the true cost of the property. What's the dollar purchase price? It's one dollar. Okay, that's all I needed to know.

Thank you. All right. The town board, I want the clerk to clarify that the meeting's notice said site plan, this is preliminary site plan review.

That's what the planning board submitted to the town board for a preliminary site plan review, okay? Not a site plan, preliminary. I also want the town clerk to understand that I gave to the town board, chapter 365, zoning, article 7, plans, unit development, 365, 48, and 10, and also chapter 365, zoning, article 3, district use regulations, 365-14, RC restricted commercial. Plan unit development is not zoning, okay? That is an overlay over zoning, okay? And as you see, in general regulations, what that allows is like in the residential area to a developer come in, and if it's residential, they do a plan unit development.

He can have uses that will support and facilities that support the residential area. Now, I want you to go to app, permitted uses, okay? And number three is for commercial use. It says commercial use or light industrial use only in a plan unit development of 100 acres, this is.

But if you're including the wetlands, that shouldn't be included in the plan unit development, okay? Because they can buy 50 acres and have only 10 acres usable, that shouldn't be. But anyway, it says only when said uses are in strict accordance with the intent of this chapter, this chapter is zoning, and the master plan. Now part of this chapter is zoning regulations, you know, R1, R2, C1, C3, whatever.

And the zoning map. I want to refer you... That's your three minutes, Mr. Wohlgemuth. Can I have somebody else's three minutes? Thank you, sir.

I would like to, on page three... The board has to give permission, not the residents. I'm speaking for him. The board has to give permission, not the residents.

Raise your hand and I'll talk to you. Okay. He's subverting the rules.

I know. What's the board's decision? You can have three more minutes. You can have three.

You agree? Three more minutes. I'm addressing the board. Right, three more minutes.

Okay, on page three, what RC, Restricted Commercial Districts, allows, you look at item number 12 under A, only administrative, professional, or executive offices, not including selling, manufacturing, or storing merchandise. This use is not permitted. This use is permitted in only C-2.

Okay? Then the last thing I want to add since I don't have much time to give you any information is that, again, this town opted out of marijuana use. Okay? Do you know that an article just came out today that almost 50% of motor vehicle, fatal motor vehicle accidents in all states is due to the individual having above limits in THC. Okay? And this is over a six-year period.

The pot made today isn't the pot made in 76 or, you know, 70s and 80s. This stuff is highly potent, 20, 30 times more potent. I don't think we need to continue, you know, providing resources for this problem in the industry.

I don't know, am I done with time? You have one minute if you want to. Oh, I still have one minute? Oh, great. To be honest, you still have another minute.

Good timekeeper. Let's see. You got me all upset.

I'm sorry. It's just a private equity. You know, what is your resources? Oh, I know.

On page two, or the back page there, that they should show that they have financial capabilities of handling this. Now, what's happening is the county is shining a bright ball in front of your face saying, oh, we're going to get rid of the home. And also, if you also look in there, preliminary site plan also has to show the complete intended use of the project.

Complete. Okay? That doesn't mean they come back in five years and say, I want to put this in there. I want to put that in there.

This is a plan site, you know, what do they call it? A plan unit development. All right? You don't come in and say, I'm going to do this today, that. No, you come in with residential, all your houses, you know, single, multi, you know, what have you.

The town should see the whole plan. Right now, we're not seeing the whole plan. We're just seeing a little piece of the plan.

Okay? And, you know, as far as I'm concerned, first thing that should be done is that building should be torn down. That's why we're all here today. We'd like to have that building torn down.

We don't care about the pot plant. Okay? If they have the money, they should tear the building down. Then the landlord doesn't have the pot plant.

Mr. Weisbeck, Broadway Exchange with GUEST: You mentioned that the sound level that would be generated by the HVAC unit is going to be 70 decibels undervolting. Is that for an individual ventilator, or is that for the entire bank of generators? So I will let Tim answer the question, but when you have multiple, the sound doesn't increase.

Hold on a second. Are you an acoustical engineer? I am not, but I've worked on a lot of wind projects, and I've done a whole lot of noise. Excuse me.

I used to do community noise surveys for an engineering company. Then you should know that. That's why I'm asking you the question, because you're the people that— No, I'm saying that you should know what I said, because you're back here.

No. When you have two individual noise sources that are generating at the same intensity level, say 70 dB, the actual noise level generated by those two sources is now 73 dB. That was my point, exactly.

I observed that with the Type II SLM properly calibrated. Now, you take those two sources, you have multiple sources on that building. So now we have two units that are generating 73 dB, plus another one that's generating 70 dB, which means you're probably somewhere in the neighborhood of about 73.5 to 74 dB for the four units.

So how much noise is this project going to generate with all units running under proper load? Do we have that? I do not have that calculation off the top of my head. I can tell you that there are 18 units on the route. They are 100% redundant, so only nine of them ever operate at one time.

And among those nine, they won't all be operating at the same level of intensity as one another. So they won't all be operating at 70 dB. So wouldn't it be fair to say that it would be prudent, once this facility is constructed, to do a community noise survey utilizing the appropriate acoustical measuring equipment at the receptor sources to determine whether or not these people are going to be impacted by the noise and that appropriate noise attenuation will be done after proper review by an acoustical engineer? We'll take a look at it if you want to give me your contact information.

We'll supplement our response and we'll have it put forward. The response belongs to these people. That's right.

You're asking the question, sir. I'm just trying to be responsive to you. Then please respond to them.

We can provide the town board with the information and the town board can discuss it with the experts. Thank you. Yes.

Hi, I'm **Robin, Alden New York**. I'm right here on Wende. I just have concerns with if there ever does become any kind of environmental impact down the road, or something happens, whether it be pesticide related or whatever, what have you, if there's anything that affects groundwater, affects soil, is there going to be some kind of amendment that holds you financially responsible for those effects that could affect the quality of life of the people that do live in the immediate area? I grew up in Niagara County, which is the home of ecological disasters.

And so I just want to know that knowing that my backyard goes into this property, will there be protections in place for me and my family if there does end up being something down the line? Because you can't guarantee that you'll never have something that doesn't, you know, you can't guarantee that there'll never be anything bad that happens to the environment. So I can speak to that in a couple of different ways. You're right, I mean, you know, you never know, like something could happen that's unanticipated.

GUEST But I can say that with respect to the plan development plan that we've put together for the town board, we've made certain representations, we've made certain statements, and the

review process, the SEQRA review process for the county, we did, and that's how they judged that there won't be the chance for a significant adverse environmental impact. All of that information, and ultimately what gets approved by the town board as part of that plan, becomes the law as it's applied to us. And if we don't comply with the operations as we've characterized them to the town board, that would be a violation of the plan unit development plan, and the town has certain enforcement powers up to and including criminal penalties.

And so that's kind of, you know, ultimately the way it works is the town makes an approval. If we don't do what we say we're going to do, we're going to be subject to enforcement, which would include potential fines, jeopardizing our operation, our ability to continue, and that would have a cost disincentive for that. So I think that kind of covers it.

ROBIN resident :But afterwards, it's too late. Look at Great Lakes Cheese. Afterwards, it's too late.

It has to be done before. You have to have guarantees before. I understand what you're saying.

The Erie County SEQRA indicates you have underground storage tanks.

No, there are underground storage tanks from Erie County that are currently on the property. Okay.

We're going to move on to the next person. I just have something in closing because she's being great, but we've got to go. I just respectfully ask all of you to, you guys are very intelligent men, and I'm not questioning your intelligence by any means.

I would love to see hard numbers from their New Jersey site. They say they're great, there's no complaints, and I hope that's the case. However, being in the backyard of this, I would love to see the environmental, the sound.

Show me hard numbers. Show me that I don't have anything to worry about. Show me that my home is not going to lose value.

Show me that I don't have to worry about my kids with whatever. I just ask you all to think as an Alden citizen and not as a business. That's all.

GUEST I guess I'll speak for the owner with regard to maintenance of the existing property.

I think his stance is clean up what's there. It's been unmaintained. The bushes haven't been trimmed.

The lawn's not mowed yet, but today. There you go. The entire area, I'll tell you guys this.

Mr. Rich We're going to maintain the whole thing, the building that's there, and so we figure out what we're going to want to do with it. We're going to make everything look good. Getting phase one done and putting our building there and getting the business going is way better than what's going on there now.

I'm trying to do something good for everyone here in Alden. I'm trying to employ a lot of people. I'm trying to do something.

You're going to have no problems from us. We've done it before. We're going to do it again.

It's something great. I'm from Western New York. I wanted to do it here.

I really think it's going to be a great thing for everybody. Any complaint you ever have, you can bring to us. My brother and I are from here.

We chose to do it here. I'm really trying to do something great for you guys. I'm going to clean this property up.

We'll make the building look as good as we can until we decide what the best use is for it. I promise you, coming from me, and the boards know me for two or three years now, I just had four spine surgeries. I flew up here against doctor's orders to be here to talk to you today.

I haven't been out of my house in like two years. My lawyers know this. I came up here purely just to be in person with you guys to show you that we're doing something good.

It is not bad. It is a good project. It is a great project.

We are growing plants. We are distributing them. We are not doing it as a frenzy.

It is a good project for everybody. Yes, it's a win-win for us, but it's a win-win for all of them. I promise we're going to make everyone happy here.

It's going to be great. I just hope we can all get behind it because we're really excited to do it with you and all of you. Any other questions? Go ahead.

Okay, **Carol Kaczewski**, is there anything we can do to stop this? It's not really a question I'm going to answer. I mean, the board has to consider it. It's not on the agenda to be approved or disproved this evening.

So, my question, I don't fully understand this, and the last time I read was like 70 years ago, and I enjoyed it then, I wouldn't enjoy it now. But anyway, not really. It was illegal seven years ago.

So, is it in fact sold? I'm really confused about all this. That will be the question for, is it sold yet? Is it a done deal? No, the property is under contract. Okay, so who determines whether this is a done deal? You? The community? The property? The property is owned by the county.

GUEST So, with respect to the contract, the county approved the sale of the property via local law, then they signed a contract. That contract is binding on the county. We haven't closed on the property yet because there are certain preconditions to closure.

We're going through that process, or to closing, and we're going through that process now. With respect to, so the decision to sell the property has been made by the county. What we're doing here is we're putting a land use application into the town because we can't use the property without getting our appropriate land use.

CAROL Okay, so we can stop you. No. Oh, you can't.

So what are we doing? All I'm saying is we're here to listen to your concerns and try and deal with them. If there's something that we need to make change-wise to address something or provide more information, we're willing to do it.

Carol: Okay, can you stop this?

BOARD: It'll be discussed at our work session next week.

We have a work session next Tuesday night because Monday's a holiday, and there'll be a discussion on the project on Tuesday night. So you determine this based on what the community... The board takes into consideration what we've heard tonight, what we've heard from the participants of the project, the environmental, the engineering, all of it. I mean, with all due respect... Wait a minute.

Carol With all due respect, I mean, you're in this to make money, no doubt about it. I mean, you can say you're concerned about us, and maybe you are. I don't know.

But ultimately, you're making money. You're making a lot of money. So, and then I heard something about propane.

I mean, what the heck is this about oil and propane? So this is something you can just do. Get those votes forward. You don't need approval.

And if there is an impact to our community, because I'm close to you guys too... Oh, it's crazy. Am I done? I'm not really done. He was talking.

Can we stop it? So if, I don't know about this propane, but if there was a big explosion and we're impacted, is there going to be something legally in there that you are responsible to all of us impacted, maybe by fire, maybe by smell? Are there manufacturing facilities in the town? I'm not talking about manufacturing. I'm near you. No, I'm just asking, though.

GUEST: I don't know. I don't know. Number one, they're not actually using that right now.

Two, there's New York state law that governs those types of issues, whether it's the DEC, the Labor Department, and other state agencies. I just need to make sure this is still working. So, I mean, I guess, you know, propane, we're going to raise it, because it's speculation at this point, an issue I don't have an answer for, because that's not actually something that they're doing.

But I've grown up in a family that ran manufacturing facilities, even throughout Erie County. You know, you go in, there's all those types of waste that those folks are generating as well. Similar to, I'm sure, farmland out here, if we talk about pesticides, if they're imposing some type of penalty on our clients in connection with using those pesticides, should those also be imposed on someone who's using farmland? I don't know.

I mean, because that's kind of the same conversation, I think a lot of this comes just down to the use, you know, which, at the end of the day, you have a relatively simple structure and a facility that is going to, you know, allow our clients to hopefully come in and clean up the existing building that's there. We have had numerous conversations, whether it's reuse, repurpose. You know, certainly the asbestos has to be dealt with.

You can't push that building without getting a survey done. It would have to be a controlled demolition, if that's the route that you have to go. You know, but as it relates to this project, I'm hearing some people say, I don't want the building down.

Resident: I'm hearing others say, I want it down. You know, I'm hearing propane, I'm hearing pesticides, all things that I'm sure are used every day in other businesses within the town. So, to me, this seems like a situation where it's more cannabis-related, which, at this point, you know, I recognize that there's, you know, it's a contentious issue, obviously approved at the state level.

GUEST I recognize the town opted out of the dispensaries. And certainly, you know, understand that. That is an entirely different situation than essentially having a manufacturing facility that's here that no one can access, frankly, ever.

You know, you're not generating the same types of concerns you would have if you had a retail dispensary at this location. You guys are going to make the decision. Ultimately, bottom line.

When will we know what that decision is? I think we have a lot to work out with them. You proposed a lot of questions. Well, you're going to work with them.

Well, no, no, no. You asked a lot of questions tonight, so it's something that we have to sit down and review. Because ultimately, I think that's the bottom line, if you don't want them here.

Sorry, guys. No, I understand that. That's basically what it comes down to.

It's just we don't want our client here because we don't like cannabis. No, no, I like cannabis. That's what I'm trying to understand, though.

So that's where I get back to you. So if this is a manufacturing project, you're fine with it? No, no. You don't want anything? You don't want anything? Well, that's what I'm trying to figure out because that's what I'm struggling with right now, is hearing some folks say they want it down, others say they don't.

GUEST Now I'm hearing we don't want anything at this property. That's an entirely different conversation. And frankly, with Erie County owning a large swap of land within the town of Alden, getting this property back on the tax rolls is one of the things that came about.

My client has done business with the county before, state government. He did a ton during COVID to supply PPE to newer jurisdictions throughout the state, which is part of the reason why, when we were actually looking at different properties and through other business dealings he had, the county asked, you know, this would be really great if we could get this property back on the tax rolls. And that's actually how the conversation started.

So it was, you know, the intent behind it was to have a positive impact on the town. I certainly appreciate, you know, all of the comments here, having, I could say this, you know, cited, I don't know, 1,000 cell phone towers throughout New York State. I'm pretty used to coming into jurisdictions and getting, you know, hollered at, and I get it.

And I understand these are real issues that you guys all, you know, want to raise, all of which we want to address. And that's, I think, part of the situation here. You know, in terms of, you know, your comment about the board and their working with us, it's not that.

What we want to do is be taking the feedback and then come back, and we can help supply the board with more information to address some of these issues because, you know, it's similar to a number of different types of uses, you know, unrelated to cannabis. There's always a number of things that are kind of the hop-button issue that you can go on, you can research, and you're going to find somebody that's going to say this. That may not be true.

There's always the, you know, opposite point of view. You know, I think here, whether it's relative to the HVAC, you know, you're going to have that in any type of commercial structure, right? I mean, it doesn't matter what it is. You are going to have HVACs in a building, right? You may have propane in a building if it's manufacturing-related.

So this is what I'm trying to figure out is, here it just seems like we don't want anything at the property because I venture to bet if they were growing tomatoes in here, I wouldn't be hearing comments about pesticides. Yeah, you would. Yeah, you would.

Resident And you know what? If you lived around here, you'd be asking the same question. You'd be sitting there. Ten minutes is farther than the one mile.

GUEST No, I understand that. Just as long as we understand that. And I do.

Again, I'm not diminishing what you're saying. I'm just saying, in my experience with this type of use, there's a lot of folks who just oppose the use and they hear, you know, many untrue, negative statements. Well, there's no doubt.

There's absolutely no doubt about that. So from a pesticide standpoint, for instance, right? Those are something that I'm sure anybody who's using pesticides in this room at their farm or otherwise understands what they would have to do to go through that process. It's no different than my client who would have to deal with the state from a permitting level.

You know, you mentioned Great Lakes Cheese. I mean, Niagara County, I hear. I've done a ton of work in Niagara County.

My wife's from Niagara County. Growing up out there, I actually know people who have fallen ill because of the issues out there. So that is something that is personally sensitive to me, and I appreciate it.

I think it was Robin, this guest. To your point, that is something that my wife has told me much about. And, you know, I appreciate all of these comments, and I don't want you to think that we're just going to sit here, take the comments, walk out, and then not provide the board with more information to hopefully make an informed decision, you know, which we thought that this would be a positive impact on the community, given the initial conversations that we had getting the property back on the tractor.

I apologize for speaking as long as I did right now. I'm just, you know, trying to address I think globally many of the issues. Where is the parking lot drainage going to? You have to have parking lot drainage.

The stormwater? The stormwater goes to on-site, normally dry retention swale. So something that's there now or not? So there will be a swale that has to get over. A swale to what? A swale.

So there's an actual stormwater pollution prevention plan that has to be prepared in connection with this project. Was that? No, that's part of it. I'm just saying it's, yes, exactly.

The stormwater is piped to the detention area and then it infiltrates the ground. So this is the driveway now that is behind the driveway here? That's right behind the driveway here, so it's right across from the parking lot. The stormwater from the roof of the building also pipes over.

Where does that drain to? Is that retention or detention? Detention. So there's an overflow on it? There is an overflow here. That goes to where? The creek, right? Yeah, it would go to the creek.

Remember that all of that is under the jurisdiction of New York State's stormwater pollution prevention plan. I didn't know where it was. So for the stormwater pollution prevention plan, that's something that we prepared that has to be submitted and approved pursuant to New York State law and regulation.

Like right now, for instance, there's stormwater at that property that's going somewhere on a pretty dirty site. I'm just trying to compare in terms of what we raise an issue, whether it's stormwater. Right now, there's an existing structure that's not being maintained.

There are current issues that we know we're going to have to address that are not going to be addressed if we can't do this. Certainly, as Ryan said, cleaning up, whether it's landscaping and doing other things, repaving, all of those things hopefully will actually enhance the issues that may be out there today that frankly no one may be dealing with. And that's part of the issue.

That's something that we'll be taking on again and going to the negative property value of having it at \$1. There's a reason for that. There's a reason why they can't get any other developers to look at this property.

Frankly, in New York State, I can tell you for somebody who does this right now, it's very hard to get a project done. It typically requires two or three different types of subsidies just to make something pencil out because the way that the state operates from a tax standpoint, the construction costs and everything else that goes into this. There's a lot of issues that way.

I don't want to bore you with them all. You're talking to a guy that does this every day of the week. I know how long it takes.

It takes a year and a half to get a subsidy. How are we going to do this in six months? Having done this before, this is a construction process that they've been through, like I said, 13, 14, 15 different times throughout the last 15 years. They have dialed our client, Ryan's Partners.

That's the thing here. We have Ryan and Luke Rich and there's other partners who are part of this group. They have all done this at a very, very high level and very good at what they do where they can come in and they actually know the construction timeline.

Having gone through it, there will be people coming in from California who have participated in designing the facility with him and they have part of the reason why we're trying to get the approval this fall is so they can actually get foundations for start that process so ultimately they would be up and running. Hopefully once the facility starts generating cash flow and there are returns, that's where we can start to consider what they may do with the existing facility that's there that may or may not be nice depending on who we're talking to. I don't know.

I don't live here. I fully agree with you. I don't have to drive by them.

Maybe someone would rather have that. Maybe they wouldn't. So that's purely a position of opinion.

Not one that I can speak to and not as a Town of Alden resident and I fully respect that. Obviously, if they were to, that's something they're going to have to come back in front of this board and actually deal with to decide, okay, this is what they want to do. Let's say they want to keep the facility and build apartments.

This is just for argument's sake. Again, we're going to have to be in front of the board to deal with that type of use case. Same thing if they turn it into a commercial.

If it's demolition, same thing. Demo permits, New York State law, all this you're going to control and govern that whole process. Which I think sounds like you're familiar with.

Yeah. Thank you. Well, I still don't understand how you're going to get through to them.

That's the second one. Can you speak to the construction schedule? Because it takes you do a subdivision in Clarence and it takes a year and a half for anything. For anything.

GUEST From start to finish, it'll take three years to get a subdivision. Well, right. So part of the plan unit development process actually incorporates the subdivision into it.

So the county wanted to retain that one parcel largely to keep the sheriffs. So we said, that's fine. Happy to accommodate that request.

The other parcel that we sectioned off, frankly, was going to be three original. So where the county, I don't know if you can see. No, it's not.

It's on the other one. But that's okay. So on the other side where it's going to cut it off, that's essentially a parcel that we just frankly created because the county wanted their piece.

They have to have access to the road to be able to get on to their location. The third parcel was going to be the entire facility, including where Brian's proposed structure would go. Ultimately what we did, because of the environmental issues, I mean, you could foil BEC.

Resident I did. There were spills there at one point, ultimately that were cleaned up. All of those things are impacts that we may have to address.

Is there going to be an impact study done on that? If it's known already?

GUEST 100%. Right, exactly. So what will happen is, the reason we sectioned it off is because where the structure is going to go is an already developed property.

So we're fairly confident that we're going to only have to deal likely with asbestos issues, let's say. Obviously that's not going to be the case. We know that.

The other vacant land where there may be environmental impacts, the reason we have that sectioned off is so that in the future when they actually want to go and do something, or have to depending on what's there, all of that will be retained in that one parcel and not subject to the other property, and putting, frankly, the business at risk. So these are business issues that you structure these deals this way to ensure that the business doesn't get taken down because there's some contamination there that our clients never created. They weren't the ones that had the USTs that may have leaked.

Thank you. Yeah, I'm **Lawrence, Alden**. I have a question for you.

So those two separate parcels, are they going to be two separate LLCs? Probably. Same underlying ownership, though, just to be clear. Yeah, I know, but the thing is you can have two separate LLCs.

You can bankrupt the one LLC where the home is currently on it so that you guys will never have to touch that property. Am I right? Well, but I guess this goes back to the existing structure, so is it you want the structure down? Is that... No, what I'm getting at is I think everyone here would like to see that facility down and cleaned up. I saw the 35-page engineering study from

accounting that said that the building cannot be sold, it cannot be repurposed, they'll never be able to find an owner for it, and it's probably going to be over \$13 million in demolition and abatement costs.

That is why they're getting the property for a dollar because the county doesn't want to deal with it. If you guys have a separate LLC, you can bankrupt it, and you guys will never have to clean up that property. I can tell you with absolute certainty that has never come up in any conversation in having practiced environmental law for 15 years, I can tell you right now, there is look-through, and you can be personally liable for those issues.

GUEST But notwithstanding the fact that I hear your point, keep in mind, though, our client also didn't create that contamination.

Oh, I realize that. But we all know that the county doesn't want to deal with it.

GUEST 100%. So to your point, I mean, technically, yes, there's personal liability that can attach as a result of doing certain things. You know, akin to what you're talking about here, that is not something that has ever come up.

I can tell you, Ryan, is a person of integrity, I've known my entire life. I would be shocked, frankly, if he ever proposed anything like that ever. I mean, this is the hard part that I have, right? So to your point right now, this is all speculation where it's just we can throw all of these really difficult things at each other.

Resident I mean, you guys are going to apply for tax deduction and everything else. We saw it with CBO in the village of Alden. As soon as their pilot program was over, they laid everybody off, moved the company out, and that's what happens.

GUEST This is New York State. Yeah, well, we're making a product, for New York State. We have a marijuana growing license in New York State.

Resident So we're not going to tear a business down or bankrupt the business because it's for New York State. We can't go move it to Iowa and sell it to New York State. We're building it for New York State.

So you're tied based on the permitting structure at the cannabis management where you have a license and a facility where it's located. I can tell you right now, like I said before about the traditional financing that you cannot typically get with these types of projects, right? Very, very hard to get to see one. The number of banks that I've spoken to or spoken with, they just don't finance, right? Most just can't come into the facility.

GUEST So you're not going to just make a 30, \$40 million investment that you ultimately just walk away from because of the pilot. Because, as Ryan said, you're not also going to be able to just pick up and move. There's a reason why these are tied to a specific jurisdiction including whether it's state or local law.

I think that's what our big concern is. I totally appreciate that. I mean, yeah.

We want to see it, you know, found, made, and sold to us. I get it. I mean, like Bethlehem Steel came up earlier tonight.

My dad owned a bearing distributor company. It went under because of Bethlehem Steel. I mean, I grew up in that.

He had to restart the whole thing going through that because that was the number one client, right? So that is an issue. I have personally experienced it. I totally understand what you're saying.

It is something that is absolutely legitimate. I'm just telling you, I get that the, you know, as it relates to the LLC structure, it is 100% not intended to bankrupt anything and not deal with the issue that's at hand. Absolutely does not come on here.

Resident How many of you live near the facility? We're making this decision. I live on South Longport, which is on the other side of Broadway. That's not that close.

I'm just, you asked a question where do I live, that's where I live. No, I'm not, I'm asking you how many, where do you, do any of you live near? Right here. Right where that's going.

I do not. I do not. I live in the village at Broadway and Crittenden.

Okay, so none of you He lives in the village. He lives in the village. She's our town attorney, it doesn't matter, she doesn't get a vote.

Oh, okay. But she does live near. I was just wondering because I think that would make a difference.

No, you don't. She lives right here. Okay.

That was my question, if any of you live near where the facility is, when it comes to voting. But I don't get to vote, so. I know, I know, I'm staring at you.

And I gotta tell you, when I first heard about this, I was excited, because I have about eight acres that abuts up to there and I thought, oh, maybe they're going to run by some of my property. And now after hearing all this. Any other questions? Yes.

Walt Moisky, Sullivan Road. First of all, just for a note, when I walked in today, the flag was flowing this way, from where the expected build is. Just to let you know, you might not live here, but you'll be working under those conditions if it does snow.

And second of all, your intentions might be great and noble, which I appreciate, and I don't want to belittle anybody, but you really brought a very weak argument to these people. If you have three other facilities, four other, whatever, you have no facts, no Reports that they can look at, they can feel like, okay, 100 feet away from this building, which is actually in progress, working unit, the smell is not bad. You haven't brought any of that.

GUEST You have electrical questions that are being answered by, again, no, I don't mean to belittle you or anything, but by a civil engineer. He's an architect. Plus, acoustic HVAC questions, who's answering them? I can speak to this, yeah.

So the operator who actually designed these facilities out in California, we actually get called before, because we could have Zoomed in if they had the technology. Unfortunately, that's not the case. That's usually not the case either.

So, most municipalities do not have the ability to do that. So, this is part of the process in terms of the comments that you're raising right now. These are things that we can go back and speak to the operator about.

We've already told them before the meeting. We're expecting a number of questions as it relates to how the facility will run, say, the electrical, right? Where we can supplement and provide that information back to them. It's not that we're hiding the ball or doing anything else.

There's a number of different people from throughout the country who are really experienced in what they do, and it's just you can't get everybody in here all at the same time. All we need is facts, science facts of what your intentions are. You can have audible recordings outside the factories to cover that same rating.

This is all, again, I mean, right, so, again, though, that's part of the environmental process that went through the county. Would you skip in the county? Would you get off on the wrong foot right off the bat? I'm sorry? You skated through that with the county. From what I understand, they just checked off the boxes based on what you said.

Yes, our knowledge levels will be this. Yes, we have an enclosed system. Oh, okay.

We don't need a study. Isn't that what they did? No, what the county did was is that they did an environmental review. The county has a lot of staff that do this stuff every single day.

They have an entire planning department. This was a months-long process. The county assumed lead agency status, and they issued a determination that there won't be any significant adverse environmental impacts.

Okay, and is that report available? We submitted it to the town..

Is it available online? It's available online. Any other questions? Yes?

Resident Is the other part of the LLC, this other big conglomerate, are they from this country, or is it out of country? It's not a big conglomerate. Well, whoever it is, do they live in the state? It's me right here.

GUEST Is there a country that you don't want them from? No, I was just wondering. I don't have any information. It's just a straight question.

Resident No, I'm just asking about are they from the U.S. It makes me believe that you have an issue with them. You're inferring. Yeah.

That wasn't very nice. I'm serious. You should apologize to her.

Don't look at me. That's a bad response. I know.

I'm actually asking. The answer to that is no. You don't have to go any further.

One at a time. This is for the town, but for us. Everybody here is residents, and they represent us.

Is there anybody here today that's in support of it? That cares enough to come? Is there? That's not a question that should be asked to the residents. That's very improper. Because if somebody is here and they do not want to speak freely, they do not have to.

We're at will here. One quick question. Wait.

One at a time. Who's the advocate for the marijuana legislation?

GUEST There's two. The Northeastern Alliance and the Canna Farms.

There's three. There's a cultivation license, a processing license, and a distribution license. Northeastern Alliance? Northeastern Alliance has a distribution license.

The applications were filed two and a half years ago. Ultimately what they did, because part of the problem in New York State is for folks who are granted cultivation licenses and processing licenses, they can't do anything with them because, again, the financing issue. Our client purchased a license from one of the license holders, and that's what we did to get through the process to try to get things moving quicker.

Right now, Northeastern Alliance has a pending cultivation application, a pending processor, and has been issued a distribution license. Canna Farms has the cultivation and processing license. Yes.

Just one question. There's a distribution agreement with a separate individual. That's the thing.

The applicant here, this is a news question, and I don't, from the standpoint that where, if you look at Northeastern Alliance, so if you foiled OCR, let's say, right? So you have Ryan Luke and another partner. There's another LLC that's owned by another individual. There's a distribution agreement that would come between the two.

So that's how... Who's the other LLC? I'm sorry? Who's the other LLC? I said Canna Farms. Oh, Canna Farms. But again, it's done by contract.

Resident Is there an expected return on investment on this?

GUEST That's not something that we're going to consider. You can't answer that, or one may be able to, but that's not something that's in any way relevant.

What would be the money towards the town versus towards the county? Did you know that? We will have a schedule, a pilot schedule that will indicate what the proposed or proposed pilot payments would be, and then whatever the percentage of the total tax is the town's portion will be what the town receives.

I don't know if you can answer that. No, not until they have the figures, no. They will have to give their return on investment or net value on this? I didn't, what did you, can you repeat that?

Resident They will have to submit their net income, right? Or total income for evaluation for it?

GUEST No. There will be an assessment on their building.

Any other questions?

Resident Uh, yeah. This is my first time.

It's okay. Maybe never in 25 years. I wasn't even going to talk.

But anyway, and I'm trying to understand this again, and all due respect to you guys, and I'm sorry for your health issues, I know it's tough. Um, but anyway, so, okay, so if I understand this right, you guys are meeting, and then you will decide if this is a goal or not, right? Yes. Um, and then if it is a goal, is there anything we could do after that? No.

GUEST If you think the town didn't follow proper procedure, um, or you think you have other grounds to sue the town, you could file a lawsuit.

Resident Oh, I wouldn't want to sue the town. I love this town.

I love the town. And it would be at the cost of the residents. I just don't know.

GUEST It's just so many unanswered questions. And I will say, let me just say this, this type of interaction with members of the community is not typical in public hearings. The board has basically allowed the members of the community to ask us questions directly, and to us to engage in dialogue and to respond.

That is atypical. Most public hearings we go to, the board says, you're correcting your questions to your comments to me, this is not a question and answer session, and then they would, after everybody's done talking, and, you know, we wouldn't get any response from us, the board would say, okay, submit your supplemental based on the comments. So, what's happened here tonight is a credit to the board.

Resident Oh, absolutely. We love our board. Thank you.

We love them. And we know they all make the right decisions. I forgot what I was going to say.

Can I ask another question if I remember? Yes. Until we close the public hearing, yes. Well, thank you guys for being here, too.

I guess, you know, I'm just skeptical. I'm very skeptical. You're lawyers, you're in this for the money, obviously.

Hey, I know, come on. I actually walked in the other day. Lawyers and engineers.

I'm not a lawyer. And you had a smirk on your face a few times, and I wasn't happy about that. Oh, yeah, I was watching you.

I'm not a lawyer. You guys are the rich brothers. No, this is what a lawyer is.

I'm not a lawyer. I'm not a lawyer. I'm the only one here.

I'm Ryan Rich. I'm not a lawyer. Ryan Rich.

Who's rich? And you're going to get rich. Well, no. Nobody does this I know.

Board Okay. All right. We're going to keep moving.

Any other questions? Yes.

Bob Hamilton, right here on Wende Road. I can tell you for a fact that this area, and where that where the home is, we're exactly downwind from the prevailing wind here.

240, the wind off the lake. And in the summertime, those that live here will know, most days are pretty windy. That's because we're getting wind off the lake.

Okay. So the wind off the lake is going to bring any smell from that area right to here. Here and up on Genesee Street.

Not only will it concentrate whatever smell there is. I don't know if there's going to be any smell. But if there is, it's not going to be dispersed.

You guys picking this up? Yeah. Because the lake, you have a lake-induced inversion, which is probably 1,000 or 2,000 feet up. So during the day, a lot of the air will be mixed thousands of feet up.

Here it doesn't mix because the lake kind of cools it off. And you get a channel up the lake and right through here. And I can prove this because if you go to the airport on most summer days and you walk outside and take a deep breath, what do you want to smell? You'll smell Cheerios.

Because a 240 wind will bring that smell right up from downtown Buffalo. And that's exactly what's going to happen with that. So I don't know.

Maybe there'll be no smell emanating from those you know, those things on the roof. Maybe you'll have it filtered out. But if there is stuff coming out of here, out of there, you will smell it here.

And there will be focused on this area and concentrated within a couple thousand feet. So, and that's a fact. I think, yeah, I mean, again, we'll supplement it because it's the same thing as like the electricity issue.

Resident We'll take the comment. And along the lines of weather, how are you going to get these generator trucks to your facility in the winter time when you've got 2-3 feet of snow out there? Because there have been times when this road's closed for a week and they've got to bring in grinders from airports to snowblow the snow. So have fun getting a generator trailer in here when you've got 2-3 feet of snow in there.

Okay, any other questions? Well, I want to add on the smell. What's the remediate How are you going to remediate it? Is the town board, are you going to send a strongly worded letter to them to fix it? Or is there some kind of requirement? Our code enforcement officer would handle it. If there's a discrepancy within what's approved, our code enforcement officer would be the one to handle it, yes.

Is there a regulation in the code about the smell?

GUEST I don't believe so. Industrial performance standards.
Any other questions? Yes?

Jeremy Crowell, 3321 Wende Road, I live right up front here.

Two questions. Of all the facilities that you have, is this the closest location that you're by like this? Can you prove anything like that? Is this the closest amount for a community? This is actually a significant distance between where the facility is located and the surrounding properties and current structures. New Jersey has places right next to it.

GUEST Like literally. Like they share a wall. They actually share a wall.

And then the second question I have is that with the maintenance of the filtration systems that you guys are putting in, how often are those filters replaced? Are they replaced once a year? Are they replaced, you know, that's something that we need to know too. We have people in there that work just on those things. Okay, that's not answering my question.

GUEST That's like if your fridge, you know what I mean? Right, but what is the expected time frame for one of those filters? So basically with the scrubbers that are going to be on top of that complex that you guys have, is it just one big scrubber that's going to be for the whole entire facility or are you going to have separate ones per unit that are going to be on top of that complex separate per unit? I would like to know how often those are going to be replaced. We'll find out. Okay, thank you.

Any other questions? Second time, any other questions? Third and final time for the public hearing. Go ahead.

Resident With all the wetlands that are around there, the DEC has been known to exchange wetlands.

Was that in any intentions to make other areas buildable or whatever? They trade wetlands for others. They'll take an area, they'll take one area and they'll put it so that something else can be built in a different area. If you have an area here, there's an area behind the Sheriff's.

GUEST I think what you're referring to is if somebody wants to do a development, they're going to encroach on wetlands and as part of that permitting process there's a required mitigation which may require you to on a certain ratio place the wetlands with some sort of created wetlands or find areas or other parts that you can trade. You're trading basically. But we're not doing that because we're not wetlands.

Well, there's a wetlands right behind the Sheriff's area. That's what I'm saying. So down the road, when we build something, are we going to trade wetlands so that we can build them? My experience is that you can't just say, I want to build here.

They require avoidance. It's not like we're going to be able to just totally develop that area that's full of wetlands and we replace them. That's not generally how the permitting process works.

Resident I've seen it happen one time in 15 years of doing this. The DEC disfavors anybody. I understand that, but with a project like this and with the county involved in everything, I know exactly what happens.

Well, the county wouldn't control that. The county has... I can guarantee you the county has something to do with this because it wouldn't be going through in this... They wouldn't have a role in this. They have a say in what's going on.

Neither the county nor the town has any part of the wetland jurisdiction. I understand that. So they don't... And again, this isn't part of the project.

Board We are not... Mr. Wohlgemuth, he has the floor. Mr. Wohlgemuth. Mr. Wohlgemuth, he has the floor.

Wohlgemuth Yeah, it's just this is a hypothetical question that isn't part of the development process. Well, it is because there's wetlands behind the sheriff's building, but they're not being impacted. You do construction, correct? But I'm just saying, in the future, if we're going to do something in the future without knocking the building down or whatever, there's more room to... If you wanted to build another growing house, there's enough room that you could do it right now, right? I don't know.

GUEST We only have a plan to build the one growing house. I understand that, but there's enough room... I can't answer those questions. It's not our application.

It's not our project. The other thing, too, is also, from a permitting standpoint, on the Cannabis side, there's a limitation on the number of square feet that you can have. So, I mean, it's not... I did not say that.

I didn't mean to cut you off. That actually also controls what you can or can't do. The licenses that they have are not for outdoor throws or anything.

Board We have to move on. We're moving on to... Mr. Froebel, we have to move on. This is the third and final call.

GUEST Is there any letters from residents that's going to make it today that we're going to be rendering?

Board We have one that will come out in my communications.

Resident Just a word of advice. Do you guys do plan to, you know, make anything beyond what you're already planning on? It's not out of the question that there's a potter's field back in there, and you're going to have a pretty nice expense cleaning that up.

GUEST Potter's field, i.e. Yeah, no, I know. I understood. I mean, so we have to deal with SHPO, and, you know, obviously, we're going through that process, but we're constructing a previously disturbed area, right? So there's already been land disturbance there.

Right, but I'm not saying to go beyond that road... Again, those are things that, if that ever comes before the board, we'll have to deal with it that time, and we'll address all those issues and impacts if and when we submit a supplemental application.

Supervisor Pautler Okay, before I close the public hearing, I would like to thank all the residents for coming, your comments, your concerns. We will take those under consideration as a board at our work session.

I am asking the attorneys, the engineers, with the questions that have been asked of our residents, if you could get us the list and the answers, the concerns to be addressed at the work session for us. There's a digital recording of this. Hopefully we can hear you.

GUEST Yeah, well, we're pretty loud. But we'd like to get a copy of that just to make sure we cover everything. I just detailed those, but I don't want to miss anything.

Supervisor Pautler asked for a Motion to leave Public Hearing and go into Regular Session.

A Motion to leave Public Hearing and return to Regular Scheduled Town Board Meeting was made by Councilmember Waiss, seconded by Councilmember Crist. The foregoing Motion was put to a Roll Call Vote and was

CARRIED

Ayes 5 Crist, Waiss, Bork, Kerl and Pautler / Nays 0

Supervisor Pautler asked for a Motion to leave the Regular session and go into Public Hearing #2.

A Motion to leave Regular Scheduled Town Board Meeting and to go into Public Hearing #2 was made by Councilmember Waiss, seconded by Councilmember Crist. The foregoing Motion was put to a Roll Call Vote and was

CARRIED

Ayes 5 Crist, Waiss, Bork, Kerl and Pautler / Nays 0

Supervisor Pautler asked 1st Deputy Town Clerk to read the Public Hearing Notice.

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING
NOTICE TO THE CITIZENS OF THE TOWN OF ALDEN, NY**

A public hearing will be held on October 6, 2025, at 6:05 pm in the Council Chambers of the Alden Town Hall, 3311 Wende Road, Alden, New York regarding the use of Federal Community Development Funds in the Town of Alden.

The Town of Alden is eligible for a Federal Community Development grant under Title I of the Housing and Community Development Act of 1974, as amended.

The purpose of this hearing is to provide an opportunity for citizens to express community development and housing needs, and to discuss possible projects which would benefit low and moderate income persons in the Town of Alden.

Citizens are urged to attend this meeting to make known their views and/or written proposals on the Town of Alden's section of potential projects to be submitted for possible funding by the Federal Community Development Grant Program.

The hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities.

The meeting room is wheel chair accessible. Those needing special arrangements should call the Town Clerk at 937-6969.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF ALDEN

Dated: September 15, 2025

Supervisor Pautler opened the floor for comments, concerns, questions regarding the federal community development funds.

Melanie Rimkus "What is your plans for that upcoming? This is what this is for? Last year I presented that little exercise thing for everybody in the town to use, little centers that, you know, people that are aging up and for everybody to possibly use. Was that ever talked about after I presented last year and is it coming up as a consideration?"

Board: We didn't get the funds last year. We didn't get any of the community funding last year. We were denied.

Melanie Rimkus Did you present my option? Maybe you should consider it and if you guys need me I will resend that to you. I'm sure you have it on file. That's it.

Colleen Rogers I'm interested in a senior van. Now they're going from three days to five days to picking up seniors, taking them to appointments, taking them to lunch. We've had a lot of problems, a lot of upkeep, a lot of bills for maintenance.

Supervisor Pautler called three times for comments or concerns regarding this Public Hearing. She then called for a Motion to leave the Public Hearing and return to Regular Town Board Meeting.

A Motion to leave Regular Scheduled Town Board Meeting and to go into Public Hearing #2 was made by Councilmember Waiss, seconded by Councilmember Crist. The foregoing Motion was put to a Roll Call Vote and was

CARRIED

Ayes 5 Crist, Waiss, Bork, Kerl and Pautler / Nays 0

BUSINESS FROM THE FLOOR (continued)

Melanie Rimkus (Alden, NY):

First of all, thank you guys.

I think you guys were extremely, like you said, you know, open to everybody being free with their words, which I think is important. But I'm actually asking, what I was asking before is checking on the website to try to keep updated on what's going on. It looks like any of the public notices or legal notices was last updated August 15th.

And then when I went to go look on the minutes, I wasn't sure if this was really happening because on the uploaded minutes on the website today, they did not have the public notice listed. Everything that's on here was there minus today's public notice for it did not look like this on the front page. So it did not have the resolution that called public hearing on the application for the site plan thing.

That's a town clerk question. Yeah, I know. So the thing is I don't know what the requirements were for public hearings because very well I had to reach out.

I could have not shown up today not aware that it is minus the Akron Bugle. So I don't know if like, did we do our due diligence? We funded the law completely by publishing in the official newspaper of the town. That's what I want to know.

And then what can we do though? I'm sure we're having like obviously town clerk issues and website. I don't know who does the website. We do.

So what can we do about making sure that like, even if the agenda, you recognize it this morning or it was brought to your attention, to update that back so that we can get through this. Again, that's a town clerk question. I post what is provided to us and to me.

So if legal notices aren't out there it's because they weren't provided legally. It's the maintenance job for the website, that research of what's going on in the website. The same with the minutes and the agenda is the same.

They're posted as to what is provided. Is there hopes that when we get maybe a new town clerk or whatever that this could get straightened out? Because this is our communication. This is how we know.

Our biggest prayer is to have a town clerk office run. The town clerk's office is responsible for posting on it. And you know, we don't have access to the website.

Right. But it is up to the town clerk's office to provide to be put on the website. It is a town clerk duty.

In the meantime, is there anything that we can do to make sure that this happens if our town clerks are not present for whatever their reasons are? If they're on comp or not here? I don't know. I was just wondering what we could do so this doesn't happen again. I don't want to miss anything.

It's a one time thing. I was just wondering. Thank you.

Councilmember Waiss: I believe it will be corrected moving forward. Nobody's perfect.

1st Deputy Town Clerk Marzolf: On Friday I left with a headache in the middle of the day.

I did upload the wrong one. We corrected that this morning and I sent corrected copies to everybody. And if it didn't make the website, the Town Clerk's office doesn't have access to the website.

We are acting in the Town Clerk's absence. So I don't always know what is needed. I lean on our Board and our Town Attorney. And if I don't know that it needs to get sent to Bill Sivecz, I can't send it.

Melanie Rimkus: So I'm not sure. I understand. You guys are trying to make up for 40 hours of work every week for the missing Town Clerk?

1st Deputy Town Clerk Marzolf: We're missing a full time employee.

Melanie Rimkus I know. And then as far as the minutes today, how long until they have to be posted on the website? Is there any kind of law? They have to be available within two weeks.

1st Deputy Town Clerk Marzolf: They have to be approved by the board.

Town Attorney: There is no legal requirement that minutes be approved by the board. So as soon as they're available, they should be posted in draft format on the website. And then once the board does approve them, then they can be posted in final format.

1st Deputy Town Clerk Marzolf: That's new information to me tonight. Thank you guys so much.

Tom Weisbeck Yes. I want a full and thorough explanation of bullet point item N on your agenda. N? Where's N? If someone can read what bullet point item N is.

Mr. Metzger, what is this about an increase asking the town board to increase the allocated amount for the Puget Creek Water District? Because as I seem to recall the last time there was a public hearing on it, you were absolutely positively certain that it could be done for the figure that you mentioned.

Mike Metzger, Town Engineer: This is the state comptroller approved the increase on September 30th. So this is the town issuing the final order. This is not an additional increase.

This is the final step in approving that district. It's all related to the same dollar value that we were talking about at that public hearing. We've been waiting for the state to get back to us and it's been many, many months.

So there isn't anything that would have been nice had the residents of that particular patch of road been notified of such but then again on the other hand I'm very used to the way this town board operates.

Supervisor Pautler: Be respectful, Mr. Weisbach. Anybody else? Any other questions from the floor? Any other questions from the floor? Third and final.

PRESENTATIONS of COMMUNICATIONS from BOARD MEMBERS and Other TOWN OFFICIALS

Mark Kerl, Councilmember

- Nothing at this time

Gwendolyn Bork, Councilmember

- Just correspondence from Kevin Newman, same resident, opposing the site plan at 11580 Walden Avenue.

Colleen Pautler, Supervisor

- I heard from Abundant Solar Power Incorporated. If we can put them on our work session for proposed battery development at 12800 Main Street in Alden, New York.
- I received the monthly tax report from the Clerk's office.
- I have a Letter of Resignation from the Zoning Board of Appeals Secretary Linda J. Marzolf effective immediately.
- I have a Resignation Letter for our Building Department Secretary Michaelene White effective October 17, 2025.
- I have a Letter of Resignation from our 1st Deputy Town Clerk Linda J. Marzolf effective November 01, 2025.
- I have a Letter of Resignation from the Town of Alden Planning Board Secretary Michaelene White.
- I received a letter from a resident, Kevin Newman, in opposition of the site plan approval for the proposed cannabis facility at 11580 Walden Avenue.

Jennifer L. Strong, Town Attorney

- Mr. Weisbeck stole my thunder, but I am very happy to report that the Office of State Comptroller has approved the application of the town for the Cayuga Creek Water District.

Gina Waiss, Councilmember

- Nothing at this time

Randy Crist, Councilmember

- Nothing at this time

NEW BUSINESS

RESOLUTION FOR LEAD AGENCY FOR MINOR SUBDIVISION OF VACANT LAND ON FOUR ROD ROAD

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

WHEREAS, the Alden Town Board is considering an application by Kevin Leary on behalf of Wayne Aldinger for the subdivision of two lots. The entire property currently consists of approximately 69.03 acres of vacant land on Four Rod Road, in the Town of Alden, further identified as SBL# 118.00-5-5. The first proposed lot (“Parcel A”) will be approximately 2.98 acres to be sold for a building lot and the second proposed lot ("Parcel B") will be the remaining approximately 66.05 vacant 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 October 6, 2025, the results of which were as follows:

Councilmember Crist	Aye
Councilmember Waiss	Aye
Councilmember Bork	Aye
Councilmember Kerl	Aye
Supervisor Pautler	Aye

Motion to Approve Use of Community Center by the Alden Lancaster Art Club (10.6.25)

Motion to approve the request of the Alden Lancaster Art Club to use the Community Center on the 1st Tuesday of each month at 7:00 PM from September, 2025 through June, 2026 for its monthly meetings.

The Town's Clerk Office is directed to send notice of this approval to the Alden Lancaster Art Club.

1st: Councilmember Bork

2nd: Supervisor Pautler

Councilmember Crist	Aye
Councilmember Waiss	Aye
Councilmember Bork	Aye
Councilmember Kerl	Aye
Supervisor Pautler	Aye

10/07/2025 Art Club representative Sue Galbraith given notice of approval at the window of Clerk's Office

Motion to Approve Alden Chamber of Commerce Request To Use Community Center and Town Park for Holiday Market Place December 06, 2025 (10.6.25)

Motion to approve the request of the Alden Chamber of Commerce to use the Community Center on December 6, 2025 for a Holiday Market Place from 8 am until 5 pm (which will include the sale of wine by a NYS licenced winery) and to use the Town Park Shelters and the Town Park on December 6, 2025 from 5pm until 7 pm for a Christmas in the Park event. The Chamber may access to the Town Park prior to the event to decorate and set-up. The Town is not responsible for any theft or damage to the Chamber's decorations.

The Alden Chamber of Commerce will submit proof of liability insurance naming the Town of Alden as an additional insured to the Town Clerk's Office prior to using the Park .

The Town Clerk's Office is hereby directed to promptly send notice of this approval to the Chamber of Commerce. (DONE: see note below)

1st: Supervisor Pautler 2nd: Councilmember Waiss

Councilmember Crist	Aye
Councilmember Waiss	Aye
Councilmember Bork	Aye
Councilmember Kerl	Aye
Supervisor Pautler	Aye

10/08/2025 Email sent to "Alyssa Cooper" secretary@aldenny.org and to the Town Board, Town Attorney and Michelle Gadd Recreation Director.

RESOLUTION TO RELEVY WATER CHARGES

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

WHEREAS, the Erie County Water Authority has informed the Alden Town Board that one parcel of property located in the Town of Alden has failed to pay water charges.

WHEREAS, pursuant to NYS Town Law section 198 and the Direct Service Agreement between the Town of Alden and the Erie County Water Authority; the Town must relevy the unpaid water charges onto the 2026 county/Town Tax Bills; and

WHEREAS, the Erie County Water Authority has mailed notices to the delinquent property owner and said owner continues in default.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

- 1. The following sum for the following parcel be relevied onto the 2026 county/town tax for said parcel all for delinquent water charges:**

\$55.26 for delinquent water charges at 637 Two Rod Road (SBL # 118.00-5-10.2).

- 2. This resolution shall take effect immediately.**

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 6, 2025, as follows:

Councilmember Crist	Aye
Councilmember Waiss	Aye
Councilmember Bork	Aye
Councilmember Kerl	Aye
Supervisor Pautler	Aye

RESOLUTION TO ADOPT NEW FEE SCHEDULE

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER CRIST, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER KERL

WHEREAS, the Alden Town Board has noticed the need to further update and clarify the Town Fee Schedule;

WHEREAS, the Town Board is authorized under State Law and under the Town Code to set Town Fees by resolution; and

WHEREAS, the proposed new Fee Schedule is fair and reasonable and is reasonably related to the services performed by the Town.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

- 1. The Town Board hereby adopts the attached Fee Schedule, effective as of this date and hereby rescinds all previous versions of the Fee Schedule; and**

- 2. This resolution shall take effect immediately.**

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 6, 2025, as follows:

Councilmember Crist	Aye
Councilmember Waiss	Aye
Councilmember Bork	Aye
Councilmember Kerl	Aye
Supervisor Pautler	Aye

RESOLUTION TO HIRE AUDITOR for the TOWN OF ALDEN

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

WHEREAS, the Town of Alden is in need of independent accounting and auditing services;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden and the New York General Municipal Law do not require written quotes when hiring professional services;

WHEREAS, independent accounting and auditing services are a professional service;

WHEREAS, Drescher and Malecki has competently served the Town of Alden for many years and has submitted a Letter Contract to provide independent accounting and auditing services to the Town for 2026 and through 2030.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

- 1. The Town Board hereby authorizes and directs the Tow Supervisor to sign a Contract with Drescher & Malecki, LLP for independent accounting services:
for the Year ending 12/31 2026 at \$32,500.00
for the Year ending 12/31 2027 at \$33,475.00
for the Year ending 12/31 2028 at \$34,475.00
for the Year ending 12/31 2029 at \$35,500.00
for the Year ending 12/31 2030 at \$36,565.00; and.**

- 2. This resolution shall take effect immediately.**

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 6, 2025, as follows:

Councilmember Crist	Aye
Councilmember Waiss	Aye
Councilmember Bork	Aye
Councilmember Kerl	Aye
Supervisor Pautler	Aye

Motion to Introduce Proposed Changes to the Council Rules of Procedure (10/6/25)

Motion to introduce for consideration the below proposed changes to the Town Council Rules of Procedure to be effective upon adoption of the Town Board Meeting (to occur no sooner than October 20, 2025) ; updating the tie vote provisions reflecting the change in a three member board to a five member board. More specifically:

§ A371-14. Tie vote.

At least ~~two~~ three affirmative votes shall be necessary to pass any matter, and at least ~~two~~ three negative votes shall be necessary to defeat any matter, as provided by law. Thus, a tie vote shall result in the matter remaining on the table, except as provided in § A371-9.

1st: SUPERVISOR PAUTLER

2nd: COUNCILMEMBER WAISS

Councilmember Crist	Aye
Councilmember Waiss	Aye
Councilmember Bork	Aye
Councilmember Kerl	Aye
Supervisor Pautler	Aye

Resolution Amending Previous Resolution and Hiring Contractor to Improve the Acoustics at the Town of Alden Senior Center

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

WHEREAS, the Town Board previously approved a resolution on September 15, 2025 to hire Park Place Installations, Inc. and since that time the Town has received additional information and an additional quote regarding this project;

WHEREAS, the Town Board realizes the need to improve the acoustics at the new room at the Alden Senior Center the cost of which is estimated to be less than \$20,000.00;

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 or purchase based upon Best Value pursuant to Chapter 52 of the Alden Town Code;

WHEREAS, the Town Supervisor’s Office has obtained three quotes to improve the acoustics for the 45’ x 80’ new room at the Senior Center as follows:
the highest quote is from Accurate Acoustical at \$44, 500.00;
the second highest quote is from STC Control/Clarence Wall & Ceiling, Inc. at \$12,301.00;
and
the lowest quote is from Park Place Installations, Inc. at \$9,414.30;

WHEREAS, based upon the information provided and the scope of work and materials offered by STC Control/Clarence Wall & Ceiling, Inc.; the Town Board finds that STC Control/Clarence Wall & Ceiling, Inc. is the Best Value under Chapter 52 of the Town Code,

WHEREAS, The Town Board after full and careful review finds that it is in the public interest to authorize the improvement of the acoustics in the new room at the Alden Senior Center.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

- 1. The Town Board hereby revokes and rescinds its purchase resolution dated September 15, 2025;**
- 2. The Town Board hereby approves the hiring of STC Control/Clarence Wall & Ceiling, Inc. to improve the acoustics at the Town of Alden Senior Center at a cost not to exceed \$12,301.00;**
3. STC Control/Clarence Wall & Ceiling, 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
4. That the Town Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase; and
- 5. This resolution shall take effect immediately.**

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 6, 2025, as follows:

Councilmember Crist	Aye
Councilmember Waiss	Aye
Councilmember Bork	Aye
Councilmember Kerl	Aye
Supervisor Pautler	Aye

Supervisor Pautler called for a Motion to remove Agenda Item J: Motion to Appoint Linda J. Marzolf Registrar of Vital Statistics

Councilmember Crist moved to remove Agenda Item J with a 2nd from Councilmember Kerl.
The foregoing Motion was duly put to a roll call vote at a regular meeting on October 6, 2025, as follows:

Councilmember Crist	Aye
Councilmember Waiss	Aye
Councilmember Bork	Aye
Councilmember Kerl	Aye
Supervisor Pautler	Aye

Order Calling Public Hearing for Local Law # 6 of 2025 Override of Tax Cap

THE FOLLOWING ORDER WAS OFFERED BY COUNCILMEMBER CRIST, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER KERL

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 20th day of October, 2025, for the purpose of hearing all persons interested in the proposed Local Law No. 6 of the Year 2025 Override Of Tax Cap; and

ORDERED, that the Town Clerk’s Office is directed to (a) publish a notice of public hearing in the Akron Bugle, 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’s Office is to make copies of the proposed Local Law No. 6 of the Year 2025, entitled “Override of Tax Cap” available at their office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call, at a regular meeting on October 6, 2025 which resulted as follows:

Councilmember Crist	Aye
Councilmember Waiss	Aye
Councilmember Bork	Aye
Councilmember Kerl	Aye
Supervisor Pautler	Aye

09/29/2025 1ST Deputy sent Legal Notice to Akron Bugle for publication
10/07/2025 Posted on Clerk’s board
10/07/2025 Copy placed in Clerk’s office folder for Local Law #6 of 2025

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
TOWN OF ALDEN, NEW YORK

PLEASE TAKE NOTICE, that there has been presented to the Alden Town Board on September 15, 2025, for adoption a proposed Local Law to be known as Local Law No. 6 of the Year 2025 entitled “Override of Tax Cap” The purpose of this local law is to allow the Town Board in the 2026 Budget to increase the tax levy beyond the tax cap set by the State, in the event that said override is needed.

THEREFORE, pursuant to the Municipal Home Rule Law Rules, the Alden Town Board shall hold a Public Hearing on the aforesaid proposed Local Law at the Town Hall, 3311 Wende Road, Alden, New York at 6:05 p.m. on the 20th day of October, 2025, at which time persons interested may be heard. Copies of the aforesaid proposed Local Law are available at the office of the Town Clerk for inspection and distribution to any interested person during business hours. The meeting room is wheel chair accessible. Those needing special arrangements should call the Town Hall at 937-6969.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF ALDEN

Dated: October 6, 2025

Local Law No. 6 of 2025 (text as of 9.9.25)

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 2026.

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 2026.

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.

RESOLUTION TO CALL PUBLIC HEARING FOR 2026 BUDGET

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER KERL, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER BORK.

WHEREAS, the Budget Officer of the Town of Alden on September 30, 2024 2025, duly filed the Tentative Budget of said Town (including special districts) for the fiscal year beginning January 1, 2026 with the Deputy Town Clerk of said Town; and

WHEREAS, the Deputy Town Clerk of the Town of Alden duly presented the Tentative Budget to the Town Board via email and by placing a copy in each board members mail box on September 30, 2025;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

- 1. That the Tentative Budget is hereby approved as and shall become the Preliminary Budget of the Town of Alden for the fiscal year beginning January 1, 2026;**
2. That said Preliminary Budget shall be filed in the Office of the Town Clerk of the Town of Alden, 3311 Wende Road, Alden, New York 14004 and be made available by her to the public for inspection during regular business hours;
- 3. That a Public Hearing on the Preliminary Budget of the Town of Alden for the Year 2026, be held by the Alden Town Board at the Alden Town Hall, 3311 Wende Road, Alden, New York on October 20, 2026 2025, at 6:10 P.M. Local Time;**
4. That the necessary Notice of Public Hearing upon the Preliminary Budget, as required by Section 108 of the NYS Town Law be published in the Akron Bugle, the official newspaper of the Town of Alden, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof; and
- 5. This Resolution shall take effect immediately.**

The adoption of the foregoing resolution was duly put to a roll call vote at a regular meeting on October 6, 2025, the results of which were as follows: WITH THE CORRECTIONS ABOVE, HIGHLIGHTED IN YELLOW:

Councilman Crist	Aye with the Corrections
Councilwoman Waiss	Aye with the Corrections
Supervisor Pautler	Aye with the Corrections
Councilwoman Bork	Aye with the Corrections
Councilman Kerl	Aye with the Corrections

**TOWN OF ALDEN
NOTICE OF PUBLIC HEARING ON THE
PRELIMINARY BUDGET OF THE TOWN OF ALDEN FOR THE YEAR 2026**

NOTICE IS HEREBY GIVEN that the preliminary budget of the Town of Alden for the fiscal year beginning January 1, 2026, including general Town funds, highway/public works funds, fire protection district funds, lighting district funds, and special districts has been completed and filed in the office of the Town Clerk of the Town of Alden, 3311 Wende Road, Alden, New York 14004; where it is available for inspection by any interested person during office hours.

The Preliminary budgets states that the proposed compensation for the following elected officials is as follows:

<u>Position</u>	<u>Proposed Compensation</u>
Councilmember	\$13,730.00 each (there are four)
Supervisor	\$28,000.00
Town Clerk/ Receiver of Taxes and Assessments	\$51,171.00
Highway Superintendent	\$76,002.00

The Town Board of Alden shall hold a public hearing on said preliminary budget on October 20, 2025 at 6:10 PM Local Time, showing such changes, alterations and revisions as shall have been made therein by the Town Board of the Alden. At such hearing, any person may be heard in favor of or against the preliminary budget as compiled or for or against any item or items therein contained.

Citizens have the right to provide written and oral comments and ask questions concerning the entire budget and the relationships of entitlement funds to the entire budget. Handicapped citizens or senior citizens who require assistance in attending said public hearing, or in furnishing comments and suggestions, should contact the undersigned Town Clerk to request such assistance.

Dated: October 6, 2025

Linda J. Marzolf
Deputy Town Clerk

RESOLUTION OF THE TOWN OF ALDEN, NEW YORK,
ADOPTED OCTOBER 6, 2025, AMENDING THE BOND
RESOLUTION ADOPTED NOVEMBER 19, 2021 IN
CONNECTION WITH THE ESTABLISHMENT OF THE
CAYUGA CREEK WATER DISTRICT AND THE
CONSTRUCTION OF A WATER SYSTEM THEREIN

Recitals

WHEREAS, the Town Board of the Town of Alden (herein referred to as the “Town”), in the County of Erie, New York, has heretofore duly established the Cayuga Creek Water District (the “District”); and

WHEREAS, the maximum amount authorized to be expended for the establishment of the Cayuga Creek Water District and construction of the a water system therein (the “Water Improvement”) 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 a duly qualified engineer, the maximum amount now proposed to be expended for the establishment of the District and construction of the Water Improvement, is \$1,306,400, which is planned to be financed by the expenditure of \$532,560 in grant funds received or to be received to pay a part of said appropriation, the issuance of bonds in the principal amount of not to exceed \$773,840 to finance the balance of said appropriation, and the assessment, levy and collection of special 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, following the due submission of an application by the Town Board to the New York State Comptroller for permission to increase the maximum amount authorized to be expended for the establishment of the District and construction of the Water Improvement, the State Comptroller granted the Town permission to increase the maximum amount to be expended for the establishment of the Cayuga Creek Water District and construction of the Water Improvement from \$887,600 to \$1,306,400, pursuant to the Order of the State Comptroller dated September 30, 2025, which Order has been filed in the Office of the New York State Department of Audit and Control and in the Office of the Town Clerk; and

WHEREAS, it is necessary and in the public interest to increase the amount appropriated for said project and to amend said bond resolution to reflect such increase;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF ALDEN, IN THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Town Board) AS FOLLOWS:

Section (A) The bond resolution of the Town of Alden duly adopted by the Town Board on November 19, 2021 entitled:

“Bond Resolution of the Town of Alden, New York, adopted November 19, 2021, authorizing the Establishment of the Cayuga Creek Water District and the construction of a water system therein, stating the estimated maximum cost thereof is \$887,600, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$887,600 to finance said appropriation,”

is hereby amended to read as follows:

BOND RESOLUTION OF THE TOWN OF ALDEN, NEW YORK,
ADOPTED NOVEMBER 19, 2021 AND AMENDED OCTOBER 6, 2025,
AUTHORIZING THE ESTABLISHMENT OF THE CAYUGA CREEK
WATER DISTRICT AND THE CONSTRUCTION OF A WATER
SYSTEM THEREIN, STATING THE ESTIMATED MAXIMUM COST
THEREOF IS \$1,306,400, INCLUDING THE EXPENDITURE OF
\$532,560 IN GRANT FUNDS TO BE RECEIVED TO PAY A PART OF
SAID APPROPRIATION; AND AUTHORIZING THE ISSUANCE OF
\$773,840 BONDS TO FINANCE THE BALANCE OF SAID
APPROPRIATION

**RESOLVED BY THE TOWN BOARD OF THE TOWN OF ALDEN, IN THE
COUNTY OF ERIE, NEW YORK (by favorable vote of not less than two-thirds of all the
members of said Board) AS FOLLOWS:**

**Section 1. The Town hereby appropriates the amount of \$1,306,400 for the
establishment of the Cayuga Creek Water District and construction of the Water
Improvement, in accordance with the map, plan and report prepared by Metzger Civil
Engineering, PLLC, engineers duly licensed by the State of New York, dated October 27, 2020
as updated on May 20, 2024, on file in the office of the Town Clerk and heretofore approved
by the Town Board of the Town. The estimated maximum cost thereof, including preliminary
costs and costs incidental thereto and to the financing thereof, is \$1,306,400. The plan of
financing includes the expenditure of \$532,560 in grant funds received or to be received to pay a
part of said appropriation, the issuance of bonds in the principal amount of \$773,840 to finance the
balance of said appropriation, and the assessment, levy and collection of special 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.

Section 2. Bonds of the Town in the principal amount of \$773,840 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called “Law”), to finance a part of said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said object or purpose for which said serial bonds are authorized be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization

of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and

an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Deputy Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in the "*Akron Bugle*," a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section (B) The amendment of the bond resolution set forth in Section (A) of this resolution, shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

1ST: COUNCILMEMBER BORK

2ND : SUPERVISOR PAUTLER

The adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Colleen Pautler	voting AYE
Boardmember Gina Waiss	voting AYE
Boardmember Randy Crist	voting AYE
Boardmember Mark Kerl	voting AYE
Boardmember Gwendolyn Bork	voting AYE

The Resolution was declared adopted.

* * *

(Notice and Summary of Bond Resolution for Publication)

NOTICE

The resolution, a summary of which is published herewith, has been adopted on the 6th day of October, 2025, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Alden, in the County of Erie, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF ALDEN

Linda J. Marzolf
Deputy Town Clerk

BOND RESOLUTION OF THE TOWN OF ALDEN, NEW YORK, ADOPTED NOVEMBER 19, 2021 AND AMENDED OCTOBER 6, 2025, AUTHORIZING THE ESTABLISHMENT OF THE CAYUGA CREEK WATER DISTRICT AND THE CONSTRUCTION OF A WATER SYSTEM THEREIN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,306,400, INCLUDING THE EXPENDITURE OF \$532,560 IN GRANT FUNDS TO BE RECEIVED TO PAY A PART OF SAID APPROPRIATION; AND AUTHORIZING THE ISSUANCE OF \$773,840 BONDS TO FINANCE THE BALANCE OF SAID APPROPRIATION

The object or purpose for which the bonds are authorized is the establishment of the Cayuga Creek Water District and the 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 at the estimated maximum cost of \$1,306,400.

The maximum amount of obligations authorized to be issued is \$773,840. Grant funds in the amount of \$532,560 are expected to be received to pay the balance of said appropriation.

The period of probable usefulness is forty (40) years.

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the Town Clerk, 3311 Wende Road, Alden, New York.

FINAL ORDER INCREASING THE MAXIMUM AMOUNT TO BE EXPENDED

WHEREAS, the Town Board of the Town of Alden (herein called the “Town”), in the County of Erie, New York has received a petition for the establishment of the Cayuga Creek Water District (the “District”), as described therein, and said District has heretofore been duly established; 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 District, 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 the Water Improvement, is \$1,306,400, which is proposed to be financed by the issuance of not to exceed \$773,840 bonds of the Town to finance a part of said cost; and grant funds in the amount of \$532,560 are expected to be received in connection with the increase of the maximum amount to be expended for the District; and

WHEREAS, pursuant to the Order duly adopted on June 16, 2025, the Town Board determined and stated the increased maximum amount to be expended 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 to be constructed at said increased maximum amount, 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 7, 2025, at 6:05 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 for 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, a Public Hearing in the matter was duly held by the Town Board on said July 7, 2025, commencing at 6:05 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 increase in the maximum amount to be expended 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; and

WHEREAS, following the due submission of an application by the Town Board to the New York State Comptroller for permission to increase the maximum amount authorized to be expended for the establishment of the Cayuga Creek Water District and construction of the Water Improvement, the State Comptroller granted the Town permission to increase the maximum amount to be expended for the establishment of the Cayuga Creek Water District and construction of the Water Improvement from \$887,600 to \$1,306,400, pursuant to the Order of the State Comptroller

dated September 30, 2025, which Order has been filed in the Office of the New York State Department of Audit and Control and in the Office of the Town Clerk;

Now, therefore, be it

ORDERED that the increase in the maximum amount to be expended for the establishment of the Cayuga Creek Water District and construction of the Water Improvement, as described herein, is hereby approved and said maximum amount shall be increased from \$887,600 to \$1,306,400. The plan of financing of said cost includes 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; grant funds have been or may be received to pay a part of such cost and any grant funds received 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; and it is further

ORDERED, that within ten (10) days after adoption of this Final Order, the Town Clerk shall record with the Clerk of the County of Erie and file with the Department of Audit and Control in Albany, New York, copies of this Final Order, certified by said Town Clerk.

DATED: October 6, 2025

TOWN BOARD OF THE TOWN OF ALDEN

(SEAL)

1st : SUPERVISOR PAUTLER
2nd : COUNCILMEMBER WAISS

The above Order was duly put to a roll call vote at a regular meeting of the Town Board of the Town of Alden on October 6, 2025, the results of which were as follows:

Councilmember Crist Aye
Councilmember Waiss Aye
Councilmember Bork Aye
Councilmember Kerl Aye
Supervisor Pautler Aye

**RESOLUTION TO APPROVE BUDGET TRANSFER WITHIN THE 2025 BUDGET
FOR SPRINGBROOK SOFTWARE**

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER WAISS,
WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER CRIST.

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

WHEREAS, the town needs to pay Springbrook for accounting software services and make sure the funds
are paid out of
the proper budget lines; and

WHEREAS, the Springbrook Software budget transfer resolution, which was approved at the September 2,
2025 meeting,
was not completed, as it was decided to split the outstanding invoices between the Supervisor’s and Town
Clerk’s
computer software lines;

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

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT:

The Alden Town Board hereby authorizes the following transfers:

From (Budget Code)	Amount	To (Budget Code)	General Explanation	Amount
A.1610.0402	\$1,624.41	A.1220.0201	Springbrook Software (Supervisor’s Computer Software line)	\$1,624.41
A.1610.0402	\$1,480.99	A.1410.0201	Springbrook Software (Town Clerk’s Computer Software line)	\$1,480.99
	\$3,105.40		TOTAL	\$3,105.40

This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 6, 2025, resulting
as follows:

Councilmember Crist Aye
Councilmember Waiss Aye
Councilmember Bork Aye
Councilmember Kerl Aye
Supervisor Pautler Aye

**Supervisor Pautler polled the Board for permission to add the following POLL
TO ADDS to the Agenda. There were No Objections.**

POLL TO ADD:

RESOLUTION TO HIRE JESSE JESONOWSKI AS PART TIME CODE ENFORCEMENT AND PLANNING OFFICER

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

WHEREAS, Erie County Civil Service has given clearance to the Town of Alden to hire a part time Code Enforcement and Planning Officer; and

WHEREAS, Jesse Jesonowski is an available candidate and has completed the training required by New York State.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

- 1. The Town Board approves the hiring of Jesse Jesonowski as part time Code Enforcement and Planning Officer at an hourly wage of \$35.00 not to exceed 19.5 hours per week, no benefits except NYS Retirement and upon successful completion of all pre-employment requirements with a start date of October 7, 2025; and
- 2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 6, 2025, as follows:

Councilmember Crist	Aye
Councilmember Waiss	Aye
Councilmember Bork	Aye
Councilmember Kerl	Aye
Supervisor Pautler	Aye

Motion to Appoint Susan Schumacher Code Enforcement Secretary (10.6.25)

Motion to appoint Susan Schumacher to the position of Code Enforcement Secretary, as of October 20, 2025 not to exceed 19.5 hours per week at an hourly rate of \$21.00, subject to successful completion all pre-employment checks, benefits as per Employee Handbook.

1st: COUNCILMEMBER WAISS

2nd: COUNCILMEMBER CRIST

Councilmember Crist:	Aye
Councilmember Waiss:	Aye
Councilmember Bork:	Aye
Councilmember Kerl:	Aye
Supervisor Pautler:	Aye

UNFINISHED AND TABLED BUSINESS

None

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Mark Kerl, Councilmember

- 1. Since it's gone so long, I can wait until the next time to bring an update where we are with a couple things I'm working on. I would like to recognize we did have a full house here

tonight. I really appreciate everyone coming out and voicing their opinions, concerns, questions.

2. I thought the guests that we had from the proposed investment ownership group were very candid with their comments. They did promise to follow up and we'll make sure that we receive the follow up from them. If any, well obviously it's limited now, but any other residents that are still here, if they want to talk to the board or anything we can make sure that we act as your conduit to get questions to them, or get answers from them I should say that they promised to give you guys.
3. I will miss the October 14th Work Session.

Gwendolyn Bork, Councilmember

1. Nothing at this time

Colleen Pautler, Supervisor

2. Nothing at this time

Jennifer L. Strong, Town Attorney

1. To follow up on Cayuga Creek, I did notify EFC that we got our state approval. They were waiting to hear from us. Nothing on Townline. But they did say that they would move Cayuga Creek faster than Townline. But again, everything has been submitted on Townline. It's just a matter of waiting.

Gina Weiss, Councilmember

1. Nothing at this time

Randy Crist, Councilmember

1. Welcome aboard Jesse. (Newest CEO)

Mike Metzger, Town Engineer

1. Nothing at this time

Colleen Rogers, Budget Officer

1. Budget has been submitted. We are at \$3.5 M now and we are over the cap. I am working on it.
2. Welcome to Jesse.

Rick Coburn, Building Inspector & Code Enforcement Officer

- Well, I can only say I've been here a little over a month and we've had a transition of at least four people. We normally have one.
- It's nothing necessarily new for myself. But I do want to say that the support of the board showed me a lot of consideration of my thoughts and how I'd like to see the future of the department go. And I think you'd be pleasantly surprised with Jesse's work ethic and along with that what might happen as far as providing services to the community, which I believe has been struggling for a long time.
- I'm hoping we can do something about that. Thank you.

Bill Sivecz, Town Assessor

- I realize that I'm the last person before you can get out the door.
- I want to thank you for my recent reappointment for a few months.
- Do we have some good news? There was a lawsuit filed against the assessment by MBM Plaza that saved a lot. Advanced Auto, etc., etc. That's been discontinued.
- They're still within their window from the last time. That was pulled. They don't have any legal expenses there.
- Other than that, that's all I have.

Linda J. Marzolf, 1st Deputy Town Clerk

- Deputy Town Clerk. I've only been here since June of 2024. It's been a pleasure.
- Supervisor Patler has received my resignation. My mother is aging quickly towards dementia. She lives on Cape Cod. I can't commit to being in town consistently, so therefore I cannot continue to serve in this position and the office of Town Clerk.

- We have a great group of people that are very concerned about turning things around in the clerk's office. Lisa and I have worked hard to do our best, but we still have huge gaps in our knowledge, as consistently we see, but the board is always there to support us.
- So, thank you all for your opportunity, your courtesy, your faith, and trust in me, in my new town. That's the reason I took the job, was to meet everybody in Alden, because this is our new Shangri-La-Di-Da, where we live down on Henski. We love it.
- Two things for Randy, and then I'm done. Randy, Is he here? Yeah.
- Randy, nobody has contacted us yet about getting that security camera fixed. Lisa and I have been available since last year. All they have to do is contact us.
- **Councilmember Crist** I'll reach out to them again. Yeah, we were hoping.
- And then the other thing, when we were looking for oaths of office, I found buried in the back of a file cabinet, a beautiful Ace Flag, a gorgeous Alden flag that I thought, as you, committee chair for buildings, might like to see.

ANNOUNCEMENTS FROM THE SUPERVISOR

Rick, I have to apologize that I appointed a secretary for you already, because we couldn't ask for a better one to come back.

She had years in our building department. Was it 10? Historical records, the values can't be explained, and I was really concerned about that with Glenn, along with Michaeline leaving, and the two of us really have no historical record of the departments at all. So she might help us a lot in what we're trying to establish with a brand new permit program.

We're not sure how much migration we're going to have. I've had no information on that. She's going to be part with us, hopefully taking that on.

She's going to work as many hours as she's able to, because she does have some other commitments, so she's going to give us what she can give us, too. And as we look forward to hiring someone permanently, hopefully, and she will be a great trainer for you. And for Jesse.

We're not scaring you away, are we? That was a great meeting

I will be out of town and miss the October 27th Work Session.

NOTICE OF MEETINGS

WORK SESSION	October 14, 2025 (<i>Tues.</i>)	@ 6:00 PM
REGULAR BOARD MEETING	October 20, 2025	@ 6:00 PM

MEMORIAL REMEMBRANCE

- Sharon M. Krieger** (September 14, 2025)
- Dorothy M. Barr** (September 15, 2025)
- Elizabeth “Libby” Easton** (September 17)
- Megan L. Aldinger** (September 19)
- Barbara A. Bove** (September 23)
- Elizabeth L. Salt** (September 28)

ADJOURNMENT at 9:00 PM Supervisor Pautler adjourned the Meeting.

Minutes recorded by 1st Deputy Town Clerk Linda J. Marzolf – October 06, 2025
 Minutes transcription completed by 1st Deputy Town Clerk Linda J. Marzolf – October 17, 2025