

**Approved BOARD MINUTES November 9, 2021**

The Village Board meeting was called to order at 7:30 pm by Mayor Manicki, who led the pledge to the flag.

Due to Covid-19 this meeting was conducted with social distancing.

The public was invited to join by following social distancing guidelines.

**PRESENT:** Mayor Manicki, Trustees Prucnal, Becker, Refermat & Pruitt, Clerk Galbraith, CEO Czechowski,, Superintendent Pruitt, Eugene Nuwer, Mark Casell, Stephanie Genco, Shawn & Cameron Eastland, Patrick Cavanaugh, Albert Boucher, Kevin Wypij James and Joshua Yoerg, Riley Streit and Dan Czelsuta.

**Absent:** Attorney Trapp

**MOTION** by Trustee Becker, seconded by Trustee Pruitt, to approve the minutes dated October 26, 2021. On the question – no comment, 5 ayes, Carried.

**MOTION** by Trustee Prucnal, seconded by Trustee Pruitt, to approve for payment bills on abstract dated November 9, 2021.

Payroll	\$39,318.60
Abstract	\$223,952.37

On the question – no comment, 5 ayes, Carried.

**MOTION** by Trustee Refermat seconded by Trustee Prucnal to approve the following monthly reports: Court, CEO, E C Sheriff, fire calls. On the question – no comment, 5 ayes, Carried.

**COMMUNICATIONS**

CEO – request of rezoning of 5 parcels in southwest quadrant, Public Hearing is scheduled. Town of Alden minutes and agendas, Erie County – ErieNet fiber network scheduled to be available in our area something in 2023-2024 and sales tax is up 20.2%. Upon passing the 2022 budget, Erie County will be launching the *Erie County Storefront Revitalization Program* to assist small business owners countywide with exterior building renovations to their commercial properties. Penflex 2021-2022 LOSAP service fee agreement. Solicitation from the Alden Chamber of Commerce for sponsorship of a Christmas tree for a nonprofit. Letter from the Alden Hook & Ladder Fire company concerning special election-motion below. RBC Wealth management portfolio statement and complaint from Cherry Tree Lane resident concerning the destruction of her trees by Gypsy moths.

**MOTION** by Trustee Becker, seconded by Trustee Prucnal, to file as received all correspondence. On the question –no comment, 5 ayes, Carried.

Resolutions/Appointments/Requests/Motions for November 9, 2021

**MOTION** by Trustee Refermat and seconded by Trustee Prucnal, to approve the chief’s positions as voted on by the Alden Hook and Ladder Membership.

Todd Gaffney – 1<sup>st</sup> Assistant Chief

Bryce Gossel – 2<sup>nd</sup> Assistant Chief

Albert Boucher – 3<sup>rd</sup> Assistant Chief. On the question – no comment, 5 ayes, Carried.

**MOTION** by Trustee Prucnal and seconded by Trustee Pruitt, to re-levy to the County of Erie for collection of delinquents 2021-2022 village taxes in the amount of \$22,830.10.

*On the question:* Mayor Manicki – the county is the collector of taxes for the delinquent accounts. On the question – no comment, 5 ayes, Carried.

MOTION by Trustee Pruitt and seconded by Trustee Prucnal, to authorize Mayor Manicki to sign the Penflex Actuarial Service Agreement. On the question – no comment, 5 ayes, Carried.

MOTION by Trustee Prucnal and seconded by Trustee Pruitt, to approve the fire/EMS calls for October 23 – November 5, 2021. On the question – no comment, 5 ayes, Carried.

MOTION by Trustee Refermat and seconded by Trustee Pruitt, to approve CEO Czechowski to attend the annual Adirondack Building Officials Training Conference in Lake Placid, NY February 28 - March 3, 2022. This is a budgeted item. On the question – no comment, 5 ayes, Carried.

MOTION by Trustee Refermat and seconded by Trustee Pruitt, to provide a negative declaration under SEQRA of an Unlisted action for Local Law #4-2021 to opt Out of having retail cannabis dispensaries within the Village of Alden. On the question – no comment, 5 ayes, Carried.

MOTION by Trustee Becker and seconded by Trustee Prucnal, to adopt Local Law No. 4-2021, opting out of licensing and establishing retail cannabis dispensaries within the Village of Alden, subject to the filing of a petition within thirty (30) calendar days seeking a permissive referendum pursuant to Village Law. On the question – no comment, 5 ayes, Carried. On the question – no comment, 5 ayes, Carried.

MOTION by Trustee Refermat and seconded by Trustee Pruitt, to provide a negative declaration under SEQRA of an Unlisted action for Local Law #5-2021 to opt Out of having on-site cannabis consumption establishments within the Village of Alden. On the question – no comment, 5 ayes, Carried.

MOTION by Trustee Becker and seconded by Trustee Prucnal, to adopt Local Law No. 5-2021, opting out of licensing and establishing on-site cannabis consumption establishments within the Village of Alden, subject to the filing of a petition within thirty (30) calendar days seeking a permissive referendum pursuant to Village Law. On the question – no comment, 5 ayes, Carried.

MOTION by Trustee Refermat and seconded by Trustee Prucnal, to set a Public Hearing on Tuesday, December 14, 2021, at 7:40 PM for the purposes of hearing comments on a proposed rezoning of five properties encompassing the southwest quadrant of the Village, as per the Planning Board recommendations and proposed Comprehensive Plan changes. On the question – no comment, 5 ayes, Carried.

MOTION by Trustee Pruitt and seconded by Trustee Refermat, to approve the recommendation of Albert Boucher to fill the new position of Temporary Assistant Mechanic, effective 11/10/21 at a rate of \$25.27 per hour. On the question – no comment, 5 ayes, Carried.

MOTION by Trustee Becker and seconded by Trustee Refermat, to authorize fire company to purchase the utility body for brush truck (Truck #5) from Niagara Truck Equipment for the price of \$12,500. From the Fire Equipment reserves. On the question – no comment, 5 ayes, Carried.

MOTION by Trustee Prucnal and seconded by Trustee Becker, to leave the regular meeting and enter into a Public at 7:40 pm for Local Law #4, to opt out of licensing and establishing retail cannabis dispensaries within the village boundaries.

CEO Czechowski explained there were two local laws for this evening. This is for the licensing and retail portion. If you opt out, you can always opt back in if you opt in you can never opt out. The paperwork has got to be submitted by Dec.31 even though there are a lot of unanswered questions, requirements? Parameters? Etc.

Mark Casell a Baxter Ave resident addressed the board. questioned the requirements to opt in. Manicki - There would have to be another public hearing for another Local Law to opt in. Opting out would be subject to referendum provided a petition is files within 30 days after the Village Board takes action on the Local Law. We could opt back in at any point.

Casell – opting out is hypocritical, you allow alcohol and cigarettes to be sold within the boundaries of the village. They are both dangerous and addictive. You are losing 4% of the revenue to the reservation or another municipality. Cannabis is already legal, improve the lives of people with health problems, no addition. You do not receive any money from alcohol sales in the village. Someone can open a cigar bar and not have to meet any requirements.

Trustee Prucnal – not enough information yet – zoning constrictions, feet from park or school, don't know the language yet.

CEO Czechowski – opting out is a safe route to go until we get the rest of the story, we need more information.

Stephanie Genco – Broadway, owner Wellness in the Village. Currently sell CDB, if we opt out, I risk losing current customers. Local government, another level of parameters on what I can sell out of my store. Mayor Manicki – we must look at both sides. We received a letter from the Alden Substance Abuse Coalition letter on the dangers of cannabis.

Casell – you just talked about the revenue from sales tax in correspondence, and how it is an important revenue stream.

Genco – there is an income to benefit the village in sales tax.

MOTION by Trustee Refermat and seconded by Trustee Pruitt, to leave the Public Hearing from Local Law #4, 755 pm.

MOTION by Trustee Prucnal and seconded by Trustee Becker, to enter into a Public Hearing at 7:55 pm for Local Law #5, to opt out of licensing and establishing on -site cannabis consumption establishments within the village boundaries.

All public comment was expressed in the first public hearing.

MOTION by Trustee Pruitt and seconded by Trustee Prucnal, to exit the Public Hearing at 7:56 pm for Local Law #5, and re-enter into the regular meeting.

### **BUSINESS FROM FLOOR-**

#### **REPORTS FROM COMMITTEES/DEPARTMENT**

**CEO Czechowski** – file paperwork and notice to paper for rezoning, ACC rodeo

**Trustee Refermat-** thank you to the clerk's office for the help on the new hire, thank you Superintendent Pruitt for the tour of the DPW and thank you to all our veterans past and present for your service.

**Superintendent Pruitt** – updates Phase III, ECWA should be closed before winter, Elm St. drainage under construction Engineers meeting, DPW roof underway, CDBG Subcommittee walkthrough on Elm St. for drainage grant.

**Mayor Manicki** – the county did an excellent job on Crittenden Road and are ahead of schedule. ECWA is supplying us with 20% of our water.

#### **UNFINISHED AND TABLED BUSINESS:**

Bike Path-

Emergency Contact System –

**ADJOURNMENT**

Motion by Trustee Prucnal, seconded by Trustee Pruitt, to adjourn the meeting with a moment of silence for David Fox at 8:05 p.m. Dave was a lifelong resident of the village; he was in the fire and EMS department and will be missed.

I respectfully submit.

Sue Galbraith,  
Village Clerk