

Approved BOARD MINUTES September 24, 2024.

The regular meeting of the Village of Alden Board of Trustees was held in the Municipal Building, 13336 Broadway, Alden, NY 14004.

The Village Board meeting was called to order at 6:30 pm by Mayor Retzlaff, who led the pledge to the flag.

PRESENT: Mayor Retzlaff, Trustees: Cieszki, Casell, Refermat, Attorney Trapp, Deputy Attorney Joseph Trapp, Clerk/Treasurer Galbraith, CEO Czechowski Superintendent Fleck, General Crew Chief, Patrick Cavanaugh, Senior Wastewater Treatment Operator, Dan Czelusta, Fred Mitchell, and Patty Meckes.

Absent: Trustee Becker

MOTION by Trustee Cieszki and seconded by Trustee Refermat, to approve the amended minutes from the September 10, 2024, meeting. On the question – no comment, 4 ayes, carried.

MOTION by Trustee Refermat and seconded by Trustee Casell, to approve payment of bills on abstract dated September 24, 2024.

Payroll \$50,793.82

Abstract \$18,281.09

On the question – no comment, 4 ayes, carried.

MOTION by Trustee Cieszki, seconded by Trustee Refermat, to approve and file the monthly reports as submitted and reviewed by the Board of Trustees.

DPW report for August

Fire/EMS calls, as reflected in payroll #20

Village Planning Board minutes August 21

Village wastewater dept. monthly NYSDOH for August

On the question - no comment 4 ayes, carried.

MOTION by Trustee Casell and seconded by Trustee Refermat, to file the following correspondence: Public Hearing 10/1 Pfanningberg/ECIDA requesting sales tax on materials be waved. Will not affect property taxes. Bulk trash pick-up 4 times next year, limit 10 items. Working on deer population management solutions. Working with the Town of Alden on Code Enforcement scenario. On the question - no comment 4 ayes, carried.

Resolutions/Appointments/Requests/Motions for September 24, 2024

MOTION by Trustee Casell and seconded by Trustee Cieszki, to schedule a Public Hearing on October 8, 2024@6:35 pm regarding Community Development Block Grant funds in the Village of Alden. On the question – no comment, 4 ayes, carried.

MOTION by Trustee Casell and seconded by Trustee Cieszki, to approve the Fire/EMS calls for Payroll #20, 9/7-9/20/2024. On the question – no comment, 4 ayes, carried.

MOTION by Trustee Refermat and seconded by Trustee Cieszki, to authorize the Mayor's and Village Clerk/Treasurer signature with the Alden State Bank regarding bank/wire transfers. On the question – Trustee Casell- why are they asking for it now? Mayor – need to update due to BAN – 4 ayes, carried.

MOTION by Trustee Refermat and seconded by Trustee Cieszki, to approve recommended Village policy changes to the following policies:

- o P-201. Terms; P-502. Meal Breaks; P-604. Bereavement Leave; P-703. Pay Period and Check Distribution; P-801. Holidays; P-802. Vacation Leave; P-803. Sick Leave; P-806. Meical Insurance; P-814. New York State Employees' Retirement System; DAT-302. Pre-Employment Testing; DAT-504. Costs; and FB-101. Definitions; FB-102. Purpose; FB-103. Designating Funds; FB-104. Minimum Undesignated Fund Balance; & FB-105. Order of Expenditure of Funds. On the question – no comment, 4 ayes, carried.

MOTION by Trustee Cieszki and seconded by Trustee Casell, to schedule a Public Hearing on October 8, 2024@ 6:45 Public Hearing LL #5-2024: Disconnections of Water Facilities. On the question – no comment, 4 ayes, carried.

MOTION by Trustee Refermat and seconded by Trustee Cieszki , to approve the following:

RESOLUTION TO APPROVE GENERAL FUND BUDGET TRANSFERS

WHEREAS, the Board of Trustees of the Village of Alden have approved the closing of several completed Capital Projects, and

WHEREAS this will require the General Fund to contribute funds to the Baxter Avenue Storm Sewer project and the DPW Roof Replacement project, now therefore be it

RESOLVED that the Village Clerk/Treasurer is hereby directed to:

Decrease Appropriation Account A9040.8 Workers Compensation by \$15,300.00

Decrease Appropriation Account A1325.434 Grantwriters by \$10,000.00

Decrease Appropriation Account A9730.6 BAN-Principal by \$2,250.00

Decrease Appropriation Account A1620.450 Buildings & Grounds by \$4,666.22

Increase Appropriation Account A9950.9 Transfer to Capital Projects by \$32,216.22. On the question – no comment, 4 ayes, carried.

MOTION by Trustee Cieszki and seconded by Trustee Casell, to approve the following:

RESOLUTION TO APPROVE WATER FUND BUDGET TRANSFER

WHEREAS, the Board of Trustees of the Village of Alden have approved the closing of several completed Capital Projects, and

WHEREAS this will require the Water Fund to contribute funds to the Water Treatment Plant project, now therefore be it

RESOLVED that the Village Clerk/Treasurer is hereby directed to:

Decrease Appropriation Account FX8320.454 Plant & Equipment by \$1,433.21 and

Increase Appropriation Account FX9950.9 Transfer to Capital Projects by \$1,433.21. On the

question – no comment, 4 ayes, carried.

MOTION by Trustee Refermat and seconded by Trustee Cieszki, to adopt Local Law #4-2024, for revisions to the Code of the Village of Alden Chapter 200, Vehicles and Traffic. On the question – no comment, 4 ayes, carried.

MOTION by Trustee Cieszki and seconded by Trustee Refermat, to authorize transferring up to another \$1,000,000/m from the Alden State Bank to NYCLASS, as per Village Accountant recommendation. On the question: Mayor Retzlaff – this will make over \$4 million. –4 ayes, carried.

MOTION by Trustee Refermat and seconded by Trustee Casell, to approve the preliminary and formal site plan for Pfannenbergl, 13595 Broadway, with the following condition:

- 1) The trench drain discharge/oil separator location must be resolved to the satisfaction of the Village of Alden prior to completion of the project. On the question – no comment, 4 ayes, carried.

MOTION by Trustee Cieszki and seconded by Trustee Casell, to approve the preliminary and formal site plan modification for ARC of Erie County, as submitted. On the question – Trustee Casell – is it usual to approve both at once? CEO – yes, this is for the 2nd phase approved. 4 ayes, carried.

MOTION by Trustee Casell and seconded by Trustee Cieszki, to refer the submitted Home Occupation Permit for Melanie Rimkus, 13355 Broadway, to the Village of Alden Planning Board for review and recommendation. On the question – Trustee Casell – did we see it? Trustee Cieszki – why a HOP in a commercial zone? CEO- either a HOP or mixed-use permit. 4 ayes, carried.

MOTION by Trustee Casell and seconded by Trustee Refermat, to approve the membership of David Henry into fire services as approved by the Alden Hook and Ladder Fire Company. On the question – no comment, 4 ayes, carried.

MOTION by Trustee Casell and seconded by Trustee Cieszki, to authorize Mayor Retzlaff to sign the Stormwater Control Facility Maintenance Agreement for the Wetzl/ARC project, Slade Drive. On the question – no comment, 4 ayes, carried.

MOTION by Trustee Refermat and seconded by Trustee Refermat, to authorize Mayor Retzlaff to sign the Slade Drive Dedication agreement pending Village Attorney review. On the question – no comment, 4 ayes, carried.

MOTION by Trustee Casell and seconded by Trustee Cieszki, to authorize the following:
Alden Village Board of Trustees Resolution Regarding Black Water Acres Project
September 24, 2024

WHEREAS, the Village Board of Trustees of the Village of Alden approved the Site Plan Application submitted by Wetzl Development LLC for the proposed Mixed-Use Development at the Black Waters Subdivision which proposed, among other things, to extend Slade Drive; and

WHEREAS, the Village of Alden Planning Board approved the Final Plat Application for the Black Water Acres Subdivision on September 18, 2024; and

WHEREAS, the Subdivision Map and the Site Plan for the Black Water Acres Project shows the proposed extension of Slade Drive, sidewalks and related water, sewer, and stormwater infrastructure to be dedicated to the Village of Alden; and

WHEREAS, the Property Owner of the real property that comprises the Black Water Acres Subdivision have offered to dedicate as follows:

- A. The Extension of Slade Drive, including sidewalks, from the southernmost point of Slade Drive to a point 305 feet east from the center of the circle as shown on the attached and Survey of the Roadway to Village of Alden; and
- B. Water, Sewer, and Stormwater infrastructure constructed to date from the southernmost point of Slade Drive to a point 305 feet east from the center of the circle as shown on the Black Water Acres Subdivision Map and the approved Site Plan.
- C. All Public Stormwater Easements shown on the attached Easement Map.

NOW THEREFORE BE IT RESOLVED BY THE ALDEN VILLAGE BOARD OF TRUSTEES as follows:

1. The Village hereby accepts the Extension of Slade Drive, including sidewalks, from the southernmost point of Slade Drive to a point 305 feet east from the center of the circle as shown on the attached and Survey of the Roadway to Village of Alden; and
2. The Village hereby accepts the Water, Sewer and Stormwater infrastructure constructed to date from the southernmost point of Slade Drive to a point 305 feet east from the center of the circle as shown on the Black Water Acres Subdivision Map and the approved Site Plan.
3. The Mayor is hereby authorized to execute the necessary documentation to effectuate the intent of this Resolution.
4. This Resolution is conditioned upon:
 - a. The recording of the Subdivision Map at the Erie County Clerk's Office; and
 - b. The Approval of the Village Attorney, after consultation with Village Officials and the Village Engineer, of the deeds, easements and Stormwater Control Facility Maintenance Agreement and related forms to be recorded at the Erie County Clerk's Office; and
 - c. The execution of the Wetzl/ARC Slade Drive Dedication Agreement. On the question – no comment, 4 ayes, carried

BUSINESS FROM THE FLOOR

Fred Mitchell, W. Main St. – in agriculture field for 70 years, last 2 years increase in deer population causing concern. At one time had 26 deer in his compost pile. Had 10-12 deer enter his greenhouse eating his off the benches. They have eaten 1/3 of his mums. The code would allow for a 6' fence, but they can clear that, would need a 12' fence, but would affect the neighborhood and the kids' play area The neighbors have salt licks and corn out to feed them. Has cost Mr. Mitchel \$100,000 in losses.

Patty Meckes, Citizens Against Wind Turbines in Lake Erie (CAWTILE) Meckes describes it as a proactive grassroots group for the past 14 years. She explained the massive industrial project –

- 100 turbines from Buffalo to Dunkirk
- Close as 2 miles from shore, .6 miles apart
- Exclusion zone for fishing and recreation
- Increased energy cost
- Blades can turn up to 200 mph
- Bases and cables buried in sediment
- NYERDA recommends no further development
- Contamination and pollution and more.

Looking for support to pass a resolution that the Village of Alden would not like to see the placement of wind turbines in Lake Erie.

REPORTS FROM COMMITTEES/DEPARTMENT

Clerk Galbraith – the clerk’s office will be open from 9-4 Monday – Friday, due to Jury duty.

Superintendent of Public Works Fleck – working on sidewalks

Trustee Casell - the sidewalk on Exchange in front of the depo (1352 Exchange) is busted due to the work done by Norfolk Southern Railway. Patrick Cavanaugh – we need to put them on notice, as it is a trip hazard. Both northwest side and southeast side. Mayor instructed Attorney Trapp to send them a letter.

Attorney Trapp. Will file LL#4

Trustee Refermat – would like an Executive Session

UNFINISHED AND TABLED BUSINESS:

Policy changes – there was a discussion on the definition of Seasonal Part time, Seasonal Part time 19 hours and Seasonal Part time 19.5 hours.

ADJOURNMENT

Motion by Trustee Cieszki, seconded by Trustee Cieszki, to exit the regular meeting at 7:20 p.m. On the question: 4 ayes, Carried.

Motion by Trustee Refermat, seconded by Trustee Cieski to adjourn from Executive Session at 8:05 On the question: 4 ayes, Carried.

Motion by Trustee Refermat, seconded by Trustee Cieski to schedule a public hearing for proposed Local Law #6 with respect to extending the residency for Village Clerk-Treasurer for October 8, 2024, at 6:50 p.m., On the question: 4 ayes, Carried.

Motion by Trustee Refermat, seconded by Trustee Cieski to adjourn from the regular meeting at 8:07 p.m. On the question: 4 ayes, Carried.

I respectfully submit,

Sue Galbraith, Village Clerk