MEETING NO. 10 REGULAR TOWN BOARD MEETING May 16, 2022

REGULAR NO. 9 TOWN OF ALDEN 7:00 P.M.

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road, Alden, NY on Monday, May 16, 2022 at 7:00 P.M. Supervisor Sitzman called the Meeting to Order and Councilwoman Waiss led in the Pledge of Allegiance. The Roll Call was taken by the Deputy Town Clerk.

PRESENT: Brett Sitzman, Town Supervisor

Gina Waiss, Councilwoman

Colleen Pautler, Councilwoman

RECORDING SECRETARY: Joanna Eisensmith, Deputy Town Clerk

OTHERS PRESENT: Bill Rogers, Highway Superintendent

Chris Snyder, CEO

Lenny Weglarski, DCO

Mike Metzger, Town Engineer

Sarah Miller, Deputy Town Supervisor

Residents

Councilwoman Pautler Moved and Councilwoman Waiss seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of May 2, 2022.

**CARRIED**

Ayes 3 Sitzman, Waiss & Pautler

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN PAUTLER, SECOND BY COUNCILWOMAN WAISS, WHO MOVED THAT THE FOLLOWING VOUCHERS BE ALLOWED AND PAID TO WIT; VOUCHERS #361 - 386 **ALL BILLS REVIEWED BY** **THE TOWN BOARD.**

|  |  |  |  |
| --- | --- | --- | --- |
| **ACCOUNT** | **AMOUNT** | | |
|  | **ABSTRACT #1** | **ABSTRACT #2** | **TOTAL** |
| **GENERAL FUND "A"** | **$7,021.16** |  | **$7,021.16** |
| **HIGHWAY FUND "DA/DB"** | **$4,908.72** |  | **$4,908.72** |
| **PART-TOWN FUND "B"** | **$3,843.51** |  | **$3,843.51** |
| **CONSOLIDATED WATER “WR”** |  |  |  |
| **SPECIAL FIRE PROTECTION “SF”** |  |  |  |
| **SEWER DIST#1 FUND “SI”** |  |  |  |
| **WATER DIST. NEWSTEAD “WO”** |  |  |  |
| **WATER DIST.EXCHANGE ST. “WX”** |  |  |  |
| **SEWER DIST. #2 FUND "SA"** | **$570.21** |  | **$570.21** |
| **TRUST & AGENCY "T"** | **$3,194.67** |  | **$3,194.67** |
| **SPECIAL REFUSE FUND "SR"** | **$37,584.83** |  | **$37,584.43** |
| **STREET LIGHTING FUND "SL"** | **$4,010.75** |  | **$4,010.75** |
| **PERIWINKLE LTG. DIST."SL1"** | **$71.02** |  | **$71.02** |
| **WATER DIST. NO. 1 “WA”** |  |  |  |
| **TOTAL** | **$61,204.87** |  | **$61,204.87** |

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON MAY 16, 2022 AND

ADOPTED

Ayes 3 Sitzman, Waiss & Pautler

Nays 0

**BUSINESS FROM THE FLOOR**

Member from Senior Group – asking for an update on the process of the new senior citizen building. Wanted confirmation that the building would be solely for Seniors.

Sherri Locher, Senior Committee member – why can’t the new building be attached to the existing building?

Judy Bowman, Senior Committee member – who will the contractor be for the senior center project?

Steve Cimitelli, Next Era Energy – lines were energized this morning. Major construction in the Town is complete.

**COMMUNICATIONS**

**Jennifer Strong, Town Attorney**

1. Received signed indemnification agreements from Chamber & Car Show Committee

**NEW BUSINESS**

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

WHEREAS, the Alden Town Board on November 16th, 2021 adopted its 2022 budget,

WHEREAS, The Town of Alden needs to transfer money as outlined below; and;

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.1200.0103 | $9,273.00 | A.1355.0100 | See attached motion | $9,273.00 |
|  |  |  | Total | $9,273.00 |

**Motion regarding Town Assessor Salary and Hours**

Motion to set the 2022 salary for Assessor William Sivecz at $30,000.00 for 19.5 hours of work per week.

This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on May 16, 2022, which resulted as follows:

**CARRIED.**

Ayes 3 Sitzman, Waiss & Pautler

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR SITZMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN PAUTLER, TO WIT;

WHEREAS, DASNY is requiring that the Town of Alden submit to DASNY a letter

of financial commitment in regard to the DASNY partial funding of the Four Season Shelter; and

WHEREAS, DASNY is requiring that the Town of Alden commit to having Town funds

in the amount of $32,788.00 available for use for the Shelter Project;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board does hereby authorize and direct the Town Supervisor to send a Letter of Financial Commitment for the Four Season to DASNY as requested by DASNY ; and
2. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on May 16, 2022, which resulted as follows:

**CARRIED.**

Ayes 3 Sitzman, Waiss & Pautler

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN WAISS, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR SITZMAN, TO WIT;

WHEREAS, the Alden Town Board is in the process of planning and constructing a

Four Season Shelter in the Alden Town Park using CARES ACT Funds;

WHEREAS, the Town Board needs to hire an engineering firm in regard to the proposed

construction of the Shelter more specifically to assist with: survey coordination; site design phase; bid document preparation; bidding assistance; construction contract administration; construction observation; and general consulting;

WHEREAS, the Town Engineer, Metzger Civil Engineering, PLLC has existing knowledge of this project;

WHEREAS, engineering services are a professional services, that are not required to be bid under the General Municipal Law or under the Town’s Procurement Policy; and

WHEREAS, Metzger Civil Engineering, PLLC has submitted the attached Agreement for Professional/Technical Services dated May 9, 2022.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board does hereby authorize and direct the Town Supervisor to sign the attached Agreement for Professional/Technical Services in regard to the Four Season Shelter with Metzger Civil Engineering, PLLC; and

2. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on May 16, 2022, which resulted as follows:

**CARRIED.**

Ayes 3 Sitzman, Waiss & Pautler

Nays 0

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

WHEREAS, the County of Erie is responsible for maintaining many roads located within the Town of Alden;

WHEREAS, the County of Erie would like to contract with the Town of Alden from September 1, 2022 through August 31, 2025 to allow the Town of Alden to remove snow, to sand, and to control ice and snow on some of the County Roads located within the Town of Alden;

WHEREAS, the proposed Contract will pay the Town of Alden fair and adequate consideration for its winter road maintenance services on County Roads; and

WHEREAS, The Town Board after full and careful review and consideration of the County’s request finds that it is in the public interest to enter into the proposed Contract with the County of Erie.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board does hereby authorize the Town Supervisor to enter into and execute all necessary documents to effectuate the Contract with the County of Erie;

2. The Town Clerk is directed to mail two (2) certified counterparts of this Resolution; two (2) Contracts executed by the Supervisor and Insurance Certificates to the County of Erie; and

3. This Resolution shall take effect immediately.

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on May 16, 2022, which resulted as follows:

**CARRIED.**

Ayes 3 Sitzman, Waiss & Pautler

Nays 0

COUNCILWOMAN PAUTLER MOVED TO TABLE THE FOLLOWING RESOLTUION, SECOND BY SUPERVISOR SITZMAN, THE FOLLOWING RESOLUTION WAS TABLED;

WHEREAS, the Alden Town Board has noted the need to update Schedule A (list of Department Heads) on the Town’s Procurement Policy and Procedure Guidelines (“Policy”).

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby adopts (revoking all former Procurement Policy and Procedure Guidelines) the attached Policy as its Official Procurement Policy effective May 17, 2022;
2. The Town Clerk is hereby directed to send a copy of the Policy to all Town Board Members and Department Heads and each Town Board Member and each Department Head; and
3. This resolution shall take effect immediately.

**TABLED.**

Ayes 3 Sitzman, Waiss & Pautler

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR SITZMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN PAUTLER, TO WIT;

WHEREAS, the Town Board of the Town of Alden is considering an application, by 6161 Broadway, LLC for site plan approval of proposed three new 3,200 square foot office/warehouse buildings with a 10,000 square foot storage yard at 12240 Walden Avenue, in the Town of Alden, further identified by SBL # 96.00-3-32 (The “Proposed Action”);

WHEREAS, the Town Board of the Town of Alden has determined that the Proposed Action is an Unlisted Action under SEQRA but has determined that it is in the public interest to conduct a coordinated review;

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

WHEREAS, the Town Building Inspector has provided notice to the Erie County Division of Planning, for this proposed site plan approval, as required under Section 239-m of the General Municipal Law and is hereby directed to give notice of Lead Agency to the involved agencies (New York State DEC; New York State Department of Transportation; Erie County Department of Planning and Erie County Department of Health.).

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board has determined that the proposed site plan approval is an Unlisted Action under SEQRA;
2. The Town Board has determined that it should be the Lead Agency for all environmental review of the site plan approval; and
3. This resolution shall take effect immediately.

***ON THE QUESTION: Supervisor Sitzman – should Planning Board recommendations be considered prior to approving this Resolution?Attorney Strong, no this is one preliminary step; recommendations from the Planning Board will be addressed in the future.***

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on May 16, 2022, which resulted as follows:

**CARRIED.**

Ayes 3 Sitzman, Waiss & Pautler

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOAMN WAISS, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR SITZMAN, TO WIT;

WHEREAS, the Town Board of the Town of Alden is considering an application, by Mulvey Construction Inc. for site plan approval of a proposed new 23,0000 square foot commercial contractor office and shop with at 11061 Walden Avenue, in the Town of Alden, further identified by SBL # 96.00-4-5 (The “Proposed Action”);

WHEREAS, the Town Board of the Town of Alden has determined that the Proposed Action is an Unlisted Action under SEQRA but has determined that it is in the public interest to conduct a coordinated review;

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

WHEREAS, the Town Building Inspector has provided notice to the Erie County Division of Planning, for this proposed site plan approval, as required under Section 239-m of the General Municipal Law and is hereby directed to give notice of Lead Agency to the involved agencies (New York State DEC; New York State Department of Transportation; Erie County Department of Planning and Erie County Department of Health.).

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

* 1. The Town Board has determined that the proposed site plan approval is an Unlisted Action under SEQRA;
  2. The Town Board has determined that it should be the Lead Agency for all environmental review of the site plan approval; and
  3. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on May 16, 2022, which resulted as follows:

**CARRIED.**

Ayes 3 Sitzman, Waiss & Pautler

Nays 0

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

WHEREAS, Mason and Kira Jaroslawsky have filed an application for a Special Use Permit to Harbor Chickens at their residence located at 234 Two Rod Road in the Town of Alden (further identified by SBL # 129.01-1-13.1); and

WHEREAS, the Town Board, pursuant to Section 365-11(C)(4) of the Alden Town Code is required to call a public hearing on the Application.

­NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT:

1. A Public Hearing on the application for a Special Use Permit to Harbor Chickens made by Mason and Kira Jaroslawsky be held by the Alden Town Board at the Alden Town Hall, 3311 Wende Road, Alden, New York on June 6, 2022 at 7:05 P.M. Local Time;

2. That the Town Clerk is hereby directed to publish the Notice of Public Hearing in the Alden Advertiser; to post the same on the Town Bulletin Board; and to mail the Notice to the property owners within 200 feet, which Notice shall be in the form attached hereto and made a part hereof; and

3. This Resolution shall take immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on May 16, 2022, which resulted as follows:

**CARRIED.**

Ayes 3 Sitzman, Waiss & Pautler

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR SITZMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN PAUTLER, TO WIT;

WHEREAS, the Alden Town Board is considering an application by Cathy Neyman for the subdivision of three (3) lots. The entire parcel currently consists of approximately 3.5 acres at 3235 Wende Road, in the Town of Alden, further identified as SBL 96.00-3-47. The first proposed lot (“Parcel A”) would be an approximately 150’ x 264’ vacant parcel; the second proposed lot (“Parcel B”) would be an approximately 150’ x 264’ vacant parcel and the third proposed lot (“Parcel C”) would be an approximately 1.7 acre parcel with the house and outbuildings (the “Proposed Action”);

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA but that a coordinated review should be conducted;

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;

WHEREAS, the Town Building Inspector has provided notice to the Erie County Division of Planning for this Proposed Action, as required under Section 239-m of the General Municipal Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1.The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA.

2. The Town Board has determined that it should be the Lead Agency for all environmental review of the Proposed Action.

3.This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on May 16, 2022, which resulted as follows:

**CARRIED.**

Ayes 3 Sitzman, Waiss & Pautler

Nays 0

***POLLED AND ADDED WITH NO OBJECTION***

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR SITZMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN PAUTLER, TO WIT;

WHEREAS, the Recreation Director would like to allow Alden Residents to have the ability to register for Recreation Programs using an on-line service;

WHEREAS, Active Network, LLC has offered a contract to the Town of Alden to provide an on-line registration system; and

WHEREAS, the Town of Alden believes that it is in the best interests of its residents to enter into the Contract for on-line registration services.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. That the Town Board does hereby direct and authorize Supervisor Sitzman to enter into and execute all necessary documents to effectuate the Service Agreement with Active Network LLC, at no charge to the Town of Alden; and

2. This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on May 16, 2022, which resulted as follows:

**CARRIED.**

Ayes 3 Sitzman, Waiss & Pautler

Nays 0

**REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL**

Colleen Pautler, Councilwoamn - add appointing Town Justice to Work Session Agenda. Waiting to hear back on Highway Dept. Contract negotiations.

Gina Waiss, Councilwoman – Michelle Gadd, Recreation Director, keeping her updated on requirements for the kiddie pool. Michelle is still waiting to hear back from the County.

Bill Rogers, Highway Superintendent – waiting on fencing for backstop (mini park)

Mike Metzger, Town Engineer – Cayuga Creek Water District, preliminary topographic survey is under review by Metzger.

Len Weglarski, DCO – Getting pricing to conduct a dog census

**ANNOUNCEMENTS FROM SUPERVISOR**

Board will go into Executive Session after Memorial Remembrance. Moved by Councilwoman Waiss, second by Councilwoman Pautler. All in favor.

**NOTICE OF MEETINGS**

**WORK SESSION: May 23, 2022 @7:00 PM**

**REGULAR BOARD MEETING June 6, 2022 @7:00 PM**

**MEMORIAL REMEMBRANCE -**  Thomas “Duke” Czechowski and Jaine Catalfu and Ann Justinger and Bob Overhoff and Norman Mackenzie and Derek Delzer

**ADJOURNMENT**

At 8:55 P.M. Supervisor Sitzman adjourned the Meeting.

Alecia Barrett

Town Clerk