

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road, Alden, NY on Monday, August 15, 2022 at 7:00 P.M. Supervisor Sitzman called the Meeting to Order and Councilwoman Pautler led in the Pledge of Allegiance. The Roll Call was taken by the Town Clerk.

PRESENT: Brett Sitzman, Town Supervisor  
Gina Weiss, Councilwoman  
Colleen Pautler, Councilwoman

RECORDING SECRETARY: Alecia Barrett, Town Clerk

OTHERS PRESENT: Michelle Gadd, Recreation Director  
Chris Snyder, CEO  
Mike Metzger, Town Engineer  
Len Weglarski, DCO  
Residents

Councilwoman Pautler Moved and Councilwoman Weiss seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of August 1, 2022.

**CARRIED**

Ayes 3 Sitzman, Weiss & 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 #669 - 717 **ALL BILLS REVIEWED BY THE TOWN BOARD.**

<u>ACCOUNT</u>	<u>AMOUNT</u>		
	ABSTRACT #1	ABSTRACT #2	TOTAL
GENERAL FUND "A"	\$26,422.28		\$26,422.28
HIGHWAY FUND "DA/DB"	\$102,532.07		\$102,532.07
PART-TOWN FUND "B"	\$3,057.44		\$3,057.44
CONSOLIDATED WATER "WR"	\$5,796.88		\$5,796.88
SPECIAL FIRE PROTECTION "SF"			
SEWER DIST#1 FUND "SI"			
WATER DIST. EXCHANGE "WX"			
SEWER DIST. #2 FUND "SA"	\$409.04		\$409.04
TRUST & AGENCY "T"	\$12,306.56		\$12,306.56
SPECIAL REFUSE FUND "SR"	\$40,181.28		\$40,181.28
STREET LIGHTING FUND "SL"	\$89.89		\$89.89
PERIWINKLE LTG. DIST."SL1"			
ZOELLER RD WATER DIST "WZ"			
<b>TOTAL</b>	<b>\$195,065.81</b>		<b>\$195,065.81</b>

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON AUGUST 15, 2022 AND

ADOPTED

Ayes 3 Sitzman, Waiss & Pautler

Nays 0

BUSINESS FROM THE FLOOR

COMMUNICATIONS

**Brett Sitzman, Town Supervisor**

1. Anonymous letter
2. Communication with Erie County water Authority regarding painting of water tower
3. Monthly report from CEO Snyder
4. Letter from citizen regarding speeding traffic on Town Line Road
5. Confirmation from NYSEG regarding lighting project
6. Packet from Town of Lancaster
7. Proclamation from Erie County Legislator for Bicentennial

**Jennifer Strong, Town Attorney**

1. Draft Code Red contract out to Village Attorney, Draft Phone Contract, Draft Amherst Alarm contract

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7:05 Public Hearing - Cable Franchise Renewal Between Town of Alden and Spectrum Northeast, LLC

Councilwoman Pautler motioned to leave the regular meeting and enter into the Public Hearing, seconded by Councilwoman Waiss, with no objections.

Town Clerk Barrett read the notice of public hearing.

Supervisor Sitzman explained the reason for the public hearing was to get input from the community on the renewal of the agreement with Spectrum Northeast, LLC.

Laura Loehr, Henskee Rd. – the resolution states agreement is for 15 years, is that typical and what if something better comes along?

Jennifer Strong, Town Attorney – explained the last contract was for 15 years as well and the agreement does not lock us into exploring other potentially better options.

Councilwoman Pautler motioned to leave Public Hearing and enter back into the Regular meeting, seconded by Councilwoman Waiss, with no objections.

NEW BUSINESS

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

WHEREAS, An application has been duly made to the Alden Town Board by Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications, Inc. (“Charter”), a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, for the approval of a renewal agreement for Charter's cable television franchise for fifteen (15) years commencing with the date of approval by the Public Service Commission;

WHEREAS, The franchise renewal agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings; and

WHEREAS, A public hearing was held before the Alden Town Board on August 15, 2022 at 7:05 P.M. and notice of the hearing was published in the Alden Advertiser on August 4, 2022.

NOW, THEREFORE BE IS RESOLVED AS FOLLOWS THAT:

1. Spectrum Northeast, LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law;
2. Spectrum Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached;
3. Spectrum Northeast, LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests;
4. The Alden Town Board hereby grants the cable television franchise of Spectrum Northeast, LLC and the Town of Alden for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence;
5. The Alden Town Board of the Town of Alden hereby confirms acceptance of this franchise renewal agreement and authorizes and directs the Supervisor to execute the same; and
6. 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 August 15, 2022, which resulted as follows:

**CARRIED.**

Ayes 3 Sitzman, Weiss & 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 Kimberly Northem for the subdivision of two (2) lots. The entire parcel currently consists of approximately 10.25 improved acres at 13904 Broadway, in the Town of Alden, further identified as SBL 190.00-2-10. The first proposed lot ("Parcel A") would be an approximately 200' x 400' parcel containing an existing motel building; and the second proposed lot ("Parcel B") would be an approximately 8.41 acre parcel with the existing house, barn and pond (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; and

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; 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 August 15, 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 for the safety and welfare of its residents would like to enter into an Agreement for the provision of a Code Red emergency notification services to the Town;

WHEREAS, the Procurement Policy & Procedure Guidelines ("Guidelines") of the Town of Alden state that the Town must prepare a request for proposal and then obtain written quotes from at least three (3) vendors, except in the case of state bid;

WHEREAS, OnSolve LLC is on the NY State Bid List (# 22802);

WHEREAS, the Village of Alden would like to enter into an intermunicipal agreement with the Town of Alden to share this service; and

WHEREAS, the Town Board after full and careful review and consideration finds that it is in the public interest to authorize the purchase of the Code Red services.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of Code Red emergency services for a term of three years as per the attached Sales Quote for a total cost to the Town of \$14,677.50 (or \$4,892.50 per year) from OnSolve, LLC;
2. The Town Board further authorizes the signing of an Intermunicipal Agreement with the Village of Alden to share this service with the Village reimbursing the Town one-half of the costs, contingent approval of said agreement by the Town and Village Attorneys;

3. The Supervisor is hereby authorized and directed to enter into an Agreement with OnSolve, LLC for the purchase of said serves and to enter into an Intermunicipal Agreement for the sharing of said services with the Village of Alden; and

4. 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 August 15, 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 Town Board of the Town of Alden is considering the adoption of Local Law No. 1 of the Year 2022, entitled "Tax Cap Override" which will allow the Town Board to override the State's Tax Cap (the "Proposed Action");

WHEREAS, the Town Board of the Town of Alden feels that the Proposed Action is an Unlisted Action under SEQRA;

WHEREAS, the Town of Board of the Town of Alden believes that the Town of Alden is: the agency primarily responsible for undertaking such decisions; 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 Building Department is directed to send notice to the Erie County Division of Planning as required under Section 239-m of the General Municipal Law and to the neighboring municipalities.

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 an un-coordinated review shall be conducted;
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 question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on August 15, 2022, which resulted as follows:

**CARRIED.**

Ayes 3 Sitzman, Waiss & Pautler

Nays 0

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

Motion to allow the Alden Substance Abuse Coalition to use the Town Park and the Community Center on October 28 and 29, 2022 from 6 pm until 9pm for a Halloween Spooktacular Event and to have access to the Park during October for set-up in the weeks prior to the event.

The Town will request security from the Erie County Sheriff and the NYS Troopers for the event.

Alden Substance Abuse Coalition is responsible for complying with all Town, County, State and Federal Rules and Regulations regarding the CoVid-19 Pandemic.

Alden Substance Abuse Coalition must submit proof of liability insurance to the Town Clerk prior to the event.

*On the question: Councilwoman Pautler – what is the cost for NYS Troopers and Sheriff’s Deputies?  
Supervisor Sitzman – no cost.*

The question of the adoption of the foregoing motion was duly put to a vote on roll call, at a regular meeting on August 15, 2022, which resulted as follows:

**CARRIED.**

Ayes 3 Sitzman, Waiss & Pautler

Nays 0

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

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 7:05 p.m. on the 6th day of September, 2022, for the purpose of hearing all persons interested in the proposed Local Law No. 1 of the Year 2022 Override Of Tax Cap; and

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Alden Advertiser, 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 is to make copies of the proposed Local Law No. 1 of the Year 2022, entitled “Override of Tax Cap” available at her 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 August 15, 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 COUNCILWOMAN PAUTLER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN WAISS, TO WIT;

WHEREAS, the Alden Town Board needs to extend the Contract with Lancaster Volunteer Ambulance Corps; and

WHEREAS, the proposed extension is for an additional three one-year terms;

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

1. The Town Supervisor be and hereby is authorized and directed to execute a First Amendment to Ambulance Services Agreement with LVAC, a copy of which is on file in the office of the Town Clerk, on the terms and conditions contained therein; 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 August 15, 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 Town Supervisor has realized the need to install a working fire alarm system in the Town Hall, the estimated cost of which is under \$35,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden require that all public works projects under \$35,000.00 the Town must obtain written quotes from at least three (3) vendors;

WHEREAS, three quotes were requested by the Supervisor and only two companies responded as follows:

the highest quote is from Doyle Security at \$53,690.00; and

the lowest quote is from Amherst Alarm, Inc. at \$21,229.85.

WHEREAS, Amherst Alarm is the lowest responsible quoter; and

WHEREAS, the Town Board after full and careful review and consideration of the Supervisor's request finds said request to purchase a new fire alarm system for the Town Hall in the public interest.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the hiring of Amherst Alarm to install a fire alarm system at the Town Hall as per the attached Proposal, at a total cost of \$21,229.85;
2. The Town Supervisor is authorized and directed to sign the Proposal and to sign a Contract with Amherst Alarm to effectuate this purchase and installation; 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 August 15, 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 Deputy Supervisor has advised the Town Board that the Phone System at Town Hall is failing; is out of warranty; and is so outdated that replacement parts are not available; and that therefore the system needs to be replaced;

WHEREAS, due to the poor condition of the phone system calls are often not able to be received or placed and the voicemail system is also failing and has created an emergency situation;

WHEREAS, the Town of Alden's Procurement Policy & Procedure Guidelines and the General Municipal Law have been followed as this purchase is an emergency purchase and quotes are not therefore required;

WHEREAS, The Town Board after full and careful review and consideration of the request finds said request to purchase a new phone system at Town Hall as being consistent with its policies and in the interest of the residents of the Town of Alden.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of a PBXact/Sangoma Phone system at Town Hall at a total cost of \$6,955.47;
2. That the Town Supervisor is authorized and directed to a contract effectuating this purchase; 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 August 15, 2022, which resulted as follows:

**CARRIED.**

Ayes 3 Sitzman, Waiss & Pautler

Nays 0

**REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL**

Mike Metzger, Town Engineer – Looking at Town of Lancaster packet regarding property on Town Line Rd. Working on state requests on environmental review.

Chris Snyder, CEO – received updated plans for Integers new building.

**ANNOUNCEMENTS FROM SUPERVISOR**

**NOTICE OF MEETINGS**

<b>WORK SESSION:</b>	<b>August 22, 2022</b>	<b>@7:00 PM</b>
<b>REGULAR BOARD MEETING</b>	<b>September 6, 2022</b>	<b>@7:00 PM</b>
<b>SPECIAL WORK SESSION</b>	<b>August 24, 2022</b>	<b>@5:00 PM</b>

**MEMORIAL REMEMBRANCE** - Darlene Loughrey and Jane Andrews and Melvin Gloss Sr.

**ADJOURNMENT**

At 7:24 P.M. Supervisor Sitzman adjourned the Meeting.

Alecia Barrett  
Town Clerk