

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, August 3, 2015 at 7:00 P.M. Supervisor Milligan called the Meeting to Order and Councilman Witt led in the Pledge of Allegiance. The Roll Call was taken by the Town Clerk.

PRESENT: Harry Milligan, Supervisor
Mary Riddoch, Councilwoman
Ralph P. Witt, Councilman

RECORDING SECRETARY: Debra A. Crist, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney
Gary Wagner, Highway Supt.
Michael Metzger, Town Engineer
Len Weglarski, DCO
Residents

Supervisor Milligan Moved and Councilman Witt seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of July 20, 2015. The Motion was put to a Roll Call Vote on August 3, 2015 and was

CARRIED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN RIDDOCH AND SECONDED BY COUNCILMAN WITT TO WIT; Vouchers #717-770

ACCOUNT	ABST. #1	ABST. #2	TOTAL
GENERAL FUND "A"	\$38,270.52	\$24,461.15	\$62,731.67
HGHWY FUND "DA/DB"	33,814.26	8,008.98	41,823.24
PART-TOWN FUND "B"	3,361.30	330.00	3,691.30
EXCHANGE WATER DIST. "HX"	7,841.50		7,841.50
CONSOLIDATED WATER "WR"			
SP FIRE PROT. "SF"	25,994.00		25,994.00
SD#2 FUND "SA"	3,367.30	375.00	3,742.30
TRUST/AGCY FUND "T"	170.00	2,668.59	2,838.59
SP REFUSE FUND "SR"	37,932.78		37,932.78
STREET LIGHTING FUND "SL"	5,034.55		5,034.55
PERIWINKLE LTG. "SL1"	29.23		29.23
ZOELLER W.D. "HZ"	4,231.00		4,231.00

GRANTS

TOTALS \$160,046.44 \$35,843.72 \$195,890.16

UPON ROLL CALL VOTE ON AUGUST 3, 2015 THE FOREGOING RESOLUTION WAS

ADOPTED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

BUSINESS FROM THE FLOOR

Matt Herdzik, S. Woodside Drive had two issues that he would like action on.

- 1.) The street light by 290 S. Woodside has been out for three weeks. He has called the clerk's office, who continually put in a light out notification to NYSEG with no results. Councilwoman Riddoch will put in a call to her contact at NYSEG.
- 2.) Mr. Herdzik had a problem with Modern Corp. They passed his drive dropping numerous pieces of garbage leaving it strewn all over. He had been pulling out of his drive and picked up a nail in his tire from the debris. Mr. Herdzik placed a call to Modern Corp. , who said they would have the Supervisor call him back. It has been six weeks with no results. He would like them to pay the \$10.00 plus tax for his tire. He also had to pick up the debris. He said when they deal with the new contract they should have a clause pertaining to the company being customer friendly.

COMMUNICATIONS

Attorney Strong:

There has been no insurance received from Popular Assoc. Contractors. The resolution can be adopted tonight, but he cannot start working until the insurance is on file.

Resolution "G" will be tabled this evening as Chris did not receive any call backs on his contacts for grass cutting.

Councilwoman Riddoch:

A call was received from a resident concerning an incident at recreation. She has contact Dan Moultrup who will handle the situation.

Supervisor Milligan:

A letter was received from N.Y.S. Dept. of Taxation & Finance certifying that on July 23, 2015 the State Office of Real Property Tax Services established a final State equalization rate of 100.00 for the Town of Alden.

A letter was received from W.N.Y. Independent Living, Inc. thanking Hwy. Supt. Gary Wagner and Michelle Chrzanowski for their professional concern for town resident Ms. Ruel and her disability.

The Town Clerk's monthly report was received.

The Building Inspector's monthly report was received.

A resignation letter was received from Andrew Oles from the Planning Board.

A thank you was received from Megan Yoerg regarding the Alden Soccer Tournament.

A letter was copied to the Board from David Kocher regarding the baseball diamonds at St. John's. He would like Dave to come to the next Work Session to see what the Town of Alden can do.

A letter was copied to the Board from Karen Muchow, Alden Evergreen Cemetery President regarding financial assistance. This will be put on a future Work Session.

NEW BUSINESS

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN WITT, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN RIDDOCH, TO WIT;

WHEREAS, pursuant to Section 20-64(A) of the Alden Town Code, Mark Schwab has filed an Application for a Home Occupation Permit to conduct a business of making gift boxes from his residence at 29 Sullivan Road, Alden (the "Application");

WHEREAS, pursuant to Section 20-64(B) the Town of Alden Planning Board has: reviewed the Application; determined that the proposed home occupation meets the requirements and standards set forth at Section 20-63 of the Alden Town Code; and has recommended the approval of the Application to the Alden Town Board;

WHEREAS, the Alden Town Board, pursuant to Section 20-64(C) of the Alden Town Code has duly called a public hearing on the Application;

WHEREAS, notice of the Public Hearing was: properly published in the Alden Advertiser; was properly posted on the Town Bulletin Board; and was properly mailed to the adjacent property owners pursuant to Section 20-64(C) of the Alden Town Code;

WHEREAS, the Alden Town Board held a Public Hearing on July 20, 2015, at which time no persons appeared; and

WHEREAS, the Alden Town Board agrees with the recommendation of the Town of Alden Planning Board and finds it in the interests of the residents of the Town of Alden to approve the Application.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. That a Home Occupation Permit to allow Mark Schwab to conduct a business of making gift boxes from his residence at 29 Sullivan Road, Alden be granted for a period of one year;
2. The Town Clerk is hereby directed to issue said Permit; and
3. This Resolution shall take immediately.

The Adoption of the foregoing resolution was duly put to a roll call vote at a regular meeting on August

3, 2015 and was

ADOPTED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MILLIGAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN WITT TO WIT;

WHEREAS, the Town Board of the Town of Alden is considering an application, by Aaron Hucker (Aaron's Auto) for site plan approval of a 4,224 square foot replacement building (with 6 bays, pre-engineered structure, decorative masonry and architectural steel panel exterior) 11941 Broadway, in the Town of Alden, further identified by SBL # 118.11-3-1 (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 and has notified the involved agencies;

WHEREAS, the Town Board of the Town of Alden believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to site plan review; is 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 of Alden has provided notice to Erie County Planning as required under Section 239-m of the General Municipal Law and no response was received;

WHEREAS, the New York State Environmental Quality Review Act requires the Town of Alden to determine the Lead Agency status and the Lead Agency making a SEQR determination;

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the Code of the Town of Alden, Chapter 9D, the Applicant has prepared the Environmental Assessment Form, which is now on file with the Town Board and the Town's SEQR Intake Officer; and

WHEREAS, the Town of Alden Planning Board has recommended the approval of the site plan.
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 proper review has been conducted;
2. The Town Board has determined that the Town of Alden should be the lead agency for all environmental review of the Proposed Action;
3. The Town of Alden, as Lead Agency, hereby determines that the unlisted action described in the attached SEQR NEGATIVE DECLARATION, NOTICE OF DETERMINATION OF NON-SIGNIFICANCE, which attached notice is hereby made a part of this Resolution, will not have a significant effect on the environment and that an environmental impact statement is not required to be prepared with respect to said Proposed Action;
4. The Town Board of the Alden finds that the Proposed Action is consistent with the Town Code and approves the site plan except that no Certificate of Occupancy shall be issued until the Town Board approves the landscaping plan; and
5. This Resolution shall take effect immediately.

ON THE QUESTION: ENG. METZGER SAID IT WAS DISCUSSED THAT THE PARKING IS SUFFICIENT FOR AARON'S BUSINESS AND SHOULD CONSIDER A CLAUSE FOR FUTURE OPERATORS.

ATTORNEY STRONG ADDED THE CLAUSE: THIS APPROVAL SHALL EXTEND AS TO THE # OF PARKING SPACES ONLY TO AARON'S AUTO AND NOT ANY FUTURE OPERATORS. SUPERVISOR MILLIGAN MOVED AND COUNCILMAN WITT SECONDED THE MOTION TO ACCEPT THE AMENDMENT.

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 August 3, 2015 and was

ADOPTED.

Ayes 3 Milligan, Riddoch & Witt
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN RIDDOCH, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN WITT TO WIT

WHEREAS, the Town Board of the Town of Alden realizes that the Alden Senior / Community Center is in need of major repairs including: repointing masonry walls; replacing deteriorated fascia wall panels; repair of masonry and lintel on windows; and installation of pipe bollards at main entrance.

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden requires that all estimated public works projects over \$35,000.00 shall be formally bid pursuant to General Municipal Law section 103.

WHEREAS, Grant monies will also be used to pay for the repairs;

WHEREAS, The Town Board after full and careful review and consideration of the request finds said request to receive bids in the public interest;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby authorizes the Town Clerk to advertise for bids as outlined in the attached Notice to Bidders, full information and specifications are available at the Office of the Town Clerk at 3311 Wende Road, Alden, New York 14004;
2. The Town Board hereby authorizes the Notice to be published Notice in the Alden Advertiser; Dodge Reports; Contract Data Report; and Construction Exchange all as required by the DASNY Grant. Said Notice must be published more than ten (10) days prior to August 28, 2015 and must state the time when and place where the sealed bids will be publically opened and read by the Town Clerk. It is further authorized that the Notice may be faxed or emailed to interested contractors.
3. The Town Board hereby authorizes the Town Clerk to receive sealed bids until 2:00 PM Prevailing time on August 28, 2015; and
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on August 3, 2015 and was

ADOPTED.

Ayes 3 Milligan, Riddoch & Witt
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN WITT, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN RIDDOCH TO WIT,

WHEREAS, The Alden Town Board on November 3, 2014, adopted its 2015 Budget;

WHEREAS, the Town needs to transfer monies to allow for payment of various invoices and vouchers for the Town's Labor Attorney; payroll; brush supplies; and unemployment in regard to Highway Department Matters; and

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

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT:

1. The Alden Town Board hereby authorizes the following budget transfers, totaling \$24,000.00:

From (Budget Code)	Amount	To (Budget Code)	General Explanation	Amount
DB 5110.0433	\$14,000. ⁰² (TEN THOUSANDS)	DB5140.0449	Brush Supplies - ^{SEPT MOE WITH} Seasonal Employees	3,000. ⁰⁵
		DB51050.0800	Unemployment - Daryl Bakas	9,000. ⁰⁵
		DB1930.0400	Legal Fees	2,000. ⁰⁰
DB5110.0100	* 10,000.00 (TEN THOUSANDS)	DB5140.0100	Brush/leaf Patrol w. ^{NEW SEAS.} emp.	10,000. ⁰⁰
TOTALS	\$0.00			\$0.00
	\$24,000. ⁰²			\$24,000. ⁰⁵

2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on August 3, 2015, and was **ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt
Nays 0

Supervisor Milligan Moved and Councilman Witt seconded the Motion to approve the Alden Garden Club’s request to use the Community Center Main Room for their meetings on the second Wednesday of each month, September – June 2015-2016 between the hours of 7:00 PM and 9:00 PM. The Foregoing Motion was put to a Roll Call Vote on August 3, 2015 and was

CARRIED.

Ayes 3 Milligan, Riddoch & Witt
Nays 0

Councilwoman Riddoch Moved and Councilman Witt seconded the Motion to approve the Kiwanis Club of Alden’s request to use the band shelter for a fundraiser on August 16, 2015- 3:00 PM to 9:00 PM. The foregoing Motion was put to a Roll Call Vote on August 3, 2015 and was

CARRIED.

Ayes 3 Milligan, Riddoch & Witt
Nays 0

Councilman Witt Moved and Councilwoman Riddoch seconded the Motion to table Item G on Agenda- authorizing D & T Lawn Service to cut, trim or remove brush, grass, rubbish or weeds on property owner’s land who failed to comply with Order of Alden Town Board. The foregoing Motion was put to a Roll Call Vote on August 3, 2015 and was

CARRIED.

Ayes 3 Milligan, Riddoch & Witt
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MILLIGAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER WITT TO WIT;

WHEREAS, the Town Board has been informed that the Town Hall boiler system has a gas leak, so serious that gas service to the Town Hall had to be completely shut off by National Fuel;

WHEREAS, this is an emergency situation and immediate repairs to the boiler system need to be made;

WHEREAS, the Procurement Policy & Procedure Guidelines (“Guidelines”) of the Town of Alden state that the Town must obtain quotes from at least three (3) vendors, except in the case of an emergency; and

WHEREAS, The Town Board after full and careful review and consideration of the request finds that it is in the public interest to authorize the repair of the Town Hall Boiler System.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the hiring of Poplar Associated Contractors to repair the Town Hall boiler system, as per the attached specifications, at a total cost not to exceed \$4,300.00. Poplar must pay all employees prevailing wages and must comply with all labor law requirements and postings; and must provide proof of insurance (worker's compensation and liability) to the Town Clerk prior to starting any work;
2. The Town Supervisor is authorized to sign any and all necessary documents to effectuate this work; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on August 3, 2015, and was **ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

UNFINISHED & TABLED BUSINESS

There was no unfinished & tabled business.

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Attorney Strong:

We are opening the garbage bids this Friday at 2:00 P.M. here at the Town Hall. She will be present. She will be on vacation next week.

Councilwoman Riddoch:

She thanked Gary Wagner for getting prices on a dog truck together for her. The truck will be over \$20,000.00 so it will have to go out to bid.

Attorney Strong has sent all the information on the AJF scoreboard. Mary would like this on the Work Session. There are contracts for the sign and the concession stand. They will discuss this at the Work Session.

Engineer Metzger:

All the water services on Exchange and Zoeller have been connected, the last two went in today.

The contractor will do more clean-up and paint the hydrants.

The structural Engineer will have the specs done today or tomorrow for the Community Center repairs. Mike will get them to the Clerk's office.

DCO Len Weglarski:

Wanted to know if Supv. Milligan received an e mail from the Health Dept. regarding rabies shot/titer for the DCO and Deputy. He had not. The Health Dept. had contacted the Clerk's office regarding this matter and was going to e mail the Supervisor with recommendations.

Supervisor Milligan:

They are going to start the laying out of the construction for the Veteran's Memorial tomorrow.

The Car Show was very successful last Sunday.

The Elvis impersonator last Wednesday was very successful.

NOTICE OF MEETINGS

NEXT WORK SESSION: August 10, 2015 @ 7:00 PM

NEXT TOWN BOARD MTG.: August 17, 2015 @ 7:00 PM

MEMORIAL REMEMBRANCE

Supervisor Milligan asked all to stand for a Moment of Silence in Memory of Mary Creighton.

ADJOURNMENT

At 7:27 PM Supervisor Milligan adjourned the Meeting.

Debra A. Crist
Alden Town Clerk

