

The Regular Meeting of the Alden Town Board was held in the town Hall at 3311 Wende Road on Monday, November 17, 2014 at 7:00 P.M. Supervisor Milligan called the Meeting to Order and Councilwoman Riddoch 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  
Chris Snyder, CEO  
Michael Metzger, Town Engineer  
Gary Wagner, Highway Supt.  
Michael DeWitt, Planning Board  
Len Weglarski, DCO  
Residents

Supervisor Milligan Moved and Councilman Witt seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of November 3, 2014. The Motion was put to a Roll Call Vote on November 17, 2014 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;

<u>ACCOUNT</u>	<u>ABST. #1</u>	<u>ABST. #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$55,578.49		\$55,578.49
HWY FUND "DA/DB"	66,502.44		66,502.44
PART-TOWN FUND "B"	21,230.95		21,230.95
CAPITAL IMPROV. "HC"			
CONSOLIDATED WATER "WR"	5,307.42		5,307.02
SP FIRE PROT. "SF"			
SD#1 FUND "SI"			
SD#2 FUND "SA"	2,318.27		2,318.27
TRUST/AGCY FUND "T"	16.62		16.62
SP REFUSE FUND "SR"	36,559.92		36,559.92
STREET LIGHTING FUND "SL"	6,389.07		6,389.07
PERIWINKLE LTG. "SL1"	43.19		43.19
GRANTS			
TOTALS	\$193,945.97		\$193,945.97

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON NOVEMBER 17, 2014 AND WAS **ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

**BUSINESS FROM THE FLOOR**

There was no business from the floor. Supervisor Milligan welcomed the students from Alden Central School.

**COMMUNICATIONS**

**Councilwoman Riddoch:**

An e-mail was received from Gorman regarding the Senior Van. They would like to know how they are getting paid and what kind of lettering we would like on it. She would like this on the Work Session.

A notice was received from Alden Central School on the Superintendent's Advisory Committee meeting to be held on November 20<sup>th</sup> regarding the Common Core Curriculum; she will not be attending that meeting.

**Supervisor Milligan:**

A letter was received from Christopher Gust, who is interested in being on the Town of Alden Planning Board.

A letter was received from Matthew Herdzik, Esq., who would like to be reappointed as the Town Prosecutor.

Robert Fetzer a member of the Zoning Board of Appeals is going to resign.

**NEW BUSINESS**

Councilman Witt moved and Councilwoman Riddoch seconded the Motion to renew the Home Occupation Permit for Joseph M. Bove/11607 Genesee St./Furniture Upholstery for a period of one year. The Foregoing Motion was put to a Roll Call Vote on November 17, 2014 and

**CARRIED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

Supervisor Milligan moved and Councilman Witt seconded the Motion to refer the application for a new Home Occupation Permit for Theresa Hoffman/ 11734 Buckwheat Rd./Massage Therapy to the Planning Board for review and recommendation. The Foregoing Motion was put to a Roll Call Vote on November 17, 2014 and

**CARRIED.**

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 is considering an application by Robert Hill and Robert Schlossin for the subdivision of two (2) lots. The entire parcel currently consists of approximately 34.7 acres on Uebelhoer Road in the Town of Alden, further identified as SBL #108.00-2-27.3. The first proposed lot ("Parcel A") would be a 16.73 acre vacant parcel with a pond; the remaining parcel ("Parcel B") would be the remaining 17.87 acre vacant parcel (The "Proposed Action");

WHEREAS, the Proposed Action is an unlisted action within the requirements of the New York State Environmental Quality Review Act;

WHEREAS, the Town Building Inspector provided notice to the Erie County Division of Planning on October 7, 2014, for this Proposed Action, as required under Section 239-m of the General Municipal Law and "no recommendation" response was received;

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

WHEREAS, the Town of Alden did assume Lead Agency Status on November 3, 2014;

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the Code of the Town of Alden, Chapter 9D, the Town Board has prepared the Short Form 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 reviewed the Proposed Action and on October 14, 2014, recommended to the Town Board the approval of the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board, as Lead Agency, has determined that the Proposed Action is an Unlisted Action under SEQRA;

2. 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 the Proposed Action;

3. That the following parcel, more particularly described as:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Alden, County of Erie and State of New York, being part of Lot No. 26, Township 11 and Range 5 of the Holland Land Company's Survey, and being further described as follows:

Beginning in the North line of Uebelhoer Road distant 324 feet westerly from the intersection of the north line of Uebelhoer Road with the east line of Lot 26; thence (1) northerly parallel with the east line of Lot 26 a distance of 275.25 feet to a point; thence (2) easterly parallel with the south line of Lot 26 a distance of 24.00 feet to a point; thence (3) northerly parallel with the east line of Lot 26 a distance of 575.00 feet to a point; thence (4) westerly parallel with the south line of Lot 26 a distance of 864.88 feet to a point; thence (5) southerly parallel with the east line of Lot 26 a distance of 850.25 feet to a point; thence (6) easterly along the northerly line of Uebelhoer road, a distance of 840.88 feet to the point or place of beginning.

is given subdivision approval.

4. This resolution shall take effect immediately.

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 November 17, 2014, and

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 Town of Alden ("Town") and Alden Youth Baseball, Inc., ("Youth Baseball") a Not-For-Profit Corporation duly organized and existing under the laws of the State of New York, have negotiated an Agreement to allow Youth Baseball to use the Alden Town Hall gymnasium for its players to practice indoors during the months of November, 2014 through May, 2015;

WHEREAS, the Town of Alden is aware that a large number of residents of the Town of Alden and Alden School District participate in the programs offered by Youth Baseball and is interested in assisting Youth Baseball;

WHEREAS, the Town and Youth Baseball have come to full agreement on the terms of such Agreement to run from November 18, 2014 until May 31, 2015, a copy of which is attached hereto; and

WHEREAS, Youth Baseball has obtained insurance for the benefit of the Town of Alden.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town approves the Agreement with Youth Baseball, as being consistent with its policies and in the interest of the residents of the Town of Alden;
2. That the Supervisor of the Town is authorized to sign any and all necessary documents to effectuate this Agreement; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting held on November 17, 2014, and

**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, a Proposed Local Law #3 of 2014 entitled "Local Law amending Section 20-37 of the Alden Town Code to allow non-conforming single family dwellings to be rebuilt" (the "Proposed Action"); was introduced to the Alden Town Board for consideration by Councilwomen Riddoch on June 2, 2014.

WHEREAS, the Town of Alden Planning Board reviewed the proposed Local Law and recommended to the Town Board its approval on October 14, 2014.

WHEREAS, an order was duly adopted by the Alden Town Board for a public hearing to be held by said Town Board on November 3, 2014 at 7:05 pm at the Alden Town Hall, 3311 Wende Road, Alden, New York 14004 to hear all interested parties on a proposed Local Law entitled Local Law No. 3 of the Year 2014, and

WHEREAS, notice of said public hearing was duly published in the Alden Advertiser, the official newspaper of the Town of Alden on October 23, 2014, and

WHEREAS, said public hearing was duly held on November 3, 2014 all parties in favor of the local law were heard and/or all parties opposed to the Local Law were heard; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Alden Town Board, as Lead Agency, that adoption of said proposed Local Law is an Unlisted Action and will not have a significant effect upon the environment, and

WHEREAS, the Erie County Division of Planning gave comments pursuant to section 239-m of the General Municipal Law and said comments were fully addressed by the Town Board, and

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law on June 19, 2014, and

WHEREAS, the Alden Town Board, after due deliberation, finds it in the best interest of said the Town of Alden to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board hereby adopts said Local Law No. 3 of the Year 2014 entitled "Local Law amending Section 20-37 of the Alden Town Code to allow non-conforming single family dwellings to be rebuilt" a copy of which is attached hereto and made a part of this resolution,
2. That the Alden Town Clerk enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Alden, and to give due notice of the adoption of said Local Law to the Secretary of State of New York, post the same on the Town Bulletin Board and publish the same in the Alden Advertiser.
3. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on November 17, 2014, and

**ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

THE FOLLOWING PROCLAMATION WAS OFFERED BY COUNCIL WOMAN RIDDOCH, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN WITT TO WIT;

WHEREAS, Small businesses are the heartbeat of our Community. They are the corner stores that create jobs; the hardware stores that help build our economy; and the shops whose very presence makes our neighborhood.

WHEREAS, When you shop local and support local small business, more of your money is reinvested in our schools, local jobs, taxes, wages and other Alden community needs.

WHEREAS, in 2010, American Express began a small business/shop local campaign named Small Business Saturday aimed at promoting local shopping for the Holiday Season.

WHEREAS, The Alden Chamber of Commerce is joining in this campaign and promoting this Small Business Saturday initiative. The date of Small Business Saturday this year is Saturday, November 29<sup>th</sup>.

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF ALDEN DOES HEREBY PROCLAIM

1. Saturday November 29, 2014 as Small Business Saturday and urges all Alden citizens to support their community by shopping at Alden based businesses; and
2. This Proclamation shall take effect immediately.

The foregoing Proclamation was duly put to a roll call vote at a regular meeting on November 17, 2014, and

**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 Town of Alden is in need of fire dispatch services (a unique and specialized service) which can be provided at a lesser rate by entering into a joint agreement between the Town of Alden, Town of Lancaster and the Village of Alden with Lancaster Fire Control.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board does hereby authorize Supervisor Milligan to enter into and execute all necessary documents to effectuate a Joint Service Agreement (with the Town of Lancaster and the Village of Alden) for Fire Dispatch Service with Lancaster Fire Control effective from January 1, 2015 through the year December 31, 2019.

2. This Resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote at a regular meeting on November 17, 2014, and

**ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

Supervisor Milligan Moved and Councilman Witt seconded the Motion to approve the Alden Chamber of Commerce's request to use the Alden Community Center and Town Park for the annual Christmas in the Park on Saturday, December 6<sup>th</sup>, 2014. The Alden Recreation Dept. will coordinate activities. The foregoing Motion was put to a Roll Call Vote on November 17, 2014 and

**CARRIED.**

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 Alden Town Board has received a request from the Highway Superintendent to purchase new tires for Town Trucks 37, 4, and 6 the estimated cost of which less than \$2,000.01 but greater than \$500.00;

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 two (2) vendors, except when a vendor is on the State Bid List;

WHEREAS, an oral request for proposals was made to and given by (for the purchase of two (2) continental HSRI tires for Truck 37; four (4) GY SRA Tires for Truck 4; and four (4) Trans AT tires for Truck 6) Hurtubise Tire, who is on the State Bid List ( Contract #7074) for a \$1,565.40 plus \$281.00 for dismount and mount and spin balance), for a total cost of \$1,846.40;

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 purchase.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of the tires (as described above) with dismount, mount and spin balance from Hurtubise Tire, at a total cost of \$1,846.40;
2. The Highway Superintendent of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on November 17, 2014, and

**CARRIED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

**UNFINISHED & TABLED BUSINESS**

There was no unfinished & tabled business.

**REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL**

**Attorney Strong:**

Letters have been sent out to our Planning and Zoning Board members reminding them of who needs to complete their annual training before the year end.

Attorney Strong thanked the board for sending her to the seminar last week. She learned a lot about personnel policies.

**Highway Supt. Gary Wagner:**

The guardrails have been installed on Sullivan and Pohl Roads.

**Engineer Michael Metzger:**

The waterline project for Exchange St. and Zoeller has gone out to bid. There was a pre-bid meeting last Thursday. There has been six bid packets picked up, with a possibility of another. Bids are due next Monday at 1:00 P.M. A draft letter has been circulated to the Board talking about the water connections. He would like the Board’s comments on the letter. He will draft another letter at a later date informing the costs. There will have to be a cutoff date for the people to come in and sign up for connection.

**Supervisor Milligan:**

Supervisor Milligan was supposed to go on a fact finding tour of the Southern Tier tomorrow, but it has been postponed until Thursday.

**NOTICE OF MEETINGS**

**NEXT WORK SESSION: November 24, 2014 @7:00 P.M.**

**NEXT TOWN BOARD MTG.: December 1, 2014 @7:00 P.M.**

**MEMORIAL REMEMBRANCE**

Supervisor Milligan asked all to stand for a Moment of Silence in Memory of Elmer Marien (designer of the Town of Alden Seal), Frank Quinty, Kathryn Hensley & Timothy Fawls Sr.

**AT 7:17 P.M. SUPERVISOR MILLIGAN ASKED FOR A MOTION TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO AN EXECUTIVE SESSION REGARDING A PERSONNEL MATTER WITH THE TOWN BOARD, TOWN ATTORNEY AND TOWN ENG. METZGER. COUNCILWOMAN RIDDOCH MOVED AND COUNCILMAN WITT SECONDED THE MOTION. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON NOVEMBER 17, 2014 AND**

**CARRIED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

**AT 7:36 P.M. SUPERVISOR MILLIGAN MOVED TO ADJOURN FROM THE EXECUTIVE SESSION, WITH NO ACTION TAKEN, AND ENTER BACK INTO THE REGULAR MEETING. COUNCILMAN WITT SECONDED THE MOTION. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON NOVEMBER 17, 2014 AND**

**CARRIED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

**ADJOURNMENT**

At 7:37 P.M. Supervisor Milligan adjourned the Meeting.

Debra A. Crist  
Alden Town Clerk