

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Tuesday, September 8, 2015 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
Gary Wagner, Highway Supt.
Randal Crist, Planning Board
Michael Metzger, Town Engineer
Len Weglarski, DCO
Judge Robert Woods
Debra Woods
Pat Tavalaris, Co-Chairman Judges Golf Tournament
Ellen Gerhart
Residents

Supervisor Milligan Moved and Councilman Witt seconded the Motion to approve the Minutes and Synopsis of the Regular & Special Meetings of August 17th, 18th and 19th, 2015. The Motion was put to a Roll Call Vote on September 8, 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;

<u>ACCOUNT</u>	<u>ABST. #1</u>	<u>ABST. #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$11,620.20	\$18,222.11	\$29,842.31
HGHWY FUND "DA/DB"	8,232.49	105,911.96	114,144.45
PART-TOWN FUND "B"	7,068.27	1,276.80	8,345.07
CONSOLIDATED WATER "WR"	9,778.13		9,778.13
SP FIRE PROT. "SF"			
SD#2 FUND "SA"	2,352.19	42.90	2,395.09
TRUST/AGCY FUND "T"	397.72	3,788.91	4,186.63
SP REFUSE FUND "SR"	36,546.31	2,300.00	38,846.31
STREET LIGHTING FUND "SL"	4,669.19		4,669.19
PERIWINKLE LTG. "SL1"	25.47		25.47
GRANTS			
TOTALS	\$80,689.97	\$136,165.43	\$216,855.40

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON SEPTEMBER 8, 2015 AND WAS **ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt
Nays 0

BUSINESS FROM THE FLOOR

Ed Earsing from South Woodside thanked the Board for getting the street light fixed. Councilwoman Riddoch contacted NYSEG and got it taken care of.

Lou Ann & Marc Miller from Dirty Blinds were advised by the Building Inspector that they should be at the Town Board meeting tonight because one of the Town Board members complained about the trailer in front of their home. It has been there for 15 years and they are trying to figure out what the problem is. Councilman Witt said that he has been the one concerned with the trailer in front of the home. He was told by the Building Inspector last year that the equipment stored would be moved to the Lancaster

store. According to the Town code if you have a HOP you cannot display any merchandise or machinery that is used for your business. It has been a law for many years and for some reason it has not been enforced. Mr. Miller said that the trailer is used for transportation that they use for their blinds to bring them to have them cleaned. Councilman Witt said that previously they had a bigger trailer and the Hummer in the front yard. Mr. Miller wanted to know what was wrong with the Hummer? It is his car. Mr. Witt said it has signage on it. Mr. Miller said that all of this had been approved years ago. No one has ever complained about this. They would have never bought their home 18 years ago if they had not been approved for the HOP. Mr. Miller said that he maintains a very up kept home in Alden. Mr. Miller said if he takes the signage off the trailer he can then have it in its location? Mr. Witt – “Yes”. Mr. Miller said what is next? Let’s end it now and they will decide if they want to move. They have been good citizens in the Town. They have done a lot for the Town, volunteer wise. Mr. Miller said it does not make any sense to him or his attorney why you would agree to something for 15 years and now it is an issue.

Supervisor Milligan called Pat Tavalaris, Co- Chair of the Judges Memorial Golf Tournament up. She presented Supervisor Milligan with a check from the proceeds of the tournament in honor of the late Judge Al Gerhart to go towards the Veteran’s Memorial Wall, whom Judge Gerhart was instrumental in.

COMMUNICATIONS

Town Clerk Crist:

Tax bills are ready and will be mailed on Friday.

Attorney Strong:

The Town Engineer will have a summary on the Community Center bids.

Engineer Metzger:

The Supervisor’s Assistant reached out to contractors and we were able to obtain a bid for the Community Center repairs. The structural engineer and the architect involved reviewed the bids and the bids are appropriate and fair. The Board needs to decide on the alternate item. The base bid is \$38,800.00 and the alternate bid is for \$1800.00 for window repair. Supervisor Milligan asked if there was a timeline of when it would be done. Engineer Metzger said it will be done within 60 days of the award. The Board agreed to add on the \$1800.00, foregoing the performance bond.

Supervisor Milligan:

The CDBG is coming up again. There will be a Public Hearing to hear ideas.

A memorandum was sent out to fire chiefs inviting them to the Work Session of September 14th at 7:00 P.M. to discuss Rural Metro’s contract renewal.

The Clerk’s offices has contacted different companies about putting a window in the clerk’s office and replace the Town Hall entrance door on the South side of the building.

Alden Substance Abuse Coalition is in the planning stage of their 2015 National Night Out Event in the Village of Alden on October 6th 4PM-7:30PM. The Coalition is also planning a Halloween Spooktacular, the first Trunk and Treat Event. It will run from 12-6PM on Halloween.

The postal expense report was received from the Clerk’s office.

An e mail was received from Adam Sassone, Regional Representative for Western New York from the Office of Governor Andrew Cuomo stating that we should contact him if we need anything. Supervisor Milligan sent a letter explaining the hardship the tax cap caused as we installed waterlines and the expense hit our tax cap. Supervisor Milligan stated that Capital projects should be exempt from the tax cap.

A letter was received from Alden Historical Society thanking the Town for their contribution to the exhibit at the Erie County Fair. They took 2 blue ribbons.

A letter from the Kiwanis Club of Alden was received thanking the Town for the use of the band shell for their fundraiser at the Alden Town Park on Sunday, August 16, 2015. They raised \$700.00 for Hospice Buffalo, Inc.

A letter was received from Alden Youth Baseball requesting the use of the Town Hall Gym from November 1, 2015 through June 30, 2016. This will be put on the Work Session.

On the 27th of last month Supervisor Milligan was in Eden for a Supervisor’s meeting. Dan Neverath Jr. in charge of disaster coordination was there. Supervisor Milligan questioned him on the reverse 911 system. Dan said we could go through this place in Albany called New York Alert and get it for free. Communications have started with Dan Neverath Jr. and hopefully Alden will be able to join in with Mr. Neverath’s recommendation.

NEW BUSINESS

Councilman Witt Moved and Councilwoman Riddoch seconded the Motion to approve Alden Youth Baseball's request to use the large room in the Alden Community Center on the second Monday every month from October 2015 through April 2016- 6:45 P.M. to 9:00 P.M. The foregoing Motion was put to a Roll Call Vote on September 8, 2015 and was

CARRIED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

Supervisor Milligan Moved and Councilman Witt seconded the Motion to renew the Home Occupation Permit for Marc & LouAnn Miller/11256 Broadway/Operate Internet Sales of blinds, window cranks & ultrasonic blind cleaning for a period of one year. The foregoing Motion was put to a Roll Call vote on September 8, 2015 and was

CARRIED.

Ayes 2 Milligan & Riddoch

Nays 1 Witt

On the Question: Councilman Witt said he voted no on the basis that the trailer is in his yard. He would come back and vote yes if it was removed. Supervisor Milligan stated if you go to Broadway and Boncliff you will see a car hauling trailer with advertisement on it. Councilman Witt said HOP's have different restrictions. Councilwoman Riddoch said she has nothing against the Miller's but precedence will be set. It is not their fault that the code has not been enforced for all these years.

Councilwoman Riddoch Moved and Supervisor Milligan seconded the Motion to correct the shading error (from the incorrect shading for C-1 to correct shading for C-2) on the zoning map to show the correct zoning for the parcel near 11921 Broadway. The foregoing Motion was put to a Roll Call vote on September 8, 2015 and was

CARRIED.

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 Board of the Town of Alden is considering an application by Sylvia McCartney for the subdivision of two (2) lots. The entire parcel currently consists of approximately 5 acres on Exchange Street in the Town of Alden, further identified as SBL #119.00-5-30. The first proposed lot ("Parcel A") would be a .57 acre vacant parcel; the second proposed lot ("Parcel B") would be the remaining approximate 4.50 acre parcel of with the existing house and the existing barn land (The "Proposed Action");

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA;

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, but that it will conduct a coordinated review.
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 above resolution was duly put to a roll call vote at a regular meeting of the Town Board of the Town of Alden on September 8, 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 Dog Control Officer has advised the Town Board that he needs a new Van which will be purchased pursuant to the Piggyback Contract of the Town of Amherst;

WHEREAS, the Dog Control Officer has advised the Town Board that his current 2000 Chevy S-10 Truck is no longer of use to the Town of Alden;

WHEREAS, the Town of Alden's Procurement Policy & Procedure Guidelines and the General Municipal Law have been followed through purchase from the Piggyback Contract;

WHEREAS, The Town Board after full and careful review and consideration of the request finds said request to purchase a new Van 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 hereby determines that the above described 2000 Chevy S-10 Truck is not needed for Town purposes and is surplus property;
2. The Town Board approves the purchase of Transit Connect Van from DeLacy Ford (1), as described on the attached Quote for \$20,939.46, including the trade-in of the 2000 Chevy S-10 Truck;
3. That the Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase; and
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 8, 2015, and was

ADOPTED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

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

WHEREAS, Norman Taylor was born in 1922 in Buffalo, New York and graduated from Alden High School where he met his future wife Nancy;

WHEREAS, following his graduation from Alden High School, Norman Taylor joined the United States Army Air Force bravely serving our Country during World War II;

WHEREAS, On Christmas Day 1944 Norman married his high school sweetheart, Nancy Wilson, a marriage that lasted seventy-one happy years until his beloved wife passed away on April 30, 2015;

WHEREAS, Norm worked for thirty-one years as a Corrections Officer at the Erie County Penitentiary;

WHEREAS, over the years Norm and Nancy Taylor became known to all in the Alden Community for their exceptional volunteer work and community service. Mr. and Mrs. Taylor donated many hours of their talents and time at the Erie County Home, playing the piano and singing for the residents. Mrs. Taylor also volunteered for thirty years at the Home, running the gift shop and helping with patient recreation;

WHEREAS, On Sunday mornings, for over sixty years they shared their Faith with the congregation of the Alden Presbyterian Church, and by singing and playing the piano for the congregation;

WHEREAS, in his youth, Norm became a Boy Scout, joining the newly formed Boy Scout Troop 68. Norman became the Troop's very first Eagle Scout. In 1986, Norm formed Boy Scout Troup 82 and

served as its Scoutmaster, along his beloved Wife Nancy, as Assistant Leader. Norm was also awarded the prestigious Boy Scout Silver Beaver Award in 1989;

WHEREAS, Norm and Nancy also volunteered for the Ewell Free Library, where Norm served on the Board of Trustees;

WHEREAS, Norm was a Member of the Alden Masonic Lodge from 1949 until it the Lodge dissolved some fifty years later;

WHEREAS, Mr. and Mrs. Taylor were active in the Alden Senior Citizen Program for thirty years; Mr. Taylor serving as President for sixteen years and also serving as the Social Director;

WHEREAS, in 1998 the Alden Chamber of Commerce awarded Norman and Nancy Taylor the Chamber's Distinguished Citizen of the Year award, in recognition of the Taylor's outstanding service to the Alden Community;

WHEREAS, in August, 2015, Erie County Executive, Mark C. Polancarz, named Mr. and Mrs. Taylor as Erie County Seniors of the Month; and

WHEREAS, Norm and Nancy Taylor were an exceptional couple, whose love and devotion for each other and for their community is an inspiration;

NOW THEREFORE BE IT PROCLAIMED AS FOLLOWS:

1. The Alden Town Board hereby declares in the Town of Alden that the month of September, 2015 shall be Norman and Nancy Taylor Month, in recognition of the Taylor's longstanding commitment and dedication to the Town of Alden; and

2. This Proclamation shall take effect immediately.

The foregoing Proclamation was duly put to a roll call vote at a regular meeting on September, 8, 2015 and was

ADOPTED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

On the Question: Supervisor Milligan was at the Farmer's Market on Saturday and saw Mark Poloncarz, who asked first thing about Norm Taylor. Norm is really an interesting guy and a great value to the Town of Alden. Councilwoman Riddoch said he is a real sweetheart.

Councilman Witt Moved and Councilwoman Riddoch seconded the Motion to approve Alden Central School's request to use the Robert O. Smith Park during Boys JV Soccer Season. The season will begin on August 17, 2015 and will conclude on October 2, 2015. The foregoing Motion was put to a Roll Call Vote on September 8, 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 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, said Policy and Law have been followed and bids have been properly received;

WHEREAS, sealed bids were authorized by the Alden Town Board on August 3, 2015 and bid solicitations with specifications were published on August 6, 2015;

WHEREAS, one (1) sealed bid was received by the Town of Alden and opened by the Town Clerk on August 28, 2015, as follows: Morris Masonry Restoration at 38,880.00, plus \$1,800.00 for alternative #1, with a deduction of \$800.00 should the performance bond be waived;

WHEREAS, the Town Board has decided to *add* alternative # 1 *at an additional cost of \$1,800.00*;

WHEREAS. The Town Board has decided to *waive* the performance bond, *at a cost savings of \$800.00*;

WHEREAS, the lowest responsible bidder is Morris Masonry Restoration at a total cost of *\$39,880.00 (\$38,880.00 plus \$1,800.00 minus \$800.00)*; 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 work.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the hiring of Morris Masonry Restoration, the lowest responsible bidder for the repair work at the Senior / Community Center at a total cost of *\$39,880.00*.
2. Morris Masonry Restoration 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;
3. That the Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this repair work; and
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 8, 2015, and was

ADOPTED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

SUPERVISOR MILLIGAN POLLED THE BOARD AND WITH NO OBJECTION THE FOLLOWING WAS ADDED:

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

WHEREAS, the Town Board desires to retain special counsel to represent the Town of Alden in the tax assessment challenge filed against the Town by Tops Markets;

WHEREAS, hiring an attorney falls under the professional service exemption of the Town of Alden's Procurement Policy & Procedure Guidelines and the General Municipal Law;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. Steven Bengart, Esq. is hereby hired as Special Counsel to the Town of Alden to represent the Town of Alden in its defense of the tax assessment challenge brought by Tops Markets, at an hourly rate of \$185.00; 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 September 8, 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

Councilman Witt:

An ad was run seeking a Planning Board Member. The applicant was present at the meeting. Councilman Witt introduced Dwayne Conners, who gave a little background information on himself.

Highway Supt. Wagner:

The final report for the Highway Garage was received at \$400,000.00; the next step would be to contact the insurance company. He would like the Board to be involved in the process. Kieffer Rd. was paved today.

Engineer Metzger:

Eng. Metzger would like the paving at the Community Center on the Work Session Agenda. The contractor for the water lines feels that he is done with the restoration. Engineer Metzger will go out and take a look and inspect it. If the Board has any concerns, they should let him know so he can talk to the contractor about them. Councilman Witt has looked at the landscaping and feels that it looks pretty good, especially with the dry weather, the grass is growing good. It looks complete. There were a couple leaks in the water service installation done by the property owners; he believes they have been repaired.

Len Weglarski:

The dog truck has been ordered. Len questioned if it comes with a divider. Supervisor Milligan said it does not, we will have to buy one.

Randy Crist, Planning Board:

Randy just came from the September Planning Board Meeting, where there was a discussion regarding a possible subdivision at Genesee and Billo. The frontage would be on Genesee St.

Supervisor Milligan:

At the recent Supervisor’s meeting, state of emergency was discussed. Some of the Southern states declare a state of emergency when they get 3” of snow. The Congress in their wisdom decided that you cannot declare a state of emergency unless you have 50% more than your last emergency. So we will have to have 9’ of snow before we can decide it is an emergency here.

NOTICE OF MEETINGS

SPECIAL WORK SESSION: (Parks)	September 9, 2015	@ 9:00 AM
NEXT WORK SESSION:	September 14, 2015	@ 7:00 PM
SPECIAL WORK SESSION: (Parks)	September 16, 2015	@ 3:00 PM
NEXT TOWN BOARD MTG:	September 21, 2015	@ 7:00 PM

MEMORIAL REMEMBRANCE

Supervisor Milligan asked all to stand for a Moment of Silence in Memory of Peter DiLauro.

ADJOURNMENT

At 7:43 PM Supervisor Milligan adjourned the Meeting.

Debra A. Crist
Alden Town Clerk