

PRIORITY OF BUSINESS SET BY SUPERVISOR PURSUANT TO
SECTION 16 TOWN CODE APPENDIX PART IV

1. PLEDGE OF ALLEGIANCE – COUNCILWOMAN RIDDOCH
2. INVOCATION
3. CALLING THE ROLL OF BOARD MEMBERS BY THE CLERK
4. OFFER OF THE MINUTES & SYNOPSIS OF THE PROCEEDINGS OF THE PREVIOUS REGULAR MEETING OF OCTOBER 1, 2012.
5. APPROVAL OF VOUCHERS
6. BUSINESS FROM THE FLOOR
7. PRESENTATION OF COMMUNICATIONS FROM BOARD MEMBERS AND OTHER TOWN OFFICIALS
8. NEW BUSINESS
 - A. Motion to approve The Alden Historical Society's request to use the Alden Community/Senior Center for monthly meetings for the year 2013. The second Thursday of each month (except July and August) 6:30 P.M. to 9:30 P.M. per RW/TC
 - B. Motion to approve the renewal of the Home Occupation Permit for Dennis Davern/35 Exchange St./Welding Repair per TC/RW
 - C. Motion to set the hours for Halloween Trick & Treating 10/31/13 at 6:00 P.M. to 8:00 P.M. per S/HM
 - D. Resolution ordering the emergency demolition of the brick building located at 11639 Genesee St. per S/HM
 - E. Resolution re-levying the cost of the emergency demolition of the building at 11639 Genesee St. in the Town of Alden onto the 2013 County/Town taxes of 11639 Genesee Street (SBL #85.03-1-10.2) and increase the 2013 Budget line A.0000.1001.000 per S/HM
 - F. Resolution authorizing budget transfers to line A6772.411/Alden Recreation Dept. per CW/MR
 - G. Resolution authorizing the contract for SEQR and preliminary design with Metzger Civil Engineers/Zoeller Road Water District per S/HM
 - H. Resolution authorizing the contract for SEQR and preliminary design with Metzger Civil Engineers/Exchange St. Water District per S/HM
 - I. Resolution recognizing and congratulating the Alden Chamber of Commerce on the successful completion of the Tenth Season of the Alden Farmer's Market per S/HM
 - J. Resolution approving the tentative budget, which then becomes the Preliminary Budget of the Town of Alden and calling the Public Hearing on November 5, 2012 at 7:05 P.M. per S/HM
 - K. Resolution calling the Public Hearing for the Special District Budget for the Year 2013 per S/HM
 - L. Resolution authorizing the Town of Alden to submit the application for the CDBG Grant/ Acquisition of a Senior Citizen Van per S/HM
 - M. Resolution recognizing and congratulating Ryan Lee on earning the prestigious rank of Eagle Scout per CW/MR
9. UNFINISHED & TABLED BUSINESS
10. REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL
11. ANNOUNCEMENTS FROM THE SUPERVISOR
12. NOTICE OF MEETINGS:

WORK SESSION:

OCTOBER 22, 2012 @ 7:00 PM

REG. BOARD MEETING:

NOVEMBER 5, 2012 @ 7:00 PM

13. MEMORIAL ADJOURNMENT: Michael Cain, James Harding (Former Town Highway Employee) and Ronald Smith (Former Supervisor).

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, October 1, 2012 at 7:00 P.M. Supervisor Milligan called the Meeting to Order and Councilman Weber led in the Pledge of Allegiance. The Roll Call was taken by the Town Clerk.

Approved Minutes & Synopsis of the proceedings of the previous regular meeting of September 17, 2012 and Special Meeting of September 24, 2012.

Adopted Resolution approving Vouchers for payment.

PUBLIC HEARING re the use of Federal Community Development Funds in the Town of Alden.

Adopted Resolution re NEG/DEC for Local Law #1 of the Year 2012 entitled "Amendment to the Dogs Law of the Code of the Town of Alden"

Adopted Resolution re adoption of Local Law #1 of the Year 2012 entitled "Amendment to the Dogs Law of the Code of the Town of Alden"

Adopted Resolution authorizing the purchase of a stainless steel harder dump box spreader from Viking Cives, the lowest responsible bidder, at a total cost of \$9,467.77.

Adopted Resolution authorizing the hiring of Hillcrest to sandblast and repaint Highway Truck #20 and #29 and the grader at a total cost of \$11,300.00.

EXECUTIVE SESSION

Supervisor Milligan adjourned the Meeting at 8:46 P.M. with a Moment of Silence in Memory of Lorin Luderman, Anne Buob and Margaret Pierson.

this? Because he has a video of the men sitting for one whole day on one piece of pipe. They came out and fueled a machine that was not being used. Hwy. Supt. Fix said that the machine needs to be filled before it can be returned. Mr. Kozak stated that people on the street are disappointed in the Highway's progress, when they had promised to be in and out. Mr. Kozak stated that if the job is not complete by the end of October, they will not be allowed across his property.

AT 7:08 P.M. SUPERVISOR MILLIGAN ASKED FOR A MOTION TO ADJOURN FROM THE REGULAR MEETING AND ENTER IN THE PUBLIC HEARING REGARDING THE USE OF FEDERAL COMMUNITY DEVELOPMENT FUNDS IN THE TOWN OF ALDEN.

At 7:08 P.M. Councilwoman Riddoch moved and Councilman Weber seconded the Motion to adjourn from the Regular Meeting and enter into the Public Hearing regarding the use of Federal Community Development Funds in the Town of Alden. Unanimously Carried.

The Town Clerk read the notice of Public Hearing printed in the Alden Advertiser regarding the use of Federal Community Development Funds in the Town of Alden.

SUPERVISOR MILLIGAN OPENED THE FLOOR FOR PUBLIC COMMENT.

Earl Knarr/1120 Bonnie Lake Drive asked if there was anything that could be done to help him financially with the replacement of windows in his home?

Robert Wohlgemuth/Alden, N.Y. thought it was an excellent idea to assist the Seniors to assure that their homes are in good shape so they can maintain livability in their residence. Other Towns have these programs. Mr. Wohlgemuth brought up the Senior Van. He asked that the Town look at alternative energy grants for the Van. There was a discussion regarding natural gas or diesel alternatives.

Ron Gardner/Genesee St. questioned what the parameters are tied to this grant? Attorney Strong responded that this is usually grant money that is used for a public building. Engineer Metzger said it is up to \$100,000.00 and designed for low to moderate-income areas of the Town or Senior projects. Communities in Erie County submit their applications and compete for this grant on an annual basis. Attorney Strong said in the past it has been used for Senior Center repairs and bathrooms in the Town Park to make them ADA compliant. Supervisor Milligan said that just because we are applying does not mean that we will receive the grant as it goes in rotation, but felt these were good ideas.

Councilwoman Riddoch wanted to comment. She had asked the Senior Van Driver Petra Sojka to be present, but she was unable to attend due to family commitment. Petra did submit to Councilwoman Riddoch six positive comments from Senior Citizens that utilize the Senior Van. There has been \$1500.00 in repairs this year to the Senior Van. There is a quote on a new Senior Van that is basically the same one as we have for about \$57,000.00. This is a project we may apply for. Councilwoman Riddoch has looked into a diesel alternative and found it is more costly to purchase than the gasoline engine. The money would not be made up in gas savings to cover the cost of a diesel engine. Councilwoman Riddoch gave Town Clerk Witt a copy of comments from the Seniors to keep on file. The Van is well used and is important to the Seniors.

Councilman Weber said that the natural gas station in West Seneca was \$6,000.00 to put in. Mr. Wohlgemuth said he thought they were \$3,500.00 to \$4,000.00 and if they talk to the grant writer there are Federal grants available to switch over.

AT 7:19 P.M. AFTER ALL THOSE WISHING TO BE HEARD WERE HEARD, SUPERVISOR MILLIGAN ASKED FOR A MOTION TO ADJOURN FROM THE PUBLIC HEARING REGARDING THE USE OF FEDERAL COMMUNITY DEVELOPMENT FUNDS IN THE TOWN OF ALDEN AND ENTER BACK INTO THE REGULAR MEETING.

At 7:19 P.M. Councilwoman Riddoch moved and Councilman Weber seconded the Motion to adjourn from the Public Hearing regarding the use of Federal Community Development Funds in the Town of Alden and enter back into the Regular Meeting. Unanimously Carried.

BUSINESS FROM THE FLOOR (CON'T)

Mrs. Knarr/Bonnie Lake spoke on a ditch running off Bonnie Lake down their property and that they have been promised for the last 2-3 years that they would come in and clean it out. They were told that they only have one machine and we're busy and will get to them when they can. They called again this year and we're told they are busy, but have a new machine and may get to them soon. And they are still waiting. They see them working and 2-3 men are working and 2 are watching. They are wasting time standing around. They have had no results at all. Highway Supt. Fix has spoke to Buckeye Gas Co. that has the line that runs through there and they said the only thing they can do is weed whack those ditches. They will not allow the Highway to remove more than 2" of fill because of the pipelines. There are 20" and 30" gas lines in there and they do not want any heavy equipment on there at all. The only thing they could do is weed whack some time this year. Mrs. Knarr said this would help because the swamp grass and cattails keep coming in. Councilman Weber said to get rid of cattails it would be better to spray with some non-carcinogen spray. Hire a company to do this. Highway Supt. Fix said this had been done in the past on Broadway for less than a quarter of a mile and the cost was \$1500.00. Cattails are tough to get rid of. The Knarrs had been cleaning the ditch themselves, but are getting to old to get in the ditch.

Ronald Gardner/Genesee St. said that when he needed ditching on his property in the past, they came out and he was told that they would have to see what the code is to see if they would be able to come on private property and rectify the problem. They never came back. He would like to know what the code states about private property. He is concerned that this could be setting a precedence that every homeowner in the community would come down and request help with their drainage problem. Councilman Weber said there is a drainage map and if the ditch is on the drainage map the Town has some responsibility. Attorney Strong stated that if the drainage ditch is on the Town drainage map, the Town has an obligation to keep these ditches cleared and maintained. If it is a private property and a drainage issue, the Highway Supt. can determine that it is a matter of public safety, health and welfare and if the landowner says he can enter the property or if he has an order from Erie County DPW Supt. to enter private property the ditching can be done. Engineer Metzger said that one step beyond what the Town Attorney stated that the code says, is the Town drainage laws that state that it is each individual property owners responsibility to maintain and keep open any drainage ways on their property, but as she stated if the drainage way is located on the drainage map the Town takes responsibility for that. In some instances, if they determine that there is a greater need that would serve a couple of property owners then there is a Town policy that they would step in on a case by case basis to make improvements. It should be clear and known; drainage on individual properties is the responsibility of the homeowners, unless the Town decides otherwise. Mr. Gardner commented on the picture in the Advertiser of the machinery bucket teeth left up. This could have resulted in an OSHA fine.

Pat Kozak/Boncliff questioned if that was a Town drainage ditch located behind his home on Boncliff? Hwy. Supt. Fix stated that it is private. Mr. Kozak would like to know how it was expected for everyone's septic to drain? Supervisor Milligan said that it was his understanding that when they built that development that there was an open ditch back there and over the years it filled in and that is when the Town got involved. Mr. Kozak would like to know who put the ditch in? Supervisor Milligan said that a Contractor put it in and there is no paperwork on it. Mr. Kozak could not imagine building a development without having a way for people to get rid of water & sewage and a pipeline to get rid of it. Without any of those, he felt it would fall on the Town to provide if they were allowing them to build. Supervisor Milligan said the code was different back then. Septic systems are intended to treat and dispose of wastes coming from individual households whereby it treats it through the septic tank and it absorbs, it is not intended to go to an open ditch. So the open ditch in the back is intended to be for surface

water/stormwater. Mr. Kozak said that then Eng. Metzger is telling him that for a drainage system for a septic line there needs not be any line to exit the water away from the property. It is up to each homeowner to just let their back yard fill up if it can't take the water.

Michael Best/1064 Boncliff is also there regarding the ongoing drainage project. He does appreciate that this is being done, but he would like to express his displeasure on how long the project is taking to be done. The machine has been on his property for over a month now. He would have liked to see grass seed planted in the fall months when it is the best time to do it. Discussion on how the drainage ditch was originally designed to be put it with the Highway Supt. Mr. Best has children that he is concerned about because of the length of time this is taking. Hwy. Supt. Fix said that he would be out of his yard within two weeks once he gets the machinery needed.

Polly Justinger/Crittenden does not understand why we are fixing private property drainage problems. She has drainage problems in her land and she does not expect the Town to fix it, they would fix their own. Now you are hiring someone to remove the fence and put it back that will be extra. This is not a flooding problem for the Town, only a private problem for the individuals. Also she spoke on people getting their garbage picked up and not paying the tax, she wondered how that occurred. Was this not caught when the tax bills were reviewed before sent out? Supervisor Milligan said that in one case there was a dumpster used and then discontinued. Town Clerk Witt said that when the Assessor prints up the bills every house has a code number on it and every single family house gets assessed for one garbage pickup, if is a two family house they get assessed for two. It is all done through the Assessor's office and is automatic. There are many listings on a tax bill and there are 4,000 bills. Town Clerk Witt said when he looks at a tax bill he cannot tell if it is a home or a private piece of property (open field). It is done through the Assessor's office. There were a dozen found and are being corrected.

Robert Wohlgemuth/Alden, N.Y. had three items to address.

- 1.) He would like to thank Highway Supt. Carl Fix for attending the meeting and hearing the concerns and hopefully can come to more meetings.
- 2.) Previously he brought to the attention of the Board information about Towns sharing Tax Assessors. At that time, there was a discussion with Newstead about sharing Assessors, was there any further progress? Supervisor Milligan said there was a misunderstanding regarding dates of retirements, but it still going on. Mr. Wohlgemuth feels that it is excessive to have a full time Assessor for a small Town.
- 3.) Town Website is not up to date. No meeting agenda for the Planning Board has been posted for August. Hopefully the agenda for October will be put on. There also was no meeting Agenda for the Town Board meeting tonight on the website.

COMMUNICATIONS

Councilman Weber received a call from a Wende Rd. resident regarding ditching being done by a neighbor. He was concerned that this would interfere with the natural flow and roadside drainage. He spoke with CEO Snyder and he will check into it.

Town Clerk Ralph Witt presented the Tentative Budget to the Town Board.

Councilwoman Riddoch received and returned a call to an Exchange St. resident regarding their children boarding the school bus in a blind spot in the road. It was referred to the County and they were going out to look at it. If this is not resolved, we may do a speed study on Exchange Street when you come out of the Village. A letter from Alden Central School was received requesting use of the Joe Panza Trail, she would like this on the Work Session. A request was received from Mike Boling from Soccer, she would also like that on the Work Session. Mary would also like the Eagle Court of Honor for one of our residents put on the Work Session.

NEW BUSINESS

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

WHEREAS, the Town Board of the Town of Alden has fully considered the adoption of Local Law No. 1 of the Year 2012, entitled ““Amendment to the Dogs Law of the Code of the Town of Alden” (the “Proposed Action”); and

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

WHEREAS, the Town Clerk provided notice to the Erie County Division of Planning on August 30, 2012, for this Proposed Action, as required under Section 239-m of the General Municipal Law and a “no recommendation” was received from the Division on September 17, 2012; and

WHEREAS, the New York State Environmental Quality Review Act requires the Town to determine the Lead Agency status and the Town Board did assume Lead Agency status on September 4, 2012; and

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 August 14, 2012, recommended to the Town Board the approval of the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board did determine that the Proposed Action is an Unlisted Action under SEQRA.
2. The Town Board did determine that it 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. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting on October 1, 2012, and was unanimously adopted.

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

WHEREAS, a Proposed Local Law # 1 of 2012 entitled "Amendment to the Dogs Law of the Code of the Town of Alden" was introduced to the Alden Town Board for consideration by Councilperson Weber on July 13, 2012;

WHEREAS, the Town of Alden Planning Board reviewed the proposed Local Law and recommended to the Town Board its approval on August 14, 2012;

WHEREAS, an order was duly adopted by the Alden Town Board for a public hearing to be held by said Town Board on September 17, 2012, 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 No. 1 of the Year 2012;

WHEREAS, notice of said public hearing was duly published in the Alden Advertiser;

WHEREAS, said public hearing was duly held on September 17, 2012 all parties in favor of the local law were heard and/or all parties opposed to the Local Law were heard;

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;

WHEREAS, the Erie County Division of Planning gave a "no recommendation" to the proposed Local Law on September 14, 2012, pursuant to section 239-m of the General Municipal Law;

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law on August 30, 2012; 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 adopts said Local Law No. 1 of the Year 2012 entitled "Amendment to the Dogs Law of the Code of the Town of Alden."

§ 9-5. Duties of Dog Control Officer; impoundment. ADD D:

D. The Dog Control Officer, shall seize and quarantine for ten (10) days any dog in the Town of Alden who bites any person or animal, when proof that the biting dog's rabies vaccination is not immediately available upon demand of the Dog Control Officer.

§ 9-8. REVISE E TO READ:

- E. If a dog seized under provisions of § 9-3 is not redeemed within five business days, the owner shall forfeit all title to such dog and the dog shall be sent to the SPCA or destroyed by the peace officer or representative of the Commissioner of Agriculture and Markets, and pay any established fines and/or fees. Anyone who picks up an at-large dog in the Town of Alden must notify the Dog Control Officer of Alden (or his/her assistant) and surrender the dog upon request, before removing the dog from the Town, subject to fine. Fees include veterinarian bills, license fees and maintenance fees of the dog and shall be as set forth in Agriculture and Markets Law § 118, Subdivision 4. There shall be a fee for the euthanasia and disposal of a dog, which shall be in an amount equal to the cost incurred by the Dog Control Officer in providing this service.

If a dog seized under the provisions of § 9-5D, the owner shall pay all veterinarian bills, licenses fees and maintenance fees of the dog and shall be as set forth in Agriculture and Markets Law § 118, Subdivision 4. There shall be a fee for the euthanasia and disposal of a dog, which shall be in an amount equal to the cost incurred by the Dog Control Officer in providing this service. Dogs not redeemed after twelve (12) days, the owner shall forfeit all title to such dog and the dog shall be sent to the SPCA or destroyed by the peace officer or representative of the Commissioner of Agriculture and Markets, and pay any established fines and/or fees.

§ 9-8. REVISE F TO READ:

- F. Fees and Penalties for Failure to License a Dog. If the Dog Control Officer of the Town discovers that an owner or harbinger has an unlicensed dog, the Dog Control Officer shall proceed as a civil matter and shall notify the owner or harbinger that he or she is in violation of the Town of Alden Code Article 1, §9-1 A and the owner or harbinger shall have 5 days to obtain a license. At the time that the normal license fee is paid such owner or harbinger shall pay an additional processing fee of \$25.00 for not properly licensing the dog, except that where the owner or harbinger has violated this section within the preceding five years, the processing fee shall be \$50.00 and where the owner or harbinger has committed two or more of such violations within the preceding five years the processing fee shall be \$100.00. If the owner or harbinger shall not obtain a license within said 5 day period, the Dog Control Officer will commence a criminal proceeding with the Town Court.

Any fees and penalties collected under this section shall be maintained in an account by the Town of Alden to be used to fund future Dog enumerations performed by the Town of Alden.

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 local law shall take effect upon filing with the Secretary of the State of New York.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 1, 2012, and was unanimously adopted.

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

WHEREAS, the Alden Town Board has received a request from the Highway Superintendent to purchase a stainless steel harder dump box spreader (slide in type) the estimated cost of which less than \$10,000.00 but greater than \$2,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines ("Guidelines") of the Town of Alden states that the Town must obtain written quotes from at least three (3) vendors;

WHEREAS, written request for proposals (as per the attached specs) were made by the Highway Department to three (3) vendors, as follows:
the highest bidder is George and Swede at \$9,521.00;
the second highest bidder is Valley Fab at \$9,476.00; and
the lowest bidder is Viking Cives at \$9,467.77.

WHEREAS, Viking Cives is deemed the lowest responsible bidder; 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 purchase.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board here authorizes the purchase of stainless steel harder dump box spreader from Viking Cives, the lowest responsible bidder, at a total cost of \$9,467.77; and
2. The Highway Superintendent 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 October 1, 2012, and was unanimously adopted.

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

WHEREAS, the Alden Town Board has received a request from the Highway Superintendent to sandblast and repaint Highway Trucks # 20 and 29 and the grader the estimated cost of which is less than 35,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines ("Guidelines") of the Town of Alden states that the Town must obtain written quotes from at least three (3) vendors;

WHEREAS, written request for proposals (as per the attached specs) were made by the Highway Department to three (3) vendors, as follows:
Eastern Tank Services could not meet the specs and refused to bid
the highest bidder is GJ Edbauer at \$14,260.00; and
the lowest bidder is Hillcrest at \$11,300.00.

WHEREAS, Hillcrest is deemed the lowest responsible bidder; 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 purchase.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board here authorizes the purchase of hiring of Hillcrest to sandblast and repaint Highway Trucks # 20 and 29 and the grader at a total cost of \$11,300.00 and

2. The Highway Superintendent 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 October 1, 2012, and was unanimously adopted.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Attorney Strong would like the following on the Work Session:

- 1.) CDBG Grant Application.
- 2.) Exchange and Zoeller Rds. water district.
- 3.) Waterline transfer to Erie County Water Authority.

Highway Supt. Carl Fix would like the Dump Body put on the Work Session.

Supervisor Milligan questioned Hwy. Supt. Fix's plans on hiring an employee for the Highway Dept. The Board has not received a job description as yet. This will have to be discussed further.

Engineer Metzger reported other than the ongoing work for water districts #2, #3 & #4, Zoeller/Exchange St. Water Districts he has been looking into the topic discussed at the Comprehensive Plan Implementation meeting about improving portions of the Town and how we might be able to enlist the D.O.T. in some of those efforts. There was a discussion of projects someone had heard of on Genesee St. with thought that there may be some improvements possible for Millgrove. He has followed up with D.O.T. It is just a repaving project not a reconstruction.

Don Stoffel from the Planning Board said that they have received a Site Plan for the Metz property at 12704 North Rd. which will be on the agenda for October 9th.

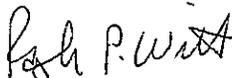
Supervisor Milligan sent a letter to John Loffredo regarding the grass cutting on the shoulders that was mentioned at the Comprehensive Plan Implementation Committee meeting asking him to try to put more emphasis on keeping weeds/grass cut down. Sent a letter to Dino Fidoli regarding the property on Townline and Broadway. He asked him if the Town of Lancaster could purchase that property and tear it down.

AT 7:59 P.M. COUNCILWOMAN RIDDOCH MOVED TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO AN EXECUTIVE SESSION TO DISCUSS A MATTER OF PERSONNEL AND FILE LITIGATION WITH THE TOWN BOARD, ATTORNEY STRONG, DAN MOULTRUP AND FORMER SUPERVISOR RON SMITH, SECONDED BY COUNCILMAN WEBER. UNANIMOUSLY CARRIED.

AT 8:45 P.M. COUNCILWOMAN RIDDOCH MOVED TO ADJOURN FROM EXECUTIVE SESSION, WITH NO ACTION BEING TAKEN, AND ENTER BACK INTO THE REGULAR MEETING, SECONDED BY COUNCILMAN WEBER. UNANIMOUSLY CARRIED.

WORK SESSION: (Tues.) OCTOBER 9, 2012 @ 7:00 P.M.
REG. BOARD MEETING: OCTOBER 15, 2012 @ 7:00 P.M.

Supervisor Milligan adjourned the Meeting at 8:46 P.M. with a Moment of Silence in Memory of Lorin Luderman, Anne Buob and Margaret Pierson


Ralph Witt
Town Clerk

A.

10-15-2012

COUNCIL _____ MOVED AND COUNCIL _____ SECONDED
THE MOTION TO APPROVE THE ALDEN HISTORICAL SOCIETY'S REQUEST
TO USE THE ALDEN COMMUNITY/SENIOR CENTER FOR ITS MONTHLY
MEETINGS FOR THE YEAR 2013. THE SECOND THURSDAY OF EACH MONTH
(EXCEPT JULY AND AUGUST) 6:30 P.M. TO 9:30 PM. Per TC/RW



Alden Historical Society

13213 Broadway
Alden, New York 14004
716 937-3700 aldenhistsoc@gmail.com

OCTOBER 4, 2012

Alden Town Board
3311 Wende Road
Alden, N.Y. 14004

Dear Board Members :

The Alden Historical Society requests the use of the Alden Community / Senior Center for its monthly meetings for the year 2013. These meetings would be on the second Thursday of each month (except July and August). We request the use of the main room between 6:30 PM and approximately 9:30 PM on these Thursdays.

Thank you for your consideration.

Conrad F. Borucki

Conrad F. Borucki
Co-chairperson of the
Program committee

Mission Statement

The Alden Historical Society, founded in 1965, is a volunteer supported organization whose mission is to preserve, promote and present the history of the Town of Alden and its people.

B.

10-15-2012

COUNCIL _____ MOVED AND COUNCIL _____ SECONDED
THE MOTION TO APPROVE THE RENEWAL OF THE HOME OCCUPATION
PERMIT FOR DENNIS DAVERN/35 EXCHANGE ST./WELDING REPAIR per
TC/RW



TOWN OF ALDEN

(716) 937-6969
Relay/Dial #711
Fax 937-9817

ALDEN TOWN CLERK
ALDEN TOWN HALL
3311 Wende Rd.
Alden, New York 14004

DATE: 5/14/12

NAME: DENNIS DAVIDSON

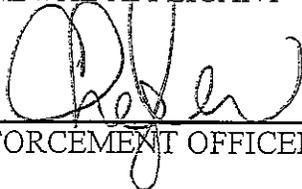
ADDRESS: 35 Exchange

DATE OF INSPECTION: 10-4-12

I hereby certify that there is "NO CHANGE" that has occurred since the original H.O.P. Application.



H.O.P. RENEWAL APPLICANT



CODE ENFORCEMENT OFFICER, CHRISTOPHER SNYDER

APPLICATION FOR HOME OCCUPATION PERMIT

(ANY ZONING DISTRICT EXCEPT R-12)

Date 9/12/12

1. Applicant:

Name Dennis A. Davern
Address 35 Exchange St. Alden Ny 14004
Telephone (716) 912-5029
913-2930

2. Location of property for which permit is same

3. Present Zoning RA1

4. Use requested - What type of product will be produced, serviced, or repaired in the conduct of your Home Occupation? (For example: repair of clocks or watches making jewelry, etc.)

Explain Welding Repair

5. Describe what rooms will be used in the conduct of the Home Occupation and how these rooms will be used (Not to exceed 25% of floor area of one story).

Explain: Barn

6. Describe the mechanical and /or electrical equipment that will be necessary to the conduct of your activity. Welder

7. Describe how, where, and in what amounts the material, supplies, and/or equipment related to your proposed Home Occupation will be displayed or stored:

on Shelf in Barn

8. Will the Home Occupation involve the use of commercial vehicles for delivery of materials to or from the premises: Yes ___ No X

If yes, please explain _____

9. How many persons will be involved or employed (limit one) in the conduct of the proposed occupation: Member of immediate family 2 Others _____

Total number _____

10. Names of abutting property owners and owners across street:

Mr. Delacy
Deb 53 Exchange St.

11. Easements or other restrictions on property: none

12. Explain the reasons which prevent this proposed use from being more suitably located in a property zoned district elsewhere within the Town Cost

(C)

10-15-2012

COUNCIL _____ MOVED AND COUNCIL _____ SECONDED THE
MOTION TO SET HOURS FOR HALLOWEEN TRICK & TREATING AT 6:00 P.M.
TO 8:00 P.M. per S/HM *10/31/12*

**THE FOLLOWING RESOLUTION WAS OFFERED BY _____,
WHO MOVED ITS ADOPTION, SECONDED BY _____, TO
WIT;**

WHEREAS, The Town of Alden Building Inspector on October 9, 2012, made a report to the Alden Town Board that the brick building located at 11639 Genesee Street is dangerous and unsafe as defined by Chapter 7A of the Alden Town Code; the building is dilapidated, decayed, unsafe by reason that parts of the brick building are falling onto the neighboring property and that the roof of the building has collapsed;

WHEREAS, The Building Inspector has reported on October 9, 2012, to the Town Board that this is an emergency case under Section 7A-9 of the Town Code, as there is immediate danger to life and safety unless this dangerous building is immediately demolished;

WHEREAS, the building is very close to a neighboring house and very close to the neighboring Fire Hall building and its imminent collapse will likely result in damage to those neighboring building and persons and property on the neighboring properties;

WHEREAS, the collapse of the roof has left the remainder of the structure so unsafe that a complete collapse of the building is imminent;

WHEREAS, The Building Inspector has determined that the building cannot be reasonable repaired; is dangerous to the health, morals, safety and general welfare; and is more than 50% damaged, decayed and deteriorated from its original structure; and that said building is an immediate danger and an immediate threat to life and safety of persons;

WHEREAS, the Building Inspector has notified the owner that the building has been found be to an immediate danger and a threat to life and safety of persons and at the public hearing held by the Town of Alden on August 6, 2012, the Owner acknowledged that his building is unsafe;

WHEREAS, the Building Inspector has posted notice of the building being dangerous, unsafe, and a public nuisance on the property; and on October 10, 2012 gave notice that the building is an immediate danger and must be immediately demolished.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. That the brick building located at 11639 Genesee Street is an immediate danger to life and safety and is in immediate need of emergency demolition.
2. That the Town Board hereby declares that the building at 11639 Genesee Street be immediately demolished by the Town and that the costs of said demolition shall be assessed to the owner of record.
3. That the Town has obtained two quotes for the cost of demolition and the lowest quote

was received from United Demolition & Excavating, LLC. Accordingly, the Town authorizes United Demolition & Excavating, LLC at a total cost of \$59,500.00, upon filing of proof of insurances with the Alden Town Clerk to cause the immediate demolition of the building at 11639 Genesee Street, Alden, New York.

4. This Resolution shall take immediately.

The Adoption of the foregoing resolution was duly put to a vote at a regular meeting on October 15, 2012 as follows:

Councilperson Weber	AYE	NAY
Supervisor Milligan	AYE	NAY
Councilperson Riddoch	AYE	NAY

(E.)

THE FOLLOWING RESOLUTION WAS OFFERED BY

_____, WHO MOVED ITS ADOPTION,

SECONDED BY _____

WHEREAS, in October, 2012, the Town of Alden by emergency declaration caused the unsafe and dangerous building at 11639 Genesee Street in the Town of Alden to be demolished;

WHEREAS, the emergency demolition cost the Town of Alden \$59,500.00;

WHEREAS, the property owner, Millgrove Development Co, has refused to reimburse the Town for the cost of the emergency demolition; and

WHEREAS, the Alden Town Code at Section 7A-6(E) allows the Town to relevel such costs onto the property taxes of the affected parcel.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

- 4. That the Alden Town Board hereby authorizes the Town Assessor to re-levy the amount of \$59,500.00 onto the 2013 county/town taxes of 11639 Genesee Street also known as SBL #85.03-1-10.2;
- 5. The 2013 Town Budget at line A.0000.1001. is hereby increased by \$59,500.00 to receive this relevel; and
- 6. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 15, 2012, as follows:

Councilmember Weber	Aye	Nay
Supervisor Milligan	Aye	Nay
Councilmember Riddoch	Aye	Nay

F.

THE FOLLOWING RESOLUTION WAS OFFERED BY

_____, WHO MOVED ITS ADOPTION,

SECONDED BY _____

WHEREAS, The Alden Town Board on November 14, 2011, adopted its 2012 Budget;

WHEREAS, the Town needs to transfer monies to allow for payment of various invoices and vouchers for the Alden Recreation Department; 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 to line A6772.411:

From line A6772.441 \$ 500.00

From line A6772.440 \$ 100.00

From line A6772.110 \$1,000.00; and

2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 15, 2012, as follows:

Councilmember Weber	Aye	Nay
Supervisor Milligan	Aye	Nay
Councilmember Riddoch	Aye	Nay

G.

RESOLUTION OF THE TOWN BOARD
APPROPRIATING \$2,650.00 FOR THE
PREPARATION OF THE PRELIMINARY DESIGN and SEQR
REVIEW TO PROVIDE WATER
FACILITIES FOR ZOELLER ROAD

WHEREAS, the residents and property owners at Zoeller Road have petitioned the Town Board for the establishment of a new Zoeller Road Water District, on Zoeller Road in the Town of Alden, outside the boundaries of any existing water districts of the Town and outside of any incorporated Villages; and

WHEREAS, the Petition for the Establishment of the Zoeller Road Water District requires a general map and plan prepared in advance of the establishment of the proposed Zoeller Road Water District.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. That the Town Board does hereby authorize the appropriation of the sum of \$2,650.00 to provide for the cost of preparation of the preliminary design and SEQRA review process by Metzger Civil Engineers, the Town Engineers, said cost to be reimbursed by the Zoeller Road Water District upon its establishment;

2. Metzger Civil Engineers shall not begin any work on the preliminary design until after the public hearing on the creation of the water district and then only if the Town Board elects to move forward with the creation of the District; and

3. This Resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote at a regular meeting on October 15, 2012, the results of which are as follows:

Councilperson Weber	AYE NAY
Supervisor Milligan	AYE NAY
Councilperson Riddoch	AYE NAY

H.

RESOLUTION OF THE TOWN BOARD
APPROPRIATING \$2,650.00 FOR THE
PREPARATION OF THE PRELIMINARY DESIGN and SEQR
REVIEW TO PROVIDE WATER
FACILITIES FOR EXCHANGE STREET

WHEREAS, the residents and property owners at Exchange Street have petitioned the Town Board for the establishment of a new Exchange Street Water District, on Exchange Street in the Town of Alden, outside the boundaries of any existing water districts of the Town and outside of any incorporated Villages; and

WHEREAS, the Petition for the Establishment of the Exchange Street Water District requires a general map and plan prepared in advance of the establishment of the proposed Exchange Street Water District.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

4. That the Town Board does hereby authorize the appropriation of the sum of \$2,650.00 to provide for the cost of preparation of the preliminary design and SEQRA review process by Metzger Civil Engineers, the Town Engineers, said cost to be reimbursed by the Exchange Street Water District upon its establishment;

5. Metzger Civil Engineers shall not begin any work on the preliminary design until after the public hearing on the creation of the water district and then only if the Town Board elects to move forward with the creation of the District; and

6. This Resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote at a regular meeting on October 15, 2012, the results of which are as follows:

Councilperson Weber	AYE NAY
Supervisor Milligan	AYE NAY
Councilperson Riddoch	AYE NAY

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMEMBER _____, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMEMBER

WHEREAS, the Alden Farmer's Market, currently operated by the Alden Chamber of Commerce has concluded its tenth year of continuous operation under the direction of Market Manager, Nancy W. Hughes; and

WHEREAS, the Town of Alden is aware that a large number of residents and businesses of the Town of Alden participate in the events offered by the Alden Farmer's Market.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

- 1. That the Town Board hereby recognizes and congratulates the Alden Chamber of Commerce on the successful completion of the Tenth Season of the Alden Farmer's Market and for the outstanding service the Market provides to the Alden Community;
- 2. That the Town Clerk is hereby directed to send a certified copy of this Resolution to Christopher E. Gust, President of the Alden Chamber of Commerce; and
- 3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 15, 2012, as follows:

Councilperson Weber	AYE	NAY
Supervisor Milligan	AYE	NAY
Councilperson Riddoch	AYE	NAY

51

**THE FOLLOWING RESOLUTION WAS OFFERED
BY _____, WHO MOVED ITS
ADOPTION, SECONDED BY _____,
TO WIT;**

WHEREAS, Colleen Rogers, Budget Officer of the Town of Alden on September 28, 2012, duly filed the tentative budget of said Town for the fiscal year beginning January 1, 2013 with the Town Clerk of said Town; and

WHEREAS, the Town Clerk of the Town of Alden duly presented said Tentative Budget to the Town Board on October 1, 2012;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the tentative budget is hereby approved as and shall become the Preliminary Budget of the Town of Alden for the fiscal year beginning January 1, 2013;
2. That said Preliminary Budget shall be filed in the Office of the Town Clerk of the Town of Alden, 3311 Wende Road, Alden, New York 14004 and be made available by him to the public for inspection during the regular business hours of the Town Clerk's Office;
3. That a Public Hearing on the Preliminary Budget of the Town of Alden for the year 2013, be held by the Alden Town Board at the Alden Town Hall, 3311 Wende Road, Alden, New York on November 5, 2012, at 7:05 P.M. Local Time;
4. That the necessary Notice of Public Hearing upon the Preliminary Budget, as required by Section 108 of the Town Law of the State of New York be published in the Alden Advertiser, the official newspaper of the Town of Alden, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof; and
5. This Resolution shall take immediately.

The adoption of the foregoing resolution was duly put to a roll call vote at a regular meeting on October 15, 2012, the result of which were as follows:

Councilperson Weber	AYE	NAY
Supervisor Milligan	AYE	NAY
Councilperson Riddoch	AYE	NAY

TOWN OF ALDEN
NOTICE OF PUBLIC HEARING ON THE
PRELIMINARY BUDGET OF THE TOWN OF ALDEN FOR THE YEAR 2013

NOTICE IS HEREBY GIVEN that the preliminary budget of the Town of Alden for the fiscal year beginning January 1, 2013, including general Town funds, highway/public works funds, fire protection district funds and lighting district funds, has been completed and filed in the office of the Town Clerk of the Town of Alden, 3311 Wende Road, Alden, New York 14004, where it is available for inspection by any interested person during office hours.

The Preliminary budgets states that the proposed compensation for the following elected officials is as follows:

<u>Position</u>	<u>Proposed Compensation</u>
Councilmember	\$12,875.00 each (there are two)
Supervisor	\$23,672.00
Town Clerk/ Receiver of Taxes and Assessments	\$42,024.00
Highway Superintendent	\$50,429.00

The Town Board of Alden shall hold a public hearing on said preliminary budget on November 5, 2012 at 7:05 PM Local Time, showing such changes, alterations and revisions as shall have been made therein by the Town Board of the Alden. At such hearing, any person may be heard in favor of or against the preliminary budget as compiled or for or against any item or items therein contained.

Citizens have the right to provide written and oral comments and ask questions concerning the entire budget and the relationships of entitlement funds to the entire budget.

Handicapped citizens or senior citizens who require assistance in attending said public hearing, or in furnishing comments and suggestions, should contact the undersigned Town Clerk to request such assistance.

Dated: October 15, 2012

Ralph P. Witt
Town Clerk of the Town of Alden

(K.)

**THE FOLLOWING RESOLUTION WAS OFFERED BY
_____, WHO MOVED ITS ADOPTION,
SECONDED BY _____, TO WIT;**

WHEREAS, the Town Board, on behalf of all Special Districts and Special Improvements Districts, upon which the cost of maintenance is required by law to be apportioned and assessed in proportion to the amount of the benefits conferred has duly prepared detailed estimates in writing of the anticipated revenue and expenditures for such districts to determine the amount of money required to meet the expense of maintaining same; and

WHEREAS, the Town Board has assessed the amount of said estimates on several lots against which the expense of the Improvement was charged in proportion to the amount of benefit conferred; and

WHEREAS, Assessment Rolls were duly prepared according to law and said Assessment Rolls were duly filed in the Office of the Town Clerk.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1.4. That a Public Hearing is hereby called and shall be held on November 5, 2012, at 7:10 PM Local Time, at the Town Hall, 3311 Wende Road, Alden, New York, at which time and place this Town Board will meet to consider the aforementioned Special District Budget for the Year 2013 and to hear all persons interested in the subject matter thereof, and concerning the same;
- 2.5. That a Notice of said Public Hearing be published in the Alden Advertiser and posted on the Town of Alden Board which Notice shall be in the form attached hereto and made a part hereof; and
- 3.6. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 15, 2012, as follows:

Councilmember Weber	AYE	NAY
Supervisor Milligan	AYE	NAY
Councilmember Riddoch	AYE	NAY

TOWN OF ALDEN
NOTICE OF PUBLIC HEARING ON THE
SPECIAL DISTRICT BUDGET OF THE TOWN OF ALDEN FOR THE YEAR 2013

NOTICE IS HEREBY GIVEN that the special district budget of the Town of Alden for the fiscal year beginning January 1, 2013, has been completed and filed in the office of the Town Clerk of the Town of Alden, 3311 Wende Road, Alden, New York 14004, where it is available for inspection by any interested person during office hours.

The Town Board of Alden shall hold a public hearing on said preliminary budget on November 5, 2012, at 7:10 PM Local Time, showing such changes, alterations and revisions as shall have been made therein by the Town Board of the Alden. At such hearing, any person may be heard in favor of or against the special district budget as compiled or for or against any item or items therein contained.

Citizens have the right to provide written and oral comments and ask questions concerning the special district budget and the relationships of entitlement funds to the special district budget.

Handicapped citizens or senior citizens who require assistance in attending said public hearing, or in furnishing comments and suggestions, should contact the undersigned Town Clerk to request such assistance.

Dated: October 15, 2012

Ralph P. Witt
Town Clerk of the Town of Alden

(L)

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMEMBER _____, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCILMEMBER

WHEREAS, the Town of Alden has noticed the need to replace its Senior Citizen Van, which is heavily used by the senior citizens of the Town of Alden, as the current Senior Citizen Van is in a state of disrepair;

WHEREAS, the Alden Town Board would like to utilize the monies available from the Erie County Community Development Block Grant program to purchase a new Senior Citizen Van;

WHEREAS, the Town Board held a public hearing on October 1, 2012, notice of which was properly posted and published and public comment was received and considered;

WHEREAS, The Town Board after full and careful review and consideration of the need finds that it is in the public interest to apply for the CDBG monies for the purchase of a new Senior Citizen Van.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

- 2. The Town Board hereby authorizes Harry F. Milligan, Supervisor, to sign, submit and execute contracts with the Erie County Community Development Block Grant (ECCDBG) program for the following project upon approval of ECCDBG:
 - 1. Acquisition of a Senior Citizen Van

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 15, 2012, as follows:

Councilmember Weber	Aye	Nay
Supervisor Milligan	Aye	Nay
Councilmember Riddoch	Aye	Nay

(M.)

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMEMBER _____, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMEMBER

WHEREAS, Ryan Lee, of Alden, has earned the prestigious rank of Eagle Scout;

WHEREAS, the rank of Eagle Scout is the highest national honor awarded in Boy Scouts and is the result of numerous hours of work devoted to completing a community service project that reflects thoughtful, serious concern for humanity and/or the environment and offers realistic suggestions or methods for positive change; and

WHEREAS, the Town of Alden is aware that the young residents of the Town of Alden participate in and benefit from the programs and opportunities offered by the Boy Scouts.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

- 1.4. That the Town Board hereby recognizes and congratulates Ryan Lee on his outstanding commitment to the Boy Scouts and to the Alden Community in his attaining the rank of Eagle Scout;
- 2.5. That the Town Clerk is hereby directed to send a certified copy of this Resolution to the Scoutmaster of Boy Scout Troop 290 for presentation to Mr. Lee at the Eagle Scout Court of Honor.
- 3.6. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 15, 2012, as follows:

Councilmen Weber	Aye	Nay
Supervisor Milligan	Aye	Nay
Councilwomen Riddoch	Aye	Nay