

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

1. PLEDGE OF ALLEGIANCE – SUPERVISOR MILLIGAN
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 15, 2012.
5. APPROVAL OF VOUCHERS

\*\*\*\*\*7:05 P.M. PUBLIC HEARING ON THE PRELIMINARY BUDGET OF THE TOWN OF ALDEN FOR THE YEAR 2013\*\*\*\*\*

\*\*\*\*\*7:10 P.M. PUBLIC HEARING ON THE SPECIAL DISTRICT BUDGET OF THE TOWN OF ALDEN FOR THE YEAR 2013\*\*\*\*\*

6. BUSINESS FROM THE FLOOR
7. PRESENTATION OF COMMUNICATIONS FROM BOARD MEMBERS AND OTHER TOWN OFFICIALS
8. NEW BUSINESS
  - A. Resolution adopting the Special District and Special Improvement District Budget for the Fiscal Year Beginning January 1, 2013 per S/HM
  - B. Resolution adopting the General Budget for the Fiscal Year beginning January 1, 2013 per S/HM
  - C. Resolution authorizing Supervisor Milligan to sign a Shelter Agreement with Town Line Lutheran Church for a term to end December 31, 2012 per CW/MR
  - D. Motion to approve the renewal of the Home Occupation Permit for Mary Jane Wojnar/11385 Broadway/Floral Shop.
  - E. Motion to introduce Local Law #1 of 2013 entitled “Governmental Operations Law of The Town of Alden” and refer the same to the Planning Board for Review and Recommendation 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: (Tuesday) NOVEMBER 13, 2012 @ 7:00 PM  
REG. BOARD MEETING: NOVEMBER 19, 2012 @ 7:00 PM

13. MEMORIAL ADJOURNMENT: Ernest Wolter, Beatrice Jacobi, Arthur Lehman and Mary Berkemeyer and Dorothy Sadowski.

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, October 15, 2012 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.

Approved Minutes & Synopsis of the proceedings of the previous regular meeting of October 1, 2012

Adopted Resolution approving Vouchers for payment.

Approved Motion to allow Alden Historical Society 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.

Approved Motion to renew the Home Occupation Permit for Dennis Davern/35 Exchange St./Welding Repair.

Approved Motion to set the hours for Trick & Treating in the Town of Alden, 10/31/2012, at 6:00 to 8:00 P.M.

Adopted Resolution ordering the emergency demolition of the brick building located at 11639 Genesee St.

Adopted 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 St. (SBL #85.03-1-10.2) and increase the 2013 Budget line A.0000.1001.0000.

Adopted Resolution authorizing budget transfers to line A.6772.0411/Alden Recreation Dept.

Adopted Resolution authorizing the contract for SEQR and preliminary design with Metzger Civil Engineers/Zoeller Road Water District.

Adopted Resolution authorizing the contract for SEQR and preliminary design with Metzger Civil Engineers/Exchange St. Water District.

Adopted Resolution recognizing and congratulating the Alden Chamber of Commerce on the successful completion of the Tenth Season of the Alden Farmer's Market.

Adopted Resolution approving the tentative budget, which then becomes the Preliminary Budget of the Town of Alden and calling a Public Hearing on November 5, 2012 at 7:05 P.M.

Adopted Resolution calling the Public Hearing for the Special District Budget for the Year 2013.

Adopted Resolution authorizing the Town of Alden to submit the application for the CDBG Grant/Acquisition of a Senior Citizen Van.

Adopted Resolution recognizing and congratulating Ryan Lee on earning the prestigious rank of Eagle Scout.

Approved Motion to allow Alden Central School the use of the Alden Town Park and the Joe Panza Trail on requested dates per schedule.

Adopted Resolution approving the rental of one (1) 6-ton wheeled dumper from Earth Leasing, LLC for four (4) weeks at a total cost of \$3,500.00

Supervisor Milligan adjourned the Meeting at 7:32P.M. with a Moment of Silence in Memory of Michael Cain, James Harding (Former Town Highway Employee), Ronald Smith (Former Town Supervisor) and Mary Spoly.



Matthew Herdzik questioned the status of ECWA taking over the water districts? He hears we still are paying charges when the abstract is read. Councilwoman Riddoch explained to him the charges will still be there. Attorney Strong said future maintenance and repairs would be ECWA responsibility and the Town would not be charged. Charges in the past have been quite costly. Attorney Strong said that they are still working on a dissolution plan that will be made public. Engineer Metzger said they are hoping to put this all together around the first of the year.

#### COMMUNICATIONS

Councilman Weber talked to a Crittenden Rd. resident who was concerned about the Water Districts that are potentially being formed now in Zoeller Rd. and Exchange. The resident said that he never received a survey. Councilman Weber explained the process that we are going through. The resident would like to see water in the rest of the Town, especially Crittenden Rd. being a main connection point from the North to the South.

Town Clerk Witt received a letter from the Board of Elections, with a sample ballot of what will be on the machine for the November 6<sup>th</sup> election.

Councilwoman Riddoch spoke with Ryan Sheedy from OEM about an AED, he will put together some numbers and get back to her.

Supervisor Milligan received a letter from Alden Central School District informing us of a public informational meeting about the proposed projects of a consolidation to a single campus and the installation of an athletic turf field on October 24, 2012 at 7:00 P.M.

#### NEW BUSINESS

Councilman Weber moved and Councilwoman Riddoch seconded the 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. Unanimously Carried.

Supervisor Milligan moved and Councilman Weber seconded the Motion to approve the renewal of the Home Occupation Permit for Dennis Davern/35 Exchange St./Welding Repair. Unanimously Carried.

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to set the hours for Halloween Trick or Treating, 10/31/12 at 6:00 P.M. to 8:00 P.M. Unanimously Carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN WEBER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN RIDDOCH 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 and was unanimously adopted.

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

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 relevy such costs onto the property taxes of the affected parcel.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. 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;
2. The 2013 Town Budget at line A.0000.1001. is hereby increased by \$59,500.00 to receive this relevy; 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, and was unanimously adopted.

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

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, and was unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN WEBER, SECONDED BY COUNCILWOMAN RIDDOCH TO WIT;

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, and was unanimously adopted.

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

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:

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 Exchange Street 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, 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 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, and was unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN WEBER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN RIDDOCH 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, and was unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED SUPERVISOR MILLIGAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN WEBER, 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. 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. 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. 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, and was unanimously adopted.

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

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:

1. 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, and was unanimously adopted.

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

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. 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. 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. 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, and was unanimously adopted.

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

Supervisor Milligan moved and Councilwoman Riddoch seconded the motion to approve Alden Central School's request to use the Town Park and Panza Trail on requested dates per schedule. Unanimously Carried.

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

WHEREAS, the Alden Town Board has received a request from the Highway Superintendent to rent one (1) 6-ton wheeled dumper for four weeks; the estimated rental cost is 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 quotes from at least three (3) vendors;

WHEREAS, requests for proposals (four (4) week rental of one (1) 6-ton wheeled dumper plus any delivery; pick up; and/or other charges) were made by the Highway Department to three (3) vendors;

WHEREAS, three bids were received as follows: the highest bidder is Anderson, at \$6,860.00; the second highest bidder is Admar Supply Company, Inc. at \$3,600.00; and the lowest bidder is Earth Leasing, LLC at \$3,500.00.

WHEREAS, Earth Leasing, LLC. is deemed the lowest responsible bidder; and

WHEREAS, The Town Board after full and careful review and consideration of the request finds said rental request as consistent with its policies and in the interest of the residents of the Town of Alden.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the rental of one (1) 6-ton wheeled dumper from Earth Leasing, LLC. for four (4) weeks at a total cost of \$3,500.00;
2. The Highway Superintendent is authorized to sign a rental agreement to effectuate this rental; 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, and was unanimously adopted.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Engineer Metzger wanted to let the Board know that Deputy Supervisor Todd Aldinger has been helping by encouraging the State to move forward with the review of the Sievenpiper drainage matter. Engineer Metzger has been working with Planning Board, Town Attorney and the Building Inspector regarding the site plan review on North Road.

CEO Snyder had a meeting this morning with Building Controls Systems regarding the thermostats at the Town Hall. We should be able to move forward on this shortly.

DCO Weglarski questioned when his equipment would be updated. He is in need of a new scanner. Councilwoman Riddoch has the information and look into this.

Planning Board Representative Michael DeWitt reported that they are just working on the Metz matter.

Supervisor Milligan spoke on the Ronald Smith obituary in the Buffalo News on Saturday. "This was a terrible article and he immediately made a phone call in the hope that it was not being put in the Alden Advertiser. Ron Smith was much more than a Supervisor, Trustee and business owner. He was a Husband, Father, family man, sports fan, athlete and a very charitable man both in Alden and beyond. Politics and Town Government was a very minor part of the total man and he should be remembered for all the good parts of his life." Received a letter from Time Warner saying how wonderful they are doing regarding division of properties.

**NEXT WORK SESSION:** Monday, October 22, 2012 @ 7:00 P.M.  
**NEXT TOWN BOARD MTG.:** Monday, November 5, 2012 @ 7:00 P.M.

Supervisor Milligan adjourned the Meeting at 7:32 P.M. with a Moment of Silence in Memory of Michael Cain, James Harding (Former Town Highway Employee), Ronald Smith (Former Town Supervisor) and Mary Spoly.

*Ralph P. Witt*

Ralph Witt  
Town Clerk

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

THE FOLLOWING RESOLUTION WAS OFFERED BY  
\_\_\_\_\_, WHO MOVED ITS ADOPTION,  
SECONDED BY \_\_\_\_\_

WHEREAS, Colleen Rogers, Budget Officer of the Town of Alden on September 28, 2012, duly filed the Tentative Special District and Special Improvement District Budget of the Town of Alden for the Town's Fiscal Year beginning January 1, 2013, with the Alden Town Clerk;

WHEREAS, Alden Town Clerk, Ralph P. Witt, duly presented the Tentative Special District and Special Improvement District Budget to the Alden Town Board on October 1, 2012;

WHEREAS, The Alden Town Board after full and careful review and consideration of the Tentative Special District and Special Improvement District Budget recommended the approval of the same, making the Tentative Special District and Special Improvement District Budget the Preliminary Special District and Special Improvement District Budget of the Town of Alden for Fiscal Year 2013;

WHEREAS, on October 15, 2012, the Alden Town Board duly called a public hearing on the Preliminary Special District and Special Improvement District Budget, notice of which public hearing was duly published and posted;

WHEREAS, the Preliminary Special District and Special Improvement District Budget was duly filed in the Office of the Alden Town Clerk for inspection by the public;

WHEREAS, the Alden Town Board conducted a public hearing on the Preliminary Special District and Special Improvement District Budget for Fiscal Year 2013, on November 5, 2012. At which time all persons interested in the same were heard.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

- 1. The Alden Town Board hereby adopts the Special District and Special Improvement District Budget for the Fiscal Year beginning January 1, 2013;
- 2. That the Town Clerk shall prepare and certify, in duplicate, copies of said Special District and Special Improvement District Budget and deliver the same to Supervisor Milligan to be presented to the Board of Legislators of Erie County; 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 5, 2012, as follows:

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

(B.)

THE FOLLOWING RESOLUTION WAS OFFERED BY

\_\_\_\_\_, WHO MOVED ITS ADOPTION,

SECONDED BY \_\_\_\_\_

WHEREAS, Colleen Rogers, Budget Officer of the Town of Alden on September 28, 2012, duly filed the Tentative Budget of the Town of Alden for the Town's Fiscal Year beginning January 1, 2013, with the Alden Town Clerk;

WHEREAS, Town Clerk, Ralph P. Witt, duly presented the Tentative Budget to the Alden Town Board on October 1, 2012;

WHEREAS, The Alden Town Board after full and careful review and consideration of the Tentative Budget recommended the approval of the Tentative Budget, making the Tentative Budget the Preliminary Budget of the Town of Alden for Fiscal Year 2013;

WHEREAS, on October 15, 2012, the Alden Town Board duly called a public hearing on the Preliminary Budget, notice of said public hearing was duly published and posted;

WHEREAS, the Preliminary Budget was duly filed in the Office of the Alden Town Clerk for inspection by the public; and

WHEREAS, the Alden Town Board conducted a public hearing on the Preliminary General Fund Budget for Fiscal Year 2013, on November 5, 2012. At which time all persons interested in the Preliminary General Fund Budget were given the opportunity to be heard.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

- 1. The Alden Town Board hereby adopts the General Fund Budget for the Fiscal Year beginning January 1, 2013;
- 2. The Town Clerk shall prepare and certify, in duplicate, copies of said General Fund Budget and deliver the same to Supervisor Milligan to be presented to the Legislature of Erie County.
- 3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a special meeting held on November 5, 2012, as follows:

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

(C)

THE FOLLOWING RESOLUTION WAS OFFERED BY  
\_\_\_\_\_, WHO MOVED ITS ADOPTION,  
SECONDED BY \_\_\_\_\_

WHEREAS, The Alden Office of Emergency Management has negotiated with Town Line Lutheran Church an Emergency Shelter Agreement, which allows Town Residents to use the Church for Shelter in the case of a disaster.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby authorizes Supervisor Milligan to sign a Shelter Agreement with Town Line Lutheran Church for a term to end December 31, 2012; and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on November 5, 2012, as follows:

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

(U.)

11/05/2012

COUNCIL \_\_\_\_\_ MOVED AND COUNCIL \_\_\_\_\_ SECONDED  
THE MOTION TO APPROVE THE RENEWAL OF THE HOME OCCUPATION  
PERMIT FOR MARY JANE WOJNAR/11385 BROADWAY/FLORAL SHOP 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: 10-18-12

NAME: MARY Jane Wojnar

ADDRESS: 11385 Broadway

ALDEN, N.Y. 14004

DATE OF INSPECTION: 10-23-12

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

Mary Jane Wojnar  
H.O.P. RENEWAL APPLICANT

[Signature]  
CODE ENFORCEMENT OFFICER, CHRISTOPHER SNYDER

exp. 10/4/12

PD. 369  
CK 10/18/12

APPLICATION FOR HOME OCCUPATION PERMIT

(ANY ZONING DISTRICT EXCEPT R-12)

Date 10-17-12

1. Applicant:

Name Mary Jane Wojan  
Address 11325 Broadway, Alton  
Telephone 684-7432

2. Location of property for which permit is as above

3. Present Zoning R3

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 use of fresh flowers

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: attached garage will be used for workshop storage

6. Describe the mechanical and/or electrical equipment that will be necessary to the conduct of your activity. no mechanical equipment will be used. A small display cooler will be the only electrical appliance used.

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: fresh flowers will be kept on hand to be used in the floral arrangements that will be on display in the cooler mentioned above.

8. Will the Home Occupation involve the use of commercial vehicles for delivery of materials to or from the premises: Yes  No   
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 \_\_\_\_\_ Others \_\_\_\_\_  
Total number 1

10. Names of abutting property owners and owners across street:  
North - Hunsken  
South - vacant  
East - Sawyer  
West - Marozik

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 not feasible since this will be a small business with myself being the employee.

13. Mrs. Jane Dymar (applicant) hereby request a certification of compliance with the Zoning regulations with respect to the property known as 11385 Broadway for the following purposes: temporal flower shop
14. Pursuant to the Zoning Law of the Town of Alden, it is hereby requested that a public hearing be held to consider granting a home occupation permit.
15. It is hereby agreed and understood that this home occupation permit shall be for a one year period and shall not be assignable or transferable to any other person than the undersigned.
16. It is hereby agreed and understood that the activities, operations, or use of the premises described, shall be completely within the building and only the residents of the premises and no more than one other person be employed in the activities operations, and use of the premises. It is hereby expressly agreed and understood that the parking spaces associated with the activities, operation and use of the premises shall be met off the street, and in other than a required front yard.
17. It is hereby expressly agreed and understood that a sign may be affixed to the premises, not to exceed an area of four (4) square feet and not to be illuminated. The four square feet shall consist of assign two feet by two feet.
18. It is hereby agreed and understood that this permit shall be for a period of one year and may be renewed at the discretion of the Town Board of the Town of Alden at the end of the one year period.
19. The holder of this permit is required to familiarize himself with the local law under which said permit is granted. Any violation of the provisions of said local law shall render the offender liable for the penalties provided therefore and in addition thereto may result in the immediate revocation of the permit.
20. The hold of this permit shall comply with any restrictions or conditions under which this permit is granted.

Signature of Applicant Mary Jane Dymar

Sworn to this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

When submitting initial application, attach copy of survey an deed. Application Fee is \$50.00

(E.)

11/5/2012

COUNCIL \_\_\_\_\_ MOVED AND COUNCIL \_\_\_\_\_ SECONDED THE  
MOTION TO INTRODUCE LOCAL LAW #1 OF 2013 ENTITLED  
"GOVERNMENTAL OPERATIONS LAW OF THE TOWN OF ALDEN" AND  
REFER THE SAME TO THE PLANNING BOARD FOR REVIEW AND  
RECOMMENDATION per CW/MR

A Local Law known as Local Law No. 1 of the Year 2013 entitled "Governmental Operations Law of the Town of Alden".

Be in enacted by the Town Board of the Town of Alden as follows:

#### SECTION 1. TITLE

This Law shall be known as Local Law No. 1 of the Year 2013 entitled "Governmental Operations Law of the Town of Alden" and shall amend the Code of the Town of Alden adopted on \_\_\_\_\_ to add a new chapter entitled "Governmental Operations" to be codified as Chapter 21 of the Code of the Town of Alden.

#### SECTION 2. PURPOSE

Pursuant to General Municipal Law §103(1), as amended, the Town is authorized to adopt a Local Law which would permit the Town to use the "best value" standard in awarding Purchase Contracts (including contracts for service work, but excluding any Purchase Contracts necessary for completion of a Public Works Contract pursuant to Article 8 of the Labor Law) by competitive bidding or accepting offers for purchase. The Town of Alden determines that it is in the best interests of the Town that such legislation be enacted and that such standard be used in the Town where appropriate for the award of such contracts.

#### SECTION 3. AMENDMENT

The Code of the Town of Alden is hereby amended by adding the following new Chapter 21 to be entitled "Governmental Operations" to Part 1 of the Code:

##### Section 21-1 - Purchase Contracts

Notwithstanding any other provision with respect to Purchase Contracts by competitive or purchase proposals and pursuant to the provisions of General Municipal Law §103(1) the Town of Alden may award such Contracts to a responsive and responsible bidder on the basis of best value.

##### Section 22-2 - Definition

The definition of best value as used herein shall be in accord with the definition set forth in New York State Finance Law §163(j) now enacted or hereinafter amended, which definition identifies the term "best value" to mean the basis for awarding Contracts for Purchase to the offeror which optimizes equality, cost and efficiency among responsive and responsible offerors. Such basis shall reflect, whenever possible, objective and quantifiable analysis.