

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

1. PLEDGE OF ALLEGIANCE – COUNCILMAN WEBER
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 SEPTEMBER 3, 2013.
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 renewal of the Home Occupation Permit for Matthew Jozwiak/12218 Westwood Rd./Metal Roof Sales per TC/RW
  - B. Motion to approve the renewal of the Home Occupation Permit for Daniel Pautler/12657 North Rd./Guns and Accessories per TC/RW
  - C. Order calling a public hearing re/CDBG for 10/07/13 per S/HM
  - D. Resolution approving the purchase of 50 yards of topsoil from Zoladz Construction at a total cost of \$1,075.00 (\$21.50 per yard, delivered) per CW/MR
  - E. Resolution approving the purchase of 7 50# bags of Barren-50390A RPR Yellow Jacket Coated grass seed from Professional Turf Services, Inc. at a total cost of \$713.93 per CW/MR
  - F. Resolution approving the purchase of one (1) John Deere 14 Bushel 3 Bag Material Collection System for \$2,432.68 from Z & M Ag & Turf per CW/MR
  - G. Resolution approving the Agreement with Youth Baseball to use the Alden Town Hall gymnasium during the months of October, 2013 through May, 2014 per CW/MR
  - H. Resolution approving the purchase of a 2013 John Deere 624K Loader from Five Star Equipment, Inc. for a total cost (after trade-in) of \$128,682.95 per CM/WW
  - I. Resolution opposing the approval of a permit to allow proposed storage of processed bio-waste in the Town of Marilla per S/HM
  - J. Resolution authorizing Grantmakers Advantage, Inc. to complete the necessary application, forms, etc. to New York State Unified Court System for the purpose of securing a grant per S/HM
9. UNFINISHED & TABLED BUSINESS
10. REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL
11. ANNOUNCEMENTS FROM THE SUPERVISOR
12. NOTICE OF MEETINGS:

<u>WORK SESSION:</u>	SEPTEMBER 23, 2013	@ 7:00 PM
<u>REG. BOARD MEETING:</u>	OCTOBER 7, 2013	@ 7:00 PM
13. MEMORIAL ADJOURNMENT: James Canfield (Former Town Hwy. Dept. Employee), Joan Froelich, John Millard, Helen Muszynski & Evelyn Sivecz (Former Town Judge).

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Tuesday, September 3, 2013 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 the Minutes and Synopsis of the Regular Meeting of August 19, 2013.

VOUCHERS

EXECUTIVE SESSION

Adopted Resolution approving Matthew Kingswell Sr. for membership in the Crittenden Volunteer Fire Dept.

Adopted Resolution Admonishing Hwy. Supt. Carl Fix for inappropriate, thoughtless and unprofessional behavior.

Tabled Resolution to seal the pavement at the Community/Senior Center and the Town Park entry roadway per specs.

Approved Motion to allow Alden Central School to use the R.O. Smith Park Soccer Field for Boys JV Soccer contests on requested dates.

Approved Motion to allow Alden Central School to use the Paved Loop and the Joe Panza Trail for their varsity and modified cross country season for practices and meets per schedule.

Adopted Resolution hiring Neill & Strong, PLLC for legal services in connection with writing a Request for Proposals for the Design and Construction of the Exchange St. Water District.

Adopted Resolution hiring Neill & Strong, PLLC for legal services in connect on with writing a Request for Proposals for the Design and Construction of the Zoeller Road Water District.

Adopted Resolution approving the purchase of (26) 50-pound bags of PS 19-9-19-62% Mesa 200sgn fertilizer from Preferred Seed at a total cost of \$991.90

Supervisor Milligan adjourned the meeting at 7:58 P.M. with a Moment of Silence in Memory of Leon Prucnal, Bruce Sitzman, Roger Herlan, Patricia Martin, Cheryl Poeller & Gordon Phelinger.

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Rd. on Tuesday, September 3, 2013. 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  
William Weber, Councilman

RECORDING SECRETARY: Ralph Witt, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney  
Carl Fix, Hwy. Supt.  
Mike Metzger, Town Engineer  
Chris Snyder, CEO  
Mike Fleming, Planning Board

Supervisor Milligan Moved and Councilman Weber seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of August 19, 2013.

**CARRIED.**

Ayes 3 Milligan, Riddoch & Weber  
Nays 0

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

<u>ACCOUNT</u>	<u>ABST. #1</u>	<u>ABST. #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$6,237.71	\$12,056.34	\$18,294.05
HGHWY FUND "DA/DB"	1,528.81	6,214.02	7,742.83
PART-TOWN FUND "B"	7,689.12	1,153.64	8,842.76
CAPITAL IMPROV. "HC"			
WD#1 FUND "WA"			
WD#2 FUND "WB"	260.57		260.57
WD#3 FUND "WC"	3,920.19		3,920.19
WD#4 FUND "WD"	11,648.14		11,648.14
SP FIRE PROT. "SF"			
SD#2 FUND "SA"	2,246.13	430.10	2,676.23
TRUST/AGCY FUND "T"	3,896.10	3,505.21	7,401.31
SP REFUSE FUND "SR"	35,984.72		35,984.72
STREET LIGHTING FUND "SL"	5,463.55		5,463.55
PERIWINKLE LTG. "SL1"	33.95		33.95
GRANTS		9,347.00	9,347.00
TOTALS	\$78,908.99	\$32,706.31	\$111,615.30

UPON ROLL CALL VOTE THE FOREGOING WAS PUT TO A VOTE ON SEPTEMBER 3, 2013 AND WAS

**ADOPTED.**

AYES 3 Milligan, Riddoch & Weber  
Nays 0

**BUSINESS FROM THE FLOOR**

Paul Loehr, Henskee Rd. questioned the agenda under new business item B. He would like to know if the taxpayers are going to hear the details or is it going to be whooshed through as usual? Supervisor Milligan said that the details in the resolution will be read aloud.

Matt Herdzyk, S. Woodside wanted to know if they are done with the pipe work at Sandridge and Broadway traffic signal. Supervisor Milligan said as far as he knows they are. He would like a note sent to them thanking them but don't do any more work.

Polly Justinger, Crittenden Rd. would like to know the status of the ice skating rink. She said maybe they should get the public's opinion. She would hate to see it turned into a parking lot. The chain link fence looks awful around it. Supervisor Milligan said they will not rush into anything at this time.

#### **COMMUNICATIONS**

##### **Councilman Weber:**

He was contacted by an individual regarding no-parking signs on Countyline Rd. The hilly areas of the road are dangerous when there is parking on both sides of the road. It was discussed at a Work Session, the Highway Supt. was notified of the situation.

A Peters Corners Rd. resident contacted him regarding a potential drainage problem between the railroad tracks and Genesee St. The Highway Supt. was notified and checked out the situation and could not find the problem, the resident was advised.

##### **Attorney Strong:**

She has had further communications with the Village and the Village Attorney regarding the 1963 deed for their water well, she would like to talk about this at the next Work Session.

##### **Supervisor Milligan:**

Erie County Superintendent of Highways sent out a letter regarding the snow contract for this year. They are not pleased with the way the County is negotiating this.

He attended a meeting of the Supervisors today, County representatives were there and they feel there will be bi-partisan support for the increases we are looking for in the snowplowing contract. There will be a County meeting September 17<sup>th</sup> regarding this issue he plans on attending.

A letter was received from New York State Dept. of Environmental Conservation regarding our wastewater treatment plant in the Alauras. There was a Comprehensive Inspection done on Sewer District #2. There were (3) three operational and maintenance problems with the most serious issue involving the structural integrity of the north and south walls of the sludge holding tank. This requires immediate action. Chris Snyder and Ted Morgan have been working on this along with the grant writer who is looking into funding for the repairs.

**AT 7:08 P.M. SUPERVISOR MILLIGAN ASKED FOR A MOTION TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO AN EXECUTIVE SESSION REGARDING A MATTER OF PERSONNEL WITH THE TOWN BOARD, THE TOWN ATTORNEY AND THE HIGHWAY SUPT. COUNCILWOMAN RIDDOCH MOVED AND COUNCILMAN WEBER SECONDED THE MOTION.**

##### **CARRIED.**

Ayes 3 Milligan, Riddoch & Weber

Nays 0

**AT 7:30 P.M. SUPERVISOR MILLIGAN ASKED FOR A MOTION TO ADJOURN FROM THE EXECUTIVE SESSION AND ENTER BACK INTO THE REGULAR MEETING, WITH NO ACTION TAKEN. COUNCILWOMAN RIDDOCH MOVED AND COUNCILMAN WEBER SECONDED THE MOTION.**

##### **CARRIED.**

Ayes 3 Milligan, Riddoch & Weber

Nays 0

#### **NEW BUSINESS**

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

WHEREAS, New York State General Municipal Law allows a municipality to approve the volunteer members of a volunteer fire department operating in said municipality;

WHEREAS, the Crittenden Volunteer Fire Department provides fire protection services within the Town of Alden pursuant to a contract with the Town of Alden;

WHEREAS, approval of members assists an injured volunteer firefighter in receiving worker's compensation benefits pursuant to New York State Volunteer Firefighter Benefit Law;

WHEREAS, Crittenden Volunteer Fire Department has approved Matthew Kingswell, Sr. as a member; and

WHEREAS, Crittenden Volunteer Fire Department has submitted to the Alden Town Clerk's Office notification of this new member.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Alden Town Board hereby approves Matthew Kingswell, Sr. for membership in the Crittenden Volunteer Fire Department; and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 3, 2013, and was

**ADOPTED.**

Ayes 3 Milligan, Riddoch & Weber

Nays 0

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

WHEREAS, the Town Board of the Town of Alden (the "Town") has received a complaint letter from Daryl Beyer alleging an incident of workplace violence by Highway Superintendent Carl Fix against Mr. Beyer;

WHEREAS, The Town's Workplace Violence Prevention Policy requires that the Town investigate this complaint;

WHEREAS, the Town Supervisor and the Town Attorney met with Mr. Beyer and his Union Representative to discuss the alleged incident and at that time Mr. Beyer submitted his letter of complaint. At this meeting Mr. Beyer had a copy in his possession of the Town's Workplace Violence Incident Report Form, which to date has not been completed and returned by Mr. Beyer;

WHEREAS, the Town Supervisor has discussed the alleged incident with Mr. Fix; and

WHEREAS, the Town Board believes that Carl Fix acted inappropriately, thoughtlessly and unprofessionally; but recognizes the fact that Mr. Fix is an elected official and that the Town Board has no ability to discipline Mr. Fix other than to adopt a resolution condemning his bad behavior.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board of the Town of Alden hereby admonishes Carl Fix for his inappropriate, thoughtless and unprofessional behavior towards Daryl Beyer and strongly urges Mr. Fix to seek sensitivity training or counseling to assist Mr. Fix in learning appropriate workplace behavior.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 3, 2013, and was

**ADOPTED.**

Ayes 3 Milligan, Riddoch & Weber

Nays 0

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to approve Alden Central School's request to use the R.O. Smith Park Soccer field for their boys JV Soccer Contests on requested dates. As in the past, the Town will maintain the field and the district will stripe the field for schedule home contests.

**CARRIED.**

Ayes 3 Milligan, Riddoch & Weber

Nays 0

Councilman Weber moved and Councilman Weber seconded the Motion to approve Alden Central School's request for their varsity and modified cross country season for practices and meets. The schedule of meets attached and season will conclude in early November 2013.

**CARRIED.**

Ayes 3 Milligan, Riddoch & Weber

Nays 0

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

WHEREAS, the Town Board has established the Exchange Street Water District and is now ready to move forward with the design and construction of said Water District.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby hires Neill & Strong, PLLC for legal services in connection with writing a Request for Proposals for the Design and Construction of the Exchange Street Water District at the hourly rate of \$150.00, plus actual disbursements; and
2. This resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote at a regular meeting on September 3, 2013 and was **ADOPTED.**

Ayes 3 Milligan, Riddoch & Weber

Nays 0

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

WHEREAS, the Town Board has established the Zoeller Road Water District and is now ready to move forward with the design and construction of said Water District.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby hires Neill & Strong, PLLC for legal services in connection with writing a Request for Proposals for the Design and Construction of the Zoeller Road Water District at the hourly rate of \$150.00, plus actual disbursements; and
2. This resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote at a regular meeting on September 3, 2013, and was

**ADOPTED.**

Ayes 3 Milligan, Riddoch & Weber

Nays 0

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

WHEREAS, the Alden Town Board has received a request from Parks Supervisor Andy Sojka to purchase 26 50-pound bags of PS 19-0-19 62% 200sgn fertilizer (the type of fertilizer recommended by the soil sampling results) for the grass at the various Town Parks for the 2013 – 2014 season the estimated cost of which less than \$2,000.01 but greater than \$500.00;

WHEREAS, the Procurement Policy & Procedure Guidelines (“Guidelines”) of the Town of Alden state that the Town must prepare a request for proposal and then obtain written quotes from at least two (2) vendors;

WHEREAS, an oral request for proposals (price per 50 pound bag of fertilizer) was made and only one company carries the type of fertilizer recommended by the soil sampling results;

WHEREAS, Professional Turf Services, Inc., the sole source provider, has submitted a quote at \$991.90 (\$38.15 per 50 pound bag). This proposal meets the oral request for proposal and complies with the Guidelines;

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 of the above described fertilizer.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of 26 50-pound bags of PS 19-0-19 62% Mesa 200sgn fertilizer from Preferred Seed, the sole source provider, at a total cost of \$991.90;
2. The Parks Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 3, 2013, and was

**ADOPTED.**

Ayes 3 Milligan, Riddoch & Weber

Nays 0

**THERE WAS NO UNFINISHED & TABLED BUSINESS**

THE RESOLUTION REGARDING THE SEALING OF THE PAVEMENT AT THE ALDEN COMMUNITY/SENIOR CENTER AND THE TOWN PARK ENTRY ROADWAY WAS TABLED BY COUNCILWOMAN RIDDOCH.

**REPORTS OF COMMITTEES, OFFICIALS AND PERSONEL**

**Councilwoman Riddoch:**

She had a meeting with Dan Moultrup and the soccer board regarding the bi-laws; they are working on them.

She would like Steve DePaolis on the Work Session regarding the use of the Town Hall by Alden Youth Baseball.

The Senior Van was up and running with the air conditioning in working order. She received a call that there was a large puddle in the garage. A brake line was broke and has since been repaired. She thanked Hwy. Foreman Larry Zobrest for all his help with this situation.

**Engineer Metzger:**

He has talked to County Traffic Engineer Mike Asklar regarding the truck traffic situation on Sandridge and W. Main. He said he has been talking to the D.O.T. and that is about all he can do with it. He would be willing to meet with the Town and the D.O.T. to see if we could encourage the D.O.T. to do something more with signage by the underpass, to let the trucks know if they go through the right lane they would have more height clearance. The Board would like to set this meeting up.

Chris Snyder, Andy Sojka, a structural engineer/achitect and Eng. Metzger met at the Community Center. They are preparing a report and proposal for bidding out the repair work.

He has had several conversations with the DEC regarding the storage tank in Marilla. The tank will be filled to capacity. There was a discussion as to the route that will be taken transferring the equate to the tank, it will not be going through Alden. He will continue to monitor this situation. Councilman Weber is very concerned about the spreading of this equate and potential effect on well water. There is a meeting in Marilla on Thursday.

**CEO Snyder:**

He will be getting prices for the repairs needed at S.D. #2.

**Planning Board Representative Mike Fleming:**

Brought to the Board's attention the need for a site plan review for Mark Moore's property on Broadway. This will be put on the Work Session. Planning Board Chairman Ralph Witt said there seems to be a difference of opinion between the Planning Board and the CEO. He would like to be on the same page.

**Supervisor Milligan:**

Mary Lynn from the Marilla/Alden Car Show will be at the Work Session Monday about setting up for next year.

He would like the paving of the walking trail also put on the Work Session.

**NOTICE OF MEETINGS:**

**NEXT WORK SESSION:**

SEPTEMBER 9, 2013 @ 7:00 P.M.

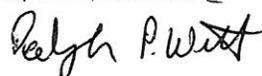
**REG. BOARD MEETING:**

SEPTEMBER 16, 2013 @ 7:00 P.M.

**MEMORIAL ADJOURNMENT**

Supervisor Milligan adjourned the Meeting at 7:58 P.M. with a Moment of Silence in Memory of Leon Prucnal, Bruce Sitzman, Roger Herlan, Patricia Martin, Cheryl Poeller & Gordon Phelinger.

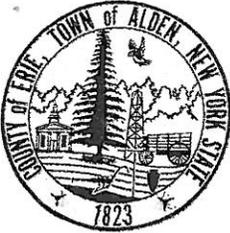
Ralph Witt, Town Clerk



A.

9-16-2013

MOTION TO APPROVE THE RENEWAL OF THE HOME OCCUPATION PERMIT FOR MATTHEW JOZWIAK/12218 WESTWOOD RD/METAL ROOF SALES 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: 8/26/13

NAME: MATTHEW JOZWIAK

ADDRESS: 12218 Westwood Rd.

DATE OF INSPECTION: 9-9-13

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

exp. 6/7/13

CASH \$50.00  
8/26/13  
JPC

APPLICATION FOR HOME OCCUPATION PERMIT

(ANY ZONING DISTRICT EXCEPT R-12)

Date 8/26/13

1. Applicant:

Name MATTHEW WOZWIAR  
Address 12218 WESTWOOD RD.  
Telephone (716) 937 9398

2. Location of property for which permit is 12218 WESTWOOD RD.

3. Present Zoning R-A

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 SALES METAL ROOFING

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: PART OF THE KITCHEN

6. Describe the mechanical and /or electrical equipment that will be necessary to the conduct of your activity. MAYBE A ROOF FORMER TO ROOF THE PANELS

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:

DISPLAY IN KITCHEN

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 \_\_\_\_\_

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

?  
?  
?  
?

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 VERY LOW

13. I MATTHEW NOZWIAK (applicant) hereby request a certification of compliance with the Zoning regulations with respect to the property known as 12218 WESTWOOD for the following purposes:

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 X 

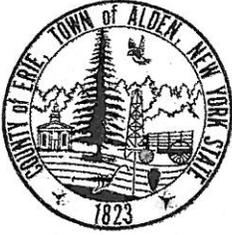
Sworn to this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

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

B.

9-16-2013

MOTION TO APPROVE THE RENEWAL OF THE HOME OCCUPATION PERMIT FOR DANIEL PAUTLER/12657  
NORTH RD./GUNS AND ACCESSORIES 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: 8/16/13  
NAME: Daniel Pautler 937-6249  
ADDRESS: 12657 North  
ALDEN, N.Y.  
DATE OF INSPECTION: 9-6-13

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 8/10/13

1. Applicant:

Name DANIEL C PAUTLER  
Address 12657 North Rd Alden  
Telephone 716 937-6249

2. Location of property for which permit is 12657 North Rd

3. Present Zoning RA

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 Guns & Acc.

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: Living Rm

6. Describe the mechanical and/or electrical equipment that will be necessary to the conduct of your activity. NONE

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:

LOCKED IN GUN SAFE

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 UPS

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:

Mrs. DAN PAUTLER  
MARK + SUE SUKZINSKI

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

BUSINESS TOO SMALL

13. I \_\_\_\_\_ (applicant) hereby request a certification of compliance with the Zoning regulations with respect to the property known as \_\_\_\_\_ for the following purposes:
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 

Sworn to this \_\_\_\_\_ day of Aug 12 2013

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

①

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS;

A hearing before the Town Board of the Town of Alden, in the County of Erie shall be held at the Town Hall, 3311 Wende Road, Alden, New York at 7:05 p.m. on the 7th day of October, 2013, for the purpose of hearing all persons interested in the use of Federal Community Development Funds in the Town of Alden; and

ORDERED, that the Town Clerk's Office is directed to (a) publish a notice of public hearing in the Alden Advertiser, designated as the official newspaper for this publication, such publication to be not less than five (5) days before the date of the public hearing; (b) and post as required by law one (1) copy of the Notice of Public Hearing no later than the day such Notice is published; and

The question of the adoption of the foregoing order was duly put to a vote on roll call, at a regular meeting on September 16, 2013, which resulted as follows:

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

(D.)

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

WHEREAS, the Alden Town Board has received a request from the Parks Supervisor to purchase 50 yards of topsoil (to be delivered) for use in the various Town Parks the estimated cost of which less than \$2,000.01 but greater than \$500.00;

WHEREAS, the Procurement Policy & Procedure Guidelines (“Guidelines”) of the Town of Alden state that the Town must prepare a request for proposal and then obtain written quotes from at least two (2) vendors;

WHEREAS, The Parks Superintendent obtained three (3) written quotes as follows:  
The highest quote is from JF Krantz at \$25.00 per yard plus \$45 per truckload delivered;  
The second highest quote is from Buffalo and Orchard Park Topsoil at \$25 per yard; and  
The lowest quote is from Zoladz Construction for \$21.50 per yard;

WHEREAS, Zoladz Construction is 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 of the above described topsoil.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of 50 yards of topsoil from Zoladz Construction at a total cost of \$1,075.00 (\$21.50 per yard, delivered);
2. The Parks Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 16, 2013, as follows:

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

(E.)

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

WHEREAS, the Alden Town Board has received a request from Parks Supervisor to purchase 7 50# bags of Barren-50390A RPR Yellow Jacket Coated grass seed (the seed recommended after soil testing) for use at the various Town Parks the estimated cost of which less than \$2,000.01 but greater than \$500.00;

WHEREAS, the Procurement Policy & Procedure Guidelines (“Guidelines”) of the Town of Alden state that the Town must prepare a request for proposal and then obtain written quotes from at least two (2) vendors, except in the case of a sole source provider where multiple quotes are not required;

WHEREAS, Professional Turf Services, Inc. is the only seed provider who sells Barren-50390A RPR Yellow Jacket Coated grass seed; 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 of the above described grass seed.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of 7 50# bags of Barren-50390A RPR Yellow Jacket Coated grass seed from Professional Turf Services, Inc., the sole source provider, including delivery at a total cost of \$713.93 (\$101.99 per 50 pounds);
2. The Parks Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 16, 2013, as follows:

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

F.

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

\_\_\_\_\_

WHEREAS, the Town of Alden Parks Supervisor has advised the Town Board that the Parks Department is in need of one (1) John Deere 14 Bushel 3 Bag Material Collection System for use in the various Town Parks which will be purchased pursuant to the State Bid Contract;

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

WHEREAS, The Town Board after full and careful review and consideration of the request finds it in the public interest to authorize the purchase of the Collection System.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

- 1. The Town Board approves the purchase of one (1) John Deere 14 Bushel 3 Bag Material Collection System, as described on the attached Quote for \$2,432.68, from Z & M Ag and Turf as being consistent with its policies and in the interest of the residents of the Town of Alden;
- 2. That the Parks Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase; and
- 3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 16, 2013, as follows:

Councilman Weber	Aye	Nay
Supervisor Milligan	Aye	Nay
Councilwoman Riddoch	Aye	Nay



(9)  
STATE  
BID

Quote Id: 8596215

Customer Name: TOWN OF ALDEN PARKS & BUILDINGS ANDY SOJKA

**ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):**

John Deere Company  
2000 John Deere Run  
Cary, NC 27513  
FED ID: 36-2382580;  
DUNS#: 60-7690989

**ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:**

Z&M AG AND TURF  
3517 RAILROAD AVENUE  
ALEXANDER, NY 14005  
585-591-1670  
MAILALEXANDER@ZAHMANDMATSON.COM

**Quote Summary**

**Prepared For:**

TOWN OF ALDEN PARKS &  
BUILDINGS ANDY SOJKA  
GARAGE ALDEN TOWN PARK  
3311 WENDE RD  
ALDEN, NY 14004  
Business: 716-572-3375

**Delivering Dealer:**

Z&M AG AND TURF  
GARY BELL  
3517 RAILROAD AVENUE  
ALEXANDER, NY 14005  
Phone: 585-591-1670  
gbell@zahmandmatson.com

Quote ID: 8596215

Created On: September 04, 2013

Last Modified On: September 04, 2013

Expiration Date: October 04, 2013

**Equipment Summary**

**Suggested List**

**Selling Price**

**Qty**

**Extended**

JOHN DEERE 14 Bushel 3-Bag  
Material Collection System (For Z-  
Trak PRO 48 In./54 In./60 In./72 In.  
Mowers including Mulch-On-Demand  
Decks)

\$ 3,202.36

\$ 2,432.68 X

1 =

\$ 2,432.68

Contract: NY Mwing Equip\_PC64361

Price Effective Date: April 22, 2013

**Equipment Total**

**\$ 2,432.68**

\* Includes Fees and Non-contract items

**Quote Summary**

Equipment Total

\$ 2,432.68

Trade In

SubTotal

**\$ 2,432.68**

Total

\$ 2,432.68

Down Payment

(0.00)

Rental Applied

(0.00)

**Balance Due**

**\$ 2,432.68**

Salesperson : X \_\_\_\_\_

Accepted By : X \_\_\_\_\_

(9)  
STATE  
BID

**Quote Id:** 8596215

**Customer Name:** TOWN OF ALDEN PARKS & BUILDINGS ANDY SOJKA

**ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):**

John Deere Company  
2000 John Deere Run  
Cary, NC 27513  
FED ID: 36-2382580;  
DUNS#: 60-7690989

**ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:**

Z&M AG AND TURF  
3517 RAILROAD AVENUE  
ALEXANDER, NY 14005  
585-591-1670  
MAILALEXANDER@ZAHMANDMATSON.COM

### Quote Summary

**Prepared For:**

TOWN OF ALDEN PARKS &  
BUILDINGS ANDY SOJKA  
GARAGE ALDEN TOWN PARK  
3311 WENDE RD  
ALDEN, NY 14004  
Business: 716-572-3375

**Delivering Dealer:**

Z&M AG AND TURF  
GARY BELL  
3517 RAILROAD AVENUE  
ALEXANDER, NY 14005  
Phone: 585-591-1670  
gbell@zahmandmatson.com

**Quote ID:** 8596215

**Created On:** September 04, 2013

**Last Modified On:** September 04, 2013

**Expiration Date:** October 04, 2013

Equipment Summary	Suggested List	Selling Price	Qty	Extended
JOHN DEERE 14 Bushel 3-Bag Material Collection System (For Z-Trak PRO 48 In./54 In./60 In./72 In. Mowers including Mulch-On-Demand Decks) Contract: NY Mwing Equip_PC64361 Price Effective Date: April 22, 2013	\$ 3,202.36	\$ 2,432.68 X	1 =	\$ 2,432.68

<b>Equipment Total</b>	<b>\$ 2,432.68</b>
------------------------	--------------------

\* Includes Fees and Non-contract items

<b>Quote Summary</b>	
Equipment Total	\$ 2,432.68
Trade In	
SubTotal	<b>\$ 2,432.68</b>
Total	\$ 2,432.68
Down Payment	(0.00)
Rental Applied	(0.00)
<b>Balance Due</b>	<b>\$ 2,432.68</b>

**Salesperson :** X \_\_\_\_\_

**Accepted By :** X \_\_\_\_\_



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

\_\_\_\_\_

WHEREAS, the Town of Alden (“Town”) and Alden Youth Baseball, Inc., (“Youth Baseball”) a Not-For-Profit Corporation duly organized and existing under the laws of the State of New York, have negotiated an Agreement to allow Youth Baseball to use the Alden Town Hall gymnasium for its players to practice indoors during the months of October, 2013 through May, 2014;

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

WHEREAS, the Town and Youth Baseball have come to full agreement on the terms of such Agreement to run from October 1, 2013 until May 31, 2014, a copy of which is attached hereto; and

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

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

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

The foregoing Resolution was duly put to a roll call vote at a regular meeting held on September 16, 2013, as follows:

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

## AGREEMENT FOR USE OF ALDEN TOWN HALL GYMNASIUM

THIS AGREEMENT made this 16th day of September, 2013, by and between the TOWN OF ALDEN, a Municipal Corporation duly organized and existing under the laws of the State of New York (hereinafter "Town") with offices at 3311 Wende Road, Alden, New York 14004 and ALDEN YOUTH BASEBALL, INC., a Not-For-Profit Corporation duly organized and existing under the laws of the State of New York with an address of PO Box 52, Alden, New York 14004.

### WITNESSETH:

In order to promote the programs offered by Alden Youth Baseball, Inc., the Town agrees to allow Alden Youth Baseball, Inc. to use the gymnasium at the Alden Town Hall (3311 Wende Road) for indoor practices during the months of October, 2013 through May, 2014.

For and in consideration of good will to the residents of the Town of Alden who participate in Alden Youth Baseball, Inc. programs, it is hereby agreed and covenanted that:

1. Alden Youth Baseball, Inc. may use the gymnasium at the Alden Town Hall for indoor youth baseball practices from October 1, 2013, through May 31, 2014, as agreed upon with Councilwomen Mary Riddoch. Alden Youth Baseball, Inc. understands that it may need to relinquish use of the gymnasium in the event that the gymnasium is needed by another organization or is needed for a special meeting by the Town of Alden.
2. Alden Youth Baseball, Inc. coaches and players shall only wear white, rubber soled sneakers while practicing in the gymnasium.
3. Alden Youth Baseball Inc. shall install all reasonably necessary netting and safety equipment to protect its participants and observers and to protect the walls, floors and ceilings of the gymnasium to the sole satisfaction of the Town. The Town makes no warranty as to the fitness of the gymnasium for Alden Youth Baseball, Inc. practices.
4. Alden Youth Baseball, Inc. is solely responsible to repair any and all damage to the gymnasium and to the Town Hall caused during its practices.
5. The parents, guardians and/or coaches shall fully supervise Alden Youth Baseball, Inc. players at all times while on Town property.
6. The following representative of Alden Youth Baseball, Inc.: Steve DePaolis shall be given a key to the Town Hall and to the gymnasium and the Town Hall security access code. Steve DePaolis is strictly forbidden from letting any one else use or have possession of the keys and security code. Steve DePaolis is also fully responsible to follow the opening and closing checklist provided to said representative by the Town. The key will not be released to Steve DePaolis until all prior keys given to Alden Youth Baseball, Inc. are returned to the Town Clerk. Mr. DePaolis must return his key to the Town Clerk no later than June 5, 2014.
7. Alden Youth Baseball, Inc. shall only have access to the gymnasium and restrooms at the Alden Town Hall.
8. Alden Youth Baseball, Inc. shall properly clean up and store its equipment after each practice, so as to allow others to use the gymnasium. Alden Youth Baseball, Inc. shall clean the gymnasium. All equipment shall be taken down and stored no later than June 5, 2014.

9. The Town is not responsible for lost or stolen equipment belonging to Alden Youth Baseball, Inc. or its participants.
10. Alden Youth Baseball Inc. shall upon signing this Agreement provide proof of liability insurance to the Town of Alden and shall name the Town of Alden as an additional insured.
11. Alden Youth Baseball, Inc. agrees to hold harmless and indemnify the Town, its employees, officials and agents for any and all incidents and injuries that arise to the any participates and spectators to Alden Youth Baseball, Inc. practices.

IN WITNESS WHEREOF, the parties have hereunto executed this Agreement on the \_\_\_\_ day of September 16, 2013.

TOWN OF ALDEN

\_\_\_\_\_  
By: Harry F. Milligan, Supervisor

ALDEN YOUTH BASEBALL, INC.

\_\_\_\_\_  
By: Steve DePaolis, President

①

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

WHEREAS, the Town of Alden Highway Superintendant has advised the Town Board that the Highway Department is in need of a new 2013 John Deere 624K Loader which will be purchased pursuant to the State Bid Contract;

WHEREAS, Town of Highway Superintendant has advised the Town Board that the Highway Department is in possession of a 1999 Hyundai HL750 Loader that is not of any use to the Highway Department and that he would like to trade-in this Loader towards the purchase of the new John Deere Loader;

WHEREAS, said Procurement Policy & Procedure Guidelines and General Municipal Law have been followed by purchasing from the State Bid Contract; and

WHEREAS, The Town Board after full and careful review and consideration finds the request to trade-in the 1999 Loader towards the purchase of a new Loader as being in the public interest.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby determines that the 1999 Hyundai HL750 Loader is not of any use to the Highway Department and is not needed for Town purposes and is surplus property and authorizes this Loader be traded in at a value of \$21,000.00 towards the purchase of a new Loader;

2. The Town Board hereby authorizes the purchase of a 2013 John Deere 624K Loader, as per the attached specifications, from Five Star Equipment, Inc. (who is on the State Bid List) for a total cost (after the trade-in) of \$128,682.95, including delivery and take-away of the old Loader;

3. Payments shall be made to Five Star as follows: \$5,000.00 in October, 2013; \$5,000 in November, 2013; and \$5,000.00 in December, 2013. The Loader will be delivered to the Town in October, 2013 and during this three month period the Town shall enter into Rental Agreement with Five-Star Equipment, Inc. The final payment of \$113,682.95 will be paid to Five Star in January, 2014, at which time Five Star will give a Bill of Sale to the Town of Alden to transfer ownership of the John Deere Loader to the Town of Alden;

4. The Highway Superintendent is hereby authorizes the Highway Superintendent to sign the Rental Agreement and the Purchase Agreement to effectuate the rental and the purchase; and

5. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 16, 2013, as follows:

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

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

WHEREAS, there is an application before the New York State DEC for a permit to store processed bio-waste (including manure and food wastes) in a one-million gallon tank located at Eastwood Road, in the Town of Marilla;

WHEREAS, at this time the Alden Town Board believes that the science and experience in the handling and future results of processed bio-waste is unconvincing;

WHEREAS, the Alden Town Board believes that the amount of heavy metals contained in processed bio-waste is at unacceptable levels for an adjacent community (Alden) where many homes have well water as their only source of potable water; and

WHEREAS, it is the government's job to protect the people when the risk of health hazards has not been totally proven.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board is against the approval of a permit to allow the proposed storage of processed bio-waste in the Town of Marilla;
2. The Town Clerk is hereby directed to mail a copy of this Resolution to the Town of Marilla and to the NYS DEC; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 16, 2013, as follows:

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

J.

WHEREAS, grant monies are available through the New York State Unified Court System to enhance the security and operation of municipal Justice Courts; NOW THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Unified Court System for the purpose of securing this grant, and BE IT FURTHER

RESOLVED, that the Supervisor and Town Court Justices be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.