

**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 JULY 15, 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 Marc & Lou Ann Miller/Blinds cleaned/repared and internet sales, 11256 Broadway per TC/RW
  - B. Resolution calling on the Erie County Executive and Erie County Legislature to resolve the issue between the Erie County Dept. of Public Works and the 25 towns within the County of Erie with regards to snow removal and de-icing of county roads within the towns per S/HM
  - C. Resolution approving the agreement with Millard, MacKay & Delles Land Surveyors, LLP for a boundary survey for a portion of 13140 Main St. for a total cost of \$575.00 per S/HM
  - D. Motion to approve the renewal of the Home Occupation Permit for Douglas Swingle/12049 Genesee St./Auto Upholstery Repair per TC/RW
  - E. Order establishing the Exchange Street Water District 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>	AUGUST 12, 2013 @ 7:00 PM
<u>REG. BOARD MEETING:</u>	AUGUST 19, 2013 @ 7:00 PM
13. MEMORIAL ADJOURNMENT: Barbara Ruhlman, Doris Miklinski and Clarence Sims.

**TOWN CLERK'S OFFICE**

**ALDEN TOWN BOARD**

**FOR INFORMATION**

**RALPH P. WITT, TOWN CLERK**

**716-937-6969 EXT. 2**

**DEBRA A. CRIST, DEPUTY**

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, July 15, 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 July 1, 2013.

**VOUCHERS**

Approved Motion to allow Alden Men's Softball to use R.O. Smith and St. John's diamonds for softball tournaments on 8/3 & 8/24 pending receipt of fees.

**EXECUTIVE SESSION**

Supervisor Milligan adjourned the meeting at 7:55 P.M. with a Moment of Silence in Memory of Loretta Roll and Paul Roll Sr.

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

- PRESENT: Harry Milligan, Supervisor  
Mary Riddoch, Councilwoman  
William Weber, Councilman
- RECORDING SECRETARY: Ralph Witt, Town Clerk
- OTHERS PRESENT: Jennifer Strong, Town Attorney  
Chris Snyder, CEO  
Mike Metzger, Town Engineer  
Michael DeWitt, Planning Board  
Len Weglarski, DCO
- ABSENT: Carl Fix, Hwy. Supt.

Supervisor Milligan Moved and Councilman Weber seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of July 1, 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"	\$6,253.27		\$6,253.27
HGHWY FUND "DA/DB"	2,358.79		2,358.79
PART-TOWN FUND "B"	3,564.29		3,564.29
CAPITAL IMPROV. "HC"			
WD#1 FUND "WA"			
WD#2 FUND "WB"	375.20		375.20
WD#3 FUND "WC"	2,050.20		2,050.20
WD#4 FUND "WD"	1,299.80		1,299.80
SP FIRE PROT. "SF"	3,592.90		3,592.90
SD#2 FUND "SA"	2,006.81		2,006.81
TRUST/AGCY FUND "T"	12,137.67		12,137.67
SP REFUSE FUND "SR"	35,653.83		35,653.83
STREET LIGHTING FUND "SL"	5,660.95		5,660.95
PERIWINKLE LTG. "SL1"	34.57		34.57
GRANTS			
TOTALS	\$74,988.28		\$74,988.28

UPON ROLL CALL VOTE THE FOREGOING RESOLUTION WAS PUT TO A VOTE ON JULY 15, 2013 AND WAS **ADOPTED.**

Ayes 3 Milligan, Riddoch & Weber  
Nays 0

**BUSINESS FROM THE FLOOR**

Deb Faso addressed the board with her concern about not getting her mail. She lives in the old Crittenden Post Office district. She has dealt with all the Post Office facilities and has gotten nowhere with them. Supervisor Milligan said that if there was anything the Town could do to help we would be glad to do so, but after talking to the Post Office, the Town is not able to rectify the situation. Ed Earsing a member of Wood & Brook said that they are on Genesee St. and opened up a post office box at the Post Office in the Village of Alden. He also complimented the Town on the good job done on the water district turnover.

## **COMMUNICATIONS**

### **Attorney Strong:**

One of the Health Dept. permits has been received from a vendor of the Car Show. She reminded them the others need to be sent in.

There has been no response on the letters sent out regarding the proposed Hike/Bike path.

### **Councilwoman Riddoch:**

A call was received today from Robert Meyer/AJF Football. He would like to attend the next Work Session and update the Board on their projects.

### **Supervisor Milligan:**

A letter was copied to the Board regarding the status of Rural Metro's contract talks. They possibly may go on strike at midnight tonight.

The calendar for the 2014 Town budget has been handed out. Hopefully the budget can get passed by November 4<sup>th</sup>.

## **NEW BUSINESS**

**With no objection, Councilwoman Riddoch polled the Board and added the following to the Agenda:**

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to approve Alden Men's Softball's request to use the R.O. Smith Park/ St. Johns diamonds on August 3<sup>rd</sup> and August 24<sup>th</sup> for softball tournaments, pending receipt of required fee.

### **CARRIED.**

Ayes 3 Milligan, Riddoch & Weber

Nays 0

## **THERE WAS NO UNFINISHED OR TABLED BUSINESS**

## **REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL**

### **Councilman Weber:**

The Virginia Drive/Boncliff Dr. drainage project has been completed.

He would like to refer to the Planning Board two local laws. One deals with multiple family homes in R-A areas and the other stand-alone buildings in areas that have been built without a resident on the property. He would like these on the Work Session.

### **Town Clerk Ralph Witt:**

He and his Deputy have been researching the possibility of offering the citizens a free rabies clinic as other towns have. In checking with the other Towns, they have surplus funds in their dog account. They are able to take these funds generated by the dog license fees and use this to fund the clinics. We are unable to do so as we are running in the red now. We feel that it is not fair to ask taxpayers who do not have dogs or people who already have had their dogs vaccinated at their Vets to pay tax dollars for unvaccinated dogs. We have decided not to hold the clinic.

### **Councilwoman Riddoch:**

The bench for the Joe Panza trail has been placed at number 10.

She has heard that house soccer has over 400 children registered.

### **Engineer Metzger:**

An update was given on the Sandridge/West Main Street truck traffic situation. Supervisor Milligan and Mayor Manicki are working on letters to the State concerning this.

He has a meeting scheduled tomorrow with Park's Supv. Sojka to look at the mortar in the block at the Community Center. A few years ago Councilman Snyder had hired a structural engineer to do a study of the building and make various recommendations. He would like to see a copy of the report.

### **CEO Snyder:**

The doors for the Town Hall should be installed soon.

### **DCO Weglarski**

He removed all the freon from the air conditioners that were left at the Town Hall. He has been working on the Senior Van; there is a problem with the gas cap. He has been also working on the air conditioning system for the Senior Van.

**NOTICE OF MEETINGS:**

(Work Session 7/22/13 – Cancelled)

**NEXT WORK SESSION:**

August 12, 2013 @ 7:00 P.M.

**NEXT TOWN BOARD MTG.:**

August 5, 2013 @ 7:00 P.M.

**AT 7:22 P.M. SUPERVISOR MILLIGAN MOVED TO ADJOURN FROM THE REGULAR BOARD MEETING AND ENTER INTO AN EXECUTIVE SESSION WITH TOWN BOARD, TOWN ENGINEER METZGER, CEO CHRIS SNYDER, RALPH WITT AND ATTORNEY STRONG ON A MATTER OF POSSIBLE LITIGATION, COUNCILMAN WEBER SECONDED THE MOTION.**

**CARRIED.**

Ayes 3 Milligan, Riddoch & Weber

Nays 0

**AT 7:54 P.M. COUNCILMAN WEBER MOVED TO ADJOURN FROM THE EXECUTIVE SESSION WITH NO ACTION TAKEN AND ENTER BACK INTO THE REGULAR BOARD MEETING, COUNCILWOMAN RIDDOCH SECONDED THE MOTION.**

**CARRIED.**

Ayes 3 Milligan, Riddoch & Weber

Nays 0

**MEMORIAL ADJOURNMENT**

Supervisor Milligan adjourned the meeting at 7:55 P.M. with a Moment of Silence in Memory of Loretta Roll and Paul Roll Sr.



Ralph Witt  
Town Clerk

July-13

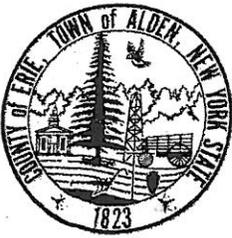
COUNCILMAN \_\_\_\_\_ MOVED AND COUNCILMAN \_\_\_\_\_  
SECONDED THAT THE FOLLOWING VOUCHERS BE ALLOWED AND PAID.

<u>ACCOUNT</u>	<u>AMOUNT</u>		
	ABSTRACT #1	ABSTRACT #2	TOTAL
GENERAL FUND "A"	\$6,253.27	\$27,068.24	\$33,321.51
HIGHWAY FUND "DA/DB"	\$2,358.79	\$5,926.85	\$8,285.64
PART-TOWN FUND "B"	\$3,564.29	\$2,312.01	\$5,876.30
COMMUNITY DEV. FUND "CD"			\$0.00
CAPITAL IMPROV. "HC"			\$0.00
WATER DIST. #1 FUND "WA"			\$0.00
WATER DIST. #2 FUND "WB"	\$375.20		\$375.20
WATER DIST. #3 FUND "WC"	\$2,050.20		\$2,050.20
WATER DIST. #4 FUND "WD"	\$1,299.80		\$1,299.80
SPECIAL FIRE PROTECTION "SF"	\$3,592.90		\$3,592.90
SEWER DIST. #1 FUND "SI"			\$0.00
SEWER DIST. #2 FUND "SA"	\$2,006.81	\$375.00	\$2,381.81
TRUST & AGENCY FUND "T"	\$12,137.67	\$2,762.94	\$14,900.61
SPECIAL REFUSE FUND "SR"	\$35,653.83		\$35,653.83
STREET LIGHTING FUND "SL"	\$5,660.95		\$5,660.95
CAPITAL IMPROV. "H"			\$0.00
PERIWINKLE LTG. DIST. "SL1"	\$34.57		\$34.57
GRANTS			\$0.00
CAPITAL WD FUND "HG"			\$0.00
<b>TOTAL</b>	<b>\$74,988.28</b>	<b>\$38,445.04</b>	<b>\$113,433.32</b>

(A.)

8-5-13

MOTION TO APPROVE THE RENEWAL OF A HOME OCCUPATION PERMIT FOR MARC & LOU ANN MILLER/BLINDS CLEANED/REPAIRED AND INTERNET SALES/11256 BROADWAY per TC/RW



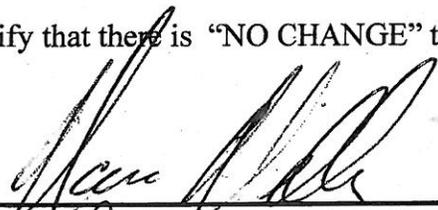
# TOWN OF ALDEN

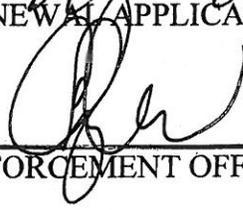
(716) 937-6969  
Relay/Dial #711  
Fax 937-9817

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

DATE: 6-7-13  
NAME: Marc & Lou Ann Miller  
ADDRESS: 11256 Broadway  
ALDEN, N.Y.  
DATE OF INSPECTION: 7-5-13

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

P.D.  
6-6-13  
ck.  
23028  
pc

**APPLICATION FOR HOME OCCUPATION PERMIT**

(ANY ZONING DISTRICT EXCEPT R-12)

Date 5-21-13

1. Applicant:

Name Marc & Lou Ann Miller  
Address 11256 Broadway Alder, NY 14004  
Telephone 716-685-9574 or 685-9203

2. Location of property for which permit is same

3. Present Zoning \_\_\_\_\_

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 Blinds cleaned & repaired  
Internet Sales

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: Den-office Garage-cleaning & repairs  
Addition-office

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

Machine

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: \_\_\_\_\_

Garage & Addition

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 Trailer Towed by Vehicle (Hemm)

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 2

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

Ness  
Lipczynski / Hoyer  
Merrick  
new neighbors where ~~of~~ Gronowski / Penell lived.

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 This is a

simple homebased business

13. <sup>We</sup> Marc Louren Miller (applicant) hereby request a certification of compliance with the Zoning regulations with respect to the property known as 11256 Broadway 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 Marc Louren Miller

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

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

(B.)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER \_\_\_\_\_, WHO  
MOVED ITS ADOPTION, \_\_\_\_\_ SECONDED BY  
COUNCIL MEMBER \_\_\_\_\_, TO WIT:

**WHEREAS**, The Town of Alden, recognizes that plowing and de-icing town, as well as county roads, is in the best interest and safety of its residents, and

**WHEREAS**, Erie County and the 25 towns within the county have negotiated contracts which assure that the majority of the county road within the towns would be maintained according to the same snow and ice control methods used on all town roads, and

**WHEREAS**, such methods have been approved by the Erie County Department of Public Works, and

**WHEREAS**, in the past, all costs of manpower, equipment, and materials have been calculated to the satisfaction of all parties, and

**WHEREAS**, any issues that have arisen during snow and ice control in previous years have been resolved by all parties involved, and

**WHEREAS**, a new contract between the Towns and Erie County is currently being negotiated, and

**WHEREAS**, on March 20, 2013, there was a tentative agreement between the towns and Erie County which included a 3 year term with an annual increase of 5.0% as was past practice, and

**WHEREAS**, this agreement was considered fair and within the budgeting confines of Erie County, and

**WHEREAS**, on April 16, 2013, Erie County made a counter proposal to increase the contract from 3 years to 5 years and to reduce the monetary increase to 0.5%, and

**WHEREAS**, the county proposed rate is one the towns cannot afford, and

**WHEREAS**, the budgetary planning for 2014 is going to be starting in many municipalities, and

**WHEREAS**, the deadline for the towns to order road salt de-icer is now past.

**NOW THEREFORE BE IT**

**RESOLVED**, that the Town of Alden calls on the Erie county Executive and Erie County Legislature to help resolve the issue between the Erie County Department of Public Works and the 25 towns within the County of Erie with regards to snow removal and de-icing of county roads within the towns that is fair and equitable to all parties, and

**BE IT FURTHER**

**RESOLVED**, that the Town Clerk of the Town of Alden is to transmit copies of this resolution to Erie County Executive Mark Poloncarz, Erie County Legislature Terry McCracken, Erie County Legislature Chairwoman Betty Jean Grant, and Erie County Department of Public Works Commissioner John Loffredo, and the other towns within Erie County.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER WEBER	AYE	NAY
COUNCIL MEMBER RIDDOCH	AYE	NAY
SUPERVISOR MILLIGAN	AYE	NAY

(C)

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 State of New York to have prepared a boundary survey of a portion of lands at 13140 Main Street, Alden (adjacent to the existing Town Park) for possible transfer of said lands to the Town , the estimated cost of the boundary survey is less than \$2,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines (“Guidelines”) of the Town of Alden states that professional services are exempt from the Guidelines;

WHEREAS, a request for proposal was made by the Town to Millard, MacKay & Delles, who has previously surveyed the Town Park and a written quote was received for \$575.00:

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 survey work.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the Agreement with Millard, MacKay & Delles Land Surveyors, LLP for a boundary survey of a portion of 13140 Main Street at a total cost of \$575.00. Millard, MacKay & Delles;
2. The Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this project; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on August 5, 2013, as follows:

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

(D)

8-5-2013

MOTION TO APPROVE THE RENEWAL OF A HOME OCCUPATION PERMIT FOR DOUGLAS SWINGLE/12049  
GENESEE ST./AUTO UPHOLSTERY REPAIRS per TC/RW

PD. ck.  
#1863  
7-29-13  
DAC

**APPLICATION FOR HOME OCCUPATION PERMIT**

(ANY ZONING DISTRICT EXCEPT R-12)

Date July 29 2013

1. Applicant:

Name Douglas Swingle  
Address 12049 Genesee ST.  
Telephone 937-0013

2. Location of property for which permit is 12049 Genesee ST.  
Allen N.Y. 14004

3. Present Zoning R 3

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 auto upholstery repairs

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: Detached Garage 24'x30'

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

Sewing machine & Air Compressor

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;

Cabinets & shed

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 \_\_\_\_\_

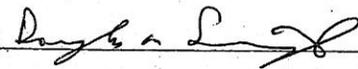
9. How many persons will be involved or employed (limit one) in the conduct of the proposed occupation: Member of immediate family \_\_\_ Others \_\_\_

Total number 0

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

Gary Meade 12065 Genesee ST.  
Carolyn Wozak 12037 Genesee ST.

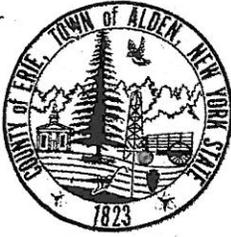
14. Pursuant to the Zoning Law of the Town of Alden, it is hereby requested that a public hearing be held to consider granting a home occupation permit.
15. It is hereby agreed and understood that this home occupation permit shall be for a one year period and shall not be assignable or transferable to 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 \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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



# 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: 7-29-13  
NAME: Douglas Swingle  
ADDRESS: 12049 Genesee  
Alden, N.Y. 14004  
DATE OF INSPECTION: 7-31-13

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

Douglas Swingle  
H.O.P. RENEWAL APPLICANT

Christopher Snyder  
CODE ENFORCEMENT OFFICER, CHRISTOPHER SNYDER