

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, April 21, 2014 at 7:00 P.M. Supervisor Milligan called the Meeting to Order and Councilman Witt led in the Pledge of Allegiance. The Roll Call was taken by the Town Clerk.

PRESENT: Harry Milligan, Supervisor  
Mary Riddoch, Councilwoman  
Ralph P. Witt, Councilman

RECORDING SECRETARY: Debra A. Crist, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney  
Gary Wagner, Highway Supt.  
Chris Snyder, CEO  
Mike Metzger, Town Engineer  
Robert Meyer, Planning Board  
Residents

Supervisor Milligan Moved and Councilman Witt seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of April 7, 2014. The Motion was put to a Roll Call Vote on April 21, 2014 and was

**CARRIED.**

Ayes 3 Milligan, Riddoch & Witt  
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN RIDDOCH AND SECONDED BY COUNCILMAN WITT TO WIT; Vouchers #349-413

<u>ACCOUNT</u>	<u>ABST. #1</u>	<u>ABST. #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$24,987.35		\$24,987.35
HGHWY FUND "DA/DB"	22,676.23		22,676.23
PART-TOWN FUND "B"	3,811.94		3,811.94
CAPITAL IMPROV. "HC"			
CONSOLIDATED WATER "WR"	5,307.02		5,307.02
SP FIRE PROT. "SF"	4,299.35		4,299.35
SD#2 FUND "SA"	2,826.15		2,826.15
TRUST/AGCY FUND "T"			
SP REFUSE FUND "SR"	34,089.07		34,089.07
STREET LIGHTING FUND "SL"	7,927.38		7,927.38
PERIWINKLE LTG. "SL1"	59.26		59.26
GRANTS	212.59		212.59
TOTALS	\$106,196.34		\$106,196.34

UPON ROLL CALL VOTE ON APRIL 21, 2014 THE FOREGOING RESOLUTION WAS

**ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt  
Nays 0

**BUSINESS FROM THE FLOOR**

Supervisor Milligan welcomed the students from Alden Central School. He told them if they had any questions not to hesitate to ask and to be active in whatever community they end up in. There was no business from the floor.

**COMMUNICATIONS**

**Councilwoman Riddoch:**

Approval was received from the Village of Alden for the Summer Concert in the Park series on Wednesdays starting in July.

A letter of resignation was received from Steve Ley as alternative Senior Van driver.

**Supervisor Milligan:**

The monthly report for March was received from Rural Metro. They had a 100% performance compliance response time.

**NEW BUSINESS**

Councilman Witt moved and Councilwoman Riddoch seconded the Motion to approve Highway Supt. Gary Wagner's request to attend the annual Highway Conference June 2-4 at Ithaca College at reasonable Town expense. The Motion was put to a Roll Call Vote on April 21, 2014 and was

**CARRIED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

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

WHEREAS, the Town Board of the Town of Alden is considering an application by Warren L. Bippert for the subdivision of three (3) lots. The entire parcel currently consists of approximately 175.20 acres on Four Rod Road in the Town of Alden, further identified as SBL #129.00-3-1.11. The first proposed lot ("Parcel A") would be a 2.90 acre parcel that contains the house commonly known as 54 Four Rod Road; the second proposed lot ("Parcel B") would be a 2.55 ; and third vacant parcel ("Parcel C") would be the remaining 169.75 acre parcel (The "Proposed Action");

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

WHEREAS, the Town Board believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to subdivision; the agency with the broadest governmental powers for investigating the impact of the Proposed Action; has the greatest capacity for providing the most thorough environmental assessment of the Proposed Action; and is the most local agent with permitting authority;

WHEREAS, the Town Building Inspector is directed to provide notice to the Erie County Division of Planning for this Proposed Action, as required under Section 239-m of the General Municipal Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA.
2. The Town Board has determined that it should be the Lead Agency for all environmental review of the Proposed Action.
3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board of the Town of Alden on April 21, 2014, and was

**ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

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

WHEREAS, Gina A. Waiss has filed an Application for a Home Occupation Permit to conduct a business of engraving and selling firearms from her residence at 13363 North Road;

WHEREAS, the Town of Alden Planning Board has reviewed the Application and recommended the approval of the Application to the Alden Town Board; and

WHEREAS, the Town Board, pursuant to Section 20-64(C) of the Alden Town Code is required to call a public hearing on the Application.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. A Public Hearing on the Home Occupation Permit Application of Gina A. Waiss be held by the Alden Town Board at the Alden Town Hall, 3311 Wende Road, Alden, New York on May 5, 2014 at 7:05 P.M. Local Time;

2. The necessary Notice of Public Hearing, as required by Section 20-64(C) of the Alden Town Code be published in the Alden Advertiser; posted on the Town Bulletin Board; and mailed to the adjacent property owners, which Notice shall be in the form attached hereto and made a part hereof; and

3. This Resolution shall take immediately.

The Adoption of the foregoing resolution was duly put to a vote on April 21, 2014 and was

**ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

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

WHEREAS, the Alden Town Board has received a request from the Highway Superintendent to purchase 8 5-gallon pails of exterior latex satin white paint for the salt barn the estimated cost of which is less than \$2,000.00 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, requests for proposals (price per 5-gallon pail of exterior latex satin white paint) were made to two (2) vendors and quotes were received as follows:

The highest bidder is Home Depot at \$133.00 per 5-gallon pail (for a total cost of \$1,064.00);

The lowest bidder is Sherwin Williams at \$116.85 per 5-gallon pail (for a total cost of \$934.80);

WHEREAS, Sherwin Williams 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 paint;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of 8 5-gallon pails of exterior latex satin white paint at a total cost of \$934.80 from Sherwin Williams;

2. The Highway Superintendent 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 April 21, 2014, and was

**ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

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

WHEREAS, The Alden Town Board has been contacted by SunnKing, Inc., in regard to renewing its e-waste drop off location in the Town of Alden; and

WHEREAS, New York State law (effective April 1, 2011) requires that covered electronic equipment be recycled.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby authorizes Supervisor Milligan to sign an Agreement with SunnKing, Inc. to allow SunnKing, Inc. to continue its e-waste drop off location at the Alden Town Hall;
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on April 21, 2014, and was **ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

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

WHEREAS, the Alden Town Board has received a request from the Parks Supervisor to purchase a tow-behind mower the estimated cost of which less than \$20,000.00 but greater than \$2,000.00;

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

WHEREAS, a written request for proposals (for a tow-behind mower that fits the new tractor) was made by Parks Supervisor Sojka to three (3) vendors and quotes were received as follows:

the highest bidder for a Woods Batwing mower is Empire Tractor at \$12,490.00;

the second highest bidder for a Bush Hog mower is Alexander Equipment at \$12,200.00;

the lowest bidder for a Landpride mower is Alexander Equipment at \$12,000.00; and

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

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase a Landpride tow-behind mower from Alexander Equipment at a total cost of \$12,000.00;
2. The Parks Supervisor 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 April 21, 2014, and was **ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

Councilman Witt moved and Councilwoman Riddoch seconded the Motion to approve the renewal of the Home Occupation Permit for Ronald Blakeslee/456 Creekside Dr. /Tax Preparation.

On the Question: Councilman Witt questioned if inspection was done and were there any changes?

CEO Snyder: Inspection Done – No Change

Councilman Witt: Were there ever any complaints about parking from neighbors?

CEO Snyder: None

The Motion was put to a Roll Call Vote on April 21, 2014 and was

**CARRIED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

Supervisor Milligan moved and Councilwoman Riddoch seconded the Motion to approve Colleen Roger's request to attend the 14<sup>th</sup> Annual Finance School May 15-16<sup>th</sup>, 2014 at Woodcliff Hotel, Rochester, N.Y.

The Motion was put to a Roll Call Vote on April 21, 2014 and was

**CARRIED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

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

WHEREAS, the Town of Alden Parks Supervisor has advised the Town Board that the Parks Department is in possession of a New Holland TN55 tractor that is not of any use to the Parks Department and that he would like to trade-in this tractor towards the purchase of a new tractor that would better serve the needs of the Parks Department;

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

WHEREAS, the new tractor (a New Holland model Boomer 40 with hydrostatic Transmission; R4 industrial tires; 40 HP engine; loader model 250 TLA; and QA 72" bucket) will be purchased pursuant to State Bid; and

WHEREAS, said Procurement Policy & Procedure Guidelines and General Municipal Law have been followed.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby determines that the New Holland TN55 tractor is not of any use to the Parks Department and is not needed for Town purposes and is surplus property and authorizes this tractor be traded in at a value of \$11,990.00 towards the purchase of a new tractor;

2. The Town Board hereby authorizes the purchase of a New Holland model Boomer 40 with hydrostatic Transmission; R4 industrial tires; 40 HP engine; loader model 250 TLA; and QA 72" bucket) from Empire Tractor, Inc. (who is on the State Bid List) for a total cost (after the trade-in) of \$8,000.00, including delivery and take-away of the old tractor;

3. That the Parks Supervisor is authorized to sign any and all necessary documents to effectuate this purchase; and

4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on April 21, 2014, and was

**ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

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

WHEREAS, the Town Board of the Town of Alden is considering the adoption of "Local Law No. 2 of the Year 2014, entitled "Local Law amending Section 20-88 of the Alden Town Code to increase the number of members of the Town of Alden Planning Board" (the "Proposed Action");

WHEREAS, the Town Board of the Town of Alden feels that the Proposed Action is an Unlisted Action under SEQRA;

WHEREAS, the Town of Board of the Town of Alden believes that the Town of Alden is: the agency primarily responsible for undertaking such decisions; is the agency with the broadest governmental powers for investigating the impact of the Proposed Action; and has the greatest capacity for providing the most thorough environmental assessment of the Proposed Action; and is the most local agent with permitting authority; and

WHEREAS, the Town Clerk is hereby directed to send notice to the Erie County Division of Planning as required under Section 239-m of the General Municipal Law and to the neighboring municipalities.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA.
2. The Town Board has determined that it should be the Lead Agency for all environmental review of the Proposed Action.
3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting on April 21, 2014 and was **ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt  
Nays 0

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

WHEREAS, the Alden Hook & Ladder Fire Company, Incorporated (hereinafter referred to as the "Fire Company") is hosting a Fireman's Carnival in the Alden Town Park from June 19 – 21, 2014;

WHEREAS, as part of the Carnival, the Fire Company has contracted with Young Explosives Corporation to provide an exhibition of fireworks on June 20, 2014 (rain date is June 21, 2014) at a cost to the Fire Company of \$2,500.00;

WHEREAS, the Fire Company has asked the Town of Alden to contribute towards the cost of the exhibition of fireworks;

WHEREAS, Section 64 (17-b) of the New York State Law allows a Town to expend monies on cultural events; and

WHEREAS, the Alden Town Board believes that the Fireman's Carnival and exhibition of fireworks is a cultural event beneficial to Town residents.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board hereby consents to paying the sum of \$1,200.00 to the Fire Company to assist in the cost of the exhibition of fireworks to be provided by Young Explosives Corporation at the 2014 Fireman's Carnival; and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on April 21, 2014, and was **ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt  
Nays 0

**UNFINISHED & TABLED BUSINESS**

There was no unfinished & tabled business.

**REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL**

**Attorney Strong:**

At the last Work Session she was asked to look into the Gebhard Lane land. When the land was deeded to the Town, it was restricted to be used as Park land forever by the Town of Alden. To discontinue use as park land we would have to go to the N.Y.S. Legislature to have that park land alienated by State Legislative approval to be able to sell it off to the neighbors. Councilwoman Riddoch stated we should just keep it park land.

The Board had asked her to give them a summary update of the litigation on the former Alden Scientific building. Residents have been calling and complaining.

Here is the summary:

Violations were first issued for various building code violations back in March 2005. The matter continued in court being transferred from Alden Court to Marilla Court due to the Alden Judges recusing themselves. In October 2012 a mutually agreed upon settlement was entered into by the defendant landowner and the Town of Alden, giving the defendant until July 31<sup>st</sup>, 2013 to complete repairs or face a monetary judgment. July 31<sup>st</sup>, 2013 came and went and no repairs were made and the judgment was filed. Once the judgment was filed, the defendant then issued a notice of claim of his possible intent to sue the Town for violating his civil rights. He also filed a motion in the Justice Court to reopen the case. The Marilla Justice Court denied that motion last month and now the landowner is appealing that decision in Supreme Court. The matter is still being tied up in litigation. She will continue to follow up and keep the Board informed.

**Councilwoman Riddoch:**

The park damage in the playground at Robert O. Smith Park has been turned into Selective Insurance, who came out and looked at it. She has not heard back from them as yet.

She would like the Insurance Renewal on the Work Session.

**Engineer Metzger:**

Hwy. Supt. Wagner, a senior staff member and Eng. Metzger reviewed some drainage matters, one of which was on Sullivan Rd.; a culvert. Hwy. Supt. Wagner came up with a good idea to slip line the culvert. The other drainage problem was over on Walden Ave., they came to the conclusion that this was a private matter. Hwy. Supt. Wagner will meet with CSX though to discuss the drainage.

An e mail was sent to Senator Gallivan's office regarding a grant for the repair to the Community Center. The next step for the water lines is to get the approval from the Health Dept. and the Water Authority.

Supervisor Milligan said he received a call from a resident on Exchange saying that Mike never contacted the E.C.W.A., that they know nothing of this. Eng. Metzger did not understand why this was said.

Supervisor Milligan does not understand what the benefit would be to turn these lines over to E.C.W.A. right away.

**Supervisor Milligan:**

A letter was received from a concerned resident with regard to grass spraying. Supervisor Milligan wanted to know if there were rules and regulations regarding grass spraying. CEO Snyder said that the Town has no rules on this. Attorney Strong said this is governed by the State DEC and EPA. The resident was concerned that his well could be contaminated.

Supervisor Milligan welcomed Robert Meyer as the new Planning Board member.

Supervisor Milligan explained to the ACS Students that everything that was voted on tonight was discussed at the previous Work Session. Work Sessions are the second and fourth Monday of the Month. The Town Board meetings go fast because the items have already been discussed.

**NOTICE OF MEETINGS**

<b>SPECIAL MEETING:</b>	<b>April 28, 2014</b>	<b>@6:00 PM</b>
<b>NEXT WORK SESSION:</b>	<b>April 28, 2014</b>	<b>@7:00 PM</b>
<b>NEXT TOWN BOARD MTG.:</b>	<b>May 5, 2014</b>	<b>@7:00 PM</b>

**MEMORIAL REMEMBRANCE**

Supervisor Milligan asked all to stand for a Moment of Silence in Memory of Olga Vilagy.

AT 7:24 PM COUNCILWOMAN RIDDOCH MOVED AND COUNCILMAN WITT SECONDED THE MOTION TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO AN EXECUTIVE SESSION WITH THE TOWN BOARD & TOWN ATTORNEY REGARDING A MATTER OF PERSONNEL. THE MOTION WAS PUT TO A ROLL

CALL VOTE ON APRIL 21, 2014 AND WAS

**CARRIED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

AT 7:55 PM COUNCILMAN WITT MOVED AND COUNCILWOMAN RIDDOCH SECONDED THE MOTION TO ADJOURN FROM THE EXECUTIVE SESSION, WITH NO ACTION TAKEN, AND ENTER BACK INTO THE REGULAR MEETING. THE MOTION WAS PUT TO A ROLL CALL VOTE ON APRIL 21, 2014 AND WAS

**CARRIED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

**ADJOURNMENT**

At 7:56 PM Supervisor Milligan adjourned the Meeting.

Debra A. Crist  
Alden Town Clerk