

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, June 16, 2014 at 7:00 P.M. Supervisor Milligan called the Meeting to Order and 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
Len Weglarski, DCO
Hon. Judge Al Gerhart
Georjean Labuzzetta, Court Clerk
Residents

Supervisor Milligan Moved and Councilman Witt seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of June 2, 2014. The Motion was put to a Roll Call Vote on June 16, 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- 535-584

ACCOUNT	ABST. #1	ABST. #2	TOTAL
GENERAL FUND "A"	\$5,094.21		\$5,094.21
HGHWY FUND "DA/DB"	2,556.70		2,556.70
PART-TOWN FUND "B"	3,121.31		3,121.31
CAPITAL IMPROV. "HC"			
WATER DISTRICT #1 "WA"	4,460.35		4,460.35
CONSOLIDATED "WR"	7,359.25		7,359.25
SP FIRE PROT. "SF"	874.42		874.42
SD#2 FUND "SA"	2,357.51		2,357.51
TRUST/AGCY FUND "T"	152.00		152.00
SP REFUSE FUND "SR"	37,241.32		37,241.32
STREET LIGHTING FUND "SL"	4,437.75		4,437.75
PERIWINKLE LTG. "SL1"	22.18		22.18
GRANTS	3,800.00		3,800.00
TOTALS	\$71,477.00		\$71,477.00

UPON ROLL CALL VOTE THE FOREGOING WAS PUT TO A ROLL CALL VOTE ON JUNE 16, 2014 AND WAS **ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt
Nays 0

BUSINESS FROM THE FLOOR

Polly Justinger/ Crittenden Rd. spoke about attending a recent Planning Board meeting. Her concern is that although Ralph Witt says he is present at the meeting to help teach the two new members, she feels he and Gary Wagner are trying to influence the Planning Board, especially when it comes to H.O.P.'s and the commercial/residential rebuilding of homes. At the Planning Board meeting, she said they spoke of checking with Amherst regarding H.O.P. rules and regulations. She feels they should check with towns that are more comparable to Alden like Marilla.

Councilman Witt spoke on his behalf. He said he is a Town Board member and he sits at the Planning Board meetings as a consult to the Planning Board. What happens there he brings back to the Town Board. He does express his opinion as far as the Town Board is concerned, but he does not vote. He

does make suggestions. He is there as an information gatherer more than an information giver. Polly feels they should not be sitting at the table with the members. Hwy. Supt. Wagner said he is there representing the Town of Alden Highway Dept. and some of the topics do concern his department. Supervisor Milligan sees no problem with this.

COMMUNICATIONS

Attorney Strong:

She received the car show agenda, which she distributed. The Car Show committee also asked if the Town would consider closing the kiddie pool on the day of the car show. Councilwoman Riddoch felt it would be a good idea; she will follow up with Dan Moultrup and Andy Sojka.

A letter was received from the Planning Board stating they approved local law #3, the non-conforming law. She would like this on the Work Session and will take steps to finalize it.

A letter has been received from the Attorney for Steven Weber/Alaura and Broadway, refuting the letter that was sent by CEO Snyder. The letter stated that the building is completely repairable and that he is working with an architect to repair the building. She received the letter on Thursday night and sometime during the night the wall of the building collapsed. The wall has been secured, but she would like to discuss this at the Work Session.

Councilwoman Riddoch:

She received a reminder from Alden Central School about the Superintendent's advisory meeting this Thursday.

Supervisor Milligan:

The monthly report was received from Rural Metro, their compliance was 96.67%.

Supervisor Milligan wrote a letter to Mr. Sievenpiper informing him that we appear to be at the end of the ditch controversy. The State has agreed it is not a wetland. The State will not dig it out, but said the Town could if we wanted. The Town will not dig this ditch because it is not on our drainage map, it is a neighbor dispute as it only affects two properties and there is no value to the Town taxpayers to spend time and resources on this project.

NFTA-Metro wants to eliminate Route 27-Wende and is holding public hearings on Wednesday, June 25th at 6:00 P.M. and Thursday, June 26th at 5:00 P.M. Supervisor Milligan talked to Tom George the Director of Public Transit. The bus runs from the airport to Wende and back again up Genesee. When the Home was active it was feasible. He suggested to him that the bus go on Walden Ave. from the city to Wende across Broadway and make a loop. Broadway/Walden/Wende, in hopes we could get a bus route that could get people out of Alden to a job. He said they will take this under consideration

NEW BUSINESS

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

WHEREAS, the Town of Alden Parks Department has advised the Town Board that the Department is in need of new Rainbow play village because the existing play village located in the R.O. Smith Park was destroyed by vandals;

WHEREAS, a claim was filed with the police and with the Town's insurance carrier and a check has been issued to cover the damage in the amount of \$15,378.75 with possible additional monies to be forthcoming once the new play village is installed;

WHEREAS, said Procurement Policy & Procedure Guidelines and General Municipal Law have been followed as the replacement Rainbow play village is a sole source situation; 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 said replacement Rainbow play village.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the purchase of a Rainbow Play Village Number 16-7A from Alden Pools and Play (the local sole source provider of Rainbow play sets) for \$16,165.00, with \$15,378.75 to be paid from the insurance proceeds (for a cost to the Town of 786.25) as being consistent with its policies and in the interest of the residents of the Town of Alden;

2. That the 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.

On the Question: Councilwoman Riddoch stated that the cost to the Town could end up being "0" because once the set is up the insurance company will come out and may give the Town the remainder of the money.

Supervisor Milligan thanked Councilwoman Riddoch for all her work on this project.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on June 16, 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 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 Proposed Action is an unlisted action within the requirements of the New York State Environmental Quality Review Act;

WHEREAS, the Town Building Inspector provided notice to the Erie County Division of Planning on April 2, 2014, for this Proposed Action, as required under Section 239-m of the General Municipal Law and no response was received;

WHEREAS, the New York State Environmental Quality Review Act requires the Town to determine the Lead Agency status and the Lead Agency making a SEQR determination;

WHEREAS, the Town of Alden did assume Lead Agency Status on April 21, 2014;

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the Code of the Town of Alden, Chapter 9D, the Town Board has prepared the Short Form Environmental Assessment Form, which is now on file with the Town Board and the Town's SEQR Intake Officer; and

WHEREAS, the Town of Alden Planning Board has reviewed the Proposed Action and on April 8, 2014, recommended to the Town Board the approval of the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board, as Lead Agency, has determined that the Proposed Action is an Unlisted Action under SEQRA;
2. The Town of Alden, as Lead Agency, hereby determines that the unlisted action described in the attached SEQR NEGATIVE DECLARATION, NOTICE OF DETERMINATION OF NON-SIGNIFICANCE, which attached notice is hereby made a part of this Resolution, will not have a significant effect on the

environment and that an environmental impact statement is not required to be prepared with respect to the Proposed Action;

3. That the following parcels, more particularly described as:

Parcel A

All that tract or parcel of land situate in the Town of Alden, County of Erie and State of New York being a part of lot 121, Township 21, Range 5 of the buffalo creek reservation bounded and described as follows:

Beginning at the south east corner of lot 121 said east line of lot 121 being the centerline of Four Rod Road; thence north along the east line of lot 121 two hundred fifty (250.0) feet to a point; thence west at right angles a distance of four hundred fifty (450.0) feet to a point; thence south parallel with the east line of lot 121 a distance of two hundred forty three and nine tenths (243.90) feet to a point; in the south line of lot 121; thence easterly along south line of lot 121 a distance of four hundred fifty and five hundredths (450.05) feet to the point or place of beginning containing 2.55± acres more or less.

Parcel B

All that tract or parcel of land situate in the Town of Alden, County of Erie and State of New York, being a part of lot 121, Township 21, Range 5 of the buffalo creek reservation, bounded and described as follows:

Commencing at the south east corner of lot 121 said east line of lot 121 being the centerline of Four Rod Road; thence north along the east line of lot 121 two hundred fifty (250.0) feet to the point of beginning; thence continuing north along the east line of lot 121 three hundred (300.0) feet to a point; thence west at right angles a distance of four hundred fifty (450.0) feet to a point; thence south parallel with the east line of lot 121 a distance of three hundred (300.00) feet to a point; thence easterly four hundred fifty (450.0) feet to the point or place of beginning containing 2.90± acres more or less.

Are given subdivision approval.

4. 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 June 16, 2014 and was

ADOPTED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

Councilwoman Riddoch moved and Councilman Witt seconded the Motion to approve Men's Softball request to use the Town Diamonds at R.O. Smith and St. Johns. Their Tournament dates are August 2nd and August 23rd 2014, from 8:00 A.M. to 8:00 P.M. pending receipt of fee. The foregoing Motion was put to a Roll Call vote on June 16, 2014 and

CARRIED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

Councilman Witt moved and Councilwoman Riddoch seconded the Motion to approve the Alden Art Club's request to use the Community Center for their 2015 season. Meeting are on the first Tuesday of the month from 7-10 P.M. excluding the months of July and August. The foregoing Motion was put to a Roll Call vote on June 16, 2014 and

CARRIED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

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

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

WHEREAS, the Alden Town Board on November 4, 2013 adopted its 2014 Budget:

WHEREAS, the Town has received and accepted funds in the amount of \$70,494.67 from the State of New York as a result of the Reorganization and Efficiency Grant submitted for the sole purpose of reducing taxes.

WHEREAS, the Town requests a revenue budget line increase of \$70,494.67 in the newly established Revenue Account Code A 3004 as directed in the Comptroller's Uniform System of Accounts to be used all current and future Reorganization and Efficiency State Grants. This payment is the first of 3 equal installments to be received over a 3 year period and will be used to reduce taxes in the next three consecutive budget years.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

The Alden Town Board increases by \$70,494.67 the revenue line A.3004 for the receipt of such funds for the purpose of reducing taxes in the 2015 Budget.

This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a Roll Call vote at a regular meeting on June 16, 2014 and was **ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

UNFINISHED & TABLED BUSINESS

There was no unfinished and tabled business.

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Town Clerk Crist:

Tomorrow there will be Passports on the Move sponsored by Erie County Clerk Chris Jacobs at the Town Hall from 11:00 am to 1:00 pm.

Councilwoman Riddoch:

She would like to talk about getting a security camera at R.O. Smith at the Work Session.

Engineer Metzger:

The Exchange/Zoeller waterline comments/recommendations have been received regarding the review that the E.C. Water Authority did. The comments are minor and being addressed and when they are sent back they will also be sent to the Health Dept. at the same time. Approval has been received from the N.Y.S.D.E.C., we are still waiting on the Army Corps. of Engineers.

Once the CEO and Park Supt. review the draft plans to the repairs to the exterior of the Community Center, comments will go back to the architects so bid documents can be completed.

Supervisor Milligan questioned Eng. Metzger on the Sweet property on Exchange. Councilman Witt talked to the family and made good progress. Engineer Metzger will be contacting the family shortly concerning granting the easement.

Supervisor Milligan:

Supervisor Milligan told CEO Snyder he did a good job seeing to it that repairs were made at Broadway/Alaura when the wall caved in.

The neighbors are asking him if the man does not repair vehicles or sell vehicles why does he have a junk yard there. CEO Snyder said that he has an auto dealer's license. Attorney Strong said that the residents would have to complain to the State, as this license is controlled by them.

Councilwoman Riddoch:

She would like it made known to residents that we do not take dogs in that people do not want any more. This is up to them to surrender them at the S.P.C.A. and is not the Town’s responsibility. We have been getting several calls on this situation.

Supervisor Milligan:

Town Judge the Hon. Al Gerhart was present at the meeting; Supervisor Milligan asked if he wanted to speak. Hon. Judge Gerhart said that he would like to invite the Town Board to attend Court on a busy District Attorney night when there are prisoners with leg irons and cuffs. He would like them to sit in on the audience and see what they do; it is not just traffic tickets.

The fire company meeting is Tuesday for the fire contract. The Taste of Alden is Thursday.

NOTICE OF MEETINGS

NEXT WORK SESSION:	June 23, 2014	@7:00 P.M.
NEXT TOWN BOARD MTG:	July 7, 2014	@7:00 P.M.

MEMORIAL REMEMBERENCE

Supervisor Milligan asked all to stand for a Moment of Silence in Memory of Paul Nuwer, Betty Subsara, Sally Pralow and Robert Finan.

ADJOURNMENT

At 7:21 P.M. Supervisor Milligan adjourned the Meeting.

Debra A. Crist
Alden Town Clerk