

5.) Hwy. Supt. Fix had been contacted and they were told there was lack of manpower due to vacations, etc. This is very poor planning for the whole project. A waste of tax dollars. Councilman Weber stated that there is a problem with labor force regarding vacations and people being out with sick time. It is in the process of trying to be worked out. He agrees with Mr. Best that it is a waste of taxpayers money to have a piece of equipment sitting at approximately \$100.00 a day and not being used. This is poor planning and hopefully before long that department will finish the job. He has no control over it. He does understand the concern and he has the same concern. Mr. Best was told the project would only take a couple of weeks in June and here we are in September and they are only as far as five houses down the street. He is concerned that the project won't be finished before the end of the year.

At 7:05 P.M. Supervisor Milligan moved to adjourn from the Regular Meeting and Enter into the Public Hearing regarding Local Law No. 1 of the Year 2012 entitled "Amendment to the Dogs Law of the Code of the Town of Alden" Councilwoman Riddoch seconded the Motion. Unanimously Carried.

The Town Clerk read the notice of Public Hearing that was printed in the Alden Advertiser.

Supervisor Milligan opened the floor for Public Comments for or against the Local Law No. 1 of the Year 2012 "Amendment to the Dogs Law of the Code of the Town of Alden".

Robert Wohlgemuth/Alden questioned whether it is a fact that dogs have to have a current rabies shot in order to be licensed? Town Clerk Witt said this is a fact, but the shot could expire within the one-year licensing period. Mr. Wohlgemuth questioned if the Dog Warden impounds unlicensed dogs? The Dog Warden tickets the owner and if no owner can be found (dogs at large) they are impounded. Mr. Wohlgemuth brought up the Erie County Health Department's procedure regarding a raccoon, squirrel or bat if they bite a person. They seize the animal. He feels they would do the same with a dog. He sees this as a duplication of the service that is provided by the Health Department to deal with animals that don't have rabies shots. Town Clerk Witt noted that this summer there was a case where a person was bitten by a dog that was not vaccinated and when the Health Department was notified, they said to only keep an eye on the dog for 10 days (the owner). Mr. Wohlgemuth also wanted to say he is against the current dog law of only having two dogs in the Town. There is no Town in Erie County that limits owners to two dogs. This limits people who move in from other Towns to having to get rid of a dog if they have over two dogs. Also, people that have aging dogs may want to keep one from a litter are unable to do so.

At 7:15 P.M. after all those wishing to be heard were heard, Supervisor Milligan asked for a Motion to adjourn from the Public Hearing and enter back into the Regular Meeting.

At 7:15 P.M. Councilwoman Riddoch moved and Councilman Weber seconded the Motion to move back into the Regular Meeting. Unanimously Carried.

BUSINESS FROM THE FLOOR (CON'T)

Patrick Kozak/1080 Boncliff had questions for the Town Board. Is he correct that the property behind his house where the drainage project is his, not the Towns, because a waiver had to be signed to allow access to the property? Attorney Strong responded that is correct and there is no Town right a way or drainage easement. So basically he said he is paying the Town in taxes to install a pipe that is wrong. Mr. Kozak plans on grading the backyard where he lives to make it presentable. It has been long enough and he is tired of it. He would like this passed on to the Highway Supt., as he does not show up for meetings.

Matt Herdzik/287 S. Woodside would like to know if they would expound on item J? As he has been campaigning for this since day one. Attorney Strong said with regard to item J (petition to increase Town Board), the proposition would be on the ballot in the next

general election in November. If this is approved at the Biennial Town election, in November 5, 2015, two councilmen for terms of 4 years and one for 2 year term to establish the terms again. It will not go up to 4 until the next Biennial election. Mr. Herdzik commented on the good job the Highway Department has done for 40 years. He does not know if there is a shortage of man power or money in the budget, but brush pick up is poor. South Woodside, Cary Rd. and Two Rod has been lying there for 11 days, this is uncalled for. Mr. Herdzik questioned the Town Attorney if this brush is lying out and winds blow it into the road and it causes an accident, who would be responsible? Attorney Strong said she is sure the person who had the accident would sue the property owner, the Town, the County or the State, whoever owned the road. Supervisor Milligan said there has been advertising in the Alden Advertiser by the Highway that they will pick up brush on the first and third Monday and he cannot speak for the Highway Supt. as to the delay. Mr. Herdzik asked the Town Attorney if there was something in municipal law that the Highway Supt. is subject to the Town Board, he cannot just neglect his duties? Attorney Strong said that he is an elected official and he is not under the Town Board control. Mr. Herdzik said that if he does not perform his duties the taxpayers have no recourse? Attorney Strong responded that the District Attorney's office or citizens could bring a court petition to have any elected official not doing his job or committing a crime removed from office. Supervisor Milligan stated that according to State law he has to fill potholes, clear snow and sweep the roads twice a year. A citizen from Boncliff wanted to know where does this end, do they go to the News as a group to get someone to do something about this. He feels the Board is passing the buck, they were elected and all he is getting is a bunch of excuses. He does not want to hear any more excuses.

Robert Wohlgemuth thinks it is a disgrace that the Highway Supt. does not show up at Town meetings. He only shows up at Work Sessions when he wants something. He wonders if the Town Board could do anything about this, pass a resolution that Town officials must attend meetings. Mr. Wohlgemuth commented on the ditch behind his house that was cleaned out previously by the Highway Dept. when Bud was in office and did a good job and it has not been done since. This needs to be cleaned out again. Standing water is an issue. On another topic Mr. Wohlgemuth was disappointed to see that there was no agenda for the Comprehensive Plan meeting on the Town website, Supervisor Milligan said he had no agenda prepared. Previous meeting minutes were not on the website. Supervisor Milligan said that there had not been a meeting for two years. On the item of recycle bins; Mr. Wohlgemuth said he would have wrote the contract to read anybody in the Town of Alden that is a resident and has property would be supplied a recycle bin. That way the Town would not have to spend \$1700 for additional bins. Councilman Weber said that all homes would be supplied a bin, but if additional bins are needed they will be charged. Mr. Wohlgemuth also questioned about who submitted the petitions to the Town to increase the Town Board? Town Clerk Witt said that Gary Wagner submitted petitions with over 300 signatures.

COMMUNICATIONS

Councilman Weber received two calls from Boncliff Dr. residents concerning the drainage problem and lack of use of equipment and the general manner in which the project is proceeding. Also received a call from the Recreational swim director, who is very concerned with the possible future availability for her program. He would like this on the Work Session for the 24th.

Town Clerk Witt received petitions to increase the Town Board.

Attorney Strong received the 239-M back on the Dog Law from the County. This law will be approved at the next Town Board Meeting.

NEW BUSINESS

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to renew the Home Occupation Permit for Daniel Pautler/12657 North Rd./Gun Sales and Accessories. Unanimously Carried.

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

WHEREAS, the Town of Alden's Contract for disposal of municipal solid wastes, bulky wastes, and white goods is expiring and a new contract for these services is therefore necessary;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden require that all estimated contracts over \$20,000.00 shall be formally bid pursuant to General Municipal Law section 103;

WHEREAS, the Alden Town Board properly authorized, accepted and opened the formal bids;

WHEREAS, Bids were received as follows:

The highest bidder is Waste Management at \$47.74 / ton;
The second highest bidder is Covanta at \$35.00 / ton; and
The lowest bidder is Modern Disposal at \$34.65 / ton; and

WHEREAS, Modern Disposal is deemed the lowest responsible bidder.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby authorizes the Supervisor to sign a three year Contract with Modern Disposal for the disposal of municipal solid wastes, bulky wastes, and white goods at a charge of \$34.65 / ton for year one of the Contract, and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on September 17, 2012, and was unanimously adopted.

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

WHEREAS, the Alden Town Board on February 16, 2010, adopted its Comprehensive Plan; and

WHEREAS, the Alden Town Board has taken steps to implement the Comprehensive Plan and now needs to update membership on its implementation committee.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby establishes the Town of Alden Comprehensive Plan Implementation Committee for the sole purpose of making recommendations to the Alden Town Board on ways to implement the Implementation Plan;
2. The following persons are hereby appointed to the Town of Alden Comprehensive Plan Implementation Committee: Supervisor Harry F. Milligan; Councilmen William Weber; Planning Board Chair Ralph Witt; Planning Board Member Michael Fleming; Building Inspector/Code Enforcement Officer Chris Snyder; and the following citizens, who are members of local businesses or organizations and/or possess relevant skills, experience and education: Christopher Gust; Michele Hoffman; Gerald Aldinger; and Polly Justinger; 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 17, 2012, and was unanimously adopted.

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

WHEREAS, the Buffalo and Erie County Public Library, through its Trustees and Senior Staff, continue to develop a Memorandum of Understanding, which would establish a top on down structure for governing the Library system;

WHEREAS, the proposed top on down structure will strip local community boards of trustees of any authority over their local library;

WHEREAS, this work is continuing without full discussion with either municipal governments affected by their actions, many of whom own the local libraries, buildings and grounds;

WHEREAS, this work is continuing also without on-going discussions with either the County Executive or County Legislature;

WHEREAS, this process is putting pressure on local library boards of trustees to support this effort always with the fear of retribution if they do not go along with the process; and

WHEREAS, the Memorandum of Understanding proposes the setting up of a special taxing district for libraries, thus introducing another taxing level to local governments.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board goes on record opposing this "Memorandum of Understanding" which sets up a new taxing district and strips the Ewell Free Library Board of Trustees of its authority;
2. We urge the Ewell Free Library Board of Trustees not to sign this proposed Memorandum of Understanding;
3. We ask other municipalities to join us in opposition to this proposed plan; and
4. This Resolution shall take effect immediately.

This resolution was put to a roll call vote at a regular meeting, on September 17, 2012, and was unanimously adopted.

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

WHEREAS, Sullivan Road runs through both the Town of Alden and the Village of Alden; and

WHEREAS, the Town of Alden and the Village of Alden agree that it is in the best interests of their residents and is cost effective to both municipalities to share the maintenance and repairs of Sullivan Road;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board does hereby authorize Supervisor Milligan to enter into and execute all necessary documents to effectuate an Agreement in the form attached hereto with the Village of Alden for the joint maintenance and repair of Sullivan Road for the period of January 1, 2013 through December 31, 2014; 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 17, 2012 and was unanimously adopted.

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

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 1st day of October, 2012, 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 17, 2012, and was unanimously adopted.

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

WHEREAS, The Town of Alden seeks grant monies from the E & W G Foundation to construct a shelter at the Alden Town Park.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town of Alden hereby commits cash & in kind labor valued at 40% of the total project cost toward completion of the shelter.
2. Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the E & W G Foundation on behalf of the Town of Alden for the purpose of securing this grant;
3. The Supervisor be and is hereby authorized and directed to execute all documents pertaining to the application and acquisition of said funding; and
4. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 17, 2012, and was unanimously adopted.

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

WHEREAS, The Alden Town Board would like to renew its Agreement with Ted Morgan Services for the operation of the wastewater treatment facility that services the Alaura Sub-division;

WHEREAS, Ted Morgan Services is fully licensed to operate wastewater treatment facilities; and

WHEREAS, the Town Board has determined that this is a sole source situation and the Town is therefore unable to solicit bids for this service.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby authorizes Supervisor Milligan to sign an Agreement with Ted Morgan Services for a term of three years, as per the attached Agreement; 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 17, 2012, and was unanimously adopted.

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

WHEREAS, The Town of Alden has instituted a new recycling program that is very popular in the Town;

WHEREAS, as part of the recycling contract with the Town, Modern Disposal Services had Rehrig Pacific Company design and build the recycling carts for the Town of Alden; and

WHEREAS, Town is now in need of additional recycling carts from this sole source Provider.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of an additional 25 65-gallon rollout carts from Rehrig Pacific Company at a total cost of \$1,707.00;
2. The Supervisor is authorized to sign any and all documents necessary 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 17, 2012 and was unanimously adopted.

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

BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF ALDEN, IN THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

1. That the Proposition to increase the number of Councilmembers from two to four in the Town of Alden, Erie County, New York pursuant to New York State Town Law Section 81(2)(d) shall be submitted to be voted on in the Town of Alden at the next Biennial Town Election to be held on November 6, 2012.

2. The Town Clerk shall cause the Notice of such Proposition to be published at least once in the "*Alden Advertiser*," a newspaper having a general circulation in the Town and designated as the official newspaper of the Town, and to be posted on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, said publication and posting to be at least ten (10) days before such Biennial Town Election.

3. The Town Clerk is hereby authorized and directed to include in the Notice of Proposition, notice that the Town Board will submit at the said Biennial Town Election, a Proposition to increase the number of Council members from two to four in the Town of Alden, Erie County, New York pursuant to New York State Town Law Section 81(2)(d) for approval or disapproval of the Proposition hereinafter referred to in such Notice.

4. At said Biennial Town Election, the vote upon the said Proposition shall be by separate ballot on voting machines or by paper ballot, as determined by the Erie County Board of Elections and the only persons qualified to vote upon said Proposition shall be the those voters registered by the Erie County Board of Elections to vote in the Town of Alden.

5. Said Notice shall be in substantially the following form:

TOWN OF ALDEN, NEW YORK

NOTICE OF PROPOSITION TO BE VOTED ON AT THE NOVEMBER 6, 2012

BIENNIAL TOWN ELECTION

NOTICE IS HEREBY GIVEN that at the Biennial Town Election to be held on November 6, 2012, that the following Proposition is to be voted upon:

PROPOSITION

SHALL THE PETITION ENTITLED: "PETITION TO INCREASE THE NUMBER OF COUNCILMEMBERS FROM TWO TO FOUR IN THE TOWN OF ALDEN, ERIE COUNTY, NEW YORK PURSUANT TO NEW YORK STATE TOWN LAW SECTION 81(2)(d)", BE APPROVED?

*By Order of the Town Board of the
Town of Alden, in the County of
Erie, New York
Dated: September 17, 2012*

6. This resolution shall take effect immediately.

The adoption of the foregoing resolution was and duly put to a vote on roll call at a regular meeting on September 17, 2012, and was unanimously adopted.

SUPERVISOR MILLIGAN POLLED THE BOARD AND WITH NO OBJECTION

THE FOLLOWING WAS ADDED:

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

WHEREAS, the Recreation Director has advised the Town Board that Recreation Department is in need of a Ceramics Instructor and has recommended that Beverly L. Weisbecker be appointed;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the appointment of Beverly L. Weisbecker as Ceramics Instructor, at an hourly rate of \$9.00/ hour, but not to exceed 8 hours in any week and without any benefits.
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote on September 17, 2012, and was unanimously adopted.

THERE WAS NO UNFINISHED AND TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilman Weber attended a Community Advisory Board meeting at the Wende Correctional Facility on September 12th. He brought up the drainage issue on the Sievenpiper property. They knew of it and have not received any word on it. Town Engineer Metzger has made numerous calls to the State with no results. They know of the concern and are awaiting word from the State. Received a phone call from a Zoeller Rd. resident regarding water

Engineer Metzger would like Zoeller Rd., /Exchange St. & Shelter #3 in the Town Park on the Work Session.

CEO Snyder would like the Old Millgrove School on the Work Session.

DCO Weglarski questioned if with the change in the law with the impounding of dogs that bite/no rabies shots would affect the impound fee of \$10.00 a day? Not at this time. Needs to be addressed.

NEXT WORK SESSION: Monday, September 24, 2012 @7:00 P.M.
NEXT TOWN BOARD MTG.: Monday, October 1, 2012 @7:00 P.M.

Supervisor Milligan adjourned the Meeting at 7:58 P.M. with a Moment of Silence in Memory of Gerald Wierzbowski and Gary Grant.

Ralph Witt
Town Clerk