

Matthew Herdzik questioned the status of ECWA taking over the water districts? He hears we still are paying charges when the abstract is read. Councilwoman Riddoch explained to him the charges will still be there. Attorney Strong said future maintenance and repairs would be ECWA responsibility and the Town would not be charged. Charges in the past have been quite costly. Attorney Strong said that they are still working on a dissolution plan that will be made public. Engineer Metzger said they are hoping to put this all together around the first of the year.

COMMUNICATIONS

Councilman Weber talked to a Crittenden Rd. resident who was concerned about the Water Districts that are potentially being formed now in Zoeller Rd. and Exchange. The resident said that he never received a survey. Councilman Weber explained the process that we are going through. The resident would like to see water in the rest of the Town, especially Crittenden Rd. being a main connection point from the North to the South.

Town Clerk Witt received a letter from the Board of Elections, with a sample ballot of what will be on the machine for the November 6th election.

Councilwoman Riddoch spoke with Ryan Sheedy from OEM about an AED, he will put together some numbers and get back to her.

Supervisor Milligan received a letter from Alden Central School District informing us of a public informational meeting about the proposed projects of a consolidation to a single campus and the installation of an athletic turf field on October 24, 2012 at 7:00 P.M.

NEW BUSINESS

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to approve the Alden Historical Society's request to use the Alden Community/Senior Center for monthly meetings for the year 2013. The second Thursday of each month (except July and August) 6:30 P.M. to 9:30 P.M. Unanimously Carried.

Supervisor Milligan moved and Councilman Weber seconded the Motion to approve the renewal of the Home Occupation Permit for Dennis Davern/35 Exchange St./Welding Repair. Unanimously Carried.

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to set the hours for Halloween Trick or Treating, 10/31/12 at 6:00 P.M. to 8:00 P.M. Unanimously Carried.

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

WHEREAS, The Town of Alden Building Inspector on October 9, 2012, made a report to the Alden Town Board that the brick building located at 11639 Genesee Street is dangerous and unsafe as defined by Chapter 7A of the Alden Town Code; the building is dilapidated, decayed, unsafe by reason that parts of the brick building are falling onto the neighboring property and that the roof of the building has collapsed;

WHEREAS, The Building Inspector has reported on October 9, 2012, to the Town Board that this is an emergency case under Section 7A-9 of the Town Code, as there is immediate danger to life and safety unless this dangerous building is immediately demolished;

WHEREAS, the building is very close to a neighboring house and very close to the neighboring Fire Hall building and its imminent collapse will likely result in damage to those neighboring building and persons and property on the neighboring properties;

WHEREAS, the collapse of the roof has left the remainder of the structure so unsafe that a complete collapse of the building is imminent;

WHEREAS, The Building Inspector has determined that the building cannot be reasonable repaired; is dangerous to the health, morals, safety and general welfare; and is more than 50% damaged, decayed and deteriorated from its original structure; and that said building is an immediate danger and an immediate threat to life and safety of persons;

WHEREAS, the Building Inspector has notified the owner that the building has been found be to an immediate danger and a threat to life and safety of persons and at the public hearing held by the Town of Alden on August 6, 2012, the Owner acknowledged that his building is unsafe;

WHEREAS, the Building Inspector has posted notice of the building being dangerous, unsafe, and a public nuisance on the property; and on October 10, 2012 gave notice that the building is an immediate danger and must be immediately demolished.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. That the brick building located at 11639 Genesee Street is an immediate danger to life and safety and is in immediate need of emergency demolition.
2. That the Town Board hereby declares that the building at 11639 Genesee Street be immediately demolished by the Town and that the costs of said demolition shall be assessed to the owner of record.
3. That the Town has obtained two quotes for the cost of demolition and the lowest quote was received from United Demolition & Excavating, LLC. Accordingly, the Town authorizes United Demolition & Excavating, LLC at a total cost of \$59,500.00, upon filing of proof of insurances with the Alden Town Clerk to cause the immediate demolition of the building at 11639 Genesee Street, Alden, New York.
4. This Resolution shall take immediately.

The Adoption of the foregoing resolution was duly put to a vote at a regular meeting on October 15, 2012 and was unanimously adopted.

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

WHEREAS, in October, 2012, the Town of Alden by emergency declaration caused the unsafe and dangerous building at 11639 Genesee Street in the Town of Alden to be demolished;

WHEREAS, the emergency demolition cost the Town of Alden \$59,500.00;

WHEREAS, the property owner, Millgrove Development Co, has refused to reimburse the Town for the cost of the emergency demolition; and

WHEREAS, the Alden Town Code at Section 7A-6(E) allows the Town to relevy such costs onto the property taxes of the affected parcel.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. That the Alden Town Board hereby authorizes the Town Assessor to re-levy the amount of \$59,500.00 onto the 2013 county/town taxes of 11639 Genesee Street also known as SBL #85.03-1-10.2;
2. The 2013 Town Budget at line A.0000.1001. is hereby increased by \$59,500.00 to receive this relevy; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 15, 2012, and was unanimously adopted.

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

WHEREAS, The Alden Town Board on November 14, 2011, adopted its 2012 Budget;

WHEREAS, the Town needs to transfer monies to allow for payment of various invoices and vouchers for the Alden Recreation Department; and

WHEREAS, these budget transfers will not render the Town of Alden insolvent.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT:

1. The Alden Town Board hereby authorizes the following budget transfers to line A6772.411:

From line A6772.441 \$ 500.00

From line A6772.440 \$ 100.00

From line A6772.110 \$1,000.00; and

2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 15, 2012, and was unanimously adopted.

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

RESOLUTION OF THE TOWN BOARD APPROPRIATING \$2,650.00 FOR THE PREPARATION OF THE PRELIMINARY DESIGN and SEQR REVIEW TO PROVIDE WATER FACILITIES FOR ZOELLER ROAD

WHEREAS, the residents and property owners at Zoeller Road have petitioned the Town Board for the establishment of a new Zoeller Road Water District, on Zoeller Road in the Town of Alden, outside the boundaries of any existing water districts of the Town and outside of any incorporated Villages; and

WHEREAS, the Petition for the Establishment of the Zoeller Road Water District requires a general map and plan prepared in advance of the establishment of the proposed Zoeller Road Water District.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. That the Town Board does hereby authorize the appropriation of the sum of \$2,650.00 to provide for the cost of preparation of the preliminary design and SEQRA review process by Metzger Civil Engineers, the Town Engineers, said cost to be reimbursed by the Zoeller Road Water District upon its establishment;
2. Metzger Civil Engineers shall not begin any work on the preliminary design until after the public hearing on the creation of the water district and then only if the Town Board elects to move forward with the creation of the District; and
3. This Resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote at a regular meeting on October 15, 2012, and was unanimously adopted.

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

RESOLUTION OF THE TOWN BOARD APPROPRIATING \$2,650.00 FOR THE PREPARATION OF THE PRELIMINARY DESIGN and SEQR REVIEW TO PROVIDE WATER FACILITIES FOR EXCHANGE STREET

WHEREAS, the residents and property owners at Exchange Street have petitioned the Town Board for the establishment of a new Exchange Street Water District, on Exchange Street in the Town of Alden, outside the boundaries of any existing water districts of the Town and outside of any incorporated Villages; and

WHEREAS, the Petition for the Establishment of the Exchange Street Water District requires a general map and plan prepared in advance of the establishment of the proposed Exchange Street Water District.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. That the Town Board does hereby authorize the appropriation of the sum of \$2,650.00 to provide for the cost of preparation of the preliminary design and SEQR review process by Metzger Civil Engineers, the Town Engineers, said cost to be reimbursed by the Exchange Street Water District upon its establishment;
2. Metzger Civil Engineers shall not begin any work on the preliminary design until after the public hearing on the creation of the water district and then only if the Town Board elects to move forward with the creation of the District; and
3. This Resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote at a regular meeting on October 15, 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 Farmer's Market, currently operated by the Alden Chamber of Commerce has concluded its tenth year of continuous operation under the direction of Market Manager, Nancy W. Hughes; and

WHEREAS, the Town of Alden is aware that a large number of residents and businesses of the Town of Alden participate in the events offered by the Alden Farmer's Market.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. That the Town Board hereby recognizes and congratulates the Alden Chamber of Commerce on the successful completion of the Tenth Season of the Alden Farmer's Market and for the outstanding service the Market provides to the Alden Community;
2. That the Town Clerk is hereby directed to send a certified copy of this Resolution to Christopher E. Gust, President of the Alden Chamber of Commerce; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 15, 2012, and was unanimously adopted.

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

WHEREAS, Colleen Rogers, Budget Officer of the Town of Alden on September 28,

2012, duly filed the tentative budget of said Town for the fiscal year beginning January 1, 2013 with the Town Clerk of said Town; and

WHEREAS, the Town Clerk of the Town of Alden duly presented said Tentative Budget to the Town Board on October 1, 2012;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the tentative budget is hereby approved as and shall become the Preliminary Budget of the Town of Alden for the fiscal year beginning January 1, 2013;
2. That said Preliminary Budget shall be filed in the Office of the Town Clerk of the Town of Alden, 3311Wende Road, Alden, New York 14004 and be made available by him to the public for inspection during the regular business hours of the Town Clerk's Office;
3. That a Public Hearing on the Preliminary Budget of the Town of Alden for the year 2013, be held by the Alden Town Board at the Alden Town Hall, 3311 Wende Road, Alden, New York on November 5, 2012, at 7:05 P.M. Local Time;
4. That the necessary Notice of Public Hearing upon the Preliminary Budget, as required by Section 108 of the Town Law of the State of New York be published in the Alden Advertiser, the official newspaper of the Town of Alden, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof; and
5. This Resolution shall take immediately.

The adoption of the foregoing resolution was duly put to a roll call vote at a regular meeting on October 15, 2012, and was unanimously adopted.

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

WHEREAS, the Town Board, on behalf of all Special Districts and Special Improvements Districts, upon which the cost of maintenance is required by law to be apportioned and assessed in proportion to the amount of the benefits conferred has duly prepared detailed estimates in writing of the anticipated revenue and expenditures for such districts to determine the amount of money required to meet the expense of maintaining same; and

WHEREAS, the Town Board has assessed the amount of said estimates on several lots against which the expense of the Improvement was charged in proportion to the amount of benefit conferred; and

WHEREAS, Assessment Rolls were duly prepared according to law and said Assessment Rolls were duly filed in the Office of the Town Clerk.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That a Public Hearing is hereby called and shall be held on November 5, 2012, at 7:10 PM Local Time, at the Town Hall, 3311 Wende Road, Alden, New York, at which time and place this Town Board will meet to consider the aforementioned Special District Budget for the Year 2013 and to hear all persons interested in the subject matter thereof, and concerning the same;
2. That a Notice of said Public Hearing be published in the Alden Advertiser and posted on the Town of Alden Board which Notice shall be in the form attached hereto and made a part hereof; and
3. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October

15, 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 has noticed the need to replace its Senior Citizen Van, which is heavily used by the senior citizens of the Town of Alden, as the current Senior Citizen Van is in a state of disrepair;

WHEREAS, the Alden Town Board would like to utilize the monies available from the Erie County Community Development Block Grant program to purchase a new Senior Citizen Van;

WHEREAS, the Town Board held a public hearing on October 1, 2012, notice of which was properly posted and published and public comment was received and considered;

WHEREAS, The Town Board after full and careful review and consideration of the need finds that it is in the public interest to apply for the CDBG monies for the purchase of a new Senior Citizen Van.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby authorizes Harry F. Milligan, Supervisor, to sign, submit and execute contracts with the Erie County Community Development Block Grant (ECCDBG) program for the following project upon approval of ECCDBG:

1. Acquisition of a Senior Citizen Van

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 15, 2012, and was unanimously adopted.

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

WHEREAS, Ryan Lee, of Alden, has earned the prestigious rank of Eagle Scout;

WHEREAS, the rank of Eagle Scout is the highest national honor awarded in Boy Scouts and is the result of numerous hours of work devoted to completing a community service project that reflects thoughtful, serious concern for humanity and/or the environment and offers realistic suggestions or methods for positive change; and

WHEREAS, the Town of Alden is aware that the young residents of the Town of Alden participate in and benefit from the programs and opportunities offered by the Boy Scouts.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board hereby recognizes and congratulates Ryan Lee on his outstanding commitment to the Boy Scouts and to the Alden Community in his attaining the rank of Eagle Scout;
2. That the Town Clerk is hereby directed to send a certified copy of this Resolution to the Scoutmaster of Boy Scout Troop 290 for presentation to Mr. Lee at the Eagle Scout Court of Honor.
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 15, 2012, and was unanimously adopted.

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

Supervisor Milligan moved and Councilwoman Riddoch seconded the motion to approve Alden Central School's request to use the Town Park and Panza Trail on requested dates per schedule. Unanimously Carried.

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

WHEREAS, the Alden Town Board has received a request from the Highway Superintendent to rent one (1) 6-ton wheeled dumper for four weeks; the estimated rental cost is less than \$10,000.00 but greater than \$2,000.00;

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

WHEREAS, requests for proposals (four (4) week rental of one (1) 6-ton wheeled dumper plus any delivery; pick up; and/or other charges) were made by the Highway Department to three (3) vendors;

WHEREAS, three bids were received as follows: the highest bidder is Anderson, at \$6,860.00; the second highest bidder is Admar Supply Company, Inc. at \$3,600.00; and the lowest bidder is Earth Leasing, LLC at \$3,500.00.

WHEREAS, Earth Leasing, LLC. is deemed the lowest responsible bidder; and

WHEREAS, The Town Board after full and careful review and consideration of the request finds said rental request as consistent with its policies and in the interest of the residents of the Town of Alden.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the rental of one (1) 6-ton wheeled dumper from Earth Leasing, LLC. for four (4) weeks at a total cost of \$3,500.00;
2. The Highway Superintendent is authorized to sign a rental agreement to effectuate this rental; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 15, 2012, and was unanimously adopted.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Engineer Metzger wanted to let the Board know that Deputy Supervisor Todd Aldinger has been helping by encouraging the State to move forward with the review of the Sievenpiper drainage matter. Engineer Metzger has been working with Planning Board, Town Attorney and the Building Inspector regarding the site plan review on North Road.

CEO Snyder had a meeting this morning with Building Controls Systems regarding the thermostats at the Town Hall. We should be able to move forward on this shortly.

DCO Weglarski questioned when his equipment would be updated. He is in need of a new scanner. Councilwoman Riddoch has the information and look into this.

Planning Board Representative Michael DeWitt reported that they are just working on the Metz matter.

Supervisor Milligan spoke on the Ronald Smith obituary in the Buffalo News on Saturday. "This was a terrible article and he immediately made a phone call in the hope that it was not being put in the Alden Advertiser. Ron Smith was much more than a Supervisor, Trustee and business owner. He was a Husband, Father, family man, sports fan, athlete and a very charitable man both in Alden and beyond. Politics and Town Government was a very minor part of the total man and he should be remembered for all the good parts of his life." Received a letter from Time Warner saying how wonderful they are doing regarding division of properties.

NEXT WORK SESSION: Monday, October 22, 2012 @ 7:00 P.M.
NEXT TOWN BOARD MTG.: Monday, November 5, 2012 @ 7:00 P.M.

Supervisor Milligan adjourned the Meeting at 7:32 P.M. with a Moment of Silence in Memory of Michael Cain, James Harding (Former Town Highway Employee), Ronald Smith (Former Town Supervisor) and Mary Spoly.

Ralph Witt
Town Clerk