

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, August 6, 2012 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 Deputy Town Clerk.

PRESENT: Harry Milligan, Supervisor  
Mary Riddoch, Councilwoman  
William Weber, Councilman

RECORDING SECRETARY: Debra A. Crist, Deputy Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney  
Chris Snyder, CEO  
Todd Aldinger, Deputy Supervisor  
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 16, 2012. Unanimously Carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN RIDDOKH AND SECONDED BY COUNCILMAN WEBER TO WIT;

<u>ACCOUNT</u>	<u>ABST. #1</u>	<u>ABST. #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$10,134.54	\$29,098.79	\$39,233.33
HGHWY FUND "DA/DB"	1,692.99	58,884.41	60,577.40
PART-TOWN FUND "B"	1,533.67	7,190.58	8,724.25
CAPITAL IMPROV. "HC"		32,874.02	32,874.02
WD#1 FUND "WA"			
WD#2 FUND "WB"	375.20		375.20
WD#3 FUND "WC"	2,063.60		2,063.60
WD#4 FUND "WD"	1,299.80		1,299.80
SP FIRE PROT. "SF"	6,039.27		6,039.27
SD#2 FUND "SA"	2,463.02	9,274.15	11,737.17
TRUST/AGCY FUND "T"	11,358.66	2,892.79	14,251.45
SP REFUSE FUND "SR"	40,552.24		40,552.24
STREET LIGHTING FUND "SL"	5,099.82		5,099.82
PERIWINKLE LTG. "SL1"	30.88		30.88
GRANTS		26,544.84	26,544.84
TOTALS	\$82,643.69	\$166,759.58	\$249,403.27

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.  
BUSINESS FROM THE FLOOR

Patrick Kozak/1080 Boncliff came to the Board to inform them he is not happy with the way the drainage project is being done. This is not the way he had been informed it would be done. The pipe was supposed to be wrapped in cloth and encased in stone. He has pictures of the pipe being set on the ground. It is perforated pipe and the ground is sandy loam. Eventually the pipe will filter itself through and fill up with dirt. It is a waste of "our" money. He has approached the Highway Superintendent and tried to talk with him with no avail. Somewhere down the line we will have to deal with this problem again. All their septic systems drain into that trench. None of them are being tied in or brought to the pipe.

**AT 7:05 P.M. SUPERVISOR MILLIGAN ASKED FOR A MOTION TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO THE PUBLIC HEARING REGARDING THE DETERMINATION IF THE BUILDING AT 11639 GENESEE STREET IS DANGEROUS, UNSAFE AND A PUBLIC NUISANCE.**

**At 7:05 P.M. Councilwoman Riddoch moved and Councilman Weber seconded the Motion to adjourn from the regular meeting and enter into the Public Hearing regarding the dangerous and unsafe building at 11639 Genesee St. Unanimously Carried.**

**THE DEPUTY TOWN CLERK READ THE LEGAL NOTICE OF PUBLIC HEARING PRINTED IN THE ALDEN ADVERTISER.**

**SUPERVISOR MILLIGAN OPENED THE FLOOR TO PUBLIC COMMENTS FOR OR AGAINST THIS PUBLIC HEARING.**

**PUBLIC COMMENT**

**HEARING #1/DETERMINATION IF THE BUILDING AT 11639 GENESEE STREET IS DANGEROUS, UNSAFE AND A PUBLIC NUISANCE:**

**Robert Wohlgemuth/Genesee St. asked if the Town has an estimate of the cost to demolish this building? CEO Snyder said we do not have the estimate at this time. Mr. Wohlgemuth also asked how the Town plans on recouping the cost? The cost would be added to the owner's taxes.**

**At 7:08 P.M. AFTER ALL THOSE WISHING TO BE HEARD WERE HEARD, SUPERVISOR MILLIGAN ASKED FOR A MOTION TO ADJOURN FROM THE PUBLIC HEARING #1 AND ENTER BACK INTO THE REGULAR MEETING.**

**Councilwoman Riddoch moved to adjourn from Public Hearing #1 and enter back into the Regular Meeting, Councilman Weber seconded the Motion. Unanimously Carried.**

**BUSINESS FROM THE FLOOR**

**Robert Wohlgemuth/Alden thanked the Town for updating the website, it has improved, but there are some omissions that need improvement.**

- #1. Planning Board**
  - a. No minutes since February of 2012.**
  - b. No July or August agendas.**
  - c. Planning Board minutes are not showing the time the meeting was completed.**

**AT 7:10 P.M. SUPERVISOR MILLIGAN ASKED FOR A MOTION TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO THE PUBLIC HEARING REGARDING THE REQUEST FOR A HOME OCCUPATION PERMIT BY NICOLE A. KOSCHUK/1289 SANDRIDGE RD./DOG GROOMING.**

**At 7:10 P.M. Councilwoman Riddoch moved to adjourn from the regular meeting and enter into the Public Hearing regarding the the request for a Home Occupation Permit by Nicole A. Koschuk/1289 Sandridge/Dog Grooming, Councilman Weber seconded the Motion, Unanimously Carried.**

**THE DEPUTY TOWN CLERK READ THE NOTICE OF PUBLIC HEARING THAT WAS PRINTED IN THE ALDEN ADVERTISER.**

**SUPERVISOR MILLIGAN OPENED THE FLOOR TO PUBLIC COMMENT FOR OR AGAINST THIS PUBLIC HEARING.**

**PUBLIC COMMENT:**

**Betty Pulaski/Mayfield Drive property abuts the property at 1289 Sandridge. She is against this Home Occupation. She has trouble at the present time with Ms. Koschuk's dogs barking constantly. One of the dogs, a pitbull, came on her property. She feels that if strange dogs came in to get groomed it would only cause the dogs to bark more. She does not want it.**

**Bud Krisher/Woodview does not feel this would be a good thing. There are cats, dogs, chickens & rabbits that are not taken care of. The dogs are barking now, it would only get worse.**

**Councilwoman Riddoch questioned the sign selling puppies. She asked how many dogs Ms. Koschuk owns? Nicole said she owns two dogs and they are spayed and neutered. She does not plan on having any more puppies. Nicole said that someone cut across her lawn, causing her dogs to bark and Ms. Pulaski was yelling obscenities in front of Ms. Koschuk's small children. Her puppies are put in an exercise pen a couple of times a day and they do bark somewhat. They will be gone shortly. The older dogs are not kept outside, so she feels they will not be a problem. Dogs to be groomed will be kept for approximately one hour.**

**Councilman Weber has a concern that if the neighbors are not okay with the dogs now, when strange dogs are brought in and her dogs smell them and hear them they will bark.**

**Nicole Koschuk said that she is having a privacy fence put up. Ms. Pulaski asked what about all the other animals? Chickens, cats and rabbits. She does not want them on her property. Ms. Koschuk said she just moved into the property, there were cats left by the previous owners. The property is zoned R-1 and CEO Snyder said that it is not zoned for livestock.**

**Andrew Pulaski/Mayfield said the dogs bark constantly. He is opposed to the Home Occupation Permit.**

**AT 7:18 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 7:18 P.M. Councilwoman Riddoch moved and Councilman Weber seconded the Motion to enter back into the Regular Meeting. Unanimously Carried.**

#### **BUSINESS FROM THE FLOOR (CONTINUED)**

Robert Wohlgemuth/Alden said it was his understanding that the Town got a substantial grant to look into ways to consolidate and save money. He would like to know what the status is? Supervisor Milligan stated that two-thirds of the study was done and nothing was acted on, the last part of it was not done, figuring that it was a waste of money. Mr. Wohlgemuth wanted to know where the money went? Supervisor Milligan said it was used to conduct the survey and that was done. The Village and the Town could not agree on anything and it was dropped last year. Mr. Wohlgemuth suggested an idea for the Town that would save dollars. The building is open 4X a month for meetings. From looking at the history of the meetings you could easily consolidate it to 2X a month like the Village of Alden and other small towns. He suggested having the Work Session and the Meeting the same night. There might be greater attendance and save dollars on utilities. Another subject Mr. Wohlgemuth would like to address is the Town Park, aka the money pit. With the fiscal state of New York State, Towns and Villages, money is a big concern. The Town renting/buying carts to go around the Park, is exorbitant. The Town wants to buy a sprinkler system for the Park. If you look at the lawn at the Town Hall, there is a draught and it has not been sprinkled and is green. The population has not increased dramatically. It is an unnecessary expense and should be looked at. He feels we really need to be conservative on the money spent in the Park.

#### **COMMUNICATIONS**

Councilman Weber was contacted in the past few weeks by three different residents of Boncliff Drive regarding the drainage project. They were very concerned that the work was not being done the way it was explained to them it was to be done. A couple of the residents have spoken to Highway Supt. Fix with no satisfaction. There is no change in the manner that the job is being done. They have not worked on it for a couple of days because they needed different equipment, which was approved tonight. Maybe this will make a difference.

Attorney Strong spoke with Ted Morgan this afternoon regarding renewing his contract with the Alaura Sewer Plant. He is willing to do this for another three years, but is looking for a 5% price increase. She would like this on the Work Session.

Supervisor Milligan sent out a letter to Senator Schumer who is starting up the Rural Development act again, saying the Town would be interested in any funding we could receive, especially for water lines. Councilman Weber brought up about the population limit. Supervisor Milligan said this would eliminate that problem. A letter was sent out to the State Police, E.C. Sheriff and Lancaster Fire Control regarding the assistance of Crittenden Fire Co., if there is a missing person and a search is necessary. Mayor Manicki and Supervisor Milligan know that time is important when a citizen is not accounted for and this group is another tool in keeping Alden safe.

#### NEW BUSINESS

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

WHEREAS, the Alden Town Board after full and careful review and consideration finds that garbage disposal is necessary for the residents of the Town and that the solicitation of bids for the same is within the public interest.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby authorizes the Alden Town Clerk to advertise for bids as outlined in the attached Instructions to Bidders;
2. The Town Board hereby authorizes the Town Clerk to publish Notice in the Alden Advertiser. Said Notice must be published more than five (5) days prior to August 30, 2012, and must state the time when and place where the sealed bids will be publically opened and read by the Town Clerk;
3. The Town Board hereby authorizes the Town Clerk to receive sealed bids until 2:00 PM Prevailing Time on August 30, 2012. All bids must contain the Non-Collusive Bidding Certification; and
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on August 6, 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 Board of the Town of Alden is considering an application by Samuel P. Guida, Jr. for the subdivision of two (2) lots. The entire parcel currently consists of approximately 88.1 acres on North Road in the Town of Alden, further identified as SBL # 108.00-2-27. The first proposed lot ("Parcel A") would be a 600' x 1380' (approximately 19 acres) vacant parcel on North Road and the second proposed lot

("Parcel B") would be the remaining approximately 69 acre vacant parcel (The "Proposed Action");

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA but has determined that it is in the public interest to conduct a coordinated review;

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, and as such will notify other involved agencies of its desire to become the Lead Agency.
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 August 6, 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 Board of the Town of Alden ("Town Board") has fully and properly considered demolishing the unsafe and dangerous structures at 11639 Genesee Street in the Town of Alden (the "Proposed Action"); and

WHEREAS, the Town Board, after completing the Short Environmental Assessment Form has determined that the Proposed Action is a Type II Action under SEQRA; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board hereby adopts the attached Determination of Type II Action.
2. The Town of Alden, as Lead Agency, hereby determines that the Type II action described in the attached Determination, will not have a significant effect on the environment and that an environmental impact statement is not required to be prepared with respect to said 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 August 6, 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 has received a request from the Parks Supervisor to purchase a water wheel to water the sports fields in the Town Park the estimated cost of which 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 written quotes from at least three (3) vendors;

WHEREAS, a written request for proposals was made by Parks Supervisor Sojka to three (3) vendors, as follows:

- the highest bidder is Pioneer at \$8,350;
- the second highest bidder is OA Newton at \$7,944.00; and
- the lowest bidder is John Deere Landscapes at \$7,265.00.00;

WHEREAS, John Deere Landscapes is deemed 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 water wheel.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of a water wheel from John Deere Landscapes at a total cost of \$7,265.00, including delivery;
2. The Parks Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this hiring; 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 6, 2012, and was unanimously adopted.

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

WHEREAS, the Alden Town Board has received a request from the Parks Supervisor to have the porch floor at the Alden Historical Society Building, a Town

owned building, painted, the estimated cost of which less than \$2,000.00 but greater than \$500.00;

WHEREAS, the Procurement Policy & Procedure Guidelines (“Guidelines”) of the Town of Alden states that the Town must obtain written quotes from at least two (2) vendors;

WHEREAS, a written request for proposals was made by Parks Supervisor Sojka to two (2) vendors, as follows:

the highest bidder is Kraus Brothers Inc. at \$1,575.00; and  
the lowest bidder is N. Choops Painting, Inc. at \$1,490.00;

WHEREAS, N. Choops Painting, Inc. is deemed 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 painting of the porch floor.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the hiring of N. Choops Painting, Inc. to paint the porch floor at the Alden Historical Society Building at a total cost of \$1,490.00;
2. N. Choops Painting, Inc. must pay its employees prevailing wage rate and comply with all State and Federal Department of Labor requirements and provide proof of insurance to the Town prior to commencing any work;
3. The Parks Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this hiring; and
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on August 6, 2012, and was unanimously adopted.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to renew the Home Occupation Permit for Douglas Swingle/12049 Genesee St./Auto Upholstery Repairs. Unanimously Carried.

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

WHEREAS, the Alden Town Board has received a request from the Office of Emergency Management to purchase a new computer the estimated cost of which is less than \$2,000.01 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, an oral request for proposals was made by the Town to two (2) vendors and received as follows: the highest vender is Dell, Inc. at \$1,581.00 and the lowest bidder is DC Computers Sales & Service at \$1,180.00; and

WHEREAS, DC Computers Sales & Service is the lowest responsible bidder;

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 a new computer.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of a computer from DC Computers Sales & Service the lowest responsible vendor, at a total cost of \$1,180.00;
2. 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.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on August 6, 2012, and was unanimously carried.

**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

WHEREAS, the Alden Town Board has received a request from the Highway Superintendent to return for a partial refund the two (2) power buggies and 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, bids were received as follows: United Rentals refused to quote; the highest bidder is Earth Leasing, at \$4,500.00; and the lowest bidder is Admar Supply Company, Inc. at \$3,600.00, plus delivery/pickup charge of \$170.00;

WHEREAS, Admar Supply Company Inc. 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 Admar Supply Company Inc. for four (4) weeks at a total cost of \$3,173.00 (which reflects a \$579.00 refund for the early return of the two power buggies);
  2. The Highway Superintendent is authorized to sign a rental agreement to effectuate this rental; and
  3. This resolution shall take effect immediately.
- On the Question: Councilwoman Riddoch asked what this would be used for?  
Councilman Weber said it would be used on the Boncliff drainage job.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on August 6, 2012, and was unanimously adopted.

UNFINISHED AND TABLED BUSINESS

Tabled Resolution approving the Home Occupation Permit for Nicole A. Koschuk/1289 Sandridge Rd./Dog Grooming.

**REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL**

Todd Aldinger, Deputy Supervisor reported on a scheduled meeting on August 16<sup>th</sup> regarding Howard Millstein, Chairman of the Thruway Authority putting in a request for a 45% increase on three or more axle truck fees on the Thruway. The fear for a small Town like Alden which has Route 33 and Route 20 running through it is that if the trucks are charged a large fee they will get off the Thruway earlier and drive down Rte 20 or 33 to save money. This would deteriorate the roads quicker. The hearing will be held on the 16<sup>th</sup> at The Erie County Library in Buffalo. Todd will be speaking on behalf of Senator Gallivan.

CEO Snyder will have information on air conditioning for the Court Room and the Council room at the Work Session.

DCO Weglarski has been working on the dog census and handled a dog bite case today.

Supervisor Milligan will be meeting with Senator Gallivan and Mike Druding of Wilson Greatbatch Tech. to touch base and let them know we are there for them should they need anything from us. Supervisor Milligan would like the trail connecting the Parks and the gift cards for Tractor Supply and Value put on the Work Session.

**NEXT WORK SESSION: Monday, August 13, 2012 @ 7:00 p.m.**  
**NEXT REG. MTG.: Monday, August 20, 2012 @ 7:00 p.m.**

**BUDGET HEARINGS: Monday, August 20, 2012 @ 9:00 a.m.**  
**Tuesday, August 21, 2012 @ 9:00 a.m.**  
**Wednesday, August 22, 2012 @ 9:00 a.m.**  
**(if needed)**

Supervisor Milligan adjourned the Meeting at 7:43 P.M. with a Moment of Silence in Memory of John Krzyznowski, Chauncey Peters & Gordon Glauser.

Debra A. Crist  
Deputy Town Clerk