

The Regular Meeting of the Alden Town board was held in the Town Hall at 3311 Wende Road on Monday, July 7, 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 Deputy Town Clerk.

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

RECORDING SECRETARY: Barbara Weber, Deputy Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney
Gary Wagner, Highway Supt.
Mike Fleming, Planning Board
Michael Metzger, Town Engineer
Len Weglarski, DCO
Residents

Supervisor Milligan Moved and Councilman Witt seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of June 16, 2014. The Motion was put to a Roll Call Vote on July 7, 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 534-627

<u>ACCOUNT</u>	<u>ABST. #1</u>	<u>ABST. #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$5,094.21	\$47,500.91	\$52,595.12
HWY FUND "DA/DB"	\$2,556.70	\$48,312.73	\$50,869.43
PART-TOWN FUND "B"	\$3,121.31	\$3,802.82	\$6,924.13
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	\$22,012.54	\$22,886.96
SD#2 FUND "SA"	\$2,357.51		\$2,357.51
TRUST/AGCY FUND "T"	\$152.00	\$15,220.77	\$15,372.77
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	\$136,849.77	\$208,326.77

UPON ROLL CALL VOTE ON JULY 7, THE FOREGOING RESOLUTION WAS

ADOPTED.

Ayes 3 Milligan, Riddoch & Witt
Nays 0

BUSINESS FROM THE FLOOR

Supervisor Milligan welcomed Deacon Thomas Klusek, his parish will be having a Golf Outing with all the funds to go to the Wounded Warrior Project. This is a veterans group that is servicing men and woman who have served the country and have been wounded in some degree whether in combat or in the line of their own military jobs that they performed in the United States as well in other countries.

COMMUNICATIONS

Deputy Town Clerk:

She read a letter from an Alden resident regarding his concern with the Town's only digital provider, Time Warner Cable. He was wondering if it would be possible to get service with Verizon's FiOs digital

service. A member of the Supervisor's office contacted Verizon and they said that there is no plan for expansion in our area at this time but we are welcome to call back for updates.

Attorney Strong:

She has now received from the Marilla Car Show in Alden all of their insurance and they have met all of the Towns requirements at this time.

Councilwoman Riddoch:

She has spoken with Alden Pools and Play regarding the installation of the replacement playground which is scheduled for July 14th unless it needs to be rescheduled if the area is not ready.

Supervisor Milligan:

The monthly report was received from the Town Clerk/Receiver of Taxes and that she has received \$5,021,493.36 in fees and moneys for the payment of taxes since the first of the year.

A letter was received from IDA from Erie County and it stated they do well with their IDA's and it has a breakdown of what the State reported on.

The bill to rename the U.S. Post Office in Alden, New York after Army Sergeant Brett Gornewicz has passed. Supervisor Milligan would like to see a plaque put up in the Post Office and possibly get Senator Gillibrand and Congressman Collins to come out to commemorate Sergeant Gornewicz and the plaque. He mentioned an editorial in the Buffalo News regarding Rural/Metro's response time. Supervisor Milligan is surprised about the article because they have been doing a better job with service in our area.

NEW BUSINESS

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. 3 of the Year 2014, entitled "Local Law amending Section 20-37 of the Alden Town Code to allow non-conforming single family dwellings to be rebuilt" (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 July 7, 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 COUNCILWOMAN RIDDOCH TO WIT;

WHEREAS, the Town of Alden has negotiated Contracts for Fire Protection Services with the Townline Fire Department, Inc.; Crittenden Volunteer Fire Department, Inc.; the Village Of Alden/Alden Hook & Ladder Fire Company, Inc.; and the Millgrove Volunteer Fire Department, Inc.; and

WHEREAS, the Town Board must conduct a public hearing before approving said Contracts.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. A public hearing be held before the Town Board on July 21, 2014 at 7:05 p.m. at the Alden Town Hall, 3311 Wende Road, Alden, New York at which time all interested persons shall be heard in regard to the Fire Protection Contracts;

2. The Town Clerk is directed to Publish Notice of this Public Hearing in the Alden Advertiser no less than ten (10) days prior to the Public Hearing and to post Notice of the same on the Town signboard; and

3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on July 7, 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 Town Board of the Town of Alden desires to secure the Town of Alden's obligation to provide volunteer firefighters' benefit law, volunteer ambulance workers' benefit law and workers' compensation benefits, as applicable, through participation in a group self-insurance program of which the Town of Alden will be a member;

WHEREAS, The Town Board of the Town of Alden, duly convened in regular session, does hereby resolve, pursuant to, and in accordance with the provisions of Section 50 of the New York State Workers Compensation Law and other applicable provisions of law and regulations thereunder, as follows:

Section 1. The Authorized Representative (hereinafter "Representative") of the Town of Alden does hereby resolve to secure the Town of Alden's obligation to provide volunteer firefighters' benefit law, volunteer ambulance workers' benefit law and workers' compensation benefits, as applicable, through participation in a group self-insurance plan of which the Town of Alden will be a member;

Section 2. The Representative of the Town of Alden does hereby resolve to become a member of Public Employer Risk Management Association, Inc., a workers' compensation group self-insurance program for local governments and other public employers and instrumentalities of the State of New York;

Section 3. In order to effect the Town of Alden's membership in said group self- insurance program, the authorized officer of the Town of Alden is hereby authorized to execute and enter into the Public Employer Risk Management Association Workers' Compensation Program Agreement, annexed hereto as Exhibit A, on behalf of the Town of Alden.

Section 4. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on July 7, 2014, and **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 Letters Patent from the State of New York conveying to the Town of Alden a portion of lands at 13140 Main Street, Alden (adjacent to the existing Town Park), with the restriction that the Town will use said lands for a public park;

WHEREAS, The Town Board after full and careful review and consideration of the transfer of lands for \$1.00 to be paid from the General Fund, finds that it is in the public interest to accept the Letters Patent.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town of Alden accepts the Letters Patent from the State of New York transferring to the Town of Alden the .40 acre portion of the parcel, as shown on a Millard, MacKay & Delles survey dated August 14, 2013, adjacent to the existing Town Park;
2. That the Town Board hereby certifies that the .40 acre portion of the parcel will be improved and maintained for town park purposes only; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on July 7, 2014, and **ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

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

WHEREAS, in 2004 WOUNDED WARRIOR PROJECT was founded to serve veterans and service members who incurred a physical or mental injury, illness, or wound co-incident to their military service on or after September 11, 2001 and their families; and

WHEREAS, WOUNDED WARRIOR PROJECT was founded to raise awareness and enlist the public's aid for the needs of injured service members, help injured service members aid and assist each other, and provide unique, direct programs and services to meet the needs of injured service members; and

WHEREAS, the WWP staff works to foster the most successful, well-adjusted generation of wounded warriors in our nation's history through a culture of teamwork; and

WHEREAS, the efforts of the WOUNDED WARRIOR PROJECT is to give our injured service men and women the care they need to maximize their rehabilitation to live active and healthy lives; and

WHEREAS, by having a mission to honor and empower our service men and women to adjust to their new normal and achieve new triumphs through WWP.

NOW, THEREFORE, BE IT RESOLVED, that the Alden Town Board designates Saturday July 19, 2014 as WOUNDED WARRIOR PROJECT day.

This Resolution shall take effect immediately.

The foregoing Proclamation was duly put to a roll call vote at a regular meeting on July 7, 2014, as follows:

ADOPTED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

UNFINISHED & TABLED BUSINESS

There was no unfinished & tabled business.

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Highway Superintendent:

Gary Wagner would like to put the upgrade for the culvert on Sullivan Rd. on the next work session. The video taping of the drainage on Boncliff is done and the repairs are done. He has a meeting with Erie County Soil and Water Conservation regarding the Cayuga Creek ice jams.

Town Engineer:

Mike Metzger said that the Erie County Health Department is currently reviewing the plans for the Exchange/Zoeller Rd. waterlines and he is still waiting to hear back from the Erie County Corp of Engineers. Councilman Witt is working on an easement with a land owner and they are working with legal descriptions to go to the Town Attorney.

Dog warden:

Len Weglarski said that the dogs that were in his pound went to the SPCA today.

Supervisor Milligan:

Supervisor Milligan has received a call from the owner of Save A Lot regarding the Marilla Car Show in Alden. He will be securing the parking lot with blockades and will be hiring off duty sheriff officers to keep this parking lot open for his customers and the other stores in the plaza. There will other lots open this year as well as parking on Broadway, Supervisor Milligan doesn't foresee any parking problems with this.

A car show representative contacted Supervisor Milligan and said that there will be an award for the late Councilman Bill Weber.

NOTICE OF MEETINGS

NEXT WORK SESSION:

July 14, 2014 @ 7:00 P.M.

NEXT REG. BOARD MTG.

July 21, 2014 @ 7:00 P.M.

MEMORIAL REMEMBRANCE

Supervisor Milligan asked all to stand for a Moment of Silence in Memory of Alice Herdzik and Marti Jo Wohlgemuth.

AT 7:22 P.M. 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 AND HIGHWAY SUPERINTENDENT TO DISCUSS A MATTER OF PERSONNEL. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON JULY 7, 2014 AND Carried.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

AT 7:49 P.M. COUNCILWOMAN RIDDOCH MOVED AND SUPERVISOR MILLIGAN SECONDED THE MOTION TO ADJOURN FROM THE EXECUTIVE SESSION, WITH NO ACTION TAKEN AND ENTER BACK

INTO THE REGULAR MEETING. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON JULY 7, 2014 AND CARRIED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

ADJOURNMENT

Supervisor Milligan adjourned the Meeting at 7:49 P.M.

Barbara Weber
Alden Deputy Town Clerk