

The Regular Meeting of the Alden Town board was held in the town Hall at 3311 Wende Road on Monday, July 20, 2015 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
Ralph P. Witt, Councilman

ABSENT: Mary Riddoch, Councilwoman

RECORDING SECRETARY: Debra A. Crist, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney
Chris Snyder, CEO
Marlin Gillette, ZBA Member
Residents

Supervisor Milligan Moved and Councilman Witt seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of July 6, 2015 and Special Meeting of July 8, 2015. The Motion was put to a Roll Call Vote on July 20, 2015 and was

CARRIED.

Ayes 2 Milligan & Witt
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN WITT AND SECONDED BY SUPERVISOR MILLIGAN TO WIT; Vouchers #650-715

<u>ACCOUNT</u>	<u>ABST. #1</u>	<u>ABST. #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$38,270.52		\$38,270.52
HGHWY FUND "DA/DB"	33,814.26		33,814.26
PART-TOWN FUND "B"	3,361.30		3,361.30
EXCHANGE WATER DIST. "HX"	7,841.50		7,841.50
CONSOLIDATED WATER "WR"			
SP FIRE PROT. "SF"	25,994.00		25,994.00
SD#2 FUND "SA"	3,367.30		3,367.30
TRUST/AGCY FUND "T"	170.00		170.00
SP REFUSE FUND "SR"	37,932.78		37,932.78
STREET LIGHTING FUND "SL"	5,034.55		5,034.55
PERIWINKLE LTG. "SL1"	29.23		29.23
ZOELLER W.D. "HZ"	4,231.00		4,231.00
GRANTS			
TOTALS	\$160,046.44		\$160,046.44

UPON ROLL CALL VOTE ON JULY 20, 2015 THE FOREGOING RESOLUTION WAS

ADOPTED.

Ayes 2 Milligan & Witt
Nays 0

BUSINESS FROM THE FLOOR

Meagan Yoerg addressed the Board giving an informal report on the soccer tournament in May. There were 41 teams that played 91 games. There was revenue of just over \$2600.00. They look forward to hosting the event next year.

PUBLIC HEARING

At 7:05 P.M. Supervisor Milligan moved to adjourn from the regular meeting and enter into the Public Hearing regarding the application of Mark Schwab for a Home Occupation Permit to conduct a business of making gift boxes from his residence at 29 Sullivan Rd. Councilman Witt seconded the Motion. The foregoing Motion was put to a Roll Call Vote on July 20, 2015 and was

CARRIED.

Ayes 2 Milligan & Witt
Nays 0

Supervisor Milligan asked the Town Clerk to read the Legal Notice that was printed in the Alden Advertiser.

Supervisor Milligan opened the floor for Public Comment.

There was no Public Comment.

At 7:07 P.M. Councilman Witt moved to adjourn from the Public Hearing and enter back into the Regular Meeting. Supervisor Milligan seconded the Motion. The foregoing Motion was put to a Roll Call Vote on July 20, 2015 and

CARRIED.

Ayes 2 Milligan & Witt
Nays 0

COMMUNICATIONS

Attorney Strong:

Attorney Strong received word from our Engineer on our Senior Center specs that he has been on vacation and was unable to amend our specifications. Item G will have to be tabled.

NEW BUSINESS

Councilman Witt Moved and Supervisor Milligan seconded the Motion to approve the renewal of the Home Occupation Permit for Sharon Jordan Parker/12722 West Main St./Sale of Herbs & oils for a period of one year. The foregoing Motion was put to a Roll Call Vote on July 20, 2015 and was

CARRIED.

Ayes 2 Milligan & Witt
Nays 0

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

WHEREAS, The Alden Town Board on November 3, 2014, adopted its 2015 Budget;

WHEREAS, the Town needs to transfer monies to allow for payment of various invoices and vouchers for the Town's Labor Attorney in regard to Parks Department Matters; 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 A.1930.0400:

From line A.1990.0440 \$ 15,000.00

2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on July 20, 2015, and

ADOPTED.

Ayes 2 Milligan & Witt
Nays 0

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

WHEREAS, the Town Board of the Town of Alden is considering an application by Richard and Suzanne Brown, by their agents Ryan and Rachel Brown for the subdivision of two (2) lots. The entire parcel currently consists of approximately 98 acres at 11966 Westwood Road, in the Town of Alden, further identified as SBL #107.00-3-11. The first proposed lot ("Parcel A") would be an approximate 40

acre vacant parcel; the second proposed lot ("Parcel B") would be the remaining parcel with the existing house and outbuildings (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 May 28, 2015, 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 July 6, 2015;

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 June 9, 2015, 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 parcel, more particularly described as:

All That Tract or Parcel of Land situate in the Town of Alden, County of Erie and State of New York, being part of Lot No. 37, Township 11, Range 5 of the Holland Land Company's Survey more particularly described as follows:

Beginning at intersection of the centerline of Westwood Road being (66' wide) also being the southerly line of Lot No. 37, Township 11, Range 5 with the easterly line of said Lot No. 37, said point of beginning further described as the southeast corner of said Lot No. 37, also being the southeast corner of lands conveyed in the Erie County Clerk's Office in Liber 9853 of Deeds at Page 66; Thence westerly along said centerline of Westwood Road and the southerly line of said Lot No. 37 a distance of five hundred-seventy and no hundredths feet (570.00'); Thence northerly and parallel with the easterly line of said Lot No. 37 a distance of three thousand thirty nine feet (3039+/-) more or less to a point in the southerly line of lands conveyed in the Erie County Clerk's Office in Liber 426 of Deeds at Page 52; Thence easterly along said southerly line of Liber 426 of Deeds at Page 52 a distance of five hundred seventy-one and forty-eight hundredths feet (571.48') to a point in said easterly line of Lot No. 37, Said point also being in the easterly line of said Liber 9853 of Deeds at Page 66; Thence southerly along the easterly line of said Lot No. 37 and said easterly line of Liber 9853 of Deeds at Page 66 a distance of three thousand seventy five feet (3075+/-) more or less to the point or place of beginning containing 40+/- acres of land more or less including highway.

Is 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 July 20, 2015, and

ADOPTED.

Ayes 2 Milligan & Witt

Nays 0

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

WHEREAS, the Town of Alden Parks Supervisor has advised the Town Board that the Parks Department's New Holland model Boomer 40 tractor needs a rear remote installed;

WHEREAS, The Town Board after full and careful review and consideration finds the request to purchase a rear remote for the existing tractor as being in the public interest;

WHEREAS, the rear remote, because it must fit an existing tractor is a sole source situation; and

WHEREAS, The Town's Procurement Policy & Procedure Guidelines and General Municipal Law have been followed.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby authorizes the purchase of a rear remote for the existing New Holland model Boomer 40 tractor from Empire Tractor, Inc., the sole source provider, for a total cost of \$1,025.00, including installation;
2. That the Parks Supervisor 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 July 20, 2015, and

ADOPTED.

Ayes 2 Milligan & Witt

Nays 0

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

WHEREAS, the Building Inspector/Code Enforcement Officer has informed the Alden Town Board that several properties in the Town of Alden are not being properly maintained by the property owners;

WHEREAS, Chapter 18 of the Alden Town Code allows the Alden Town Board to adopt a resolution requiring a property owner to cut, trim or remove brush, grass, rubbish or weeds on their lands; and

WHEREAS, the following persons are the owners of parcels of land (said parcels identified below) situated in the Town of Alden that are in need of lawn maintenance:

Alan J. Keech and Leanne I. Hull owners of 11693 Boncliff Dr. (lis pendis filed by Bank of America);
James J. and Betty Ann Schmidt owners of 3528 Townline Road;
Steven A. Weber owner of 11133 Broadway;
Timothy R. and Lorrie A. Stewart owners of 124 Three Rod Rd. (Lis pendis filed by OneWest Bank);
Gregory R. Slojkowski owner of 12328 Genesee Street (Lis pendis filed by Ocwen Loan Servicing LLC);
and
Lois Theisz, owner of 3631 N. Millgrove Road.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. Alan J. Keech and Leanne I. Hull owners of 11693 Boncliff Dr. (SBL # 118.14-6-2);
James J. and Betty Ann Schmidt owners of 3528 Townline Road (SBL # 84.04-1-3);
Steven A. Weber owner of 11133 Broadway (SBL # 117.12-4-2.11);
Timothy R. and Lorrie A. Stewart owners of 124 Three Rod Rd. (SBL # 130.01-1-5);
Gregory R. Slojkowski owner of 12328 Genesee Street (SBL # 85.00-6-10.2); and
Lois Theisz, owner of 3631 N. Millgrove Road (SBL # 85.00-4-31)

are hereby ordered by the Alden Town Board to cut, trim and remove the brush, grass, rubbish and weeds on their above listed properties no later than August 1, 2015;

2. Should these property owners fail to cut, trim and remove the brush, grass, rubbish and weeds on their respective above listed properties no later than August 1, 2015, the Town of Alden will authorize the lawn maintenance to be performed by a third party and paid for from the general fund of the Town of Alden;

3. The Town Board shall then cause the general fund to be reimbursed by the respective property owners by levying the costs incurred by the Town onto the respective landowners County/Town Tax Bill for Tax Year 2016;

4. The Town Attorney shall cause a Notice of the Resolution to be mailed to each of the landowners listed above by regular mail at their last known address, as required by Section 18-4 of the Alden Town Code; and

5. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on July 20, 2015, and was **ADOPTED.**

Ayes 2 Milligan & Witt

Nays 0

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

WHEREAS, New York State General Municipal Law allows a municipality to approve the volunteer members of a volunteer fire department operating in said municipality;

WHEREAS, the Crittenden Volunteer Fire Department provides fire protection services within the Town of Alden pursuant to a contract with the Town of Alden;

WHEREAS, approval of members assists an injured volunteer firefighter in receiving worker's compensation benefits pursuant to New York State Volunteer Firefighter Benefit Law;

WHEREAS, Crittenden Volunteer Fire Department has approved Adam Sobczak as a member; and

WHEREAS, Crittenden Volunteer Fire Department has submitted to the Alden Town Clerk's Office notification of this new member.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Alden Town Board hereby approves Adam Sobczak for membership in the Crittenden Volunteer Fire Department; and

2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on July 20, 2015, and was **ADOPTED.**

Ayes 2 Milligan & Witt

Nays 0

Councilman Witt moved and Supervisor Milligan seconded the Motion to table the resolution authorizing the advertisement for bids for Alden Senior/Community Center. The Foregoing Motion was put to a Roll Call Vote on July 20, 2015 and was

CARRIED.

Ayes 2 Milligan & Witt

Nays 0

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

WHEREAS, the Town Board would like to continue to reface the exterior walls of the Town Park Restroom the estimated total cost of the materials are less than \$20,000.00 but greater than \$2,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines ("Guidelines") of the Town of Alden state that the Town must obtain quotes from at least three (3) vendors, except in the case of a sole source provider, as the new materials must match the existing material used in re-facing the building;

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 materials.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of materials to reface the Town Park Restroom, as per the attached specifications, from John H. Black Company, Inc. at a total cost of \$667.00 and from B&L Wholesale, at a total cost of \$1,953.00, both sole source providers, for a total project cost of \$2,620.08;
2. The Parks Supervisor 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 July 20, 2015, and was **ADOPTED.**

Ayes 2 Milligan & Witt

Nays 0

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

WHEREAS, the Alden Town Board has received a request from the Highway Superintendent to pave the NYS Trooper Barracks (as per the Memo of Understanding) and to repair snowplow damage at 11236 Broadway, the estimated cost of this public works project is less than \$35,000.00 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 for this public works project;

WHEREAS, a written request for proposals was made by the Highway Superintendent to three (3) vendors and written quotes were received as follows:

- A. The highest bidder is Gauthier Blacktops Inc at \$12,800.00;
- B. The second highest bidder is Kelly Construction at \$12,013.00; and
- C. The lowest bidder is Capozzi Paving at \$6,375.00;

WHEREAS, the bid by Capozzi is rejected as they are unable to meet the time frame Required; making Kelly Construction 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 paving project.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the hiring of Kelly Construction at a total cost of \$12,013.00. Kelly Construction paving must pay prevailing wages and comply with all labor law requirements and postings; and must provide proof of insurance (worker's compensation and liability) prior to starting any work;
2. The Highway Superintendent of the Town of Alden is authorized to sign any and all necessary documents to effectuate this public works project; and
3. This resolution shall take effect immediately.

On the Question: Supervisor Milligan stated that the Troopers asked if the Town would expand the parking area on Broadway. This was a price savings, as the old Trooper barracks would have needed

expansion. Supervisor Milligan thanked Gary and his boys for taking care of this.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on July 20, 2015, and was **ADOPTED.**

Ayes 2 Milligan & Witt
Nays 0

UNFINISHED & TABLED BUSINESS

There was no unfinished & tabled business.

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Attorney Strong:

Lawn mowing letters will be mailed out tomorrow to the offenders and banks if necessary.

She would like the following on the Work Session:

Senior Center repairs

Schwab H.O.P.

Aaron's Auto Site Plan

Supervisor Milligan:

The Car Show will be held this Sunday.

Budget procedures are beginning. Department heads have received budget request forms.

The Town has received the drug and needle drop-off bins from the Erie County Sheriff. The bins are located in the front foyer.

NOTICE OF MEETINGS

NEXT WORK SESSION:	July 27, 2005	@ 7:00 P.M.
NEXT TOWN BOARD MTG.:	August 3, 2015	@ 7:00 P.M.

MEMORIAL REMEMBRANCE

Supervisor Milligan asked all to stand for a Moment of Silence in Memory of Joseph Anzalone, Evelyn Medbury, William Glover, Michael Colson, Justice Albert Gerhart , Garry Pitz Jr. & Joseph Petruso (Councilwoman Mary Riddoch's Father).

ADJOURNMENT

At 7:17 PM Supervisor Milligan adjourned the Meeting.

Debra A. Crist
Alden Town Clerk