

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, April 20<sup>th</sup>, 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  
Mary Riddoch, Councilwoman  
Ralph Witt, Councilman

RECORDING SECRETARY: Debra A. Crist, Town Clerk

OTHERS PRESENT: Jennifer Strong Town Attorney  
Gary Wagner, Highway Supt.  
Chris Snyder CEO  
Michael Metzger, Town Engineer  
Michael DeWitt, Planning Board  
Marlin Gillette, Zoning Board Member  
Len Weglarski, DCO  
Residents

Supervisor Milligan Moved and Councilman Witt seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of April 6, 2015 and Special Meetings of April 15<sup>th</sup> and 17<sup>th</sup>, 2015. The Motion was put to a Roll Call Vote on April 20, 2015 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; VOUCHER #352-416

<u>ACCOUNT</u>	<u>ABST. #1</u>	<u>ABST. #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$13,638.82		\$13,638.82
HGHWY FUND "DA/DB"	16,580.83		16,580.83
PART-TOWN FUND "B"	8,043.80		
CONSOLIDATED WATER "WR"			
EXCHANGE W.D. "HX"	34,570.94		34,570.94
SP FIRE PROT. "SF"			
SD#2 FUND "SA"	5,502.06		5,502.06
TRUST/AGCY FUND "T"	2,334.46		2,334.46
SP REFUSE FUND "SR"	34,596.95		34,596.95
STREET LIGHTING FUND "SL"	6,358.19		6,358.19
PERIWINKLE LTG. "SL1"	42.89		42.89
GRANTS			
ZOELLER W.D. "HZ"	26,026.84		26,026.84
TOTALS	\$147,695.78		\$147,695.78

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

**ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

**BUSINESS FROM THE FLOOR**

There was no business from the floor.

**COMMUNICATIONS**

**Attorney Strong:**

The signed indemnification agreement was received from the Village of Alden and the Village of Alden Fire Company for the Carnival. She is still waiting for proof of insurance but that usually comes a little closer to the Carnival. The signed indemnification agreement has also been received from the Car Show Committee and the escrow agreement. They are still working on their insurance and their \$1,000.00 escrow deposit.

**Councilwoman Riddoch:**

Councilwoman Riddoch checked our insurance files and we do have an insurance certificate on file for the Catholic Diocese of Buffalo for St. John’s so that they can use the band shell. She also filed with Haylor, Freyor & Coon, our insurance agent, a copy of the accident report filed by the Highway for the accident that occurred on Broadway. The bills have been submitted for the shoring.

**Supervisor Milligan:**

A letter was received from the Alden Historical Society inviting the Town Board to the 50<sup>th</sup> year anniversary dinner at the Whistle Stop Inn on May 30<sup>th</sup>, 2015 and asking for support in sponsorship .

A letter was received from the Alden Hook & Ladder Fire Co., Inc. announcing the Heritage & Reunion Carnival will be held on June 26<sup>th</sup>-27<sup>th</sup>, 2015. The parade will be Saturday, June 27<sup>th</sup>, 2015 and they are inviting the Board to join in on the parade.

A letter was received from the Department of Motor Vehicles informing the Town of changes to signage related to access for the disabled. The word handicapped must be removed from any new signs or signs being replaced.

Supervisor Milligan read a letter he wrote to the Ewell Free Library. The financial aid they received from the Town is almost equal to one percent of our budget and we are only allowed to raise our budget 1.56 percent. There is a possibility with the Governor’s restrictions, that the Town will be unable to fund the library in 2016. He invited them to attend the budget hearings.

A letter was received from County of Erie advising that Doug Bartlebaugh’s term would expire on the Erie County Environmental Management Council (ECEMC) on May 31, 2015. Doug has decided he is unable to do it any longer. Chris Snyder will take over the position.

A letter was received from Randal Crist submitting his resignation as Court Officer for the Alden Town Court. The Judges will come up with a new person. It usually comes off the Civil Service list, but there is no list at this time. The Judges will appoint someone and when a new test comes out they will have to take it and be in the top three in order to keep the job.

Sales tax is down. The current transfer is 18.76% below 2014.

**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 an application, by Kyle Van de Velde for site plan approval of the construction of a 1,500 square foot metal building with concrete floor for storage of a snowplow and landscaping equipment, trucks and trailers at 11038 Walden Avenue, in the Town of Alden, further identified by SBL #95.02-1-28.122 (The “Proposed Action”);

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

WHEREAS, the Town of Board of the Town of Alden believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to site plan approval; 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 Building Inspector has provided notice to the Erie County Division of Planning, for this proposed site plan approval, 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 site plan approval 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 site plan approval; and

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 April 20, 2015, and was

**ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

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

WHEREAS, the Town Board of the Town of Alden is considering an application by Gerald Hinsken for the subdivision of three (3) lots. The entire parcel currently consists of approximately 60 acres on Townline Road in the Town of Alden, further identified as SBL #129.00-1-10.1. The first proposed lot ("Parcel A") would be a 3 acre vacant parcel; the second proposed lot ("Parcel B") would be a 3 acre parcel; and the remaining parcel ("Parcel C") would be the remaining 54 acre that contains a 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 March 9, 2015, for this Proposed Action, as required under Section 239-m of the General Municipal Law and "no recommendation" 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 April 6, 2014;

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 March 10, 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 parcels, more particularly described as:

Parcel A

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Alden, County of Erie, State of New York being part of Lot No. 171, Township 10, Range 5 and further distinguished as follows:

Beginning at the Northwest corner of lands conveyed to Gerald J. Hinsken Jr. and Laura A. Hinsken by Liber of Deeds 11184 at Page 3127, said Northwest corner being on the West line of Lot 171; thence South on the West line of Lot 171 a distance of 200.0' to a point; thence East parallel to the North line of Hinsken a distance of 653.7' to a point; thence North parallel to the West line of Lot 171 a distance of

200.0' to the North line of Hinsken; thence West on the North line of Hinsken a distance of 653.7' to the point of beginning containing 3.00 acres of land.

Parcel B

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Alden, County of Erie, State of New York being part of Lot No. 171, Township 10, Range 5 and further distinguished as follows:

Beginning at a point on the West line of Lot 171 a distance of 200.0' South of the Northwest corner of lands conveyed to Gerald J. Hinsken, Jr. and Laura A. Hinsken by Liber of Deeds 11184 at Page 3127; thence South on the West line of Lot 171 a distance of 200.0' to a point; thence East parallel to the North line of Hinsken a distance of 653.7' to a point; thence North parallel to the West line of Lot 171 a distance of 200.0' to a point; thence West parallel to the North line of Hinsken a distance of 653.7' to the point of beginning containing 3.00 acres of land.

are 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 April 20, 2015, 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 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 54 65-gallon rollout carts from Rehrig Pacific Company at a total cost of \$3,071.52 (\$56.88 per cart), plus shipping;
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 April 20, 2015, and was

**ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

**The Following Resolution was offered by Councilman Witt, who moved its adoption and seconded by Councilwoman Riddoch to Wit;**

Town of Alden

Adoption of the State of New York Deferred Compensation Plan

Whereas, the Town of Alden wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Jurisdictions(the "Plan") for the voluntary participation of all eligible employees; and

Whereas, the Town of Alden is a local public employer eligible to adopt the Plan pursuant to section 5 of the State Finance Law; and

Whereas, the Town of Alden has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and section 5 of the State Finance Law of the State of New York; and

Whereas, the purpose of the Plan is to encourage employees to make and continue careers with the Town of Alden by providing eligible employees with a convenient and tax favored method of saving on a regular and long-term basis and thereby provide for their retirement;

NOW, THEREFORE, it is hereby:

RESOLVED, that the Town of Alden hereby adopts the Plan (including the Roth IRA Option) for the voluntary participation of all eligible employees; and it is further

RESOLVED, that the appropriate officials of the Town of Alden are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the plan; and it is further

RESOLVED, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

Adopted the 20<sup>th</sup> day of April, 2015, at a meeting of the Town of Alden.

I hereby certify that the Town of Alden is a local public employer within the meaning of Section 5 of the State Finance Law and that the adoption of the Plan has received all required approvals of any local governing body or officer and otherwise complies with local law.

The foregoing Resolution was put to a Roll Call Vote on April 20, 2015 and was

**ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

Supervisor Milligan Moved and Councilman Witt seconded the Motion to approve St. John's Youth request to use the portable band shell and trailer on Sunday, May 31, 2015 from Noon until 2:30 P.M. for the 7<sup>th</sup> Annual Pray for Our Nation. The foregoing Motion was put to a Roll Call Vote on April 20, 2015 and was

**CARRIED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

Councilwoman Riddoch Moved and Councilman Witt seconded the Motion to approve Colleen Roger's request to attend Perma's annual conference in Lake George, New York on May 21 and May 22<sup>nd</sup>, 2015 at reasonable Town expense. The foregoing Motion was put to a Roll Call Vote on April 20, 2015 and

**CARRIED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

Councilman Witt Moved and Councilwoman Riddoch seconded the Motion to approve the Alden Democratic Committee's request to use the Alden Community Center on the second Tuesday of each month for the remainder of 2015 between the hours of 6:30 P.M. – 10:00 P.M. The foregoing Motion was put to a Roll Call Vote on April 20, 2015 and

**CARRIED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

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

WHEREAS, the Town of Alden has created and is installing the Exchange Street Water District and the Zoeller Road Water District;

WHEREAS, the Town of Alden has requested that the Erie County Water Authority provide water service to said new Water Districts;

WHEREAS, to effectuate said water service, the Town of Alden needs to enter into a Lease

Management Agreement with the Erie County Water Authority; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby approves the Lease Management Agreement between the Town and the Erie County Water Authority, in the form annexed hereto.
2. The Supervisor of the Town of Alden is authorized to execute such Agreement on behalf of the Town of Alden.
3. This resolution shall take effect immediately.

This resolution was duly put to a roll call vote at a regular meeting of the Town Board held on April 20, 2015, and was

**ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

Councilwoman Riddoch Moved and Councilman Witt seconded the Motion to approve Alden Youth Baseball's request to use the lighted Town of Alden Baseball field at R.O. Smith Park for 2015 Baseball Season on Specified dates. The foregoing Motion was put to a Roll Call Vote on April 20, 2015 and was

**CARRIED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

**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 COUNCILMAN WITT TO WIT;

WHEREAS, the Alden Town Board decided to review its insurance coverage and has received quotes from several insurances brokers and conducted interviews for new policies in an attempt to save taxpayer monies;

WHEREAS, the Procurement Policy & Procedure Guidelines ("Guidelines") of the Town of Alden states that professional services are exempt from the Guidelines;

WHEREAS, a request for proposal was made by the Town to Haylor, Freyer & Coon, who investigated comparable polices through several insurance carriers, with NYMIR Insurance being the lowest priced;

WHEREAS, The Town Board after full and careful review and consideration of the request finds that it is in the public interest to purchase insurance from NYMIR.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the policy offered by Haylor, Fryer & Coon through NYMIR for a period of twelve months at a cost not to exceed \$50,221.30 plus a \$795.61 capitalization fee for the year;
2. The Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this policy; and
3. This resolution shall take effect immediately.

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

**ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

**UNFINISHED & TABLED BUSINESS**

There was no unfinished & tabled business.

## **REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL**

### **Councilman Witt:**

A phone call was received from a resident of Cary Rd. with a drainage problem. Councilman Witt went over and looked at it. The resident would like it fixed, but understands it pretty wet now. Councilman Witt referred this to Highway Supt. Wagner.

### **Town Clerk Crist:**

The credit/debit card equipment is up and running in the Town Clerk's office.

### **Councilwoman Riddoch:**

A request was received from Larry Kocher from the Alden Historical Society for an air conditioning unit for the upstairs at the Historical building. It will be under \$500.00. The Board agreed they had no problem with the purchase. The Historical Society has money in their budget.

### **Engineer Metzger:**

Community Center Wall Project: Attorney Strong and Sue Barnes have provided him with the information that is needed regarding the compliance and the language that need to go in the bid document. Once he has that all compiled he will get it over to the architect who is preparing the bid specs with the appropriate changes.

Waterlines: Engineer Metzger is working with the Water Authority on their ability to provide us with enough water to fill the waterline and secondly to have enough water to flush it, test it and chlorinate it. It is going to take quite a bit of water, tens of thousands of gallons, which comes from the system that comes from Marilla. They will be able to give us 30,000 gallons a day. This will stretch out the testing process. They mobilized the equipment today to boar under Walden Avenue., which will probably begin tomorrow. There is a few more days work on Zoeller and it will be in. The flushing, testing and chlorination will be much simpler on Zoeller. This will all come from the Broadway pressure zone.

Highway Garage: Eng. Metzger had a lengthy conversation with the new project manager that was assigned by the insurance company. He apologized for the insurance company's slowness. He promised improvement. The insurance company will write a check immediately for the shoring bill. There is some potential litigation that Eng. Metzger would like to discuss with the Town Board, Town Attorney, Highway Supt. Wagner and CEO Snyder in executive session.

### **CEO Snyder:**

The demolition at Alaura and Broadway has been completed.

### **DCO Weglarski:**

Len has had a busy week with complaints and picking up dogs. There has been barking complaints and dogs running at large.

### **Supervisor Milligan:**

There was a special meeting held last Wednesday for the Parks grant. It was previously believed that we were not going to get the backing and the cost would be a lot. The good news is that we are going to get the backing and they have to decide as a Board how much money we can spend because it is a 50/50 grant. We have prices coming in and we will have to move quickly.

## **NOTICE OF MEETINGS**

**NEXT WORK SESSION: April 27, 2015 @ 7:00 P.M.**

**NEXT TOWN BOARD MTG.: May 4, 2015 @ 7:00 P.M.**

## **MEMORIAL REMEMBRANCE**

Supervisor Milligan asked all to stand for a Moment of Silence in Memory of Thomas Schaefer, Lucille Dersam & Ruth Racki.

**AT 7:27 SUPERVISOR MILLIGAN MOVED TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO AN EXECUTIVE SESSION WITH THE TOWN ENGINEER, TOWN BOARD, TOWN ATTORNEY, HWY. SUPT. AND BUILDING INSPECTOR REGARDING POTENTIAL LITIGATION. COUNCILWOMAN RIDDOCH SECONDED THE MOTION. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON APRIL 20, 2015 AND CARRIED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

**AT 7:54 COUNCILWOMAN RIDDOCH MOVED TO ADJOURN FROM THE EXECUTIVE SESSION, WITH NO ACTION TAKEN, AND ENTER BACK INTO THE REGULAR MEETING. COUNCILMAN WITT SECONDED THE MOTION. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON APRIL 20, 2015 AND CARRIED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

**ADJOURNMENT**

Supervisor Milligan adjourned the Meeting at 7:55 P.M.

Debra A. Crist  
Alden Town Clerk