

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, June 1, 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 P. Witt, Councilman

RECORDING SECRETARY: Debra A. Crist, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney
Gary Wagner, Highway Supt.
Chris Snyder, CEO
, Planning Board
Len Weglarski, DCO
Residents

Supervisor Milligan Moved and Councilman Witt seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of May 18, 2015 & Special Meeting of May 20, 2015. The Motion was put to a Roll Call Vote on June 1, 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; VOUCHERS #498-526

<u>ACCOUNT</u>	<u>ABST. #1</u>	<u>ABST. #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$24,128.50	\$4,851.09	\$28,979.59
HGHWY FUND "DA/DB"	5,406.23	2,554.73	7,960.96
PART-TOWN FUND "B"	1,919.27	1,191.86	3,111.13
CONSOLIDATED WATER "WR			
EXCHANGE WATER DIST. "HX"	182,646.27		182,646.27
SP FIRE PROT. "SF"	11,726.58		11,726.58
SD#2 FUND "SA"	2,682.11		2,682.11
TRUST/AGCY FUND "T"	2,265.89	1,196.70	3,462.59
SP REFUSE FUND "SR"	40,590.66		40,590.66
STREET LIGHTING FUND "SL"	5,766.13		5,766.13
PERIWINKLE LTG. "SL1"	36.78		36.78
GRANTS	3,000.00		3,000.00
ZOELLER WATER DIST. "HZ"	137,000.69		137,000.69
TOTALS	\$417,169.11	\$9,794.38	\$426,963.49

UPON ROLL CALL VOTE ON JUNE 1, 2015, THE FOREGOING RESOLUTION WAS

ADOPTED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

BUSINESS FROM THE FLOOR

COMMUNICATIONS

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, under § Chapter 20, Article III of the Town of Alden Code, of Kyle Van de Velde for site plan review of the proposed construction of metal storage building (the “proposed action”) at 11038 Walden Avenue in the Town of Alden, County of Erie and State of New York, further identified by SBL #95.02-1-28.122; and

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 a coordinated review and has notified the involved agencies;

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 review; is 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 of Alden has provided notice to Erie County Planning as required under Section 239-m of the General Municipal Law and a “no recommendation” was received;

WHEREAS, the New York State Environmental Quality Review Act requires the Town of Alden to determine the Lead Agency status and the Lead Agency making a SEQR determination;

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the Code of the Town of Alden, Chapter 9D, the Applicant has prepared the 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 recommended the approval of the site plan.
NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA and that a proper review has been conducted;
2. The Town Board has determined that the Town of Alden should be the lead agency for all environmental review of the Proposed Action;
3. 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 said Proposed Action;
4. That the Town Board of the Alden finds that the Proposed Action is consistent with the Town Code and approves the site plan; and
5. 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 June 1, 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 of Parks Supervisor has advised the Town Board that the Parks Department is in need of one (1) John Deere Gator TX which will be purchased pursuant to Piggyback Contract of NJPA;

WHEREAS, the Town of Alden's Procurement Policy & Procedure Guidelines and the General Municipal Law have been followed through purchase from the Piggyback Contract;

WHEREAS, The Town Board after full and careful review and consideration of the request finds said request to purchase a new gator as being 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 purchase of one (1) gator utility vehicle (more specifically a John Deere Gator TX), as described on the attached Pricing Summary for \$8,762.40 from Z&M Ag and Turf, including delivery;
2. That the Parks 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 June 1, 2015, and was **CARRIED.**

Ayes 3 Milligan, Riddoch & Witt
Nays 0

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

WHEREAS, the Alden Town Board has received a request from Parks Supervisor Andy Sojka to purchase 30 cubic yards of New York State Certified Playground Mulch for the various Town Parks for the 2015 summer season the estimated cost of which 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, except in the case of a sole source provider where multiple quotes are not required;

WHEREAS, Attica Package Company, Inc. is the only mulch provider who sells New York State Certified Playground Mulch; 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 above described mulch.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of 30 cubic yards of New York State Certified Playground Mulch from Attica Package the sole source provider, to be picked up by the Town of Alden at a total cost of \$6000.00 (\$20.00 per cubic yard);
2. The Parks 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 June 1, 2015 and was **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 Town of Alden (hereinafter the "Town"), had previously maintained a Town highway known as Old Three Rod Road and abandoned the same in 1981 (correcting the legal description in 1986) pursuant to Section 205 of the Highway Law but never deeded the land to the adjacent property owners;

WHEREAS, Anthony J. and Kelly A. Starzynski are the current owners of the real property adjacent to the former Road;

WHEREAS, Anthony J. and Kelly A. Starzynski have requested the Town, in order to prove clear title, to transfer to them via Quit Claim Deed without consideration the portion of said former Road, described more particularly on Exhibit A attached; and

WHEREAS, said parcel described on Exhibit A has no value to the Town and by transferring the same to Starzynski would provide Starzynski with clear title.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. that the Town Board of the Town of Alden in regular session duly convened does hereby authorize and direct the Supervisor of said Town to execute and deliver to said Starzynski a quitclaim deed conveying that portion of the former Road described more particularly on Exhibit A attached hereto;
2. This resolution shall be subject to permissive referendum; and
3. The Town Clerk is directed to publish a copy of this resolution in the Alden Advertiser and post a copy on the Official Sign Board of the Town within ten (10) days of the adoption of this Resolution.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on June 1, 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 COUNCIL TO WIT;

WHEREAS, the Town Board of the Town of Alden is considering an application by Gilman and Marilyn Martin by their agent D. Jeffrey Buckley, Esq. for the subdivision of two (2) lots. The entire parcel currently consists of approximately 94.2 acres on Broadway in the Town of Alden, further identified as SBL #118.00-3-3. The first proposed lot ("Parcel A") would be an approximate 235' x 462' vacant parcel; the second proposed lot ("Parcel B") would be the remaining parcel with the house and outbuildings (The "Proposed Action");

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA;

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 has provided 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.
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 June 1, 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, Town Justice Albert G. Gerhart has resigned his position as Alden Town Justice effective June 1, 2015; and

WHEREAS, the Town Board believes that Town Justice Larry LaDuca is qualified to take over Justice Gerhart's calendar for the remainder of 2015.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board assigns Justice Gerhart's calendar to Justice LaDuca for the remainder of 2015; at a bi-weekly stipend of \$469.69; and
2. The Town Clerk, pursuant to section 30 of the Town Law is hereby directed to inform of Court Administration; the Erie County Clerk and New York State Audit and Control of this assignment; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on June 1, 2015 and was

ADOPTED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

UNFINISHED & TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

NOTICE OF MEETINGS

NEXT WORK SESSION:	June 8, 2015	@ 7:00 P.M.
NEXT TOWN BOARD MTG:	June 15, 2015	@ 7:00 P.M.

MEMORIAL REMEMBRANCE:

Supervisor Milligan asked all to stand for a Moment of Silence in Memory of James Bartosik.

ADJOURNMENT

At P.M. Supervisor Milligan adjourned the Meeting.

Debra A. Crist
Alden Town Clerk

