

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, May 5, 2014 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
Don Stoffel, Planning Board
Ted Morton, Erie County Legislator
Residents

Supervisor Milligan Moved and Councilman Witt seconded the Motion to approve the Minutes and Synopsis of the Regular & Special Meeting of April 21, 2014. The Motion was put to a Roll Call Vote on May 5, 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; #414-439

ACCOUNT	ABST. #1	ABST. #2	TOTAL
GENERAL FUND "A"	\$24,987.35	\$11,390.46	\$36,377.81
HGHWY FUND "DA/DB"	22,676.23	2,893.18	25,569.41
PART-TOWN FUND "B"	3,811.94	6,205.11	10,017.05
CAPITAL IMPROV. "HC"			
CONSOLIDATED WATER "WR"	5,307.02		5,307.02
SP FIRE PROT. "SF"	4,299.35		4,299.35
SD#2 FUND "SA"	2,826.15	75.00	2,901.15
TRUST/AGCY FUND "T"		3,110.87	3,110.87
SP REFUSE FUND "SR"	34,089.07		34,089.07
STREET LIGHTING FUND "SL"	7,927.38		7,927.38
PERIWINKLE LTG. "SL1"	59.26		59.26
GRANTS	212.59		212.59
TOTALS	\$106,196.34	\$23,674.62	\$129,870.96

UPON ROLL CALL VOTE ON MAY 5, 2014 THE FOREGOING RESOLUTION WAS

ADOPTED.

Ayes 3 Milligan, Riddoch & Witt
Nays 0

BUSINESS FROM THE FLOOR

Supervisor Milligan welcomed E.C. Legislator Ted Morton. Supervisor Milligan said he has not received the letter from Steve Walters. A letter has been received from the County regarding road repair. Legislator Morton further explained that the County, the Legislature and the Administration has come up with 27 million dollars for road repairs this year, but because Erie County has been sitting on 35 million of excess funds the Legislature is trying to encourage the Administration to take 5 million of those extra dollars and do extra road repair. They have been working with E.C. Supervisor's Assoc. on this issue. The County in recent decades has never been in better financial state. They feel that because of the bad weather it would be prudent to use 5 million of the excess 35 million towards this project. Legislator Morton said that he has a several tier approach regarding the Erie County Home to get some resolution. They will be having the Supervisor and colleagues come down to the Legislature to discuss at one of the Committee meetings why it is important to the Town of Alden that the Erie County Home is

torn down. He will be putting in a Resolution before the budget is put together by the County Executive to do a capital bond next year to knock down the entire building.

AT 7:05 P.M. SUPERVISOR MILLIGAN MOVED TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO THE PUBLIC HEARING REGARDING GINA WAISS'S APPLICATION FOR A NEW HOME OCCUPATION PERMIT AT 13363 NORTH RD./ENGRAVING AND SELLING OF FIREARMS. COUNCILWOMAN RIDDOCH SECONDED MOTION. THE MOTION WAS PUT TO A ROLL CALL VOTE ON MAY 5, 2014 AND WAS CARRIED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

The Town Clerk read the notice of Public Hearing that was published in the Alden Advertiser.

Supervisor Milligan opened the Floor for Public Comment.

Judith Miller Hammer/North Rd. had no problem with the engraving but did not want any storage or sales of guns. There has been recent break ins in the area. She is concerned that the area could be targeted.

Councilman Witt asked Mrs. Waiss to tell just what she was going to do with the H.O.P.

Gina Waiss explained that this is not a store and never will be. There will be no stock or ammo in her home. Her husband is a Sergeant in the N.Y.S. Police. This service would be offered to law enforcement. When officers retire, people wonder what to give as a gift. Their idea was to have a certain firearm that meant something to them engraved with their shield number. They will not have people coming in and out of their home. They will not have merchandise. It is by per order. They have a secured location in their basement that is completely sealed and locked. She will not be advertising to the public. She is certified by the ATF. The Waiss's said this is a beginning step for them and if it grew they would go to an area that is not residential but commercial to open a store. Councilwoman Riddoch said that the whole purpose of an H.O.P. to start out in their home and hopefully grow to a business. They are not against business at all, they would love to see the business grow and open on a commercial area in Alden.

Mr. Waiss submitted a note from a neighbor that could not attend the meeting. Town Clerk Debra Crist read the note: I Joseph A. Geraci/North Rd. approve and support this code for the next door neighbor.

At 7:14 P.M. Supervisor Milligan asked if there were any further comments. There were none. Councilman Witt moved to adjourn from the Public Hearing and enter back into the Regular Meeting; Councilwoman Riddoch seconded the Motion. The Motion was put to a Roll Call vote on May 5, 2014 and was

CARRIED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

BUSINESS FROM THE FLOOR CONTINUED.

Michele Hoffman received a letter from the Tax Assessor that she felt the Board needed to hear. Michele read the letter to the Town Board that was sent to her by William P. Sivecz, IAO, Assessor regarding the upcoming revaluation of real property. She was surprised, appalled and angry that she received this letter. She felt Mr. Sivecz overstepped his bounds when he created this letter. She read a letter she wrote to the board. Supervisor Milligan said that before she takes Mr. Sivecz to the woodshed, she should know that he told Mr. Sivecz to write the letter to her to inform her of the upcoming workshops to address her concerns and get the facts. A copy of the letters will be attached to Town Clerk's formal minutes.

COMMUNICATIONS

Attorney Strong:

Notice has been received from our insurance company that the lawsuit filed by Marty Dugan has been settled. The total amount paid out by the Town of Alden on this matter is \$2,500.00.

Councilwoman Riddoch:

Notice has been received from Erie County Dept. of Public Works Mike Asklar regarding the speed study that was started 2012 for North Rd./ Crittenden to Countyline. They have found that they will reduce the speed limit to 45 mph.

A call was received from an Alaura resident regarding four wheelers at the mini park. They are riding their four wheelers down to the creek. The Park Supt. will put up a sign that says no vehicles allowed.

A call was received from Mike Zosh regarding the use of ball diamonds. We have no diamonds available. He will meet with the Town Board next week.

Councilwoman Riddoch gave the Board copies of flyers showing park personnel using bicycles to pull carts and perform duties.

NEW BUSINESS

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

WHEREAS, Small businesses are the heartbeat of our Community. They are the corner stores that create jobs; the hardware stores that help build our economy; and the shops whose very presence makes our neighborhood.

WHEREAS, When you shop local and support local small business, more of your money is reinvested in our schools, local jobs, taxes, wages and other Alden community needs.

WHEREAS, in 1963, the U.S. Small Business Administration began a national small business week to highlight the impact of outstanding entrepreneurs and small business owners aiming at engaging the small business community and highlighting their importance as innovators and job creators who strengthen the nation's economy.

WHEREAS, The Alden Chamber of Commerce is joining in this campaign and will host a Trade Show on Thursday, May 15 in conjunction with National Small Business Week.

NOW THEREFORE BE IT PROCLAIMED THAT:

1. The Town of Alden declares May 12-16, 2014 as Alden Small Business Week and commends the Alden Chamber of Commerce on its Trade Show; and
2. This Proclamation shall take effect immediately.

The foregoing Proclamation was duly put to a roll call vote at a regular meeting on May 5, 2014, and **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 Alden Town Board has received a request from Councilwomen Riddoch to rent portable toilets for use at the Town Parks for the 2014 Summer Season (May – September) 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 request proposals and then obtain written quotes from at least two (2) vendors;

WHEREAS, an oral request for proposals (for the rental of four units with hand sanitizer for four months with weekly cleaning) was made by Councilwomen Riddoch to two (2) vendors;

WHEREAS, the first vendor is Creekside Septic Inc. at \$1,300.00 (four units with hand sanitizer and weekly cleaning at \$65.00 per unit per month). This proposal meets the oral request for proposal;

WHEREAS, the second vendor is Fisher Septic & Excavating at \$1,500.00 (four units with hand sanitizer and weekly cleaning at \$75.00 per unit per month). This proposal meets the oral request for proposal; 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 rental.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the rental of four portable toilets with hand sanitizer and weekly cleaning for four months from the Creekside Septic at a total cost of \$1,300.00;
2. Councilwoman Riddoch is authorized to sign any and all necessary documents to effectuate this rental; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on May 5, 2014, and **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, pursuant to Section 20-64(A) of the Alden Town Code Gina A. Waiss has filed an Application for a Home Occupation Permit to conduct a business of engraving and selling firearms from her residence at 13363 North Road (the "Application");

WHEREAS, pursuant to Section 20-64(B) the Town of Alden Planning Board has: reviewed the Application; determined that the proposed home occupation meets the requirements and standards set forth at Section 20-63 of the Alden Town Code; and has recommended the approval of the Application to the Alden Town Board;

WHEREAS, the Alden Town Board, pursuant to Section 20-64(C) of the Alden Town Code has duly called a public hearing on the Application;

WHEREAS, notice of the Public Hearing was: properly published in the Alden Advertiser; was properly posted on the Town Bulletin Board; and was properly mailed to the adjacent property owners pursuant to Section 20-64(C) of the Alden Town Code;

WHEREAS, the Alden Town Board held a Public Hearing on May 5, 2014, at 7:05 p.m. at which time all persons in favor of and all persons opposed to the Application were heard;

WHEREAS, the Alden Town Board agrees with the recommendation of the Town of Alden Planning Board and finds it in the interests of the residents of the Town of Alden to approve the Application limited to special ordering and the onsite engraving of firearms; no firearms shall be kept in stock for re-sale

NOW, THEREFORE, BE IT RESOLVED THAT:

1. That a Home Occupation Permit to allow Gina A. Waiss to conduct a business of the special ordering and the onsite engraving of firearms; no firearms shall be kept in stock for re-sale, from her residence at 13363 North Road, Alden, New York be granted for a period of one (1) year; and
2. This Resolution shall take immediately.

The Adoption of the foregoing resolution was duly put to a vote on May 5, 2014 and **ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

COUNCILMAN WITT MOVED THE FOLLOWING ORDER; SUPERVISOR MILLIGAN SECONDED THE ORDER TO WIT;

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS;

A hearing before the Town Board of the Town of Alden, in the County of Erie shall be held at the Town Hall, 3311 Wende Road, Alden, New York at 7:05 p.m. on the 19th day of May, 2014, for the purpose of hearing all persons interested in the proposed Local Law No. 2 of the Year 2014; and

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Alden Advertiser, designated as the official newspaper for this publication, such publication to be not less than ten (10) days before the date of the public hearing; (b) and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; and

ORDERED, that the Town Clerk is to make copies of the proposed Local Law No. 2 of the Year 2014, entitled "Local Law amending Section 20-88 of the Alden Town Code to increase the number of members of the Town of Alden Planning Board," available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call, at a regular meeting on May 5, 2014 and

ADOPTED.

Ayes 3 Milligan, Riddoch & Witt
Nays 0

Supervisor Milligan moved and Councilman Witt seconded the Motion to approve the renewal of the Home Occupation Permit for Edwin Knoblauch/3499 Townline Rd./Make Dental Crowns/Caps. The foregoing Motion was put to a roll call vote on May 5, 2014 and was

CARRIED.

Ayes 3 Milligan, Riddoch & Witt
Nays 0

Councilwoman Riddoch moved and Councilman Witt seconded the Motion to approve the renewal of the Home Occupation Permit for Paulette Morris/260 Sullivan Rd./Gifts and Home Décor. The foregoing Motion was put to a roll call vote on May 5, 2014 and was

CARRIED.

Ayes 3 Milligan, Riddoch & Witt
Nays 0

Councilman Witt moved and Councilwoman Riddoch seconded the Motion to approve St. John's Youth's request to use the Alden Town Band Shell on Sunday, June 8th, 2014 for "Pray for our Nation". Set up on Friday and returned on Monday. Set up will be placed as not to interfere with traffic on Church Street. The Foregoing Motion was put to a roll call vote on May 5, 2014 and was

CARRIED.

Ayes 3 Milligan, Riddoch & Witt
Nays 0

THE FOLLOWING PROCLAMATION WAS OFFERED BY SUPERVISOR MILLIGAN, SECONDED BY COUNCILWOMAN RIDDOCH TO WIT;

Proclamation
Municipal Clerk's Week
May 4-10, 2014

Whereas, The Office of the Municipal Clerk, a time honored and vital part of Local government exists throughout the world; and

Whereas, The Office of the Municipal Clerk is the oldest among public servants, and

Whereas, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Municipal Clerks have pledged to be ever mindful of their neutrality and impartially, rendering equal service to all.

Whereas, The Municipal Clerk serves as the information center on functions of local government and community.

Whereas, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk throughout participation in education programs, seminars, workshops and the annual meetings of their state, provincial; county and international professional organizations.

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk

Now, Therefore, we the Members of the Town Board of the Town of Alden, do recognize the week of May 4 through May 10, 2014, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerks, Debra Crist, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this 5th day of May, 2014

THE FOREGOING PROCLAMATION WAS PUT TO A ROLL CALL VOTE ON MAY 5, 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 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 Trident 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 Trident.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the policy offered by Haylor, Fryer & Coon through Trident insurance for a period of twelve months at a cost not to exceed \$47,000 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.

On the Question: Supervisor Milligan thanked Councilwoman Riddoch for all the work she did on this project, which saved the Town almost \$17,000.00.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on May 5, 2014, and **Adopted.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

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

WHEREAS, The Town of Alden Building Department cited Steven A. Weber for various building and zoning code violations at Mr. Weber's 11133 Broadway, Alden property and the matter was heard in Justice Court;

WHEREAS, a settlement agreement was reached by the parties and was accepted by the Justice Court;

WHEREAS, Defendant Weber then challenged, in Justice Court, the validity of said settlement agreement and the Court upheld the Agreement;

WHEREAS, Defendant Weber is now appealing that Justice Court decision;

WHEREAS, the Town needs to retain special counsel to represent the Town of Alden in said Appeal;

WHEREAS, hiring an attorney falls under the professional service exemption of the Town of Alden's Procurement Policy & Procedure Guidelines and the General Municipal Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. Matthew B. Herdzyk, Jr., Esq. (who prosecuted the case for the Town) is hereby hired as Special Counsel to the Town of Alden to represent the Town of Alden in the appeal filed by Steven A. Weber at a rate of \$150.00 per hour; and
2. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on May 5, 2014, and

ADOPTED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

SUPERVISOR MILLIGAN POLLED THE BOARD AND WITH NO OBJECTION THE FOLLOWING WAS ADDED:

Supervisor Milligan moved and Councilwoman Riddoch seconded the Motion to approve the renewal of the HOP for Dean Adamski at 12120 Westwood, Alden through February 5, 2015, contingent upon the following conditions being met and maintained:

- (1) The majority of the applicant's sales will remain internet based and off-site at gun shows;
- (2) The hours of operation of the Westwood Road store are limited to: 11.30 am through 5:30 pm Monday through Friday with some limited Saturday hours;
- (3) During the term of this HOP, the applicant will actively seek a new location for his store and will keep the Town Board generally aware of these efforts; and
- (4) The applicant understands that the Town of Alden is actively re-writing its HOP law and that once the new HOP laws are adopted, he may no longer qualify for additional HOP renewals.

The foregoing Motion was put to a roll call vote on May 5, 2014 and was

CARRIED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

UNFINISHED & TABLED BUSINESS

There was no unfinished & tabled business.

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Attorney Strong:

She worked with the Dog Control Officer and Town Clerk Crist this past week to write up new paperwork for the Dog Control Officer.

She worked with the Planning Board Chairman this week with regards to non-conforming houses should disaster occur.

Comments for the new H.O.P. were put in Town Board members boxes this evening to discuss at the next Work Session.

Councilwoman Riddoch:

She would like to thank Bill Sivecz for laying out the design for the Summer Concert series.

She will meeting with the new insurance carrier next week so that all departments will have the available information for coverage and claims.

CEO Snyder:

He would like the property at Alaura and Broadway (Weber) put on the Work Session.

NOTICE OF MEETINGS

NEXT WORK SESSION:	May 12, 2014	@ 7:00 PM
NEXT TOWN BOARD MTG.:	May 19, 2014	@ 7:00 PM

MEMORIAL REMEMBERENCE

Supervisor Milligan asked all to stand for a Moment of Silence in Memory of Audrey Marien, Daniel Deck, James Meiler & James Larson.

AT 7:40 PM COUNCILWOMAN RIDDOCH MOVED TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO AN EXECUTIVE SESSION REGARDING A MATTER OF PERSONNEL WITH THE TOWN BOARD AND THE TOWN ATTORNEY, COUNCILMAN WITT SECONDED THE MOTION. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON MAY 5, 2014 AND WAS

CARRIED.

Ayes 3 Milligan, Riddoch & Witt
Nays 0

AT 8:10 PM 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 MAY 5, 2014 AND WAS

CARRIED.

Ayes 3 Milligan, Riddoch & Witt
Nays 0

ADJOURNMENT

At 8:11 PM Supervisor Milligan adjourned the Meeting.

Debra A. Crist
Alden Town Clerk

