

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, May 20, 2013 at 7:00 P.M. Supervisor Milligan called the Meeting to Order and Councilwoman Riddoch led in the Pledge of Allegiance. The Roll Call was taken by the Town Clerk.

PRESENT: Harry Milligan, Supervisor
Mary Riddoch, Councilwoman
William Weber, Councilman

RECORDING SECRETARY: Ralph Witt, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney
Carl Fix, Hwy. Supt.
Mike Metzger, Town Engineer
Michael DeWitt, Planning Board
Len Weglarski, DCO

Supervisor Milligan Moved and Councilman Weber seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of May 6, 2013.

CARRIED.

Ayes 3 Milligan, Riddoch & Weber
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN RIDDOCH AND SECONDED BY COUNCILMAN WEBER TO WIT;

<u>ACCOUNT</u>	<u>ABST. #1</u>	<u>ABST. #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$84,066.73		\$84,066.73
HGHWY FUND "DA/DB"	5,226.78		5,226.78
PART-TOWN FUND "B"	8,026.43		8,026.43
CAPITAL IMPROV. "HC"			
WD#1 FUND "WA"			
WD#2 FUND "WB"	453.80		453.80
WD#3 FUND "WC"	2,128.80		2,128.80
WD#4 FUND "WD"	1,378.40		1,378.40
SP FIRE PROT. "SF"	25,486.63		25,486.63
SD#2 FUND "SA"	2,233.88		2,233.88
TRUST/AGCY FUND "T"	219.00		219.00
SP REFUSE FUND "SR"	35,821.19		35,821.19
STREET LIGHTING FUND "SL"	5,676.27		5,676.27
PERIWINKLE LTG. "SL1"	36.29		36.29
GRANTS			
TOTALS	\$170,754.20		\$170,754.20

UPON ROLL CALL VOTE THE FOREGOING RESOLUTION WAS PUT TO A VOTE ON MAY 20, 2013 AND WAS

ADOPTED.

Ayes 3 Milligan, Riddoch & Weber
Nay 0

BUSINESS FROM THE FLOOR

Aaron Mansfield from the Buffalo News introduced himself; he will be the reporter covering the Town Board Meetings.

COMMUNICATIONS

Attorney Strong:

She has reached out three times to the fire company's attorney asking for the contract so that the Town can assist in the carnival with no response. Also, she has asked the Village three times for a copy of the survey for the old 1963 deed. They have found nothing to date.

Councilwoman Riddoch:

A request was received from the Alden Farmer's Market to use the band shell; she would like this put on the Work Session.

A letter was sent out to Alden Youth Baseball regarding the use of the concession stand having children inside the stand; hopefully this is taken care of.

The certificates of insurance were received from Young Explosives/Fireworks.

An e-mail was received by Town Clerk Ralph Witt regarding the Crittenden and North Rd. intersection. She has contacted Mike Asklar from Erie County regarding this issue.

Supervisor Milligan:

A memo was received from CEO Chris Snyder regarding his vacation.

Monthly response for April was received from Rural Metro, compliance was 95%.

A check was received from the County for mortgage tax for \$81,555.00.

NEW BUSINESS

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

WHEREAS, the Town Board would like to purchase a balance beam for use at the Town Park the estimated total cost of which is less than \$2,000.00 but greater than \$500.00;

WHEREAS, the Procurement Policy & Procedure Guidelines ("Guidelines") of the Town of Alden state that the Town must obtain quotes from at least two (2) vendors;

WHEREAS, requests for quotes were made to two (2) vendors and bids were received as follows:

the highest bidder is Alden Pools & Play at \$610.00;

the lowest bidder is R. E. Woodson, Inc. at \$567.00;

WHEREAS R. E. Woodson, Inc. is 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 purchase.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of a balance beam from R. E. Woodson, Inc. at a total cost of \$567.00 (\$422 for the balance beam and \$145.00 for shipping, packaging and handling);
2. Councilwoman Riddoch 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 May 20, 2013, and was

ADOPTED.

Ayes 3 Milligan, Riddoch & Weber

Nays 0

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

WHEREAS, the Town Board would like to construct a shelter in the Town Park the estimated total cost of the materials to build this shelter are less than \$10,000.00 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;

WHEREAS, requests for quotes for the materials (as per the attached specifications) were made to three (3) vendors and bids were received as follows:

the highest bidder is 84 Lumber at \$4,374.91;

the second highest bidder is Potter Lumber at \$4,268.66;

the lowest bidder is Genesee Lumber at \$4,076.10;

WHEREAS Genesee Lumber is 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 purchase of materials.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of materials to construct a new shelter, as per the attached specifications, from Genesee Lumber at a total cost of \$4,076.10 with free delivery of the materials;
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 May 20, 2013, and was

ADOPTED.

Ayes 3 Milligan, Riddoch & Weber

Nays 0

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

WHEREAS, the Town has accepted the resignation of Randal Crist from the Zoning Board of Appeals and sincerely thanks him for his many years of dedicated service to the Town of Alden;

WHEREAS, the Town has advertised the vacancy in the Alden Advertiser and has received one application; said application having been carefully reviewed by the Town Board; and

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board hereby appoints Angelo Daluisio, to the Town of Alden Zoning Board of Appeals, his appointment to expire on December 31, 2015, and to be paid pursuant to the Town's schedule of salaries;
2. Mr. Daluisio must file proof that he has completed the required NY State Training course with the Alden Town Clerk's Office before participating in any ZBA Hearings; 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 20, 2013, And was

ADOPTED.

Ayes 3 Milligan, Riddoch & Weber

Nays 0

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to amend the February 19, 2013 Motion of the Alden Town Board approving the request of Marilla Car Truck Cycle Show Incorporated's ("Car Show") use of the Alden Town Park including all shelter, Senior/Community Center and two band shells on July 28, 2013 for a car show:

The previous Motion is amended to allow the Alden Hook & Ladder Fire Company Inc. to sell alcoholic beverages, within the limits of the laws of the State of New York, in a contained "Beer garden or beer tent" in the Alden Town Park from 12:00 pm until 6:00 pm on Sunday, July 28, 2013, provided that a New York State Liquor license be first obtained.

All other conditions and restrictions of the February 19, 2013 motion shall remain unchanged.

CARRIED.

Ayes 3 Milligan, Riddoch & Weber

Nays 0

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

WHEREAS, Fiber optic cable located on private property has been part of the Outside Plant roll section 6 assessment under Section 102(i) of Real Property Taxes since the 1980's. Which is consistent with the valuation of fiber optic cable located within the public right of way defined as Special Franchise property;

WHEREAS, Amendments to Section 102(i) of Real Property Tax in 1985 and 1987 were never intended to exclude fiber optic cable or other emerging technology from Outside Plant roll section 6;

WHEREAS, Until a recent decision by the Appellate Division, First Department removing fiber optic cable from Outside Plant roll section 6, fiber optic cable had been part of the Outside Plant assessment for over 25 years; and

WHEREAS, Across New York State hundreds of millions of dollars in tax base are in jeopardy of being lost creating a significant impact on Town, County and School tax.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town of Alden hereby supports the Erie County Assessor's Association and respectfully request the New York State Legislature to amend Section 102(i) of Real Property Tax Law to defining, include and memorialize fiber optic cable as part of Outside Plant for tax assessment purposes consistent with the intent of a 1986 amendment to Section 102. And which is consistent with the valuation of fiber optic as Special Franchise property; and
2. This Resolution shall take effect immediately.

This resolution was duly put to a roll call vote at a regular meeting on May 20, 2013, and was

ADOPTED

Ayes 3 Milligan, Riddoch & Weber

Nays 0

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

WHEREAS, the Alden Town Board has received a request from the Highway Superintendent to rent one (1) 6-ton wheeled dumper for four weeks; the estimated rental cost is less than \$10,000.00 but greater than \$2,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines ("Guidelines") of the Town of Alden states that the Town must obtain quotes from at least three (3) vendors;

WHEREAS, requests for proposals (four (4) week rental of one (1) 6-ton wheeled dumper plus any delivery; pick up; and/or other charges) were made by the Highway Department to three (3) vendors;

WHEREAS, three bids were received as follows:
the highest bidder is Anderson at \$7,350.00.00;
the second highest bidder is Admar Supply Company, Inc. at \$3,600.00;
and the lowest bidder is Earth Leasing, LLC at \$3,500.00.

WHEREAS, Earth Leasing, LLC. is deemed the lowest responsible bidder; and

WHEREAS, The Town Board after full and careful review and consideration of the request finds said rental request as 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 rental of one (1) 6-ton wheeled dumper from Earth Leasing, LLC for four (4) weeks at a total cost of \$3,500.00;
2. The Highway Superintendent is authorized to sign a rental agreement to effectuate this rental for a one-month time period that meets the Highway Department Schedule; 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 20, 2013, and was

ADOPTED.

Ayes 3 Milligan, Riddoch & Weber

Nays 0

Councilman Weber Moved and Councilwoman Riddoch Seconded the Motion to approve St. John's Youth and Alden Pregnancy Information Center's request to use the band shell on Sunday, June 2nd, 2013. Band Shell will be placed on Friday and removed on Monday. They will be responsible for electrical cord.

CARRIED

Ayes 3 Milligan, Riddoch & Weber

Nays 0

Supervisor Milligan Moved and Councilman Weber Seconded the Motion to approve Marilla Volunteer Exempt Firemen Benevolent Association's request to use 4 sets of bleachers (1-5 row and 3-3 row) for their annual tractor pull on June 29, 2013. They will pick up Thurs. June 27th and return Tues. July 2nd. Certificate of Insurance on file.

CARRIED.

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

WHEREAS, the Alden Town Board has received a request from Parks Supervisor Andy Sojka to purchase two (2) 38-gallon plastic recycling receptacles for use at the Town Park, 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;

WHEREAS, an oral request for proposals (price per 38-gallon plastic recycling receptacle, connecting hardware, and shipping) was made by Parks Supervisor Sojka to two (2) vendors and received as follows:

The highest vendor is Upbeat Site Furnishings at \$643.37;

The lowest bidder is Belson Outdoors at \$539.22.

WHEREAS, the lowest responsible vendor is Belson Outdoors.

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 receptacles.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of two (2) 38-gallon plastic recycling receptacles with connecting hardware and shipping from Belson Outdoors, the lowest responsible vendor, at a total cost of \$539.22;
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 May 20, 2013, and was

ADOPTED.

Ayes 3 Milligan, Riddoch & Weber

Nays 0

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

WHEREAS, the Town Board accepts the resignation of Sally O. Genco from her position as Secretary to the Town of Alden Board of Assessment Review and the Town Board now needs to fill this vacancy; and

WHEREAS, a request for resumes was printed in the Alden Advertiser and qualified interested persons were interviewed.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. That the Town Board hereby appoints Joy Insinna, as Secretary to the Town of Alden Board of Assessment Review for the 2013 year, salary per the Town of Alden Schedule of Salaries; and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on May 20, 2013, and was

ADOPTED.

Ayes 3 Milligan, Riddoch & Weber

Nays 0

THERE WAS NO UNFINISHED OR TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilwoman Riddoch:

There were two requests received from the Alden Art Club for use of the Community Center; she would like these on the Work Session.

She would also like the application from the Millgrove Fire Dept. for membership put on the Work Session.

There was an Alden Recreation Advisory meeting on Tuesday with further discussion on the screening process. AJF will be getting the final drawings to Eng. Mike Metzger and CEO Chris Snyder before they begin construction.

Supervisor Milligan:

A request was made to Hwy. Supt. Carl Fix to make sure the Park is patched up and swept up for the carnival and the car show.

Put the bidding process on the Work Session. He would like to have Alden companies know when bids are put out to help Alden businesses.

Report given on Workmen's compensation; Supervisor Milligan's Secretary looked into the requested substantial increase and rebutted their claim. Her perseverance paid off as they reduced the bill down to the previous year's amount saving thousands of dollars. Supervisor Milligan commended her for sticking to her guns and fighting this.

NOTICE OF MEETINGS:

NEXT WORK SESSION: **Tuesday, May 28, 2013 @ 7:00 P.M.**
NEXT TOWN BOARD MTG.: **Monday, June 3, 2013 @ 7:00 P.M.**

MEMORIAL ADJOURNMENT

Supervisor Milligan adjourned the Meeting at 7:18 P.M. with a Moment of Silence in Memory of Joseph Maciejewski, Ronald Mrozik & Donald Morgan.

Ralph Witt
Town Clerk