

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, August 5, 2013 at 7:00 P.M. Supervisor Milligan called the Meeting to Order and Councilman Weber 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.  
Don Stoffel, 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 July 15, 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"	\$6,253.27	\$27,068.24	\$33,321.51
HGHWY FUND "DA/DB"	2,358.79	5,926.85	8,285.64
PART-TOWN FUND "B"	3,564.29	2,312.01	5,876.30
CAPITAL IMPROV. "HC"			
WD#1 FUND "WA"			
WD#2 FUND "WB"	375.20		375.20
WD#3 FUND "WC"	2,050.20		2,050.20
WD#4 FUND "WD"	1,299.80		1,299.80
SP FIRE PROT. "SF"	3,592.90		3,592.90
SD#2 FUND "SA"	2,006.81	375.00	2,381.81
TRUST/AGCY FUND "T"	12,137.67	2,762.94	14,900.61
SP REFUSE FUND "SR"	35,653.83		35,653.83
STREET LIGHTING FUND "SL"	5,660.95		5,660.95
PERIWINKLE LTG. "SL1"	34.57		34.57
GRANTS			
TOTALS	\$74,988.28	\$38,445.01	\$113,433.32

UPON ROLL CALL VOTE THE FOREGOING RESOLUTION WAS PUT TO A VOTE ON AUGUST 5, 2013 AND WAS

**ADOPTED.**

Ayes 3 Milligan, Riddoch & Weber  
Nays 0

**BUSINESS FROM THE FLOOR**

Matt Herdzik/S. Woodside Dr. wanted to know if it would be feasible to contract with an Animal Control Officer for the Town? Maybe Councilman Weber could do the job. There had been a skunk problem in his neighborhood in the past and is showing signs of developing again. Councilman Weber could not be contracted by the Town to perform this service. Mr. Herdzik asked that the Board look into this.

Ed Earsing/S. Woodside Dr. wanted to comment on the car show. He thought it was great, "just what this Town needs".

Ron Gardner wanted to set up a mini political rally, he wanted to know what he had to do to have it in the Town Park. He needs to check with the Clerk to see the availability of the shelters and an alcohol permit, if alcohol is going to be served. He would like to do this and invite the Seniors. Councilwoman Riddoch said that there is no politicking in any of the Town buildings, including the Senior Center. He

would like the Senior Van pick up people. Mr. Gardner questioned the hours of the Senior Van driver and her availability. Norm Taylor is the contact person for the Seniors.

### **COMMUNICATIONS**

#### **Councilman Weber :**

A phone call was received from a Wende Rd. resident who was concerned about excavation that was going on by his home. He was concerned that it was going to affect drainage adversely on his property. Councilman Weber spoke to CEO Chris Snyder, who talked to the homeowner about the excavation and concluded that it was not going to affect drainage. A call was received from a Broadway resident concerning a drainage problem down near Townline Rd. Hwy. Supt. Carl Fix said this is on his list and he was going to take care of it.

#### **Town Clerk Witt:**

Notification was received from the State DEC that hunting licenses will be going on sale August 12<sup>th</sup>. A letter was received from the Office New York State Comptroller with regards to the establishment of the Exchange Street water district at a cost not to exceed \$694,056.00.

#### **Attorney Strong:**

A letter was received from the Koelbl family regarding their issues and concerns regarding putting a bike path over their property. She would like this on the Work Session.

#### **Councilwoman Riddoch:**

A letter was received from Adam Stoltman, interim Supt. of Alden Central School, regarding a Supt. advisory Committee. She would like one of the Board to attend and be part of the Committee. Regarding the reference at a Village Board meeting of the Dog Control incident on Meadow Drive, Mary wanted to clarify that we are responsible to enforce the Ag. & Mkt. law not the Village law stating the amount of animals that are harbored by homeowners in the Village. A request from the Garden Club to use the Community Center was received. She would like this on the Work Session.

She would like soccer put on the Work Session.

A letter was received at her home that was unsigned. She does not respond to unsigned letters.

#### **Supervisor Milligan:**

A letter was received from Valerie Wood about possible water on Cayuga Creek Rd. He advised her it would be very costly. Councilman Weber would like this on the Work Session.

A letter was sent to Erie County Correctional regarding our Town Clerks being treated like gold when they go over to do marriage licenses.

A letter was received from the Supervisor's Assoc. regarding snowplowing and the contract coming up.

A letter was received from Senator Gallivan's office regarding the Sievenpiper property.

With regards to the 13140 Main Street property that abuts to the Town Park; the State was contacted to see if they wanted to release some of the property and they apparently they would be interested. The survey for that property will be on the agenda tonight.

Tour de Farms has notified the Town of their yearly trek to the Oles farms on September 13<sup>th</sup>.

Supervisor Milligan has contacted the fire company for their assistance in road control as they have done in the past.

### **NEW BUSINESS**

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to approve the renewal of the Home Occupation Permit for Marc & Lou Ann Miller/Blinds cleaned/repaired and internet sales, 11256 Broadway.

#### **CARRIED.**

Ayes 3 Milligan, Riddoch & Weber

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

**WHEREAS**, The Town of Alden, recognizes that plowing and de-icing town, as well as county roads, is in the best interest and safety of its residents, and

**WHEREAS**, Erie County and the 25 towns within the county have negotiated contracts which assure that the majority of the county road within the towns would be maintained according to the same snow and ice control methods used on all town roads, and

**WHEREAS**, such methods have been approved by the Erie County Department of Public Works, and

**WHEREAS**, in the past, all costs of manpower, equipment, and materials have been calculated to the satisfaction of all parties, and

**WHEREAS**, any issues that have arisen during snow and ice control in previous years have been resolved by all parties involved, and

**WHEREAS**, a new contract between the Towns and Erie County is currently being negotiated, and

**WHEREAS**, on March 20, 2013, there was a tentative agreement between the towns and Erie County which included a 3 year term with an annual increase of 5.0% as was past practice, and

**WHEREAS**, this agreement was considered fair and within the budgeting confines of Erie County, and

**WHEREAS**, on April 16, 2013, Erie County made a counter proposal to increase the contract from 3 years to 5 years and to reduce the monetary increase to 0.5%, and

**WHEREAS**, the county proposed rate is one the towns cannot afford, and

**WHEREAS**, the budgetary planning for 2014 is going to be starting in many municipalities, and

**WHEREAS**, the deadline for the towns to order road salt de-icer is now past.

**NOW THEREFORE BE IT**

**RESOLVED**, that the Town of Alden calls on the Erie county Executive and Erie County Legislature to help resolve the issue between the Erie County Department of Public Works and the 25 towns within the County of Erie with regards to snow removal and de-icing of county roads within the towns that is fair and equitable to all parties, and

**BE IT FURTHER**

**RESOLVED**, that the Town Clerk of the Town of Alden is to transmit copies of this resolution to Erie County Executive Mark Poloncarz, Erie County Legislature Terry McCracken, Erie County Legislature Chairwoman Betty Jean Grant, and Erie County Department of Public Works Commissioner John Loffredo, and the other towns within Erie County.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call 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 State of New York to have prepared a boundary survey of a portion of lands at 13140 Main Street, Alden (adjacent to the existing Town Park) for possible transfer of said lands to the Town, the estimated cost of the boundary survey is less than \$2,000.00;

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 Millard, MacKay & Delles, who has previously surveyed the Town Park and a written quote was received for \$575.00:

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 survey work.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the Agreement with Millard, MacKay & Delles Land Surveyors, LLP for a boundary survey of a portion of 13140 Main Street at a total cost of \$575.00. Millard, MacKay & Delles;
2. The Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this project; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on August 5, 2013, and was **ADOPTED.**

Ayes 3 Milligan, Riddoch & Weber

Nays 0

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to approve the renewal of the Home Occupation Permit for Douglas Swingle/12049 Genesee St./Auto Upholstery Repair.

**CARRIED.**

Ayes 3 Milligan, Riddoch & Weber

Nays 0

THE FOLLOWING ORDER WAS OFFERED BY SUPERVISOR MILLIGAN AND SECONDED BY COUNCILMAN WEBER TO WIT;

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Alden, in the

County of Erie, New York

August 5, 2013

\* \* \*

A regular meeting of the Town Board of the Town of Alden, in the County of Erie, New York, was held at the Town Hall, 3311 Wende Road, Alden, New York, on August 5, 2013.

There were present: Hon. Harry F. Milligan, Supervisor; and

Boardmembers: Mary Riddoch  
William Weber

There were absent:

Also present: Ralph P. Witt, Town Clerk

\* \* \*

A meeting of the Town Board of the Town of Alden, in the County of Erie, New York, was held at the Town Hall, 3311 Wende Road, Alden, New York, on the 5th day of August, 2013.

PRESENT:

Hon. Harry F. Milligan, Supervisor  
Mary Riddoch, Boardmember  
William Weber, Boardmember

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In the Matter

of the

Establishment of the Exchange Street Water District, in the  
Town of Alden, in the County of Erie, New York,  
pursuant to Article 12 of the Town Law

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FINAL ORDER ESTABLISHING DISTRICT

WHEREAS, the Town Board of the Town of Alden (herein called the "Town"), in the County of Erie, New York has received a petition, signed and acknowledged or proved as required by law and in full compliance with the requirements of Section 191 of the Town Law, for the establishment of a water district in a portion of the Town, as described therein and herein; and

WHEREAS, the Town has received and reviewed a map, plan and report prepared by Metzger Civil Engineering, PLLC, competent engineers duly licensed by the State of New York, which report is dated July 2012 and was prepared for the proposed establishment of the Exchange Street Water District, in the Town, and construction of a water system therein, consisting of the construction and installation of approximately 6,600 feet of 8-inch and 12-inch waterlines along Exchange Street, installation of fire hydrants and line valves, and other work required in connection therewith, including original equipment, assemblies, machinery, furnishings, valves, fittings, connections, fill, appurtenances and related site work and other ancillary work, as needed (referred to herein as the "Water Improvement"); and

WHEREAS, pursuant to the Order duly adopted on February 4, 2013, the Town Board adopted an Order reciting a description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for such improvements, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying February 19, 2013, at 7:15 o'clock P.M. (Prevailing Time), as the time when, and the Town Hall, in the Town, as the place where, the Town Board would meet to consider the establishment of the proposed District and the construction of such water system therein, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by Law; and

WHEREAS, following publication and posting of certified copies of said Order pursuant to Article 12 of the Town Law and after a public hearing duly held by the Town Board at the time and place therein referred to, the Town Board, by resolution duly adopted March 4, 2013, determined that the notice of public hearing was published and posted as required by law and is otherwise sufficient, that all the property and property owners included within the proposed District are benefited thereby, that all the property and property owners benefited are included within the limits of the proposed District, and that it is in the public interest to establish the District and construct said improvements therein, and the Town Board approved the establishment of the District and the Water Improvement at a cost not to exceed \$694,056; and

WHEREAS, after submission of an application by the Town Board, the State Comptroller granted permission to establish the District, by Order dated July 15, 2013, which Order was duly filed with the Town Clerk of the Town and presented to the Town Board by said Town Clerk at the next meeting held after said Order was filed with said Town Clerk;

Now, therefore, be it

DETERMINED, that the petition was signed, and acknowledged or proved, or authenticated, as required by law and is otherwise sufficient; and be it

ORDERED, that the District is hereby approved, in the Town of Alden, to be known as Exchange Street Water District, in the Town of Alden, situate wholly outside of any incorporated village or city, and bounded and described as follows:

(attach/insert description of District here)

and be it further

ORDERED, that Exchange Street Water District is hereby established and the Water Improvement hereinabove referred to shall be constructed as set forth in the map, plan and report prepared by Metzger Civil Engineers, PLLC, dated July 2012, at a cost not to exceed \$694,056, which is planned to be financed by the issuance of \$694,056 serial bonds of the Town to finance said cost, and the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable;

and be it further

ORDERED, that within ten (10) days after adoption of this Order, the Town Clerk shall record with the Clerk of the County of Erie and file with the Department of Audit and Control in Albany, New York, copies of this Order, certified by said Town Clerk.

DATED: August 5, 2013

TOWN BOARD OF THE TOWN OF ALDEN

BOND RESOLUTION OF THE TOWN OF ALDEN, NEW YORK, ADOPTED AUGUST 5, 2013, AUTHORIZING THE ESTABLISHMENT OF THE EXCHANGE STREET WATER DISTRICT AND THE CONSTRUCTION OF A WATER SYSTEM THEREIN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$694,056, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$694,056 TO FINANCE SAID APPROPRIATION

Recitals

WHEREAS, the Town Board of the Town of Alden (herein called the "Town"), in the County of Erie, New York has received a petition, signed and acknowledged or proved as required by law and in full compliance with the requirements of Section 191 of the Town Law, for the establishment of a water district in a portion of the Town, as described therein and herein; and

WHEREAS, the Town Board of the Town of Alden (herein referred to as the "Town,"), in the County of Erie, New York, has received and reviewed a map, plan and report prepared by Metzger Civil Engineering, PLLC, competent engineers duly licensed by the State of New York, for the proposed establishment of the Exchange Street Water District, in the Town, and the construction of a water system therein, consisting of the construction and installation of approximately 6,600 feet of 8-inch and 12-inch waterlines along Exchange Street, installation of fire hydrants and line valves, and other work required in connection therewith, including original equipment, assemblies, machinery, furnishings, valves, fittings, connections, fill, appurtenances and related site work and other ancillary work, as needed (referred to herein as the "Water Improvement"); and after a public hearing was duly called and held, the Town Board determined, pursuant to the resolution duly adopted on March 4, 2013, that the notice of such hearing was published and posted as required by law and is otherwise sufficient, that all the property and property owners included within the District are benefited thereby, that all the property and property owners benefited are included within the limits of the District, and that it is in the public interest to establish the District, and the Town Board approved the establishment of the District, and the construction of the Water Improvement at a cost not to exceed \$694,056; and

WHEREAS, following submission of an application by said Town Board, the State Comptroller granted permission to establish the District by Order dated July 15, 2013, which Order was duly filed with and presented to said Town Board at its first meeting held after said Order was so received; and

WHEREAS, said Town Board duly adopted a Final Order on August 5, 2013, establishing the District, therein designated as the Exchange Street Water District, in the Town of Alden, and ordered construction of a water system therein, at a cost not to exceed \$694,056;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF ALDEN, IN THE COUNTY OF ERIE, NEW YORK (by favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$694,056 for the establishment of the Exchange Street Water District and construction of the Water Improvement, as described in the



Recitals hereto, all in accordance with the map, plan and report prepared by Metzger Civil Engineering, PLLC, engineers duly licensed by the State of New York, dated July 2012, on file in the office of the Town Clerk and heretofore approved by the Town Board of the Town. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$694,056. The plan of financing includes the issuance of \$694,056 serial bonds of the Town to finance said cost, and the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$694,056 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said object or purpose for which said serial bonds are authorized be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by

appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and

an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in the "*Alden Advertiser*," a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

The adoption of the foregoing Resolution was duly put to a vote on roll call, and was **ADOPTED.**

Ayes 3 Milligan, Riddoch & Weber

Nays 0

**THERE WAS NO UNFINISHED OR TABLED BUSINESS**

**REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL**

**Attorney Strong:**

She has heard nothing back from the Village on the Water Station deed. She would like this on the Work Session.

**Councilwoman Riddoch:**

Reported on how well received the car show was, even the weather cooperated. There was a lot of positive feedback. Supervisor Milligan, Mayor and Fire Chiefs met with the car show people Wednesday after the show, the Mayor and Fire Company were pleased and welcomed them back next year.

**DCO Weglarski:**

Reported that he picked up 4 dogs, 3 of the owners have claimed them.

**Supervisor Milligan:**

He would like the following put on the Work Session:

- 1.) Connect the Parks
- 2.) Tournaments
- 3.) Highway Contract-Executive Session
- 4.) Assessor's Appointment
- 5.) Well in the Park
- 6.) Soccer
- 7.) Cayuga Creek Water
- 8.) Councilman Weber would like the review of two laws; single building without a residence and two multi-family dwellings in residential-agricultural areas.

**NOTICE OF MEETINGS:**

**NEXT WORK SESSION:**

**Monday, August 12, 2013 @ 7:00 P.M.**

**NEXT TOWN BOARD MTG.:**

**Monday, August 19, 2013 @ 7:00 P.M.**

**MEMORIAL ADJOURNMENT**

Supervisor Milligan adjourned the Meeting at 7:34 P.M. with a Moment of Silence in Memory of Barbara Ruhlman, Doris Miklinski and Clarence Sims.

Ralph Witt  
Town Clerk

