

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, August 20, 2012 at 7:00 P.M. Supervisor Milligan called the Meeting to Order. 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 P. Witt, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney  
Michael Metzger, Town Engineer  
Chris Snyder, CEO  
Michael Fleming, Planning Board  
Len Weglarski, DCO

ABSENT: Carl Fix, Hwy. Supt.  
Todd Aldinger, Deputy Supervisor

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of August 6, 2012. Unanimously Carried.

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

ACCOUNT	ABST. #1	ABST. #2	TOTAL
GENERAL FUND "A"	\$29,384.25		\$29,384.25
HIGHWAY FUND "DA/DB"	5,676.58		5,676.58
PART-TOWN FUND "B"	10,758.62		10,758.62
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"	12,352.93		12,352.93
SP FIRE PROT. "SF"	2,506.27		2,506.27
SD#2 FUND "SA"	2,080.02		2,080.02
TRUST/AGCY FUND "T"	4,036.98		4,036.98
SP REFUSE FUND "SR"	39,014.85		39,014.85
STREET LIGHTING FUND "SL"	5,395.45		5,395.45
PERIWINKLE LTG. "SL1"	33.91		33.91
GRANTS			
TOTALS	\$113,665.26		\$113,665.26

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

**BUSINESS FROM THE FLOOR**

Supervisor Milligan recognized Ryan Sheedy, in charge of Emergency Management for all the hours and work he puts in.

Robert Wohgemuth, Alden, N.Y. does not feel the facilities at the Town Hall are being utilized. Soccer nets and swing sets are worn or not being used. The Town Park is five miles from this area. He asked the Town Board to look into this. Councilwoman Riddoch responded that the land is being used by soccer teams for practice. The swing set was left by the school and is not in working order. Mr. Wohgemuth also brought up that when the Town looks to fill positions they should be posted. They should not go to a friend of a

friend. Councilwoman Riddoch said positions are posted in the Alden Advertiser. Mr. Wohgemuth questioned the Crossing Guard position. The Alternate Crossing Guard will take the position and another alternate will be appointed. The position that Dan Carder filled was also advertised.

#### COMMUNICATIONS

Councilman Weber received a notice from the Department of Corrections that there will be a Community Advisory Board meeting at the Wende Correctional Facility in September, he will attend.

Town Clerk Ralph Witt received a letter from the school advising us what our school tax rate will be for the Town of Alden; the tax rate will be \$36.92 up from \$36.03 from last year. Received a letter from the Board of Elections that the primary this year will be held on Thursday, September 13, 2012, not on Tuesday, September 11, 2012. Received an email from downtown advising him that tax bills for Alden will be printed next week and should be mailed out early.

Councilwoman Riddoch said a call came in today at the Town Hall from Bridgette Pawelczak, E. LaRay saying she was very happy with the mini park across the street from her being fixed up. Councilwoman Riddoch wanted to thank Parks Supt. Andy Sojka for keeping them up.

#### NEW BUSINESS

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

WHEREAS, the Alden Town Board has received a request from the Town Clerk's Office to purchase 25 cases of copy paper for the Town Hall the estimated cost of which is 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 request proposals and then obtain written quotes from at least two (2) vendors;

WHEREAS, an oral request for proposals (price per case of 8.5" x 11" white copy paper was made by the Town Clerk's Office to three (3) vendors and received as follows: the highest bidder is XPEDX at \$38.65 per case; the second highest bidder is Integrity Distribution at \$32.00 per case; the lowest responsible bidder is Eaton Office Supply at \$31.90 per case; 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 copy paper.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of 25 cases of copy paper from Eaton Office Supply at a total cost \$797.50;
2. The Town Clerk 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 August 20, 2012, and was unanimously adopted.

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

WHEREAS, the Alden Town Board has received a request from the Highway Superintendent to purchase an underground wire locating device for use in Highway Projects and in the Town Parks the estimated cost of which is less than \$10,000.01 but greater than \$2,000.00;

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 three (3) vendors;

WHEREAS, requests for proposals were made to three (3) suppliers and quotes were received as follows:

- The highest bidder is Blair Supply Corp at \$3,900.00;
- The second highest bidder is Pow-R Mole Sales at \$3,325.00; and
- The lowest bidder is O & C Survey Equipment at \$1,975.00;

WHEREAS, O & C Survey Equipment is deemed 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 an underground wire-locating device from O & C Survey Equipment at a total cost of \$1,975.00.
2. The Highway Superintendent 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 August 20, 2012, and was unanimously adopted.

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

WHEREAS, the Town of Alden Recreation Director has advised the Town Board that the Town of Alden Senior / Community Center has received a private grant to purchase a ceiling mounted projector, with projection screen, blu-ray/DVD player, HDMI cable, and wireless access, the estimated cost of which is more than \$2,000.00 but less than \$20,000.00;

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

WHEREAS, said Procurement Policy & Procedure Guidelines have been followed and quotes have been properly received as follows:

- The highest quote is from Advanced Home Theater at \$11,876.99;
- The second highest quote is from Sound and Theater at \$7,942.79; and
- The third highest quote is from Satellite & Home Theater Solutions of WNY at \$7,141.00; and
- The lowest quote is from Ronco at \$6,133.14;

WHEREAS, the Ronco quote is rejected as incomplete and Satellite & Home Theater Solutions of WNY is the responsible bidder; and

WHEREAS, The Town Board after full and careful review and consideration of the need finds that it is in the public interest to authorize the purchase using the grant funds.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of a ceiling mounted projector, with projection screen, blu-ray/DVD player, HDMI cable, and wireless access from Satellite & Home Theater Solutions of WNY for a total cost of \$7,141.00;
2. That the Recreation Director of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase and installation; 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 20, 2012, and was unanimously adopted.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to approve Alden Central School's request to use the R.O. Smith Park during the JV Boys soccer seams on requested dates. Unanimously Carried.

Supervisor Milligan moved and Councilman Weber seconded the Motion to approve Men's Softball's request to use the Town Diamonds for their Tournament on August 25<sup>th</sup>, 2012. The tournament fee to be paid prior to date. Unanimously Carried.

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

WHEREAS, the Town Board of the Town of Alden is considering an application by Samuel P. Guida, Jr. for the subdivision of two (2) lots. The entire parcel currently consists of approximately 88.1 acres on North Road in the Town of Alden, further identified as SBL # 108.00-2-27. The first proposed lot ("Parcel A") would be a 600' x 1380' (approximately 19 acres) vacant parcel on North Road and the second proposed lot ("Parcel B") would be the remaining approximately 69 acre vacant parcel (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 June 27, 2012, for this Proposed Action, as required under Section 239-m of the General Municipal Law and a "no recommendation" was received on August 1, 2012;

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 August 6, 2012;

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 July 10, 2012, 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 parcel, more particularly described as:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Alden, County of Erie and State of New York, being part of Lot No. 13, Township 11, Range 5 of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at a point on the center line of Crittenden Road, said center line also being the west line of Lot 13, distant 1100.00 feet southerly from the northwest corner of Lot 13 and the center line of North Road; thence easterly parallel with the north line of lot 13 40.00 feet to the easterly line of Crittenden Road as appropriated by the County of Erie by deed recorded in the Erie County Clerk's Office in Liber 6967 of Deeds at page 73 and the POINT OF BEGINNING; thence southerly along the easterly line of Crittenden Road 599.92 feet to the northwest corner of lands deeded to Scott P. and Michelle M. Wooten by deed recorded in the Erie County Clerk's Office in Liber 11149 of Deeds at page 3328; thence easterly at right angles along the north line of Scott P. and Michelle M. Wooten and the extension thereof 1380.82 feet to the west line of lands formerly owned by John B. Persons; thence northerly at an interior angle of 90°19'03" and along the west line of lands formerly owned by John B. Persons 597.10 feet to the southeast corner of lands deeded to Christopher Waiss and Gina A. Waiss by deed recorded in the Erie County Clerk's Office in Liber 11201 of Deeds at page 2609; thence westerly along the southerly line of said lands deeded to Waiss and the extension thereof, parallel with the north line of Lot 13 1384.13 feet to the easterly line of Crittenden Road and the point of beginning, containing 18.995 acres of land more or less.

is 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 August 20, 2012, and was unanimously adopted.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to allow Colleen Rogers, Judy Downhower and Debra Crist to attend the 2012 KVS Western New

York Region User Conference on Wednesday, August 29<sup>th</sup>, 2012 at a cost of \$20.00 each.  
Unanimously Carried.

**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 WEBER TO WIT;

WHEREAS, in 2004, The Alden Central School District, Village of Alden, and Town of Alden entered into a Payment In Lieu of Taxes (“PILOT”) Agreement with CBO Glass, Inc. This Agreement terminates upon the sale of the CBO Glass, Inc. business or of the real property upon which the business is located;

WHEREAS, CBO Glass, Inc. is now being purchased by Gamma Buffalo, Inc. and Gamma Buffalo, Inc. has asked that the School, Village and Town assign the current PILOT Agreement to Gamma Buffalo, Inc.;

WHEREAS, Gamma Buffalo, Inc. has informed the Town that by assigning the PILOT Agreement that Gamma Buffalo, Inc. will be able to keep-on all the existing CBO Glass employees and intends to add 50 more jobs in the future;

WHEREAS, Gamma Buffalo, Inc. has informed the Town that without an assignment of the PILOT Agreement that Gamma will not purchase CBO and the factory will close its doors;

WHEREAS, the School, Village and Town would like to clarify the language in the current PILOT Agreement, but generally agree to the assignment of the same; and

WHEREAS, the Alden Town Board believes it is in the best interests of the Town of Alden to assign the current PILOT Agreement from CBO Glass, Inc. to Gamma Buffalo, Inc.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board approves the assignment of the PILOT Agreement from CBO Glass, Inc. to Gamma Buffalo, Inc., subject to the approval of the final Agreement language by the Town Attorney;
2. That the Supervisor of the Town of Alden is authorized to sign the revised PILOT Agreement; 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 20, 2012, and was unanimously adopted.

THERE WAS NO UNFINISHED OR TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Attorney Strong would like to add the Dog Law, Tipping contract and Ted Morgan’s contract to the Work Session Agenda.

CEO Chris Snyder is securing bids for the demolition of the old Millgrove School.

Town Engineer Mike Metzger spoke on the turn over of the water system. The inventory is set. The Water Authority is checking out what other documentation is needed for the take over. Engineer Metzger would like this on the Work Session. It is very close to being completed.

Supervisor Milligan would like to have shelters and band shell put on the Work Session Agenda.

**NEXT WORK SESSION: Monday, August 27, 2012 @ 7:00 P.M.**  
**NEXT REG. BOARD MEETING: Tuesday, September 4, 2012 @ 7:00 P.M.**

Supervisor Milligan adjourned the meeting at 7:22 P.M. with a Moment of Silence in Memory of Richard LaDuca (Brother of Judge LaDuca) and James Cooke (Son of former Supervisor John Cooke).

Ralph P. Witt  
Town Clerk