

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Rd. on Tuesday, September 3, 2013. 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  
Chris Snyder, CEO  
Mike Fleming, Planning Board

Supervisor Milligan Moved and Councilman Weber seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of August 19, 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"	\$6,237.71	\$12,056.34	\$18,294.05
HIGHWAY FUND "DA/DB"	1,528.81	6,214.02	7,742.83
PART-TOWN FUND "B"	7,689.12	1,153.64	8,842.76
CAPITAL IMPROV. "HC"			
WD#1 FUND "WA"			
WD#2 FUND "WB"	260.57		260.57
WD#3 FUND "WC"	3,920.19		3,920.19
WD#4 FUND "WD"	11,648.14		11,648.14
SP FIRE PROT. "SF"			
SD#2 FUND "SA"	2,246.13	430.10	2,676.23
TRUST/AGCY FUND "T"	3,896.10	3,505.21	7,401.31
SP REFUSE FUND "SR"	35,984.72		35,984.72
STREET LIGHTING FUND "SL"	5,463.55		5,463.55
PERIWINKLE LTG. "SL1"	33.95		33.95
GRANTS		9,347.00	9,347.00
TOTALS	\$78,908.99	\$32,706.31	\$111,615.30

UPON ROLL CALL VOTE THE FOREGOING WAS PUT TO A VOTE ON SEPTEMBER 3, 2013 AND WAS **ADOPTED.**

AYES 3 Milligan, Riddoch & Weber  
Nays 0

**BUSINESS FROM THE FLOOR**

Paul Loehr, Henskee Rd. questioned the agenda under new business item B. He would like to know if the taxpayers are going to hear the details or is it going to be whooshed through as usual? Supervisor Milligan said that the details in the resolution will be read aloud.

Matt Herdzyk, S. Woodside wanted to know if they are done with the pipe work at Sandridge and Broadway traffic signal. Supervisor Milligan said as far as he knows they are. He would like a note sent to them thanking them but don't do any more work.

Polly Justinger, Crittenden Rd. would like to know the status of the ice skating rink. She said maybe they should get the public's opinion. She would hate to see it turned into a parking lot. The chain link fence looks awful around it. Supervisor Milligan said they will not rush into anything at this time.

#### **COMMUNICATIONS**

##### **Councilman Weber:**

He was contacted by an individual regarding no-parking signs on Countyline Rd. The hilly areas of the road are dangerous when there is parking on both sides of the road. It was discussed at a Work Session, the Highway Supt. was notified of the situation.

A Peters Corners Rd. resident contacted him regarding a potential drainage problem between the railroad tracks and Genesee St. The Highway Supt. was notified and checked out the situation and could not find the problem, the resident was advised.

##### **Attorney Strong:**

She has had further communications with the Village and the Village Attorney regarding the 1963 deed for their water well, she would like to talk about this at the next Work Session.

##### **Supervisor Milligan:**

Erie County Superintendent of Highways sent out a letter regarding the snow contract for this year. They are not pleased with the way the County is negotiating this.

He attended a meeting of the Supervisors today, County representatives were there and they feel there will be bi-partisan support for the increases we are looking for in the snowplowing contract. There will be a County meeting September 17<sup>th</sup> regarding this issue he plans on attending.

A letter was received from New York State Dept. of Environmental Conservation regarding our wastewater treatment plant in the Alauras. There was a Comprehensive Inspection done on Sewer District #2. There were (3) three operational and maintenance problems with the most serious issue involving the structural integrity of the north and south walls of the sludge holding tank. This requires immediate action. Chris Snyder and Ted Morgan have been working on this along with the grant writer who is looking into funding for the repairs.

**AT 7:08 P.M. SUPERVISOR MILLIGAN ASKED FOR A MOTION TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO AN EXECUTIVE SESSION REGARDING A MATTER OF PERSONNEL WITH THE TOWN BOARD, THE TOWN ATTORNEY AND THE HIGHWAY SUPT. COUNCILWOMAN RIDDOCH MOVED AND COUNCILMAN WEBER SECONDED THE MOTION.**

##### **CARRIED.**

Ayes 3 Milligan, Riddoch & Weber

Nays 0

**AT 7:30 P.M. SUPERVISOR MILLIGAN ASKED FOR A MOTION TO ADJOURN FROM THE EXECUTIVE SESSION AND ENTER BACK INTO THE REGULAR MEETING, WITH NO ACTION TAKEN. COUNCILWOMAN RIDDOCH MOVED AND COUNCILMAN WEBER SECONDED THE MOTION.**

##### **CARRIED.**

Ayes 3 Milligan, Riddoch & Weber

Nays 0

#### **NEW BUSINESS**

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

WHEREAS, New York State General Municipal Law allows a municipality to approve the volunteer members of a volunteer fire department operating in said municipality;

WHEREAS, the Crittenden Volunteer Fire Department provides fire protection services within the Town of Alden pursuant to a contract with the Town of Alden;

WHEREAS, approval of members assists an injured volunteer firefighter in receiving worker's compensation benefits pursuant to New York State Volunteer Firefighter Benefit Law;

WHEREAS, Crittenden Volunteer Fire Department has approved Matthew Kingswell, Sr. as a member; and

WHEREAS, Crittenden Volunteer Fire Department has submitted to the Alden Town Clerk's Office notification of this new member.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Alden Town Board hereby approves Matthew Kingswell, Sr. for membership in the Crittenden Volunteer Fire Department; and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 3, 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 of the Town of Alden (the "Town") has received a complaint letter from Daryl Beyer alleging an incident of workplace violence by Highway Superintendent Carl Fix against Mr. Beyer;

WHEREAS, The Town's Workplace Violence Prevention Policy requires that the Town investigate this complaint;

WHEREAS, the Town Supervisor and the Town Attorney met with Mr. Beyer and his Union Representative to discuss the alleged incident and at that time Mr. Beyer submitted his letter of complaint. At this meeting Mr. Beyer had a copy in his possession of the Town's Workplace Violence Incident Report Form, which to date has not been completed and returned by Mr. Beyer;

WHEREAS, the Town Supervisor has discussed the alleged incident with Mr. Fix; and

WHEREAS, the Town Board believes that Carl Fix acted inappropriately, thoughtlessly and unprofessionally; but recognizes the fact that Mr. Fix is an elected official and that the Town Board has no ability to discipline Mr. Fix other than to adopt a resolution condemning his bad behavior.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board of the Town of Alden hereby admonishes Carl Fix for his inappropriate, thoughtless and unprofessional behavior towards Daryl Beyer and strongly urges Mr. Fix to seek sensitivity training or counseling to assist Mr. Fix in learning appropriate workplace behavior.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 3, 2013, and was

**ADOPTED.**

Ayes 3 Milligan, Riddoch & Weber

Nays 0

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to approve Alden Central School's request to use the R.O. Smith Park Soccer field for their boys JV Soccer Contests on requested dates. As in the past, the Town will maintain the field and the district will stripe the field for schedule home contests.

**CARRIED.**

Ayes 3 Milligan, Riddoch & Weber

Nays 0

Councilman Weber moved and Councilman Weber seconded the Motion to approve Alden Central School's request for their varsity and modified cross country season for practices and meets. The schedule of meets attached and season will conclude in early November 2013.

**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, the Town Board has established the Exchange Street Water District and is now ready to move forward with the design and construction of said Water District.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby hires Neill & Strong, PLLC for legal services in connection with writing a Request for Proposals for the Design and Construction of the Exchange Street Water District at the hourly rate of \$150.00, plus actual disbursements; and
2. This resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote at a regular meeting on September 3, 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 Board has established the Zoeller Road Water District and is now ready to move forward with the design and construction of said Water District.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby hires Neill & Strong, PLLC for legal services in connection with writing a Request for Proposals for the Design and Construction of the Zoeller Road Water District at the hourly rate of \$150.00, plus actual disbursements; and
2. This resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote at a regular meeting on September 3, 2013, and was

**ADOPTED.**

Ayes 3 Milligan, Riddoch & Weber

Nays 0

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

WHEREAS, the Alden Town Board has received a request from Parks Supervisor Andy Sojka to purchase 26 50-pound bags of PS 19-0-19 62% 200sgn fertilizer (the type of fertilizer recommended by the soil sampling results) for the grass at the various Town Parks for the 2013 – 2014 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;

WHEREAS, an oral request for proposals (price per 50 pound bag of fertilizer) was made and only one company carries the type of fertilizer recommended by the soil sampling results;

WHEREAS, Professional Turf Services, Inc., the sole source provider, has submitted a quote at \$991.90 (\$38.15 per 50 pound bag). This proposal meets the oral request for proposal and complies with the Guidelines;

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 fertilizer.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:



