

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, September 16, 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 P. Witt, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney
 Mike Metzger, Town Engineer
 Chris Snyder, CEO
 Mike 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 September 3, 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"	\$ 5,437.34		\$ 5,437.34
HGHWY FUND "DA/DB"	96,936.82		96,936.82
PART-TOWN FUND "B"	9,026.82		9,026.62
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"	1,126.26		1,126.26
SP FIRE PROT. "SF"			
SD#2 FUND "SA"	1,777.12		1,777.12
TRUST/AGCY FUND "T"	106.00		106.00
SP REFUSE FUND "SR"	35,788.62		35,788.62
STREET LIGHTING FUND "SL"	5,626.35		5,626.35
PERIWINKLE LTG. "SL1"	35.63		35.63
GRANTS			
TOTALS	\$160,041.72		\$160,041.72

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY

ADOPTED

Ayes 3 Milligan, Riddoch & Weber
 Nays 0

BUSINESS FROM THE FLOOR

Matt Herdzik, South Woodside Drive questioned the article in the Alden Advertiser saying that the school was going to charge the Town \$5.00 for each time it was used? Councilwoman Riddoch said that the school had agreed to close up a deficit gap they had for their budget and one of the ideas was to charge a fee to people that use the school for functions. They would be charging the Town a \$5.00 fee for every time they use the school for events; the summer recreation program uses the school a lot, especially the pool. The Town negotiated to pay \$1200.00 to the school and make an agreement between the School and the Town with the rest being mutual. We are hoping next year the gap won't come up and we will not have to pay this fee. The \$1200.00 fee will be taken from the recreation budget line.

Polly Justinger, Crittenden Rd. addressed the parking in the Town Park and lack of parking. She feels that there could be more lines marking parking around the football/soccer field to increase parking spaces. She does not want to see the skating rink turned into a parking lot. Supervisor Milligan said that they will take a look at this.

COMMUNICATIONS

Councilman Weber:

He spoke to a Creekside Rd. resident regarding some under the road culverts near his home. He is concerned about them. The Highway Supt. was out there early this summer and did a little bit of work and was supposed to come back, but got busy with other projects. Councilman Weber spoke to Hwy. Supt. again. He and his foreman went out and looked at it and said that there is a set of culverts that need replacing. They were not sure if they were going to do it this year before winter or wait until next year when school is closed. There is also another culvert that needs cleaning.

Town Clerk Witt:

A letter was received from a Kieffer Rd. resident with concern about barking dogs that are an ongoing problem in the Kennel on that road. This needs to be looked at. It will be put on the next Work Session for discussion.

Attorney Strong:

Regarding the school facility use fee, the school attorney has agreed to draft the agreement and send it to Attorney Strong. She has not received as yet. Mr. Russo has paid the past due money owed to the Town of Alden.

Councilwoman Riddoch:

She called the school Superintendent and thanked him for coming to the last Work Session to discuss the use fee.

Supervisor Milligan:

A letter was received from Independent Health informing the Town to make sure our policies contain the new requirements. Our existing policies will be replaced with a new policy and new premium rates upon renewal in 2014.

A letter was received from several Towns regarding ECIDA. They are notifying communities without an IDA of the freedom to choose which IDA they would partner with.

Letter received from Sheriff Tim Howard regarding the Shooting range open house on 10/2 at 10:00 A.M. He would like a count of who will be attending.

A monthly report from Rural Metro was received. The response time is 95.8% for the month of August. Supervisor Milligan will be going downtown tomorrow regarding the County Snowplowing contracts. Councilman Weber will be filling in attending Advanced Auto's Grand Opening.

NEW BUSINESS

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to approve the renewal of the Home Occupation Permit for Matthew Jozwiak/12218 Westwood Rd./Metal Roof Sales.

CARRIED.

Ayes 3 Milligan, Riddoch & Weber

Nays 0

Supervisor Milligan moved and Councilman Weber seconded the Motion to approve the renewal of the Home Occupation Permit for Daniel Pautler/12657 North Rd./Gun Sales and Accessories.

CARRIED.

Ayes 3 Milligan, Riddoch & Weber

Nays 0

THE FOLLOWING ORDER WAS OFFERED BY COUNCILWOMAN RIDDOCH, SECONDED BY COUNCILMAN WEBER 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 7th day of October, 2013, for the purpose of hearing all persons interested in the use of Federal Community Development Funds in the Town of Alden; and

ORDERED, that the Town Clerk's Office 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 five (5) days before the date of the public hearing; (b) and post as required by law one (1) copy of the Notice of Public Hearing no later than the day such Notice is published; and

The question of the adoption of the foregoing order was duly put to a vote on roll call, at a regular meeting on September 16, 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 Alden Town Board has received a request from the Parks Supervisor to purchase 50 yards of topsoil (to be delivered) for use in the various Town Parks 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, The Parks Superintendent obtained three (3) written quotes as follows:
The highest quote is from JF Krantz at \$25.00 per yard plus \$45 per truckload delivered;
The second highest quote is from Buffalo and Orchard Park Topsoil at \$25 per yard; and
The lowest quote is from Zoladz Construction for \$21.50 per yard;

WHEREAS, Zoladz Construction 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 the above described topsoil.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of 50 yards of topsoil from Zoladz Construction at a total cost of \$1,075.00 (\$21.50 per yard, delivered);
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 September 16, 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 Alden Town Board has received a request from Parks Supervisor to purchase 7 50# bags of Barren-50390A RPR Yellow Jacket Coated grass seed (the seed recommended after soil testing) for use at the various Town Parks 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, except in the case of a sole source provider where multiple quotes are not required;

WHEREAS, Professional Turf Services, Inc. is the only seed provider who sells Barren-50390A RPR Yellow Jacket Coated grass seed; 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 grass seed.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of 7 50# bags of Barren-50390A RPR Yellow Jacket Coated grass seed from Professional Turf Services, Inc., the sole source provider, including delivery at a total cost of \$713.93 (\$101.99 per 50 pounds);
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 September 16, 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 of Alden Parks Supervisor has advised the Town Board that the Parks Department is in need of one (1) John Deere 14 Bushel 3 Bag Material Collection System for use in the various Town Parks which will be purchased pursuant to the State Bid Contract;

WHEREAS, the Town of Alden's Procurement Policy & Procedure Guidelines and the General Municipal Law have been followed through purchase from the State Bid Contract; and

WHEREAS, The Town Board after full and careful review and consideration of the request finds it in the public interest to authorize the purchase of the Collection System.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the purchase of one (1) John Deere 14 Bushel 3 Bag Material Collection System, as described on the attached Quote for \$2,432.68, from Z & M Ag and Turf as being consistent with its policies and in the interest of the residents of the Town of Alden;
2. That 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 September 16, 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 of Alden ("Town") and Alden Youth Baseball, Inc., ("Youth Baseball") a Not-For-Profit Corporation duly organized and existing under the laws of the State of New York, have negotiated an Agreement to allow Youth Baseball to use the Alden Town Hall gymnasium for its players to practice indoors during the months of October, 2013 through May, 2014;

WHEREAS, the Town of Alden is aware that a large number of residents of the Town of Alden and Alden School District participate in the programs offered by Youth Baseball and is interested in assisting Youth Baseball;

WHEREAS, the Town and Youth Baseball have come to full agreement on the terms of such Agreement to run from October 1, 2013 until May 31, 2014, a copy of which is attached hereto; and

WHEREAS, Youth Baseball has obtained insurance for the benefit of the Town of Alden.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town approves the Agreement with Youth Baseball, as being consistent with its policies and in the interest of the residents of the Town of Alden;
2. That the Supervisor of the Town is authorized to sign any and all necessary documents to effectuate this Agreement; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting held on September 16, 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 of Alden Highway Superintendent has advised the Town Board that the Highway Department is in need of a new 2013 John Deere 624K Loader which will be purchased pursuant to the State Bid Contract;

WHEREAS, Town of Highway Superintendent has advised the Town Board that the Highway Department is in possession of a 1999 Hyundai HL750 Loader that is not of any use to the Highway Department and that he would like to trade-in this Loader towards the purchase of the new John Deere Loader;

WHEREAS, said Procurement Policy & Procedure Guidelines and General Municipal Law have been followed by purchasing from the State Bid Contract; and

WHEREAS, The Town Board after full and careful review and consideration finds the request to trade-in the 1999 Loader towards the purchase of a new Loader as being in the public interest.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby determines that the 1999 Hyundai HL750 Loader is not of any use to the Highway Department and is not needed for Town purposes and is surplus property and authorizes this Loader be traded in at a value of \$21,000.00 towards the purchase of a new Loader;
2. The Town Board hereby authorizes the purchase of a 2013 John Deere 624K Loader, as per the attached specifications, from Five Star Equipment, Inc. (who is on the State Bid List) for a total cost (after the trade-in) of \$128,682.95, including delivery and take-away of the old Loader;
3. Payments shall be made to Five Star as follows: \$5,000.00 in October, 2013; \$5,000 in November, 2013; and \$5,000.00 in December, 2013. The Loader will be delivered to the Town in October, 2013 and during this three month period the Town shall enter into Rental Agreement with Five-Star Equipment, Inc. The final payment of \$113,682.95 will be paid to Five Star in January, 2014, at which time Five Star will give a Bill of Sale to the Town of Alden to transfer ownership of the John Deere Loader to the Town of Alden;
4. The Highway Superintendent is hereby authorizes the Highway Superintendent to sign the Rental Agreement and the Purchase Agreement to effectuate the rental and the purchase; and
5. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 16, 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, there is an application before the New York State DEC for a permit to store processed bio-waste (including manure, **human** and food wastes) in a one-million gallon tank located at Eastwood Road, in the Town of Marilla;

WHEREAS, at this time the Alden Town Board believes that the science and experience in the handling and future results of processed bio-waste is unconvincing;

WHEREAS, the Alden Town Board believes that the amount of heavy metals contained in processed bio-waste is at unacceptable levels for an adjacent community (Alden) where many homes have well water as their only source of potable water; and

WHEREAS, it is the government's job to protect the people when the risk of health hazards has not been totally proven.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board is against the approval of a permit to allow the proposed storage of processed bio-waste in the Town of Marilla;
2. The Town Clerk is hereby directed to mail a copy of this Resolution to the Town of Marilla and to the NYS DEC; and
3. This resolution shall take effect immediately.

ON THE QUESTION: Councilman Weber has been led to believe that this product contains human waste and food waste and would like the Resolution to reflect this. The previous Resolution was amended to show the change.

Councilman Weber moved to make the change and Councilwoman Riddoch seconded the Motion.

CARRIED.

Ayes 3 Milligan, Riddoch & Weber

Nays 0

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 16, 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, grant monies are available through the New York State Unified Court System to enhance the security and operation of municipal Justice Courts; NOW THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Unified Court System for the purpose of securing this grant, and BE IT FURTHER

RESOLVED that the Supervisor and Town Court Justices be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

ON THE QUESTION: Councilwoman Riddoch asked what the grant will be used for? Supervisor Milligan said it will be used for handicap doors.

THE FOREGOING RESOLUTION WAS DULY PUT TO A ROLL CALL VOTE AT A REGULAR MEETING ON SEPTEMBER 16, 2013, AND WAS

ADOPTED.

Ayes 3 Milligan, Riddoch & Weber

Nays 0

THERE WAS NO UNFINISHED OR TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilman Weber:

At the Supervisor's request, he did write a letter to the DEC stating the concerns of the proposed bio-waste site in Marilla and did state the Board's opposition to that and let them know our feelings about it for the comment period.

Engineer Metzger:

The Supervisor and he went out to the Town Park to take a look around to get ideas. He would like the Town Park parking put on the Work Session. He hopes to have the proposal for the Community Center from the structural Engineer ready for the next Work Session, he would also like this on the Work Session agenda. Mike contacted the DEC regarding the spreading of the waste product that would be stored in the tank in Marilla and received a copy of the regulations. He had a copy of the regulations for Councilman Weber. Jenn and he continue to work with the Village Attorney regarding the Village water deed. The County DOT and the State have been invited to the Work Session to discuss the truck traffic on Broadway/Sandridge/Main St. along with the Village officials, put this on the Work Session agenda.

CEO Chris Snyder:

He is getting prices on doors for the Courts. He also has been working on the situation at S.D. #2. He is getting prices for putting up the new shelter.

Mike DeWitt, Planning Board Representative:

They have been spending a lot of time on the Metz site plan.

Notation from Planning Chairman Ralph Witt: He drove by the site Sunday and it was the first time there was nothing parked in front of the fence.

DCO Len Weglarski:

He is handling the barking complaint on Kieffer Rd. This will be discussed at the Work Session.

NOTICE OF MEETINGS:

NEXT WORK SESSION: Monday, September 23, 2013 @ 7:00 P.M.
REG. BOARD MTG.: Monday, October 7, 2013 @ 7:00 P.M.

MEMORIAL ADJOURNMENT

Supervisor Milligan adjourned the Meeting at 7:31 P.M. with a Moment of Silence in Memory of James Canfield (Former Town Hwy. Employee), Joan Froelich, John Millard, Helen Muszynski & Evelyn Sivecz (Former Town of Alden Judge).

Ralph P. Witt
Town Clerk