

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, October 7, 2013 at 7:00 P.M. Supervisor Milligan called the Meeting to Order and 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
Mike Metzger, Town Engineer
Chris Snyder, CEO
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 September 16, 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	\$17,469.46	\$22,906.80
HGHWY FUND "DA/DB"	96,936.82	20,060.89	116,997.71
PART-TOWN FUND "B"	9,026.82	1,422.55	10,449.37
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	829.35	2,606.47
TRUST/AGCY FUND "T"	106.00	2,647.85	2,753.85
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	\$42,430.10	\$202,471.82

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY

ADOPTED

Ayes 3 Milligan, Riddoch & Weber
Nays 0

BUSINESS FROM THE FLOOR

Keith Foss and Jamie Williams, teachers from Alden Central School came to the Board to inform them of their intention to educate students on the importance of Veteran's Day. They want the students to know that these Veterans fought so that they would have freedom. They will be hosting a Take a Veteran to School Day November 8th 10:00 A.M. -11:00 A.M. They are inviting all Veterans from the community to come and be honored for their service, with a reception following. RSVP's are due by October 18th.

PUBLIC HEARING

AT 7:05 P.M. SUPERVISOR MILLIGAN ASKED FOR A MOTION TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO THE PUBLIC HEARING REGARDING THE USE OF FEDERAL COMMUNITY DEVELOPMENT FUNDS IN THE TOWN OF ALDEN.

COUNCILWOMAN RIDDOCH MOVED AND COUNCILMAN WEBER SECONDED THE MOTION TO ADJOURN FROM THE REGULAR MEETING AND MOVE INTO THE PUBLIC HEARING.

CARRIED

Ayes 3 Milligan, Riddoch & Weber

Nays 0

SUPERVISOR MILLIGAN OPENED THE PUBLIC HEARING AND ASKED THE TOWN CLERK TO READ THE NOTICE OF PUBLIC HEARING THAT WAS PRINTED IN THE ALDEN ADVERTISER AND OPENED THE FLOOR FOR PUBLIC COMMENTS.

Norman Taylor, President of the Alden Senior Citizens read a letter in favor of the funds being used for purchasing a new senior van and thanked the Board for making their efforts in this direction. The Seniors appreciate the use of the van and is a necessity in some of the Seniors lives.

Don Eggert, spoke on behalf of the seniors who utilize the senior van. They can get out and can come to the Senior Center for nutritious meals that they otherwise could not get.

Dolores Dziekan rides the van to come to the Senior Center for lunches on Tuesday, Wednesday & Thursday. Her husband has been deceased and she does not want to eat meals alone. She does not know what she would do if should could not ride the van or any of the other people around her either.

Rosemary Dziejdzic rides the van to go shopping to the mall, exercise and shopping at Tops. She is alone and appreciates the van getting her out with others.

Petra Sojka, Driver for the Senior Van reported the van use. From January-October she logged 4961 miles, 864 seniors, 10 break-downs in the last 3 months. In 95 degree weather there was no air conditioner causing her to cancel. The van is in bad shape. It is always breaking down. Councilwoman Riddoch added that it needs four new tires and is going in for some work on the power steering on Thursday.

Petra takes the Seniors to the following:

- 1. Bank**
- 2. Physical Therapy/Senior Sneakers**
- 3. TOPS**
- 4. Save a Lot**
- 5. Pharmarcy**
- 6. Local Dentists and Drs.**
- 7. Hair Dressers in Alden**
- 8. Eastern Hills Mall**
- 9. Wegmans**
- 10. Target**
- 11. K Mart**
- 12. Walmart**
- 13. McKinley Mall**
- 14. Extra Trips for Senior Functions**

If she does not drive them, they do not get there.

Councilwoman Riddoch said that they are going to apply for this grant, putting in for the Senior Van again like we did last year. We did not get the grant last year. We will try again this year. We are at the point of desperation because the van has so many things wrong with it. She thanked all the Seniors for coming out tonight.

Donna Zinter/Nutrition Director said that if the Seniors could not use the van there would not be enough to keep the lunch program open. She thinks the van is past the point of repair and they need a new one. It is a pleasure to have these people every day. They have activities; cards & bingo and it is a great social time for those who would otherwise be alone. There is a lot riding on the van running. The van is a 2001. The mileage is 72,622. Councilman Weber said that the van is rusted out underneath. The exhaust and brake lines have been replaced numerous times. Petra had trouble getting the gas cap off to fill the tank because the filler tube going into the gas tank was so rotted. We applied last year for two different grants for Community Development and were denied on both of

them. If we do get the grant, it would be towards the end of the year, so we would have to get through the spring, so maintenance will have to be kept up.

Supervisor Milligan thanked Donna Zinter for her many years of service and dedication.
Councilwoman Riddoch thanked Petra Sojka for the good job she does.

AT 7:20 P.M. SUPERVISOR MILLIGAN ASKED FOR A MOTION TO ADJOURN FROM THE PUBLIC HEARING, AFTER ALL THOSE WISHING TO BE HEARD WERE HEARD, AND ENTER BACK INTO THE REGULAR MEETING.

COUNCILWOMAN RIDDOCH MOVED TO ADJOURN FROM THE PUBLIC HEARING AND ENTER BACK INTO THE REGULAR MEETING, COUNCILMAN WEBER SECONDED THE MOTION.

CARRIED.

Ayes 3 Milligan, Riddoch & Weber

Nays 0

BUSINESS FROM THE FLOOR (CON'T)

Paul Zinter came to the Board representing a fallen hero of Alden, New York who passed on November 3rd last year in Iraq, Sgt. Brett Gorniwiecz. Accompanying him were friends of Sgt. Gorniwiecz who have come up with an idea to honor Sgt. Gorniwiecz. They are here to ask permission to use a piece of land in R.O. Smith Park, approximately 5' x 5' where they would build a tribute commemorative memorial to Brett. He gave a sketch to the Board. It would be totally donated with no expense to the Town. Incorporated in the design is a way to fundraise donations that would be contributed fully to the Iraq/Afghanistan Memorial that is proposed to be built on the Buffalo Water Front. He has spoken to Brett's Father, who approved of the idea. They would like this built before Veteran's day. Supervisor Milligan asked that this be put on the Work Session for next week for discussion.

COMMUNICATIONS

Town Clerk Witt:

Reported that he received a petition from a resident on Cayuga Creek Rd. who is interested in establishing a water district on Cayuga Creek Rd. and Three Rod Rd.

A resident came into the Town Hall and said that he had taken a walk behind the Town Hall and found three tree stands on Town property, near his back yard. Attorney Strong said that there are no fire arms allowed anywhere on Town property. CEO Snyder will check this out further.

Attorney Strong:

She has received a copy of the petitions, which are not legal petitions for the water district. She would like this on the Work Session.

Councilwoman Riddoch:

She received a request from Baseball to use the Community Center, she would like this on the Work Session. A notice was received from the Village of Alden saying that they were going to shut off the water on Thursday from West Main all the way down to Meadow Drive. She closed the Community Center lunch program on that date.

Eleanor White requested to use the Community Center for her volunteer luncheon on Sunday, the 20th. If Andy can't open it, Councilwoman Riddoch will open for the use. It is a one time use so it does not need board approval. The Board had no problem with this.

Tompkins Insurance contacted her say that there is a contract needed with the school for the recreation program. There has never been a contract before. The Town Attorney and School Attorney are working on this.

Supervisor Milligan:

An e-mail was received from Gary Eppolito, Concord Supervisor regarding the snowplowing contract.

An e-mail was received from Mike Metzger regarding the measurement of the bridge on Broadway.

A Monthly statement was received from Town Clerk Ralph Witt.

Received a sales tax check for \$190,000.00

NEW BUSINESS

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

WHEREAS, Colleen Rogers, Budget Officer of the Town of Alden on September 30, 2013, duly filed the tentative budget of said Town for the fiscal year beginning January 1, 2014 with the Town Clerk

of said Town; and

WHEREAS, the Town Clerk of the Town of Alden duly presented said Tentative Budget to the Town Board on October 7, 2013;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the tentative budget is hereby approved as and shall become the Preliminary Budget of the Town of Alden for the fiscal year beginning January 1, 2014;
2. That said Preliminary Budget shall be filed in the Office of the Town Clerk of the Town of Alden, 3311 Wende Road, Alden, New York 14004 and be made available by him to the public for inspection during the regular business hours of the Town Clerk's Office;
3. That a Public Hearing on the Preliminary Budget of the Town of Alden for the year 2014, be held by the Alden Town Board at the Alden Town Hall, 3311 Wende Road, Alden, New York on October 21, 2013, at 7:05 P.M. Local Time;
4. That the necessary Notice of Public Hearing upon the Preliminary Budget, as required by Section 108 of the Town Law of the State of New York be published in the Alden Advertiser, the official newspaper of the Town of Alden, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof; and
5. This Resolution shall take immediately.

The adoption of the foregoing resolution was duly put to a roll call vote at a regular meeting on October 7, 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, on behalf of all Special Districts and Special Improvements Districts, upon which the cost of maintenance is required by law to be apportioned and assessed in proportion to the amount of the benefits conferred has duly prepared detailed estimates in writing of the anticipated revenue and expenditures for such districts to determine the amount of money required to meet the expense of maintaining same; and

WHEREAS, the Town Board has assessed the amount of said estimates on several lots against which the expense of the Improvement was charged in proportion to the amount of benefit conferred; and

WHEREAS, Assessment Rolls were duly prepared according to law and said Assessment Rolls were duly filed in the Office of the Town Clerk.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That a Public Hearing is hereby called and shall be held on October 21, 2013, at 7:10 PM Local Time, at the Town Hall, 3311 Wende Road, Alden, New York, at which time and place this Town Board will meet to consider the aforementioned Special District Budget for the Year 2014 and to hear all persons interested in the subject matter thereof, and concerning the same;
2. That a Notice of said Public Hearing be published in the Alden Advertiser and posted on the Town of Alden Board which Notice shall be in the form attached hereto and made a part hereof; and
3. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 7, 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 SUPERVISOR MILLIGAN TO WIT;

WHEREAS, the Town Board of the Town of Alden is considering an application, by Mark Metz for site plan approval of a pole barn at 12704 North Road, in the Town of Alden, further identified by SBL # 108.00-1-11.112 (The "Proposed Action");

WHEREAS, the Town Board of the Town of Alden has determined that the Proposed Action is an Unlisted Action under SEQRA but has determined that it is in the public interest to conduct a un-coordinated review;

WHEREAS, the Town of Board of the Town of Alden believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to site plan approval; is the agency with the broadest governmental powers for investigating the impact of the Proposed Action; and has the greatest capacity for providing the most thorough environmental assessment of the Proposed Action; and is the most local agent with permitting authority; and

WHEREAS, the Town Building Inspector has provided notice to the Erie County Division of Planning, for this proposed site plan approval, as required under Section 239-m of the General Municipal Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board has determined that the proposed site plan approval is an Unlisted Action under SEQRA;
2. The Town Board has determined that it should be the Lead Agency for all environmental review of the site plan approval; and
3. 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 October 7, 2013, and was

ADOPTED.

Ayes 3 Milligan, Riddoch & Weber

Nays 0

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to refer to the Planning Board for review and recommendation the possibility of terminating the existing Right of Way to the Town Cemetery on the south side of the Czechowski Property.

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, on July 1, 2013, the Town of Alden ordered the lawn mowing of the following properties in the Town of Alden: 3528 Townline Road; 11693 Boncliff Drive; 124 Three Rod Road; 11684 Broadway; and 3600 Crittenden Road.

WHEREAS, the lawn mowing cost the Town of Alden a total of \$630.00;

WHEREAS, the property owners have refused to reimburse the Town for the cost of the mowing; and

WHEREAS, the Alden Town Code at Section 18-4 allows the Town to re-levy such costs onto the property taxes of the affected parcels.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. That the Alden Town Board hereby authorizes the Town Assessor to re-levy the amount of \$90.00 onto the 2014 county/town taxes of 3528 Townline Road also known as SBL #84.04-1-3;
2. That the Alden Town Board hereby authorizes the Town Assessor to re-levy the amount of \$150.00 onto the 2014 county/town taxes of 11693 Boncliff Drive also known as SBL# 118.14-6-2;
3. That the Alden Town Board hereby authorizes the Town Assessor to re-levy the amount of \$150.00 onto the 2014 county/town taxes of 124 Three Rod Road also known as SBL# 130.01-1-5;
4. That the Alden Town Board hereby authorizes the Town Assessor to re-levy the amount of \$150.00 onto the 2014 county/town taxes of 11684 Broadway also known as SBL # 118.00-2-14.12;
5. That the Alden Town Board hereby authorizes the Town Assessor to re-levy the amount of \$90.00 onto the 2014 county/town taxes of 3600 Crittenden Road also known as SBL # 86.04-2-8;
6. The 2014 Town Budget at line A.0440.00 is hereby authorized to receive this re-levy of \$630.00; and
7. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 7, 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 Town Supervisor to re-pave the walking path at the Alden Town Park the estimated cost of this public works project is less than \$35,000.00 but greater than \$2,000.00; and all materials and labor will be purchased from the Erie County Bid Listing;

WHEREAS, said Procurement Policy & Procedure Guidelines and General Municipal Law have been followed; and

WHEREAS, The Town Board after full and careful review and consideration of the Supervisor's request finds his request to re-pave the walking path in the public interest.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the hiring/purchase, pursuant to the Erie County Bid List of:
 - A. Robinson Paving at \$125 / hour for six (6) hours rental with Operator of a 3-5 Ton Roller (total \$750.00);
 - B. Robinson Paving at \$310.00 / hour for six (6) hours rental of a Bituminous Asphalt Paver with Operator and Screed Man (total \$1,860.00);
 - C. Suit-Kote for 98 gallons of Tack Coat at \$3.03 / gallon (total \$296.94);
 - D. Midland Asphalt at \$125 / hour for 2.5 hours of waiting time for the bituminous material (total \$312.50); and
 - E. County Line Stone for 134.66 tons of type 7F2 Top Course at \$63.50 per ton (total \$8,550.91);

For a total expenditure of \$ 11,770.35.

2. The Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this public works 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 October 7, 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 Town Supervisor to purchase 30 yards of topsoil (to be delivered) for use on the Town Park Walking Path 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 Highway Department obtained two (2) quotes as follows:
The highest quote is from Custom Topsoil at \$27.00 per yard delivered; and
The lowest quote is from Zoladz Construction for \$21.50 per yard delivered;

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 30 yards of topsoil from Zoladz Construction at a total cost of \$645.00 (\$21.50 per yard, delivered);
2. The Town 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 October 7, 2013, and was

ADOPTED.

Ayes 3 Milligan, Riddoch & Weber

Nays 0

SUPERVISOR MILLIGAN POLLED THE BOARD AND WITH NO OBJECTION THE FOLLOWING WAS ADDED:

Supervisor Milligan moved and Councilman Weber seconded the Motion to allow Colleen Rogers to attend the biannual (OPEN) training conference at the Millennium Hotel on October 16, 2013 for a cost of \$125.00.

CARRIED.

Ayes 3 Milligan, Riddoch & Weber

Nays 0

NO UNFINISHED OR TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilman Weber:

He spoke to the women who started the petition for water districts and she said she was going to bring them in. He would like this on the Work Session.

Attorney Strong:

She would like the RFP for Zoeller/Exchange Water districts and Metz Site Plan approval on the Work Session.

Councilwoman Riddoch:

She would like the two new firemen for Millgrove on the Work Session.

She is working with the salesman for the Senior Van. Tuesday she will get a new quote. She would like this on the Work Session also.

Engineer Metzger:

As the Supervisor reported, he forwarded on the results of the survey work that was done by the D.O.T. They are exploring the possibility of changing that section of Broadway from four lanes to two lanes. He has contacted two major GPS companies for trucks and one has initiated a study through their engineering department to see if they can make modification to re-routing trucks. He will advise the Board when he hears back from them.

Engineer Metzger & Attorney Strong are waiting for the Village Attorney to prepare an easement regarding the Village Water Deed. Attorney Strong will follow up.

CEO Snyder:

Materials have been delivered for the new shelter.

NOTICE OF MEETINGS

NEXT WORK SESSION:	Tuesday, October 15, 2013	@ 7:00 P.M.
NEXT REG. BOARD MTG.:	Monday, October 21, 2013	@ 7:00 P.M.

MEMORIAL ADJOURNMENT

Supervisor Milligan adjourned the Meeting at 7:44 P.M. with a Moment of Silence in Memory of Ralph Krieger.

Ralph P. Witt
Town Clerk