

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, October 21, 2013 at 7:00 P.M. 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

RECORDING SECRETARY: Ralph Witt, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney  
Mike Metzger, Town Engineer  
Gary Wagner, Planning Board  
Len Weglarski, DCO

Councilwoman Riddoch opened the meeting with a Proclamation in honor of the late Councilman William Weber.

Supervisor Milligan Moved and Councilwoman Riddoch seconded the Motion to approve the Minutes and synopsis of the Regular Meeting of October 7, 2013.

**CARRIED.**

Ayes 2 Milligan & Riddoch  
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN RIDDOCH AND SECONDED BY SUPERVISOR MILLIGAN TO WIT;

<u>ACCOUNT</u>	<u>ABST. #1</u>	<u>ABST. #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$ 34,975.24		\$34,975.24
HGHWY FUND "DA/DB"	20,757.62		20,757.62
PART-TOWN FUND "B"	3,374.60		3,374.60
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"	2,760.03		2,760.03
TRUST/AGCY FUND "T"			
SP REFUSE FUND "SR"	35,248.84		35,248.84
STREET LIGHTING FUND "SL"	5,861.75		5,861.75
PERIWINKLE LTG. "SL1"	38.09		38.09
GRANTS	6,407.00		6,407.00
TOTALS	\$114,730.19		\$114,730.19

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY  
ADOPTED

Ayes 2 Milligan & Riddoch  
Nays 0

**AT 7:05 P.M. SUPERVISOR MILLIGAN MOVED TO ADJOURN THE REGULAR MEETING AND ENTER INTO PUBLIC HEARING #1 REGARDING THE PRELIMINARY BUDGET OF THE TOWN OF ALDEN FOR THE YEAR 2014, COUNCILWOMAN RIDDOCH SECONDED THE MOTION.**

**CARRIED.**

**Ayes 2 Milligan & Riddoch  
Nays 0**

**TOWN CLERK RALPH WITT READ THE NOTICE OF PUBLIC HEARING THAT WAS PUBLISHED IN THE ALDEN ADVERTISER.**

**SUPERVISOR MILLIGAN OPENED THE FLOOR FOR PUBLIC COMMENT.**

**SUPERVISOR MILLIGAN'S SECRETARY/BUDGET OFFICER COLLEEN ROGERS WAS PRESENT TO ANSWER QUESTIONS.**

**MATT HERDZIK, S. WOODSIDE DR. QUESTIONED AS TO WHETHER A DECISION HAD BEEN MADE CONSIDERING THE ASSESSOR, AS THEY ONCE TALKED ABOUT SHARING AN ASSESSOR WITH NEWSTEAD. HIS POSITION IS IN THE BUDGET FOR THE NEXT YEAR.**

**MR. STAINBROOK, NORTH RD. ASKED IF THIS REPRESENTS AN INCREASE IN EXPENSES? SUPERVISOR MILLIGAN SAID THAT MOST OF THE EMPLOYEES GOT A 3% INCREASE. THE TOTAL TAX INCREASE IS 1.4%. A COPY OF THE BUDGET IS AVAILABLE IN THE TOWN CLERK'S OFFICE. BUDGET OFFICER COLLEEN ROGERS SAID THE BUDGET WILL BE AVAILABLE ON LINE SHORTLY IF IT IS NOT ALREADY ON. TOWN CLERK WITT SAID THE INCREASE WOULD PROBABLY MEAN AN INCREASE OF \$5.00 TO \$10.00 ON TAXES.**

**AT 7:09 P.M. AFTER ALL THOSE WISHING TO BE HEARD WERE HEARD, SUPERVISOR MILLIGAN MOVED TO CLOSE THE PUBLIC HEARING REGARDING THE PRELIMINARY BUDGET OF THE TOWN OF ALDEN, COUNCILWOMAN RIDDOCH SECONDED THE MOTION.**

**CARRIED.**

**Ayes 2 Milligan & Riddoch**

**Nays 0**

**AT 7:10 P.M. SUPERVISOR MILLIGAN MOVED TO ENTER INTO PUBLIC HEARING #2 REGARDING THE SPECIAL DISTRICT BUDGET OF THE TOWN OF ALDEN FOR THE YEAR 2014, COUNCILWOMAN RIDDOCH SECONDED THE MOTION.**

**CARRIED.**

**Ayes 2 Milligan & Riddoch**

**Nays 0**

**TOWN CLERK RALPH WITT READ THE NOTICE OF PUBLIC HEARING THAT APPEARED IN THE ALDEN ADVERTISER.**

**SUPERVISOR MILLIGAN OPENED THE FLOOR FOR PUBLIC COMMENT.**

**SUPERVISOR MILLIGAN SAID THAT THIS IS A DISTRICT TAX REGARDING WATER LINES, LIGHTING FIXTURES & FIRE DISTRICTS. THIS PART OF THE BUDGET THE TOWN DOES NOT HAVE MUCH CONTROL OVER.**

**MR. STAINBROOK WANTED TO KNOW IF THIS WOULD AFFECT HIS TAXES. COLLEEN ROGERS, BUDGET OFFICER SAID THAT THE FIRE DISTRICT & LIGHTING, NOT THE WATER DISTRICT TAX. ONLY SERVICES HE WOULD USE.**

**AT 7:13 P.M. AFTER ALL THOSE WISHING TO BE HEARD WERE HEARD, SUPERVISOR MILLIGAN MOVED TO CLOSE THE PUBLIC HEARING REGARDING THE SPECIAL DISTRICT BUDGET OF THE TOWN OF ALDEN FOR THE YEAR 2014, AND ENTER BACK INTO THE REGULAR MEETING, COUNCILWOMAN RIDDOCH SECONDED THE MOTION.**

**CARRIED.**

**Ayes 2 Milligan & Riddoch**

**Nays 0**

**BUSINESS FROM THE FLOOR**

Supervisor Milligan welcomed students to the meeting and asked that in the future if they could give back to their Community either in political efforts, Kiwanis or be a soccer coach.

Mr. Ed Earsing, S. Woodside Dr. wanted to know about the money that was left over in Water District #3 when it was turned over to E.C.W.A. Budget Officer Colleen Rogers said that over a 5 year period it will be returned to customers in that district as a reduction in their tax bills. The amount is \$127,000.00.

**COMMUNICATIONS**

**Town Clerk Ralph Witt:**

Correspondence was received from the Board of Elections regarding the upcoming election in November. A Copy of the ballot was received and posted by the Town Clerk's office.

**Attorney Jennifer Strong:**

She followed up again with the school attorney asking him to please review the agreement and has not heard back.

**Councilwoman Riddoch:**

A text was received from Bob Meyers from AJF; they received many compliments on how awesome the football field looked all year, especially this Saturday with the pink lines. What a great tribute to you and everybody that worked on these fields. The park is really developing. Please share our thanks to all.

**Supervisor Milligan:**

A letter was received from Adam Stoltman regarding dedicating a new flag pole on the High School athletic field on November 1, 2013 at 6:45 P.M. to all present, past and future servicemen and servicewomen from Alden.

**NEW BUSINESS**

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MILLIGAN, 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 Millgrove 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, Millgrove Volunteer Fire Department has approved Robert M. Kasper and Robert T. Johnson for Membership; and

WHEREAS, Millgrove Volunteer Fire Department has submitted to the Alden Town Clerk's Office notification of these new members.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Alden Town Board hereby approves Robert M. Kasper and Robert T. Johnson for membership in the Millgrove 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 October 21, 2013 and **ADOPTED.**

Ayes 2 Milligan & Riddoch

Nays 0

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

WHEREAS, the Town of Parks Supervisor has advised the Town Board that the Parks Department is in need of one (1) John Deere Gator Utility Vehicle with ball field finisher which will be purchased pursuant to State Bid;

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

WHEREAS, The Town Board after full and careful review and consideration of the request finds said request to purchase a new gator utility vehicle with ball field finisher as being consistent with its policies and in the interest of the residents of the Town of Alden.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of one (1) gator utility vehicle (more specifically a John Deere Gator TS), as described on the attached State Bid Pricing Summary for \$6,783.84 and the matching ball field finisher, also on State Bid, from Z&M Ag and Turf for \$1,818,00 plus \$200 freight, for a total purchase of \$8,801.84;

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 October 21, 2013, and **ADOPTED.**

Ayes 2 Milligan & Riddoch

Nays 0

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

WHEREAS, the Town Board of the Town of Alden is considering an application by Christopher Cummings for the subdivision of three (3) lots. The entire parcel currently consists of approximately 36.1 acres on Lesswing Road in the Town of Alden, further identified as SBL #85.00-6-7.121. The first proposed lot ("Parcel A") would be a 27.553 acre parcel; the second proposed lot ("Parcel B") would be a 2.266 acre parcel; and third parcel ("Parcel C") would be the remaining 7.180 acre parcel containing the existing house (The "Proposed Action");

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA;

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

WHEREAS, the Town Building Inspector is directed to provide notice to the Erie County Division of Planning for this Proposed Action, 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 Action 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 Proposed Action.
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 21, 2013, and

**ADOPTED.**

Ayes 2 Milligan & Riddoch

Nays 0

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

WHEREAS, the Alden Town Board has noticed the need to construct a shelter in the Town Park and has purchased materials for said shelter construction, the estimated cost of the construction is more than \$2,000.00 but less than \$10,000.00;

WHEREAS, the Town had intended to build the shelter using Town Employees, but current circumstances has made that impossible;

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

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

The highest bidder is Heritage Home Builders at \$6,275.00;  
The second highest bidder is J&R Home Solutions at \$3,500.00; and  
The lowest bidder is All Season Construction, Inc. at \$2,500.00.

WHEREAS, All Season Construction, Inc. is the lowest 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 said construction.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board approves the construction of a shelter, using already purchased materials, in the Town Park by All Season Construction, Inc., the lowest responsible bidder, for a total cost of \$2,500.00, as per the attached specifications.
2. All Season Construction, Inc. must submit to the Town, prior to the commencement of construction, proof of insurance and proof of compliance with all prevailing wage laws and regulations.
3. All construction must be completed by December 31, 2013.
4. That the Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this construction; and
5. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 21, 2013, and **ADOPTED.**

Ayes 2 Milligan & Riddoch

Nays 0

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

WHEREAS, the Alden Town Board has received a request from the State of New York that the State may be willing to sell to the Town of Alden a portion of lands at 13140 Main Street, Alden (adjacent to the existing Town Park);

WHEREAS, Section 34 of the Public Lands Law requires, proper to any such transfer by the State, that the Town certify that the lands are useful to the Town for a certain legal purpose;

WHEREAS, The Town Board after full and careful review and consideration of the possible transfer of lands finds that it is in the public interest to certify that the lands are useful to the Town as park lands.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The .40 acre portion of the parcel proposed to be transferred by the State of New York to the Town of Alden, as shown on the attached Millard, MacKay & Delles survey dated August 14, 2013, is adjacent to the existing Town Park;

2. That the Town Board hereby certifies that such .40 acre portion of the parcel is useful for town park purposes, and that the Town of Alden, will improve and maintain said land for town park purposes, if said land would be transferred by the State; 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 21, 2013, and **ADOPTED.**

Ayes 2 Milligan & Riddoch

Nays 0

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

WHEREAS, the Town of Alden has noticed the need to replace its Senior Citizen Van, which is heavily used by the senior citizens of the Town of Alden, as the current Senior Citizen Van is in a state of disrepair;

WHEREAS, the Alden Town Board would like to utilize the monies available from the Erie County Community Development Block Grant program to purchase a new Senior Citizen Van;

WHEREAS, the Town Board held a public hearing on October 7, 2013, notice of which was properly posted and published and public comment was received and considered;

WHEREAS, The Town Board after full and careful review and consideration of the need finds that it is in the public interest to apply for the CDBG monies for the purchase of a new Senior Citizen Van.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby authorizes Harry F. Milligan, Supervisor, to sign and submit an application for funding for the following stated specific project:

AND FURTHER RESOLVES THAT:

2. The Town Board hereby authorizes Harry F. Milligan, Supervisor, to sign and execute contracts with the Erie County Community Development Block Grant (ECCDBG) program for the following project upon approval of ECCDBG:

1. Acquisition of a Senior Citizen Van

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 21, 2013, and **ADOPTED.**

Ayes 2 Milligan & Riddoch

Nays 0

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

WHEREAS, the Alden Chamber of Commerce has named Gillen's Expert Auto as its 2013 Business of the Year; and

WHEREAS, Gillen's Expert Auto, a family owned business, has been serving the Alden Community since January 1987 doing both mechanical and collision work;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board hereby honors, recognizes and congratulates Gillen's Expert Auto on its well-deserved receipt of the Alden Chamber of Commerce 2013 Business of the Year;
2. That the Town Clerk is hereby directed to send a certified copy of the Resolution to the Alden Chamber of Commerce and to Gillen's Expert Auto; 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 21, 2013, and **ADOPTED.**

Ayes 2 Milligan & Riddoch

Nays 0

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

WHEREAS, Alden Town Councilman, passed away Wednesday October 9, 2013 at the young age of 62.

WHEREAS, a retired Alden High School Teacher and wrestling coach; local Christmas Tree farmer; loving husband and family man; outdoorsmen; classic car enthusiast; and Town Councilman, Bill was deeply devoted and committed to the Alden Community.

WHEREAS, After dedicating his life to teaching Alden students for 33 years, he continued in service to his community by seeking and winning election to the Alden Town Board in 2006.

WHEREAS, as a teacher and coach, Mr. Weber, was well respected by his students and peers. He touched the lives of every student he taught and each student could clearly see his love of teaching and that he cared about each and every one of them. As a Councilman, Bill has always been available to any Town Employee, Official or resident to share his vast knowledge of so many subjects.

WHEREAS, as a Councilman and Deputy Supervisor, Bill was well respected by fellow Town Official and Employees and residents, serving on many Town Committees. Councilman Weber was instrumental in bringing new water districts to the Town, assisting the Planning Board in its duties; looking for new uses for the Erie County Home; and helping numerous residents solve drainage issues. No matter how the difficult the issue before the Town was, Bill's vast knowledge, honesty, level-head and concern for the persons involved, was always evident and he helped the Town successfully resolve many issues.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board, on behalf of all Town Officials and Employees, extends its deepest sympathies to the Weber Family; and
2. The Alden Town Board hereby recognizes and honors Councilman Bill Weber for his lifelong dedication to the Alden Community and for his hard work, honesty, and integrity as he served his community and the Town of Alden. The Town of Alden will long remember his dedication and love of life. May we all be inspired to serve as selflessly as he did.
3. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 21, 2013 and was

**ADOPTED.**

Ayes 2 Milligan & Riddoch

Nays 0

Councilwoman Riddoch moved and Supervisor Milligan seconded the Motion to renew the Home Occupation Permit for Mary Jane Wojnar/11385 Broadway/Florist Shop.

**CARRIED**

Ayes 2 Milligan & Riddoch

Nays 0

Supervisor Milligan moved and Councilwoman Riddoch seconded the Motion to approve Alden Youth Baseball's request to use the Community Center for meetings on requested dates.

**CARRIED**

Ayes 2 Milligan & Riddoch

Nays 0

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

WHEREAS, the Town of Alden, upon the approval of the State of New York, has established the Zoeller Road Water District and the Exchange Street Water District (the "Project"); and

WHEREAS, the Town of Alden is seeking proposals for engineering served in connection with the design and Construction of said Water Districts.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby authorizes and directs the Alden Town Clerk to advertise for bids as outlined in the attached Legal Notice to Bidders and the Request for Proposal for Engineering Services;
2. The Town Board hereby authorizes and directs the Town Clerk to publish the Legal Notice in the Alden Advertiser;
3. Interested parties shall submit proposals to the Town Clerk's Office no later than 2:00 PM on November 22, 2013 when the bids shall be publically opened by the Town Clerk; and
4. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 21, 2013, and **ADOPTED.**

Ayes 2

Nays 0

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 COUNCILWOMAN RIDDOCH TO WIT;

WHEREAS, the Town Board of the Town of Alden is considering an application by Southern Tier Property Management, LLC. for the subdivision of two (2) lots. The entire parcel currently consists of approximately 14.08 acres on Broadway and Bonnie Lake Drive in the Town of Alden, further identified as SBL #118.10-1-19. The first proposed lot ("Parcel A") would be approximately 13 acres and contains the existing building and the second proposed lot ("Parcel B") would be the remaining approximately one acre vacant parcel (The "Proposed Action");

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA;

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

WHEREAS, the Town Building Inspector is directed to provide notice to the Erie County Division of Planning for this Proposed Action, 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 Action 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 Proposed Action.

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 21, 2013, and

**ADOPTED.**

Ayes 2 Milligan & Riddoch

Nays 0

**THERE WAS NO UNFINISHED OR TABLED BUSINESS**

**REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL**

**Councilwoman Riddoch:**

Reported that we have all the work in for the Senior Van and the Grant writer will be filing on Friday.

**NOTICE OF MEETINGS:**

**NEXT WORK SESSION:**

**Monday, October 28, 2013 @ 7:00 P.M.**

**NEXT REGULAR MTG.:**

**Monday, November 4, 2013 @ 7:00 P.M.**

**MEMORIAL ADJOURNMENT**

Supervisor Milligan adjourned the Meeting at 7:27 P.M. with a Moment of Silence in Memory of Del Weir, Marie Slubecky and Councilman William Weber.

Ralph Witt  
Town Clerk