

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, November 4, 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

RECORDING SECRETARY: Ralph Witt, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney  
Mike Metzger, Town Engineer  
Chris Snyder, CEO  
Len Weglarski, DCO

Supervisor Milligan Moved and Councilwoman Riddoch seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of October 21, 2013.

**CARRIED.**

Ayes 2 Milligan and 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	\$20,323.11	\$55,298.35
HGHWY FUND "DA/DB"	20,757.62	13,321.47	34,079.09
PART-TOWN FUND "B"	3,374.60	1,712.58	5,087.18
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	954.00	3,714.03
TRUST/AGCY FUND "T"		3,324.34	3,324.34
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	\$39,635.50	\$154,365.69

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED

Ayes 2 Milligan & Riddoch  
Nays 0

**BUSINESS FROM THE FLOOR**

Ed Earsing wanted the Board to take into consideration when giving raises to Town employees that people getting social security only got a 1.5% increase.

Supervisor Milligan welcomed the students from Alden Central and encouraged them to give back to their community by getting involved in some form of community activism.

**COMMUNICATIONS**

**Town Clerk Witt:**

A Notice was received from Erie County Environmental and Planning advising us that November 1-30 is an open period for anyone that is interested in becoming part of one our Ag. Districts. It will be posted outside the Town Clerk's Office.

**Attorney Strong:**

She has a draft of Local Law #1/2014 for the Board. This will be discussed at the next Work Session.

There was a pre-bid meeting today regarding engineering for the Exchange/Zoeller water districts.

**Councilwoman Riddoch:**

A request was received from the VFW regarding use of the Community Center for their monthly meetings. She would like this on the Work Session.

**Supervisor Milligan:**

A report from the Building Dept. was received showing the building permits issued for the year. The total is \$29,393.00 of fees collected.

A letter was received from the NYS Dept. of Corrections notifying the Town that there will be a meeting of the Community Advisory Board for Tuesday, November 19<sup>th</sup> at Wende Correctional Facility.

Supervisor Milligan plans on attending.

The Monthly report was received from Rural Metro Ambulance. There were 42 requests for the Town of Alden. The delayed response time was 0%. The compliance was 100%.

A condolence letter was received from Adam Stoltman for Bill Weber.

Erie County Industrial Development is going for new regulations.

There is a community based committee meeting at the school Nov. 7<sup>th</sup>. Councilwoman Riddoch will follow up on this.

**NEW BUSINESS**

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

WHEREAS, the Alden Town Board on November 19, 2012 adopted its 2013 Budget;

WHEREAS, the Town of Alden needs to transfer monies to allow for payment of various items as outline below; and

WHEREAS, these budget transfers will no render the Town of Alden insolvent;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

The Alden Town Board hereby authorizes the following transfers:

From (Budget Code)	Amount	To (Budget Code)	General Explanation	Amount
A.1910.0400	\$6,060.79	A.1440.0415	Engineering Fees Zoeller Rd.,/Exchange	\$6,060.79
A.1910.0400	\$3,743.32	A.1610.0200	Bal own Wide Computer Update	\$3,743.32
A.1910.0400	\$3,000.00	A.1930.0400	Gattuso Lawsuit	\$3,000.00
A.1910.0400	\$2,732.99	A.7110.0413	Bal. Resurface Park Roads	\$2,732.99
B.8540.0419	\$6,374.40	B.9060.0800	Bal. Health Insurance C.E.O.	\$6,374.40
			TOTAL	\$21,911.50

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

The Foregoing Resolution was duly put to a roll call vote at a Regular Meeting on November 4, 2013 and was

**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 on November 19, 2012 adopted its 2013 budget;

WHEREAS, the Alden Town Highway requests an additional increase of \$50.00 in the CHIPS aid from the New York State Department of Transportation;

WHEREAS, the Town of Alden Highway Department request a revenue budget line increase of \$50.00 in DB 3501.0000 to maximize the payment from the NYS DOT;

WHEREAS, the Town of Alden Highway Department requests an expenditure line increase of an additional \$50.00 in DB 5112.0449 to allow for the increase expenditures in the 2013 budget;

WHEREAS, increasing the appropriated revenue and expenditure lines will not render the Town of Alden insolvent.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

The Alden Town Board hereby increases by \$50.00 the expenditure line DB 5112.0449 and revenue line DB 3501.000 to maximize the CHIPS aid.

This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on November 4, 2013 and was

**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 on November 19, 2012 adopted its 2013 budget;

WHEREAS, the Town has received and accepted bids for repair of the roof at the Alden Historical Society. The project has been completed and payment made;

WHEREAS, The Town of Alden is requesting an increase in the appropriation and expenditure line A. 7510.0459 in the amount \$16,890.00. Said expenditure will close to the Capital Fund Reserve A. 0878 at fiscal year-end;

WHEREAS, this increase will not render the Town of Alden insolvent.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

The Alden Town Board increases by 16,890.00 the appropriation and expenditure line A. 7510.0459 and that said expenditure will close to Capital Fund Reserve A. 0878 at fiscal year-end.

This resolution shall take effect immediately.

The forgoing Resolution was duly put to a roll call vote at a regular meeting on November 4, 2013 and was

**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 on November 19, 2012, adopted its 2013 Budget;

WHEREAS, the Town of Alden requires an increase in appropriations and expenditures in the amount of \$1,160.50 in Account Code SI.8130.0402. Said expenditures are a result of cost increase from the Erie County Sewer District No. 4 and the Town and will be charged against Sewer District #1 fund balance SI 909 at fiscal year-end;

WHEREAS, this increase will not render the Town of Alden insolvent.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

The Alden Town Board hereby increases by \$1,160.50 the expenditure line SI. 8130.0402 of the 2013 Budget and that said expenditures will be charged to Sewer District #1 fund balance SI 909 at fiscal year-end.

This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on November 4, 2013 and was

**ADOPTED.**

Ayes 2 Milligan & Riddoch

Nays 0

Supervisor Milligan moved and Councilwoman Riddoch seconded the Motion to approve Alden Chamber of Commerce's request to use Town Park Community Center and Facilities for Christmas in the Park 2013.

**CARRIED.**

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 received a request from the Highway Superintendent to sandblast and repaint the plow of Highway Truck # 16 the estimated cost of which is greater than \$500.00 but less than less than \$2,000.00;

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

WHEREAS, written request for proposals (as per the attached specs) were made by the Highway Department to four (4) vendors and received, as follows:

the highest bidder is Hillcrest Inc. at \$2,100.00;

the second highest bidder is Morrison Supply Co. at \$1,200.00;

the third highest bidder is GJ Edbauer at \$980.00; and

the lowest bidder is Eastern Tank Services at \$795.00.

WHEREAS, Eastern Tank Services 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 here authorizes the hiring of Eastern Tank Services to sandblast and repaint the plow of Highway Truck # 16 at a total cost of \$795.00;
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 November 4, 2013, and was

**ADOPTED.**

Ayes 2 Milligan & Riddoch

Nays 0

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

WHEREAS, the Alden Town Board has received a request from the Highway Superintendent to sandblast and repaint the dump box of Highway Truck # 16 the estimated cost of which is greater than \$2,000.00 but less than less than \$35,000.00;

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

WHEREAS, written request for proposals (as per the attached specs) were made by the Highway Department to four (4) vendors and received, as follows:

the highest bidder is Eastern Tank Services at \$ 3,026.00;  
the second highest bidder is Hillcrest Inc. at \$3,000.00;  
the third highest bidder is Morrison Supply Co at \$2,800.00; and  
the lowest bidder is GJ Edbauer at \$2,540.00.

WHEREAS, GJ Edbauer 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 here authorizes the hiring of GJ Edbauer to sandblast and repaint the dump box of Highway Truck # 16 at a total cost of \$2,540.00;
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 November 4, 2013, and was

**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 received a request from the Highway Superintendent to purchase five (5) 132 inch rubber cutting edges for the Town snowplows, the estimated total cost of the rubber cutting edges is less than \$2,000.00 but greater than \$500.00;

WHEREAS, the Procurement Policy & Procedure Guidelines (“Guidelines”) of the Town of Alden state that the Town must obtain quotes from at least two (2) vendors;

WHEREAS, requests for proposals were made by the Highway Department to three (3) vendors and quotes received as follows:

the highest bidder is George & Swede at \$1,995.00 (or \$399.00 per blade);  
the second highest bidder is US Rubber Co at \$1,686.70 (or \$337.34 per blade); and  
the lowest bidder is Morrison Supply Co at \$1,540.00 (or \$308.00 per blade);

WHEREAS, Morrison Supply Co. 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 rubber cutting edges.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of five (5) 132 inch rubber cutting edges from Morrison Supply Co for a total cost of \$1,540.00, including all delivery charges;
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 November 4, 2013, and was

**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, Colleen Rogers, Budget Officer of the Town of Alden on September 30, 2013, duly filed the Tentative Special District and Special Improvement District Budget of the Town of Alden for the Town's Fiscal Year beginning January 1, 2014, with the Alden Town Clerk;

WHEREAS, Alden Town Clerk, Ralph P. Witt, duly presented the Tentative Special District and Special Improvement District Budget to the Alden Town Board on October 7, 2013;

WHEREAS, The Alden Town Board after full and careful review and consideration of the Tentative Special District and Special Improvement District Budget recommended the approval of the same, making the Tentative Special District and Special Improvement District Budget the Preliminary Special District and Special Improvement District Budget of the Town of Alden for Fiscal Year 2014;

WHEREAS, on October 7, 2013, the Alden Town Board duly called a public hearing on the Preliminary Special District and Special Improvement District Budget, notice of which public hearing was duly published and posted;

WHEREAS, the Preliminary Special District and Special Improvement District Budget was duly filed in the Office of the Alden Town Clerk for inspection by the public;

WHEREAS, the Alden Town Board conducted a public hearing on the Preliminary Special District and Special Improvement District Budget for Fiscal Year 2014, on October 21, 2013. At which time all persons interested in the same were heard; and

WHEREAS, the Budget Officer has reported to the Office of the State Comptroller proof of her calculations confirming that the tax levy limit.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board hereby adopts the final Special District and Special Improvement District Budget for the Fiscal Year beginning January 1, 2014;
2. That the Town Clerk shall prepare and certify, in duplicate, copies of said Special District and Special Improvement District Budget and deliver the same to Supervisor Milligan to be presented to the Board of Legislators of Erie County; 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 November 4, 2013, and was

**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, Colleen Rogers, Budget Officer of the Town of Alden on September 30, 2013, duly filed the Tentative Budget of the Town of Alden for the Town's Fiscal Year beginning January 1, 2014, with the Alden Town Clerk;

WHEREAS, Town Clerk, Ralph P. Witt, duly presented the Tentative Budget to the Alden Town Board on October 7, 2012;

WHEREAS, The Alden Town Board after full and careful review and consideration of the Tentative Budget recommended the approval of the Tentative Budget, making the Tentative Budget the Preliminary Budget of the Town of Alden for Fiscal Year 2014;

WHEREAS, on October 15, 2013, the Alden Town Board duly called a public hearing on the Preliminary Budget, notice of said public hearing was duly published and posted;

WHEREAS, the Preliminary Budget was duly filed in the Office of the Alden Town Clerk for inspection by the public; and

WHEREAS, the Alden Town Board conducted a public hearing on the Preliminary General Fund Budget for Fiscal Year **2014**, on October 21, 2013. At which time all persons interested in the Preliminary General Fund Budget were given the opportunity to be heard.

WHEREAS, the Budget Officer has reported to the Office of the State Comptroller proof of her calculations confirming that the tax levy limit.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board hereby adopts the final General Fund Budget for the Fiscal Year beginning January 1, 2014;
2. The Town Clerk shall prepare and certify, in duplicate, copies of said General Fund Budget and deliver the same to Supervisor Milligan to be presented to the Legislature of Erie County.
3. This resolution shall take effect immediately

The foregoing Resolution was duly put to a roll call vote at a special meeting held on November 4, 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 County of Erie is responsible for maintaining many roads located within the Town of Alden;

WHEREAS, the County of Erie would like to contract with the Town of Alden from September 1, 2013 through August 31, 2016 to allow the Town of Alden to remove snow, to sand, and to control ice and snow on some of the County Roads located within the Town of Alden;

WHEREAS, the proposed Contract will pay the Town of Alden fair and adequate consideration for its winter road maintenance services on County Roads; and

WHEREAS, The Town Board after full and careful review and consideration of the County's request finds that it is in the public interest to enter into the proposed Contract with the County of Erie;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. That the Town Board does hereby authorize Supervisor Milligan to enter into and execute all necessary documents to effectuate the Contract with the County of Erie;
2. The Town Clerk is directed to mail two (2) certified counterparts of this Resolution; two (2) Contracts executed by the Supervisor and Insurance Certificates to the County of Erie.
3. This Resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote at a regular meeting on November 4, 2013, and was

**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 replace the aeration tank at the Alaura Sewer Plant and needs to have the specifications for the tank replacement prepared by a licensed engineer;

WHEREAS, the Procurement Policy & Procedure Guidelines (“Guidelines”) of the Town of Alden states that professional services are exempt from the Guidelines;

WHEREAS, a request for proposal was made by the Town to Jim Porebski, PE to design the replacement tank, draw the replacement tank plans, and draw the installation and demolition specs for the removal of the old tank at a total cost of \$3,600.00;

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 design work.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the hiring of Jim Porebski, PE to design the replacement tank, draw the replacement tank plans, and draw the installation and demolition specs for the removal of the old tank at the Alaura Sewer Plant at a total cost of \$3,600.00;

2. The Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this 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 November 4, 2013, and was

**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 of Alden has requested permission from the Alden Central School for use of various sports fields; gymnasiums, and the high school pool (“School Facilities”) and for purposes of the Town’s Recreation Program;

WHEREAS, the Alden Central School has requested permission from the Town of Alden for use of its various sports fields in the Town Parks (“Town Facilities”) for School sports programs;

WHEREAS, each party has reviewed its costs and expenses incurred or expected to be incurred as a result the parties would like to enter into an Intermunicipal Facility Use Agreement;

WHEREAS, The Town grants permission to the School to use said Town Facilities, for its sports programs as mutually determined by the parties and the School grants permission to the Town to use the School Facilities for its Recreation Program, as mutually determined by the parties for a fee of \$1,200.00 and pursuant to the Intermunicipal Facility Use Agreement; and

WHEREAS, the Town of Alden believes that it is in the best interests of its residents to enter into the Intermunicipal Facility Use Agreement;

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS

1. That the Town Board does hereby direct and authorize Supervisor Milligan to enter into and execute all necessary documents to effectuate the Intermunicipal Facility Use Agreement with the Alden Central School for the term of September 1, 2013 through June 30, 2014; and

2. This Resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote at a regular meeting, on November 4, 2013 and was

**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 Board desires to retain special counsel to represent the Town of Alden in the negotiations of the Highway Employee's Collective Bargaining Agreement;

WHEREAS, hiring an attorney falls under the professional service exemption of the Town of Alden's Procurement Policy & Procedure Guidelines and the General Municipal Law;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. Schroder, Joseph & Associates, LLP is hereby hired as Special Counsel to the Town of Alden to represent the Town of Alden in its Collective Bargaining Agreement Negotiations;
2. The Supervisor is hereby directed and authorized to sign a Retainer Agreement with Schroder, Joseph & Associates, LLP; and
3. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on November 4, 2013, which resulted and was

**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 Mark Metz, under § Chapter 20, Article III of the Town of Alden Code for site plan review of the proposed construction of pole barn and contractors yard located in an RA District (the "proposed action") at 12704 North Road in the Town of Alden, County of Erie and State of New York, further identified by SBL # 108.00-1-11.112; and

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 coordinated review and has notified the involved agencies;

WHEREAS, the Town Board of the Town of Alden believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to site plan review; is 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 of Alden has provided notice to Erie County Planning on November 23, 2010, for this site plan review as required under Section 239-m of the General Municipal Law and a "no recommendation" was received on December 9, 2010;

WHEREAS, the New York State Environmental Quality Review Act requires the Town of Alden to determine the Lead Agency status and the Lead Agency making a SEQR determination;

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the Code of the Town of Alden, Chapter 9D, the Applicant has prepared the 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 recommended the approval of the site plan.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA and that a proper review has been conducted;
2. The Town Board has determined that the Town of Alden should be the lead agency for all environmental review of the Proposed Action;
3. 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 said Proposed Action;
4. That the Town Board of the Alden finds that the Proposed Action is consistent with the Town Code and approves the site plan; and
5. 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 November 4, 2013, and was

ADOPTED.

Ayes 2 Milligan & Riddoch

Nays 0

**THERE WAS NO UNFINISHED OR TABLED BUSINESS**

**REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL**

**Attorney Strong:**

She would like Cummings and Tree Care Subdivision and Local Law #1 on the Work Session.

**Engineer Metzger:**

He would like the Cayuga Creek/Three Rod Rd. water lines on Work Session.

**CEO Snyder:**

He has been in contact with the Engineer that will do the designing of the new tank for Sewer District #2.

Supervisor Milligan questioned CEO Snyder on the status of the thermostats for the Town Hall. BCS was at the Town Hall for a site visit to check out the wiring last week.

**NOTICE OF MEETINGS:**

**NEXT WORK SESSION:**

**Tuesday, November 12, 2013 @ 7:00 P.M.**

**NEXT TOWN BOARD MEETING:**

**Monday, November 18, 2013 @ 7:00 P.M.**

**AT 7:25 SUPERVISOR MILLIGAN MOVED TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO AN EXECUTIVE SESSION, WITH THE TOWN BOARD AND THE TOWN ATTORNEY FOR A PERSONNEL MATTER, COUNCILWOMAN RIDDOKH SECONDED THE MOTION.**

**CARRIED.**

Ayes 2 Milligan & Riddoch

Nays 0

**AT 7:55 SUPERVISOR MILLIGAN MOVED TO ADJOURN FROM THE EXECUTIVE SESSION, WITH NO ACTION BEING TAKEN, AND ENTER BACK INTO THE REGULAR MEETING, COUNCILWOMAN RIDDOKH SECONDED THE MOTION.**

**CARRIED.**

Ayes 2 Milligan & Riddoch

Nays 0

**MEMORIAL ADJOURNMENT**

Supervisor Milligan adjourned the Meeting at 7:57 P.M. with a Moment of Silence in Memory of Deborah Krazeminski.

Ralph Witt Town Clerk

