

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, March 3, 2014 at 7:00 P.M. Supervisor Milligan called the Meeting to Order and Councilman Witt led in the Pledge of Allegiance. The Roll Call was taken by the Town Clerk.

PRESENT: Harry Milligan, Supervisor
Ralph Witt, Councilman

ABSENT: Mary Riddoch, Councilwoman

RECORDING SECRETARY: Debra A. Crist, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney
Gary Wagner, Highway Supt.
Chris Snyder, CEO
Mike Metzger, Town Engineer
Mike Fleming, Planning Board
Len Weglarski, DCO
Residents

Supervisor Milligan Moved and Councilman Witt seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of February 18, 2014.

CARRIED.

Ayes 2 Milligan & Witt

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MILLIGAN AND SECONDED BY COUNCILMAN WITT TO WIT: VOUCHERS 201-246

ACCOUNT	ABST. #1	ABST. #2	TOTAL
GENERAL FUND "A"	\$41,909.96	\$11,158.58	\$41,909.96
HGHWY FUND "DA/DB"	16,021.02	13,195.22	16,021.12
PART-TOWN FUND "B"	5,044.12	1,118.16	5,044.12
CAPITAL IMPROV. "HC"			
WD#1 FUND "WA"	3,859.20		3,859.20
CONSOLIDATED WATER "WR"	50,828.90		50,828.90
NEWSTEAD W.D. "WO"			
SP FIRE PROT. "SF"	546,860.00		546,860.00
SEWER DISTRICT #1 "SI"	11,760.50		11,760.50
SD#2 FUND "SA"	2,502.62	170.81	2,673.43
TRUST/AGCY FUND "T"	3,568.53	3,138.14	3,568.53
SP REFUSE FUND "SR"	34,497.51		34,497.51
STREET LIGHTING FUND "SL"	6,953.21		6,953.21
PERIWINKLE LTG. "SL1"	49.32		49.32
GRANTS			
TOTALS	\$723,854.89	\$28,780.91	\$723,854.89

UPON ROLL CALL VOTE ON MARCH 3, 2014 THE FOREGOING RESOLUTION WAS

ADOPTED.

Ayes 2 Milligan & Witt

Nays 0

BUSINESS FROM THE FLOOR

Ed Earsing wanted to know if there was anything that can be done to help the people out on Two Rod Rd. with the ice jam. Hwy. Supt. Wagner reported on the action that is being taken. They met Monday with the Army Corp. of Engineers and walked the creek bed. At the point where the right of way is for the Tennessee gas line there is an obstruction. There is a curve in the creek bed where the ice jammed up on that bend because it by-passed the curve on that peninsula and rerouted itself. There were trees that would obstruct additional ice so they were removed. He is waiting to hear back from the DEC to set up a meeting regarding the removal of the peninsula (island). Councilman Witt wanted to compliment

Hwy. Supt. Wagner and his crew. They were there Monday morning and by Tuesday morning Gary and his crew had the trees removed.

Matt Herdzik questioned Councilman Witt on his comment last meeting about checking the tax bills for the Library tax. He saw in the paper last week that the Town gives the Library \$25,000.00. He is a steady customer of the Library and when he wants a book, it has to be ordered and he is charged .25 to do so. He wanted to know why the Town gives them \$25,000.00. Supervisor Milligan explained that it started out to help them get by and fund them to stay open more hours. Mr. Herdzik wanted to know if the County sustains the Library. Supervisor Milligan said that there is a County Library Board that wants to run all Libraries in the County. They want to have taxing ability to tax you for the Library. Our Library did not want to belong to this group. They were informed that if they don't belong they would not be able to receive their Library services. We are trying to keep our Library open. If this Board gets a hold on our Library, it could close. This could be the last year for the \$25,000.00 if this does not go right.

Ed Earsing questioned if we could pass out slingers regarding recycling the electronics or some notification to the public. Notices have been printed on a regular basis in the Alden Advertiser.

COMMUNICATIONS

Attorney Strong:

She received the signed contract from Alden Youth Baseball, we have their insurance on file. That is good to go.

Supervisor Milligan:

Notification has been received that Petra Sojka, the Senior Van Driver will be out until April 3rd with a back problem. She was hurt helping the seniors into the van. This will have to be addressed at a later time regarding the amount of assistance the Seniors can receive while utilizing the Senior Van.

The monthly statement was received from Town Clerk Crist. She collected \$4,880,000.00.

A check was received in the amount of \$217.00 from the Alden Winterfest Committee for water used in the ice rink.

Communication was received from Michael Becker, Army Corps. Of Engineers who came out to look at the Two Rod Rd. flooding situation.

Atty. Strong checked on the IDA Boards that we are going to be voting on tonight. She said that there is nothing in writing that says we are protected as a community from our ideas getting taken. Supervisor Milligan got on the phone to double check this situation, and it is indeed true. We have no protection if we go with the Clarence IDA, but there is also no protection with the ECIDA either.

A thank you letter was received from Stefan Mychajliw for allowing him to attend the Board meeting and speak.

A letter was received from Michael Asklar, from Erie County regarding signage to be added on West Main St. and a sign directing traffic to Route 20.

NEW BUSINESS

THE FOLLOWING RESOLUTION APPROVING A HOME RULE REQUEST IN SUPPORT OF S.6123 WAS OFFERED BY COUNCILMAN WITT, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR MILLIGAN TO WIT;

WHEREAS, the Town of Alden has received copies of proposed legislation from Senator Patrick M. Gullivan as bill numbered S.6123 which legislation would allow every Town in Erie County that currently does not have an industrial development agency to access the industrial development agency of a neighboring Town to undertake industrial development agency projects;

WHEREAS, the Town Board has reviewed the proposal and believes that it is in the best interest of the residents of the Town of Alden to allow the industrial development agency of a neighboring Town, in the case of the Town of Alden, the Town of Clarence, Erie County, Industrial Development Agency to be able to approve industrial development agency projects in the Town of Alden because they are more sensitive to and more in touch with the concerns of the Town of Alden than is the case with the Erie County Industrial Development Agency which is based in the City of Buffalo and has no representative from the rural towns on the Agency;

WHEREAS, the Town Board believes this legislation will help create a fair playing field and allow our region to grow in an intelligent way; and

WHEREAS, the Town has been advised that in order to enact this legislation, a Home Rule Request must filled out by each of the towns in Erie County.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

The Town Board determines that the proposed legislation is in the best interest of the Town of Alden and does hereby approve and authorize the submittal of a Home Rule Request to the New York State Legislature in support of S.6123.

1. The Town Clerk is hereby authorized to complete and submit the Home Rule Request Form to the New York State Legislature.
2. This resolution shall take effect immediately.

ON THE QUESTION: Supervisor Milligan stated there will be no protection against the Towns ideas being used by others.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on March 3, 2014, the results of which were as follows:

Councilman Witt	AYE
Supervisor Milligan	AYE
Councilwoman Riddoch	ABSENT

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

WHEREAS, NYSEG has noticed that pole 582-1 on Genesee Street, by oversight, is not currently being billed by NYSEG to the Town of Alden and this oversight needs to be corrected; and

WHEREAS, said pole has been damaged will be repaired by NYSEG.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board approves the installation and maintenance by NYSEG of one (1) 250 watt HPS lamp, one (1) cobra head fixture; and one (1) twenty foot street light bracket (all to be owned by NYSEG) on Pole 582-1 on Genesee Street at a total cost of \$9.24 per month; and
2. This resolution shall take effect immediately.

The foregoing resolution was duly put to a Roll Call vote at a regular meeting on March 3, 2014, and was **ADOPTED.**

Ayes 2 Milligan & Witt
Nays 0

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

WHEREAS, the Alden Town Board has noticed the need to allow commercial properties located in the Town of Alden, who utilize private dumpster services, to utilize the Town Recycling Program.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby adopts the attached TOWN OF ALDEN COMMERCIAL GARBAGE AND RECYCLING POLICY, effective as of this date; and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on March 3, 2014, and was **ADOPTED.**

Ayes 2 Milligan & Witt
Nays 0

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

WHEREAS, New York State General Municipal Law allows a municipality to approve

the volunteer members of a volunteer fire department operating in said municipality;

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

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

WHEREAS, Crittenden Volunteer Fire Department has approved Ryan Adair as a member; and

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

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

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

The foregoing Resolution was duly put to a roll call vote at a regular meeting on March 3, 2014, and was **ADOPTED.**

Ayes 2 Milligan & Witt

Nays 0

THE FOLLOWING MOTIONS WERE MOVED BY COUNCILMAN WITT, SECONDED BY SUPERVISOR MILLIGAN, THE MOTIONS WERE PUT TO A ROLL CALL VOTE ON MARCH 3, 2014 AND WERE **CARRIED.**

Ayes 2 Milligan & Witt

Nays 0

Motion to allow the Alden Hook & Ladder Fire Co., Inc. to use the Alden Town Park for its "Dollars for Scholars 5-K Run – Post race party of Friday, May 30, 2014.

Motion to allow the Alden Hook & Ladder Fire Co., Inc. to use the Alden Town Park for its "Summer Carnival" from June 16-18, 2014 for setup; and from June 19-21, 2014; for the Carnival and from June 22 – 22, 2014 for take down and clean-up, Contingent upon the Town's receipt of insurance prior to the event from: the Village of Alden; Alden Hook & Ladder fire Co., Inc. and all vendors at the event (including but not limited to the ride operator and fireworks display company) no later than June 1, 2014 and contingent upon the Village of Alden and the Alden Hook & Ladder Fire Co., giving an indemnification agreement to the Town of Alden no later than June 1, 2014. Take-down and clean-up (including all rides being removed from the Park) must be completed by 5pm on Sunday June 22, 2014.

Motion to allow the Alden Hook & Ladder Fire Co., Inc. to use the Alden Town Park for its "Summer Steak Outing" on Thursday August 14, 2014.

Supervisor Milligan moved and Councilman Witt seconded the Motion to approve the renewal of the Home Occupation Permit for Dennis Nichols/3025 Peters Corners Rd./Used Auto Sales. The Motion was put to a Roll Call vote on March 3, 2014 and was

CARRIED.

Ayes 2 Milligan & Witt

Nays 0

Councilman Witt moved and Supervisor Milligan seconded the Motion to approve St. John the Baptist Schools request to use the band shelter for their Lawn Fete on July 18th, 19th & 20th, 2014, proof of insurance has been received. The Motion was put to a Roll Call vote on March 3, 2014 and

CARRIED

Ayes 2 Milligan & Witt

Nays 0

THE BOARD WAS POLLED AND THE FOLLOWING MOTION WAS ADDED WITH NO OBJECTION.

Councilman Witt moved and Supervisor Milligan seconded the Motion to deny the renewal of the Home Occupation Permit for Dean Adamski/12120 Westwood/Sporting Goods Dealer. The Motion was put to a Roll Call Vote on March 3, 2014 and was

CARRIED.

Ayes 2 Milligan & Witt

Nays 0

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilman Witt:

Councilman Witt wanted to compliment Hwy. Supt. Gary Wagner on the good job trying to alleviate the ice problem on Cayuga Creek. Supervisor Milligan referred to a meeting with the Economic Developer, Attorney Strong will let Councilman Witt know of the status of the meeting.

Hwy. Supt. Wagner:

Supervisor Milligan asked how the road salt is holding up. Hwy. Supt. Wagner said he has 200 ton coming in with access to Wales salt supply and he is waiting to hear from Lancaster. They will be repairing damage to the Salt building.

Engineer Michael Metzger:

Engineer Metzger will meet with the ECWA this week to discuss the water projects for Exchange/Zoeller. ECWA sent the hydrant flow data needed and they are running the hydraulic analysis. Supervisor Milligan asked if we will need to go through the creek. Engineer Metzger said that from a hydraulic stand point we won't need to. We need to find out if the ECWA or the Health Dept. has any objections of not going through the creek. His opinion is that we may not need to.

DCO Weglarski:

Len wondered when we would be able to get a new dog truck.

Supervisor Milligan:

Supervisor Milligan met with Chris Jacobs, Erie County Clerk and he gave us some information regarding veterans.

Councilman Witt:

An interesting development happened this last week on Clearvue Drive. There is a single family house South of the car dealership that was just sold. The buyer of the house was ready to move in, the deal was closed and then the mortgage company told him that they are not going to give him a mortgage on that house because it is in a commercial district. Our code now is that if that house would burn down more than 50% it could not be rebuilt as a single family house. This would be true for any single family house that is located within a commercial district. Councilman Witt feels we need to look at this code. The code was changed and stated no more houses can be built in a commercial district. Attorney Strong said that the houses that are there are grandfathered, but if something was to happen to the structure and it was destroyed, the grandfathering would end. Councilman Witt wanted to know what could be done to correct this. Attorney Strong said that the Town code would have to be reviewed and changed. This will be discussed at the next Work Session.

NOTICE OF MEETINGS:

NEXT WORK SESSION:	March 10, 2014	@ 7:00 P.M.
NEXT TOWN BOARD MTG.:	March 17, 2014	@ 7:00 P.M.

MEMORIAL ADJOURNMENT:

Supervisor Milligan adjourned the Meeting at 7:32 P.M. with a Moment of Silence in Memory of Mary Jo Fosmer.

Debra A. Crist
Alden Town Clerk

