

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, April 7, 2014 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
Ralph Witt, Councilman

RECORDING SECRETARY: Debra A. Crist, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney
Gary Wagner, Highway Supt.
Chris Snyder, CEO
Mike Metzger, Town Engineer
Michael 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 March 17, 2014.

CARRIED.

Ayes 3 Milligan, Riddoch & Witt
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN RIDDOCH AND SECONDED BY COUNCILMAN WITT TO WIT;

ACCOUNT	ABST. #1	ABST. #2	TOTAL
GENERAL FUND "A"	\$16,058.84	\$71,728.32	\$87,787.16
HGHWY FUND "DA/DB"	13,783.94	10,004.05	23,787.99
PART-TOWN FUND "B"	3,379.88	1,331.63	4,711.51
CAPITAL IMPROV. "HC"			
WD#1 FUND "WA"			
WD#2 FUND "WB"	650.00		650.00
WD#3 FUND "WC"	650.00		650.00
WD#4 FUND "WD"	650.00		650.00
CONS. WATER "WR"	5,307.02		5,307.02
SP FIRE PROT. "SF"			
SD#2 FUND "SA"	2,379.28	851.15	3,230.43
TRUST/AGCY FUND "T"	229.20	3,123.01	3,352.21
SP REFUSE FUND "SR"	33,580.43		33,580.43
STREET LIGHTING FUND "SL"	9,384.12		9,384.12
PERIWINKLE LTG. "SL1"	74.32		74.32
GRANTS			
TOTALS	\$86,127.03	\$87,038.16	\$173,165.19

UPON ROLL CALL VOTE THE FOREGOING WAS PUT TO A ROLL CALL VOTE ON MARCH 17, 2014 AND WAS **ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt
Nays 0

BUSINESS FROM THE FLOOR

Supervisor Milligan welcomed the students from Alden Central School.

Ron Rebmann, Broadway questioned the Board about the status of the situation regarding commercial zoning on Broadway that was discussed at a previous Work Session.

Attorney Strong explained: A gentleman had applied for a mortgage. The bank refused to grant the mortgage because the house was a non-conforming house. After the house was built, the zoning was changed to commercial. The Town code states that a non-conforming house that is destroyed more than 50% cannot be rebuilt.

Ron Rebmann: He seems to be in the same situation with his property on Broadway. He thinks it would be nice if the Board had the foresight to change the rule to avoid anything like this in the future. He would hate to have to go to court to rebuild his house if it was destroyed by fire. He would like to know why we are putting residents through this type of problem.

Supervisor Milligan: This all came about when they put a commercial zone down Broadway and we are now seeing problems with that decision. There was a problem on Boncliff and one on Clearvue.

Ron Rebmann: He does not have a problem now, but is looking in the future when his children are the owners.

CEO Snyder: This could be referred to the Planning Board for further discussion.

Councilman Witt: He was on the Planning Board when this code was discussed. What happened is that we allowed single family houses to be built in commercial areas. A lot of the commercial frontage was being built up with houses; it wasn't reserved for commercial properties. To stop losing our commercial building lots, they said no more houses in commercial lots. He reiterated to Mr. Rebmann that if his house was destroyed more than 50% it could not be rebuilt as a house, it would have to be a commercial property.

Ron Rebmann: How do you come up with the 50%?

Councilman Witt: That is the code.

Ron Rebmann: So are you going to leave a guy standing in a pile of rubble and be forced to move out of his own property?

Councilman Witt: If you have a fire in the house and it is 20% destroyed, you could just rebuild. 50% is the critical number.

Attorney Strong: You could also go to the Zoning Board of Appeals for a variance.

Ron Rebmann: Why would we have to depend on a Zoning Board, whoever it is now or in the future? You should not have to do that.

Councilwoman Riddoch: Could he be grandfathered?

Councilman Witt: He is grandfathered, he can have a house there, but if it is destroyed it cannot be rebuilt.

Gail Rebmann: What do you do when you clean up the rubble and cannot rebuild and you're homeless?

Ron Rebmann: You would have to abandon the lot and start over. He would appreciate it if the Board would look into it further.

Supervisor Milligan: Councilman Witt, could this be brought up at the Planning Board meeting tomorrow night please.

COMMUNICATIONS

Attorney Strong:

Information has been received from Fire Dept. regarding the carnival. She would like to discuss this at the next work session.

Councilwoman Riddoch:

A request was received from a young man in Alden who would like to have the first Alden basketball tournament. She would like that on the Work Session. She would also like the dog law on the work session. There have been a lot of problems in the park with people not picking up after their dogs. There definitely is a section in the law that states they are responsible for picking up after their dogs. Bags have been provided and there is signage informing dog owners to clean up. A new resident spoke with her at the Clerk's office; she had gone back in the Joe Panza trail and encountered dog owners walking their dogs unleashed. She was also nice enough to pick up after others dogs. It may come down to dogs not being allowed in the park. Some people will ruin it for others that are responsible dog owners.

Supervisor Milligan:

The monthly response was received from Rural Metro, they were at 89.2%.

The sales tax check came in and was a little below last year at this time. He is attributing that to the weather. We were down \$4,751.00. We still got a check for \$242,000.00.

The monthly report for the Village of Alden Fire Company was received.

He also received the letter regarding the basketball tournament.

NEW BUSINESS

Councilman Witt moved and Councilwoman Riddoch seconded the Motion to renew for one year the Kennel Special Use Permit for Debra Weikleenget/11268 Kieffer Rd., contingent upon Debra Weikleenget staying in compliance with the barking limits established by the Alden Town Code.

On the Question: Councilman Witt questioned if inspections were done and were there any changes?

CEO Snyder: Inspection Done - No Change

DCO Weglarski: Inspection Done - No Change

The foregoing Motion was put to a Roll Call Vote on April 7, 2014 and was

CARRIED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

Supervisor Milligan moved and Councilman Witt seconded the Motion to approve St. John the Baptist's request to use R.O. Smith Park for their 2014 Soccer Season April 27, 2014-June 1, 2014.

The foregoing Motion was put to a Roll Call Vote on April 7, 2014 and was

CARRIED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

Councilwoman Riddoch moved and Councilman Witt seconded the Motion to approve Alden Central School's request to use R.O. Smith Park for their baseball season April 22, 2014 – May 15, 2014 as per schedule, work on field must be under supervision of Park Supt.

The foregoing Motion was put to a Roll Call Vote on April 7, 2014 and was

CARRIED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN WITT, 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 75 5-gallon pails of white marking paint for the various sports fields at the Town Parks for the 2014 summer season the estimated cost of which is less than \$10,000.01 but greater than \$2,000.00;

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 three (3) vendors;

WHEREAS, requests for proposals (price per 5-gallon pail of white marking paint) were made to three (3) vendors and quotes were received as follows:

The highest bidder is Beacon Athletics at \$62.50 per 5-gallon pail (for a total cost of \$4,687.50);

The second highest bidder is Pioneer Athletics at \$44.50 per 5-gallon pail (for a total cost of \$3,337.50); and

The lowest bidder is Sherwin Williams at \$31.40 per 5-gallon pail (for a total cost of \$2,355.00);

WHEREAS, Sherwin Williams 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 marking paint;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of 75 5-gallon pails of white marking paint at a total cost of \$2,355.00 from Sherwin Williams;
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 April 7, 2014, and was

ADOPTED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

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

WHEREAS, the Highway Superintendent would like to exchange the plow of his Highway Truck, so that the plow is interchangeable with the plows on other Town trucks the estimated total cost of which 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 quotes were made to two (2) vendors and bids were received as follows: DeLacy Ford (where the truck was purchased from) and Emerling Chevrolet have both bid \$700.00 for the removal of the current plow, and installation of the new plow.

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 approves the removal of the current plow, and installation of the new plow purchase of a balance beam from DeLacy Ford at a total cost of \$700.00;
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 April 7, 2014, and was **ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt
Nays 0

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

WHEREAS, the Town Assessor has advised the Alden Town Board that it is now necessary to make an appointment to the Town of Alden Board of Assessment Review, for a term to expire on September 30, 2018.

WHEREAS, a request for resumes was printed in the Alden Advertiser and qualified interested persons were interviewed.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. That the Town Board hereby appoints Susan B. Hergenroder, to the Town of Alden Board of Assessment Review, her term to run from now through September 30, 2018; and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on April 7, 2014, and was **ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt
Nays 0

Councilman Witt moved and Supervisor Milligan seconded the Motion to renew the Home Occupation Permit for Jennifer Ross/1000 Boncliff/Music Lessons.

ON THE QUESTION: Councilman Witt asked if the inspection was done and if there were any changes?
CEO SNYDER: Inspection Done - No Change

THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON APRIL 7, 2014 AND WAS **CARRIED.**

Ayes 3 Milligan, Riddoch & Witt
Nays 0

Supervisor Milligan Moved and Councilwoman Riddoch seconded the Motion to renew the Home Occupation Permit for Daniel Carder/1220 Lambert/Computer Sales & Service.

ON THE QUESTION: Supervisor Milligan asked if the inspection was done and if there were any changes?

Councilman Witt said he has spoken with Daniel Carder and he does not keep an inventory for sales. Councilman Witt would to add this notation to the application.

CEO SNYDER: Inspection Done – No Change
THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON APRIL 7, 2014 AND
CARRIED.

Ayes 3 Milligan, Riddoch & Witt
Nays 0

Councilwoman Riddoch moved and Councilman Witt seconded the Motion to renew the Home Occupation Permit for Edward Sisson/11323 Broadway/Glass Block Windows
ON THE QUESTION: Councilwoman Riddoch asked if the inspection was done and if there were any changes?

CEO SNYDER: Inspection Done- No Change- Sign was moved.
THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON APRIL 7, 2014 AND
CARRIED.

Ayes 3 Milligan, Riddoch & Witt
Nays 0

Councilman Witt moved and Councilwoman Riddoch seconded the Motion to renew the Home Occupation Permit for Ken & Sue Tomporowski/11230 Westwood Rd./Refurbishing antique furniture.
ON THE QUESTION: Councilman Witt asked if the inspection was done and if there were any changes?

CEO SNYDER: Inspection Done – No Change
THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON APRIL 7, 2014 AND
CARRIED.

Ayes 3 Milligan, Riddoch & Witt
Nays 0

Supervisor Milligan moved and Councilman Witt seconded the Motion to refer Gina Waiss/13363 North Rd./Engraving and Selling of Firearms application for a new Home Occupation Permit to the Town of Alden Planning Board for Review and Recommendation.

THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON APRIL 7, 2014 AND
CARRIED.

Ayes 3 Milligan, Riddoch & Witt
Nays 0

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

WHEREAS, The Alden Office of Emergency Management has negotiated with Town Line Lutheran Church an Emergency Shelter Agreement, which allows Town Residents to use the Church for Shelter in the case of a disaster.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby authorizes Supervisor Milligan to sign a Shelter Agreement with Town Line Lutheran Church for a term to end December 31, 2014; and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on April 7, 2014 and was
ADOPTED.

Ayes 3 Milligan, Riddoch & Witt
Nays 0

COUNCILWOMAN RIDDOCH POLLED THE BOARD AND WITH NO OBJECTION THE FOLLOWING MOTION WAS ADDED

Councilwoman Riddoch moved and Supervisor Milligan seconded the Motion to allow DCO Len Weglarski to attend a Dog Control Officer Seminar in Webster on April 29-April 30th, 2014. The foregoing Motion was put to a roll call vote on April 7, 2014 and was

CARRIED.
Ayes 3 Milligan, Riddoch & Witt
Nays 0

UNFINISHED & TABLED BUSINESS

There was no unfinished & tabled business.

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilman Witt:

CEO Snyder brought to his attention a drainage problem on Walden Avenue across from Drogi where an individual is having trouble with draining his property. He is going to walk the property all the way down to Wende Rd. either tomorrow or the next day when it is really wet and see where the water is flowing and what can be done.

Councilwoman Riddoch:

A reminder was received from Alden Central School that there is a Supt. Advisory meeting regarding the renovations for 2014 on April 24th.

She wanted to thank the Highway Dept. and Parks Dept. for helping out when the Senior Van broke down again. They got it up and running the same day.

Engineer Metzger:

An email was sent to Todd Aldinger of Senator Gallivan’s office regarding grant money.

He assisted the Supervisor’s office in preparing a letter to Reserve Gas regarding their proposed expansion down in the Southeast portion of the Town.

There was preliminary discussion with certain Village officials regarding the extension of water on Crittenden Rd. He can explain options at a Work Session.

There was a discussion with the structural Engineer regarding the work for the Community Center and put him in touch with Andy Sojka.

Hwy. Supt. Wagner and Eng. Metzger had a discussion about the Sievenpiper property. They have made plans to get out and walk the property to see what can be done to rectify the matter. Councilman Witt suggested that they walk it when it is wet.

Supervisor Milligan questioned the status of water districts? The waterline design is moving forward and this week we should be submitting our application with the DEC and the Corps. of Engineers for the new environmental permitting. He is still working with the Water Authority on their thoughts of how it might work lease management vs direct serve. He should report back to the Board on that soon.

Supervisor Milligan:

Thanks to the Alden Advertiser there has been interest shown in the Walden/Wende State property.

NOTICE OF MEETINGS

NEXT WORK SESSION: April 14, 2014 @ 7:00 P.M.

NEXT TOWN BOARD MTG.: April 21, 2014 @ 7:00 P.M.

THE APRIL 28TH WORK SESSION WILL START AT 6:00 P.M. PEOPLE FROM THE VILLAGE AND SCHOOL WILL BE THERE TO TALK ABOUT THE REVAL WITH THE PEOPLE RUNNING THE REVAL.

MEMORIAL REMEMBRANCE

Supervisor Milligan asked all to stand for a Moment of Silence in Memory of Thelma Hoffman, Richard Radl and Richard Annibali.

AT 7:25 COUNCILWOMAN RIDDOCH MOVED TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO AN EXECUTIVE SESSION TO DISCUSS A MATTER OF LITIGATION AND PERSONNEL WITH THE TOWN BOARD AND ATTORNEY STRONG; COUNCILMAN WITT SECONDED THE MOTION. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON APRIL 7, 2014 AND WAS

CARRIED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

At 8:05 COUNCILWOMAN RIDDOCH MOVED TO ADJOURN FROM THE EXECUTIVE SESSION, WITH NO ACTION TAKEN, AND ENTER BACK INTO THE REGULAR MEETING; COUNCILMAN WITT SECONDED THE MOTION. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE AND WAS

CARRIED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

ADJOURNMENT

At 8:06 Supervisor Milligan adjourned the Meeting.

Debra A. Crist, Town Clerk

