

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, November 7, 2016 at 7:00 P.M. Supervisor Savage called the Meeting to Order and Councilman Witt led in the Pledge of Allegiance. The Roll Call was taken by the Town Clerk.

PRESENT: Richard Savage, Supervisor
Colleen Pautler, Councilwoman
Ralph Witt, Councilman

RECORDING SECRETARY: Debra A. Crist, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney
Colleen Rogers, Deputy Supv./Budget Officer
Gary Wagner, Highway Supt.
Chris Snyder, CEO
Michael Metzger
Mike Fleming, Planning Board
Len Weglarski, DCO
Ted Morton, Erie County Legislator

Councilman Witt Moved and Councilwoman Pautler seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of October 17, 2016. The Motion was put to a Roll Call Vote on November 7, 2016 and was

CARRIED.

Ayes 3 Savage, Pautler & Witt
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN PAUTLER AND SECONDED BY COUNCILMAN WITT TO WIT; Vouchers 1037-1070

ACCOUNT	ABST. #1	ABST. #2	TOTAL
GENERAL FUND "A"	\$5,494.45	\$12,689.51	\$18,183.96
HGHWY FUND "DA/DB"	11,970.92	36,932.82	48,903.74
PART-TOWN FUND "B"	2,676.42	6,122.23	8,798.65
CONSOLIDATED WATER "WR"			
EXCHANGE WATER DIST. "HX"		51,136.12	51,136.12
SP FIRE PROT. "SF"			
SD#2 FUND "SA"	2,479.77		2,479.77
TRUST/AGCY FUND "T"	4,502.60	2,086.64	6,589.24
SP REFUSE FUND "SR"	35,822.64		35,822.64
STREET LIGHTING FUND "SL"	6,025.00		6,025.00
PERIWINKLE LTG. "SL1"	37.30		37.30
GRANTS			
ZOELLER WATER DIST. "HZ"		38,289.51	38,289.51
TOTALS	\$69,009.10	\$147,256.83	\$216,265.93

UPON ROLL CALL VOTE ON NOVEMBER 7, 2016 THE FOREGOING RESOLUTION WAS

ADOPTED.

Ayes 3 Savage, Pautler & Witt
Nays 0

AT 7:05 P.M.

SUPERVISOR SAVAGE ASKED FOR A MOTION TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO THE PUBLIC HEARINGS, COUNCILWOMAN PAUTLER MOVED AND COUNCILMAN WITT SECONDED THE MOTION. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON NOVEMBER 7, 2016 AND

CARRIED.

Ayes 3 Savage, Pautler & Witt
Nays 0

PUBLIC HEARING #1 –LOCAL LAW NO. 3 OF THE YEAR 2016- ENTITLED “REVISIONS TO CHAPTER 20: CREATING RESTRICTION ON BERMS; WALLS AND FENCES; AND PERMITTING HEN CHICKENS WITH CERTAIN RESTRICTIONS; AND EASING RESTRICTIONS ON AG. LIVESTOCK FENCING.

SUPERVISOR SAVAGE GAVE AN OVERVIEW OF THE LOCAL LAW AND ASKED THE TOWN CLERK TO READ THE NOTICE OF PUBLIC HEARING THAT WAS PRINTED IN THE ALDEN ADVERTISER.

SUPERVISOR SAVAGE OPENED THE FLOOR FOR PUBLIC COMMENT:

Beth Thuman/Reinhardt Rd. East would like to know the difference between R1 & R2. Supervisor Savage explained that the zoning code for single family homes is R1 and for two family homes it is R2. The proposed law came to light as there have been neighbor complaints about chickens. The Code Enforcement Officer would go out and site them as chickens are only allowed in in RA districts (Residential Agricultural). Mr. Thuman said they are in a RA district. Supervisor Savage said the law would not affect them as they are zoned to allow chickens. The catalyst for the local law became after a resident was sited and hired an attorney to pursue his right to have chickens. After Supervisor Savage looked into other towns & City of Buffalo permitting chickens with special use permits, it was decided to open up other areas that meet the requirements to allow six hen chickens. Supervisor Savage spoke of the specifics of the law.

Tom Newman/Sandridge Rd. questioned what if you have someone who violates all the rules. Supervisor Savage said the Code Enforcement Officer will go out and site them.

Kimberly/Fairview Dr. said her neighbor is violating the law and they have had the Code Enforcement Officer involved as the neighbor presently has chickens in an area not zoned for them. They are presently in Court over the damage his livestock has done to their property. She presented pictures of the damage to the Board. She said he has been violating zoning laws for two years. The neighbor was present and stated his chickens are no longer free range and are kept in the coop. Supervisor Savage said he can't base a law that may be beneficial to other residents on the actions of one bad actor. She does not feel this law would be fair to neighbors.

Phyllis Piezala/Gebhard Lane said you may want to reconsider keeping the chicken feed in plastic containers as rodents can chew through plastic.

Richard Henry/Bonnie Lake Dr. stated that he has feed in plastic containers which are stored in a secured building.

Kelly Eggers/Gebhard Lane stated that when someone is looking for a home in a residential neighborhood with the idea of what is a typical residential neighborhood for medical necessities how can the Town make changes. She feels when you live downhill everything washes down to her property. If the rules are broken and are not being enforced, what can be done? The neighbor is presently working with the Town and had applied for a variance, which was denied; awaiting new chicken law to be adopted.

Randy Moyer/Sandridge Rd. is a lifelong resident of Alden and a raiser of chickens asked the Board to look carefully at the law. The neighbors enjoy the chickens and eggs. He wasn't aware there was a law against it. He enjoys the rural life and right to farm in Alden. It is unfortunate there are neighbor disputes. Hopefully there are ways that these disputes could be worked through without squelching the ruralness of our neighborhood. He would like to see permits issued for cats before chickens. The fee seemed to him to be a little high.

Kimberly/Fairview if they are out of code why do they continue to keep the chickens?

Supervisor Savage said that this is the reasoning for the chicken law to bring people into compliance.

Resident/Fairview he moved from the city with his boys. His landlord has chickens and he gets free eggs. He loves the rural life. He works seven days a week and chickens don't bother him. He wants his boys to know what real living is.

Nick Kraatz/Wende Rd. suggested a possible homeowners association where they can set rules for that area where people can all agree what they want in that area.

Edie Sims/Sandridge said they raised goats and chickens on their property for years. Her children raised these animals for 4-H. They no longer have chickens and the bug population exploded. Free

range chickens and eggs are a lot healthier along with the benefits for your yard. She is sorry but that this seems to be a neighbor dispute problem.

Supervisor Savage said the lot size could be an issue. If you compare Sandridge with their deep lots and subdivisions with smaller lot sizes this makes a difference. They could do it by square footage if need be. He will look at this.

Pete Freeman/Wende Rd. knew of two cases of people who have chickens on small lots. The one had a problem taken care of by the Code Enforcement Officer and the other had no problem. You have to be a responsible owner.

Supervisor Savage said that in the law it does not permit free range because of neighbor disputes. If you have a dog that wanders over to the neighbors and gets after the chickens it tends to create a situation that could end up as a neighbor dispute.

Vikki Weisbeck/Sandridge has had many chickens. Being free range doesn't mean she will let them run over eight acres. Her fence will not be 100 sq. feet. She had the coop on a trailer and moved it over the yard. During the day she let them out with her family. She said maybe there needs to be a volunteer committee of people who know chickens and hate chickens and come up with a plan. She feels some of the rules are stupid.

Ron Gardner/Genesee St. has been raising chickens for 40 years. There were no restrictions on anything. There need to be some guidelines in some areas. Will he be forced to follow these rules? He is in a RA district and not required to get a permit. He doesn't like to see everything require regulations. He would like to get some people together and set up some meetings with the Town Board to get some ideas.

Jim Kendall/Fairview who lives down the road from the house that has the chickens on Fairview spoke on the wildlife issue. All different types of wildlife have been there for years, he has lived there since 1977. His family enjoys the chickens. He has no issue with chickens. He does take issue with the other neighbors flying down the road with four wheelers creating a dangerous situation for his grandchildren. He would like to see them use a little courtesy and common sense.

Aric Reickert/Fairview (chicken owner) he first was a renter and was told by his landlord he was allowed by the Town to have chickens. The neighbors loved the eggs and they got along fine. He feels there was a neighbor dispute and they are using this issue. The chickens are no longer running free they are cooped. His property looks immaculate and he has gotten permits for everything he has put up. If the neighbors want to run four wheelers all over their property and tear it up that is their business.

Judy Hotchkin/Creekside Dr. said she does not have chickens, but if her neighbors did she would love it. She is living in an agricultural rural committee. She thinks the \$25.00 fee is a little high. A one time fee or a lower fee maybe.

Councilman Witt explained that every time there is a permit for the first time there will be a notice put in the paper for a public hearing at which time all the neighbors within a 200' radius will be notified; generating costs. Supervisor Savage said the renewal fee could possibly be set at a lower amount.

Clint/Creekside Dr. wanted to know how the public hearing would work. Neighbors would be able to come in to state their concerns if they live within a 200' radius. The Board would check out the comments and make a decision. He agrees with everyone that said they like to be in a rural setting. He did not understand the law, but now he feels it is reasonable what the Town is asking. Supervisor Savage said that a variance is also an option as a safety valve.

Resident wanted to know why the variance fee is so high compared to other towns. Supervisor Savage felt it was in line with what other towns charge. The variance goes with the land forever.

Kimberly asked what the repercussion is for people who have the chickens without permits now, will they be fined? Supervisor Savage said he does not issue fines the CEO does.

Steve Fox/Old Wende questioned if R3 is included in the law. Supervisor Savage said it is not. They are not permitted in R3. If anything to the law has to be changed beside minor changes, there will be another public hearing.

Kelly Eggers/Gebhard Lane questioned restrictions as far as waste. It is assumed that it would be put in plastic bags and be put out curbside for refuse. Her neighbors have a compost pile on the lot line. Engineer Metzger said the law says that chicken waste cannot be composted on site.

Ron Gardner discussed honey bees, as he is a beekeeper, they can fly up to 7 miles away.

Supervisor Savage moved on to berms and the changes to that law.

Judy Fleming/West Main St. wanted to know what was going to be done to the hideous berms that are existing now around town?

Supervisor Savage said he will not make it retroactive. There are existing berms like at Walden & Wende that look beautiful and others that are not so appealing. That would be illegal if he made the law retroactive. The owner of that property was present; Kim Hughs/Wende. Supervisor Savage said it is for new berms not existing.

Nick Kraatz/Wende Rd. did not see how you can dictate to homeowners how they can shape their property for drainage problems.

Hwy. Supt. Wagner brought up the State code concerning berms.

Jim Guarino questioned where the agricultural fences came in on this law. Supervisor Savage said that there is a fence law on the books that does not allow for farms to run fences to the road stating it has to be so 150' from the centerline of the road. The State law says you can run it to the roadway; this will bring the law into compliance with the State.

**AFTER ALL THOSE WISHING TO BE HEARD WERE HEARD,
AT 8:21 P.M. SUPERVISOR SAVAGE MOVED TO CLOSE PUBLIC HEARING #1 – LOCAL LAW #3 OF THE YEAR 2016 AND ENTER INTO PUBLIC HEARING #2 – LOCAL LAW #4 OF THE YEAR 2016 ENTITLED: “REDUCING THE SET BACKS FOR PONDS, LAKES OR BASIN EXCAVATIONS”. COUNCILMAN WITT SECONDED THE MOTION. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON NOVEMBER 7, 2016 AND**

CARRIED.

Ayes 3 Savage, Pautler & Witt

Nays 0

SUPERVISOR SAVAGE GAVE AN OVERVIEW OF THE LOCAL LAW AND ASKED THE TOWN CLERK TO READ THE NOTICE OF PUBLIC HEARING THAT WAS PRINTED IN THE ALDEN ADVERTISER.

SUPERVISOR SAVAGE OPENED THE FLOOR FOR PUBLIC COMMENT:

Aric Reichert questioned whether his property would be allowed to have a pond. It has to be 75' from a property line. He would have to talk to the Code Enforcement Officer.

**AFTER ALL THOSE WISHING TO BE HEARD WERE HEARD,
AT 8:25 P.M. COUNCILMAN WITT MOVED TO ADJOURN FROM THE PUBLIC HEARINGS AND ENTER BACK INTO THE REGULAR MEETING. COUNCILWOMAN PAUTLER SECONDED THE MOTION. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON NOVEMBER 7, 2016 AND**

CARRIED.

Ayes 3 Savage, Pautler & Witt

Nays 0

BUSINESS FROM THE FLOOR

Supervisor Savage welcomed all the residents and Erie County Legislator Morton to the Town Board meeting and reminded them to exercise their right to vote tomorrow.

Jim Guarino/North Road questioned the Board about a grant that was applied for back in the days of the proposed Walmart. It would be used to digitalize the Town Code and make it available on line. He was wondering the progress of it. Supervisor Savage said we are working on this now with General Code Publishers. It will be digital and be on the Town Website. The printing will be less costly than the present method. There will be three ring binders. Laws need to be updated. The draft of the new codes should be ready in December to go over. Mr. Guarino asked if he wanted to see copy of the codes could they come to the clerk and receive a copy at no charge. Town Clerk Crist said there would be no fee for a copy of the code if needed.

COMMUNICATIONS

Attorney Strong:

A request was received for the 2017 Soccer Tournament. Attorney Strong referred them to the Town Clerk's office to have it put on a Work Session.

NEW BUSINESS

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

WHEREAS, the Building Inspector/Code Enforcement Officer had informed the Alden Town Board that several properties in the Town of Alden were not being properly maintained by the property owners;

WHEREAS, pursuant to Chapter 18 of the Alden Town Code the Alden Town Board Ordered the property owners to cut, trim or remove brush, grass, rubbish or weeds on their lands, notice of which Order was properly given to each property owner.

WHEREAS, JPMorgan Chase Bank, owner of 11135 Jane Drive (SBL # 106.20-3-14) failed to comply with the Order and the Town caused the lawn to be mowed; the estimated cost for which was \$195.00; but the Town was only charged \$190.00; and

WHEREAS, 11135 Jane Drive had to be mowed by the Town a second time, the cost of which was \$55.00.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. That the previous resolution of the Alden Town Board be amended as to 11135 Jane Drive, to correct the actual costs incurred by the Town and paid from the general fund, so that the correct amount to be relieved onto the 2017 county/town tax for 11135 Jane Drive (SBL # 106.20-3-14) is \$245.00; and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on November 7, 2016, and **ADOPTED.**

Ayes 3 Savage, Pautler & Witt
Nays 0

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

WHEREAS, the Town Board has recognized the need to adopt an Illegal Drug and Alcohol Free Work Place Policy;

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The attached Illegal Drug and Alcohol Free Work Place Policy is hereby adopted by the Town of Alden; and
2. This resolution shall take effect immediately.

This resolution was duly put to a roll call vote at a regular meeting on November 7, 2016, and was **ADOPTED.**

Ayes 3 Savage, Pautler & Witt
Nays 0

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

WHEREAS, the Alden Town Board has received a request from the Highway Superintendent to purchase new tires for Town Truck # 20 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, except when a vendor is on the State Bid List;

WHEREAS, an oral request for proposals was made to and given by (for the purchase of two (2) Bridgestone L315 LRJ tires for Truck #20) McCarthy Tire Service, who is on the State Bid List (Contract # 7074) for \$1,288.72;

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 purchase of the tires (as described above) from McCarthy Tire Service, at a total cost of \$1,288.72;
2. The Highway Superintendent 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 November 7, 2016 and **ADOPTED.**

Ayes 3 Savage, Pautler & Witt

Nays 0

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

WHEREAS, the Alden Town Board has received a request from the Highway Superintendent to purchase road bonding material 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, except when a vendor is on the State Bid List;

WHEREAS, an oral request for proposals was made to and given by (for the purchase of 2,400 pounds of Roadsaver 221 and Mastic One road bonding material) CrafcO, Inc., who is on the State Bid List (Contract # PC67364) for \$1,680.00;

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 purchase.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of the road bonding material (as described above) from CrafcO, Inc., at a total cost of \$1,680.00;
2. The Highway Superintendent 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 November 7, 2016 and **ADOPTED.**

Ayes 3 Savage, Pautler & Witt

Nays 0

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

WHEREAS, the Town Board of the Town of Alden is considering an application, by Adam Mazz Auto Inc. for site plan approval of a 3,000 square foot metal building and 8,100 square feet of paving for the display and sales of used cars at the corner of Four Rod Road and Broadway, in the Town of Alden, further identified by SBL 118.00-3-26 (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 coordinated review;

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 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 and has given notice to the involved agencies.

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 November 7, 2016 and

ADOPTED.

Ayes 3 Savage, Pautler & Witt

Nays 0

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

WHEREAS, the Town Board of the Town of Alden has fully considered the adoption of Local Law No. 3 of the Year 2016, entitled "Revisions to Chapter 20: Creating Restrictions on Berms; Walls and Fences; and Permitting Hen Chickens with Certain Restrictions; and easing restrictions on Agricultural Livestock Fencing" (the "Proposed Action"); and

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

WHEREAS, the Town Clerk provided notice to the Erie County Division of Planning on October 4, 2016, for this Proposed Action, as required under Section 239-m of the General Municipal Law and no comments were received from the Division; and

WHEREAS, the New York State Environmental Quality Review Act requires the Town to determine the Lead Agency status and the Town Board did assume Lead Agency status on October 3, 2016; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the Code of the Town of Alden, Chapter 9D, the Town Board has prepared the Short Form 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 reviewed the Proposed Action and on October 11, 2016, recommended to the Town Board the approval of the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board did determine that the Proposed Action is an Unlisted Action under SEQRA.
2. The Town Board did determine that it 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. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting on November 7, 2016, and

ADOPTED.

Ayes 3 Savage, Pautler & Witt

Nays 0

COUNCILMAN WITT MOVED AND COUNCILWOMAN PAUTLER SECONDED THE MOTION TO TABLE THE ADOPTION OF LOCAL LAW #3 OF 2016 CREATING RESTRICTIONS ON BERMS; WALLS AND FENCES; AND PERMITTING HEN CHICKENS WITH CERTAIN RESTRICTIONS; AND EASING RESTRICTIONS ON AG. LIVESTOCK FENCING. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON NOVEMBER 7, 2016 AND

CARRIED.

Ayes 3 Savage, Pautler & Witt

Nays 0

NOTE: BECAUSE LOCAL LAW NUMBER #3/2016 WAS NOT ADOPTED LOCAL LAW #4/2016 WILL BECOME LOCAL LAW #3/2016.

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

WHEREAS, the Town Board of the Town of Alden has fully considered the adoption of Local Law No. 3 of the Year 2016, entitled “Reducing the Set Backs for Ponds, Lakes or Basin Excavations” (the “Proposed Action”); and

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

WHEREAS, the Town Clerk provided notice to the Erie County Division of Planning on October 4, 2016, for this Proposed Action, as required under Section 239-m of the General Municipal Law and no comments were received from the Division; and

WHEREAS, the New York State Environmental Quality Review Act requires the Town to determine the Lead Agency status and the Town Board did assume Lead Agency status on October 3, 2016; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the Code of the Town of Alden, Chapter 9D, the Town Board has prepared the Short Form 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 reviewed the Proposed Action and on October 11, 2016, recommended to the Town Board the approval of the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board did determine that the Proposed Action is an Unlisted Action under SEQRA.
2. The Town Board did determine that it 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. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting on November 7, 2016, and

ADOPTED.

Ayes 3 Savage, Pautler & Witt

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR SAVAGE, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN PAUTLER TO WIT:

WHEREAS, The Town of Alden has previously adopted its Zoning Law and various amendments, which Zoning Law has been codified as part of the Code of the Town of Alden; and

WHEREAS, a Proposed Local Law No. 3 of the Year 2016, entitled “Reducing the Set Backs for Ponds, Lakes or Basin Excavations” was introduced to the Alden Town Board for consideration by

Supervisor Savage on September 19, 2016;

WHEREAS, the Town of Alden Planning Board reviewed the proposed Local Law and recommended to the Town Board its approval on October 11, 2016;

WHEREAS, an order was duly adopted by the Alden Town Board for a public hearing to be held by said Town Board on November 7, 2016 at 7:10 pm at the Alden Town Hall, 3311 Wende Road, Alden, New York 14004 to hear all interested parties on a proposed Local Law;

WHEREAS, notice of said public hearing was duly published on October 20, 2016 in the Alden Advertiser, the official newspaper of the Town of Alden;

WHEREAS, said public hearing was duly held on November 7, 2016 all parties in favor of and opposed to the local law were heard;

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Alden Town Board, as Lead Agency, solicited on October 3, 2016, that adoption of said proposed Local Law is an Unlisted Action and will not have a significant effect upon the environment;

WHEREAS, the Erie County Division of Planning did not respond to the 239-m Notice that was received by them on or about October 4, 2016;

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law on October 4, 2016;

WHEREAS, said amendments will not have any adverse impact on the current land uses in this area; and

WHEREAS, the Alden Town Board, after due deliberation, finds it in the best interest of said the Town of Alden to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board hereby adopts said Local Law No. 3 of the Year 2016 entitled "Reducing the Set Backs for Ponds, Lakes or Basin Excavations" a copy of which is attached hereto and made a part of this resolution;
2. That the Alden Town Clerk enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Alden, and to give due notice of the adoption of said Local Law to the Secretary of State of New York, post the same on the Town Bulletin Board and publish the same in the Alden Advertiser; 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 7, 2016, and

ADOPTED.

Ayes 3 Savage, Pautler & Witt

Nays 0

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

WHEREAS, the Town Board has been informed that the Town Hall kitchen needs new flooring, the estimate cost of which is more than \$500.00 but less than \$2,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines ("Guidelines") of the Town of Alden and the General Municipal Law state that the Town must obtain quotes from at least three (3) vendors;

WHEREAS, quotes were requested and received as follows:
The highest quote is from Kenny Carpets at \$1,690.00,
The second highest quote is from Carpetsmart at \$1,660.00, and
The lowest quote is from Carpet Gallery at \$1,595.00, making Carpet Gallery 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 replacement of the Town Hall kitchen flooring.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the hiring of Carpet Gallery, to install the new kitchen flooring as per the attached specifications, at a total cost not to exceed \$1,595,000. Carpet Gallery must pay all employees prevailing wages and must comply with all labor law requirements and postings; and must provide proof of insurance (worker's compensation and liability) to the Town Clerk prior to starting any work;
2. The Town Supervisor is authorized to sign any and all necessary documents to effectuate this work; 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 7, 2016 and **ADOPTED.**

Ayes 3 Savage, Pautler & Witt

Nays 0

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

WHEREAS, the Town Board of the Town of Alden has been made aware of traffic safety concerns of its residents with respect to the intersection of Cary Road and Two Rod Road in the Town of Alden.

WHEREAS, Two Rod Road is a County road, owned and maintained by the County of Erie but under the traffic jurisdiction of the Department of Transportation, State of New York.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board of the Town of Alden hereby formally requests that a speed, traffic and safety study be conducted for this roadway, a section which is more specifically described as the intersection of Cary Road and Two Rod Road;
2. These studies are requested to make the intersection a 4 way stop due to the dangerous conditions caused by the limited sight distances at this intersection due to buildings, and curves, and grades and;
3. The Town Clerk shall send the appropriate paperwork, including a TE(form and resolutions to the proper agencies for action on this said resolution; and
4. This Resolution shall take effect immediately.

The adoption of the foregoing Resolution was duly put to a roll call vote at a regular meeting on November 7, 2016 and

ADOPTED.

Ayes 3 Savage, Pautler & Witt

Nays 0

SUPERVISOR SAVAGE MOVED AND COUNCILMAN WITT SECONDED THE MOTION TO RENEW THE HOME OCCUPATION PERMIT FOR DARYL BEYERS, 13940 HENSKEE RD./ANTIQUUE FURNITURE RESTORATION/SALES FOR A PERIOD OF ONE YEAR. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON NOVEMBER 7, 2016 AND

CARRIED.

Ayes 3 Savage, Pautler & Witt

Nays 0

COUNCILWOMAN PAUTLER MOVED AND COUNCILMAN WITT SECONDED THE MOTION TO RENEW THE HOME OCCUPATION PERMIT FOR MARY JANE WOJNAR/11385 BROADWAY - ALL OCCASION FLORISTS/FLORAL WORK AND SALES FOR A PERIOD OF ONE YEAR. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON NOVEMBER 7, 2016 AND

CARRIED.

Ayes 3 Savage, Pautler & Witt
Nays 0

COUNCILMAN WITT MOVED AND COUNCILWOMAN PAUTLER SECONDED THE MOTION TO RENEW THE HOME OCCUPATION PERMIT FOR ELLEN HINSKEN/11342 BROADWAY TO MAKE, DISPLAY AND SELL CRAFTS AND HOME DÉCOR FOR A PERIOD OF ONE YEAR. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON NOVEMBER 7, 2016 AND

CARRIED.

Ayes 3 Savage, Pautler & Witt
Nays 0

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

WHEREAS, Colleen Rogers, Budget Officer of the Town of Alden on September 26, 2016, duly filed the Tentative Budget of the Town of Alden for the Town's Fiscal Year beginning January 1, 2017, with the Alden Town Clerk;

WHEREAS, Town Clerk, Debra A. Crist , duly presented the Tentative Budget to the Alden Town Board on October 3, 2016;

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 2017;

WHEREAS, on October 3, 2016, 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 2017, on October 17, 2016. 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, 2017;
2. The Town Clerk shall prepare and certify, in duplicate, copies of said General Fund Budget and deliver the same to Supervisor Savage to be presented to the Legislature 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 7, 2016, and

ADOPTED.

Ayes 3 Savage, Pautler & Witt
Nays 0

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

WHEREAS, Colleen Rogers, Budget Officer of the Town of Alden on September 26, 2016, 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, 2017, with the Alden Town Clerk;

WHEREAS, Alden Town Clerk, Debra A. Crist, duly presented the Tentative Special District and Special Improvement District Budget to the Alden Town Board on October 3, 2016;

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 2017;

WHEREAS, on October 3, 2016, 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 2017, on October 17, 2016. 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, 2017;
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 Savage 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 7, 2016 and **ADOPTED.**

Ayes 3 Savage, Pautler & Witt
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN WITT, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL WOMAN PAUTLER TO WIT;

WHEREAS, the Alden Town Board has received a request from the Historical Society to have the handrails at the Alden Historical Society Building, a Town owned building, repaired or replaced, the estimated cost of which less than \$2,000.00 but greater than \$500.00;

WHEREAS, the handrails will be installed by the Town of Alden;

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

WHEREAS, a written request for proposals was made by Parks Supervisor Sojka to two (2) vendors to fabricate stainless steel handrails, as follows:

the highest bidder is Iron Horse Construction at \$1,995.00; and
the lowest bidder is CJR Machine Inc. at \$1,625.00;

WHEREAS, CJR Machine, Inc. 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 replacement of the handrails.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the hiring of CJR Machine, Inc. to fabricate stainless steel handrails at the Alden Historical Society Building at a total cost of \$1,625.00;

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 November 7, 2016, and **ADOPTED.**

Ayes 3 Savage, Pautler & Witt

Nays 0

**“Revised” Standard Work Day and Reporting Resolution for 2016
THE FOLLOWING RESOLUTION WAS
OFFERED BY SUPERVISOR SAVAGE
WHO MOVED ITS ADOPTION, SECONDED
BY COUNCILWOMAN PAUTLER TO WIT:**

BE IT RESOLVED AS FOLLOWS THAT:

1. the Town of Alden hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name/4 digit SSN	(Hrs/day)	Standard Work Day Term Begins/Ends	Participates in Employer’s Time Keeping System (Y/N)	Days/Month (based on record of activities)
ELECTED OFFICIALS					
Highway Super.	Gary Wagner/8527	8	01/01/2014-12/31/2017	N	24.38
Town Clerk	Debra Crist/9504	6 ½	01/01/2014-12/31/2017	N	22.18
Councilperson	Colleen Pautler/5757	6 ½	01/01/2016-12/31/2019	N	5
APPOINTED OFFICIALS					
Town Prosecutor	Matthew Herdzik/2580	6½	01/01/2016-12/31/2016	N	2
Assessor	William Sivecz/0546	6 ½	10/01/2013-09/30/2020	Y	N/A
1 st Dpty Town Clerk	Barbara Weber/9234	6 ½	01/01/2016-12/31/2016	Y	N/A
2 nd Dpty Town Clerk	Sarah Hinsken/7743	6 ½	01/01/2016-12/31/2016	Y	N/A
Dog Control Officer	Leonard Weglarski/5353	6½	01/01/2016-12/31/2016	Y	N/A
Court Clerk	Susan Suidinski/9983	6 ½	01/01/2016-12/31/2016	Y	N/A
Supervisor’s Asst	Colleen Rogers/2278	6 ½	01/01/2016-12/31/2016	Y	N/A
Town Attorney	Jennifer Strong/0899	6½	01/01/2016-12/31/2016	Y	N/A
p/t Court Clerk	Georjean Labuzzetta/3487	6½	01/01/2016-12/31/2016	Y	N/A
Parks Supervisor	Andrew Sojka/1265	8	01/01/2016-12/31/2016	Y	N/A
Code Enforcement	Chris Snyder/9656	6 ½	01/01/2016-12/31/2016	Y	N/A

2. The Town Clerk’s Office is directed to post this Resolution for a minimum of thirty (30) days; 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 7, 2016 and

ADOPTED.

Ayes 3 Savage, Pautler & Witt

Nays 0

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

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

WHEREAS, the Alden Town Board has received a request from the Highway Superintendent to purchase a new salter unit (installed) the estimated cost of which is less than \$20,000.00 but greater than \$2,000.00;

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

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

The highest bidder is Viking Cives at \$13,500.00,
The second highest bidder is Valley Fab and Equipment at \$13,020.00,
The lowest bidder is George & Swede at \$12,695.00;

WHEREAS, George & Swede 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 and installation of the above described salter unit;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase and installation of a salter unit from George & Swede for \$12,695.00;
2. The Highway Superintendent of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase and installation; 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 7, 2016, and **ADOPTED.**

Ayes 3 Savage, Pautler & Witt
Nays 0

UNFINISHED AND TABLED BUSINESS

There was no unfinished and tabled business.

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

There were no reports given.

NOTICE OF MEETINGS

NEXT WORK SESSION: November 14, 2016 @ 7:00 P.M.
NEXT TOWN BOARD MTG.: November 21, 2016 @ 7:00 P.M.

MEMORIAL REMEMBRANCE

Supervisor Savage asked all to stand for a Moment of Silence in Memory of Gary Stoldt & Cody Benty.

ADJOURNMENT

At 8:58 P.M. Supervisor Savage adjourned the Meeting.

Debra A. Crist
Alden Town Clerk

