

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, December 7, 2015 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 P. 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  
Marlin Gillette, ZBA Member  
Michael Fleming, Planning Board  
Mike DeWitt, Planning Board Chairman  
Len Weglarski, DCO  
Richard Savage, Supervisor Elect  
Colleen Pautler, Councilwoman Elect  
Residents

Supervisor Milligan Moved and Councilman Witt seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of November 16, 2015. The Motion was put to a Roll Call Vote on December 7, 2015 and was

**CARRIED.**

Ayes 3 Milligan, Riddoch & Witt  
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN RIDDOCH AND SECONDED BY COUNCILMAN WITT TO WIT; VOUCHERS 1114-1156

<u>ACCOUNT</u>	<u>ABST. #1</u>	<u>ABST. #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$45,995.60	\$16,368.54	\$62,364.14
HGHWY FUND "DA/DB"	61,124.37	7,119.37	68,243.74
PART-TOWN FUND "B"	17,801.45	3,720.73	21,522.18
CONSOLIDATED WATER "WR"			
SP FIRE PROT. "SF"			
SD#2 FUND "SA"	2,268.84	43.85	2,312.69
TRUST/AGCY FUND "T"	1,758.09	3,445.25	5,203.34
SP REFUSE FUND "SR"	38,794.60		38,794.60
STREET LIGHTING FUND "SL"	5,099.71	1,147.05	6,246.76
PERIWINKLE LTG. "SL1"	29.87		29.87
GRANTS			
TOTALS	\$172,872.53	\$31,844.79	\$204,717.32

UPON ROLL CALL VOTE ON DECEMBER 7, 2015 THE FOREGOING RESOLUTION WAS

**ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt  
Nays 0

**BUSINESS FROM THE FLOOR**

Edward Earsing, South Woodside Drive wanted to know the status of the building at Three Rod and Broadway. The Owner of the Town and Country Restaurant has purchased the building and is making many improvements. He plans to open a tavern.

## **COMMUNICATIONS**

### **Attorney Strong:**

Attorney Strong got out a letter regarding the collapsed barn on Mayfield Drive. She would like this on the Work Session.

### **Supervisor Milligan:**

The following were received:

1. CEO Snyder's monthly report – building permit fees for \$2,750.00
2. Monthly Statement from Town Clerk for taxes – year to date for School Tax \$8,110,000.00.
3. Received an e mail from Bill Sivecz regarding the days he will be off to use up his vacation time.
4. Postal Report from the Town Clerk's office.
5. Letter received from Ryan Sheedy requesting reappointment as Town of Alden Emergency Management Coordinator for the year 2016.
6. Letter received from Matthew B. Herdzik Jr. Attorney seeking reappointment as Town of Alden Prosecutor for the year 2016.
7. Letter received from NYCOM who goes to Albany to try to help out the Towns & Villages.
8. The Village of Alden Board minutes. Mayor Manicki reported that he talked to Senator Gallivan regarding the viaduct on Broadway. Next summer it will go out to bid and straighten it out.
9. E mail received from Sue Barnes, Grantwriter regarding the Erie County Home update. She spoke with Ken Swanekamp. The County retained Clark-Patterson Lee to perform the study of agricultural business parks and the EC Home is one of the sites being evaluated. ECMC still owns the EC Home and are ready to proceed and ownership is being transferred to the County. The County's budget includes \$200,000 to begin activities to close down the site. Work will begin once the land transfer is complete. Work will include installation of a perimeter fence, utility disconnect and sewer disconnect. The EC Sheriff will remain using the two buildings.

## **NEW BUSINESS**

Councilman Witt Moved and Councilwoman Riddoch seconded the Motion to approve the renewal of the Home Occupation Permit for Dennis Davern/35 Exchange St./Operate Welding Shop for a period of one year. The Foregoing Motion was put to a Roll Call Vote on December 7, 2015 and was

### **CARRIED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

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

Whereas, a reliable transportation infrastructure is vital for the safety of New York's travelling public and its economy; and

Whereas, 85 percent of New York's roads and bridges are maintained by local governments; and

Whereas, despite well-timed and targeted preventative maintenance treatments, the age and condition of many of our locally-owned transportation assets means that they are beyond preservation and in need of much more costly rehabilitation and reconstruction; and

Whereas, estimates by the State Comptroller, DOT and independent studies show a large portion of road mileage is deteriorating and many bridges in the state are rated structurally deficient and functionally obsolete; and

Whereas, the State Comptroller estimates that there will be \$89 billion in unmet local infrastructure needs over the next 20 years; and

Whereas, the New York State Association of Town Superintendents of Highways commissioned its own fifteen year analysis that indicates an annual funding gap of \$1.3 billion for the local system (excluding NYC) alone; and

Whereas, funding for our local system has been far short of what is needed and we've fallen further and further behind in maintaining the vast and aging transportation infrastructure over this long period with severe consequences for conditions ratings; and

Whereas, the New York State Consolidated Local Street and Highway Program (CHIPS) provides essential funding for every municipality in the state and is part of the New York State Department of Transportation (NYSDOT) capital program; and

Whereas, in the early 1990's the Governor and Legislature created the Dedicated Highway and Bridge Trust Fund (DHBTF) to pay for the NYSDOT capital program and the Dedicated Mass Transit Trust Fund (DMTTF) to assist with the Metropolitan Transportation Authority (MTA) and other transit systems' capital programs; and

Whereas, when the DHBTF was created, it was agreed that the NYSDOT and MTA five-year capital programs would be similar in size and would be negotiated concurrently; and

Whereas, through 2005-09, both five-year capital programs were similar in size and adopted within months of each other; and

Whereas, in 2010 the Executive and Legislature broke traditional parity and enacted a five-year capital program for the MTA but not the DOT;

NOW THEREFORE BE IT

RESOLVED, that the Town of Alden calls upon the Governor and the state Legislature to make additional state funding and resources available at levels that accurately reflect the critical needs of local roads and bridges; and increase CHIPS funding in the 2016-17 state budget; and BE IT FURTHER

RESOLVED, that the Town of Alden calls upon the Governor, and members of the state Legislature to fully fund and submit a new NYSDOT five-year transportation capital plan; and BE IT FURTHER

RESOLVED, that the Town of Alden calls upon the Governor and member of the state Legislature to recognize the equality of roads, bridges and transit by restoring funding equality between the MTA and NYSDOT five-year programs and by voting on the plans simultaneously.

The foregoing Proclamation was duly put to a roll call vote at a regular meeting on December 7, 2015, and

**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 of Alden with the assistance from URS Corporation has gathered information and prepared the Erie County, New York Multi-Jurisdictional Hazard Mitigation Plan Update ("the Plan");

WHEREAS, the Plan has been prepared in accordance with the Disaster Mitigation Act of 2000;

WHEREAS, the Town of Alden is a local unit of government that has afforded its Board Members an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the Town of Alden, through its Office of Emergency Management, has reviewed the Plan and affirms that the Plan will be updated no less than every five years.

NOW THERE BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board adopts the Plan as its Natural Hazard Jurisdictional Plan and resolves to execute the action in the Plan, through its Office of Emergency Management; and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on December 7, 2015, and

**ADOPTED.**

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 reviewed the current Personnel Handbook and noticed the need to address Section II regarding; Job Titles, Positions and Section III regarding Medical Insurance and

WHEREAS, the Town Board believes that the changes made are fair to both the Employees of the Town of Alden and is in the best interests of residents of the Town of Alden.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby amends the Handbook, dated June, 2009 to reflect the changes made to page 7 and 8, addressing Job Titles and page 13 addressing Medical Coverage on December 8, 2015 at 12:01 am:
2. All other aspects of the June, 2009 Handbook remain the same;
3. The Town Clerk's Office is hereby directed to promptly provide the amended page 7, 8 and 13 of the Handbook, to all Town of Alden employees; and
4. This Resolution shall take effect immediately.

**ON THE QUESTION: COUNCILWOMAN RIDDOCH WILL TAKE CARE OF PROVIDING EMPLOYEES WITH THE AMENDED COPIES.**

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON DECEMBER 7, 2015 AND WAS **ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

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

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

**RESOLUTION  
OF THE  
TOWN BOARD OF THE TOWN OF ALDEN**

WHEREAS, a request has been made by the Millgrove Volunteer Fire Department, Inc., pursuant to Internal Revenue Code Section 147, with respect to borrowing of funds from the Alden State Bank for the purposes of the acquisition and purchase of a used fire truck to be used to provide fire protection services in the Town of Alden, and

WHEREAS, the Public Hearing was held on September 1, 2015, at the Millgrove Fire Hall, 11621 Genesee Street, Alden, New York, on behalf of the Fire Company; and

WHEREAS, there were no objections from the public with respect to the proposal submitted by the Millgrove Volunteer Fire Department, Inc., and

WHEREAS, such approval will be in the best interests of the residents of the Town, now be it therefore resolved that the Town has no objection to the borrowing of funds by the from the Alden State Bank by the Millgrove Volunteer Fire Department, Inc., for the purposes of the acquisition and purchase of a used fire truck to be used to provide fire protection services in the Town of Alden.

NOW BE IT RESOLVED, that the undersigned members of the Town Board of the Town of Alden, Erie County, New York upon reading the Notice of Public Hearing published on August 13, 20 and 27<sup>th</sup>, 2015, in the Alden Advertiser; and the recommendation of Chris G. Trapp, Esq. counsel for the Millgrove Volunteer Fire Department, Inc., hereby approve the "Approval to Borrow" attached hereto and further direct that the Alden Town Supervisor execute such "Approval to Borrow" on behalf of the Town Board.

Dated: December 7, 2015

TOWN BOARD OF THE TOWN OF ALDEN

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON DECEMBER 7, 2015 AND WAS **ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

### **UNFINISHED & TABLED BUSINESS**

There was no unfinished & tabled business.

### **REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL**

#### **Councilman Witt:**

Councilman Witt has some questions and concerns regarding Chris Snyder's subdivision on Crittenden Rd. He will take it to the Planning Board meeting tomorrow night, but they probably won't do anything as they do not have the updated information. He would like it on the Work Session for next week.

#### **Councilwoman Riddoch:**

Councilwoman Riddoch spoke with Chris and asked if Mike Dewitt, Planning Board Chairman could come to the Work Session so we could discuss it with him. Mike Dewitt said he will be out of Town on that day. Supervisor Milligan asked if Michael Fleming would be available to come to the Work Session. Mike agreed and will attend.

#### **Highway Supt. Wagner:**

Hwy. Supt. Wagner addressed the flyer that is being delivered to Home Owners in the Town's mailboxes. After last winter, he met with the Post-Master of Alden regarding mailboxes that are non-compliant with Federal regulation. It was supposed to be a joint effort. Copies were made and Hwy. Supt. Wagner signed, the Post-Master did not, he refused. Hwy. Supt. Wagner went to Post-Master's superiors in Albany and was told he was to follow through and sign. To date this has not happened. All the Highwaymen reviewed their routes and any mailboxes in non-compliance got the flyers. They have been informed that if the Town hits the mailbox that is not in compliance the Town will not replace them.

There was a request from a Boncliff resident to clean out plugged tiles earlier in the year. Hwy. Supt. Wagner informed them that they were in the middle of paving and did not have the equipment and were compiling a list and would take care of it. In the middle of November, he received another phone call from the resident of Boncliff wondering if they were going to flush the tiles. A week later Hwy. Supt. Wagner had a meeting with the Village and acquired use of their flush truck. He wrote the addresses down (possibly illegible) and the wrong section of Boncliff was flushed. The Town Board received a letter from the resident he is referring to. That area was checked today and will be flushed tomorrow.

#### **Engineer Metzger:**

Engineer Metzger wanted to inform the Board that he was asked by the Planning Board Chairman to attend the Planning Board Meeting tomorrow night. There were two items that he was asked to review. He has the one letter tonight and will have the other in advance of the meeting tomorrow.

#### **Supervisor Milligan:**

Supervisor Milligan asked if Engineer Metzger has seen the shop on Broadway. Supervisor Milligan thought it looked a lot bigger than he thought it was going to be. CEO Snyder said it is tall. Councilman Witt said the status of that is that a C of O will not be issued until they get a landscape plan. CEO Snyder said they will get a temporary C of O until the landscape plan is approved and done.

Supervisor Milligan wanted to know the status of the barn on Broadway/Guenter Haug's property. Letters have been sent per CEO Snyder. Supervisor Milligan would like CEO Snyder to take another look at it.

#### **Michael Fleming, Planning Board:**

The Planning Board has concern about Mark Moore and his sled shop. A site plan has been turned in that will be rejected tomorrow at the Planning Board meeting. Mr. Moore knows what he is supposed to have. Mike does not know why he is allowed to stay open and operate without the proper paperwork. Supervisor Milligan questioned CEO Snyder if it is illegal. CEO Snyder said Mr. Moore will be submitting another updated site plan that will be reviewed by the Planning Board Tuesday night. Attorney Strong asked that a status letter from the Planning Board could be given to the Town Board for its Work Session.

#### **Supervisor Milligan:**

Supervisor Milligan wanted to remind everyone that today is a day that will live in infamy. The day that Pearl Harbor was bombed. There was an article in the paper last week regarding the rats being on the move from Buffalo to Cheektowaga and Lancaster. They leave a toll of dirt and disease. They sneak around in the night and sometimes even in the day. Animals and even small children are their prey. If you don't put your garbage in a can with a lid, you might as well put food in a tray. Rats won't come if

there is nothing to eat. Do yourself a favor give yourself a treat, everyone use a garbage can and keep your home and Town neat. If you don't have a garbage can, please buy yourself one for Christmas.

**NOTICE OF MEETINGS**

**NEXT WORK SESSION:**            **December 14, 2015**                                        **@ 7:00 PM**

**NEXT REG. TOWN BD. MTG.:**    **December 21, 2015**                                        **@ 7:00 PM**

**MEMORIAL REMEMBRANCE**

Supervisor Milligan asked all to stand for a Moment of Silence in Memory of Florence Kegler, Paul Fix, Shelby Adamczak, Leonard Weisbeck Sr. (Town Historian Emeritus) and Andrew Koslicki

**ADJOURNMENT**

At 7:28 PM Supervisor Milligan adjourned the Meeting.

Debra A. Crist  
Alden Town Clerk