

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Tuesday, February 16, 2016 at 7:00 P.M. Supervisor Savage called the Meeting to Order and Councilwoman Pautler led in the Pledge of Allegiance. The Roll Call was taken by the Town Clerk.

PRESENT: Richard Savage, Supervisor  
Colleen Pautler, Councilwoman

ABSENT: Ralph Witt, Councilman

RECORDING SECRETARY: Debra A. Crist, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney  
Michael Metzger, Town Engineer  
Len Weglarski, DCO  
Residents

Supervisor Savage Moved and Councilwoman Pautler seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of February 1, 2016. The Motion was put to a Roll Call Vote on February 16, 2016 and

**CARRIED.**

Ayes 2 Savage & Pautler  
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN PAUTLER AND SECONDED BY SUPERVISOR SAVAGE TO WIT; Vouchers #127-189

<u>ACCOUNT</u>	<u>ABST. #1</u>	<u>ABST. #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$18,016.84		\$18,016.84
HGHWY FUND "DA/DB"	19,520.35		19,520.35
PART-TOWN FUND "B"	7,023.50		7,023.50
WATER DISTRICT #1 FUND "WA"	3,859.20		3,859.20
CONSOLIDATED WATER "WR"	44,778.13		44,778.13
WATER DISTRICT NEWSTEAD "WO"	5,033.01		5,033.01
EXCHANGE WATER DISTRICT "HX"	114,280.00		114,280.00
SP FIRE PROT. "SF"	568,952.00		568,952.00
W.D. ZOELLER "WZ"	3,654.49		3,654.49
SD#2 FUND "SA"	4,428.43		4,428.43
TRUST/AGCY FUND "T"	2,104.10		2,104.10
SP REFUSE FUND "SR"	31,936.96		31,936.96
STREET LIGHTING FUND "SL"	7,136.82		7,136.82
PERIWINKLE LTG. "SL1"	50.85		50.85
GRANTS			
ZOELLER WATER DISTR. "HZ"	85,720.00		85,720.00
TOTALS	\$921,366.77		\$921,366.77

**On the Question: SP Fire Prot."SF" is for the checks issued to the four fire companies upon receipt of tax monies.**

UPON ROLL CALL VOTE ON FEBRUARY 16, 2016, THE FOREGOING RESOLUTION WAS

**ADOPTED.**

Ayes 2 Savage & Pautler  
Nays 0

**BUSINESS FROM THE FLOOR**

Mark Casell/Baxter Ave. on behalf of the Winterfest Committee thanked the Town Board for the use of the Town facilities and continued support. Supervisor Savage extended a thank you from the Town to the Winterfest Committee.

## **COMMUNICATIONS**

### **Attorney Strong:**

Attorney Strong received official response from the railroad company's consultant regarding the tower that they are not going to file anything with the Town.

Upon checking today, the mortgage on the Mayfield property has not been released. They will be sent notice of demolition.

### **Supervisor Savage:**

#### **The following has been received:**

Notice has been received that Chris Snyder will be on vacation March 7<sup>th</sup> through March 11<sup>th</sup>, 2016. A check has been received from Time Warner Cable for the \$22,346.50 franchise fee. They pay twice a year.

The approved Village of Alden Board minutes from January 28, 2016 was received.

The response from Norfolk Southern regarding the radio tower was received.

A request from Alden Central School requesting to use the baseball diamonds in the R.O. Smith Park on specified dates. Supervisor Savage would like this on the Work Session.

A report was received from Alternative Care Services with the 2015 meal count. The meal count for Alden hot meals was 4590 and for light meals within Alden 1983 for a total of meals in Alden of 6573 which is 30% of their total meals.

A notice of the Erie County Government's meeting on Thursday February 25<sup>th</sup>.

A copy of the resolution adopted by the Village of Alden regarding the property tax cap was received.

A letter was received from Steven Weathers President and CEO of ECIDA regarding termination of the PILOT agreement for Wilson Greatbatch and reaching out to the Town if there is a need for low cost financing for a company within our municipality.

A shared services agreement letter was received from Charles Morgante Jr. Eng. Regional director of operations for region #5 for emergency assistance.

Supervisor Savage wrote Commissioner Loffredo a letter regarding the solar array's placement on County property and the unsightliness within eyesight of the public. Placement behind the railroad tracks would leave the front open for development. Also, quoting the Erie County Home Abandonment Study with the suggestion of giving that land to a developer with the provision of tearing the building down and have development plans to place it back on the tax roll.

An e mail was received from Mark Cornell from the Association of Erie County Governments, trying to explain the tax cap and why some have received their rebate checks and some have not. They have been sent out by individual tax i.d. numbers

## **NEW BUSINESS**

SUPERVISOR SAVAGE MOVED AND COUNCILWOMAN PAUTLER SECONDED THE MOTION TO TABLE THE MOTION REGARDING THE DRIVEWAY PERMIT APPLICATION.

The foregoing Motion to table was put to a Roll Call Vote on February 16, 2016 and

### **CARRIED.**

Ayes 2 Savage & Pautler

Nays 0

Councilwoman Pautler Moved and Supervisor Savage seconded the Motion to approve the renewal of the Home Occupation Permit for Dean Adamski/12120 Westwood Rd./Sporting Goods/including Firearms for a period of one year. The foregoing Motion was put to a Roll Call Vote on February 16, 2016 and

### **CARRIED.**

Ayes 2 Savage & Pautler

Nays 0

Supervisor Savage Moved and Councilwoman Pautler seconded the Motion to approve the renewal of the Home Occupation Permit for Nancy Ann Goergen/850 W. Alaura Drive/Beauty Salon for a period of one year. The foregoing Motion was put to a Roll Call Vote on February 16, 2016 and

### **CARRIED.**

Ayes 2 Savage & Pautler

Nays 0

Councilwoman Pautler Moved and Supervisor Savage seconded the Motion to approve the renewal of the Home Occupation Permit for Theresa Hoffman/11734 Buckwheat Rd./Massage Therapy for a period of one year. The foregoing Motion was put to a Roll Call Vote on February 16, 2016 and

### **CARRIED.**

Ayes 2 Savage & Pautler

Nays 0

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

WHEREAS, the Town Board of the Town of Alden ("Town Board") has fully and properly considered demolishing the unsafe and dangerous garage at 1214 Mayfield Drive in the Town of Alden (the "Proposed Action"); and

WHEREAS, the Town Board, after completing the Short Environmental Assessment Form has determined that the Proposed Action is a Type II Action under SEQRA; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board hereby adopts the attached Determination of Type II Action.
2. The Town of Alden, as Lead Agency, hereby determines that the Type II action described in the attached Determination, 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.
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 February 16, 2016 and

**ADOPTED.**

Ayes 2 Savage & Pautler

Nays 0

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

WHEREAS, The Town of Alden Building Inspector on January 11, 2016, made a report to the Alden Town Board that the garage located at 1214 Mayfield Drive is dangerous and unsafe as defined by Chapter 7A of the Alden Town Code; that the Garage is dilapidated, decayed, unsafe by reason that the roof of the Garage has collapsed;

WHEREAS, The Building Inspector has determined that the Garage: cannot be reasonably repaired; is dangerous to the health, morals, safety and general welfare; and is more than 50% damaged, decayed and deteriorated from its original structure; and that said Garage is a public nuisance;

WHEREAS, the Building Inspector has notified the Property Owner and the Mortgage Holder that the Garage has been found be to dangerous and a threat to life and safety of persons;

WHEREAS, neither the Property Owner nor the Mortgage Holder have made any effort to repair the Garage;

WHEREAS, the Building Inspector has posted notice of the Garage being dangerous, unsafe, and a public nuisance on the property; and gave notice that the Garage is dangerous and must be demolished;

WHEREAS, after due notice and publication the Alden Town Board held a public hearing on the unsafe Garage on February 1, 2016, at which two (2) neighboring property owners expressed their concerns over the dangerous condition of the Garage and confirmed that no one has lived at the property for 2-3 years; and

WHEREAS, the Alden Town Board and the Town of Alden Building Inspector have complied with the requirements of Chapter 7A of the Alden Town Code.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. That the Garage located at 1214 Mayfield Drive is dangerous and unsafe; the same being so dilapidated, decayed, unsafe and unsanitary, that the garage utterly fails to provide the amenities essential to decent living so that the garage is unfit for human habitation;
2. The Alden Town Board hereby Orders that any of the parties interested in the buildings located at 1214 Mayfield Drive shall repair said Garage within ten (10) days hereof;
3. That shall the above Order not be complied with within ten (10) days the Garage located at 1214 Mayfield Drive shall be demolished by the Town of Alden, the costs of which shall be assessed to the owner of record;
4. That the Town Clerk is directed to mail, by registered mail, a certified copy of this Resolution and Order shall be mailed to all parties having an interest in the property; post the same on the Town Bulletin Board; and to publish the Order in the Alden Advertiser;
5. That the Town Building Inspector is directed to post of copy of the Order at 1214 Mayfield Drive; and
6. This Resolution shall take immediately.

The foregoing resolution was duly put to a roll call vote at a regular meeting on February 16, 2016 and **ADOPTED.**

Ayes 2 Savage & Pautler

Nays 0

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

WHEREAS, The Alden Town Board has ordered that the Property Owner and/or Mortgage Holder of the property known as 1214 Mayfield Drive either repair or demolish the dangerous Garage within ten (10) days;

WHEREAS, in the event that the Property Owner and/or Mortgage Holder does not comply with said Order within ten (10) days, the Town Board will hire a Contractor to demolish the Garage, 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) contractors;

WHEREAS, the Town Building Inspector has obtained three (quotes for the demolition of the Garage, debris removal, and leveling), as follows:

WHEREAS, a request for proposal for the demolition, clean-up, and leveling of the Garage was made to three (3) vendors and bids were received as follows:

the highest bid is from MW Equipment at \$4,250.00;

the second highest bid is from Dulski Construction, LLC at \$3,750.00; and

the lowest bid is from J. Lund Concrete and Trenching at \$1,700.00; 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 hiring of J. Lund Concrete and Trenching, the lowest responsible bidder, to demolish the Garage, remove the debris; and level the ground at 1214 Mayfield Drive.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. In the event that the Property Owner and/or the Mortgage Holder do not repair the Garage by February 29, 2016, the Town of Alden approves the signing of a Contract with J. Lund Concrete and Trenching to demolish the Garage, remove the debris, and level the demolition site at

1214 Mayfield Drive at a total cost of \$1,700.00;

2. J. Lund Concrete and Trenching must pay NYS Prevailing wages and submit all necessary documentation to the Department of Labor; must supply proof of NYS Worker's Compensation Insurance and General Liability Insurance naming the Town of Alden as an additional insured prior to commencing any work;

3. The Town Supervisor is authorized to sign any and all necessary documents to effectuate this Contract and demolition work; 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 February 16, 2016 and

**ADOPTED.**

Ayes 2 Savage & Pautler

Nays 0

Councilwoman Pautler moved and Supervisor Savage seconded the Motion to approve the use of the Town Park on Friday, June 3<sup>rd</sup>, 2016 for the Alden Community Scholarship Foundation for their 5K Race. Alden Central School's insurance certificate is on file in the Town Clerk's Office. The foregoing Motion was put to a Roll Call Vote on February 16, 2016 and

**CARRIED.**

Ayes 2 Savage & Pautler

Nays 0

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

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

WHEREAS, a request has been made by the Crittenden Volunteer Fire Department, Inc., pursuant to Internal Revenue Code Section 147, with respect to borrowing of funds for the purposes of the acquisition and lease-purchase of an E-One Custom Tanker truck to be used to provide fire protection services in the Town of Alden;

WHEREAS, the Public Hearing, after due publication, was held on January 28, 2016, by the Crittenden Volunteer Fire Department, Inc. at the Crittenden Fire Hall, 13415 Genesee Street, Alden, New York;

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

WHEREAS, such approval will be in the best interests of the residents of the Town; and

WHEREAS, the Town Board has no objection to the borrowing of funds by the Crittenden Volunteer Fire Department, Inc., for the purposes of the acquisition and lease-purchase of an E-One Custom Tanker truck to be used to provide fire protection services in the Town of Alden.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. That the Alden Town Board authorizes Supervisor Savage to sign the attached "Section 147 Approval and Written Contract" and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 16, 2016, and

**ADOPTED.**

Ayes 2 Savage & Pautler

Nays 0

**UNFINISHED & TABLED BUSINESS**

There was no unfinished & tabled business.

**REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL**

**Town Clerk Crist:**

The Clerk's office was opened Saturday for taxes. Today was the last day to pay taxes without penalty, the office was very busy.

**Engineer Metzger:**

Engineer Metzger has been going back and forth with the Contractor for the Water Districts to get the change order resolved.

**DCO Len Weglarski:**

Len helped out by shoveling the walks at the Town Hall. He has two dogs to take to the SPCA.

**NOTICE OF MEETINGS**

**NEXT WORK SESSION:**

**February 22, 2016**

**@ 7:00 P.M.**

**NEXT TOWN BOARD MTG.:**

**March 7, 2016**

**@ 7:00 P.M.**

**MEMORIAL REMEMBRANCE**

Supervisor Savage asked all to stand for a Moment of Silence in Memory of Patrick Dobies, Irene Hahn, Edward Stephen, Donna Newton & John Hawley.

**ADJOURNMENT**

At 7:26 P.M. Supervisor Savage adjourned the Meeting.

Debra A. Crist  
Alden Town Clerk