

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road on Monday, February 6, 2017 at 7:00 P.M. Supervisor Savage called the Meeting to Order and 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
Gary Wagner, Highway Supt.
Chris Snyder, CEO
Michael Metzger, Town Engineer
Len Weglarski, DCO
Mitch Martin, Senator Patrick Gallivan's Office
Robert Meyer, Planning Board
Mike Fleming, Planning Board
Residents

Supervisor Savage Moved and Councilwoman Pautler seconded the Motion to approve the Minutes and Synopsis of February 6, 2017. The Motion was put to a Roll Call Vote on February 6, 2017 and was **CARRIED.**

Ayes 2 Savage & Pautler
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN PAUTLER AND SECONDED BY SUPERVISOR SAVAGE TO WIT;

ACCOUNT	ABST. #1	ABST. #2	TOTAL
GENERAL FUND "A"	\$21,802.07	\$18,939.08	\$40,741.15
HGHWY FUND "DA/DB"	24,917.45	3,406.35	28,323.80
PART-TOWN FUND "B"	3,575.50	22,429.87	26,005.37
CONSOLIDATED WATER "WR"		63,685.00	63,685.00
TOWN OF NEWSTEAD WATER "WO"		5,227.91	5,227.91
SP FIRE PROT. "SF"	120,388.00	4,039.04	124,427.04
SEWER DIST. #1 FUND "SI"	7,568.11		7,568.11
SD#2 FUND "SA"	2,330.69	392.86	2,723.55
TRUST/AGCY FUND "T"	9,039.78	6,173.02	15,212.80
SP REFUSE FUND "SR"		34,451.79	34,451.79
STREET LIGHTING FUND "SL"	7,085.92		7,085.92
PERIWINKLE LTG. "SL1"	48.32		48.32
EXCHANGE ST. W.D. "WX"		4,824.00	4,824.00
WATER DIST. ZOELLER "WZ"		2,814.00	2,814.00
GRANTS			
TOTALS	\$196,755.84	\$166,382.92	\$363,138.76

UPON ROLL CALL VOTE ON FEBRUARY 6, 2017 THE FOREGOING RESOLUTION WAS **ADOPTED.**

Ayes 2 Savage & Pautler
Nays 0

BUSINESS FROM THE FLOOR

Supervisor Savage introduced Mitch Martin from Senator Gallivan's Office. He will be available after the meeting should anyone need to speak with him.

Supervisor Savage had the students from Alden Central School introduce themselves and tell what class they were there for.

Supervisor Savage explained the Abstract process with the students.

Charles Holcomb, Cary Rd. wanted the Board to be aware of the condition of the Four Rod Rd. bridge. He bought pictures of the deterioration. Highway Supt. Wagner is aware of the situation and has had Engineers from County look at it. Hwy. Supt. Wagner will follow up.

During "Business from The Floor" resident Michael Fleming of 12560 Main St. voiced several objections to the impending annual renewal of resident Dean Adamski's HOP permit to sell "Sporting Goods including Firearms" at Mr. Adamski's property located at 12120 Westwood Rd.

Mr. Fleming indicated that Mr. Adamski was in violation of 20-63B. Supervisor Savage indicated that the HOP is conducted entirely within an existing accessory building and therefore has no effect on the "dwelling" as it remains totally a dwelling.

Mr. Fleming indicated the HOP was in violation of 20-63C. Supervisor Savage explained that the HOP was not in violation of that section as it is not conducted in the dwelling and therefore can not change the principal character or use of the dwelling.

Mr. Fleming then indicated that Mr. Adamski's HOP was in violation of 20-63E because it takes up more than 25% of the pole barn accessory building. CEO Snyder indicated it did not as was the belief of the Supervisor. Mr. Fleming indicated the rest of the building was being used for storage of stuff for the business. The Supervisor asked Mr. Fleming if he had been in the building area beyond the store. Mr. Fleming indicated no, but that he had looked in through an open door and saw cardboard boxes.

Mr. Fleming then indicated that Mr. Adamski's HOP violated 20-63-G because someone could see the items stocked in the store from its "front" glass doors. The Supervisor pointed out the glass entrance doors are on the side of the building, not the front as asserted by Mr. Fleming and that no stock is visible from the street. Mr. Fleming then said that you could see it through a front window. The Supervisor indicated that if one were to go up to and peek in any window of someone having a HOP, one could probably see some stock related to the HOP. Mr. Fleming indicated that the HOP violated section 20-63F which indicates that "No stock in trade or commodities sold, other than incidental supplies necessary and consumed in the conduct of such home occupation" Supervisor Savage indicated that the "stock in trade (firearms and sporting goods) are necessary for and consumed in the conduct of the HOP business. The Supervisor further indicated that nearly all HOP's have a stock in trade such as those making and selling arts and craft items, HOP hair salons having hair care products etc. The Supervisor indicated that it was his intention to revise this section as a part of our current code review process so that it is clearer. The Supervisor then asked Mr. Fleming if his objections to the renewal of this HOP was based on his dislike for what Mr. Adamski sells – firearms, as a Federally licensed Firearms Dealer, and Mr. Fleming answered yes.

COMMUNICATIONS

Supervisor Savage:

A thank you letter was received from ACTS for the Town Clerk, Town Board and Highway Supt. for placing an ad in one of their programs.

Notification was received from County Legislature regarding Erie County Agricultural and Farmland Protection Board voting to recommend that the County Legislature adopt the inclusion of parcels in an agricultural district.

A letter was sent to Alden State Bank regarding transferring funds and paying the Bond Anticipation Note for Exchange/Zoeller water project.

A letter was received from Keith E. Dash of Erie County Water Authority introducing himself as the Municipal Liaison.

The monthly statement was received from the Alden Town Clerk

Notice was received from the Building Inspector on the following H.O.P. renewals, inspections were done with no changes:

Nancy Ann Goergen & Dean Adamski.

The Building Inspector's monthly statement was received.

Supervisor Savage reported electronic recycling is going strong we have loaded pallets ready to be picked up again. CEO Snyder will be calling for a pickup. Numerous televisions are being dropped off for recycling.

The Village Board minutes from January 12, 2017 have been received.

Supervisor Savage e-mailed New York State Dept. of Corrections regarding the light standard by Wende Correctional Facility. The lights have been out for some time.

The agreement between Marilla and Alden regarding the Senior Van/Lunch program will be voted on tonight.

NEW BUSINESS

**Standard Work Day and Reporting Resolution for 2017
THE FOLLOWING RESOLUTION WAS
OFFERED BY COUNCILWOMAN PAUTLER,
WHO MOVED ITS ADOPTION, SECONDED
BY SUPERVISOR SAVAGE:**

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/ ****	8	01/01/2014-12/31/2017	N	24.38
Town Clerk	Debra Crist/****	6 ½	01/01/2014-12/31/2017	N	22.18
Councilperson	Colleen Pautler/****	6 ½	01/01/2016-12/31/2019	N	5

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 February 6, 2017, 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 Town of Alden and the Town of Marilla agree that it is in the best interests of their residents and that it is cost effective for both municipalities to share Senior Citizen Lunch Programs and senior citizen transportation services;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Alden Town Board does hereby authorize Supervisor Savage to enter into and execute all necessary documents to effectuate an Intermunicipal Agreement in the form attached hereto with the Town of Marilla for shared Senior Citizen Lunch Programs and senior citizen transportation services; and

2. This Resolution shall take effect immediately.

THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON FEBRUARY 6, 2017 AND

ADOPTED.

Ayes 2 Savage & Pautler

Nays 0

Councilwoman Pautler Moved and Supervisor Savage seconded the Motion to appoint Frank Altieri as part time temporary seasonal emergency plow truck operator as per Highway Superintendent Wagner's request and as per terms and conditions of the Town's agreement with Teamsters 264. The foregoing Motion was put to a Roll Call Vote on February 6, 2017 and

ADOPTED.

Ayes 2 Savage & Pautler

Nays 0

Supervisor Savage Moved and Councilwoman Pautler seconded the Motion to approve the request of Marilla Car Truck Cycle Show Incorporated's ("Car Show") use of the Alden Town Park including all shelters, Senior/Community Center and two band shells on July 30, 2017 for the Alden Car, Truck and Cycle Show; contingent upon the receipt no later than July 1, 2017 of the following:

Proof of liability insurance naming the Town of Alden as Named Insured with coverage of \$1,000,000 per occurrence and general aggregate of \$2,000,000;

Signing of an Indemnification Agreement;

List of all Car Show Committee Members (names, addresses and cell phone number);

List of all towing companies;

Show itinerary and maximum amount of cars allowed.

And contingent upon the following conditions:

The Alden Hook & Ladder Fire Company Inc. may sell alcoholic beverages, within the limits of the laws of the State of New York, in a contained "Beer garden or beer tent" in the Alden Town Park from 12:00 P.M. until 6:00 P.M. on Sunday July 30, 2017, provided that a New York State Liquor license and liquor liability insurance be first obtained.

No spectator or show parking shall be allowed on the new sports fields in the Town Park; However Mercy Flight may land on these fields;

Car Show will contract with a towing company for any needed towing services during the Car Show;

All security personnel must be Sheriffs, New York State Police or peace-officer trained personnel;

Fire Police, County Sheriff or State Police, shall monitor the road closing and direct traffic for the duration of the car show;

Car Show personal shall throughout the day pick up and empty trash cans;

Empty Trash cans to be returned to Town Park Garage at the end of the show;

Car Show to supply (and remove) port-a-potties;

Car Show to clean up to the satisfaction of the Town after the event;

First aid tent, coordinated with Alden Fire Department;

Any costs incurred by the Town of Alden (including labor costs) may be billed to the Car Show;

Golf carts shall only be used only by the Fire Department and by Car Show Committee Members to assist handicapped persons and to move supplies and equipment.

The foregoing Motion was put to a Roll Call Vote on February 6, 2017 and

CARRIED.

Ayes 2 Savage & Pautler

Nays 0

Councilwoman Pautler Moved and Supervisor Savage seconded the Motion to approve Alden Hook and Ladder Fire Company's use of the Alden Town Park from 3:00 P.M. – 12:00 A.M. on June 2, 2017 for the "Dollars for Scholars 5 K Race "Post Race Party". The purpose of this requested use is to sell alcoholic beverages. Approval by the Town of Alden is contingent upon Alden Hook and Ladder Fire Company Inc. signing an indemnification agreement with the Town and securing a temporary beer and wine permit from the NYS Liquor Authority. The foregoing Motion was put to a Roll Call Vote on February 6, 2017 and

CARRIED.

Ayes 2 Savage & Pautler

Nays 0

Supervisor Savage Moved and Councilwoman Pautler seconded the Motion to approve Alden Hook and Ladder Fire company use of the Alden Town Park on Sunday, July 30, 2017 for the purpose of selling alcoholic beverages at the Alden Car Show in two locations. Approval of the use is contingent upon the Alden Hook and Ladder Fire Co., Inc. signing an indemnification agreement with the Town of Alden and securing a temporary NYS Liquor authority permit for selling beer and wine. The foregoing Motion was put to a Roll Call Vote on February 6, 2017 and

CARRIED.

Ayes 2 Savage & Pautler

Nays 0

Supervisor Savage Moved and Councilwoman Pautler seconded the Motion to approve Nature's Way Environmental use of either the Board Room or the auditorium at the Town Hall on Saturday, March 4th, 2017 for an OSHA Hazmat 8 hour refresher and first aid/CPR training. Time of need will be 7:30 A.M. – 3:00 P.M. Supervisor will open and close building. The foregoing Motion was put to a Roll Call Vote on February 6, 2017 and

CARRIED.

Ayes 2 Savage & Pautler

Nays 0

Councilwoman Pautler Moved and Supervisor Savage seconded the Motion to approve St. John the Baptist School's use of the Town of Alden bandshell on July 14, 15 and 16, 2017 contingent upon a certificate of insurance with the Town of Alden named as an additional insured. The foregoing Motion was put to a Roll Call Vote on February 6, 2017 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 Alden Town Board has been contacted by the County of Erie in regard to piggy-backing on the County's contract with SunnKing and to allow for an e-recycling drop off location in the Town of Alden;

WHEREAS, New York State law (effective April 1, 2011) requires that covered electronic equipment be recycled;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby authorizes Supervisor Savage to sign an Agreement with the County of Erie to permit the Town of Alden to join the County's contract with SunnKing for the years 2017 and 2018 to allow an e-waste drop off location at a location in the Town of Alden;
2. The Town of Alden shall establish policies for drop-off location, drop-off times and drop-off procedures;

3. The Town of Alden shall be charged per pound of e-waste recycled, as per the attached schedule; and
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 6, 2017, and

ADOPTED.

Ayes 2 Savage & Pautler

Nays 0

Councilwoman Pautler Moved and Supervisor Savage seconded the Motion to renew the Home Occupation Permit for Dean Adamski, 12120 Westwood Road for sales of sporting goods, including firearms. The renewal is for a period of one year. The foregoing Motion was put to a Roll Call Vote on February 6, 2017 and

CARRIED.

Ayes 2 Savage & Pautler

Nays 0

Supervisor Savage Moved and Councilwoman Pautler seconded the Motion to approve the agreement between the Town of Alden, Crittenden V.F.D., Millgrove V.F.D., Town Line V.F.D., Alden Hook and Ladder Fire Dept. and James Walsh, 117 Peppermint Rd., Lancaster, N.Y. owner of 2999 Peters Corners Rd. to use the 2999 Peters Corners property for firematic training for all four companies in the year 2017. The budgeted Town of Alden SF shared training funds will be used to pay the \$3859.62 fee to Mr. Walsh for such use. The foregoing Motion was put to a Roll Call Vote on February 6, 2017 and

CARRIED.

Ayes 2 Savage & Pautler

Nays 0

Councilwoman Pautler Moved and Supervisor Savage seconded the Motion to approve The Kiwanis Club of Alden's request to use the Alden Town Park for their Annual Easter Egg Hunt on Saturday, April 15th, 2017 – hours 9:30 A.M. to 2:00 P.M. The foregoing Motion was put to a Roll Call Vote on February 6, 2017 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 Dr. for a Hair Salon. The renewal is for a period of one year. The foregoing Motion was put to a Roll Call Vote on February 6, 2017 and

CARRIED.

Ayes 2 Savage & Pautler

Nays 0

UNFINISHED & TABLED BUSINESS

There was no unfinished and tabled business.

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Town Clerk Crist:

The office has been very busy with the Town/County taxes. The Town portion has been satisfied with balance now going to the County.

Attorney Strong:

Attorney Strong has been working on the Ambulance Service Permanent Application.

Highway Supt. Wagner:

Highway Supt. Wagner is working with the County regarding the need of repairs on the Four Rod Rd. bridge and hiring of a P.T. seasonal person for the Highway.

CEO Snyder:

Chris has submitted the electronics recycling report for 2016 to the State. Training was completed at recent seminar and he is certified.

DCO Weglarski:

Two new dog crates have been purchased for the dog control truck.

Supervisor Savage:

The following should be placed on the Work Session:

1. Tree removal at Town Park.
2. Rilan Site Plan
3. Sweet Sunshine Subdivision
4. Moore Site Plan
5. Sewer District #2
6. Port a Potties/Car Show
7. Marzec Subdivision
8. Sheltering Agreement/ACS
9. Code Update

NOTICE OF MEETINGS

NEXT WORK SESSION: February 14, 2017 @ 7:00 P.M.

REG. BOARD MEETING: (Tuesday) February 21, 2017 @ 7:00 P.M.

MEMORIAL REMEMBRANCE

Supervisor Savage asked all to stand for a Moment of Silence in Memory of Ann Lindner, Robert Iggulden, Fred Weber, Wilbert Glauser & Hans Jordan.

ADJOURNMENT

Supervisor Savage adjourned the Meeting at 7:46 P.M.

Debra A. Crist
Alden Town Clerk