

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, June 20, 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 (arrival 7:23 P.M.)
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 Fleming, Planning Board Representative
Michael Metzger, Town Engineer
Len Weglarski, DCO
Residents

Supervisor Savage Moved and Councilman Witt seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of June 6, 2016. The Motion was put to a Roll Call Vote on June 20, 2016 and

CARRIED.

Ayes 2 Savage & Witt
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN WITT AND SECONDED BY SUPERVISOR SAVAGE TO WIT; VOUCHERS #558-636

<u>ACCOUNT</u>	<u>ABST. #1</u>	<u>ABST. #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$9,287.92		\$9,287.92
HGHWY FUND "DA/DB"	19,141.28		19,141.28
PART-TOWN FUND "B"	7,182.53		7,182.53
WD#2 FUND "WB"			
WD#3 FUND "WC"			
WD#4 FUND "WD"			
SP FIRE PROT. "SF"			
SD#2 FUND "SA"	2,339.43		2,339.43
TRUST/AGCY FUND "T"	1,332.13		1,332.13
SP REFUSE FUND "SR"	35,941.19		35,941.19
STREET LIGHTING FUND "SL"	5,305.76		5,305.76
PERIWINKLE LTG. "SL1"	31.86		31.86
GRANTS			
TOTALS	\$80,562.10		\$80,562.10

UPON ROLL CALL VOTE ON JUNE 20, 2016 THE FOREGOING RESOLUTION WAS

ADOPTED.

Ayes 2 Savage & Witt
Nays 0

PUBLIC HEARING

AT 7:05 P.M. SUPERVISOR SAVAGE MOVED TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO THE PUBLIC HEARING REGARDING LOCAL LAW NO. 1 OF THE YEAR 2016 ENTITLED "REZONING OF REAL PROPERTY ON BROADWAY AND ZONING MAP AMENDMENT". COUNCILMAN WITT SECONDED THE MOTION. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON JUNE 20, 2016 AND

CARRIED.

Ayes 2 Savage & Witt
Nays 0

THE TOWN CLERK READ THE PUBLIC HEARING NOTICE THAT WAS PRINTED IN THE ALDEN ADVERTISER.

SUPERVISOR SAVAGE GAVE AN OVERVIEW OF THE LAW.

SUPERVISOR SAVAGE OPENED THE FLOOR FOR PUBLIC COMMENT.

Councilman Witt wanted it noted that it is 500' from the centerline of Broadway.

Attorney Chris Trapp Esq. reiterated that it is consistent with the zoning extending from the Village.

There was no public comment.

AT 7:08 P.M. AFTER ALL THOSE WISHING TO HEARD WERE HEARD, SUPERVISOR SAVAGE MOVED TO CLOSE THE PUBLIC HEARING AND ENTER BACK INTO THE REGULAR MEETING, COUNCILMAN WITT SECONDED THE MOTION. THE FOREGOING MOTION WAS TO A ROLL CALL VOTE ON JUNE 20, 2016 AND

CARRIED.

Ayes 2 Savage & Witt

Nays 0

BUSINESS FROM THE FLOOR

Lindsay Amico from project Reality Check came to the Board with two students from Alden Central School who gave a presentation on the tobacco industry targeting youth. Supervisor Savage thanked them for the presentation. Supervisor Savage and Councilman Witt said that they both realize now the ills of smoking as they have both had health concerns from it.

Ron Rebmann questioned Supervisor Savage about the progress of the Broadway viaduct. There is a projected finish date for the first week in July.

COMMUNICATIONS

Councilman Witt:

Councilman Witt received a phone call today from a former member of the Alden Lions Club and he wondered if we would be interested in going into partnership with the former Lions Club phone book and our street directory. Apparently the Chamber of Commerce is going to take over the phone book. This can be discussed at a Work Session. Councilman Witt does not know how they would mesh the phone book you look up name and get the number, in the street directory you look up the address and get the person's name. Attorney Strong said the Chamber was discussing this last week.

Attorney Strong:

The signed contract from Alden Youth Baseball has been received along with the proof of insurance. She believes the annual report was submitted, so the donation check may be released.

Supervisor Savage:

The following communications were received:

1. 2015 Annual Report from the Ewell Free Library.
2. Approved Village of Alden Board minutes from May 26, 2016.
3. Letter from N.Y.S. Dept. of Public Service notifying the Town of public statement hearings on proposed increases for National Fuel Gas delivery rates.
Note: Diane Dean of the Public Service commission attended a meeting hosted by the Town last week to meet with Reserve Gas to discuss Sullivan Rd. gas supply.
4. A copy of a letter sent by CEO Chris Snyder to JP Morgan Chase Bank advising them that the property that is under their control at 11135 Jane Drive is not being kept up to NYS Fire Code and the code of New York State.
5. Supervisor Savage sent Planning Board Chairman Mike Dewitt, Engineer Metzger, Town Board and Town Attorney version #3 of the Article 20-25. Solar Siting (Chapter 20.Zoning) he would like the Planning Board to look at this and make any recommendation, so the Board can move forward.

NEW BUSINESS

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 is considering an application by Paul and Anna Marzec for the subdivision of two (2) lots. The entire parcel currently consists of approximately 5.31 acres on Two Rod Road in the Town of Alden, further identified as SBL #129.00-2-5.111. The first proposed lot ("Parcel A") would be approximately 1.14 acres and the second proposed lot ("Parcel B") would be the remaining approximately 4.17 acre parcel (The "Proposed Action");

WHEREAS, the Proposed Action is an unlisted action within the requirements of the New York State Environmental Quality Review Act;

WHEREAS, the Town Building Inspector provided notice to the Erie County Division of Planning on May 3, 2016, for this Proposed Action, as required under Section 239-m of the General Municipal Law and no response was received.

WHEREAS, the New York State Environmental Quality Review Act requires the Town to determine the Lead Agency status and the Lead Agency making a SEQR determination;

WHEREAS, the Town of Alden did assume Lead Agency Status on June 6, 2016;

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;

WHEREAS, the Town of Alden Planning Board has reviewed the Proposed Action and recommended to the Town Board the approval of the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board, as Lead Agency, has determined that the Proposed Action is an Unlisted Action under SEQRA.
2. 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 the Proposed Action.
3. That the following parcel, more particularly described as:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Alden, County of Erie and State of New York, being part of Lot No. 159, Township 10, Range 5 of townships, and more particularly described as follows:

Beginning at the northwest corner of lands conveyed to Verla E. Winkler at Liber 9201 of Deeds at page 142, said corner being on the west line of Lot 159; thence east on the North line of Winkler a distance of 294.29' to a point 440.0' west of the center of Two Rod Road; thence southeast at an interior angle of 160°-13'-12" a distance of 351.02 to the center of Two Rod Road; thence southwest on the center of Two Rod Road at an interior angle of 66°-30'-04" a distance of 121.47' to a point; thence northwest at an interior angle of 112°-11'-20" a distance of 580.16' to the point of beginning containing 1.14 acres of land more or less.

Is given subdivision approval.

4. 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 June 20, 2016 and

ADOPTED.

Ayes 3 Savage, Pautler & Witt

Nays 0

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

RESOLUTION ADOPTING DETERMINATION OF NON-SIGNIFICANCE OF LOCAL LAW

WHEREAS, the Town Board of the Town of Alden is considering adoption of a Local Law to rezone two parcels of land, five hundred feet deep, on the north side Broadway, to bring this section into compliance with the Town of Alden's adopted Comprehensive Plan; and

WHEREAS, the Town Board of the Town of Alden is duly qualified to act as lead agency with respect to compliance with SEQRA which requires environmental review of certain actions undertaken by local governments; and

WHEREAS, the proposed action appears to be an Unlisted Action pursuant to the Rules and Regulations of the State Environmental Quality Review Act and the Town of Alden by resolution adopted on May 16, 2016, determined that it was the most appropriate body to act as lead agency under SEQRA and duly notified all other involved agencies as required by law; and

WHEREAS, County Planning was notified on May 10, 2016, as required under Section 239-m of the General Municipal Law and all entities required to be notified under Town Law Section 264 were notified on May 18, 2016; and

NOW, THEREFORE, BE IT RESOLVED:

RESOLVED, that the Town Board of the Town of Alden, after considering the action proposed herein, in reviewing the Environmental Assessment Form, reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the SEQRA Regulations and thoroughly analyzing the project with respect to potential environmental concerns, determines that the action will not have a significant effect on the environment; and be it further

RESOLVED, that the Town Board of the Town of Alden hereby finds that the proposed responses inserted in Part II of the said Environmental Assessment Form are satisfactory and approved; and be it further

RESOLVED, that the Town Supervisor is hereby authorized and directed to complete and execute the Part III of the said Environmental Assessment Form and to check the box thereon indicating that the proposed action will not result in any significant adverse impacts; and be it further

RESOLVED, that the annexed Negative Declaration is hereby approved and the Town Clerk is hereby authorized and directed to file the same in accordance with the provisions of the General Regulations of the Department of Environmental Conservation.

The above resolution was duly put to a roll call vote at a regular meeting on June 20, 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 of Alden has previously adopted its Zoning Law as Local # 1 of 1992, as amended by Local Law # 1 of 1995; Local Law 1 of 1996; Local Law # 4 of 2000; Local Law # 1 of 2006; Local Law # 9 of 2007; Local Law # 2 of 2009 and by Local Law # 6 of 2010, which Zoning Law has been codified as part of the Code of the Town of Alden; and

WHEREAS, the Town of Alden had adopted a Comprehensive Plan and in the process of implementing said Plan, it becomes prudent to rezone a portion of Broadway to bring that area into compliance with goals of the Plan; and

WHEREAS, the Town Board has received a request from Charles Roberts that his properties on

the north side of Broadway, be rezoned from R-A to C-3;

WHEREAS, a Proposed Local Law No. 1 of the Year 2016, entitled "Rezoning of Real Property on Broadway and Zoning Map Amendment" was introduced to the Alden Town Board for consideration by Councilperson Pautler on May 2, 2016;

WHEREAS, the Town of Alden Planning Board reviewed Mr. Roberts request to rezone and the proposed Local Law and recommended to the Town Board its approval on May 10, 2016;

WHEREAS, an order was duly adopted by the Alden Town Board for a public hearing to be held by said Town Board on June 20, 2016 at 7:05 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 June 9, 2016 in the Alden Advertiser, the official newspaper of the Town of Alden;

WHEREAS, said public hearing was duly held on June 20, 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 May 16, 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 sent to them on May 10, 2016;

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law on May 18, 2016; and

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

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. 1 of the Year 2016 entitled "Rezoning of Real Property on Broadway and Zoning Map Amendment" 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 June 20, 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 sees the need to hire an architect to provide construction documents for a new park shelter;

WHEREAS, the Procurement Policy & Procedure Guidelines ("Guidelines") of the Town of Alden and New York State General Municipal Law ("Law") state that professional services are exempt from the Guidelines and from the Law; 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 creation of construction documents for a new park shelter.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby approves the proposal of Dean Architects, PLLC to provide construction documents for a new 1200 square foot park shelter to included ADA Restroom, sink area, 2x6 frame walls and wood trusses per the schematic plan prepared by the Town of Alden at a total cost of \$2,600.00;
2. The Town Supervisor of the Town of Alden is authorized to sign the Contract with Dean Architects, PLLC to effectuate the creation of the construction documents; and
3. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on June 20, 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 Board of the Town of Alden realizes that the Town Highway Garage is in need of major repairs caused by the "Sno-venber Storm" including: Work involving structural repairs to the existing 10,000 sq. ft., pre-engineered building used as the Town's Maintenance Garage and located at 12800 West Main Street. This work will generally involve structural reinforcement of the existing building's structural components and frame members;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden requires that all estimated public works projects over \$35,000.00 shall be formally bid pursuant to General Municipal Law section 103.

WHEREAS, Insurance monies will also be used to pay for the repairs;

WHEREAS, The Town Board after full and careful review and consideration of the request finds said request to receive bids in the public interest;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby authorizes the Town Clerk to advertise for bids as outlined in the attached Notice to Bidders, full information and specifications are available at the Office of the Town Clerk at 3311 Wende Road, Alden, New York 14004;
ADDENDUM: Full Specs available at Office of the Engineer, Petrilli Structural & Consulting Engineering, P.C., 245 Kinsey Ave., Suite 100, Kenmore, N.Y. 14217 not in Town Clerk's Office.
2. The Town Board hereby authorizes the Notice to be published Notice in the Alden Advertiser. Said Notice must be published more than ten (10) days prior to July 28, 2016 and must state the time when and place where the sealed bids will be publically opened and read by the Town Clerk. It is further authorized that the Notice may be faxed or emailed to interested contractors.
3. The Town Board hereby authorizes the Town Clerk to receive sealed bids until 12:00 PM Prevailing time on July 28, 2016; and
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on June 20, 2016, and **ADOPTED.**

Ayes 3 Savage, Pautler & Witt

Nays 0

Councilwoman Pautler Moved and Supervisor Savage seconded the Motion to appoint Jeremy Little as

part-time (nine hrs. per week) cleaner at the Community Center pending successful completion of all pre-employment checks. Starting rate to be minimum rate. The foregoing Motion was put to a Roll Call Vote on June 20, 2016 and

CARRIED.

Ayes 3 Savage, Pautler & Witt

Nays 0

Councilman Witt Moved and Supervisor Savage seconded the Motion to introduce proposed Local Law #3 Solar Siting and to refer the same to the Planning Board for review and recommendation. The foregoing Motion was put to a Roll Call vote on June 20, 2016 and

CARRIED.

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 Supervisor Savage to hire several local musicians and bands to perform for the Town of Alden 2016 Summer Concert Series;

WHEREAS, the Procurement Policy & Procedure Guidelines ("Guidelines") of the Town of Alden state that professional services and unique services are exempt from the Guidelines;

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 Terry Buchwald; West of the Mark; and Hit and Run.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the Contract with Terry Buchwald to perform at the August 17, 2016 Alden Summer Concert Night at a total cost of \$700.00;
2. The Town Board approves the Contract with West of the Mark to perform at the July 20, 2016 Alden Summer Concert Night at a total cost of \$600.00;
3. The Town Board approves the Contract with Hit and Run to perform at the July 27, 2016 Alden Summer Concert Night at a total cost of \$1,200.00;
4. The Town Supervisor of the Town of Alden is authorized to sign the Contracts to effectuate these performances; and
5. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on June 20, 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 SUPERVISOR SAVAGE, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN WITT TO WIT;

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

WHEREAS, pursuant to Chapter 18 of the Alden Town Code the Alden Town Board Ordered by resolution dated June 6, 2016, the following property owners to cut, trim or remove brush, grass, rubbish or weeds on their lands by June 19, 2016, notice of which Order was properly given to each property owner and the following property owners have failed to comply:

JPMorgan Chase Bank, owner of 11135 Jane Drive (SBL # 106.20-3-14);

Steven A. Weber owner of 11133 Broadway (SBL # 117.12-4-2.11);

Estate of Gregory R. Slojowski and Ocwen Loan Servicing LLC owners of 12328 Genesee Street

(SBL # 85.00-6-10.1; and
NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. D&T Lawn Service is hired to maintain the following properties at the following costs, the cost per cut of such maintenance shall be paid from the general fund, and then relieved onto the 2017 county/town tax for the respective offending property:

11135 Jane Drive (SBL # 106.20-3-14);	\$ 195.00
11133 Broadway (SBL # 117.12-4-2.11);	\$ 150.00
12328 Genesee Street (SBL # 85.00-6-10.1;	\$ 150.00
TOTAL COST	\$ 495.00

2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on June 20, 2016, and **ADOPTED.**

Ayes 3 Savage, Pautler & Witt
Nays 0

Supervisor Savage Moved and Councilman Witt seconded the Motion to appoint Donald Snell as Part-time Seasonal Parks Laborer, no benefits, effective 6/23/16 providing all pre-employment checks are completed and are acceptable. The foregoing Motion was put to Roll Call Vote on June 20, 2016 and **CARRIED.**

Ayes 3 Savage, Pautler & Witt
Nays 0

UNFINISHED & TABLED BUSINESS

There was no unfinished & tabled business.

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilman Witt:

Councilman Witt attended a meeting on Solar Farms in Yorkshire. It was a very interesting meeting. A moratorium puts us ahead of the pack as there needs to be a law in effect to cover these to prevent future problems.

Highway Supt. Wagner:

Highway Supt. Wagner would like a copy of the Specs for the Highway Garage Repair.

Eng. Michael Metzger:

The Town of Clarence adopted a moratorium on solar installations also.

Planning Board Member Mike Fleming:

Mike was one of the people notified for not maintaining his property. Due to health problems he was waiting for help to clean it up. The property since has been cleaned up with the help of a friend. He was wondering why he received notice from the CEO and Town Attorney for this and yet Mark Mohr continues to be in non-compliance and nothing is done? Why is he still being let go. He puts the Town in liability. Supervisor Savage said that the problem is that he was issued a certificate of occupancy in error without a site plan and Mr. Mohr is not happy that he is required one after the fact. CEO Snyder said Mr. Mohr has received notice. Supervisor Savage said we will continue to seek compliance. Councilwoman Pautler said she spoke with Mr. Mohr on Friday and asked him to please take care of this so they can get it off the table. Mike Fleming said that the trailer that is parked by Broadway is also in non-compliance. CEO Snyder said he has spoken to him concerning the trailer. There was a discussion on the Mohr property at Broadway and Sandridge zoning. Supervisor Savage would like the Town to promote small business owners and work with them if there are problems, but wants to see them in compliance. CEO Snyder will continue work with Mr. Mohr.

NOTICE OF MEETINGS

NEXT WORK SESSION: June 27, 2016 @ 7:00 P.M.
NEXT REG. BOARD MEETING: July 5, 2016 (Tuesday) @ 7:00 P.M.

MEMORIAL REMEMBRANCE

Supervisor Savage asked all to stand for a Moment of Silence in Memory of Clara Kosieracki

ADJOURNMENT

At 8:12 P.M. Supervisor Savage adjourned the Meeting.

Debra A. Crist
Alden Town Clerk