

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, June 6, 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  
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  
Residents

Supervisor Savage Moved and Councilwoman Pautler seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of May 16, 2016. The Motion was put to a Roll Call Vote on June 6, 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; 502-557

<u>ACCOUNT</u>	<u>ABST. #1</u>	<u>ABST. #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$8,620.34	\$17,021.38	\$25,641.72
HGHWY FUND "DA/DB"	\$5,985.00	\$6,156.22	\$12,141.22
PART-TOWN FUND "B"	\$1,920.00	\$1,361.97	\$3,281.97
CONSOLIDATED WATER "WR"			
SP FIRE PROT. "SF"	\$7,428.52		\$7,428.52
SD#2 FUND "SA"	\$2,991.58	\$2,771.16	\$5,762.74
TRUST/AGCY FUND "T"	\$1,306.63	\$4,223.71	\$5,530.34
SP REFUSE FUND "SR"	\$38,597.53	\$29.10	\$38,626.63
STREET LIGHTING FUND "SL"	\$6,780.97		\$6,780.97
PERIWINKLE LTG. "SL1"	\$47.19		\$47.19
GRANTS		\$706.50	\$706.50
TOTALS	\$73,677.76	\$32,270.04	\$105,947.80

UPON ROLL CALL VOTE ON JUNE 6, 2016 THE FOREGOING RESOLUTION WAS

**ADOPTED.**

Ayes 3 Savage, Pautler & Witt  
Nays 0

**BUSINESS FROM THE FLOOR**

Ronald Rebmann from Broadway questioned item E. on the agenda introducing Local Law #2/2016- Amendment to the Code of the Town of Alden Placing a six month moratorium on the construction and installation of Solar farms within the Town. He would like to know if this pertains only to large solar farms. Supervisor Savage responded that it would also include regulations on homeowner solar panels on a small scale. There are many factors to be considered, safety in case of a fire being one. Mr. Rebmann would like to see the regulations kept at a minimum.

Mark Casell said he had never seen a firemen's axe stop anything from cutting a hole in the roof. He did not think that a solar panel would. His point is that there are a lot of residents who are in negotiations for large installations right now and that has a short window because of the new laws that were passed in the State to increase the amount of renewables. The companies that are going to be putting these in are looking for these spots now. Putting a moratorium on this for six months makes Alden less

attractive to those people who have the back property that Mr. Witt mentioned last time at the last meeting about these back lands that don't have any farm application but would make perfect places for those solar installations. Please keep in mind that there are people out there that could potentially lose \$30,000.00 a year with a delay. Attorney Strong responded that just because it is a six-month moratorium, if we can get the new law in place they can rescind that. John Oles quoted road signs missing in areas on Countyline Rd. and also road repairs needed. Highway Superintendent Gary Wagner will look into this.

## **COMMUNICATIONS**

### **Town Clerk Debra Crist:**

A phone call was received from Karen Muchow of the Alden Historical Society. She wanted to comment on how beautiful the Town cemetery on Sandridge Rd. looked for her program on Saturday. Many thanks to the Highway Department who worked to clean up the area.

### **Supervisor Savage:**

1. A letter was received from N.Y.S. Dept. of Taxation and Finance establishing a tentative 2016 State equalization rate of 100.00 for the Town of Alden.
2. Copy of the new fee schedule for the Town of Alden.
3. A letter thanking the Town for submitting the final documentation necessary to complete the NYS Urban Forestry Council Arbor Day Community Grant program on behalf of the Town of Alden.
4. Certificate of Training Completion for Supervisor Savage for N.Y.S. Dept. of State Solar Energy Regulation.
5. Monthly Statement for the Month of May for Town/County taxes year to date \$5,332,483.44.
6. Monthly report for the month of May from the Town Clerk.
7. Monthly report from the Building Inspector.
8. Inspection Log from CEO Joseph Czechowski for an inspection done for the Town at 12043 Westwood.
9. Letter from Joseph Czechowski, SEQR Intake Officer regarding the proposed rezone for Charles Roberts/Broadway- Village agreeing Town of Alden should be the Lead Agency.
10. Letter to Dan Moultrup regarding cross country cyclists requesting the use of the Alden Town Park on Monday, August 8, 2016.
11. Copy of the approved Village of Alden Board minutes from May 12, 2016.
12. A letter from Senator Patrick Gallivan acknowledging receipt of a letter from the Town of Alden regarding funding assistance for improvements at Alden Town Park.
13. A letter was sent to Perma that our Workman's Compensation renews in July giving them 30 days' notice that we will be looking for a carrier. The amount due to claims reflected an increase of \$23,628.00. We would like to try to reduce this amount.
14. A notice was received from the Village of a ZBA meeting for 13468 Irving because it abuts the south boundary line of the Town.
15. Memorandum received from William Sivecz, Assessor regarding the STAR exemption change. New Home owners who purchased their residence since March 2, 2015 will have to apply directly to the State for their exemptions and receive a check instead of getting the amount off their tax bill directly.
16. A letter was received from N.Y.S. Dept. of Transportation regarding the work on the Broadway overpass reconstruction informing the Town that work is tentatively scheduled to be completed by July 8, 2016.
17. An e mail was received from N.Y.S. Dept. of Environmental Conservation regarding Hog Weed control. Forty plants were dug up at the Town Park.
18. Marlene Roll from the Veterans is again at the Town Hall for a local outreach program. People have been taking advantage of this new program.

## **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 Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA;

WHEREAS, the Town Board believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to subdivision; the agency with the broadest governmental powers for investigating the impact of the Proposed Action; has the greatest capacity for providing the most thorough environmental assessment of the Proposed Action; and is the most local agent with permitting authority;

WHEREAS, the Town Building Inspector is directed to provide notice to the Erie County Division of Planning for this Proposed Action, as required under Section 239-m of the General Municipal Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board has determined that the Proposed Action 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 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 June 6, 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 Alden Town Board has discovered the need to update its Peddler/Solicitor's Permit Policy.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby adopts the attached TOWN OF ALDEN POLICY FOR PEDDLER/SOLICITORS PERMIT, effective as of this date and in addition to any local law; and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on June 6, 2016, and

**ADOPTED.**

Ayes 3 Savage, Pautler & Witt  
Nays 0

THE FOLLOWING ORDER WAS OFFERED BY COUNCILWOMAN PAUTLER AND SECONDED BY COUNCILMAN WITT TO WIT;

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS;

A hearing before the Town Board of the Town of Alden, in the County of Erie shall be held at the Town Hall, 3311 Wende Road, Alden, New York at 7:05 p.m. on the 20<sup>th</sup> day of June, 2016, for the purpose of hearing all persons interested in the proposed Local Law No. 1 of the Year 2016; and

BE, IT FURTHER

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Alden Advertiser, designated by the Town as its official newspaper for this publication, such publication to be not less than ten days before the date of the public hearing; (b) post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; and (c) notify by mail all parties

of interest pursuant to the General Municipal Law and the Town Law of the Public Hearing, not less than ten days before the date of the Public Hearing and notify County Planning as required under §239-m of the General Municipal Law; and

BE, IT FURTHER

ORDERED, that the Town Clerk is to make copies of the proposed "Local Law No. 1 of the Year 2016, entitled "Rezoning of Real Property on Broadway and Zoning Map Amendment", available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call, at a regular meeting on June 6, 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 noticed the need to increase the fees for a peddlers/solicitors permit in order to cover the cost of a criminal background/history check;

WHEREAS, the Alden Town Board is authorized under State Law and under the Alden Town Code to set said fees upon resolution duly adopted by the Town Board; and

WHEREAS, the proposed fee increases are fair and reasonable and are reasonably related to the services performed by the Town of Alden Building Inspector.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby adopts (and rescinds all prior versions) the attached TOWN OF ALDEN FEE SCHEDULE as the official fees charged by the Town of Alden, effective as of 12:01 am on June 7, 2016; and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on June 6, 2016, as follows:

Supervisor Savage Moved and Councilwoman Pautler seconded the Motion to introduce Local Law #2 of 2016 – Amendment to the Code of the Town of Alden placing a six month moratorium on the construction and solar installation within the Town and refer the same to the Planning Board for review and recommendation. The foregoing Motion was put to a Roll Call Vote on June 6, 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 Highway Department needs to purchase a new brush-wolf mower, the estimated cost of which is less than \$10,000.00 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 quotes were made to three (3) vendors and quotes were received as follows:

The highest quote is from Lamb & Webster, Inc. at \$7,000.00,  
The second highest quote is from Z&M Ag and Turf at \$6,995.00, and  
The lowest quote is from is Five Star Equipment, Inc. at \$6,950.00;

WHEREAS, Five Star Equipment, Inc. 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 of the above described brush-wolf mower.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of a brush-wolf mower for the Highway Department from Five Star Equipment, Inc. for a total cost of \$6,950.00;
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 June 6, 2016, and **ADOPTED.**

Ayes 3 Savage, Pautler & Witt  
Nays 0

Councilman Witt Moved and Supervisor Savage seconded the Motion to hire Michael Steffan and Lyle Grant as seasonal part-time parks employees' dependent upon successful completion of all pre-employment checks. The foregoing Motion was put to a Roll Call Vote on June 6, 2016 and **CARRIED.**

Ayes 3 Savage, Pautler & Witt  
Nays 0

Supervisor Savage Moved and Councilwoman Pautler seconded the Motion to approve IAO Assessor William Sivec's request to attend mandatory assessor training from July 10, 2016 through July 15, 2016 at reasonable Town expense. It is noted that the NYS Office of Real Property Services reimburses expenses. The foregoing Motion was put to a Roll Call Vote on June 6, 2016 and

**CARRIED.**

Ayes 3 Savage, Pautler & Witt  
Nays 0

Councilwoman Pautler Moved and Supervisor Savage seconded the Motion to approve Highway Superintendent Wagner's recommendation to hire Austin Zalasko as a seasonal part-time Highway Department employee dependent upon successful completion of all pre-employment checks. The foregoing Motion was put to a Roll Call Vote on June 6, 2016 and

**CARRIED.**

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 of Alden has adopted a Credit Card Use Policy; and

WHEREAS, the Town Board now realizes the need for certain Town Employees to have Town issued Debit Cards.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby amends the 2014 Town of Alden Credit Card Use Policy, to include the use of Town issued debit cards;
2. The amended Policy shall be titled the "TOWN OF ALDEN CREDIT CARD AND DEBIT CARD USE POLICY", and shall be effective as of June 7, 2016 at 12:01 am;
3. The Town Budget Officer/Deputy Supervisor, Colleen Rogers and Councilmember Colleen Pautler are hereby authorized to apply for and obtain debit cards from the Alden State Bank for: Recreation Supervisor Dan Moultrup; Town Supervisor Richard A. Savage; and for Town Budget Officer/Deputy Supervisor Colleen Rogers and
4. This resolution shall take effect immediately.

**On the Question: One of the uses for these cards will be to utilize them for running background checks.**

The foregoing Resolution was duly put to a Roll Call Vote at a regular meeting on June 6, 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 COUNCILWOMAN PAUTLER 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, Chapter 18 of the Alden Town Code allows the Alden Town Board to adopt a resolution requiring a property owner to cut, trim or remove brush, grass, rubbish or weeds on their lands; and

WHEREAS, the following persons/entities are the owners of parcels of land (said parcels identified below) situated in the Town of Alden that are in need of lawn maintenance:

JPMorgan Chase Bank, owner of 11135 Jane Drive;  
Christopher Kalisz, owner of 12327 Westwood Road;  
Steven A. Weber owner of 11133 Broadway;  
Timothy R. Stewart owner of 124 Three Rod Rd. (Lis pendis filed by OneWest Bank);  
Michael Fleming, owner of 12537 Main Street;  
Estate of Gregory R. Slojkowski owner of 12328 Genesee Street (Lis pendis filed by Ocwen Loan Servicing LLC); and  
William Simbeck, owner of 12491 North Road.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. JPMorgan Chase Bank, owner of 11135 Jane Drive (SBL # 106.20-3-14);  
Christopher Kalisz, owner of 12327 Westwood Road (SBL # 107.04-1-5);  
Steven A. Weber owner of 11133 Broadway (SBL # 117.12-4-2.11);  
Timothy R. Stewart and One West Bank owners of 124 Three Rod Rd.(SBL # 130.01-1-5);  
Michael Fleming, owner of 12537 Main Street (SBL 119.00-1-3);  
Estate of Gregory R. Slojkowski and Ocwen Loan Servicing LLC owners of 12328 Genesee Street (SBL # 85.00-6-10.1; and  
William Simbeck, owner of 12491 North Road (SBL # 107.02-2-1)

are hereby ordered by the Alden Town Board to cut, trim and remove the brush, grass, rubbish and weeds on their above listed properties no later than June 19, 2016;

2. Should these property owners fail to cut, trim and remove the brush, grass, rubbish and weeds on their respective above listed properties no later than June 19, 2016, the Town of Alden will authorize the lawn maintenance to be performed by a third party and paid for from the general fund of the Town of Alden;

3. The Town Board shall then cause the general fund to be reimbursed by the respective property owners by levying the costs incurred by the Town onto the respective landowners County/Town Tax Bill for Tax Year 2017;

4. The Town Attorney shall cause a Notice of the Resolution to be mailed to each of the landowners listed above by regular mail at their last known address, as required by Section 18-4 of the Alden Town Code; 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 6, 2016, and **ADOPTED.**

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 wanted to comment on the 5K Race and Taste of Alden. The activity was well attended and organized well. The only complaint he heard was that there was no receptacle available for recyclables.

**Engineer Metzger:**

Supervisor Savage, Eng. Metzger and the Inspector toured the Exchange and Zoeller Rd. water districts to view the areas of restoration. Engineer Metzger will continue to follow up.

**DCO Weglarski:**

A dog census was started today on Countyline Rd.

**Supervisor Savage:**

Supervisor Savage will be meeting with the PSC regarding possible providers/Reserve Gas.

There will be a picnic held for the Seniors on June 13 at 12:00.

Supervisor Savage would like the following placed on the Work Session:

1. Solar Panels
2. Borucki Painting
3. Peddlers/Solicitors
4. Berm Local Law
5. Exchange/Zoeller
6. Highway Garage Repairs
7. Park Shelter

**NOTICE OF MEETINGS**

**NEXT WORK SESSION:**

**June 13, 2016 @ 7:00 P.M.**

**NEXT TOWN BOARD MTG.:**

**June 20, 2016 @ 7:00 P.M.**

**MEMORIAL REMEMBRANCE**

Supervisor Savage asked all to stand for a Moment of Silence in Memory of Dave Glines, Daniel Kwiatkowski, Tracey Mages, Edith Monkelbaan & Marianne Gawelo.

**ADJOURNMENT**

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

Debra A. Crist  
Alden Town Clerk