

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, August 17, 2015 at 7:00 P.M. Supervisor Milligan called the Meeting to Order and 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.  
Len Weglarski, DCO  
Mike Fleming, Planning Board  
Marlin Gillette, Zoning Board  
Residents

Supervisor Milligan Moved and Councilman Witt seconded the Motion to approve the Minutes and Synopsis of the August 3, 2015 Meeting. The Motion was put to a Roll Call Vote on August 17, 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;

<u>ACCOUNT</u>	<u>ABST. #1</u>	<u>ABST. #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$11,620.20		\$11,620.20
HGHWY FUND "DA/DB"	8,232.49		8,232.49
PART-TOWN FUND "B"	7,068.27		7,068.27
CONSOLIDATED WATER "WR"	9,778.13		9,778.13
SP FIRE PROT. "SF"			
SD#2 FUND "SA"	2,352.19		2,352.19
TRUST/AGCY FUND "T"	397.72		397.72
SP REFUSE FUND "SR"	36,546.31		36,546.31
STREET LIGHTING FUND "SL"	4,669.19		4,669.19
PERIWINKLE LTG. "SL1"	25.47		25.47
GRANTS			
TOTALS	\$80,689.97		\$80,689.97

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON AUGUST 17, 2015 AND WAS

**ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt  
Nays 0

**BUSINESS FROM THE FLOOR**

Ken & Elizabeth Fix from S. Newstead Rd. said that they were paid a visit from Code Enforcement Officer Chris Snyder who gave them a copy of the Town of Alden's fence law stating that you have to have a fence up 150' from the center of the road. Attorney Strong said it is the Town Code. They had a fence up on South Newstead Rd. for years and now they fenced in their property on Lesswing and a neighbor complained because they like to run 4-wheelers on the Fix's property. Attorney Strong will follow up with CEO Snyder. Supervisor Milligan said we will have to take a look at this as he does not understand the logic behind this law. The law will be put on the next Work Session for further discussion. There is a possibility they could apply for a variance.

Robert Meyer from AJF questioned the board if they were able to put on the Resolution for the scoreboard, as he noticed it was not on the agenda. Attorney Strong said it is going to be put on as an add-on. Supervisor Milligan will poll the Board and add it.

### **COMMUNICATIONS**

#### **Supervisor Milligan:**

The Town Board had previously been given a copy of the Verizon/GPS tracking information for town vehicles. Supervisor Milligan would like this on the Work Session.

Alden Central School would like to use soccer fields in September and October. Supervisor Milligan would like this on the Work Session.

An E-Mail was received from Sherry Bennett Assistant Principal of Attica Middle school commending the Alden Recreation Department swim program. She attended with her 18 month old son.

The Town appointed a new Court Officer and at the time there was not a civil service test available for him to take. The test has come up and will be held on Sept. 9<sup>th</sup>. He will have to take it.

The following correspondence is from Alden Youth Baseball:

1. Request to use the Alden Community Center on the second Monday of every month from October 2015 through April 2016.
2. Alden Youth Baseball thanked the Town for their support and facility use for the 2015 season and look forward to the \$2400.00 for 2016.
3. Alden Youth Baseball requested the use of the Town of Alden baseball fields at R.O. Smith for a "Boys of Summer" fall baseball league that runs from September 6 to October 25, 2015.  
Supervisor Milligan would like this on the Work Session.

A letter was received from Niagara County Legislature requesting a monetary contribution to NiMAC. He would like this on the Work Session.

### **NEW BUSINESS**

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

WHEREAS, The Town of Alden Building Department declared the property owned by Steven A. Weber and located at 11133 Broadway, Alden, New York a dangerous and unsafe building and caused the dangerous and unsafe building to be demolished.

WHEREAS, Steven A. Weber is filed a Notice of Claim against the Town of Alden;

WHEREAS, the Town needs to retain special counsel to represent the Town of Alden in said Notice of Claim and possible lawsuit; and

WHEREAS, hiring an attorney falls under the professional service exemption of the Town of Alden's Procurement Policy & Procedure Guidelines and the General Municipal Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. Matthew B. Herdzik, Jr., Esq. is hereby hired as Special Counsel to the Town of Alden to represent the Town of Alden in the Notice of Claim filed by Steven A. Weber at a rate of \$175.00 per hour; and
2. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on August 17, 2015, and was

#### **ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

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

WHEREAS, the Town of Alden's Contract for collection; hauling and disposal of mixed municipal solid wastes, bulky wastes, white goods and collection, hauling and processing of recyclables;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden

require that all estimated contracts over \$20,000.00 shall be formally bid pursuant to General Municipal Law section 103;

WHEREAS, the Alden Town Board properly authorized, accepted and opened the formal bids;

WHEREAS, Bids were received as follows:

The highest bidder is Allied Waste at a one year total cost of \$635,007.60;

The second highest bidder is Waste Management at a one year total cost of \$523,918.80; and

The lowest bidder is Modern Corp at a one year total cost of \$414,332.60

WHEREAS, Modern Corp is deemed the lowest responsible bidder.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby authorizes the Supervisor to sign a three year Contract with Modern Corp. for collection; hauling and disposal of mixed municipal solid wastes, bulky wastes, white goods and collection, hauling and processing of recyclables municipal solid wastes, bulky wastes, and white goods at a charge of \$414,332.60 for year one of the Contract, and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on August 17, 2015, and was

**ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

Councilwoman Riddoch Moved and Councilman Witt seconded the Motion to approve the Alden Veterans of Foreign Wars, Post 7967 request to use the small meeting room in the Community Center on the third Monday of each month, at 7:30 PM for the Year 2016. The foregoing Motion was put to a Roll Call Vote on August 17, 2015 and was

**CARRIED.**

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 Town of Alden Highway Superintendent has advised the Town Board that the Highway Department is in need of a full-time temporary, non-union laborers for the 2015 Fall Season; and

WHEREAS, hiring a full-time temporary non-union laborer does not take away any work from current unionized employees.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board affirms the hiring, with a start date of August 31, 2015, of Paul Gasiiecki, Jr. as a **Full-Time Temporary Laborer**; at a rate of \$ 10.00 / hour, with no benefits except NYS Retirement. Term of employ not to exceed past January 30, 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 August 17, 2015, and was

**ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

Supervisor Milligan Moved and Councilwoman Riddoch seconded the Motion to approve the Renewal of the Home Occupation Permit for Douglas Swingle/12049 Genesee St./Auto Upholstery Repairs for a period of one year. The foregoing Motion was put to a Roll Call Vote on August 17, 2015 and was

**CARRIED.**

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 COUNCILMEMBER RIDDOCH 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 July 20, 2015, the following property owners to cut, trim or remove brush, grass, rubbish or weeds on their lands by August 1, 2015, notice of which Order was properly given to each property owner and the following property owners have failed to comply:

James J. and Betty Ann Schmidt owners of 3528 Townline Road (SBL # 84.04-1-3);  
Gregory R. Slojowski owner of 12328 Genesee Street (SBL # 85.00-6-10.2); and  
Lois Theisz, owner of 3631 N. Millgrove Road (SBL # 85.00-4-31)

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 2016 county/town tax for the respective offending property:

3528 Townline Road (SBL # 84.04-1-3)	\$110.00
12328 Genesee Street (SBL # 85.00-6-10.2)	\$150.00
3631 N. Millgrove Road (SBL # 85.00-4-31)	\$110.00
TOTAL COST:	\$370.00

2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on August 17, 2015, and was

**ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

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

WHEREAS, the Town of Alden and Alden Junior Football and Cheerleading ("AJFC") are interested in allowing AJFC to purchase and construct, using volunteered labor, in the Alden Town Park an LED scoreboard; (the "Project");

WHEREAS, the Town of Alden and AJFC have come to full agreement on the terms of the Project.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the attached Indemnification Agreement with AJFC and hereby consents to the Project being built by volunteer labor and by Kraus Brothers Inc. in the Town Park;
2. The Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate the Agreement; and
3. Kraus Brothers Inc. must pay all employees prevailing wages and must comply with all labor law requirements and postings; and must provide proof of insurance (worker's compensation and liability) to the Town Clerk prior to starting any work; and
4. The previous resolution for the Project adopted on August 17, 2013 is hereby rescinded; and
5. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on August 17, 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 was driving down Uebelhoer Rd. at 5:30 A.M. and all the street lights were out. He asked DCO Weglarski (who lives on the street) to check this out and let him know and he will report it if necessary.

**Attorney Strong:**

Attorney Strong wanted to remind AJF, pertaining to the Resolution that was just approved, that we have Kraus Brothers insurance, but do not AJFC as yet. She has sent a revised agreement for them to review. Councilwoman Riddoch reminded them that Kraus would need to pay prevailing wage if they use other employees besides themselves.

**Highway Supt. Wagner:**

The Highway finished up paving Countyline on Friday.

**Mike Fleming, Planning Board:**

The Planning Board is getting nowhere with Mark Moore. Councilman Witt spoke with CEO Snyder and told him it is been going on and on. CEO Snyder said there is nothing he can do as Moore is not working right now. He will pull his CO when the store opens if the site plan has not been submitted and approved.

**Len Weglarski, DCO:**

Len received a quote from Delacey for a Dog Truck. We can piggyback with the Town of Amherst on a State bid. Supervisor Milligan asked that it be put on the Work Session.

**Supervisor Milligan:**

We have one more concert to go on Wednesday and the weather is iffy.

**NOTICE OF MEETINGS**

<b>SPECIAL MEETINGS:</b>	<b>(Budget)</b>	<b>August 18, 2015 @ 9:00 A.M.-11:00 A.M.</b>
	<b>(Budget)</b>	<b>August 19, 2015 @ 9:00 A.M.-10:45 A.M.</b>
	<b>(Parks CBA)</b>	<b>August 19, 2015 @ 3:00 P.M.</b>
<b>NEXT WORK SESSION:</b>		<b>August 24, 2015 @ 7:00 P.M.</b>
<b>REG. BOARD MEETING:</b>	<b>(Tuesday)</b>	<b>September 8, 2015@7:00 P.M.</b>

**MEMORIAL REMEMBRANCE**

Supervisor Milligan asked all to stand for a Moment of Silence in Memory of Rudolph Lazzazero , Ralph Davis Jr., Roberta LaQuay & Michael Hilburger.

**ADJOURNMENT**

At 7:26 PM Supervisor Milligan adjourned the Meeting.

Debra A. Crist  
Alden Town Clerk