

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road on Monday, September 18, 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
Ralph Witt, Councilman

RECORDING SECRETARY: Debra A. Crist, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney
Gary Wagner, Highway Supt.
Chris Snyder, CEO
Mike Metzger, Town Engineer
Len Weglarski, DCO
Residents

Councilman Witt Moved and Councilwoman Pautler seconded the Motion to approve the Minutes and Synopsis of September 5, 2017. The Motion was put to a Roll Call Vote on September 18, 2017 and was **CARRIED.**

Ayes 3 Savage, Pautler & Witt

Nays 0

Councilwoman Pautler Moved and Councilman Witt seconded the Motion to approve abstract 1 for September that includes vouchers numbered 950-1002, entered from 9/7/17 through 9/15/17. All vouchers were reviewed by the Town Board Members. A print out of abstract will be available when the second abstract for September is printed. The foregoing Motion was put to a Roll Call Vote on September 18, 2017 and was

CARRIED.

Ayes 3 Savage, Pautler & Witt

Nays 0

Note: Printout of abstract was not done due to computer breakdown.

PUBLIC HEARING ON SPECIAL USE PERMIT TO HARBOR CHICKENS AT 2099 SANDRIDGE ROAD/NEWMAN.

AT 7:05 P.M. SUPERVISOR SAVAGE ASKED FOR A MOTION TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO THE PUBLIC HEARING.

COUNCILWOMAN PAUTLER MOVED AND COUNCILMAN WITT SECONDED THE MOTION TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO THE PUBLIC HEARING. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON SEPTEMBER 18, 2017 AND
CARRIED.

Ayes 3 Savage, Pautler & Witt

Nays 0

THE TOWN CLERK READ THE LEGAL NOTICE OF PUBLIC HEARING PRINTED IN THE ALDEN ADVERTISER.

SUPERVISOR SAVAGE OPENED THE FLOOR FOR PUBLIC COMMENT.

Supervisor Savage concurred with the Code Enforcement Office that an inspection was done and Mr. Newman was in compliance. CEO Snyder did the inspection and it was found to be in compliance.

There was no comment from the Floor.

AT 7:08 P.M. AFTER ALL THOSE WISHING TO BE HEARD WERE HEARD SUPERVISOR SAVAGE ASKED FOR A MOTION TO ADJOURN FROM THE PUBLIC HEARING AND ENTER BACK INTO THE REGULAR MEETING.

COUNCILWOMAN PAUTLER MOVED AND COUNCILMAN WITT SECONDED THE MOTION TO ADJOURN FROM THE PUBLIC HEARING AND ENTER BACK INTO THE REGULAR MEETING. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON SEPTEMBER 18, 2017 AND

CARRIED.

Ayes 3 Savage, Pautler & Witt

Nays 0

BUSINESS FROM THE FLOOR

Supervisor Savage welcomed the students from Alden Central School and had them introduce themselves and tell what class they were there for. Supervisor Savage explained the abstract process for the payment of bills, gave meeting dates and told how the Work Session is a discussion period with the action being taken at the Regular meeting.

Matt Herdzik, South Woodside said a few meetings back there was a discussion about the garage property at Broadway and Two Rod and Mr. Snyder said the deal fell through because of contaminated black soil. He would like to know what it is contaminated with that would kill that deal. There is a big pile of dirt still laying there. Supervisor Savage surmised it was a gas station so the tanks leak some over the years and get in the soil and you cannot get funding/mortgage on the property unless it gets a clean bill of health from the DEC. If there is soil that needs to be either dug up and put on plastic and treated it takes a while, or it can be disposed in a specific type of landfill. If this is not done and they don't sample and get clean samples around the perimeter where the tank is, somebody is not going to be able to sell it unless it is a cash deal and at that point that person would take over the liability. The Town does not know what the contamination was. Mr. Herdzik wondered if this would be a hazard to the environment and people. Supervisor Savage believed you could smell it if it was contaminated with gas. CEO Snyder said the pile of dirt is just extra dirt that they dug out. He believes there is another part that they did not get samples from and they have to re dig. Mr. Herdzik said these will be resolved by the owner? Supervisor Savage said by the owner of the land.

Steve Fox, Old Wende Rd. questioned about a previous Work Session discussion on a variance for a berm located on Billo Rd. wondered what was going on. **Supervisor Savage** said this was not a variance the man that owns the property is building a house. People come down the road and actually go over the side and wander down by his property. He is building a berm to dissuade people from doing that. He came in to talk to the Board as he did not have a permit to build the berm, nor did it meet the requirements. Even though we abandoned the road for maintenance purposes, we still own the right away. So he is actually building the berm on Town property. He must meet the criteria of the berm law. Mr. Fox went back there and it is a mess, he wondered what that business was. **Supervisor Savage** said that is located in Newstead. This is not the same person that is building the house. Mr. Fox is concerned that all those junk cars laying there could contaminate water. **CEO Snyder** said the DEC has been out there a few times to check it out.

John Lewandowski, Boncliff Drive was there to be updated and thank the Town for addressing the issues on Boncliff with their flooding problems. They were out there today doing a study. Gary and the Highway have cut half the ditch's grass in front of his house, he was wondering if maintenance could be done to keep the ditch clear. He has standing water in that ditch from when Carl Fix and crew dug it wrong. It is too deep and crooked. It is a hazard. Gary said he will take care of it later. Maintenance and studies should have been some time ago. **Supervisor Savage** said we cannot look back but look forward. The topographic people were out there today. Tomorrow Mike Metzger and Supervisor Savage will meet with Aaron Hucker at his place to discuss ideas that he wanted to voice. He would like Lee J. to come down and look at the ditches to see if he can clean them out quickly, they need to get some prices. Hwy. Supt Wagner spoke of cleaning out across Broadway; he cleaned out beaver damns etc. They went back as far back as they could. There was further discussion on flooding. **Supervisor Savage** would like to move forward without reliving the past.

Mark Casell, Baxter Ave. referred to the recent Berm and Solar laws that were passed. The berm law was prompted by the place over on Wende Rd. that many months later sits and they have not done anything with it. Is there anything that can be done to get that guy to complete it? **Supervisor Savage** said it actually was done prior to the completion of the Berm Law except for the ground cover part of it. There were a couple others that prompted the law and you cannot go after one and make them go into compliance when there are other ones that are finished nicely. Because there was no law at the time the berm was done on Wende he did not have to get a permit, the Town has no leverage. CEO Snyder has spoken to the homeowner. There is nothing in the code book that he can propose to him to do. Mark brought up the solar array that is being put up on County property after the Town requested them not to put it by the road, which they did anyway. The fencing also does not follow Town code. Do they have to meet requirements of some building code which they have to comply with? CEO Snyder said

they have to meet State codes. He does not have any authority on the County property. The Town has not been updated on the progress of this project. Supervisor Savage did not know if the State Code has developed a unified solar law yet. They follow the international code per CEO Snyder.

Steve Fox, Wende Rd. brought up the berm law and that his neighbors at Walden and Old Wende were required by the Town years ago to place the berm where it is presently located.

COMMUNICATIONS

Councilwoman Pautler:

Councilwoman Pautler spoke to the new principal Joanna Johnson of St. John's school; she asked if a speed study could be done with the County because they are having trouble with cars going through the stop signs at the crosswalk. They had the Sheriff's patrol there. The Sheriff's said there is not much they can do because of the speed limit 35 with the school zone of 25. They called the County and they will install another stop sign. The Principal was told to come to the Town to request a speed study, hoping that the speed limit could be lowered to 20 mph. That is as low as they can go according to the County because they do not like to go 15 mph. below the standard. Supervisor Savage asked that this be put on the Work Session. Supervisor Savage felt that part of the problem is the buses are now lining up in front of the school blocking the one stop sign. Councilwoman Pautler said the school is having a meeting tomorrow night and hoping to get the buses moved back to the parking lot for dismissal. The issue comes when they are going to church, gym classes and fire drills. Cars are going by yelling at them that they are in the way. We will put the TE9 on the Work Session. Councilwoman Pautler will contact Principal Johnson and invite her to the Work Session.

Supervisor Savage:

1. Some of the signs for the skate park have been put up. A couple more large ones have been ordered listing the rules. The kids are not wearing helmets. We will try to do some supervision through recreation and parks. Supervisor Savage quoted insurance specification on sports related injuries and skateboarding was low on the list. Children 8 years and younger must be accompanied by an adult
2. A dedication of the skate park is planned for October 14th at 10:00 A.M. he has a sign coming in dedicating the Park- Lee J & Tammy Weisbeck Family Skatepark.
3. Supervisor Savage sent a letter to Hon. Kathleen H. Burgess, Secretary to the Commission – NY State Public Service Commission supporting Reserve Gas Co., Inc. and their petition to take over specific portions of natural gas pipeline on Sullivan Road belonging to New York Gas & Oil.
4. A letter was received from Engineer Metzger regarding Turbo-Pro addition site plan.
5. Approved Village of Alden Board minutes from September 7, 2017.
6. A letter was received from N.Y.S. Dept. of Financial Services regarding new legislation to confront the lingering vacant & abandoned property epidemic.
7. CEO Snyder gave the Board a copy of the Turbo-Pro site plan.
8. A 50 page shared services agreement was received, which was passed.

NEW BUSINESS

Councilman Witt Moved and Councilwoman Pautler seconded the Motion to gratefully accept the donation by Lee J. and Tammy Weisbeck of skate park equipment and for the Town of Alden to take ownership, responsibility and liability for all such "skate park" equipment. Effective 9/8/17. The foregoing Motion was put to a Roll Call Vote on September 18, 2017 and

On the Question: effective 9/8/17 will be added.

CARRIED.

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;

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 2nd day of October, 2017, for the purpose of hearing all persons interested in the use of Federal Community Development Funds in the Town of Alden; and

ORDERED, that the Town Clerk's Office is directed to (a) publish a notice of public hearing in the Alden Advertiser, designated as the official newspaper for this publication, such publication to be not

less than five (5) days before the date of the public hearing; (b) and post as required by law one (1) copy of the Notice of Public Hearing no later than the day such Notice is published; and

The question of the adoption of the foregoing order was duly put to a vote on roll call, at a regular meeting on September 18, 2017 and

ADOPTED.

Ayes 3 Savage, Pautler & Witt

Nays 0

1THE FOLLOWING RESOLUTION WAS OFFERED BYCOUNCILWOMAN PAUTLER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN WITT TO WIT;

WHEREAS, the Alden Town Clerk has advised the Town Board that the Town Hall is in need of two new copy machines which will be leased from the State Bid Contract # 072693000;

WHEREAS, the existing copy machines at the Town Hall have become obsolete and too expensive to maintain and obtain parts for;

WHEREAS, said Procurement Policy & Procedure Guidelines and General Municipal Law have been followed by leasing from the State Bid Contract; and

WHEREAS, the Town Board after full and careful review and consideration of the request to lease two new copy machines for the Town Hall, finds that it is in the public interest to authorize the leasing of the new copy machines.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves a 60 month lease for a new Xerox 7035 copy machine and a new Xerox C405 copy machine for the Town Hall from Xerox at a monthly rate of \$225.00 and also includes delivery, set-up, training, service, toner for both machines, and 10,000 copies per machine per month) with an additional per copy charge of \$.007 as described on the attached Lease Agreement as being consistent with its policies and in the interests of the residents of the Town of Alden;
2. That the Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this lease agreement; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote at a regular meeting on September 18, 2017, and

ADOPTED.

Ayes 3 Savage, Pautler & Witt

Nays 0

AT 7:46 P.M. SUPERVISOR SAVAGE ASKED FOR A MOTION TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO AN EXECUTIVE SESSION WITH THE TOWN BOARD, TOWN ATTORNEY AND ATTORNEY CHRIS TRAPP TO DISCUSS A TRANSFER OF PROPERTY.

COUNCILWOMAN PAUTLER MOVED AND COUNCILMAN WITT SECONDED THE MOTION TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO AN EXECUTIVE SESSION.

THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON SEPTEMBER 18, 2017 AND

CARRIED.

Ayes 3 Savage, Pautler & Witt

Nays 0

AT 7:59 P.M. SUPERVISOR SAVAGE MOVED TO ADJOURN FROM THE EXECUTIVE SESSION AND ENTER BACK INTO THE REGULAR MEETING, WITH NO ACTION TAKEN. COUNCILMAN WITT SECONDED THE MOTION. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON SEPTEMBER 18, 2017 AND CARRIED.

Ayes 3 Savage, Pautler & Witt
Nays 0

SUPERVISOR SAVAGE MOVED TO MOVE ITEM #7d TO UNFINISHED & TABLED BUSINESS, COUNCILMAN WITT SECONDED THE MOTION. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON SEPTEMBER 18, 2017 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 Town Board of the Town of Alden is considering an application, by Joseph Bantle, as President of Turbo Pro Inc. for site plan approval of a 42' x 120' foot addition to an existing warehouse at 2589 Townline Road, in the Town of Alden, further identified by SBL 96.00-4-14.112 (The "Proposed Action");

WHEREAS, the Town Board of the Town of Alden has determined that the Proposed Action is an Unlisted Action under SEQRA but has determined that it is in the public interest to conduct a coordinated review;

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

WHEREAS, the Town Building Inspector has provided notice to the Erie County Division of Planning, for this proposed site plan approval, as required under Section 239-m of the General Municipal Law and has given notice to the involved agencies.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board has determined that the proposed site plan approval 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 site plan approval; and
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 September 18, 2017, and

ADOPTED.

Ayes 3 Savage, Pautler & Witt
Nays 0

2THE 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 replace the Town Hall south entry doors and the Highway Garage front entry door, the estimated cost of replacement 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 prepare a request for proposal and then obtain written quotes from at least three (3) vendors;

WHEREAS, a request for proposal (for the replacement of the Town Hall south entry doors and the Highway Garage front entry door) was made to three (3) vendors and quotes were received as follows:

The highest quote is from Raymond E. Kelly at \$9,519.00;

The second highest quote is from Twin City Glass Corp at \$9,461.00 and

The lowest quote is from Sterling Glass, Inc. at \$8,487.00;

WHEREAS, Sterling Glass, Inc. the lowest responsible bidder;

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 replacement of the entrance doors.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the replacement of the Town Hall south entry doors and the Highway Garage front entry door and hereby hires Sterling Glass, Inc., upon signing a Contract with the Town of Alden, for the work at a total cost of \$8,487.00 as outlined on the attached specifications;
2. Sterling Glass, Inc. 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 Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this project; and
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 18, 2017, and

ADOPTED.

Ayes 3 Savage, Pautler & Witt

Nays 0

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

3THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR SAVAGE WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN WITT TO WIT;

WHEREAS, the Alden Town Board has received a request from the Town Supervisor to mill and pave the entrance to the Alden Town Park the estimated cost of this public works project is less than \$20,000.00 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 written quotes were made to three (3) vendors and quotes were received as follows:

the highest quote is from Northeast Paving at \$19,984.00;

the second highest quote is from Zoladz Construction Co., Inc. at \$19,852.00 and

the lowest quote is from Robinson Paving at \$14,500.00;

WHEREAS, the quote from Robinson Paving is rejected as it does not include tack coat; making Zoladz the lowest responsible bidder.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the hiring of Zoladz to mill and pave the entrance to the Town Park, as per the attached quote, at a total cost of \$19,852.00;
2. Zoladz 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 Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this project; and
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 18, 2017, and

CARRIED.

Ayes 3 Savage, Pautler & Witt

Nays 0

Supervisor Savage Moved and Councilman Witt seconded the Motion

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

WHEREAS, the Town Board of the Town of Alden is considering an application by Thomas Newman to Harbor Chickens at his residence located at 2099 Sandridge Road in the Town of Alden (further identified by SBL # 107.02-2-10); (the "Proposed Action");

WHEREAS, the Town Code Enforcement Officer has inspected the premises and has found the same in compliance with all requirements of the Alden Town Code;

WHEREAS, the notice of public hearing was mailed to neighboring parcel owners and the public hearing was held on September 18, 2017, after due publication in the Alden Advertiser; and

WHEREAS, at said public hearing all persons appearing in favor of and against the proposed action were heard and all concerns have been addressed.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby directs the Code Enforcement Officer to issue to Thomas Newman a Special Use Permit to Harbor Chickens limited to six (6) hen chickens for a period of one year; and
2. 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 September 18, 2017 and

CARRIED.

Ayes 3 Savage, Pautler & Witt
Nays 0

SUPERVISOR SAVAGE MOVED AND COUNCILMAN WITT SECONDED THE MOTION TO CONTRIBUTE \$250.00 TO ALDEN DRUG COALITION/HALLOWEEN SPOOKTACULAR TOWARDS PURCHASE OF EVENT INSURANCE. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON SEPTEMBER 21, 2017 AND

CARRIED.

Ayes 3 Savage, Pautler & Witt
Nays 0

UNFINISHED & TABLED BUSINESS

Resolution to authorize the Town Supervisor to execute any and all documents to convey Town of Alden Tax Map #08.00-4-10/Alden Town Cemetery on Sandridge to Joseph & Jennifer Czechowski for a sale of \$2500.00.

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Engineer Metzger:

Invoices were in his mailbox for the DEC for SPDES permits for the Sewer District and Town Hall. He did not realize that we operate under a SPDES permit for the Town Hall. Today's standards for a SPDES permit are 1,000 gallons a day. There is no way the Town Hall uses that amount of water. He will petition the DEC to get that SPDES permit eliminated/\$350.00 per year. The Clerk will supply him with the water bills for Town Hall.

NOTICE OF MEETINGS

NEXT WORK SESSION: September 25, 2017 @ 7:00 P.M.
NEXT TOWN BOARD MTG.: October 2, 2017 @ 7:00 P.M.

MEMORIAL REMEMBRANCE

Supervisor Savage asked all to stand for a Moment of Silence in Memory of Jerome Steffenhagen and Robert Kowalewski.

ADJOURNMENT

At 8:15 P.M. Supervisor Savage adjourned the Meeting.

Debra A. Crist
Alden Town Clerk