

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, September 19, 2016 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 Deputy Town Clerk.

PRESENT: Richard Savage, Supervisor
Ralph P. Witt, Councilman
Colleen Pautler, Councilwoman

RECORDING SECRETARY: Barbara Weber, Deputy Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney
Don Stoffel, Planning Board
Len Weglarski, DCO
Mike Metzger, Town Engineer
Chris Snyder, CEO
Residents

Supervisor Savage Moved and Councilman Witt seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of September 6, 2016 and the Special Meeting of September 12, 2016. The Motion was put to a Roll Call Vote on September 19, 2016 and was

CARRIED.

Ayes 3 Savage, Witt & Pautler
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN PAUTLER AND SECONDED BY COUNCILMAN WITT TO WIT; VOUCHERS #906-955

<u>ACCOUNT</u>	<u>ABST. #1</u>	<u>ABST. #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	10,517.45		10,517.45
HGHWY FUND "DA/DB"	12,433.31		12,433.31
PART-TOWN FUND "B"	2,407.26		2,407.26
CONSOLIDATED WATER "WR EXCHANGE WATER DIST. "HX" SP FIRE PROT. "SF"			
SD#2 FUND "SA"	2,334.79		2,334.79
TRUST/AGCY FUND "T"	1,170.47		1,170.47
SP REFUSE FUND "SR"	35,324.05		35,324.05
STREET LIGHTING FUND "SL"	5,966.77		5,966.77
PERIWINKLE LTG. "SL1"	36.68		36.68
GRANTS	83.50		83.50
ZOELLER WATER DIST. "HZ"			
TOTALS	\$70,274.28		\$70,274.28

Upon roll call vote on September 19, 2016, the foregoing resolution was

ADOPTED.

Ayes 3 Savage, Witt & Pautler
Nays 0

BUSINESS FROM THE FLOOR

Supervisor Savage recognized the students from Alden High School. The students introduced themselves from the Economics and Participation in Governments class.

AT 7:05 COUNCILMAN SAVAGE MOVED AND COUNCILWOMAN PAUTLER SECONDED THE MOTION TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO THE PUBLIC HEARING REGARDING THE USE OF FEDERAL COMMUNITY DEVELOPMENT FUNDS IN THE TOWN OF ALDEN. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON SEPTEMBER 19, 2016 and

CARRIED

**Ayes 3 Savage & Witt & Pautler
Nays 0**

THE DEPUTY TOWN CLERK READ THE NOTICE OF PUBLIC HEARING THAT WAS PUBLISHED IN THE ALDEN ADVERTISER.

Supervisor Savage said that the purpose of the public hearing is to solicit any information or comments that the residents may have on what they would like the Town to apply for. This grant is geared for low income and seniors.

A representative from the Alden Seniors Darlene Dahl spoke about the poor condition of the kitchen at the Alden Senior Center and a possible water issue there that needs to be addressed. She said that the kitchen needs renovation at the Community Center and that other groups also use the kitchen there. She also questioned about the available parking at the senior center, if the area could be expanded. Supervisor Savage mentioned that he did get a quote for remodeling the kitchen last fall but it needs to be broken down more finitely for this grant application. There is no dishwasher, the counter tops and cabinets are old and worn, possibly over forty years old.

AT 7:13 AFTER ALL THOSE WISHING TO BE HEARD WERE HEARD, SUPERVISOR SAVAGE MOVED AND COUNCILMAN WITT SECONDED THE MOTION TO CLOSE THE PUBLIC HEARING ENTER BACK INTO THE REGULAR MEETING. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON SEPTEMBER 19, 2016 AND

CARRIED

Ayes 3 Savage & Witt & Pautler
Nays 0

BUSINESS FROM THE FLOOR

A resident from the Town asked if we are under contract with Lancaster Volunteer Ambulance service yet. Supervisor Savage said that yes we are under contract with them and they will service the Town. Supervisor Savage said that we should transition on September 25. He said that we had to apply to be the ambulance provider, the Town itself, when Rural Metro said that they would no longer be doing it. We contracted with Lancaster Volunteer Ambulance Corps and American Medical Response ambulance service will be our back up.

A resident from the Town asked about the chicken law that he read about in the Alden Advertiser. The supervisor stated that there is going to be a residential chicken law but there is none now. This will apply to zones R1 and R2. The Town is working on the proposed chicken law now. The application will be similar to a home occupation permit.

COMMUNICATIONS

Town Attorney Jennifer Strong stated that she received the first wage garnishment check from Mr. Weber and will turn the check over to the Town this week.

Supervisor Savage said that we got a copy of the Village EMS report for August. He received a letter from the insurance company for the claim for the Town Highway garage repairs. The letter stated that we have until November 19 to finish the repairs. He received the minutes from the Planning Board from Tuesday September 13. He received the Village Board approved minutes from August 25 and received the Town Buildings report from August 2016.

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 has fully considered the adoption of Local Law No. 2 of the Year 2016, entitled "Solar Siting Law of the Town of Alden" (the "Proposed Action"); and

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA; and

WHEREAS, the Town Clerk provided notice to the Erie County Division of Planning on July 27, 2016, for this Proposed Action, as required under Section 239-m of the General Municipal Law and comments were received from the Division on September 6, 2016; and

WHEREAS, the Erie County Division of Planning did respond on September 6, 2016 to the 239-m Notice that was received by them on to them on July 27, 2016;

WHEREAS, the County DEP's response was beyond the thirty (30) day response period, their letter and concerns were addressed by the Town Board and the written findings and responses to the September 6, 2016 letter are attached and made a part of the SEQRA Shortform;

WHEREAS, the New York State Environmental Quality Review Act requires the Town to determine the Lead Agency status and the Town Board did assume Lead Agency status on August 1, 2016; and

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 SEQRA Intake Officer; and

WHEREAS, the Town of Alden Planning Board has reviewed the Proposed Action and on July 12, 2016, recommended to the Town Board the approval of the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board did determine that the Proposed Action is an Unlisted Action under SEQRA.
2. The Town Board did determine that it should be the Lead Agency for all environmental review of the Proposed Action.
3. The Town of Alden, as Lead Agency, hereby determines that the unlisted action described in the attached SEQRA 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 said Proposed Action.
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 September 19, 2016 and was

ADOPTED.

Ayes 3 Savage, Witt & 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 has previously adopted its Zoning Law and various amendments, which Zoning Law has been codified as part of the Code of the Town of Alden; and

WHEREAS, a Proposed Local Law No. 2 of the Year 2016, entitled "Solar Siting" was introduced to the Alden Town Board for consideration by Councilperson Witt on May 20, 2016;

WHEREAS, the Town of Alden Planning Board reviewed the proposed Local Law and recommended to the Town Board its approval on June 12, 2016;

WHEREAS, an order was duly adopted by the Alden Town Board for a public hearing to be held by said Town Board on August 15, 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 August 4, 2016 in the Alden Advertiser, the official newspaper of the Town of Alden;

WHEREAS, said public hearing was duly held on August 15, 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 August 1, 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 respond on September 6, 2016 to the 239-m Notice that was received by them on to them on July 27, 2016;

WHEREAS, the County DEP's response was beyond the thirty (30) day response period, their letter and concerns were addressed by the Town Board and the written findings and responses to the September 6, 2016 letter are attached and made a part of the SEQRA Shortform;

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law on August 3, 2016;

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

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. 2 of the Year 2016 entitled "Solar Siting" 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 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 19, 2016 and was

ADOPTED.

Ayes 3 Savage & Witt & Pautler
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 Highway Superintendent Gary Wagner to repair/replacement the deep-well jet pump and pressure tanks at the Highway Garage the estimated cost of which less than \$20,000.00 but greater than \$2,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines ("Guidelines") of the Town of Alden states that the Town must obtain written quotes from at least three (3) vendors;

WHEREAS, a written request for proposals was made by Highway Superintendant Wagner to three (3) vendors;

WHEREAS, quotes were received as follows:
the highest quote is from LJL Electrical, Heating & Cooling Inc at \$3,225.00,
the second highest quote is from Petschke, Inc. at \$2,800.00,
the lowest quote is from Blair's Heating and Plumbing, Inc. at \$2,775.00; and

WHEREAS, Blair's Heating and Plumbing, 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.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves repair/replacement of the Highway Garage deep-well jet pump and pressure tanks by Blair's Heating & Plumbing, Inc. at a total cost of \$2,775.00;
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 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 19, 2016 and was

ADOPTED.

Ayes 3 Savage, Witt & Pautler
Nays 0

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

WHEREAS, the Town Highway Superintendent has advised the Town Board that the Highway Department would like to replace the guardrails on Cary Road, Countyline Road, and Pohl Road; said materials and work will be hired from the Eire County Bid List.;

WHEREAS, the Town of Alden's Procurement Policy & Procedure Guidelines and the General Municipal Law have been followed through purchase from the County Bid Contract;

WHEREAS, The Town Board after full and careful review and consideration of the request finds said request to replace the guardrails as being consistent with its policies and in the interest of the residents of the Town of Alden.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase and installation of guardrails on Cary Road, Countyline Road, and Pohl Road from and by Pavilion Drainage & Supply Co, Inc. for a total of \$19,004.68;
2. That the Highway Superintendant 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.

ADOPTED.

Ayes 3 Savage, Witt & Pautler
Nays 0

Supervisor Savage moved and Councilman Witt seconded the Motion to allow the Alden Garden Club's request to use the Community Center main room for meetings on the second Wednesday of each month, September 2016 through June 2017 from 7:00 P.M. to 9:00 P.M.

The foregoing Motion was put to a Roll Call Vote on September 19, 2016 and

CARRIED

Ayes 3 Savage & Witt & Pautler
Nays 0

Councilwoman Pautler moved and Councilman Witt seconded the motion to approve Peddler's Permits for Michael Palmerton, Branden Shaul, Justin Smith and Caleb Tucci to canvas door to door within the Town of Alden selling windows for Anderson Renewal at 23 Dick Road, Depew, N.Y. 14043. All four Peddler permit applicants have met all necessary criteria relative to Chapter 16 of Town Code and Policy and Procedure adopted 6/6/2016.

The foregoing Motion was put to a Roll Call Vote on September 19, 2016 and

CARRIED

Ayes 3 Savage & Witt & Pautler
Nays 0

Councilman Witt moved and Supervisor Savage seconded the motion to appoint Dean Adamski to the Alden Town Planning Board to fill the unexpired term through (12/31/2018) of Herb Schmidt who resigned.

The foregoing Motion was put to a Roll Call Vote on September 19, 2016 and

CARRIED

Ayes 2 Savage & Pautler
Nays 1 Witt

Supervisor Savage moved and Councilwoman Pautler seconded the motion to refer Local Law #4 proposed changes to Zoning Chapter 20-12c (chickens) and 20-146 20-11 A.16 and Chapter 11 Excavator and Topsoil Section 11-11c (1) to Planning Board.

The foregoing Motion was put to a Roll Call Vote on September 19, 2016 and

CARRIED

Ayes 3 Savage & Witt & Pautler
Nays 0

Supervisor Savage moved and Councilwoman Pautler seconded the motion to refer Local Law #5/2016 proposed changes to Chapter 11-11c pond, lake and basin setbacks to the Planning Board for their review.

The foregoing Motion was put to a Roll Call Vote on September 19, 2016 and

CARRIED

Ayes 3 Savage & Witt & Pautler
Nays 0

UNFINISHED & TABLED BUSINESS

There was no unfinished or tabled business.

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Supervisor Savage said that the Town Clerk’s office has a new Deputy Town Clerk and the Clerk’s office is now collecting school taxes.

Town Attorney Strong said that she and the CEO are working on Local Law #3 which is the State building code changes.

Town Engineer Mike Metzger spoke about the water line project. He said the restoration work is completed.

Supervisor Savage commented on the work of the Town Dog Warden to find the unlicensed dogs and to make sure that they get their rabies shots.

Supervisor Savage said that on our work session on September 26 he will be going over our budget for 2017. He would also like to discuss chickens, the berm law and pond setbacks.

Attorney Strong would like to add Local Law #3 to the work session also.

Supervisor Savage will add Highway garage repairs to the work session too. He said that on October 3 they need to set a resolution to have a public hearing for the budget on November 7.

NOTICE OF MEETINGS

WORK SESSION: September 26, 2016 @7:00PM
REG. BOARD MEETING: October 3, 2016 @7:00PM

MEMORIAL REMEMBRANCE:

Supervisor Savage asked all to stand for a Moment of Silence in Memory of Kathryn Holmes, John Zoladz & Margaret Barron

ADJOURNMENT

At 7:54 P.M. Supervisor Savage adjourned the Meeting.

Barbara Weber
Alden Deputy Town Clerk