

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, July 6, 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 Deputy Town Clerk.

PRESENT: Harry Milligan, Supervisor
Ralph P. Witt, Councilman
Mary Riddoch, Councilwoman

RECORDING SECRETARY: Barbara Weber, Deputy Town Clerk

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

Supervisor Milligan Moved and Councilman Witt seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of June 15, 2015 & two Special Meetings of June 23, 2015. The Motion was put to a Roll Call Vote on July 6, 2015 and was

CARRIED.

Ayes 3 Milligan, Witt & Riddoch

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MILLIGAN AND SECONDED BY COUNCILMAN WITT TO WIT; VOUCHERS #601-649

<u>ACCOUNT</u>	<u>ABST. #1</u>	<u>ABST. #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$14,036.58	16,894.36	30,930.94
HGHWY FUND "DA/DB"	6,332.35	24,624.26	30,956.61
PART-TOWN FUND "B"	1,882.33	1,328.61	3,210.94
CONSOLIDATED WATER "WR EXCHANGE WATER DIST. "HX" SP FIRE PROT. "SF"		122,207.13	122,207.13
SD#2 FUND "SA"	3,288.47	21.25	3,309.72
TRUST/AGCY FUND "T"	2,000.28	14,978.11	16,978.39
SP REFUSE FUND "SR"	37,481.09		37,481.09
STREET LIGHTING FUND "SL"	5,409.70		5,409.70
PERIWINKLE LTG. "SL1"	33.07		33.07
GRANTS			
ZOELLER WATER DIST. "HZ"		87,193.25	87,193.25
TOTALS	\$70,463.87	\$267,246.97	\$337,710.84

UPON ROLL CALL VOTE ON JULY 6, 2015, THE FOREGOING RESOLUTION WAS

ADOPTED.

Ayes 3 Milligan, Witt & Riddoch

Nays 0

BUSINESS FROM THE FLOOR

An Alden resident thanked the Supervisor and the Town of Alden Highway Department for cleaning out his ditch so his basement does not flood any more.

COMMUNICATIONS

Attorney Strong received a communication from a property owner adjacent to the proposed abandoned Old Three Rod Rd. who states that they own a few feet of that road and the proposed new owner's attorney will have some survey work done.

Councilwoman Riddoch stated that the Alden Historical Society has requested some building repairs to the Historical building; they will discuss further at the next work session. Councilwoman Riddoch also has a new member application for the Crittenden Fire Company. Supervisor Milligan read the sales tax report for the second quarter, which is down slightly. Supervisor Milligan stated that our Code Enforcement Officer, Chris Snyder will be filling in for the Village CEO while he is on vacation. Supervisor Milligan read the monthly tax statement and postage meter statement from the Town Clerks office.

NEW BUSINESS

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

WHEREAS, Mark Schwab has filed an Application for a Home Occupation Permit to conduct a business of making gift boxes from his residence at 29 Sullivan Road, Alden;

WHEREAS, the Town of Alden Planning Board has reviewed the Application and recommended the approval of the Application to the Alden Town Board; and

WHEREAS, the Town Board, pursuant to Section 20-64(C) of the Alden Town Code is required to call a public hearing on the Application.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. A Public Hearing on the Home Occupation Permit Application of Mark Schwab be held by the Alden Town Board at the Alden Town Hall, 3311 Wende Road, Alden, New York on July 20, 2015 at 7:05 P.M. Local Time;

2. The necessary Notice of Public Hearing, as required by Section 20-64(C) of the Alden Town Code be published in the Alden Advertiser; posted on the Town Bulletin Board; and mailed to the adjacent property owners, which Notice shall be in the form attached hereto and made a part hereof; and

3. This Resolution shall take 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 July 6, 2015 and was

ADOPTED.

Ayes 3 Milligan, Witt & Riddoch
Nays 0

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

WHEREAS, the Town Board must renew, by formal bid, its contracts for collection; hauling and disposal of mixed municipal solid wastes, bulky wastes, white goods and collection, hauling and processing of recyclables.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board does hereby hire Neill & Strong, PLLC to prepare the bid specifications; put the matter out for bid; and to review the bids received; and other related legal services in connection with this project at the hourly rate of \$150.00, plus actual disbursements; and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on July 6, 2015, and was **CARRIED.**

Ayes 3 Milligan, Witt & Riddoch
Nays 0

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

WHEREAS, the Town of Alden's Contracts for collection; hauling and disposal of mixed municipal solid wastes, bulky wastes, white goods and collection, hauling and processing of recyclables are expiring and new contracts for these services is therefore necessary;

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; and

WHEREAS, the Alden Town Board after full and careful review and consideration finds that garbage and recyclable pick up and disposal is necessary for the residents of the Town and that the solicitation of bids for the same is within the public interest.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board hereby authorizes the Alden Town Clerk to advertise for bids as outlined in the attached Instructions to Bidders;
2. The Town Board hereby authorizes the Town Clerk to publish Notice in the Alden Advertiser and to mail the bid specifications to interest persons. Said Notice must be published more than five (5) days prior to Friday August 7, 2015, and must state the time when and place where the sealed bids will be publically opened and read by the Town Clerk.
3. The Town Board hereby authorizes the Town Clerk to receive sealed bids until 2:00 PM Prevailing Time on Friday August 7, 2015. All bids must contain the Non-Collusive Bidding Certification.
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on July 6, 2015 and was **ADOPTED.**

Ayes 3 Milligan & Witt & Riddoch
Nays 0

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

WHEREAS, the Town Board of the Town of Alden is considering an application by Richard and Suzanne Brown, by their agents Ryan and Rachel Brown for the subdivision of two (2) lots. The entire parcel currently consists of approximately 98 acres at 11966 Westwood Road, in the Town of Alden, further identified as SBL #107.00-3-11. The first proposed lot ("Parcel A") would be an approximate 40 acre vacant parcel; the second proposed lot ("Parcel B") would be the remaining parcel with the existing house and outbuildings (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 has provided 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 foregoing Resolution was duly put to a roll call vote at a regular meeting on July 6, 2015, and was

ADOPTED.

Ayes 3 Milligan, Witt & Riddoch

Nays 0

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

WHEREAS, the Town Board of the Town of Alden is considering an application by Gilman and Marilyn Martin by their agent D. Jeffrey Buckley, Esq. for the subdivision of two (2) lots. The entire parcel currently consists of approximately 94.2 acres on Broadway in the Town of Alden, further identified as SBL #118.00-3-3. The first proposed lot ("Parcel A") would be an approximate 238' x 403' irregular shaped parcel with the house and out buildings; the second proposed lot ("Parcel B") would be the remaining vacant 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 1, 2015, for this Proposed Action, as required under Section 239-m of the General Municipal Law and no response was received within thirty days;

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 1, 2015;

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; and

WHEREAS, the Town of Alden Planning Board has reviewed the Proposed Action and on June 9, 2015, recommended to the Town Board the approval of the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

2. 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 parcels, more particularly described as:

Parcel A

All that tract or parcel of land situate in the Town of Alden, County of Erie, and State of New York, part of Lot 29, Township 11 and Range 5 of the Holland Land Company Survey, bounded and described as follows:

Beginning at a point in the center line of Broadway (100 foot wide) 1769 feet west of the east line of Lot No. 29, said point being the southwest corner of lands conveyed to Harry E. Witkowski and Virginia R. Witkowski his wife, and Bernard E. Witkowski by deed recorded in the Erie County Clerk's Office in Liber 8866 of Deeds at page 601; running thence northerly along the west line of lands so conveyed to Witkowski by deed aforesaid 228.23 feet to the northwest corner thereof; thence easterly along the north line of lands so conveyed to Witkowski by deed aforesaid 127 feet to the northeast corner thereof; thence northerly along a line forming an interior angle of 85° 59' 00" with the last described course 157.40 feet to a point; thence westerly along a line forming an interior angle of 94° 01' 00" with the last described course 384.21 feet to a point; thence southerly 403.89

feet more or less to a point in the center line of Broadway, said point being 238 feet west of the point of beginning; thence easterly along the center line of Broadway 238 feet to the point of beginning.

Excepting and reserving therefrom that portion thereof appropriated by the People of the State of New York as shown on Map No 62, Parcel No. 70 and described in instrument recorded in Liber 4037 of Deeds at page 565.

Parcel B

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. 29, Township 11, Range 5 of the Holland Land Company's Survey, described as follows:-

Beginning in the center line of Broadway as now laid out which is the southwest corner of lands conveyed by Andrew Dellinger to C. Alfred Pautler and Helen M. Pautler his wife by warranty deed dated February 12, 1949 and recorded in the Erie County Clerk's Office February 18, 1949 in Liber 4478 of Deeds page 9; running thence in a northeasterly direction and along the northwesterly line of the last mentioned deed a distance of 1050 feet to the northwest corner of said deed; thence easterly 62 feet along the northerly line of said deed to the northwest corner of lands now or formerly owned by Elmer Winegar, said point being 726 feet west of the east line of Lot No 29; thence northerly parallel with the east line of Lot No 29, a distance of 1080 feet to the south line of lands owned and occupied by the New York and Erie Railway Company; thence westerly along said New York and Erie Railway Company lands a distance of 2204.55 feet to the northwest corner of lands conveyed by Fred G. Greiner and Mary Greiner to Walter E. Almquist and Amy C. Almquist his wife by Warranty Deed dated and recorded in the Erie County Clerk's Records March 17 1922 in Liber 1593 of Deeds page 388; running thence southerly and parallel with the east line of Lot No 29, a distance of 2088.5 feet to the center line of Broadway as now laid out; running thence easterly along the said center line of Broadway as now laid out a distance of 1714.5 feet to the point or place of beginning.

Excepting from the above described premises the following three Parcels:

Parcel 1 - All those lands acquired by the State of New York shown on Map No 62, Parcel No 70 and described in instrument recorded in Erie County Clerk's Office December 16, 1946 in Liber 4037 of Deeds page 565.

Parcel 2 - 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 29, Township 11, Range 5 of the Holland Land Company's Survey, described as follows:

Beginning at a point in the center line of Broadway as now laid out 1625 feet west of the east line of Lot No 29 as measured along the center line of Broadway; running thence northerly at a deflection angle to the right of $90^{\circ} 49'$ a distance of 216.95 feet to a point; thence westerly at an interior angle of $94^{\circ} 01'$ a distance of 127 feet to a point; thence southerly at an interior angle of $90^{\circ} 40'$ a distance of 228.23 feet to a point in the center line of Broadway as now laid out; thence easterly along the center line of Broadway 144 feet to the point or place of beginning.

Parcel 3 -

All that tract or parcel of land situate in the Town of Alden, County of Erie, and State of New York, part of Lot 29, Township 11 and Range 5 of the Holland Land Company Survey, bounded and described as follows:

Beginning at a point in the center line of Broadway (100 foot wide) 1769 feet west of the east line of Lot No. 29, said point being the southwest corner of lands conveyed to Harry E. Witkowski and Virginia R. Witkowski his wife, and Bernard E. Witkowski by deed recorded in the Erie County Clerk's Office in Liber 8866 of Deeds at page 601; running thence northerly along the west line of lands so conveyed to Witkowski by deed aforesaid 228.23 feet to the northwest corner thereof; thence easterly along the north line of lands so conveyed to Witkowski by

deed aforesaid 127 feet to the northeast corner thereof; thence northerly along a line forming an interior angle of $85^{\circ} 59' 00''$ with the last described course 157.40

feet to a point; thence westerly along a line forming an interior angle of 94° 01 ' 00" with the last described course 384.21 feet to a point; thence southerly 403.89 feet more or less to a point in the center line of Broadway, said point being 238 feet west of the point of beginning; thence easterly along the center line of Broadway 238 feet to the point of beginning.

are given subdivision approval.

4. This resolution shall take effect immediately.

CARRIED

Ayes 3 Milligan & Witt & Riddoch

Nays 0

UNFINISHED & TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilman Witt received a call from a woman on Westwood Rd. concerned with flooding in her backyard. The ditch on the county road in front of her house is over filled with vegetation and the culvert is in bad condition. The Highway Superintendent Gary Wagner will inform the Erie County Highway Department of this problem.

Attorney Strong has reviewed the zoning for an area on Broadway and found an area on the zoning map that has a typo error. Attorney Strong will review the legal description of this area. Attorney Strong has received a list of people from CEO Chris Snyder regarding persons delinquent in mowing their lawn; a letter will be going out to those people. Attorney Strong stated that the bid documents for the Garbage specs will be mailed out tomorrow.

Highway Superintendent Gary Wagner is waiting on the results of the samples of the Highway Dept. building that were sent out two weeks ago. Town Engineer Mike Metzger will try to contact the consultant to get results of this test.

Supervisor Milligan thanked Gary Wagner for the work that his department did in front of the State Police barracks on Broadway.

Town Engineer Mike Metzger spoke about the remaining work that needs to be done on the Exchange St. and Zoeller Rd. water district. Mike Metzger mentioned that there were no bids for the work to be done on the Community Center and he would like to discuss this more at the next Town Board work session. He spoke about the truck traffic on Main St., which has been rerouted from Broadway due to the signage change at the railroad bridge. The Department of Transportation is looking into this problem.

NOTICE OF MEETINGS

SPECIAL BOARD MEETING:	JULY 8, 2015	@ 3:00 PM
WORK SESSION:	JULY 13, 2015	@7:00PM
REG. BOARD MEETING:	JULY 20, 2015	@7:00PM
WORK SESSION:	JULY 27, 2015	@7:00PM

MEMORIAL REMEMBRANCE:

Supervisor Milligan asked all to stand for a Moment of Silence in Memory of Alma Porter & Mark Luderman

ADJOURNMENT

At 7:24 P.M. Supervisor Milligan adjourned the Meeting.

Barbara Weber
Alden Deputy Town Clerk