

MEETING NO. 4
17, 2015
REGULAR NO. 4
7:00 P.M.

REGULAR TOWN BOARD MEETING

FEBRUARY

The Regular Meeting of the Alden Town Board was held in the town Hall at 3311 Wende Road on Tuesday, February 17, 2015 at 7:00 P.M. Supervisor Milligan called the Meeting to Order and Councilwoman Riddoch led in the Pledge of Allegiance. The Roll Call was taken by the Town Clerk.

PRESENT: Harry Milligan, Supervisor
Mary Riddoch, Councilwoman

RECORDING SECRETARY: Debra A. Crist, Town Clerk

ABSENT: Ralph P. Witt, Councilman

OTHERS PRESENT: Jennifer Strong, Town Attorney
Gary Wagner, Highway Supt.
Chris Snyder, CEO
Michael Fleming, Planning Board
Len Weglarski, DCO
Residents

Supervisor Milligan Moved and Councilwoman Riddoch seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of February 2, 2015 and the Special Meeting of February 5, 2015. The Motion was put to a Roll Call Vote on February 17, 2015 and was **CARRIED.**

Ayes 2 Milligan and Riddoch
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN RIDDOCH AND SECONDED BY SUPERVISOR MILLIGAN TO WIT;

<u>ACCOUNT</u>	<u>ABST. #1</u>	<u>ABST. #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$46,652.03		\$46,652.03
HGHWY FUND "DA/DB"	6,372.98		6,372.98
PART-TOWN FUND "B"	16,836.82		16,836.82
WATER DISTRICT #1 FUND "WA"	3,859.20	3,859.20	
CONSOLIDATED WATER "WR"	108,856.88		108,856.88
WATER DIST. NEWSTEAD "WO"	4,788.48		4,788.48
SP FIRE PROT. "SF"	557,796.00		557,796.00
SD#2 FUND "SA"	2,191.06		2,191.06
TRUST/AGCY FUND "T"	5,045.67		5,045.67
SP REFUSE FUND "SR"	35,096.79		35,096.79
STREET LIGHTING FUND "SL"	8,314.67		8,314.67
PERIWINKLE LTG. "SL1"	63.03		63.03
GRANTS			
TOTALS	\$795,873.61		\$795,873.61

UPON ROLL CALL VOTE ON FEBRUARY 17, 2015 THE FOREGOING RESOLUTION WAS **ADOPTED.**

Ayes 2 Milligan & Riddoch
Nays 0

Councilwoman Riddoch stated that the SF fund is up because each of the fire departments was cut their yearly checks.

BUSINESS FROM THE FLOOR

Supervisor Milligan welcomed the students from Alden Central School.

COMMUNICATIONS

Councilwoman Riddoch:

The old senior van has been sold. Upon receiving the check, the funds will be turned over to Erie County.

Supervisor Milligan:

Supervisor Milligan read an e mail from Engineer Metzger.

Waterline – Construction began last Tuesday along Exchange Street. Over 650’ were installed Tuesday through Thursday. Cold weather is hampering further work.

Highway Garage – Hwy. Supt. Wagner & Eng. Metzger met with the construction consultant last week. The consultant would like to talk to the town’s engineer hired to look at the matter and a contractor that the town may use to make the repairs to get everyone on the same page. Engineer Metzger explained that it will have to be put out to bid publicly for a contractor. Engineer Metzger is awaiting a call from the structural engineer and will keep the Board informed of any development.

A letter was received from Hearts and Hands reporting that for Alden only they had 1,032 requests, 20,673 miles driven on behalf of Alden care recipients and over 1,130 hours of support services to Alden care recipients. Volunteers are needed.

The Alden Car Show was in last week. Their committee decided to change the name of the event to Alden, Car, Truck, and Cycle Show for 2015.

The Monthly report for the Tax Office was received from Town Clerk Crist \$964,000.00. Supervisor Milligan thanked Town Clerk Crist for being open on Saturday to give tax payers an extra day to come in and pay their taxes.

Alden Hook and Ladder’s report for January 2015 was received.

NEW BUSINESS

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

WHEREAS, the Town Board of the Town of Alden has fully considered the adoption of Local Law No. 1 of the Year 2015, entitled “Local Law Local Law Amending Real Property Tax Exemptions” (the “Proposed Action”);

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

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 January 22, 2015; 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 SEQR Intake Officer.

1 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 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 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 on February 17, 2015, and

ADOPTED.

Ayes 2 Milligan & Riddoch

Nays 0

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

WHEREAS, a Proposed Local Law #1 of 2015 entitled "Local Law Amending Real Property Tax Exemptions" was introduced to the Alden Town Board for consideration by Councilwomen Riddoch on December 1, 2014;

WHEREAS, the Town of Alden Planning Board reviewed the proposed Local Law and recommended to the Town Board its approval on January 13, 2015;

WHEREAS, an order was duly adopted by the Alden Town Board for a public hearing to be held by said Town Board on February 2, 2015 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 in the Alden Advertiser, the official newspaper of the Town of Alden;

WHEREAS, said public hearing was duly held on February 2, 2015 all parties in favor of 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, 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 gave a "No recommendation" pursuant to section 239-m of the General Municipal Law;

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law; 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. 1 of the Year 2015 entitled "Local Law Amending Real Property Tax Exemptions" 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 foregoing Resolution was duly put to a roll call vote at a regular meeting on February 17, 2015, and **ADOPTED.**

Ayes 2 Milligan & Riddoch

Nays 0

Supervisor Milligan moved and Councilwoman Riddoch seconded the Motion to approve the renewal for the Home Occupation Permit for Nancy Ann Goergen, 850 W. Alaura for a Beauty Shop for one year. The foregoing Motion was put to a Roll Call Vote on February 17, 2015 and

CARRIED.

Ayes 2 Milligan & Riddoch

Nays 0

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

WHEREAS, many municipalities, including cities, counties, towns and villages within Erie County have lost monetary support from the County of Erie;

WHEREAS, The Town of Alden believes that the Ewell Free Library is a great asset to the residents of the Town of Alden and would like to keep the Library open for the benefit and enjoyment of its citizens;

WHEREAS, the Alden Ewell Free Library is currently operated by the County of Erie and housed in a building not owned by the Town of Alden; and

WHEREAS, the Town Board of the Town of Alden would like to Contract with the Ewell Free Library to provide monies to the Library for its continued operation.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1 The Town Board approves the Contract for the year 2015 with the Ewell Free Library as being consistent with its policies and in the interest 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 Contract; and
- 3 This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 17, 2015, and **CARRIED.**

Ayes 2 Milligan & Riddoch

Nays 0

3THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MILLIGAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN RIDDOCH TO WIT;

WHEREAS, the Town of Alden and Alternative Care Services of WNY, Inc., a Not-For-Profit Corporation duly organized and existing under the laws of the State of New York, have been negotiating renewal of a Contract wherein Alternative Care Services of WNY, Inc. will provide Meals-On-Wheels to eligible residents of the Town of Alden;

WHEREAS, the Town of Alden is aware that a large number of residents of the Town of Alden are eligible for and participate in the Alternative Care Services of WNY Inc.'s Meals-On-Wheels Program and is desirous of obtaining such services for its residents;

WHEREAS, Alternative Care Services of WNY, Inc. is the sole source provider of a meals-on-wheels program in the Town of Alden and therefore the Town's Procurement Policy & Procedure Guidelines and General Municipal Law have been followed; and

WHEREAS, the Town of Alden and Alternative Care Services of WNY, Inc. have come to full agreement on the terms of such Agreement to run from January 1, 2015, until December 31, 2015.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

- 1.The Town Board approves the attached Agreement whereby the Town contracts with Alternative Care Services of WNY Inc., at a cost of \$1,000.00 for the provision of meals-on-wheels to eligible Town of Alden residents as being consistent with its policies and in the best 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 the Agreement; and
- 3.This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 17, 2015, and **ADOPTED.**

Ayes 2 Milligan & Riddoch

Nays 0

Councilwoman Riddoch Moved and Supervisor Milligan seconded the Motion to approve the request of Marilla Car Truck Cycle Show Incorporated's ("Car Show") use of Alden Town Park including all shelters, Senior/Community Center and two band shells on July 26, 2015 for The Alden Car, Truck and Cycle Show; contingent upon the receipt no later than July 1, 2015 of the following:

Proof of liability insurance naming the Town of Alden as Named Insured with coverage of \$2,500,000 per occurrence and general aggregate of \$7,500,000;

Signing of an Indemnification Agreement;

List of all Car Show Committee Members (names, addresses and cell phone numbers);

List of all towing companies;

Show itinerary and maximum amount of cars allowed;

Car Show shall escrow \$1,000.00, pursuant to a signed Escrow Agreement, with the Town of Alden to cover any costs incurred by the Town;

And contingent upon the following conditions:

The Alden Hook & Ladder Fire Company Inc. may sell alcoholic beverages, within the limits of the laws of the State of New York, in a contained "Beer garden or beer tent" in the Alden Town Park from 12:00 pm until 6:00 pm on Sunday July 26, 2014, provided that a New York State Liquor license is first obtained.

No spectator or show parking shall be allowed on the new sports fields in the Town Park; however Mercy Flight may land on these fields;

Car Show will contract with Empire towing for any needed towing services during the Car Show;

All security personnel must be Sheriffs, Troopers or trained security guards;

Fire Police or County Sherriff shall monitor the road closing and direct traffic for the duration of the car show, including the registration period at all closed roads;

Car Show personal shall throughout the day pick and empty trash cans;

Empty Trash cans to be returned to Town Park Garage at the end of the show;

Car show will reimburse the Town for having the Town dumpster emptied after the Car Show;

Car show to supply (and remove) port a potties;

Car Show to clean up to the satisfaction of the Town after the event;

First aid tent, coordinated with Alden Fire Department;

Any costs incurred by the Town of Alden (including labor costs) will be billed to the Car Show;

Golf carts shall only be used only by the Fire Department to assist handicapped persons and to move supplies.

The Foregoing Motion was put to a Roll Call Vote on February 17, 2015 and

CARRIED.

Ayes 2 Milligan & Riddoch

Nays 0

Supervisor Milligan Moved and Councilwoman Riddoch seconded the Motion to approve Dog Control Officer Len Weglarski's request to attend an Animal Control Program in Aurora on April 30th & May 1st,

2015 at reasonable town expense. The foregoing Motion was put to a Roll Call Vote on February 17, 2015 and

CARRIED.

Ayes 2 Milligan & Riddoch

Nays 0

UNFINISHED & TABLED BUSINESS

There was no unfinished & tabled business.

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Attorney Strong:

Attorney Strong has spoken to the Car Show Committee and they have agreed with the conditions and indemnification agreement which is the same as last year.

Councilwoman Riddoch:

Councilwoman Riddoch would like the following on the Work Session:

- 1 Historical Society's request for school house roof.
- 2 Town Clerk's training request.

Supervisor Milligan:

Hwy. Supt. Wagner, the boys (hwy.) and the Supervisor met today. We have to get these boys some rest. There are only three of them. They do a hell of a good job. Hopefully next year we will have a couple of different systems so they won't have to work 35 days in a row. He thanked Hwy. Supt. Wagner for all the hours he puts in.

Mike Fleming, Planning Board:

He was wondering on the sled shop/Broadway the status of the illegal driveway and sign. There have been no permits issued. CEO Snyder said that it is being taken care of. Supervisor Milligan asked if the State checked out the driveway. They have not. The State is upset with the driveway. They would like a copy of the site plan when submitted. There have been issues with delivery trucks specifically tractor trailers blocking the roadway. CEO Snyder said this will be addressed in the site plan.

CEO Snyder:

Supervisor Milligan questioned CEO Snyder about the status of Alaura and Broadway. CEO Snyder said the asbestos survey has been done and the results should be received this week.

Leonard Weglarski:

Len wondered if he would be able to take the Town truck for his training session in Aurora. Supervisor Milligan said he could as long as he went alone.

NOTICE OF MEETINGS

NEXT WORK SESSION:	February 23, 2015	@ 7:00 P.M.
REG. BOARD MEETING:	March 2, 2015	@ 7:00 P.M.

MEMORIAL REMEMBRANCE

Supervisor Milligan asked all to stand for a Moment of Silence in Memory of Florence Zola (Former Town of Alden Deputy Tax Receiver), Rita Hammond and Kevin Petty.

AT 7:18 P.M. SUPERVISOR MILLIGAN MOVED TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO AN EXECUTIVE SESSION REGARDING A PERSONNEL MATTER WITH THE TOWN BOARD AND TOWN ATTORNEY, COUNCILWOMAN RIDDOCH SECONDED THE MOTION. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON FEBRUARY 17, 2015 AND

CARRIED.

Ayes 2 Milligan & Riddoch

Nays 0

AT 7:40 P.M. SUPERVISOR MILLIGAN MOVED TO ADJOURN FROM THE EXECUTIVE SESSION, WITH NO ACTION TAKEN, AND ENTER BACK INTO THE REGULAR MEETING, COUNCILWOMAN RIDDOCH SECONDED THE MOTION. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON FEBRUARY 17, 2015 AND

CARRIED.

Ayes 2 Milligan & Riddoch

Nays 0

ADJOURNMENT

Supervisor Milligan adjourned the meeting at 7:41 P.M.

Debra A. Crist
Alden Town Clerk