

The Regular Meeting of the Alden Town Board was held in the Town at 3311 Wende Road on Monday May 4, 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
Ralph P. 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
Michael Fleming, Planning Board
Len Weglarski, DCO
Ted Morton, E.C. Legislator
Residents

Supervisor Milligan Moved and Councilman Witt seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of April 20th 2015 and the Special Meeting of April 24, 2015. The Motion was put to a Roll Call Vote on May 4, 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; VOUCHER #417-434

<u>ACCOUNT</u>	<u>ABST. #1</u>	<u>ABST. #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$13,638.82	\$95,162.04	\$108,800.86
HGHWY FUND "DA/DB"	16,580.83	233.29	16,814.12
PART-TOWN FUND "B"	8,043.80	1,136.87	9,180.67
CONSOLIDATED WATER "WR"			
EXCHANGE W.D. "HX"	34,570.94		34,570.94
SP FIRE PROT. "SF"			
SD#2 FUND "SA"	5,502.06	74.24	5,576.30
TRUST/AGCY FUND "T"	2,334.46	1,196.70	3,531.16
SP REFUSE FUND "SR"	34,596.95		34,596.95
STREET LIGHTING FUND "SL"	6,358.19		6,358.19
PERIWINKLE LTG. "SL1"	42.89		42.89
GRANTS			
ZOELLER W.D. "HZ"	26,026.84		26,026.84
TOTALS	\$147,695.78	\$97,803.14	\$245,498.92

UPON ROLL CALL VOTE ON MAY 4, 2015 THE FOREGOING RESOLUTION WAS

ADOPTED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

BUSINESS FROM THE FLOOR

Supervisor Milligan questioned Erie County Legislator Ted Morton on the status of the Erie County Home. Jack Mills, Majority leader and Ted are requesting again that the administration lawyer and the ECMC lawyer come to the Legislative office to meet and explain why they are so close, but cannot finalize the transfer of the title from ECMC to the County. They cannot put in the capital budget for any demolition until the title is transferred. This has been going on for a couple of years. In May they plan to have the lawyers over again and try to implore them that we need it transferred so that there is capital money put into the 2016 budget to get it started.

Supervisor Milligan said a letter is needed from E.C. Legislator Morton's office saying that the youth of this area are underserved and need a splash pad instead of a little wading pool. Legislator Morton's office will contact Supervisor Milligan's office tomorrow.

Edward Earsing/South Woodside spoke to the Board about the reassessment. Several people were over-assessed and he is one of them. He filled out the papers and everything, and by the end of last month we were supposed to get a paper from them. He has received nothing. He read in the Alden Advertiser Thursday that everything is all set and if you want to check it out to come to the Town Hall. He came down to check it out and it was a "no-no". The assessment was not changed. He has to fill out more paperwork. He never got notified the first time. Councilwoman Riddoch has not heard on hers either. Appointments will be set up with the Board of Assessment Review. Supervisor Milligan will look into this.

Dale Shaw/Genesee St. addressed litter pick up on the side of roads. Litter has accumulated over the years. She is proposing having a trash pick-up day twice a year, one in the spring and the other in the fall. She has scheduled with the Erie County highway a tentative date of May 30, 2015 for the community of Alden to get together, sign a waiver, and go out wearing a bright vest of some sort and pick up litter. She would be welcome to be in charge. Another idea she had was a sport equipment exchange program. People from Alden would go to the Middle School and donate sport equipment and could pick up needed equipment. If this could be done, this would help people in the community. Dale also had concern over the Town's website not containing enough information for the taxpayers. She would be willing to help out. Supervisor Milligan explained that we have Alden School students helping us out. There is a joint meeting with the school on May 12th at 1:15 P.M. regarding the website. He invited Dale to attend. Supervisor Milligan asked that Dale come to the next Work Session to discuss her suggestions.

COMMUNICATIONS

Attorney Strong: The Soccer club has turned in all the necessary documentation for the upcoming soccer tournament. After the last Work Session, she has redrafted the screening policy and would like to discuss at the upcoming Work Session.

Supervisor Milligan: A memo has been received from CEO Chris Snyder that he will out of town May 8, 11 & 12th, 2015. A letter was received from the Veterans of Foreign War Memorial Post 7967 regarding hosting the Memorial Day ceremony in the Village of Alden on Monday, May 25th 2015. Memorial Ceremony will be held at 2:00 P.M. at the Veterans Memorial in front of the Community Center in the Alden Town Park. They invited the Town Board to join them. JaniMart is coming Tuesday, May 12, 2015 at 4:00 P.M. to redo the floors. The postal report was turned in for the Month of April- \$430.00. Town Clerk Crist collected \$85,000.00 in taxes in the month of April. The Town of Alden has met all requirements in order to comply with Governor Cuomo's Tax Freeze law. We have submitted documentation of over \$125,000 worth of savings. Well over the 1% required. These savings along with the Town meeting the Tax Cap regulations will entitle Town residents to receive Tax rebates from the State of New York.

NEW BUSINESS

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

WHEREAS, The Pulitzer Prize has been honoring excellence in journalism and the arts since 1917;

WHEREAS, Adam Zyglis, an Alden High School Graduate, won the 2015 Pulitzer Prize for a distinguished cartoon or portfolio of cartoons, characterized by originality, editorial effectiveness, quality of drawing and pictorial effect, published as a still drawing, animation or both;

WHEREAS, Mr. Zyglis was cited by the Pulitzer committee for using "strong images to connect with readers while conveying layers of meaning in a few words." His cartoon topics range from local and state to national and international news, as well as sports and entertainment; and

WHEREAS, Adam has also won the 2015 Grambs Aronson Award for Cartooning with a Conscience; second place in the National Headliner Awards for editorial cartooning, besting his third place finishes in 2007 and 2011; last year, he won the Clifford K. and James T. Berryman Award for Editorial Cartooning. He was also a finalist for the Reuben Award for editorial cartoons given by the National Cartoonist Society. Mr. Zyglis is also president-elect of the Association of American Editorial Cartoonists.

NOW THEREFORE BE IT PROCLAIMED AS FOLLOWS:

1. That the Town Board and the Village Board hereby honor, recognize and congratulate Adam Zyglis on his well-deserved receipt of the 2015 Pulitzer Prize and declares May 15, 2015 as “Adam Zyglis Day” in the Town of Alden;
2. That the Town Clerk and the Village Clerk are hereby directed to send a certified copy of this Proclamation to the Buffalo News and to Mr. Zyglis; and
3. This Proclamation shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting of the Town Board on May 4, 2015, and was

ADOPTED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

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

WHEREAS, Small businesses are the heartbeat of our Community. They are the corner stores that create jobs; the hardware stores that help build our economy; and the shops whose very presence makes our neighborhood;

WHEREAS, When you shop local and support local small business, more of your money is reinvested in our schools, local jobs, taxes, wages and other Alden community needs; and

WHEREAS, in 1963, the U.S. Small Business Administration began a national small business week to highlight the impact of outstanding entrepreneurs and small business owners aiming at engaging the small business community and highlighting their importance as innovators and job creators who strengthen the nation’s economy.

NOW THEREFORE BE IT PROCLAIMED THAT:

1. The Town of Alden declares May 4-8, 2015 as Alden Small Business Week; and
2. This Proclamation shall take effect immediately.

The foregoing Proclamation was duly put to a roll call vote at a regular meeting on May 4, 2015, and was

ADOPTED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

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

WHEREAS, the Alden Hook & Ladder Fire Company, Incorporated (hereinafter referred to as the “Fire Company”) is hosting a Fireman’s Carnival in the Alden Town Park from June 25 – 27, 2015;

WHEREAS, as part of the Carnival, the Fire Company has contracted with Young Explosives Corporation to provide an exhibition of fireworks on June 26, 2015 at a cost to the Fire Company of \$2,500.00;

WHEREAS, the Fire Company has asked the Town of Alden to contribute towards the cost of the exhibition of fireworks;

WHEREAS, Section 64 (17-b) of the New York State Law allows a Town to expend monies on cultural events; and

WHEREAS, the Alden Town Board believes that the Fireman’s Carnival and exhibition of fireworks is a cultural event beneficial to Town residents.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board hereby consents to paying the sum of \$1,250.00 to the Fire Company to assist in the cost of the exhibition of fireworks to be provided by Young Explosives

Corporation at the 2015 Fireman's Carnival; and

2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on May 4, 2015, and was **ADOPTED.**

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 Court has accepted the resignation of court officer Randal E. Crist and thanks him for his years of dedicated service to the Court;

WHEREAS, the Town Court has advised the Town Board that the Town Court would like to hire Mark Overhoff, as part time court officer; and

WHEREAS, this will be a provisional appointment until such time that the State of New York offers the civil service exam for this competitive position at which time this position will be filled based upon the exam results.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board appoints Mark Overhoff for the remainder of the 2015 municipal year as provisional part time court officer at a rate of \$42.02 per court session; and

2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on May 4, 2015, and was **ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

Supervisor Milligan Moved and Councilman Witt seconded the Motion to approve the renewal of the Home Occupation Permit for Gina Waiss/13363 North Rd./Limited to Special Ordering and the onsite engraving of firearms, no firearms shall be kept in stock for re-sale, for a period of one year.

On the Question: Councilman Witt wanted to reiterate that there will be no selling of firearms or gun stock for resale. Gina Waiss was present and stated there would not.

The Foregoing Motion was put to a Roll Call Vote on May 4, 2015 and was

CARRIED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

Councilwoman Riddoch Moved and Councilman Witt seconded the Motion to approve the renewal of the Home Occupation Permit for Edwin Knoblauch/3499 Townline Rd./Dental Crowns & Caps for a period of one year. The foregoing Motion was put to a Roll Call Vote on May 4, 2015 and was

CARRIED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

Councilman Witt Moved and Councilwoman Riddoch seconded the Motion to allow St. John the Baptist School to use the Band Shelter for their annual Lawn Fete on July 17th, 18th & 19th 2015. The foregoing Motion was put to a Roll Call Vote on May 4, 2015 and was

CARRIED.

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 Board of the Town of Alden is considering an application by Lucas A. Cellino as agent for Anna Gilbert for the subdivision of two (2) lots. The entire parcel currently consists of

approximately 26 acres on Walden Avenue in the Town of Alden, further identified as SBL #96.00-6-39.1. The first proposed lot ("Parcel A") would be a 1 acre parcel with the existing house; the second proposed lot ("Parcel B") would be the remaining 25 acre parcel of vacant land (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 April 1, 2015, for this Proposed Action, as required under Section 239-m of the General Municipal Law and "no approval needed" response was received;

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 April 6, 2014;

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 April 14, 2015, recommended to the Town Board the approval of the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. 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 parcel, more particularly described as:

ALL THAT TRACT or parcel of land situate in the Town of Alden, County of Erie, State of New York distinguished as being part of Lot 33, Township 11, Range 5 of the Holland Land Company's survey, so called, bounded and described as follows:

Beginning at a point in the southerly bounds of Walden Avenue at a distance of 470.61' easterly of the westerly bounds of Lot 33;

Thence N 77° -59' E along the southerly bounds of Walden Avenue a distance of 170.00' to a point;

Thence S 00°-01'-30"W a distance of 262.00' to a point;

Thence S 77°-59' W a distance of 170.00, to a point;

Thence N 00°-01'-30" E a distance of 262.00' to the southern bounds of Walden Avenue and the point or place of beginning.

Containing 1.00± acres of land.

Is given subdivision approval.

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 May 4, 2015, and was

ADOPTED.

Ayes 3 Milligan, Riddoch & Witt

Nays 0

SUPERVISOR MILLIGAN POLLED THE BOARD AND WITH NO OBJECTION THE FOLLOWING WAS ADDED:

THE FOLLOWING PROCLAMATION WAS OFFERED SUPERVISOR MILLIGAN, SECONDED BY COUNCILWOMAN RIDDOCH TO WIT;

Recreational boating is fun and enjoyable, and we are fortunate that we have sufficient resources to accommodate the wide variety of pleasure boating demands. However, our waterways can become crowded at times and be a place of chaos and confusion. While being a marvelous source of recreation, boating, to the unprepared can be a risky sport. Not knowing or obeying the Navigation Rules or the nautical "Rules of the Road," drinking alcohol or taking drugs while operating a boat, or choosing not to wear your life jacket when doing so is clearly not the smart thing to do, are all examples of human error or lack of proper judgement. One particular behavior that can reduce the number of boaters who lose their lives by drowning each year by approximately 80% is the wearing of a life jacket. It is a simple task that has the potential to reduce terrible loss in lives.

Knowledge and skills are important in reducing human error and improving judgment. If people are aware of the risk, they are likely to take the precautionary measures to protect themselves and their friends and family. That is why we must continue to spread the messages of boating safety not only during National Safe Boating Week but also throughout the entire year.

Whereas, on average, 700 people die each year in boating-related accidents in the U.S.; approximately 70% of these are fatalities caused by drowning; and

Whereas, the vast majority of these accidents are caused by human error or poor judgement and not by the boat, Equipment, or environmental factors; and

Whereas, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

Whereas, today's life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today's boating public.

Therefore, I, Supervisor Harry Milligan, do hereby support the goals of the North American Safe Boating Campaign and **proclaim May 16-22, 2015**, as National Safe Boating Week and the start of the year-round effort to promote safe boating.

In Witness Thereof, I urge all those who boat to "**Wear It.**" And practice safe boating habits.

THE FOREGOING PROCLAMATION WAS PUT TO A ROLL CALL VOTE ON MAY 4, 2015 AND WAS

Adopted.

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 SUPERVISOR MILLIGAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN WITT TO WIT;

WHEREAS, the Village of Alden has notified the Town of Alden that the Inter-Municipal Building Inspector Agreement needs to be updated; and

WHEREAS, the Town of Alden believes it is in the best interests of the residents of Alden to update the Agreement in order to provide adequate and convenient coverage for timely building inspections in both the Town and the Village of Alden.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board approves the Inter-Municipal Building Inspector Agreement, in the form attached hereto, with the Village of Alden;
2. The Supervisor of the Town of Alden is hereby authorized to sign the attached Agreement on behalf of the Town of Alden; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on May 4, 2015, and was **ADOPTED.**

Ayes 3 Milligan, Riddoch & Witt

Nays 0

SUPERVISOR MILLIGAN POLLED THE BOARD AND WITH NO OBJECTION THE FOLLOWING WAS ADDED:

THE FOLLOWING RESOLUTION APPROVING AN AUDIT OF THE TOWN COURT RECORDS WAS OFFERED BY SUPERVISOR MILLIGAN WHO MOVED ITS ADOPTION SECONDED BY COUNCILWOMAN RIDDOCH TO WIT;

WHEREAS, the Office of Court Administration of the Unified Court System of the State of New York has directed that the Town of Alden perform audits of all the departments of the Town of Alden; and

WHEREAS, pursuant to such direction, the Town Board has requested that Drescher & Malecki perform an audit of the Town Court records; and

WHEREAS, Drescher & Malecki has performed such audit and has determined that the records of the Town Court records are in order and that there are no deficiencies or unexplained discrepancies.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board does hereby acknowledge the requirement for the audit of the Town Court of the Town of Alden, which audit has been performed by Drescher & Malecki.
2. That the Town Board does hereby accept the report of the audit by Drescher & Malecki indicating that the records of the Town Court of the Town of Alden are in order and are proper.
3. This resolution shall take effect immediately and a copy of this resolution shall be forwarded to the Office of Court Administration of the State of New York at 98 Niver Street, Cohoes, New York 12047.

The above resolution was duly put to a roll call vote at a regular meeting held on May 4, 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:

A copy of CEO Snyder monthly report was received. He likes the new format.

Hwy. Supt. Wagner:

The structural engineer Petrelli was on site last week.

Engineer Metzger:

Community Center walls: The information that needs to be appropriated in the bid document for the grant has been amended, they should be dropping off the documents tomorrow.

Water lines: The water lines are all installed. We are currently awaiting approval from E.C.W.A. on the contractors flushing, testing and chlorination procedures for Exchange St. Once it is approved they will schedule the work and get it done, which could be immediately followed up by installation of the services. Then moved on to Zoeller and get that taken care of. Councilman Witt questioned why they could not be tested at the same time. Engineer Metzger said they would need two crews. Supervisor

Milligan asked when Exchange is going to be approved. Engineer Metzger said he did not know. Supervisor Milligan asked E.C. Legislator Ted Morton for his help with E.C.W.A. Legislator Morton said there will be a call made tomorrow.

DCO Weglarski:

Len spent Thursday and Friday at training school in East Aurora for Dog Control.

Supervisor Milligan:

Dan Moultrup will be on vacation the May 4- 13th, he is going to Ireland.

Supervisor Milligan paid tribute to Eve Fertig and Nancy Taylor. Two women that was instrumental in many activities in Alden. Eve was a wildlife rehabilitator and she was known throughout the State for what she did. She was an amazing lady and did a lot of good for animals and brought the Town of Alden name to a lot of people, especially students that came out to help her. The other day we lost Nancy Taylor. Nancy and her husband Norm were instrumental starting the scouting program in the Erie County Home especially for disabled scouts for years. Nancy and Norm were involved in starting and were active in the Senior Citizen program in Alden.

NOTICE OF MEETINGS

NEXT WORK SESSION:	May 11, 2015	@ 7:00 P.M.
NEXT TOWN BOARD MTG.:	May 18, 2015	@ 7:00 P.M.

MEMORIAL REMEMBRANCE

Supervisor Milligan asked all to stand for a Moment of Silence in Memory of Eve Fertig (Chairwoman of the Alden Environmental Conservation Committee), Richard Stegmeier, Joan Fix, Mary Reibel & Natalie "Nancy" Taylor.

AT 7:40 P.M. SUPERVISOR MILLIGAN MOVED TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO AN EXECUTIVE SESSION WITH THE TOWN BOARD, TOWN ATTORNEY AND THE HIGHWAY SUPT. FOR A MATTER OF PERSONNEL. COUNCILWOMAN RIDDOCH SECONDED THE MOTION. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON MAY 4, 2015 AND WAS CARRIED.

Ayes 3 Milligan, Riddoch & Witt
Nays 0

AT 7:53 P.M. SUPERVISOR MILLIGAN 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 MAY 4, 2015 AND WAS CARRIED.

Ayes 3 Milligan, Riddoch & Witt
Nays 0

ADJOURNMENT

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

Debra A. Crist
Alden Town Clerk

