

MEETING NO. 14
REGULAR NO. 14

REGULAR TOWN BOARD MEETING
TOWN OF ALDEN

July 15, 2019
7:00 P.M.

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road on Monday, July 15, 2019 at 7:00 P.M. Supervisor Savage called the Meeting to Order and Councilman Adamski led in the Pledge of Allegiance. The Roll Call was taken by the Town Clerk.

PRESENT: Richard Savage, Supervisor
Dean Adamski, Councilman
Colleen Pautler, Councilwoman

RECORDING SECRETARY: Alecia Barrett, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney
Bill Rogers, Highway Superintendent
Mike Metzger, Town Engineer
Chris Snyder, CEO
Lenny Weglarski, DCO
Ron Gardner, Planning Board
Residents

Councilwoman Pautler Moved and Councilman Adamski seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of July 1, 2019.

CARRIED

Ayes 3 Savage, Adamski & Pautler
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN ADAMSKI, SECOND BY SUPERVISOR SAVAGE, WHO MOVED THAT THE FOLLOWING VOUCHERS BE ALLOWED AND PAID TO WIT; VOUCHERS #610 - 667 **ALL BILLS REVIEWED BY THE TOWN BOARD.**

	<u>ABSTRACT #1</u>	<u>ABSTRACT #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$6,910.56		\$6,910.56
HIGHWAY FUND "DA/DB"	8,172.63		8,172.63
PART-TOWN FUND "B"	40.00		40.00
WATER DISTRICT #1 FUND "WA"			
CONSOLIDATED WATER "WR"			
SPECIAL FIRE PROTECTION "SF"			
SEWER DIST. #1 FUND "SI"			
SEWER DIST. #2 FUND "SA"	1,632.03		1,632.03
TRUST & AGENCY "T"	17,475.91		17,475.91
SPECIAL REFUSE FUND "SR"			
STREET LIGHTING FUND "SL"	5,988.61		5,988.61
PERIWINKLE LTG. DIST. "SL1"	38.75		38.75
WATER DISTRICT NEWSTEAD "WO"			
ZOELLER RD. WATER DIST. "WZ"	4,576.50		4,576.50
WATER DIST. EXCHANGE ST. "WX"	6,102.00		6,100.00
TOTALS	\$50,936.99		\$50,936.99

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON July 15, 2019 AND **ADOPTED**

Ayes 3 Savage, Adamski & Pautler
Nays 0

BUSINESS FROM THE FLOOR

Laura Ross, 13390 Irving, owner of the Pink Cow – Explained at last year's car show there was an incident involving a young adult who worked for. She was carrying a sign that directed patrons at the car show to support local organizations and go to Pink Cow for desserts. This led to an exchange of words between another dessert vendor and the young adult, her parent and Laura. The incident was reported to security that was working at the car show. Because of this incident Pink Cow has been banned by the car show committee. It was also noted that Pink Cow sells ice cream at this event as a fund raiser for local organizations.

Supervisor Savage stated he would not get involved as it is not a Town issue; it is between Laura and the car show committee. He did add that he witnessed the young adult, last year, with the sign standing directly next to another dessert vendor and thought it was in poor taste to do so. He suggested that Laura talk to the car show committee and try to resolve the issue.

Carla Toben, 11337 Broadway – added that Laura was never approached by the car show committee she was just banned from being a vendor there. Their side of what had happened was never heard. She also added that on car show day Laura did nothing but donate a lot of money and product to the youth of St. Johns. She also offered to pay full price for a vendor spot in order to be the sole dessert provider for the day, when all that was required was a smaller fee because St. Johns is a not-for-profit organization. St. John's is losing out in this.

Laura questioned the Town's roll in the "Car Show" and what its benefit to the Town is and what it costs residents?

Supervisor Savage explained that they are required to have their own insurance, the same as any other event taking place in the Town Park, and the Town provides half of the port-a-potties which is approx. \$650.00. They supply their own security and do a good job of cleaning up after the event so the Town Parks employees have very little cleaning up to do.

Laura went on to add she doesn't understand why if the Town is responsible for that property and the Town is responsible for what happens on that property why the Town doesn't take into consideration the inconvenience the car show creates for residents and local businesses.

Supervisor Savage responded saying he believes that not everyone views it that way. A lot of people look forward to the car show and it brings a lot of people from all over WNY. Those people visit our stores and restaurants and it increases business for that day. He also went on to add that he believes an opportunity is being missed by the owner of Save-A-Lot. Instead of banning people from parking and hiring security to enforce it, he could charge people to park and bring more foot traffic to the plaza. He went on to add the Town does not dictate who can and cannot participate in these types of events. This car show is considered a premiere car show in NYS and the committee has raised over \$200k for Mercy Flight and it is all on a volunteer basis.

Supervisor Savage stated the problem is between Laura and the car show committee and she needs to resolve the issue with them, the Town is not getting involved.

Councilman Adamski also noted that people come from all around including out of state to attend this car show. When they are here they are patrons of our restaurants, stores and service stations. Feedback from residents has always been positive about the car show. They are an independent vendor and the Town cannot tell them who has to be included. He did read the email that was sent by Laura stating what happened last year and questioned; if they had been verbally assaulted was it reported to the Sheriff's Dept? Laura stated it was reported to a security member for the car show, who did nothing about it. She clarified that was never threatened by a member of the car show committee but was threatened by another vendor. Councilman Adamski stated it should have been addressed last year with the Sheriff's Dept.. The Town Board is not getting involved, it's not our place.

Legislator John Bruso – This Wednesday from 5-8 Clerk On the Go will be at the Community Center with paperwork for getting an enhanced driver's license. They will help you fill out all the paperwork and make you an appointment at the DMV.

County Executive will be coming to the Lancaster Opera House for a Community Conversation on Aug. 8th @ 6pm. This will be to address concerns over roads. Crittenden is on the list but not approved, it

would be great if residents from Alden could attend and advocate for fixing Crittenden along with the Legislator.

Legislator Brusco also touched on the topic of the rat concern with the demolition of 1214 Mayfield. He asked Sue Walter, who had previously called to have traps set, to give him her info so he could contact the county as well to get more traps set ahead of the demolition.

7:05 Councilwoman Pautler Motioned to leave regular meeting and enter into the public hearing on the demolition of 1214 Mayfield Dr, Alden. The motion was seconded by Councilman Adamski.

The Town Clerk read the Legal Notice of Hearing on Dangerous and Unsafe Building at 1214 Mayfield Drive, Town of Alden.

16 residents of the neighborhood were in attendance and by a show of hands all 16 residents unanimously were in favor of the demotion of 1214 Mayfield.

Nancy Peel, 1204 Mayfield – It’s a mess, something needs to be done.

Betty Pulaski, 1254 Mayfield – House is an eye sore, it’s a mess and there are rats there.

Sue Walter, 1240 Mayfield – Called the county who came out and set rat traps. Can more traps be set before demolition or can an exterminator be called in?

Faith Krisher, Woodview & Mayfield – It’s a terrible eye-sore and it’s dangerous. When will we know if the house will be demolished?

Debbie Garigen, 1241 Mayfield – A neighbor has been trimming the front lawn to try to make it look a little better. What happens to the property after demo?

Supervisor Savage explained the residents will know the outcome tonight as the resolution ordering demolition is item ‘B’ on the agenda and since no one is in opposition of demolition the resolution will be approved. He went on to explain that the entire contents of the house will be taken away and the area where the basement was will be filled. The property owner will still own the lot there will just no longer be a residence on it. The entire cost will be assessed to the property owner’s taxes.

At 7:17 Supervisor Savage motioned to leave the public hearing and enter back into regular meeting. Motion was seconded by Councilwoman Pautler.

COMMUNICATIONS

Supervisor Savage:

1. Letter from Laura Cook inventorying what was stolen from the AJF Concession stand at the Town park; \$263.50 worth of inventory plus \$20 in quarters.
2. Copy of letter to Mike Metzger from Erie County Water Authority with regard to Cayuga Creek water Dist.
3. 2019 Annual Report from Erie Co. Department of Real tax
4. Copy of a financial statement from Certified Public Accountants for Millgrove VFD
5. Building Inspector monthly report for June.
6. Village of Alden Fire Dept. Report for June.
7. E-mail from Erie County Association of Governments for snow plow contract negotiations.
8. Letter from Susan Chapman from the Library saying NYS Education Board of Regents accepted their application to re-charter to include the Town of Alden.

NEW BUSINESS

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMEN PAUTLER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN ADAMSKI, TO WIT;

WHEREAS, New York State General Municipal Law allows a municipality to approve the volunteer members of a volunteer fire department operating in said municipality;

WHEREAS, the Millgrove Volunteer Fire Department provides fire protection services within the Town of Alden pursuant to a contract with the Town of Alden;

WHEREAS, approval of members assists an injured volunteer firefighter in receiving worker's compensation benefits pursuant to New York State Volunteer Firefighter Benefit Law;

WHEREAS, Millgrove Volunteer Fire Department has approved Victoria Debbins for Membership; and

WHEREAS, Millgrove Volunteer Fire Department has submitted to the Alden Town Clerk's Office notification of this new member.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Alden Town Board hereby approves Victoria Debbins for membership in the Millgrove Volunteer Fire Department, 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 15, 2019 as follows:

CARRIED.

Ayes 3 Savage, Adamski & 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 Building Inspector on July 1, 2019, made a report to the Alden Town Board that the house located at 1214 Mayfield Drive is dangerous and unsafe as defined by Chapter 115 of the Alden Town Code; that the house is dilapidated, decayed, unsafe and unsanitary that it utterly fails to provide the amenities essential to decent living so that the house is unfit for human habitation;

WHEREAS, The Building Inspector has determined that the house: can not be reasonably repaired; is dangerous to the health, morals, safety and general welfare; and is more than 50% damaged, decayed and deteriorated from its original structure; and that said house is a public nuisance;

WHEREAS, the Building Inspector has notified the Property Owner that the house has been found to be dangerous and a threat to life and safety of persons;

WHEREAS, the Property Owner has not made any effort to repair the house;

WHEREAS, the Building Inspector has posted notice of the house being dangerous, unsafe, and a public nuisance on the property; and gave notice that the house is dangerous and must be demolished;

WHEREAS, after due notice and publication the Alden Town Board held a public hearing on the unsafe house on July 15, 2019, at which all interested persons were heard; and

WHEREAS, the Alden Town Board and the Town of Alden Building Inspector have complied with the requirements of Chapter 115 of the Alden Town Code.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. That the House located at 1214 Mayfield Drive is dangerous and unsafe; the same being so dilapidated, decayed, unsafe and unsanitary, that the house utterly fails to provide the amenities essential to decent living so that the house is unfit for human habitation;
2. The Alden Town Board hereby Orders that any of the parties interested in the buildings located at 1214 Mayfield Drive shall repair said house within ten (10) days hereof;
3. That shall the above Order not be complied with within ten (10) days the house located at 1214 Mayfield Drive shall be demolished by the Town of Alden, the costs of which shall be assessed to the owner of record;
4. That the Town Clerk is directed to mail, by registered mail, a certified copy of this Resolution and Order shall be mailed to all parties having an interest in the property; post the same on the Town Bulletin Board; and to publish the Order in the Alden Advertiser;
5. That the Town Building Inspector is directed to post of copy of the Order at 1214 Mayfield Drive; and
6. This Resolution shall take immediately.

The Adoption of the foregoing resolution was duly put to a roll call vote at a regular meeting on July 15, 2019, as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler

Nays

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIMAN ADAMSKI, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN PAUTLER, TO WIT;

WHEREAS, the Alden Town Board is considering an application by Arthur and Michele LaRiviere for the subdivision of three (3) lots. The entire parcel currently consists of approximately 53.88 vacant acres at Genesee Street, in the Town of Alden, further identified as SBL# 85.00-4-24.1. The first proposed lot ("Parcel A") will be a 100' x 450' parcel (approximately 1.03 acres); the second proposed lot ("Parcel B") will be a 100' x 450' parcel (approximately 1.03 acres); the third proposed lot ("Parcel C") will be a 100' x 450' parcel (approximately 1.03 acres); and the fourth proposed lot ("Parcel D") will be the remaining approximately 50.8 acres (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 31, 2019, for this Proposed Action, as required under Section 239-m of the General Municipal Law and no 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 June 3, 2019;

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law 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 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 parcels, more particularly described as:

East Parcel

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Alden, County of Erie and State of New York, being part of Lots 39 and 40, Township 11, Range 5 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the centerline of Genesee Street (66.0 feet wide) at the southeast corner of lands conveyed to Arthur and Michelle Lariviere and Steven and Justine Brady by deed recorded in the Erie County Clerk's Office in Liber 11335 of Deeds at page 4011;

THENCE: Westerly along said centerline of Genesee Street, a distance of 110.00 feet to a point:

THENCE; Through said Lariviere and Brady lands the following two (2) courses and distances:

1) Northerly and parallel with the east line of said Lariviere and Brady lands, a distance of 450.00 feet to a point;

2) Easterly and parallel with the centerline of Genesee Street, a distance of 110.00 feet to a point;

THENCE: Southerly along the east line of said Lariviere and Brady lands and the northerly extension thereof, being the west line of lands formerly owned by Jacob Buttlenger, a distance of 450.00 feet to the POINT OR PLACE OF BEGINNING containing 1.03 acres more or less exclusive of the area lying within the bounds of Genesee Street.

Center Parcel

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Alden, County of Erie and State of New York, being part of Lots 39 and 40, Township 11, Range 5 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the centerline of Genesee Street (66.0 feet wide) distant 110.00 feet east of the southeast corner of lands conveyed to David P. Fruehauf and Joelene M. Fruehauf by deed recorded in the Erie County Clerk's Office in Liber 11342 of Deeds at page 7965 as measured along said centerline;

THENCE; Through lands conveyed to Arthur and Michelle Lariviere and Steven and Justine Brady by deed recorded in the Erie County Clerk's Office in Liber 11335 of Deeds at page 4011, the following three (3) courses and distances:

1) Northerly and parallel with the east line of said Fruehauf lands, a distance of 450.00 feet to a point;

2) Easterly and parallel with the centerline of Genesee Street, a distance of 110.00 feet to a point;

3) Southerly and parallel with the east line of said Fruehauf lands, a distance of 450.00 feet to the centerline of Genesee Street;

THENCE: Westerly along said centerline of Genesee Street, a distance of 110.00 feet to the POINT OR PLACE OF BEGINNING, containing 1.03 acres more or less exclusive of the area lying within the bounds of Genesee Street.

and

West Parcel

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Alden, County of Erie and State of New York, being part of Lots 39 and 40, Township 11, Range 5 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the centerline of Genesee Street (66.0 feet wide) at the southeast corner of lands conveyed to David P. Fruehauf and Joelene M. Fruehauf by deed recorded in the Erie County Clerk's Office in Liber 11342 of Deeds at page 7965;

THENCE: Northerly along the east line of said Fruehauf lands, a distance of 450.00 feet to a point; THENCE; Through lands conveyed to Arthur and Michelle Lariviere and Steven and Justine Brady by deed recorded in the Erie County Clerk's Office in Liber 11335 of Deeds at page 4011, the following two (2) courses and distances:

- 1) Easterly and parallel with the centerline of Genesee Street, a distance of 110.00 feet to a point;*
- 2) Southerly and parallel with the east line of said Fruehauf lands, a distance of 450.00 feet to the centerline of Genesee Street;*

THENCE: Westerly along said centerline of Genesee Street, a distance of 110.00 feet to the POINT OR PLACE OF BEGINNING containing 1.03 acres more or less exclusive of the area lying within the bounds of Genesee Street.

are 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 July 15, 2019, the results of which were as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMEN PAUTLER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN ADAMSKI, TO WIT;

WHEREAS, the Alden Town Board is considering an application by William Foley and Lee J. Weisbeck for the subdivision of two (2) lots. The entire parcel currently consists of approximately 14 acres at 2323 Wende Road, in the Town of Alden, further identified as SBL 108.00-1-17. The first proposed lot ("Parcel A") will be a 250' x 400' parcel approximately 2.3 acres); the second proposed lot ("Parcel B") will be a 220' x 400' parcel (approximately 2.0 acres) ; and the third proposed lot ("Parcel C") will be the remaining approximately 9.7 acres (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 31, 2019, for this Proposed Action, as required under Section 239-m of the **General Municipal Law and no 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 June 3, 2019;

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law 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 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 parcels, more particularly described as:

Lot 1:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Alden, County of Erie and State of New York and being part of Lot Numbers 25 & 31, Township 11, Range 5, of the Holland Land Company's Survey, described as follows: Beginning at a point in the centerline of Wende Road as it intersects the south right of way of the Delaware Lackawanna and Western Railroad; THENCE easterly forming an interior angle of 79° 01' 09" along said south line of D.L. & W. Railroad a distance of 400.00 feet; THENCE southeasterly forming an interior angle of 100° 58' 51" and parallel to the centerline of Wende Road a distance of 250.00 feet; THENCE westerly forming an interior angle of 79° 01' 09" and parallel to the south line of D.L. & W. Railroad a distance of 400.00 feet to the centerline of Wende Road; THENCE northerly forming an interior angle of 100° 58' 51" along said centerline a distance of 250.00 feet to the point of beginning. Described parcel contains 2.25 acres more or less.

and

Lot 2:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Alden, County of Erie and State of New York and being part of Lot Numbers 25 & 31, Township 11, Range 5, of the Holland Land Company's Survey, described as follows: Commencing at a point in the centerline of Wende Road as it intersects the south right of way of the Delaware Lackawanna and Western Railroad; THENCE southerly along the centerline of Wende Road a distance of 250.00 feet to the TRUE POINT OF BEGINNING; THENCE easterly forming an interior angle of 79° 01' 09" along said south line of D.L. & W. Railroad a distance of 400.00 feet; THENCE southeasterly forming an interior angle of 100°

58' 51" and parallel to the centerline of Wende Road a distance of 222.42 feet; THENCE westerly forming an interior angle of 79° 01 '09" and parallel to the south line of D.L. & W. Railroad a distance of 400.00 feet to the centerline of Wende Road; THENCE northerly forming an interior angle of 100° 58' 51" along said centerline a distance of 222.42 feet to the point of beginning. Described parcel contains 2.04 acres more or less.

are 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 July 15, 2019, the results of which were as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler
Nays 0

Supervisor Savage motioned and Councilwoman Pautler seconded the motion to approve a proclamation for July 24, 2019.

The foregoing Motion was duly put to a roll call vote at a regular meeting on July 15, 2019, as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler
Nays 0

Councilman Adamski motioned and Councilwoman Pautler seconded the motion to approve Alden Garden Club's use of the Community Center large and small rooms for meetings on the second Wednesday of each month from 09/2019 – 06/2020.

The foregoing Motion was duly put to a roll call vote at a regular meeting on July 15, 2019, as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler
Nays 0

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Ron Gardner, Planning Board

Lucas James project has sparked conversation on parking requirements. The Planning Board will take some time reviewing parking requirements to make sure they are fair for everyone.

NOTICE OF MEETINGS

NEXT WORK SESSION:	August 5, 2019	@8:00 AM
REGULAR BOARD MEETING:	August 5, 2019	@7:00 PM

MEMORIAL REMEMBRANCE - Robert Ruhlman

ADJOURNMENT

At 8:00 P.M. Supervisor Savage adjourned the Meeting.

Alecia Barrett
Town Clerk