

MEETING NO. 11
REGULAR NO. 11

REGULAR TOWN BOARD MEETING
TOWN OF ALDEN

June 3, 2019
7:00 P.M.

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road on Monday, June 3, 2019 at 7:00 P.M. Supervisor Savage called the Meeting to Order and Councilwoman Pautler led in the Pledge of Allegiance. The Roll Call was taken by the Town Clerk.

PRESENT: Richard Savage, Supervisor
Colleen Pautler, Councilwoman

RECORDING SECRETARY: Alecia Barrett, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney
Leonard Weglarski, DCO
Mike Metzger, Town Engineer
Chris Snyder, CEO
Residents

Supervisor Savage Moved and Councilwoman Pautler seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of May 20, 2019.

CARRIED

Ayes 2 Savage, & 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 #471 - 516 **ALL BILLS REVIEWED BY THE TOWN BOARD.**

	<u>ABSTRACT #1</u>	<u>ABSTRACT #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$14,589.75	\$12,010.09	\$26,599.84
HIGHWAY FUND "DA/DB"	9,651.07	1,100.29	10,751.36
PART-TOWN FUND "B"	3,664.35		3,664.35
WATER DISTRICT #1 FUND "WA"			
CONSOLIDATED WATER "WR"			
SPECIAL FIRE PROTECTION "SF"			
SEWER DIST. #1 FUND "SI"			
SEWER DIST. #2 FUND "SA"	432.76	207.26	640.02
TRUST & AGENCY "T"	14,372.49	13,359.00	27,732.05
SPECIAL REFUSE FUND "SR"		3,093.00	3,093.00
STREET LIGHTING FUND "SL"	6,483.64		6,483.64
PERIWINKLE LTG. DIST. "SL1"	39.67		39.67
WATER DISTRICT NEWSTEAD "WO"			
CAPITAL PROJECTS "HC"			
GRANT "G"			
TOTALS	\$49,233.73	\$29,770.20	\$49,233.73

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON June 3, 2019 AND **ADOPTED**

Ayes 2 Savage & Pautler
Nays 0

BUSINESS FROM THE FLOOR

Mark Moore, 1165 Sandridge – Questioned whether it was true that a former Town Official had come to Town Hall, on May 22, after hours and had possibly left things here? Supervisor Savage confirmed that was true. Mark went on to confirm that this person entered Town Hall property and is no longer a Town Official. Supervisor Savage confirmed. Mark questioned if that would be considered trespassing and Supervisor Savage said he would consider it trespassing as this person did not have permission to enter the property. He went on to summarize the incident explaining that the unnamed former elected Town Official came to Town Hall a little after 4:30 and was witnessed by a current Town employee opening the electronics recycling garage. The person used the pin pad and entered the code to open the door. The proceeded to place items in the garage then closed the door. Before leaving they also put items in the Town Hall dumpster in the parking lot. He was witnessed leaving by the Code Enforcement Officer who had been here for Court at the time. Mark went on to ask Supervisor Savage to confirm the unnamed person was Ralph Witt. Supervisor Savage responded stating the name would not be given as it is a personnel issue. He went on to say that a letter was sent to the former elected official stating that accessing the Town property in that way is unacceptable and never to take place again. This is the same thing they did one other time when it was found that an individual had been disposing of their trash in the Town dumpster. The code for the garage door will be changed by the Code Enforcement Officer. Mark went on to state the timing of this person using the Town dumpster in connection with the new Town refuse policy. Supervisor Savage noted this former elected official is not a Town resident but a Village Resident. Mark went on to ask if legal action would be taken and Supervisor Savage said no because it would require the employee who witnessed the individual to file a written complaint.

COMMUNICATIONS

Councilwoman Pautler

1. Received information from legislator Brusos Office on the “Clerk on the Go program.” There will be an informational meeting on June 26th at the Community Center.

Supervisor Savage:

1. Certificate from insurer for submitting timely claims for Worker’s Compensation.
2. Giant hog weed control season began. There is a state agency that digs up the invasive plant.
3. Pam Turton ran the swim program for the last 17 years. A letter was sent to her thanking for her years of service.
4. A letter was sent to an unnamed individual regarding accessing Town Hall property after hours.
5. Letter from DEC that we have to have 2 notifiers for each sewer district.
6. Letter from a Village Resident against the rodeo stating she thought it was mistreatment of animals.
7. Letter from Mike Metzger with regard to Cayuga Creek Water map plan and report.
8. Copy of letter Bill Rogers sent to UniFirst cancelling the Uniform contract.
9. Public Hearing was held last Thursday by LVAC.
10. Metzger Engineering comments on ledgestone Village phase 2.

NEW BUSINESS

*****PUBLIC HEARING*****

At 7:05 P.M. Councilwoman Pautler asked for a Motion, seconded by Supervisor Savage, to adjourn from the Regular Meeting and enter into the Public Hearing – approval of a Special Use Permit for Dan Rimbeck to operate a temporary rodeo at his business located at 1212 Sandridge Road.

Supervisor Savage explained the rodeo would have parking limited to what the lot could hold. There is no parking on Sandridge. The rodeo activities would need to be done by 11 pm. The rodeo would take place behind the building in a field. There are insurance requirements to be met. EMT would have to be available. No alcohol will be sold outside of the Alden Bowling Center. The permit is temporary, it is valid for 1 year.

Phil Kirsch, Sandridge Road – Questioned the frequency of the events. Supervisor savage noted they are on Saturdays, June through August with one Sunday event. The land will have to be turned to host the event and the trailers will be parked in the back field. Mr. Kirsch questioned if the intent was to raise money? Supervisor Savage noted it’s a private company that holds these events and that by Dan hosting it at his property it will bring business for him and entertainment for the community. Mr. Kirsch voiced his concerns over the lack of motorists adhering to the 30mph speed limit, he stated Sandridge is not patrolled at all, as well as vehicles being parked on the side of the road. Supervisor

Savage noted that he travels Sandridge multiple times per day and has never seen anyone parked on the side of the road. And frequently there is law enforcement in the parking lot of the bowling alley. Mr. Kirsch disagreed with Supervisor Savage and stated vehicles regularly park on the shoulder of the road and that kind of parking is a real hazard.

Mr. and Toni Peel, 1225 Sandridge Road – The cars at the duplex park on the road all the time. The State Police sit at the bowling alley parking lot for 10 minutes at a time then leave. Changing the speed limit has not decreased peoples speed on that road. Supervisor Savage noted a simple phone call could be made to either law enforcement substation located in Alden about the speeding and parking on Sandridge. Toni Peel, who lives directly across the street from the bowling alley has several concerns. One being the amount of trash and beer cans that end up in their yard from patrons of the bowling alley. No one collects the mail so the mail blows all over into neighbors' yards. Where are all these people go to the bathroom, will I have to stare at out-houses all summer? Supervisor Savage noted that the bowling alley will be open during the events and patrons will use the facilities inside the building. Mr. Peel voiced concerns over people taking alcohol outside of the bowling alley. Supervisor Savage addressed Dan stating it would be in his best interest to supervise to make sure alcohol isn't taken outside. Dan acknowledged that and added that most of the "trash" left behind by patrons are beer cans and he does not sell beer by the can. Patrons must be bringing them in their vehicles and leaving them. He tried to do his best to pick up the trash and cans left behind so it does not end up in the neighbors' yards. There are trash and cigarette receptacles outside for patrons to use. There will be extras set up for the rodeo event.

Toni Peel also voiced concerns over the amount of dust that comes from the parking lot and questioned why it's not required that it be paved? Supervisor Savage noted that per the Town Code it does not have to be paved.

Toni Peel questioned why a rodeo would be set up in a residential area. Supervisor Savage stated it would be set up behind the building in a field that is not a residential area.

Toni Peel addressed Dan directly saying; they are very happy that he fixed the bowling alley; they approve of his business and are happy for him. They just have concerns that need to be addressed.

Supervisor Savage invited Louis Backlas of Cross Over the Line Rodeo to give an explanation of what their organization does. He explained that they are a Christian organization and they put on these Rodeo out-reach events all over the country. They are a family based company out of Warsaw, NY. Mr. Backlas also added that their animals are very clean and well taken care of. The smell of manure will not be an issue. The ground will be worked up for safety reasons and maintained by the rodeo company. They will have barrel racing and bull riding. Shows last between 1 and 2 hours between 5pm and 7pm, they have no outdoor lights so everything will be done before dark. Mr. Backlas later added they will spray the parking lot with water to try to keep the dust down before shows. He also added that unacceptable behavior will not be tolerated. If need be, to accommodate a large number of attendees they will bring in port-a-potties that will be emptied weekly.

Blessing, 12354 Broadway – voiced concerns over parking, animal waste pick-up, immunizations of livestock, containment of the animals. Louis explained their animals are all healthy and cleared to go to all shows in NY State. The manure produced by the animals is not the same as the liquid manure that farmers spread that has a strong odor. They use a professional arena and have never had any animal escapees. Ms. Blessing asked, if once the rodeo takes place, can issues be brought to the Town? Supervisor Savage explained that a Special Use Permit will be issued for 1 year. That permit can be revoked if unresolvable issues occur. That process takes 2 weeks. He also went on to say that he would hope neighbors would bring any issues to Dan's attention and give him a chance to rectify them. He also gave his personal home/cell number so residents can call him directly.

Supervisor Savage went on to add that the rodeo would have to have their own personnel to direct traffic for parking and turn people away once the lot is full.

Mark Moore, 1165 Sandridge Road – offered the suggestion of notifying law enforcement ahead of time that the event would be taking place and have all vehicles found parking on Sandridge be ticketed and towed. He also added that the concerns over manure smell he believes are a non-issue. He has been around livestock his whole life and they don't have the strong odor people are worried about. He went on to note that Dan being a smart business man should be open to all the concerns of his neighbors. Now that he has heard them he should be more proactive at resolving them. Possibly adding "No Parking" signs along Sandridge may be helpful as well.

Mike Flemming, Planning Board – questioned if the residents in attendance knew this was a farming community and a right to farm community. That means that any farmer who wishes can spread manure without question. And if you choose to purchase a house in that area you accept that.

Councilwoman Pautler added, with regard to residents' concerns over drinking in the parking lot and use of restrooms they could contact the Sheriff's Dept. and contract with them for uniformed Officers to be present.

Supervisor Savage stated Mark seemed to summarize the issues well; parking is an issue, garbage is an issue. Dan needs to be proactive in taking care of these things. He closed by saying he believes there are enough safe guards in place to ensure a positive experience for rodeo goers as well as neighbors. We will notify law enforcement of event dates, water the parking lot before events, keep trash picked up, rodeo people need to shut down parking lot once it's full. He believes it's worthwhile to give it a shot. It may be a great success for Dan or it could be a huge failure, no one knows until he's given the chance to host the rodeo. He also offered to attend to "put eyes" on it to see what's going on. He believes it's worth a try.

Councilwoman Pautler added she agreed with a lot of what Supervisor Savage had said and that obviously Dan is going to do his best to make it a good experience for everyone including his neighbors because he wants this to be successful and bring business to his establishment. The rodeo activities will be done by 11pm but the Town Board cannot put restrictions on Dan's business hours. Councilwoman Pautler also added that she believes Dan will be very open to hearing any concerns.

At 8:10 p.m. Supervisor Savage motioned, and Councilwoman Pautler Seconded the motion to return to return to the regular meeting.

CARRIED.

Ayes 2 Savage & Pautler

Nays 0

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

Councilwoman Pautler motioned and SUPERVISOR Savage seconded the motion to approve appoint Brandon Turnbull and Christian Snell as seasonal Parks maintenance employees at the starting rate of \$11.35/hr effective June 3, 2019 and subject to all pre-employment checks and testing.

The foregoing Motion was duly put to a roll call vote at a regular meeting on June 3, 2019, as follows:

CARRIED.

Ayes 2 Savage & Pautler

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR SAVAGE, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN PAUTLER, 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 1175 Sullivan 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 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 will provide 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 above resolution was duly put to a roll call vote at a regular meeting of the Town Board of the Town of Alden June 3, 2019, the results of which were as follows:

CARRIED.

Ayes 2 Savage & Pautler

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN PAUTLER, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR SAVAGE, 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 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 will provide 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 above resolution was duly put to a roll call vote at a regular meeting of the Town Board of the Town of Alden June 3, 2019, the results of which were as follows:

CARRIED.

Ayes 2 Savage & Pautler
Nays 0

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

WHEREAS, Dan Rimbeck has filed an application for a Special Use Permit to operate a temporary rodeo at his business located at 1212 Sandridge Road in the Town of Alden (further identified by SBL # 118.00-3-10.1);

WHEREAS, the Town Board, pursuant to Section 365-67 of the Alden Town Code is required to call a public hearing on the application.

WHEREAS, the Town Planning Board has approved the application;

WHEREAS, the notice of public hearing was mailed to neighboring parcel owners and the public hearing was held on June 3, 2019, after due publication in the Alden Advertiser; and

WHEREAS, at said public hearing all persons appearing in favor of and against the proposed action were heard and all concerns have been addressed.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby directs the Code Enforcement Officer to issue to Dan Rimbeck a Special Use Permit to operate a temporary rodeo at his business located at 1212 Sandridge Road; with the following limitations:
 - A. The Rodeo shall only operate on Saturdays during the months of June through August and all rodeo activities will cease in full no later than 11:00 PM;
 - B. Parking shall be limited to the current parking lot (parking shall not exceed the current lot's capacity) and no parking is allowed on Sandridge Road;

C. An EMT shall be available; and

D. the applicant shall submit to the Town Attorney no later than June 7, 2019 at 10:00 am a Certificate of Insurance, with coverage of \$1,000,000.00 per occurrence and a general aggregate of \$3,000,000.00 naming the Town of Alden as an additional insured; and

2. This resolution shall take effect immediately.

The adoption of the foregoing resolution was duly put to a roll call vote at a regular meeting held on June 3, 2019, as follows:

CARRIED.

Ayes 2 Savage & Pautler

Nays 0

Councilwoman Pautler motioned and Supervisor Savage seconded the motion to approve ACS request for use of the Town Park athletic field as per their May 28, 2019 letter.

The foregoing Motion was duly put to a roll call vote at a regular meeting on June 3, 2019, as follows:

CARRIED.

Ayes 2 Savage & Pautler

Nays 0

Supervisor Savage polled the Board and with no objections added:

Supervisor Savage motioned and Councilwoman Pautler seconded the motion to approve The Village of Alden request for use of the Town's band shell for their carnival event July 11,12 & 13. As well as for their parade on July 12.

The foregoing Motion was duly put to a roll call vote at a regular meeting on June 3, 2019, as follows:

CARRIED.

Ayes 2 Savage & Pautler

Nays 0

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Supervisor Savage

Made mention of how well Facebook has been for re-uniting lost dogs with their families. The DCO Lenny will bring dogs he picked up to Town Hall and Town Clerk Barrett takes their picture and puts it on the Town's Facebook page.

NOTICE OF MEETINGS

NEXT WORK SESSION:

June 17, 2019

@8:00 AM

REGULAR BOARD MEETING:

June 17, 2019

@7:00 PM

MEMORIAL REMEMBRANCE - Edward Sobolewski

ADJOURNMENT

At 8:40 P.M. Supervisor Savage adjourned the Meeting.

Alecia Barrett
Town Clerk