

MEETING NO. 17
REGULAR NO. 17

REGULAR TOWN BOARD MEETING
TOWN OF ALDEN

September 3, 2019
7:00 P.M.

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road on Tuesday, September 3, 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
Residents

Councilwoman Pautler Moved and Supervisor Savage seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of August 19, 2019.

CARRIED

Ayes 3 Savage, Adamski & Pautler
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN PAUTLER, SECOND BY SUPERVISOR SAVAGE, WHO MOVED THAT THE FOLLOWING VOUCHERS BE ALLOWED AND PAID TO WIT; VOUCHERS #782 - 831 **ALL BILLS REVIEWED BY THE TOWN BOARD.**

	<u>ABSTRACT #1</u>	<u>ABSTRACT #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$8,243.15	\$13,782.04	\$22,025.19
HIGHWAY FUND "DA/DB	3,373.10	159,814.38	163,187.48
PART-TOWN FUND "B"	7,926.00	2,917.08	10,843.08
WATER DISTRICT #1 FUND "WA"			
CONSOLIDATED WATER "WR"	7,765.63		7,765.63
SPECIAL FIRE PROTECTION "SF"			
SEWER DIST. #1 FUND "SI"			
SEWER DIST. #2 FUND "SA"	128.86	223.26	352.12
TRUST & AGENCY "T"	15,191.82	8,026.71	23,218.53
SPECIAL REFUSE FUND "SR"	40,087.85		40,087.85
STREET LIGHTING FUND "SL"	5,126.98		5,126.98
PERIWINKLE LTG. DIST. "SL1"	40.78		40.78
WATER DISTRICT NEWSTEAD "WO"			
CAPITAL PROJECTS "HC"		100,818.00	100,818.00
WATER DIST. EXCHANGE ST. "WX"			
TOTALS	\$87,884.17	285,581.47	\$373,465.64

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

Ayes 3 Savage, Adamski & Pautler
Nays 0

BUSINESS FROM THE FLOOR

Matt Herdzyk, 287 S. Woodside Dr. – questioned how many fire companies Alden contracts with. Supervisor Savage explained it is 4 and he explained what Alden pays towards those fire companies.

COMMUNICATIONS

Supervisor Savage:

1. Memo from Dept. of Enviroment & Planning regrding Agricultural District Annual Enrollment Period. Applications are on file in the Town Clerk’s Office.
2. Copy letter from Michael Zosh, Atty. FOIL all records pertaining to the dog owned by David Liebler with regard to the dog bite incident on Aug. 24, 2019.
3. Draft copies of changes for parking code.
4. Letter from Metzger Civil Engineering with regard to SD2.
5. Building Inspector’s report for July & August 2019.
6. Letter from County Executive, Poloncarz, regarding Community Development.
7. Resignation from Pennie Daucher from Deputy Town Clerk.
8. Letter from Village CEO notifying of an upcoming vacation.
9. Operation & Maintenance Manual for SD2 from Metzger Civil Engineering.
10. Letter regarding National Night Out from Alden Substance Abuse Coalition.
11. Letter from Metzger Civil Engineering with regard to JMM Construction site plan.
12. Copy of the ad for Justice Court part time Clerk.
13. Planning Board Minutes from 8-13-2019.

NEW BUSINESS

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

WHEREAS, the Alden Town Board on November 05, 2018 adopted its 2019 Budget;				
WHEREAS, the Town of Alden needs to create account code A. 8810.0100 and transfer money to allow for the maintenance of the said cemetary;				
WHEREAS , this budget transfer will not render the Town of Alden insolvent;				
NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:				
The Alden Town Board hereby authorizes the following transfer:				
From (Budget Code)	Amount	To (Budget Code)	General Explanation	Amount
A. 8810.0400	\$5,000.00	A. 8810.0100	Maintenance of Alden Evergreen Cemetary	\$5,000.00
	\$5,000.00		TOTAL	\$5,000.00
The Resolution shall take effect immediately.				
The forgoing Resolution was duly put to a roll call vote at a regular meeting on Sepetember 3, 2019 as follows:				

CARRIED.

Ayes 3 Savage, Adamski & Pautler
Nays 0

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

WHEREAS, the Alden Town Board on November 05, 2018 adopted its 2019 Budget;				
WHEREAS, the Town of Alden needs to transfer money to allow for payment as outlined below and;				
WHEREAS , this budget transfer will not render the Town of Alden insolvent;				
NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:				
The Alden Town Board hereby authorizes the following transfer:				
From (Budget Code)	Amount	To (Budget Code)	General Explanation	Amount
A. 7140.0104	\$1,339.00	A. 7140.0104.1000	Balance Lifeguard Fees Swim Club	\$1,339.00
	\$1,339.00		TOTAL	\$1,339.00
The Resolution shall take effect immediately.				
The forgoing Resolution was duly put to a roll call vote at a regular meeting on Sepetember 3, 2019 as follows:				

CARRIED.

Ayes 3 Savage, Adamski & Pautler
Nays 0

Supervisor Savage motioned and Councilwoman Pautler seconded the motion to approve Daniel Rimbeck’s request to conduct Fall hayrides and sell pumpkins at his property, the Alden Lanes, at 1212 Sandridge Road, Alden, NY. The hayrides and pumpkin sales would be conducted by Cross Over the Line Rodeo Company as weather permits subject to the following:

All activities will cease by 11:00pm at the latest.

Parking will be limited to the current parking lot and it must be monitored to insure that parking does not exceed the capacity.

Absolutely no parking will be permitted on Sandridge Road.

A certificate of insurance must be submitted to the Town attorney’s Office no later than September 9 and prior to any activity in the amount of coverage of \$1,000,000 per occurrence and a general aggregate of \$3,000,000 naming the Town of Alden as an additional insured.

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

CARRIED.

Ayes 3 Savage, Adamski & Pautler
Nays 0

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

WHEREAS, the Town Board has noticed the need to replace the roof on the sewer plant building in Sewer District # 2; the estimated cost of which is less than \$10,000.00 but greater than \$2,000.00;

WHEREAS, the Town's Procurement Policy & Procedure Guidelines ("Guidelines") states that the Town must obtain quotes from at least three vendors;

WHEREAS, three quotes for the roof work were solicited and were received as follows:

the highest quote is from WNY Remodeling at \$7,000.00;

the second highest quote is from Exterior Home Improvement Specialists at \$6,200.00; and

the lowest quote is from Men at Work at \$4,990.00;

WHEREAS, Men at Work is the lowest responsible bidder; and

WHEREAS, The Town Board after full and careful consideration finds that it is in the public interest to authorize the roof replacement at the sewer plant building.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the hiring of Men at work to replace the sewer plant building roof for an amount not to exceed \$4,990.00;
2. Men at Work must pay NYS Prevailing wages to any non-owner employees and must comply with all labor law requirements and postings prior to starting any work and must provide proof of liability insurance to the Town prior to starting any work;
3. The Town Supervisor is authorized to sign any and all necessary documents to effectuate this purchase; and
4. This resolution shall take effect immediately.

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

CARRIED.

Ayes 3 Savage, Adamski & Pautler

Nays 0

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

WHEREAS, the Alden Town Board is considering an application by Madeline Fudoli for the subdivision of two (2) lots. The entire parcel currently consists of approximately 100 acres at 12063 Westwood Road, in the Town of Alden, further identified as SBL 107.00-8-1.1. The first proposed lot ("Parcel A") will be a 200' x 533' (2.45 acre) parcel with an existing garage; and the second proposed lot ("Parcel B") will be the remaining approximately 97.5 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 July 18, 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 August 5, 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 vacant parcel, more particularly described as:

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 30, Township 11, Range 5 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the centerline of Westwood Road (as a 66 foot road) being also the north line of Lot No. 30, distant 327.94 feet east from the northwest corner of Lot No. 30;

Thence easterly along said centerline of Westwood Road and the north line of Lot No. 30, a distance of 200.00 feet to a point being the northwest corner of deed filed in the Erie County Clerk's Office in Liber 11318 of Deeds at page 7684;

Thence southerly at right angles and along the west line of said Liber 11318 of Deeds at page 7684 and as extended southerly, a distance of 533.00 feet to a point;

Thence west and parallel with Westwood Road, a distance of 200.00 feet to a point;

Thence north along a line parallel with said west line of Liber 11318 of Deeds at page 7684, a distance of 533.00 feet to the point and place of beginning;

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 September 3, 2019, the results of which were 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 Alden Hook and Ladder Fire Company, Inc. provides fire protection services, by Contract, with both the Town of Alden and the Village of Alden; and

WHEREAS, the Town of Alden and the Village of Alden have agreed in a Contract with the Alden Hook and Ladder Fire Company, Inc., dated January 20, 2009, that the Municipalities will share the cost of the Service Award Program for the Alden Hook and Ladder Fire Company, Inc.;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board does hereby authorize Supervisor Savage to enter into and execute an Intermunicipal Agreement with the Village of Alden regarding the payment of the Service Awards for the Alden Hook and Ladder Fire Company, Inc., through May 31, 2021; and

2. This Resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote at a regular meeting, on September 3, 2019, as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler

Nays 0

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

WHEREAS, The Alden Town Board has ordered that the Property Owner of the property known as 1214 Mayfield Drive either repair or demolish the dangerous building at the property within ten days;

WHEREAS, more than ten days have passed and the Property Owner has not repaired or demolished the building;

WHEREAS, the Town Board will hire a Contractor to demolish the building, the estimated cost of which is less than \$10,000.01 but greater than \$2,000.00 and assess the cost thereof to the property owner;

WHEREAS, the Procurement Policy & Procedure Guidelines ("Guidelines") of the Town of Alden state that the Town must prepare a request for proposal and then obtain written quotes from at least three (3) contractors;

WHEREAS, the Town Building Inspector has obtained three quotes for the demolition of the building, debris removal, and grading /seeding, as follows:

the highest bid is from J. Lund Concrete and Trenching at \$14,800.00;

the second highest bid is from JMM Construction at \$13,747.00; and

the lowest bid is from Dulski Construction, LLC at \$7,500.00.

WHEREAS, The Town Board after full and careful review and consideration finds that it is in the public interest to authorize the hiring of Dulski Construction, Inc., the lowest responsible bidder, to demolish the building, remove the debris; and grade/seed at 1214 Mayfield Drive.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby approves the signing of a Contract with Dulski Construction, Inc. to demolish the building, remove the debris, and grade/seed the demolition site at 1214 Mayfield Drive at a total cost of \$7,500.00;
2. Dulski Construction Inc. must pay NYS Prevailing wages to any non-owner employees and submit all necessary documentation to the Department of Labor; must supply proof of NYS Worker's Compensation Insurance and General Liability Insurance naming the Town of Alden as an additional insured prior to commencing any work;
3. The Town Supervisor is authorized to sign any and all necessary documents to effectuate this Contract and demolition work; and
4. This resolution shall take effect immediately.

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

CARRIED.

Ayes 3 Savage, Adamski & Pautler

Nays 0

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

WHEREAS, the Town Board of the Town of Alden is considering an application, by Lucas James for site plan approval of a 15 new townhouses at 11290 Broadway, in the Town of Alden (which is Phase 2 of the construction project), further identified by SBL # 118.00-1-20.2 (The "Proposed Action");

WHEREAS, the Town Board of the Town of Alden has determined that the Proposed Action is an Unlisted Action under SEQRA and has conducted a coordinated review;

WHEREAS, the Town of Board of the Town of Alden believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to site plan review; is 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 of Alden has provided notice to Erie County Planning as required under Section 239-m of the General Municipal Law and a "no recommendation" was received;

WHEREAS, the New York State Environmental Quality Review Act requires the Town of Alden to determine the Lead Agency status and the Lead Agency making a SEQR determination;

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, the Applicant has prepared the Environmental Assessment Form, which is now on file with the Town Board and the Town's SEQR Intake Officer; and

WHEREAS, any comments received from the involved agencies have been fully addressed by the Code Enforcement Officer; and

WHEREAS, the Town of Alden Planning Board has recommended the approval of the site plan.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA and that a proper coordinated review has been conducted;
2. The Town Board has determined that the Town of Alden 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 SEQRA NEGATIVE DECLARATION, NOTICE OF DETERMINATION OF NON-SIGNIFICANCE, on file with the SEQRA Intake Officer, 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. The Town Board of the Alden finds that the Proposed Action is consistent with the Town Code and approves the site plan contingent upon:
 - A. All of the issues raised in the August 30, 2019 letter from Metzger Civil Engineering, PLLC being addressed to the sole satisfaction of the Code Enforcement Office;
 - B. All of the issues including the Stop Work Letter dated August 19, 2019 from Chris Snyder relating to Phase 1 of this Project being fully addressed to the sole satisfaction of the Code Enforcement Officer; and
 - C. Lucas James shall sign a written Plan of Action in regard to remedying the Stop Work Letter and other issues on Phase 1 of this Project.
5. That the Town Board authorizes the Code Enforcement Officer to issue a building Permit for Phase 2 of the proposed action and to lift the Stop Work Letter on Phase 1, only upon the above three contingencies being satisfied; no work shall be done at the site whatsoever until a Building Permit is issued and the Stop Work Letter is lifted; and
6. 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 September 3, 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 appoint Dale F. Adamski Jr., George D. Carter and Mark A. Overhoff to the position of Town Constable, to work under the direction the Town Board with pay rate to be set as per the Town Fee schedule. Appointments based upon successful completion of pre-employment background check.

CARRIED.

Ayes 2 Savage & Pautler
Nays 0
Councilman Adamski abstained from voting.

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Alecia Barrett, Town Clerk – school tax bills are in, we will be working on getting them out in the mail. CEO Snyder went and picked up the bills from downtown for us.

Bill Rogers, Highway Superintendent – the \$150k on the last abstract reflected \$125k of paving costs. Continue to clean up debris on Kieffer Road. There will be a tire collection this fall; more details to follow.

Mike Metzger, Engineer – Spoke with Erie County Water Authority to secure water supply for Cayuga Creek Water Dist. Was supposed to get a call back but didn't get one. Spoke with CEO Snyder today with regard to issues at SD2; pumps continually running. The pumps were shut down and more research will be done into the problem. Discussed planting some sort of evergreen to shield the building.

Chris Snyder, CEO – looking into issues with SD2, they need a process on how to handle issues as they arise.

Len Weglarski – got paperwork in for both recent dog bites. Files were created for owners of the dogs and paperwork will be kept on file. Len will follow up with Ag & Mkts. on rules and regulations regarding seizing biting dogs. With regard to one bite the dog was deemed dangerous by the court so now we have to notify all law enforcement agencies and first responders for our area of the presence of the dangerous dog.

NOTICE OF MEETINGS

NEXT WORK SESSION:	September 9, 2019	@7:00 PM
REGULAR BOARD MEETING:	September 16, 2019	@7:00 PM

MEMORIAL REMEMBRANCE -

ADJOURNMENT

At 8:54 P.M. Supervisor Savage adjourned the Meeting.

Alecia Barrett
Town Clerk