

A-D

MEETING NO. 22
REGULAR NO. 22

ALDEN TOWN BOARD AGENDA

NOVEMBER 17, 2014
7:00 P.M.

PRIORITY OF BUSINESS SET BY SUPERVISOR PURSUANT TO
SECTION 16 TOWN CODE APPENDIX PART IV

1. PLEDGE OF ALLEGIANCE – COUNCILWOMAN RIDDOCH

2. CALLING THE ROLL OF BOARD MEMBERS BY THE CLERK

3. OFFER OF THE MINUTES & SYNOPSIS OF THE PROCEEDINGS OF THE
REGULAR MEETING OF NOVEMBER 3, 2014.

4. APPROVAL OF VOUCHERS

5. BUSINESS FROM THE FLOOR

6. PRESENTATION OF COMMUNICATIONS FROM BOARD MEMBERS AND
OTHER TOWN OFFICIALS

7. NEW BUSINESS

A. Motion to renew the Home Occupation Permit for Joseph M. Bove/11607 Genesee
St./Furniture Upholstery for a period of one year per TC/DC

B. Motion to refer the application for a new Home Occupation Permit for Theresa
Hoffman/11734 Buckwheat Rd./Massage Therapy to the Planning Board for review
and recommendation per CM/RW

C. Resolution re Subdivision Approval for Hill/Schlossin on Uebelhoer Rd per S/HM

D. Resolution approving the agreement with Alden Youth Baseball, Inc. for the use of
the Alden Town Hall gymnasium November, 2014 through May, 2015 per S/HM

E. Resolution approving the adoption of Local Law #3 of 2014 entitled “Local Law
amending Section 20-37 of the Alden Town Code to allow non-conforming single
family dwellings to be rebuilt” per CW/MR

F. Proclamation recognizing November 29, 2014 as Small Business Saturday per S/HM

G. Resolution authorizing Supervisor Milligan to enter into and execute all necessary
documents to effectuate a Joint Service Agreement (with the Town of Lancaster and
the Village of Alden) for Fire Dispatch Service with Lancaster Fire Control effective
from January 1, 2015 through the year December 31, 2019 per S/HM

H. Motion to approve the Alden Chamber of Commerce request to use the Alden
Community Center and Town Park for the annual Christmas in the Park on
Saturday, December 6, 2014 per CW/MR

I. Resolution to approve the purchase of tires with dismount, mount & spin balance
from Hurtubise Tire at a total cost of \$1,846.40 per CW/MR

8. UNFINISHED & TABLED BUSINESS

9. REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

10. ANNOUNCEMENTS FROM THE SUPERVISOR

11. NOTICE OF MEETINGS:
WORK SESSION.

11/17/14

Motion to renew the Home Occupation Permit for Joseph M. Bove/11607 Genesee St./Furniture Upholstery for a period of one year per TC/DC

A.

11/17/14

Motion to refer the application for a new Home Occupation Permit for Theresa Hoffman/11734
Buckwheat Rd./Massage Therapy to the Planning Board for review and recommendation per CM/RW

B.

9

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL _____, WHO MOVED ITS ADOPTION,
SECONDED BY _____

WHEREAS, the Town Board of the Town of Alden is considering an application by Robert Hill and Robert Schlossin for the subdivision of two (2) lots. The entire parcel currently consists of approximately 34.7 acres on Uelbelhoer Road in the Town of Alden, further identified as SBL #108.00-2-27.3. The first proposed lot ("Parcel A") would be a 16.73 acre vacant parcel with a pond; the remaining parcel ("Parcel B") would be the remaining 17.87 acre vacant parcel (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 October 7, 2014, for this Proposed Action, as required under Section 239-m of the General Municipal Law and "no recommendation" 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 November 3, 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 October 14, 2014, 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 and State of New York, being part of Lot No. 26, Township 11 and Range 5 of the Holland Land Company's Survey, and being further described as follows:
Beginning in the North line of Uebelhoer Road distant 324 feet westerly from the intersection of the north line of Uebelhoer Road with the east line of Lot 26; thence (1) northerly parallel with the east line of Lot 26 a distance of 275.25 feet to a point; thence (2) easterly parallel with the south line of Lot 26 a distance of 24.00 feet to a point; thence (3) northerly parallel with the east line of Lot 26 a distance of 575.00 feet to a point; thence (4) westerly parallel with the south line of Lot 26 a distance of 864.88 feet to a point; thence (5) southerly parallel with the east line of Lot 26 a distance of 850.25 feet to a point; thence (6) easterly along the northerly line of Uebelhoer road, a distance of 840.88 feet to the point or 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 November 17, 2014, the results of which were as follows:

Councilmen Witt	Aye	Nay
Supervisor Milligan	Aye	Nay
Councilwomen Riddoch	Aye	Nay

D.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMEMBER _____, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMEMBER

WHEREAS, the Town of Alden ("Town") and Alden Youth Baseball, Inc., ("Youth Baseball") a Not-For-Profit Corporation duly organized and existing under the laws of the State of New York, have negotiated an Agreement to allow Youth Baseball to use the Alden Town Hall gymnasium for its players to practice indoors during the months of November, 2014 through May, 2015;

WHEREAS, the Town of Alden is aware that a large number of residents of the Town of Alden and Alden School District participate in the programs offered by Youth Baseball and is interested in assisting Youth Baseball;

WHEREAS, the Town and Youth Baseball have come to full agreement on the terms of such Agreement to run from November 18, 2014 until May 31, 2015, a copy of which is attached hereto; and

WHEREAS, Youth Baseball has obtained insurance for the benefit of the Town of Alden.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town approves the Agreement with Youth Baseball, 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 is authorized to sign any and all necessary documents to effectuate this Agreement; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting held on November 17, 2014, as follows:

Councilmember Witt	Aye	Nay
Supervisor Milligan	Aye	Nay
Councilmember Riddoch	Aye	Nay

AGREEMENT FOR USE OF ALDEN TOWN HALL GYMNASIUM

THIS AGREEMENT made this 17th day of November, 2014, by and between the TOWN OF ALDEN, a Municipal Corporation duly organized and existing under the laws of the State of New York (hereinafter "Town") with offices at 3311 Wende Road, Alden, New York 14004 and ALDEN YOUTH BASEBALL, INC., a Not-For-Profit Corporation duly organized and existing under the laws of the State of New York with an address of PO Box 52, Alden, New York 14004.

WITNESSETH:

In order to promote the programs offered by Alden Youth Baseball, Inc., the Town agrees to allow Alden Youth Baseball, Inc. to use the gymnasium at the Alden Town Hall (3311 Wende Road) for indoor practices during the months of November, 2014 through May, 2015.

For and in consideration of good will to the residents of the Town of Alden who participate in Alden Youth Baseball, Inc. programs, it is hereby agreed and covenanted that:

1. Alden Youth Baseball, Inc. may use the gymnasium at the Alden Town Hall for indoor youth baseball practices from November 18, 2014, through May 31, 2015, as agreed upon with Councilwoman Mary Ridloch. Alden Youth Baseball, Inc. understands that it may need to relinquish use of the gymnasium in the event that the gymnasium is needed by another organization or is needed for a special meeting by the Town of Alden.
2. Alden Youth Baseball, Inc. coaches and players shall only wear white, rubber soled sneakers while practicing in the gymnasium.
3. Alden Youth Baseball Inc. shall install all reasonably necessary netting and safety equipment to protect its participants and observers and to protect the walls, floors and ceilings of the gymnasium to the sole satisfaction of the Town. The Town makes no warranty as to the fitness of the gymnasium for Alden Youth Baseball, Inc. practices.
4. Alden Youth Baseball, Inc. is solely responsible to repair any and all damage to the gymnasium and to the Town Hall caused during its practices.
5. The parents, guardians and/or coaches shall fully supervise Alden Youth Baseball, Inc. players at all times while on Town property.
6. The following representative of Alden Youth Baseball, Inc.: Steve DePaolis shall be given a key to the Town Hall and to the gymnasium and the Town Hall security access code. Steve DePaolis is strictly forbidden from letting any one else use or have possession of the keys and security code. Steve DePaolis is also fully responsible to follow the opening and closing checklist provided to said representative by the Town. The key will not be released to Steve DePaolis until all prior keys given to Alden Youth Baseball, Inc. are returned to the Town Clerk. Mr. DePaolis must return his key to the Town Clerk no later than June 5, 2015.
7. Alden Youth Baseball, Inc. shall only have access to the gymnasium and restrooms at the Alden Town Hall.
8. Alden Youth Baseball, Inc. shall properly clean up and store its equipment after each practice, so as to allow others to use the gymnasium. Alden Youth Baseball, Inc. shall clean the gymnasium. All equipment shall be taken down and stored no later than June 5, 2015.

9. The Town is not responsible for lost or stolen equipment belonging to Alden Youth Baseball, Inc. or its participants.

10. Alden Youth Baseball Inc. shall upon signing this Agreement provide proof of liability insurance to the Town of Alden and shall name the Town of Alden as an additional insured.

11. Alden Youth Baseball, Inc. agrees to hold harmless and indemnify the Town, its employees, officials and agents for any and all incidents and injuries that arise to the any participates and spectators to Alden Youth Baseball, Inc. practices.

IN WITNESS WHEREOF, the parties have hereunto executed this Agreement on the ____ day of November, 2014.

TOWN OF ALDEN

By: Harry F. Milligan, Supervisor

ALDEN YOUTH BASEBALL, INC.

By: Steve DePaolis, President

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

If this certificate is being prepared for a party who has an insurable interest in the property, do not use this form. Use ACORD 27 or ACORD 28.

PRODUCER		CONTACT NAME:	
50302 / Tompkins Insurance Agencies Inc 90 Main Street Batavia, NY 14020		PHONE (A/C No, Ext):	
		FAX (A/C No):	
		E-MAIL ADDRESS:	
		PRODUCER CUSTOMER ID:	
INSURED		INSURER(S) AFFORDING COVERAGE	
Alden Youth Baseball PO Box 52 Alden, NY 14004		INSURER A: MARKEL INSURANCE COMPANY	
		INSURER B: X	
		INSURER C:	
		INSURER D: X	
		INSURER E: 05-02-2014	
		INSURER F: 05-02-2015	
		NAIC # 38970	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

LOCATION OF PREMISES/DESCRIPTION OF PROPERTY (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

A

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE		POLICY NUMBER	POLICY EFF. (MM/DD/YYYY)	POLICY EXP. (MM/DD/YYYY)	COVERED PROPERTY	LIMITS
	CAUSES OF LOSS	DEDUCTIBLES					
1300000000	PROPERTY	BUILDING			1,000,000.00	RESIDENTIAL PROPERTY	\$ 1,000,000
	<input type="checkbox"/> BASIC	BUILDING				BUSINESS INCOME	\$ 5,000
	<input type="checkbox"/> BROAD	CONTENTS				EXTRA INCOME	
	<input type="checkbox"/> SPECIAL					RENTAL VALUE	
	<input type="checkbox"/> EARTHQUAKE					BLANKET BUILDING	
	<input type="checkbox"/> WIND					BLANKET PERS PROP	
	<input type="checkbox"/> FLOOD					BLANKET BLDG & PP	
	<input type="checkbox"/>						
	<input type="checkbox"/> INLAND MARINE						
	CAUSES OF LOSS						
	<input type="checkbox"/> NAMED PERILS						
	<input type="checkbox"/>						
	<input type="checkbox"/> CRIME						
	TYPE OF POLICY						
	<input type="checkbox"/> BOILER & MACHINERY / EQUIPMENT BREAKDOWN						

SPECIAL CONDITIONS/OTHER COVERAGES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Certificate holder is included as additional insured for operations conducted by the named insured.

CERTIFICATE HOLDER

Town of Alden
3311 Wende Road
Alden, NY 14004

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Bruce A. Kay

RNB 10

Bruce A. Kay