

APPROVED BOARD MINUTES DECEMBER 27, 2012

The Village Board meeting was called to order at 7:30 PM by Mayor Manicki, who led the pledge to the flag.

PRESENT: Mayor Manicki, Trustees Warmus, Mezydlo, Sitzman, Daluisio, Clerk/Treasurer Wachowiak, Deputy Clerk/Treasurer Galbraith, Supt. Keith Sitzman, CEO Czechowski, Eugene Nuwer, Keith Borden, Caitlyn & Jeff Gerhart and family, and Steven Hey.

MOTION by Trustee Warmus, seconded by Trustee Mezydlo, to approve the minutes of the December 13, 2012 meeting. Carried. Carried.

MOTION by Trustee Sitzman, seconded by Trustee Mezydlo, to approve for payment bills on abstract dated December 13, 2012. Carried

Payroll \$38,990.59

General Fund \$47,128.42

MOTION by Trustee Mezydlo, seconded by Trustee Daluisio, to approve the following monthly reports for November 2012 as follows: DPW Addendum, Planning Board for November and December.

COMMUNICATIONS

Fire and First Aid call responses from Dec. 1- Dec. 14, notice of unemployment insurance changes for employee #04-61160, pipeline safety pamphlet from Sunoco Logistics, copy of a voucher from Sister Hospital for emergency room visit, sign request from the Winterfest Committee to advertise from Jan. 24- Feb. 3 in Firemen's Bandstand Memorial Park, NYS Urban and Community Forestry Council website information, Rural Metro Medical Services letter concerning a paramedic fly-car to be assigned to the village and town, warrant for the distribution of mortgage tax to the comptroller of the County of Erie in the amount of \$10,555.54, Town of Alden board minutes for December 17, Winterfest Committee request for Police patrols, use of village safety cones, use of village tents and use of the Village Hall on Feb. 1 & 2.

MOTION by Trustee Sitzman, seconded by Trustee Mezydlo, to file as received all correspondence. Carried

RESOLUTIONS/APPOINTMENTS/REQUESTS/MOTIONS:

Motion December 27, 2012

MOTION by Trustee Daluisio, and seconded by Trustee Warmus, to authorize Terry Wachowiak, Village Clerk to destroy all outdated records following NYS Sara regulations. Carried.

MOTION by Trustee Warmus, and seconded by Trustee Daluisio, to Authorize permission to the Alden Winterfest Committee for the following: Request patrols from the Sheriff's Dept and State Police for the entire Winterfest, permission to use the Village's safety cones, permission to use the Village's pop-up tents for various events and use of the Village hall for Friday and Saturday, February 1-2, 2013. Carried. *On the question: Trustee Stizman, need to amend and take out use of pop-up tents, as the Village does not have any to lend.*

MOTION by Trustee Mezydlo, and seconded by Trustee Sitzman, to approve the Winterfest Committee's request to erect a sign in Firemen's Bandstand Park from January 24 – Feb. 3 to advertise their event. Carried.

MOTION by Trustee Sitzman, and seconded by Trustee Mezydlo, to approve D & S Auto, 13450 Broadway, as exempt from the requirements of Chapter 203 of the Code of the Village of Alden, as it pertains to the storage of unlicensed vehicles on said premises. The applicant has submitted the appropriate request letter accompanied by valid New York State Department of Motor Vehicles license for this type of activity. Carried. *On the question: Trustee Daluisio, asked if there was a limit of unlicensed vehicles? CEO Czechowski said that this code does not apply to repair shops, with DMV Permits.*

MOTION by Trustee Warmus, and seconded by Trustee Daluisio, to approve Temporary Business Signs for the following businesses as per submitted applications, to expire on December 31, 2013:

- The Pink Cow, 13119 Broadway
 - Save-A-Lot, 13107 Broadway
 - John & Mary's, 13485 Broadway
 - Alden Pools & Play, 12890 Broadway
 - Henry's Candy & Gifts, 13237 Broadway
 - H & R Block, 13186 Broadway
- Carried.

MOTION by Trustee Sitzman, and seconded by Trustee Daluisio, to approve a three year extension of the Municipal Solid waste disposal contract with Waste Management from January 1, 2013 through December 31, 2015. Rates to be as follows;

Jan. 1, 2013 to Dec 31, 2013	\$49.17 per ton
Jan. 1, 2014 to Dec 31, 2014	\$50.65 per ton
Jan. 1, 2015 to Dec 31, 2015	\$52.17 per ton Carried.

BUSINESS FROM FLOOR:

Caitlyn Gerhart, 13240 Railroad St.: According to Caitlyn her family “has been fighting the Zoning Board who is not interested in addressing the issues, and there are 180 signatures from Village Residents who want or do not mind them having chickens.”

Mayor Manicki response was that the Gerharts “interpreted the code themselves instead of consulting with the CEO, and it is now a self created hardship.” Gerharts have written the board seeking to have spot rezoning. Mayor Manicki also replied “although we can sympathize there is property zoned R-O available in the village, which would allow keeping farm animals.”

Mrs. Gerhart “doesn’t believe the board has considered her request and feels zoning changes would benefit the community, as Alden is a farming community, where kids drive their tractors to school. The ZBA has said they are not a health issue and the community wants them. The letter from Attorney Trapp was unconstitutional, and bans harmless animals.”

Mrs. Gerhart then proceeded to read a prepared 7 page statement concerning the benefits of keeping Chickens and Ducks at their village residence, and the necessity to do so, due to illness and restrictive diet issues, along with financial reasons.

Mayor Manicki explained that the board has reviewed the issue several times.

Mrs. Gerhart, referred to Farm to Legal Defense law and threatened to sue the town, and stated “ I am going to take legal action”. She felt that “the board was not considering request, and is seeking a public forum, not meetings behind closed doors, as it is her constitutional right to feed her family.”

Mayor Manicki explained that the board was unwilling at this time to change the Village Code, that for the code to be changed, a majority of the board must agree to do so.

Trustee Sitzman did disagree that it was brought up at a public forum, at a Village Board meeting which is advertised in the paper, and resented the implication that it was done behind closed doors. He also asked Mrs. Gerhart to leave the petition, and any other pertinent information.

Trustee Daluisio asked if the request was brought up before the ZBA, and if so, that was a public forum. CEO Czechowski confirmed it was. Trustee Daluisio, said the ZBA was their chance at a public forum, and that was the time to bring support.

Mrs. Gerhart then questioned why Tractor Supply, located in the Village is allowed to sell chickens and ducks, to village residents, who cannot have them, and when the store itself is not in the correct zoning to have them

Steve Hey from 13377 Maple Ridge: asked what the penalty was for violating the code, and asked why vegetable gardens weren’t allowed in the village according to the code.

REPORTS FROM COMMITTEES/DEPARTMENTS:

Clerk Wachowiak – wished everyone a Happy New Years.

UNFINISHED AND TABLED BUSINESS:

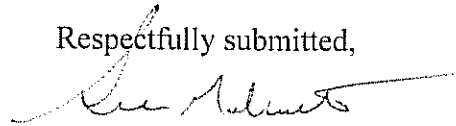
- Policy Manual Update- meeting next week
- Surplus equipment to auction – working on it.

MOTION by Trustee Sitzman, seconded by Trustee Mezydlo, to adjourn the board meeting at 8:11 PM.. Carried.

MOTION by Trustee Sitzman, seconded by Trustee Mezydlo, to enter into executive session concerning personnel 7:01PM Carried.

MOTION by Trustee Mezydlo, seconded by Trustee Sitzman, to adjourn from executive session.7:15 PM Carried.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sue Galbraith", written in black ink.

Sue Galbraith
Deputy Village Clerk/Treasurer