

MEETING NO. 7
REGULAR NO 5

REGULAR BOARD MEETING

MAR. 5, 2007
7:30 PM

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, March 5, 2007 at 7:30 PM. Supervisor Smith called the Meeting to Order. Councilwoman Cooke led in the Pledge of Allegiance. The roll call was taken by the Town Clerk.

PRESENT: Ronald Smith, Supervisor
Mary Riddoch, Councilwoman
William Weber, Councilman
Arlene Cooke, Councilwoman
RECORDING SECRETARY: Dorothy L. Bycina, Town Clerk
OTHERS PRESENT: Jennifer Strong, Town Attorney
Harry F. Milligan, Highway Supt
Michael Metzger, Town Engineer
Ralph Witt, Planning Board
ABSENT: Ronald Snyder, Councilman

Councilwoman Cooke moved and Councilman Weber seconded the Motion to approve the Minutes & Synopsis of the Special Meeting of February 26, 2007. Unanimously carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN COOKE AND SECONDED BY COUNCILWOMAN RIDDOCH TO WIT:

ACCOUNT	ABST #1	ABST #2	TOTAL
GENERAL FUND "A"		45,184.69	78,141.02
HGHWAY FUND "DA/DB"		24,339.06	221,111.34
PARTTOWN FUND "B"		529.17	9,533.81
WD#2 FUND "WB"			375.00
WD#3 FUND "WC"			1,983.20
WD#4 FUND "WD"		21,245.00	72,044.17
SP FIRE PROT "SF"		159.18	490,663.18
SD#2 FUND "SA"		505.54	2,475.29
TRUST & AGCY FUND "T"		9,138.89	9,323.89
SPECIAL REFUSE FUND "SR"			28,038.11
ST LIGHTING FUND "SL"			5,668.39
Total	818,256.07	101,101.53	919,357.60

(Approved 2/20/07)

UPON ROLL CALL VOTE THE FOREGOING RESOLUTION WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Thomas Stutzman/Three Rod Road questioned the status of the SubDivision Application- After a discussion with Planning Board Chairman Witt and Town Engineer Metzger it was determined that a Survey was needed to move forward.

Wynn timer/Two Rod questioned the previous Minutes re a Site Plan for BNH Auto – wanted to know if this for another addition – Supervisor Smith stated this was to resolve things that have not completed. Wynn timer questioned how BNH could have an Open House when now a Site Plan is being requested. Supervisor Smith stated that since the current Building Inspector is under suspension because of certain items not up to our satisfaction –these things have come to light-we are attempting to go back and make corrections to things that should have been done. This is why we have gone back to Mr. Holmes and requested these items be taken car of. Wynn timer wanted to know if

BNH would be charged for another Site Plan since it was not completed in the time frame of one year (she was charged for another Demolition Permit since it took over the time limit of one year) Engineer Metzger stated that a Certificate of Occupancy was issued and a Fence Permit was issued since this is totally separate. Supervisor Smith stated that the date would be checked that the Fence Permit was issued. She is very concerned re the Fire Inspection – Supervisor Smith will address this with the Acting Building Inspector.

COMMUNICATIONS

Councilwoman Riddoch reported that she received an E-Mail from the Village Attorney re the idling of trucks in Tops Market – she will contact Mr. Brennan; she has spoken with Roberta Vincent/Ewell Free Library and arranged the opening of the Community Center for their Chinese Auction; she has put an Ad in the Paper for summer help in the Park – some issues have come up re the Residency Law – would like this on the Work Session; she has been in communication with Mike Hardie and several other Agency's for our Insurance renewal – requested this be placed on the work Session

Councilman Weber received a call from a resident interested in the Farm Protection Program- He has spoken to Marilla Supervisor Foss – the money available for this State Funding Program has been cut and there is no more money available – he has passed this information on to the resident. Supervisor Smith suggested that the Planning Board look into this – Councilman Weber will take this up with the Planning Board.

Councilwoman Cooke received a letter from Sue Garry re the Lunch Program and comments on the renovation at the Community Center; she has spoken with Sheriff Howard re help with a Generator – he has referred her to a gentleman who works with the Disaster Program; she is still waiting to hear back from Mr. McPeek – she will be setting up a Meeting with the Board.

Highway Supt Milligan reported of an incident on Henskee Road. Two women were seen on Henskee Road with a box cutter going thru garbage bags – the State Police are involved and have information.

Supervisor Smith reported on a letter from the Alden Post No. 1377 re the annual Memorial Day activities; Meeting Notice of the Northeast Southdown Solid Waste Management Board; letter from Time Warner Cable re Rates; Monthly Statement for February 2007 from the Receiver of Taxes; Minutes from the Alden Planning Board Meeting of February 13th; copy of the Alden Town Planning Board Agenda for the March 13th Meeting; letter from the State of New York/Office of Real Property Services re RPTATIP Grant

NEW BUSINESS

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN RIDDOCH WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN WEBER TO WIT

WHEREAS, Town Law Section 267 and 271, Village Law Section 7-718, Village Law Sections 7-718, and General City Law Section 27 and 81 provide that effective January 1, 2007, all planning board and zoning board of appeals members in New York State, as well as alternate members of those boards, must complete a minimum of four hours of training each year; and

WHEREAS, the above section of state law provide that a planning board or zoning board of appeals member shall not be eligible for reappointment to such board if they have not completed the training by law; and

WHEREAS, the above sections of state law provide that the legislative body of the town specify which activities qualify as training to satisfy the state requirements; and

NOW, THEREFORE, BE IT RESOLVED

1. That the following list of agencies, commissions, associations, universities, and other organizations are approved to provide training to meet the state requirements when the training they provide pertains to municipal planning, zoning, community design, environmental issues, economic development, and local government functions and practices:

a) the NYS Department of State; Department of Agriculture and Markets; Office of the State Comptroller; Department of Health, Department of Transportation; Department of Environmental Conservation; Office of Parks, Recreation, and Historic Preservation; Hudson River Valley Greenway; and

b) the New York State Association of Towns, the New York Conference of Mayors, the New York State Association of Counties, the New York Planning Federation, the American Planning Association, the Upstate New York Chapter of the American Planning Association and its sections, and the Metro New York Chapter of the American Planning Association and its sections; and

c) the Capital District Regional Planning Commission, Central New York Regional Planning and Development Board, Herkimer-Oneida Counties Comprehensive Planning Program, Lake Champlain-Lake George Regional Planning Board, Long Island Regional Planning Board, Southern Tier Central Regional Planning and Development Board, Southern Tier East Regional Development Board, Southern Tier West Regional Planning and Development Board, Genesee-Finger Lakes Regional Planning Council, Hudson Valley Regional council, Tug Hill Commission, and Adirondack Park Agency; and

d) the New York State Planning Federation and subsections thereof, Erie County Department of Planning, and Erie County Soil and Water Conservation districts; and

e) the Albany Law School governmental Law Center and Institute for Legal Studies, Pace Law School, Cornell University and its cooperative extension, State University of New York at Buffalo, School of Architecture and Planning and

f) on-line planning and zoning training programs offered by the New York Municipal Insurance Reciprocal, Pace University and Land Use Law Center, and the Lincoln Institute of Land Use Policy,

2. That other training activities may be approved on a case-by-case basis by the Town Board upon the request of a planning board or zoning board of appeals member;

3. That any new member appointed to fill the last six months of term shall not be required to have attended training to be reappointed to a first full term,

4. That training received by a planning board member or zoning board of appeals member in excess of four hours in any one year may be carried over by the member into succeeding years;

5. That the Town Clerk shall create and maintain a system of tracking the training individual members complete annually; and such information shall be presented to the appointing authority prior to considering a member for reappointment;

6. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on March 5, 2007 and was unanimously adopted.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to renew the HOP for Dennis Nichols/3025 Peters Corners Road. Unanimously carried.

Supervisor Smith moved and Councilwoman Cooke seconded the Motion to renew the HOP for Daniel Carder/1220 Lambert Dr. Unanimously carried.

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

WHEREAS, the Town of Alden and the Alden Men's Softball League, run by the Town of Alden as part of the Alden Recreation Department are desirous of keeping the Alden Men's Softball League in operation for a the 2007 season;

WHEREAS, the Town of Alden is aware that a large number of residents of the Town of Alden participate in the Alden Men's Softball League but realizes that the League can not operate a sufficient number of teams if non-Alden residents are not allowed to join the League for the 2007 season; and

WHEREAS, the Town of Alden and the Alden Men's Softball League believe that the solution to the issue of giving preference to Alden Residents, but allowing non-residents to participate in order to ensure a sufficient number of teams to operate the League is to assess a fee upon those teams that contain non Alden residents.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board shall allow teams in the Alden Men's Softball league for the 2007 season to contain non-Alden Residents under the following two conditions: (1) no team have contain more than then (10) non-Alden residents; and (2) each team containing a non-Alden resident in the 2007 season shall remit a non-resident player fee of \$125.00 to the Town of Alden prior to the first softball game of the 2007 season.
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on March 5, 2007 and was unanimously adopted.

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

WHEREAS, the primary function of government is public safety

WHEREAS, the Erie County Legislature and County Executive have the primary responsibility for this

WHEREAS, the Erie County Sheriff's Office has provided police services to the people of Erie County, since 1821

WHEREAS, the Erie County Sheriff is the "conservator of the peace" of Erie County, as mandated in New York State common law

WHEREAS, the Erie County Sheriff's Office is currently the primary policy agency for the Town of Alden, New York,

WHEREAS, the current staffing of the Erie County Sheriffs Office are at levels that imperil the safety of the residents of, and visitors, of Erie County, and

WHEREAS, there are many non-mandated functions, and personnel, that should be cut before any cuts are made that affect the safety of the peoples of Erie County

NOW THEREFORE BE IT RESOLVED

1. That we, the Town Board of the Town of Alden, New York, call upon the Erie County Legislature and the Erie County Executive to restore the staffing levels of the Erie County Sheriffs Office to the fiscal year 2004 levels
2. That the Alden Town Clerk is hereby directed to send a certified copy of this Resolution to the Erie County Legislature and to the Erie County Executive.

3. That this Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote on March 5, 2007 and was unanimously adopted.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to grant the Alden Ewell Free Library permission to use the Community Center for a Chinese Auction on March 24th from 4:30 PM – 8:00 PM. Unanimously carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR SMITH WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN WEBER TO WIT;

WHEREAS, the Town Board on October 2, 2006, properly awarded a bid in the amount of \$43,700.00 for renovations of the Alden Senior Center to Hadala Construction, Inc.

WHEREAS, Hadala Construction has completed the majority of the renovations and has met most of the requirements to allow the Town to close-out the project;

WHEREAS, the following items need to be completed by Hadala Construction, Inc:

1. supply the Town of Alden with the required maintenance bond;
2. supply the Town with Lien Releases signed by all contractors, material suppliers, etc used by Hadala;
3. supply the Town with a signed (by Hadala) Affidavit stating that all materials and laborers have been paid in full and that there are no outstanding issued or invoices that could result in the filing of a lien;
4. installation of insulation (pursuant to ADA requirements) on the hot water lines under the two sinks; and
5. place an escrow of \$2,185.00 with the Town of Alden until such time that the sealant on the five windows can be re-checked for soundness once the winter weather breaks and file a letter agreement with the Town stating that the windows will be re-checked for soundness and resealed if necessary;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board hereby authorizes the payment, upon receipt of the above listed five items from Hadala Construction, Inc. to Hadala in the amount of \$41,515.00;
2. The Town shall hold \$2,185.00 in escrow until such time that the window sealant can be checked for soundness and re-sealed if necessary. Once the windows, in the opinion of the Town Engineer, are deemed to be soundly sealed, the Town shall release the \$2,185.00(or any remaining funds after the windows are re-sealed, if re-sealing is deemed necessary) to Hadala;
3. If Hadala Construction, Inc. fails to satisfy the escrow requirements by June 1, 2007; Hadala relinquishes any and all rights to the \$2,185.00 and the Town shall use said funds to hire another contractor to inspect and re-seal said windows; and
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on March 5, 2007 and was unanimously adopted.

Supervisor Smith polled the Board and with no objection the following was added to the Agenda. Supervisor Smith moved and Councilman Weber seconded the Motion to approve the following budget transfers: transfer from A1990.480 (Contingent Account) to A1920 Municipal Assoc. Dues Amount \$50.00 (Chamber of Commerce Dues) transfer

of \$250,000.00 from Consolidated Savings Account to 60 day CD #186023 at Alden State Bank (Interest Rate – 5.25%). Upon roll call vote the foregoing was unanimously carried.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilwoman Riddoch reported she has half of the Summer Concerts tentatively set and that she has sent a letter to the Mayor to approve the use of the Bandstand Park for these dates.

Councilwoman Cooke stated she has been in contact with Bob Fix/Batavia re Rural Metro – he has asked for a report of calls and time.

Town Engineer Metzger reported that there will be a Meeting re Storm Water Coalition on March 27th at the Convention Center.

Supervisor Smith adjourned the Meeting at 8:20 PM with a Minute's silence in Memory of Irene Dee, Esther Namiotko and Marie Meyer.

DOROTHY L. BYCINA
TOWN CLERK