

MEETING NO. 6  
REGULAR NO. 6

REGULAR MEETING

MARCH 21, 2005  
7:30 P.M.

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday March 21, 2005 at 7:30 P.M.

PRESENT: Richard A. Savage, Supervisor  
Michael W. Cole, Councilman  
Ronald L. Snyder, Councilman  
Arlene A. Cooke, Councilwoman

RECORDING SECRETARY: Mary Riddoch, Deputy Town Clerk  
Harry F. Milligan, Highway Supt.  
Frank A. Trybuskiewicz, Code Enforcer  
Michael J. Metzger, Town Engineer  
Jennifer L. Strong, Town Attorney  
William Weber, Planning Board Member

ABSENT: James M. Lorenzi, Councilman

Supervisor Savage called the meeting to order. Councilman Cole led in the Pledge of Allegiance. The roll call was taken by the Deputy Town Clerk.

Councilman Cole moved and Councilwoman Cooke seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of March 7, 2005. Unanimously carried.

**2004 Financial Report** presented by Patricia Knapp/Fox & Company. Ms. Knapp summarized the Independent Auditor's Report and Individual Departments. She told the Board that the auditors issued an unqualified opinion which is the best opinion you can receive. She did a detailed review starting with special districts; the important numbers are the undesignated fund balance. Percentages should be a portion of the fund balances. The Balance Sheet shows the Town in good financial shape, special, general and highway funds have adequate balances.

Supervisor Savage welcomed the Students from Alden Central High School's government class.

## **THERE WAS NO BUSINESS FROM THE FLOOR**

### **COMMUNICATIONS**

Attorney Strong reported on the sale of the Virginia Drive property, she turned the check over to the Supervisor; she is working on the out of district collection, Lancaster sent a bill and Attorney Trapp turned over the Town's files.

Councilwoman Cooke reported on the microphone that the seniors are requesting and asked that it be put on the work session.

Supervisor Savage reported on a letter from Russell Fuller re abandoned section of property on Three Rod Road; notice of mediation session on March 30 re the Town of Alden and IBT Local 264; letter from the State Controller re distribution adjustments on fines; notice of tentative special franchise assessments from the Office of Real Property Services; two notices of Public Hearings before the Zoning Board of Appeals; notice from New York Gas & Oil re annual well report for wells located in the Town; copy of Resolution re the recertification of the Alden-Newstead Agricultural District; notice of Erie County Association of Governments Albany Lobby trip; Supervisor thanked CEO Trybuskiewicz for taking care of the pickup of Town files from Bouvier Partnership; notice of Association of Erie County Governments meeting with Supervisors, Mayors, etc before the regular meeting; final contract with the County but no check as of yet for snow plowing; notification sent to the State Comptroller re service award program for Volunteer Firefighter; copy of letter to State Comptroller re February's fine in the Justice Court; an executed contract between the EC Dept. of Senior Services and the Town of Alden for nutrition program; letter from Senator Volker re the grant for construction of a walking path in the Alden Town Park and copy of Mike's letter to John Whitney.

**NEW BUSINESS**

**THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN COLE, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR SAVAGE TO WIT;**

WHEREAS, the Town of Alden and Alternative Care Services of WNY, Inc., a Not-For-Profit Corporation duly organized and existing under the laws of the State of New York, have been negotiating renewal of a Contract wherein Alternative Care Services of WNY, Inc. will provide Meals-On-Wheels to eligible residents of the Town of Alden.

WHEREAS, the Town of Alden is aware that a large number of residents of the Town of Alden are eligible for and participate in the Meal-On-Wheels Program and is desirous of obtaining such services for its residents;

WHEREAS, the Town of Alden and Alternative Care Services of WNY, Inc. have come to a full agreement on the terms of such Contract to run from March 21, 2005 until December 31, 2005, a copy of which is attached hereto as Exhibit "A";

**NOW THEREFORE BE IT RESOLVED AS FOLLOWS:**

1 The Town Board approves the Contract with Alternative Care Services of WNY Inc., 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 of Alden is authorized to sign any and all necessary documents to effectuate this Contract; and

3 This resolution shall take effect immediately. The foregoing Resolution was duly put to a vote on March 21, 2005, and was unanimously adopted.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to authorize the Supervisor to sign a Service Agreement renewal for \$448.00 with Ray Mar Temp. Control Service for heating system maintenance. Unanimously carried.

Councilwoman Cooke moved and Councilman Snyder approved the Motion to permit Crittenden Volunteer Fire Company use of the Alden Park on Saturday August 27, 2005 all day through 6 P.M. for a Car Show. Sale of beer dependent on CVFD receiving liquor license, draught and liability insurance with the Town named as an additional insured. Town Clerk to notify Nancy Falker. Unanimously carried.

**THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN COLE, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN SNYDER TO WIT;**

THE TOWN BOARD OF THE TOWN OF ALDEN, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by favorable vote of not less than two-thirds of all members of said Town Board) AS FOLLOWS:

Section 1. The Town of Alden, in the County of Erie, New York (herein called the "Town"), is hereby authorized to acquire an excavator. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and financing thereof, is \$100,000 and said amount is hereby appropriated therefore. The plan of financing includes the issuance of not to exceed \$100,000 capital notes of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Capital notes of the Town in the aggregate principal amount of not to exceed \$100,000 are hereby authorized to be issued pursuant to the provisions of the

Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said capital notes are authorized to be issued, within the limitations of section 11.00a. 28 of the Law, is fifteen (15) years.

(b) The proceeds of the capital notes herein authorized may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said notes are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

© Said capital notes may be renewed from time to time, but such notes, including the renewals thereof, shall mature not later than the last day of the second fiscal year succeeding the fiscal year in which said notes are issued, provided that an installment of not less than fifty per centum (50%) of the principal amount of such notes shall mature in the first fiscal year succeeding the fiscal year within which said notes are issued. The proposed maturity of the capital notes will not exceed five years.

Section 4. The capital notes authorized by this resolution shall contain the recital of validity as prescribed by Section 52.00 of the Law and said notes shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said notes, and provision shall be made in the budget of the Town by appropriation for (a) the amortization and redemption of the notes to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, the powers and duties of the Town Board relative to prescribing the terms, form and contents and as to the sale and issuance of the capital notes herein authorized, or the renewals thereof, are hereby delegated to the Supervisor, the Chief Fiscal Officer of the Town.

Section 6. The validity of the capital notes authorized by this resolution may be contested only if;

(a) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

© Such obligations are authorized in violation of the provisions of the constitution.

Section 7. This capital note resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish a summary thereof in the "ALDEN ADVERTISER" the official newspaper of the Town, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law.

The foregoing resolution was duly put to a vote on March 21, 2005 and was unanimously adopted.

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

Councilwoman Cooke moved and Councilman Snyder seconded the Motion to reappoint Randal Crist to the Zoning Board of Appeals for a term running April 2005 through April 2010. Unanimously carried.

THERE WAS NO UNFINISHED OR TABLED BUSINESS

## REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilman Cole reported that he will be meeting with Assessor Sivecz regarding Water District #5.

Councilman Snyder reported the failure of the backflow test done. He will have it done again.

Councilwoman Cooke reported a request from Nutrition Site Leader Nice regarding a fan for the kitchen in the Community Center and the replacement of the battery for the Lifepak 500 defibrillator.

Town Engineer Metzger reported on the Fema/DEC meeting he attended with Building Inspector Trybuskiewicz and Ralph Witt. The topic of storm water and the flood plane map was discussed. He questioned the kind of mapping for the Town of Alden and requested they do a detailed analysis where needed.

Code Enforcer Trybuskiewicz reported on the motor repair at the sewer plant.

Supervisor Savage adjourned the meeting at 8:35 P.M. with a minutes silence in memory of Lois Sorge.

MARY RIDDOCH  
DEPUTY TOWN CLERK