

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, April 2, 2012 at 7:00 P.M. Supervisor Milligan called the Meeting to Order. Councilman Weber led in the Pledge of Allegiance. The Roll Call was taken by the Town Clerk.

PRESENT: Harry Milligan, Supervisor
Mary Riddoch, Councilwoman
William Weber, Councilman

RECORDING SECRETARY: Ralph Witt, Town Clerk/Debra Crist, DTC

OTHERS PRESENT: Jennifer Strong, Town Attorney
Michael Metzger, Town Engineer
Chris Snyder, CEO
Don Stoffel, Planning Board
Len Weglarski, DCO

ABSENT: Carl Fix, Hwy. Supt.
Todd Aldinger, Deputy Supervisor

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of March 19, 2012. Unanimously Carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN RIDDOKH AND SECONDED BY COUNCILMAN WEBER TO WIT;

<u>ACCOUNT</u>	<u>ABST. #1</u>	<u>ABST. #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$14,464.34	\$9,763.60	\$24,227.94
HIGHWAY FUND "DA/DB"	12,639.24	3,778.98	16,418.22
PART-TOWN FUND "B"	1,197.72	15.00	1,212.72
CAPITAL IMPROV. "HC"			
WD#1 FUND "WA"			
WD#2 FUND "WB"	375.20		375.20
WD#3 FUND "WC"	2,063.60		2,063.60
WD#4 FUND "WD"	1,299.80		1,299.80
SP FIRE PROT. "SF"	100,000.00		100,000.00
SD#2 FUND "SA"	2,728.28		2,728.28
TRUST/AGCY FUND "T"	214.00	216.00	430.00
SP REFUSE FUND "SR"	36,488.77		36,488.77
STREET LIGHTING FUND "SL"	6,643.76		6,643.76
PERIWINKLE LTG. "SL1"	39.19		39.19
GRANTS		2,070.97	2,070.97
TOTALS	\$178,153.90	\$15,844.55	\$193,998.45

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Paul Loehr, stated in response to Supervisor Milligan asking for Business from the Floor, if the individual would state name and address for the minutes, that New York State Law states that he is not required to state his name or address. Mr. Loehr, questioned the Board about going into executive session at the last Work Session to discuss the garbage. What is so secret about garbage that it cannot be discussed before the public? Supervisor Milligan stated that this was for garbage contract negotiations.

Polly Justinger, Crittenden Rd. spoke about Water District 2,3 & 4, she did not agree with the Engineer's option of everyone paying for it. As a couple of the Board members are living in these districts, she felt it would hard for them to vote on this. Supervisor Milligan said he sat down with the Engineer, as did each Board member, separately, to

discuss this further to get a better understanding. This will be discussed at the next Work Session.

Robert Wohlgemuth wanted to address the Town Board:

#1 The topic of the outrageous repair charges for water hydrants. Supervisor Milligan explained that what is being proposed is like an insurance policy. The Town owns the lines and as they age there are breaks; the Town is responsible for paying for the repairs. Mr. Wohlgemuth questioned whether there has been talk of turning them over to Erie County Water Authority and would it be beneficial to the customers? Supervisor Milligan said that this is what they are looking into.

#2 The Town website regarding upcoming public meetings shows the last date posted was 3/28/2011, over a year ago. They need to be updated. He wanted to know who was responsible to give the information to Erie County for the website. Supervisor Milligan informed him that our Town Assessor William Sivecz is responsible. Mr. Wohlgemuth commented that the Town should look into sharing Assessors with another Town; he referred to Clarence and Lancaster doing this. Supervisor Milligan said we are talking with the Town of Newstead and have talked to the Town of Lancaster and it is not a dead deal as yet.

#3 The March 5th meeting minutes showed that the Board entered into an executive session, they don't show what time they came out of the session and whether actions were taken. He wants to know if there was any action taken. There was no action taken. He would like to know who entered into the Executive Session with the Board and it be made record of.

#4 According to the Town Code Rules of Procedure items/communications to be discussed should be turned into the Town Clerk's office on Thursday. These all need to be put on the website, so there is knowledge of what is going to be discussed. He feels any time during the meeting he should be able to raise his hand and be recognized with the consent of Board members and to be allowed to question resolutions, etc. He watched a video with Mr. Loehr and he was told he was out of order when he had questions. He has the right at any time of the meeting and should be allowed to speak. Privilege from the floor. He should be able to raise his hand and be recognized.

#5 Decorum. The last Town Board meeting the decorum was terrible. This is America and Mr. Loehr had the right to publish something in the paper. Whether you agree or disagree. There should be no personal reflections. The Board should work on this and do this in a manner that is professional and orderly.

COMMUNICATIONS

Supervisor Milligan received a letter from Time Warner regarding their internal restructuring. Upon completion, the local system and franchise serving our community will be held by Time Warner Cable Northeast LLC, an indirect, wholly owned subsidiary of TWC. Received a letter from Mary Jean Jakubowski, Buffalo and Erie County Library Director thanking him for meeting with her. Supervisor Milligan sent out a letter to Sheriff Howard regarding the prisoner that was mistakenly released March 8th of this year, he was surprised that the prisoner was being charged with attempted murder. He was always told that this was a minimum-security prison here in Alden. Sheriff Howard has asked prison Supt. Koch to get a hold of the Supervisor to set up a meeting. A letter was sent to County Executive Poloncarz thanking him and County Legislator Terry McCracken for their help regarding the Erie County Home for the VA Cemetery. The update is there was a problem with the water table at that site that could affect their decision.

NEW BUSINESS

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to approve the renewal of the Home Occupation Permit for Ronald Blakeslee/456 Creekside Dr./Tax Preparation. Unanimously Carried.

Supervisor Milligan moved and Councilman Weber seconded the Motion to approve the renewal of the Home Occupation Permit for Daniel E. Carder III/1220 Lambert Drive/Computer Sales. Unanimously Carried.

Councilwoman Riddoch moved to Table the Resolution re Municipal Home Rule/requesting the New York State Legislature for the Authority to convey to the Village of Alden an Easement through a portion of the Alden Town Park for Installation of Water lines, Councilman Weber seconded the Motion. Unanimously Carried.

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

WHEREAS, Town of Alden Highway Superintendent has advised the Town Board that the Highway Department needs a new 2012 Ford F-250 XL pick-up truck with lift gate;

WHEREAS, The Town Board after full and careful review and consideration finds the request to purchase a new pick-up truck with lift gate as being in the public interest;

WHEREAS, the new 2012 Ford F-250 XL pick-up truck with lift gate will be purchased pursuant to State Bid; and

WHEREAS, said Procurement Policy & Procedure Guidelines and General Municipal Law have been followed.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby authorizes the purchase of a new 2012 Ford F-250 XL pick-up truck with lift gate, as per the attached specifications, from Bortel Ford (who is on the State Bid List) for a total cost of \$25,470.27, including delivery; and
2. The Highway Superintendent is hereby authorized to sign any and documents to effectuate this purchase; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting April 2, 2012, and was unanimously adopted.

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

WHEREAS, Town of Alden Highway Superintendent has advised the Town Board that the Highway Department needs a new 2012 Chevrolet Silverado 3500 HD 4WD pick-up truck with plow;

WHEREAS, The Town Board after full and careful review and consideration finds the request to purchase a new pick-up truck with plow as being in the public interest;

WHEREAS, the new 2012 Chevrolet Silverado 3500 HD 4WD pick-up truck with plow will be purchased pursuant to State Bid; and

WHEREAS, said Procurement Policy & Procedure Guidelines and General Municipal Law have been followed.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby authorizes the purchase of a new 2012 Chevrolet Silverado 3500 HD 4WD pick-up truck with plow, as per the attached specifications, from Hoselton Chevrolet (who is on the State Bid List) for a total cost of \$27,913.93, including delivery; and

2. The Highway Superintendent is hereby authorized to sign any and documents to effectuate this purchase; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on April 2, 2012, and was unanimously adopted.

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

WHEREAS, the Town of Alden believes that its residents will benefit from trail improvements to the Joe Panza Nature Trail in the Alden Town Park (the "Project"); and

WHEREAS, the Town of Alden has received partial Project funding through the New York State Office of Parks, Recreation and Historic Preservation ("NYSOPRHP");

WHEREAS, The Town of Alden has hired Bergmann Associates to design the Project and the Project has been designed; and

WHEREAS, The Town of Alden properly solicited and properly received sealed formal bids for the construction of the Project.

WHEREAS, the Town received Bids from four (4) contractors as follows:
The highest bidder is Nichter Construction at \$117,300,
The second highest bidder is D&H Excavating at \$113,837.00,
The third highest bidder is Northeast at \$94,700.00, and
The lowest bidder is Zoladz Construction Co., Inc. at \$73,300.00; and

WHEREAS, Zoladz Construction Co., Inc. is deemed the lowest responsible bidder.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the signing of a General Construction Agreement, in substantially the form attached to the RFP, with Zoladz Construction Co., Inc. for a total cost of \$73,300.00;
2. This contract is contingent upon the United States Army Corps of Engineers giving its approval of the Project. Should any such approval be denied, this resolution and the General Construction Agreement is deemed null and void;
3. The Supervisor of the Town of Alden, is hereby authorized and directed to sign said Agreement; and
4. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on April 2, 2012, and was unanimously adopted.

Councilman Weber moved to TABLE the Resolution re Lead Agency/SEQR/Village of Alden easement for water lines, Councilwoman Riddoch seconded the Motion. Unanimously Carried.

UNFINISHED & TABLED BUSINESS

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

WHEREAS, the Town of Alden believes that its residents will benefit from improvements to its Town Park, including but not limited to: modification to the Panza trail and two multi-purpose athletic fields (the "Project"); and

WHEREAS, the Town of Alden has received partial Project funding through the New York State Office of Parks, Recreation and Historic Preservation ("NYSOPRHP");

WHEREAS, The Town of Alden properly authorized, solicited and received sealed bids from architectural/engineering firms to design plans for the above described Project and hired the lowest responsible bidder, Bergmann Associates; and

WHEREAS, Bergmann Associates in the course of designing the Project encountered unforeseen and unanticipated circumstances in that the Town due to the existence of wetlands, which has led to additional expenses of \$3,750.00 by Bergmann Associates as outlined on the attached proposal.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the signing of an Agreement Amendment for additional Architectural/Engineering Services, in the form attached, with Bergmann Associates for a total cost of \$3,750.00;
2. The Supervisor of the Town of Alden, is hereby authorized and directed to sign said Agreement Amendment; and
3. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on April 2, 2012, and was unanimously adopted.

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilwoman Riddoch met with Park Supt. Andy Sojka and put together a punch list for WilSandra, who is doing the ADH project for the bathrooms in the Park. She faxed that out to them in afternoon. She received approval from the Village of Alden for the Summer Concert in Park series. A letter was received from John Schaefer regarding use of the baseball diamond on the St. John grounds, she would like this on the Work Session.

Engineer Metzger has aerial photographs with property lines superimposed of the Kieffer Rd. area for Councilman Weber and the Highway Superintendent to use for some drainage work. He is still working on the easement for Village of Alden waterlines. Continue to work on various matters relating to the water system and awaiting communication from Modern regarding the refuse contract. Still trying to set up the on-site meeting at the Sievenpiper property.

Supervisor Milligan would like the refuse contract on the Work Session.

NEXT WORK SESSION: Monday, April 9, 2012 @ 7:00 P.M.
NEXT TOWN BOARD MTG.: Monday, April 16, 2012 @ 7:00 P.M.

Supervisor Milligan adjourned the Meeting at 7:32 P.M. with a Moment of Silence in Memory of Marion Boucher, Lionel Rupe and Mary Onisk.

Ralph Witt
Town Clerk