

MEETING NO. 7  
REGULAR NO. 7

REGULAR BOARD MEETING

APR 6, 2009  
7:00 PM

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, April 6, 2009 at 7:00 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  
Ronald Snyder, Councilman  
Arlene Cooke, Councilwoman

RECORDING SECRETARY;

Dorothy Bycina, Town Clerk

OTHERS PRESENT:

Jennifer Strong, Town Attorney  
Harry Milligan, Highway Supt.  
Martin Dugan, CEO  
Michael Metzger, Town Engineer  
Ralph Witt, Planning Board Chairman  
Jerry Sanok, Planning Board Member

Councilman Snyder moved and Councilman Weber seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of March 16, 2009. Unanimously carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN COOKE AND SECONDED BY COUNCILMAN SNYDER TO WIT;

| ACCOUNT               | ABST #1    | ABST #2   | TOTAL      |
|-----------------------|------------|-----------|------------|
| GENERAL FUND "A"      |            | 14,547.39 | 56,068.03  |
| HIGHWAY FUND "DA/DA"  |            | 14,541.50 | 36,663.28  |
| PARTTOWN FUND "B"     |            | 2,635.44  | 21,499.64  |
| WD#1 FUND "WA"        |            | 3,618.00  | 3,618.00   |
| WD#2 FUND "WB"        |            |           | 375.20     |
| WD#3 FUND "WC"        |            |           | 2,063.60   |
| WD#4 FUND "WD"        |            |           | 4,446.90   |
| SP FIRE PROT "SF"     |            | 159.18    | 523,294.56 |
| SD#2 FUND "SA"        |            | 435.71    | 2,945.07   |
| TRUST & AGCY FUND "T" |            | 2,555.72  | 2,749.72   |
| SP REFUSE FUND "SR"   |            |           | 30,899.04  |
| ST LIGHTING FUND "SL" |            |           | 7,129.62   |
| GRANTS                |            | 6,492.10  | 9,569.98   |
| TOTAL                 | 656,337.60 | 44,985.04 | 701,322.64 |

(PAID 3/16/09)

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to enter into the Public Hearing re HOP for Ronald Blakeslee.

The Town Clerk read the Public Hearing Notice that was published in the Alden Advertiser.

The Supervisor reviewed the application for the HOP for Ronald Blakeslee/456 Creekside Dr. The floor was opened for discussion. Donald Schall/11606 Cary Road spoke as being a neighbor and could see no problem with this HOP being issued. After all those wishing to be heard, were heard - Councilwoman Riddoch moved and Councilman Weber seconded the Motion to close the Public Hearing. Unanimously carried.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to re-enter the Regular Meeting. Unanimously carried.

#### BUSINESS FROM THE FLOOR

ERIC CHAFFEE/Cayuga Creek Rd –commented on the WD#5 Vote to be held on April 7<sup>th</sup>. He stated that he was denied the roll for eligible voters and this prevented him from allowing residents information that he could have supplied to the voters. Attorney Strong explained that the voter roll as available at the Town Hall for viewing and that the Appellate Court rules that copies of voter rolls can not be distributed.

ROBERT WOHLGEMUTH/Genesee St stated that they requested a Voter List not a Voters Roll.

RONALD GARDNER/Genesee St referred to some information he received and Supervisor Smith asked that Mr. Gardner give him a copy of this information.

JAMES GUARINO/North Road had questions re WD#5 Supervisor Smith reviewed the latest figures that the Town has at this time. He also questioned if the LDC had a contact other then the Town Board – Attorney Strong stated that this over seen by the State.

ROBERT WOHLGEMUTH/Genesee St also had questions re the LDC – his main concern was the Traffic.

JEAN KARNS/Sandridge Road had concerns about the drainage problem at her Parents home. There has been a water problem on Sandridge Rd since the beginning of the year. Engineer Metzger stated that this a County Road and it is their pipe system. Supervisor Smith stated the Town can not fix something that is not theirs – since this is a very old line it is not a simple solution.

KEITH STONE/Crittenden Rd also had concerns re WD#5 especially Absentee Ballots. Attorney Strong stated that the Town is not obligated to contact the out-of-town owners since there was a Public Hearing and the Legal Notice was published twice in the local paper.

GERALD ALDINGER/Cary Road remarked on the Intersection at Cary and Two Rod. There is a problem with cars parked and a front porch. CEO Dugan will check this out.

#### COMMUNICATIONS

Councilwoman Riddoch received a letter from Gerald Zyers re the Speed on Uebelhoer Rd; received a communication from Dan Moultrup re the use of the Walking Path – to be placed on the Work Session and also received a phone call from a resident on North Lawn re the Street Lights like the ones in the Periwinkle Subdivision.

Councilman Weber reported on Drainage problems.

Councilwoman Cooke reported she had a list from the Ceramic Classes and on Tuesday Night there will be a presentation at the Town of Lancaster re the Plane Crash in Clarence.

Supervisor Smith reported the following: the approved Minutes of the Alden Town Planning Board Meeting for February 2009;the Village of Alden's Minutes for March 12, 2009; the Monthly Report for March from the Building Inspector; the Monthly Report for March from the Town Clerk; the Alden Town Planning Board's Agenda for April 14, 2009; the March 2009 Monthly State from the Receiver of Taxes; the March 11, 2009 Meeting Minutes from the WNY Stormwater Coalition; letter from USDA re Funding for WD#5; letter from State of New York DOT re that the Town of Alden Trail project was not selected for funding; commented on the letter that was sent out by Mr. Chafee re WD#5.

NEW BUSINESS

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

WHEREAS, pursuant to Section 20-64(A) of the Alden Town Code Ronald C. Blakeslee has filed an Application for a Home Occupation Permit to conduct a business of the tax preparation services from his residence at 456 Creekside Drive (the"Application");

WHEREAS, pursuant to Section 2064(B) the Town of Alden Planning Board has: reviewed the Application; determined that the proposed home occupation meets the requirements and standards set forth at Section 20-63 of the Alden Town Code; and has recommended the approval of the Application to the Alden Town Board;

WHEREAS, the Alden Town Board, pursuant to Section 2064 (C) of the Alden Town Code has duly called a public hearing on the Application;

WHEREAS, notice of the Public Hearing was: properly published in the Alden Advertiser; was properly posted on the Town Bulletin Board; and was properly mailed to the adjacent property owners pursuant to Section 20-65 (C) of the Alden Town Code;

WHEREAS, the Alden Town Board held a Public Hearing on April 6, 2009 at 7:05 p.m. at which time all persons in favor of and all persons opposed to the application were heard;

WHEREAS, the Alden Town Board agrees with the recommendation of the town of Alden Planning Board and finds it in the interests of the residents of the Town of Alden to approved the Application;

NOW, THEREFORE, BE IT RESOLVED:

1. That a Home Occupation Permit to allow Ronald C. Blakeslee to conduct a business of tax preparation services from his resident at 456 Creekside Drive Alden, New York be granted for a period of one (1) year with the stipulation that al clients at the home must park in the driveway;
2. This Resolution shall take immediately.

The Adoption of the foregoing resolution was duly put to a vote at a regular meeting of April 6, 2009 and was unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN WEBER WHO MOVED IT'S ADOPTION, SECONDED BY COUNCIWOMAN RIDDOCH TO WIT;

WHEREAS, THE Town of Alden Highway Superintendent has advised the Alden Town Board that the Highway Department is in need of a new 4 x 2 Truck with Dump Body to assist in brush pick-up in the Town of Alden;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden ("Policy") require that all estimated purchases over \$10,000.00 shall be formally bid pursuant to General Municipal Law section 103;

WHEREAS, the Town priced a vehicle on the State Bid Contract, but found lower prices through the formal bidding process;

WHEREAS, said Policy and Law have been followed and bids have been properly received; and

WHEREAS, the Town Board after full and careful review and consideration of the request finds that it is in the public interest to authorize said purchase.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS;

1. The Town Board approves the purchase of one new 4 x 2 Truck with Dump Body from Vision Ford for \$41,557.00 (including delivery and New York State Inspection) as being consistent with its policies and in the interests of the residents of the Town of Alden;
2. That the Highway Superintendent of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote at a regular meeting on April 6, 2009 and was unanimously adopted.

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

WHEREAS, Councilman Snyder has advised the Town Board of the need to install an emergency generator at the Alden Town Hall;

WHEREAS, a mechanical/electrical engineer is needed to design and write the technical specifications for the installation of an emergency generator before the Town can solicit bids on said installation;

WHEREAS, a hiring an engineer to design and write technical specifications falls under the professional service exemption of the Town of Alden's Procurement Policy & Procedure Guidelines and the General Municipal Law;

WHEREAS, the Town of Alden has received grant monies form NY State Senator Volker for the installation of an emergency generator at the Alden Town Hall;

WHEREAS, the Town Board after full and careful review and consideration finds the request to install an emergency generator at the Town Hall in the public interest;

NOW THEREFORE BE RESOLVED AS FOLLOWS:

1. The Town Board approves the hiring of Kromac Design to design and write the technical specifications for the installation of an emergency generator at the Alden Town Hall, as per the attached proposal, for \$7,500.00.
2. Kromac Design will bill an extra \$100.00 per hour, plus expenses for additional construction meeting and site visits. The Supervisor of the Town of Alden is authorized to approve any such addition expenses at his discretion.
3. That the Supervisor of the Town of Alden is authorized to sign the proposal with Kromac Design.
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on April 6, 2009 and was unanimously adopted.

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

WHEREAS, Councilman Snyder has advised the Town Board of the need to replace the boiler at the Alden Town Hall;

WHEREAS, a mechanical/electrical engineer is needed to design and write the technical specifications for the boiler replacement before the Town can solicit bids on the replacement of the boiler;

WHEREAS, hiring an engineer to design and write technical specifications falls under the professional service exemption of the Town of Alden's Procurement Policy & Procedure Guidelines and the General Municipal Law;

WHEREAS, the Town Board after full and careful review and consideration of the request finds the need for a new boiler in the public interest;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the hiring of Kromac Design to design and write the technical specifications for the replacement of the boiler at the Alden Town Hall, as per attached proposal for \$8,800.00
2. Kromac Design will bill an extra \$100.00 per hour, plus expenses for additional construction meeting and site visits. The Supervisor of the Town of Alden is authorized to approve any such additional expenses at his discretion.
3. That the Supervisor of the Town of Alden is authorized to sign the proposal with Kromac Design.
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on April 6, 2009 and was unanimously adopted.

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

Whereas, the Town of Alden's Contract for garbage and recyclable pick up and disposal is expiring and a new contract for these services is therefore necessary;

Whereas, the procurement Policy & Procedure Guidelines of the Town of Alden require that all estimated contracts over \$20,000.00 shall be formally bid pursuant to General Municipal Law section 103; and

WHEREAS, the Alden Town Board after full and careful review and consideration finds that garbage and recyclable pick up and disposal is necessary for the residents of the Town and that the solicitation of bids for the same is within the public interest.

NOW THEREFORE E IT RESOLVED AS FOLLOWS;

1. The Town Board hereby authorizes the Alden Town Clerk to advertise for bids as outlined in the attached Instructions to Bidders;
2. The Town Board hereby authorizes the Town Clerk to publish Notice in the Alden Advertiser. Said Notice must be published more than five (5) days prior to Wednesday May 6, 2009 and must state the time when and place where the sealed bids will be public ally opened and read by the Town Clerk.
3. The Town Board hereby authorizes the Town Clerk to receive sealed bids until 3:00 PM Prevailing Time on Wednesday May 6, 2009. All bids must contain the Non-Collusive Bidding Certification.
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on April 6, 2009 and was unanimously adopted.

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

WHEREAS, The Alden Town Board feels that the residents of the Town of Alden would benefit from the establishment of Not-for-Profit Local Development Corporation (“LDC”); and

WHEREAS, the general purposes of an LDC are to relieve and reduce unemployment; promote and maintain job opportunities; instruct or train individuals to improve or develop job skill; carry on scientific research for the purpose of aiding the community by attracting new industry and encourage the development or retention of industry; and lessening the burdens of government and acting in the public interest.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS

1. The Town Board hereby supports and encourages Supervisor Smith to file a Certificate of Incorporation with the New York State Secretary of State to establish the Town of Alden Local Development Corporation
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote at a regular meeting on April 6, 2009 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 issue a Soliciting Permit to Scott Wachenheim. Unanimously carried.

UNFINISHED & TABLED BUSINESS

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

WHEREAS, the Town Board of the Town of Alden is considering an application by Joseph Frey for the subdivision of one (1) lot. The entire parcel currently consists of 77.12+/- acres of vacant land on Genesee Street in the Town of Alden further identified as SBL #85.00-3-3.11. The first proposed lot (“Parcel A”) would be a 2.71 +/- acre vacant parcel and the second proposed lot (“Parcel “B”) would be the remaining 74.41 +/- acre vacant parcel (The “Proposed Action”);

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA but has determined that it is in the public interest to conduct a coordinated review;

WHEREAS, the Town Board believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to subdivision; the agency with the broadest governmental powers for investigating the impact of the Proposed Action; has the greatest capacity for providing the most thorough environmental assessment of the proposed Action; and is the most local agent with permitting authority;

WHEREAS, the Town Building Inspector has provided notice to the Erie County Division of Planning for this Proposed Action, as required under Section 239-m of the General Municipal Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA.
2. The Town Board has determined that it should be the Lead Agency for all environmental review of the Proposed Action, and as such will notify other involved agencies of its desire to become the Lead Agency at the conclusion of the mandatory thirty (30) day waiting period as prescribed by 6 NYCRR Part 617. and

3. The 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 April 6, 2009 and was unanimously adopted.

#### REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilwoman Riddoch reported that she attended the Annual Meeting of the Sports Teams re field use and scheduling; has a request from Youth Baseball to be put on the Work Session.

Councilman Weber met with the Drainage Committee and they are working on solutions for these problem.

Councilman Snyder reported that the Roof has been patched over the Court; he attended the Ass'n of Erie County Government Meeting – discussion re New York State Office of Real Property Reval; received the Energy Audit for the Town Hall, Highway and Community Center.

Councilwoman Cooke received a letter from the Erie County Department of Emergency and an Emergency Response Booklet.

Engineer Metzger reported on the Drainage problem on Wende Road and commented on the Water Dist #5 project cost.

Supervisor Smith reported that the Referendum Vote for WD#5 would be this Tuesday from 9:00 AM – 8:00 PM; a Meeting of the Master Plan this Wednesday at 7:00 PM in the Town Hall and the Work Session is April 13th.

Supervisor Smith adjourned the Meeting at 8:43 PM with a Minute's silence in Memory of Norma Trapp, Marjorie Hawley, Jack Walters, Walter Zawistoski and Jean Duskiewicz

DOROTHY L. BYCINA  
TOWN CLERK