

MEETING NO. 11
REGULAR NO 9

REGULAR BOARD MEETING

MAY 7, 2007
7:30 P.M.

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

PRESENT: Ronald . Smith, Supervisor
Mary Riddoch, Councilwoman
William Weber, Councilman
Arlene A. Cooke, Councilwoman
RECORDING SECRETARY: Debra Crist, Deputy Town Clerk
OTHERS PRESENT: Jennifer Strong, Town Attorney
Harry F. Milligan, Highway Supt
Michael Metzger, Town Engineer
Michael Fleming, Planning Board
Leonard Weglarski, DCO
ABSENT: Ronald L. Snyder, Councilman

Councilwoman Riddoch moved and Councilwoman Cooke seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of April 16, 2007. Unanimously carried.

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

ACCOUNT	ABST #1	ABST #2	TOTAL
GENERAL FUND "A"		47,840.79	61,882.36
HGHWY FUND "DA/DB"		2,233.20	64,328.30
PARTTOWN FUND "B"		3,295.99	5,525.35
WD #2 FUND "WB"			375.20
WD#3 FUND "WC"			1,983.20
WD#4 FUND "WD"			1,299.80
SP FIRE PROT FUND "SF"		159.18	159.18
SD#2 FUND "SA"		2,032.88	2,317.19
SP REFUSE FUND "SR"			27,808.91
ST LIGHTING FUND "SL"			4,650.39
TOTAL	115,432.84	56,361.79	171,794.63

(Approved 4/16/07)

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Supervisor Smith welcomed the Students from Alden Central School.

COMMUNICATIONS

Councilwoman Riddoch reported receiving a copy of a letter about the proposed bike path, it was unsigned. Spoke with Beth Downing re the music licensing fee/concerts, would like it on the work session. Received a call re the locking of the bathrooms in the Town Park and R.O. Smith, will discuss with Board. Checked the Concession Stand in R.O. Smith Park/health inspection was done.

Councilman Weber reported receiving a phone call from a Zoeller Rd. resident regarding their need for water. Received a phone call from a resident regarding parking lot in Ames Plaza/referred to Village.

Supervisor Smith reported receiving a monthly report from Village re Fire/EMS reports. Received Agenda from Alden Town Planning Board meeting 5/8/07, Summer Concert in the Park Series 2007 list, Town of Alden Planning Board minutes from March 13th meeting, approved Village Board minutes from 4/2/07 and copy of minutes from WNY Stormwater Coalition.

Attorney Strong stated that the settlement has been made with LaFarge and the check was mailed to Millgrove Fire Company late April.

Councilwoman Cooke received a call from a concerned citizen regarding North/Crittenden intersection, believes there should be a dangerous intersection sign. Councilwoman Riddoch stated that she resent request for traffic studies to the County and will continue to follow up.

NEW BUSINESS

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

WHEREAS, The Town Board of the Town of Alden has contracted with Troy & Banks, in regard to conducting a utility audit for the Town of Alden; and

WHEREAS, Troy & Banks has found less expensive electricity supplier, Integrys Energy Services of New York, who expects to lower the electricity costs to the Town of Alden

NOW THEREFORE, BE IT RESOLVED

1. The Town Board hereby authorizes the Supervisor to sign a Power Sale Agreement with Integrys Energy Services of New York to permit the Town to purchase electricity at a lower cost.
2. This resolution shall take effect immediately.

The forgoing Resolution was duly put to a vote on May 7, 2007 and was unanimously adopted.

Councilman Weber moved and Councilwoman Cooke seconded the motion approving Alden Central School's request to use Town Portable Spectator Bleachers for ECIC Track Championship on May 25th and 26th, 2007. Certificate of Insurance required naming Town of Alden as additionally insured. Unanimously carried.

Councilwoman Cooke moved and Councilwoman Riddoch seconded the Motion authorizing Alden High School permission to use the Town Hall for Home Instruction for the remainder of the school year. Unanimously carried.

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to grant both Court Clerks and Town Justice LaDuca permission to attend Training at Erie County CPS Academy in Williamsville on May 17th. Unanimously carried.

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

WHEREAS, the Town Board of the Town of Alden (the "Town") has received information indicating that Town Employee Frank A. Trybuskiewicz ("Employee") has committed misconduct in the performance in his duties of his role as Building Inspector and Code Enforcement Officer, and

WHEREAS, Civil Service Law section 75 requires that in certain circumstances a municipality is required to conduct a hearing prior to taking disciplinary action against certain protected classes of employees, and

WHEREAS, due to such civil service status, it would appear that the Employee is entitled to the protection of Civil Service Law section 75, and

WHEREAS, the Employee was appointed as Town of Alden Building Inspector/Code Enforcement Officer in August, 2002.

WHEREAS, the duties of the Alden Building Inspector/Code Enforcement Officer require that the Employee be physically present in the Township of Alden. It is only on special occasions when the duties of the job require the Employee to be outside of Town (e.g. – training and/or conferences), which require the prior approval of the Town Board.

WHEREAS, the Employee was required to submit timesheets to document the hours that he worked in his position for the Town.

NOW, THEREFORE, BE IT RESOLVED THAT;

1. The following charge (in addition to those charges previously preferred) are hereby preferred against the Employee:

PRELIMINARY STATEMENTS

1. The employee was appointed to the position of Building Inspector for the Town of Alden on August 9, 2002. Effective August 9, 2004, the employee's job title was changed to Code Enforcement Officer.

2. The job description for Code Enforcement Officer is attached.

3. The job duties of the Code Enforcement Officer require the employee to be physically present in the Township of Alden. It is only on special occasions when the duties of the job require the employee to be outside the Town (e.g. – training, conferences). (If attendance at those require prior approval, we should state that here.)

4. The employee was required to submit time sheets to document the hours that he worked in his position for the Town.

CHARGE 1- misconduct for falsifying time sheets submitted to the Town of Alden

5. Specification 1. On June 9, 2006, Employees; time sheet indicates that he worked from 9:00 am until 1:30 pm (without a lunch break); yet his cell phone records indicate that Employee used his Town issued cell phone in Alexander at 1:36 pm; Wyoming at 1:36 pm and 1:52pm, which given the distance involved, places the Employee outside of the township of Alden during a period of time when he stated that he was working for the Town.

6. Specification 2. On June 28, 2006, Employee's time sheet indicated that he worked from 9:00 am until 4:30 pm (with a lunch break from 12:30 pm through 1:30 pm); yet his cell phone records indicate that Employee used his Town issued cell phone in East Aurora at 2:01 pm, placing the Employee outside of the Township of Alden during a period of time when he stated that he was working for the Town.

7. Specification 3: On July 6, 2006, Employees time sheet indicated that he worked from 9:00 am until 4:30 pm (with a lunch break from 12:30 pm through 1:30 PM); yet his cell phone records indicate that Employee used his Town issued cell phone in Clarence at 10:42 am, 10:46 am; 10:50 am and 10:51 am, placing the Employee outside of the Township of Alden during a period of time when he stated that he was working for the Town.

8. Specification 4: On July 10, 2006, Employee's Time sheet indicates that he worked form (9:00 am until 4:30 pm (with a lunch break form 12:30 through 1:30 pm); yet his phone records indicate that Employee used his Town issued cell phone in East Aurora at 1:10 pm and in Clarence at 2:13 pm, placing the Employee outside of the Township of Alden during a period of time when he stated that he was working for the Town.

9. Specification 5: On July 19, 2006, Employee's Time sheet indicates that he worked from 9:00 am until 4:30 pm (with a lunch break from 12:00 pm through 1:00 pm); yet his cell phone records indicate that he used his Town issued cell phone in Clarence at 3:14 pm, placing the Employee outside the Township of Alden during a period of time when he stated that he was working for the Town.

10. Specification 6: On August 30, 2006 Employee's Time sheet indicates that he worked from 9:00 am until 4:30 pm (with a lunch break from 12:30 pm through 1:30 pm); yet his cell phone records indicate that he used his Town issued cell phone in Kenmore at 9:42 am, placing the Employee outside of the Township of Alden during a period of time when he stated that he was working for the Town.

11. Specification 7: On August 31, 2006, Employee's time sheet indicates that he worked from 9:00 am until 4:30 pm (with a lunch break from 12:30 pm through 1:30 pm); yet his cell phone records indicate that he used his Town issued cell phone in Clarence at 2:49 pm. placing the Employee outside of the Township of Alden during a period of time when he stated that he was working for the Town.

12. Specification 8: On September 7, 2006, Employee's time sheet indicates that he worked from 9:00 am until 4:30 pm (with a lunch break from 1:00 pm through 2:00 pm); yet his cell phone records indicate that he used his Town issued cell phone in Buffalo at 3:20; 3:28; 3:32; 3:34 and 3:37, placing the Employee outside of the Township of Alden during a period of time when he stated that he was working for the Town.

13. Specification 9: On September 12, 2006, Employee's Time Sheets shows that he was attending Building Inspector School (in Niagara Falls, New York) for 6.5 hours, yet his cell phone records indicate that at 2:42 Employee used his Town issued cell phone in Alden at 2:42 pm; in Darien Center at 3:35 pm; and Alden at 4:07 pm, placing the Employee outside of the township of Alden during a period of time when he stated that he was attending Building Inspector School in Niagara Falls.

14. Specification 10. On September 22, 2006, Employee's Time Sheets show that he worked from 9:00 am until 4:30 pm (with a lunch break and personal time from 1:00 pm through 4:00 pm); yet his cell phone records indicate that he used his Town issued cell phone in Clarence at 11:50 am, placing the Employee outside of the Township of Alden during a period of time when he stated that he was working for the Town.

15. Specification 11. On September 26, 2006, Employee's Time Sheets show that he worked from 9:00 am until 4:40 pm (with a lunch break from 12:30 pm through 1:30 pm); yet his cell phone records indicate that he used his Town issued cell phone in Cheektowaga at 3:11 pm; Buffalo at 3:14 pm, and Bowmansville at 3:19 pm, placing the Employee outside of the Township of Alden during a period of time when he stated that he was working for the Town.

16. Specification 12: On October 31, 2006, Employee's Time Sheets show that he worked from 9:00 am until 4:30 pm (with a lunch break from 12:30 pm through 1:30 pm) yet his cell phone records indicate that he used his Town issued cell phone in East Aurora at 9:07 am, placing the Employee outside of the Township of Alden during a period of time when stated that he was working for the Town.

17. Specification 13: On November 1, 2006, Employee's Time Sheets show that he worked from 9:00 am until 4:30 pm (with a lunch break from 12:30 pm through 1:30 pm); yet his cell phone records indicate that he used his Town issued cell phone in Clarence at 4:18 pm, placing the Employee outside of the township of Alden during a period of time when he stated that he was working for the Town.

18. Specification 14: On November 2, 2006, Employee's Time Sheets show that he worked from 9:00 am until 4:30 pm (with a lunch break from 12:30 pm through 1:30 pm); yet his cell phone records indicate that he used his Town issued cell phone in Buffalo at 1:28 pm; Cheektowaga at 1:38 pm, and Clarence at 2:58 pm and 3:06 pm and

2:10 pm, placing the Employee outside of the township of Alden during a period of time when he stated that he was working for the town.

19. Specification 15: On December 1, 2006, Employees Time Sheets show that he worked from 9:00 am until 4:30 pm (with a lunch break from 12:30 pm through 1:30 pm); yet his cell phone records indicate that he used his Town issued cell phone in Buffalo at 12:14 pm and 12:43 pm, placing the Employee outside of the Township of Alden during a period of time when he stated that he was working for the town.

20. THEREFORE, the Employee's cellular phone records places him outside of the Township of Alden on fifteen (15) days over a six (6) month period during periods of time that he indicated he was working as Alden Code Enforcement Officer.

21. THEREFORE, the Employee has engaged in misconduct for falsifying the timesheets that he submitted to the Town of Alden.

22. The Employee is suspended for thirty (30) days.

23. The Employee may make and file his answer in writing to these charges. Said answer should reach the Office of Sean P. Beiter, Esq. (12 Twelve Fountain Plaza, Buffalo, New York 14202-2292) no later than May 21, 2007.

24. The Employee is entitled to be represented at such hearing by an attorney to present such witnesses and other proof as he may have in his defense against these charges. The disciplinary hearing to hear the above charges, as required by Section 75 of the Civil Service Law, shall be held on a date to be determined by the hearing officer, the hearing officer to be designated by the Alden Town Board. The designated hearing officer shall hold a hearing, make a record of the proceedings, and forward that record together with his/her findings and recommendations to the Alden Town Board.

25. If the Employee is found guilty of any of the above charges, the penalty or punishment imposed upon him may consist of any of the following: dismissal from the service of the Town, demotion in grade and title, suspension without pay for a period not exceeding two months, a fine not to exceed \$100, or reprimand.

II. The Town will communicate these charges in writing to the Employee as well as his rights pursuant to Civil Service Law section 75.

III. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on May 7, 2007 and was unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN COOKE, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN RIDDOCH;

WHEREAS, the Alden Town Board has received a request from the Town Assessor that the Town's assessment software and hosting is in need of updating by means of purchasing new computer GIS/Real Real Information/Pictometry program, the estimated cost to the Town will be less than \$10,000.00.

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden states that the Town must request and obtain written quotes from at least three (3) vendors;

WHEREAS, said Procurement Policy & Procedure Guidelines have been followed and quotes have been properly requested and 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 new assessment software and hosting, to wit: GIS and Real Estate Information and Pictometry Software (more specifically, Image Mate Online Software, Image Mate Online Hosting, Image Mate Online/Pictometry, Live Link and Live Link Hosting) the setup cost in 2007 (\$6,200.00) will be paid from New York State Grant monies received by the Town; the cost of the software and hosting in 2008, 2009, 2010 and 2011 shall be \$2,400.00 each year (to be paid by the Town), 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 purchase; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on May 7, 2007 and was unanimously adopted.

SUPERVISOR SMITH POLLED THE BOARD AND WITH NO OBJECTION THE FOLLOWING ITEMS WERE ADDED TO THE AGENDA;

Supervisor Smith moved and Councilman Weber seconded the motion re appointing Michael Fleming to the Planning Board. Unanimously carried.

Supervisor Smith Moved and Councilman Weber seconded the motion re-appointing Colleen Rogers to the Zoning Board of Appeals. Unanimously carried.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilwoman Riddoch reported she is still working with Mike Hardie on some of our insurance issues. Cameras in the park does not qualify us for a discount, but alarm systems do, which we already receive. Mike is getting additional information on a company similar to Industrial Appraisal; Mary will pass on to Board Members. Summer concert series schedules are out and sent to Village. Councilwoman Riddoch has ordered some new tarps for the shelters and had the senior shelter tarps repaired.

Councilman Weber reported attending Economic Development Committee meeting on May 1; they are trying to come up with ideas such as DVD's, Real Estate Fair, and updated list of available properties to potential buyers to draw businesses here. On May 2nd he met with ARRG to discuss the group's efforts in the Town and Village.

Supervisor Smith reported that he attended the opening for Little League Baseball and threw the first pitch. There will be a Planning Board meeting May 8th at 7:00 pm.

Town Attorney Jennifer Strong stated that she is presently researching the side walk laws and would like this on the next Work Session.

Councilwoman Cooke is not satisfied with the cleanup on Two Rod Road. She would like this placed on the Work Session.

Supervisor Smith adjourned the Meeting at 8:02 PM with a Minute's silence in Memory of Genevieve Brauza, Lora Czapla, Jean Peel, Gary Walsh and Thomas Widzinski.

DEBRA A. CRIST
DEPUTY TOWN CLERK