

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday May 3, 2010 at 7:00 P.M. Supervisor Smith called the Meeting to Order. Councilwoman Cooke led in the Pledge of Allegiance. The roll call was taken by the First Deputy Town Clerk.

PRESENT: Ronald Smith, Supervisor
Mary Riddoch, Councilwoman
William Weber, Councilman
Ronald Snyder, Councilman
Arlene Cooke, Councilwoman
RECORDING SECRETARY: Debra A. Crist, First Deputy Town Clerk
OTHERS PRESENT: Jennifer Strong, Attorney
Carl Fix, Highway Supt.
Michael Metzger, Town Engineer
Len Weglarski, DCO
Ralph P. Witt, Planning Board Chair.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of April 19, 2010. 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"	\$9,764.16	\$17,020.93	\$26,785.09
HGHWY FUND "DA/DB"	7,712.67	517.23	8,229.90
PART-TOWN FUND "B"	8,051.18	7,253.91	15,305.09
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"			
SD#2 FUND "SA"	1,755.62	523.05	2,278.67
TRUST/AGCY FUND "T"	491.25	4,019.06	4,510.31
SP REFUSE FUND "SR"	38,247.99		38,257.99
STREET LIGHTING FUND "SL"	6,524.27		6,524.27
PERIWINKLE LTG. "SL1"	46.10		46.10
GRANTS		4,553.46	4,553.46
TOTALS	\$76,331.84	\$33,887.64	\$110,219.48

(Paid 04/19/10)

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.
THERE WAS NO BUSINESS FROM THE FLOOR

COMMUNICATIONS

Councilwoman Riddoch received a letter from Attorney William Bond representing a woman who will be moving to Alden. Received confirmation from the Village approving use of the Bandstand Park for our concerts. Received a copy of a request for use of the Town's band shell by the Alden Pregnancy Center, would like this on the Work Session. Received a copy of NYS Insurance Fund dividend check for \$3,697 from our Safety Group. Received an E mail from Theresa O'Connor of ACS regarding the use of the R. O. Smith Park for a rainout game of 4/16/10. Received the Town's copies of the renewal certificates from Tompkins, originals have been mailed to the certificate holders. Attorney Strong would like copies.

Councilwoman Cooke would like the Local Emergency Management Mutual Aid Assistance Memo of Understanding that the Town sent out put on the Work Session.

Attended a Coordinators meeting on April 27th and they announced there will be big drill on May 12th, invited people to attend. There will be another drill on May 13th called Sky Warn Training, will put information sheet up at the Town Hall.

Supervisor Smith received the approved Board Minutes from the Town of Alden Planning Board for their Tuesday, March 9, 2010 meeting and agenda for Tuesday, May 11, 2010 Town Planning Board meeting, received the unapproved minutes from the Town's Planning Board for Tuesday April 13th meeting, received the Town Clerk and Building Departments their monthly reports for April 2010, received from the Village of Alden their March 2010 Fire and EMS monthly report, received from the Townline Vol. Fire Dept. an invitation to participate in their annual community Memorial Day service on May 31st; beginning at 9:15 AM, received from Erie County Legislator Dino Fidoli his May outreach schedule for meetings throughout his district, received from Alden Memorial Post 7967 VFW an invitation to participate in their parade and services at 2:00 PM on Memorial Day, May 31st, received from Erie County notification of the closing of Townline Road between Erie Street and Westwood Rd. Alden/Lancaster today at 6:00 AM until completion of the railroad crossing scheduled for May 7th at 6:00 PM, received from the Village of Alden their approved Board minutes from their April 8th 2010 meeting.

SUPERVISOR SMITH ASKED FOR A MOTION TO ADJOURN FROM THE REGULAR MEETING TO MOVE INTO A PUBLIC HEARING

COUNCILWOMAN RIDDOCH MOVED AND COUNCILMAN WEBER SECONDED THE MOTION TO ENTER INTO THE 7:05 PM PUBLIC HEARING re LOCAL LAW NO. 1 OF THE YEAR 2010 ENTITLED "AMENDMENT TO THE TOWN OF ALDEN VEHICLE AND TRAFFIC LAW." UNANIMOUSLY CARRIED.

SUPERVISOR SMITH CALLED FOR THE DEPUTY TOWN CLERK TO READ THE PUBLIC HEARING NOTICE THAT WAS PUBLISHED IN THE ALDEN ADVERTISER.

SUPERVISOR SMITH EXPLAINED THE LAW; THE TOWN HAD RECEIVED REQUESTS FROM RESIDENTS OF CLEARVUE DRIVE TO ENACT THIS LAW BECAUSE OF ISSUES WITH THE CAR DEALER ON THE CORNER OF BROADWAY AND CLEARVUE DRIVE.

THE FLOOR WAS OPENED FOR PUBLIC COMMENT AND NO PARTIES IN ATTENDANCE HAD ANY COMMENT IN FAVOR OF OR OPPOSED TO THE PROPOSED LOCAL LAW.

WITH NO COMMENTS, SUPERVISOR SMITH CALLED FOR A MOTION TO ADJOURN FROM THE PUBLIC HEARING AND REENTER INTO THE REGULAR MEETING.

AFTER NO COMMENT BEING HEARD COUNCILWOMAN RIDDOCH MOVED AND COUNCILMAN WEBER SECONDED THE MOTION TO ADJOURN THE PUBLIC HEARING AT 7:10 PM AND MOVE BACK INTO THE REGULAR MEETING. UNANIMOUSLY CARRIED.

NEW BUSINESS

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

WHEREAS, the Town Board of the Town of Alden has fully considered the adoption of "Local Law No. 1 of the Year 2010, entitled "Amendment to Town of Alden Vehicle and Traffic Law" (the "Proposed Action"); and

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA; and

WHEREAS, the Town Clerk provided notice to the Erie County Division of Planning on April 7, 2010, for this Proposed Action, as required under Section 239-m of the General Municipal Law and a “no recommendation” was received from the Division on April 12, 2010; and

WHEREAS, the New York State Environmental Quality Review Act requires the Town to determine the Lead Agency status and the Town Board did assume Lead Agency status on April 5, 2010; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the Code of the Town of Alden, Chapter 9D, the Town Board has prepared the Short Form Environmental Assessment Form, which is now on file with the Town Board and the Town’s SEQR Intake Officer; and

WHEREAS, the Town of Alden Planning Board has reviewed the Proposed Action and on March 9, 2010, recommended to the Town Board the approval of the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board did determine that the Proposed Action is an Unlisted Action under SEQRA.
2. The Town Board did determine that it should be the Lead Agency for all environmental review of the Proposed Action.
3. The Town of Alden, as Lead Agency, hereby determines that the unlisted action described in the attached SEQR NEGATIVE DECLARATION, NOTICE OF DETERMINATION OF NON-SIGNIFICANCE, which attached notice is hereby made a part of this Resolution, will not have a significant effect on the environment and that an environmental impact statement is not required to be prepared with respect to said Proposed Action.
4. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting on May 3, 2010, and was unanimously adopted.

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

WHEREAS, a Proposed Local Law # 1 of 2010 entitled “Amendment to the Town of Alden Vehicle and Traffic Law” was introduced to the Alden Town Board for consideration by Councilperson Riddoch on February 16, 2010;

WHEREAS, the Town of Alden Planning Board reviewed the proposed Local Law and recommended to the Town Board its approval on March 9, 2010;

WHEREAS, an order was duly adopted by the Alden Town Board for a public hearing to be held by said Town Board on May 3, 2010, at 7:05 pm at the Alden Town Hall, 3311 Wende Road, Alden, New York 14004 to hear all interested parties on a proposed Local Law No. 1 of the Year 2010;

WHEREAS, notice of said public hearing was duly published in the Alden Advertiser, the official newspaper of the Town of Alden on April 22, 2010;

WHEREAS, said public hearing was duly held on May 3, 2010, and *no parties in attendance had any comments in favor of or opposed to the proposed Local Law;*

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Alden Town Board, as Lead Agency, that adoption of said proposed Local Law is an Unlisted Action and will not have a significant effect upon the environment;

WHEREAS, the Erie County Division of Planning gave a “no recommendation” to the proposed Local Law on April 7, 2010, pursuant to section 239-m of the General Municipal Law;

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law on April 7, 2010; and

WHEREAS, the Alden Town Board, after due deliberation, finds it in the best interest of the Town of Alden to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board hereby adopts said Local Law No. 1 of the Year 2010 entitled “Amendment to the Town of Alden Vehicle and Traffic Law”, which reads as follows:

Addition To CHAPTER 18C VEHICLE AND TRAFFIC:

at Section 18C-32 A. add:

(16) On the west side of Clearvue Drive between a point at the extended south curblineline of Broadway and the west curblineline of Clearvue Drive and a point two hundred (200) feet south of the aforementioned point.

At Section 18C-33 A. add:

(17) On the west side of Clearvue Drive between a point at the extended south curblineline of Broadway and the west curblineline of Clearvue Drive and a point two hundred (200) feet south of the aforementioned point.

At Section 18C-34 A. add:

(16) On the west side of Clearvue Drive between a point at the extended south curblineline of Broadway and the west curblineline of Clearvue Drive and a point two hundred (200) feet south of the aforementioned point

2. That the Alden Town Clerk enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Alden, and to give due notice of the adoption of said Local Law to the Secretary of State of New York, post the same on the Town Bulletin Board and publish the same in the Alden Advertiser.

3. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on May, 3, 2010, and was unanimously adopted.

Councilman Snyder moved and Councilwoman Cooke seconded the motion to approve AJF & Cheerleading Organization permission to use the Alden Town Park Fields on the requested dates for their upcoming season. Season beginning August 1st through November 1st, 2010. Unanimously Carried.

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

WHEREAS, the Alden Town Board has received a request from Councilwomen Mary Riddoch to rent portable toilets for use at the Town Parks for the 2010 Summer Season the estimated cost of which less than \$2,000.01 but greater than \$500.00;

WHEREAS, the Procurement Policy & Procedure Guidelines (“Guidelines”) of the Town of Alden state that the Town must prepare a request for proposal and then obtain written quotes from at least two (2) vendors;

WHEREAS, an oral request for proposals (for the rental of four units with sanitizer for four months) was made by Councilwomen Riddoch to two (2) vendors;

WHEREAS, the highest vendor is Ball Toilet & Septic Service at \$928.00 (four units at \$58.00 per unit per month). This proposal meets the oral request for proposal;

WHEREAS, the lowest vendor is Fisher Septic & Excavating at \$880.00 ((four units at \$55.00 per unit per month). This proposal meets the oral request for proposal;

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

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the rental of four portable toilets with sanitizers for four months from the lowest responsible vendor, Fisher Septic & Excavating at a total cost of \$880.00;
2. 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 roll call vote at a regular meeting on May 3, 2010, and was unanimously adopted.

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

WHEREAS, the Town of Alden First Deputy Town Clerk and the Second Deputy Town Clerk have advised the Town Board that the Town Clerk's Office is in need of part time help;

WHEREAS, resumes were solicited and received and interviews conducted and Leanne I. Hull has been recommended for appointment as the Third Deputy Town Clerk;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the appointment of Leanne I. Hull as Third Deputy Town for the remainder of 2010 at an hourly rate of \$12.00 / hour, employment not to exceed an annual average of 19 hours per week with no benefits, except New York State Retirement.
2. This resolution shall take effect immediately.
3. The foregoing Resolution was duly put to a roll call vote at a regular meeting on May 3, 2010, and was unanimously adopted.

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

WHEREAS, the Town of Alden Highway Superintendent Carl Fix has advised the Town Board that the Alden Highway Department is in possession of the following pieces of equipment/tools that he would like to sell for scrap: 10-ton floor jack; 20-ton floor jack; 1979 Toro Mower; AC/DC Centry Welder; AC 250K Line Welder; Drill; Milwaukee Drill; Black & Decker 1/2' electric drill; Drag Box; Hopper Sander; Technic Pole Saw; Toro Weed Wacker; and Rousseau Mower Arm that are all outdated, overly worn, or broken; and are therefore not of any use to the Town Highway Department;

WHEREAS, The Town Board after full and careful review and consideration finds the request to sell these items for scrap metal as being in the public interest;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS. THAT:

1. That the Town Board hereby determines that the: 10-ton floor jack; 20-ton floor jack; 1979 Toro Mower; AC/DC Centry Welder; AC 250K Line Welder; Drill; Milwaukee Drill; Black & Decker 1/2' electric drill; Drag Box; Hopper Sander; Technic Pole Saw; Toro Weed Wacker; and Rousseau Mower Arm are not needed for Town purposes because of poor condition and therefore these items are surplus property;

2. The Town Board hereby authorizes the Town Highway Superintendent to sell the equipment for scrap metal;

3. The Town Board hereby authorizes the Town Highway Superintendent to sign any and all documentation to effectuate the scrap sale; and

4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on May 3, 2010, and was unanimously adopted.

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

WHEREAS, Town of Alden Highway Superintendent Carl Fix has advised the Town Board that the Highway Department is in possession of a 1995 Ford dump truck with plow and wing and a winch that are not of any use to the Town Highway Department that he would like to offer the same for sale or auction; and

WHEREAS, The Town Board after full and careful review and consideration finds the request to sell or auction the 1995 Ford dump truck with plow and wing and the winch as being in the public interest;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. That the Town Board hereby determines that the 1995 Ford dump truck with plow and wing and the winch are not needed for Town purposes and are surplus property;
2. The Town Board hereby authorizes the Town Highway Superintendent to sell or auction the 1995 Ford dump truck with plow and wing and the winch;
3. The Town Board hereby authorizes the Town Highway Superintendent to sign any and all documentation to effectuate the sale or auction, including signing over the title; and
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on May 3, 2010, and was unanimously adopted.

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

WHEREAS, Town of Alden Highway Superintendent Carl Fix has advised the Town Board that the Highway Department is in possession of a Gearmatic Winch (Model # 19, serial #19-225486) that is not of any use to the Town Highway Department that he would like to offer the same for sale by sealed bid; and

WHEREAS, The Town Board after full and careful review and consideration finds the request to sell the Gearmatic Winch as being in the public interest;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. That the Town Board hereby determines that the Gearmatic Winch is not needed for Town purposes and is surplus property;
2. The Town Board hereby authorizes the Town of Alden Deputy Town Clerk to advertise for bids as outlined in the attached Instructions to Bidders;
3. The Town Board hereby authorizes the Deputy Town Clerk to publish Notice in the Alden Advertiser. Said Notice must be published more than five (5) days prior to Friday June 11, 2010 and must state the time when and place where the sealed bids will be publicly opened and read by the Deputy Town Clerk.
4. The Town Board hereby authorizes the Deputy Town Clerk to receive sealed bids, until 2:30 PM Prevailing time on Friday, June 11, 2010. All bids must contain the Non - collusive Bidding Certification.
5. The Town Board hereby authorizes the Town Highway Superintendent to sign any and all documentation to effectuate the sale, including signing over a Bill of Sale; and
6. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on May 3, 2010, and was unanimously adopted.

THERE WAS NO UNFINISHED AND TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilwoman Riddoch reported that she attended opening day for this years baseball season this past Saturday, it was well attended, weather was beautiful, she would like to thank Andy Sojka and Rich Przywara for the great job they did, also she has been working with Dan Moultrup and Erie County Health Dept. re the movie nights for this summer. Councilwoman Riddoch is working on updating parts of our personnel policy; would like this put on the Work Session. Today, Erie County Highway was working on the area in front of St. John's to ready the area for their upcoming project. Would like Alden Youth Baseball put on the Work Session.

Councilman Weber met with Hwy. Supt. Fix to view and discuss solutions to several different drainage problems throughout the Town.

Councilwoman Cooke is starting to receive back emergency data forms that were mailed out with the Millgrove Fire Dept. fundraising letter. This form is for people with special needs during a snow storm or electricity outage. Each of the four Fire Departments will send out the letter to everyone.

Engineer Metzger said there is a pre-construction meeting scheduled for tomorrow morning for the generator installation, followed by a plan for the construction. Anticipating that the work will be done by the end of the month. Had a meeting today on the possible location of the solar panels; roof or ground. Eng. Metzger met with Bill, Hwy. Supt. Fix and discussed several matters.

Planning Board Chairman Witt said that the Planning Board has two subdivisions on their agenda and would like these to be put on the Work Session for next week Monday, would like to inform the Town on how these subdivisions might impact the Town, both have to do with water issues.

Supervisor Smith advised that there will be the first meeting of the Master Plan Implementation Committee at 7:00 PM on May 26th. The Town has also completed its Victim Impact Statement in regards to the former Town Clerk, it has been submitted to the Erie County Dept. of Probation. The Town Board, on behalf of the Town taxpayers has asked for the return of salary and benefits received by the former Town Clerk from the time she was placed on paid administrative leave, until the time she resigned on March 5, 2010.

Next Work Session: May 10, 2010 @ 7:00 PM (Procurement Policy will be discussed as part of the corrective action plan from the recent audit/State Comptroller's Office)

Next Reg. Meeting: May 17, 2010 @ 7:00 PM

Supervisor Smith adjourned the Meeting at 7:36 PM with a Minute of Silence in Memory of Walter Ulrich, George Vogt & Robert Hamilton.

Debra A. Crist
First Deputy Town Clerk