

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, June 21, 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  
Michael Metzger, Town Engineer  
Chris Snyder, Deputy Code Enforcement Officer  
Michael DeWitt, Planning Board  
Len Weglarski, Dog Control Officer

Councilman Snyder moved and Councilman Weber seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of June 7, 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"	\$70,020.93		\$70,020.93
HGHWY FUND "DA/DB"	6,914.79		6,914.79
PART-TOWN FUND "B"	4,264.87		4,264.87
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"	11,867.87		11,867.87
SD#2 FUND "SA"	1,973.75		1,973.75
TRUST/AGCY FUND "T"			
SP REFUSE FUND "SR"	38,537.33		38,537.33
STREET LIGHTING FUND "SL"	5,784.33		5,784.33
PERIWINKLE LTG. "SL1"	38.68		38.68
GRANTS	2,859.20		2,859.20
TOTALS	\$146,000.35		\$146,000.35

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Paul Loehr, Henskee Rd. spoke on the flooding problem by his home. Discussed culvert size requirement. He would like a 24" diameter culvert.

**AT 7:05 P.M. SUPERVISOR SMITH ASKED FOR A MOTION TO MOVE INTO THE PUBLIC HEARING.**

**Councilwoman Riddoch moved and Councilman Weber seconded the Motion to enter into the 7:05 PM Public Hearing. Unanimously Carried.**

The First Deputy Town Clerk read notice of Public Hearing that was published in the Alden Advertiser re Excess Capacity.

The Supervisor opened the Floor for Public Comments.

## **PUBLIC COMMENTS:**

Eric Chaffee, Cayuga Creek Rd., felt the meeting should be tabled as the map plan and report was not made available as stated. It was explained to Mr. Chaffee that the report was available in the Clerk's office. No one came in to look at it. He would like it on record that he was against this Public Hearing being held.

Paul Loehr, Henskee Rd. felt if the public did not have the information available the meeting should not be held.

Polly Justinger, Crittenden Rd., questioned what areas are involved with Water District #5? Supervisor Smith responded that it is the entire area of the Town, outside the Village, the total expected cost would be \$1650.00 for Attorney fees the rest will be covered by grants. The space in the water tank will not be paid until there is an actual water project. That cost will then be borne by the water district.

Ron Rebmann, Broadway questioned if the cost would be spread out through the whole Town? He does not feel people who already paid for a water district should have to pay for others. The Supervisor explained, because of Rural Development's change in rules about the Town's eligibility, this is the best option; it would be less than a penny per thousand to cover the fee of \$1650.00.

Supervisor Smith answered questions and gave an explanation of the project.

Supervisor Smith submitted a letter from Robert Wohlgemuth, Genesee St. objecting the proposed water improvement.

**AFTER ALL THOSE WISHING TO BE HEARD WERE HEARD, AT 7:30 P.M. SUPERVISOR SMITH ASKED FOR MOTION TO ADJOURN FROM THE PUBLIC HEARING AND ENTER BACK INTO THE REGULAR MEETING.**

**After all those wishing to be heard were heard, at 7:30 P.M. Councilwoman Riddoch moved and Councilman Weber seconded the motion to enter back into the regular meeting. Unanimously Carried.**

## **COMMUNICATIONS**

Councilwoman Riddoch had two requests from Alden Men's Softball she would like put on the Work Session. Also, received a request from the Town of Marilla Highway Supt. for the use of the Town's portable grandstand for Marilla's Annual Car Show, she would like this put on the Work Session.

Councilman Weber was contacted by a few residents this past week, concerning the condition of Sullivan Rd. in three areas where culverts have been replaced. Another resident was concerned with the NFTA Metro buses that come down Henskee and Sullivan Rd., whether they meet the 10 ton weight limit or not.

Councilwoman Cooke spoke with Bob McPeak, who gave her information on the progress of the NIMS program.

Supervisor Smith received the monthly compliance report from Rural Metro for May/2010, they had a 90.3% compliance for the month.

## **NEW BUSINESS**

Councilwoman Riddoch moved and Councilman Weber seconded the motion to approve Athletic Director David Kocher's request to use the Town facilities at the Robert O. Smith Park on September 4<sup>th</sup>, 2010. St. John's is asking for the use of the fields from 8:00 A.M. to 9:00 P.M. for their 10<sup>th</sup> annual Softball Tournament. Unanimously Carried.

Councilman Weber moved and Councilwoman Riddoch seconded the motion to approve Marilla Volunteer Exempt Firemen the use of three sets of the Town of Alden's bleachers

for their annual Tractor Pull on June 26, 2010. They will pick them up on June 22 and return them on June 29, 2010. Certificate of Insurance has been provided. Unanimously Carried.

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 has noticed the need to set a fee for the replacing and repairing of existing driveway culverts on Town Roads in the Town of Alden to cover the costs of materials used by the Town of Alden Highway Department when replacing or repairing driveway culverts;

WHEREAS, the Alden Town Board is authorized under State Law and under the Alden Town Code to set fees upon resolution duly adopted by the Town Board;

WHEREAS, the proposed driveway repair/replacement fee amount is fair and reasonable and is directly related to the services performed by the Town of Alden Highway Department in repairing or replacing existing driveway culverts;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby adopts a driveway repair/ replacement fee that shall equal the actual cost of materials used by the Town of Alden Highway Department in repairing or replacing an existing driveway culvert;
2. The Fee shall be paid by the property owner to the Town of Alden Building Department within ten (10) days of any repair or replacement work being performed by the Town of Alden; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on June 21, 2010, and was unanimously adopted.

Councilwoman Cooke moved and Councilman Snyder seconded the motion to renew the Home Occupation permit for Marc and LouAnn Miller/11256 Broadway/Blinds Cleaned and Repaired/Internet Sales. Unanimously Carried.

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

WHEREAS, the Town of Alden Highway Superintendent has advised the Town Board that the Alden Highway Department is in possession of a Gearmatic Winch (Model # 19, serial #19-225486) and a 1995 Ford diesel dump truck with Tenco plow and wing that are not of any use to the Town Highway Department and are eligible for auction at the Erie County Municipal Auction; and

WHEREAS, the Town previously advertised this equipment for sale by sealed bids and no bids were received;

WHEREAS, The Town Board after full and careful review and consideration of the request finds said request to auction the winch and dump truck as being in the public interest;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby determines that the above winch and dump truck are not needed for Town purposes and are surplus property;

2. The Town Board hereby authorizes the Town Highway Superintendent to auction the winch and the dump truck at the Erie County Municipal Auction;

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

4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on June 21, 2010, and was unanimously adopted.

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

WHEREAS, the Alden Town Board has received a request from Councilwomen Cooke to purchase a new Zoll automated external defibrillator with cabinet (“AED”) for the Town Hall 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 a Zoll AED with cabinet) was made by Councilwomen Cooke to three (3) vendors;

WHEREAS, the highest vender is Alden Medical Supply at \$1,749.00 for an AED without a cabinet. This proposal does not meet the oral request for proposal as it does not include a cabinet;

WHEREAS, the second highest vender is Allied 100, LLC at \$1,689.00. This proposal meets the oral request for proposal;

WHEREAS, the lowest vendor is Foremost Equipment at \$1,364.00 (\$1,225.00 for the AED and \$139.00 for the cabinet). 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 purchase of the above described Zoll AED and cabinet.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of a Zoll AED with cabinet from Foremost Equipment, the lowest responsible vendor, at a total cost of \$1,364.00;

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 June 21, 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 has advised the Town Board that the Alden Highway Department is in possession of a 1981 John Deere Diesel Industrial Tractor (model number 301A) with sickle bar (“tractor”) that is not of any use

to the Town Highway Department and is eligible for auction at the Erie County Municipal Auction; and

WHEREAS, The Town Board after full and careful review and consideration of the request finds said request to auction the tractor as being in the public interest;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby determines that the above tractor is not needed for Town purposes and is surplus property;
2. The Town Board hereby authorizes the Town Highway Superintendent to auction the tractor at the Erie County Municipal Auction;
3. The Town Board hereby authorizes the Town Highway Superintendent to sign any and all documentation to effectuate this auction; and
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on June 21, 2010, and was unanimously adopted.

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

WHEREAS, the New York State Department of Agriculture & Markets has proposed in the Governors Budget to remove the licensing of dogs from State control and turning it over to all local municipalities in New York State;

WHEREAS, under Senate Bill S.2211 and Assembly Bill A.10330 the legislatures have proposed a requirement that all dogs must be microchipped and a registry of dogs be created, which the Town of Alden believes creates an undue burden on dog owners which may result in fewer licensed dogs and creates an undue burden on local municipalities to regulate and enforce compliance of these provisions; and

WHEREAS, the Senate has also introduced under Bill S.2219 a law requiring all dogs and their owners to successfully complete basic obedience training prior to being granted a dog license, which the Town of Alden also believes creates an undue burden on dog owners which may result in fewer licensed dogs and creates an undue burden on local municipalities to regulate and enforce compliance of these provisions.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town of Alden opposes Senate Bill S.2211 requiring all dogs in NYS to be microchipped and a registry of dogs to be created and Bill S.2219 requiring all dogs and their owners to successfully complete basic obedience training prior to being granted a dog license, which will create an undue burden on dog owners, which may result in fewer licensed dogs and creates an undue burden on local municipalities to regulate and enforce compliance of these provisions;

2. The Town of Alden opposes Assembly Bill A.10330 requiring all dogs in NYS to be microchipped and a registry of dogs to be created, which will create an undue burden on dog owners, which may result in fewer licensed dogs and creates an undue burden on local municipalities to regulate and enforce compliance of these provisions;
3. The Town of Alden opposes in general the proposal to shift the cost burden of licensing dogs to local municipalities;
4. The Town Clerk is hereby ordered to send a certified copy of this resolution to the town's local Senate and Assembly representatives and to Governor David Patterson; and
5. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote of the Alden Town Board at a regular meeting held on June 21, 2010, 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 Board of the Town of Alden is applying for a New York State grant monies to allow the Town of Alden to make improvements to the Town Park, including but not limited to a multi-purpose trail system; modification to the Panza trail; a multi-purpose athletic field; a picnic shelter; a warming hut; and access to Ellicott Creek for kayaking and canoeing (the "Proposed Action");

WHEREAS, the Town Board of the Town of Alden has determined that the Proposed Action is an Unlisted Action under SEQRA and wishes to conduct an un-coordinated review;

WHEREAS, the Town of Board of the Town of Alden believes that the Town of Alden: is the agency primarily responsible for undertaking decisions as to the Proposed Action; is 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, 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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

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.

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 of the Town Board of the Town of Alden on June 21, 2010, and was unanimously adopted.

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

WHEREAS, the Alden Town Board has received a request from Highway Superintendent Carl Fix to pave South Woodside Drive the estimated cost of this public works project is less than \$35,000.00 but greater than \$2,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines (“Guidelines”) of the Town of Alden states that the Town must obtain written quotes from at least three (3) vendors for this public works project;

WHEREAS, the Highway Superintendent found it more economical to break this public works project into three parts: (1) materials; (2) tack coat; and (3) equipment with manpower and each of these three items have been separately quoted;

WHEREAS, a written request for proposals was made by Highway Superintendent Fix to four (4) vendors for the equipment with manpower to pave South Woodside Drive and written quotes were received as follows:

- A. The highest bidder is Amherst Paving at \$11,875.00;
- B. The second highest bidder is Zoladz Construction at \$11,551.00;
- C. The third highest bidder is Northeast Paving at \$9,225.00; and
- D. The lowest bidder is Robinson Paving at \$5,740.00;

WHEREAS, a written request for proposals was made by Highway Superintendent Fix to three (3) vendors for the tack coat and written quotes were received as follows:

- A. The highest bidder is Midland at \$1,295.00;
- B. The second highest bidder is Northeast Paving at \$1,260.00; and
- C. The lowest bidder is Suit-Kote at \$1,047.85;

WHEREAS, a written request for proposals was made by Highway Superintendent Fix to three (3) vendors for the paving materials (price per ton, a total of 310 tons of material are needed), all three of whom are listed on the Erie County Bid List as follows:

- A. The highest price on the County List is LaFarge at \$60.75 per ton;
- B. The second highest price on the County List is Buffalo Crushed Stone at \$57.40 per ton;
- C. The lowest price on the County List is Countyline Stone at \$53.50 per ton (or \$16,585.00 for 310 tons);

WHEREAS, the total cost of the project is \$23,372.85;

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 paving project.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the contract, subject to Town Attorney Approval, with Robinson Paving for the equipment and manpower. Robinson paving must pay prevailing wages and comply with all labor law requirements and postings; and must provide proof of insurance (worker's compensation and liability) prior to starting any work;
2. The Town Board approves the purchase of tack coat from Suit Kote for \$\$1,047.85;
3. The Town Board approves the purchase of 310 tons of paving materials from Countyline Stone for \$16,585.00 ;
4. The Highway Superintendent of the Town of Alden is authorized to sign any and all necessary documents to effectuate this public works project; and
5. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on June 21, 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 believes that its residents would benefit from improvements to its Town Park, including but not limited to a multi-purpose trail system; modification to the Panza trail; a multi-purpose athletic field; a picnic shelter; a warming hut; and access to Ellicott Creek for kayaking and canoeing; and

WHEREAS, NYS Office of Parks, Recreation and Historic Preservation is offering grant monies for park improvements.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. Ronald L. Smith, as Supervisor of the Town of Alden, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to **exceed \$400,000.00 (grant request)**, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Alden for Alden Town Park Improvements and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.
2. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on June 21, 2010, and was unanimously adopted.

Councilwoman Cooke moved and Councilman Snyder seconded the motion to approve Michael Dewitt's request to attend the N.Y. Planning Federation Conference in Lake Placid September 26<sup>th</sup> through September 28, 2010 at reasonable Town expense.

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

**Standard Work Day and Reporting Resolution**

1.) BE IT RESOLVED, that the Town of Alden hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

<b>Title</b>	<b>Name</b>	<b>(Hrs/ day)</b>	<b>Standard Work Day Term Begins/Ends</b>	<b>Participates in Employer's Time Keeping System (Y/N)</b>	<b>Days/Month (based on record of activities)</b>
<b>ELECTED OFFICIALS</b>					
Supervisor	Ronald Smith	+	01/01/2010- 12/31/2011	Y	10
Highway Super.	Carl Fix	6 ½	01/01/2010- 12/31/2013	Y	20
Board Member	Mary Riddoch	+	01/01/2010- 12/31/2013	Y	10
<b>APPOINTED OFFICIALS</b>					
Town Prosecutor	Matthew Herdzik	+	1/1/2010-12/31/10	Y	2
Assessor	William Sivecz	6 ½	10/01/2007- 09/30/2013	Y	20
CEO/Bldg Inspect.	Martin Dugan	6 ½	Civil Service Hiring	Y	20
Life Guard p/t	Pamela Turton	+	1/1/10-12/31/10	Y	+
Court Constable	Randal Crist	+	Civil Service Hiring	Y	+
Rec. Attendt p/t	Joan Marsden	+	1/1/10-12/31/10	Y	+
1 <sup>st</sup> Dpty Town Clerk	Debra Crist	6 ½	01/01/2010- 12/31/2010	Y	20
Dog Control Officer	Leonard Weglarski	+	01/01/2010- 12/31/2010	Y	5
Court Clerk	Susan Siudzinski	6 ½	01/01/2010- 12/31/2010	Y	20
Supervisor's Asst	Colleen Rogers	6 ½	01/01/2010- 12/31/2010	Y	20
Crossing Guard	Margaret McCartin-Orcutt +		01/01/2010- 12/31/2010	Y	+
Town Attorney	Jennifer Strong	+	01/01/2010-12- 31/2010	Y	+
Highway Clerk	Mary Nuwer	+	01/01/2010-12- 31/2010	Y	+
p/t Court Clerk	Georjean Labuzzetta	+	01/01/2010-12- 31/2010	Y	+
Senior Van Driver	Michele Hoffman	+	01/01/2010-12- 31/2010	Y	+
Parks Supervisor	Andy Sojka	8	01/01/2010-12- 31/2010	Y	20
Clerk	Barb Ertel	6 ½	Civil Service Hiring	Y	20
Highway Employee	Kenneth Justinger	8	#	Y	20
Highway Employee	David Retzlaff	8	#	Y	20
Highway Employee	Daryl Beyer	8	#	Y	20
Highway Employee	Larry Zobrest	8	#	Y	20

+ part time employees hours per day depend on monthly average of hours worked on time sheets.

# Highway Employees are under Union Contract

2.) The Town Clerk's Office is directed to post this Resolution and to cause the same to be published on the Town's Official Website for a minimum of thirty (30) days.

3.) This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on June 21, 2010, and was unanimously adopted.

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

RESOLUTION OF THE TOWN OF ALDEN, NEW YORK, ADOPTED JUNE 21, 2010, APPROVING CONSTRUCTION OF A WATER IMPROVEMENT WITHIN WATER IMPROVEMENT AREA NO. 5 AREA, AN AREA OF THE TOWN OUTSIDE OF ANY VILLAGES, WHICH HAS BEEN DETERMINED TO BE THE BENEFITED AREA, AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH

Recitals

WHEREAS, the Town Board of the Town of Alden, in the County of Erie, New York (herein called the "Town"), proposes to construct water system improvements, consisting of (i) the acquisition of water tank capacity from the Erie County Water Authority ("ECWA") in a water tank, certain portions of which are owned by the ECWA, the Town of Marilla and the Town of Bennington, at the estimated maximum cost of \$50,000 and (ii) increasing the size of the waterlines planned to be installed by the Town of Marilla from eight inches to twelve inches in diameter, at the estimated maximum cost of \$150,000 (collectively herein the "Water Improvement"); all within the unincorporated area of the Town outside of any villages, which area has been determined to be the benefited area (herein referred to as the "Water Improvement Area No. 5"), pursuant to Article 12-C of the Town Law, in accordance with the map, plan and report prepared therefore by Metzger Civil Engineering, PLLC, competent engineers duly licensed by the State of New York, heretofore filed in the office of the Town Clerk for public inspection; and

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact that the project described herein may have on the environment and has

reviewed a Short Environmental Assessment Form and the Town Board has determined that such project will not result in any significant adverse environmental impacts, pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617; and

WHEREAS, the maximum amount proposed to be expended for the construction of such Water Improvement is estimated to be \$200,000, which is planned to be financed by the expenditure of grant funds expected to be received from the State of New York, and the levy and collection of assessments upon the several lots and parcels of land within Water Improvement Area No. 5 which the Town Board shall determine to be especially benefited by Water Improvement Area No. 5, so much upon and from each as shall be in just proportion to the amount of benefit which the Water Improvement shall confer upon the same; and

WHEREAS, the Town Board determined to proceed with the construction of such Water Improvement and adopted an Order on June 7, 2010, reciting a description of the improvements proposed, a description of the proposed benefited area, the proposed method of financing to be employed, the fact that map, plan and report describing the same are on file in the Town Clerk's Office for public inspection and specifying June 21, 2010 at 7:05 o'clock P.M. (Prevailing Time) as the time when, and the Town Hall, 3311 Wende Road, Alden, New York, as the place where, the Town Board would meet to consider the construction of such Water Improvement and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town in relation thereto as may be required by law; and

WHEREAS, certified copies of such Order were duly published and posted pursuant to the provisions of Article 12-C of the Town Law; and

WHEREAS, a public hearing in the matter of the construction of the proposed Water Improvement was duly held by the Town Board on the 21st day of June, 2010, commencing at 7:05 o'clock P.M. (Prevailing Time) at the Town Hall, 3311 Wende Road, Alden, New York, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the construction of said Water Improvement;

Now, therefore, upon the evidence adduced at such public hearing, be it  
RESOLVED BY THE TOWN BOARD OF THE TOWN OF ALDEN, IN THE  
COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that:

(a) the notice of public hearing was published and posted as required by  
law, and is otherwise sufficient;

(b) it is in the public interest to construct the Water Improvement, as  
described in the recitals hereto, within Water Improvement Area No. 5 at the estimated  
maximum cost of \$200,000; and

(c) all the property in the proposed Water Improvement Area No. 5 is  
benefited by the Water Improvement and all the property benefited by the Water  
Improvement is included in the proposed Water Improvement Area No. 5.

Section 2. The construction of the Water Improvement within Water  
Improvement Area No. 5 is hereby approved, as hereinabove described, and such  
improvement is hereby authorized to be constructed within Water Improvement Area No.  
5 Area, in the Town, situate wholly outside of any incorporated villages, and said Water  
Improvement Area No. 5 is hereby determined to consist of the unincorporated area of  
the Town outside of any villages, which area is determined to be the area benefited by the  
Water Improvement.

Section 3. The maximum amount proposed to be expended for the  
construction of the Water Improvement is estimated to be \$200,000, which is planned to  
be financed by the expenditure of grant funds expected to be received from the State of  
New York, and the levy and collection of assessments upon the several lots and parcels of  
land within Water Improvement Area No. 5 Area which the Town Board shall determine  
to be especially benefited by the Water Improvement, so much upon and from each as  
shall be in just proportion to the amount of benefit which the Water Improvement shall  
confer upon the same.

Section 4. The said \$200,000 estimated cost of Water Improvement Area  
No. 5, does not exceed one-tenth of one per centum of the full valuation of the taxable  
real property in the area of the Town outside of any villages, and the permission of the

Comptroller of the State of New York is therefore not required in order to finance the cost of the Water Improvement, as herein described, pursuant to the provisions of the Town Law.

Section 5. The Town Clerk of the Town is hereby authorized and directed to record a certified copy of this resolution, within ten (10) days of its adoption, in the office of the County Clerk of Erie County.

Section 6. This resolution shall take effect immediately.

The foregoing Resolution was put to a vote on June 21, 2010 and the vote was as follows:

Councilwoman Riddoch	Aye
Councilman Weber	Aye
Supervisor Smith	Aye
Councilman Snyder	Aye
Councilwoman Cooke	Nay

**SUPERVISOR SMITH POLLED THE BOARD AND WITH NO OBJECTION THE FOLLOWING WAS ADDED:**

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

WHEREAS, the Alden Town Board has received a request from Highway Superintendent Carl Fix to purchase road signs 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 (price for an electric mesh tarp system for a 13-foot Dump Body with installation) was made by Highway Superintendent Fix to three (3) vendors;

WHEREAS, the highest bidder is Cyncon at \$2,996.00;

WHEREAS, the second highest bidder is Viking at \$2,247.70;

WHEREAS, the lowest responsible bidder is Unicell at \$1,797.00;

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 purchase of the above described electric mesh tarp system.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of an electric mesh tarp system for a 13 foot Dump Body with installation from Unicell at a total cost of \$1,797.00;
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 June 21, 2010, and was unanimously adopted.

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

WHEREAS: The Alden Town Board seeks funding to implement the project known as Alden Town Park Improvements including construction of multi-purpose athletic fields, a picnic shelter/warming hut, trail extension and/or refurbishment, and creation of a car top boat launch, and

WHEREAS: The project will enable the Town to provide a variety of recreation experiences for persons of all ages, and

WHEREAS: The Town Park Improvements project is being initiated based on community support for the project; NOW THEREFORE BE IT

RESOLVED that the Alden Town Board hereby affirms public and community support for the project and, BE IT FURTHER

RESOLVED that the Alden Town Board hereby declares its approval/endorsement for the Alden Town Park Improvements project.

This Resolution will take effect immediately.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilwoman Riddoch reported that the Concert in the Park Series will begin June 30<sup>th</sup>, 2010 beginning with the Akron Community Band.

Councilman Weber reported that Highway Supt. Fix and himself have had quite a few drainage concerns that they have been looking at and more to go. They are trying to make some headway.

Attorney Strong reported on the proposed intermunicipal agreement with the Town of Lancaster/for use of their gradall, it was sent on to their Town Attorney, she is waiting to hear back. Attorney Strong would like the local law to abolish the position of Tax Receiver put on the Work Session.

Councilman Snyder went out to Erie Community College South for hazardous waste pickup, he donated his time to work this event.

Supervisor Smith wanted to remind everyone that they are invited to take part in the Alden Hook and Ladder Fire Company parade this Saturday, line up is at 5:00 PM and starts at 6:00 PM.

Town Engineer Metzger asked about the Town Hall generator, Supervisor Smith said the transfer switch has been installed, the generator has not been hooked up yet, should be shortly.

Planning Board member Michael Dewitt thanked the Board for approving his request to attend N.Y. Planning Federation Conference.

Supervisor Smith announced that the initial meeting of the Master Plan implementation Committee would be next Wednesday, the 30<sup>th</sup> at 7:00 P.M.

**NEXT WORK SESSION: Monday, June 28, 2010 @ 7:00 P.M.**  
**NEXT TOWN BOARD MTG.: Tuesday, July 6, 2010 @ 7:00 P.M.**

**AT 8:14 P.M. SUPERVISOR SMITH ASKED FOR A MOTION TO ADJOURN FROM THE REGULAR MEETING TO ENTER INTO AN EXECUTIVE SESSION TO DISCUSS A MATTER OF PERSONNEL.**

At 8:14 P.M. Councilwoman Riddoch moved and Councilman Weber seconded the motion to adjourn from the regular meeting and enter into an executive session to discuss a matter of personnel. Unanimously Carried.

**AT 8:36 P.M. SUPERVISOR SMITH ASKED FOR A MOTION TO RE-ENTER INTO THE REGULAR MEETING FROM THE EXECUTIVE SESSION AFTER NO ACTION BEING TAKEN.**

At 8:36 Councilwoman Riddoch moved and Councilman Weber seconded the motion to re-enter into the regular meeting from the executive session after no action being taken. Unanimously Carried.

Supervisor Smith adjourned the Meeting at 8:37 P.M. with a Minute of Silence in Memory of Kenneth Knauff, Junior Hartman, Ralph Wild and Walter Wiles

Debra A. Crist  
First Deputy Town Clerk



