

MEETING NO. 15  
REGULAR NO 13

REGULAR BOARD MEETING

JULY 2, 2007  
7:30 PM

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, July 2, 2007 at 7:30 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 L. Smith, Supervisor  
Mary Riddoch Councilwoman  
William Weber, Councilman  
Ronald L. Snyder, Councilman  
Arlene A. Cooke, Councilwoman  
RECORDING SECRETARY: Dorothy L. Bycina, Town Clerk  
OTHERS PRESENT: Jennifer Strong, Town Attorney  
Michael Metzger, Town Engineer  
John Zoratti, Planning Board Member

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of June 18, 2006. Unanimously carried

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN COOKE AND SECONDED BY COUNCILMAN SNYDER FOR THE FOLLOWING VOUCHERS TO BE PAID AND ALLOWED;

ACCOUNT	ABST #1	ABST #2	TOTAL
GENERAL FUND "A"		28,268.36	107,599.45
HGHWY FUND "DA/DB"		2,659.79	21,749.20
PARTTOWN FUND "B"		774.41	5,047.68
WD#2 FUND "WB"			375.20
WD#3 FUND "WC"			1,983.20
WD#4 FUND "WD"			
SP FIRE PROT "SF"			8,599.00
SD#2 FUND "SA"		1,649.75	2,020.78
TRUST & AGCY FUND "T"		1,489.44	8,781.69
SP REFUSE FUND "SR"			30,914.28
ST LIGHTING FUND "SL"			6,874.00
TOTAL	159,102.73	34,841.75	193,944.48

(Approved 6/18/07)

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Matt Herdzik/287 S Woodside referred to the Traffic Sign on Cary Road going west towards TownLine – when the 35 MPH ends it goes to 55 MPH – he would like to see the MPH reduced to the end of Cary Rd at TownLine. John Zoratti/Cary Road agreed – he stated that he brought this to the Boards attention years ago. Councilwoman Riddoch will request a Traffic Study for this area.

COMMUNICATIONS

Councilman Weber reported he received an Invitation from the Erie County Water Authority for July 17<sup>th</sup>

Attorney Strong received an Invitation to Municipal Attorney's Stormwater Meeting.

Councilwoman Cooke received a letter from Kathleen Sutter re ACTS – when there are Concerts in the Park their lavatories are being used – Councilwoman Riddoch will take care of this.

Supervisor Smith reported the following: copy of May 2007 Fire/EMS Report from Mark A. Pruitt; copy of approved Board Minutes-June 7, 2007 from the Village; Meeting Minutes dated May 9, 2007 from the WNY Stormwater Coalition; Notice of Public Hearing/Town of Darien re Amendments to the Town of Darien Zoning Law & Recodification; letter from Congressman Thomas Reynolds re status of fiscal year 2008 appropriations request.

#### NEW BUSINESS

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

WHEREAS, Councilman Snyder has advised the Town Board of its need to renew its Contract for the maintenance of the temperature control devices and related equipment at the Alden Town Hall.

WHEREAS, the Town of Alden has in the past contracted with Ray Mar Temp-Control Service in the past and have been pleased with their services;

WHEREAS, the annual cost for maintenance of the temperature control devices and related equipment at the Alden Town Hall is less than \$500 and is therefore exempt from the Town's Procurement Policy and Procedure Guidelines.

WHEREAS, the Town Board of the Town of Alden believes it is in the best interests of the residents of the Town of Alden to renew its Contract with Raymar-Temp Control Service for the term of July 1, 2007 through June 30, 2008.

NOW THEREFORE BE IT RESOLVED:

1. The Town Board approves the Contract with Raymar Tem Control Service for the term of July 1, 2007 through June 30, 2008;
2. The Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this contract; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote on July 2, 2007 and was unanimously adopted.

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

WHEREAS, residents of WNY were recently shocked and stunned by the arrest of Altimio C. Sanchez for the murder of three women on Monday, January 15, 2007; and

WHEREAS, residents of WNY learned that Altimio Sanchez would not be charged and go unpunished for the rape of several women in the WNY area because the statute of limitations for those crimes had expired; and

WHEREAS, the New York Penal Law currently has a statute of limitations of five years for the prosecution of rape crimes; and

WHEREAS, the evolution of forensic sciences and DNA testing has resulted in the ability for police to reliably solve crimes that would have gone unsolved in the past; now, there, be it

RESOLVED the Alden Town Board requests the Governor of the State of New York, the New York State Senate, and the New York State of Assembly to adopt appropriate legislation to extend the statute of limitations for violations of the New York Penal Law; and be it further,

RESOLVED, that a copy of this resolution be sent to Eliot Spitzer, Governor of the State of New York, Joseph Bruno, Majority Leader of the NYS Senate, Sheldon Silver, Speaker of the NYS Assembly, Senator Dale Volker, and Assemblyman Michael Cole.

This resolution shall take effect immediately.

The forgoing Resolution was duly put to a roll call vote on July 2, 2007 and was unanimously adopted.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to support and sponsor Alden JV Basketball Team in the East Aurora Summer League. Certificate of Insurance has been forwarded to the Town. Unanimously carried.

Councilwoman Cooke moved and Councilwoman Riddoch seconded the Motion to approve Alden's Men's Softball request to use all Town Park Diamonds for their Softball Tournaments on August 4, 11 and 25, 2007. Rain dates or rescheduling to be re-submitted for approval. Unanimously carried.

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to approve Alden Youth Baseball's request from Mark Kerl to use Town Park and R.O.Smith Diamonds for their hosting of the annual Baseball Tournaments on requested dates in July 2007 (no alcohol will be permitted) Unanimously carried.

TABLED THE RESOLUTION re DOORS FOR GYMNASIUM.

Councilman Weber moved and Councilman Snyder seconded the Motion authorizing the Supervisor to sign the 2007 STOP-DWI Agreement

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

WHEREAS, The Alden Town Board on November 6, 2006 properly adopted its 2007 Budget;

WHEREAS, the Town of Alden has received a Grant in the amount of \$4,200.00 from the New York State Department of Environmental Conservation for the planting of trees in the Robert O. Smith Park. The Town will expend the money to buy and plant the trees and will then be reimbursed for its expenditures by the Grant.

WHEREAS, the Town Supervisor has requested an increase in the Budget line 80900425 (Environmental-Forestry Grant) to cover the actual costs of the trees (to be reimbursed by the Grant); and

WHEREAS, increasing this Budget Line will not render the Town of Alden insolvent.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS;

1. That the Alden Town Board hereby increased by \$4,200.00 (from \$0.00 to \$4,200.00) Line 8090425 Forestry Grant of the 2007 Budget;
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on July 2, 2007 and was unanimously adopted.

Councilwoman Cooke moved and Councilman Snyder seconded the Motion to grant the Girl Scout Leaders permission to use the Community Center on requested dates.  
Unanimously carried.

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to grant the Girl Scout Troops permission to use the Community Center on requested dates.  
Unanimously carried.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to grant Alden Home Bureau permission to use the Community Center on requested dates.  
Unanimously carried.

Supervisor Smith polled the Board and with no objection, the following was added to the Agenda.

Supervisor Smith moved and Councilwoman Cooke seconded the Motion to grant Power Personnel permission to use the Town Hall on Thursday, July 12<sup>th</sup> from 9:00 AM – 11:00 AM to recruit personnel for local companies in our area. Unanimously carried.

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

AT THIS REGULAR MEETING OF THE TOWN OF ALDEN HELD ON THE 2<sup>ND</sup> DAY OF JULY 2007, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE TOWN BOARD OF ALDEN

WHEREAS, there has recently been negative press coverage by the New York Times and some local papers within Erie County suggesting that the Town court system is flawed and more specifically, alleging that the three hundred (300) year tradition of no-lawyer judges presiding over and within the local municipalities should be eliminated; and

WHEREAS, there has always been a Town Court within the Town of Alden, conveniently located and accessible to our citizens; and

WHEREAS, there are 2 non-attorney Town Justices within the Town of Alden; and

WHEREAS, with their civil and criminal jurisdiction, the Town Justices in the Town of Alden handled many hundreds of cases in the past year; and

WHEREAS, the Town Court of Alden in 2006 collection \$88,945.00 in statutory fines, fees and surcharges on behalf of the State of New York, The County of Erie and the Town of Alden, to help fund essential public services; and

WHEREAS, the Town Board of Alden recognizes and appreciates the professionalism, diligence, intelligence and integrity of the non-attorney or lay justices within our town who bring a specialized experience to the bench particularly with issued unique to our community who elected them; and

Now, therefore, be it:

RESOLVED, that the members of the Town Board of Alden support the continuation of three hundred year tradition of non-lawyer or lay justices presiding in Town Courts, and it is further;

RESOLVED that the members of the Town Board of Alden hereby oppose any requirement that Town Justices be attorneys, and it is further;

RESOLVED, that the members of the Town Board of Alden support the continuation of the three hundred year tradition of non-lawyer or lay justices presiding in Town Courts, and it is further;

RESOLVED, that the members of the Town Board of Alden oppose any efforts to eliminate local and convenient access to justice by our citizens; and find that the local presence of the Town Court of Alden provides a meaningful and necessary presence within our community for judicial resolution of conflicts, continued public safety of our citizens and the protection of constitutional guarantees for all of our citizens.

This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote on July 2, 2007 and was unanimously adopted.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilwoman Riddoch reported she copied Dave Kocher's request of Sept 9<sup>th</sup> to Dan Moultrup – Dan Moultrup will check this out.

Councilman Weber requested that SideWalks be placed on the work Session; and he wanted to Thank Ralph Witt for the Training Class for the Planning Board & Zoning Board – there will be another in September.

Attorney Strong reported that the Rural Metro Contract will be expiring – will be put on the Work Session at a later date; letters have been sent out to the illegal Subdivisions; she is working with Reserve Gas to revise the Lease.

Councilman Snyder is getting BIDS on a new Boiler – referred to the StormWater Coalition report of their Bank Statement.

Engineer Metzger reported on the walk through this past week at the Periwinkle SubDivision. The Supervisor asked him to look over the new Draft on Windmills.

Supervisor Smith reported he will have a Meeting on July 11<sup>th</sup> with Councilman Weber, Sue Barnes and Tom Wick of ECWA – to discuss the status of the proposed Water District. He also wanted to extend his condolence on behalf of the Board to the Family of Russel Savage who passed away this past weekend – he was a member of the Town Planning Board since October 2004.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to enter into an Executive Session at 8:10 PM per request of Engineer Metzger. Unanimously carried.

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to re-enter into the Regular Meeting at 8:30 PM. (No action was taken) Unanimously carried.

Supervisor Smith adjourned the Meeting at 8:34 PM with a Minute's silence in Memory of Florence Schafer, Russel Savage (Planning Board Member).

DOROTHY L. BYCINA  
TOWN CLERK