

MEETING NO. 17
REGULAR NO 15

REGULAR BOARD MEETING

AUG. 6, 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, August 6, 2007 at 7:30 PM. Supervisor Smith called the Meeting to Order. Councilman Weber led in the Pledge of Allegiance. The roll call was taken by the Deputy Town Clerk.

PRESENT: Ronald L. Smith, Supervisor
William Weber, Councilman
Ronald L. Snyder, Councilman
Arlene Cooke, Councilwoman
RECORDING SECRETARY: Debra A. Crist, Deputy Town Clerk
OTHERS PRESENT: Jennifer Strong, Town Attorney
Harry F. Milligan, Highway Supt
Michael Metzger, Town Engineer
Len Weglarski, Dog Control Officer

ABSENT: Mary F. Riddoch, Councilwoman

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of July 16, 2007. Unanimously adopted.

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

ACCOUNT	ABST #1	ABST #2	TOTAL
GENERAL FUND "A"		28,161.50	37,942.26
HGHWY FUND "DA/DB"		3,292.57	11,567.77
PARTTOWN FUND "B"		1,040.10	5,159.39
WD#2 FUND "WB"			375.20
WD#3 FUND "WC"			1,983.20
WD#4 FUND "WD"			1,299.80
SD#2 FUND "SA"			
SP FIRE PROT FUND "SF"			2,830.02
SD#2 FUND "SA"		11,267.32	12,280.75
TRUST/AGCY FUND "T"		44,212.20	50,274.22
SP REFUSE FUND "SR"			29,585.39
ST LIGHING FUND "SL"			7,937.57
TOTAL	73,263.88	87,973.69	161,237.57

(APPROVED 7/16/07)

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Eleanor White from Meals on Wheels spoke about the need for office space, their present location, owned by the school, is in need of repair and they will need to relocate. She asked that if anyone knew of available space to contact her.

Colleen Czechowski, South Blossom Lea, questioned the Supervisor as to whether there was a sheet listing qualifications for the Planning Board position. Supervisor Smith said they will go over the letters received and resumes and pick the best qualified person for the job.

Matthew Herdzyk, South Woodside Dr., would like to thank the Board for the Resolution re the speed limit on Cary.

Wynnie Fisher, Two Rod Rd., questioned as to why there was a live burn on Two Rod and area residents were not notified. Townline Fire Chief, Dave Szczudlik, was available to respond that it was at the request of the homeowner and a training detail. It was mostly branches, lit by flares and the grounds were presoaked. The DEC was notified, as required. Wynnie would like a copy of notification. The Chief stated that they are not obligated to make notification. Supervisor Smith asked that if in the future the Town and nearby residents could be notified as a courtesy.

Irene Symanski, Bonnie Lake Dr., would like to know what is happening about her drainage problem. Supervisor Smith said the Grant was denied. She feels this problem was caused by the Town and they should fix it. Hwy Supt. Milligan and Town Engineer Metzger will look at the area and report back to the Supervisor. Supervisor Smith will report back to Mrs. Symanski, who felt she will have to take further action if nothing is done.

John Oles, Countyline Rd., gave a report on his progress trying to get a four way stop installed at Countyline and Sumner Rd. He talked to Mike Asklar from E.C. Highway, who claimed there was an ownership question. Hwy. Supt. Milligan has a meeting Friday with Erie County Highway, he will discuss this.

COMMUNICATIONS

Councilman Weber reported receiving a questionnaire from USDA, received a phone call from a Three Rod Rd. homeowner regarding a tree slated to be cut down, gave them the County phone number. Talked to Hwy Supt. Milligan about the drainage problem that was taken care of on East Laray. Received a phone call from Dominic Pontillo regarding his 2005 foil request. He would like to set up a meeting to receive answers to his questions regarding the Environmental Conservation Committee.

Councilman Weber gave Councilwoman Riddoch's communications, she reported putting the article in the Alden Advertiser re the Dog Fee's and also spoke to Lancaster Councilman Ruffino re the speed limit on Townline Rd., he will take this to his Board and report back.

Councilwoman Cooke complimented Hwy Supt. Milligan on his crew's fast cleanup of her branches. Reported that she is looking into getting a step for the Senior Van. Also, Michele Hoffman was present and gave her concerns of no air conditioning in the Senior Van. Len Weglarski stated parts are not available for a month. Supervisor Smith polled the Board all agreed that the parts should be ordered now and replaced ASAP.

Supervisor Smith received a copy of a letter from the DEC to Frank Russo, stating they have not yet received the wetland delineation for 12270 Broadway. Received minutes from July 10th Planning Board meeting and agenda for August 14th meeting. Received a letter from Robert Reynolds/Chairman E.C. Agriculture and Farmland Protection Board re concerns of proposed rezone on Route 20. Copy of letter from Dave Kocher/ St. John's requesting Town facilities for 7th annual softball tournament Sept. 1st.

NEW BUSINESS

Councilman Weber moved and Councilman Snyder seconded the Motion to approve St. John's 7th Annual Softball Tournament, Sept. 1, 2007. Unanimously carried.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to renew the HOP for Doug Swingle(Auto Upholstery Repairs)12049 Genesee St. Unanimously carried.

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

WHEREAS, the Alden Town Court has noticed the need to update its court room equipment (including a New York State Flag; a United States Flag; a sign advising visitors to the Court that said visitors may be searched and that no firearms are allowed in the building; a paper shredder; and a walkthrough metal detector), for which grant monies from the Justice Court Assistance Program are available.

WHEREAS, the Alden Town Court would like to apply for the grant monies available from the Justice Court Assistance Program.

WHEREAS, the Town Board after full and careful review and consideration of the need finds that it is in the public interest to authorize said grant application;

NOW THEREFORE BE RESOLVED AS FOLLOWS;

1. The Town Board hereby authorizes Judge Larry LaDuca and Supervisor Ronald L. Smith to sign, submit, and execute Contracts and/or other necessary paperwork to apply for the Justice Court Assistance Program Grant.
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on August 6, 2007 and was unanimously adopted.

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

WHEREAS, Article X of the Public Service Law provides a streamlined siting permit procedure for certain power generation facilities and the law expired December 31, 2002;

WHEREAS, since January 1, 2003 power generation facilities have been sited via local zoning and state DEC review; and

WHEREAS, there is currently a proposal by Governor Spitzer before the Legislature to renew and revise Article X of the Public Service Law that would also include the siting of windmills; and

WHEREAS, this inclusion essentially eliminates local zoning control over windmills and has an impact on community host payments; and

WHEREAS, the Town of Alden, along with numerous municipalities throughout New York State, has undergone considerable time and expense to develop and implement windmill siting policies that best fits our community;

NOW THEREFORE BE IT RESOLVED THAT;

1. The Town Board of the Town of Alden is opposed to any inclusion of the siting of windmills in Article X of the Public Service Law as it removes local control of our landscape and violates the principles of Home Rule that has been the guiding force of our State; and
2. The Town Board of the Town of Alden encourages any revision of Article X to address health and environmental issues for those who live and work near power generation facilities; and
3. The Town Clerk forward copies of this resolution to Governor Eliot Spitzer and Assemblyman Cole, Senator Volker and to the Towns and Village in Erie County
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on August 6, 2007 and was unanimously adopted.

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

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

A hearing before the Town Board of the Town of Alden, in the County of Erie shall be held at the Town Hall, 3311 Wende Road Alden New York at 7:40 p.m. on the 20th day of August, 2007, for the purpose of hearing all persons interested in the proposed Local Law No. 1 of the Year 2007; and

BE IT FURTHER

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Alden Advertiser, designated as the official newspaper for this publication, such publication to be not less than ten (10) days before the date of the public hearing; and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; (b) notify by mail all parties of interest pursuant to the General Municipal Law and the Town Law of the Public Hearing, not less than ten (10) days before the date of the Public Hearing; and (c) send notice to Erie County Department of Environment and Planning as required under Section 239-m of the General Municipal Law; and

BE IT FURTHER

ORDERED, that the Town Clerk is to make copies of the proposed "Local Law No. 1 of the Year 2007, entitled "Amendment of the Dog Law for the Town of Alden", available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call and was unanimously adopted.

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 the adoption of "Local Law No. 1 of the Year 2007, entitled "Amendment of the Dogs Law of the Town of Alden", (the "Proposed Action"); and

WHEREAS, the Town Board of the Town of Alden feels that the Proposed Action is an Unlisted Action under SEQRA; and

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

WHEREAS, the Town Clerk is hereby directed to send notice to the Erie County Division of Planning as required under Section 239-m of the General Municipal Law and to the neighboring municipalities.

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

3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote on August 6, 2007 and was unanimously adopted.

Councilwoman Cooke moved and Councilman Snyder seconded the Motion to issue a Peddlers Permit to Bonnie Wiedenbeck (Mr. Cool/Ice Cream). Unanimously carried.

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

WHEREAS, Mark McMahon and American Legion Post 735 in West Seneca, New York, have purchased and shipped twenty (20) Spartan II Body Armor Vests to Al Anbar Province in Iraq for Cpl. Michael McMahon and other members of his platoon, and

WHEREAS, the soldiers were told before they were deployed they could wear body armor purchased on their own, and

WHEREAS, according to the Captain's Journal, gear and equipment problems for Marines on the Marine Corps website, the much heralded modular tactical vest (MTV), which was promised early 2007, has yet to be deployed. The commercial version of the MTV is the Spartan II Assault Vest, which, in form, fit and function, is exactly equivalent to the MTV, and

WHEREAS, several soldiers from the Town of Alden have been deployed to fight for our freedom, and

WHEREAS, the Marine Administrative Order 262-07 states that the commanders may authorize members of their commands to use commercially purchased personal protective equipment (PPE) in addition to those issued by the government, as long as additions do not interfere with the functionality of approved PPE individually purchased commercial PPE will not be reimbursable by government funds; and

WHEREAS, Congressman Brian Higgins, in a letter to General James Conway, Commandant of the Marine Corps, stated every American soldier should have access to the best body armor available, and they should have clear guidance on what additional equipment is approved for use;

NOW, THEREFORE BE RESOLVED that the Alden Town Board requests the United States Senators from New York to assist in the efforts of Mark McMahon, American Legion Post 735, and Congressman Higgins in their attempt to provide for the safety of these Marines and all soldiers by allowing them to wear the Spartan II Assault Vest; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Senator Charles Schumer, Senator Hillary Rodham Clinton, Governor Eliot Spitzer, and Congressman Brian Higgins, the WNY delegation of the NYS Senate and Erie County municipalities.

This Resolution shall take effect immediately.

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

Councilman Snyder moved and Councilman Weber seconded the Motion authorizing the Supervisor to make the Monthly Budget Transfers. Unanimously carried.

The Supervisor polled the Board and with no objection the following Resolution was added;

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 the adoption of "Local Law No. 1 of the Year 2007, entitled "Amendment of the Dogs Law of the Town of Alden", (the "Proposed Action"); and

WHEREAS, the Town Board of the Town of Alden feels that the Proposed Action is an Unlisted Action under SEQRA; and

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

WHEREAS, the Town Clerk is hereby directed to send notice to the Erie County Division of Planning as required under Section 239-m of the General Municipal Law and to the neighboring municipalities.

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
3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote on August 6, 2007 and was unanimously adopted.

UNFINISHED & TABLED BUSINESS

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

WHEREAS Councilman Snyder has advised the Town Board that the Town Hall is in need of two (2) new doors for the gymnasium the estimated cost of which (including labor) are more than \$1,000.00 but less than \$2,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden require that all estimated purchases of less than \$2,000.00 but greater than \$1,000.00 require an oral, written, facsimile, or e-mail RFP and written, facsimile, or e-mail quotes from at least two (2) vendors;

WHEREAS, said Procurement Policy & Procedure Guidelines has been followed and quotes have been properly requested and properly received;

WHEREAS, the Town Board after full and careful review and consideration of the request finds said request in the public interest;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the purchase of two new doors for the gymnasium at the Town Hall for a cost of \$1,295.00 (including labor) plus taxes from Suburban Local & Key Service 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.

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilman Weber met with Alden Central School Excel Committee re building projects and future proposed projects

Deputy Town Clerk Debra Crist reported that Monday, August 13th hunting licenses are going on sale.

Town Attorney Jennifer Strong reported that the two oil and gas leases were mailed out to Reserve Gas.

Councilman Snyder is working on repairing the water meter cover in the front of the Town Hall, he received bid specs for the new furnace in the Historical Society. S.D. #2 motor needs repairs; he authorized purchase of a new one for \$300.00

Town Engineer Metzger met with Mr. Russo re getting put on the Planning Board agenda, he is unable to go forward until the DEC has received requirements. They were denied access, once the water delineation has been done, he will be put on the September Agenda.

Supervisor Smith adjourned the Meeting at 8:35 PM with a Minute's silence in Memory of William Schmidt.

DEBRA A. CRIST
DEPUTY TOWN CLERK