

MEETING NO. 19  
REGULAR NO 17

REGULAR BOARD MEETING

SEPT. 4, 2007  
7:30 PM

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Tuesday, September 4, 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  
Harry F. Milligan, Hghwy Supt  
Michael Metzger, Town Engineer

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of August 20, 2007. Unanimously carried.

COUNCILWOMAN COOKE MOVED AND COUNCILMAN SNYDER SECONDED THAT THE FOLLOWING VOUCHERS BE ALLOWED AND PAID

ACCOUNT	ABST#1	ABST #2	TOTAL
GENERAL FUND "A"		8,818.05	33,290.46
HGHWY FUND "DA/DB"		1,584.82	
PARTTOWN FUND "B"		345.96	
WD#2 FUND "WB"			375.20
WD#3 FUND "WC"			1,983.20
WD#4 FUND "WD"		2,085.00	23,177.30
SPECIAL FIRE PROT "SF"			7,973.65
SD#2 FUND "SA"		2,166.29	2,194.40
TRUST & AGCY FUND "T"		135.00	1,371.85
SP REFUSE FUND "SR"			30,244.65
St LIGHTING FUND "SL"			8,068.30
TOTAL	200,085.28	15,135.12	215,220.40

(Approved 8/20/07)

UPON ROLL CALL VOTE THE FOREGOING RESOLUTION WAS UNANIMOUSLY ADOPTED.

THERE WAS NO BUSINESS FROM THE FLOOR

#### COMMUNICATIONS

Councilwoman Riddoch reported that on Sunday night one of our rented Portable Toilets was destroyed by fire – a report was entered at 8:30 AM on Monday. She has contacted our Insurance Agency and Ball Toilets. They will be giving us an amount which we probably will be responsible for. We have had two trash receptacles burned in recent weeks also. The Erie County Sheriff's will advise Patrols to do frequent property checks of the Parks. She also has a call in to Legislator Kathy Konst's office re the long standing Traffic Studies on North & Crittenden and North & County Line – also to inform them of their lack of trimming roadways by the County.

Councilman Weber received a call from Jim Guarino re Farmland Protection Grants – he will discuss this with Mr. Guarino.

Councilman Snyder received an E-Mail re a Building Inspectors Meeting next Wednesday; he will get figures on the Collection in Marilla; there will be a NEST Meeting on Thursday and will be getting a price on some replacement parts for SD#2.

Councilwoman Cooke spoke about the weeds on Broadway – west of Tops; met with Don Putman- he has worked in the past with the Red Cross during Disasters – he was concerned that we did not receive any help for the Red Cross so he is going to find out why no help was received; she also received a letter from Sue Garry – she will be leaving her position as Nutrition Aide – Sue has recommended someone and Councilwoman Cooke wanted the Board’s approval on the pay (they agreed pay should remain the same).

Supervisor Smith reported he received the Minute’s from the Town Planning Board; received a letter from Erie County requesting a Room for Radon Measurement and Mitigation Courses – to be placed on the Work Session and received a copy of a letter sent to Recreation Director from Alden Central School re Soccer Fields in the Robert O. Smith Park/September Dates.

#### NEW BUSINESS

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to amend Abst #; August to read: General Fund \$24,472.41 and WD #4 Fund “WD” \$21,092.30 – TOTAL Abst #1 - \$200,085.85. Unanimously carried.

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

WHEREAS the use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America’s children;

WHEREAS surveys conducted by the National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs;

WHEREAS teenagers who virtually never eat dinner with their families are 72 percent more likely than the average teenager to use illegal drugs, alcohol and cigarettes;

WHEREAS teenagers who almost always eat dinner with their families are 31 percent less likely than the average teenager to use illegal drugs, alcohol and cigarettes

WHEREAS the correlation between family dinners and reduced risk for teen substance abuse are well documented

WHEREAS parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers;

WHEREAS family dinners have long constituted a substantial pillar of family life in America

Now, therefore, I, Ronald L. Smith, Supervisor, do hereby proclaim the fourth Monday in September as (Sept. 24, 2007)

FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN

And urge all citizens to recognize and participate in its observance

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

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

WHEREAS, the Town of Alden Assessor has advised the Town Board of the need to conduct a preliminary appraisal of the real property subject to an assessment challenge filed by Alden Landing, LLC against the Town of Alden;

WHEREAS, hiring an appraiser for an assessment challenge falls under the professional service exemption of the Town of Alden's Procurement Policy & Procedure Guidelines and the General Municipal Law;

WHEREAS, the Town Board after full and careful review and consideration of the request finds the need for a preliminary appraisal in the public interest;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the hiring of Arrow Appraisal Services (John Zukowski, MAI,SR,IAO) to conduct a preliminary appraisal (including a sales comparison and either a NADA or market valuation) of the properties owned by Alden Landing, LLC (more specifically SBL # 119.08-2-3.1 and SBL # 119-2-3.2) for \$3,500.00
2. That the Supervisor of the Town of Alden is authorized to sign an Agreement with Arrow Appraisal Services to effectuate this purchase.
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on September 4, 2007 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden has been made aware of the traffic safety concerns of its residents with respect to Buckwheat Road in the Town of Alden , and

WHEREAS, Buckwheat Road is owned and maintained by the County of Erie, State of New York and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Alden hereby formally requests that a traffic and safety study be conducted for this roadway, a section which is more specifically described as Buckwheat Road, beginning at North Millgrove Road and extending to the Town of Newstead border, and be it further

RESOLVED, these studies are requested due to the development of new homes, high speed traffic and the fact that no reasonable speed limit is posted on this section of roadway in the Town of Alden; and be it

RESOLVED that the Town Clerk shall send the appropriate paperwork and resolutions to the proper agencies for action on this said resolution.

This Resolution shall take effect immediately.

The adoption of the foregoing Resolution was duly put to a vote on September 4, 2007 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden has been made aware of the traffic safety concerns of its residents with respect to Town Line Road in the Town of Alden, County of Erie and

WHEREAS, Town Line Road is owned and maintained by the County of Erie, State of New York and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Alden hereby formally requests that a traffic and safety study be conducted for this roadway. A section which is more specifically described as Town Line Road in the Town of Alden, extending from the Town of Marilla border, north to Broadway (Route 20); and be it further

RESOLVED, these studies are requested due to the posted speed limit of 55 M.P.H. which residents deem too high for road conditions on Town Line, in the Town of Alden; and be it further

RESOLVED, that the Town Clerk shall send the appropriate paperwork and resolutions to the proper agencies for action on this said resolution.

This Resolution shall take effect immediately.

The adoption of the foregoing Resolution was duly put to a vote on September 4, 2007 and was unanimously adopted.

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

WHEREAS, Councilmember Snyder has advised the Alden Town Board that the Alden Historical Society Building is in need of a new boiler system the estimated cost of which (including labor) is more than \$2,000.00 but less than \$10,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden require that all estimated purchases of less than \$10,000.00 but greater than \$2,000.00 require a written, facsimile, or e-mail RFP and written, facsimile, or e-mail quotes from at least three (3) 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 to purchase a new boiler for the Historical Society Building in the public interest;

WHEREAS, Petschke Plumbing, Heating, Air Conditioning has submitted the lowest quote;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the purchase of a new boiler system for the Alden Historical Society Building for a cost of \$3,300.00 (including labor as per the attached specifications from Petschke Plumbing, Heating, and Air Conditioning 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 September 4, 2007 and was unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN COOKE WHO MOVED ITS ADOPTION SECONDED BY COUNCILWOMAN RIDDOCH 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 PM on the 17<sup>th</sup> day of September, 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 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; 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 Dogs 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

SUPERVISOR SMITH POLLED THE BOARD AND WITH NO OBJECTION AND AFTER A DISCUSSION RE PERIWINKLE SUBDIVISION THE FOLLOWING WAS ADDED TO THE AGENDA.

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

WHEREAS, a certain parcel of land adjacent to Three Rod Road has been offered for dedication to the Town of Alden for highway purposes by Austin Development I, LLC; the owner of said land as shown on a plan prepared by TVGA consultants, dated 8/31/07, and

WHEREAS, the Highway Superintendent and Town Engineer have recommended acceptance of said parcel for dedication for highway purposes, upon the completion of construction of said roadways in accordance with Town specifications and the filing with the Town of a performance bond in the amount of \$160,000.00 to guarantee any maintenance and repairs required to said roadway by the Town for a period on two (2) years after said road is constructed and accepted by the Town, and

WHEREAS, said performance bond has been filed and the Town Engineer has indicated road construction has been completed to his satisfaction, and

WHEREAS, the Town Attorney has ordered a policy of title insurance relating thereto, which shall be paid for by Austin Development I, LLC

NOW, THEREFORE, BE IT RESOLVED, BY THE Town Board of the Town in regular session duly convened that upon notification from the Town Attorney that the title insurance policy has been issued, the Town Board agrees to accept the deed of dedication of the said roads, to be known as Barberry Lane, Lavender Lane and Kristoria Lane and directs the same to record the same in the Erie County Clerk's Office.

This Resolution shall take effect immediately upon the satisfaction of all outstanding conditions and upon approval of the Town Attorney and Town Engineer.

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

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilwoman Riddoch reported that she called the State and the next day the Weeds on Broadway west of Tops were cut down; as requested, ACS letter re Soccer Fields in the Robert O Smith Park be placed on the Work Session.

Councilman Weber reported on the Drainage problem on County Line Rd., working on the Drainage problem for Mrs. Szymanski; there is an application for the Inmate Work Program; met with the Supervisor, Sue Barnes, Marilla Supervisor and two Engineers and Mike Metzger re possible Grant Money for WD#5; the Economic Development Committee is doing some research on other Wal-Mart Stores; requested LDC be placed on the Work Session.

Attorney Strong requested the following to be placed on the Work Session: Comprehensive Technical Solutions, Windmill Law; Emergency Bids; WD#5; Disaster Shelter Equipment.

Engineer Metzger requested that the Periwinkle Street Lighting be placed on the Work Session –he should have the Map Plan and Report by this time and also he will have a presentation for the Board re Stormwater Law at the next Worksession..

Supervisor Smith stated that there is no plan in the Budget for Drainage – would like the Town Engineer to give his input on how to attack this problem. He also questioned the Board on the time change for starting the Regular Meetings – would like to have the Board Meetings to start at 7:00 PM after the first of the year.

Supervisor Smith adjourned the Meeting at 8:12 PM with a Minute's silence in Memory of Robert Young and Grace Rebmann.

DOROTHY L. BYCINA  
TOWN CLERK