

MEETING NO. 18
REGULAR NO 18

REGULAR BOARD MEETING

SEPT. 18, 2006
7:30 PM

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, September 18, 2006 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
Mary Riddoch, Councilwoman
William Weber, Councilman
Ronald L. Snyder, Councilman
Arlene A. Cooke, Councilwoman
RECORDING SECRETARY: Debra Crist, Deputy Town Clerk
OTHERS PRESENT: Jennifer Strong, Town Attorney
Bud Milligan, Highway Supt.
Jerry Sanok, Planning Board Member
Leonard Weglarski, Dog Control Officer

Councilman Weber moved and Councilman Snyder seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of Sept, 5, 2006. 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"	16,791.78		16,791.78
HGHWY FUND "DA'DB"	5,157.59		5,157.59
PARTTOWN FUND "B"	6,745.20		6,745.20
WD#2 "WB"	375.20		375.20
WD#3 "WC"	1,983.20		1,983.20
WD#4 "WD"	1,299.80		1,299.80
SD#2 "SA"	963.76		963.76
SP REFUSE "SR"	27,320.22		27,320.22
ST LIGHTING "SL"	7,088.00		7,088.00
TOTAL	67,724.75		67,724.75

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED

THERE WAS NO BUSINESS FROM THE FLOOR

Supervisor Smith "Welcomed" the Students from ACS

COMMUNICATIONS

Councilwoman Riddoch reported receiving a fax from Attorney Strong re NYS Labor Law, received a copy of the requested report from Rural Metro, received copies of letters sent by CEO Frank Trybuskiewicz sent to NYS Parks Recreation & Historical Preservation, U.S. Army Corp. of Engineers, Village of Alden, E.C, Planning & NYS DEC, all regarding the Trail Connecting the two Town Parks. Frank also filed the short environmental assessment form. The 1418 Two Rod Road live burn was very professional, courteous and an efficient job well done.

Councilman Weber reported on attending the live burn on Two Rod, commented on how well it was run. Received a copy of Stormwater Coalition minutes, noticed Supervisor's name wrong for our Town, Clerk's office will notify again. Received call from Mrs. Johnson from Zoeller Rd. re the need for water, also received call from Roger Hahn about the article in the Alden Advertiser re joint meeting, wording was offensive, Supervisor commented that this was not the wording of the Town. Also received a call from an Alden resident advising that he is not involved in the anti-Walmart campaign.

Attorney Jennifer Strong reported on the waiver being signed/re AECC meeting. She also has reviewed the new sections of the personnel policy.

Councilwoman Cooke also commented on the Two Rod Road burn and its positive results.

Deputy Town Clerk Debra Crist reported a letter was received from the State of New York re: Town of Alden Local Law 1, 2006 was filed 9/11/06.

Supervisor Smith reported receiving a memo from Assemblyman Cole concerning the local property rebate checks, a letter from the Village of Alden regarding Slade Drive, copy of the Village of Alden minutes, letter from Carl Matthies regarding retirement as of Thursday, September 28, 2006, Rural/Metro reports, letter from Troy & Banks to NYSE & G, regarding our accounts, copy of the Town of Alden Planning Board minutes, letter from the County of Erie regarding the Bridge/Road opening on Townline Rd.

NEW BUSINESS

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to renew the HOP for Daniel Pautler/12657 North Road. Unanimously carried.

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

WHEREAS, the Town of Alden Court has advised the Alden Town Board that the Court would like its Bailiff, Randal E. Crist, to be given Peace Office Status to permit Mr. Crist to carry a registered firearm inside the Courtroom, as defined in the New York State Criminal Procedure Law;

WHEREAS, Randal E. Crist has attended and has successfully completed the Basic Course for Peace Officers offered by Erie County Central Police Services Law Enforcement Training Academy,

WHEREAS, Randal E. Crist has a valid New York State Pistol Permit;

WHEREAS Randal E. Crist has registered his firearm(s) as required by New York State Law; and

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board appoints Randal E. Crist for the remainder of the 2006 municipal year as Constable for the Alden Town Court when on duty at legally convened sessions of the Alden Town Court; thereby permitting him to carry a registered firearm in the Courtroom;
2. This resolution shall take effect immediately.
3. The foregoing Resolution was duly put to a vote on September 18, 2006 and was unanimously adopted.

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

WHEREAS, the Town of Alden Tax Collector has advised the Town Board that he would like to mail an informational insert with the 2006-2007 Alden Central School tax bills;

WHEREAS, the unanimously consent of the Alden Town Board is required to allow the Tax Collector include an insert with the tax bills;

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 mailing by the Tax Collector of an information insert with the 2006-2007 Alden Central School Tax Bills; and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on September 18, 2006 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden has determined that the Town of Alden is in need of a Residency Law for Town employees; and

WHEREAS, the Town Board has reviewed the proposed Residency Law and has determined that it would be in the best interest of the Town of Alden to adopt a Residency Law; and

WHEREAS, Councilman Weber introduced the following proposed "Local Law No. 2 of the Year 2006" entitled "Residency law for the Town of Alden" and presented a copy to each member of the Board which reads as follows:

CHAPTER 21

RESIDENCY LAW

§ 21-1 Title

§ 21-2 Declaration of findings and purpose

§ 21-3 Definitions

§ 21-4 Residency required

§ 21-5 Cessation of residency; forfeiture of employment

§ 21-6 Breach of residency requirement; hearing

§ 21-7 Exceptions

§ 21-8 Separability

§ 21-9 Effective Date

LOCAL LAW NUMBER 2 OF 2006

§21-1 Title

This article shall be known as the "Residency Law of the Town of Alden."

§21-2 Declaration of findings and purpose

The Town Board recognizes that work situations arise which requires prompt response; and uninterrupted public services can best be accomplished by employees who actually reside within the territorial boundaries of the town. In addition, the Town Board makes a legislative determination that employees who are residents of the town maintain a greater commitment and involvement with the town than do nonresidents, that is, those who reside in municipalities unaffected by town services. The Board also determines that the public need is sufficient to require that all employees of the Town of Alden be residents of the town.

§21-3 Definitions

As used in this article, the following terms shall have the meanings indicated:

EMPLOYMENT – Shall be deemed to embrace all forms of employment

GEOGRACHIC LIMITS--Refers to the boundary lines of the Town of Alden as set forth on the Official Map of the Town of Alden.

RESIDENCY—The actual principal domicile of an individual, which he or she actually physically uses or occupies for living purposes, that is, where he or she normally eats, sleep and maintains usual personal and household effects.

§21-4 Residency required

Except as otherwise provided by law, every employee of the Town of Alden shall, as a qualification for employment, be a resident of the Town of Alden, and shall remain a resident while so employed by the town. During employment by the Town, no individual shall cease to be a resident of the town.

§21-5 Cessation of residency; forfeiture of employment

Any person who during the term of his or her employment ceases to be a resident of the Town of Alden,⁷ shall forfeit his or her right of continued employment, and the position so occupied by such person shall thereupon be deemed vacated

§21-6 Breach of residency requirement; hearing

A. Should it be alleged that an employee is no longer a resident of the town, the employee's supervisor or other appropriate municipal officer shall provide the employee with written notice of the alleged violation and shall allow the employee seven calendar days in which to respond. Where there is a failure to respond or where a response is not, in the judgment of the employee's supervisor or other appropriate municipal official, sufficient to satisfy the requirements of this article, a hearing before the Alden Town Board shall be scheduled to examine the charge of non-residency.

B. The employee shall be sent a notice of the hearing date at least 15 days prior to the hearing. Upon a determination Town Board that an employee is a nonresident in violation of this article, the employee shall be deemed to have voluntarily resigned as of the date of the hearing.

§21-7 Exceptions

The following types of personnel shall be exempt to the extent permitted by the New York State Town Law from the residency requirement of this legislation:

A. Professional personnel such as attorneys, bookkeepers, accountants, engineers, surveyors, land use planners, economists, physicians, nurses and the like;

B. Personnel incidental to independent contractors;

C. Personnel incidental to purchases and public works contracts subject to bid pursuant to the New York General Municipal Law § 103;

D. Personnel incidental to purchases and/or leases; and

E. Town of Alden Highway Employees covered by a collective bargaining agreement with the Town of Alden, are exempt from this Local Law only in the event that the requirements of this Local Law conflict with the Residency provisions contained in the Collective Bargaining Agreement.

§21-8 Separability

If any section, subsection phrase, sentence or other portion of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof

§21-9 Effective Date

This local law shall take effect immediately upon filing with the Secretary of State of New York

The foregoing Resolution was duly put to a vote on roll call vote 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 and Alden Parks Department are in possession of: one 2001 Dodge pick-up truck (VIN 1B7HF16Y61S693423); one 1988 GMC Utility Truck (VIN 1GDHV34JXJJ514549); one 1996 Vermeer Chipper (VIN 1VRC14120T1005823); 1996 Dodge pick-up truck (VIN1B7HF16Y4TS636899); and one 1996 Gravely Grass Cutter (Model #158) that are not of any use to the Town Highway and Parks Departments that are 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 said automobile and equipment as being in the public interest;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board hereby determines that the automobiles and equipment are not needed for Town purposes and are surplus property;
2. The Town Board hereby authorizes the Town Highway Superintendent to auction the automobiles and equipment at the Erie County Municipal Auction on October 14, 2006;
3. The Town Board hereby authorizes the Town Highway Superintendent to sign any and all documentation to effectuate the sale at auction; and
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on September 18, 2006 and was unanimously adopted.

Councilwoman Cooke moved and Councilwoman Riddoch seconded the Motion to approve ACTS request to use the Band Shell on requested date. Unanimously carried.

THE FOLLOWING PROCLAMATION WAS OFFERED BY COUNCILWOMAN RIDDOCH 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

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.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion authorizing the Supervisor to make the monthly Budget Transfers. Unanimously carried.

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

WHEREAS, the Town Board of the Town of Alden is applying for grant monies to allow the Town of Alden to connect (by a 10-12 foot wide paved path) the Alden Town Park and the Robert O. Smith Park (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

WHEREAS, the Town Board of the Town of Alden believes that the Town of Alden is the agency primarily responsible for undertaking decisions as to development in the town Parks, 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 the most local agent with permitting authority; and

WHEREAS, the Town is required to provide notice to County Planning for this proposed rezoning as required under Section 239-m of the General Municipal Law

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 at a regular meeting of the Town Board of the town of Alden on September 18, 2006 and was unanimously adopted.

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

RESOLVED, that 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 the Recreational Trails Program, in an amount not to exceed \$100,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this Town of Alden for the Town Park Connection Trail and, if appropriate, a conservation easement to the deed of the assisted property.

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

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

WHEREAS, the Alden Town Board seeks to construct a trail to connect Alden Town Park with Robert O. Smith Park, and

WHEREAS, Construction of the trail will enable persons to safely navigate between the Town's two primary recreation facilities, create a pathway for exercise and recreation, and protect area environmental and cultural resources, and

WHEREAS the Alden Town Park Connection Trail 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 Town Park Connection Trail project.

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

Supervisor Smith polled the Board and with no objection the following Resolution was added to the Agenda:

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

WHEREAS, the Town Board of the Town of Alden is eligible for a Federal Community Development grant under Title 1 of the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the Town Board of the Town of Alden desires to set a date for a Public Hearing to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Alden by use of Community Development Block Grant Funds:

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Alden hereby schedules a Public Hearing to be held on October 2, 2006 at 7:45 PM on the use of Federal Community Development Block Grant Funds at which time all interested persons can make known their view and/or written proposals on the Town of Alden's selection of potential projects to be submitted for possible funding by the Federal Community Development Grant Program, and further

BE IT RESOLVED, that the Town Clerk of the Town of Alden duly publish the Legal Notice calling Public Hearing in the designated official Town newspaper.

This resolution shall take effect immediately.

The adoption of the foregoing resolution was duly put to a vote on September 18, 2006 and was unanimously adopted.

Supervisor Smith moved and Councilman Weber seconded the Motion to grant Michael Fleming permission to attend the NYS Planning Federations 2006 Conference at Saratoga Springs, from Oct. 8th – Oct. 11th at reasonable Town expense. Unanimously carried.

Supervisor Smith moved and Councilwoman Riddoch seconded the Motion to grant Colleen Rogers permission to attend the Basic Accounting School at Salamanca from Sept 26th – Sept 28th at reasonable Town expense. Unanimously carried.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS FROM STANDING COMMITTEES

Councilwoman Riddoch reported on speaking with Sarah from the Erie County Health Department regarding the Health Permits for concession stands, all permits have been obtained by those running the stands, met last Thursday with Mike Metzger, Bud, Carl Fix and Frank Trybuskiewicz and worked out many of the details for the Park Connection Trail.

Councilman Weber reported that he spoke with John Foss of Marilla re water district #5, looking to see if there is any State money available for help.

Supervisor Smith reported that he will be meeting with our accounting firm next Monday regarding our Budget, announced the joint meeting between the Town and Village of Alden & Economic Development Committee on Tuesday, September 19th at 6:30 p.m. Work Session will be September 25th @7:00 p.m.

Councilman Snyder reported that the Boiler in the Community Center is fixed and brought up to code, attended a NEST meeting last Thursday. There will be an Electronic drop-off on September 30th at ECC South, he will be gathering up the Town's old computers and take them in.

Councilwoman Cooke reported on speaking with Hands/Hearts, who has just received a grant in Newstead, wondered if there was any grant monies available to Alden for their organization. Reported that herself and Colleen Rogers met with Drescher/Malecki.

Supervisor Smith adjourned the Meeting at 8:15 PM with a Minute's silence in Memory of Lillian LaGrant, Arthur Walters, Ruth Duttweiler, Geraldine Andruczyk and Frances Flaszka.

DEBRA CRIST
DEPUTY TOWN CLERK