

MEETING NO. 19  
REGULAR NO 19

REGULAR BOARD MEETING

OCT. 6, 2008  
7:00 PM

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, October 6, 2008 at 7:00 PM. Supervisor Smith called the Meeting to Order. Councilwoman Riddoch led in the Pledge of Allegiance. The Invocation was given by Mr. Paul Loehr. The roll call was taken by the Deputy Town Clerk.

PRESENT: Ronald L. Smith, Supervisor  
Mary Riddoch, Councilwoman  
William Weber, Councilwoman  
Ronald Snyder, Councilman  
Arlene A. Cooke, Councilwoman  
RECORDING SECRETARY: Debra Crist, Deputy Town Clerk  
OTHERS PRESENT: Jennifer Strong, Town Attorney  
Harry F. Milligan, Highway Supt  
Michael Metzger, Town Engineer  
Martin Dugan, CEO  
Mike Fleming, Planning Board  
Len Weglarski, DCO

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of September 22, 2008. 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"		60,466.78	76,795.52
HGHWAY FUND "DA/DB"		2,717.23	11,722.33
PARTTOWN FUND "B"		708.72	8,894.78
WD#2 FUND "WB"		6,300.00	6,675.20
WD#3 FUND "WC"			2,063.60
WD#4 FUND "WD"			1,299.80
SP FIRE PROT "SF"			159.18
SD #2 FUND "SA"		394.96	3,496.04
TRUST/AGCY FUND "T"		1,439.51	1,629.51
SP REFUSE FUND "SR"			30,355.25
ST LIGHTING FUND "SL"			6,249.43
GRANT			20,803.52
TOTAL	98,116.96	72,027.20	170,144.16

(Approved 9/2/08)

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Robert Wohlgeomuth/Genesee St. talked about the website he created, at no cost to the Town, to provide information to the citizens of Alden. He requested that the Town supply him with the documents needed. Discussed Open Meeting and Foil laws, and the fact that the Town website lacks documentation. Another concern of Mr. Wohlgeomuth is the tentative budget; government needs to do more with less. He questioned that there is no Code Enforcement Officer revenue line and the increase Garbage collection fees. Supv. Smith explained the CEO revenue line is in the budget, and the garbage line went up due to the fact the contract is up next year, the rate had not increased in 6 years, so an increase is anticipated. The contract will go out to bid.

Paul Loehr/Henskee Rd. asked the Board if they had given any further consideration in reducing members of the Planning Board. Supv. Smith said there has been discussion on this.

Keith Stone/Crittenden Rd. felt the new Dog Law would discriminate against dog owners that would like to become breeders. The Dog Law is in beginning stages per Attorney Strong and will be discussed again at the next Work Session. Keith's concern will be addressed. Keith would also like to see the building permit fee reduced for Windmills to encourage citizens instead of making it a fee that is so high, people won't bother. Supv. Smith is setting up a meeting of the Windmill Committee.

## COMMUNICATIONS

Councilwoman Riddoch reported receiving a call from a Uebelhoer Road resident who is concerned with speeding cars. Mary contacted Sheriff Scott Joslyn with E.C. Sheriff's traffic division and asked that they step up patrols.

Councilwoman Cooke reported looking at the Community Center sidewalk. She found it to be in horrendous condition. More handicap parking spaces are also needed.

Supv. Smith received the unofficial minutes from Town Planning Board of 09/10/08, Agenda for the 10/14/08 Town Planning Board Meeting, EMS monthly report (August) from Mark Pruitt, Alden Hook and Ladder, Inc., approved minutes from Village Board meeting of 9/11/08, monthly reports (September) from the Building Inspector and Town Clerk, letters from Time Warner Cable & LIN Television. The Supv. will have a meeting in November with Time Warner re changing the signal coming out of Buffalo, instead of Rochester.

## NEW BUSINESS

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

WHEREAS, the Alden Town Board on November 19, 2007 adopted its 2008 Budget;

WHEREAS, the New York State Department of Transportation has increased the CHIPS payment to the Town of Alden by \$9,618.60;

WHEREAS, the Town of Highway Department has already appropriated the \$9,618.60 CHIPS increase from the NYS DOT;

WHEREAS, increasing the appropriate revenue and expenditure lines will not render the Town of Alden insolvent.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Alden Town Board hereby increases by \$9,618.50 revenue Line DB.3501 of the 2008 Budget;
2. That the Alden Town Board hereby increased by \$9,618.60 expenditure Line DB.5112.0449 of the 2008 Budget; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on October 6, 2008 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 of Alden Highway Superintendent has advised the Town Board that the Alden Highway Department is in possession of a 1992 Peterbilt dump truck 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 off said dump truck as going in the public interest;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS;

1. That the Town Board hereby determines that the above mentioned 1992 Peterbilt dump truck is not needed for Town purpose and is surplus property;
2. The Town Board hereby authorizes the Town Highway Superintendent to sell the 1992 Peterbilt 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 the sale at auction, including signing over the title; and
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote at a regular meeting on October 6, 2008 and was unanimously adopted.

SUPERVISOR SMITH MOVED TO AMEND RESOLUTION TO ADD 1993 JACOBSEN MOWER TO GO TO AUCTION, SECONDED BY COUNCILMAN WEBER.

COUNCILWOMAN RIDDOCH MOVED THE ABOVE AMENDED RESOLUTION, SECONDED BY COUNCILMAN WEBER.

The foregoing Amended Resolution was duly put to a vote at a regular meeting on October 6, 2008 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 Board of the Town of Alden is considering the adoption of "Local Law No. 5 of the Year 2008, entitled "Amending of the Swimming Pools Law for the Town of Alden" (the "Proposed Action");

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

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 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 October 6, 2008 and was unanimously adopted.

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

WHEREAS, Sullivan Road runs through both the Town of Alden and the Village of Alden; and

WHEREAS, the Town of Alden and the Village of Alden agree that it is in the best interests of their residents and is cost effective to both municipalities to share the maintenance and repairs of Sullivan Road;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board does hereby authorize Supervisor Ronald L. Smith to enter into and execute all necessary documents to effectuate an Agreement in the form attached hereto with the Village of Alden for the joint maintenance and repair of Sullivan Road for the period of January 1, 2008 through December 31, 2010; and
2. This Resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote at a regular meeting on October 6, 2008 and was unanimously adopted.

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

WHEREAS, the State of New York Solid Waste Management Act of 1988, listed in Par 371 of the NYS Codes, Rules and Regulations (6 NYCRR) prepared in accordance with 6 NYCRR Part 360, established a statewide goal to maximize solid waste reduction and recovery to the extend economically and technically feasible; and

WHEREAS, the Act calls for all municipalities of New York to be part of a solid waste management unit and to develop, and have the State approve, a Solid Waste Management Plan; and

WHEREAS, consistent with this plan, the Northeast Southtowns Solid Waste Management Board (NEST) is to achieve a 50 percent or more recycling rate by 2012, the end of the ten year planning period; and

WHEREAS, NEST, a designated Solid Waste Planning Unit recognized by the New York State Department of Environmental Conservation (NYSDEC), consisting of municipal representatives and serving a region that includes 37 municipalities (22 towns, 14 villages and one city) in Erie County, New York; and

WHEREAS, NEST is required to address the solid waste management needs of the municipalities within its borders; and

WHEREAS, the NEST Solid Waste Management Plan identifies Erie County as the administrator of the plan; and

WHEREAS, the State of New York and the local solid waste management boards have provided financial aid to Erie County to support a Recycling Coordinator position to serve Erie County municipalities; and

WHEREAS, the Recycling Coordinator for Erie County acts as the staff for NEST and has provided the administrative support for the implementation of the Solid Waste Management Plan; and

WHEREAS, Erie County, with the support of NEST, has prepared and submitted a grant application to the NYSDEC for the Recycling Coordinator position for 2009-2011; and

WHEREAS, the State of New York has delayed funding of the Recycling Coordinator position; and

WHEREAS, the local solid waste boards intend to continue to contribute financial support to offset costs associated with the Recycling Coordinator position; and

WHEREAS, the local solid waste boards are concerned with the possible loss of the position of Recycling Coordinator for the 2009 budget,

NOW, THEREFORE, BE IT

RESOLVED, that the board of NEST urges the County Executive of Erie County to continue to provide support to assist in implementing the mandatory requirements of the Solid Waste Management Plan; and be it further

RESOLVED THAT NEST requests that the County Executive of Erie County utilize its funding support to convert the position of Recycling Coordinator to a county-line position until grant funding is reinstated.

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 October 6, 2008 and was unanimously adopted.

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

WHEREAS, the New York State Local government Commission on Efficiency and Competitiveness has made certain recommendations to the Governor which affects the operation of local governments, and

WHEREAS, one of the recommendations of the commission was to move all Registrar of Vital Statistics duties to the County level under the direction of the New York State Health Commissioner, and

WHEREAS, the NYS Department of Health has developed a program bill (Senate Bill #S8184 and Assembly bill #A115460) that would allow the commissioner to consolidate the function of the local Registrars of Vital Statistics, and

WHEREAS, the Commissioner could consolidate these services without County Legislature approval as is required by law currently, and

WHEREAS, the NYS Department of Health has inappropriately attached these proposed changes in the structure of the Registrar of Vital Statistics duties to changes in the "Pandemic Flu and Public Health Emergency Preparedness Law", and

WHEREAS, the local city, town and village clerks have provided this service professionally, efficiently and in a timely and cost effective manner over the years, and

WHEREAS, the Alden Town Board feels with the current high cost and financial stress to citizens, including fuel and the County's geography from Alden, this would put additional undue burden on residents as these services would be located much further away and the local registrar's currently charge \$10.00 per certified copy and the state

proposed to allow the County to charge \$30.00 per certified copy, thereby tripling their current costs, and

WHEREAS, the loss of revenue would have a financial impact on a the local governments,

NOW THEREFORE BE IT RESOLVED THAT

1. In the interest of its residents and good, efficient, cost effective government the Town of Alden opposed the consolidation of the function of the local Registrars of Vital Statistics to the County, and
2. The Town of Alden appeals to its County and State Officials to oppose the proposed changes to the Public Health Law relating to the Registrars of Vital Statistics and requests that a copy of this resolution be forwarded to Governor David Paterson, Senator Dale Volker, Assemblyman Michael Cole, Erie County Executive Chris Collins and the Erie County Legislature.
3. This resolution was duly put to a roll call vote of the Alden Town Board at a regular meeting held on October 6, 2008 and was unanimously adopted.

THE FOLLOWING ORDER 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 7:05 p.m. on the 20<sup>th</sup> day of October, 2008, for the purpose of hearing all persons interested in the proposed Local Law No. 4 of the Year 2008; and

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 five (5) days before the date of the public hearing; (b) and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; and

ORDERED, that the Town Clerk is to make copies of the proposed Local Law No. 4 of the Year 2008, 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 at a regular meeting on October 6, 2008 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 Highway Superintendent has advised the Town Board that the Alden Highway Department and Alden Parks Department are in possession of two above ground gasoline storage tanks with pumps, one at the Highway Garage and the other in the Town Park that are not of any use to the Town Highway and Parks Departments;

WHEREAS, Nature's Way, Inc is willing to purchase both gas tanks with pumps from the Town of Alden; and

WHEREAS, the Town Board after full and careful review and consideration of the request finds said request to sell both tanks with pumps to Nature's Way, Inc. in an "as is" condition and without any warranties made to Nature's Way, Inc.;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board hereby determines that the above tanks with pumps are no longer needed for Town purposes and are surplus property;
2. The Town Board hereby authorizes the Town Highway Superintendent to sell the storage tanks with pumps to Nature's Way, Inc.;
3. The Town Board hereby authorizes the Town Highway Superintendent to sign any and all documentation to effectuate this sale; and
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on October 6, 2008 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 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 20, 2008 at 7:10 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 FURTHER 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 October 6, 2008 and was unanimously adopted.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to transfer \$4,000.00 (Cost of Shelter Roof Repairs) from A1620.0103 to A1620.0444. Unanimously carried.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to introduce the proposed Local Law #6/08 and to refer the same to the Planning board for review and recommendation. Unanimously carried.

UNFINISHED & TABLED BUSINESS

Tabled the Resolution re Negative Declaration re Local Law #4/08

Tabled the Resolution re Adoption of Local Law #4/08

## REPORTS FROM COMMITTEES, OFFICIALS AND PERSONNEL

Councilman Weber reported he met with the Drainage Committee on September 17<sup>th</sup>, they identified one dozen problem areas, areas were visited, they are not prioritized yet. Would like to set up a date to meet again. Will check with Hwy. Supt. Milligan.

Attorney Strong would like to place the following items on the next Work Session; Environmental Assessment Form for Swimming Pool fees, Reserve Gas request (a representative from Reserve should be there) and Dog Law.

Councilman Snyder received a letter notifying him of the E.C. Supervisors meeting the 28<sup>th</sup> of the month, still waiting to hear from Alden Traveling baseball to contact him regarding what type of net they want to use in Town Hall gym. Attorney Strong said she spoke with them last week, they are looking into it. Looked at Community Center, will be costly, but needs to have repairs done. Discussed handicap parking.

Supv. Smith would like a meeting date set up for the Windmill Committee. Spoke to Jeff Palumbo/Attorney for Buffalo Shooting Club re Billo Rd. project, told him to contact Eng. Metzger about bringing the road up to Town standards to unabandon it. A noise study was done a couple of weeks ago with Board members, noise was barely audible. There will be a Public Hearing at 7:00 P.M., October 22 at the Village Hall regarding the Village of Alden fireman's service award program. The 2009 tentative budget is available on the Town's website and on Mr. Wohlgemuth's website.

The next Work Session will be October 13<sup>th</sup> @ 7:00 P.M.

The next Town Board Meeting will be October 20<sup>th</sup> @ 7:00 P.M.

Supervisor Smith adjourned the Meeting at 7:45 PM with a Minute's silence in Memory of Irene Schwartz, Richard Helms, Ted Kaczmarek, Jean Eastwood

Debra Crist  
Deputy Town Clerk