

MEETING NO. 23
REGULAR NO. 22

REGULAR BOARD MEETING

NOV. 20, 2006
7:30 P.M.

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, November 20, 2006 at 7:30 P.M. Supervisor Smith called the Meeting to Order. Councilman Snyder led in the Pledge of Allegiance, The roll call was taken by the DeputyTown 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:

Dorothy L. Bycina, Town Clerk
Jennifer Strong, Town Attorney
Harry F. Milligan, Highway Supt.
Frank Trybuskiewicz, CEO
John Zoratti, Planning Board Member

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of November 6, 2006. Unanimously carried.

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

ACCOUNT	ABST #1	ABST #2	TOTAL
GENERAL FUND "A"	13,253.48		13,253.48
HGHWAY FUND "DA/DB"	8,706.78		8,706.78
PARTTOWN FUND "B"	3,191.96		3,191.96
WD#2 FUND "WB"	375.20		375.20
WD#3 FUND "WC"	1,983.20		1,983.20
WD#4 FUND "WD"	1,299.80		1,299.83
SPECIAL FIRE "SF"	783.29		783.29
SEWER DIST #2 FUND "SA"	670.41		670.41
TRUST/AGCY FUND "T"	495.00		495.00
SP REFUSE FUND "SR"	32,629.29		32,629.29
ST LIGHTING FUND "SL"	7,088.00		7,088.00
TOTAL	70,476.41		70,476.41

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

The Supervisor welcomed ACS Government students. Irene Szymanski, 1078 Bonnie Lake Drive thanked Board for work on the grant and also questioned about cleanup of the ditch by Kidders house, the downed limbs are going to create a problem with drainage. Jack Oles, 2112 Countyline Rd. questioned the Right to Farm Law. Norm Taylor, on behalf of the Ewell Free Library wanted to thank the Town for past support and for the future support that they have received.

COMMUNICATIONS

Councilwoman Riddoch reported that she spoke with Sheriff Donovan of the Erie County Sheriff's Dept. and the New York State Police regarding speeding on Peters Corners Rd. The Sheriff's will set up a trailer to monitor speeds, both will enforce the speed limit. Reported to David Morris, Peters Corners resident, her follow-ups to his complaint. She spoke with Mr. Oles, of Countyline Rd., about the dangerous intersection of Countyline and North. County Highway Deputy Commissioner Jerry Sentz was called about this

matter, another name was referred to her, he has not returned Councilwoman Riddoch's calls.

Attorney Jennifer Strong reported on working with Cingular on finalizing the details on Exchange St cell tower and also the signed contract went out to Troy and Banks last week.

Supervisor Smith reported on receiving a letter from Alden Residents for Responsible Growth regarding request for freshwater wetland designation, Village of Alden November 2, 2006 Board minutes, letter from Alden Chamber of Commerce re Christmas in the Park, memo from Beth Downing, Village of Alden, regarding Sullivan Road Contract and a Memo from Thomas Dearing, Community Planning Coordinator from Erie County regarding annual training for Planning Board and Zoning Board members.

NEW BUSINESS

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

Whereas, the Town of Alden Parks Department has advised the Town Board that the Department is in need of a new playground equipment for the Town mini-parks including: two (2) eight foot locker benches without backs; two (2) fifteen foot locker benches without backs; two (2) fifteen foot locker benches with T-legs; two (2) ATC "C" spring riders; one (1) Springmates pony; one (1) Springmates duck; one (1) mountain crawl tube; and one (1) curved balance beam which will be purchased pursuant to State Bid;

WHEREAS, said Procurement Policy & Procedure Guidelines and General Municipal Law have been followed;

WHEREAS, the Town Board after full and careful review and consideration of the request, finds it in the public interest to authorize the purchase of said playground equipment;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the purchase of: two (2) eight foot locker benches without backs; two (2) fifteen foot locker benches without backs; two (2) fifteen foot locker benches with T-legs; and two (2) ATAV "C" spring riders as described on the attached State Bid Pricing Summary from Miracle Recreation Equipment Company for a subtotal of \$2,644.08 as being consistent with its policies and in the interest of the residents of the Town of Alden;
2. The Town Board approves the purchase of: one (1) Springmates pony; one (1) Springmates duck, one (1) mountain crawl tube; and one (1) curved balance beam from R.E. Woodson, Inc., as described on the attached State Bid Pricing Summary for a subtotal of \$3,154.00 (total purchase price of all playground equipment is \$5,798.08) as being consistent with its policies and in the interest of the residents of the Town of Alden;
3. That the Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase; and
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on November 20, 2006 and was unanimously adopted.

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

WHEREAS, the Alden Town Board would like to contract with Sue Barnes of Grantmakers, Inc. for Grant Writing Services for the Town of Alden;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board approves the hiring of Sue Barnes for grant writing services for the Town of Alden for the period of January 1, 2007 until December 31, 2007, at an annual rate of \$16,367.00.

This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on November 20, 2006 and was unanimously adopted.

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

WHEREAS, the Town of Alden and Alternative Care Services of WNY, Inc. a Not-For-Profit Corporation duly organized and existing under the laws of the State of New York, have been negotiating renewal of a Contract wherein Alternative Care Services of WNY, Inc. will provide Meals-On-Wheels to eligible residents of the Town of Alden.

WHEREAS, the Town of Alden is aware that a large number of residents of the Town of Alden are eligible for and participate in the Meals-On-Wheels Program and is desirous of obtaining such services for its residents;

WHEREAS, the Town of Alden and Alternative Care Services of WNY, Inc. have come to full agreement on the terms of such Agreement to run from January 1, 2007 until December 31, 2007.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the Agreement with Alternative Care Services of WNY Inc., 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 the Agreement; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote on November 20, 2006 and was unanimously adopted.

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

WHEREAS, the Alden Town Board has investigated the lack of street lighting on Sullivan Road in the Town of Alden;

WHEREAS, the Town Board has contacted NYSEG in regard to installing additional street lights on Sullivan Road

WHEREAS, NYSEG has proposed to install four (4) 100 HPS luminaire street lights at a cost of \$129.44 each and to install three (3) street light brackets greater than sixteen feet at a cost of \$26.07 each;

WHEREAS, the Town Board, after full and careful review and consideration of the proposal to install additional street lights on Sullivan Road, finds it in the public interest to authorize the installation of additional street lights.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the installation and maintenance by NYSEG of four (4) 100 watt HPS luminaire lights and three (3) street light brackets greater than sixteen feet (all to be owned by NYSEG) on Sullivan Road at a total cost of \$674.18 per year.
2. This resolution shall take effect immediately.

The foregoing resolution was duly put to a roll call vote on November 20, 2006 and was unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN COOKE WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN SNYDER 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, Alden, New York at 7:40 p.m. on the 4th day of December, 2006, for the purpose of hearing all persons interested in the proposed Local Law No. 3 of the Year 2006; 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 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 (c) 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

ORDERED, that the Town Clerk is to make copies of the proposed "Local Law No. 3 of the Year 2006, entitled "Local Law Providing for Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code of 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 COUNCILWOMAN RIDDOCH WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN SNYDER TO WIT;

WHEREAS, the Town Board of the Town of Alden is considering the adoption of "Local Law No. 3 of the Year 2006, entitled "Local Law Providing for Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code 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 put to a roll call vote and was unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN WEBER 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, Alden, New York at 7:35 p.m. on the 4th day of December, 2006, for the purpose of hearing all persons interested in the proposed Local Law No. 2 of the Year 2006; 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 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 (c) 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

ORDERED, that the Town Clerk is to make copies of the proposed "Local Law No. 2 of the Year 2006, entitled "Residency Law of 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 SNYDER TO WIT

WHEREAS, the Town Board of the Town of Alden has fully considered the adoption of "Local Law No. 2 of the Year 2006, entitled "Residency Law for the Town of Alden" (the "Proposed Action"); and

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA; and

WHEREAS, the Town Clerk provided notice to the Erie County Division of Planning on or about October 2, 2006, for this Proposed Action, as required under Section 239-m of the General Municipal Law and a "no recommendation" was received from the division on October 6, 2006; and to the neighboring municipalities (the Towns of Newstead, Lancaster, Marilla, Darien, Bennington and Elma) on or about October 2, 2006; and

WHEREAS, the New York State Environmental Quality Review Act requires the Town to determine the Lead Agency status and the Town Board did assume Lead Agency status on October 2, 2006; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation law and the code of the Town of Alden, Chapter 9D, the Town Board has prepared the Short Form Environmental Assessment Form, which is now on file with the Town Board and the Town's SEQR Intake Officer; and

WHEREAS, the Town of Alden Planning Board has reviewed the Proposed Action and on September 12, 2006, recommended to the town Board the approval of the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS;

1. The Town Board did determine that the Proposed Action is an Unlisted Action under SEQRA
2. The Town Board did determine that it should be the Lead Agency for all environmental review of the Proposed Action.
3. The Town of Alden, as Lead Agency, hereby determines that the unlisted action described in the attached SEQR NEGATIVE DECLARATION, NOTICE OF DETERMINATION OF NON-SIGNIFICANCE, which attached notice is hereby made a part of this Resolution, will not have a significant effect on the environment and that an environmental impact statement is not required to be prepared with respect to said Proposed Action.
5. 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 Alden on November 20, 2006 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 Supervisor has advised the Town Board that the Parks Department and the Town Hall are in need of a substitute cleaner on an "As needed" basis;

WHEREAS, the Supervisor has recommended that Carl Matthies and John Jankowski be appointed as substitute cleaners for the Alden Senior/Community Center and the Alden Town Hall;

NOW THEREFORE BE RESOLVED AS FOLLOWS;

The Town Board approves the appointment of Carl Matthies and John Jankowski as substitute cleaners on an "as needed" basis, at an hourly rate of \$9.50/hour, but not to exceed nineteen (19) hours in any week and without any benefits.

2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote on November 20, 2006 and was unanimously adopted.

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

WHEREAS, many municipalities, including cities, counties, towns and villages within Erie County have lost monetary support from the County of Erie;

WHEREAS, the Town of Alden believes that the Ewell Free Library is a great asset to the residents of the Town of Alden and would like to keep the Library open for the benefit and enjoyment of its citizens;

WHEREAS, the Alden Ewell Free Library is currently operated by the County of Erie and house in a building not owned by the Town of Alden; and

WHEREAS, the Town Board of the Town of Alden would like to Contract with the Ewell Free Library to provide monies to the Library for its continued operation.

NOW THEREFORE, BE IT;

1. The Town Board approves the Contract with the Ewell Free Library 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 Contract; and
3. This resolution shall take effect immediately. The foregoing Resolution was duly put to a vote on November 20, 2006 and was unanimously adopted.

SUPERVISOR SMITH POLLED THE BOARD AND WITH NO OBJECTION THE FOLLOWING WAS ADDED.

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

WHEREAS, New York State law authorizes local governments to contract with each other to provide services;

WHEREAS, New York State law and state policy also provides for certain reimbursements or financial aid to local government for certain natural disasters or emergency conditions declared by the Governor;

WHEREAS, the Town of Alden had emergency conditions as a result of a natural disaster, as declared by FEMA; the Governor of the State of New York, the Erie County Executive; and the respective Alden Town Supervisor.

WHEREAS, the Town of Alden finds it to be in its best interest to have such mutual aid agreements for the clean-up from the October 2006 Storm with other local governmental bodies, more specifically the Town of Attica and the Town of Bennington,

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS;

1. The Supervisor is hereby authorized to enter into an Mutual Aid Agreement with the Towns of Attica, and Bennington for assistance to the Town of Alden to aid in the clean-up from the October 2006 Storm.
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on November 20, 2006 and was unanimously adopted.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilwoman Riddoch reported on speaking with Mike Hardie and Attorney Strong re the Industrial Appraisal being not mandated. Spoke with Marlene Roll regarding the insurance coverage for the contents of the Historical Society, items are not replaceable. A security system may be an option. Councilwoman Riddoch and Councilman Weber were at the cleanup of the Joe Panza Trail and thanked all that worked to clean up after the storm.

Councilman Weber spoke with Chris Farley from Congressman Higgin's office regarding Water District #5, Farley will come to a Work Session on December 11, 2006. Councilman Weber, Frank Trybuskiewicz and Mike Metzger went out on Saturday to check drainage on Broadway. Requested this be put on the Work Session.

Councilman Snyder reported on still working with the Historical Society on the change of locks. He has been working with Tom Czechowski regarding heating system at the Historical Society, also hot water tanks at the Town Hall.

Councilwoman Cooke reported that she and Councilwoman Riddoch are working on the personnel policy.

Supervisor Smith thanked all for the cleanup of the Joe Panza Trail. Also, would like to thank Mary Nuwer and Colleen Rogers for all their work with FEMA. Would like to announce the joint Work Session between the Village of Alden and the Town of Alden will take place on Tuesday, November 21, 2006 at 6:30 P.M. at the Village Hall. The next Work Session will be Monday, November 27, at 7:00 P.M. and the next Board meeting will be December 4th, 2006.

Supervisor Smith adjourned the Meeting at 8:50 PM with a Minute's silence in Memory of Lucy Stark, Helen Jurek and Charles F. Roberts Sr.

DEBRA CRIST,
DEPUTY TOWN CLERK