

MEETING NO. 21 REGULAR BOARD MEETING NOVEMBER 1, 2010
REGULAR NO. 21 7:00 P.M.

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, November 1, 2010 at 7:00 P.M. Supervisor Smith called the Meeting to Order. Councilman Weber led in the Pledge of Allegiance. The roll call was taken by the First Deputy Town Clerk.

PRESENT: Ronald Smith, Supervisor
 Mary Riddoch, Councilwoman
 William Weber, Councilman
 Ronald Snyder, Councilman
 Arlene Cooke, Councilwoman

RECORDING SECRETARY: Debra A. Crist, First Deputy Town Clerk

OTHERS PRESENT: Jennifer Strong, Attorney
 Michael Metzger, Town Engineer
 Chris Snyder, Code Enforcement Officer
 Colleen Pautler, Planning Board
 Len Weglarski, Dog Control Officer

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of October 18, 2010. 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"	\$9,652.80	\$11,226.14	\$20,878.94
HIGHWAY FUND "DA/DB"	9,183.58	727.70	9,911.28
PART-TOWN FUND "B"	10,884.11	1,779.34	12,663.45
WD#2 FUND "WB"	375.20		375.20
WD#3 FUND "WC"	2,063.60		2,063.60
WD#4 FUND "WD"	1,299.80		1,299.80
SP FIRE PROT. "SF"			
SD#2 FUND "SA"	1,771.97	18.97	1,790.94
TRUST/AGCY FUND "T"		554.00	554.00
SP REFUSE FUND "SR"	39,015.32		39,015.32
STREET LIGHTING FUND "SL"	6,201.61		6,201.61
PERIWINKLE LTG. "SL1"	43.09		43.09
GRANTS	1,189.50		1,189.50
TOTALS	\$81,680.58	\$14,306.15	\$95,986.73

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Jim Guarino/North Rd.- commented on his communication to Town Attorney Strong re the Thorpe Subdivision, felt it is contrary to the Agricultural District Law. Attorney Strong responded that she looked over the law and did not feel that the Planning Board's recommendation defeated anything in the Ag/Market Law. In regards to the Right to Farm Law draft, Mr. Guarino asked if the Town Attorney could be present when it goes back to the Planning Board? If available she will attend. Mr. Guarino questioned the approval of members into the Crittenden and Millgrove Fire Companies by the Town Board. Supervisor Smith explained that the Town approves their membership because it was brought to the Town's attention it should be done due to the fact that their Workman's Compensation is covered by the Town should the Firemen become injured while on duty.

Paul Loehr/Henskee Rd. asked the status of the Right to Farm Law? Would like the Committee to sit down with Town Attorney. Supervisor Smith said there was some changes discussed at last months Planning Board meeting to the draft law. Next Tuesday the Planning Board will go over the changes and the Town Attorney will review. Mr. Loehr asked if there would be copies of the draft law available? He will follow up with Chairman Witt at the meeting.

AT 7:05 P.M. SUPERVISOR SMITH ASKED FOR A MOTION TO ENTER INTO THE 7:05 P.M. PUBLIC HEARING/PRELIMINARY BUDGET OF THE TOWN OF ALDEN FOR THE YEAR 2011.

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to enter into the 7:05 P.M. Public Hearing. Unanimously Carried.

The First Deputy Town Clerk read the notice of Public Hearing that was published in the Alden Advertiser/Preliminary Budget of the Town of Alden for the Year 2011.

Supervisor Smith read an overview of the 2011 Town Budget

Supervisor Smith opened the Floor for Public Comments.

PUBLIC COMMENTS:

Vickie Weisbeck/Sandridge asked about when the Board would be downsized? Supervisor Smith explained that it would happen at the end of Councilwoman Cooke and Councilman Snyder's term, which ends December 31, 2011. She also had questions about the appropriated fund balance. Supervisor Smith explained it is a pool for each fund. Paul Loehr/Henskee Rd. is happy to hear there will be an update to the Town Code and would like a copy. Supervisor Smith explained he would be looking at approximately 18-24 months before it would be completed. A grant has been applied for.

AFTER ALL THOSE WISHING TO BE HEARD WERE HEARD, SUPERVISOR SMITH ASKED THE DEPUTY TOWN CLERK TO READ THE NOTICE OF PUBLIC HEARING PUBLISHED IN THE ALDEN ADVERTISER RE THE 2011 SPECIAL DISTRICT BUDGET

The First Deputy Town Clerk read the notice of Public Hearing that was published in the Alden Advertiser/Special District Budget of the Town of Alden for the Year 2011.

Supervisor Smith read an overview of the 2011 Special District Budget.

Supervisor Smith opened the Floor for Public Comments.

PUBLIC COMMENTS:

Jim Guarino/North Rd. questioned the money that was used to purchase extra space in the Marilla tower, whether or not it was from last year's budget or this year's budget? Or is there a grant for the whole amount. The agreement with Marilla calls for the purchase of the space only if there is the need for it. Because there is no activity going on there is no purchase, it is only reserved. The grant is for the cost of the water line upgrade.

AFTER ALL THOSE WISHING TO BE HEARD WERE HEARD, AT 7:25 P.M. SUPERVISOR SMITH AS FOR A MOTION TO ADJOURN FROM THE PUBLIC HEARINGS AND ENTER BACK INTO THE REGULAR MEETING.

At 7:25 P.M. Councilwoman Riddoch moved and Councilman Weber seconded the Motion to reenter back into the regular meeting. Unanimously Carried.

COMMUNICATIONS

Councilwoman Riddoch received a copy of the premium rates for 2011 for health benefits, would like it on the Work Session.

Supervisor Smith received a letter from the Alden Chamber of Commerce about Christmas in the Park, to be held on Saturday, December 4th, received Oct 14, 2010 Village of Alden Approved Board minutes, received the Alden Fire Dept. their September/2010 monthly report.

NEW BUSINESS

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

WHEREAS, New York State General Municipal Law allows a municipality to approve the volunteer members of a volunteer fire department operating in said municipality;

WHEREAS, the Crittenden Volunteer Fire Department provides fire protection services within the Town of Alden pursuant to a contract with the Town of Alden;

WHEREAS, approval of members assists an injured volunteer firefighter in receiving worker's compensation benefits pursuant to New York State Volunteer Firefighter Benefit Law;

WHEREAS, Crittenden Volunteer Fire Department has approved Thomas M. Cross for Membership; and

WHEREAS, Crittenden Volunteer Fire Department has submitted to the Alden Town Clerk's Office notification of this new member.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Alden Town Board hereby approves Thomas M. Cross for membership in the Crittenden Volunteer Fire Department, and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on November 1, 2010, 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 has received a request from Parks Supervisor Andy Sojka to purchase a chainsaw for the Town of Alden Parks the estimated cost of which less than \$2,000.01 but greater than \$500.00;

WHEREAS, the Procurement Policy & Procedure Guidelines ("Guidelines") of the Town of Alden state that the Town must prepare a request for proposal and then obtain written quotes from at least two (2) vendors;

WHEREAS, an oral request for proposals (price for a Stihl MS362 Chainsaw) was made by the Parks Department to two (2) vendors;

WHEREAS, the highest vendor is Ken's Service at \$580.00;

WHEREAS, the lowest vendor is Woodcutters at \$516.76;

WHEREAS, The Town Board after full and careful review and consideration of the request finds that it is in the public interest to authorize the purchase of the above described chainsaw.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of a chainsaw from Woodcutters, the lowest responsible vendor, at a total cost of \$516.76;
2. 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 roll call vote at a regular meeting on November 1, 2010, and was unanimously adopted.

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

WHEREAS, the Alden Town Board has received a request from Highway Superintendent Carl Fix to purchase a parts washer (which will extend the lifetime and usage of parts that can be washed) for the Town of Alden Highway Department (which can also be used by the Parks Department) the estimated cost of which less than \$2,000.01 but greater than \$500.00;

WHEREAS, the Procurement Policy & Procedure Guidelines (“Guidelines”) of the Town of Alden state that the Town must prepare a request for proposal and then obtain written quotes from at least two (2) vendors;

WHEREAS, an oral request for proposals (price for a 20 gallon parts washer with standing drum, over style with brushless pump) was made by the Highway Department to two (2) vendors;

WHEREAS, the highest vendor is AIC at \$1,975.00;

WHEREAS, the lowest vendor is ZEP Sales and Service at \$1,524.71;

WHEREAS, The Town Board after full and careful review and consideration of the request finds that it is in the public interest to authorize the purchase of the above described parts washer.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of a parts washer from ZEP Sales and Service, the lowest responsible vendor, at a total cost of \$1,524.71;
2. 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 roll call vote at a regular meeting on November 1, 2010, and was unanimously adopted.

Councilwoman Cooke moved and Councilman Snyder seconded the motion to introduce Local Law #6/Kennel Amendment to the Zoning Law of the Town of Alden and refer the same to the Planning Board for review and recommendation. Unanimously Carried.

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

WHEREAS, the Alden Town Board has received a request from Highway Superintendent Carl Fix to purchase a replacement wing for Town Truck # 20 the estimated cost of which less than \$10,000.01 but greater than \$2,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines (“Guidelines”) of the Town of Alden states that the Town must obtain written quotes from at least three (3) vendors;

WHEREAS, a written request for proposals (price for a W-144 wing right hand, without rubber cutting edge, without moldboard shoes, and with pivot point) was made by the Highway Department to three (3) vendors;

WHEREAS, the replacement wing is a specialized piece of equipment (being a replacement part for an existing Town Truck) and offered by only two vendors;

WHEREAS, vendor Cyncon can not provide the specified replacement wing;

WHEREAS, the highest bidder is Valley Fab at \$2,938.16;

WHEREAS, the lowest bidder is Viking Cives (USA) at \$2,377.20;

WHEREAS, The Town Board after full and careful review and consideration of the request finds that it is in the public interest to authorize the purchase of the above described replacement wing.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of a replacement wing for Town Truck # 20 from Viking Cives (USA) the lowest responsible bidder at a total cost of \$2,377.20;
2. 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 roll call vote at a regular meeting on November 1, 2010, 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 of Alden Parks Supervisor has advised the Town Board that the Parks Department is in need of new pick-up truck for use at the Alden Town Parks;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden require that all estimated purchases over \$20,000.00 should be formally bid pursuant to General Municipal Law section 103.

WHEREAS, the Town Board after full and careful review and consideration of the request finds said request to receive bids for a new Parks Department truck in the public interest;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby authorizes the Town of Alden Deputy Town Clerk to advertise for bids as outlined in the attached Instructions to Bidders;
2. The Town Board hereby authorizes the Deputy Town Clerk to publish Notice in the Alden Advertiser. Said Notice must be published more than five (5) days

prior to Friday November 19, 2010 and must state the time when and place where the sealed bids will be publicly opened and read by the Deputy Town Clerk.

3. The Town Board hereby authorizes the Deputy Town Clerk to receive sealed bids, until 2:00 PM Prevailing time on Friday, November 19, 2010. All bids must contain the Non-collusive Bidding Certification.
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on November 1, 2010, 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 Highway Department is in need of drain pipe for a drainage project on Henskee Road (a Town Road) in the Town of Alden (more specifically 180 linear feet of 42" lane solid loktite HDPE Pipe with CPLG and 120 linear feet of 36" lane solid loktite HDPE Pipe with CPLG) which will be purchased pursuant to State Bid;

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

WHEREAS, The Town Board after full and careful review and consideration of the Highway Superintendent's request finds the request to purchase drainpipe for the Henskee Road drainage project in the public interest.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board approves the purchase of 180 linear feet of 42" lane solid loktite HDPE Pipe with CPLG and 120 linear feet of 36" lane solid loktite HDPE Pipe with CPLG from Vellano Bros., Inc. for \$9,667.20, who is on the State Bid List, as being consistent with its policies and in the interest of the residents of the Town of Alden;
2. That the Town Supervisor, Ronald L. Smith, 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 roll call vote at a regular meeting on November 1, 2010, 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 Board of the Town of Alden is considering the adoption of "Local Law No. 5 of the Year 2010", entitled "Amendment to the Dogs Law of the Code of 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 of 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 THAT:
The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA.

The Town Board has determined that it should be the Lead Agency for all environmental review of the Proposed Action.

This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting on November 1, 2010, and was unanimously adopted.

Councilwoman Riddoch moved and Councilman Weber seconded the motion to approve Jerry Butler's (former Deputy Supervisor of the Alden Jaycees) request to replace the plaque on the Kiddie Pool Bldg. Final design subject to the approval of the Alden Town Board. Unanimously Carried.

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

WHEREAS, the Erie County Director of Real Property has advised the Alden Town Board that it is now necessary to make an appointment to the Town of Alden Board of Assessment Review, for a term of October 1, 2010 through September 30, 2015.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board hereby re-appoints Michael DeWitt, to the Town of Alden Board of Assessment Review, his term to run from October 1, 2010 through September 30, 2015.
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on November 1, 2010, and was unanimously adopted.

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

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

WHEREAS, the Alden Town Board has received a request from Highway Superintendent Carl Fix to purchase a replacement dump body the estimated cost of which less than \$10,000.01 but greater than \$2,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines ("Guidelines") of the Town of Alden states that the Town must obtain written quotes from at least three (3) vendors;

WHEREAS, a written request for proposals (as per the attached specs) was made by Highway Superintendent Fix to three (3) vendors;

WHEREAS, the highest bidder is Alden Trucks at \$9,850.00;

WHEREAS, the second highest bidder is Valley Fab at \$9,650.00;

WHEREAS, the lowest bidder is Viking Cives with an amended price quote (due to Viking Cives' discovery of a bent sub frame on the truck) at \$9,585.00; and

WHEREAS, The Town Board after full and careful review and consideration of the request finds that it is in the public interest to re-authorize the purchase.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board rescinds its October 18, 2010 purchase of a replacement dump body from Viking Cives at a cost of \$7,985.00;
2. The Town Board here authorizes the purchase of a replacement dump body from Viking Cives, the lowest responsible bidder, at a cost of \$9,585.00; and
3. 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 roll call vote at a regular meeting on November 1, 2010, and was unanimously adopted.

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

WHEREAS, on September 20, 2010, the Alden Town Board preferred Civil Services Charges against Town of Alden Building Inspector/Code Enforcement Officer Martin Dugan ("Employee"); and

WHEREAS, the Town and the Employee have reached mutually agreed upon settlement terms.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. That all charges preferred by the Town of Alden against Employee are hereby withdrawn without prejudice;
2. The Supervisor is hereby authorized to sign the Confidential Stipulation, Settlement and Complete Waiver/Release Agreement;
3. The resignation of Employee is hereby accepted; and
4. This resolution shall take effective immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on November 1, 2010, and was unanimously adopted.

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

WHEREAS, the Town of Alden is in immediate need of a full-time Building Inspector/Code Enforcement Officer, SEQRA Intake Officer; Alaura Sewer Plant Administrator; and Storm Water Pollution Prevention Officer;

WHEREAS, the Town of Alden has properly canvassed and selected an Erie County Civil Service approved person who is a resident of the Town of Alden;

WHEREAS, Christopher Snyder is properly trained and certified by the State of New York and in the past held the position of Building Inspector/Code Enforcement Officer for the Town of Alden; and

WHEREAS, Christopher Snyder has been employed by the Town of Alden in a temporary capacity in 2010.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the reinstatement of Christopher Snyder as the Town of Alden Building Inspector/Code Enforcement Officer effective November 1, 2010, at the annual salary of \$48,250.00 and as further provided for in the Town of Alden Personnel Policy.
2. The Town Board hereby appoints Christopher Snyder as the Town of Alden SEQRA Intake Officer and as the Storm Water Pollution Prevention Officer at no additional salary, effective November 1, 2010;
3. The Town Board hereby appoints Christopher Snyder as the Alaura Sewer Plant Administrator at an annual stipend of \$875.00, effective November 1, 2010;
4. All previous employment arrangements and agreements for the year 2010 between Christopher Snyder and the Town of Alden are hereby terminated;
5. Christopher Snyder will remain a probationary employee with the Town of Alden for the next twelve (12) months; and
6. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on November 1, 2010, as follows:

Councilwoman Riddoch	Aye
Councilman Weber	Aye
Supervisor Smith	Aye
Councilman Snyder	ABSTAIN
Councilwoman Cooke	Aye

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilwoman Riddoch received a phone call from Backbeat '64 concerning renting our bandshell next year. She also received prices on dumpsters and would like it on the Work Session.

Councilman Weber reported that the Highway has been busy doing off road drainage on John Court.

Attorney Strong would like Local Laws #2,3,4,5 & 6 on the Work Session.

Engineer Metzger reported on his findings re Wilson Greatbatch; there is slight silver metal/from an x-ray process that is being discharged into the sanitary sewer, they are working on the problem.

CEO Snyder reported he received NYS codebooks, there are a lot of changes. Today he spent the day in a course highlighting these changes.

Supervisor Smith reported that there will be a Master Plan Implementation Committee meeting at 7:00 P.M. on Thursday, November 4th.

NEXT WORK SESSION: Monday, November 8, 2010 @ 7:00 P.M.
NEXT TOWN BOARD MTG.: Monday, November 15, 2010 @ 7:00 P.M.

Supervisor Smith Adjourned the Meeting at 7:50 P.M. with a Minute of Silence in Memory of Ruth Mioducki and Gary Nicosia Sr.

Debra A. Crist
First Deputy Town Clerk