

Councilwoman Riddoch spoke to Gary Wagner re the Skating Rink – he will be putting together the numbers the Board will need before going forward with the Project. He also provided the Certificate of Insurance and tonight she received the Budget for the Skating Rink.

Attorney Strong reported that the Periwinkle Lights are being installed.

Councilman Snyder reported he received an e-mail re the NEST Meeting on January 8, 2009.

Councilwoman Cooke discussed with Gary Wagner Ice Skates for the Ice Skating Rink – she has Skates that she would donate to the Skaters.

Supervisor Smith reported the following: the Agenda for the December 9th Planning Board Meeting; copy of the Final Tax Collection Report dated December 31, 2008; the approved Village Board Minutes for November 25th; copy of the Planning Board's recommendation to approve the Windmill Law; copy of the Town Clerk's November 2008 Monthly Report.

NEW BUSINESS

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to grant Girl Scouts permission to use the Arts & Crafts Room on requested dates. Unanimously carried.

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 fully considered the adoption of "Local Law NO. 5 of the Year 2008, entitled "Amendment of the dogs Law for the Town of Alden", which will amend the Dogs Law to place a limit on the number of dogs kept, maintained or harbored in residential housing units (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 August 5, 2008, 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 September 24, 2008; 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 August 4, 2008; 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 on November 10, 2008, 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.

4. 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 December 15, 2008 and was unanimously adopted.

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

WHEREAS, a Proposed Local Law #5 of 2008 entitled "Amendment of the Dogs Law for the Town of Alden" was introduced to the Alden Town Board for consideration by Councilperson Weber on July 7, 2008;

WHEREAS, the Town of Alden Planning Board reviewed the proposed Local Law and recommended to the Town Board its approval on September 10, 2008;

WHEREAS, an order was duly adopted by the Town Board for a public hearing to be held by said Town Board on October 20, 2008 to hear all interested parties on the proposed Local Law;

WHEREAS, notice of said public hearing was duly published in the Alden Advertiser, the official newspaper of the Town of Alden on October 9, 2008;

WHEREAS, said public hearing was duly held on October 20, 2008, and all persons in favor of the local Law were heard and all persons opposed to the Local Law were heard;

WHEREAS, the October 20, 2008 public hearing generated comments that led to the revision of the proposed Local Law;

WHEREAS, a revised Local Law was then drafted and sent to the Planning Board who reviewed the revisions and recommended to the Town Board its approval on November 10, 2008 and

WHEREAS, an order was duly adopted by the Alden Town Board for a second public hearing to be held by said Town Board on December 1, 2008 to hear all interested persons on the revised proposed Local Law;

WHEREAS, notice of said public hearing was duly published in the Alden Advertiser, the official newspaper of the Town of Alden on November 20, 2008;

WHEREAS, said public hearing was duly held on December 1, 2008, and all persons in favor of the Local Law were heard and/or all persons opposed to the Local Law were heard;

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Alden Town Board, as Lead Agency, that adoption of said proposed Local Law is an Unlisted Action and will not have a significant effect upon the environment;

WHEREAS, the Erie County Division of Planning gave a "no recommendation" to the proposed Local Law on September 24, 2008, pursuant to section 239-m of the General Municipal Law;

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law on August 5, 2008; and

WHEREAS, the Alden Town Board, after due deliberation, finds it in the best interest of said Town of Alden to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board hereby adopts said Proposed Local Law #5 of 2008 entitled “Amendment of the Dogs Law for the Town of Alden”, a copy of which is attached hereto and made a part of this resolution;
2. That the Alden Town Clerk enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Alden, and to give due notice of the adoption of said Local Law to the Secretary of State of New York, post the same on the Town Bulletin Board and publish the same in the Alden Advertiser; and
3. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on December 14, 2008 and was unanimously adopted.

“SECTION . TITLE

This Law shall be known as Local Law No. 5 of the Year 2008 entitled “Amendment of the Dogs Law for the Town of Alden.

SECTION 2. PURPOSE

The purpose of this Local law is to place a limit on the number of dogs kept, maintained or harbored in residential housing units.

SECTION 3. AMENDMENT OF CODE

The Code of the Town of Alden is amended by this Local Law No. 5 of the year 2008 as follows:

1. Chapter 9 of the Code of the Town of Alden as originally adopted on September 29, 1979 as Local Law 3-1979, and amended on January 19, 1981 by Local Law 1-1981; May 16, 1988 by Local Law 1-1988; September 7, 1993 by Local Law 1-1993, January 5, 1998; November 6, 2000 by Local Law -5-2000; September 17, 2007 by Local Law 1-2007 is hereby amended as follows:

A New Section 913.1 is added to read:

§9-3.1. Limit on number of dogs outside of Rural-Agricultural Zoning Districts.

In all zoning districts in the Town of Alden except the Rural-Agricultural (R-A) District, no more than two (2) dogs, over the age of six (6) months, shall be kept, maintained or harbored in any residential housing unit. Persons owning or have custody and control of licensed dogs in excess of that number, as of the effective date of this Section, shall not be held in violation of this Article, , but shall not replace such dogs upon their death or loss until in compliance with the maximum limits therein. Persons owing or having custody and control of unlicensed dogs in excess of that number, as of the effective date of this Section, shall be held in violation of this Article.

Section 9-11 is amended to add a new Section C. as follows:

- C. Section 9-3.1, Limit on number of dogs, shall take effect on January 1, 2009.

SECTION 4. SEVERABILITY

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.

SECTION 5. EFFECTIVE DATE

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

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 has fully considered the adoption of Local Law No. 6 of the Year 2008, entitled “Local Law Changing the Meeting Date of the Board of Assessment Review of the Town of Alden which will set the meeting date of the Board of Assessment Review (the “Proposed Action”);

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

WHEREAS, the Town Clerk provided notice to the Erie County Division of Planning on November 7, 2008, 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 November 10, 2008;

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 November 3, 2008;

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 October 14, 2008, 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.
4. 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 December 15, 2008 and was unanimously adopted.

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

WHEREAS, A Proposed Local Law #6 of 2008 entitled “Local Law Changing the Meeting Date of the Board of Assessment Review of the Town of Alden” was introduced to the Alden Town Board for consideration by Councilman Snyder on October 6, 2008

WHEREAS, the Town of Alden Planning Board reviewed the proposed Local Law and recommended to the Town Board its approval on October 14, 2008;

WHEREAS, an order was duly adopted by the Town Board for a public hearing to be held by said Tow Board on December 1, 2008 to hear all interested parties on the proposed Local Law;

WHEREAS, notice of said public hearing was duly published in the Alden Advertiser, the official newspaper of the Town of Alden on November 20, 2008;

WHEREAS, said public hearing was duly held on December 1, 2008, and no persons asked to be heard;

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Alden Town board, as Lead Agency, that adoption of said proposed Local Law is an Unlisted Action and will not have a significant effect upon the environment;

WHEREAS, the Erie County Division of Planning gave a “no recommendation” to the proposed Local Law on November 10, 2008, pursuant to section 239-m of the General Municipal Law;

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law on November 7, 2008; and

WHEREAS, the Alden Town Board, after due deliberation, finds it in the best interest of said the Town of Alden to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT;

1. The Alden Town Board hereby adopts said Proposed Local Law #6 of 2008 entitled “Local Law Changing the Meeting Date of the Board of Assessment Review of the Town of Alden”, a copy of which is attached hereto and made a part of this resolution;
2. That the Alden Town Clerk enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Alden, and to give due notice of the adoption of said Local Law to the Secretary of State of New York, post the same on the Town Bulletin Board and publish the same in the Alden Advertiser; and
3. This Resolution shall take Effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on December 15, 2008 and was unanimously adopted.

“SECTION 1. TITLE

This Law shall be known as Local Law No. 6 of the Year 2008 entitled “Local Law Changing the Meeting Date of the Board of Assessment Review of the Town of Alden”

SECTION 2. PURPOSE AND FINDINGS

The State of New York at Real Property Tax Law Section 512(1-a) has granted the governing body f an assessing unit, which employs an assessor who is at the same time employed by another assessing unit,

The power to establish a date for the meetings of the Board of Assessment Review other than that provided by State Law. The Town of Alden does employ an assessor who is at the same time employed by another assessing unit.

SECTION 3. DATE ESTABLISHED

The Board of Assessment Review for the Town of Alden shall meet on the First Tuesday of June each year and thereafter as may be necessary to discharge its duties.

SECTION 4. EFFECTIVE DATE

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

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

WHEREAS, the Alden Town Board has noticed the need to update the Town of Alden Employee Handbook; and

WHEREAS, the Town Board has reviewed the attached Employee Handbook and believes the amendment of the Handbook, to add provisions addressing Conflicts of Interest/and Ethics, is in the best interests of the Town of Alden.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT;

1. The Town Board hereby adopts the attached amendment (Section 2401 CONFLICT OF INTEREST/CODE OF ETHICS to the Employee Handbook dated June 1, 2008;
2. The Town Clerk is hereby directed to send a copy of these amendments Employee Handbook to all Town Employees;
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on December 15, 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 Supervisor has advised the Town Board that the Town of Alden would save money on gas mileage reimbursement to Town Employees by purchasing a Town Vehicle;

WHEREAS, the Procurement Policy & Procedure Guidelines of the town of Alden require that all estimated purchases over \$10,000.00 shall 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 Town Vehicle in the public interest;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board hereby authorizes the Town of Alden Town Clerk to advertise for bids for a 2009 Ford as outlined in the attached Instructions to Bidders;
2. The Town Board hereby authorizes the Town Clerk to publish Notice in the Alden Advertiser. Said Notice must be published more than five (5) days prior to Friday December 26, 2008 and must state the time when and place where the sealed bids will be publically opened and read by the Town Clerk.
3. The Town Board hereby authorizes the Town Clerk to receive sealed bids until 2:00 PM Prevailing time on Friday, December 26, 2008. All bids must contain the Non-collusive Bidding Certification.
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on December 15, 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 Alden Village Board is in the planning phases of a Water System Improvement Project and has named the Town of Alden as an interested agency under SEQRA; and

WHEREAS, the Alden Village Board, conducting a coordinated SEQRA review, has notified the Town of Alden of its intent to be the Lead Agency under SEQRA.

NOW THEREFORE BE IT RESOLVED, AS FOLLOWS:

1. That the Alden Town Board believes that the Village Board is the most local agency with permitting/funding authority, and consents hereby to the Village Board acting as Lead Agency; and
2. That 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 held on December 15, 2008 and was unanimously adopted.

Supervisor Smith polled the Board and with no objection the following was added.

Supervisor Smith moved and Councilman Weber seconded the Motion to renew the Junkyard License for Alden Trucks Ltd. 2731 Town Line Rd. Unanimously carried.

UNFINISHED & TABLED BUSINESS

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

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

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilwoman Riddoch along with Highway Supt Milligan went to Alden Automotive to check out their Utility Vehicles and will be following thru with the owner – there is a Roll Bar; received a copy of Kennel Agreement from the Attorney – would like to review this at the next Work Session.

Councilman Weber working on Drainage at a Three Rod Road resident

Attorney Strong reported she has made minor changes on the Windmill Law; she is working with our Engineer on a Comprehensive List to be submitted to the DOT and CSX on the Railroad closing.

Councilman Snyder reported he received an estimate for a Garage Door on the back Garage and that he along with Lenny Weglarski will be straightening out the side of that Building; and would like the Courtroom Floor be placed on the Work Session.

Councilwoman Cooke reported that she along with Councilwoman Riddoch have been talking to the Fire Company re the Convention - they are willing to meet with the Fire Company.

Engineer Metzger had Maps re Water District Boundaries.

Supervisor Smith wished everyone in the Town and the Employees a Very Merry Christmas and a Happy New Year. He “Thanked” Employees for all their hard work this year.

Supervisor Smith adjourned the Meeting at 7:35 PM with a Minute’s silence in Memory of June Chadsey, Walter Guthrie, Linda Wojcik, Anthony Zymowski, Herbert Koenig, Keith Wahr.

DOROTHY L. BYCINA
TOWN CLERK