

**MEETING NO. 3
REGULAR NO. 3**

**REGULAR BOARD MEETING
TOWN OF ALDEN**

**FEB. 1, 2010
7:00 PM**

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, February 1, 2010 at 7:00 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 Smith, Supervisor
Mary Riddoch, Councilwoman
William Weber, Councilman
Ronald Snyder, Councilman
Arlene Cooke, Councilwoman

RECORDING SECRETARY: Debra A. Crist, Deputy Town Clerk
Jennifer Strong, Town Attorney
Martin Dugan, CEO
Michael Metzger, Town Engineer
Ralph Witt, Planning Board
Andy Sojka, Parks
Len Weglarski, DCO

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of January 19, 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" | 14,221.90 | 28,165.50 | 42,387.40 |
| HGHWY FUND "DA/DB" | 33,940.69 | 1,857.63 | 35,798.32 |
| PART-TOWN FUND "B" | 2,310.73 | 1,309.09 | 3,619.82 |
| WD#2 FUND "WB" | | | |
| WD#3 FUND "WC" | | | |
| WD#4 FUND "WD" | | | |
| SP FIRE PROT. "SF" | 33,281.78 | 50,100.00 | 83,381.78 |
| SD#1 FUND "SI" | | 10,691.02 | 10,691.02 |
| SD#2 FUND "SA" | 1,972.56 | 942.76 | 1,972.56 |
| TRUST/AGCY FUND "T" | | 2,056.17 | 2,056.17 |
| SP REFUSE FUND "SR" | 37,171.01 | | 37,171.01 |
| STREET LIGHTING FUND "SL" | 8,332.77 | | 8,332.77 |
| PERIWINKLE LTG. "SL1" | 53.81 | | 53.81 |
| GRANTS | | 14,636.26 | 14,636.26 |
| TOTALS | \$131,285.25 | \$109,758.43 | \$241,043.68 |

(Pd. 1-19-10)

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Jim Guarino/North Rd. addressed the Board after reading in the Alden Advertiser that the proposed Master Plan "as is" will be looking for approval, he agrees with this. Questioned the lack of money for implementation and the delay. He thought that encouraging Home Occupation Permits was a good idea. Discussed zoning moratorium and other areas of concern. Supervisor Smith responded that when the Town first applied for the funding from CDBG, they wanted to go through the entire code book, cover to cover, making sure it was in agreement with the Master Plan. The cost of reprinting the code books is over \$9,000.00. That is the type of thing that will have to be delayed because there is not \$9,000.00 in the budget to do this without funding from the County. He did not mean to suggest that the whole implementation process would come to a halt. There are areas, as were stated, that can be done at little or no cost. Mr. Witt, Mr. Weber and Supv. Smith met today to discuss the formation of an Implementation Committee. There will be an article in the Advertiser soon looking for people that want to be a part of that

Committee. The process will begin, but not as fast as intended. Mr. Guarino questioned a moratorium on big-box stores. Supervisor Smith said the Plan says that if any large commercial project comes to Town that the size of that project will be considered, this Board and future Boards will be able to examine the value of a certain project and base the decision on the specific project. A moratorium could be put in place if a project would come in that would contradict the Master Plan implementation strategy.

COMMUNICATIONS

Councilwoman Riddoch said she has been receiving calls for the summer concert, five slots are booked. Had a meeting today about the wetland walkover on Main St., would like this on Work Session along with the quotes for Robert O. Smith Diamond I.

Attorney Strong received the proof of insurance from Alden Youth Baseball and proof of insurance from Wargo Enterprises, who will be doing the barn demolition tomorrow.

Councilwoman Cooke received a letter from Lynn Fusco, Alden School Superintendent saying thank you for the swine flu clinic that was provided for the students.

Supervisor Smith received an e-mail to the Town Board from Eric Chaffee asking to be put on the record in opposition to the position of the Supervisor that the Plan is ready to be implemented. Received the monthly, January 2010 report from the Town Clerk's office, monthly report from the Building Dept., Annual 2009 and December 2009 Fire/EMS reports from the Alden Fire Co.

NEW BUSINESS

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to approve the renewal of the H.O.P. for Dean Adamski/12120 Westwood Rd./Sporting Goods Dealer. Unanimously Carried.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to approve Alden's Winterfest Committee's request to erect temporary signs 2/2/10 thru 2/14/10 advertising the festivities for Winterfest. Sign permit fee to be waived. Unanimously Carried. **CEO Dugan added that he would like an application filled out and on file.**

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN SNYDER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN COOKE 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 Alternative Care Services of WNY Inc.'s Meals-On-Wheels Program and is desirous of obtaining such services for its residents;

WHEREAS, Alternative Care Services of WNY, Inc. is the sole source provider of a meals-on-wheels program in the Town of Alden and therefore the Town's Procurement Policy & Procedure Guidelines and General Municipal Law have been followed; and

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, 2010, until December 31, 2010.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the attached Agreement whereby the Town contracts with Alternative Care Services of WNY Inc., at a cost of \$1,001.00 for the provision of meals-on-wheels to eligible Town of Alden residents as being consistent with its policies and in the best interests 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 at a regular meeting on February 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 of Alden is in need of the services of a municipal financial advisor to assist the Town and its residents in meeting the requirements of the NYS DOS Local Government High Priority Planning Grant Program Alden-Marilla Water Study;

WHEREAS, municipal financial advising is a professional, unique and specialized skill that will benefit the residents of the Town of Alden; and

WHEREAS, the Alden Town Board given its past work relationship with Municipal Solutions, Inc., would like to contract with Municipal Solutions, Inc. for municipal financial advisement services for the Town of Alden for the above Grant.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the attached Contract with Municipal Solutions, Inc. for municipal financial advisement services for the Town of Alden for the term of the above Grant at \$100.00 per hour plus expenses, not to exceed \$3,000.00
2. The Supervisor of the Town of Alden is hereby authorized to execute all necessary paperwork to effectuate the Contract.
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on February 1, 2010 and was unanimously adopted.

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

WHEREAS, the NYS General Municipal Law § 103(1) as of January 1, 2010, increases to \$35,000.00 the amount of public works contracts without competitive bidding.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby adopts (revoking all former Procurement Policy and Procedure Guidelines) the attached Procurement Policy and Procedure Guidelines as its Official Procurement Policy and Procedure Guidelines effective February 2, 2010.
2. The Town Clerk's Office is hereby directed to send a copy of the Procurement Policy and Procedure Guidelines to all Town Board Members and Department Heads.
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 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 Board of the Town of Alden has decided that the Alden Town

Hall is in need of an emergency generator, which would allow the Town Hall to be used for shelter in the event of an emergency;

WHEREAS, the estimated cost of an emergency generator is more than \$10,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden require that all estimated equipment purchases over \$10,000.00 shall be formally bid pursuant to General Municipal Law Section 103; and

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

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the purchase and installation of an emergency generator at the Town Hall from Sitzman Appliances, Inc. for \$61,600.00 as being consistent with its policies and in the interests 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 purchase;
3. Sitzman Appliances must supply proof of insurance to the Town prior to starting any work;
4. Sitzman Appliances, Inc. must pay all of its employees who participate in this project the prevailing rate of wages; and
5. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote at a regular meeting on February 1, 2010 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 Building Inspector on January 25, 2010, made a report to the Alden Town Board that a barn located at 3161 Wende Road is dangerous and unsafe as defined by Chapter 7A of the Alden Town Code; the building is dilapidated, decayed, unsafe by reason that the roof of the barn has partially collapsed;

WHEREAS, The Building Inspector has reported on January 25, 2010, to the Town Board that this is an emergency case under Section 7A-9 of the Town Code, as there is immediate danger to life and safety unless this dangerous barn is immediately demolished;

WHEREAS, the barn is very close to Wende Road and its imminent collapse will likely result in the downing of power lines and the blockage of Wende Road (and damage to vehicles or persons on Wende Road at the time of collapse);

WHEREAS, the partial collapse of the roof has left the remainder of the structure so unsafe that a complete collapse of the barn is imminent;

WHEREAS, The Building Inspector has determined that the barn cannot be reasonable repaired; is dangerous to the health, morals, safety and general welfare; and is more than 50% damaged, decayed and deteriorated from its original structure; and that said barn is an immediate danger and an immediate threat to life and safety of persons;

WHEREAS, the Building Inspector has notified the owner that the barn has been found to be to an immediate danger and a threat to life and safety of persons;

WHEREAS, the Building Inspector has posted notice (on November 20, 2009 and again on January 22, 2010) of the Barn being dangerous, unsafe, and a public nuisance on the property; and on January 26, 2010 gave notice that the barn is an immediate danger and must be immediately demolished.

NOW, THEREFORE, BE IT RESOLVED:

1. That the barn located at 3161 Wende Road is an immediate danger to life and safety and is in immediate need of emergency demolition.
2. That the Town Board hereby declares that the barn at 3161 Wende Road be immediately demolished by the Town and that the costs of said demolition shall be assessed to the owner of record.
3. That the Town has obtained three quotes for the cost of demolition and the lowest quote was received by Wargo Enterprises, Inc. Accordingly, the Town authorizes Wargo Enterprises, Inc. to cause the demolition of the barn at 3161 Wende Road, Alden, New York.
4. That this action is a TYPE II action under SEQRA and that no SEQRA review is required.
5. This Resolution shall take immediately

The Adoption of the foregoing resolution was duly put to a vote at a regular meeting on February 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, Councilmen Snyder has advised the Town Board of the need to replace the boiler at the Alden Town Hall;

WHEREAS, the Town Board did on April 6, 2009, hire Kromac Design to design and write the technical specifications for the replacement of the boiler at the Alden Town Hall;

WHEREAS, the Town of Alden seeks grant funding to replace the existing boiler at Town Hall with a more energy efficient model thereby reducing energy consumption;

WHEREAS, the technical specifications prepared by Kromac Design need to be modified to ensure that the proposed boiler meets the requirements of the grant;

WHEREAS, hiring an engineer to design and write technical specifications falls under the professional service exemption of the Town of Alden's Procurement Policy & Procedure Guidelines and the General Municipal Law; and

WHEREAS, The Town Board after full and careful review and consideration of the request finds the need to modify the technical specifications for the boiler in the public interest;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board approves the hiring of Kromac Design to modify its existing design and technical specifications for the replacement of the boiler at the Alden Town Hall, as per the attached proposal, for \$800.00.
2. Kromac Design will bill an extra \$95.00 per hour, plus expenses for additional construction meeting and site visits. The Supervisor of the Town of Alden is authorized to approve any such additional expenses at his discretion.
3. That the Supervisor of the Town of Alden is authorized to sign the proposal with Kromac Design.
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote at a regular meeting on February 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, grant monies are available from the American Recovery and Reinvestment Act (ARRA) through the New York State Energy Research and Development Authority

(NYSERDA) for the implementation of energy conservation measures by small municipalities, and

WHEREAS, the Town of Alden retained C.J. Brown Energy, P.C. to conduct an Energy Audit of Town Hall, and

WHEREAS, the energy audit noted the existing boiler operates at only 65% efficiency, and

WHEREAS, the Town of Alden seeks grant funding to replace the existing boiler at Town Hall with a more energy efficient model thereby reducing energy consumption;

NOW THEREFORE, BE IT RESOLVED,

1. That the Town of Alden hereby allocates matching funds in the amount of \$12,000.00 toward this project as a demonstration of the Town's commitment to implement the project, and
2. That Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to NYSERDA for the purpose of securing this grant, and
3. That the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.
4. That this resolution shall take effect immediately.

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

Councilwoman Cooke moved and Councilman Snyder seconded the motion to amend the Resolution to read 65% efficiency. Unanimously Carried.

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

WHEREAS, grant monies are available from the American Recovery and Reinvestment Act (ARRA) through the New York State Energy Research and Development Authority (NYSERDA) for the implementation of energy conservation measures by small municipalities, and

WHEREAS, the Town of Alden retained C.J. Brown Energy, P.C. to conduct an Energy Audit of Town Hall, and

WHEREAS, the energy audit documented the current usage of electricity acquired through conventional means, and

WHEREAS, the Town of Alden seeks to reduce its carbon footprint through the installation of photovoltaic panels at Town Hall to generate a renewable source of energy, and

WHEREAS, the Alden Town Board is supportive of implementing a photovoltaic panel project at Town Hall, and

WHEREAS, the Town of Alden seeks financial assistance from NYSERDA for the purpose of participating in this renewable energy project.

NOW THEREFORE, BE IT RESOLVED,

1. That the Town of Alden hereby allocates matching funds in the amount of \$15,000.00 toward this project as a demonstration of the Town's commitment to implement the project, and

2. That Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to NYSERDA for the purpose of securing this grant, and
3. That the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.
4. That this resolution shall take effect immediately.

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

Councilman Weber moved and Councilwoman Riddoch seconded the motion to approve the Determination of Type II Action in the Matter of the Application of the Town of Alden for an Environmental Quality Review Act (SEQR).

1. The Town of Alden, on or about 2/1/2010, filed an Environmental Assessment Form (EAF) with the Town Board of the Town of Alden, a copy of which is attached hereto and made a part hereof relating to the excess capacity proceedings with the Town of Marilla.
2. Pursuant to 6 NYCRR section 617.13(d)(4) of the SEQR regulations, it is hereby determined that the action proposed in said application constitutes a Type II action as defined under said regulation and does not require an environmental impact statement or any other determination or procedures.

Unanimously Carried.

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

Supervisor Smith moved and Councilman Snyder seconded the motion to approve the following budget transfers: \$1,330.25 from A.1990.0400 contingent account to A.1440.0415 engineering account/ Reinhardt Road expense and \$1,846.29 from A.1620.0408 Building Heat account to A.1620.0407 Building Light account. Unanimously Carried.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilman Weber reported that the Economic Development Committee has been interviewing for the Directors position. Received a call from a new Westwood Rd. resident with questions about drainage, referred to CEO Dugan, who will meet with and discuss the situation in the spring.

Councilwoman Cooke reported that the Office of Emergency Management moved into their new room down by the Court offices. Looking for someone who is interested in becoming part of a ham radio operator network that will be set up. Please call Councilwoman Cooke.

Engineer Metzger had his draft letter ready for the DOT re Reinhardt Rd. closure, would like Board to look at it..

Planning Board Chairman Ralph Witt said they had their first meeting with the downsized Board, meeting ran very smoothly, but there was nothing on the agenda.

Supervisor Smith reported that two of the sub-committees in the Village/Town consolidation effort have met and the third will meet Wednesday night.

NEXT WORK SESSION: February 8, 2010 @ 7:00 PM
NEXT BOARD MEETING: February 16, 2010 @ 7:00 PM

Supervisor Smith adjourned the Meeting at 7:40 PM with a Minutes silence in Memory of Valeria Wigler, Thomas R. Lorenc and Kenneth Bonn.

Debra A. Crist
Deputy Town Clerk