

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, August 15, 2011 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 Town Clerk.

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

**RECORDING SECRETARY:** Ralph Witt, Town Clerk

**OTHERS PRESENT:** Jennifer Strong, Town Attorney  
Michael Metzger, Town Engineer  
Chris Snyder, CEO  
Michael Fleming, Planning Board  
Len Weglarski, DCO

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of August 1, 2011 and Special Meeting #3/2011 of August 8, 2011. Unanimously Carried.

**THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN SNYDER AND SECONDED BY COUNCILMAN WEBER TO WIT;**

ACCOUNT	ABST. #1	ABST. #2	TOTAL
GENERAL FUND "A"	\$30,947.69		\$30,947.69
HIGHWAY FUND "DA/DB"	67,986.88		67,986.88
PART-TOWN FUND "B"	7,998.81		7,998.81
WD#2 FUND "WB"	375.20		375.20
WD#3 FUND "WC"	2,063.60		2,063.60
WD#4 FUND "WD"	1,299.60		1,299.60
SP FIRE PROT. "SF"	6,654.15		6,654.15
SD#2 FUND "SA"	11,315.14		11,315.14
TRUST/AGCY FUND "T"	0		0
SP REFUSE FUND "SR"	39,871.95		39,871.95
STREET LIGHTING FUND "SL"	5,742.73		5,742.73
PERIWINKLE LTG. "SL1"	37.99		37.99
GRANTS	0		0
<b>TOTALS</b>	<b>\$174,293.74</b>		<b>\$174,293.74</b>

**UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED. THERE WAS NO BUSINESS FROM THE FLOOR**

**COMMUNICATIONS**

Councilwoman Riddoch received the certificate of insurance from the Lancaster Police for the use of the Band Shell tomorrow.

Councilman Weber received a call from a Countyline Road resident regarding off road ditching that was never done. Councilman Weber had discussed this with the former Highway Superintendent and it was put on a list and never done. The present Highway Superintendent has been notified and will check this out and advise. Received a complaint from an Alaura Drive resident regarding the oiling and stone on that road, she wanted her disapproval voiced.

Councilman Snyder reported there would be a meeting on August 25<sup>th</sup> for Supervisors of Erie County.

Supervisor Smith received Rural Metro's monthly compliance report for July 2011/53%; the area manager will look into the causes of the delays and report back, received two letters in regard to the Summer Recreation Program, thanking the Town, received from the Village of Alden Fire Company their July 2011 monthly report, received the Planning Board Agenda for Tuesday, August 9<sup>th</sup> meeting, the unapproved minutes from their July 12<sup>th</sup> meeting and the approved minutes from the Tuesday, June 14<sup>th</sup> meeting, received the Village of Alden's approved Board minutes for their July 14<sup>th</sup> & July 28<sup>th</sup> meeting.

**AT 7:05 P.M. SUPERVISOR SMITH ASKED FOR A MOTION TO ADJOURN FROM THE REGULAR MEETING AND MOVE INTO THE PUBLIC HEARING.**

**Councilman Weber moved and Councilwoman Riddoch seconded the motion to adjourn from the regular meeting and move into the Public Hearing. Unanimously Carried.**

The Town Clerk read the notice of Public Hearing that was published in the Alden Advertiser re: Application for a Home Occupation Permit for Sara and Brian Witmer/12655 E. Reinhardt Rd./Ceramics & Pottery Craft Business.

The Supervisor opened the Floor for Public Comments.

**PUBLIC COMMENTS**

Cal Ruthenburg, 12618 Reinhardt Rd. questioned whether there would be retail sales out of this location? Supervisor Smith advised according to the application no retail sales.

Dennis Demblewski, 2998 Peters Corners Rd., formally objects to this property being allowed to operate a business on a residential/agricultural zoned property. He considers this manufacturing. He is concerned about the operation of kilns on this property; electrical wiring and high temperatures. Supervisor Smith, along with CEO Snyder said that any electrical work would be inspected.

William Dunford, 12638 Reinhardt Rd. E. questioned where the kilns would be stored? Questioned what they will be doing; classes? The Witmer's said there would be a kiln in the back barn. There will be no retail sales. There may be teaching classes of one student at a time. This Home Occupation Permit is renewed yearly with an inspection from the Code Enforcement Officer.

**AFTER ALL THOSE WISHING TO BE HEARD WERE HEARD, AT 7:18 P.M. SUPERVISOR SMITH ASKED FOR A MOTION TO ADJOURN FROM THE PUBLIC HEARING AND ENTER BACK INTO THE REGULAR MEETING.**

**Councilwoman Riddoch moved and Councilman Weber seconded the motion to adjourn from the Public Hearing at 7:18 P.M. and re-enter back into the Regular Meeting. Unanimously Carried.**

**NEW BUSINESS**

Councilwoman Riddoch moved and Councilman Weber seconded the motion to approve the Girl Scouts request to use the Alden Community Center on specified dates in 2011/2012. Unanimously Carried.

**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 the Parks Supervisor to rent an 80 foot boom lift for one week (starting on August 16, 2011) for work in the Town Parks, the estimated rental cost is less than \$2,000.00 but greater than \$500.00;

WHEREAS, the Procurement Policy & Procedure Guidelines (“Guidelines”) of the Town of Alden states that the Town must obtain quotes from at least two (2) vendors;

WHEREAS, requests for proposals (weekly rental of an 80 foot boom lift, plus any delivery charges) were made by the Parks Supervisor to two (2) vendors;

WHEREAS, the highest bidder is United Rentals, Inc. at \$2,741.00 per week plus delivery of \$210.00;

WHEREAS, the lowest bidder is Skyworks Equipment Rental at \$1,300.00 per week plus delivery of \$150.00 and environmental fee of \$19.50; 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 the rental.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the rental of an 80-foot boom lift for one week (starting on August 16, 2011) for work in the Town Parks from Skyworks Equipment Rental at a total cost of \$1,469.50;
2. The Parks Supervisor is authorized to sign a rental agreement, upon approval of the Town Attorney, to effectuate this rental; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on August 15, 2011, and was unanimously adopted.

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

WHEREAS, pursuant to Section 20-64(A) of the Alden Town Code Sara Witmer and Brian Witmer have filed an Application for a Home Occupation Permit to conduct a ceramics and pottery craft business from their residence at 12655 East Reinhardt Road (the “Application”);

WHEREAS, pursuant to Section 20-64(B) the Town of Alden Planning Board has: reviewed the Application; determined that the proposed home occupation meets the requirements and standards set forth at Section 20-63 of the Alden Town Code; and has recommended the approval of the Application to the Alden Town Board;

WHEREAS, the Alden Town Board, pursuant to Section 20-64(C) of the Alden Town Code has duly called a public hearing on the Application;

WHEREAS, notice of the Public Hearing was: properly published in the Alden Advertiser; was properly posted on the Town Bulletin Board; and was properly mailed to the adjacent property owners pursuant to Section 20-64(C) of the Alden Town Code;

WHEREAS, the Alden Town Board held a Public Hearing on August 15, 2011, at 7:05 p.m. at which time all persons in favor of and all persons opposed to the Application were heard; and

WHEREAS, the Alden Town Board agrees with the recommendation of the Town of Alden Planning Board and finds it in the interests of the residents of the Town of Alden to approve the Application.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT:

1. A Home Occupation Permit to allow Sara Witmer and Brian Witmer to conduct a business ceramics and pottery craft business from their residence at 12655 East

Reinhardt Road Alden, New York be granted for a period of one (1) year; and

2. This Resolution shall take immediately.

The Adoption of the foregoing resolution was duly put to a roll call vote at a regular meeting on August 15, 2011, 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 retained C.J. Brown Energy, P.C. to conduct an Energy Audit of Town Hall and the energy audit noted the existing boiler in the Town Hall operates at only 80% efficiency, and

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

WHEREAS, the Town of Alden has caused to be written the technical specifications for the installation of a new boiler system;

WHEREAS, following the Procurement Policy & Procedure Guidelines of the Town of Alden, the Town hired the lowest bidder, Kohl Construction, Inc.;

WHEREAS, it has now become apparent that the boiler contains asbestos and that the asbestos must be properly removed in an urgent manner;

WHEREAS, the original bid for this project included an optional bid item to remove the asbestos and Kohl Construction, Inc. placed a bid of \$17,950.00; and

WHEREAS, Kohl Construction, Inc. has agreed to perform the asbestos removal for the cost of \$14,200; and

WHEREAS, the Town of Alden deems the asbestos removal as an urgent situation and Kohl Construction can commence the removal immediately.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the signing of a Change Order on the original construction Agreement for Asbestos removal with Kohl Construction, Inc. for a total cost of \$14,200.00;
2. Ronald L. Smith, as Supervisor of the Town of Alden, is hereby authorized and directed to sign said Change Order; and
3. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on August 15, 2011, 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 the Parks Supervisor that the Town Park soccer fields are in need of two (2) dugouts, the estimated cost of materials to construct two soccer dugouts is less than \$2,000.00 but greater than \$500.00;

WHEREAS, the Town of Alden Parks Department will construct the dugouts;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden states that the Town must obtain written quotes from at least two (2) vendors unless in the case of a sole source;

WHEREAS, requests for proposals (as per the attached specifications) were made by the Parks Supervisor to three (3) lumber vendors and the metal siding is a sole source situation;

WHEREAS, said Procurement Policy & Procedure Guidelines have been followed and quotes have been properly received based upon the attached specifications;

WHEREAS, the following bids were received for the lumber:  
the highest bidder is Genesee Lumber at \$1,243.20;  
the second highest bidder is Gui's Lumber & Home Center at \$1,135.44; and  
the lowest bidder is 84 Lumber at \$1,090.00 (including delivery);

WHEREAS, the following bid was received for the metal siding: Just Barnes at \$1,100.00; and

WHEREAS, The Town Board after full and careful review and consideration of the request finds that it is in the public interest to authorize the purchase of materials for the Parks Department to construct two (2) soccer dugouts in the Town Park.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of lumber from 84 Lumber at a total cost of \$1,090.00 and the purchase of metal siding from Just Barnes at a total cost of \$1,100.00 for the purpose of allowing the Town Parks Department to construct two (2) soccer dugouts in the Town Park.
2. That the Parks Supervisor is authorized to sign any and all necessary documents to effectuate this materials purchase and installation; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on August 15, 2011, and was unanimously adopted.

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

WHEREAS, the Town of Alden retained C.J. Brown Energy, P.C. to conduct an Energy Audit of Town Hall and the energy audit documented the current usage of electricity acquired through conventional means,

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,

WHEREAS, the Town of Alden has obtained grant funding 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 to install photovoltaic panels (which will involve replacement of a portion of the roof) at the Town Hall.

WHEREAS, the Town of Alden has caused to be written the draft technical specifications for the installation of the photovoltaic panels, which will include the partial replacement of the Town Hall Roof;

WHEREAS, The Town of Alden has hired Nussbaumer and Clarke to design the Project and Nussbaumer and Clarke has done so and the next step is to obtain construction bids for furnishing all tools, equipment, materials, and labor for the Roof Replacement and Solar Power Systems on the Town Hall building, and all related work, complete in place, tested, and ready for use in accordance with the contract documents therefore, including plans, specifications, instructions to bidders, etc., prepared by Nussbaumer & Clarke, Inc., Consulting Engineers.

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

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby authorizes the Alden Town Clerk to advertise for bids as outlined in the attached Notice to Bidders;
2. The Town Board hereby authorizes the Town Clerk to publish Notice in the Alden Advertiser. Said Notice should be published on August 18, 2011 and to send said Notice to the contractors identified by the Town. The Notice must state the time when and place where the sealed bids will be publicly opened and read by the Town Clerk;
3. The Town Board hereby authorizes the Town Clerk to receive sealed bids, until 11:00 AM Prevailing time on September 2, 2011. All bids must contain the Noncollusive Bidding Certification; and
4. Interested parties shall submit proposals to the Town Clerks Office no later than 11:00 AM on September 2, 2011. Said proposals shall be reviewed by the Town Board at a later date; and
5. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on August 15, 2011, 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 of Alden has received Federal Community Development Funds to Rehabilitate the Bathroom Facilities in the Alden Town Park;

WHEREAS, the Town of Alden has prepared a request for proposals for the design of this project; and

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

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. Ronald L. Smith, as Supervisor of the Town of Alden, is hereby authorized to have created an RFP package and to solicit, by mail, proposals from interested architectural/engineering firms.
2. The Town Board hereby authorizes the Alden Town Clerk to advertise for bids as outlined in the attached Request for Proposals and Price Quote and directs the Town Clerk to publish Notice in the Alden Advertiser;
3. Interested parties shall submit proposals to the Town Clerks Office no later than 11:00 AM on September 2, 2011. Said proposals shall be reviewed by the Town Board at a later date; and
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on August 15, 2011, 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, grant monies are available through the New York State Unified Court System to enhance the security and operation of municipal Justice Court; NOW THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town of Alden's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Unified Court System for the purpose of securing this grant, and BE IT FURTHER

RESOLVED, THAT THE supervisor and Town Court Justices be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

THE FOREGOING RESOLUTION WAS DULY PUT TO A ROLL CALL VOTE AT A REGULAR MEETING ON AUGUST 15, 2011 AND WAS UNANIMOUSLY ADOPTED.

THERE WAS NO UNFINISHED & TABLED BUSINESS.

#### REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilman Weber reported that the Highway Crew finished the second crossing on Henske Rd., paving will be done at a later date.

Attorney Strong would like Local Law #2/2011 added to the Work Session Agenda.

The Air Conditioner unit in the Court has been replaced. The unit in the Town Board room needs replaced, it will wait until next year.

Town Engineer Michael Metzger would like Sewer District #1 added to the Work Session.

Supervisor Smith reminded everyone that there would be a focus group session at the Town Hall tomorrow night at 7:30 P.M. regarding Erie County Agriculture & Farmland Protection Plan. There will be a Master Plan implementation meeting scheduled for September 8<sup>th</sup>, Thursday at 7:00 P.M.

**NEXT WORK SESSION:                    Monday, August 22, 2011    @ 7:00 P.M.**  
**NEXT TOWN BOARD MTG.            Tuesday, September 6, 2011 @ 7:00 P.M.**

Supervisor Smith adjourned the meeting at 7:30 P.M. with a Moment of Silence in memory of Joseph Serwacki and Ronald Gust (Father-in-Law of Town Attorney Jennifer Strong).

Ralph P. Witt  
Town Clerk

