

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, September 6, 2011 at 7:00 P.M. Supervisor Smith called the Meeting to Order. Councilman Snyder 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
Carl Fix, Highway Supt.
Chris Snyder, CEO
Michael Dewitt, Planning Board

Councilman Snyder moved and Councilwoman Riddoch seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of August 15, 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	\$16,163.47	\$47,111.16
HGHWY FUND "DA/DB"	67,986.88	9,139.00	77,125.88
PART-TOWN FUND "B"	7,998.81	3,079.46	11,078.27
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	11,846.88	13,146.48
SP FIRE PROT. "SF"	6,654.15		6,654.15
SD#2 FUND "SA"	11,315.14	862.59	12,177.73
TRUST/AGCY FUND "T"		3,241.66	3,241.66
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		10,700.04	10,700.04
TOTALS	\$174,293.74	\$55,033.10	\$229,326.84

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Mrs. Gloss from 11292 Kieffer Rd. told the Board she has lived on Kieffer Rd. for 40 years, knows it is zoned agricultural and farmers have been spreading manure for years and it never bothered them, but last month there is manure (could be chicken and something else) being spread containing eggs, meat & feathers. Their windows have to be closed because the odor gags you. Councilman Weber said he received a phone call from Mrs. Eason from Kieffer Rd. making the Town aware of this problem. He went over to the site and the manure is being stockpiled. He contacted Gerry Aldinger and asked him to look at it. Mary Eason/Kieffer Rd. said there are times her husband would go outside and have to come back in because he was unable to breathe because the odor was so bad. Councilman Weber will contact Gerald Aldinger/Right to Farm Committee to see if he contacted Thorpes about the problem and he will also look into further information about effects this could have on residents. Attorney Strong said that according to the Right to Farm Law the residents could ask for a meeting with the

Farmers and the Right to Farm Committee to discuss the problem. Supervisor Smith would like to move on this as the people have been suffering with this for a while. Supervisor Smith asked CEO Snyder to go out and check this out tomorrow.

Keith Hoffman, 988 Clearvue Drive would like his ditch filled back in, he has had pipe sitting there long enough. Highway Supt. Fix said he called both of his neighbors and are planning doing this on the 12th next week. Michele Hoffman said they did not receive a call. Hwy. Supt Fix said they have been very busy and short staffed.

COMMUNICATIONS

Councilwoman Riddoch has a new membership application from Crittenden Vol. Fire Co., she would like this and dog enumeration put on the Work Session.

Councilman Weber was contacted by residents of Henskee Rd. questioning him about the patch job over the two culverts, wanting to know if it is it as good as it will get before they oil and stone Henskee. They would like to see it brought up to grade. Hwy. Supt. Fix said they would settle, but discussed bringing them up to grade this morning. He will add a finer grade of blacktop to patch the spots.

Supervisor Smith received the monthly reports from the Building and Town Clerk's Departments for the month of August, received the Village of Alden's approved Board minutes from their August 11, 2011 meeting.

NEW BUSINESS

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to approve Alden Memorial Post 7967, Veterans of Foreign Wars use of the Alden Community Center on the Third Monday of the Month at 7:30 P.M./Small Room for the Year 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 received a request from Highway Superintendent Carl Fix to oil and chip (Alaura Drive East and West; Fairview; Boncliff Road; Cary Road; John/Jane Drives; Greenfield Drive and Creekside Drive) making purchases from the County Bid Contract;

WHEREAS, The Town Board, after following the proper purchasing procedure, approved the purchase of stone, emulsion and chip spreader rental from Midland Asphalt Material Inc. for a cost not to exceed \$57,000.00;

WHEREAS, the Town paid Midland Asphalt Material Inc. \$55,988.34 for the project.

WHEREAS, in the course of completing the oil and chip project Midland Asphalt Material, Inc. used more size 1a stone (purchased through County Line Stone Co., Inc., also on the County Bid Contract) than Midland Asphalt Material, Inc. had estimated and quoted to the Town;

WHEREAS, Midland Asphalt Material, Inc. has completed its work on the paving project and County Line Stone Co., Inc. has now billed the Town of Alden an additional \$7,690.35; and

WHEREAS, The Town Board after full and careful review and consideration of the additional expense finds that it is in the public interest to pay the additional costs to County Line Stone Co., Inc.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the payment of \$7,690.35 (\$1,011.66 remaining from the approved amount pursuant to the July 5, 2011 Town Board Resolution authorizing payment to Midland Asphalt Material Inc. and \$6,678.69 being an overage) to County Line Stone Co., Inc. for the additional costs of the oil and chip project;
2. The Highway Superintendent is authorized to sign any and all necessary documents to effectuate this public works project; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 6, 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 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 and the Town Board has hired Kohl Construction, Inc. to perform the asbestos removal; and

WHEREAS, Air Sampling is required as part of the asbestos removal and the Town of Alden has received two quotes for this required air sampling as follows:

The highest quote is from Watts Architecture & Engineering, P.C. for \$900 and

The lowest quote is from Stohl at \$560.00, making Stohl the lowest responsible bidder.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the signing of an Agreement with Stohl for the air sampling at a cost not to exceed \$750.00 (in the event that additional time or air samples are requested);
2. Ronald L. Smith, as Supervisor of the Town of Alden, is hereby authorized and directed to sign said 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 September 6, 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 Board of the Town of Alden is considering the adoption of Local Law No. 2 of the Year 2011, entitled "Rezoning of Real Property on Broadway and Zoning Map Amendment" (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 has sent 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:

1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA and that a coordinated review shall be conducted.
2. The Town of Alden Code Enforcement Officer is directed to send notice of this resolution to the New York State Department of Transportation; Erie County Department of Planning and the Genesee County Department of Planning.
3. The Town Board has determined that it should be the Lead Agency for all environmental review of the Proposed Action.
4. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting on September 6, 2011, and was unanimously adopted.

THE FOLLOWING ORDER WAS OFFERED BY COUNCILMAN WEBER, 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 Rd., Alden, New York at 7:05 p.m. on the 19th day of September, 2011, for the purpose of hearing all persons interested in the proposed Local Law No. 2 of the Year 2011; and

BE, IT FURTHER

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Alden Advertiser, designated by the Town as its official newspaper for this publication, such publication to be not less than ten days before the date of the public hearing; (b) 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 days before the date of the Public Hearing and notify County Planning as required under §239-m of the General Municipal Law; and

BE, IT FURTHER

ORDERED, that the Town Clerk is to make copies of the proposed "Local Law No. 2 of the Year 2011, entitled "Rezoning of Real Property on Broadway and Zoning Map Amendment", available at his 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, at a regular meeting on September 6, 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 Parks Department has advised the Town Board that the Town Parks have nine (9) light poles & 31 – 1000 Watt Light Fixtures that are no longer needed in the Town Parks, due to the Town Park revitalization project; and

WHEREAS, the Town of Alden has no use for the nine (9) light poles & 31 – 1000 Watt Light Fixtures.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. That the Town Board hereby determines that the nine (9) light poles & 31 – 1000 Watt Light Fixtures are not needed for Town purposes and are surplus property;
2. The Town Board hereby authorizes the disposal / scrapping of the nine (9) light poles & 31 – 1000 Watt Light Fixtures at the discretion of the Parks Supervisor; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 6, 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 Highway Superintendent has requested that the Town Board authorize spending by the Highway Department for general repairs of Town of Alden Roads for the remainder of 2011, as allowed by Section 284 of the New York State Highway Law;

WHEREAS, the 2011 Town of Alden Budget for general road repairs has \$117,454.31 remaining for 2011; and

WHEREAS, the Alden Town Board finds it to be in its best interest to have such an Agreement in place, to make it quicker and easier for the Highway Department to make general road repairs without having to bid out the supplies; equipment and labor.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Supervisor, Council Members, and Highway Superintendent are hereby authorized and directed to enter into the attached Agreement to Spend Highway Funds for the remainder of 2011;
2. The Highway Superintendent is directed to file one counterpart of the Agreement with the Town Clerk and one counterpart of this Agreement with the Erie County Highway Superintendent; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 6, 2011, and was unanimously adopted.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to approve Town Assessor William Sivecz's request to attend mandatory continuing education courses in Syracuse on September 14-16, 2011 and October 19-20, 2011, to be reimbursed from N.Y.S. Unanimously Carried.

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

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR SMITH, 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 (“the Project”);

WHEREAS, the Town of Alden has prepared a request for proposals for the design of this project and has formally bid pursuant the Project to General Municipal Law section 103 and bids have been properly received, as follows:

The highest bidder is TVGA at \$10,070.00,
The second highest bidder is Metzger Civil Engineering at \$ 10,000.00, and
The lowest bidder is Nussbaumer & Clarke, Inc. at \$9,500.00

WHEREAS, Nussbaumer & Clarke, Inc is deemed the lowest responsible Bidder

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the signing of an Agreement for Architectural and Engineering Services, in the form attached hereto, with Nussbaumer & Clarke, Inc. for a total cost of \$9,500.00;
2. Ronald L. Smith, as Supervisor of the Town of Alden, is hereby authorized and directed to sign said 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 September 6, 2011, 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 has received grant money from the N.Y.S. Office of Parks, Recreation & Historical Preservation to rehabilitate the Town Park (“the Parks Project”);

WHEREAS, the Town of Alden has properly solicited & received bids for the construction of “the Parks Project,” as follows:

The highest bidder is Serafini at \$311,364.00
The second highest bidder is Zoladz at \$296,500.00
The lowest bidder is Northeast at \$271,935.00

WHEREAS, Northeast is deemed the lowest responsible bidder,

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the signing of an agreement for construction services with Northeast at a total cost of \$271,935.00;
2. Ronald L. Smith, as Supervisor of the Town of Alden is hereby authorized and directed to sign said agreement; and
3. This resolution shall take effect immediately.

The foregoing resolution was put to a roll call vote at a regular meeting on September 6, 2011 and was unanimously adopted.

COMMUNICATIONS

Town Clerk Ralph Witt received the Tax Bills today and they will be mailed out on September 15, 2011. Town Clerk Witt also wanted to comment on the manure spreading on Kieffer Rd. Mrs. Eason called him two weeks ago and said the condition was unlivable and he told her he would take care of it for her and see that something was done. He talked to Councilman Weber and CEO Snyder, and nothing has been done. He is glad Supervisor Smith said to get something done, this is the type of thing that cannot wait until tomorrow.

Highway Supt. Fix would like to have the Driveway Permits put on the Work Session.

Councilman Snyder asked Hwy. Supt. Fix about ditching that needs to be done by the power lines on Cary Rd. He will get to it in a few weeks.

Engineer Metzger would like Bonnie Lake put on the Work Session. Engineer Metzger asked about the rezone on Broadway, if the Board was in agreement with the Planning Board recommendation of 500'? They are in agreement; wording will state "500 feet to a point in the current center line of the Right of Way known as Broadway".

Supervisor Smith met with Rich Partell, Rural Metro's Manager concerning the 53% monthly compliance for the month of July. They had a high volume of calls and also had a large number of vehicles out of service. These issues have been resolved. At the end of this year, Rural Metro's and the Fire Companies contracts will expire, meetings are set up. Supervisor Smith asked if there was another Board member that would like to sit in on these meetings with Attorney Strong and himself. There is a meeting with the Fire Companies on Wednesday the 21st at 7:00 P.M. at the Town Hall and a meeting with Rural Metro on the 28th at 2:00 P.M., Councilman Snyder will attend. Supervisor Smith wanted to comment and thank Crittenden, Alden and Millgrove Fire Companies that sent members and equipment down to Eastern New York to help out with the aftermath of hurricane Irene. The next Mater Plan Implementation meeting will be held at the Town Hall on Thursday at 7:00 P.M.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

NEXT WORK SESSION: Monday, Sept. 12, 2011 @ 7:00 P.M.
NEXT TOWN BD. MTG.: Monday, Sept. 19, 2011 @ 7:00 P.M.

Supervisor Smith adjourned the Meeting at 7:45 P.M. with a Moment of Silence in Memory of Albert Lueke Jr., Ethel Erny & Linda Schultz.

Ralph P. Witt
Town Clerk