



modified agricultural district Lancaster Alden No. 16, received the Building Department's July, 2011 monthly report.

## NEW BUSINESS

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

WHEREAS, Time Warner Entertainment –Advance/Newhouse Partnership d/b/a Time Warner Cable has requested consideration for renewal of the Town of Alden's cable television franchise agreement with Time Warner Communications; and

WHEREAS, pursuant to the Cable Communications policy Act of 1984 (the "Act", the Cable Television Consumer Protection and Competition Act of 1992, as well as Par 59 of the Rules of the State of New York Public Service Commission, a process has been established for renewal of cable television franchise: and

WHEREAS, Chapter 626(h) of the Act permits the municipality to adopt a less formal renewal procedure; and

WHEREAS, the Town Board of the Town of Alden has utilized such procedure; and

WHEREAS, Time Warner Communications has submitted a renewal agreement for the extension of their non-exclusive cable television franchise with the Town of Alden; and

WHEREAS, A Public Hearing for the discussion of that agreement was duly held on the 4th day of April 2011, with no opposition being expressed; and

WHEREAS, the Town Board believes it to be in the best interest of the residents of the Town to accept such agreement;

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

- That the Supervisor of the Town of Alden is hereby authorized to sign the renewal of the Town of Alden's Cable Television Franchise Agreement with Time Warner Communications in the form attached hereto; and
- This resolution shall take effect immediately.

The adoption of the foregoing resolution was duly put to a vote on roll call at a regular meeting on August 1, 2011, and was unanimously adopted.

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

WHEREAS, the Town of Alden Parks Supervisor has advised the Town Board that the Town Parks are in need of five (5) new picnic table bases and that the Alden Hook & Ladder Fire Company, Inc. ("Fire Company") is also in need of five (5) new picnic table bases;

WHEREAS, the Procurement Policy & Procedure Guidelines ("Guidelines") of the Town of Alden allow the Town to make purchases from the State of New York Bid List without solicitation of RFPs;

WHEREAS, Jamestown Advanced Products Corporation is on the State Bid List and offers the picnic table bases at \$177.16 each (or a total cost of \$1,771.60) and if the Town and the Fire Company submit a joint order, no shipping costs will be charged;

WHEREAS, the Fire Company will reimburse the Town in the amount of \$885.80 for five (5) picnic table bases;

WHEREAS, The Town Board after full and careful review and consideration of the Park Supervisor's request finds the request to place a joint order for picnic table bases in the public interest.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board approves the purchase of ten (10) picnic table bases from Jamestown Advanced Products Corporation for a total cost of \$1,771.60, with \$885.80 being reimbursed to the Town by the Fire Company;

2. That the Parks Supervisor, Andy Sojka , 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 August 1, 2011, and was unanimously adopted.

Councilman Snyder moved and Councilman Weber seconded the motion to approve the Board of Elections request to use the Alden Town Hall for training on August 4, 2011 from 8:30 A.M. to 4:00 P.M. Unanimously Carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN RIDDOCH WHO MOVED IT'S ADOPTION, SECONDED BY COUNCILMAN SNYDER TO WIT;

WHEREAS, the Town Board of the Town of Alden has been made aware of the traffic safety concerns of its residents with respect to Cayuga Creek Road between Marilla Line and Three Rod Road intersection in the Town of Alden, and

WHEREAS, Cayuga Creek is owned and maintained by the County of Erie, and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Alden hereby formally requests that a traffic and safety study be conducted for this roadway, a section which is more specifically described as Cayuga Creek Road between Three Rod Road intersection and the Town of Marilla Line; and be it further

RESOLVED, these studies are requested as the speed limit is not posted and assumed to be 55 mph. The remainder of Three Rod Road is currently posted at 35 mph. Recently residents have voiced concerns of excessive speed and the Erie County Sheriff has patrolled the roadway. Curves along this section of road make the sight distance difficult;

AND BE IT FURTHER

RESOLVED, that the Town Clerk shall send the appropriate paperwork (TE-9) and resolutions to the proper agencies for action on this said resolution.

This Resolution shall take effect immediately.

The adoption of the foregoing Resolution was duly put to a vote on August 1, 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 Master Plan Implementation Committee to purchase road signs announcing entry into the Town of Alden and the announcing the Town's Right to Farm Law;

WHEREAS, the Procurement Policy & Procedure Guidelines ("Guidelines") of the Town of Alden allow the Town to make purchases from the County of Erie without solicitation of RFPs;

WHEREAS, the price for nine 3' by 3' green "Welcome" signs is \$675 (or \$75 each); and the price for nine Right To Farm signs is \$73.35 (or \$8.15 each);

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 signs.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of nine 3' by 3' green "Welcome" signs and nine Right to Farm signs for a total cost of \$ 748.35;
2. The Highway Superintendent of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase and is hereby directed to order these signs and to cause the same to be installed; 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 1, 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 Alden Town Board has received a request from the Highway Superintendent to purchase 36 posts for road signs that need to be installed in the Town of Alden;

WHEREAS, the Procurement Policy & Procedure Guidelines ("Guidelines") of the Town of Alden allow the Town to make purchases from the County of Erie Bid List without solicitation of RFPs;

WHEREAS, Eberl Iron Works is on the County of Erie Bid List;

WHEREAS, The price for 36 road sign posts is \$972.00 (or \$27.00 each);

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 road sign posts.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of 36 road sign posts from Eberl Iron Works for a total cost of \$972.00;
2. The Highway Superintendent of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase and is hereby directed to order these road sign posts and pick up the same from Eberl Iron Works and then cause the same to be installed;

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 1, 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 Alden Town Board has received a request from the Parks Supervisor to purchase a landscaping edger for the Town of Alden Parks Department to

use in the town 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 states that the Town is not required to obtain RFP’s in the event of a sole source situation;

WHEREAS, the Parks Supervisor has informed the Town Board that there is only one type / brand of edger that meets his needs and that this edger is sold by only one company;

WHEREAS, the sole source distributor of the Edge-R-Rite II Bed Edger is Turfco Direct at a cost of \$1,539.00, including a right angle blade, plus \$36.00 for a 30° Tree Ring Blade, for a total price of \$1,575.00; 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 the landscaping edger.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of the Edge-R-Rite II Bed Edger, including a right angle blade and a 30° Tree Ring Blade, for a total price of \$1,575.00 from Turfco Direct, the sole source distributor;
2. The Parks 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 August 1, 2011, and was unanimously adopted.

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

WHEREAS, Sara Witmer and Brian Witmer have filed with the Alden Town Clerk an Application for a Home Occupation Permit to conduct a ceramics and pottery craft business from their residence at 12655 East Reinhardt Road;

WHEREAS, the Town of Alden Planning Board has reviewed the Application and recommended the approval of the Application to the Alden Town Board; and

WHEREAS, the Town Board, pursuant to Section 20-64(C) of the Alden Town Code is required to call a public hearing on the Application.

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

1. A Public Hearing on the Home Occupation Permit Application for Sara Witmer and Brian Witmer be held by the Alden Town Board at the Alden Town Hall, 3311 Wende Road, Alden, New York on August 15, 2011 at 7:05 P.M. Local Time;
2. That the Town Clerk as required by Section 20-64(C) of the Alden Town Code: publish the Notice of Public Hearing, in the Alden Advertiser; post the Notice on the Town Bulletin Board; and mail the Notice to the adjacent property owners, which Notice shall be in the form attached hereto and made a part hereof; and
3. 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 1, 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 Alden Town Board has received a request from Highway Superintendent Carl Fix to obtain a drainage swale survey of the rear yards of the residences on Boncliff Drive, to assist the Highway Department in cleaning our drainage ditches in that area, the estimated cost of the survey is less than \$2,000.00 but greater than \$500.00;

WHEREAS, the Procurement Policy & Procedure Guidelines (“Guidelines”) of the Town of Alden state that professional services are exempt from the Guidelines. Nonetheless, verbal requests for proposals were made by Town Engineer Michael Metzger to three (3) surveyors and written quotes were received from two (2) surveyors as follows:

- A. The highest quote is from McIntosh & McIntosh at \$1,150.00; and
- B. The lowest quote is from Niagara Boundary at \$800.00;

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 survey.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the Contract with Niagara Boundary for a drainage swale survey of the rear yards of the residences of Boncliff Drive at a total cost of \$800.00. Niagara Boundary must pay prevailing wages and comply with all labor law requirements and postings prior to starting any work;
2. The Highway Superintendent of the Town of Alden is authorized to sign any and all necessary documents to effectuate this 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 August 1, 2011, and was unanimously adopted.

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

WHEREAS, the Alden Town Board on November 15, 2010 adopted its 2011 Budget;

WHEREAS, the New York State Department of Transportation has increased the CHIPS payment to the Town of Alden by \$24,836.17;

WHEREAS, the Town of Alden Highway Department has already appropriated the \$24,836.17 CHIPS increase from the NYS DOT;

WHEREAS, increasing the appropriate revenue and expenditure lines will not render the Town of Alden insolvent;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board hereby increases by \$24,836.17 revenue line DB.3501 of the 2011 Budget;
2. That the Alden Town Board hereby increases by \$24,836.17 expenditure line DB.5112.0449 of the 2011 Budget; and
3. This Resolution shall take effect immediately.

THE FOREGOING RESOLUTION WAS PUT TO A VOTE ON AUGUST 1, 2011 AND WAS UNANIMOUSLY ADOPTED.

## UNFINISHED AND TABLED BUSINESS

The Resolution to amend the sewer agreement with Erie County was Tabled.

## REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilwoman Riddoch reported that she had lunch and a meeting last week with the Senior Citizens, they have some concerns, some budget related, they were advised that the Town is presently working with the budget. She will meet with them next Wednesday and go over the concerns. Councilwoman Riddoch hopes to continue the good rapport with the Seniors that Councilwoman Cooke had.

Councilman Snyder reported that there is a new air conditioner in the Judges office. There is a need for repair or replacement in the Town Board meeting room for one of the air conditioners.

Town Engineer Michael Metzger would like the Town Hall Boiler put on the Work Session. The asbestos test on the present boiler came back positive, he would like to discuss this.

CEO Chris Snyder would like the remodeling of the Town Hall put on the Work Session.

Supervisor Smith said he received a letter from the Comptroller Office for the County regarding the mortgage tax collection that is received twice a year from the County. Currently we receive a check for the Town of Alden and also receive a check for the Village of Alden that we have to distribute to them. They have a proposal to send the check directly to the Village. He would like this put on the Work Session for discussion. There will be a focus group session run by the Erie County Department of Environmental Planning here at the Town Hall on Tuesday, August 16<sup>th</sup> at 7:30 P.M. to discuss the County Agricultural and Farmland Protection Plan.

**NEXT WORK SESSION:            Monday, August 8, 2011 @ 7:00 P.M.**  
**NEXT TOWN BOARD MTG.:    Monday, August 15, 2011 @ 7:00 P.M.**

Supervisor Smith adjourned the Meeting at 7:24 P.M. with a Moment of Silence in Memory of Rose Capodicasa, Mary Wandel and Fredrick Pfeiffer.

Debra A. Crist  
First Deputy Town Clerk