

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, February 7, 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

ABSENT: Arlene Cooke, Councilwoman

RECORDING SECRETARY: Ralph P. Witt, Town Clerk

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

Councilwoman Riddoch moved and Councilman Snyder seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of January 18, 2011. Unanimously Carried.

Supervisor Smith moved and Councilwoman Riddoch seconded the motion to amend Abstract #1/January 2011 Special Fire Protection "SF" to void voucher for New York Life in the amount of \$29,322.60. Unanimously Carried.

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

<u>ACCOUNT</u>	<u>ABST. #1</u>	<u>ABST. #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$11,499.80	\$24,832.69	\$36,332.49
HIGHWAY FUND "DA/DB"	5,603.80	28,366.39	33,970.19
PART-TOWN FUND "B"	5,868.35	570.86	6,439.21
WD#2 FUND "WB"	375.20		375.20
WD#3 FUND "WC"	2063.60		2063.60
WD#4 FUND "WD"	1,719.75		1,719.75
SP FIRE PROT. "SF"	Voided	23,962.80	23,962.80
SD#2 FUND "SA"	2,292.69	414.17	2,706.86
TRUST/AGCY FUND "T"		2,987.20	2,987.20
SP REFUSE FUND "SR"	9,883.75		9,883.75
STREET LIGHTING FUND "SL"	7,071.96		7,071.96
PERIWINKLE LTG. "SL1"	51.84		51.84
GRANTS		3,236.40	3,236.40
TOTALS	\$46,430.74	\$84,370.51	\$130,801.25

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

THERE WAS NO BUSINESS FROM THE FLOOR.

AT 7:05 P.M. SUPERVISOR SMITH ASKED FOR A MOTION TO ADJOURN FROM THE REGULAR MEETING TO ENTER INTO THE PUBLIC HEARING RE "LOCAL LAW #1/2011 "LOCAL LAW ESTABLISHING THE RIGHT TO FARM".

At 7:05 P.M. Councilwoman Riddoch moved and Councilman Weber seconded the Motion to enter into the Public Hearing re Local Law #1/2011 “Local Law Establishing the Right to Farm”. Unanimously Carried.

The Town Clerk read the notice of Public Hearing that was published in the Alden Advertiser re “Local Law Establishing the Right to Farm”.

Supervisor Smith read a paragraph from the proposed Law.

Supervisor Smith opened the Floor for Public Comments.

PUBLIC COMMENTS:

Jack Oles, Countyline Rd. said that we owe it to the people to preserve farm land we have available, felt this was the first step to making this happen.

Hans Mobias, Erie County Farm Bureau thanked the Board for this law, Alden will be the 21st Town in Erie County to have such a law and offered the help of the Farm Bureau should it be needed.

Laura Loehr, Henske Rd. is in favor of this law because a committee of citizens put it together from the Town and it offers ways to resolve any issues that would arise between the farmers and neighbors. It is also consistent with the Master Plan. She applauded the Committee that put it together along with Town Board and the Planning Board.

Gerald Aldinger, Cary Rd. stated he was Chairman of the Committee that worked on this project for 1-1/2 years to 2 years. He wanted to recognize members of this Committee; Paul Loehr, who was instrumental in obtaining different laws within the County to help put Alden’s law together, Jim Guarino, Jim Foss & Dave Bensley. He felt this law to be necessary as development comes along.

Jim Guarino, North Rd. gave credit to all on the Committee that developed this law, along with the Town Board and Planning Board. He felt it is the best law in the County.

Stephan Fox, Wende Rd. fully supports the law.

Ron Gardner, Genesee St., is a Bee Keeper, would like that incorporated into the law. We need to keep the farms viable.

Tim Bigum, Field Supervisor for New York Farm Bureau wanted to say that a Right to Farm Law is a statement of support for the agriculture within the Town and a direction for future Boards. Thanked the Board for their support.

Linda Sabo, Four Rod Rd. supports the law.

Paul Loehr, Henske Rd. was glad that members of the community are in support of this law. Thanked the Committee for their work and the Town Board for their contributions.

Supervisor Smith said in his time as Supervisor it is unusual to have a Public Hearing with so many people speaking in support of something we’re doing. He felt it was very nice to hear. He would like to recognize the importance of agriculture in the Town of Alden. It was a theme brought up over and over again in the Master Plan. As a member of the Master Plan Implementation Committee, he is pleased that we reached this point as a first step of the work of that Committee.

AT 7:20 P.M. SUPERVISOR SMITH ASKED FOR A MOTION TO ADJOURN FROM THE PUBLIC HEARING AND ENTER BACK INTO THE REGULAR MEETING.

At 7: 20 P.M. Councilman Weber moved and Councilwoman Riddoch seconded the motion to adjourn from the Public Hearing and enter back into the Regular Meeting. Unanimously Carried.

COMMUNICATIONS

Councilwoman Riddoch received the insurance certificate from Alden Youth Baseball good through May 2012, also received an insurance certificate from the Village of Alden for all their 2011 events. She received a new endorsement for the 2011 Ford Pickup.

Councilman Weber received a copy of a letter written by Town Engineer Metzger to New York State Planning and Development Dept. with regards to an on-going problem on Wende Rd. He felt it was a very well worded letter and looks forward to the response and hope it would get satisfaction for a Town resident.

Attorney Strong spoke to our Time Warner government representative, whom is still working with his Time Warner Sales Dept. regarding changing the Time Warner sports channel programming from Rochester sports base to Buffalo sports base, that is still in progress.

Supervisor Smith received from New York State Dept. of Transportation a letter regarding the Reinhardt Rd. crossing project notifying the Town that the project has been accepted and the bill for services rendered by the Town has been received and will be paid upon final closeout, received from the Alden Planning Board their unapproved minutes from the January 11th meeting, their December 14, 2010 approved minutes and the agenda for 2-8-11 meeting, received the Village of Alden approved minutes from their January 13th meeting, received from the County of Erie, Office of the Comptroller the final report on mortgage tax collection for the year 2010 for the Town of Alden (\$122,877.59), received an invitation from the Alden Hook and Ladder Fire Company to join in their parade June 25th, 2011.

NEW BUSINESS

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

WHEREAS, many municipalities, including cities, counties, towns and villages within Erie County have lost monetary support from the County of Erie;

WHEREAS, The Town of Alden believes that the Ewell Free Library is a great asset to the residents of the Town of Alden and would like to keep the Library open for the benefit and enjoyment of its citizens;

WHEREAS, the Alden Ewell Free Library is currently operated by the County of Erie and housed in a building not owned by the Town of Alden; and

WHEREAS, the Town Board of the Town of Alden would like to Contract with the Ewell Free Library to provide monies to the Library for its continued operation.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the Contract for the year 2011 with the Ewell Free Library as being consistent with its policies and in the interest 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 Contract; 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 7, 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 would like to contract with Richard Noel to provide stenographic services for the Alden Town Court; and

WHEREAS, this resolution supplements the Town Board Resolution adopted on January 3, 2011, appointing Mr. Noel as Court Stenographer;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the hiring of Richard Noel for stenographic services for the Alden Town Court for the Town of Alden for the period of January 1, 2011 until December 31, 2011; at a rate of \$70.00 per court session; and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on February 7 2011, and was unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN SNYDER, 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. 1 of the Year 2011, entitled "Local Law Establishing the Right to Farm" (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 December 28, 2010, for this Proposed Action, as required under Section 239-m of the General Municipal Law and a comment was received from the Division on December 29, 2010; and the comment was reviewed by the Town of Alden Town Board;

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 January 18, 2011; 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 and on January 11, 2011, recommended to the Town Board the approval of the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

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 on February 7, 2011, 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 # 1 of 2011 entitled “Local Law Establishing the Right to Farm” was introduced to the Alden Town Board for consideration by Councilperson Weber on January 3, 2011;

WHEREAS, the Town of Alden Planning Board reviewed the proposed Local Law and recommended to the Town Board its approval on January 11, 2011;

WHEREAS, an order was duly adopted by the Alden Town Board for a public hearing to be held by said Town Board on February 7, 2011, at 7:05 pm at the Alden Town Hall, 3311 Wendé Road, Alden, New York 14004 to hear all interested parties on a proposed Local Law No. 1 of the Year 2011;

WHEREAS, notice of said public hearing was duly published in the Alden Advertiser, the official newspaper of the Town of Alden on January 20, 2011;

WHEREAS, said public hearing was duly held on February 7, 2011, and *all parties in favor of the local law were heard and/or all parties 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 comment to the proposed Local Law on December 29, 2010, pursuant to section 239-m of the General Municipal Law and the comment was reviewed by the Town of Alden;

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law on December 28, 2010; 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 adopts said Local Law No. 1 of the Year 2011 entitled “Local Law Establishing the Right to Farm”, which reads as follows:

{TEXT IS ATTACHED}

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.

3. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 7, 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 Town Board of the Town of Alden has been contacted by Building Controls and Services, Inc. in regard to conducting a Mechanical Asset Survey of the Alden Community/Senior Center and the Alden Town Park;

WHEREAS, The Town Board believes that a Mechanical Asset Survey is the first step in learning how to conserve energy and believes that it is in the best interests of the citizens of Alden to conduct a Mechanical Asset Survey of the Alden Community/Senior Center and of the Alden Town Park; and

WHEREAS, the Mechanical Asset Survey provided by Building Controls and Service, Inc. will be done at no cost (and no future obligation) to the Town of Alden.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby authorizes Building Controls and Services, Inc. to conduct a Mechanical Asset Survey of the Alden Community/Senior Center and of the Alden Town Park at no cost (and no future obligation) to the Town of Alden.
2. The Survey may begin once proof of insurance is filed by Building Controls and Services, Inc. with the Alden Town Clerk.
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 7, 2011, and was unanimously adopted.

Councilman Snyder moved and Councilman Weber Seconded the Motion to Allow the Alden Garden Club the use of the Community Center for its Annual Plant Sale on June 8, 2011. Unanimously Carried.

Councilwoman Riddoch moved and Councilman Weber Seconded the Motion to Allow the Alden Historical Society the use of the Community Center on Specified Dates. Unanimously Carried

Councilman Weber moved and Councilwoman Riddoch Seconded the Motion to Allow TOPS Club of Alden the use of the Community Center/Tuesdays 4:30-5:30 PM for the Year 2011. Unanimously Carried.

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

WHEREAS, the Auditors for the Town of Alden have advised the Town to adopt an Asset Capitalization and Item Disposition Policy;

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The previously adopted Item Disposition Policy adopted by the Town of Alden is hereby rescinded;
2. The attached Asset Capitalization and Item Disposition Policy is hereby adopted by the Town of Alden and shall remain in effect until, if ever, rescinded by the Alden Town Board;
3. This resolution shall take effect immediately.

The Foregoing Resolution was duly put to a Roll Call Vote on February 7, 2011 and was unanimously adopted.

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

WHEREAS, the Alden Town Board has reviewed the Town of Alden Employee Handbook ("Handbook") and noticed the need to update Section III regarding vacation and sick days; and

WHEREAS, the Town Board believes that the changes made are fair to both the Employees of the Town of Alden and is in the best interests of residents of the Town of Alden.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby amends the Handbook, dated June, 2009 (and amended in March, 2010, and in June, 2010) to reflect the changes made to page 10 (attached) addressing Vacation and page 11 (attached) addressing Sick Days, to be effective February 8, 2011 at 12:01 am;
2. All other aspects of the June, 2009 (and amended in March, 2010 and in June, 2010) Handbook remain the same;
3. The Town Clerk's Office is hereby directed to promptly provide the amended page 10 and page 11 of the Handbook, to all Town of Alden Employees; and
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 7, 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 COUNCILWOMAN RIDDOCH TO WIT;

WHEREAS, the Village of Alden has notified the Town of Alden that the Inter-Municipal Building Inspector Agreement has expired and that the Village would like to renew the Agreement; and

WHEREAS, the Town of Alden believes it is in the best interests of the residents of Alden to renew the Agreement in order to provide adequate and convenient coverage for timely building inspections in both the Town and the Village of Alden.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

