

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, March 21, 2011 at 7:00 P.M. Supervisor Smith called the Meeting to Order. Councilwoman Riddoch 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 Witt, Town Clerk

OTHERS PRESENT: Jennifer Strong, Attorney
Michael Metzger, Town Engineer
Carl Fix, Hwy. Supt.
Chris Snyder, CEO
Gary Wagner, Planning Board
Len Weglarski, Dog Control Officer

Councilman Snyder moved and Councilman Weber seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of March 21, 2011. Unanimously Carried.

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

ACCOUNT	ABST. #1	ABST. #2	TOTAL
GENERAL FUND "A"	\$21,205.88		\$21,205.88
HIGHWAY FUND "DA/DB"	35,316.53		35,316.53
PART-TOWN FUND "B"	4,034.35		4,034.35
WD#1 FUND "WA"	3,618.00		3,618.00
WD#2 FUND "WB"	375.20		375.20
WD#3 FUND "WC"	2,063.60		2,063.60
WD#4 FUND "WD"	1,299.80		1,299.80
SP FIRE PROT. "SF"			
SD#2 FUND "SA"	2,605.88		2,605.88
TRUST/AGCY FUND "T"			
SP REFUSE FUND "SR"	35,723.90		35,723.90
STREET LIGHTING FUND "SL"	6,290.62		6,290.62
PERIWINKLE LTG. "SL1"	43.92		43.92
GRANTS			
TOTALS	\$112,577.68		\$112,577.68

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

Supervisor Smith welcomed the students from Alden Central School.

THERE WAS NO BUSINESS FROM THE FLOOR

COMMUNICATIONS

Councilwoman Riddoch received a letter from Nancy Falker regarding the nice job Park Supt. Andy Sojka did plowing Crittenden Fire Company. Received a letter from Alden Youth Baseball regarding the start of the 2011 Season & parade on opening day, May 7th. She would like this on the Work Session. Received an e mail from the Village of Alden that they are having their Winterfest wrap up meeting and she has been asked to attend to discuss the future of the ice rink. She would like this put on the Work Session also.

Supervisor Smith received an email from the President of the Historical Society regarding some issues with the building on Broadway. He would like this to be placed on the Work Session. Received communication from the Crittenden Vol. Fire Dept. regarding fundraisers they are having this Spring, would like this put on the Work Session also. Received an invitation from the Village Board for the Town Board and the local Fire Departments to meet on Thursday, March 31st at 7:00 P.M. at the Village Hall to discuss the ISO reports that have been recently received by the Town and Village. Received from Rural Metro Medical services their monthly response compliance report for February/2011, compliance was 82.3%. Received from the Village of Alden their approved Board minutes for February 24, 2011. Received from the Village Fire Dept. their monthly report for February/2011. Received a request from the Alden Garden Club regarding the possibility of placing a locked cabinet in the Alden Community Center. Would like that placed on the Work Session for next Week.

NEW BUSINESS

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

WHEREAS, the Alden Town Board has noticed the need to repair the concrete sidewalks at the Town of Alden Senior / Community Center and properly authorized those repairs, hiring the lowest bidder, Kohl Construction at a total cost of \$19,200.00; and

WHEREAS, once Kohl Construction began the concrete work unforeseen conditions were encountered requiring additional materials and additional labor.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the additional unforeseen expenses for materials and labor incurred by Kohl Construction while repairing of the concrete sidewalks at the Town of Alden Senior / Community Center at a total additional cost of \$12,000.00;
2. That the Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this payment of \$12,000.00 to Kohl Construction; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on March 21, 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 Parks Supervisor Andy Sojka to purchase a sports field line striper the estimated cost of which is less than \$10,000.01 but greater than \$2,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines (“Guidelines”) of the Town of Alden states that the Town must obtain written quotes from at least three (3) vendors;

WHEREAS, a written request for proposals (for a line striper, with any shipping charges) was made by Parks Supervisor Sojka to three (3) vendors;

WHEREAS, the highest bidder is Laux Sporting Goods at \$ 4,500.00

WHEREAS, the second highest bidder is Sherwin Williams at \$ 3,569.19;

WHEREAS, the lowest bidder is Pioneer at \$3,350.00; 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.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase a sports field line striper from Pioneer at a total cost of \$3,350.00;
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 March 21, 2011, and was unanimously adopted.

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

WHEREAS, the Alden Town Board has received a request from Highway Superintendent Carl Fix to rent a 45 foot articulating boom truck for one month (starting on March 22, 2011) for tree trimming in the Town of Alden, 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 (monthly rental of a 45 foot articulating boom truck, plus any delivery charges) was made by the Highway Department Clerk to four (4) vendors;

WHEREAS, the highest bidder is United Rentals, Inc. at \$1,926.00;

WHEREAS, the second highest bidder is R.B. U’Ren Equipment, Inc. at \$1,730.00;

WHEREAS, the third highest bidder is Admar Supply Company, Inc. at \$1,655.00;

WHEREAS, the lowest bidder is Skyworks Equipment Rental at \$1,203.75; 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 a 45 foot articulating boom truck for one month (starting on March 22, 2011) for tree trimming in the Town of Alden from Skyworks Equipment Rental at a total cost of \$1,203.75;
2. The Highway Superintendent of the Town of Alden is authorized to sign any and all necessary documents 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 March 21, 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 Board of the Town of Alden is considering an application, by Scott Pfeil for the minor subdivision of four (4) lots from an existing 84.702 +/- acre lot containing two single family dwellings. The first proposed lot (currently vacant) will be approximately 42 acres for the purpose of a future single-family dwelling. The second proposed lot will be approximately 2.440 acres and currently contains a single-family dwelling (commonly known as 12204 Westwood Road). The third proposed lot will be approximately 1.962 acres and currently contains an existing single-family dwelling. The fourth proposed lot (currently vacant) will be approximately 38.3 acres for the purpose of a future single-family dwelling. All of the proposed lots are on Westwood Road in the Town of Alden, further identified by SBL # 107.00-4-9 (The "Proposed Action"); and

WHEREAS, the Town Board of the Town of Alden has determined that the Proposed Action is an Unlisted Action under SEQRA but has determined that it is in the public interest to conduct a coordinated review; and

WHEREAS, the Town Board of the Town of Alden believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to a minor subdivision; 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 Building Inspector provided notice to the Erie County Division of Planning on January 6, 2011, for this proposed minor subdivision, as required under Section 239-m of the General Municipal Law and no recommendation was received from the Division on January 14, 2011.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board has determined that the proposed minor subdivision is an Unlisted Action under SEQRA but that a coordinated review should be conducted;
2. The Town Board has determined that it should be the Lead Agency for all environmental review of the minor subdivision application; and
3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board of the Town of Alden on March 21, 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 Alden Town Board has reviewed the Town of Alden Employee Handbook ("Handbook") and noticed the need to clarify Section V regarding bringing weapons, firearms and explosives into the work place; and

WHEREAS, the Town Board believes that the clarification is 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, in June, 2010, and in February, 2011) to reflect the changes made to page 27 (attached) addressing bringing weapons, firearms and explosives into the work place, to be effective March 22, 2011 at 12:01 am;
2. All other aspects of the June, 2009 (and amended in March, 2010, in June, 2010 and in February, 2011) Handbook remain the same;
3. The Town Clerk's Office is hereby directed to promptly provide the amended page 27 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 March 21, 2011, and was unanimously adopted.

COUNCILMAN WEBER, WHO MOVED ITS ADOPTION SECONDED BY COUNCILWOMAN RIDDOCH TO WIT; OFFERED THE FOLLOWING RESOLUTION APPROVING AN AUDIT OF THE TOWN COURT RECORDS;

WHEREAS, the Office of Court Administration of the Unified Court System of the State of New York has directed that the Town of Alden perform audits of all the departments of the Town of Alden; and

WHEREAS, pursuant to such direction, the Town Board has requested that Drescher & Malecki perform an audit of the Town Court records; and

WHEREAS, Drescher & Malecki has performed such audit and has determined that the records of the Town Court records are in order and that there are no deficiencies or unexplained discrepancies.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board does hereby acknowledge the requirement for the audit of the Town Court of the Town of Alden, which audit has been performed by Drescher & Malecki.
2. That the Town Board does hereby accept the report of the audit by Drescher & Malecki indicating that the records of the Town Court of the Town of Alden are in order and are proper.
3. This resolution shall take effect immediately and a copy of this resolution shall be forwarded to the Office of Court Administration of the State of New York at 98 Niver Street, Cohoes, New York 12047.

The above resolution was duly put to a roll call vote at a regular meeting held on March 21, 2011, 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, a municipal corporation organized and existing under the laws of the State of New York (the "Town"); the Village of Alden, a municipal corporation organized and existing under the laws of the State of New York (the "Village"); and the Alden Chamber of Commerce, Inc., a Not-For-Profit Corporation

duly organized and existing under the laws of the State of New York (the “Chamber”) have negotiated for the renewal of an Economic Development Agreement Contract wherein the Town, Village and Chamber maintain and fund the Alden Economic Development Committee (“Committee”) for the benefit of the residents of Alden.

WHEREAS, the Town of Alden is aware that the Alden Area is in need of planned economic development and is desirous of obtaining such planned development services for the benefit of its residents;

WHEREAS, the Committee wishes Fred K. Heinle to remain as Director;

WHEREAS, the Town, Village and Chamber have come to full agreement on the terms of such Agreement to run from March 1, 2011 until February 29, 2012;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town approves the Economic Development Agreement, as being consistent with its policies and in the interest of the residents of the Town of Alden;
2. The Town consents to the continuation of Fred K. Heinle as Director of the Committee and the signing of an Agreement retaining Mr. Heinle;
3. That the Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate the Agreement and the Director Agreement; and
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on March 21, 2011, and was unanimously adopted.

Councilman Snyder moved and Councilman Weber Seconded the Motion to approve the use of the Alden Community Center to the Alden Democratic Committee on the second Tuesday of the Month for 2011, 6:00 – 8:00 P.M. Unanimously Carried.

Councilwoman Riddoch moved and Councilman Weber Seconded the Motion to approve St. John’s Athletic Director David Kocher’s request to use the R.O. Smith Park for Soccer League on scheduled dates. Fields will be lined for games by the Parks Dept. Unanimously Carried.

Councilman Weber moved and Councilman Snyder Seconded the Motion to approve Alden Central School’s request to use R.O. Smith Park for Modified and JV Baseball on requested dates. The Town will cut grass, the district will mark field and maintain the infield for scheduled home contests. Unanimously Carried.

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

WHEREAS, the Town of Marilla Water District # 5 and the Town of Alden have received a request from Lee Ann Luderman to allow her to become an out of district water customer with Marilla Water District #5 for her property located at 5 Cayuga Creek Road in the Town of Alden;

WHEREAS, the Marilla Water District # 5 waterline runs adjacent to the Luderman property;

WHEREAS, Marilla Water District # 5 will agree to allow Ms. Luderman to become an out of district water customer; and

WHEREAS, Luderman will make all necessary applications for water service to the Erie County Water Authority.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board hereby determines that it is in the best interests of the Town to authorize the Out of District Customer Agreement with Luderman and the Intermunicipal Water Service Agreement with the Town of Marilla to allow Luderman to become an out of district water customer with Marilla Water District # 5.

2. The Town Board hereby authorizes and directs Supervisor Ronald L. Smith to sign the Agreement.

On the Question: Eng. Metzger questioned wording in agreement, changes will be made. Per Attorney Strong these changes can be made and it will not effect the adoption tonight.

The above Resolution was duly put to a roll call vote at a regular meeting on March 21, 2011 and was unanimously adopted.

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

**ORDER CALLING PUBLIC HEARING
TOWN OF ALDEN**

WHEREAS, Time-Warner has submitted a proposal to extend their Cable Franchise Agreement with the Town of Alden for the supplying of Cable TV in the Town;

WHEREAS, the Town board of the Town of Alden is desirous of extending such Cable Franchise Agreement; and

Whereas, a public hearing to consider such extension is necessary.

NOW THEREFORE BE IT RESOLVED THAT:

1. A Public Hearing shall be held at 3311 Wende Road, Alden on the 4th day of April, 2011 at 7:05pm Local Time to consider the extension of the Cable Franchise Agreement;
2. The Town Clerk publish the notice of the time and place of such hearing in the Alden Advertiser; and
3. This resolution shall take effect immediately.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF ALDEN

THE FOREGOING ORDER WAS DULY PUT TO A ROLL CALL VOTE AT A REGULAR MEETING ON MARCH 21, 2011, AND WAS UNANIMOUSLY ADOPTED.

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

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

WHEREAS, the bleachers, due to the wear and tear of moving the bleachers, at the Alden Town Park are in need of repairs and therefore Parks Supervisor Andy Sojka has requested the purchase of replacement parts (more specifically anodized aluminum planks and dimpled steel footboards) to repair the existing bleachers; and

WHEREAS, because replacement parts are being purchased for existing bleachers, the replacement parts are unique items that come from a sole source (the manufacturer of the existing bleachers), therefore it is impossible to bid out the purchase of the replacement bleacher parts.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase from Miracle Recreation Equipment Company of two (2) 15' anodized aluminum planks (at a per unit cost of \$142) and three (3) 15' dimpled steel footboards (at a per unit cost of \$96.00) plus freight of \$166.69 at a total cost of \$738.69;
2. The Parks Supervisor is authorized to sign any and all documents necessary 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 March 21, 2011, and was unanimously adopted.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilwoman Riddoch reported that the lights on Three Rod Rd. have been upgraded and one has been moved to better illuminate the corner of Kristoria/Three Rod Rd. She is also working on the insurance renewal and would like waivers for sports/recreation put on the Work Session.

Attorney Strong would like the Pfeil subdivision and Time Warner franchise put on the Work Session.

Engineer Metzger had questions about the ISO report/water system/fire hydrants; he would like to take a look at it. Supervisor Smith said the report is available in his office.

CEO Snyder said the e waste receptacle would be dropped off tomorrow; he questioned advertising to inform the public of this service. Supervisor Smith said he requested information, they may drop it off tomorrow, if not he will request it again. Notice could be put in the Advertiser.

NEXT WORK SESSION: Monday, March 28, 2011 at 7:00 P.M.
NEXT TOWN BOARD MTG.: Monday, April 4, 2011 at 7:00 P.M.

Supervisor Smith adjourned the Meeting at 7:27 P.M. with a Moment of Silence in Memory of Rita Kozlowski, Jean Gadd, Fred Blaskovits, Richard Casey & Daniel Carder Jr.

Ralph P. Witt
Alden Town Clerk