

TOWN CLERK'S OFFICE
RALPH P. WITT, TOWN CLERK
DEBRA A. CRIST, DEPUTY

ALDEN TOWN BOARD

FOR INFORMATION
716-937-6969 EXT. 2

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, March 18, 2013 at 7:00 P.M. Deputy Supervisor Weber called the Meeting to Order and led in the Pledge of Allegiance. The Roll Call was taken by the Town Clerk.

Approved the Minutes and Synopsis of the Regular Meeting of March 4, 2013.

VOUCHERS

PUBLIC HEARING FOR PROPOSED DISSOLUTION OF WATER DISTRICT NOS. 2, 3, & 4/TURNOVER TO ERIE COUNTY WATER AUTHORITY.

Approved Motion to renew the Home Occupation Permit for Ken & Susan Tomporowski/11230 Westwood Rd./Refurbishing Antique Furniture.

Approved Motion to renew the Home Occupation Permit for Dennis Nichols/3025 Peters Corners Rd./Used Auto Sales.

Adopted Resolution adopting the Computer and Internet Policy for the Town of Alden.

Adopted Resolution approving the purchase of a flammable safety cabinet per specs from Uline at a total cost of \$678.34.

Adopted Resolution opposing Senate Bill #S.2605 and Assembly Bill #A.3005 reducing vehicular and traffic violations to a lower penalty.

Adopted Resolution opposing and asking for a repeal of the NY SAFE Act by Governor Andrew M. Cuomo & Legislative leaders.

Approved Motion for a Hauler's Permit for Edward Arnold Scrap Processors, Inc. for the year 2013.

Supervisor Milligan adjourned the Meeting at 7:30 P.M. with a Moment of Silence in Memory of Florence Seagrave, Gerhard Theismann, William Kauffman, Paul Rohl, Josephine Dersam & Richard Glowny.

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, March 18, 2013 at 7:00 P.M. Deputy Supervisor William Weber called the Meeting to Order and led in the Pledge of Allegiance. The Roll Call was taken by the Town Clerk.

PRESENT:

- William Weber, Deputy Supv.
- Mary Riddoch, Councilwoman
- Ralph Witt, Town Clerk
- Jennifer Strong, Town Attorney
- Colleen Rogers, Supervisor's Assistant
- Carl Fix, Hwy. Supt.

RECORDING SECRETARY:

OTHERS PRESENT:

- Tom Malecki, Town Auditor
- Chris Snyder, CEO
- Michael DeWitt, Planning Board
- Len Weglarski, DCO
- Harry Milligan, Supv.

ABSENT:

Deputy Supervisor Weber moved and Councilwoman Riddoch seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of March 4, 2013. Unanimously Carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN RIDDOKH AND SECONDED BY DEPUTY SUPERVISOR WEBER TO WIT;

ACCOUNT	ABST. #1	ABST. #2	TOTAL
GENERAL FUND "A"	\$10,158.56		\$10,158.56
HGHWY FUND "DA/DB"	15,589.89		15,589.89
PART-TOWN FUND "B"	2,851.68		2,851.68
CAPITAL IMPROV. "HC"			
WD#1 FUND "WA"	4,308.00		4,308.00
WD#2 FUND "WB"	446.24		446.24
WD#3 FUND "WC"	2,121.24		2,121.24
WD#4 FUND "WD"	1,370.84		1,370.84
SP FIRE PROT. "SF"	2,496.27		2,496.27
SD#2 FUND "SA"	2,699.25		2,699.25
TRUST/AGCY FUND "T"			
SP REFUSE FUND "SR"	32,695.05		32,695.05
STREET LIGHTING FUND "SL"	6,447.35		6,447.35
PERIWINKLE LTG. "SL1"	44.19		44.19
GRANTS			
TOTALS	\$81,228.56		\$81,228.56

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Matt Herdzik, 287 S. Woodside Dr. would like to know when the Highway Dept. will pick up the leftover brush from the storm four years ago. Most of the brush had been picked up with a promise from the Highway Supt. to come back and pick up the rest. That was four years ago. He feels that it is an eyesore. There also is a guardrail on the street that is rusted with a tree laying on it. He would like to see the area cleaned up. Highway Supt. Fix will check it out tomorrow.

COMMUNICATIONS

Attorney Strong:

Both contracts from Meals on Wheels and the Library have come back to the Town with proper proof of insurance. She has verified with the Marilla/Alden Car show people that the car show is fully, completely incorporated.

Both applications for the Exchange Street and Zoeller Roads water districts have been sent to audit and control for their approval.

A letter was sent Ed Arnold to come into compliance with his application for a hauler's permit and he has come into full compliance.

AJF has received the draft indemnification agreement and will continue to work with the Town of those issues.

Councilwoman Riddoch:

She just received a certificate of liability from EMW Sports in Elma.

An estimate was received for our port a john rental this summer. She would like this on the Work Session.

Hwy. Supt. Fix:

He will check out the situation on S. Woodside brought up at the meeting.

Deputy Supervisor Weber:

A Copy of the approved Village of Alden board minutes from February 28th was received.

A letter was received from David Depietro/147th district wanting to know if there are any concerns he should be aware of. (Note: our Assembly district is 144 with Jane Corwin as our representative)

A letter was received from Mrs. Marsden of Exchange St. regarding the water district.

A letter was received from Mr. Bosela of Exchange St. regarding the water district.

The monthly compliance report from Rural Metro was received.

NEW BUSINESS

Deputy Supervisor Weber moved and Councilwoman Riddoch seconded the Motion to approve the Renewal of the Home Occupation Permit for Ken & Susan Tomporowski/11230 Westwood Rd./Refurbishing Antique Furniture. Unanimously Carried.

Councilwoman Riddoch moved and Deputy Supervisor Weber seconded the Motion to approve the Renewal of the Home Occupation Permit for Dennis Nichols/3025 Peters Corners Rd./Used Auto Sales. Unanimously Carried.

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

WHEREAS, the Town Board in order to protect its officials, employees, and residents sees the need to adopt a Computer and Internet Use Policy for the Town of Alden in order to protect its officials, employees and residents.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The attached Computer and Internet Use Policy is hereby adopted by the Town of Alden and shall remain in effect until, if ever, amended or rescinded by the Alden Town Board;
2. This resolution shall take effect immediately.

This resolution was duly put to a roll call vote at a regular meeting on March 18, 2013, and was unanimously adopted.

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

WHEREAS, the Parks Supervisor has informed the Town Board that the Parks Department needs a flammable safety cabinet the estimated total cost of which 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 the Town must obtain quotes from at least two (2) vendors;

WHEREAS, requests for quotes were made to three (3) vendors and bids were received as follows:

the highest bidder is Grainer at \$962.50;

the second highest bidder is USA Bluebook at \$774.08; and

the lowest bidder is Uline at \$678.34;

WHEREAS Uline is the lowest responsible bidder; 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 of a flammable safety cabinet, as per the attached specs, from Uline at a total cost of \$678.34 (\$599 for the cabinet and \$79.34 shipping);
2. The Parks Supervisor 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 18, 2013, and was unanimously adopted.

AT 7:15 P.M. DEPUTY SUPERVISOR WEBER MOVED TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO THE PUBLIC HEARING REGARDING THE PROPOSED DISSOLUTION OF WATER DISTRICT NOS. 2, 3, AND 4/TURNOVER TO ERIE COUNTY WATER AUTHORITY, COUNCILWOMAN RIDDOCH SECONDED THE MOTION. UNANIMOUSLY CARRIED.

THE TOWN CLERK READ THE NOTICE OF PUBLIC HEARING THAT WAS PUBLISHED IN THE ALDEN ADVERTISER.

DEPUTY SUPERVISOR WEBER OPENED THE FLOOR FOR PUBLIC COMMENT. THE TOWN ACCOUNTANT AND AUDITOR WERE ON HAND TO ANSWER ANY QUESTIONS.

MATT HERZIK, S. WOODSIDE DRIVE. QUESTIONED WHY ON THE WATER BILLS THERE IS A \$6.00 INFRASTRUCTURE FEE. HE CALLED ERIE COUNTY WATER AUTHORITY AND ASKED WHAT THIS WAS FOR AND WAS TOLD THAT IT WAS FOR ANY WATER MAIN BREAKS ANYWHERE IN THE WATER DISTRICT IN THE COUNTY. HE EXPLAINED HE LIVED IN ALDEN AND WE OWN THE PIPES. HE FEELS WE SHOULD BE GETTING A REFUND FOR THE INFRASTRUCTURE THAT WE PAID FOR WHILE WE OWNED THE SYSTEM. ATTORNEY STRONG SAID THAT THE COUNTY WATER AUTHORITY, AS AN AUTHORITY, HAS THE RIGHT TO PASS ON FEES AND TARIFFS AS THEIR BOARD SEES FIT. TOWN CLERK RALPH WITT WILL CALL STEFAN MYCHAJLIW IN THE MORNING AND QUESTION HIM ABOUT THIS SITUATION.

AT 7:22 P.M. AFTER ALL THOSE WISHING TO BE HEARD WERE HEARD, DEPUTY SUPERVISOR WEBER MOVED TO ADJOURN THE PUBLIC HEARING AND ENTER BACK INTO THE REGULAR MEETING. COUNCILWOMAN RIDDOCH SECONDED THE MOTION. UNANIMOUSLY CARRIED.

NEW BUSINESS (CONTINUED)

THE FOLLOWING RESOLUTION WAS OFFERED BY DEPUTY SUPERVISOR WEBER, WHO

MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN RIDDOCH TO WIT:

WHEREAS, towns, villages and cities throughout the State of New York are dependent upon the fine revenues collect in their courts, to cover a large share of Justice Court and Police enforcement budgets, and

WHEREAS, Legislation proposed in NYS Senate Bill 2605 and Assembly Bill 3005, if passed would provide that if certain vehicular and traffic violations are reduced to a lower penalty, portions of the fines that are now retained by the municipalities are these cases would be given to the State of New York, and

WHEREAS, is these Senate and Assembly Bills should pass, it is most likely fewer plea bargains would be reached which would lead to more trial which would clog the Courts and mean more expenses, not only to local municipalities but to the State of New York, and

WHEREAS, in many instances overtime would have to be paid to enforcement personnel to testify as more cases go to trial, and

WHEREAS, the NYS Association of Towns testified and opposed these bills at a hearing on the Executive Budget on Monday, January 20, 2013.

WHEREAS, the Town Board of the Town of Alden deems it in the public interest to oppose this proposed legislation;

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Alden opposes S.2605/A.3005, and

BE IT FURTHER

RESOLVED, that a copy of this resolution be sent to the Governor and to each Assemblyman and Senator in Western New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on March 18, 2013, and was unanimously adopted.

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

WHEREAS, On Monday January 14th, 2013 the rights under the second Amendment of our Constitution were infringed upon without due process, and

WHEREAS, The Gun Control Bill (S.2230) known as NY SAFE Act was rushed through the Senate & Assembly without a single Public hearing or input from the various Law enforcement agencies located in our State, and

WHEREAS, State lawmakers did not have time to review the bill as presented leaving questions about implementation and regulation of this new law, and

WHEREAS, This law should focus on increasing penalties for criminals who use firearms to harm and threaten law abiding citizens and address the issues of mental illness related to violence, and

WHERE AS, The Town of Alden realizes that NY SAFE Act, gun control law must be repealed and replace the restrictive parts of the enacted law, and

NOW THEREFORE BE IT RESOLVED, that the Town of Alden asked Governor Andrew M. Cuomo & the Legislative leaders to repeal this law as soon as possible and to look at all of the aspects of gun control using the proper legal procedure to bring about a law that will focus on the real issue related to gun control – a law that will strengthen the effect on public safety and not infringe upon our constitutional rights; and that it be further

RESOLVED, that a certified copy of this resolution be forwarded to:
Honorable **Governor Andrew M. Cuomo**, Honorable Senate Majority Leader **Dean Skelos**, Majority Leader of Independent Democratic Caucus **Jeff Klein**, Honorable Senate Minority Leader **Andrea Stewart-Cousins**, Honorable Speaker of the Assembly **Sheldon Silver**, Honorable Leader of the Assembly **Joseph Morelle**, Honorable Minority Leader of the Assembly **Brian Kolb**, and Western New York Delegation and Erie County Legislators

The above resolution was duly put to a roll call vote at a regular meeting on March 18, 2013, and was unanimously adopted.

Councilwoman Riddoch moved and Deputy Supervisor Weber seconded the Motion to approve the Hauler's Permit for Edward Arnold Scrap Processors, Inc. for the Year 2013. Unanimously Carried.

THERE WAS NO UNFINISHED OR TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Attorney Strong:

Would like the following on the Work Session:

1. Dissolution and transfer to the ECWA

Councilwoman Riddoch:

Would like the following on the Work Session:

1. Quote for Community Center Maintenance.
2. Estimate for the Portable toilets.
3. Fencing Project at the Park.
4. Electrical Panel for Park.
5. Roof at the Historical Society.

Colleen Rogers:

Reported that the Supervisor's office has been contacted by the Erie County Board of Elections about the HAVA (Help America Vote Act) Grant. The Town applied for funding to purchase and install two handicapped accessible doors at the Town Hall. Grant writer Sue Barnes, CEO Snyder and herself will meet with them on Monday, March 25th @ 10:00 a.m. to find out further details.

NOTICE OF MEETINGS:

NEXT WORK SESSION:

Monday, March 25, 2013 @ 7:00 P.M.

NEXT TOWN BOARD MTG.:

Monday, April 1, 2013 @ 7:00 P.M.

MEMORIAL ADJOURNMENT

Deputy Supervisor Weber adjourned the Meeting at 7:30 P.M. with a Moment of Silence in Memory of Florence Seagrave, Gerhard Theismann, William Kauffman, Paul Rohl, Josephine Dersam & Richard Glowny.



Ralph Witt
Town Clerk