

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, March 5, 2012 at 7:00 P.M. Supervisor Milligan called the Meeting to Order. Councilman Weber led in the Pledge of Allegiance. The Roll Call was taken by the Town Clerk.

PRESENT: Harry Milligan, Supervisor
Mary Riddoch, Councilwoman
William Weber, Councilman

RECORDING SECRETARY: Ralph Witt, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney
Chris Snyder, CEO
Len Weglarski, DCO

ABSENT: Carl Fix, Hwy. Supt.
Michael Metzger, Town Engineer
Michael Dewitt, Planning Board
Todd Aldinger, Deputy Supv.

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of February 21, 2012. Unanimously Carried.

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

<u>ACCOUNT</u>	<u>ABST. #1</u>	<u>ABST. #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$87,053.52	\$51,767.81	\$138,821.33
HIGHWAY FUND "DA/DB"	6,462.23	30,067.40	36,529.63
PART-TOWN FUND "B"	11,298.17	227.42	11,525.59
CAPTIAL IMPROV. "HC"		602.72	602.72
WD#1 FUND "WA"		4,153.32	4,153.32
WD#2 FUND "WB"	375.20		375.20
WD#3 FUND "WC"	2,063.60		2,063.60
WD#4 FUND "WD"	71,075.55		71,075.55
SP FIRE PROT. "SF"	525,624.00		525,624.00
SD#1 FUND "SI"	9,007.13		9,007.13
SD#2 FUND "SA"	2,083.17	135.22	2,218.39
TRUST/AGCY FUND "T"	3,388.17	3,220.39	6,608.56
SP REFUSE FUND "SR"	37,635.42		37,635.42
STREET LIGHTING FUND "SL"	7,035.19		7,035.19
PERIWINKLE LTG. "SL1"	50.82		50.82
GRANTS		602.72	602.72
TOTALS	\$763,152.17	\$90,777.00	\$853,929.17

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Paul Loehr, Henskee Rd. spoke on the new open government law. He said we have a good start in complying with the law, but we have a long way to go. He presented the Supervisor with a highlighted document indicating where he thinks we need to improve our compliance with the law.

COMMUNICATIONS

Councilwoman Riddoch would like to thank the Village of Alden for working with the Town on our water bill. She received a request from St. John's School that she would like on the Work Session. She received a copy of an email regarding riding the Senior Van from a resident; copies of the regulations were copied to the Board. Received a Notice of Order from the New York

State D.O.T. regarding their notifications to various agencies for the posting of the 45 MPH on Cayuga Creek.

AT 7: 10 P.M. SUPERVISOR MILLIGAN ASKED FOR A MOTION TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO THE PUBLIC HEARING REGARDING THE APPLICATION FOR A HOME OCCUPATION PERMIT FOR KEN & SUE TOMPOROWSKI/11230 WESTWOOD/REFURBISHING ANTIQUE FURNITURE.

At 7: 10 P.M. Councilman Weber moved and Councilwoman Riddoch seconded the Motion to adjourn from the Regular Meeting and enter into the Public Hearing regarding the application for a Home Occupation Permit for Ken & Sue Tomporowski/11230 Westwood Rd./Refurbishing Antique Furniture. Unanimously Carried.

The Town Clerk read the notice of Public Hearing that was published in the Alden Advertiser regarding the application for a Home Occupation Permit for Ken & Sue Tomporowski/11230 Westwood Rd./Refurbishing Antique Furniture.

Supervisor Milligan opened the Floor for Public Comments.

PUBLIC COMMENTS:

Councilwoman Mary Riddoch spoke and said that the Tomporowskis are located across the street from her home and had a previous Home Occupation Permit and there were no problems. She is hoping they will be successful.

AFTER ALL THOSE WISHING TO BE HEARD WERE HEARD, AT 7: 11 P.M. SUPERVISOR MILLIGAN ASKED FOR A MOTION TO ADJOURN FROM THE PUBLIC HEARING AND ENTER BACK INTO THE REGULAR MEETING.

At 7:11 P.M. Councilwoman Riddoch moved and Councilman Weber seconded the Motion to adjourn from the Public Hearing and enter back into the Regular Meeting. Unanimously Carried.

COMMUNICATIONS (CON'T)

Supervisor Milligan sent out letters to Time Warner and Assemblywoman Jane Corwin. He had an informal meeting with Assemblywoman Corwin and she was up to speed about the Erie County Home/Property at Walden & Wende. The letter thanked her.

Town Clerk Ralph Witt received the updated Audit Report from Drescher & Malecki; it is available in the Clerk's Office for viewing. Received a letter from the D.O.T. regarding the Order notification of the proper agencies regarding the posting of 45 MPH speed limit on Cayuga Creek.

NEW BUSINESS

Councilman Weber moved and Councilwoman Riddoch 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 SUPERVISOR MILLIGAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN WEBER TO WIT;

WHEREAS, EnerPath, Inc. has performed a lighting equipment audit at the Alden Town Highway Garage and at the Alden Senior / Community Center and found that the lighting equipment at both buildings is not energy efficient;

WHEREAS, the audit services of EnerPath, Inc. are very unique and specialized and are a sole source situation;

WHEREAS, NYSEG is offering up to a 70% contribution to its customers who upgrade their buildings to energy efficient lighting equipment through EnerPath, Inc. and the Town of Alden is eligible for this contribution program; and

WHEREAS, the Town Board believes that upgrading the lighting equipment at both buildings will offer long-term energy savings to the Town of Alden and is the best interests of the residents of the Town.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby authorizes Supervisor Milligan to sign a Contract with EnerPath, Inc. to upgrade the lighting equipment (as per the attached plans) at the Town Highway Garage for a total cost to the Town of \$ \$3,212.89 and at the Town Senior / Community Center at a total cost to the Town of \$2,726.13;
2. EnerPath, Inc. must pay all workers prevailing wage rate and comply with all State and Federal Department of Labor requirements;
3. EnerPath, Inc. must file proof of insurance with the Town Clerk before any work commences; 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 5, 2012, and was unanimously adopted.

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

WHEREAS, the Alden Town Board has received a request from the Parks Supervisor to purchase two (2) sets of 21' x 30" x 60" three row single footboard aluminum bleachers, including delivery, for use in the Town Parks, the estimated cost of which less than \$10,000.00 but greater than \$2,000.00;

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

WHEREAS, requests for proposals were made and received by the Parks Supervisor to three (3) vendors, as follows:
the highest bidder is Gopher at \$3,418.00 (or \$1,709.00 for one set);
the second highest bidder is Beacon Athletics at \$2,958.00 (or \$1,479.00 for one set); and
the lowest bidder is Laux Sporting Goods at \$2,640.00 (or \$1,320.00 for one set);

WHEREAS, Laux Sporting Goods is deemed 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 here authorizes the purchase of two (2) sets of 21' x 30" x 60" three row single footboard aluminum bleachers, including delivery, from Laux Sporting Goods, the lowest responsible bidder, at a total cost of \$2,640.00;
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 5, 2012, and was unanimously adopted.

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

WHEREAS, pursuant to Section 20-64(A) of the Alden Town Code Ken and Susan Tomporowski have filed an Application for a Home Occupation Permit to conduct a business of selling refurbished antique furniture from their residence at 11230 Westwood Road (the "Application");

WHEREAS, pursuant to Section 20-64(B) the Town of Alden Planning Board has: reviewed the Application; determined that the proposed home occupation meets the requirements and standards set forth at Section 20-63 of the Alden Town Code; and has recommended the approval of the Application limited to the selling refurbishing antique furniture to the Alden Town Board;

WHEREAS, the Alden Town Board, pursuant to Section 20-64(C) of the Alden Town Code has duly called a public hearing on the Application;

WHEREAS, notice of the Public Hearing was: properly published in the Alden Advertiser; was properly posted on the Town Bulletin Board; and was properly mailed to the adjacent property owners pursuant to Section 20-64(C) of the Alden Town Code;

WHEREAS, the Alden Town Board held a Public Hearing on March 5, 2012, at 7:05 p.m. at which time all persons in favor of and all persons opposed to the Application were heard;

WHEREAS, the Alden Town Board agrees with the recommendation of the Town of Alden Planning Board and finds it in the interests of the residents of the Town of Alden to approve the Application limited to the selling of refurbished furniture;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. That a Home Occupation Permit to allow Ken and Susan Tomporowski to conduct a business of selling refurbished antique furniture from their residence at 11230 Westwood Road, Alden, New York be granted for a period of one (1) year;
2. This HOP does not permit the sale of handmade items; and
3. This Resolution shall take immediately.

The Adoption of the foregoing resolution was duly put to a vote on March 5, 2012 and was unanimously adopted.

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

WHEREAS, the Town of Alden believes that its residents will benefit from trail improvements to the Joe Panza Nature Trail in the Alden Town Park (the "Project"); and

WHEREAS, the Town of Alden has received partial Project funding through the New York State Office of Parks, Recreation and Historic Preservation ("NYSOPRHP");

WHEREAS, The Town of Alden has hired Bergmann Associates to design the Project and the Project has been designed; and

WHEREAS, The Town of Alden is now ready to solicit formal bids for the Construction of the Project.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby authorizes and directs the Alden Town Clerk to advertise for bids as outlined in the attached Legal Notice to Bidders;
2. The Town Board hereby authorizes and directs the Town Clerk to publish Notice in the Alden Advertiser;
3. Interested parties shall submit proposals to the Town Clerk's Office no later than 2:00 PM on March 23, 2012 when the bids shall be publicly opened by the Town Clerk; 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 5, 2012, and was unanimously adopted.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Attorney Strong contacted the Erie County Clerk, as requested at the Work Session, asking him to advise his window Clerks to make sure that the parcels are properly subdivided before accepting to be recorded. She has not heard back yet.

Councilwoman Riddoch received a notice from Selective for renewal for May 1st. She is also setting up the concerts for the Summer Concert Series. No concert on July 4th.

Dog Control Officer Len Weglarski questioned the procedure to be followed by Deputy Dog Control Officer Robert Olsen. Councilwoman Riddoch said to write up a Voucher, with time spent and where dog was picked up.

SPECIAL WORK SESSION: March 7, 2012 @ 9:00 A.M.
(Regarding Water Hydrants & Lines)

WORK SESSION: March 12, 2012 @ 7:00 P.M.

REGULAR BOARD MTG.: March 19, 2012 @ 7:00 P.M.

COUNCILWOMAN RIDDOCH ASKED TO GO INTO AN EXECUTIVE SESSION TO DISCUSS A MATTER OF PERSONNEL.

At 7:22 P.M. Councilwoman Riddoch moved to adjourn from the Regular Meeting and Enter into an Executive Session to discuss a matter of Personnel, Councilman Weber seconded the motion. Unanimously Carried.

Supervisor Milligan adjourned the Meeting at 7:48 P.M. with a Moment of Silence in Memory of John Yedinak & Francis "Bud" Pierce.

Ralph Witt
Town Clerk