

MEETING NO. 7
REGULAR NO.7

REGULAR BOAD MEETING

APRIL 7, 2008
7:00 PM

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, April 7, 2008 at 7:00 PM. Supervisor Smith called the Meeting to Order. Councilman Snyder led in the Pledge of Allegiance. The Invocation was given by Paul Loehr. The roll call was taken by the Town Clerk.

PRESENT: Ronald Smith, Supervisor
William Weber, Councilman
Ronald Snyder, Councilman
Arlene Cooke, Councilwoman
RECORDING SECRETARY: Dorothy L. Bycina, Town Clerk
OTHERS PRESENT: Jennifer Strong, Town Attorney
Harry Milligan, Highway Supt
Martin Dugan, CEO
Michael Metzger, Town Engineer
Jerry Sanok, Planning Board
ABSENT: Mary Riddoch, Councilwoman

Councilman Weber moved and Councilman Snyder seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of March 17, 2008. Unanimously carried.

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

ACCOUNT	ABST #1	ABST #2	TOTAL
GENERAL FUND "A"		25,163.25	33,784.59
HGHWY FUND "DA/DB"		24,163.78	38,642.46
PARTTORN FUND "B"		1,232.35	3,253.09
WD#1 FUND "WA"			3,618.00
WD#2 FUND "WB"		300.00	675.20
WD#3 FUND "WC"			2,063.60
WD#4 FUND "WD"			4,771.89
SPECIAL FIRE PROT "SF"			530,371.18
SD#3 FUND "SA"		448.82	2,799.72
TRUST/AGCY FUND "T"		1,287.52	1,477.52
SP REFUSE FUND "SR"			27,192.96
ST LIGHTING FUND "SL"			7,120.85
GRANTS		676.00	934.87
TOTAL	603,434.21	53,271.72	656,705.93

(Approved 3/17/08)

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

THERE WAS NO BUSINESS FORM THE FLOOR

Supervisor Smith "Welcomed" the Student from Alden Central School.

COMMUNICATIONS

Councilman Weber met with Assemblyman Cole, Representative of Senator Volker's Office and Gary Wagner re getting the Land at the Dept of Corrections – it seems like it is looking good and moving along. Supervisor Smith added he will be getting some information from the State on this.

Attorney Strong received from the Town of Lancaster update on the Fire Hydrant Agreement – requested this to be placed on the Work Session; received information from Alden State Bank requesting any customer using Wire Transfers to sign an Agreement.

Councilman Snyder received a letter from the DEC with an application re a questionaier on our recycling for last year – he will be working on this; letter from the Association of Towns – Assessor Sivecz would probably be attending also

Councilwoman Cooke received a letter back from Joan Marsden re description of her Job.

Supervisor Smith reported the following: the Monthly response Compliance for February 2008 from Rural Metro; copy of the March Monthly report from the Building Inspector; copy of the Approved Board Minutes of March 6, 2008 from the Village; copy of the April 8th Planning Board Meeting; copy of the March 11, 2008 Planning Board Minutes.

NEW BUSINESS

Councilman Weber moved and Councilwoman Cooke seconded the Motion to renew the HOP for Dennis Nichols/3025 Peters Corners Rd (Used Auto Sales-Office).
Unanimously carried.

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

WHEREAS, the Town of Alden Highway Superintendent has advised the Town Board that the Highway Department is in need of a new 10 wheeler cab and chassis to assist in plowing snow in the Town of Alden;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden and the General Municipal Law state that the Town must accept formal bids pursuant to General Municipal Law Section 103;

WHEREAS, said Procurement Policy & Procedure Guidelines and General Municipal Law have been followed and bids have been properly requested and received

WHEREAS, the Town Board after full and careful review and consideration of the request finds said request to receive bids for a new 10 wheeler cab and chassis in the public interest

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the purchase of one Peterbuilt 10 wheeler cab from Hunter for \$99,517.—and a chassis from Viking-Cives for \$53,717.47 as being consistent with its policies and in the interest of the residents of the Town of Alden;
2. That the Highway Superintendent 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 vote at a regular meeting on April 7, 2008 and was unanimously adopted.

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

WHEREAS, the Town of Alden Highway Superintendent has advised the Town Board that the Alden Highway Department and Alden Parks Department are in possession of the following: 100-ton floor jack; 20-ton floor jack, 1979 toro mower, AD/DC centry welder; AC250K Line Welder; Keller Ladder; technic pole saw, toro weed whacker, drill; Milwaukee drill; winch, black and decker ½' drill; experimental furnace; sears craftsman riding lawn mower; and a 8 x 10 trailer, that are not of any use to the Town Highway and Parks Departments

WHEREAS, the Town Board after full and careful review and consideration of the request finds said request to sell for scrap;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board hereby determines that the above equipment is not needed for Town purposes and are surplus property;
2. The Town Board hereby authorizes the Town Highway Superintendent to sell the equipment for scrap metal;
3. The Town Board hereby authorizes the Town Highway Superintendent to sign any and all documentation to effectuate the scrap sale; and
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on April 7, 2008 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 Board of the Town of Alden is considering the adoption of "Local Law No. 3 of the Year 2008, entitled "Amendment of the signs Law for the Alden Town Code: (the "Proposed Action");

WHEREAS, the Town Board of the Town of Alden feels that the Proposed Action is an Unlisted Action under SEQRA;

WHEREAS, the Town Board of the Town of Alden believes that the Town of Alden is; the agency primarily responsible for undertaking such decisions; 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 for the Proposed Action; and is the most local agent with permitting authority; and

WHEREAS, the Town Clerk is hereby direct to send notice to the Eire County Division of Planning as required under Section 239-m of the General Municipal Law and to the neighboring municipalities.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA
2. The Town Board has determined that it should be the Lead Agency for all environmental review of the Proposed Action.
3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote on April 7, 2008, 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 the adoption of "Local Law No., 4 of the Year 2008, entitled "Windmill Law of the Town of Alden: (the "Proposed Action");

WHEREAS, the Town Board of the Town of Alden feels that the Proposed Action is an Unlisted Action under SEQRA;

WHEREAS, the Town Board of the Town of Alden believes that the Town of Alden is: the agency primarily responsible for undertaking such decisions; 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 Clerk is hereby directed to send notice to the Erie County Division of Planning as required under Section 239-m of the General Municipal Law and to the neighboring municipalities.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA.
2. The Town Board has determined that it should be the Lead Agency for all environmental review of the Proposed Action.
3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote on April 7, 2008 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden (“Town Board”) is considering an application, under Chapter 20, Article XII of the Town of Alden Code, of United Precious Metal Refining, Inc., for site plan review of the proposed construction of an approximately 10,600 square foot addition and an approximately 4,000 square foot storage building (the “Proposed Action”) at its current location at 2781 Townline Road (SBL #96.00-4-1.111 and 96.00-4-1.2) in the Town of Alden, County of Erie and State of New York; and

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA; and

WHEREAS, the Town Board believes that it is the agency primarily responsible for undertaking decisions as to site plan review; is the agency with the broadest governmental powers for investigating the impact of the Proposed Action; 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 Board is required to provide notice to County planning for this site plan review as required under Section 239-m of the General Municipal Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT

1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA
2. The Town Board has determined that it should be the lead agency for all environmental review of the Proposed Action.
3. The Town Board directs the Code Enforcement Officer of the Town of Alden to send the required notice to the Erie County planning as required under Section 239-m of the General Municipal law.
4. 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 on April 7, 2008 and was unanimously adopted.

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

WHEREAS, the Town of Alden Historical Society has advised the Town Board that the Historical Society Building (owned by the Town, but operated by the Society at 13213 Broadway) is in need of phone service;

WHEREAS, the Building currently has no phone which makes it difficult for persons to contact the Historical Society. Further, phone service would be beneficial in the unlikely event of an emergency situation.

WHEREAS, the Alden Historical Society will arrange for and pay for the installation of said phone service and will pay all monthly billings for said phone service at no expense whatsoever to the Town of Alden;

WHEREAS, the Town Board after full careful review and consideration of the request finds it in the public interest to authorize said purchase, at no expense to the Town;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board gives permission to the Alden Historical Society to arrange for the installation of Verizon phone service at the Alden Historical Building with the understanding that the Alden Historical Society will pay for the installation, equipment and for the monthly phone service;
2. That the President of the Alden Historical Society is authorized to sign any and all necessary documents to effectuate the phone service; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote at a regular meeting on April 7, 2008 and was unanimously adopted.

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

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:

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 regular meeting held on April 7, 2008 and was unanimously adopted

Councilman Cooke moved and Councilman Snyder seconded the Motion to renew the HOP for Edward Mosman/2241 Townline Road (Picture Framing, Glass & Screen Repair). Unanimously carried.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS FROM COMMITTEES, OFFICIALS AND PERSONNEL

Councilman Weber reported on the Drainage problem at St. John's – Martin Dugan will check with ECWA.

Attorney Strong has sent a letter to Time Warner; Periwinkle Lighting has been filed with the State and requested all 4 Local Laws for 2008 to be placed on the Work Session.

Councilman Snyder reported that the Roof has been patched. Concrete has been poured in the Freezer holes; "Thanked" Carl Fix for his work and also got two Bids for replacing the Drywall in the Ceiling.

CEO Dugan questioned the concrete chunks at the back of the building – Councilman Snyder will check on this.

Councilwoman Cooke requested the Disaster Plan to be placed on the Work Session. (She passed out copies of the first section of the Emergency Disaster Plan for a the Town/Village – requested the Board to look this over)

Engineer Metzger reported on WD#5 – we are moving forward slowly.

Planning Board Member Sanok reported that there is a Planning Board Meeting this Tuesday.

Supervisor Smith reported he has received four proposals for the Master Plan – they have been passed out to the Selective Committee

Supervisor Smith adjourned the Meeting at 8:30 PM with a Minute's silence in Memory of Viola Kurpita and Gerald Snyder.

DOROTHY L. BYCINA
ALDEN TOWN CLERK