

MEETING . NO. 9
REGULAR NO. 9

REGULAR BOARD MEETING

MAY 5, 2008
7:00 P.M.

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, May 5, 2008 at 7:00 P.M. Supervisor Smith called the Meeting to Order. Councilwoman Riddoch led in the Pledge of Allegiance. Paul Loehr gave the Invocation. The roll call was taken by the Town Clerk

PRESENT: Ronald L. Smith, Supervisor
Mary Riddoch, Councilwoman
William Weber, Councilman
Arlene Cooke, Councilwoman
RECORDING SECRETARY: Dorothy L. Bycina, Town Clerk
OTHERS PRESENT: Martin Dugan, CEO
Michael Metzger, Town Engineer
Gary Wagner, Planning Board
ABSENT: Ronald Snyder, Councilman

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of April 21, 2008. Unanimously carried.

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

ACCOUNT	ABST #1	ABST #2	TOTAL
GENERAL FUND "A"		17,841.88	36,635.86
HIGHWAY FUND "DA/DB"		180.29	32,657.57
PARTTOWN FUND "B"		26.45	9,506.67
WD#2 FUND "WB"			375.20
WD#3 FUND "WC"			2,063.60
WD#4 FUND "WD"			1,299.80
SP FIRE PROTECT "SF"			159.18
SD#2 FUND "SA"		127.28	1,841.46
TRUST & AGCY FUND "T"			1,567.17
SPECIAL REFUSE FUND "SR"			27,512.90
ST. LIGHTING FUND "SL"			6,884.62
GRANTS			1,777.23
TOTAL	104,105.36	18,175.90	122,281.26

(Approved 4/21/08)

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

Supervisor Smith moved and Councilman Weber seconded the Motion to enter into the 7:05 PM Public Hearing. Unanimously carried.

At 7:05 PM SUPERVISOR SMITH CALLED THE PUBLIC HEARING TO ORDER re LOCAL LAW 1/2008. THE TOWN CLERK READ THE NOTICE OF PUBLIC HEARING THAT WAS PUBLISHED IN THE ALDEN ADVERTISER.

Supervisor Smith explained the Local Law – Attorney Strong recommended this adoption it will would clean up the Local Law that is now on file. The floor was opened for discussion – no comment from the floor.

Councilwoman Riddoch moved and Councilwoman Cooke seconded the Motion to close the Public Hearing at 7:08 PM.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to enter into the 7:10 PM Public Hearing. Unanimously carried.

AT 7:10 SUPERVISOR SMITH CALLED THE PUBLIC HEARING TO ORDER re LOCAL LAW 2/2008. THE TOWN CLERK READ THE NOTICE OF PUBLIC HEARING THAT WAS PUBLISHED IN THE ALDEN ADVERTISER

Supervisor Smith explained the reason for this Local Law. This was recommended by the Town Attorney – this Law will repeal outdated provisions of the Town Code which have been superseded by the New York State Uniform Fire Prevention and Building Code. The Floor was opened for discussion. There was no Public comment.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to close the Public Hearing at 7:12 PM

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to enter into the 7:15 PM Public Hearing. Unanimously carried.

AT 7:15 PM SUPERVISOR SMITH CALLED THE PUBLIC HEARING TO ORDER re THE AGREEMENT/LANCASTER HYDRANT. THE TOWN CLERK READ THE NOTICE OF PUBLIC HEARING THAT WAS PUBLISHED IN THE ALDEN ADVERTISER.

Supervisor Smith explained the reason for this Public Hearing – the execution of the Rental Agreement with the Consolidated Water District of the Town of Lancaster regarding the rental of 45 fire hydrants in the Town of Lancaster by the Alden Fire Protection District. The Floor was opened for discussion – there was no public comment.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to close the Public Hearing at 7:18 PM. Unanimously carried.

BUSINESS FROM THE Floor

Matt Herdzik/287 S Woodside Dr – commented on the work at the Sandridge Road Railroad Crossing; He also questioned the Supervisor if he has heard from Time Warner. As of yet no reply has been received. He also wanted to know if the Town has an exclusive contract with Time Warner – the Supervisor will check this out and review it with the Town Attorney.

Denise Meyer/CountyLine Rd – spoke of the problem at North Rd and Crittenden Rd – there have been two accidents at this location recently. The visibility is very bad at this intersection. Councilwoman Riddoch stated that we have Resolutions for this intersection as well as the intersection of North Rd and Countyline. We have no reply from the County re North Rod and Crittenden Rd. She will pursue this further.

COMMUNICATIONS

Councilwoman Riddoch received a Certificate of Liability Insurance from Ted Morgan Service; she spoke with George Lund/Cayuga Creek Rd who was concerned that was no Speed Limit Sign on this Road – she spoke to the Erie County Highway and she was assured that the Sign Crew will check this out

Councilman Weber received an Invitation to the Erie County Water Authority – May 29th.

Town Clerk Bycina also received the Erie County Water Authority Invitation.

Councilwoman Cooke received a request for Handicap Parking spaces behind the Community Center; received a letter from the Alden Historical Society/Mrs. Loehr re Insurance; received an Invitation from the Alden Historical Society re the Town's 185th Birthday; questioned the Tree that is to be cut down.

Paul Loehr/Henske Rd questioned the Insurance coverage on the Old School House – Councilwoman Riddoch stated that this Building is covered under the Towns Blanket Policy.

Supervisor Smith reported the following: an Invitation to the Town Line Fire Department Community Memorial Day Service on May 26th; received the Building Inspectors Monthly Report for April 2008; received an Invitation to the Alden Memorial Post 7967 Annual Memorial Day activities in the Village on May 26th received a MEMO from William Sivecz re the Town Website; received the Town Clerk's Monthly Report for April 2008; letter from Doritex re our Rental Service Agreement – because of Deputy Town Clerk/Debra Crist doing some comparison we are able to save \$1,000 a year – he “Thanked” Debra for her time on this matter.

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 on behalf of the Alden Fire Protection District believes it is in the best interest of the residents of the Town of Alden to enter into a Rental Agreement with the Consolidated Water District of the Town of Lancaster for the rental of 45 hydrants in the Town of Lancaster for use by the Alden Fire Protection District;

WHEREAS, the Consolidated Water District of the Town of Lancaster also wishes to enter into this Rental Agreement, and

WHEREAS, the Town Board, as required by Town Law section 184-a has properly called, published, posted, and held a public hearing on May 5, 2008, hereby all interested person where given the opportunity to be heard.

NOW THEREFORE BE RESOLVED AS FOLLOWS;

1. That the Town Board on behalf of the Alden Fire Protection District does hereby authorize Supervisor Smith to enter into and execute all necessary documents to effectuate the Rental Agreement, in the attached form, for a term commencing on April 1, 2008 and expiring on March 31, 2013.
2. 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 May 5, 2008 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 fully considered the adoption of “Local Law No. 1 of the Year 2008, entitled; “Local Law to Repeal the 1967 Local Law Establishing Town of Alden Provisions and Procedures for Town Employee Rights of Organization and Representation,” which will outdate provisions of the Alden Town Code, which have been superseded by Article 14 of the New York State Civil Service Law (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 March 5, 2008, for this Proposed Action, as required under Section 239-m of the General Municipal Law and a “no recommendation” was received from the Division on April 8, 2008; and

WHEREAS, the New York State Environmental Quality Review Act required the Town to determine the Lead Agency status and the Town Board did assume Lead Agency status on March 3, 2008; and

WHEREAS, pursuant to Article 8 f 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 review the Proposed Action and on March 11, 2008, recommended to the Town Board the approval of the Proposed Action.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

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 of the Town Board of the Town of Alden on May 5, 2008 and was unanimously adopted.

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

WHEREAS, A Proposed Local Law #1 of 2008 entitled "Local Law to Repeal the 1967 Local Law Establishing Town of Alden Provisions and Procedures for Town Employee Rights of Organization and Representation," was introduced to the Alden Town Board for consideration by Councilperson Cooke on February 19, 2008.

WHEREAS, the Town of Alden Planning Board reviewed the proposed Local Law and recommended to the Town Board its approval on May 3, 2008.

WHEREAS, an order was duly adopted by the Alden Town Board for a public hearing to be held by said town Board on May 5, 2008 at 7:05 pm at the Alden Town Hall, 3311 Wende Road, Alden, New York 14004 to hear all interested parties on a proposed Local Law entitled Local Law No. 1 of the Year 2008, and

WHEREAS, notice of said public hearing was duly published in the Alden Advertiser, the official newspaper of the Town of Alden on April 24, 2008; and

WHEREAS, said public hearing was duly held on May 5, 2008 and no parties in attendance had any comments in favor of or opposed to the proposed Local Law and

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, and

WHEREAS, the Erie County Division of Planning returned a "no recommendation" on April 8, 2008, pursuant to section 239-m of the General Municipal Law, and

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law on March 5, 2008, and

WHEREAS, the Alden Town Board, after due deliberation, finds it in the best interest of said Town of Alden to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS,

1. That the Alden Town Board hereby adopts said Local Law No. 1 of the Year 2008 entitled “Local Law to Repeal the 1967 Local Law Establishing Town of Alden Provisions and Procedures for Town Employee Rights of Organization and Representation,” a copy of which is attached hereto and made a part of this resolution,
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.

“BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ALDEN AS FOLLOWS”

SECTION 1 TITLE

This Law shall be known as Local Law No. 1 of the Year 2008 entitled “Local Law to Repeal the 1967 Local Law Establishing Town of Alden Provisions and Procedures for Town Employee Rights of Organization and Representation.”

Section 2. PURPOSE AND INTENT

This local law will repeal the 1967 Local Law of the Town of Alden which has been superseded by Article 14 of the New York State Civil Service Law. This local law is adopted pursuant to Section 10 of the Municipal Home Rule Law.

SECTION 3 AMENDMENT OF CODE

The Code of the Town of Alden is amended by this Local Law No. 1 of the Year 2008 as follows:

1. The 1967 Local Law Establishing Town of Alden Provisions and Procedures for Town Employee Rights of Organization and Representation is hereby repealed in its entirety (pages 2501-2514 of the Alden Town Code).

SECTION 4. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State.”

3. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to roll call vote at a regular meeting on May 5, 2008 and was unanimously adopted.

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

WHEREAS, the Town Board of the town of Alden has fully considered the adoption of “Local Law No. 2 of the Year 2008, entitled “Local Law to Repeal Chapter 11 A Fire Prevention of the Alden Town Code”, which will repeal outdated provision of the Town Code, which have been superseded by the New York State Uniform Fire Prevention and Building Code (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 March 18, 2008, for this Proposed Action, as required under Section 239-m of the General Municipal Law and a “no recommendation” was received from the Division on March 24, 2008; and

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 March 17, 2008; 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 March 11, 2008, recommended to the Town Board the approval of the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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 roll call vote at a regular meeting of the Town Board of the Town of Alden on May 5, 2008 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 #2 of 2008 entitled “Local Law to Repeal Chapter 11 A fire Prevention of the Alden Town Code” was introduced to the Alden Town Board for consideration by Councilperson Cooke on March 3, 2008.

WHEREAS, the Town of Alden Planning Board reviewed the proposed Local Law and recommended to the Town Board its approval on March 11, 2008.

WHEREAS, an order was duly adopted by the Alden Town Board for a public hearing to be held by said Town Board on May 5, 2008 at 7:10 pm at the Alden Town Hall, 3311 Wende Road, Alden, New York 14004 to hear all interested parties on a proposed Local Law entitled Local Law No. 2 of the Year 2008, and

WHEREAS, said public hearing was duly held on May 5, 2008, and no parties in attendance had any comments in favor or or opposed to the proposed Local Law; and

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, and

WHEREAS, the Erie County Division of Planning gave a “no recommendation” to the proposed Local Law on March 24, 2008, pursuant to section 239-m of the General Municipal Law, and

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law on March 18, 2008, 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,

1. That the Alden Town Board hereby adopts said Local Law No. 2 of the Year 2008 entitled “Local Law to Repeal Chapter 11 A Fire Prevention of the Alden Town Code”, a copy of which is attached hereto and made a part of this resolution,
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.

“Be it enacted by the Town Board of the Town of Alden as follows:

SECTION 1. TITLE

This Law shall be known as Local Law No. 2 of the Year 2008 entitled “Local Law to Repeal the Chapter 11 A Fire Prevention of the Alden Town Code:

SECTION 2. PURPOSE AND INTENT

This local law will repeal Chapter 11 A Fire Prevention which has been superseded by the New York State Uniform Fire Prevention and Building Code This local law is adopted pursuant to Section 10 of the Municipal Home Rule Law.

SECTION 3. AMENDMENT OF CODE

The code of the Town of Alden is amended by this Local Law No. 2 of the Year 2008 as follows:

1. Chapter 11 A Fire Prevention, adopted by Local Law No. 5 of 1978 and Local Law 6 of 1978 is hereby repealed in its entirety.

SECTION 4. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State”

3. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on May 5, 2008 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 been asked by Austin Development I, LLC, as owner and developer, for permission to install, at no charge to the Town, the street lighting system for the Periwinkle Meadows Phase II Street Lighting District;

WHEREAS, once installed, NYSEG will operate and Integrys will supply the power to the street lighting system;

WHEREAS, Austin Development I, LLC will install twelve (12) 70 watt high pressure sodium light standards and bulbs;

WHEREAS, Austin Development has filed a \$25,000 .00 performance bond with the Town of Alden; 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 said installation;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The town Board approves the installation of twelve (12) 70 watt high pressure sodium light standards and bulbs by Austin Development I, LLC in the Periwinkle Meadows Phase II Street Lighting District conditional upon the following:

- a. Austin Development I, LLC shall work with the Town of Alden Building Inspector regarding the installation and periodic inspection of the lighting system;
- b. Prior to turning over the lighting system to the Town, Austin Development I, LLC shall have the lighting system installation inspected and approved by a New York State licensed electrical inspector and shall submit the inspection report to the Town of Alden;
- c. All poles and wiring shall be installed within the existing Rights of Way;
- d. After successful inspection, the lighting system shall be turned over to the Town of Alden
- e. Immediately upon completion of the installation of the street lighting system, Austin Development I, LLC shall file a one (1) year maintenance bond in the amount of \$24,000.00 with the Alden Town Clerk; and
- f. The power to the lighting system shall not be turned on prior to July 1, 2008.

2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote at a regular meeting on May 5, 2008 and was unanimously adopted.

Supervisor Smith moved and Councilman Weber seconded the Motion to grant Marty Dugan/CEO permission to attend the New York State Energy Conservation Construction Code Courses on May 7th and May 21st at the Buffalo Hyatt Hotel. Unanimously carried.

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

WHEREAS, The Alden Town Board has noticed the need to update and revise the Town of Alden Comprehensive Master Plan and properly applied for and has been awarded and accepted Erie County Community Development Block Grant monies; and

WHEREAS, the Alden Town Board has properly solicited and received Proposals from four entities and each proposal has been reviewed;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board hereby accepts the Proposal submitted by Wendel Duchscherer, Architects and Engineers and authorizes Supervisor Ronald L. Smith to sign, submit, and execute a Contract with Wendel, once the Contract has been approved as to form and content by the Town Attorney

2. This resolution shall take effect immediately.

The foregoing Resolution was duly put a vote at a regular meeting on May 5, 2008 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 in the preliminary stages of forming Town of Alden Water District #5;

WHEREAS, the Alden Town Board is applying for grant funds (including but not limited to emergency grant funds) from the United States Department of Agriculture; and

WHEREAS, the Town Board after full and careful review and consideration finds that making an application for the USDA grant funds is in the public interest;

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That Grantmakers Advantage, Inc. the Town's Grant Consultants, be and is authorized and directed to complete the necessary application, forms, etc. to be submitted to the USDA for the purpose of securing any and all applicable USDA grants.
2. That Supervisor Ronald L. Smith be and is authorized to sign and submit the grant application.
3. That Supervisor Ronald L. Smith be and is authorized to receive, use, and disburse any and all USDA grant funds received by the Town of Alden.
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote at a regular meeting on May 5, 2008 and was unanimously adopted.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS FROM COMMITTEES, OFFICIALS AND PERSONNEL

Councilwoman Riddoch reported that she has the Binders for Insurance Renewal; ID Cards are available for the Highway Dept and the Certificate of Insurance have been mailed out- the premium is going down this year from last year..

Councilman Weber reported he has been looking at Drainage problems with the Highway Supt. went back to the Szymanski property and got a proposal from an Independent Contractor – it should be in the Supervisors Mailbox and he also has been contacted by residents on Henskee, Broadway and Gebhard re Drainage..

Councilwoman Cooke reported she attended the Alden Hook & Ladder's Installation Dinner and she attended the Federal, State and County Disaster Exercise at the Airport. this past Saturday

Supervisor Smith adjourned the Meeting at 7:48 PM with a Minute's silence in Memory of Joseph Kuhn

DOROTHY L. BYCINA
TOWN CLERK

