

MEETING NO. 12
REGULAR NO 10

REGULAR BOARD MEETING

MAY 21, 2007
7:30 P.M.

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, May 21, 2007 at 7:30 PM. 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 L. Smith, Supervisor
Mary Riddoch, Councilwoman
William Weber, Councilman
Ronald Snyder, Councilman
Arlene Cooke, Councilwoman
RECORDING SECRETARY: Dorothy L. Bycina, Town Clerk
OTHERS PRESENT: Jennifer Strong, Town Attorney
Harry F. Milligan, Highway Supt
Michael Metzger, Town Engineer

Councilwoman Riddoch moved and Councilman Snyder seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of May 4, 2007. Unanimously carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN COOKE AND SECONDED BY COUNCILMAN SNYDER THAT THE FOLLOWING VOUCHERS BE ALLOWED AND PAID:

ACCOUNT	ABST #1	ABST #2	TOTAL
GENERAL FUND "A"	35,544.01		35,544.01
HGHWY FUND "DA/DB"	17,294.87		17,294.87
PART TOWN FUND "B"	16,695.77		16,695.77
WD #2 FUND "WB"	375.20		375.20
WD#3 FUND "WC"	1,983.20		1,983.20
WD#4 FUND "WD"	1,299.80		1,299.80
SD#32 FUND "SA"	555.77		555.77
TRUST & AGCY FUND "T"	185.00		185.00
SP REFUSE FUND "SR"	28,915.34		28,915.34
ST LIGHTING FUND "SL"	6,874.00		6,874.00
TOTAL	109,722.96		109,722.96

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY AODPTED.

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

THERE WAS NO BUSINESS FROM THE FLOOR

COMMUNICATIONS

Councilwoman Riddoch reported she received a copy of the Baseball Schedule from Dan Moultrup and she also received the Insurance Certificate from Alden Central School – this will cover use of Band Shell for Family Fun Night and the use of the Park for the 2nd Annual 5K Run on June 15th along with the use of the Town Bleachers for this weekend.

Councilman Weber reported on a letter from Mr. McGee thanking the Highway Dept for their help with a drainage problem.

Attorney Strong is working on the LaFarge matter; notified by Gary Wagner that the clean-up on Two Rod following the burn has been taken care of.

Councilwoman Cooke received a call from Anthony Nestico/Jane Dr re Trees that cause a vision problem on Jane drive – the Trees will be taken down.

Supervisor Smith reported the following: copy of Meeting Minutes/April 18, 2007 from WNY Stormwater Coalition; letter from Alden Residents for Responsible Growth- re a Community “walk through” on June 9th; letter from the Alden Hook & Ladder Fire Co with a list of their present Firematic Officers for 2007-2008; letter from the Alden Town Planning Board recommending the approval of the site plan for Hubco; copy of Rural Metro Monthly Response Compliance for April 2007.

NEW BUSINESS

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to grant the Primary School permission to use the Band Shell on June 8th for Family Fun Night. Unanimously carried.

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

WHEREAS, the New York State Department of Environmental Conservation (“DEC”) and the United States Environmental Protection Agency (“EPA”) have enacted new regulations that strictly regulate the small Municipal Separate Storm Sewer System (“MS4”) in the Town of Alden;

WHEREAS, several small municipalities in Western New York, including the Town of Alden, have entered into an Inter-Municipal Agreement creating an organization known as The Western New York Stormwater Coalition (“Coalition”) so that the municipalities may work together to comply with the Stormwater regulations enacted by DEC and EPA; and

WHEREAS, the Coalition has received a grant from the NYSDEC to assist in the implementation of the new regulations and has requested that the involved municipalities execute a Management Services Agreement to effectively manage the grant monies.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board does hereby authorize Supervisor Smith to enter into and to execute the Management Services Agreement so that the Town of Alden will have access to the grant monies for its implementation of the new regulations.
2. This Resolution shall take effect immediately.

The above Resolution was duly put to roll call vote on May 21, 2007 and was unanimously adopted.

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to grant Employment Specialist/Pioneer Credit Recovery, Inc. permission to use the Town Hall on May 21st (1 PM-4 PM) and June 19th from 1 PM-3 PM). Unanimously carried.

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

WHEREAS, the Town of Alden Highway Superintendent has advised the Town Board that the Department is in need of one (1) pick-up truck which will be purchased pursuant to State Bid;

WHEREAS, said Procurement Policy & Procedure Guidelines and General Municipal Law have been followed; and

WHEREAS, the Town Board after full and careful review and consideration of the request finds said request in the public interest to authorize the purchase and a pick-up truck;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The town Board approves the purchase of one (1) 2008 Ford 4 x 4 pick-up truck, as described on the attached State Bid Pricing Summary for \$23,180.50 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 so 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 on May 21, 2007 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 Board on October 2, 2006, properly awarded a bid in the amount of \$43,700.00 for renovations of the Alden Senior Center to Hadala Construction, Inc;

WHEREAS, on March 5, 2007, the Town Board escrowed funds pending completion of the renovations; and

WHEREAS, Hadala Construction has now completed the renovations to the satisfaction of the Town Engineer;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the escrowed funds (2,185.00) be released to Hadala; and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on May 21, 2007 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden is considering an application, under § 20-11 (H) of the Town of Alden Code, of Hubco, Inc. for site plan approval for the construction of a 9,600 square foot addition to its existing building, said addition to be used for office and warehouse space, at 2885 Commerce Drive in the Town of Alden, County of Erie and State of New York;

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;

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 site plan review, 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 the most local agent with permitting authority; and

WHEREAS, the Town 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:

1. The Town Board has determined that the proposed site plan review 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 site plan application.
3. The Town Board directs that the Town of Alden Building Department to send the required notice with all required attachments to all other interested agencies about the proposed action and the determination by the Town of Alden of its desire to act as lead agency under SEQRA and to send the required notice to county Planning as required under Section 23999-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 of the Town of Alden on May 21, 2007 and was unanimously adopted.

Councilwoman Cooke moved and Councilwoman Riddoch seconded the Motion to approve Alden Community Scholarship Foundation request to use Shelter #2 & #3, the Band Shell and other Town Park Facilities for their Second Annual 5K Run on June 15th. Unanimously carried

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

WHEREAS, the Town Board of the Town of Alden (the "Town") has received information indicating that Town Employee Frank A. Trybuskiewicz ("Employee") has violated the Town Code of the Town of Alden and had acted improperly in submitting timesheets to the Town and therefore not properly performed the duties of his role as Building Inspector and Code Enforcement Officer, and

WHEREAS, Civil Service Law section 75 requires that in certain circumstances a municipality is required to conduct a hearing prior to taking disciplinary action against certain protected classes of employees, and

WHEREAS, due to such civil service status, it would appear that the Employee is entitled to the protection of Civil Service Law section 75; and

WHEREAS, Employee has retained his own counsel; and

WHEREAS, several charges have been preferred against the Employee and disciplinary hearings on these charges have begun;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The next disciplinary hearings will be held on May 29, 2007 at 9:00 am and on June 7, 2007 at 10:00 am, both at the Alden Town Hall (3311 Wende Road, Alden, New York);
2. The Employee is entitled to be represented at such hearing by an attorney to present such witnesses and other proof as he may have in his defense against these charges;
3. These disciplinary hearings will be conducted by Brian D. Doyle; who is hereby authorized to conduct said hearings.
4. If the Employee is found guilty of any of the preferred charges, the penalty or punishment imposed upon him may consist of any of the following: dismissal from the service of the Town, demotion in grade and title, suspension without pay for a period not exceeding two months, a fine not to exceed \$100, or reprimand.
5. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on May 21, 2007 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 of Alden Clerk's Office has advised the Town Board that their Department is in need of a new computer in order to properly operate the required Town Clerk's Software Package, the estimated cost of the computer is more than \$1,000.00 but less than \$10,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden requires that all estimated purchases over \$1,000.00 but less than \$10,000.00 require a written request for a proposal and written fax quotes from at least three vendors;

WHEREAS, said Procurement Policy & Procedure Guidelines have been followed and three quotes have been obtained; and

WHEREAS the Town Board after full and careful review and consideration of the Request, finds said request in the public interest;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the purchase of a Roswell case 350 watt ATX 2.0 Intel Cel D 3.33 GHz computer with delivery and setup (as further described on the attached quote) from DC Computers for \$1,124.73 as being consistent with its policies and in the interests of the residents of the Town of Alden;
2. That the 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.
4. The foregoing Resolution was duly put to a vote on May 21, 2007 and was unanimously adopted

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

WHEREAS, the Alden Town Board has noticed the need to update the Town of Alden Procurement Policy and Procedure Guideline in order to ensure that the same does not unduly inhibit the ability of the Town of Alden to make necessary purchases; and

WHEREAS, the Town Board has reviewed the attached Procurement Policy and Procedure Guidelines and believes the adoption of the Policy is in the best interest of the Town of Alden

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby adopts (revoking all former Procurement Policy and Procedure Guidelines) the attached Procurement Policy and Procedure Guidelines as its Official Procurement Policy and Procedure Guidelines effective June 1, 2007.
2. The Town Clerk is hereby directed to send a copy of the Procurement Policy and Procedure Guidelines to all Town Board Members and Department Heads
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote on May 21, 2007 and was unanimously adopted.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilwoman Cooke met with Matt Wiatrowski/Crittenden Vol Fire Co and Bob McPeck It was suggested she contact the other Fire Companies re CERTS – they may be willing to contribute to this program.

Councilman Snyder reported on the April 24th Meeting he attended (Ass'n of Erie Co Governments) – next meeting he should have a report on “What’s happening with our Tax Dollars in Erie Co); also a NEST Collection is scheduled for June 10th at ECC South.

Engineer Metzger announced that the draft annual report required under the Town’s NYSDEC, Phase II SPDES, MS4, stormwater permit will be available for review as of Wednesday, May 23, 2007 in the Town Clerk’s Office.

Supervisor Smith “Thanked” Scott Dreyer of the Wyoming Correctional Facility for the Flowers; Work Session will be Tuesday-May 29th.

Supervisor Smith moved and Councilman Weber seconded the Motion to enter into an Executive Session at 8:05 PM to discuss a litigation matter.

Councilwoman Riddoch moved and Councilman Weber s seconded the Motion to re-enter the Regular Meeting at 8:37 PM. (NO ACTION WAS TAKEN)

Supervisor Smith polled the Board and with no objection the following was added to the Agenda.

Supervisor Smith moved and Councilman Snyder seconded the Motion to announce that the Stormwater Draft Annual Report will be available in the Town Clerk’s on Wednesday-May 23, 2007. Unanimously carried.

Supervisor Smith adjourned the Meeting at 8:45 PM with a Minute’s silence in Memory of Robert Dersam.

DOROTHY L. BYCINA
TOWN CLERK