

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, July 19, 2010 at 7:00 P.M. Supervisor Smith called the Meeting to Order. Councilman Weber led in the Pledge of Allegiance. The roll call was taken by the Second Deputy Town Clerk.

PRESENT: Ronald Smith, Supervisor
Mary Riddoch, Councilwoman
William Weber, Councilman
Arlene Cooke, Councilwoman
ABSENT: Ronald Snyder, Councilman
RECORDING SECRETARY: Ralph P. Witt, Second Deputy Town Clerk
OTHERS PRESENT: Jennifer Strong, Town Attorney
Carl Fix, Highway Supt.
John Zoratti, Planning Board Rep.
Len Weglarski, DCO

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of July 6, 2010. 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"	\$18,251.50		\$18,251.50
HGHWY FUND "DA/DB"	38,873.65		38,873.65
PART-TOWN FUND "B"	4,134.35		4,134.35
WD#1 FUND "WA"	5,249.88		5,249.88
WD#2 FUND "WB"	375.20		375.20
WD#3 FUND "WC"	2,063.60		2,063.60
WD#4 FUND "WD"	1,299.80		1,299.80
SP FIRE PROT. "SF"	4,181.96		4,181.96
SD#2 FUND "SA"	2,644.42		2,644.42
TRUST/AGCY FUND "T"	167.16		167.16
SP REFUSE FUND "SR"	40,718.21		40,718.21
STREET LIGHTING FUND "SL"	5,647.58		5,647.58
PERIWINKLE LTG. "SL1"	37.55		37.55
GRANTS	64,000.87		64,000.87
TOTALS	\$187,645.73		\$187,645.73

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

THERE WAS NO BUSINESS FROM THE FLOOR.

COMMUNICATIONS

Councilwoman Riddoch received the final check from Selective Insurance for the storm damage in the Town Park playground. The total amount received is \$5,460.00 with no deductible.

Councilman Weber said in response to a question he had received a couple of weeks ago, he contacted a mechanic from the Metro Bus that serves Erie County. A resident questioned the weight of the buses that were going over the road because there is a 10 ton weight limit posting at Henskee and Sullivan. He was told that they weighed 28,000 to 35,000 lbs. gross/including passengers. The weight would be under the 10-ton limit.

Councilwoman Cooke said she has been called out to two fires through the Office of Emergency Services in the area in the past week and a half. The Town Building

Inspector was there. Received a phone call complaining about brush pick up on the South side of Broadway.

Supervisor Smith received Rural Metro's June 2010 monthly compliance report; 94.4% performance, received the approved Board minutes from the Village of Alden for June 24th, received from the County of Erie Dept. of Real Property Tax Services their 2010 annual report, Supervisor Smith commented on the impact of the State and County owned property on our assessment, on the 2009 assessment roll the Town of Alden has the highest totally exempt percentage of any Town or City in Erie County, 40% of our gross assessment is totally exempt from taxation.

NEW BUSINESS

Councilwoman Riddoch moved and Councilman Weber seconded the motion to approve the Town of Marilla's request to use the Town of Alden's Small portable band shell for their annual car show on July 24 & 25, 2010. The Town of Alden Highway Dept. will deliver and pick up per Highway Supt. Fix. Unanimously Carried.

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 is considering an application, under § Chapter 20, Article III of the Town of Alden Code, of Tree Care of New York site plan review of the proposed construction of 2500 square foot storage building (the "proposed action") at Broadway and Bonnie Lake Drive in the Town of Alden, County of Erie and State of New York, further identified by SBL # 118.10-1-19; and

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; and

WHEREAS, the Town of 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 THAT:

1. The Town Board has determined that the proposed site plan review 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 site plan application and review.

3. The Town Board directs that the Code Enforcement Officer of the Town of Alden to send the required notice to County Planning as required under Section 239-m of the General Municipal Law and to send notice to all involved agencies.
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 July 19, 2010, 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 is considering the adoption of “Local Law No. 2 of the Year 2010, entitled “Local Law to Abolish the Office of the Receiver of Taxes and Assessments in 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 of 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 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. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting on July 19, 2010, 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 Hook and Ladder Fire Company, Inc. provides fire protection services, By Contract, to both the Town of Alden and the Village of Alden; and

WHEREAS, the Town of Alden and the Village of Alden have agreed in a Contract with the Alden Hook and Ladder Fire Company, Inc., dated January 20, 2009,

that the municipalities will share the cost of the Service Award Program (for the years 2009, 2010 and 2011) for the Alden Hook and Ladder Fire Company, Inc.;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. That the Town Board does hereby authorize Supervisor Ronald L. Smith to enter into and execute an Intermunicipal Agreement with the Village of Alden regarding the payment of the Service Awards for the Alden Hook and Ladder Fire Company, Inc. for Year 2010 and Year 2011; and

2. This Resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote at a regular meeting, on July 19, 2010, 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 received a request from Highway Superintendent Carl Fix to purchase four (4) new tires for his Town Truck the estimated cost of which is less than \$2,000.01 but greater than \$500.00;

WHEREAS, the Procurement Policy & Procedure Guidelines (“Guidelines”) of the Town of Alden state that the Town must prepare a request for proposal and then obtain written quotes from at least two (2) vendors, except when a vendor is on the State Bid List;

WHEREAS, an oral request for proposals (for the purchase of four (4) Firestone Transforce AT-LT 265/ 70 R17 10 PLY M&S Tires, with dismount and mount and spin balance) was made by Superintendent Fix to two (2) vendors;

WHEREAS, the highest vendor is Zoladz Tire at \$729.00;

WHEREAS, the lowest vendor is Main Tire (who is on the State Bid List) at \$643.20.

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 four (4) tires (as described above) with dismount, mount and spin balance from Main Tire the lowest responsible vendor, at a total cost of \$643.20;

2. 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 roll call vote at a regular meeting on July 19, 2010, and was unanimously adopted.

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

WHEREAS, the Alden Town Board has received a request from Highway Superintendent Carl Fix to rent a track hoe with a four foot ditching bucket for one month the estimated rental cost of which is less than \$10,000.01 but greater than \$2,000.00;

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

WHEREAS, a written request for proposals (monthly rental for a track hoe with a four foot ditching bucket, plus any delivery charges) was made by Highway Superintendent Fix to six (6) vendors;

WHEREAS, the Town Board on June 7, 2010 accepted the proposal of Zoladz. However, Zoladz no longer has the track hoe available for rental by the Town and MW Equipment has the track hoe immediately available for rental by the Town;

WHEREAS, the Town can not wait any longer to rent this equipment;

WHEREAS, the highest bidder is Admar at \$3,270.00;

WHEREAS, the second highest bidder is Five Star at \$2,800.00 plus delivery;

WHEREAS, the third highest bidder is George & Swede at \$2,400.00 plus delivery;

WHEREAS, the fourth highest bidder is United Rental at \$2,400.00;

WHEREAS, the fifth highest bidder is Zoladz at \$2,375.00, who is disqualified because the equipment is not currently available for rental by the Town; and

WHEREAS, the MW Equipment is the lowest bidder at \$2,300.00;

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 rental.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board rescinds its June 7, 2010 resolution authorizing the rental from Zoladz because Zoladz does not have the track hoe available for immediate rental by the Town;
2. The Town Board approves the rental of a track hoe with four foot ditcher from MW Equipment at a cost of \$2,300 for thirty (30) days;
3. The Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase; and
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on July 19, 2010, and was unanimously adopted.

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

WHEREAS, in June, 2010, the Alden Town Board received a request from Highway Superintendent Carl Fix to pave South Woodside Drive the estimated cost of this public works project is less than \$35,000.00 but greater than \$2,000.00 and on June 21, 2010 after following the Procurement Policy & Procedure Guidelines (“Guidelines”) properly authorized the paving project;

WHEREAS, Vendor Suit-Kote was the lowest bidder for the tack coat. However, Suit-Kote used more gallons of tack coat and two and one-half additional hours of labor than Suit-Kote had estimated and quoted to the Town;

WHEREAS, the additional costs incurred by Suit-Kote are unanticipated and unforeseen and it is possible that all quotes received for the tack coat portion of the project were underestimated, still making Suit-Kote the lowest vendor;

WHEREAS, Suit-Kote has completed its work on the paving project and has now billed the Town of Alden an additional \$296.96; and

WHEREAS, The Town Board after full and careful review and consideration of the additional expense finds that it is in the public interest to pay the additional costs to Suit-Kote.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the additional payment of \$296.96 to Suit Kote for the unanticipated and unforeseen additional costs;
2. The Town of Alden Supervisor is authorized to sign any and all necessary documents to effectuate this public works project; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on July 19, 2010, and was unanimously adopted.

Councilman Weber moved and Councilwoman Riddoch seconded the motion to approve the Erie County Board of Elections request to use the Town of Alden's auditorium for election inspector training class on August 24, 2010 from 8:30 A.M. – 4:00 P.M. Unanimously Carried.

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

WHEREAS, in February, 2010, the Town of Alden by emergency declaration caused the unsafe and dangerous barn at 3161 Wende Road in the Town of Alden to be demolished;

WHEREAS, the emergency demolition cost the Town of Alden \$2,000.00;

WHEREAS, the property owner, Russell J. Gattuso, has refused to reimburse the Town for the cost of the emergency demolition; and

WHEREAS, the Alden Town Code at Section 7A-6(E) allows the Town to relevy such costs onto the property taxes of the affected parcel.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. That the Alden Town Board hereby authorizes the Town Assessor to re-levy the amount of \$2,000.00 onto the 2010 county/town taxes of 3161 Wende Road also known as SBL #96.00-3-44.2;
2. The 2010 Town Budget at line A.0000.1001. is hereby increased by \$2,000.00 to receive this relevy; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on July 19, 2010, and was unanimously adopted.

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

WHEREAS, the Alden Town Board has noticed the need to appoint a Deputy Building Inspector because the Town of Alden Building Inspector is unable to perform his duties due to injury;

WHEREAS, the Town of Alden has appointed Joseph Czechowski as Deputy Building Inspector;

WHEREAS, it is anticipated that Joseph Czechowski may have a conflict of interest in issuing a two building permits in the Town of Alden;

WHEREAS, New York State Town Law allows the appointment of a Deputy Building Inspector; and

WHEREAS, John Good is trained and certified to serve as a building inspector and currently holds this position for the Town of Newstead.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby appoints John Good as the Deputy Building Inspector to conduct building inspections and issue building permits for the Town of Alden for a period of July 20, 2010, through and until September 7, 2010 and authorizes the Supervisor to sign the attached Employment Agreement with Mr. Good.
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on July 19, 2010, and was unanimously adopted.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Supervisor Smith announced that Erie County Legislator Dino Fidoli would be attending the next Town Board meeting he will answer any questions that Board members or residents may have.

NEXT WORK SESSION JULY 26, 2010 @ 7:00 P.M.
NEXT BOARD MEETING AUGUST 2, 2010 @ 7:00 P.M.

Supervisor Smith adjourned the meeting @ 7:25 P.M. with a Minute of Silence in Memory of Martha Stephan.

Ralph P. Witt
Second Deputy Town Clerk