

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, August 2, 2010 at 7:00 P.M. Supervisor Smith called the Meeting to Order. Councilman Snyder led in the Pledge of Allegiance. The roll call was taken by the First Deputy Town Clerk.

PRESENT: Ronald Smith, Supervisor
William Weber, Councilman
Ronald Snyder, Councilman
ABSENT: Mary Riddoch, Councilwoman
Arlene Cooke, Councilwoman
RECORDING SECRETARY: Debra A. Crist, First Deputy Town Clerk
OTHERS PRESENT: Jennifer Strong, Attorney
Michael Metzger, Town Engineer
Gary Wagner, Planning Board
Len Weglarski, Dog Control Officer

Councilman Snyder moved and Councilman Weber seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of July 19, 2010. Unanimously Carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR SMITH AND SECONDED BY COUNCILMAN SNYDER TO WIT;

ACCOUNT	ABST. #1	ABST. #2	TOTAL
GENERAL FUND "A"	\$18,251.50	\$15,308.26	\$33,559.76
HIGHWAY FUND "DA/DB"	38,873.65	2,989.42	41,863.07
PART-TOWN FUND "B"	4,134.35	4,386.09	8,520.44
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		2063.60
WD#4 FUND "WD"	1,299.80	17,671.87	18,971.67
SP FIRE PROT. "SF"	4,181.96		4,181.96
SD#2 FUND "SA"	2,644.42	9,254.30	11,898.72
TRUST/AGCY FUND "T"	167.16	2,523.77	2,690.93
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		64,975.80
TOTALS	\$187,645.73	\$53,108.64	\$240,754.37

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Erie County Legislator Dino Fidoli talked about the Road issues that are trying to be addressed at the County level, the State Budget not coming through is holding up everything. He would like to come to the Town Board on a quarterly basis to see if there are issues that they would like to address with the County. Legislator Fidoli expressed his support of the Erie County Executive's 20% cut across the board. Supervisor Smith commented on the 20% cut with concern if the Erie County Sheriff's Department Road Patrol will be affected by this, referring to the recent incident at the Pharmacy, there was one car covering Alden, Newstead and Clarence. Leg. Fidoli did not think that they would get to the 20% with them due to the public safety issue. Supervisor Smith questioned the future of the Erie County Home and Infirmary. Leg. Fidoli said that the buildings are not suitable for records storage, as proposed in the past, he is confident that they are going to move forward with their plans to move downtown. There has been some talk about getting it back to the Town of Alden.

Polly Justinger, Crittenden Rd. talked about the recent accident at Crittenden and North Rd., she said there are tree limbs on Crittenden (North) in the right away that cause a block. Another

suggestion she had was to have stop lines painted on North Road. Supervisor Smith said the Town would talk to the Erie County Highway, Erie County Legislator Dino Fidoli said he would also follow up.

COMMUNICATIONS

Councilman Weber received a phone call from a Two Rod Rd. resident about a drainage issue. Discussion about getting permission to go on properties for drainage problems.

Councilman Snyder had a call on drainage/S. Newstead Rd.

Supervisor Smith received Village of Alden approved Board Meeting minutes from 7/8/10, received a copy of a letter to the Office of Emergency Management from the County Dept. of Public Works about the closing of the bridge over Spring Creek/Crittenden Rd./Village of Alden, monthly report from the Town Clerk and Building Dept. for July/2010, received an invitation from the Recreation Department to attend their annual dance recital and drama theater show this Thursday, August 5th at the High School.

NEW BUSINESS

THE FOLLOWING ORDER WAS OFFERED BY COUNCILMAN WEBER WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN SNYDER TO WIT;

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

A hearing before the Town Board of the Town of Alden, in the County of Erie shall be held at the Town Hall, 3311 Wende Road, Alden, New York at 7:05 p.m. on the 16th day of August, 2010, for the purpose of hearing all persons interest in the proposed Local Law No. 2 of the Year 2010; and

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Alden Advertiser, Designated as the official newspaper for this publication, such publication to be not less than (5) days before the date of the public hearing; (b) and post as required by law one (1) copy of the Notice of Public Hearing no later than the day such Notice is published; and

ORDERED, that the First Deputy Town Clerk is to make copies of the proposed 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", available at her office for inspection and distribution to any interested persons during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call, at a regular meeting on August 2, 210 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden is considering an application, by The Estate of Garret Walsh, for the subdivision of two (2) lots. The entire parcel as currently constituted consists of approximately 33.91 acres on Peters Corners Road in the Town of Alden. The first proposed lot ("Parcel A") would be 15.763 +/- acres (and will be known as SBL # 97.00-1-37.111); the second proposed lot ("Parcel B") would be the remainder of the parcel (and will be knows by SBL # 97.00-1-37.112); further identified by SBL # 97.00-1-37.11 (The "Proposed Action");

WHEREAS, the Town Board of the Town of Alden has determined 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 decisions as to subdivision; 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 Building Inspector provided notice to the Erie County Division of Planning on July 15, 2010, for this Proposed Action, 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; and
3. 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 August 2, 2010, 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 of Alden First Deputy Town Clerk and the Second Deputy Town Clerk have advised the Town Board that the Town Clerk's Office is in need of part time help;

WHEREAS, resumes were solicited and received and interviews conducted and Susanne Galbraith has been recommended for appointment as the Third Deputy Town Clerk;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the appointment of Susanne Galbraith as Third Deputy Town Clerk for the remainder of 2010 at an hourly rate of \$12.00 / hour, employment not to exceed an annual average of 19 hours per week with no benefits, except New York State Retirement.
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on August 2, 2010, and was unanimously adopted.

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

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

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

WHEREAS, Christopher M. Snyder is trained and certified to serve as a building inspector and as code enforcement officer.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby appoints Christopher M. Snyder as a Deputy Building Inspector and as a Code Enforcement Officer for a period of August 2, 2010, through and until September 7, 2010, or earlier if Martin Dugan is medically cleared to return to his full building inspector duties; and

2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on August 2, 2010, and was unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR SMITH, 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 pave Reinhardt Road, with the assistance of the Erie County Highway Department (who will not charge the Town for their work);

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 for this public works project;

WHEREAS, the Highway Superintendent found it more economical to break this public works project into two parts: (1) materials and (2) tack coat and therefore each item has been separately quoted;

WHEREAS, a written request for proposals was made by Highway Superintendent Fix to three (3) vendors for the 882 gallons of tack coat and eight (8) hours of truck time and written quotes were received as follows:

- A. The highest bidder is Kelly Blacktop at \$3,067.37 (\$2.48 per gallon of tack coat and \$110 per hour of truck time)
- B. The second highest bidder is Midland at \$2,939.16 (\$2.38 per gallon of tack coat and \$105 per hour of truck time);
- C. The lowest bidder is Suit-Kote at \$2,921.78 (\$2.45 per gallon of tack coat and \$95 per hour of truck time);

WHEREAS, a written request for proposals was made by Highway Superintendent Fix to three (3) vendors for the paving materials (price per ton, a total of 1,549 tons of type 3 binder material are needed), all three of whom are listed on the Erie County Bid List as follows:

- A. The highest price on the County List is LaFarge at \$54.85 per ton;
- B. The second highest price on the County List is Buffalo Crushed Stone at \$51.75 per ton;
- C. The lowest price on the County List is Countyline Stone at \$48.50 per ton (or \$75,126.50 for 1,549 tons);

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 paving project.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of tack coat (with truck time) from Suit Kote for \$2,921.78;
2. The Town Board approves the purchase of paving materials from Countyline Stone for \$75,126.50;
3. The Highway Superintendent of the Town of Alden is authorized to sign any and all necessary documents to effectuate this public works project; and
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on August 2, 2010, and was unanimously adopted.

Councilman Snyder moved and Councilman Weber seconded the Motion to renew the Home Occupation Permit for Douglas Swingle/12049 Genesee St./Auto Upholstery Repairs. Unanimously Carried.

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 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 has notified the involved agencies;

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; has the greatest capacity for providing the most thorough environmental assessment of the proposed action; and is the most local agent with permitting authority;

WHEREAS, the Town of Alden has provided notice to Erie County Planning on July 21, 2010, for this site plan review as required under Section 239-m of the General Municipal Law;

WHEREAS, the New York State Environmental Quality Review Act requires the Town of Alden to determine the Lead Agency status and the Lead Agency making a SEQR determination;

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the Code of the Town of Alden, Chapter 9D, the Applicant has prepared the 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 recommended the approval of the site plan.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA and that a proper review has been conducted.
2. The Town Board has determined, and Erie County Planning, the NYS Department of Transportation and the U.S. Army Corps of Engineers have all concurred that the Town of Alden 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. That the Town Board of Alden finds that the Proposed Action is consistent with the Town Code and approves the site plan.
5. 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 August 2, 2010, the results of which were unanimously adopted.

SUPERVISOR SMITH POLLED THE BOARD AND WITH NO OBJECTION THE FOLLOWING WAS ADDED:

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

WHEREAS, the Alden Town Court has noticed the need to increase safety in the Court Room by the installation of carpeting in the Court Room.

WHEREAS, the estimated cost of this public works project is less than \$35,000.00 but greater than \$2,000.00;

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

WHEREAS, a written request for proposals was made by the Court to three (3) contractors for the installation of carpeting in the Court Room and written quotes were received as follows:

- A. The highest bidder is Poplar Associated Contractors at \$5,860.00;
- B. The second highest bidder is Kelchlin Construction at \$3,025.00;
- C. The lowest bidder is Pro-Source at \$2,864.93;

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 carpet project to increase safety in the Court Room.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the attached proposal of Pro-Source for the installation of carpeting in the Court Room.
2. Pro Source must pay prevailing wages and comply with all labor law requirements and postings; and must provide proof of insurance (worker’s compensation and liability) prior to starting any work;
3. This project shall be paid one-half from the Court’s 2010 budget and the other half from the 2010 General Fund Budget.
4. The Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this public works project; and
5. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on August 2, 2010, and was unanimously adopted.

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

WHEREAS, the Alden Town Board has received a request from the Town Court for a new air conditioning unit for the Town Court Room, the 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;

WHEREAS, an oral request for proposals (price for a wall-installed air-conditioning unit) was made by Councilman Snyder to two (2) vendors;

WHEREAS, the highest vendor is Carrier Corporation at \$1,077.00;

WHEREAS, the lowest vendor is United Refrigeration Inc. at \$1,018.37; 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 approves the purchase of one wall installed air conditioning unit for the Town Courtroom from United Refrigeration, Inc for \$1,018.37 as outlined on the attached specs;
2. 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

The foregoing resolution was put to a roll call vote and was unanimously adopted.

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

WHEREAS, the Alden Town Court has noticed the need to increase security and safety in the Courtroom by constructing a reception/pay window and adding a railing for which grant monies from the Justice Court Assistance Program are available.

WHEREAS, the Court has been awarded Justice Court Assistance Program grant monies in the amount of \$15,370 that have to be spent by August 27, 2010.

WHEREAS, the estimated cost of this public works project is less than \$35,000.00 but greater than \$2,000.00;

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

WHEREAS, a written request for proposals was made by the Court to three (3) contractors for the construction of a reception/pay window and adding a railing to the Court Room and written quotes were received as follows:

- A. The highest bidder is Lenny Builders at \$17,416.00;
- B. The second highest bidder is Poplar Associated Contractors at \$15,845.00;
- C. The lowest bidder is Kelchlin Construction at \$15,175.00;

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 construction project to increase security and safety in the Court Room.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the attached proposal of Kelchlin Construction for the construction of a reception/pay window and adding a railing in the Court Room for which grant monies have been awarded from the Justice Court Assistance Program.
2. Kelchlin Construction must pay prevailing wages and comply with all labor law requirements and postings; and must provide proof of insurance (worker's compensation and liability) prior to starting any work;
3. The Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this public works project and to receive the grant monies; and
4. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on August 2, 2010, and was unanimously adopted.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Attorney Strong is working with the Village Alden's attorney on the agreement to share equipment. Will follow up. Would like Local Law #2 and the Walsh Subdivision put on the Work Session.

Town Engineer Metzger contacted Wende Correctional regarding the drainage problem on Mr. Sievenpiper's property. A letter has been sent to Sue Schumacher/Wende Correctional regarding the lack of maintenance and their past promise to correct this. Engineer Metzger introduced Bob Labinski, who will be covering for Eng. Metzger for the next two meetings in his absence.

NEXT WORK SESSION: MONDAY, AUGUST 9, 2010
NEXT TOWN BOARD MTG.: MONDAY, AUGUST 16, 2010

Supervisor Smith adjourned the Meeting at 7:36 P.M. with a Minute of Silence in Memory of Raymond Rykaczewski Sr., Eugene Wojciechowski and Deborah Hy.

Debra A. Crist
First Deputy Town Clerk