

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Tuesday, September 7, 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 First Deputy Town Clerk.

PRESENT: Ronald Smith, Supervisor
Mary Riddoch, Councilwoman
William Weber, Councilman
Ronald Snyder, Councilman
Arlene Cooke, Councilwoman
RECORDING SECRETARY: Debra A. Crist, First Deputy Town Clerk
OTHER PRESENT: Jennifer Strong, Attorney
Michael Metzger, Town Engineer
Michael Fleming, Planning Board
Len Weglarski, DCO

Councilman Snyder moved and Councilman Weber seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of August 16, 2010 and the Special Meeting of August 23, 2010.

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

ACCOUNT	ABST. #1	ABST. #2	TOTAL
GENERAL FUND "A"	\$44,932.02	\$16,996.52	\$61,928.54
HGHWY FUND "DA/DB"	4,795.78	3,166.02	7,961.80
PART-TOWN FUND "B"	4,194.41	5,661.52	9,855.93
WD#2 FUND "WB"	375.20		375.20
WD#3 FUND "WC"	2,063.60	3,828.54	5,892.14
WD#4 FUND "WD"	1,299.80	915.00	2,214.80
SP FIRE PROT. "SF"	10,568.11		10,568.11
SD#2 FUND "SA"	2,058.91	355.93	2,414.84
TRUST/AGCY FUND "T"	1,746.00	2,831.86	4,577.86
SP REFUSE FUND "SR"	39,761.07		39,761.07
STREET LIGHTING FUND "SL"	5,764.74		5,764.74
PERIWINKLE LTG. "SL1"	38.63		38.63
GRANTS	3,240.49	16,300.00	19,540.49
TOTALS	\$120,838.76	\$50,055.39	\$170,894.15

(Pd. 8/16/10)

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.
BUSINESS FROM THE FLOOR

Wynnie Fisher, Two Rod Rd., questioned how there would be a cost savings by eliminating the Tax Receiver's position. Supervisor Smith explained if the referendum were approved in November, the position of Tax Receiver would be eliminated at the end of the term of the current Receiver of Taxes, which is December 31, 2011. If the current Receiver of Taxes is elected Town Clerk, he cannot hold two elected offices at the same time, he would have to resign his position of Receiver of Taxes, before he resigns he would have to appoint a Deputy Receiver of Taxes, who would run the office for 2011. The money savings would be the Receiver of Taxes salary, approximately \$29,000.00 and Town Clerk salary of approximately \$45,000.00. If the referendum passes, there will be a single elected position at a reduced salary. The people that are currently working, Deputy Town Clerk, Third Deputy Town Clerk and Tax Receiver's Witt's clerk salaries will remain constant. Whenever you eliminate a salary, there is a cost savings to the taxpayers.

Ron Rebmann/Broadway questioned the status on Marty Dugan. Supervisor Smith said he is still out on Workman's Compensation. He is not receiving a salary from the Town. He is still

receiving his benefits; insurance etc. Workman's Compensation will determine when he is able to return to work. Mr. Dugan is a civil service appointment, with no time limit on the appointment.

Mr. Weber/Clearvue Drive questioned if there is a residential handbook for homeowners showing how many vehicles could be in a driveway, how many buildings can be built, how close can the neighbors build to lot line? He has spoke to the Code Enforcement Officer. Supervisor Smith will have the current Code Enforcement Officer get in touch with him. There is a codebook available in the Town Clerk's Office for sale or viewing.

COMMUNICATIONS

Councilman Snyder received a letter that there will be a NEST meeting next Thursday in Orchard Park that he will be attending.

Councilwoman Cooke received an invitation from the Office of Emergency Management of Lancaster for the dedication of their new office on September 11, 2010, 11:00 A.M. – 3:00 P.M.

Supervisor Smith received applications from Crittenden Fire Company for two new members, would like this on the Work Session, received a drainage complaint from a resident on Three Rod Rd., would like this on the Work Session, received a thank you from the Ewell Free Library for our monetary contribution, and a request for funding for 2011, received from Roswell Park Cancer Institute a thank you letter for adopting Tobacco Free policies for our Parks and Recreation areas, received a letter from the Alden Historical Society addressing some maintenance issues at the building, Councilman Snyder has addressed some of these already.

NEW BUSINESS

THE FOLLOWING RESOLUTION APPROVING AN AUDIT OF THE TOWN COURT RECORDS WAS OFFERED BY COUNCILWOMAN RIDDOCH, WHO MOVED ITS ADOPTION SECONDED BY COUNCILMAN WEBER 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;

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 is 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 forward 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 a regular meeting on September 7, 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 Town Justice LaDuca for a new air conditioning unit for his office, 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 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 air conditioning unit for Justice LaDuca’s Office 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 duly put to a roll call vote at a regular meeting on September 7, 2010, 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 of Marilla has created Water District No. 5 of the Town of Marilla, which water district lines will extend to the northern boundary of the Town of Marilla immediately adjacent to the Town of Alden;

WHEREAS, the Town of Alden has created Water Improvement Area No. 5 which improvement area is immediately adjacent to the Town of Marilla Water District No. 5;

WHEREAS, the Town of Alden has requested that the Town of Marilla agree to increase the size of a portion of the proposed water lines in Water District No. 5 and agree to provide for the future purchase of the top 7 feet of the Marilla Water Storage Tank to allow the Town of Alden the potential to receive water service in the future through the Town of Marilla;

WHEREAS, the Town of Alden has agreed to pay the additional costs to upsize the water line and to purchase the additional 7 feet in the Marilla Water Storage Tank at such time as such purchase is necessary if the Town of Marilla agrees to upsize their water lines at this time;

WHEREAS, the Town of Marilla has been awarded grant monies from Senator Volker through Empire State Development Corporation to pay for this joint project;

WHEREAS, to accomplish this, the Towns of Marilla and Alden need to enter into a Joint Municipal Cooperation Agreement addressing the various related issues; and

WHEREAS, the attorneys for the Towns of Marilla and Alden have negotiated a proposed agreement.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby approves the Joint Municipal Cooperation Agreement between the Town of Marilla and the Town of Alden dated as of August, 2010, in the form annexed hereto.
2. The Supervisor of the Town of Alden is authorized to execute such agreement on behalf of the Town of Alden.
3. This resolution shall take effect immediately.

This resolution was duly put to a roll call vote at a regular meeting of the Town Board held on September 7, 2010, and was unanimously adopted.

Councilwoman Cooke moved and Councilman Snyder seconded the motion to allow Alden Memorial Post 7967, Veterans of Foreign Wars to use the Alden Community Center for their meeting on the third Monday of each month for the year 2011.
Unanimously Carried

Councilwoman Riddoch moved and Councilman Weber seconded the motion to allow the Girl Scouts the use of the Alden Community Center, September 13, 2010 – May 31, 2011 on specified dates. 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 § 20-11(H) of the Town of Alden Code, of Petschke, Inc. for site plan review of the proposed construction of a 60' x 40' x 14' tall cold storage pole barn with steel siding and asphalt roof (the "proposed action") at on a improved parcel located at 12501 Broadway in the Town of Alden, County of Erie and State of New York, further identified by SBL # 119.09-1-3; 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 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 and review.
3. The Town Board directs that the Code Enforcement Officer of the Town of Alden with the assistance of the Town Engineers 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 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 of the Town of Alden on September 7, 2010, and was unanimously adopted.

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

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

WHEREAS, The Alden Town Code allows the appointment of a Deputy Code Enforcement Officer and New York State Town Law allows the appointment of a Deputy Building Inspector; and

WHEREAS, Christopher Snyder is trained and certified to hold these positions and previously held these positions for the Town of Alden.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby appoints Christopher Snyder at a rate of \$25.00 per hour as the Deputy Code Enforcement Officer (including the duties of SEQRA Intake Officer and Storm water Officer) and as the Deputy Building Inspector for a period of September 8, 2010, through and until January 3, 2011, provided however that these appointments shall terminate earlier if Martin Dugan is medically cleared to return to his full building inspector and code enforcement duties;
2. Mr. Snyder shall work no more than 19 hours per week at hours mutually agreed upon by Mr. Snyder and the Town of Alden; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 7, 2010, as follows:

Councilmember Riddoch	Aye
Councilmember Weber	Aye
Supervisor Smith	Aye
Councilmember Snyder	ABSTAINED
Councilmember Cooke	Aye

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN COOKE, 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, Joseph Czechowski is trained and certified to serve as a building inspector and currently holds this position for the Village of Alden.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby appoints Joseph Czechowski as the Deputy Building Inspector to conduct building inspections and issue building permits for the Town of Alden for a period of September 8, 2010, through and until January 3, 2011, provided however that this appointment shall terminate 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 September 7, 2010, and was unanimously adopted.

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

WHEREAS, grant monies are available from the American Recovery and Reinvestment Act (ARRA) through the New York State Energy Research and Development Authority (NYSERDA) for the implementation of energy conservation measures by small municipalities,

WHEREAS, the Town of Alden retained C.J. Brown Energy, P.C. to conduct an Energy Audit of Town Hall,

WHEREAS, the energy audit documented the current usage of electricity acquired through conventional means,

WHEREAS, the Town of Alden seeks to reduce its carbon footprint through the installation of photovoltaic panels at Town Hall to generate a renewable source of energy,

WHEREAS, the Alden Town Board is supportive of implementing a photovoltaic panel project at Town Hall, and

WHEREAS, the Town of Alden has been awarded a grant from NYSERDA for the purpose of participating in this renewable energy project.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT,

1. That the Supervisor be and hereby is authorized and directed to sign the attached Agreement with NYSERDA (ARRA RFP10 Agreement No. 19537) and to execute any and all other necessary documents to accept delivery of the grant monies, and

2. That this resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 7, 2010, and was 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 WEBER TO WIT;

WHEREAS, the Alden Town Board has received a request from the Town Court for the construction of a jury box partition 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 was made by the Court to two (2) vendors;

WHEREAS, the highest vendor is Lenny Builders at \$916.00;

WHEREAS, the lowest vendor is Kelchlin Construction at \$900.00; 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 construction.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the construction of a jury box partition for the Town Court Room from Kelchlin Construction for \$900.00 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 duly put to a roll call vote at a regular meeting on September 7, 2010, and was unanimously adopted.

Supervisor Smith moved and Councilwoman Riddoch seconded the motion to approve the renewal of the Home Occupation Permit for Daniel Pautler/12657 North Rd./Guns & Accessories/Sales. Unanimously Carried.

THERE WAS NO UNFINISHED OR TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Attorney Strong would like the following placed on the next Work Session; the Prior Notice Law and Court Appearance Law.

Councilman Snyder will order the air conditioning unit for Judge LaDuca’s office tomorrow. He has been over to the Alden Historical Society and checked things out and will contact Andy Sojka and let him know what he has to do.

Councilwoman Cooke questioned about the young people coming into the Fire Company, would they be entitled to retirement? Councilwoman Riddoch said they have to be (18) eighteen years old and an active member to apply for it.

Supervisor Smith announced the next meeting dates:

NEXT WORK SESSION: Monday, September 13, 2010 @ 7:00 P.M.

NEXT TOWN BOARD MTG.: Monday, September 20, 2010 @ 7:00 P.M.

AT 7:30 P.M. SUPERVISOR SMITH CALLED FOR MOTION TO ADJOURN FROM THE REGULAR MEETING TO ENTER INTO AN EXECUTIVE SESSION TO DISCUSS MATTERS OF PERSONNEL AND CONTRACT NEGOTIATIONS.

At 7:30 P.M. Councilman Weber moved and Councilman Snyder seconded the motion to enter into an Executive Session to discuss matters of personnel and contract negotiations.

Unanimously Carried

AT 8:09 P.M. SUPERVISOR SMITH CALLED FOR A MOTION TO ADJOURN FROM THE EXECUTIVE SESSION TO REENTER INTO THE REGULAR MEETING WITH NO ACTION BEEN TAKEN.

At 8:09 P.M. Councilman Weber moved and Councilwoman Riddoch seconded the motion to reenter into the regular meeting with no action been taken. Unanimously Carried.

Supervisor Smith adjourned the Meeting at 8: 10 P.M. with a Minute of Silence in Memory of Charles Tichy, Beverly Zoladz, Paul Hunt, John (Jack) Lemke, Diane Kolnowski, Natali Recchio, Albert Fox, Marie Woods and Frank Czelusta.

Debra A. Crist
First Deputy Town Clerk