

MEETING NO. 17
REGULAR NO.17

REGULAR BOARD MEETING

SEPT. 8, 2009
7:00 P.M.

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Tuesday, September 8, 2009 at 7:00 PM Supervisor Smith called the Meeting to Order. Councilman Weber led in the Pledge of Allegiance. The roll call was taken by the Town Clerk.

PRESENT: Ronald Smith, Supervisor
Mary Riddoch, Councilwoman
William Weber, Councilman
Ronald Snyder, Councilman
Arlene Cooke, Councilwoman
RECORDING SECRETARY: Dorothy L. Bycina, Town Clerk
OTHERS PRESENT: Debra Crist, Deputy Town Clerk
Martin Dugan, CEO

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of August 17, 2009. Unanimously carried.

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

ACCOUNT	ABST #1	ABST #2	TOTAL
GENERAL FUND "A"		25,720.25	44,612.51
HIGHWAY FUND "DA/DB"		13,136.76	112,175.53
PARTTOWN FUND "B"		1,297.06	8,498.00
WD#2 FUND "WB"			375.20
WD#3 FUND "WC"			2,063.60
WD#4 FUND "WD"		1,305.00	2,604.80
SP FIRE PROT "SF"			9,353.71
SD FUND "SA"		411.70	2,144.21
TRUST/AGCY FUND "T"		2,808.14	3,975.64
SP REFUSE FUND "SR"			68,327.60
ST LIGHTING FUND "SL"			6,365.67
PERIWINKLE LTG DIST "SL1"			32.65
GRANTS			8,539.90
TOTAL	224,390.11	44,678.91	269,069.02
	(PREVIOUSLY PAID)		

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

Supervisor Smith "Welcomed" the Students from Alden Central School

THERE WAS NO BUSINESS FROM THE FLOOR

COMMUNICATIONS

Councilwoman Riddoch reported she received a Certificate of Insurance for CSX for \$2,000,000 Liability; received the endorsement for the new Chipper Truck and also received a recent claim from Selective Insurance.

Councilman Snyder received an Invitation to the NEST Meeting and reported there will be a Waste Drop Off – at Honey Well- 20 Peabody St on September 12th

Councilwoman Cooke received a letter from Rural Metro re their response time.

Supervisor Smith reported the following: letter from the Town of Lancaster re Fire Dispatch Agreement; letter from the County of Erie re NYS Agricultural and Markets

Law – ***Notice of Public Hearing to be recorded in these Minutes: copy of the Town Planning Board Agenda for September 8th; copy of the Building Inspector/August Monthly Report; copy of the Town Clerk/Monthly Report for August; copy of the Village of Alden/Board Minutes for August 13th; copy of Notice from NYSDEC re Comprehensive Inspection-SD#2; copy of Fire/EMS Monthly Report for July 2009 from the Village.

PUBLIC NOTICE
30-DAY PERIOD
FOR INCLUSION OF LANDS
INTO AN AGRICULTURAL DISTRICT
FOR 2009

The Erie County Legislature on September 23, 2004 designated November 1st through November 30th as the annual thirty-day period during which land owners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district as per New York State Agriculture and Markets Law Section 303-b.

The Erie County Department of Environment and Planning (ECDEP) (Room 1063) at 95 Franklin Street Buffalo, New York 14202 will accept applications for addition into an agricultural district.

Town Supervisors, Clerks and Assessor in Erie County and ECDEP at the above-mentioned address have copies of the application form to provide to any persons requesting them.

If you have any questions or problems concerning the 30-day period process, please contact ECDEP Planner John Opalka at (716)858-6229.

NEW BUSINESS

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to grant Alden Home Bureau permission to use the Community Center on requested dates. Unanimously carried.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to grant Alden Girl Scouts permission to use the community Center on requested dates. Unanimously carried.

THE FOLLOWING RESOLUTION APPROVING AN AUDIT OF THE TOWN COURT RECORDS WAS OFFERED BY COUNCILMAN SNYDER, WHO MOVED ITS ADOPTION SECONDED BY COUNCILWOMAN COOKE 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 department 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 are 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 forwarded 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 roll call vote at a regular meeting held on September 8, 2009 and was unanimously adopted.

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 add railing near the building and parking lot at the Town of Alden Senior/Community Center, the estimated cost of which is more than \$2,000.00 but less than \$20,000

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

WHEREAS, said Procurement Policy & Procedure Guidelines have followed and quotes have been properly received;

WHEREAS, the Town Board after full and careful review and consideration of the need finds that it is in the public interest to authorize said the installation of the railings:

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The town Board approves the installation of railings at the Town of Alden Senior/Community Center, by Pro-Fab Manufacturing, Inc. for a total cost of \$3,766.50 as per the attached specifications;
2. That the Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this installation;
3. That the Installation shall be completed within 45 days of this resolution; and
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on September 8, 2009 and was unanimously adopted.

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to grant Alden Central Schools permission to use the Robert O. Smith Park during the Alden Central School Boys JV Soccer Season. 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 by Christine M. Schmidt for the subdivision of one (1) lot. The entire parcel currently consists of 25 +/- acres of land with a residence, pond and outbuildings at 11862 Westwood Road in the Town of Alden, further identified as SBL #107.00-3-8.1. The first proposed lot "Parcel A") would be a 22 +/- acre vacant parcel and the second proposed lot ("Parcel "B") would be the remaining 3 +/- acre parcel with the residence, pond and outbuildings (The "Proposed Action");

WHEREAS, the Town board 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 believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to subdivision; 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 Building Inspector has provided notice to the Erie County Division of Planning for this Proposed Action, 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 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 roll call vote at a regular meeting of the Town Board of the Town of Alden on September 8, 2009 and was unanimously adopted.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to grant The Alden Garden Club permission to use the Community Center on requested dates.
Unanimously carried.

Councilwoman Cooke moved and Councilman Snyder seconded the Motion to grant The Alden Historical Society permission to use the Community Center on requested dates.
Unanimously carried.

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

WHEREAS, the State of New York Commissioner of Transportation on July 16, 1998, commenced a proceeding pursuant to Section 95 of the Railroad Law, seeking a determination as to whether the at-grade rail crossing of Reinhardt Road in the Town of Alden, over the tracks of the Chicago Line of CSX Transportation, Inc. ("crossing"), be closed and discontinued;

WHEREAS, said Crossing was ordered closed on October 22, 1999, with an affirmative Order having been filed on April 13, 2001;

WHEREAS, in November, 2008, the New York State Department of Transportation ("NYSDOT") reopened the matter to request that an Administrative Law Judge set a deadline for the closure of said Crossing;

WHEREAS, after a hearing on February 4, 2009; a NYSDOT Administrative Law Judge on June 18, 2009 ordered that the Crossing closure occur by December 1, 2009;

WHEREAS, the NYSDOT has agreed to build cul-de-sacs on each side of the Crossing;

WHEREAS, Road Closure signs have been placed by the NYSDOT and the NYSDOT has commenced construction to effectuate the Crossing closure and build the cul-de-sacs.

NOW THEREFORE BE IT RESOLVED THAT;

1. The Town of Alden hereby issues a Public Improvement Permit to the NYSDOT, for the construction of two cul-de-sacs (one on each side of the Crossing);
2. During the construction period the Town of Alden demands that the NYSDOT continue working with Erie County Department of Public Works regarding the modifications to the railroad crossing at Peters Corners Road;
3. The Town of Alden will not accept the Dedication from NYSDOT of the new cul-de-sacs and the NYSDOT shall remain liable for the maintenance and repair of the same unless and until
 - a. The Town of Alden is satisfied with the title to the property and has approved the proposed Quit Claim Deed;
 - b. An Intermunicipal Agreement satisfactory to the Town is provided by the NYSDOT;
 - c. A Pipeline Agreement satisfactory to the Town is provided by CSX Transportation for the Town's existing water line; and
 - d. The Town Engineer is satisfied with the construction of the cul-de-sacs; and
 - e. The crossing at Peters Corners Road is modified by NYSDOT and Erie County DPW to the satisfaction of the Town; and
4. This Resolution shall take effect immediately.

The adoption of the foregoing Resolution was duly put to a roll call vote on September 8, 2009 and was unanimously adopted.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to grant VFW Post #7967 permission to use the Community Center on requested dates. Unanimously carried.

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

WHEREAS, the Town of Alden Parks Supervisor has advised the Town Board that the Parks Department is in need of baseball sand for the Town's baseball and softball diamonds the estimated cost of which is over \$500.00;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden ("Policy") requires that all estimated purchases of over \$500.00 but less than \$2,000.01 require a request for a proposal and written quotes from at least two (2) vendors;

WHEREAS, said Policy has been followed and three (3) quotes have been obtained; and

WHEREAS, the Town Board after full and careful review and consideration of the purchase request finds the purchase in the public interest.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board approves the purchase of forty-eight (48) yards of red infield mix, to be picked up by the Town of Alden, from Leo F. Malloy Topsoil, Inc. for a price of \$45.00 per yard (which equals \$720.00 per load of 16 yards) at a total price of \$2,160.00 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.

The foregoing Resolution was duly put to a vote on September 8, 2009 and was unanimously adopted.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL.

Councilwoman Riddoch reported she sent a letter to Marilla Supervisor Gertz re the Traffic and Speed Limit Signs on Cayuga Creek – together we're going to see if the County will post the Marilla side to match ours. We spoke last week re No Posting this side of Clinton St. The Summer Concerts are over and this year we only had one rain out – this is the first in the four years we had rain for a Concert..

Councilman Weber along with Highway Supt Milligan is checking a drainage problem on Virginia Dr.

Councilman Snyder reported on the Erie County government Meeting.

Supervisor Smith reported there is a Meeting with Time Warner on September 16th; next Work Session is September 14th – to start at 6:00 PM to review Budget; next Board Meeting will be September 21st – there will be a notice published in the Alden Advertiser that at this Meeting the Down Sizing of the Board will be discussed.

Supervisor Smith adjourned the Meeting at 7:26 PM with a Minute's silence in Memory of Daniel Stypa, Ilene Landers, Alarico Baia, Virginia Nichols, Audrey Golata, Kolio Koleff, Mary Hugenschmidt, Ted Grzybowski.

DOROTHY L. BYCINA
TOWN CLERK