

**MEETING NO. 18 REGULAR BOARD MEETING
REGULAR NO. 18 TOWN OF ALDEN**

**SEPTEMBER 20, 2010
7:00 P.M.**

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, September 20, 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 Second Deputy Town Clerk Ralph Witt.

PRESENT: Ronald Smith, Supervisor
William Weber, Councilman
Ronald Snyder, Councilman
Arlene Cooke, Councilwoman
ABSENT: Mary Riddoch, Councilwoman
RECORDING SECRETARY: Ralph Witt, Second Deputy
OTHERS PRESENT: Jennifer Strong, Town Attorney
Michael Metzger, Town Engineer
Len Weglarski, DCO
Carl Fix, Highway Superintendent

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of September 7, 2010. 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"	\$36,584.81		\$36,584.81
HGHWY FUND "DA/DB"	64,329.39		64,329.39
PART-TOWN FUND "B"	20,118.95		20,118.95
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"			
SD#2 FUND "SA"	3,201.09		3,201.09
TRUST/AGCY FUND "T"	344.00		344.00
SP REFUSE FUND "SR"	38,690.90		38,690.90
STREET LIGHTING FUND "SL"	5,927.67		5,927.67
PERIWINKLE LTG. "SL1"	59.90		59.90
GRANTS			
TOTALS	\$172,995.31		\$172,995.31

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Linda, Reinhardt Rd., questioned if a decision has been made on renaming Reinhardt Road. Mrs. Francis, Reinhardt Rd., also commented that she feels something should be done to try and end the confusion for emergency vehicles from coming down the wrong way. She feels that if the Board changes the name large signs would need to be put up. She also feels that once a decision has been made that the residences should be notified of the new name. Conrad Borucki, Boncliff, also commented he feels something needs to be done.

COMMUNICATIONS

Supervisor Smith received from St. John the Baptist School a thank you letter to the Town of Alden for allowing them the use of the Robert O. Smith Park and facilities for their softball tournament on Saturday, September 4, received from the Village of Alden their approved board minutes from August 26, 2010, received from Rural Metro Medical Services monthly compliance report for August 2010, their compliance was 92.8% for the month and received

notice from Time Warner Cable of a couple of rate increases on October 15, 2010, cost for digital sports tier will be \$5.95 per month and the cost for DVR will be \$11.95 per month.

NEW BUSINESS

Councilman Weber moved and Councilman Snyder seconded the Motion to refer LL #3 of 2010/Amends the Prior Notice Law of the Town of Alden, to the Planning Board for review and recommendation. Unanimously Carried.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to refer LL #4 of 2010/Court appearances in the Town Court, to the Planning Board for review and recommendation. Unanimously Carried.

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

WHEREAS, New York State General Municipal Law allows a municipality to approve the volunteer members of a volunteer fire department operating in said municipality;

WHEREAS, the Crittenden Volunteer Fire Department provides fire protection services within the Town of Alden pursuant to a contract with the Town of Alden;

WHEREAS, approval of members assists an injured volunteer firefighter in receiving worker's compensation benefits pursuant to New York State Volunteer Firefighter Benefit Law;

WHEREAS, Crittenden Volunteer Fire Department has approved Jesse Chapman and Keith Chapman for Membership; and

WHEREAS, Crittenden Volunteer Fire Department has submitted to the Alden Town Clerk's Office notification of these new members.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Alden Town Board hereby approves Jesse Chapman and Keith Chapman for membership in the Crittenden Volunteer Fire Department, 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 20, 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 County of Erie is responsible for maintaining many roads located within the Town of Alden;

WHEREAS, the County of Erie would like to contract with the Town of Alden for the years 2010/2011 -2012/2013 to allow the Town of Alden to remove snow, to sand, and to control ice and snow on some of the County Roads located within the Town of Alden;

WHEREAS, the proposed Contract will pay the Town of Alden fair and adequate consideration for its winter road maintenance services on County Roads; and

WHEREAS, The Town Board after full and careful review and consideration of the County's request finds that it is in the public interest to enter into the proposed Contract with the County of Erie;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. That the Town Board does hereby authorize Supervisor Smith to enter into and execute all necessary documents to effectuate the Contract with the County of Erie;
2. The Town Clerk is directed to mail four (4) certified counterparts of this Resolution; four (4) Contracts executed by the Supervisor and Insurance Certificates to the County of Erie.
3. This Resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote at a regular meeting on September 20, 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 Town Engineer Michael J. Metzger and Highway Superintendent Carl Fix to obtain a topographic survey of Henskee Road to assist the Town in studying the drainage needs on Henskee Road the estimated cost of this 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 professional services are exempt from the Guidelines;

WHEREAS, verbal requests for proposals were made by Town Engineer Michael Metzger to three (3) vendors and written quotes were received as follows:

- A. The highest bidder is Deborah A. Naybor, PLS, PC at \$4,500.00;
- B. The second highest bidder is McIntosh & McIntosh, P.C. at \$3,600.00; and
- C. The lowest bidder is Niagara Boundary at \$1,960.00;

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 topographic survey of Henskee Road.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the Contract with Niagara Boundary for a topographic survey of Henskee Road at a total cost of \$1,960.00. Niagara Boundary must pay prevailing wages and comply with all labor law requirements and postings prior to starting any work;
2. The Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this 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 September 20, 2010, 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 received a request from Parks Supervisor Andy Sojka to seal the paved path at the Alden Town Park 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;

WHEREAS, a written request for proposals was made by Parks Supervisor Andy Sojka to three (3) vendors and written quotes were received as follows:

- A. The highest bidder is Occhino Corp at \$4,116.00;
- B. The second highest bidder is Strock Contracting, Inc. at \$4,086.00.00; and
- C. The lowest bidder is Northeast Paving at \$3,792.00;

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 sealing project.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the Contract, subject to Town Attorney Approval, with Northeast Paving for sealing of the paved path at the Alden Town Park at a total cost of \$3,792.00. Northeast Paving 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;
2. The Supervisor of the Town of Alden 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 September 20, 2010, and was unanimously adopted.

ORDER CALLING A PUBLIC HEARING FOR THE 2010 CDB GRANT:

THE FOLLOWING RESOLUTION 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 4th day of October, 2010, for the purpose of hearing all persons interested in the use of Federal Community Development Funds in the Town of Alden; and

ORDERED, that the Town Clerk’s Office 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 five (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

The question of the adoption of the foregoing order was duly put to a vote on roll call, at a regular meeting on September 20, 2010, which resulted as follows:

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 Town Engineer Michael J. Metzger to obtain a structural analysis of the Town Hall roof to make sure that the roof can support the solar panels that are proposed to be installed on the Town Hall roof the estimated cost of the structural analysis 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 professional services are exempt from the Guidelines;

WHEREAS, verbal requests for proposals were made by Town Engineer Michael Metzger to two (2) structural engineers and written quotes were received as follows:

- D. The highest bidder is Abate Associates at \$4,880.00; and
- E. The lowest bidder is Siracuse Engineers, P.C. at \$2,500.00;

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 structural analysis.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

3. The Town Board approves the Contract with Siracuse Engineers, P.C. for a structural analysis of the Town Hall roof at a total cost of \$2,500.00. Siracuse Engineers, P.C. must pay prevailing wages and comply with all labor law requirements and postings prior to starting any work;
4. The Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this 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 September 20, 2010, as follows:

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

WHEREAS, the Town Board of the Town of Alden has applied for ARRA / NYSERDA grant monies to allow the Town of Alden to install solar panels on the Town Hall roof to provide energy to the Town Hall (the “Proposed Action”);

WHEREAS, the Town Board of the Town of Alden has determined that the Proposed Action is an Unlisted Action under SEQRA and wishes to conduct an un-coordinated review;

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 the Proposed Action; 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, pursuant to Article 8 of the Environmental Conservation Law and the Code of the Town of Alden, Chapter 9D, the Town Board has prepared the Short Form Environmental Assessment Form, which is now on file with the Town Board and the Town’s SEQR Intake Officer, and

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. 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 Supervisor is authorized to sign and submit the National Environmental Policy Act Environmental Questionnaire to the United States Department of Energy.
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 September 20, 2010, and was unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN WEBER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN SNYDER 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 noted the existing boiler operates at only 80% efficiency, and

WHEREAS, the Town of Alden seeks grant funding to replace the existing boiler at Town Hall with a more energy efficient model thereby reducing energy consumption;

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. 19442) 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 20, 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 Board of the Town of Alden has applied for ARRA / NYSERDA grant monies to allow the Town of Alden to replace the boiler at the Town Hall with a more energy efficient boiler (the “Proposed Action”);

WHEREAS, the Town Board of the Town of Alden has determined that the Proposed Action is an Unlisted Action under SEQRA and wishes to conduct an un-coordinated review;

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 the Proposed Action; 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, pursuant to Article 8 of the Environmental Conservation Law and the Code of the Town of Alden, Chapter 9D, the Town Board has prepared the Short Form Environmental Assessment Form, which is now on file with the Town Board and the Town’s SEQR Intake Officer, and

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. 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 Supervisor is authorized to sign and submit the National Environmental Policy Act Environmental Questionnaire to the United States Department of Energy.
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 September 20, 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 SNYDER TO
WIT;

WHEREAS, the Town Board of the Town Of Alden (the “Town”) has received information indicating that Town Employee Martin A. Dugan (Employee”) has committed misconduct in the performance in his 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 prefer charges 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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Of Alden hereby prefers the charges as outlined in the Notice of Charges and Statement of Charges against Martin Dugan; and
2. This resolution shall take effect immediately.

The above resolution was duly put to roll call vote at a regular meeting on September 20, 2010, and was unanimously adopted.

COUNCILMAN WEBER AND COUNCILMAN SNYDER MADE THE MOTION TO
TABLE THE RESOLUTION RENAMING REINHARDT ROAD

The above motion was duly put to a roll vote at a regular meeting of the Town Board of the Town of Alden on September 20, 2010, and was unanimously carried.

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilman Snyder went to a NEST meeting last Wednesday in Orchard Park and reported to the Board that the Governor did sign the bill stating that any manufacturers that manufactures goods, such as washers, dryers, TVs in the State of New York have to take a percentage of them back and pay to have them recycled which is a big plus for the Town Of Alden because of the cost involved in having us recycle them.

Councilwoman Cooke had a chance to go into the office of Emergency Management in Lancaster and they put on a service for the new office in Depew's old library, which is now the office of Emergency Management. They also held a service for 911 and for the plane that went down in Clearance. She also stated that the Office of Emergency Services would be setting up a display at the Alden Farmers Market on Saturday for Fireman's Celebration Day.

Highway Superintendent Fix stated that the County would scrape the ditch on the eastern end, putting in new pipes and culverts on Reinhardt Rd. and placing millings over the top in the next couple of weeks.

Town Engineer Mike Metzger reported that his firm is redoing the street guide.

Supervisor Smith reported that the Master Plan Implementation Committee met last month, there was a resolution passed by the committee referring a local right to farm law to the Planning Board for consideration; letters have been sent out to the State DOT and the Erie County Highway Department regarding three (3) intersections within the Town Of Alden that they regard as dangerous intersections they are Cary and Two Rod Rd., Crittenden and North Rd., and Wende Rd. and Genesee Street; Supervisor Smith stated that he had a conversation with Marilla's Town Supervisor George Gurtz, he has informed Supervisor Smith he received the contract from Empire State Development and the grant for \$155,000. to allow for the upgrade of water lines in the Town of Marilla from 8" to 12" has been approved, this will allow future development of public water in the Southeast portion of Alden. As of right now there will be no water lines constructed in the Town of Alden.

NEXT WORK SESSION: September 27, 2010 @ 7:00 PM
NEXT BOARD MEETING: October 4, 2010 @ 7:00 PM

AT 8:05 P. M. SUPERVISOR SMITH CALLED FOR MOTION TO ADJOURN FROM THE REGULAR MEETING TO ENTER INTO AN EXECUTIVE SESSION TO DISCUSS A MATTER OF PERSONNEL.

At 8:05 P. M. Councilman Weber moved and Councilwoman Cooke seconded the motion to enter into an Executive Session to discuss a matter of personnel. Unanimously carried.

AT 8:15 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 8:15 P.M. Councilman Weber moved and Councilwoman Cooke seconded the motion to reenter into the regular meeting with no action been taken. Unanimously Carried.

Supervisor Smith adjourned the Meeting @ 8:15 PM with a Minute of silence in Memory of Grace Gillen, Lyle Schmelzle

Ralph P. Witt
Second Deputy

