

MEETING NO. 24
REGULAR NO 22

REGULAR BOARD MEETING

NOV. 19, 2007
7:30 PM

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, November 19, 2007 at 7:30 PM. Supervisor Smith called the Meeting to order. Councilwoman Riddoch led in the Pledge of Allegiance. The roll call was taken by the Town Clerk.

PRESENT: Ronald L. Smith, Supervisor
Mary Riddoch, Councilwoman
William Weber, Councilman
Ronald L. Snyder, Councilman
Arlene A. Cooke, Councilwoman
RECORDING SECRETARY: Dorothy L. Bycina, Town Clerk
OTHERS PRESENT: Jennifer Strong, Town Attorney
Harry F. Milligan, Highway Supt.
Michael Metzger, Town Engineer

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of November 5, 2007. 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"	68,233.88		68,233.28
HIGHWAY FUND "DA/DB"	33,349.28		33,849.28
PARTTOWN FUND "B"	15,849.61		15,849.61
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
SPECIALFIRE PROT "SF"	159.18		159.18
SEWER DIST #2 FUND "SA"	333.46		333.46
SP REFUSE FUND "SR"	30,242.43		30,242.43
ST LIGHTING FUND "SL"	9,012.07		9,012.07
TOTAL	160,918.51		160,918.51

Supervisor Smith "Welcomed" the Students from Alden Central School

BUSINESS FROM THE FLOOR

ROBERT WOHLGEMUTH/11849 GENESEE ST spoke about the Resolution presented to the Board re Moratorium on the Big Box Law. He feels the advice was that a moratorium could not be done since we don't have a Master Plan Review. He talked about the County Land, State Land, and the condition of Bry-lin. He stated that we like the rural Community – reviewing the restrictions in the Commercial and Development on residential in the Zoning Chapter – by starting this now and have the process working while the Master Plan is being updated. He feels that until this is started anyone can come in here and do what they want.

Jennifer Strong replied: (1)as for the County Land- they were contacted a few years ago and they said they were not interested in selling the Land; (2)Bry-lin has been sited by the Building Inspector. (Councilman Snyder said there will be new people moving in and it will be back on the Tax Roll and Councilman Weber stated that the Industrial Development Committee has shown that property) (3) as for the Moratorium issue – if someone comes in with a Big Box Application the Town call still adopt a Moratorium at that time (4) there are three (3) reasons for adopting a Moratorium- new technology (Windmills, Cell Towers) revamping your Zoning Code or revamping or adopting a

Comprehensive Plan – you also have to follow the provision of General Municipal Law 239M. The time limit has to be reasonably related to your project.

Paul Loehr/Henskee Rd stated he supports all of what Mr. Wohlgemuth presented. He wanted to know if the copy that Mr. Wohlgemuth has was the Comprehensive Plan. Supervisor Smith stated it was an update to the Comprehensive Plan – not the complete 1972 Comprehensive Plan – there are two (2) Volumes. Mr. Loehr asked if we need a Comprehensive Plan to do Zoning and the Attorney answered No.

COMMUNICATIONS

Councilwoman Cooke reported she meet on Saturday with Legislator Kathy Konst and the retiring John Foss/Marilla Supervisor. Legislator Knost spoke about changes that could come up with the new administration.

Supervisor Smith reported on the Rural/Metro Monthly Response Compliance for October 2007 and the Agenda for the November 13th Meeting of the Alden Town Planning Board.

NEW BUSINESS

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

WHEREAS, the County of Erie is responsible for maintaining many County owned roads located within the Town of Alden

WHEREAS, the County of Erie would like to contract with the Town of Alden for the years 2007-2010 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

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:

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 three (3) certified counterparts of this Resolution, three (3) 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 roll call vote, on November 19, 2007 and was unanimously adopted.

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

WHEREAS, Ronald L. Smith, Budget Officer of the Town of Alden on September 28, 2007, duly filed the Tentative Budget of the Town of Alden for the Town's Fiscal Year beginning January 1, 2008, with the Alden Town Clerk;

WHEREAS, Alden Town Clerk, Dorothy L. Bycina duly presented the Tentative budget to the Alden Town Board on October 1, 2007;

WHEREAS, the Alden Town Board after full and careful review and consideration of the Tentative Budget recommended the approval of the Tentative Budget, with changes, on October 10, 2007 making the Tentative Budget the Preliminary Budget of the town of Alden for Fiscal Year 2008;

WHEREAS, the Alden Town Board duly called a public hearing on the Preliminary Budget to be held on November 5, 2007, notice of which was duly published and posted;

WHEREAS, the Preliminary Budget was duly filed in the Office of the Alden Town Clerk for inspection by the public;

WHEREAS, the Alden Town Board conducted a public hearing on the Preliminary General Fund Budget for fiscal Year 2008, on November 5, 2007 at which time all persons interested in the Preliminary General Fund Budget were given the opportunity to be heard and no comments were received.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS

1. That the Alden Town Board hereby adopts the General Fund Budget for the Fiscal Year beginning January 1, 2008
2. That the Alden Town Clerk shall prepare and certify, in duplicate, copies of said General Fund Budget and deliver the same to Supervisor Smith to be presented to the Legislature of Erie County
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on November 19, 2007 and was unanimously adopted.

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

WHEREAS, Ronald L. Smith, Budget Officer of the Town of Alden on September 28, 2007 duly filed the Tentative Special District and Special Improvement District Budget of the Town of Alden for the Town's Fiscal Year beginning January 1, 2008 with the Alden Town Clerk

WHEREAS, Alden Town Clerk, Dorothy L. Bycina, duly presented the Tentative Special District and Special Improvement District Budget to the Alden Town Board on October 1, 2007;

WHEREAS, the Alden Town Board after full and careful review and consideration of the Tentative Special District and Special Improvement District Budget recommended the approval of the same, on October 10, 2007 making the Tentative Special District and Special improvement District budget the Preliminary Special District and Special Improvement District Budget of the Town o Alden for Fiscal Year 2008

WHEREAS, the Alden Town Board duly called a public hearing on the Preliminary Special District and Special Improvement District Budget to be held on November 5, 2007, notice of which was duly published and posted;

WHEREAS, the Preliminary Special District and Special Improvement District budget was duly filed in the Office of the Alden Town Clerk for inspection by the public;

WHEREAS, the Alden Town Board conducted a public hearing on the Preliminary Special District and Special Improvement District Budget for Fiscal Year 2008, on November 5, 2000007. At which time all persons interested in the same were heard.

NOW THEREFORE, BE IT RSOLVED AS FOLLOWS:

1. That the Alden Town Board hereby adopts the Special District and Special Improvement District Budget for the Fiscal Year beginning January 1, 2008.
2. That the Alden Town Clerk shall prepare and certify, in duplicate, copies of said Special District and Special Improvement District Budget and deliver the same to Supervisor Smith to be presented to the Board of Legislators of Erie County
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on November 19, 2007 and was unanimously adopted.

Supervisor Smith moved and Councilman Snyder seconded the Motion to grant the Girl Scouts permission to use the Community Center on requested dates. Unanimously carried.

Councilman Snyder moved and Councilman Weber seconded the Motion to grant the Alden Chamber of Commerce permission to use the Band Shell on 12/1/07 for "Christmas in the Park". Unanimously carried.

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

WHEREAS, the Town of Alden Highway Superintendent/Parks Supervisor has advised the Town Board that the Parks Department is in need of one (1) parks mower which will be purchased pursuant to State Bid;

WHEREAS, the Town of Alden's Procurement Policy & Procedure Guidelines and the General Municipal Law have been followed through purchase from the State Contract; and

WHEREAS, the Town Board after full and careful review and consideration of the request finds it in the public interest to authorize the purchase of the mower;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the purchase of one (1) parks mower, as described on the attached State Bid Pricing Summary for \$14,745.75 as being consistent with its policies and in the interest of the residents of the Town of Alden
2. That the Highway Superintendent/Parks 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 November 19, 2007 and was unanimously adopted.

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

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. 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 7:32 p.m. on the 3rd day of December 2007, for the purpose of hearing all persons interested in the propose Local Law No. 3 of the Year 2007;

2. That the Town Clerk is directed to 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 ten (10) days before the date of the public hearing; and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; and

3. That the Town Clerk is to make copies of the proposed Local Law No. 3 of the Year 2007, entitled "Amendment to the Landfill Management Law for the Town of Alden, available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call and was unanimously adopted.

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

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. 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 7:35 PM on the 3rd day of December 2007, for the purpose of hearing all persons interested in the proposed Local Law No. 4 of the Year 2007

2. That the Town Clerk is directed to 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 ten (10) days before the date of the public hearing; and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; and

3. That the Town Clerk is to make copies of the proposed "Local Law No. 4 of the Year 2007, entitled "Amendment to the Dumping Law for the Town of Alden", available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call and was unanimously adopted.

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

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. 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 7:39 pm on the 3rd day of December 2007, for the purpose of hearing all persons interested in the proposed Local Law No. 5 of the Year 2007;

2. That the Town Clerk is directed to 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 ten (10) days before the date of the public hearing; and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; and

3. That the Town Clerk is to make copies of the proposed "Local Law No. 5 of the Year 2007, entitled "Amendment to the Drainage Control Law for the town of Alden", available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call and was unanimously adopted.

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

1. 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 7:41 pm on the 3rd day of December 2007, for the purpose of hearing all persons interested in the proposed Local Law No. 6 of the Year 2007;
2. That the Town Clerk is directed to 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 ten (10) days before the date of the public hearing; and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; and
3. That the Town Clerk is to make copies of the proposed :Local Law No. 6 of the Year 2007, entitled “Amendment to the Excavation and Topsoil Removal Law for the Town of Alden”, available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call and was unanimously adopted.

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

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. 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 7:44 pm on the 3rd day of December 2007, for the purpose of hearing all persons interested in the proposed Local Law No. 7 of the Year 2007;
2. That the Town Clerk is directed to 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 ten (10) days before the date of the public hearing; and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; and
3. That the Town Clerk is to make copies of the proposed “Local Law No., 7 of the Year 2007, entitled “Amendment to the Flood Management Prevention Law for the Town of Alden”, available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call and was unanimously adopted.

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

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. 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 7:47 pm on the 3rd day of December 2007, for the purpose of hearing all persons interested in the proposed Local Law No. 8 of the Year 2007;
2. That the Town Clerk is directed to 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 ten (10) days before the date of the public hearing, and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; and

3. That the Town Clerk is to make copies of the proposed “Local Law No. 8 of the Year 2007, entitled “Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer System of the town of Alden” available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call and was unanimously adopted.

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

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. 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 7:50 pm on the 3rd day of December 2007, for the purpose of hearing all persons interested in the proposed Local Law No. 9 of the Year 2007;

2. That the Town Clerk is directed to 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 ten (10) days before the date of the public hearing; and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; and

3. That the Town Clerk is to make copies of the proposed “Local Law No. 9 of the Year 2007, entitled “Local Law to create a Stormwater Management and Erosion and Sediment Control Law of the Town of Alden: available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call and was unanimously adopted.

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

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. 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 7:53 pm on the 3rd day of December 2007, for the purpose of hearing all persons interested in the proposed Local Law No. 10 of the Year 2007;

2. That the Town Clerk is directed to 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 ten (10) days before the date of the public hearing; and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; and

3. That the Town Clerk is to make copies of the proposed “Local Law No. 10 of the Year 2007, entitled “Amendment to the Zoning Law of the Town of Alden available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call 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 Historical Society has advised the Town Board that the Historical Society Building is in need of a video surveillance system due to the recent thefts for the Building, and that the estimated cost of the system is more than \$1,000.00 but less than \$2,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden requires that all estimated purchases over \$1,000.00 but less than \$2,000.00 require an oral, written, facsimile, or e-mail FRP and written, facsimile, or e-mail quotes from at least two (2) vendors;

WHEREAS, said Procurement Policy & Procedure Guidelines has been followed and three (3) written quotes have been obtained:

WHEREAS, the Town Board after full and careful review and consideration of the request finds it in the public interest to authorize said purchase;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the purchase of a 1 – 4 channel digital recorder system, with motion sensors, color cameras, and color monitor with remote viewing capabilities from M15 Video Surveillance Inc for \$1,499.00 (as more particularity described on the attached proposal) as being consistent with its policies and in the interest 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 November 19, 2007 and was unanimously adopted.

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

WHEREAS, the Town of Alden is in immediate need of a full-time Building Inspector/Code Enforcement Officer;

WHEREAS, the Town of Alden has properly canvassed and interviewed three (3) candidates based upon the Erie County Civil Service List;

WHEREAS, no residents of the Town of Alden applied for the position;

WHEREAS, Martin P. Dugan is properly trained and certified by the State of New York and is on the current Erie County Civil Service List for this position; and

WHEREAS, Martin P. Dugan has been employed by the Town of Alden as the part-time Temporary Building Inspector/Code Enforcement Officer since February 26, 2007.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board approves the hiring of Martin P. Dugan as the Town of Alden Building Inspector/Code Enforcement Office effective December 3, 2007, at a salary provided for in the 2007 Schedule of Salaries and as provided for the Town of Alden Personnel Policy.
2. That Martin P. Dugan shall have until June 3, 2008 to completely resign from his Erie County Corrections Officer Position and his failure to do so will result in immediate termination from employment by the Town of Alden.

3. That Mr. Dugan will remain a probationary employee with the Town for this six (6) month period.
4. This resolution shall take effect immediately.

The foregoing resolution was duly put to a vote on November 19, 2007 and was unanimously adopted.

SUPERVISOR SMITH POLLED THE BOARD AND WITH NO OBJECTION THE FOLLOWING WAS ADDED TO THE AGENDA.

Supervisor Smith moved and Councilman Snyder seconded the Motion to approve the following Budget Transfers: \$1,600 from A1670.0402 to A1670.0403; \$200 from A1670.0402 to A1670.0415; \$3,066.89 from A9040.0800 to A9010.0800 and \$2,000 from A9050.0800 to A9010.0800. Unanimously carried.

THERE WAS NO UNFINISHED AND TABLED BUSINESS

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilman Weber reported that there was a Water District Meeting today at the Town Hall- he was unable to attend. The Supervisor stated that he and representatives from Marilla met to discuss the shared Municipal Grant – they have developed a timeline to move forward.

Attorney Strong requested the following to be placed on the Work Session: Stormwater; Periwinkle and the Francis Subdivision.

Councilman Snyder reported on the Association of Towns Meeting – they discussed the County Sales Tax – requested be put on the Work Session.

Councilwoman Cooke reported on the Dedication of the Fire Truck this past Saturday; She met with the Nutritional Director – things are going very well.

Town Engineer Metzger met with the Supervisor re the two Items for the CDBG request; met with the Water Authority re WD#5 and today he received in the mail the final design from CSX Consultant re the closing. The Supervisor stated that there are concerns re Peters Corner Rd; Peter Corners Rd & Genesee St and the Waterline. Councilwoman Cooke stated that consideration has to be given for Snowplowing in this area.

Councilman Snyder added that when he was at Chestnut Ridge on Route 77 he noticed the ditches with stones – this maybe helpful with the Szymanski drainage.

Supervisor Smith adjourned the Meeting at 9:15 PM with a Minute's silence in Memory of William Burger, Matthew Kozlowski.

**DOROTHY L. BYCINA
TOWN CLERK**