

**MEETING NO. 24**  
**REGULAR NO. 24**

**REGULAR BOARD MEETING**

**DEC. 21, 2009**  
**7:00 P.M.**

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, December 21, 2009 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 Deputy Town Clerk.

PRESENT: Ronald Smith, Supervisor  
Mary Riddoch, Councilwoman  
William Weber, Councilman  
Ronald Snyder, Councilman  
Arlene Cooke, Councilwoman

RECORDING SECRETARY: Debra A. Crist, Deputy Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney  
Michael Metzger, Town Engineer  
Martin Dugan, CEO  
Michael Dewitt, Planning Board  
Len Weglarski, DCO

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of December 7, 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"	14,944.21		14,944.21
HGHWY FUND "DA/DB"	8,832.52		8,832.52
PART-TOWN FUND "B"	4,721.78		4,721.78
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"	159.18		159.18
SD#2 FUND "SA"	2,020.61		2,020.61
TRUST/AGCY FUND "T"			
SP REFUSE FUND "SR"	39,343.64		39,343.64
STREET LIGHTING FUND "SL"	7,924.99		7,924.99
PERIWINKLE LTG. "SL1"	45.03		45.03
GRANTS	2,213.51		2,213.51
TOTALS	83,944.07		83,944.07

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

**BUSINESS FROM THE FLOOR**

Wynnie Fisher/Two Rod Rd. questioned who the official newspaper was for the Town of Alden? Supervisor Smith said the official newspaper is the Alden Advertiser and the Buffalo News. Wynnie questioned the meaning of "official newspaper". Supervisor Smith explained any official publication of the Town would be published in the Alden Advertiser; legal notices etc. Atty. Strong said anything required by law to be published in the paper would be published in the Alden Advertiser, if two newspapers are required by law; it would be in the Alden Advertiser and the Buffalo News. Wynnie questioned why the current situation with the Town Clerk was not in the Alden Advertiser? Supervisor Smith said it is currently an ongoing investigation. The District Attorney's office is handling this situation working in conjunction with the State Comptroller's office, which did the audit. Supervisor Smith said it is up to the discretion of the Alden Advertiser as to whether they wanted to publish the story. No official notification is required by law.

## COMMUNICATIONS

Councilman Snyder received a letter that the boilers need to be reinspected again this year.

Supervisor Smith received; the Village of Alden approved Board minutes from November 24, 2009, Rural Metro's monthly compliance report for November 2009 with 86% compliance, would like Councilwoman Cooke to schedule the meeting with the Fire Chiefs with regards to Rural Metro's proposal, Time Warner Cable notification that as of February 1, 2010 there will be a rate increase; basic cable \$10.50, standard cable \$60.50 and digital basic will be \$85.30 per month, received unofficial minutes from Town Planning Board for Tues. Nov. 8<sup>th</sup> meeting and approved minutes for the November 2009 meeting, received from Judge Larry LaDuca notification that effective January 1, 2010 the Town Court hours will be changed, open Monday-Thursday 9:00 A.M. to 4:30 P.M. resulting from budget cuts, received a letter from outgoing Highway Superintendent Bud Milligan that his official retirement date will be December 30, 2009 and he will appoint his Foreman Ken Justinger as acting Highway Superintendent for December 31, 2009 until the newly elected Highway Superintendent Carl Fix takes over on January 1, 2010.

Supervisor Smith thanked Highway Superintendent Bud Milligan for his many years of service to the Town of Alden. Bud first started working for the Town in 1984 for the Parks Dept. and became Highway Superintendent in 1985. On behalf of the entire Board he wished Bud well in his retirement.

## NEW BUSINESS

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

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

That the Alden Town Board hereby authorizes the transfer of \$7,828.12 from the Contingent Contractual Account A.1990.0400 to A.1440.0415 to cover the Reinhardt Rd. engineering expenditures in the amount of \$6,508.10 and \$1,320.02 to A.1450.0102 for the Special Election held on September 29, 2009; and

This resolution shall take effect immediately.

UPON ROLL CALL VOTE THE FOREGOING RESOLUTION 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 is in the process of updating (and likely adopting) it's Comprehensive Master Plan, and

WHEREAS, pursuant to Part 617b NYCRR Article 8 of the Environmental Conservation Law, SEQR, the Alden Town Board should "as early as possible in an Agency's formation of an action it proposes to undertake", begin the SEQR process, and

WHEREAS, the Alden Town Board has classified the action as a Type 1 action under SEQR.

NOW THEREFORE BE IT RESOLVED, AS FOLLOWS:

1. That the Alden Town Board being the most local agency with permitting/funding authority, wishes to declare Lead Agency under the SEQR process and conduct a coordinated review,

2. That the Alden Town Board authorizes the Town's Master Plan Consultant, Wendel Duchscherer to prepare the mailings, filings, and notices pursuant to a SEQR coordinated review.
3. That this resolution shall take effect immediately.

UPON ROLL CALL VOTE THE FOREGOING RESOLUTION WAS UNANIMOUSLY ADOPTED.

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

WHEREAS, the Town of Alden in conjunction with the Village of Alden applied for a Planning Efficiency Grant from the State of New York for the purposes of examining possible areas where a sharing of services would benefit the residents and taxpayers of both municipalities, and

WHEREAS, the parties wish to confirm their commitment to work together on the grant project;

WHEREAS, the parties wish to engage the services of consultants to assist with such review, and

WHEREAS, certain committees must be appointed for purposes of fulfilling the requirements of the grant,

NOW, BE IT THEREFORE, RESOLVED AS FOLLOWS:

1. The following persons are appointed on behalf of the Town to the Major Project Committee: Supervisor Ronald L. Smith; Town Councilmen William Weber; a representative of Drescher and Malecki LLP; the Town Attorney; and Colleen Rogers as the Grant Procurement Specialist.
2. The following person is appointed on behalf of the Town to the Fire/EMS sub-committee: Town Councilwomen Arlene Cooke.
3. The following persons are appointed on behalf of the Town to the Building Inspection/Code Enforcement sub-committee: Town Councilmen Ronald Snyder and the Town Building Inspectors/Code Enforcement Officer.
4. The following persons are appointed on behalf of the Town to the Judicial sub-committee: Town Councilwomen Mary Riddoch and Town Justice Larry LaDuca.
5. The Town retains (as per the attached Intermunicipal Agreement) the services of Drescher and Malecki LLP to serve as the consultant to review the efficiency associated with the creation of future intermunicipal agreements in the designated areas of study, upon the successful negotiation of an agreement between the parties, and the Supervisor is authorized to sign a Contract for Services with Drescher & Malecki LLP.
6. The Town retains (as per the attached Intermunicipal Agreement) the services of a Grant Procurement Specialist, Colleen Rogers, for purposes of physical reporting and grant administration.
7. The Town retains the legal services of Jennifer L. Strong, Esq. and the Supervisor is authorized to sign an Agreement with Jennifer L. Strong., Esq.
8. Supervisor Smith is hereby authorized to sign the Intermunicipal Agreement with the Village of Alden.

9. This resolution shall take effect immediately.

UPON ROLL CALL VOTE THE FOREGOING RESOLUTION WAS UNANIMOUSLY ADOPTED.

**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 is considering an application by Elizabeth A. Keller for the subdivision of two (2) lots. The entire parcel currently consists of approximately 19 +/- acres on Reinhardt Road (the parcel is divided by Reinhardt Road) in the Town of Alden (currently identified by SBL # 97.00-1-30.1). The first proposed lot ("Parcel A") would be 9.16 +/- acres on the south side of Reinhardt Road containing the house commonly known as 12773 Reinhardt Road ; the second proposed lot ("Parcel B") would be the remainder of the vacant parcel (9.27 +/- acres on the north side of Reinhardt Road) (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; 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 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:

The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA.

1. The Town Board has determined that it should be the Lead Agency for all environmental review of the Proposed Action.
2. This resolution shall take effect immediately.

Comment on the question from Supervisor Smith; do the fire companies need to be notified? Atty. Strong said yes Wendy Salvati will make the changes proposed by Eng. Metzger before anything is mailed out. Also will be mailed to Highway Superintendent, Jerry Sentz, CEO Dugan etc.

Councilman Weber moved to amend the resolution to include the agencies suggested by Engineer Metzger, seconded by Councilwoman Riddoch

UPON ROLL CALL VOTE THE FOREGOING RESOLUTION WAS UNANIMOUSLY ADOPTED.

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

WHEREAS, the Town of Alden Recreation Director has advised the Town Board that the Recreation Department is in need of a commercial popcorn machine for use with the open air cinema events (and for use by other Town Organizations) the estimated cost of which is over \$500.00 but less than \$2,000.01;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden ("Policy") states 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 four (4) quotes have been obtained;

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

WHEREAS, the lowest quote is rejected as the second lowest quote (which is \$30 higher than the lowest quote) includes delivery; set up and demonstration; a two-year warranty on parts and labor; and two cases of supply kits. Rendering the second lowest quote more economical (as the lowest quote does not include delivery, set up and demonstration has a one year warranty and does not include any supplies).

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board approves the purchase of a commercial grade popcorn machine from Sanarak Paper & Popcorn for \$899.00 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.

Comment on the question; Supervisor Smith called to have the resolution amended, Councilwoman Riddoch said it was over \$5,000.00 instead of \$500.00.

Councilwoman Riddoch moved to make the correction, seconded by Councilman Weber.

THE ABOVE RESOLUTION WAS DULY PUT TO A ROLL CALL VOTE AT A REGULAR MEETING OF THE TOWN BOARD HELD ON DECEMBER 21, 2009, THE RESULTS OF WHICH WERE AS FOLLOWS:

Councilwoman Riddoch	AYE
Councilman Weber	AYE
Supervisor Smith	AYE
Councilman Snyder	AYE
Councilwoman Cooke	NAY

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

WHEREAS, the Town of Alden (“Town”) and Alden Youth Baseball, Inc., (“Youth Baseball”) a Not-For-Profit Corporation duly organized and existing under the laws of the State of New York, have negotiated an Agreement to allow Youth Baseball to use the Alden Town Hall gymnasium for its players to practice indoors during the months of January, 2010 through May, 2010;

WHEREAS, the Town of Alden is aware that a large number of residents of the Town of Alden and Alden School District participate in the programs offered by Youth Baseball and is interested in assisting Youth Baseball;

WHEREAS, the Town and Youth Baseball have come to full agreement on the terms of such Agreement to run from January 1, 2010 until May 31, 2010, a copy of which is attached hereto; and

WHEREAS, Youth Baseball has obtained insurance for the benefit of the Town of Alden.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town approves the Agreement with Youth Baseball, 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 is authorized to sign any and all necessary documents to effectuate this Agreement; and
3. This resolution shall take effect immediately.

Comment on the question from Councilwoman Riddoch on if there were a lot of out of town players on this? Most are from within the school district. Councilman Snyder commented on the good job they did last year when using the gym.

UPON ROLL CALL VOTE THE FOREGOING RESOLUTION WAS UNANIMOUSLY ADOPTED.

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

Supervisor Smith moved and Councilman Weber seconded the motion to approve the renewal of a Junk Yard license for Curtis O'Neill/Alden Truck Ltd., 2731 Townline Rd., 1/1/2010 – 1/1/2011. Unanimously carried.

UNFINISHED & TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Attorney Strong would like the following put on the Work Session; Keller Subdivision environmental review and the environmental review for the Master Plan.

Councilman Snyder reported that the heat was working again. Petschke put a new motor in the Court room.

Councilwoman Cooke reported that the vaccine for H1N1 is in. There will be a clinic in Lancaster High School on December 30, 2009 that will be open to all. The Alden team will be helping out. It will be open from 10:00 A.M. – 8:00 P.M. The Alden School Clinic will be held on January 13, 2009, 8:30 P.M. – 2:00 P.M. at the Intermediate School. The evening clinic will be open to the public 4:00 P.M.-8:00 P.M. at the Intermediate School, Crittenden Rd. entrance. This session will also include K, grades 1 and 2 and St. John's School. There is no charge.

Engineer Metzger would like the Master Plan for the Alden Town Park put on the Work Session.

Supervisor Smith received from Sue Barnes our Grant Writer, notification that the New York State Energy Research and Development Authority (NYSERTA) is going to have an energy efficiency and conservation block grant program, which is funded by American recovery and reinvestment act and programs selected can receive up to 100% funding. Would like that put on the Work Session for next week. Dino Fudoli the new Erie County Legislator will be at the Work Session to talk about his plans for 2010.

Supervisor Smith wished all Happy Holidays, Merry Christmas and a Happy New Year.

Supervisor Smith adjourned the Meeting at 7:29 P.M. with a Minute's silence in Memory of Shirley Hutschenreuter.

Debra A. Crist  
Deputy Town Clerk