

BUSINESS FROM THE FLOOR

John Bruso, Legislator – bringing updates from the County; he noted that Daniel Gniewecki has moved on from his Office. He accepted another position and is settling in well. They are still moving forward with Erie County Home. The County is getting more calls on turning property over to a broker. And ensuring the property is taking on an appropriate roll. Mr. Bruso does a quarterly tour of roads in his district. He touched base with Bill Rogers to go over what they are seeing as well. The rough roads are the same that everyone is seeing; Exchange Street being a major one. The County is working on plan to get them fixed. In conjunction with Alden Substance Abuse Coalition on adolescent vaping program, they had a packed house, a very good turnout. There is a large number of Middle School kids that vape. The current task at hand is not hindering business but making it more difficult for children to access the nicotine that comes from vaping.

Steve Fox, Wende Road – Inquired as to whether the Constable Law will open the door to paying for any other the cop cancers that were big in past years. He noted he thought Alden had dissolved its police force around 1980. Supervisor Savage noted that it was the Village who had the police force, not the Town. However, the Town had Constables in the 60s. Mr. Fox noted he was just concerned about left over payments that may have been due.

COMMUNICATIONS

Attorney Strong:

1. Received Meals on Wheels annual renewal this evening. This will be addressed at the next meeting.
2. Received 2 minor comments from the DEC on proposed LL#2. We will review these at the next Work Session.

Supervisor Savage:

1. Summer Car Cruise and Concert series schedule is out.
2. ACS wants to use back parking lot at Town Park during school construction.
3. Request from Mark Kerl for annual softball tournament.
4. Updated Household Hazardous Waste event sponsored by Erie County. You now have to pre-register for the event.
5. Planning Board Minutes from last meeting.

NEW BUSINESS

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

WHEREAS, the Office of Court Administration of the United States 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; and

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 THAT:

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 the 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 2500 Pond View, Suite LL01, Castleton-on-Hudson, NY 12033

The foregoing Resolution was duly put to a roll call vote at a regular meeting on March 18, 2019

CARRIED.

Ayes 3 Savage, Adamski & Pautler
Nays 0

Supervisor Savage Motioned to approve Alden Soccer Club Challenger International Soccer Day Camp from July 8 through July 12, 2019 at the Robert O. Smith Park with an estimated 30 participants subject to the following:

A list of all Challenger employees who will be participating in the camp and a copy of that organization's liability insurance certificate with the Town named as an additional insured with an aggregate liability of \$3,000,000 and \$1,000,000 limit per occurrence prior to the camp's start. Seconded by Councilwoman Pautler.

The foregoing Motion was duly put to a roll call vote at a regular meeting on March 18, 2019, as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler
Nays 0

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

WHEREAS, the Parks Supervisor has informed the Town Board that the Parks Department needs a new John Deere front mower with commercial side discharge mower deck and a heavy-duty two stage snow blower; the estimated cost of which is more than \$20,000.00 but will be purchased pursuant to the New York State Bid List;

WHEREAS, the Town's Procurement Policy & Procedure Guidelines ("Guidelines") of state that the Town must prepare a request for proposal and then obtain written quotes, except when the purchase is made from the New York State Bid List;

WHEREAS, LandPro Equipment, LLC is on the New York State Bid List (Contract Number: PG XN CG 22) and offers the John Deere front mower with commercial side discharge mower deck and a heavy-duty two stage snow blower; and

WHEREAS, The Town Board after full and careful review finds that it is in the public interest to authorize this purchase.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of a new John Deere front mower with commercial side discharge mower deck and a heavy-duty two stage snow blower from LandPro Equipment LLC for a total cost of \$42,340.05 payable in three (3) annual lease payments of \$14,113.35;
2. The Town Supervisor is authorized to apply for the lease financing from John Deere Financial; and 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 March 18, 2019, as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR SAVAGE, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN PAUTLER TO WIT;

WHEREAS, The Finest Floor Covering is the lowest responsible bidder; and

WHEREAS, The Town Board after full and careful consideration finds that it is in the public interest to authorize the new Court Room flooring.

WHEREAS, the Alden Town Board has received a request from the Town Court to replace the flooring in the Courtroom; the estimated cost of which is less than \$10,000.00 but greater than \$1,000.00;

WHEREAS, the Town's Procurement Policy & Procedure Guidelines ("Guidelines") states that the Town must prepare a request for proposal and then obtain quotes from at least three vendors;

WHEREAS, three quotes for new flooring (including removal of the existing carpet and installation of new carpet tiles) were received as follows:

the highest quote is from A.M. Carpet Service at \$9,850.00,

the second highest quote is from DB Affordable Flooring Inc. at \$8,139.00, and

the lowest quote is from The Finest Floor Covering at \$7,941.57;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of new flooring (including removal of the existing carpet and installation of new carpet tiles) in the Court Room from The Finest Floor Covering for an amount not to exceed \$7,941.57;
2. The Finest Floor Covering must comply with all labor law requirements and postings prior to starting any work and must provide proof of liability insurance to the Town prior to starting any work;
3. The Town Supervisor is authorized to sign any and all necessary documents to effectuate this purchase; and
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on March 18, 2019, as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler

Nays 0

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

WHEREAS, the Town Board of the Town of Alden has fully considered the adoption of Local Law No. 1 of the Year 2019, entitled "Local Law to create the Position of Town Constable." (the "Proposed Action"); and

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA; and

WHEREAS, the Code Enforcement Officer provided notice to the Erie County Division of Planning on February 14, 2019, for this Proposed Action, as required under Section 239-m of the General Municipal Law and a "no recommendation" was received from the Division on February 20, 2019; and

WHEREAS, the New York State Environmental Quality Review Act requires the Town to determine the Lead Agency status and the Town Board did assume Lead Agency status on February 11, 2018; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, 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

Field Code Changed

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board did determine that the Proposed Action is an Unlisted Action under SEQRA.
 2. The Town Board did determine 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. This resolution shall take effect immediately.
- The above resolution was duly put to a roll call vote at a regular meeting on March 18, 2019, the results of which were as follows:

Field Code Changed

CARRIED.

Ayes 3 Savage, Adamski & Pautler
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN PAUTLER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN ADAMSKITO WIT;

WHEREAS, a Proposed Local Law No. 1 of the Year 2019, entitled "Local Law to Create the Position of Town Constable" which will create the position of Town Constable, was

circulated to the Town Board on February 11, 2019 and was introduced to the Alden Town Board for consideration by Councilperson Pautler on February 19, 2019;

WHEREAS, an order was duly adopted by the Alden Town Board for a public hearing to be held by said Town Board on March 4, 2019 at 7:05 pm the Alden Town Hall, 3311 Wende Road, Alden, New York 14004 to hear all interested parties on the proposed Local Law;

WHEREAS, notice of said public hearing was duly published on February 21, 2019, in the Alden Advertiser, the official newspaper of the Town of Alden;

WHEREAS, said public hearing was duly held on March 4, 2019 and all parties in favor of and opposed to the Local Law were heard;

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Alden Town Board, as Lead Agency, as solicited on February 11, 2019, that adoption of said proposed Local Law is an Unlisted Action and will not have a significant effect upon the environment;

WHEREAS, the Erie County Division of Planning issued a "no recommendation" to the 239-m Notice that was received by them on or about February 14, 2019;

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law on February 22, 2019;

WHEREAS, said Local Law will not have any adverse impact on the current land uses in this area; and

WHEREAS, the Alden Town Board, after due deliberation, finds it in the best interest of said the Town of Alden to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board hereby adopts said Local Law No. 1 of the Year 2019, entitled "Local Law to create the Position of Town Constable." a copy of which is attached hereto and made a part of this resolution;
2. That the Alden Town Clerk enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Alden, and to give due notice of the adoption of said Local Law to the Secretary of State of New York, post the same on the Town Bulletin Board and publish the same in the Alden Advertiser; and
3. This Resolution shall take effect immediately.

LOCAL LAW TO BE ENACTED BY
THE ALDEN TOWN BOARD
TOWN OF ALDEN, NEW YORK

LOCAL LAW NO. 1 of the YEAR 2019

A LOCAL LAW CREATING THE POSITION OF TOWN CONSTABLE

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ALDEN AS FOLLOWS:

§ 1. Legislative intent.

It is the purpose and intent of this Local Law to create the office of Town Constable, which shall be a part-time position and as authorized by the NYS Criminal Procedure Law and the NYS Town Law. It is the purpose of this Local Law to promote the public health, safety, and welfare in the Town of Alden, by establishing the position of Town of Alden, Town Constable.

§ 2. Establishment of office.

The Town of Alden hereby establishes the part-time position of Town Constable, who shall be authorized to act in the full capacity established and set forth in NYS Criminal Procedure Law § 2.10 and shall have the responsibilities generally associated with such position in and about the Town of Alden as hereinafter set forth. Town Constables shall be appointed by the Town Board and shall work under the direct supervision of the Town Board. Town Constables shall perform such duties as the directed by the Supervisor, Town Board and or Town Justices for the Justice Court of the Town of Alden pursuant to the laws of the State of New York.

The Town Board may appoint as many Town Constables as it desires and shall provide for the amount and manner of payment for their services.

§ 3. Status as peace officers.

Persons holding the position of Town Constable shall have the status of and shall be granted and exercise the powers of a "peace officer" under NYS Criminal Procedure Law (CPL). CPL § 2.10(1) sets forth those persons who are peace officers, specifically including a constable of a town; provided such designation is not inconsistent with local law.

§ 4. Term.

A Town Constable shall serve at the pleasure of the Town Board and may be removed from the position by the Town Board for any or no reason whatsoever.

§ 5. Qualifications.

Minimum qualifications for the position of a Town Constable shall be an age of 21 years or more, to have a high school diploma, a valid New York State driver's license, and a pistol permit issued by the appropriate governmental agency, and to be a resident of the County of Erie or any adjoining county within the State of New York.

§ 6. Powers and duties of Town Constables.

Town Constables shall have, in addition to the powers granted herein, those special duties, powers and responsibilities consistent and generally associated with a peace officer in the State of New York, including the following court duties, but not necessarily limited to:

- A. Attending sessions of the Town Court to maintain order and decorum in the courtroom;
- B. Calming disruptive individuals;
- C. Barring entry into secure areas of and about the courtroom;
- D. Addressing and attending to disruptive prisoners, litigants and spectators involved in court proceedings;
- E. Escorting, guarding and delivering jurors, witnesses and other participants of court proceedings to and from the courtroom;
- F. Escorting, guarding and delivering the Judge and/or Court Clerk to and from the courtroom, as may be required;
- G. Delivering materials to sequestered juries;
- H. Escorting Court Clerks with bank deposits to and from the court offices and courthouse to the bank;
- I. Using established search procedures and equipment to assure that no weapons, contraband or other prohibited items or materials are brought into the courthouse or courtroom;
- J. Carrying, displaying and using a firearm, subject to any permit, training and certification requirements and qualifications otherwise imposed by law;
- K. Effecting arrests as required and authorized; and
- L. Providing protection and maintaining order and decorum at Town Board meetings or other meetings or events authorized by the Town Board.

§ 7. Firearms and other training.

As peace officers, Town Constables must be trained in accordance with CPL §2.30 and any other requirements set forth by the Alden Town Board; by the New York State Division of Criminal Justice Services (DCJS); and/or the Municipal Police Training Council (MPTC).

No person holding the position of Town Constable shall carry or otherwise possess a firearm on Town property other than in conformity with state and federal law, and after having successfully completed such initial training and instruction, and any required in service of follow-up training and instruction, required for a peace officer authorized to carry a firearm under the laws of the State of New York.

§ 8. Severability.

If any paragraph, section, sentence or portion of a sentence of this Local Law shall be found and determined to be invalid, unlawful and/or unconstitutional, such determination shall not invalidate or void any other paragraph, section, sentence or portion thereof, and such other portions thereof shall remain in full force and effect unless and until legally revoked, modified and/or amended.

§ 9. Supersession.

It is the intent of this Local Law that the Town of Alden, pursuant to its Municipal Home Rule powers, hereby supersedes the requirements of NYS Town Law § 20(1), in allowing not more than four civil officers to be appointed in a Town of the first class in which a town police department has been established or which town is a part of a county police district; NYS Town Law § 23(1); NYS Public Officers Law § 3(1); and any other law of the State of New York requiring a Constable as appointed herein to be a resident of the Town of Alden.

§ 10. When effective.

This Local Law shall take effect upon the filing thereof with the Secretary of State of the State of New York.

The above resolution was duly put to a roll call vote at a regular meeting on March 18, 2019, the results of which were as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN PAUTLER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN ADAMSKITO WIT;

WHEREAS, many municipalities, including cities, counties, towns and villages within Erie County have lost monetary support from the County of Erie, especially for library funding;

WHEREAS, The Town of Alden believes that the Ewell Free Library is a great asset to the residents of the Town of Alden and would like to keep the Library open for the benefit and enjoyment of its citizens;

WHEREAS, the Alden Ewell Free Library is currently operated by the County of Erie and housed in a building not owned by the Town of Alden; and

WHEREAS, the Town Board of the Town of Alden would like to Contract with the Ewell Free Library to provide monies to the Ewell Free Library for its continued operation.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board approves the Contract for the year 2019 with the Ewell Free Library 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 Contract; and
3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting on March 18, 2019, the results of which were as follows:

CARRIED.

Ayes 3 Savage, Adamski & Pautler
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN PAUTLER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN ADAMSKITO WIT;

WHEREAS, the Highway Department would like to purchase a new 2020 Freightliner 114SD Truck Cab and Chassis;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden (“Policy”) require that all estimated purchases over \$20,000.00 shall be formally bid pursuant to General Municipal Law section 103 except in the case where the Town can piggyback onto another municipality's formal bid;

WHEREAS, the Town of Alden would like to piggyback on the bid of Fleet Maintenance Inc. made to the Town of Hornellsville (Bid Notice dated 11/21/2018);

WHEREAS, the Contract that the Town of Alden will piggyback on was let by the Town of Hornellsville; said Contract has been made available for other governmental entities; and was let to the lowest responsible bidder on the basis of best value in a manner consistent with NY'S General Municipal Law section 103;

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

WHEREAS, The Town Board after full and careful review and consideration finds the purchase of the ~~garbage carts~~ cab and chassis as being consistent with its policies and in the interest of the residents of the Town of Alden.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of a 2020 Freightliner 114SD Truck Cab and Chassis from Fleet Maintenance, Inc. for \$126,522.00 pursuant to the attached specifications with a requested delivery before December 31, 2019;
2. That the Highway Superintendent 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 special meeting on March 18,2019, as follows

CARRIED.

Ayes 3 Savage, Adamski & Pautler
Nays 0

UNFINISHED & TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Ron Snyder, NEST Representative

With regard to the Household Hazardous Waste Recycle Day offered by Erie County; they are now doing it by appointment due to long lines of people attending these events.
Attended NEST Meeting; focus was on recycling. They are looking for new ideas on recycling. One big problem is manufacturers of packing materials that are not recyclable.
It was suggested to start teaching school age children about recycling so they are knowledgeable as they grow.

Attorney Strong

Wanted to thank Andy and Town Board for the bulletin board at the Community Center for the Historical Society.

Supervisor Savage

Add to next Work Session: DEC comment on LL#1, ACS use of parking lot at Town Park, Kerl softball tournament, Meals on Wheels, LL#1 Follow Up, SD2, Exchange Zoeller, Cayuga Creek.

Will not be in attendance for the April 1 TB Meeting. Deputy Supervisor Rogers will be present in his absence.

Thanked Chris Snyder for the work he's doing in the Court Offices. He is doing drywall work as well as painting before the new flooring is installed.

NOTICE OF MEETINGS

NEXT WORK SESSION:	March 25, 2019	@7:00 P.M.
REGULAR BOARD MEETING:	April 1, 2019	@7:00 P.M.

MEMORIAL REMEMBRANCE - Janet Justinger and Martha Beats

ADJOURNMENT

At 7:50 P.M. Supervisor Savage adjourned the Meeting.

Alecia Barrett
Town Clerk