

MEETING NO. 2
REGULAR NO 2

REGULAR MEETING

JAN. 17, 2006
7:30 P.M.

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Tuesday, January 17, 2006 at 7:30 P.M.

PRESENT: Michael Cole, Supervisor
Mary Riddoch, Councilwoman
William Weber, Councilman
Ronald Snyder, Councilman
Arlene Cooke, Councilwoman
RECORDING SECRETARY: Debra Crist, Deputy Town Clerk
OTHERS PRESENT: Dorothy L. Bycina, Town Clerk
Jennifer Strong, Town Attorney
Harry Milligan, Highway Supt
Frank Trybuskiewicz, CEO
Michael Metzger, Town Engineer
Michael DeWitt, Planning Board Member
Randal E. Crist, Zoning Board
Ralph P. Witt, Planning Board Chairman

Supervisor Cole called the Meeting to order. Councilman Weber led in the Pledge of Allegiance. The roll call was taken by the Deputy Town Clerk.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of January 3, 2006. Unanimously carried.

COUNCILWOMAN COOKE MOVED AND COUNCILMAN SNYDER SECONDED THAT THE FOLLOWING VOUCHERS BE ALLOWED AND PAID:

| ACCOUNT | ABST #1 | ABST #2 | TOTAL |
|--------------------------|-----------|---------|-----------|
| GENERAL FUND "A" | 14,086.74 | | 14,086.74 |
| HGHWY FUND "DA/DB" | 16,978.98 | | 16,987.98 |
| PART TOWN FUND "B" | 3,689.57 | | 3,689.57 |
| WD#2 FUND "WB" | 375.00 | | 375.00 |
| WD#3 FUND "WC" | 1,983.20 | | 1,983.20 |
| WD#4 FUND "WD" | 1,299.80 | | 1,299.80 |
| SD #2 FUND "SA" | 320.00 | | 320.00 |
| SPECIAL REFUSE FUND "SR" | 27,282.49 | | 27,282.49 |
| TOTAL | 66,015.98 | | 66,015.98 |

UPON ROLL CALL VOTE THE FOREGOING RESOLUTION WAS UNANIMOUSLY ADOPTED.

Supervisor Cole "Welcomed" the Students from ACS – Good Government Class.

THERE WAS NO BUSINESS FROM THE FLOOR

COMMUNICATIONS

Councilwoman Riddoch reported the following; received letter from Hghwy Supt. re appointment of Hghwy Supt. Clerk, copy of minutes for Planning Board and AECC, Resume from Michael Fleming re Planning Board, letter from Reserve Gas re emerg. After hour numbers to contact, received invitation from Hearts and Hands for presentation of check at the Beacon tonight.

Councilman Weber reported receiving AECC minutes, along with police report, received two communications from Metzger Engineering, Newsletter from a former student, Rick Casillo regarding the Iditarod Sled Dog Race.

Councilwoman Cooke reported on attending Hearts and Hands presentation with Councilwoman Riddoch, Hearts and Hand will be setting up an office at the Mennonite Church and also reported on Winterfest.

Supervisor Cole reported the following: a Flyer re Winter Fest; Notice from Thomson West re NY Litigator's Editions available; letter from Executive Giambra advising that Alden was approved for a \$39,628 ECCCDBG for Senior Center Improvements; copy of Minutes of the Chamber of Commerce Meeting; letter from Margaret Zolle re Federal and State Grant Quarterly Status Report; MEMO from Thomas Dearing re Public Review of 2006 Annual Action Plan; copy of 2006 Town of Alden Tax Rate Summary; three (3) Notice of Public Hearings before the ZBA; letter from Department of Senior Services advising of a January 25th Meeting re services available; letter from Michael Fleming re the vacant position on the Town Planning Board; copy of the Senior Van Report for 2005; copy of Quarterly Report from Erie County Community Development-Consortium; copy of letter from Reserve Gas Co Inc re After Hours Emergency Notification List; copy of the Town's Planning Board Agenda; copy of AECC Minutes; letter from Bob Eleczko requesting the Supervisor to attend a meeting re the Lancaster Radio System on January 19th at the Bowmansville Fire Hall; copy of the Ass'n of Erie County Governments Agenda – Meeting/January 26th; letter from Judy Baumgartner/HS Social Worker inviting the Supervisor to a January 18th Meeting re Alden Community Asset Group; letter from NYS DEC announcing the availability of funds for water quality improvement project.

NEW BUSINESS

Councilwoman Riddoch moved and Supervisor Cole seconded the Motion to renew the HOP for Nancy Goergen/850 W Alaura Dr. Unanimously carried.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to transfer funds from Undesignated Fund Balance to courts budget Line A-1110-424 for \$500.00. Unanimously carried.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to grant the Alden Art Club permission to use the Community Center on the first Tuesday of each month (except July) from 7:30 PM to 10:00 PM in 2006. Unanimously carried.

Councilwoman Cooke moved and Councilman Snyder seconded the Motion to increase the 2005 Sewer Alaura Dr. Budget by \$524.84 – coming from Fund Balance 0909.000SA. Unanimously carried.

Councilwoman Riddoch moved and Supervisor Cole seconded the Motion authorizing the Supervisor to make the Monthly Budget Transfer. Unanimously carried.

Supervisor Cole polled the Board and with no objection the following Items were added to the Agenda.

Supervisor Cole moved and Councilwoman Cooke seconded the Motion to appoint Georjean Labuzzetta as Part Time Highway Clerk at a rate of \$13.33 per Hour, not to exceed 16 Hours per week, No Benefits. Unanimously carried.

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

WHEREAS, the Town of Alden Supervisor has advised the Town Board that his Office is in need of a new desktop computer the estimated cost of which is more than \$1,000.00 but less than \$10,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden requires that all estimated purchases over \$1,000.00 but less than \$10,000.00 require a written request for a proposal and written/fax quotes from at least three vendors;

WHEREAS, said Procurement Policy & Procedure Guidelines has been followed and three quotes have been obtained;

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

NOW THEREFORE BE IT RESOLVED AS FOLLOWS;

1. The Town Board approves the purchase of a desktop computer, as outlined in the attached list of specifications from DC Computers for \$1,525.00 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 January 17, 2006 and was unanimously adopted.

Councilwoman Cooke moved and Councilman Snyder seconded the Motion to grant Independent Health permission to use the Meeting Room in the Town Hall for Information Meetings on Wednesday – Feb. 1st; Wednesday – Mar. 1st and Wednesday – Apr. 4th at 9:30 AM. Unanimously carried.

Supervisor Cole moved and Councilman Snyder seconded the Motion to renew the HOP for Charles Smith 3231 Crittenden Road. Unanimously carried.

UNFINISHED & TABLED BUSINESS

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

WHEREAS, the Town Board of the Town of Alden is considering the application of Warren Hofmeier, as agent for the James E. Predmore Trust, for the minor subdivision of two (2) lots of vacant land on Walden Avenue, in the Town of Alden, from a currently existing 67 acre lot identified by SBL Number:96.00-6-37. The first proposed lot containing 7.19 acres (the “easterly parcel”) and the second proposed lot contains 7.24 acres (the “westerly”); and for the rescission of an earlier subdivision of a 165 foot by 1082 foot lot (“prior parcel”) from the same 67 acre lot described above;

WHEREAS, the Proposed Action is an unlisted action within the requirements of the New York State Environmental Quality Review Act;

WHEREAS, the New York State Environmental Quality Review Act requires the Town to determine the Lead Agency status and the Lead Agency making a SEQR determination;

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, Frank A. Trybuskiewicz;

WHEREAS, the Town of Alden Planning Board has reviewed the Proposed Action and recommended to the Town Board the approval of the Proposed Action;

WHEREAS, a Wetland Investigation was conducted by Earth Dimensions, Inc. of the proposed easterly parcel and the proposed westerly parcel (totaling 18.8 acres) on or about November 28, 2005, revealing the location of approximately 4.28 total acres of wetlands located on the proposed easterly parcel and the proposed westerly parcel;

WHEREAS, pursuant to Law, the Town of Alden may assume and did assume on March 7, 2005, Lead Agency Status for the purpose of determining what significance the Proposed Action has on the environment; and

WHEREAS, the Erie County Division of Planning was notified on or about August 24, 2004, and no comments have been received by the Town of Alden.

NOW THEREFORE BE IT RESOLVED

1. That the Town of Alden, as Lead Agency, hereby determines that the Proposed 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, is an unlisted action and 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.
2. That the subdivision of the two (20 parcels, more specifically described below is hereby approved;

Easterly Parcel

ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE Town of Alden, county of Erie and State of New York, and being part of Lot Number 33, Township 11, Range 5, of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point on the south line of Walden Avenue, said point being 465.12 feet easterly of the west line of lands conveyed to John Boyars by deed recorded in Liber 94 of Deeds at page 270 and the west line of lands conveyed to James Predmore & Warren Hofmeier by deed recorded in Liber 6248 of Deeds at page 610; THENCE north 77° 59' east and along the south line of Walden Avenue 300.00 feet; THENCE south 01° 01' 32" east 1,061.23 feet to the north line of lands conveyed to New York Central Railroad Co. by deeds recorded in Liber 126 of Deeds page 506, Liber 322 of Deeds page 580 and Liber 322 of Deeds at page 583; THENCE south 76° 50' west along the north line of said New York Central Railroad Co. lands 301.23 feet; THENCE north 01° 01' 32" west 1,067.39 feet to the south line of Walden Avenue, being the place of beginning.

And

Westerly Parcel

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Alden, County of Erie and State of New York, and being part of Lot Number 33, Township 11, Range 5, of the Holland Land Company's Survey, bounded and described as follows: BEGINNING at a point on the south line of Walden Avenue, said point being 165.12 feet easterly of the west line of lands conveyed to John Boyars by deed recorded in Liber 94 of Deeds at page 270 and the west line of lands conveyed to James Predmore & Warren Hofmeier by deed recorded in Liber 6248 of Deeds at page 610, THENCE north 77° 59' east and along the south line of Walden Avenue 300.00 feet; THENCE south 01° 01' 32" east 1,067.39 feet to the north line of lands conveyed to New York Central Railroad Co. by deeds recorded in Liber 126 of Deeds page 506, Liber 322 of Deeds page 580 and Liber 322 of Deeds at page 583; THENCE south 76° 50' west along the north line of said New York Central Railroad Co. lands 301.23 feet. THENCE north 01° 01' 32" west 1,073.55 feet to the south line of Walden Avenue, being the place of beginning.

3. That the subdivision of the prior parcel, more specifically described below is hereby rescinded:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Alden, County of Erie and State of New York, and being part of Lot Number 33, Township 11, Range 5, of the Holland Land Company's Survey, bounded and described as follows: BEGINNING at a point on the south line of Walden Ave, said point being the west line of lands conveyed to James Predmore & Warren Hofmeier by deed recorded in Liber 6248 of Deeds at page 610, THENCE north 77° 59' east and along the south line of Walden Avenue 165.12 feet; THENCE south 01° 1' 32" east 1,073.55 feet to the north line of lands conveyed to New York Central Railroad Co. by deeds recorded in Liber 126 of Deeds page 506, Liber 322 of deeds page 580 and Liber 322 of Deeds at page 583;

THENCE south 76°50' west along the north line of said New York Central Railroad Co. lands 165.78 feet; THENCE north 01°01'32" west 1,082.00 feet to the south line of Walden Avenue, being the place of beginning.

4. This Resolution shall take effect immediately.

The adoption of the foregoing Resolution was duly put to a vote on January 17, 2006 and was unanimously adopted.

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilman Snyder reported on work that was done on the Heating System in the Gym; he attended a NEST Meeting last Thursday.

Councilwoman Cooke reported she made contact with Eve Fertig and will be attending the Environmental Committee meeting on February 1, 2006 and also the Historical Society.

Town Attorney Strong working with CitiBank on 1418 Two Rod Rd., they need proof there is no insurance before the burn. Unable to find landowner. Will speak to the Prosecutor. Questioned about receiving lease re the N.Y.S. Police/HWY Dept., also asked if received anything from Newstead Court regarding BML matter.

Supervisor Cole report on speaking with Supervisor Foss regarding Water District #5 and reports it is a dead issue in Marilla. Alden will have to decide whether or not to pursue. Reported that Deputy Supervisor Ron Snyder has been elected Chairman of N.E.S.T. for all communities in Southern Erie County.

Supervisor Cole adjourned the Meeting at 8:10 PM with a Minute's silence in Memory of Conrad Kardach, Marion Seiflein and LaVern Boshart.

Debra A. Crist
Deputy Town Clerk