

MEETING NO. 4
REGULAR NO 3

REGULAR BOARD MEETING

FEB. 5, 2007
7:30 P.M.

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, February 5, 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 Special Meeting of January 29, 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"		25,090.23	51,570.63
HGHWY FUND "DA/DB"		10,289.58	17,339.04
PARTTOWN FUND "B"		7,306.80	13,705.10
WD#2 FUND "WA"			375.20
WD#3 FUND "WC"			1,983.20
WD#4 FUND "WD"			1,299.80
SP FIRE PROTECTION "SF"		52,451.75	83,204.95
SD#1 FUND "SI"		29,702.26	29,702.26
SD#2 FUND "SA"		2,009.82	3,068.30
TRUST & AGCY FUND "T"		777.14	2,438.72
SPECIAL REFUSE "SR"			27,539.15
ST LIGHTING FUND "SL"			7,088.00
TOTAL	111,686.77	127,627.58	239,314.35

(PAID 1/16/07)

UPON ROLL CALL VOTE THE FOREGOING RESOLUTION WAS UNANIMOUSLY ADOPTED.

At 7:35 PM SUPERVISOR SMITH CALLED THE PUBLIC HEARING TO ORDER re STEPHANIE PAUTLER/12775 NORTH ROAD – AN APPLICATION FOR CHIROPRACTIC SERVICES. COUNCILMAN WEBER MOVED AND COUNCILWOMAN RIDDOCH SECONDED THE MOTION TO ENTER INTO THE PUBLIC HEARING THE TOWN CLERK READ THE NOTICE OF PUBLIC HEARING THAT WAS PUBLISHED IN THE ALDEN ADVERTISER.

Supervisor Smith read the recommendation made by Donnal Folger, Temporary Building Inspector,C.E.O. The floor was opened for discussion. There was no public comment and the Public Hearing was closed at 7:38 PM

NEW BUSINESS

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to renew the HOP for Phyllis Webb/2132 Sandridge Road. Unanimously carried

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to approve request from Alden's Winterfest Committee to place two Portable units from Ball Toilet and Septic Services in the Alden Town Park. Unanimously carried.

Councilwoman Cooke moved and Councilman Snyder seconded the Motion to approve Alden Central Schools request to use the R.O. Smith Park on requested dates for their Boys Modified Baseball Season. The District will maintain the infield and stripe the field for contests and scheduled dates requested. Unanimously carried.

AT 7:40 PM SUPERVISOR SMITH CALLED THE PUBLIC HEARING TO ORDER re DEAN ADAMSKI/12120 WESTWOOD ROAD –AN APPLICATION FOR PERMIT TO SELL SPORTING GOODS(INCLUDING FIREARMS). COUNCILMAN WEBER MOVED AND COUNCILWOMAN RIDDOCH SECONDED THE MOTION TO ENTER INTO THE PUBLIC HEARING. THE TOWN CLERK READ THE NOTICE OF PUBLIC HEARING THAT WAS PUBLISHED IN THE ALDEN ADVERTISER.

Supervisor Smith read the recommendation made by Donnal Folger, Temporary Building Inspector,C.E.O. The Supervisor stated that several letters were received from former neighbors of Mr. Adamski re his HOP at his former address on Town Line Rd – none of them had any negative comments.

The floor was opened for discussion.

Wynnie Fisher/1342 Two Rod Road was concerned that the proposed Bike Path would be in firing range from his house. Mr. Adamski stated that he owned twenty (20) acres and the 500 feet was well within this distance.

Everett Boone/12211 Westwood was also concerned with the Farm Animals, School and Church. Again it was stated that Mr. Adamski owns twenty acres and he is well within the range of discharging firearms from his residence.

There was no further public comment and the Public Hearing was called to a close at 7:50 PM.

BUSINESS FROM THE FLOOR

Colleen Czechowski/ARRG presented to the Supervisor a Binder with 342 letters from concerned citizens re the rezone for Walmart – this is in addition to the over 350 previously signatures received against this rezone. She read a letter addressing the ARRG concerns.

Ronald Walker/11709 Manitou Dr. asked the Board if they were aware that Walmart is building on William and Como – The Supervisor said that they were.

Paul Loehr/13369 Henskee Rd questioned the Master Plan. Engineer Metzger explained that the Master Plan for the Town dates back to 1972 and was updated in early 1990. If the Master Plan is to be adopted it has to be followed exactly. If the Plan is accepted then it is used as a guide. The Supervisor was asked if the Town Board will communicate with the Public and he answered that the Town Board Minutes are on the Web Site – so far there is nothing to report since a new Site Plan has not been presented by Mr. Russo. The Supervisor stated he will be happy to share any information he has. Engineer Metzger stated that what other Towns do is that they would appoint a representative from the ARRG to keep in contact with someone on the Town Board.

Linda Colson/1331 Sandridge Road questioned the people's voice in the Master Plan. The Supervisor said if a New Master Plan is to be adopted a Public Hearing would be held and at that time the Public will have input.

Wynnie Fisher/1342 Two Rod stated that when TOPS built in a Farm field nobody spoke out at this time – The Supervisor said that part of this location was in the Village. Ms Fisher thinks the residents should be concerned with all issues not just this one. As for the recent sale of TOPS the Supervisor stated that this was the property – not TOPS.

Jim Wheeler/3392 Crittenden Road stated that maybe the residents should have said something when TOPS moved the first time – but they didn't.

Ron Walker/11709 Manitou Dr stated he would like to see this issue become a public vote.

Supervisor Smith said part of the 90 acres is already Zoned Commercial. The developer initially requested that the rest of the property be rezoned but he since has requested this to be amended and this is where we stand now. He has publicly stated that he has only one project on the table and that it would take up 20-25 acres.

Jerry Aldinger/11874 Cary Road questioned the present zoning- is it already Commercial? – Supervisor Smith said that 500 Ft from the road is Commercial and the rest is RA. The Supervisor said that the Rezone Application has been changed and the Town Board recommended that this go back to the Planning Board. – following the process of the Rezone it may be up to minimum six month or a year before the Town Board can take action.

James Guarino/13899 North Rd questioned if this project is Zoned for Walmart, would other Zoning be required for other Businesses that they may bring in? – Councilman Snyder said that Commercial Zoning would cover the other Businesses such as Garages Robert Wohlgemuth/11849 Genesee St referred to C-1,C-2 and C-3 Zoning. – he stated that the developer is going for C-2 – the reason being that no additional Variances would be required. - he would like to see C-1 be mandatory. The Supervisor stated that he has not seen the latest paperwork but the Board would certainly take a look at it.

Keith Hoffman/988 Clearvue questioned a retention pond. The Supervisor stated that this is premature since the Board has not seen what is going to be on the Plan.

Bonnie Hy/1341 Sullivan Rd questioned the amount of acreage to be rezoned.

Supervisor Smith stated that 20 acres is already zoned Commercial – he originally wanted 90 acres but now he only needs approx 31 acres which is the eastern portion of the property.

Tom Darcy/611 Sullivan Rd questioned the rezone from RA by the developer – Supervisor Smith stated that he does not own the Property – this is a contingent upon the property being rezoned.

Paul Loehr/13369 Henskee Rd wanted to know if the Town is in contact with the Village re the Aquifer – Supervisor Smith said that it is to early for the Village to comment and until the Planning Board makes their recommendation no comment will be made. A Public Hearing is required for this Rezone – the public will have their chance to speak – the Board will not make a decision at the night of Public Hearing.

Robert Wohlgemuth/11849 Genesee St asked the Supervisor to share with the Town Board the packet “Framework for Regional Growth” he presented to him prior to this meeting.

Jim Bicheler/1264 Sandridge Rd stated he would like to see some better type of communication re this rezone – Supervisor Smith stated that the Alden Advertiser has had articles re this rezone – nothing else has been published since this is still in the planning stage.

Wynnie Fisher/1342 Two Rod questioned the Strobe Light on the tower at the substation –on checking with the Tower Co it was advised that the light is in a Daytime Mode and would be changed shortly.

COMMUNICATIONS

Councilwoman Riddoch reported she spoke to Beth Downing re the Winterfest – the Village will obtain additional insurance both for the Town and Village with regard to the Hot Air Balloon from Cricket Communications – all other Certificates are in order.

Councilwoman Cooke reported she has spent time on the Computer looking for Grants for a Generator – she and Councilman Snyder met with a gentlemen from Buffalo Motor Generator – would like to get Funding for a Generator for this building.

Supervisor Smith reported a letter from Alden Central School re a surplus generator that will be donated to the Town for use in emergency situations; copy of the Building Inspectors report for the Month of January 07/ copy of the Town Clerk’s Annually 2006 Report and the January 2007 Monthly Report.

NEW BUSINESS CONTINUED

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

WHEREAS, pursuant to Section 20-64 (A) of the Alden Town Code Stephanie Pautler has filed an Application for a Home Occupation Permit to render chiropractic services from her parent's residence at 12755 North Road (the "Application");

WHEREAS, pursuant to Section 20-64 (B) the Town of Alden Planning Board has; reviewed the Application; determined that the proposed home occupation meets the requirement and standards set forth at Section 20-63 of the Alden Town Code; and has recommended the approval of the Application to the Alden Town Board;

WHEREAS, the Temporary Building Inspector has inspected the premises;

WHEREAS, Stephanie Pautler has represented to the Town that she is properly licensed to render chiropractic services;

WHEREAS, the Alden Town Board, pursuant to Section 20-64 (C) of the Alden Town Code has duly called a public hearing on the Application;

WHEREAS, notice of the Public Hearing was: properly published in the Alden Advertiser; properly posted on the Town Bulletin Board; and properly mailed to the adjacent property owners pursuant to Section 20-64 (C) of the Alden Town Code;

WHEREAS, the Alden Town Board held a Public Hearing on February 5, 2007, at 7:35 PM at which time all persons in favor of and all persons opposed to the Application were heard;

WHEREAS, the Alden Town Board agrees with the recommendation of the Town of Alden Planning Board and finds it in the interests of the residents of the Town of Alden to approve the application;

NOW, THEREFORE, BE IT RESOLVED:

1. That Home Occupation Permit to allow Stephanie Pautler to render chiropractic services from her parents residence at 12775 North Road, Alden, New York be granted for a period of one (1) year; and
2. This Resolution shall take effect immediately.

The Adoption of the foregoing resolution was duly put to a vote on February 5, 2007 and was unanimously adopted.

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

WHEREAS, pursuant to Section 20-64 (A) of the Alden Town Code Dean W. Adamski has filed an Application for a Home Occupation Permit to conduct a business of selling sporting goods (including fire arms) from his residence at 12120 Westwood Road (the "Application");

WHEREAS, pursuant to Section 20-64 (B) the Town of Alden Planning Board has; reviewed the Application, determined that the proposed home occupation meets the requirements and standards set forth at Section 20-63 of the Alden Town Code; and has recommended the approval of the application to the Alden Town Board;

WHEREAS, the Temporary Building Inspector has inspected the premises;

WHEREAS, Dean W. Adamski has represented to the Town that he is properly licensed to sell sporting goods and firearms;

WHEREAS, the Alden Town Board, pursuant to Section 20-64 (C) of the Alden Town Code has duly called a public hearing on the Application;

WHEREAS, a Notice of the Public Hearing was: properly published in the Alden Advertiser, properly posted on the Town Bulletin Board; and properly mailed to the adjacent property owners pursuant to Section 20-64 (C) of the Alden Town Code;

WHEREAS, the Alden Town Board held a Public Hearing on February 5, 2007, at 7:40 pm at which time all persons in favor of and all persons opposed to the Application were heard;

WHEREAS, the Alden Town Board agrees with the recommendation of the Town of Alden Planning Board and finds it in the interests of the resident of the Town of Alden to approve the Application;

NOW, THEREFORE, BE IT RESOLVED:

1. That a Home Occupation Permit to allow Dean W Adamski to sell sporting goods (including fire arms) from his residence at 12120 Westwood Road, Alden, New York be granted for a period of one (1) year;
2. That a Home Occupation Permit previously issued to Dean W. Adamski to sell sporting goods from his former residence at 3301 Townline Road, is hereby revoked;
3. This Resolution shall take effect immediately.

The adoption of the foregoing resolution was duly put to a vote on February 5, 2007 and was unanimously adopted.

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilwoman Riddoch reported she has talked to Highway Supt Milligan re the Walking Path in the Park – it is icy at times and he is looking into some way to salt it as people continue to use it all winter long. She spoke with Father Jim/St. John's – will set up a meeting re the Heritage Trail –will meet with the Supervisor, Father Jim and Larry Kocher on the 16th; Dan Moultrup has asked her to set up a meeting with Mark Kerl/Youth Baseball – to be placed on the Work Session on Feb. 12th.

Councilman Weber reported on a Meeting in Ellicottville on January 24th re WD#5.

Councilman Snyder will have a Meeting on Wednesday with Eve Fertig and her group and two Gentlemen from the DEC re protecting the Water Shed.

Councilwoman Cooke reported she met with Dan Moultrup re the Senior Citizens Program and the Nutrition Program. She also is looking into getting more business for the Senior Van.

Engineer Metzger had questions for Councilman Snyder when he meets with the DEC; the Senior Center is ready for the final walk through.

Supervisor Smith adjourned the Meeting at 8:50 PM with a Minute's silence in Memory of Norma Stockweather, Bruce Geiger, James Seaman, Thomas Hurley, Robert Airey, David Beyers, Eloise Wise, David Neff, Edna Shaw, Richard Berkemeyer, Frances Hodge, Eleanor Russell, Wilfert Ertel(Father-in-law of Town Employee-Barbara Ertel).

DOROTHY L. BYCINA
TOWN CLERK