

MEETING NO. 3  
REGULAR NO 3

REGULAR MEETING

FEB. 6, 2006  
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 6, 2006 at 7:30 P.M.

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

Supervisor Cole called the Meeting to order. Councilman Snyder led in the Pledge of Allegiance. The Roll Call was taken by the Town Clerk.

Supervisor Cole moved and Councilwoman Cooke seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of January 17, 2006. Unanimously carried.

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

ACCOUNT	ABST #1	ABST #2	TOTAL
	( Paid 1/13/06)		
GENERAL FUND "A"		32,473.50	46,560.24
HGHWAY FUND "DA/DB"		6,342.02	23,321.00
PARTTOWN FUND "B"		4,577.35	8,266.92
WD#2 FUND "WB"			375.20
WD#3 FUND "WC"			1,983.20
WD#4 FUND "WD"			1,299.80
SP FIRE PROTECTION"SF"		81,733.04	81,733.04
SD#2 FUND "SA"		2,185.15	2,505.15
TRUST & AGCY FUND "T"		1,084.29	1,084.29
SP REFUSE FUND "SR"			27,282.49
ST LIGHTING FUND "SL"		7,087.48	7,087.48
	66,015.98	135,482.83	201,498.81

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

Supervisor Cole "Welcomed" the Students form ACS-Good Government Class

BUSINESS FROM THE FLOOR

Matt Herdzik/287 S Woodside questioned the status on the possibility of Businesses coming into our area. Supervisor Cole stated that Nancy Hughes has taken over and she is working with a Developer – this was discussed at a Work Session with the Board.

COMMUNICATIONS

Councilman Weber reported that he received the Minutes from the Jan. 10<sup>th</sup> Town Planning Board; received communications from the Highway Supt. re purchase of a Pick-up Truck, Utility Truck and Chipper; received a copy of communications from the Highway Supt to the Building Inspector re Drainage.

Councilwoman Riddoch reported; “Thanked” The Highway Crew and Carl Fix for the Trash Receptacles they built for the Park; received two Memos from the Highway Supt re the Light at Walden/Wende and notice that the Key for the Community Center will be changed as of March 1<sup>st</sup>; received a letter from Sean Turner a Middle School Student re his participation in an International Program this Summer; sent letter to Sheriff Howard and Major Manning requesting a contact person for the Town; starting working on the Summer Concerts.

Councilwoman Cooke received a call from Garry Nadi who is in very much need of Water; reminder that this week-end is the Winterfest.

Town Clerk Bycina passed out the new Key for the Community Center to the Board – to be effective March 1<sup>st</sup>.

Attorney Strong reported that she had the signed State Police Lease; requested the Storm Water Agreement on the Work Session and an update on the BNL/Newstead Court.

Supervisor Cole reported: copy of letter from the Highway Supt advising he received a call from DOT in Albany re the Reinhart Road Crossing; information from ADP; letter from NYS Retirement re services to employers and members; information on the Sign Law from the Town of Newstead; information from the Town of Royalton re Slope of Yards – to be placed on Work Session; letter from Kevin Ryan/HS Principal re meeting of Feb. 8<sup>th</sup> ; letter from NYSDEC re NYS Urban and Community Forestry mailing list; Notice of Sealed Bid Sale/ Invitation to a Spring Cocktail Party – “Friends of Paul Clark” Notice of three (3) ZBA Hearings; letter from NYS Insurance Dept re Foreign Fire Tax Funds; letter from Attorney Strong re Original Agreement for the State Police; letter from Erie County Dept of Public Works with executed Inter-municipal Snow Removal Agreement; letter from PERMA re the Trade show next month in NYC; letter from NYSEG re a new customer billing system; letter from Metzger Engineering re the Storm Water Coalition Agreement; letter from National Fuel re Contact Information; Invitation to the American Planning Association; copy of letter to Dan Moultrup re a Youth Football Mini-Camp; copy of the Building Inspectors Monthly Report for Jan 06; a Monthly Statement report from the Receiver of Taxes re the amount of Taxes collected in January 06; copy of the AECC Agenda for Feb. 1<sup>st</sup>; copy of the Town Planning Board Minutes of Jan. 10<sup>th</sup>; copy of letter sent to Mr. Gerald Warner/Wyoming Correctional Facility from the Town Clerk requesting Flowers for the Town Hall and Community Center; letter from the Paul Alessi/ZBA to the Members re the Feb. 6<sup>th</sup> Meeting; letter from the County of Erie re Dangerous or Problematic Intersections in our Town; letter from the Town of Lancaster re SEQR-Walden Ave from Cemetery Road to Rout 33; letter from the State Assembly re the 1% sales tax share; letter from the County of Erie re Sales Tax issue; copy of the Agenda for the GBNRTC-PCC Meeting; copy of the Village Board Minutes; letter from Metzger re the Alaura Sewer District.

## NEW BUSINESS

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

WHEREAS, the Town of Alden Highway Superintendent has advised the Town Board that the Department is in need of two (2) pick-up trucks which will be purchased pursuant to State Bid;

WHEREAS, said Procurement Policy & Procedure Guidelines and General Municipal Law have been followed;

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 and of two (2) pick-up trucks;

NOW THEREFORE BE RESOLVED AS FOLLOWS:

1. The Town Board approves the purchase of two (2) Chevrolet Silverado pick-up trucks, as described on the attached State Bid Pricing Summary for \$21,650.93 and 18,055.65 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 February 6, 2006 and was unanimously adopted.

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

WHEREAS, the Town of Alden Highway Superintendent has advised the Town Board that the Alden Highway Department is in need of a Heavy Duty Wood Chipper, the cost of which exceed \$10,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden requires that all estimated purchases over \$10,000.00 shall be formally bid pursuant to General Municipal Law section 103;

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

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board hereby authorizes the Town of Alden Town Clerk to advertise for bids as outlined in the attached Instructions to Bidders;
2. The Town Board hereby authorizes the Town Clerk to publish Notice in the Alden Advertiser. Said Notice must be published more then five (5) days prior to Thursday February 23, 2006 and must state the time when and place where the sealed bids will be publically opened and read by the Town Clerk.
3. The Town Board hereby authorizes the Town Clerk to receive sealed bids until 2:00 PM Prevailing time on Thursday, February 23, 2006.
4. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on February 6, 2006 and was unanimously adopted.

Councilwoman Riddoch moved and Councilwoman Cooke seconded the Motion to approve the renewal of the HOP for Phyllis Webb/2132 Sandridge Road. Unanimously carried.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion authorizing the Supervisor to renew the Elderly Dining Site Agreement with the County (Nutritional Site Program) unanimously carried.

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 an application, by Joseph Kuhn, for the subdivision of four (4) lots. The entire parcel as currently constituted consists of approximately 6+/- vacant acres on Two Rod Road in the Town of Alden. The first proposed lot ("Parcel A") would be 1.37 +/- acres; the second proposed lot (Parcel "B") would be 1.93 +/- acres; the third proposed lot ("Parcel C") would be 2.11 +/- acres ; and the fourth lot would be the remainder of the original parcel vacant

land (approximately 4.2 +/- acres), further identified by SBL # 129.00-2-5.2 (The “Proposed Action”); and

WHEREAS, the Town Board of the Town of Alden has determined that the Proposed Action is an Unlisted Action under SEQR but has determined that it is in the public interest To conduct a coordinated review; and

WHEREAS, the Town Board of the Town of Alden 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; and has the greatest capacity for providing the most thorough environmental assessment of the Proposed Action; and is the most local agent with permitting authority; and

WHEREAS, the Town Building Inspector provided notice to the Erie County Division of Planning on November 2, 2005, for this Proposed Action, as required under Section 230-m of the General Municipal Law and a “no recommendation” was received from the Division; and

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

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; and

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; and

WHEREAS, the Town of Alden Planning Board has reviewed the Proposed Action and on November 10, 2005, recommended to the Town Board the approval of the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQR but that a coordinated review should be conducted.
2. The Town Board has determined 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 the 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. That the following parcels, identified above as “Parcel A”, “Parcel B” and “Parcel C” as more particularly described on the attached legal description are given subdivision approval.
5. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote on February 6, 2006 and was unanimously adopted.

2005-226-A PROPOSED DESCRIPTION FOR A 1.37 ACRE PARCEL ON TWO ROD ROAD. LOT 159,T10, RS ALDEN 12/10/05

Beginning at a point on the center of Two Rod Road 1071.84' north and northeasterly from the southwest corner of Lot 159 as measured on the center of Two Rod Road.

Thence northeast on the center of Two Rod Road a distance of 320.13' to the north line of lands conveyed to Hansen & Kuhn by liber of deeds 1109 at page 2142.

Thence east on the north line of Hansen & Kuhn a distance of 30.14' to the northeast corner of Hansen & Kuhn.

Thence south on the east line of Hansen & Kuhn at an interior angle of 89°-11'38" a distance of 459.67' to a point

Thence northwest at right angles to the center of Two Rod Road at an interior angle of 47°-49'-38" a distance of 330.66' to the point of beginning containing 1.37 acres of land more or less

**2005-226-B PROPOSED DESCRIPTION FOR A 1.93 ACRE PARCEL ON TWO ROD ROAD LOT 159,T10,R5, ALDEN 12/10/05**

Beginning at a point on the center of Two Rod Road 871.84' north and northeasterly from the southwest corner of Lot 159 as measured on the center of Two Rod Road.

Thence northeast on the center of Two Rod Road a distance of 200.0' to a point

Thence southeast at an interior angle of 90°00' a distance of 330.66' to the east line of lands conveyed to Hansen & Kuhn by liber of Deeds 11089 at page 2141

Thence south on the east line of Hansen & Kuhn a distance of 269.89' to a point

Thence northwest at right angles to the center of Two Rod Road at an interior angle of 47°49'-38" a distance of 511.898' to the point of beginning containing 1.93 acres of land more or less

**2005-226-C PROPOSED DESCRIPTION FOR A 2.11 ACRE ON TWO ROD ROAD LOT 159,T10, R5, ALDEN 12/10/05**

Beginning at a point on the center of Two Rod Road 871.84' north and northeasterly from the southwest corner of Lot 159 as measured on the center of Two Rod Road

Thence northeast on the center of Two Rod Road a distance of 200.0' to a point

Thence southeast at an interior angle of 90°.00 a distance of 511.88' to the waistline of lands conveyed to Hansen & Kuhn liber of Deeds 1108.9 at page 2142

Thence south on the east line of Hansen & Kuhn a distance of 42.04' to the south east corner of Hansen & Kuhn

Thence west on the south line of Hansen & Kuhn at an interior angle of 90°30-15" a distance of 249.08' to a point

Thence northwest at right angles to the center of Two Rod Road at an interior angle of 137°19'23" a distance of 356.99' to the point of beginning containing 2.11 acres of land more or less.

5. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board of the Town of Alden on February 6, 2006 and 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 takes great pride in acknowledging the outstanding achievements of its residents, whether here in our community or across the country; and

WHEREAS, two town residents have distinguished themselves nationally for their participation in the sport of dogsled racing. An accomplished musher, Rick Casillo will compete in his second Iditarod race beginning March 4, 2006. Todd McCracken, another town resident, has worked to support Rick's pursuit of that dream; and

WHEREAS, the Iditarod 2006 is the most grueling, competitive and renowned race in the world of dog mushing. The race covers over 1,100 miles of rugged yet breathtaking terrain of Alaska; and

WHEREAS, Rick Casillo has trained extensively for this event with the some of the best mushers from the sport and will vie for the prestigious championship, Interested residents can track Rick's progress on the internet at [www.iditarod.com](http://www.iditarod.com); and

WHEREAS, participation in this event is demanding, physically, emotionally and financially. To help offset some of the costs of competition, an "Adopt-A-Dog" program has been chartered to allow people an opportunity to contribute to this worthwhile effort.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Alden does hereby recognize and pay tribute to the outstanding efforts and impressive achievements of these two fine sons of our community; and be it further

RESOLVED, that it is the sense of this honorable body that our community as a whole should be made formally aware of the daunting task ahead of Rick Casillo so that those residents interested in showing their support, whether financial or otherwise, be allowed an opportunity to do so; and be it further

RESOLVED, that this Resolution suitably embossed, be forwarded to Mr. Rick Casillo and Mr. Todd McCracken as a token of the Town of Alden's enthusiastic support.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board of the Town of Alden on February 6, 2006 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden is considering an application, under § Chapter 20, Article III of the Town of Alden Code, of BNH Auto site plan review of the proposed construction of an addition on an existing structure (the "proposed action") at an existing business located at 1331 Two Rod Road in the Town of Alden, county of Erie and State of New, FURTHER IDENTIFIED BY SBL # 118.00-2-9; and

WHEREAS, the Town Board of the Town of Alden 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 un-coordinated review; and

WHEREAS, the Town Board of the Town of Alden believes that the Town of Alden is the agency primarily responsible for undertaking decision as to site plan review, is the agency with the broadest governmental powers for investigating the impact of the proposed action and has the greatest capacity for providing the most thorough environmental assessment of the proposed action the most local agent with permitting authority; and

WHEREAS, the Town is required to provide notice to County Planning for this site plan review as required under Section 2399-m of the General Municipal Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board has determined that the proposed site plan review is an Unlisted Action under SEQRA.
2. The Town Board has determined that it should be the lead agency for all environmental review of the site plan application and review.
3. The Town Board directs that the Code Enforcement Officer of the Town of Alden to send the required notice to county Planning as required under Section 29-m of the General Municipal Law.
4. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board of the Town of Alden on February 6, 2006 and was unanimously adopted.

THERE WAS NO UNFINISHED OR TABLED BUSINESS

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

**Councilwoman Riddoch** reported she is working with the Highway Supt re Street Light at Walden & Wende; there will be new Keys issued for the Community Center – will be running an Ad in the Alden Advertiser; will be meeting with the Sheriff Howard and NYS Trooper Manning re a Contact Person for the town; meet with Dan Moultrup re Dug Outs (to be placed on Feb 27<sup>th</sup> Work Session) and needs for the Recreation Dept; will be ordering some new Chairs for the Community Center and working on the Summer Concerts.

**Councilman Snyder** stated he checked the Heating at the historical Building and is checking on the Sludge hauling for the Sewer District.

**Councilwoman Cooke** meet re some problems at the Senior Center; she attended a Meeting at the Historical Society – will be getting information re a Burglar Alarm at the Historical Building; meet with the Environmental Commission – they are planning a Tree Sale of about 200/240 Trees.

**Attorney Strong** is researching information on a Peace Officer – requested this be placed on the Work Session.

**Town Engineer Metzger** reported on a Back Flow Preventor for SD#2.

**Supervisor Cole** requested that the Ewell Free Library be placed on the Work Session; received notice from the Erie County Health Dept advising of a charge for the Health Permit/Kiddie Pool; sent notices to all Department Heads re Web Site; requested the Pay Phone at the Community Center be placed on the Work Session; discussed the Voucher from Radio Shack for two phone cases; cancelled the meeting he had with Mr. Becker from the Water Authority; meet with Sue Barnes our Grant writer – may be eligible for some Grant money; had a copy of the paper NEXT with a write up on Debra Naybor and that he attended the Crittenden Vol Fire Co Installation along with Councilwoman Cooke, Highway Supt Milligan and Town Clerk Bycina.

At 8:30 PM Supervisor Cole moved and Councilman Weber seconded the Motion to enter into an Executive Session. Unanimously carried.

At 9:05 PM Councilwoman Riddoch moved and Supervisor Cole seconded the Motion to re-enter the Regular Meeting. Unanimously carried.

Supervisor Cole adjourned the Meeting at 9:06 PM with a Minute's silence in Memory of Richard Gibbs, Shirley Walter, Andrew Murray, Delores Pitcher, Darl White, Chauncey Sharpe and Harry Atkinson.

DOROTHY L. BYCINA  
TOWN CLERK