

MEETING NO. 4
REGULAR NO 4

REGULAR BOARD MEETING

FEB. 19, 2008
7:00 PM

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Tuesday, February 19, 2008 at 7:00 PM. Supervisor Smith called the Meeting to order. Councilwoman Cooke led in the Pledge of Allegiance. The Invocation was given by Paul Loehr. 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 Cooke, Councilwoman

RECORDING SECRETARY:

Dorothy L. Bycina, Town Clerk

OTHERS PRESENT:

Jennifer Strong, Town Attorney
Harry F. Milligan, Highway Supt
Martin Dugan, CEO
Michael Metzger, Town Engineer
Ralph Witt, Planning Board Chairman

Councilman Snyder moved and Councilman Weber seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of February 4, 2008. 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"	44,626.48		44,626.48
Highway Fund "DA/DB"	24,642.29		24,642.29
Part Town Fund "B"	7,844.53		7,844.53
WD#2 Fund "WB"	375.20		375.20
WD#3 Fund "WC"	2,063.60		2,063.60
WD#4 Fund "WD"	50,092.30		50,092.30
Special Fire Prot Fund "SF"	2,964.44		2,964.44
SD #1 Fund "SI"	36,130.86		36,130.86
SD#2 Fund "SA"	2,912.82		2,912.82
Trust & Agcy Fund "T"	1,392.50		1,392.50
Special Refuse Fund "SR"	30,227.46		30,227.46
Street Lighting Fund "SL"	4,736.98		4,736.98
TOTAL	208,009.46		208,009.46

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Paul Loehr/Henskee Rd stated he was very impressed with the Draft of the Comprehensive Plan. He stated that there was no mention of Conservation Development – would like to see this included. Engineer Metzger stated that this is already included in the SubDivision regulations. – just because this was not mentioned in the Draft does not mean that we are not including this.

COMMUNICATIONS

Councilwoman Riddoch spoke with Paul Loehr before the Meeting re the Lights at the Prison – would like this put on the Work Session; received a call from Alden Central School requesting use of the Robert O. Smith Park for Modified Baseball – to be placed on Work Session and since the last Meeting she has taken care of her getting her E-Mail for the Town.

Councilman Weber reported he had Planning Board Member Fleming added to the Town's Web Site; has been working on Drainage (Kieffer Rd, Clearvue and Westwood Rd); received Spec Sheet for the Proposed Generator for the Town Hall – requested the Generator be placed on the Work Session.

Attorney Strong reported the renewal of the State Trooper Contract is being worked on – also the Meals on Wheels Contract and Insurance is back and being worked on; spoke with Mark Kerl re the Softball Contract – they are having a Board Meeting this Thursday re this.

Councilwoman Cooke spoke about the Cars parked at Clearvue and Broadway (Peter K's). CEO Dugan will check this out.

Supervisor Smith reported on the Monthly Response Compliance for January 2008 from Rural Metro; the Unapproved Board Minutes for January 17, 2008 and a letter from NYSDOT re the Closure of Reinhardt Road Crossing.

NEW BUSINESS

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

WHEREAS, the Alden Town Code Chapter 19 calls for the establishment of a Recreation Advisory committee that shall consist of two (2) permanent members: the Town Recreation Director and the Town Councilperson charged with the Recreation Department and nine (9) non permanent members, who shall serve without pay;

WHEREAS, the Alden Town Code states that the Recreation Advisory Committee shall meet at least quarterly each year;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That Recreation Director Dan Moultrup and Councilperson Riddoch are hereby affirmed as the two (2) permanent members of the Recreation Advisory Committee;
2. That the following four (4) persons shall serve on the Recreation Advisory Committee for a term to expire December 31, 2008; Frank Bermel; Calvin Schadt, Michele Rutan; and Robert Grad.
3. That the following five (5) person shall serve on the Recreation Advisory Committee for a term to expire on December 31, 2009: Michael Boling; Ray Rebmann; Mark Kerl; Jeffrey Patterson; and Michael Zosh.
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 19, 2008 and was unanimously adopted.

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

Whereas, the Town of Alden is a Member of the Association of Erie County Governments; (“the Association”); and

WHEREAS, the Association's Constitution allows the Town of Alden to appoint a delegate to participate and to vote at Association meetings;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. Deputy Supervisor Ronald L. Snyder is hereby appointed as the Town of Alden's delegate for the Association meetings for the year 2008
2. The Town Clerk shall notify the Association of this appointment
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote on February 19, 2008 and was unanimously adopted.

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

Whereas, the Alden Town Board is required to annually review its Procurement Policy and Procedure Guidelines; and

WHEREAS, the Town Board has reviewed the attached Procurement Policy and Procedure Guidelines and believes that the Policy as currently written is adequate and in compliance with the General Municipal Law.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT;

1. The Town Board hereby re-approves the attached (June 1, 2007) Procurement Policy and Procedure Guidelines as its Official Procurement Policy and Procedure Guidelines.
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to roll call vote on February 19, 2008 and was unanimously adopted.

Councilwoman Cooke moved and Councilwoman Riddoch seconded the Motion to introduce "Proposed Local Law #1 of 2008" (Local Law to Repeal the 1967 Local Law Establishing Town of Alden Provisions and Procedures for Town Employee Rights of Organization and Representation) Unanimously carried.

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to grant St. John the Baptist School permission to use the Band Shelter for their annual Lawn Fete on July 18, 19th and 20th. Unanimously carried.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to renew the Haulers Permit for Allied Waste Services of NY, LLC. Unanimously carried.

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

WHEREAS, Judith Derenda has filed an Application for a Home Occupation Permit to commence rendering dog and cat grooming services from her residence at 12126 Genesee Street, Alden;

WHEREAS, the Town of Alden Planning Board has reviewed the Application and recommended (on February 12, 2008) the approval of the Application to the Alden Town Board; and

WHEREAS, the Town Board, pursuant to Section 20-64 (c) of the Alden Town Code is required to call a public hearing on the Application.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That a Public Hearing on the Home Occupation Permit Application for Judith Derenda be held by the Alden Town Board at the Alden Town Hall, 3311 Wende Road, Alden, New York on March 3, 2008 at 7:05 PM Local time;

2. That the necessary Notice of Public Hearing, as required by Section 20-62 (C) of the Town of Alden, and be posted on the Town Bulletin Board, and mailed to the adjacent property owners, which Notice shall be in the form attached hereto and made a part hereof; and

3. This Resolution shall take immediately.

The adoption of the foregoing resolution was duly put to a vote on February 19, 2008 and was unanimously adopted.

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

WHEREAS, at the request by Petition of Austin Development I, LLC pursuant to Section 202-c(2) of the Town Law, the Alden Town board has motioned for the diminishment of the Townwide Street Lighting District (The "District") to exclude the area known as the Periwinkle Meadows Subdivision;

WHEREAS, an order Calling Public Hearing was duly adopted by this Town Board on January 22, 2008, said facts and specifying February 4, 2008 at 7:10 pm, at 3311 Wende Rd., Alden, New York 14004, as the place where this Town Board would meet and consider said map, plan and report, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as required or authorized by law;

WHEREAS, the Order Calling Public Hearing was duly published and posted as required by law;

WHEREAS, a public hearing on said matter was duly held by said Town Board on February 4, 2008 at 7:10 pm, at 3311 Wende Rd., Alden, NY 14004, and all persons appearing in favor of and against were heard; and

WHEREAS, the requirement of SEQRA and of the General Municipal Law have been fully complied with.

NOW THEREFORE BE IT RESOLVED AND DETERMINED AS FOLLOWS:

1. That a period of more than three (3) years has elapsed since the establishment of the Townwide Street Lighting District;
2. No lighting improvement has been constructed or service provided for the area known as the Periwinkle Meadows Subdivision
3. That there is no indebtedness, outstanding or unpaid, incurred for any aspect of this District
4. That there are no outstanding and ongoing contracts relating to this District
5. That the Notice of Public Hearing was published and posted as required by law and is otherwise sufficient and the Public Hearing was properly held
6. That it is in the public interest to grant in whole the relief sought (diminishment of the District);
7. That such Townwide Street Lighting District is hereby diminished to exclude the property described on the attached schedule A. commonly known as the Periwinkle Meadows Subdivision.

SCHEDULE A

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Alden, County of Erie and State of New York, being part of Lot No. 29, Township 11, Range 5 of the Holland Land Company's Survey and part of Lot No. 71, Township 10, Range 5 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING AT A POINT ON THE WEST BOUNDS OF Three Rod Road (66° wide) at the northeast corner of Subdivision Lot No. 13 as shown on a map filed in the Erie County Clerk's Office under Cover No. 2817/ thence N 84°17'08" W and along the north line of said Subdivision Lot No. 13, 156.72 feet to a point; thence continuing westerly along the north line of said Subdivision Lot No. 13 along a curve to the left having a radius of 165.00 feet, an arc distance of 43.79 feet to the northwest corner thereof; thence S 05°42' 52" W and along the west lines of Subdivision Lot. 13, 12 and 11 as shown under Cover No. 2817; 364.55 feet to the southwest corner of Subdivision Lot No 11; thence S 41°38'09" W and along the west lines of Subdivision Lot Nos 10 and 9 as shown under Cover No. 2817, 200 feet to a point in the west line of said Subdivision Lot. No. 9; thence S 05°42' 52" W and along the west lines of Subdivision Lot Nos. 9,8,7,6 and 5 as shown under Cover No. 2817,438.04 feet to the southwest corner of said Subdivision Lot No. 5; thence S 84°17'08" E and along the south line of said Subdivision Lot no 5, 117.34 feet to the northwest corner of Subdivision Lot No. 4 as shown under Cover No. 2817; thence S 05° 41' 52" W and along the west lines of Subdivision Lot Nos. 4 and 3 as shown under Cover No. 2817, 234.02 feet to the southwest corner of said Subdivision Lot No 3; thence S83°28'34" E and along the south line of said Subdivision Lot No. 3, 204.15 feet to the southeast corner thereof on the west bound of Three Rod Road; thence S 08°59' 47" E and along the west bounds of Three rod road, 72.65 feet to the northeast corner of Subdivision Lot No. 2 as shown under Cover No. 2817; thence N 83°28'34" W and along the north line of said Subdivision Lot No. 2, 188.37 feet to the northwest corner thereof, thence S 06°31'26" W and along the west lines of Subdivision Lot Nos. 2 and 1 as shown under Cover No 2817,233.00 feet to the southwest corner of said Subdivision Lot. No 1; thence N83°28'34" W and along a line parallel with the north line of Lot No. 71, Township 10, Range 5,1061.85 feet to a point on the west line of said Lot. No. 71, said point also being on the east line of lands as shown on a map filed in the Erie County Clerk's Office under Cover No 2168; thence N 05°44'30" E along the west line of said Lot. No. 71 and along the east line of lands as shown under Cover No. 2168 and said line of Cover No. 2168 extended northerly, 998.48 feet to a point on the south line of lands conveyed to Wilbert G. Glauser and Bernice Glauser , his wife, by deed recorded in the Erie County Clerk's Office in Liber 6513 of Deeds at page 423; thence S 83°40'51" E and along the south line of lands so conveyed to Glauser, 295.64 feet to the southeasterly corner thereof; thence N 41°38'09" E and along the easterly line of lands so conveyed to Glauser, 751.00 feet to an angle point therein; thence N 19°43'09" E and continuing along the easterly line of lands so conveyed to Glauser, 147.67 feet to a point, said point being the southwesterly corner of lands conveyed to Robert J. Neff by deed recorded in the Erie County Clerk's Office in Liber 10919 of Deeds at page 9689; thence S 84°17'08" E and along the south line of lands so conveyed to Neff, 260.40 feet to the southeasterly corner thereof, said point also being the northwesterly corner of lands conveyed to Thomas Paul Roetzer and Susanne M. Roetzer, his wife, by deed recorded in the Erie County Clerk's Office in Liber 8998 of Deeds at page 149; thence S 05°42'52" W and along the westerly line of lands so conveyed to Roetzer, 184.00 feet to the southwesterly corner thereof; thence S 84°17'08" E and along the southerly line of lands so conveyed to Roetzer, 198.00 to the west bounds of Three Rod Road; thence S 05°42'52" W and along the west bounds of Three Rod road, 70.00 feet to the point of beginning.)

The foregoing Resolution was duly put to roll call vote at the regular meeting on February 19, 2008 and was unanimously adopted.

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

WHEREAS, a map, plan and report relating to the establishment of the proposed Periwinkle Meadows Street Lighting District, (hereinafter the “District”) prepared by Metzger Civil Engineering, PLLC. Duly licensed engineers in and by the State of New York, in such manner and in such detail as has been determined necessary by the Alden Town Board has been duly filed with the Town Clerk, in accordance with the requirements of Article 12 of the Town Law;

WHEREAS, an Order Calling Public Hearing was duly adopted by this Town Board on December 3, 2007, reciting the filing of said map, plan and report, the improvements proposed, the boundaries of the proposed District; the fact that there is no financing associated with the construction of the District; the fact that the map, plan and report describing the same were on file in the Town Clerk’s Office for public inspection; and stating all other matters required by law to be stated; and specifying December 17, 2007 at 7:35 pm at 3311 Wende Rd., Alden, New York, 14004 as the place where this Town Board would meet and consider said map, plan and report, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as required or authorized by law;

WHEREAS, the Order Calling Public Hearing was duly published and posted as required by law;

WHEREAS, a public hearing on said matter was duly held by said Town Board on December 17, 2007 at 7:35 pm at 3311 Wende Rd., Alden, NY 14004 and all persons appearing in favor of and against were heard;

WHEREAS, the requirements of SEQRA and of the General Municipal Law have been fully complied with; and

WHEREAS, pursuant to said Petition, it is the intention of the Petitioners, Austin Development Inc., LLC as sole owners of all the taxable property in said District, to construct said street lighting system solely at their own expense.

NOW THEREFORE BE IT RESOLVED AND DETERMINED AS FOLLOWS:

1. That the Petition for the Establishment of the District has been signed and acknowledged as required by law and that the Petition is otherwise sufficient
2. That all of the property and property owners benefited within the proposed District are benefited by the District
3. That all of the property and property owners benefited are included within the limits of the Proposed District
4. That it is in the public interest to grant in whole the relief sought (establishment of the District) by the Petition
5. That the Notice of Public Hearing was published and posted as required by law and it otherwise sufficient
6. That the Establishment of the District will be done at no cost to the Town of Alden and without any debt being incurred by the Town of Alden
7. That the establishment of the proposed District as set forth in said map, plan and report, be approved contingent upon that the improvements therein mentioned being constructed by and at the expense of the Petitioner
8. That such District shall be known and designated as “Periwinkle Meadows Stage II Street Lighting District” and shall be bounded and described as set forth in Exhibit A attached hereto and made a part hereof
9. That the street lighting system for said District is to be constructed by Austin Development Inc. LLC owners of the Exhibit A premises, wholly at their own expense,

and they have offered to convey the same without cost to the Town, free and clear of encumbrances, except right of access to said improvement by adjoining landowners;

10. That the cost of maintaining the District shall be borne by the properties benefited thereby

11. That the Town Clerk be, and hereby is authorized and directed to file a certified copy of this Order in the Office of the Clerk of the County of Erie, which is the County in which the said town is located within then (10) days hereof; and then after the expiration of the next thirty (30) days file a certified copy of this Order with the New York State Comptroller.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 19, 2008 and was unanimously adopted.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS FROM COMMITTEES, OFFICIALS AND PERSONNEL

Councilwoman Riddoch spoke with Mike Boling re the sizes of the Soccer Fields.

Councilman Weber requested the Bid for the Highway Truck be placed on the Work Session; he also "Thanked" the following who worked on the Windmill Law – Eric Chaffee, Jim Guarino, Mark Moore and Mike Metzger.

Attorney Strong requested the following to be placed on the Work Session: Chapter 11A of the Town Code and Electric Signs.

Councilman Snyder will be checking on a Garbage problem with a resident.

CEO Dugan reported there is a problem with the Sludge Hauling in SD#2.

Planning Board Chairman Witt /Receiver of Taxes reported on the savings his Tax Dept had due to the help from Alden Central School re the Mailing; also requested at the Work Session to discuss the time limit on a Site Plan – he has one that is over two years old.

Supervisor Smith adjourned the Meeting at 7:50 PM with a Minute's silence in Memory of Joseph Osucha , James Dee.

DOROTHY L. BYCINA
TOWN CLERK