

**MEETING NO. 4      REGULAR BOARD MEETING      FEBRUARY 21, 2012**  
**REGULAR NO. 4      7:00 P.M.**

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Tuesday, February 21, 2012 at 7:00 P.M. Supervisor Milligan called the meeting to Order. Councilwoman Riddoch led in the Pledge of Allegiance. The Roll Call was taken by the Town Clerk.

**PRESENT:** Harry Milligan, Supervisor  
Mary Riddoch, Councilwoman  
William Weber, Councilman  
Todd Aldinger, Deputy Supervisor

**RECORDING SECRETARY:** Ralph Witt, Town Clerk

**OTHERS PRESENT:** Jennifer Strong, Town Attorney  
Chris Snyder, CEO  
Mike Fleming, Planning Board  
Len Weglarski, DCO

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of February 6, 2012. Unanimously Carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN RIDDOKH AND SECONDED BY COUNCILMAN WEBER TO WIT;

<u>ACCOUNT</u>	<u>ABST. #1</u>	<u>ABST. #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$87,053.52		\$87,053.52
HGHWY FUND "DA/DB"	6,462.23		6,462.23
PART-TOWN FUND "B"	11,298.17		11,298.17
CAPTIAL IMPROV. "HC"			
WD#1 FUND "WA"			
WD#2 FUND "WB"	375.20		375.20
WD#3 FUND "WC"	2,063.60		2,063.60
WD#4 FUND "WD"	71,075.55		71,075.55
SP FIRE PROT. "SF"	525,624.00		525,624.00
SD#1 FUND "SI"	9,007.13		9,007.13
SD#2 FUND "SA"	2,083.17		2,083.17
TRUST/AGCY FUND "T"	3,388.17		3,388.17
SP REFUSE FUND "SR"	37,635.42		37,635.42
STREET LIGHTING FUND "SL"	7,035.19		7,035.19
PERIWINKLE LTG. "SL1"	50.82		50.82
GRANTS			
<b>TOTALS</b>	<b>\$763,152.17</b>		<b>\$763,152.17</b>

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

**BUSINESS FROM THE FLOOR**

Paul Loehr, Henskee Rd. questioned the Board whether they were keeping an eye on the new Open Meetings Law? He referred to an article in the paper. Supervisor Milligan informed him that the Town is aware of this and the information that will be discussed at the meeting has been posted online. The Town has a person that gives the information to the County, who runs the website, and they put it online. The information is to be in to the Clerk's office on Thursday at 12:00 noon and it is then sent to the County, but we cannot guarantee that the County will post it on time. Councilwoman Riddoch informed Mr. Loehr that he could get hard copies for .25 a page from the Clerk's Office on Friday if he wanted them.

**AT 7:05 P.M. SUPERVISOR MILLIGAN ASKED FOR A MOTION TO MOVED INTO THE PUBLIC HEARING RE DEBRA WEIKLEENGET/11268 KIEFFER RD./KENNEL SPECIAL USE PERMIT.**

**Councilwoman Riddoch moved and Councilman Weber seconded the Motion to enter into the 7:08 P.M. Public Hearing re Debra Weikleenget/11268 Kieffer Rd./Kennel Special Use Permit. Unanimously Carried.**

The Town Clerk read the notice of Public Hearing that was published in the Alden Advertiser re Kennel Special Use Permit.

Supervisor Milligan opened the Floor for Public Comments.

Larry Czyprynski, 11225 Kieffer Rd. asked how many dogs would there be? Debra Weikleenget responded that she owns 5 dogs and could board up to 9 dogs.

**AFTER ALL THOSE WISHING TO BE HEARD WERE HEARD, AT 7:11 P.M. SUPERVISOR MILLIGAN ASKED FOR A MOTION TO ADJOURN FROM THE PUBLIC HEARING AND ENTER BACK INTO THE REGULAR MEETING.**

**After all those wishing to be heard were heard, at 7:11 P.M. Councilwoman Riddoch moved and Councilman Weber seconded the motion to enter back into the regular meeting. Unanimously Carried.**

RETURN TO BUSINESS FROM THE FLOOR

Larry Czyprynski, 11225 Kieffer Rd. and Mr. Wadsworth, 11209 Kieffer said for the last few years they have been calling Hwy. Supt. Fix to have their drainage ditches in front of their residences cleaned out. Last summer he came out and inspected it. They did a crossover from the North side to the South side of Kieffer about two years ago and now all the water sits in front of Mr. Czyprynski's house. When Mr. Fix came out last summer and told them that it was their responsibility to keep their ditches clean and that whoever put the pond in (he has lived there 28 yrs.) did it incorrectly with the drainage. He thought if it was Town property that it was the Town's responsibility to keep it clean. Councilman Weber asked for clarification as to whether it was a roadside ditch or not. Mr. Czyprynski said it was. Councilman Weber said he would contact Hwy. Supt. Fix first thing in the morning.

Sal Sardella, 11212 Kieffer Rd. spoke about the drainage on Kieffer Rd.

COMMUNICATIONS

Deputy Supervisor Todd Aldinger met with Thomas Whetham who is doing subcontracting on water construction/park over the next couple of months.

Councilman Weber spoke with a resident regarding utilities, there is a possibility that residents on Sullivan, Henskee and Countyline Rd. were going to get gas from Reserve Gas. They sent out flyers to the people. Councilman Weber had questions about easements and right-a ways; he would like this put on the Work Session.

Councilwoman Riddoch received notice of the completion of the traffic engineering investigation on Cayuga Creek Rd. Mike Asklar, Traffic Safety Engineer said based on the data they collected they will establish a 45 mph speed limit on Cayuga Creek from 3 Rod Rd. to the Marilla line. All signs will be posted by Erie County. Also, received the pool's Health Dept. Permit.

Supervisor Milligan received notification from Time Warner that our franchise fee of \$22,380.00 came in. Supervisor Milligan said he plans on writing a letter to Time Warner about the fees being way to high for this community.

NEW BUSINESS

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to approve the renewal of the Home Occupation Permit for Dean Adamski/12120 Westwood Rd./Sporting Goods Dealer. Unanimously Carried.

Supervisor Milligan moved and Councilman Weber seconded the Motion to approve St. John's request for the use of the Town Band Shell on July 20<sup>th</sup>-July 22<sup>nd</sup>, 2012 for their Annual Lawn Fete. Unanimously Carried.

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

WHEREAS, New York State Technology Law Section 208 establishes procedures to be followed to notify affected individuals in the event of a breach of a computer security system and requires municipalities to adopt a notification policy or local law consistent with these procedures;

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS THAT:

1. The attached "Town of Alden Computer System Security Breach Notification Policy" is hereby approved and adopted as the Town's official policy;
2. The Town Supervisor is hereby authorized and directed to take such actions as may be necessary to implement the Policy; and
3. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 21, 2012, and was unanimously adopted.

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

WHEREAS, the Auditors for the Town of Alden have advised the Town to adopt a Manual Non-recurring Journal Entry Policy.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town of Alden hereby adopts the attached Manual Non-recurring Journal Entry Policy, to be effective February 22, 2012;
2. That this Manual Non-recurring Journal Entry Policy shall remain in effect until, if ever, rescinded by the Alden Town Board; and
3. This resolution shall take effect immediately.

This resolution was duly put to a roll call vote at a regular meeting on February 21, 2012, and was unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MILLIGAN, WHO MOVE ITS ADOPTION, SECONDED BY COUNCILMAN WEBER TO WIT;

WHEREAS, the Town Board of the Town of Alden is considering an application, by Debra Weikleget for a Kennel Special Use Permit for the operation of a dog kennel at her residence located at 11268 Kieffer Road in the Town of Alden (further identified by SBL # 107.00-6-18) (the "Proposed Action");

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

WHEREAS, the Town Building Inspector provided notice to the Erie County Division of Planning on December 13, 2011, as required under Section 239-m of the

General Municipal Law and a “No recommendation” was received on December 29, 2011;

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

WHEREAS, the Town of Board of the Town of Alden believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to the issuance of a kennel special use permits; 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;

WHEREAS, The Town Clerk mailed notice of the public hearing to all neighboring parcel owners on February 7, 2012 and the public hearing was held on February 21, 2012, after due publication in the Alden Advertiser and at the public hearing all persons appearing in favor of and against the proposed action were heard and all concerns have been addressed by the Applicant.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board, as Lead Agency, has determined that the Proposed Action is an Unlisted Action under SEQRA;
2. The Town of Alden, as Lead Agency, hereby determines that the unlisted action described in the attached SEQRA 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 the Proposed Action and
3. That the Kennel Special Use Permit is hereby granted.

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 21, 2012, and was unanimously adopted.

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

WHEREAS, Ken and Susan Tomporowski have filed an Application for a Home Occupation Permit to conduct a business of selling refurbished antique furniture and handmade items (such as jewelry, greeting cards, etc) from their residence at 11230 Westwood Road;

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

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 THAT:

1. That a Public Hearing on the Home Occupation Permit Application for Ken and Susan Tomporowski be held by the Alden Town Board at the Alden Town Hall, 3311

Wende Road, Alden, New York on March 5, 2012 at 7:05 P.M. Local Time;

2. That the necessary Notice of Public Hearing, as required by Section 20-64(C) of the Alden Town Code be published in the Alden Advertiser; 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 21, 2012 and was unanimously adopted.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to refer the application for a Home Occupation Permit for Charles Contrino/2099 Townline Rd./Repairing Archery Equipment & Archery Equipment Sales to the Planning Board for review and recommendation. Unanimously Carried.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilman Weber would like the Conservation Committee put on the Work Session. He wondered if there was a yearly training requirement? Attorney Strong will check this out and report back. Councilman Weber also spoke to Mike Metzger regarding an on-going drainage problem on Wende Rd. at the Sievenpiper home. There was to be a meeting with the State last fall and they cancelled. The State was to get back with the Town and have not. Councilman Weber asked Engineer Metzger to set up another date; this is in the works.

Attorney Strong would like the Tomporowski HOP on the Work Session. Attorney Strong also has received from the Chamber of Commerce and the Village of Alden the Economic Development Agreement fully signed, also received the fully signed Library Contract.

Councilwoman Riddoch copied a letter to the Board regarding the use of the senior van by persons under sixty years of age. Because of Federal grant funds that were used for the operation and purchase, the Federal age restriction (age 60) applies. The Recreation Advisory Committee met last Thursday and discussed the completion of the field, the Panza trail, online coaching certification, sports waivers and the concession stand. Recreation Director Dan Moultrup and Councilwoman Riddoch met with School Supt. Lynn Fusco and Brian Logel regarding gym times and use of the school. A letter will be forthcoming addressing the results of the meeting. She will be meeting with the Village of Alden on Thursday regarding the water bill in the park.

<b>NEXT WORK SESSION:</b>	<b>Monday, February 27, 2012 @ 7:00 P.M.</b>
<b>NEXT TOWN BOARD MTG.:</b>	<b>Monday, March 5, 2012 @ 7:00 P.M.</b>
<b>SPECIAL WORK SESSION:</b>	<b>Wednesday, March 7, 2012 @ 9:00 A.M.</b>
<b>(Water Hydrants)</b>	

Supervisor Milligan adjourned the Meeting at 7:34 P.M. with a Moment of Silence in Memory of Roberta Austin and Gerald Howard.

Ralph Witt  
Town Clerk