

MEETING NO. 5
REGULAR NO 5

REGULAR BOARD MEETING

MARCH 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, March 6, 2006 at 7:30 P.M.

PRESENT: Michael W. Cole, Supervisor
Mary Riddoch, Councilwoman
William Weber, Councilman
Ronald L. Snyder, Councilman
Arlene A. Cooke, Councilwoman
RECORDING SECRETARY: Dorothy L. Bycina, Town Clerk
OTHERS PRESENT: Debra Crist, Deputy Town Clerk
Harry Milligan, Highway Supt.
Frank Trybuskiewicz, CEO
Michael Metzger, Town Engineer
Jerry Sanok, Planning Board

Supervisor Cole called the Regular Meeting to order. Scouts from Pack 68/Webelos led in the Pledge of Allegiance. The roll call was taken by the Town Clerk.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minute's of the Regular Meeting of February 21, 2006. Unanimously carried.

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

ACCOUNT	ABST #1	ABST #2	TOTAL
GENERAL FUND "A"		48,784.42	115,177.13
HGHWY FUND "DA/DB"		13,552.02	35,763.68
PART TOWN FUND "B"		712.92	16,865.06
WD#2 FUND "WB"			375.20
WD#3 FUND "WC"			1,983.20
WD#4 FUND "WD"		3,769.30	73,140.05
SP FIRE PROT FUND "SF"			2,398.96
SEW DIST #1 FUND "SI"			27,366.33
SEW DIST #2 FUND "SA"		568.48	2,218.23
TRUST & AGCY FUND "T"		757.85	1,216.85
SP REFUSE FUND "SR"			26,881.93
	APROVED		
	2-21-06		
TOTAL	235,241.93	68,144.69	303,386.62

Upon roll call vote the foregoing was unanimously adopted.

Supervisor Cole "Welcomed" the Students from Alden Central School and the Scout from Pack 68/Webelos.

THERE WAS NO BUSINESS FROM THE FLOOR

COMMUNICATIONS

Councilman Snyder received a letter from DEC re a Meeting this Thursday.

Councilwoman Cooke received an Invitation for the Open House re Hearts and Hands; received a letter from Dan Moultrup re Ladine Nice – requested this be placed on the Work Session.

Councilwoman Riddoch reported she had the Village Board Minutes; met with Recreation Director Moultrup re the Concession Stand – requested this be placed on the Work Session

Supervisor Cole reported the following: Letter re Reinhart Road crossing – to be placed on the Work Session; letter from Alden Central School re a Meeting March 8th; letter from the US Senate re Drug Free Communities Support Program; an Invitation to the Hearts and Hands Open House – March 12th; letter from NYS Office of Real Property Services – our Residential Assessment Ratio is 55.65; letter to Jennifer Strong requesting information for our auditors, Fox & Co; request from the Tax Receiver re a Resolution to allow Partial Payment; letter from Gene Heeter re the Service Award Program; letter from Erie County/Dept of Personnel requesting information on the Town’s Residency requirement; letter from County of Erie re NIMS; Notice from Erie County Health Dept re Food Service Sanitation/Compliance with the Health Dept Regulations; letter from NYS Comptroller re Audit; a “Thank You” from the Winterfest Committee; letter from Congressman Reynolds wishing his best wishes for success; letter re the next NEST Board Meeting; letter from NYS/Comptroller re the filing of our annual financial report; copy of approved Village Minute’s ; letter of Congratulations from the Upstate Lovell Safety re Workmens Compensation; letter from Marilyn Bensley requesting a leave of absence from the AECC; letter from Linda Leone requesting appointment to the AECC; received Monthly reports from the Building Inspector, Tax Receiver and Town Clerk; letter from Junior Achievement of Western New York re Community Program.

NEW BUSINESS

Supervisor Cole moved and Councilman Weber seconded the Motion to Table referring the Rezone Application/Frank Russo to the Planning Board for their recommendation. Unanimously carried.

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

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

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden and the General Municipal law state that the Town must accept formal bids pursuant to General Municipal Law Section 103;

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

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

NOW THEREFORE BE RESOLVED AS FOLLOWS:

1. The Town Board approves the purchase of one Heavy Duty Wood Chipper from Baschmann Services, Inc. for \$27,935.00 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 March 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 is considering an application by Renee and Bryan Mertz and Fran Volpe, for the minor subdivision of one lot of vacant land. The proposed subdivided lot would be approximately 255 feet x 348 feet; on Four Rod Road in the Town of Alden, further identified by SBL#129.00-3-2 (The "Proposed Action") and

WHEREAS, the Town Board of the Town of Alden has determined that the Proposed Action is an Unlisted Action under SEQRA 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 a minor 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.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board has determined that the proposed minor subdivision is an Unlisted Action under SEQRA 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 minor subdivision application.
3. The Town Building Inspector is directed to provide notice to the Erie County Division of Planning for this proposed minor subdivision, as required under Section 239-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 March 6, 2006 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden is considering an application by Gregory and Rosanne Przywara, for the minor subdivision of one lot vacant land. The proposed subdivided lot would be approximately 81.6 acres; on Cary Road in the Town of Alden, further identified by SBL #130.00-1-2.11 (The "Proposed Action"); 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 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 a minor 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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board has determined that the proposed minor subdivision is an Unlisted Action under SEQRA 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 minor subdivision application.

3. The Town Building Inspector is directed to provide notice to the Erie County Division of Planning for this proposed minor subdivision, as required under Section 239-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 March 6, 2006 and was unanimously adopted.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to renew the HOP for Dennis Nichols/3025 Peters Corners Road. Unanimously carried.

Supervisor Cole moved and Councilman Snyder seconded the Motion to appoint Ronald L. Smith to the Alden Town Planning Board for the remainder of a 2006 Year Term to expire on May 2007. Unanimously carried.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to appoint Robert Fetzer to the Alden Town Zoning Board of Appeals for a 5 Year term to expire April 2011. Unanimously carried.

Councilman Snyder moved and Supervisor Cole seconded the Motion to Table the increasing of Line A1110.104 from \$23, 471 to \$25,500 – source of Funds to be Undesignated Fund Balance. Unanimously carried.

Councilwoman Cooke moved and Councilman Snyder seconded the Motion to appoint Judith Downhower on a Part-Town, Temporary Basis to complete Archiving Project. Source of Pay to be SARA Grant. Not to exceed 19 hours per week, no benefits per S/MWC

UNFINISHED & TABLED BUSINESS

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 is considering an application under §20-11(H) of the Town of Alden Code, of Brian Holmes d/b/a BNH Auto for site plan approval for the construction of a frame building addition at its current business operation at 1331 Two Rod Road, Town of Alden 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 an un-coordinated review; and

WHEREAS, the Town has provided notice to County Planning on February 3, 2006, for this site plan review as required under Section 239-m of the General Municipal Law.

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 Environmental Assessment Form, which is now on file with the Town Board and the Town's SEQRA Intake Officer;

WHEREAS, the Town of Alden did assume Lead Agency Status on February 6, 2005, for the purpose of determining what significance this action has on the environment; and

WHEREAS, the Town of Alden Planning Board and the Town Engineer have reviewed the proposed site plan, drainage plan and wetlands delineation; and

WHEREAS, the Town of Alden Planning Board has recommended to the Alden Town Board the approval of the proposed site plan; and

WHEREAS, the Town Board as Lead Agency did consider comments received from the public.

NOW THEREFORE BE IT RESOLVED, that the Town of Alden, 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 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 said proposed site plan;

RESOLVED, that the proposed site plan is approved contingent upon the following conditions being met prior to the issuance of a building permit:

1. BNH Auto must erect and maintain a six (6) foot high stockade fence around the perimeter of the property as shown on the site plan;
2. BNH Auto may only keep 50 unused auto tires on his property at any given time and shall dispose of the same as required by law;
3. BNH Auto must connect all new electrical services to the existing commercial electrical transformer;
4. BNH Auto may repair cube trucks but shall not service tractor-trailers or semi-trucks at the property;
5. BNH Auto may NOT be issued any temporary Certificate of Occupancy or Compliance by the Town Building Inspector;
6. BNH Auto shall at all times keep the paved driveway and turn-around areas clear so that trucks may properly turn around on the property without using the public right of way;
7. BNH Auto shall amend the site plan and drainage plans to show that the existing drainage will be routed around the addition in a closed system; showing rim and invert elevations on the drainage structures and piping; clearly showing existing elevations along the drainage route; and removing the rerouted drainage along the property lines from the site plan. BNH Auto shall implement this drainage plan.
8. BNH Auto shall amend the site plan to show the pond outlet pipes as being three inches and five inches. BNH Auto shall install said pond out pipes.
9. BNH Auto shall install a sand filter for a commercial garage/toilet room as approved by the Erie County Health Department on February 27, 2006.
10. The approval of the site-plan, as recommended by the Planning Board is contingent upon full and final approval of the Town Engineer.
11. This Resolution shall take effect immediately. The adoption of the foregoing Resolution was duly put to a vote on Marcy 6, 2006 and was unanimously adopted.

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilwoman Riddoch reported on the Light at Wende & Walden – will contact Jim LaTello of the Electric Co; Faxed a list of problematic intersections to the County (included Cary/Four Rod; Cary/Two Rod; Sullivan/Broadway and Crossing at St. John's – Westwood/Sandridge); will be using Ball Toilets/Septic – quoted \$50.00 per month with a first time forgiveness for damage this is a savings of \$250.00 from last year and it will include a one time per week cleaning.

Councilman Webber reported that there will be an Economic Development Meeting on Tuesday- prior to the Meeting Interviews will be held for the position that Nancy Hughes presently holds.

Councilman Snyder reported on SD#2; checking with the Village on this; “Thanked” the Supervisor for getting a letter into NEST and gave an update on the Generator.

Councilwoman Cooke reported on the NIMS Training Program.

Planning Board Chairman Sanok asked what the status was on WD#5. Supervisor Cole stated he had a letter from the Water Authority to Bennington about the Marilla Tank.

We need this Tank – being either for the Pressure or Water. Erie County Water Authority feels that Erie County Water should be kept in Erie County. John Foss has told Supervisor Cole that Marilla is not going forward. In order for us to go forward with WD#5 we need the construction of Marilla’s WD#5.

Supervisor Cole adjourned the Meeting at 8:45 PM with a Minute’s silence in Memory of Dorothy Wilson, Jack DiChristina.

DOROTHY L. BYCINA
TOWN CLERK