

MEETING NO. 6
REGULAR NO 6

REGULAR BOARD MEETING

MAR 17, 2008
7:00 PM

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, March 17, 2008 at 7:00 PM. Supervisor Smith called the Meeting to Order. Councilwoman Riddoch 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. Snyder, Supervisor
Mary Riddoch, Councilwoman
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
Michael DeWitt, Planning Board
ABSENT: William Weber, Councilman

Council Riddoch moved and Councilwoman Cooke seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of March 3, 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"	8,621.34		8,621.34
HGHWY FUND "DA/DB"	14,478.68		14,478.68
PARTTOWN FUND "B"	2,020.74		2,020.74
Wd#1 FUND "WA"	3,618.00		3,618.00
WD#2 FUND "WB"	375.20		375.20
WD#3 FUND "WC"	2,063.60		2,063.60
WD#4 FUND "WD"	4,771.89		4,771.89
SP FIRE PROT "SF"	530,371.18		530,371.18
SD#2 FUND "SA"	2,350.90		2,350.90
TRUST/AGCY FUND "T"	190.00		190.00
SP. REFUSE Fund "SR"	27,192.96		27,192.96
ST. LIGHTING FUND "SL"	7,120.85		7,120.85
GRANTS	258.87		258.87
TOTAL	603,434.21		603,434.21

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

Supervisor Smith "Welcomed" the Students from Alden Central School.

BUSINESS FROM THE FLOOR

Paul Loehr/Henskee Rd re the Open Meeting Law – he is still waiting for the Language- he would like to see it be passed by the NYS Senate.

COMMUNICATIONS

Councilwoman Riddoch reported: received from Dan Moultrup notice of the Spring Meeting re Sport Leagues and Schedule to be held on March 29th at 9:00 AM; spoke with David Kocher re use of the Robert O. Smith Park for St John's Soccer League; received a copy of a letter from Attorney Strong that she sent to Attorney Dave Ross re the Dunn Estate; she was in the Clerk's Office when a call came in from Dr. Kumar's Office requesting the use of the Community Center (one time only) for a Senior information meeting on Diabetes(the Board gave its OK for this one day use)

Attorney Strong has sent out the proposed Contract for the Dunn Property and as yet has not received a reply.

Councilman Snyder received a letter from DEC re NEST; received a letter from the Ass'n of Erie County Government re the March 27th Meeting.

Councilwoman Cooke reported on a letter she received from the Deputy Commissioner of Emergency Services looking for information from us in order to coordinate all available resources for incidents; she has been contacted by Erie County BOCES re a Physically Handicap Student who is looking for placement – she feels that we should utilize this Student.

Supervisor Smith reported EMS Reports for January and February from Mark A. Pruitt, Fire Chief/EMS Director; copy of February Monthly Statement from the Tax Office; letter from State of New York DOT re installation of banners along state highways and the closing of state highways for any activities, including parades or festivals; letter from Town Planning Board with their recommendation of the approval of Local Law #1 and Local Law #2; copy of Alden Town Planning Board – March 11th Agenda; copy of approved Board Meeting/February 21 from the Village of Alden.

NEW BUSINESS

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

WHEREAS, pursuant to Section 20-64 (A) of the Alden Town Code Judith Derenda has filed an Application for a Home Occupation permit to render dog and cat grooming services from her residence at 12161 Genesee Street (the "Application");

WHEREAS, pursuant to Section 2064 (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 Building Inspector has inspected the premises;

WHEREAS, the Alden Town Board, pursuant to Section 20-64 © 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 March 3, 2008, at 7:05 p.m. 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 interest of the residents of the Town of Alden to approve the Application;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That a Home Occupation Permit to allow Judith Derenda to render dog and cat grooming services from her residence at 12161 Genesee Street, 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 March 17, 2008 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden is considering the adoption of "Local Law No. 2 of the Year 2008, entitled "Local Law to Repeal Chapter 11 A Fire Prevention of the Alden Town Code" (the "Proposed Action");

WHEREAS, the Town Board of the Town of Alden feels that the Proposed Action is an Unlisted Action under SEQRA;

WHEREAS, the Town Board of the Town of Alden believes that the Town of Alden is: the agency primarily responsible for undertaking such decisions; 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 Clerk is hereby directed to send notice to the Erie County Division of Planning as required under Section 239-m of the General Municipal Law and to the neighboring municipalities.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board has determined that the Proposed Action 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 Proposed Action³. This resolution shall take effect immediately.

The above resolution was duly put to roll call vote on March 17, 2008 and was unanimously adopted.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to introduce and refer to the Planning Board Local Law #3 of 2008, Amendment of the sign Law for the Town of Alden. Unanimously carried.

Councilwoman Cooke moved and Councilman Snyder seconded the Motion to introduce and refer to the Planning Board Local Law #4 of 2008 "Windmill Law". Unanimously carried.

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

WHEEAS, Section 1225-c of the Vehicle and Traffic Law of the State of New York provides that no person shall operate a motor vehicle upon a public highway while using a mobile telephone to engage in a call while such vehicle is in motion.

WHEREAS, there have been instances throughout the State of New York where operators of motor vehicles are text messaging while driving and cause an accident.

WHEREAS, the Alden Town Board feels that the State Legislature should adopt an amendment to the Vehicle and Traffic Law to prohibit operators of motor vehicle from text messaging while they are driving.

WHEREAS, bills have been proposed in the State Assembly and Senate to prohibit operators of motor vehicles from using a mobile telephone for writing, sending or reading a text message while such vehicle is in motion, and

WHEREAS, this board feels that this proposed legislation is desirable to avoid any further accidents.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Alden Town Board hereby memorializes the State Senate, Assembly and Governor to enact legislation to prohibit text messaging while operating a motor vehicle.
2. The Alden Town Clerk be and hereby is directed to forward certified copies of the resolution to Senator Dale Volker, Assemblyman Michael Cole and Governor David Patterson, and
3. The Alden Town Clerk be and hereby is directed to forward copies of this resolution to the Town and Village Clerk of Towns and Villages in Erie County requesting them to support this resolution.
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on March 17, 2008 and was unanimously adopted.

Supervisor Smith moved and Councilwoman Cooke seconded the Motion to grant St. John the Baptist permission to use Town Facilities for St. John's Soccer Program on requested dates. Unanimously carried.

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

WHEREAS, the Alden Town Board has indicated its desire to continue and make available to the New York State Police Office space and parking at the Town of Alden Highway Garage to provide appropriate facilities for a New York State Police satellite office;

WHEREAS, the current Agreement with the New York State Police expired on December 31, 2007; and the New York State Police did not accept the Town's December 17, 2007, offer (after Town Board resolution) to extend the expiring lease.

WHEREAS, the New York State Police have presented a new Lease Agreement to the Town of Alden.

WHEREAS, the office and parking space at the Highway Garage is not currently needed for Town purposes and is available as surplus property for ease to the New York State Police.

WHEREAS, the Town of Alden feels it is in the best interest of its citizens to enter into the proposed Lease Agreement.

WHEREAS, the Town Board feels that the rent is fair and adequate given the benefits of having the State Police presence within the Town of Alden.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The December 17, 2007 Resolution authorizing the extension of the old lease is rescinded in favor of this Resolution.
2. The Town Supervisor is hereby authorized to sign the new Lease Agreement and any other documents necessary to effectuate said Agreement.
3. This Resolution is subject to permissive referendum
4. The Town Clerk is directed to publish a summary of this resolution in the official newspaper of the Town of Alden and post a copy on the Official Sign Board of the Town within ten (10) days of the adoption of this Resolution.

The above Resolution was duly put to a roll call vote on March 17, 2008 and was unanimously adopted.

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

WHEREAS, the Alden Tax Receiver has advised the Town Board that it is cumbersome to pay over the interest monies he collects for real property tax payments to the Town Supervisor on a daily basis.

WHEREAS, the Tax Receiver does make daily deposits of interest payments received into an interest bearing account in his name as Tax Receiver.

WHEREAS, the Town Board pursuant to Town Law § 37 can allow monthly transfers instead of daily transfers of interest payments received by the Tax Receiver into the account of the Town Supervisor.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board hereby directs the Tax Receiver to transfer to the Town Supervisor all interest monies collected no later than the 15th day of each month following the receipt thereof.
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to roll call vote on March 17, 2008 and was unanimously adopted.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilwoman Riddoch has contacted EMA Group re the Town's Insurance renewal she will meet with them to get a quote; she also received the paper work and work sheets from Tompkins re our renewal for May 1st; she also called Don Russo of NYSEG re the Lighting on Wende – she advised that we will not be moving forward on this project at this time.

Attorney Strong requested the following be placed on the Work Session – Lead Agency for the Sign Local Law, the Lead Agency for Windmills; and the Site Plan for United Precious Metals.

Councilman Snyder reported on the Meeting he attended with the Building Inspector re MOLD and also the NEST Meeting in Hamburg. He also advised that on Tuesday the concrete will be poured where the Freezer was taken out in the Town Hall Supervisor Smith received a letter from the Village Attorney that he sent re Time Warner Cable – would like to have Time Warner come out of Buffalo instead of Rochester – requested this be placed on the Work Session in support of this request; he will meeting with Assemblyman Coee, Gary Wagner (Chamber of Commerce) and Ian McPherson , ECED re the State owned Land – would also be contacting Legislator Kathy Konst.

Supervisor Smith adjourned the Meeting at 7:29 PM with a Minutes silence in Memory of Charles Gillen II, Pam Borden.

DOROTHY L. BYCINA
TOWN CLERK