

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, March 20, 2006 at 7:30 PM. Supervisor Cole called the meeting to order. Councilwoman Riddoch led in the Pledge of Allegiance. The roll call was taken by the Deputy Town Clerk.

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

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of March 6, 2006. Unanimously carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER
COOKE SECONDED BY COUNCILMEMBER SNYDER:

ACCOUNT	ABST #1	ABST #2	TOTAL
GENERAL FUND "A"	20,195.34		20,195.34
HGHWAY FUND 'DA/DB'	18,156.09		18,156.09
PARTTOWN FUND "B"	6,004.68		6,004.68
WD#2 FUND "WB"	375.20		375.20
WD#3 FUND "WC"	151,266.95		151,266.95
WD#4 FUND "WD"	1,299.80		1,299.80
SP FIRE PROT. "SF"	505,884.00		505,884.00
SD#1 FUND "SI"	9,528.75		9,528.75
SD#2 FUND "SA"	782.48		782.48
TRUST/AGCY FUND "T"	2,571.61		2,571.61
SP REFUSE FUND "SR"	25,655.99		25,655.99
ST LIGHTING FUND "SL"	7,088.00		7,088.00
TOTAL	748,808.89		748,808.89

The foregoing Resolution was put to a vote on roll call and was unanimously adopted.

BUSINESS FROM THE FLOOR

Erie County Legislator Kathy Konst was present to hear any concerns; she will be available periodically prior to Town Board Meetings for citizen concerns.

Helene Ward 12773 Uebelhoer Rd. and Roxanne Dziedzic 13305 Broadway stated their concerns about the Senior Van and Mrs. Ward's mother. Their concern is a safety issue with dropping off before the drive at 13305 Broadway. Supervisor Cole will handle the situation.

Marie Theismann 12635 Reinhardt Rd. questioned the status of the Reinhardt Rd. railroad closing; she is concerned about safety for the residents.

Pam Freeman 12599 Reinhardt Rd. also voiced her concerns about the closing. She is concerned about emergencies and how fire personnel would reach her home in the event the Peters Corner railroad crossing was tied up. Also, she was wondering about the increased traffic at Peters Corner Rd. and Genesee, as it is already a dangerous intersection. Supervisor Cole is aware of these situations and they will be taken into consideration when discussing the closing with the railroad.

Winnie Fisher 1435 Two Rod Rd. questioned the board about the status of 1418 Two Rod Rd., Attorney Strong said she is presently talking to Town Line Fire Dept. about scheduling a burn of the house and sheds. Winnie asked if she could be notified of the date as her home is very near and she has vinyl siding that she is concerned could melt. Supervisor Cole said that she will be notified. Winnie stated that there is a drainage pipe sticking out of the ground north of 1418 Two Rod, Highway Supt. Milligan and Councilman Weber will go and check it out.

Winnie Fisher 1435 Two Rod Rd. and Sharon Fisher 1342 Two Rod Rd. both stated their concerns over BNH Auto. There was a lengthy discussion. Supervisor Cole asked CEO Frank Trybuskiewicz to check the progress frequently.

COMMUNICATIONS

Councilwoman Riddoch reported speaking with Mayor Kubik and he is interested in being involved with the connecting of the Parks.

Councilman Snyder reported having one bid for air conditioning in the meeting room.

Councilwoman Cooke reported speaking with Mayor Kubik about NIMS courses and excusing a Village employee, who is being trained to teach these courses, when training is scheduled. She reported that she spent 2 days in NIMS classes for teaching.

Attorney Strong reported receiving two ZBA requests.

Supervisor Cole reported the following:

Notification from Town of Evans re Municipal Clerk's Week, Letter from City of Buffalo stating they can fabricate street signs, etc, memo from Michael Metzger re Reinhardt Rd. Crossing and Przywara Subdivision, letter from Paul Alessi, ZBA Chair. re Przywara, copy of letter from Mike Metzger to CEO Frank Trybuskiewicz re BNH Site Plan, letter from Town of Newstead re Local Law No. 1, letter from Chamber of Commerce re Distinguished Citizen Award, letter from County of Erie about tax cancellations and refunds, notice from Assoc. of Erie County Gov. re meeting April 9 & 10, request from VFW of Alden for permission to sell Buddy Poppies, letter from ABATE of New York re proclamation Motorcycle Safety and Awareness Month, memo from State of New York Unified Court System re Justice Court Assistance Program 2006, notification regarding Neighborhood watch conference, letter from WREMS re funding, letter from Senator Charles Schumer re Environmental Protection Agency's CARE Program, Rural/Metro monthly response report, Minutes from Town Planning Board, Village Board Minutes, Minutes from Chamber of Commerce, Agenda from Town Planning Board, copy of letter to Councilwoman Riddoch from Village approving request to use the Firemen's Park for summer concerts, Minutes from AECC, copy of letter from Ladine Nice, Joan Marsden & Michele Hoffman to Town Board.

NEW BUSINESS

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to renew the HOP for Daniel E. Carder III/1220 Lambert Dr. Unanimously carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER COOKE WHO MOVED ITS ADOPTION SECONDED BY COUNCILMEMBER WEBER TO WIT:

WHEREAS, The Erie County Legislature unanimously approved a request for Home Rule Legislation from New York State that allows municipalities to accept partial payment in any amount for payment of property taxes, and

WHEREAS, The NYS Legislature and Governor have adopted the necessary bills to permit said partial payments.

WHEREAS, This Legislation is vital to all residents and taxpayers of Erie County and the Town of Alden, particularly the Senior Citizens and Impoverished; and

WHEREAS, The Town Board of the Town of Alden deems it is important to the residents of Alden that they be permitted to make partial payments for property taxes.

THEREFORE BE IT RESOLVED, The Town Board of the Town of Alden hereby authorizes acceptance of partial payments of property taxes in any amount pursuant to the aforementioned legislation.

This resolution shall take effect immediately. The foregoing Resolution was duly put to a vote on March 20, 2006 and was unanimously adopted.

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

WHEREAS, the Town of Alden is a member of the Northeast-Southtowns Solid Waste Management Board, with Ronald Snyder, Chairman of the Town of Alden's Recycling Committee serving as the Towns' permanent representative on the Board; and

NOW, THEREFORE BE IT RESOLVED, that in the event the Recycling Chairman is unable to attend a meeting of the Board, the Alden Town Board designates Town of Alden Supervisor Michael W. Cole as the alternate, and be it further

RESOLVED, that a certified copy of this resolution be sent to the Chairmen of the Northeast-Southtowns Solid Waste Management Board and the Erie County Department of Environment and Planning.

This resolution shall take effect immediately. The foregoing resolution was duly put to a vote on March 20, 2006 and was unanimously adopted.

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, 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 SEQR Intake Officer;

WHEREAS, the Town Alden did assume Lead Agency Status on February 6, 2006, 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;

WHEREAS, on March 6, 2006, the Town Board did make a determination that the proposed construction is an unlisted action under SEQRA and did issue a NEGATIVE DECLARATION, NOTICE OF DETRMINATIONOF NON-SIGNIFICANCE.

WHEREAS, the Town Board on March 6, 2006, did give contingent site plan approval for this project; but now wished to clarify and supplement the March 6, 2006, contingent site plan approval;

NOW THEREFORE BE IT RESOLVED, that the proposed site plan is approved contingent upon the following conditions being met prior to the issuance of a Certificate of Occupancy or Compliance;

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 used 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 property 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 outlet 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.

This Resolution shall take effect immediately. The adoption of the foregoing Resolution was duly put to a vote on March 20, 2006 and was unanimously adopted.

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

WHEREAS, New York State Senator Dale Volker has secured \$10,000 through the New York State Office of Parks, Recreation and Historic Preservation to construct a path in the Town Park; and

WHEREAS, Creation of this pathway will enhance the recreational facilities available in the community;

NOW THEREFOE BE RESOLVED that Michael Cole, as Supervisor of the Town of Alden, is hereby authorized to sign legal documents pertaining to the above referenced grant on behalf of the Town of Alden.

This Resolution shall take effect immediately. The foregoing Resolution was duly put to a vote on March 20, 2006 and was unanimously adopted.

Councilmember Snyder moved and Councilmember Cooke seconded the motion to grant St. John the Baptist School permission to use the Band Shell on July 21, 22nd and 23rd for their annual Lawn Fete. Unanimously carried.

SUPERVISOR COLE POLLED THE BOARD WITH NO OBJECTIONS AND THE FOLLOWING WAS ADDED:

Supervisor Cole moved and Councilman Snyder seconded the Motion to appoint Suzanne Garry as a substitute Nutritional Aide on a Part-time Basis, no benefits. 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 joins with the 142nd Assembly District of the State of New York in commemoration of the Honorable Sandra Lee Wirth, following her passing after a long fight with cancer; and

WHEREAS, a Erie County Legislator for two terms in 1991 and 1993, Sandra Lee Wirth was elected to the NYS Assembly in 1994; and

WHEREAS, well known as a Citizen Legislator, Assemblywoman Wirth earned a reputation as a proven leader who fought tirelessly for her community; and

WHEREAS, Assemblywoman Wirth's dedicated efforts on behalf of our firefighters and fire departments were unparalleled; and

WHEREAS, in addition to her outstanding service as a Legislator, Sandra Lee Wirth was also widely regarded as an excellent Real Estate Broker;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Alden Town Board does hereby recognize and officially pay tribute to the many contributions, advocacy, and integrity of Assemblywoman Sandra Lee Wirth; and

BE IT FURTHER RESOLVED that this honorable body does extend its most sincere condolences to the Wirth Family, and her many friends;

AND BE IT FURTHER RESOLVED that a copy of this resolution, suitably embossed, be transmitted to the New York State Assembly for presentation to the Wirth Family.

The Foregoing Resolution was duly put to a roll call vote and was unanimously adopted.

UNFINISHED & TABLED BUSINESS

Supervisor Cole moved and Councilwoman Riddoch seconded the motion that the following remain tabled:

A. Motion re Rezone Application

B. Motion re Budget Increase for the Court

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilwoman Riddoch reported on getting calls about holes by St. John's School on Sandridge Rd., she called the County and they were fixed, she has spoke to the Village about signs for Summer Concerts, she has set up 9 concerts.

Councilman Weber reported on meeting with the Economic Development Committee. Checked drainage on Cayuga Creek.

Councilwoman Cooke requested that Community Center be put on the work session.

Engineer Metzger passed out info sheet from Sheriff Howard re different Towns Sheriff activity.

Ralph Witt as Tax Collector reported on the importance of the resolution for allowing partial payment of property taxes, will be a big help to some taxpayers. As Planning Board Chair asked that the Board not act on Rezone (unfinished and tabled business) until receive letter of recommendation from Planning Board.

Supervisor Cole adjourned the Meeting at 9:10 PM with a Minute's silence in Memory of David Murphy, Charles Darling, Ralph Horni, Josephine Fix, Milton "Butch" Cole and Assemblywoman Sandra Lee Wirth.

DEBRA A. CRIST
DEPUTY TOWN CLERK