

MEETING NO. 10
REGULAR NO 8

REGULAR BOARD MEETING

APRIL 16, 2007
7:30 P.M.

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, April 16, 2007 at 7:30 PM. Supervisor Smith called the Meeting to Order. Councilman Snyder led in the Pledge of Allegiance. The roll call was taken by the Deputy Town Clerk.

PRESENT: Ronald Smith, Supervisor
Mary Riddoch, Councilwoman
Ronald L. Snyder, Councilman
Arlene A. Cooke, Councilwoman
RECORDING SECRETARY: Debra A. Crist, Deputy Town Clerk
OTHERS PRESENT: Jennifer Strong, Town Attorney
Harry F. Milligan, Hghwy Supt
Michael Metzger, Town Engineer
Michael Dewitt, Planning Board
ABSENT: William Weber, Councilman

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of April 2, 2007. 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"	14,041.57		14,041.57
HGHWY FUND "DA/DB"	62,095.10		62,095.10
PARTTOWN FUND "B"	2,229.36		2,229.36
WD#2 FUND "WB"	375.20		375.20
WD#3 FUND "WC"	1,983.20		1,983.20
WD#4 FUND "WD"	1,299.80		1,299.80
SE#2 FUND "SA"	284.31		284.31
TRUST & AGCY FUND "T"	665.00		665.00
SP REFUSE FUND "SR"	27,808.91		27,808.91
ST LIGHTING FUND "SL"	4,650.39		4,650.39
TOTAL	115,432.84		115,432.84

UPON ROLL CALL VOTE THE FOREGOING RESOLUTION WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Colleen Czechowski of S. Blossom Lea ,on behalf of ARRG, presented the Supervisor with articles and additional signatures objecting the proposed Walmart. Jim Guarino of North Rd. would also like to concur as to the effect of road salt on ground water.

COMMUNICATIONS

Councilwoman Riddoch reported that she received information on Dog License Fees from the Town Clerk's Office, would like it on the Work Session. Talked with Charles Orr about opening of Concession Stand in R.O. Smith/he coaches girls baseball/18 & up,would also like this on Work Session. Spoke with Amy D'Amato, Athletic Director at Alden Schools re use of bleachers for their track meet May 25, she will send a letter this week, Mary will put on Work Session. Spoke with Father Jim re Heritage Trail, they will be meeting on the 19th.

Councilwoman Cooke reported speaking with Craig Sponholz regarding the letter she sent to Fire Companies/ she will be attending Crittenden Fire meeting in May. She also spoke with Bob Giza regarding extending Code Red with Erie County Home. She will be

meeting with the Supt. from E.C.H. & I. and Bob McPeck from Emer. Mgt. Spoke with Mark Rayback of DiVal Safety regarding prices for cots for the Town Hall. Spoke with Susan of E.C. Nutrition program regarding E. White's concern, the County is not in competition with Meals on Wheels and the County contracts with one supplier of the meals, this enables them to keep the cost of meals low.

Supervisor Smith reported receiving invitation to Board from Town Line Vol. Fire Dept. to Memorial Day Service for May 28th. Received monthly Response Compliance from Rural Metro for March 2007. Received Agenda for Planning Board for 4/10/07. Received Village Board minutes from 3/15/07. Received minutes from Planning Board Meeting 3/13/07. Received a check from N.Y.S. Emergency Management in the amount of \$250,552.83. The Supervisor would like to thank Bud Milligan, Mary Nuwer, Colleen Rogers and Judy Downhower for their work on this FEMA project. Reported receiving a check for \$40,000 from Senator Dale Volker for a generator, upgrading electrical system and kitchen for emergency service.

NEW BUSINESS

Councilwoman Riddoch moved and Councilman Snyder seconded the Motion to issue a Peddlers Permit for Frank Vernon Chilberti. Unanimously carried.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to transfer \$2,000.00 from A7110.224 Parks Equipment Maintenance into A7110.432 Auto Parts and Accessories. Unanimously carried.

Councilwoman Cooke moved and Councilman Snyder seconded the Motion to renew the HOP for Edwin Knoblauch/3499 TownLine Rd. Unanimously carried.

Councilwoman Riddoch moved and Councilman Snyder seconded the Motion to renew the HOP for Paulette Morris/260 Sullivan Rd. Unanimously carried.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to grant Highway Supt. Milligan permission to attend the 62nd Annual School for Highway Superintendents (6/4-6/6/07) in Ithaca. Unanimously carried. (Councilman Snyder amended motion to add "at reasonable Town expense" seconded by Councilwoman Riddoch, Unanimously carried).

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

WHEREAS, the Town of Alden, a municipal corporation organized and existing under the laws of the State of New York (the "Town"); the Village of Alden, a municipal corporation organized and existing under the laws of the State of New York (the "Village") and the Alden Chamber of Commerce, Inc., a Not-For-Profit Corporation duly organized and existing under the laws of the State of New York (the "Chamber") have negotiated for the renewal of an Economic Development Agreement Contract wherein the Town, Village and Chamber maintain and fund the Alden Economic Development Committee for the benefit of the residents of Alden.

WHEREAS, the Town of Alden is aware that the Alden Area is in need of planned economic development and is desirous of obtaining such planned development services forth benefit of its residents;

WHEREAS, the Town, Village and Chamber have come to full agreement on the terms of such agreement to run from June 1, 2007 until May 31, 2008;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the Economic Development Agreement, 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 the Agreement; and

3. This resolution shall take effect immediately. The foregoing Resolution was duly put to a roll call vote on April 16, 2007 and was unanimously adopted. (Attorney Jennifer Strong amended resolution to have the agreement run from May 1, 2007 until April 30, 2008, motion to accept was made by Councilwoman Cooke and seconded by Councilman Snyder, Unanimously carried.)

UNFINISHED & TABLED BUSINESS

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

WHEREAS, on November 21, 2006 the Town of Alden Code Enforcement Officer, served upon Lafarge North America, Inc., Western New York Division (“Lafarge”), an Order to Remedy Violation alleging violation of: Alden Town Code § 20-11 Nonpermitted Use R-A District, §5-1 Prohibiting Dumping Except in Landfills, § 5A-1 Dumping Outside of Landfills, §20-28 Automotive Use Areas, § 11-4 Mining (Excavation) Law Permit, § 9D-4 SEQRA and New York State Law 6 NYCRR Part 617; and

WHEREAS, the premises to which the Order to Remedy Violation refers are situated at 11066 Genesee Street in the Town of Alden, County of Erie, shown on the County Tax Map as Account No. 85.00-3-3.11 (“Genesee Street Site”); and

WHEREAS, Lafarge timely appealed pursuant to the town of Alden Code § 20-87 (D) (1) the Order to Remedy Violation by letter to the Chairman of the Zoning Board of Appeals dated November 30, 2006, stating among other defenses, that Lafarge began accepting storm debris in response to the emergency situation brought on by the early snow storm in 2006 which caused the Governor of the State of New York to declare a state of emergency and they have since ceased accepting storm debris at the Genesee Street Site; and

WHEREAS, the Town of Alden and Lafarge both desire to resolve the Order to Remedy Violation and obviate the need for a Zoning Board of Appeals hearing.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Supervisor of the Town of Alden is authorized to sign Attached Agreement in Settlement to resolve and settle the Order to Remedy Violation and

2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on April 16, 2007 and was unanimously adopted.

REPORTS FROM STANDING COMMITTEES & PERSONNEL

Councilwoman Riddoch reported that a second request has gone out to Erie County Dept. of Public Works re the Crittenden Rd./North and North/Countyline traffic studies. Thank you to Town Clerk, Dorothy Bycina for acting on this issue.

Councilman Snyder reported that he has called a certified plumber/re backflow test at the Town Hall. He also would like Alden Reserve Gas put on the Work Session on May 14.

Councilwoman Cooke is looking into generators for the Town Hall.

Supervisor Smith reported receiving a draft on the new sidewalk law/ will ask the Planning Board to review it. The next Work Session will be April 23 at 7:00 P.M. There will be a joint meeting on April 25th with Lancaster Board of Emergency Management.

Town Engineer Michael Metzger reported that the new Periwinkle Subdivision is underway and the water lines are about half way in.

Michael Dewitt from the Planning Board reported receiving an updated site plan/Broadway rezone.

Supervisor Smith adjourned the Meeting at 8:10 PM with a Minute's silence in Memory of Anneliese Sindrewicz, Julian Guize and the students from Virginia Tech.

DEBRA A. CRIST
DEPUTY TOWN CLERK