

MEETING NO. 8  
REGULAR NO 8

REGULAR BOARD MEETING

APRIL 17, 2006  
7:30 PM

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday April 17, 2006 at 7:30 PM. Supervisor Cole called the Meeting to order. Councilman Snyder 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: Dorothy L. Bycina, Town Clerk  
OTHERS PRESENT: Debra Crist, Deputy Town Clerk  
Jennifer Strong, Town Attorney  
Harry F. Milligan, Highway Supt  
Michael Metzger, Town Engineer  
John Zoratti, Planning Board

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of April 3, 2006. Unanimously carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN COOKE  
SECONDED BY COUNCILMAN SNYDER

ACCOUNT	ABST #1	ABST #2	TOTAL
GENERAL FUND "A"	15,208.78		15,208.78
HGHWY FUND "DA/DB"	54,420.80		54,420.80
PARTTOWN FUND "B"	9,360.42		9,360.42
WD#1 FUND "WA"	3,291.30		3,291.30
WD#2 FUND "WB"	375.20		375.00
WD#3 FUND "WC"	1,983.20		1,983.20
WD#4 FUND "WD"	1,299.80		1,299.80
SP FIRE PROT "SF"	120,221.00		120,221.00
SD#2 FUND "SA"	6.66		6.66
SP REFUSE FUND "SR"	27,184.64		27,184.64
ST LIGHTING FUND "SL"	7,088.00		7,088.00
TOTAL	240,439.80		240,439.80

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

#### COMMUNICATIONS

Councilwoman Riddoch reported she spoke to Keith Sitzman re the connection of the two Parks; received a call from Sue Barnes re the Easements for the same; received a call from Mike Hardy re our Insurance Renewals and received a call from James Miller from Lancaster re the intersection of Crittenden and North – he recently had an accident there – he thinks this is a dangerous intersection – told him this is a County Road and gave him the Clarence Number and if this is an on going problem maybe we need to do a Traffic Study.

Councilwoman Cooke spoke with Supervisor Giza of Lancaster re the cost of Code Red; reported that the Railroad Crossing at Sandridge Rd needs attention – Supervisor Cole will follow up on this

Town Attorney Strong reported that she received a letter from the Town Engineer re Storm Water Agreement – need to be put on Work Session; received a call from Roseann Przywara re the SubDivision; Notice of the April 28<sup>th</sup> Payment re Gradall; letter from

Walter Schmidt authorizing Zoladz to move forward re Periwinkle; notice that a Resolution is needed for the Salt Spreader; served with a Law Suit by Winnie Fisher re Two Rod Road Property; letter from the Town Engineer re Storm Water – to be placed on Work Session.

Supervisor Cole reported the following: request from Donald Duskwicz to have his hours go down to 16 Hrs. per week; notice from the Industrial Appraisal Company re a re-appraisal – to be placed on Work Session; letter of “Thanks” from Jennifer Retzlaff; copy of Resume from Patricia Tavlaris re the position of Court Clerk; letter from Great Lakes Kitefliers Society – to be placed on Work Session; letter from the ZBA re Przywara Sub Division; letter from Charles & Grace Weyrough re the recent Prisoner escape; request from Donald Langiewicz re an extension of his Building Permit due to his being activated by the Niagara Falls Air Force Base; letter from Town of Lancaster re Resolution to remove toll barriers on I-190; letter from Erie Count Board of Elections re the HAVA Law – to be placed on the Work Session; an Invitation to the Grand Opening Celebration to the Family Justice Center; Notice of the Ass’n of Erie County Governments – April 27<sup>th</sup> at the Columns Banquets; Notice of Public Statement Hearings on Proposal for New York State Electric & Gas Corporation’s Electric Rates; letter from the Aurora Adult Day Services advising community service that they offer; letter from NYSDEC advising that Grants was no selected for funding this year; letter from Alden Central School re the interview team for a Superintendent; an Invitation from the American Legion re Memorial Day Parade; letter from Alden Central School re 5K Run; letter from Alden Central School re the April 12<sup>th</sup> Meeting; letter from the Town of Lancaster re Heritage Trail Bike Project; letter from the Town Court with their March Monthly Report; Minutes of the Chamber of Commerce Meeting; Minute’s of the Alden Town Planning Board; Minute’s of the Village Board Meeting.

#### NEW BUSINESS

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN WEBER, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR COLE 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 with 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 for the benefit of its residents.

WHEREAS, the Town, Village and Chamber have come to full agreement on the terms of such Agreement to run from March 1, 2006 until February 28, 2007;

NOW THEREFORE BE IT RESOVED 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 17, 2006 and was unanimously adopted.

Councilwoman Riddoch moved and Councilwoman Cooke seconded the Motion to grant Highway Supt Milligan permission to attend the 2006 Highway School – June 5-7, 2006 at Ithaca College. Unanimously carried.

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

Supervisor Cole moved and Councilman Weber seconded the Motion to TABLE the Motion re Agreement/Modern Disposal Service Inc. Unanimously carried.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to appoint Russ Savage to the Planning Board – term to expire May 2013. Unanimously carried.

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

WHEREAS, the Planning Board of the Town of Alden has recommended to the Alden Town Board that the application by the Millgrove Volunteer Fire Department for an Emergency Communication Tower be approved; and

WHEREAS, the Town Board pursuant to the Alden Town Code must conduct a public hearing before approving an Emergency Communication Tower.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

1. That a hearing be held before the Town Board on May 1, 2006 at 8:00 p.m. at the Alden Town Hall, 3311 Wende Road, Alden, New York at which time all interested persons shall be heard in regard to the construction of an Emergency Communications Tower by the Millgrove Volunteer Fire Department at its Fire Hall Grounds located on Genesee Street in the Town of Alden.
2. The Town Clerk is directed to Publish Notice of this Public Hearing in the Alden Advertiser no less than ten (10) days prior to the Public Hearing and to post Notice of the same on the Town signboard.
3. This resolution shall take effect immediately.

The above resolution was duly put to roll call vote at a regular meeting of the Town Board held on April 17, 2006 and was unanimously adopted.

Supervisor Cole polled the Board and with no objection the following was added to the Agenda.

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

WHEREAS, grant monies are available through the New York State Unified Court System to enhance the operation of municipal Justice Courts;

NOW THEREFORE, BE IT RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Unified Court System for the purpose of securing this grant, and

BE IT FURTHER RESOLVED, that the Supervisor and Town Court Justice be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

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 April 17, 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 of Alden Highway Superintendent has advised the Town Board that his Department is in need of a new and unused salt spreader the estimated cost of which is more than \$1,000.00 but less than \$10,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden requires that all estimated purchases over \$1,000.00 but less than \$10,000.00 require a written request for a proposal and written quotes from at least three (3) vendors;

WHEREAS, said Procurement Policy & Procedure Guidelines has been followed and three (3) quotes have been obtained;

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

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board approves the purchase of one (1) new and unused Harder Model E-144 Salt Spreader from George & Swede Sales and Service, Inc. for \$4,995.00 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 April 17, 2006 and was unanimously adopted.

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

**WHEREAS**, the Town Board of the Town of Alden expresses concern for the many Town residents utilizing the New York State Thruway system; and

**WHEREAS**, certain toll barriers exist and are maintained by the New York State Thruway Authority (NYSTA) at Blackrock and Ogden Street on I-190. Statutory authority for these barriers have long since expired; and

**WHEREAS**, these toll barriers act as a commuter tax on persons residing in Erie and Niagara Counties and are an added tax on commerce in the Greater Buffalo Niagara region which has not only immediate monetary ramifications for intrastate and interstate travel into and out of various areas of Western New York but also causes undue delay to commercial traffic which has an adverse impact upon operational and financial aspects of commerce; and

**WHEREAS**, the Western New York region has unlimited potential as a trade corridor with the Nation's leading foreign economic partner, the Province of Ontario, Canada. It is vitally important to our local economy that every obstacle and impediment to commerce between our two counties be eliminated so that Western New York can fully realize and attain this economic potential; and

**WHEREAS**, area business leaders, along with local government entities, have commenced an action against the NYSTA to remove these burdensome, costly and illegal toll barriers.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Alden does hereby express its strong support for the removal and elimination of these toll barriers; and be it further

**RESOLVED**, that the Town Board of the Town of Alden does hereby call upon the Governor of the State of New York and our New York State delegation to act in the best interests of all New Yorkers, but particularly Western New Yorkers, in facilitating the elimination of these barriers; and be it further

**RESOLVED**, that certified copies of this Resolution be transmitted to the Honorable George Pataki, Governor of the State of New York; the Honorable Dale M. Volker, NYS

Senator; the Honorable Sheldon Silver, NYS Assembly Speaker; and Mr. Michael Fleischer, Executive Director of the New York State Thruway Authority; and be it further **RESOLVED**, 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 April 17, 2006 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden is considering an application, by Gregory and Rosanne Przywara, for the subdivision of one (1) lot. The entire parcel as currently constituted consists of approximately 83.6 vacant acres on Cary Road in the Town of Alden (further identified by SBL # 130.00-1-2.11). The proposed lot will be approximately 81.6 acres making the remaining parcel approximately 2 acres (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 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

WHEREAS, the Town Building Inspector provided notice to the Erie County Division of Planning on or about March 6, 2006, for this Proposed Action, as required under Section 239-m of the General Municipal Law; and

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

WHEREAS, the New York State Environmental Quality Review Act requires the town to determine the Lead Agency status and the Lead Agency making a SEQR determination; and

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

WHEREAS, the Town of Alden Planning Board has reviewed the Proposed Action and on February 14, 2006, recommended to the Town Board the approval of the Proposed Action; and

WHEREAS, the Town of Alden Zoning Board of Appeals granted a Zoning Variance for the instant parcel on February 6, 2006.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA; however a coordinated review was conducted.
2. The Town Board determined that it should be the Lead Agency for all environmental review of the Proposed Action.
3. The Town of Alden, as Lead Agency, 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 action.

4. That the following parcel, more particularly described as;

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Alden, County of Erie and State of New York, being part of Lots 73,74, 113 and 114, Township 10, Range 5 of the Buffalo Creek Reservation described as follows:

BEGINNING at the northwest corner of Lot 73 in the centerline of Cary Road;

Thence southerly along the west line 1187.50 feet;

Thence westerly at an exterior angle of  $89^{\circ} 24' 33''$ , 1351.28 feet to a line drawn parallel with the west line of Lot 114 distance 1376.35 feet east of the centerline of Four Rod Road as measured along the south line of Lot 114;

Thence southerly parallel with the west line of Lot 114, 330.07 feet to the south line of Lot 114;

Thence south continuing in a straight line 993.54 feet to the north line of lands conveyed to Dexter Ewell by deed recorded in liber 168 of Deeds at page 60;

Thence easterly at an included angle of  $90^{\circ} 59'$  parallel with the north line of Lot 113, 530.60 feet;

Thence northerly parallel with the west line hereof 993.54 feet to the north line of Lot 113;

Thence easterly along the north line 818.40 feet to the northeast corner of Lot 113;

Thence southerly at an exterior angle of  $89^{\circ} 56' 30''$  along the east line of Lot 113,

1046.85 feet; Thence easterly at an interior angle of  $88^{\circ} 26' 23''$  parallel with the north

line of Lot 74, 1053.34 feet; Thence northerly parallel with the west line of Lot 74,

1042.34 feet to the north line of Lot 74; Thence easterly along the south line of Lot 73,

779.46 feet to the southwest corner of lands conveyed to Przywara by deed recorded in

liber 6304 of Deeds at page 150; Thence northerly at right angles 144.93 feet; Thence

northeasterly at an exterior angle of  $98^{\circ} 13' 40''$ , 382.83 feet to the centerline of Three

Rod Road; Thence northwesterly at an interior angle of  $78^{\circ} 37' 41''$  along the centerline

of Three Rod Road 71.51 feet; Thence southwestly at an interior angle of  $101^{\circ} 22' 19''$ ,

390.00 feet; Thence northerly at an exterior angle of  $101^{\circ} 22' 19''$  parallel with the

centerline of Three Rod Road 338.30 feet; Thence westerly at an exterior angle of  $101^{\circ}$

$22' 19''$ , 113.20 feet; Thence northwesterly at an exterior angle of  $88^{\circ} 27' 00''$ , 180.50

feet; Thence westerly along the southeast line of lands reserved to Odelia Woods by deed

recorded in liber 2805 of Deeds at page 172, 436.48 feet to the southwest corner of

Woods; Thence westerly at an interior angle of  $184^{\circ} 15' 20''$  parallel with the north line

of Lot 73, 548.45 feet; Thence northerly at an exterior angle of  $90^{\circ} 09'$ , 365.49 feet;

Thence westerly at an interior angle of  $90^{\circ} 09'$  parallel with the northern line of Lot 73,

300 feet; Thence northerly at an exterior angle of  $90^{\circ} 09'$  105.00 feet; Thence westerly at

an interior angle of  $90^{\circ} 09'$ , 150 feet; Thence northerly at an interior angle of  $90^{\circ} 09'$ ,

150 feet; Thence northerly at an interior angle of  $90^{\circ} 09'$ , 350 feet to the north line of Lot

73, the centerline of Cary Road; Thence westerly 120.50 feet to the point of beginning

Is given subdivision approval.

5. 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 April 17, 2006 and was unanimously adopted.

Supervisor Cole moved and Councilman Snyder seconded the Motion to extend the time, as set forth in Article VI, Section 6-14.0 of the Laws of 1942 as amended, to collect the Taxes remaining unpaid to June 1<sup>st</sup>, 2006. Unanimously carried.

#### UNFINISHED & TABLED BUSINESS

Supervisor Cole moved and Councilman Weber seconded the Motion to refer the Rezone Application/Frank Russo to the Planning Board. 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 Employees are subject to a Collective Bargaining Agreement with the Town of Alden;

WHEREAS, the Town Board after full and careful review and consideration of the proposed Collective Bargaining Agreement, finds that it is in the public interest to enter into the proposed Agreement with the Highway Employees;

WHEREAS the Town of Alden and the Town of Alden Highway Workers have agreed upon the terms of a Collective Bargaining Agreement for a term commencing January 1, 2006, and terminating December 31, 2009, said Agreement is currently on file in the Office of the Town Supervisor.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board does hereby authorize Supervisor Cole to enter into and execute all necessary documents to effectuate the Collective Bargaining Agreement with the Town of Alden Highway Employees for a term of January 1, 2006 through December 31, 2009; and
2. This Resolution takes effect immediately.

The above Resolution duly put to a roll call vote on April 17, 2006 and was unanimously adopted.

#### REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilwoman Riddoch will be attending the public informational meeting in Lancaster re The Heritage Trail-Hike/Bike Project. She spoke with Terry McCracken/Parks Rec/Forestry Dept – hope to get it going this fall – it will go right up to TownLine.; Excel Fence will start next week on the Dugouts and the Portable Toilets will be set up next Monday at the Robert O. Smith Park, High School and at Townline.

Councilman Weber reported that he has been working on drainage problems and Ian McPherson has been appointed as Economic Director .

Councilman Snyder reported the Historical Meeting this Thursday and that he is in the process to get Bids Packets on the Air Conditioning in the Copy Room.

Councilwoman Cooke received an Invitation for a May 10<sup>th</sup> Meeting re Safety Council.

Town Engineer Metzger is working with the DOT on the CXS Railroad Crossing.

Planning Board Member Zoratti “Thanked” the Board for passing the Przywara SubDivision and they have a Variance for another Lot on Cary Road that is only 100 Foot Frontage.

Supervisor Cole adjourned the Meeting at 8:26 PM with a Minute’s silence in Memory of Louis Buob.

DOROTHY L. BYCINA  
TOWN CLERK