

MEETING NO. 9  
REGULAR NO 9

REGULAR BOARD MEETING

MAY 1, 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, May 1, 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 Town Clerk.

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

Councilman Snyder moved and Councilman Weber seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of April 17, 2006. Unanimously carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER SNYDER SECONDED BY COUNCILMEMBER RIDDOCH TO WIT;

ACCOUNT	ABST #1	ABST #2	TOTAL
GENERAL FUND "A"		15,810.18	31,018.96
HGHWY FUND "DA/DB"		10,114.26	64,535.06
PARTTOWN FUND "B"		1,561.69	10,922.11
WD#1 FUND "WA"			3,291.30
WD#3 FUND "WB"			375.00
D#3 FUND "WC"			1,983.20
WD#4 FUND "WD"			1,299.80
SP FIRE PROPT "SF"			120,221.00
SD#2 FUND "SA"		2,087.15	2,0933.81
TRUST/AGCY FUND "T"		780.00	780.00
SP. REFUSE FUND "SR"			27,184.64
ST LIGHTING FUND "SL"			7,088.00
TOTAL	240,439.80	30,353.28	270,793.08

(Approved 4/17/06)

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

#### BUSINESS FROM THE FLOOR

John Oles/2112 CountyLine Road questioned the "Right-to-Farm Law" Supervisor Cole stated that the Town doesn't have this but that the County does - this will be placed on the Work Session and more information will be requested from Clarence.

#### COMMUNICATIONS

Councilman Snyder reported he has a bill from Frank's Plumbing for the Back Flow in the Town Hall; there will be a Meeting of NEST on May 11th; work will be done on the Boiler in the Town Hall on Tuesday.

Councilwoman Riddoch reported she received a call from Supt. Kirkpatrick/Wende Correctional re her letter about the procedure of escape of a Prisoner; and call from Dan Moultrup that the School has authorized all of his requests for the Recreational

Department with no charges – will be adding the School’s request for the Park to the Agenda.

Councilman Weber reported that there will be an Economic Development Meeting tomorrow night.

Town Clerk Bycina reported that she has appointed Lisa Lista/Wende Correction Facility as Deputy Registrar so she can sign Marriage Licenses issued at the Facility.

Supervisor Cole reported the following: letter from Alden Farmers Market re Sr Van – to be placed on Work Session; request from Alden Central School re Town Park, Shelters and Band Shell; letter from Ruth Davis “Thanking” the Board for their presence at the Historical Meeting; Notice of a Public Meeting of the Erie County Fiscal Stability Authority/ May 3<sup>rd</sup> at the Buffalo Niagara Convention Center; request from Alden Central School to use the Bank Shell for Family Fun Night on June 9<sup>th</sup>; a “Thank You” from Alden’s Meals on Wheels for generous donation; Memo from Joe Czechowski re Inspection Log 4/10/06-4/21/06; notice from Town Line Vol Fire Dept Ladies Auxiliary re Helen Jandzinski; letter from the Town Line Fire Dept Chief re 1418 Two Rod; Newsletter from Erie County Farm Bureau; letter from Binational Tourism Alliance re Tourism Inventory Project questionnaires; Memo from Assessor Sivecz re Town Website; Monthly Reports from the Building Inspector, Receiver of Taxes and Town Clerk copy of Minutes from the Village of Alden; an Invitation from the Seneca Nation of Indians re the annual Buffalo Creek Treaty Commemoration on May 19<sup>th</sup>; letter from the Assn’s of Towns re State Troopers/Plea Bargain process of traffic tickets in town justice courts; letter from Ass’n of towns re Property Tax Reform Task Force; letter from New York State Police re paramount importance to the New York State Policy involvement of the State Police in plea bargaining tickets; copy of a Local Law No. 2/2006-Sex Offender Residency Restriction-Town of Hamburg; copy of a Public Hearing – Town of Marilla – Local Law No. 1 of the Year 2006- “Creation of B-1 Restricted Business District”; letter from WNY Stormwater Coalition re the deadline for joining – reporting period is May 5, 2006; Bill from the Lions Club re Ad in their Sightsaver Phone Book ; letter from New York State Teamster Council/Health and Hospital Fund re Bargaining Group for the period May 1, 2006 through December 31, 2009; letter from the New York State Comptroller re Seminars at the Clarence Public Library on May 22<sup>nd</sup> and May 23<sup>rd</sup>; letter from the New York State Comptroller re the Military.

AT 8.00 PM THE SUPERVISOR CALLED THE PUBLIC HEARING TO ORDER. THE TOWN CLERK READ THE NOTICE THAT WAS PUBLISHED IN THE ALDEN ADVERTISER.

Supervisor Cole explained the purpose of this Meeting and then introduced Chris Eleczko – Millgrove Fire Chief. He stated that this Communication Tower is needed for reception when using their Radios when on calls – Fire Companies in Alden, Lancaster and Rural Metro will benefit with this Towers. After all those wishing to be heard, were heard the Public Hearing was called to a close at 8:04 PM.

#### NEW BUSINESS

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

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

WHEREAS, the Town Board of the Town of Alden has been made aware of the traffic safety concerns of its residents with respect to Crittenden Road in the Town of Alden, and

WHEREAS, Crittenden Road is owned and maintained by the County of Erie, and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Alden hereby formally requests that a traffic and safety study be conducted for this roadway, a section which is more specifically described as Crittenden Road at the intersection of North Road; and be it further

RESOLVED, these studies are requested due to the increase in truck traffic, limited sight distance from North Road and most recently the increase in traffic accidents; and be it further

RESOLVED, that the Town Clerk shall send the appropriate paperwork and resolutions to the proper agency for action on this said Resolution.

This Resolution shall take effect immediately.

The adoption of the foregoing Resolution was duly put to a vote on May 1, 2006 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden has been made aware of the traffic safety concerns of its residents with respect to Genesee Street in the Town of Alden, and

WHEREAS, Genesee Street is owned and maintained by the State of New York, and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Alden hereby formally requests that a traffic and safety study be conducted for this roadway, a section which is more specifically described as Genesee Street east of Reinhardt Road to the intersection of Peters Corners Road and South Newstead Road, and be it further

RESOLVED, these studies are requested due to the limited sight distance from Peters Corners Road and excessive speed along Genesee Street, and be it further

RESOLVED, that the Town Clerk shall send the appropriate paperwork and resolutions to the proper agencies for action on this said resolution.

This Resolution shall take effect immediately.

The adoption of the foregoing Resolution was duly put to a vote on May 1, 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 a rezoning application by Russo Developers and Builders as agent for Marilyn and Gilman Martin, requesting that the vacant land measuring approximately 500 feet by 1185 feet located on Broadway, further identified by part of SBL #118.00-3-3; be rezoned from R-A to C-2 for the purposes of extended the existing C-2 zoning to allow future development on the property that will produce an expanded tax base and provide future jobs in the Town of Alden (the "Proposed Action").

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 rezoning, 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 the most local agent with permitting authority; and

WHEREAS, the Town is required to provide notice to County Planning for this proposed rezoning as required under Section 239-m of the General Municipal Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS;

1. The Town Board has determined that the proposed rezoning 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 application for rezoning

3. The Town Board directs that the Code Enforcement Officer of the Town of Alden with the assistance of the Town Engineers send the required notice with all required attachments to all other interested agencies about the Proposed Action and the determination by the Town of Alden of its desire to act as Lead Agency under SEQRA and to send the required notice to County Planning 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 May 1, 2006 and was unanimously carried.

Councilman Weber moved and Supervisor Cole seconded the Motion to grant Youth Baseball permission to use the Robert O Smith Concession Stand for opening weekend – May 6<sup>th</sup>. Unanimously carried.

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

Supervisor Cole moved and Councilman Snyder seconded the Motion authorizing the Supervisor to make the necessary Budget Transfers. Unanimously carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR COLE WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN WEBER

WHEREAS, the Town Board of the Town of Alden is considering an application, under Chapter 19D of the Town of Alden Code, of Millgrove Volunteer Fire Department, Inc. (the “Applicant”) for a special use permit to allow the construction of a 120 foot tall radio tower on the property commonly known as 11621 Genesee Street, Alden, New York and further identified by SBL #85.03-1-9 and 85.03-1-10-1(the “Proposed Action”);

WHEREAS, the Town Board 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;

WHEREAS, the Town Board believes that it is; the agency primarily responsible for undertaking decisions as to special use permits; is the agency with the broadest governmental powers for investing the impact of the Proposed Action; has the greatest capacity for providing the most thorough environmental assessment of the Proposed Action; and is the most local agent with permitting authority;

WHEREAS, the Town has provided notice to Erie County Division of Planning on January 6, 2006, for this special use permit, as required under Section 239-m of the General Municipal Law with a “No Recommendation” received from the Division on January 17, 2006;

WHEREAS, the Town of Alden Planning Board, after full and complete, review and consideration of the special use permit o February 14, 2006, recommended its approval of the Proposed Action to the Town Board;

WHEREAS, the Town of Alden assumed Lead Agency status on February 21, 2006;

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the Code of the Town of Alden, Chapter 19D, 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, after proper notice and publication thereof, on May 1, 2006, the Town Board conducted a public hearing at which all persons opposed to and all persons in favor of the Proposed Action were heard;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA and that a proper coordinated review has been conducted.
2. 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.
3. The Town Board finds that the Proposed Action is consistent with the Town Code and approves the issuance of a special use permit for n Engineer.
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 May 1, 2006 and was unanimously adopted.

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to approve Alden Central School's request to use the Town Park Shelters, Band Shell, the Walking Path and to have the Bathrooms open at the Community Center for Alden Community Scholarship Foundation 5K Run on June 16<sup>th</sup>. Unanimously carried.

TABLED THE MOTION re AGREEMENT/MODERN DISPOSAL SERVICE.

Supervisor Cole moved and Councilwoman Riddoch seconded the Motion to enter into an Executive Session to discuss a Personnel Matter at 8:20 PM. Unanimously carried.

Supervisor Cole moved and Councilman Weber seconded the Motion to re-enter the Regular Meeting at 8:23 PM. Unanimously carried.

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

WHEREAS, the Town of Alden Court has advised the Town Board that the Court has a vacancy for its Part Time Court Clerk position;

WHEREAS, the Town of Alden has properly posted for the position of Part time Court Clerk and the Justices of the Court have thoroughly interviewed candidates;

WHEREAS, the Justices have recommended that Georjean Labuzetta be appointed as the Part Time Court Clerk

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the appointment of Georjean Labuzetta as Part Time Court Clerk for the remainder of 2006 at an hourly rate as set forth in the schedule of salaries for 2005; employment to be on an as needed basis, but no to exceed nineteen (10) hours per week without any benefits.
2. The Town Board and the Town Court recognize that the Full Time Court Clerk position currently held by Suzanne Siudzinski is funded at its current rate by the Town Board for 2006 contingent upon the Court Office being open from 9:00 am through 4:30 pm Monday through Friday,.
3. This resolution shall take effect immediately. The foregoing Resolution was duly put to a vote on May 1, 2006 and was unanimously adopted.

#### REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilwoman Riddoch reported she attend the Heritage Trail Meeting in Lancaster – the Hike and Bike Path will be ending at Town Line Rd between Westwood and Walden – it follows the old DL & w Tracks – Sue Barnes was present and thought maybe we should look into taking it into Alden; the Dug Outs Fencing from Excel is complete and Stering Tents will be out soon to measure and she has a call into NYSEG/Jim Latello re the Street Light on Genesee & Peters Corners.

Councilman Weber has been working on Drainage with the Highway Supt Milligan.

Supervisor Cole adjourned the Meeting at 8:27 PM with a Minute's silence in Memory of Clara Strong (Grandmother of Attorney Jennifer Strong).

DOROTHY L., BYCINA  
TOWN CLERK