

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road On Monday, May 17, 2010 at 7:00 PM. Supervisor Smith called the Meeting to Order. Councilwoman Riddoch led in the Pledge of Allegiance. The roll call was taken by the Second Deputy Town Clerk.

PRESENT: Ronald Smith, Supervisor
Mary Riddoch, Councilwoman
William Weber, Councilman
Ronald Snyder, Councilman
Arlene Cooke, Councilwoman
RECORDING SECRETARY: Ralph Witt, Second Deputy Town Clerk
OTHERS PRESENT: Jennifer Strong, Town Attorney
Michael Metzger, Town Eng.
Colleen Pautler, Planning Board
Len Weglarski, DCO

Councilman Snyder moved and Councilman Weber seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of May 3, 2010. 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"	\$9,632.24		
HGHWY FUND "DA/DB"	7,135.87		
PART-TOWN FUND "B"	3,147.41		
WD#2 FUND "WB"	375.20		
WD#3 FUND "WC"	2,063.60		
WD#4 FUND "WD"	1,299.80		
SP FIRE PROT. "SF"			
SD#2 FUND "SA"	2,217.84		
TRUST/AGCY FUND "T"			
SP REFUSE FUND "SR"	39,230.27		
STREET LIGHTING FUND "SL"	5,933.26		
PERIWINKLE LTG. "SL1"	40.32		
GRANTS			
TOTALS	71,075.81		

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

THERE WAS NO BUSINESS FROM THE FLOOR

COMMUNICATIONS

Councilwoman Riddoch received a call from Deb Pettibone of Erie-Niagara Tobacco Free Coalition re smoke free signs for the park, they will be in the last week of May or first week of June. Received a thank you from the U.S. Census Bureau for our cooperation in regards to the use of our facility for training.

Attorney Strong had a communication from Marilla with regard to the Water project.

Supervisor Smith received Fire/EMS Dept. Monthly report for 4/2010 from Fire Chief/EMS Director Scott Sitzman and the Monthly Response Compliance Report for April 2010 from Rural Metro.

NEW BUSINESS

Councilwoman Riddoch moved and Councilman Weber seconded the motion to approve the renewal of the Home Occupation Permit for Paulette Morris/260 Sullivan Rd., Craft/Gift Shop. Unanimously Carried.

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

WHEREAS, New York State General Municipal Law allows a municipality to approve the fundraising activities of a volunteer fire department operating in said municipality;

WHEREAS, the Crittenden Volunteer Fire Department provides fire protection services within the Town of Alden pursuant to a contract with the Town of Alden;

WHEREAS, approval of fund raising activities assists an injured volunteer firefighter in receiving worker's compensation benefits pursuant to New York State Volunteer Firefighter Benefit Law; and

WHEREAS, Crittenden Volunteer Fire Department has submitted to the Alden Town Clerk's Office notification it's June Raffle fundraising event.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Alden Town Board hereby approves the Crittenden Volunteer Fire Department June, 2010, raffle event, as further described on the attached notification, and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote at a regular meeting on May 17, 2010, and was unanimously adopted.

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

WHEREAS, New York State General Municipal Law allows a municipality to approve the volunteer members of a volunteer fire department operating in said municipality;

WHEREAS, the Crittenden Volunteer Fire Department provides fire protection services within the Town of Alden pursuant to a contract with the Town of Alden;

WHEREAS, approval of members assists an injured volunteer firefighter in receiving worker's compensation benefits pursuant to New York State Volunteer Firefighter Benefit Law;

WHEREAS, Crittenden Volunteer Fire Department has approved John O'Donnell and Robert C. Wilms for Membership; and

WHEREAS, Crittenden Volunteer Fire Department has submitted to the Alden Town Clerk's Office notification of these new members.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Alden Town Board hereby approves John O'Donnell and Robert C. Wilms for membership in the Crittenden Volunteer Fire Department, and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote at a regular meeting on May 17, 2010, 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 and Alden Youth Baseball, Inc. are desirous of keeping the Alden Little League Baseball Program in operation for the 2010 season;

WHEREAS, the Alden Town Board is aware that a large number of child residents of the Town of Alden and the Alden Central School District participate in the Alden Little League Baseball Program and finds it in the best interests of the Town and as consistent with its policies to continue this Program;

WHEREAS, Alden Youth Baseball, Inc. is the sole source provider of little league baseball services in the Town of Alden and therefore the Town's Procurement Policy & Procedure Guidelines and General Municipal Law have been followed; and

WHEREAS, the Town of Alden and Alden Youth Baseball, Inc. have come to full agreement on the terms of an Agreement to run from January 1, 2010, until December 31, 2010.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the attached Contract with Alden Youth Baseball, Inc., at a cost of \$2,400.00, whereby Alden Youth Baseball, Inc. will purchase little league baseball uniforms for Alden Residents involved in the Alden Little League Baseball Program as being consistent with its policies and in the interest of the residents of the Town of Alden;
2. 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 at a regular meeting on May 17, 2010, and was unanimously adopted

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

WHEREAS, the Town of Alden would like to formalize the past practices and enter into a Local Emergency Management Mutual Aid Assistance Memorandum of Understanding with the Erie County Department of Disaster Preparedness, the Erie County Disaster Coordinators Association and the Erie County Disaster Preparedness Advisory Board.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. That the Town Board of the Town of Alden does hereby elect to participate, through Councilwomen Arlene Cooke the Town's Disaster Coordinator, Emergency Services Coordinator and Emergency Manager and the staff of the Town of Alden in the Local Emergency Management Mutual Aid Assistance Memorandum of Understanding;
2. That the Town of Alden will comply with the provisions of the Memorandum of Understanding;
3. The attached list contains a list, with contact information, of Town of Alden personnel who are ICS 300 Level (or higher) trained;
4. That Supervisor Smith and Arlene Cooke and hereby authorized to sign the Memorandum of Understanding.

5. This Resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote at a regular meeting on May 17, 2010, and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden has decided that the Alden Town Hall is in need of an emergency generator, which would allow the Town Hall to be used for shelter in the event of an emergency;

WHEREAS, the acceptance of sealed bids for this project was properly authorized by the Town on December 7, 2009 and sealed bids were properly received and opened by the Town on January 20, 2010;

WHEREAS, the bid was properly awarded to the lowest bidder, Sitzman's Appliance Center on February 1, 2010;

WHEREAS, Sitzman's Appliance Center has begun the installation of the emergency generator and has discovered the need to change out the existing CT cabinet and meter channel and the associated electrical fittings; and

WHEREAS, the cost of this additional unavoidable work as stated in the Formal Change Order Request submitted to the Town by Sitzman's Appliance Center is \$1,500.00.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The need to change out the CT cabinet and meter channel is unavoidable;
2. The new CT cabinet and meter channel will be provided to the Town of Alden by NYSEG at no charge to the Town;
3. The Town of Alden hereby approves the Formal Change Order Request filed by Sitzman's; and
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on May 17, 2010, and was unanimously adopted.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve St. John's Youth & Alden Pregnancy Center use of the Town of Alden Band Shell on Sunday, May 23, 2010. The Town will make arrangements to set up, open and pick up. Unanimously Carried.

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

WHEREAS, the Town Board of the Town of Alden is considering an application, by Roberta J. Stoter as Executrix of the Estate of John F. Stoter, for the subdivision of four (4) lots. The entire parcel as currently constituted consists of approximately 48.7 acres on with a single-family house on Crittenden Road in the Town of Alden. The first proposed lot ("Parcel A") would be 38.22 +/- vacant acres; the second proposed lot ("Parcel B") would be 2.00 +/- vacant acres; the third proposed lot (Parcel "C") would be

2.00 +/- acres with the house; the fourth proposed lot (Parcel “D”) would be 3.00 +/- acres; further identified by SBL # 86.00-5-17 (The “Proposed Action”);

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

WHEREAS, the Town Building Inspector provided notice to the Erie County Division of Planning on or about March 16, 2010, for this Proposed Action, as required under Section 239-m of the General Municipal Law and a “no recommendation” was received by the Town Board on March 22, 2010.

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;

WHEREAS, the Town of Alden did assume Lead Agency Status on April 19, 2010;

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;

WHEREAS, the Town of Alden Planning Board has reviewed the Proposed Action and on March 9, 2010, recommended to the Town Board the approval of the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

The Town Board, as Lead Agency, has determined that the Proposed Action is an Unlisted Action under SEQRA.

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 the Proposed Action.

3. That the following four parcels, more particularly described as:

Parcel “A”
Crittenden Road – Alden for 38.22± acres, vacant lot, part of 3918 Crittenden Road West (Rear)

ALL THAT TRACT or parcel of land, situate in the Town of Alden, County of Erie and the State of New York, being part of Lot No. 16, Township 11, Range 5 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING in the centerline of Crittenden Road (said line also being the east line of Lot No. 16), distant 120.00 feet south of the northeast corner of Lot No. 16;

SAID POINT OF BEGINNING also being the southeast corner of lands conveyed to Iroquois Gas Corporation by deed recorded in the Erie County Clerk's Office in Liber 7949 of Deeds, page 611;

THENCE west along the south line of lands so conveyed to Iroquois Gas Corporation, 250.00 feet to the southwest corner of said lands;

THENCE north along the west line of lands so conveyed to Iroquois Gas Corporation, 120.00 feet to the northwest corner of said Iroquois Gas Corporation Lands;

SAID POINT also being the in north line of Lot No. 16;

THENCE west along the north line of Lot No. 16, a distance of 1334.96 feet to the northwest corner of lands conveyed to Helen E. Stoter and John F. Stoter by deed recorded in said Clerk's Office in Liber 4195 of Deeds, page 112;

THENCE south along the west line of lands conveyed to Stoter by deed aforesaid, a distance of 1386 feet record (1415.05 feet measured) to the southwest corner of lands conveyed to Stoter by deed aforesaid;

THENCE east along Stoter's south line parallel with the north line of Lot No. 16, a distance of 805.17 feet to the southwest corner of lands conveyed to Jeffrey and Carla Williamson by deed recorded in said Clerk's Office in Liber 10404 of Deeds, page 185;

THENCE northeasterly along said Williamson's west line, and said line projected northeasterly, a distance of 379.92 feet to the southwest corner of lands conveyed to John F. and Roberta J. Stoter by Deed recorded in the Erie County Clerk's Office in Liber 6294 of Deeds, page 231;

THENCE westerly along the south line of John and Roberta Stoter's lands as projected northwesterly, a distance of 123.01 feet to a point;

THENCE northeasterly parallel with the centerline of Crittenden Road, 277.26 feet to a point;

THENCE southeasterly along a line parallel with the south line of John and Roberta Stoter's lands by deed aforesaid, 62.85 feet; thence northerly forming an interior angle of 69° 21' 02" with the last described course, 546.57 feet;

THENCE easterly, forming an exterior angle of 105° 15' 43" with the last described course and parallel with the north line of Lot No. 16, a distance of 276.35 feet to a point in the centerline of Crittenden Road;

THENCE northerly along the centerline of Crittenden Road, 200 feet to the point or place of beginning.

Parcel "B"

2.0± acres, part of 3918 Crittenden Road West (South)

ALL THAT TRACT or parcel of land, situate in the Town of Alden, County of Erie and the State of New York, distinguished as being part of Lot 16, Township 11, Range 5 of the Holland Land Company's survey, so called, bounded and described as follows:

COMMENCING at a point on the centerline of Crittenden Road, 320.00 feet southerly from the northeast corner of Lot 16 as measured along the centerline of Crittenden Road.

THENCE westerly parallel with the north line of Lot 16, 276.35 feet to a point;

THENCE southwesterly forming an interior angle of 105 degrees, 15 minutes, 43 seconds with the last described course, 273.29 feet to the **true point or place of beginning**;

THENCE southeasterly forming an interior angle with the extension southerly of the last described course of 87 degrees, 29 minutes, 39 seconds (exterior angle of 92 degrees, 30 minutes, 21 seconds), 303.26 feet to a point on the west line of lands deeded to the County of Erie by Deed recorded in the Erie County Clerk's Office in Liber 8188 of Deeds at page 97, Map SK. 219-41R, Parcel No. 3;

THENCE southwesterly along the west line of said Parcel No. 3, on a curve to the right having a radius of 778.51 feet, 149.23 feet to a point;

THENCE continuing along said lands conveyed by Deed aforesaid, Parcel No. 3, the following courses:

Southeasterly 7.00' to a point,
Southwesterly 93.51' to a point,
Southeasterly 33.00' to the Southeast corner of lands conveyed by Deed aforesaid, Parcel No. 3, and the centerline of Crittenden Road;

THENCE southwesterly along the centerline of Crittenden Road, 70.21 feet to a point on the northeast corner of lands deeded to the County of Erie by Deed recorded in the Erie County Clerk's Office in Liber 8188 of Deeds at page 197, map SK. 219-39, Parcel No. 1A;

THENCE northwesterly along said Parcel No. 1A, 50 feet to a point; thence southwesterly along said Parcel No. 1A, 48.71 feet to a point;

THENCE northwesterly forming an interior angle of 104 degrees, 4 minutes, 16 seconds with the last described course, 231.32 feet to a point;

THENCE northeasterly forming an interior angle of 110 degrees, 38 minutes, 58 seconds with the last described course, 273.28 feet to the point or place of beginning.

Containing 2± acres.

Parcel "C"

2.0± acres, vacant lot, part of 3918 Crittenden Road West (North)

ALL THAT TRACT or parcel of land, situate in the Town of Alden, County of Erie and the State of New York, distinguished as being part of Lot 16, Township 11, Range 5 of the Holland Land Company's survey, so-called, bounded and described as follows:

BEGINNING at a point in the centerline of Crittenden Road at a distance of 320.00 feet southerly from the northeasterly corner of Lot No. 16;

THENCE westerly along a line parallel with the north line of Lot 16, 276.35 feet to a point;

THENCE southwesterly at an interior angle of 105 degrees, 15 minutes, 43 seconds with the last described course, 273.29 feet to a point;

THENCE southeasterly at an interior angle of 92 degrees, 30 minutes, 20 seconds with the last described course, 303.26 feet to the westerly bounds of lands deeded to the

County of Erie by Deed recorded in the Erie County Clerk's Office in Liber 8188 of Deeds at page 197 and known as Parcel No. 3 of Map SK. 219-41R.

THENCE northerly along the westerly bounds of lands described in said Parcel No. 3, said line being on a curve to the left having a radius of 778.51 feet a distance of 185.34 feet to a point, being the northwest corner of lands described in said Parcel No. 3;

THENCE easterly along the northerly bounds of lands described in said Parcel No. 3 a distance of 40 feet to a point on the center line of Crittenden Road;

THENCE northerly along the centerline of Crittenden Road a distance of 171.93 feet to the point the point of place of beginning.

Containing 2± acres.

Parcel "D"
Part of 3918 Crittenden Road East (triangular parcel)

ALL THAT TRACT or parcel of land, situate in the Town of Alden, County of Erie and the State of New York, distinguished as being part of Lot 16, Township 11, Range 5 of the Holland Land Company's survey, so called, bounded and described as follows:

BEGINNING at a point on East line of Lot 16, 1414.96' South of the Northeast corner of Lot 16, said point being the Southeast corner of lands deeded to Helen E. and John F. Stoter by Deed recorded in the Erie County Clerk's Office in Liber 4195, Page 112;

THENCE westerly along the South line of said lands of Stoter by Deed aforesaid, 485.42' to the centerline of Crittenden Rd;

THENCE northeasterly along the centerline of Crittenden Road, 814.12' to the East line of Lot 16;

THENCE southerly along the East line of Lot 16, 659.42' to the point or place of beginning;

Containing 3.67± acres.

are given subdivision approval.

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, and was unanimously adopted.

SUPERVISOR SMITH POLLED THE BOARD AND WITH NO OBJECTION THE FOLLOWING WAS ADDED:

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

WHEREAS, the Alden Town Board has noticed the need to appoint a Deputy Building Inspector because the Town of Alden Building Inspector is unable to perform his duties due to injury;

WHEREAS, New York State Town Law allows the appointment of a Deputy Building Inspector; and

WHEREAS, Joseph Czechowski is trained and certified to serve as a building inspector and currently holds this position for the Village of Alden.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby appoints Joseph Czechowski as the Deputy Building Inspector to conduct building inspections and issue building permits for the Town of Alden for a period of May 18, 2010, through and until June 7, 2010.
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on May 17, 2010, and was unanimously adopted.

THERE WAS NO UNFINISHED AND TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilwoman Riddoch filed all the necessary papers re the Town Park damage. The equipment Company is coming out to estimate the cost or replacement value. Selective will be sending an adjuster. Councilwoman Riddoch would like to thank the Highway Supt. and crew for cleaning up the tree. Would like the personnel policy on the Work Session.

Councilman Weber had a request from a citizen to look at a drainage problem near the Marilla Town line. Had a complaint of excessive noise from the fabrication business at the corner of Genesee and Crittenden.

Attorney Strong reported she is working on the release forms for drainage projects with Highway Supt. Fix, also spoke with the architect from the Bonnie Lake project.

Councilman Snyder had a complaint about the fabrication business at Crittenden and Genesee. Received bids for the new roof at the Town Hall.

Councilwoman Cooke had a complaint from a Townline resident that it took too long to have an ambulance respond to their home.

Town Engineer Metzger reported that they are working on the Grant for the Alden Town Park. Generator installation is progressing. There will be a meeting on Billo Rd. at 9:00 AM on Tuesday with Highway Supt. Fix and Councilman Weber.

Supervisor Smith reported that the meeting of the Master Plan Implementation Committee has been postponed.

Supervisor Smith adjourned the Meeting at 7:20 PM with a Minute of Silence in Memory of Elizabeth Lochner, Marguerite Jubert & Robert Dersam.

Ralph P. Witt
Second Deputy Town Clerk