

MEETING NO. 11
REGULAR NO 11

REGULAR BOARD MEETING

JUNE 2, 1008
7:00 PM

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, June 2, 2008 at 7:00 PM. Supervisor Smith called the Meeting to Order. Councilman Snyder led in the Pledge of Allegiance. Mr. Paul Loehr gave the Invocation. The roll call was taken by the Town Clerk.

PRESENT: Ronald L. Snyder, Supervisor
Mary Riddoch, Councilwoman
William Weber, Councilman
Ronald L. Snyder, Councilman
Arlene Cooke, Councilwoman
RECORDING SECRETARY: Dorothy L. Bycina, Town Clerk
OTHERS PRESENT: Jennifer Strong, town Attorney
Michael Metzger, Town Engineer
Colleen Pautler, Planning Board

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of May 19, 2008, Unanimously carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN COOKE AND SECONDED BY COUNCILMAN SNYDER THAT THE FOLLOWING VOUCHERS BE ALLOWED AND PAID:

APPROVAL OF VOUCHERS

ACCOUNT	ABST #1	ABST #2	TOTAL
General Fund "A"		75,151.72	81,196.20
Hghway Fund "DA/DB"		6,801.85	13,514.79
Part Town Fund "B"		2,339.50	6,901.24
WD#2 Fund "WB"			375.20
WD#3 Fund "WC"			2,063.60
WD#4 fund "WD"			1,299.80
Special Fire Prot "SF"			159.18
Sewer Dist #2 Fund "SA"		1,005.29	3,217.98
Trust & Agcy Fund "T"		2,864.78	3,054.78
SPECIAL REFUSE FUND "SR"			28,754.55
Street Lighting Fund "SL: Grants		1,848.69 4,070.78	6,196.80 4,070.78
TOTAL	56,722.29 (Paid 5/19/08)	94,082.61	150,804.90

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY AODPTED.

PUBLIC HEARINGS

AT 7:05 PM THE SUPERVISOR CALLED THE PUBLIC HEARING TO ORDER re LOCAL LAW #3/08 – "AMENDMENT OF THE SIGNS LAW FOR THE ALDEN TOWN CODE". THE TOWN CLERK READ THE PUBLIC HEARING NOTICE THAT WAS PUBLISHED IN THE ALDEN ADVERTISER.

SUPERVISOR SMITH EXPLAINED THE LOCAL LAW. THE FLOOR WAS OPENED FOR DISCUSSION – Keith Stone/Crittenden Road stated that the size of the Sign was too small. Supervisor Smith replied that the intent was to limit distraction. Keith Stone added that this is just another way to limit business in the Town.

Councilman Weber moved and Councilman Riddoch seconded the close the Public Hearing after all those wishing to be heard were heard at 7:08 PM. Unanimously carried.

AT 7:10 PM THE SUPERVISOR CALLED THE PUBLIC HEARING TO ORDER re LOCAL LAW #4/08 – “WINDMILL LAW OF THE TOWN OF ALDEN”. THE TOWN CLERK READ THE PUBLIC HEARING NOTICE THAT WAS PUBLISHED IN THE ALDEN ADVERTISER.

COUNCILMAN WEBER GAVE A BRIEF DESCRIPTION OF THE WINDMILL LAW. THE FLOOR WAS OPENED FOR DISCUSSION. The following spoke – all were not in favor of this Local Law: Robert Wohlgemuth/Genesee St.; Paul Loehr/Henskee Rd.; Ronald Gardner/Genesee St; Eric Chaffe/Three Rod Rd; Ron Rebman/Broadway; Keith Stone/Crittenden Rd.; Vicky Weisbeck/Sandridge.

Councilman Snyder moved and Councilwoman Riddoch seconded the Motion to close the Public Hearing at 7:58 PM after all those wishing to be heard were heard. Unanimously carried.

BUSINESS FROM THE FLOOR

Matt Ryan/Exchange St asked the Board for help with his Drainage problem. He has been advised by the Erie County Health Dept to have the Ditch cleaned before he can have a Sand Filter installed. Supervisor Smith will address this with the Highway Supt.

Matt Herdzik/287 S Woodside questioned who is paying for the Street Lighting. Attorney Strong replied that the Homeowners in Periwinkle pay for their own Lighting.

Keith Stone/Crittenden Rd referred to the Drainage problem on Bonnie Lake – The Town Attorney reported that the Bonnie Lake Subdivision did have a Drainage Easement. Mr. Wohlgemuth referred to the Drainage ditch that goes behind his house.

John Oles/CountyLine Road gave an update on the Traffic Study on North & Crittenden as well as North & County Line.

NEW BUSINESS

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

WHEREAS, the Town Board of the Town of Alden has fully considered the adoption of “Local Law No. 3 of the Year 2008, entitled Amendment of the Signs Law for the Alden Town Code”, codified as Chapter 2 of the Code of the Town of Alden to regulate Light Emitting Diode Signs and Electronic Variable Message Signs (the “Proposed Action”); and

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA; and

WHEREAS, the Town Clerk provided notice to the Erie County Division of Planning on April 8, 2008 for this Proposed Action, as required under Section 239-m of the General Municipal Law and a “no recommendation” was received from the Division on May 1, 2008; and

WHEREAS, the New York State Environmental Quality Review Act requires the Town to determine the Lead Agency status and the Town Board did assume Lead Agency status on April 7, 2008; 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 April 8, 2008, recommended to the town Board the approval of the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT;

1. The Town Board did determine that the Proposed Action is an Unlisted Action under SEQRA
2. The Town Board did determine 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. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting on June 2, 2008 and was unanimously adopted.

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

WHEREAS, a Proposed Local Law #3 of 2008 entitled "Amendment of the Signs Law for the Alden Town Code: was introduced to the Alden Town Board for consideration by Councilperson Snyder on March 17, 2008.

WHEREAS, the Town of Alden Planning Board reviewed the proposed Local Law and recommended to the Town Board its approval on April 8, 2008.

WHEREAS, an order was duly adopted by the Alden Town Board for a public hearing to be held by said Town Board on June 2, 2008 at 7:05 pm at the Alden Town Hall, 3311 Wendé Road, Alden, New York 14004 to hear all interested parties on a proposed Local Law entitled Local Law No. 3 of the Year 2008, and

WHEREAS, notice of said public hearing was duly published in the Alden Advertiser, the official newspaper of the Town of Alden on May 22, 2008, and

WHEREAS, said public hearing was duly held on June 2, 2008 and all parties in favor and all parties opposed to the proposed Local Law were heard; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Alden Town Board, as lead Agency, that adoption of said proposed Local Law is an Unlisted Action and will not have a significant effect upon the environment, and

WHEREAS, the Erie County Division of Planning gave a "no recommendation" to the proposed Local law on May 1, 2008, pursuant to section 239-m of the General Municipal Law, and

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law on April 8, 2008, and

WHEREAS, the Alden Town Board, after due deliberation, finds it in the best interest of said the Town of Alden to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT;

1. The Alden Town Board hereby adopts said Local Law No. 3 of the Year 2008 entitled “Amendment of the Signs Law for the Alden Town Code, a copy of which is attached hereto and made a part of this resolution.

2. That the Alden Town Clerk enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Alden, and to give due notice of the adoption of said Local Law to the Secretary of State of New York, post the same on the Town Bulletin Board and publish the same in the Alden Advertiser.

3. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on June 2, 2008 and was unanimously adopted.

LOCAL LAW #3/08 – “AMENDMENT OF THE SIGNS LAW FOR THE TOWN OF ALDEN”

A Local Law known as Local Law No. 3 of the Year 2008 entitled “Amendment of the signs Law for the Town of Alden.

Be in enacted by the Town Board of the Town of Alden as follows:

SECTION 1. TITLE

This Law shall be known as Local Law No. 3 of the Year 2008 entitled “Amendment of the Signs Law for the Town of Alden”

SECTION 2. PURPOSE

The purpose of this local law is to add additional provisions to the Signs Law codified as Chapter 2 of the Code of the Town of Alden to regulate Light Emitting Diode Signs and Electronic Variable Message Signs.

SECTION 3. AMENDMENT OF CODE

The Code of the Town of Alden is amended by this Local Law No. 3 of the Year 2008 as follows:

1. Chapter 2 of the code of the Town of Alden as originally adopted on October 5, 1987 as Local Law No. 3 of 1987 is hereby amended as follows:

Section 2 -3.A is amended to read in its entirety:

A. Except as specifically permitted in § 2-5A below, no sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights. Except as specifically permitted in § 2-5A below, any illuminated sign or lighting device shall employ only lights emitting a perceived constant intensity. All sign containing electrical wiring shall be subject to the provisions of the National Electrical Code and the New York Board of Fire Underwriters, and the electrical components used shall be the label of an approved testing agency.

Section 2-5.1 is created and reads as follows:

§ 2-5.1 Light Emitting Diode Signs and Electronic Variable Message Signs

A. LED and EVMS are permitted only in R-C, C and M zoning districts.

B. The face area of the sign shall be limited to fifty percent (50%) of the allowable free standing sign or forty (40) square feet, which ever is less.

C. The frequency of the electronic display/displays will be limited to a maximum of one (1) message display per minute.

D. The message displays will be presented only in alpha-numeric format; moving pictures; digital movies and sound will not be utilized. However, still graphics may be utilized as backdrops to message displays.

E. Message displays will be instantaneous, without scrolling, fading-in, dropping-in, or similar moving copy changes.

F. Brightness shall be no more than 1, 250 nits from sunset until sunrise and 5,000 nits from sunrise until sunset.

SECTION 4. SEPARABILITY

If any section, subsection phrase, sentence or other portion of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. APPLICABILITY

This chapter is applicable only to the unincorporated areas of the Town of Alden and shall be construed as an exercise of the powers of such Town to regulate, control and restrict the use of buildings, structures and land in order to promote the health, safety, morals or general welfare of the community, including the protection and preservation of the property of the Twn and of its inhabitants and of peace and good order, for the benefit of trade and all other matters related thereto.

SECTION 6. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State of New York.

TABLED THE RESOLUTION re NEGATIVE DECLARATION re LOCAL LAW NO. 4/08 –“WINDMILL LAW OF THE TOWN OF ALDEN”

TABLED THE RESOLUTION re ADOPTION OF LOCAL LAW #4/08 “WINDMILL LAW OF ATHE TOWN OF ALDEN”.

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

WHEREAS, the Town Board is considering the establishment of a new Water District No. 5 in the portions of the Town of Alden, outside the boundaries of any existing water districts of the Town and outside of any incorporated Villages; and

WHEREAS, the Town Board will apply for USDA grant funding prior to going forward with the establishment has determined that it is necessary to have approved and executed the USDA Rural Utilities Service Legal Services Agreement.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT;

1. The Town Board does hereby authorize Supervisor Ronald L. Smith to execute and sign the attached USDA Rural Utilities Service Legal Services Agreement with Town Attorney Jennifer L. Strong, ESQ. for legal services in connection with the Water District No. 5 at the hourly rate of \$150.00 plus actual disbursements.
2. This resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote on June 2, 2008 and was unanimously adopted.

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

WHEREAS, the Parks Supervisor Mulligan has advised the Town Board that the Town of Alden parks need additional seasonal laborers for the summer season and that this need may continue from summer season to summer season and

WHEREAS, pursuant to section 22 of the New York State Civil Service Law, the Town of Alden must file with the Erie County Personnel Office, a New Position Duties Statement

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT

1. The Town Board hereby established the labor position, with twelve (12) openings, of PARK MAINTENANCE WORKER 1PT SEASONAL, the job duties are defined on the attached New Position Duties Statement; and
2. The Supervisor Ronald L. Smith is authorized to file the New Position Duties Statement with the Erie County Personnel Office.
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put a roll call vote on June 2, 2008 and was unanimously adopted.

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

WHEREAS, the Parks Supervisor Milligan has advised the Town Board that the Town of Alden Parks need of eight (8) PARK MAINTENANCE WORKER 1 pt seasonal persons for the 2008 summer season

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board hereby approves the hiring as PARK MAINTENANCE WORKER 1 PT SEASONAL for the 2008 ummer season, the following persons: William Henry, Herbert Koenig, Nate Koop, Ryan Lewis, Matthew Lueke, Erie Maderer, David Nuwer, Richard Przyware.
2. The hourly rate as noted in the Reorganizational Packet, no benefits.
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote on June 2, 2008 and was unanimously adopted.

Supervisor Smith polled the Board and with on objection the following was added to the Agenda.

Supervisor Smith moved and Councilman Weber seconded the Motion to grant Colleen Rogers permission to attend the Accounting Principles and Procedures workshop to be held in East Aurora, New York on October 21,22 & 23 2008 at reasonable Town expense. Unanimously carried.

Supervisor Smith moved and Council Weber seconded the Motion to grant Martin Dugan, CEO permission to attend the New York State Building Officials Conference to be held in Lake Placid on September 3, 4 & 5, 2008 at reasonable Town expense. Unanimously carried.

REPORTS FROM COMMITTEES, OFFICIALS AND PERSONNEL

Councilwoman Riddoch reported she received a call from Nick Smith/Crittenden Fire Co – he wants to go on record as to that corner of Crittenden and North – the problem is people not stopping or else they creep up and don't take enough time to look – he sees no problem with this Intersection; she has received a Certificate of Insurance for the Alden Fire Co Heritage Weekend. She reported that the Pool has been sandblasted and is ready for paint; she spoke to Mike Hardie re coverage for the new employees driving Town trucks – she has supplied him with the names and there is no extra cost involved.

Councilman Weber has been checking on Drainage problems on Henskee Rd., Peters Corners Rd and Two Rod Rd.

Councilman Snyder reported he is getting a quote on a Furnace; attended the Erie County Supervisors Meeting; the Dry Wall in the Kitchen is done – needs to be painted; waiting for a final note from Jim Allen on the Generator.

Councilwoman Cooke reported she will be going this Thursday for a Meeting with the Townline Fire Co. re the Pipe Lines; she is in the process of reading the requirements from the State for the Emergency Disaster Program.

Supervisor Smith reported: Monthly Report from the Town Clerk, Monthly Report from the Building Inspector; Minutes of the WNY Stormwater Coalition Meeting of April 9th; Monthly Statement from the Receiver of Taxes; Unofficial Minutes of the Alden Planning Board Meeting of May 13th; Monthly Response Compliance for April 2008 from Rural/Metro Medical Services. He also stated that there will be a Meeting of the Master Plan Committee on June 24th.

Supervisor Smith adjourned the Meeting at 8:34 PM with a Minute's silence in Memory of Phyllis Griffin, Carol Ressler, Ernie Stencil, Paul Pawlak, Evelyn Overhof and Gary Wittlief.

DOROTHY L. BYCINA
TOWN CLERK