

METTING NO. 11
REGULAR NO. 11

REGULAR BOARD MEETING

JUNE 5, 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, June 5, 2006 at 7:30 P.M.. 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 L. Smith, Supervisor
Mary F. Riddoch, Councilwoman
William Weber, Councilman
Ronald L. Snyder, Councilman
Arlene A. Cooke, Councilwoman
RECORDING SECRETARY: Debra Crist, Deputy Town Clerk
OTHERS PRESENT: Jennifer Strong, Town Attorney
Frank Trybuskiewicz, CEO
Ralph P. Witt, Planning Board

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of May 15, 2006. Unanimously carried.

Supervisor Smith "Welcomed" the Students from Alden Central "Good Government Class"

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN COOKE AND SECONDED BY COUNCILMAN SNYDER TO WIT;

ACCOUNT	ABST #1	ABST #2	TOTAL
GENERAL FUND "A"		33,377.56	50,342.35
HGHWY FUND "DA/DB"		69,594.93	78,690.12
PARTTOWN FUND "B"		2,129.76	6,158.61
WD#2 FUND "WB"			375.20
WD#3 FUND "WC"			1,983.20
WD#4 FUND "WD"			1,299.80
SPFIRE FUND "SF"			
SD#1 FUND "SI"			
SD#2 FUND "SA"		250.98	3,435.04
TRUST/AGCY FUND "T"		378.00	1,152.79
SP REFUSE FUND "SR"		1,319.15	28,051.86
ST LIGHTING FUND "SL"			7,088.00
GENERAL FUND "A" DUGOUTS		14,020.21	14,020.21
TOTAL	71,526.59	121,070.59	192,597.18

(Approved 5/15/06)

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

BUSINESS FROM THE FLOOR

Ted Lambert of 1313 E. LaRay Drive had a complaint about neighbor's debris from building ending up on his lawn. Also, had a complaint about 4" pipe in culvert in front of neighbors property. Supervisor Smith suggested that all parties get together with Frank Trybuskiewicz, Bud Milligan and Michael Metzger to resolve these ongoing problems.

COMMUNICATIONS

Councilwoman Riddoch reported having talked to Dawn Crawford regarding the conditions of Shelter #1 & Park when she rented it. Bud Milligan and his men have taken care of the problems.

Councilman Weber reported he was on Boncliff checking out drainage problems, will speak to Bud Milligan about this.

Deputy Town Clerk Debra Crist reported that Marlene Roll came into the Town Clerk's office and would like a list of duties that our Dog Control Officer is to follow. Supervisor's office is checking into this and also with other Towns as to what protocol they use.

Supervisor Smith reported receiving a letter from Councilwoman Riddoch re June 19th Board Meeting, she will be out of Town and may not be back in time to attend, Supervisor Smith also received a letter from Bud Milligan stating that he will be out of Town the week of June 4th at Highway School/Ken Justinger will be in charge in his absence, received a letter from Greatbatch Inc. regarding the purchase of a dugout tarp at R.O.Smith Park, received a letter from Town of Wales regarding a resolution in opposition of Erie County Legislature's Four (4) Year Plan, received a letter from Alden Hook & Ladder Fire Co., Inc. about their annual Carnival on June 22, 23, 24, 2006, inviting Board members to parade and Councilwoman Cooke to be parade announcer, received a letter from N.Y.S. D.E.C. re the controlled burn on 1418 Town Rod Rd., letter from County of Erie, Department of Health re meeting about pandemic flu crisis, Councilwoman Cooke will attend this meeting, copy of letter sent to the County of Erie from Village of Alden Attorney Trapp regarding rezoning of properties on Broadway from Westcott to Elm Street in the Village, received a letter from County of Erie, Joel Giambra regarding Sheriff's Patrol, Town of Alden will meet in Elma next Monday along with other Towns regarding this. The Work Session will be rescheduled to June 19th, at 6:00 PM.

Attorney Strong reported on receiving info packet from New York State Office of Cyber Security & Critical Infrastructure Coordination a new Cyber law that the Town may consider adopting, received from the Building Inspector the new State building code that we must adopt by January 1, 2007. Copies of both have been distributed. Received a letter from National Grid on Exchange St. Tower, sent out letter renewing the garbage contract and received communications re Winnie's law suit against the Town.

Councilwoman Cooke reported that she is on Committee interviewing for new Superintendent for Alden Central School, also she reported that herself and Dan Moultrup will meet with Fox & Co. regarding T & A fund recommendation.

NEW BUSINESS

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to grant the Ladies Auxiliary of VFW Post #3180 of Akron, NY permission to use the Band Shell for a Chinese Auction benefiting Mark Beyers on August 12th. Unanimously carried.

Councilwoman Cooke moved and Councilman Snyder seconded the Motion to grant Assessor William Sivec permission to attend Assessor Training 7/17/06-7/21/06. Unanimously carried.

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

WHEREAS, the Town of Alden is a member of the Northeast-Southtowns Solid Waste Management Board, with Ronald Snyder, Chairman of the Town of Alden's Recycling Committee serving as the Town's permanent representative on the Board and;

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS;

That in the event the recycling Chairman is unable to attend a meeting of the Board, the Alden Town Board designates Town of Alden Supervisor Ronald L. Smith as the alternate, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be sent to the Chairmen of the Northeast-Southtowns Solid Waste Management Board and the Erie County Department of Environment & Planning.

This resolution shall take effect immediately. The foregoing Resolution as duly put to a vote on June 5, 2006 and was unanimously adopted.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion allowing Mary Nuwer to continue as Alternate Crossing Guard for the remainder of School Year to be paid by Voucher. Unanimously carried.

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

WHEREAS, The Town Board of the Town of Alden has been contacted by Troy & Banks, in regard to conducting a utility audit for the Town of Alden; and

WHEREAS, The Town Board believes that a utility audit may lower the utility costs of the Town of Alden; and

WHEREAS, The Town Board feels that it is in the best interests of the citizens of Alden to conduct a utility audit that may lower the Town's utility costs; and

WHEREAS, the services provide by Troy & Banks are specialized and unique are therefore, under New York State law, not required to be bid.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign a Contract with Troy & Banks to permit Troy & Banks to conduct a utility audit of the utilities consumed by the Town.

This resolution shall take effect immediately.

The adoption of the foregoing Resolution was duly put to a vote on June 5, 2006 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden is considering an application, by Richard Petschke as agent for Irene Sivecz, Norbert Gassman and the Estate of Paul Gassman, for the subdivision of two (2) lots. The entire parcel currently consists of approximately 15 vacant acres on Broadway in the Town of Alden (further identified by SBL #118.00-3-18.1). The first proposed lot will be approximately 6.184 acres making the remaining parcel approximately 8.81 acres (The "Proposed Action"); and

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

WHEREAS, the Town Building Inspector provided notice to the Erie County Division of Planning on or about April 7, 2006, for this Proposed Action, as required under Section 239-m of the General Municipal Law and a "no recommendation was received on April 17, 2006; 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, the Town of Alden did assume Lead Agency Status on May 15, 2006; 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 is 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 11, 2006, recommended to the Town Board the approval of the Proposed Action

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS;

- 1.) 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 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 Lot No. 29, Township 11, Range 5 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point 972.10 feet east of the center line of Four Rod Road and the south line of lands appropriated by the State of New York described in Appropriation of Lands recorded in the Erie County Clerk's Office in Liber 4067 of Deeds at page 254 and Liber 4090 of Deeds at page 234; running thence southerly at an interior angle of 91' 02' 43" along the east line of lands described in a deed to Irene Sivecz recorded in the Erie County Clerk's Office in Liber 9015 of Deeds at page 486, a distance of 439.08 feet to a point; running thence westerly at an exterior angle of 89' 51' 03", a distance of 154.15 feet to a point; running thence southerly at an interior angle of 89' 50' 59", a distance of 341.78 feet to a point, which point is 1,000 feet north of the south line of Lot No. 29; running thence easterly at an interior angle of 90' 51' 26" along a line parallel with the south line of Lot No. 29 and along the north line of lands deeded to Walter Schmidt, Jr. described in a deed recorded in the Erie County Clerk's Office in Liber 11003 of Deeds at page 5258, a distance of 396.12 feet to a point; running thence northerly at an interior angle of 90' 00' 19", a distance of 81.19 feet; thence continuing in a northerly direction along the west line of lands deeded to Wilbert and Bernice Glaser described in a deed recorded in the Erie County Clerk's Office in Liber 6513 of Deeds at page 423, a distance of 714.50 feet to a point on the south line of lands appropriated by the State of New York aforementioned; running thence westerly along said south line of lands, a distance of 314.52' to the point or place of beginning.

- 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 June 5, 2006 and was unanimously adopted.

Councilwoman Cooke moved and Councilman Snyder seconded the Motion to approve Power Personnel use of the Town Hall on June 8, 2006. Unanimously carried.

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

WHEREAS, the Town Board of the Town of Alden is considering the application of Zoladz Construction Company, Inc. as agent for Austin Development I, LLC for the construction of the infrastructure for Periwinkle Meadows Phase II, including roadways and utilities for a 36 lot expansion of an existing single-family residential subdivision on Three Rod Road in the Town of Alden. (The "Proposed Action");

WHEREAS, the Town Board approved the Final Environmental Impact Statement after giving notice to all required permitting agencies and adopted its Findings under SEQRA with regard to the Periwinkle Meadows Subdivision on September 19, 1994

WHEREAS, the NY State Department of Environmental Conservation on August 10, 2005 approved the Notice of Intent for coverage of the Proposed Action under the General Permit for Storm Water Discharges from construction activity;

WHEREAS, the Erie County Health Department on December 12, 2005, gave approval to the private sewage disposal system plans and to the water line extension plans for the Proposed Action;

WHEREAS, the Town of Alden Planning Board after careful review and consideration of the Proposed Action on May 9, 2006, recommended to the Town Board the approval of the Proposed Action;

WHEREAS, the Town Board believes that the construction of the Proposed Action will be beneficial to the overall development of the community, however the Town Board has some concerns regarding the Proposed Action;

NOW THEREFORE BE IT RESOLVED:

1. That the Town of Alden hereby gives Final Plat Approval to the Proposed Action; provided that the following Periwinkle Final Plat Approval Conditions are met.

Periwinkle Final Plat Approval Conditions

- The previously installed drainage system shall be cleaned and upgraded to the satisfaction of the Highway Superintendent and Town Engineer as part of the infrastructure construction.
- The subdivision plans must be approved by the Town Engineer prior to the commencement of any construction.
- A Public Improvement Permit (PIP) must be applied for by the applicant and issued by the Town prior to the commencement of construction.
- The applicant shall submit to the Town Supervisor money in an amount as determined by the Town Engineer to be placed in an account and utilized by the Town to pay for reasonable and customary PIP inspection fees throughout the duration of construction. Any unused PIP deposit amount will be returned to the applicant upon satisfactory completion of construction. Should further PIP fees be required prior to the completion of construction, the applicant shall be advised of same and said amount shall be submitted to the Town Supervisor's office for placement in account.
- The subdivision map shall not be signed by the Town Supervisor and returned to the applicant for filing in the County Clerk's Office until the satisfactory completion of construction as determined by the Town Highway Superintendent and Town Engineer. Upon completion of construction, the applicant shall submit to the Town Engineer and Town Attorney right-of-way deed descriptions, easements and other documents a required by the Town for dedication of the Town road and infrastructure.
- Upon completion of construction, the applicant shall assist the Town in obtaining final acceptance of construction from the Erie County Water Authority, Erie County Health Department, Erie County Highway Department and other approving agencies.
- The applicant shall follow the Stormwater Pollution Prevention Plan (SWPPP) prepared in compliance with New York State Department of Environmental Conservation (NYSDEC) Phase 2 Stormwater SPDES permit 02-01.
- Upon satisfactory completion of construction, the applicant shall provide to the Town a maintenance bond in the amount of 25% of total cost of construction of the road, drainage system and waterline. Maintenance bond shall be in full force for a period of not less than two years from the date of final acceptance of said infrastructure.

- New signs, such as street name, stop signs, etc., deemed necessary will be paid for by the applicant.
- The applicant must submit to the Town Engineer a copy of the NYSDEC Phase 2 SPDES permit no. GP-02-01, SWPPP prepared for the project.
- Sidewalks to be installed at the discretion of the Town Board following a recommendation of the Planning Board

2. That the failure of Zoladz Construction Company, Inc. and/or Austin Development I, LLC to meet any of the Conditions shall result in the immediate revocation of this Approval.

3. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote on June 5, 2006 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 is considering an application by Margaret Ryan for the subdivision of two (2) lots. The entire parcel currently consists of approximately 50 +/- acres on Countyline Road and Henskee Road in the Town of Alden. The first proposed lot ("Parcel A") would be 200' x 400' fronting on Henskee Road; the second proposed lot ("Parcel B") would be the remainder of the parcel; further identified by SBL #131.00-1-20.1 (The "Proposed Action"); and

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; and

WHEREAS, the Town Board 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; 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 is directed to provide notice to the Erie County Division of Planning for this Proposed Action, 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 Action 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 Proposed Action.
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on June 5, 2006 and was unanimously adopted.

Supervisor Smith moved and Councilman Snyder seconded the Motion to approve Peddlers Permit to Bonnie Wiedenbeck (Ice Cream). Unanimously carried.

Councilman Snyder moved and Councilwoman Riddoch seconded the Motion to approve use of the Soccer Fields on Saturday Mornings from 8:00 AM-11:00 AM to Over 30 (Joe Demare) pending signing of insurance waivers.

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 has been informed that two parcels of land, totaling 47 acres on Townline Road (further identified as SBL #'s 107.00-1-28 and 107.00-2-14.1) have been authorized for sale at public auction by Erie County; and

WHEREAS, The Town Board believes that these two (2) parcels may qualify for grantfunding that would allow the Town of Alden to purchase said parcels for future and recreational uses; and

WHEREAS, the Town Board feels that it is in the best interests of the citizens of Alden to promote recreational purposes; and

WHEREAS, the Town Board is interested in purchasing the two parcels of land for future recreational uses.

NOW THEREFORE, BE IT:

1. The Town Board hereby declares its intent to purchase the two parcels from the County of Erie for future recreational purposes.
2. That the Supervisor of the Town of Alden is authorized to negotiate a price and/or place bids for the purchase of the two (2) parcels by the Town of Alden; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on June 5, 2006 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden is considering an application by Jack Domin for the subdivision of three (3) lots. The entire parcel currently consists of approximately 50.261 +/- acres on West Main Street in the Town of Alden. The first proposed lot ("Parcel A") would be 46.334 +/- acres; the second proposed lot ("Parcel B") would be 2.427 +/- acres; and the third proposed lot ("Parcel C") would be 1.5 +/- acres; further identified by SBL #'s 108.00-4-38; 108.00-4-39; 108.00-4-37; and 108.00-4-35 (The "Proposed Action") ; and

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; and

WHEREAS, the Town Board 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; 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 is directed to provide notice to the Erie County Division of Planning for this Proposed Action, 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 Action 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 Proposed Action.
3. This resolution shall take effect immediately.

The foregoing Resolution as duly put to a vote on June 5, 2006 and was unanimously adopted.

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Supervisor Smith reported receiving from the Building Inspector the monthly report for May 2006, also May 2006 monthly report from the Town Clerk's Office. Filed notice with Erie County that the Town of Alden will continue to collect unpaid taxes until June 30. Received copy of minutes from AECC meeting May 3rd. Councilman Snyder reported receiving three bids on air conditioning in the copy room, requested it be put on the Work Session. Councilman Snyder attended a meeting last week with the Amherst Supervisor and Supervisors from other Towns re important issues Towns have in trying to receive more money from Albany to Erie County. Reported on recycling/ ECC South on June 17th, Supervisor Smith will fill in for Councilman Snyder. Councilwoman Cooke reported that she will purchase the new microwave oven for the Community Center and have Sitzman's Appliance install it. She will be teaching First Aid and procedures on Saturday morning to the recreation employees. Councilman Weber would like to add to the Work Session; water districts, wind turbines and the right to farm. Attorney Strong would like to add to the Work Session the new driveway law, also received new notice requirements under the General Municipal Law that go into effect July 1, she gave copies to the Board. Planning Board Chair questioned Attorney Strong on the packet that she gave him on Wastewater law. She stated this needs to be adopted into a local law by Jan 1, 2007. Supervisor Smith announced that the Town of Alden's website has been launched the address is www.alden.erie.gov. There is no Work Session next week due to the fact that the Town Board will be at Elma in a meeting, the next Work Session will be June 19, 2006 at 6:00 PM before regular Board meeting

Supervisor Smith adjourned the Meeting at 8:25 PM with a Minute's silence in Memory of Bernice Huse, Robert McCormick, Rita Weigand and Dr. Charles Creighton.

DEBRA A. CRIST
DEPUTY TOWN CLERK