

MEETING. NO 14
REGULAR NO 12

REGULAR BOARD MEETING

JUNE 18, 2007
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 18, 2007 at 7:30 PM. Supervisor Smith called the Meeting to order. Councilman Snyder led in the Pledge of Allegiance. The roll call was taken by the Town Clerk.

PRESENT: Ronald L. Smith, Supervisor
Mary Riddoch, Councilwoman
William Weber, Councilman
Ronald L. Snyder, Councilman
Arlene A. Cooke, Councilwoman
RECORDING SECRETARY: Dorothy L. Bycina, Town Clerk
OTHERS PRESENT: Jennifer Strong, Town Attorney
Harry F. Milligan, Highway Supt
Michael Metzger, Town Engineer

Councilman Weber moved and Councilwoman Cooke seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of June 4, 2007. Unanimously carried.

COUNCILWOMAN COOKE MOVED AND COUNCILMAN SNYDER SECONDED THAT THE FOLLOWING VOUCHERS BE ALLOWED AND PAID

ACCOUNT	ABST #1	ABST #2	TOTAL
General Fund "A"	79,331.09		79,331.09
Highway Fund "DA/DB"	19,089.41		19,089.41
Part Town Fund "B"	4,273.27		4,273.27
WD#2 Fund "WB"	375.20		375.20
WD## Fund "WC"	1,983.20		1,983.20
Sp Fire Prot "SF"	8,599.00		8,599.00
SD #2 Fund "SA"	371.03		371.03
Trust & Agcy Fund "T"	7,292.25		7,292.25
Sp Refuse Fund "SR"	30,914.28		30,914.28
St Lighting Fund "SL"	6,874.00		6,874.00
TOTAL	159,102.73		159,102.73

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Paul Loehr/Henske Road questioned the Supervisor if he received the letter he dropped off at his office today – The Supervisor did receive the letter – this referred to the fact that there was a hearing problem – the Supervisor stated that there is no intent to keep anything from the people and he asked if there is anything he can not hear to indicate so and it will be repeated.

COMMUNICATIONS

Councilwoman Riddoch reported she spoke with Recreational Director Dan Moultrup re the Portable Toilets. The School is planning on moving them at the end of the School Year which is this Friday. If the Board has no objection, she will call Ball Toilet and have one put on the Babe Ruth Field. She also received a request from Dave Kocher for use of the Ball Field for Mens Softball- will put this on the Work Session.

Councilman Weber received a letter from Margaret Ryan re her Subdivision application – this is on the Agenda for the Meeting tonight.

Town Clerk Bycina requested that the Board add to the Agenda for tonight a Peddlers Permit that was just filed with her office.

Councilman Snyder is getting two Bids for the replacement of the Gym Doors.

Councilwoman Cooke spoke with Mayor Kubik – there will be another Meeting with the Village and Town – was to be in July but will be changed to August.

Supervisor Smith reported on the monthly report from Rural Metro and the NEST Meeting.

NEW BUSINESS

Councilwoman Riddoch moved and Councilman Weber seconded by the Motion to grant the Alden Art Club permission to use the Community Center and Restrooms on September 9th from 9:00 AM – 5:00 PM. Unanimously carried.

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 on June 16, 2003 approved, using incorrect legal descriptions, the subdivision of three lots by Robert S. Vargo. The entire parcel currently consists of approximately 30 vacant acres on Henskee Road in the Town of Alden (further identified by SBL #119.00-5-6.12). The first proposed lot will be approximately 3.77 acres, the second proposed lot will be 3.77 acres, making the remaining parcel approximately 22.5 acres (The “Proposed Action”) and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board resolution dated June 16, 2003 is hereby modified as to the legal descriptions contained therein;
2. The the following two (2) parcels, more particularly described as

PARCEL 1

All that tract parcel of land, SITUATE IN THE Town of Alden, County of Erie and State of New York, being part of Lot No. 1, Township 11, Range 5 of the Holland Land Company’s Survey, bounded and described as follows:

BEGINNING at the southwest corner of lands conveyed to Robert S. & Fay Vargo by Liber of Deeds 9518 at Page 507, said point being on the south line of Lot 10; thence north on the west line of Vargo being parallel to the east line of Lot 10 at an interior angle of 89°30’15” a distance of 822.3’ to a point; thence east parallel to the south line of Lot 10 a distance of 200.0’ to appoint; thence south parallel to the east line of Vargo a distance of 822.3’ to the south line of Lot 10; thence west on the south line of Lot 10 a distance of 200.0’ to the point of beginning containing 3.77 acres of land more or less.

And

PARCEL 2

All that tract parcel of land, situate in the Town of Alden, County of Erie and State of New York, being part of Lot No. 1, Township 11, Range 5 of the Holland Land Company’s Survey, bounded and described as follows:

BEGINNING at a point on the south line of Lot 10, 200.0’ east of the southwest corner of lands conveyed to Robert S. & Fay Vargo by Liber of Deeds 9518 at Page 507; thence north parallel to the east line of Lot 10 at an interior angle of 89°30’15’ a distance of 822.3’ to a point, thence east parallel to the south line of Lot 10 a distance of 200.0’ to a point; thence south parallel to the east line of Lot 10 a distance of 822.3’ to the south line of Lot 10; thence west on the south line of Lot 10 a distance of 200.00’ to the point of beginning containing 3.77 acres of land more or less;

Are given subdivision approval.

4. This resolution shall take effect immediately.

The above correcting resolution was duly put to a roll call vote at a regular meeting of the Town Board of the Town of Alden on June 18, 2007 and was unanimously adopted.

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

WHEREAS, the Town of Alden needs to fill the position of Town of Alden Sewer Plant Administrator.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. Councilman Ronald L. Snyder is hereby appointed as the Town of Alden Sewer Plant Administrator; to be paid by voucher in an amount not to exceed \$70.88 per month;
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on June 18, 2007 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, under §20-011(H) of the Town of Alden Code, of Hubco, Inc. for site plan approval for the construction of a 9,600 square foot addition to its existing building, said addition to be used for office and warehouse space, at 2885 Commerce Drive in the Town of Alden, county of Erie and State of New York (further identified by SBL #96.00-4-7.1);

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;

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 site plan review; 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;

WHEREAS, the Town of Alden has provided notice to Erie County planning, on May 17, 2007, for this site plan review as required under Section 239-m of the General Municipal Law and Erie County Planning issuing a no recommendation on May 22, 2007;

WHEREAS, the New York State Environmental Quality Review Act requires the Town of Alden to determine the Lead Agency status and the Lead Agency making a SEQRA determination;

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the Code of the town of Alden, Chapter 9D, the Applicant has prepared the Short Environmental Assessment Form, which is now on file with the Town Board and the Town's SERA Intake Officer;

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 review has been conducted.

2. The Town Board has determined, and Erie County Planning has concurred that the Town of Alden 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 Town Board of the Town of Alden finds that the Proposed Action is consistent with the Town Code and approves the site plan.

5. This Resolution shall take effect immediately.

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

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

WHEREAS, the Village of Alden has notified the Town of Alden that the Inter-Municipal Building Inspector Agreement will expire on June 30, 2007 and that the Village would like to renew the Agreement.

WHEREAS, the Town of Alden believes it is in the best interest of the residents of Alden to renew the Agreement in order to provide adequate and convenient coverage for timely building inspection in both the Town and the Village of Alden;

NOW, THEREFORE BE RESOLVED AS FOLLOWS:

1. The Town Board approves the Inter-Municipal Building Inspector Agreement with the Village of Alden for the period of June 1, 2007 through June 30, 2008.

2. The Supervisor of the Town of Alden is hereby authorized to sign the Agreement on behalf of the Town of Alden.

3. This resolution shall take effect immediately.

4. The foregoing Resolution was duly put to a vote on June 18, 2007 and was unanimously adopted.

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to renew the HOP for Marc & LuAnn Miller/11256 Broadway (Blinds – Cleaned & Repaired, Sales) Unanimously carried.

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

WHEREAS, there was pending, before the Supreme Court of the State of New York in the County of Erie, a special proceeding brought FRANK TRYBUSKIEWICZ (“Employee”) against THE TOWN OF ALDEN (“Town”); and

WHEREAS, there was pending before hearing officer Brian D. Doyle, Esq., Hearing Officer duly appointed by the Town, disciplinary charges against the Employee pursuant to section 75 of the Civil Service Law; and

WHEREAS, the Town and the Employee have reached a Confidential Settlement agreement;

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That all charges preferred by the Town of Alden against Employee are hereby withdrawn without prejudice; and
2. The Supervisor is hereby authorized to sign the Confidential Settlement Agreement.
3. This resolution shall take effective immediately.

The foregoing Resolution was duly put to a vote on June 18, 2007 and was unanimously adopted.

SUPERVISOR SMITH POLLED THE BOARD AND WITH NO OBJECTION THE FOLLOWING ITEMS WILL BE ADDED TO THE AGENDA.

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

WHEREAS, THE Alden Town Board on November 6, 2006 adopted its 2007 Budget;

WHEREAS, the Town of Alden Recreation Director requested to the Town Board that an increase in his budget be increased to allow for the following: New equipment for the town of Alden Tennis Program.

WHEREAS, the Town of Alden is a recipient of this grant from the Junior Tennis Foundation

WHEREAS, increasing the Recreation Budget will not render the Town of Alden insolvent.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Alden Town Board hereby increases revenues by \$335.00 Line 0558 2705.200 A Junior Tennis Foundation Grant;
2. That the Alden Town Board hereby increase expenditures by \$335.00 Line 05579 7140.427 A – Tennis Court Fees & Equipment; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on June 18, 2007 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden is considering an application by Margarett Ryan for the subdivision of two (2) lots. The entire parcel currently consists of approximately 50+/- on 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");

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 in May, 2006, for this Proposed Action, as required under Section 239-m of the General Municipal Law and a "no recommendation" was received on June 9, 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 June 5, 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 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. 1 Township 11, Range 5 of the Holland Land Company's Survey, bounded and described as follows:
BEGINNING at a point in the north line of said Lot No. 1 (being also the center line of Henske Road) distant 2436.24 feet westerly from the northeast corner of said lot; thence southerly and parallel with the west line of said lot 433.00 feet, thence westerly and parallel with the north line of said lot 200.00 feet; thence northerly and parallel with the west line of said lot 433.00 feet to the north line of said lot; thence easterly along the north line of said lot 200.00 feet to the point of beginning, containing 1.988 acres of land, more or less is 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 on June 18, 2007 and was unanimously adopted.

Supervisor Smith moved and Councilman Weber seconded the Motion to issue a Peddlers Permit to Lisa Christine Mason to sell Education Books and Software's. Unanimously carried.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilwoman Riddoch attended with Supervisor Smith on June 9th the Presentation & Walk thru in the Village – she got a positive feeling that we are headed in the right direction. She said that the entire Panel of Representatives was supportive of what was being done and gave good suggestions on improvements.

Councilman Weber reported on a Meeting re WD#5 – got some positive directions to go with WD#5. He checked on a drainage problem at 3823 N Millgrove Road with the Highway Supt. – this will be looked at again in the Fall.

Attorney Strong is researching the Dog Licenses.

Councilman Snyder reported that the Garage here at the Town Hall has been painted and is getting prices for a new Roof; waiting for information so he can get a price on a Generator for the Town Hall and he also reported on the Hazardous Waste Pick- up.

Councilwoman Cooke reported on the Meeting she attended in Springville – she did the Meeting for the Supervisor while he did the walk through the Village.

Engineer Metzger questioned Councilman Snyder re the Stormwater Draft – reference is made to the former Supervisor.

Supervisor Smith reminded the Board about the Firemen’s Parade on June 30th at 6:00 PM

Supervisor Smith adjourned the Meeting at 7:58 PM with a Minute’s silence in memory of Edmund Panek, David Schiefer, Stephen Glogowski and Betty Kile.

DOROTHY L. BYCINA
TOWN CLERK.