

MEETING NO. 13
REGULAR NO. 13

REGULAR BOARD MEETING

JULY 10, 2006
7:30 PM

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, July 10, 2006 at 7:30 PM. Supervisor Smith called the Meeting to order. Councilwoman Riddoch led in the Pledge of Allegiance. The roll call was taken by the Town Clerk.

PRESENT:

Ronald L. Smith, Supervisor
Mary F. Riddoch, Councilwoman
William Weber, Councilman
Ronald L. Snyder, Councilman
Arlene A. Cooke, Councilwoman

RECORDING SECRETARY:

Dorothy L. Bycina, Town Clerk

OTHERS PRESENT:

Debra Crist, Deputy Town Clerk
Jennifer Strong, Town Attorney
Harry F. Milligan, Highway Supt
Frank Trybuskiewicz, CEO
Michael Metzger, Town Engineer
Ralph Witt, Planning Board Chairman

Councilman Snyder moved and Councilman Weber seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of June 19, 2006. Unanimously carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN COOKE
SECONDED BY COUNCILMAN SNYDER

ACCOUNT	ABST #1	ABST #2	TOTAL
GENERAL FUND "A"		13,487.70	101,485.73
HGHWY FUND "DA/DB"		754.38	16,473.85
PARTTOWN FUND "B"		2,428.83	6,198.58
WD#1 FUND "WA"			2,777.11
WD#2 FUND "WB"			375.20
WD#3 FUND "WC"			1,983.20
WD#4 FUND "WD"			1,299.80
SP FIRE PROT FUND "SF"		380.00	380.00
SD#2 FUND "SA"		2,006.11	2,331.78
TRUST & AGCY FUND "T"		892.33	1,587.56
SP REFUSE FUND "SR"			27,279.62
ST LIGHTING FUND "SL"			7,088.00

TOTAL 161,057.08 19,949.35 181,006.43

(Approved 6/19/06)

UPON ROLL CALL VOTE THE FOREGOING RESOLUTION WAS
UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Matt Herdzik/287 S Woodside questioned the status of the Sandridge Road Crossing – Supervisor Smith advised that he has been informed that this has been put on the slate. Mr. Herdzik also questioned the closing of Townline Road for the work on the Bridge. Highway Supt Milligan was advised that no immediate plans are in the works for this repair – Supervisor Smith will call the County to see what can be done on this Bridge.

Ralph Krieger/263 Exchange St - he would like to see an Environmental Impact Survey done to the see what effect a Walmart would have on our local Businesses. He added that he would like to see the Ames Plaza developed.

Mrs. Szymanski/1078 Bonnie Lake would like to have something done re the erosion of her property due to the Town' Easement – after a discussion with the Highway Supt and the Town Engineer the Supervisor requested this be placed on the Work Session.

Wynnie Fisher questioned the SEQR re 1418 Two Rod Road – the Attorney explained that the smaller Building in question is to be split in half and burned with the Main Building – after a discussion re the wording of the SEQR this was tabled from the Agenda.

COMMUNICATIONS

Councilwoman Riddoch reported she received a letter from Andy McDermott re the Tennessee Gas Pipeline and the proposed expansion of the Heritage Trail; also received an application for use of the Park from Al Gerhart for the Men's Softball Tournament in August.

Councilman Weber reported he received a Petition from residents of Manitou re a Drainage problem; received a copy of a signed Petition from residents on Zoeller stating their concerns about the Water District – they would like to have Zoeller Road called WD#5A since they are in need of Water; received a copy of the Sign-up for WD#5 – since this Petition started the 50% Mark has now been passed.

Attorney Strong reported she is working on the Control Burn; the Tennessee Gas Pipeline has been reported by Councilwoman Riddoch and the Duplicate Bond for the Exchange St Tower has been mailed.

Councilwoman Cooke reported she has met with the Disaster Coordinator for the Village – will be setting up the next Meeting (July 24th)

Supervisor Smith reported on a call from the County re his inquiry on the calls that involved the Correctional Facility; letter from ACS re the new Superintendent for ACS; letter from the Town of Newstead re their opposition to the proposed Erie County 4-Year Plan; also a Certified Resolution re the Erie County 4-Year Plan from the Town of Grand Island.

NEW BUSINESS

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN SNYDER WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN COOKE 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, 2006, and that the Village would like to renew the Agreement;

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

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

- 1 . The Town Board approves the Inter-Municipal Building Inspector Agreement with the Village of Alden for the period of July 1, 2006 through June 30, 2007
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 July 10, 2006 and was unanimously adopted.

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

RESOLUTION IN OPPOSITION OF ERIE COUNTY LEGISLATURE'S (4) FOUR YEAR PLAN FOR ERIE COUNTY

WHEREAS, the Erie County Legislature is proposing a four (4) year plan that would

- 1) Eliminate Sheriff Road Patrols
- 2) Transfer County roads to local control
- 3) Increase sales tax, and
- 4) Increase County property tax;

WHEREAS, such actions would cause an undue hardship on the Town of Alden creating a general Town Tax, which would severely impact our residents, particularly those on fixed incomes and those with families, and

WHEREAS, the Town of Alden wishes to take visible stand in protest to these proposed recommendations by the Erie County Legislature,

NOW, THEREFORE BE IT RESOLVED:

- 1) That the Alden Town Board objects to the aforementioned proposals. These proposals, if enacted, would cause a serious hardship for the Town of Alden and its residents, and
- 2) That the Town Clerk is directed to forward certified copies of this resolution to: Erie County Executive Joel Giambra, all Erie County Legislators, and the following Erie County Towns for support: Akron, Brant, Boston, Clarence, Colden, Collins, Concord, Holland, Marilla, North Collins, Newstead, Sardinia and Wales.

This Resolution was put to a roll call on July 10, 2006 and was unanimously adopted.

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

The Alden Town Board on November 7, 2005 adopted its 2006 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:

1. The creation of "A Children's Garden" to be located adjacent to the former Henskee Road Schoolhouse.
2. An awning to provide shade to the Town Park Wading Pool
3. Six baseball dugouts to be constructed adjacent to baseball fields at Robert O. Smith Park
4. Programming to provide children hands on activities to show how life today is different from the past.

WHEREAS, East Hill foundation has provided the funding through a grant to the Town of Alden; and

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 increased revenue by \$8,000.00 Line 0556 2705.100 A Greatbatch Recreation Grant; and
2. That the Alden Town Board hereby increases expenditures by \$8,000.00 Line 0057 8510.400 A. Greatbatch Recreation Grant; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on July 10, 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 of Alden pursuant to Contracts with the Crittenden Volunteer Fire Department and the Millgrove Volunteer Fire Department has agreed to supply both Volunteer Fire Departments with Worker's Compensation Insurance; and

WHEREAS, the Town of Alden will save money (approximately \$5,000.00) and satisfy the Contracts by providing said insurance through the New York State Public Entities Safety Group 497 State Insurance Fund Worker's Compensation Program;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board does hereby authorize Supervisor Smith to enter into and execute all necessary documents to effectuate the Worker's Compensation Insurance from the Crittenden Volunteer Fire Department and the Millgrove Volunteer Fire Department through the New York State Public Entities Safety Group 497 State Insurance Fund Worker's Compensation Program.
2. This Resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote on July 10, 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 of Alden pursuant to Contracts with the Crittenden Volunteer Fire Department and the Millgrove Volunteer Fire Department has agreed to supply both Volunteer Fire Departments with Worker's Compensation Insurance; and

WHEREAS, the Town of Alden will save money (approximately \$5,000.00) and satisfy the Contracts by providing said insurance through the New York State Public Entities Safety Group 497 State Insurance Fund Worker's Compensation Program;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board does hereby authorize Supervisor Smith to enter into and execute all necessary documents to effectuate the Worker's Compensation Insurance for the Crittenden Volunteer Fire Department and the Millgrove Volunteer Fire Department through the New York State Public Entities Safety Group 497 State Insurance Fund Worker's Compensation Program.
2. This Resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote on July 10, 2006 and was unanimously adopted.

Supervisor Smith moved and Councilwoman Riddoch seconded the Motion to grant Alden Home Bureau permission to use the Community Center on the 1st and 3rd Monday from 7:00 PM – 9:00 PM for the period 9/06 – 6/07. Unanimously carried.

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

WHEREAS, on December 30, 1977, the County of Erie, The City of Buffalo, the City of Lackawanna and the City of Tonawanda entered into an Agreement in regard to the sales tax revenues distribution; and

WHEREAS, the Agreement provided a disposition of 25.6858 per cent to the cities and the areas outside the cities in proportion to their respective populations as determined in accordance with the latest decennial federal census; and

WHEREAS, the population of Erie County has shifted in the last three decades and the current formula for sales tax distribution is no longer equitable; and

WHEREAS, section 3 of the Agreement dated December 30, 1977 provides that any time subsequent to November 30, 1982, each party to the agreement shall have the right to terminate said Agreement by giving one (1) year's prior written notice, served upon each of the parties; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town of Alden supports the terminating of the current 1977 Sales Tax Revenue Distribution Agreement; and be it further
2. That the Town of Alden further supports the right of the Erie County Legislature to adopt a resolution to terminate said agreement; and be further
3. That any new Agreement shall provide for a fair and more equitable distribution of the sales tax to the cities, towns and villages in proportion to their respective populations, determined in accordance with the latest decennial federal census as the fair and equitable allocation; and be it further
4. That the Town Clerk forward a certified copy of this resolution to each member of the Erie County Legislature, Erie County Executive Joel Giambra, the Mayors of the City of Buffalo, City of Lackawanna, City of Tonawanda, Town Supervisor in Erie County and Village Mayors in Erie County.
5. This Resolution shall take effect immediately.

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

Councilwoman Cooke moved and Councilman Snyder seconded the Motion to renew the HOP for James Jowiak/11090 John Crt. Unanimously carried.

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

WHEREAS, The Alden Town Board on November 7, 2005 adopted its 2006 Budget:

WHEREAS, the Town of Alden Recreation Director requested to the Town Board that an increase in his budge to 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 \$500.00 Line 0558 2705.200 A Junior Tennis Foundation Grant
2. That the Alden Town Board hereby increased expenditures by \$500.00 Line 00579 7140.427A Tennis Court Fees & Equipment; and

3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on July 10, 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 New York State Legislature has enacted the Information Security Breach and Notification Act (the "Act"); which requires that the Town of Alden disclose to a New York resident when their private information was, or is reasonably believed to have been acquired by a person without valid authorization.

WHEREAS, the Town of Alden hereby acknowledges that it will follow the provisions of the Act, including the required notification provisions as set forth in the attached Exhibit "A"

NOW THEREFORE, BE IT:

1. The Town Board hereby adopts as its policy the Information Security Breach and Notification Act as set forth in State Technology Law at section 208 and the General Business Law at Section 899-aa:
2. This resolution shall take effect immediately. The foregoing Resolution was duly put to a vote on July 10, 2006 and was unanimously adopted.

UNFINISHED & TABLED BUSINESS

SUPERVISOR SMITH MOVED AND COUNCILMAN WEBER SECONDED THE MOTION TO TABLE THE RESOLUTION re 1418 TWO ROD ROAD. UNANIMOUSLY CARRIED.

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 ("Town Board") is considering an application, by Dennis and Janet Haungs, for the subdivision of two (2) lots. The entire parcel currently consists 1.53 acres (further identified by SBL #95.02-1-28.12) containing a pole barn on Walden Avenue in the Town of Alden. The first proposed lot (Parcel "A") will be approximately .874 acres (currently containing the pole barn). The second lot (Parcel "B") will be approximately .657 acres, further identified by SBL #95.02-1-28.12 (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 of the Town of Alden believes that it 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 provided notice to the Erie County Division of Planning on April 28, 2006, 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, 2006; 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 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 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 June 13, 2006, recommended to the Town Board the approval of the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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. That the following parcels, more particularly described as:

PARCEL "A"
PROPOSED DESCRIPTION
HAUNG'S PROPERTY
11028 WALDEN AVENUE (0.874±AC)

TOWN OF ALDEN

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. 51, Township 11, Range 5 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the southerly line of said Lot No. 51 (said southerly line also being the northerly line of Walden Avenue, formerly Ellicott Road, 99 feet wide) distant 160.92 feet easterly from the intersection of said northerly line of Walden Avenue with the west line of said Lot. No. 51 (said west line also being the center line of Town Line Road); thence easterly along the northerly line of Walden Avenue 198.00 feet; thence northerly and parallel with the west line of said Lot No. 51 a distance of 197.50 feet; thence westerly and parallel with the northerly line of Walden Avenue 198.00 feet; thence southerly and parallel with the west line of said Lot. No. 51 a distance of 197.50 feet to the point of beginning, containing 0.874 acre of land more or less.

PARCEL "B"
PROPOSED DESCRIPTION
VACANT LAND WALDEN AVENUE (0.657±AC.)
TOWN OF ALDEN

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. 51, Township 11, Range 5 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING at a point in the southerly line of said Lot No. 51 (said southerly line also being the northerly line of Walden Avenue, formerly Ellicott Road, 99 feet wide) distant 358.92 feet easterly from the intersection of said northerly line of Walden Avenue with

the west line of said Lot No. 51 (said west line also being the center line of Town Line Road). Thence easterly along the northerly line of Walden Avenue 149.00 feet to the southwest corner of lands conveyed to Gregory Kirsch and John King by deed recorded in the Erie County Clerk's Office in Liber 9359 of Deeds at page 385; thence northerly along the west line of said lands and parallel with the west line of said Lot No. 51 a distance of 197.50 feet; thence westerly and parallel with the northerly line of Walden Avenue 149.00 feet; thence southerly and parallel with the west line of said Lot No. 51 a distance of 197.50 feet to the point of beginning, containing 0.657 acre of land more or less

Are given subdivision approval.

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 July 10, 2006 and was unanimously adopted.

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilwoman Riddoch reported that the Dug Outs are being printed; received a call from Sue Barnes re the Heritage Trail – there will probably be a Meeting in July with the DOT; received three quotes from the Fire Suppression System for the AJF Concession Stand – requested this be placed on the Work Session

Councilwoman Cooke reported that she along with the Supervisor attended the Senior Citizens Installation today; received a schedule from Engineer Metzger for the work to be done at the Community Center.

Town Engineer Metzger stated that the schedule re the Community Center was in response from Erie County Development/Planning; he requested that the Reinhardt Railroad be placed on the Work Session.

Receiver of Taxes/Ralph Witt gave a report of his collections.

Supervisor Smith reported he received the Minute's of the Planning Board; copy of the Planning Board's Agenda; copy of Monthly Reports for the Month of June from the Town Justices, the Building Inspector, the Town Clerk and the Receiver of Taxes.

Supervisor Smith adjourned the Meeting at 8:32 PM with a Minute's silence in Memory of Arleen McQueen, Merle Rozler (former Court Officer).

DOROTHY L. BYCINA
ALDEN TOWN CLERK