

MEETING NO. 16
REGULAR NO 14

REGULAR BOARD MEETING

JULY 16, 2007
7:30 PM

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, July 16, 2007 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 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
Ralph Witt, Planning Board Chairman

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of July 2, 2007. Unanimously carried.

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

ACCOUNT	ABST #1	ABST #2	TOTAL
GENERAL FUND "A"	9,780.76		9,780.76
HGHWY FUND "DA/DB"	8,275.20		8,275.20
PARTTOWN FUND "B"	4,119.29		4,119.29
WD#2 FUND "WB"	375.20		375.20
WD#3 FUND "WC"	1,983.20		1,983.20
WD#4 FUND "WD"	1,299.80		1,299.20
SP.FIRE PROTECT SF	2,830.02		2,830.02
SD#2 FUND "SA"	1,013.43		1,013.43
TRUST & AGCY "SL"	6,062.02		6,062.02
SP REFUSE FUND "SR"	29,585.39		29,585.39
ST LIGHTING FUND "SL"	7,939.57		7,939.57
TOTAL	73,263.88		73,263.88

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Michele Wallace/1358 E LaRay Dr requested help with the drainage problem she has in the front of her house (Ditch). She explained what the problem was – neighbor put dirt in ditch – also had the Health Dept inspecting to be sure there was no Laundry Tub drainage – after a discussion with the Supervisor, Highway Supt and Councilman Weber it was determined that after the situation would be looked at again that the Supervisor will have the CEO advise the neighbor that he can not dam up the ditch to prevent the water from draining.

COMMUNICATIONS

Councilwoman Riddoch reported she received a call from a resident on E LaRay re drainage – she referred this to Councilman Weber; received a call from a resident on Town Line – she spoke to Marty Dugan and he assured her that the process in progress; received a call from Assemblyman Cole's office re a Lancaster resident wanting the Speed Limit on Town Line between Broadway and Clinton looked at – this involves three different Towns so she advised Assemblyman Cole's Secretary that she would discuss this with the Highway Supt and Town Board – requested this be placed on the Work

Session; she spoke to the Highway Supt re the problem in Periwinkle Estates – since this is not Town Property we can ask the Sheriffs and State Police to be aware of the recent break-ins.

Councilman Weber reported a resident on Sullivan Road called re his Water problem – his well is dry and has problems with the Plumbing – Councilman Weber advised that the Board is working diligently on this Water District.

Supervisor Smith reported received a copy of Village Board Minutes; copy of Fire/EMS Dept Monthly Report for June 2007; copy of Village Code Enforcement Officers report of Inspection Log from 7/9/07-7/13/07

NEW BUSINESS

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

WHEREAS, the Town Board of the Town of Alden has been made aware of the traffic safety concerns of its residents with respect to Cary Road between Two Rod Road and Townline Road in the Town of Alden, and

WHEREAS, Cary Road is owned and maintained by the County of Erie, and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Alden hereby formally request that a traffic and safety study be conducted for this roadway a section which is more specifically described as Cary Road between Two Rod Road and Townline Road; and be it further

RESOLVED, these studies are requested as the speed limit is 35 mph prior to this area and the remainder of Cary Road is not posted. Recently more homes have been built and residents feel the increase in traffic warrants a look at the speed limit for the safety of walking and or biking on this section of Cary Road; and be it further

RESOLVED, that the Town Clerk shall send the appropriate paperwork (TE-9) and resolutions to the proper agencies for action on this said resolution...

This Resolution shall take effect immediately.

The adoption of the foregoing Resolution was duly put to vote on July 16, 2007 and was unanimously adopted.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to renew the HOP for James Jozwiak (Account/Income Tax Service). 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 (“Town Board”) is considering an application, under Chapter 20, Article XII of the Town of Alden Code, of Comprehensive Technical Solutions, Inc., for site plan review of the proposed construction of a 36’ x 64’ frame building to be used for an office and as a manufacturing faculty (the “Proposed Action”) on a currently vacant 0.857 acre lot on Walden Avenue (near Townline) in the Town of Alden, County of Erie and Sate of New York; and

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

WHEREAS, the Town Board believes that it is the agency primarily responsible for undertaking decision 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; and

WHEREAS, the Town Board is required to provide notice to County Planning for this site plan review as required under Section 239-m of the General Municipal Law.

NOW, THEREFORE, BE IT RESOVED AS FOLLOWS, THAT;

1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA.
2. The Town Board has determined that it should be the lead agency for all environmental review of the Proposed Action.
3. The Town Board directs the Code Enforcement Officer of the Town of Alden to send the required notice to Erie County Planning as required under Section 239-m of the General Municipal Law.
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 on July 16, 2007 and was unanimously adopted.

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

WHEREAS, the Town of Alden has been contacted by Alden Aurora Gas Company, Inc. in regard to executed Oil and Gas Leases for the construction/installation and lease of gas wells at the Town Hall Property and the Highway Garage Property, said wells to provide gas service to both buildings;

WHEREAS, the proposed Oil and Gas Leases will pay the Town of Alden fair and adequate consideration for producing gas wells; and

WHEREAS, the Alden Town Board after full and careful review and consideration of the request finds that it is in the public interest to enter into the proposed Oil and Gas Leases and to commence gas service with Alden Aurora Gas Company, Inc.;

NOW THEREFORE BE RESOLVED AS FOLLOWS, THAT

1. That the Town Board does hereby authorize Supervisor Smith to enter into and execute all necessary documents to effectuate the Oil and Gas Leases for the Town Hall and Highway Garage Properties with Alden Aurora Gas Company;
2. That the Town Board does hereby authorize Supervisor Smith to complete and sign the Commercial Service Application for gas service to the Town Hall and Highway Garage with Alden Aurora Gas Company.
3. This Resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote on July 16, 2007 : Councilwoman Riddoch;-AYE; Councilman Weber-AYE; Supervisor Smith-AYE; Councilman Snyder-Abstained; Councilwoman Cooke-AYE. The foregoing Resolution was adopted.

Supervisor Smith polled the Board and with no objection the following was added to the Agenda.

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 (“Town Board “) has fully and properly considered the subdivision of vacant land located at Cary and Three Rod Roads owned by Richard and Diane Donnelly (the “Proposed Action”); and

WHEREAS, the Town Board, after reviewing the Short Environmental Assessment Form prepared by Richard and Diane Donnelly has determined that the Proposed Action is a Type II Action under SEQRA; and

NOW, THEREFORE, BE IT RESOLVED A S FOLLOWS:

1. The Town Board hereby adopts the attached Determination of Type II Action.
2. The Town of Alden, as Lead Agency, hereby determines that the type II action described in the attached Determination, 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.
3. 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 16, 2007 and was unanimously adopted.

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 is considering the application of Richard and Diane Donnelly for the minor subdivision of one (1) building lot of vacant land. The entire parcel as it currently exists contains 27 +/- acres. The first proposed lot would be 1.75 acres and the second proposed lot will be the remainder of the parcel (25.25 acres (, further identified by SBL # 118.00-6-4 (The “Proposed Action “) ;

WHEREAS, the Proposed Action is a Type II action within the requirements of the New York State Environmental Quality Review Act;

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 recommended to the Town Board the approval of the Proposed Action;

WHEREAS, the Army Corps of Engineers has walked the site and opined on May 8, 2007, that the Corps has no jurisdiction over the Proposed Action.

WHEREAS, pursuant to Law, the Town of Alden, did on July 16, 2007, make a Determination of Type II Action; and

WHEREAS, the Erie County Division of Planning was notified on or about May 11, 2007, and no comments have been received by the Town of Alden.

NOW THEREFORE BE IT RESOLVED

1. That the subdivision of one building lot, more specifically described below is hereby approved:

AROUND #542 THREE ROD ROAD
LOT C72, T10, R5 TOWN OF ALDEN
REVISED MAY 8, 2007

BEGINNING AT THE SOUTHWEST CORNER OF LOT 72

THENCE S 83°-12'52" E ON THE SOUTHLINE OF LOT 72 A DISTANCE OF 1226.05' TO THE SOUTHWEST CORNER OF LANDS CONVEYED TO NATHAN CHEESEBROUGH BY LIBER OF DEEDS 23 AT PAGE 345, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LANDS CONVEYED TO JOHN H & JEAN A COOKE BY LIBER OF DEEDS 6310 AT PAGE 609.

THENCE N 20°-50'35" E A DISTANCE OF 630.30' TO THE PRINCIPLE POINT OF BEGINNING BEING ON THE WEST LINE OF LANDS CONVEYED TO THE COUNTY OF ERIE BY LIBER OF DEEDS 6441 AT PAGE 141 SAID LANDS BEING PARCEL 2 FILE NO. SK166-35

THENCE N76°-58'-30" W A DISTANCE OF 385.0' TO A POINT.

THENCE N 13°01'-30" E A DISTANCE OF 200.0' TO A POINT

THENCE S 76°-58'-30" E A DISTANCE OF 423.15' TO THE WEST LINE OF PARCEL 2

THENCE ON THE WEST LINE OF PARCEL 2 THE FOLLOWING COURSES & DISTANCES 1.75 ACRE PARCEL CONT'D

1. S 38°-54' W A DISTANCE OF 21.07' TO A POINT
 2. S 30°-15'-49" W (S21°-08'-02" W RECORDED A DISTANCE OF 133.19' MEASURED (133.19' RECORDED) TO A POINT
 3. S 12°-28'30" W A DISTANCE OF 53.83' TO THE PRINCIPLE POINT OF BEGINNING CONTAINING 1.84 ACRES OF LAND MORE OR LESS
2. This Resolution shall take effect immediately.
 3. The adoption of the foregoing Resolution was duly put to a vote on July 16, 2007 and was unanimously adopted.

UNFINISHED AND TABLED BUSINESS

TABLED THE RESOLUTION re DOORS FOR GYMNASIUM

REPORTS FOR STANDING COMMITTEES AND PERSONNEL

Councilman Weber reported on the July 10th Planning Board Meeting and the Economic Development Meeting. On July 11th he met with the Supervisor and Sue Barnes to discuss the proposed WD#5; also met with Alden Central School Reps and the Community Member on the Excel Building Committee (this is a project that will be of "0" cost to the Alden taxpayers – we will get \$618,000 in NYS Excel Aid as a Grant to be used mainly for repairs and renovations/improvements (not new buildings)

Attorney Strong requested that the Wind Mill Law be placed on the Work Session; the Courts is applying for a Grant – this is to be placed also on the Work Session; will be meeting with the Dog Control Officer and the Zoning Officer re more than two Dogs in an RA District. She passed out a Draft for the increased Dog Fees to the Board.

Councilman Snyder reported he is waiting for a Bid on the Historical Building's Boiler; he has covered the Floor in the gym; he is working on the Inventory of Hydrants.

Councilwoman Cooke reported she along with the Supervisor attended the Installation Dinner for the Senior Citizens; she read the Nutrition Program report. She also stated that at the Installation she received many good remarks about the program.

Planning Board Chairman Witt gave a report on the proposed Heritage Home on Broadway. He also advised that last year he collected \$9,400 in penalties and Interest on late Taxes and this year he collected \$18,000.

Supervisor Smith reported he met with Tom Malecki re the 2008 Budget; he will be out of Town from July 24th – July 29th. On behalf of the Town Board, Supervisor Smith extended his Condolence to the Family of Town Justice Pautler – Judge Pautler passed away on July 9th.

Supervisor Smith adjourned the Meeting at 8:18 PM with a Minute's silence in Memory of Jean Dee and Town Justice Daniel R. Pautler.

DOROTHY L. BYCINA
TOWN CLERK