

MEETING NO. 15
REGULAR NO 14

REGULAR MEETING

JULY 18, 2005
7:30 P.M.

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, July 18, 2005 at 7:30 PM.

PRESENT: Michael W. Cole, Deputy Supervisor
Ronald L. Snyder, Councilman
Arlene A. Cooke, Councilwoman
RECORDING SECRETARY: Dorothy L. Bycina, Town Clerk
OTHERS PRESENT: Debra Crist, Deputy Town Clerk
Harry F. Milligan, Highway Supt.
Frank Trybuskiewicz, CEO
Michael Metzger, Town Engineer
ABSENT: Richard A. Savage, Supervisor
James M. Lorenzi, Councilman

Deputy Supervisor Cole called the Regular Meeting to order. Councilman Snyder led in the Pledge of Allegiance. The roll call was taken by the Town Clerk.

Councilman Snyder moved and Deputy Supervisor Cole seconded the Motion to approve the Minute's of the July 5, 2005 Meeting. Unanimously carried.

BUSINESS FROM THE FLOOR

Steve Bennett/3328 Zoeller Rd questioned the progress of WD#5. Deputy Supervisor Cole stated that the District will not be separated and that we believe we have the proper number of Signatures needed to proceed for the next Phase – but we need more information from our Assessor. We are awaiting word from Marilla since we are linked with them. As soon as word is received on this – Mr. Bennett will be notified.

Pat Kozak/1080 Boncliff Dr had questions re the Drainage Ditch at his property – he stated that the Ditch needed to be groomed and cleaned – also he discussed the different kinds of pipe that can be used. Deputy Supervisor Cole said he will set up a meeting with the Engineer, Councilman Lorenzi and the Highway Supt.

Theodore Mullen/1096 Boncliff also had concerns re this Drainage problem.

COMMUNICATIONS

Councilwoman Cooke received a call from Donna Walczak – wants to come and discuss our Insurance; attended the 10 to 12 year old Baseball Game; request from Jennifer Lynch re mileage she is owed.

Town Clerk Bycina received a Phone Call from a resident on Alaura Dr – apparently there is a Farmer that comes from Broadway – cuts through Alaura & Fairview to get to Townline Rd with his Tractor and Manure Spreader. He drives fast and the Manure falls off on to the road. CEO Trybuskiewicz will check on this.

Attorney Strong reported she also received the letter from Jennifer Lynch re mileage that is due her; received Notice re the Highway Negotiations; she is still working with the Town of Lancaster re the Klingelsmith's Sewer and also the Town has been served with papers - Debra Faso is suing the ZBA.

Deputy Supervisor Cole reported the following: copy of Planning Board Minute's; letter from Joseph DeMare re "Over 30" Soccer – to be placed on Work Session; Mrs. Lipa/857 Four Rod Road called re Heavy Trucks traveling Four Rod Rd; note from Harry Cornwall and Joe Weber re the Intersection of Clearvue and Broadway – traffic hazard with the unloading of Vehicles; note for the Supervisor to call Gene Heeter re the Firemen's Pension; a FAX from Attorney Strong re the Appointment of Fact Finder for the Highway Dept; note from Dan Moultrup re a person interest in working the Concession Stand; a request from the Greater Niagara Frontier Council/Boy Scouts of

America; a Complaint on the condition of the Kiwanis Shelter for July 9th ; FAX from the Attorney re July 5th Subdivisions submitted to the County; letter from the NYSDOT re Reinhardt Road Crossing; letter from Senator Volker re the Resolution the Town adopted re Sex Offenders in New York State; copy of Village Board Minute's ; copy of Village's Special Board Meeting Minute's; notice from the Town of Marilla re a Public Hearing re Amendment to the Zoning Law of the Town of Marilla; letter from Senator Volker re the approval of a \$10,000 Grant for a Walking Path; copy of the Alden Chamber of Commerce Minute's.

NEW BUSINESS

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 believes strongly in the principles of home rule; and

WHEREAS, among these important principles is the franchising authority of local municipalities; and

WHEREAS, this local franchising authority is essential to protecting important community interest; including safe construction practices, indemnity and insurance protections, anti-redlining protections, adherence to existing cable customer standards, provisions pertaining to public educational and governmental channels, preservation of aesthetic characteristics of neighborhoods, capital contribution commitments for local programming, and franchise fee payments; and

WHEREAS, in a proceeding currently pending before the New York State Public Service Commission, a telephone company has sought to construct a cable system without a franchise, thus circumventing local authority

NOW THEREFORE, BE IT;

RESOLVED, that the Town Board of the Town of Alden hereby urges the New York Public Service Commission to require any party constructing a cable system in a local community to obtain a franchise from the municipality prior to the construction and operation of that system; and

BE IT FURTHER RESOLVED, that the Public Service Commission create a vehicle by which an open, fair, and comprehensive discussion of this critical issue be conducted and brought directly to the local governments and communities it will impact; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to Mr. William E. Flynn, Esq. Chairman of the Public Service Commission; Governor George Pataki, NYS Senator Dale Volker and NYS Assemblywoman Sandra Lee Wirth.

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 28, 2005 and was unanimously adopted.

Deputy Supervisor Cole moved and Councilwoman Cooke seconded the Motion to authorize Alden Men's Softball to use the Alden Town Park and Robert O. Smith Park for tournament on requested dates subject to receipt of the following Recreation Director Dan Moultrup no later than 10 days prior to each tournament an explanation of how profits from the tournament will be used; roster for all teams participating in the tournaments; fully executed waivers from all tournament participants; and proof of insurance from all teams participating on the tournaments names the Town of Alden as Additional Insured. Town Clerk Bycina to notify Recreation Director Moultrup and Al Gerhart of the approval and condition thereof. Unanimously carried.

UNFINISHED & TABLED BUSINESS

THE FOLLOWING RESOLUTION WAS OFFERED BY DEPUTY SUPERVISOR COLE, WHO MOVED ITS ADOPTION, SECONDED BY COUNILMAN SNYDER

WHEREAS, the Town Board of the Town of Alden is considering an application, by Jeffrey T. Drilling for the minor subdivision of two (2) lots. The entire parcel as currently constitutes consists of approximately 43+/- acres and contains a house and a barn. The first proposed lot would be 175 feet by 300 feet and contains a house and a barn (commonly known as 11302 Broadway) and the second lot would contain the remainder of the vacant land (approximately 42 +/- acres) at 11302 Broadway in the Town of Alden, further identified by SBL #118.00-1-20 (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 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, 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, Frank A. Trybuskiewicz; and

WHEREAS, the Erie County Division of Planning was notified on April 8, 2005, and no comments have been received by the Town of Alden;

WHEREAS, the Town of Alden Planning Board has reviewed the Proposed Action and on May 23, 2005 recommended to the Town Board the approval of the Proposed Action; and

WHEREAS, pursuant to Law, the Town of Alden may assume and did assume on June 6, 23005. Lead Agency Status for the purpose of determining what significance this action has on the environment; and

RESOLVED, that 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.

RESOLVED that the Town Board hereby approves the Minor Subdivision as described above and attached hereto as approved by the Town Planning Board on May 23, 2005.

RESOLVED, that this Resolution shall take effect immediately. The adoption of the foregoing Resolutions was duly put to a vote on July 18, 2005 and was unanimously adopted.

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilwoman Cooke reported she attended the Senior Citizen's Installation today.

Councilman Snyder reported that he attended the Building Inspectors Meeting and that there will be a School for the Building Inspectors coming up.

Attorney Strong reported on the Fire Negotiations – notices will be sent out to the Fire Companies and she has heard nothing further from the High School re the Gas Line.

Engineer Metzger will call the ECWA re the Back Flow.

Deputy Supervisor Cole reported he attended a Planning Board Meeting – discussed the Open Development Law.

Deputy Supervisor Cole adjourned the Meeting at 8:25 PM.

DOROTHY L. BYCINA
TOWN CLERK