

MEETING NO. 14
REGULAR NO 14

REGULAR BOARD MEETING

JULY 21, 2008
7:00 PM

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, July 21, 2008 at 7:00 PM. Supervisor Smith called the Meeting to Order. Councilman Weber led in the Pledge of Allegiance. The roll call was taken by the Town Clerk.

PRESENT: Ronald Smith, Supervisor
Mary Riddoch, Councilwoman
William Weber, Councilman
Arlene Cooke, Councilwoman
RECORDING SECRETARY: Dorothy L. Bycina, Town Clerk
OTHERS PRESENT: Jennifer Strong, Town Attorney
Harry Milligan, Highway Supt.
Michael Metzger, Town Engineer
Martin Dugan, CEO
Gary Wagner, Planning Board
ABSENT: Ronald Snyder, Councilman

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of July 7, 2008. Unanimously carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN COOKE AND SECONDED BY COUNCILWOMAN RIDDOCH TO WIT:

ACCOUNT	ABST #1	ABST #2	TOTAL
GENERAL FUND "A"	26,818.72		26,818.72
HIGHWAY FUND "DA/DB"	64,048.69		64,048.69
PARTTOWN FUND "B"	5,066.59		5,066.59
WD#2 FUND "WB"	375.20		375.20
WD#3 FUND "WC"	2,063.60		2,063.60
WD#4 FUND "WD"	1,299.80		1,299.80
SP FIRE PROT FUND "SF"	3,038.59		3,038.59
SD #2 FUND "SA"	2,507.24		2,507.24
TRUST/AGCY FUND "T"	9,745.84		9,745.84
SP REFUSE FUND "SR"	30,292.72		30,292.72
ST LIGHTING FUND "SL"	5,942.14		5,942.14
TOTAL	151,199.13		151,199.13

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Steve Marlinski/12250 S. Blossom Lea questioned the Variance that Richard Montgomery applied for – Attorney Strong advised that the Montgomery's will no longer go forward with the Variance. He questioned the Saint A Street that showed up when he googled his property – he was advised that this is no Street. He then questioned the Chip & Oil on Four Rod Rd. The Highway Supt/Milligan stated that the County is using Chip & Oil because the cost of Blacktop is too expensive – he has no reason as to what Roads the County chooses to do.

COMMUNICATIONS

Councilwoman Riddoch reported she received an Invitation for the Grand Opening of Heritage Center; received a 20% Dividend on earned premium from the State Insurance Fund – totaling \$5,920.64; received a check for \$1,000 from the Alden Men's Softball for Signs at the Park and received a request from the Alden Men's Softball and approved by Dan Moultrup – she would like to have added to the Agenda for tonight.

Councilwoman Cooke received a letter Keith Stone re the Windmill Law.

Supervisor Smith reported the following: the approved June 26th Board Meeting Minute's from the Village; the Minute's of the July 8th Town Planning Board; copy of the June 2008 Fire/EMS Report and a letter from State of New York DOT re Reinhardt Road Rail Crossing.

Engineer Metzger reported that Mr. O'Conner/NYS DOT is not addressing our concerns re the Reinhardt Road Railroad Crossing and he also received an e-mail which is not much better.

Supervisor Smith asked Engineer Metzger to review the July 11th letter re the Railroad Crossing. He reviewed each of the seven (7) items referred in Mr. O'Conner's letter. #1- removal of trees; #2 flattening of the Grade; #3 need of a Certificate of Insurance; #4 as for the Access Right for Waterline – since they want the closure it should be their responsibility to get the approval from the Erie County Water Authority; #5 – they need to have an Inspector and not just a Construction Inspector; #6 - since they asked for this closure it should be their responsibility; #7 they should provide their own Inspector and a construction worker. Supervisor Smith requested the Town Engineer to draft a letter back to Mr. O'Connor.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to enter into the Public Hearing re the Alden Hook & Ladder Fire Company. Unanimously carried.

The Town Clerk read the Public Hearing Notice that was published in the Alden Advertiser. Attorney Strong explained the reason for this Public Hearing and the Floor was opened for discussion – there was no Public comment.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to close the Public Hearing at 7:25 PM. Unanimously carried.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to re-enter the Regular Meeting. Unanimously carried.

NEW BUSINESS

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

WHEREAS, a request has been made by the Alden Hook & Ladder Fire Company, Inc., pursuant to Internal Revenue Code Section 147, with respect to borrowing of funds from the Alden State Bank for the purposes of the acquisition, construction, reconstruction or improvement of a building used for fire services located on Broadway, Alden, New York, and

WHEREAS, the Public Hearing was held on July 21, 2008 at the Town of Alden Municipal Building, 3311 Wende Road, Alden, New York, on behalf of the Town; and

WHEREAS, there were no objection from the public with respect to the proposal submitted by the Alden Hook and Ladder Fire Company, Inc., and

WHEREAS, such approval will be in the best interest of the residents of the Town, now be it therefore resolved that the Town has no objection to the borrowing of funds by the from the Alden State Bank by the Alden Hook & Ladder, Inc, for the purposes of the acquisition, construction, reconstruction or improvement of a building used for fire services located on Broadway, Alden, New York.

NOW BE IT RESOLVED, that the undersigned members of the Town Board of the Town of Alden, Erie County, New York upon reading the Notice of Public Hearing published on July 10, 2008 in the Alden Advertiser; and the recommendation of Chris G.

Trapp, Village Attorney, and counsel for the Alden Hook and Ladder Fire Company, Inc. hereby approve the "Approval to Borrow: attached hereto and further direct that the Alden Town Supervisor execute such "Approval to Borrow" on behalf of the Town Board.

Dated: July 21, 2008

Town Board of the Town of Alden
Councilperson Ronald Snyder (ABSENT)
Councilperson Mary Riddoch
Councilperson Arlene Cooke
Councilperson William Weber
Supervisor Ronald L. Smith
Town Clerk Dorothy L. Bycina

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 21, 2008 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 Michael and Gayle Thorpe of two (2) lots. The entire parcel currently consists of approximately 119.17 acres between Kieffer and Westwood Roads in the Town of Alden, further identified as 11128 Kieffer Road and as SBL #107.00-5-18.1. The first proposed lot (Parcel A) would be 16 +/- acre vacant parcel fronting on Westwood Road; the second proposed lot (Parcel B) would be the remaining 98.73 acre parcel containing a house and outbuilding (The "Proposed Action ")

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

WHEREAS, the Town Building Inspector provided notice to the Erie County Division of Planning on June 12, 2008, for the Proposed Action, as required under Section 239-m of the General Municipal law and a "no recommendation" was received on July 15, 2008;

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;

WHEREAS, the Town of Alden did assume Lead Agency Status on July 7, 2008;

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 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 10, 2008, 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 (Parcel A) 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. 48, Township 11, Range 5 of the Holland Land Company's Survey, bounded as follows:

BEGINNING at a point on the north line of Lot 48 at the northeast corner of lands conveyed to A.V. and F.A. Woronowski by Liber of Deeds 7005 at Page 329, said point being North 90°-00' East a distance of 1553.38' from the northwest corner of Lot No. 48.

Thence North 90°-00' East on the north line of Lot no. 48 a distance of 519.35' to the northwest corner of lands conveyed to D.J. and F.S. Canfield by Liber of Deeds 7014 at Page 421

Thence South 0°-58' West on the west line of Canfield a distance of 233.0' to the southwest corner of Canfield.

Thence East on the south line of Canfield being parallel to the north line of Lot No. 48 a distance of 200.0 to a northeast corner of lands conveyed to Woronowski, Gust, Brauza and Canfield by Liber of Deeds 10288 at Page 98.

Thence South 0°-58' west on the east line of the above mentioned Deed a distance of 633.62' to a point.

Thence West parallel to the north line of Lot 48 a distance of 904.73' to a point

Thence North 0°-00' west a distance of 633.5' to the southwest corner of lands conveyed to A.V. and F.A. Woronowski, by Liber of Deeds 7011 at Page 635.

Thence East on the south line of Woronowski a distance of 200.0 to the southeast corner of Woronowski.

Thence North 0°-00' east on the east line of Woronowski a distance of 233.0' to the point of beginning containing 16.0 acres of land.

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 July 21, 2008 and was unanimously adopted.

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

Councilwoman Riddoch moved and Councilwoman Cooke seconded the Motion to grant the Alden Men's Softball Tournament permission to use the Town Park Diamonds on August 9, 2008. Unanimously carried.

TABLED THE RESOLUTION re NEGATIVE DECLARATION re LOCAL LAW #4/08.

TABLED THE RESOLUTION re ADOPTION OF LOCAL LAW #4/08.

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilman Weber advised he is working on a Drainage problem at the north side of County Line Road.

Attorney Strong requested the following be placed on the Work Session: RayMar; Trooper Lease; Time Warner; Dog Law – EAF and Pool Fees.

Engineer Metzger will be having a conference Call between DOT and CSX – asked if anyone would want to be included.

Supervisor Smith asked Councilwoman Riddoch to talk to the County re a different Sign at North and Crittenden; a letter re Budget will be out shortly; he also received a Phone Call from Representative Higgins Office – he will be at the next Meeting of the Alden/Marilla Water District. There will be a Public Hearing on July 29th re the Master Plan at the Village Hall.

Supervisor Smith adjourned the Meeting at 7:34 Pm with a Minute's silence in Memory of George Eggleston, John Mikulski Jr. and Loretta Liszewski.

DOROTHY L. BYCINA
TOWN CLERK