

MEETING NO. 14  
REGULAR NO 14

REGULAR BOARD MEETING

JULY 24, 2006  
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 24, 2006 at 7:30 PM. Deputy Supervisor Snyder called the Meeting to Order. Councilman Weber led in the Pledge of Allegiance. The roll call was taken by the Town Clerk.

PRESENT: Ronald L. Snyder, Deputy Supervisor  
Mary Riddoch, Councilwoman  
William Weber, 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 Fleming, Planning Board Member  
ABSENT: Ronald L. Smith, Supervisor

Councilwoman Cooke moved and Councilman Weber seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of July 10, 2006. 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"	16,379.46		16,379.46
HIGHWAY FUND "DA/DB"	17,023.61		17,023.61
PARTTOWN FUND "B"	4,266.40		4,266.40
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		1,299.80
SEWER DIST #2 FUND "SA"	797.44		797.44
TRUST/AGCY FUND "T"	178.00		178.00
SP REFUSE FUND "SR"	28,799.73		28,799.73
ST LIGHTING FUND "SL"	7,088.00		7,088.00
Total	78,190.84		78,190.84

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Larry Strong/1472 Two Rod requested that the Board take control and stop all this foolishness re the burn of the property across of his house and get this done.

Wynnie Fisher/1406 Two Rod referred to the SEQRA- after a discussion it has been determined that the soil had been turned on June 28, 2006, that the property is to the North and that the present use should include "Agriculture". She is concerned with the Drainage since the land is being used by an Organic Farmer.

John Fisher/1342 Two Rod stated that he has worked the area for over twenty-five years – he is certified with New York Ag & Markets – and Mr. Thorpe has been involved with this property for over three years.

COMMUNICATIONS

Councilwoman Riddoch reported on a recent accident at North & County Line Rd – she has a Resolution on the Agenda tonight to have a Traffic Study done; will have a Meeting

with Sue Barnes for August 9<sup>th</sup> re Heritage Trail; request that In House Soccer be placed on the Work Session for July 31<sup>st</sup>, and she also spoke with Amy Schadt from AJF and that a Resolution is forth coming on the Agenda for tonight.

Councilman Weber has a meeting with Assemblyman Cole, Engineer Metzger (he is on Vacation now) and the ECWA re WD#5.

Councilwoman Cooke reported that she had put in a call to Mrs. Herter re the Cell Tower on Exchange and that Mrs. Herter did not call her back; talked with Dan Moultrup re the Skate Board – this has turned out to be very expensive and would like this put on the Work Session; she also showed the Tile that will be installed in the Bathrooms in the Community Center.

Attorney Strong has written the Storm Water Coalition telling them that we will handle any Local Law Changes in house; located information on the Bonnie Lake Subdivison re Drainage Easements- to be on the Work Session; received Residency Law from different Jurisdictions – to be on the Work Session and the Marilla Drainage issue by Mr. Berner—have been advised that Marilla will not be taking any action

Deputy Supervisor Snyder received a letter from Tom Reynolds re the Resolution the Town adopted /4 Year Plan-Sheriff Patrol. Letter from Supervisor Smith re the Sheriff Patrol and a letter from Engineer Metzger advising he will be on Vacation this week.

#### NEW BUSINESS

Councilwoman Cooke moved and Councilman Weber seconded the Motion to grant Alden Men's Softball permission to use the Town Park Diamonds on Aug. 5<sup>th</sup>, Aug. 12<sup>th</sup> and Aug. 26<sup>th</sup> Unanimously carried.

#### THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN RIDDOCH WHO MOVED ITS ADOPTION, SECONDED BY DEPUTY SUPERVISOR SNYDER COUNCIL TO WIT

WHEREAS, the Town Board of the Town of Alden realizes that the Alden Senior/Community Center is in need of major renovations;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden requires that all estimated purchases over \$10,000.00 shall be formally bid pursuant to General Municipal Law section 103

WHEREAS, Grant monies will also be used to pay for the renovations;

WHEREAS, the Town Board after full and careful review and consideration of the request finds said request to receive bids in the public interest

#### NOW THEREFORE BE RESOLVED AS FOLLOWS:

1. The Town Board hereby authorizes the Town Engineer, Metzger Civil Engineering, PLLC to advertise for bids as outlined in the attached Instructions to Bidders;
2. The Town Board hereby authorizes the Town Clerk to publish Notice in the Alden Advertiser. Said Notice must be published more then twenty (20) days prior to August 24, 2006 and must state the time when and place where the sealed bids will be publically opened and read by the Town Engineer.
3. The Town Board hereby authorizes the Town Engineer to receive sealed bids until 2:00 PM Prevailing time on August 24, 2006
4. This resolution shall take effect immediately. The foregoing Resolution was duly put to a vote on June 24, 2006 and was unanimously adopted.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to grant Alden Hook & Ladder permission to use Shelter #1 and the Town Band Shelter on August 17<sup>th</sup> for their Annual Steak Outing Fundraiser, Unanimously carried.

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

WHEREAS, the Town Board of the Town of Alden is considering an application by Mary Hugenschmidt for the subdivision of two (2) lots. The entire parcel currently consists of approximately 2 +/- acres on Genesee Street in the Town of Alden. The first proposed lot ("Parcel A") would be 165.23' x 299.80' (approximately 1.11 acres) and the second proposed lot ("Parcel B") would be the remainder of the parcel; further identified by SBL# 85.00-6-16.1 (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 Town Building Inspector provided notice to the Erie County Division of Planning on or about May 11, 2006, for this Proposed Action, as required under Section 239-m of the General Municipal Law and a "no recommendation" was received on May 14, 2006; and

WHEREAS, the New York State Environmental Quality Review Act required 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 19, 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, 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:

PROPOSED LEGAL DESCRIPTION  
PARCEL "A"

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Alden, County of Erie and State of New York, being part of Lot 33, 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 Genesee Street (as a 66' wide road) 165.22 feet east of the easterly line of Pohl Road (as a 66' wide road) as measured along the north line of Genesee Street; thence easterly along the north line of Genesee Street 165.23 feet to a point in the westerly line of lands conveyed to Charles F. and Grace L. Weyrough by

deed recorded in the Erie County Clerk's Office in liber 10904 of Deeds at page 7709, thence northerly at an interior angle of 77°16'34", along the westerly line of said Weyrough, a distance of 299.80 feet to a point; thence westerly parallel with Genesee Street, at an interior angle of 102°43'26", a distance of 165.76 feet to a point; thence southerly, at an exterior angle of 102°49'21", a distance of 299.92 feet to the point or place of beginning.

Said parcel of land containing 48,397 square feet or 1.11 acres more or less

PROPOSED LEGAL DESCRIPTION  
PARCEL "B"

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Alden County of Erie and Sate of New York, being part of Lot 33, Township 11, Range 5 of the Holland Land Company' Survey, bounded ad described as follows:

Beginning at the intersection of the north line of Genesee Street ( as a 66' wide road) with the east line of Pohl Road (as a 66'wide road)", thence easterly along the north line of Genesee Street 165.22 feet to a point; thence northerly at an interior angle of 77°10'39", a distance of 299.92 feet to a point; thence westerly parallel with Genesee Street, at an interior angle of 102°49'21", a distance of 165.60 feet to a point in the easterly line of Pohl Road, thence southerly along the easterly line of Pohl Road, at an interior angle of 77°06'24", a distance of 300.00 feet to the point or place of beginning.

Said parcel of land containing 48,372 square feet or 1.11 acres, more or less.

is given subdivision approval. This resolution shall take effect immediately.

The above resolution was duly put to roll call vote at a regular meeting of the Town Board of the Town of Alden on July 24, 2006 and was unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN RIDDOKH WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN WEBER 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 the intersection of North Road and County Line Road in the Town of Alden,

WHEREAS, the intersection 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 requests that a traffic and safety study be conducted for this roadway, a section which is more specifically described as North Road and Sumner Road intersection of County Line Road; and be it further

RESOLVED, these studies are requested due to the increase in traffic accidents and the fact that it is a two way stop instead of a four way stop; and be it further

RESOLVED that the Town Clerk shall send appropriate paperwork and resolution to the proper agency for action on this said resolution.

This Resolution shall take effect immediately.

The adoption of the foregoing Resolution was duly put to a vote on July 24, 2006 and was unanimously adopted.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to grant the Lions Club permission to paint and install Plaque on the Shelter in the Robert O. Smith Park. Unanimously carried.

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

WHEREAS, the Town's Insurance Carrier has advised the Town Board that the Fire Suppression System at the Concession Stand in the Town Park needs to upgrade the cost of which upgrade is more than \$1,000.00 but less than \$10,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden requires that all estimated purchases over \$1,000.00 but less than \$10,000.00 require a written request for a proposal and written/fax quotes from at least three vendors;

WHEREAS, said Procurement Policy & Procedure Guidelines have been followed and three quotes have been obtained – the lowest quote being placed by Life Safety Engineered Systems;

WHEREAS, the Town Board after full and careful review and consideration of the finds that the purchase of said fire suppression system in the public interest; however the cost of the fire suppression system will be shared by the Town and Alden Junior Football

NOW THEREFORE BE IT RESOLVED AS FOLLOWS

1. The Town Board approves the purchase of a fire Suppression System for the Town Park Concession Stand, with the cost shared by the Town and by Alden Junior Football from Life Safety Engineered Systems
2. The Town's portion of the purchase price shall not exceed \$850.00
3. That the Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase; and
4. This resolution shall take effect immediately. The foregoing Resolution was duly put to a vote on July 24, 2006 and was unanimously adopted.

Deputy Supervisor Snyder moved and Councilwoman Cooke seconded the Motion authorizing the Supervisor to make the Monthly Budge Transfers. Unanimously carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY DEPUTY SUPERVISOR SNYDER WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN RIDDOCH

WHEREAS, the Town Board of the Town of Alden ("Town Board") is considering an application, under Chapter 19D of the town of Alden Code, of National Grid Wireless/Cingular Wireless (the "Applicant") for the amendment of a previously issued site plan approval and special use permit allowing the construction of a telecommunication tower and accessory equipment on the real property commonly known as 644 Exchange Street, Alden, New York and further identified by SBL 110.00-4-6. The subject real property is currently owned by Linda Herter and leased to the Applicant. The amendments include relocating the access roadway to the tower and the fence compound and landscaping (the "Amended Proposed Action")

WHEREAS, the Town Board on February 22, 2005 gave site plan approval to the original site plan and issued a special use permit for the original project;

WHEREAS, the Town Board, as Lead Agency, has previously completed the DEQRA review process and has complied with the requirements of Section 239-m of the General Municipal Law; but has requested comments from the New York State Department of Environmental Conservation in regard to the Amended Proposed Action.

WHEREAS, the Town of Alden Planning Board has recommended the approval of the Amended Proposed Action to the Town Board on June 13, 2006.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board, finds the Amended Proposed Action is consistent with the Town Code and approves the Amended Proposed Action and gives site plan approval, subject to the following conditions (said conditions are the sole responsibility of the Applicant) being met;
  - a. Notice of the Amended Proposed Action must be provided to Erie County Soil and Water Conservation District;
  - b. Notice of the Amended Proposed Action must be provided to the DEC's Regional Mineral Resources Unit;
  - c. The requirement to pave the access road to the tower is waived.
  - d. The site plan shall be further amended to correct the discrepancies on the fence gate size and type
  - e. The site plan shall be further amended to state that the tower finish will either be galvanized steel or matte grey painted
  - f. The site plan shall be further amended to state that no permanent climbing pegs will be installed within fifteen (15) feet of the ground;
  - g. The applicant must guaranty that the EMF study provided with the original (2004) site plan is still applicable to the equipment proposed with the Amended Proposed Action or provide a new EMF study
  - h. The Applicant must guaranty that the structural report stamped and signed by the licensed professional engineer is still applicable to the Amended Proposed Action or proved a new one; and
  - i. The applicant must provide a Letter of Intent regarding tower co-locations meeting the requirement of the Alden Town Code;
2. The Town Board hereby reaffirms the special use permit issued to the Applicant on February 22, 2005.
3. The Town Board finds in its discretion, that no amendment to the previously issued SEQRA Negative Declaration is necessary.
- 4.. This Resolution shall take effect immediately, subject to the completion of above listed conditions.

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 24, 2006 and was unanimously adopted.

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

Councilman Weber moved and Councilwoman Cooke seconded the Motion to grant the Alden Art Club permission to use the Community Center and Restrooms for their 49<sup>th</sup> Annual Art Show on September 10, 2006 from 9:00 AM to 5:00 PM. Unanimously carried.

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

WHEREAS, the Town Board of the Town of Alden had determined that the Zoning Law of the Town of Alden originally adopted on June 7, 1976, and amended at the time of the adoption on July 6, 1992 of Local Law No. 1 of the Year 1992 and further amended by Local Law No. 1 of the Year 1995; by Local Law No. 4 of the Year 2000 was in need of revision and requested that the Planning Board of the Town of Alden undertake to study the Zoning Law and to propose revisions to it

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

## UNFINISHED & TABLED BUSINESS

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

WHEREAS, the Town Board of the Town of Alden (“Town Board”) has fully and properly considered demolishing the unsafe and dangerous structures at 1418 Two Rod Road in the Town of Alden by controlled burn (the “Proposed Action”); and

WHEREAS, the Town Board, after completing the Short Environmental Assessment Form has determined that the Proposed Action is a Type II Action under SEQRA; and

NOW, THEREFORE, BE IT RESOLVED AS 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 24, 2006 and was unanimously adopted.

## REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilwoman Riddoch reported on the DugOuts – wanted to Thank everyone who took a part in this Project – also requested that Jeff Patterson’s request for the Invitation August to be placed on the Work Session

Councilwoman Cooke asked Councilwoman Riddoch how the Concession Stand in the Robert O Smith Park is working out – she stated that Carl Fix said there are no problems. In the fall who ever uses the Concession Stand will have to get their own Health Permits.

Councilwoman Cooke reported on the NIMS Classes that the Town Employees have been attending.

Deputy Supervisor Snyder reported that work is being done on the Air Conditioners, the leak in the Roof will be fixed and they will be check on the Tar that is on the Floor in the Gym.

Deputy Supervisor Snyder adjourned the Meeting at 8:25 PM with a Minute’s silence in Memory of Clinton Munn and Brunhilda Gucinski

DOROTHY L. BYCINA  
TOWN CLERK