

MEETING NO. 13
REGULAR NO 13

REGULAR BOARD MEETING

JULY 6, 2009
7:00 P.M.

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, July 6, 2009 at 7:00 PM. Supervisor Smith called the Meeting to Order. Councilwoman Cooke 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
Ronald Snyder, Councilman
Arlene Cooke, Councilwoman
RECORDING SECRETARY: Dorothy L. Bycina, Town Clerk
OTHERS PRESENT: Jennifer Strong, Town Attorney
Martin Dugan, DEO
Michael Metzger, Town Engineer
Lenny Weglarski, DCO

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of June 15, 2009. Unanimously carried.

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

| ACCOUNT | ABST #1 | ABST #2 | TOTAL |
|------------------------|------------|-----------|------------|
| GENERAL FUND "A" | | 22,397.35 | 94,991.08 |
| HGHWY FUND "DA/DB" | | 1,683.89 | 8,792.01 |
| PARTTOWN FUND "B" | | 1,909.63 | 9,417.14 |
| WD#2 FUND "WB" | | | 375.20 |
| WD#3 FUND "WC" | | | 2,063.60 |
| WD#4 FUND "WD" | | | 1,299.80 |
| SP FIRE PROTECTION"SF" | | | 170.35 |
| SD#2 FUND "SA" | | 208.57 | 2,416.36 |
| TRUST/AGCY FUND "T" | | 2,772.46 | 2,966.46 |
| SP REFUSE FUND "SR" | | 118.74 | 31,101.76 |
| ST LIGHTING FUND "SL" | | | 6,279.40 |
| PERIWINKLE LTG "SL1" | | | 32.20 |
| GRANTS | | 17,021.38 | 30,126.96 |
| TOTAL | 143,920.30 | 46,112.02 | 190,032.32 |

(Previously Paid)

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Assemblywoman Corwin presented her report of her sessions for the end of the month. Supervisor Smith "Thanked" Assemblywoman Corwin for the \$5,000 Grant that the Town received for the Skate Park. The Supervisor and the Assemblywoman discussed the matter of Consolidation of Government.

COMMUNICATIONS

Councilwoman Riddoch reported she received the Workers Compensation for Young Explosives & Midway Rides; received from Recreational Director Moultrup approval of Grant for Outdoor Cinema system-"Thanked" Dan for all his work obtaining this Grant; received a letter from Justice Court re Handbook – to be placed on Work Session; received acknowledge relating to Traffic Engineering Study on Uebelhoer Rd and Signs have gone up on Buckwheat Road posting the Speed Limit.

Councilman Weber received a complaint from a Broadway resident re a neighbor

Attorney Strong received the signed Indemnification Agreement for the Fireman's Carnival.

Councilwoman Cooke reported that the Substitute Lady who is working at the Senior Luncheons is working out very well.

Supervisor Smith reported the following: copy of the July 14th Alden Town Planning Board Agency; letter from New York State DOT re Reinhardt Road Crossing; letter from New York State DOT re the closing of the Reinhardt Road Crossing; the approved Board Minutes of the Village of Alden for June 11th; copy of Monthly Reports from the Building Inspector and the Town Clerk and a letter from Erie County Farm Bureau Inc re the Right to Farm Law.

NEW BUSINESS

Councilwoman Riddoch moved and Councilman seconded the Motion to approve St. John's Athletic Director's request for use of the Town Facilities for their 9th Annual Softball Tournament on Sept. 5, 2009 from 8:00 AM to 9:00 PM – Diamond Fee waived for non-profit. Unanimously carried.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to approve Alden Hook & Ladder Fire Co's request to use the Town Park & Town Facilities for their 2009 Heritage & Reunion Weekend on July 9th – 11th. 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 is considering the adoption of "Local Law No. 2 of the Year 2009, entitled "Local Law amending Section 20-88 of the Alden Town Code to decrease the number of members of the Town of Alden Planning Board: (the "Proposed Action");

WHEREAS, the Town Board of the Town of Alden feels that the Proposed Action is an Unlisted Action under SEQRA;

WHEREAS, the Town Board of the Town of Alden believes that the Town of Alden is: the agency primarily responsible for undertaking such decisions; is the agency with the broadest governmental powers for investigating the impact of the Proposed Action; and 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 Clerk is hereby directed to send notice to the County Division of Planning as required under Section 239-m of the General Municipal Law and to the neighboring municipalities.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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. This resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote at a regular meeting on July 6, 2009 and was unanimously adopted.

THE FOLLOWING ORDER WAS OFFERED BY COUNCILWOMAN COOKE WHO MOVED IT'S ADOPTION, SECONDED BY COUNCILMAN SNYDER TO WIT;

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

A hearing before the Town Board of the Town of Alden, in the County of Erie shall be held at the Town Hall, 3311 Wende Road, Alden, New York at 7:05 pm on the 20th day of July, 2009, for the purpose of hearing all persons interested in the proposed Local Law No. 2 of the Year 2009; and

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Alden Advertiser, designated as the official newspaper for this publication, such publication to be not less than ten (10) days before the date of the public hearing; (b) and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; and

ORDERED, that the Town Clerk is to make copies of the proposed Local Law No. 2 of the Year 2009, entitled "Local Law amending Section 20-88 of the Alden Town Code to decrease the number of members of the Town of Alden Planning Board," available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call, at the regular meeting on July 6, 2009 and was unanimously adopted.

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to grant the "Spruce Up Millgrove" Committee permission to use the Town Hall on Monday August 10th from 7:00 – 8:15 PM. Unanimously carried.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to grant the US Census Bureau permission to use the Town Hall on Sept. 21st – Sept. 25th from 8:30 AM – 5:00 PM. Unanimously carried.

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

WHEREAS, New York State mandates where municipalities can purchase their winter road salt, and

WHEREAS, the Town of Alden and many other small municipalities must contract with the State of New York to purchase road salt from the state bid contract before knowing the price charged by the State for that winter season, and

WHEREAS, the budgets of smaller municipalities can be effected greatly by the price of road salt, and

WHEREAS, larger government entities (such as Erie County) bid their winter road salt needs on a yearly basis and sometimes get a lower price from the State than do the smaller municipalities, and

WHEREAS, the smaller municipalities are currently locked into a higher road salt price with the State than are larger municipalities. The State is charging the Town of Alden more for road salt (at \$40.12/ton) than it is charging the county of Erie (at \$37.22/ton).

WHEREAS, it is patently unfair for the State to require municipalities to buy road salt from the State without disclosing the price than charge different prices for the same road salt to different municipalities; now

THEREFORE BE IT RESOLVED, that the Town of Alden believes that the State Senate and Assembly should make a law to allow smaller government agencies to chose the lowest salt price when contracts are presented to them by the State, and

THAT THE TOWN OF ALDEN believes that the price of salt be given by the State before contracts are let to small municipalities; and

THE ALDEN TOWN CLERK is directed to send copies of this Resolution to: Assemblywoman Corwin; Senator Volker, Governor Paterson, Legislator Konst, County Executive Collins and to the Town and Villages in Erie County.

This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting of the Town Board of the Town of Alden on July 6, 2009 and was unanimously adopted.

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

WHEREAS, the Town Board of the town of Alden is considering an application by Joseph Frey for the subdivision of one (1) lot. The entire parcel currently consists of 77.12 +/- acres of vacant land on Genesee Street in the Town of Alden, further identified as SBL#85.00-3-3.11. The first proposed lot ("Parcel A" would be a 2.71 +/- acre vacant parcel and the second proposed lot ("Parcel "B") would be the remaining 74.41 +/- acre vacant parcel (The "Proposed Action");

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

WHEREAS, the Town Building Inspector provided notice to the Erie County Division of Planning on April 14, 2009, for this Proposed Action, as required under Section 239-m of the General Municipal Law and a "no recommendation" was received on May 5, 2009; 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, the Town of Alden did assume Lead Agency Status on April 6, 2009; and

WHEREAS, the Town of Alden Planning Board has reviewed the Proposed Action and on April 14, 2009, 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:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Alden, County of Erie, State of New York, being part of Lot 52, Township 11, Range 5, of the Holland Land Company's survey, more particularly described as follows:

Beginning at a point marked by a rebar in the north bounds of Genesee Street, being 46.33 feet northerly of the southwest corner of lands now or formerly of Meiler by deed

recorded in the Erie County Clerk's office in Liber 10707 of deeds at page 741, said southwest corner of Meiler being in the center of Genesee Street at a distance of 677.50 feet westerly, as measured along the center of said Genesee Street, from its intersection with the center of Billo Road;

Thence N 72° 15' 34" W along the north bounds of said Genesee Street as acquired and shown on a Map No. 25 Parcel No. 25 a distance of 40.30 feet to a monument: Thence N 76°15'49"W, still along the north bounds of said Genesee Street a distance of 262.47 feet to a monument Thence N 64° 12'42" W, still along the north bounds of said Genesee Street a distance of 21.52 feet; Thence N 0°20'20" E along the east bounds of a parcel of land conveyed to the Buffalo Tournament Club by deed recorded in the Erie County Clerk's office in Liber 10904 of deeds at page 252 a distance of 299.41 feet to a rebar at the northeast corner of said tournament Club lands; Thence S 89°39'40" E a distance of 348.42 feet to a set rebar with cap; Thence S 0°20'20" W a distance of 231.94 feet to rebar with cap set at the northwesterly corner of aforesaid lands of Meiler; Thence S 13°34'52" W along the westerly bounds of said Meiler a distance of 153.67 feet to the point of beginning. Said parcel containing 2.702 acres of land, more or less

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 6, 2009 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 of Alden Recreation Department has been awarded a \$10,000.00 grant from the Easthill Foundation for the sole purpose of purchasing and installing an open air cinema for the Alden Town Park to be used to show family movies; and

WHEREAS, the Town would like to accept the grant monies from the Easthill Foundation.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board hereby authorizes Recreation Director Dan Moultrup to sign and submit the attached Contract with Easthill Foundation to effectuate the grant between the Town of Alden and the Easthill Foundation.

2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote at a regular meeting on July 6, 2009 and was unanimously adopted.

Supervisor Smith polled the Board and the following was added to the Agenda.

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to approve Alden Youth Baseball's request to use Diamonds at the Robert O. Smith, St. John's and High School on July 10th – 12th – and use of Robert O. Smith, Town Park and High School for Tournaments on July 17th – 19th – Insurance is in place. Unanimously carried.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Attorney Strong is working with Time Warner to set up a Joint Meeting with Alden, Marilla and Newstead; the Intermunicipal Agreement has been signed by both the Town and Village CEO; continuing to work with the DOT re the Reinhardt Road closing.

Engineer Metzger will follow up on the closing of Reinhardt Road closing – will have information for the Work Session.

Councilman Snyder reported on NEST; working on the Air-conditioners; concrete to be poured on Tuesday also working on the Generator and Boiler.

Supervisor Smith reported on the Sales Tax received – down from last year; a Master Plan Meeting will be held on July 29th at 7:00 PM in the Town Hall.

Supervisor Smith adjourned the Meeting at 7:35 PM with a Minute's silence in Memory of Dolores Russ.

DOROTHY L. BYCINA
TOWN CLERK