

MEETING NO. 15  
REGULAR NO 15

REGULAR BOARD MEETING

AUG. 7, 2006  
7:30 PM

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, August 7, 2006 at 7:30 PM. Supervisor Smith called the Meeting to order. Councilman Snyder led in the Pledge of Allegiance. The roll call was taken by the Deputy Town Clerk.

PRESENT: Ronald L. Smith, Supervisor  
Mary Riddoch, Councilwoman  
William Weber, Councilman  
Ronald L. Snyder, Councilman  
Arlene A. Cooke, Councilwoman  
RECORDING SECRETARY: Debra A. Crist, Deputy Town Clerk  
OTHERS PRESENT: Dorothy L. Bycina, Town Clerk  
Jennifer Strong, Town Attorney  
Harry F. Milligan, Highway Supt.  
Frank Trybuskiewicz, CEO  
Michael Metzger, Town Engineer  
John Zoratti, Planning Board

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of July 24, 2006. Unanimously carried.

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

ACCOUNT	ABST #1	ABST #2	TOTAL
GENERAL FUND "A"		18,679.81	35,059.27
HGHWAY FUN "DA/DB"		15,500.84	32,524.45
PARTTOWN FUND "B"		4,992.85	9,259.25
WD#2 FUND "WB"			375.20
WD#3 FUND "WC"			1,983.20
WD#4 FUND #WD"			1,299.80
SP FIRE PROT "SF"		1,776.00	1,776.00
SD#2 FUND "SA"		2,000.54	2,797.98
TRUST/AGCY FUND "TA"		648.30	826.30
SP REFUSE FUND "SR"			28,799.73
ST LIGHTING FUND : "SL"			7,088.00
TOTAL	78,190.84	43,598.34	121,789.18

(Approved 7/24/06)

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

THERE WAS NO BUSINESS FROM THE FLOOR.

COMMUNICATIONS

Councilwoman Riddoch reported that she called Dennis O'Grady last week regarding the Lions Shelter, did not hear back. Spoke with Angelo Borgese from DOT re the traffic study on Genesee by Peters Corners that we filed on 5/1; he said they are going to trim the Vegetation and double stripe the road at Peters Corners and S. Newstead. They are still going to do a speed study on Genesee, east of Reinhardt. Received copies of letters sent out to property owners on W. Main by Town Attorney Strong, re the paving of the path to connect the parks. Would like to add to the agenda the request from ACS to use the R.O. Smith Park for athletic contest on the requested dates on Sept. 8-Oct. 6, they will be at 4:30 and would not conflict with the start up of the new soccer season. She already checked with Dan Moultrup. Councilman Weber reported that he received a sample petition for water district #5 from the Town Attorney. Councilman Snyder received a

letter from Dept. of Labor re a violation/boiler in Town Hall, he will handle. Councilwoman Cooke reported receiving a letter from a concerned Senior Citizen opposing Walmart. Supervisor Smith reported he received the report from Rural Metro re their calls and response time. Received a letter from Buffalo and Erie County Library re their loss of assistance from the County. Copy of the Village of Alden Board minutes and six letters from residents regarding rezone/Walmart.

#### NEW BUSINESS

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to approve changing In House Soccer from the Spring to Fall. Unanimously carried.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion authorizing AJF Invitational to use the Town Park on August 19th. Unanimously carried.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to grant Power Personnel permission to use the Town Hall on August 29<sup>th</sup> from 9:00 AM – 11:00 AM to do recruiting for Local Companies. Unanimously carried.

Councilwoman Cooke moved and Councilman Snyder seconded the Motion granting ACS permission to use Shelters #1 & #2, the Walking Path and Bathrooms on June 15, 2007 for the Annual 5K Run. Unanimously carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN RIDDOCH WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN WEBER 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 7:45 p.m. on the 21<sup>st</sup> day of August, 2006, for the purpose of hearing all persons interested in the proposed Local Law No. 1 of the Year 2006; and

BE, IT FURTHER

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; and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; (b) notify by mail all parties of interest pursuant to the General Municipal Law and the Town Law of the Public Hearing not less than ten (10) days before the date of the Public Hearing; and (c) send notice to Erie County Department of Environment and Planning as required under Section 239-m of the General Municipal Law; and

BE, IT FURTHER

ORDERED, that the Town Clerk is to make copies of the proposed “Local Law No. 1 of the Year 2006, entitled “Amendment of the Zoning Law for the Town of Alden”, 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 vote and was unanimously adopted.

The question of the adoption was duly put to a vote on roll call vote and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden is considering the adoption of “Local Law No. 1 of the Year 2006, entitled “Amendment of the Zoning Law for the Town of Alden”, which will amend the Zoning Law as to the location/setback of residential driveways (the “Proposed Action”); and

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

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 Building Inspector is hereby directed to send notice to the Erie County Division of Planning as required under Section 239-m of the General Municipal Law.

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 of the Board of the Town of Alden on August 7, 2006 and was unanimously adopted.

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

WHEREAS, the Town Board has discovered the need to replace the inadequate phone system at the Alden Town Hall; which can be purchased pursuant to State Bid;

WHEREAS, The proposed new phone system will be cheaper than the existing phone system; will be easier to use and operate; and will offer more features to benefit the Town Employees and Town Residents who telephone the Town Hall;

WHEREAS, said Procurement Policy & Procedure Guidelines and General Municipal Law have been followed;

WHEREAS, the Town Board after full and careful review and consideration of the need finds it in the public interest to authorize said purchase a new phone system for the Alden Town Hall;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the purchase of a new phone system (including installation and training) from Rel Comm, as described on the attached summary for \$9,857.00 as being consistent with its policies and in the interest of the residents of the Town of Alden;
2. That the Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase; and
3. The resolution shall take effect immediately. The foregoing Resolution was duly put to a vote on August 7, 2006 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden gave a Conditional Final Plat Approval on June 5, 2006, to Zoladz Construction Company, Inc. as agent for Austin Development I, LLC for the construction of the infrastructure for Periwinkle Meadows Phase II, including roadways and utilities for a 36 lot expansion of an existing single-family residential subdivision on Three Rod Road in the Town of Alden. (The “Subdivision”);

WHEREAS, the Town Board approved the Final Environmental Impact Statement after giving notice to all required permitting agencies and adopted its Findings under SEQRA with regard to the Periwinkle Meadows Subdivision on September 19, 1994;

WHEREAS, the NY State Department of Environmental Conservation on August 10, 2005, approved the Notice of Intent for coverage under the General Permit for Storm Water Discharges from construction activity;

WHEREAS, the Erie County Health Department on December 12, 2005 gave approval to the private sewage disposal system plans and to the water line extension plans; and

WHEREAS, the Town of Alden Planning Board on May 9, 2006, recommended to the Town Board the approval of Subdivision.

NOW THEREFORE BE IT RESOLVED:

1. That the Town of Alden hereby issues a Public Improvement Permit to Zoladz Construction Company, Inc. as agent for Austin Development I, LLC Austin, for construction of roads in the Subdivision, as follows:
  - a. Zoladz Construction Company, Inc. as agent for Austin Development I, LLC shall remit a \$30.00 permit fee to the Alden Town Clerk; and
  - b. Zoladz Construction Company, Inc. as agent for Austin Development I, LLC shall remit to the Town Clerk the sum of \$8,039.45 to be held in escrow by the Town and used to pay the costs of inspecting the road construction.
2. That the Town of Alden hereby issues a Public Improvement Permit to Zoladz Construction Company, Inc. as agent for Austin Development I, LLC Austin, for construction of waterlines in the Subdivision, as follows:
  - a. Zoladz Construction Company, Inc. as agent for Austin Development I, LLC shall remit a \$30.00 permit fee to the Alden Town Clerk; and
  - b. Zoladz Construction Company, Inc. as agent for Austin Development I, LLC shall remit to the Town Clerk the sum of \$4,402.30 to be held in escrow by the Town and used to pay the costs of inspecting the waterline construction.
3. That the Town of Alden hereby issues a Public Improvement Permit to Zoladz Construction Company, Inc. as agent for Austin Development I, LLC Austin, for construction of the drainage system in the Subdivision, as follows:
  - a. Zoladz Construction Company, as agent for Austin Development I, LLC shall remit a \$30.00 permit fee to the Alden Town Clerk, and
  - b. Zoladz Construction Company, Inc. as agent for Austin Development I, LLC shall remit to the Town Clerk the sum of \$3,068.40 to be held in escrow by the Town and used to pay the cost of inspecting the drainage system.
4. The escrowed funds shall be used by the Town to pay for the inspection of the road construction, waterline construction and drainage system construction and shall be invoiced to the Town by the Inspector (the Inspector shall charge an hourly fee and mileage fees).

5. If any escrowed fund balance goes below \$500.00, That the Town of Alden hereby issues a Public Improvement Permit to Zoladz Construction Company, Inc. as agent for Austin Development I, LLC Austin, shall deposit additional funds with the Town based upon five percent (5%) of the cost of the completing the construction. Upon the completion of the construction any unused escrowed funds will be returned to Zoladz Construction Company, Inc.

6. This Resolution shall take effect immediately.

The adoption of the foregoing Resolution was duly put to a roll call vote on August 7, 2006, and was unanimously adopted

Councilwoman Riddoch polled the Board and the following motion was added to the Agenda;

Councilwoman Riddoch moved and Councilwoman Cooke seconded the motion to approve the request of Alden Central School to use the R.O. Smith Park for athletic contests on requested dates, Sept. 8<sup>th</sup>-Oct. 6<sup>th</sup>. Unanimously carried.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilwoman Riddoch reported that Rural Metro's monthly response compliance is up 11% from last month. The Judges Memorial Golf Tourn. sent a check to be used in the Park Tot Lot. Will send thank you to Judge Woods. Will meet with DOT and Grant Writer re the Heritage Trail.

Councilman Weber spoke with Mr. Oles, present at the meeting, regarding the fact that they are keeping the Right-To-Farm on the Planning Board agenda. Councilman Weber spoke with Chairman Alessi from the ZBA regarding the fees charged. Reported there is a public hearing this Wednesday at the Village of Alden Hall regarding Economic Development, the Town Board of Alden, Village Board and the Economic Development Committee will be in attendance. Met last Friday with E.C. Water Authority re Water District #5.

Councilman Snyder reported on NEST and they are looking into recycling new materials, as in Florida. There will be a computer recycling at ECC South on September 30, 2006. Put tarps down on the gym floor to catch tar.

Councilwoman Cooke reported she is working on the NIMS certification and it is complete. It is due next week. Questioned as to whether more information could be provided regarding what Walmart future plans will be.

Supervisor Smith reported on receiving from the Town Clerk's Office copy of notice to be run in Alden Advertiser re unlicensed dogs. Received Building inspectors report for July.

Town Engineer Metzger reported to the Board re/rezone/Walmart that they have every right as a Board to ask for a traffic study and a drainage study. Renovations to the Senior Citizens Center went out to bid. The bid opening will be August 24<sup>th</sup>. Received plans from Town of Newstead re water #10/N. Millgrove Rd.

CEO Frank Trybuskiewicz reported on Sewer District #2/commuter down and Frank will repair.

Planning Board member John Zoratti reported he was glad that Periwinkle is moving forward

Supervisor Smith moved and Councilman Snyder seconded the motion to enter into an executive session at 8:27 P.M., to discuss a personnel matter.

Supervisor Smith moved and Councilwoman Riddoch seconded the motion to reenter the regular meeting at 9:03 P.M.

Supervisor Smith adjourned the Meeting at 9:04 PM with a Minute's silence in Memory of Mary Lou Schwab, Joy Comas Baez .

Debra A. Crist  
Deputy Town Clerk