

MEETING NO. 17  
REGULAR NO. 17

REGULAR BOARD MEETING

SEPT. 5, 2006  
7:30 P.M.

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Tuesday, September 5, 2006 at 7:30 PM. Supervisor Smith called the Meeting to Order. Councilwoman Riddoch led in the Pledge of Allegiance. The roll call was taken by the Town Clerk.

PRESENT:

Ronald L. Smith, Supervisor  
Mary Riddoch, Councilwoman  
William Weber, Councilman  
Ronald L. Smith, 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 Metzger, Town Engineer  
Colleen Pautler, Planning Board Member

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of August 21, 2006. Unanimously carried.

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

ACCOUNT	ABST #1	ABST #2	AMOUNT
GENERAL FUND "A"		5,233.83	38,785.37
HGHWAY FUND "DA/DB"		3,700.00	86,226.78
PART TOWN FUND "B"		3,349.83	5,089.73
WD#2 FUND "WB"			375.20
Wd#3 FUND "WC"			1,983.20
WD#4 FUND "WD"			24,274.17
SP FIRE PROTECTION "SF"			17,290.06
SD#2 FUND "SA"		355.99	12,040.80
TRUST & AGCY FUND "T"		1,534.68	9,914.93
SPECIAL REFUSE FUND "SR"			26,558.66
ST LIGHTING FUND "SL"			7,088.00
TOTAL	215,291.90	14,174.33	229,466.23
	(Approved 8/21/06)		

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Mat Herdzik/287 S Woodside was concerned about the Gas Station that is planned in the Tops Market Parking Lot – this is near to the Day Care Center and he is afraid of the fumes – both the Supervisor and Attorney assured him this is within the Village and is not under Town jurisdiction.

Mrs. Szymanski; 1078 Bonnie Lake questioned the status of her drainage problem. Supervisor Smith reported that our Grant writer is checking to see if there is any Grant available – if not this would have to be the expense of the Town. He stated that this would be taken care but could not give a definite date.

COMMUNICATIONS

Councilwoman Riddoch reported she received a letter from Cal Schadt from AJF and Cheerleading re deep fryer and chemical fire suppression system in the Town Park Concession Stand – this puts us in compliance with the Loss Prevention Control Survey done by the Insurance Company. They also “Thanked” the Town Board and Maintenance Dept for their support and financial assistance. She spoke to Ray Rebmann re use of the Concession Stand in the Robert O Smith Park – we will be approving his request pending the issuance of a Health Dept Permit.

Attorney Strong reported she wrote a letter to Troy Bank re Utility offer; received notice that Randy Crist has completed his Peace Officer Training – to be placed on the Work Session; she has redrafted the Residency Law – to be placed on the Work Session.

Councilman Snyder reported that the Meeting of the North East South Towns will be this Thursday; reminder that on Sept 30<sup>th</sup> there will be a recycling at ECC-South Town.

Councilwoman Cooke reported a Satellite Presentation on Sept 7<sup>th</sup> – she will be attending and she had French Fries from the new Fryer and they were very good.

Supervisor Smith reported he received a Memo from the ZBA re a Variance at 13279 Cary Rd.; received a letter from NYSDEC re the Aug. 9<sup>th</sup> inspection of SD#2; received a letter from the Erie County Board of Elections re the 9/12 and 11/7<sup>th</sup> Elections/delivery of Machines; received a Memo from the County of Erie re 2007-2008 ECCDBG.

#### NEW BUSINESS

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to refund the shelter fee of \$25.00 to Jenny Pawelski, paid for Shelter #1 on August 5, 2006 per Town Board’s decision. Unanimously carried.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to grant Girl Scout Troop #1326 permission to use the Community Center on requested dates. Unanimously carried.

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

WHEREAS, the Alden Town Board on November 7, 2005 adopted its 2006 Budget;

WHEREAS, the Town of Alden Highway Superintendent requested to the Town Board that an increase in his budget be increased to allow for the following: Increase in CHIPS appropriation in the SYF 2006 State Budget

WHEREAS, the Town of Alden is a recipient of these funds from the State of New York Department of Transportation

WHEREAS, increasing the Highway Budget will not render the Town of Alden insolvent

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Alden Town Board hereby increases revenues by \$5,073.82 Line 3501DB Consolidated Highway Aid
2. That the Alden Town Board hereby increases expenditures by \$5,073.82 Line 5112.449 DB – Materials and Supplies.
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on September 5, 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 has legally declared the structures at 1418 Two Rod Road to be dangerous and unsafe and has therefore ordered that the structures be demolished by controlled burn;

WHEREAS, after the completion of the controlled burn, the debris will need to be cleared and removed to a legal landfill; the estimated cost of the clean-up and debris removal is more that \$1,000.00 but less than \$10,000.00

WHEREAS, the Procurement Policy & Procedure Guidelines has been followed and three quotes have been obtained;

WHEREAS, the Town Board after full and careful review and consideration of the request finds said request in the public interest to authorize said clean-up and debris removal;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the estimate of Kohl Construction, as outlined in the attached quote for \$2,500 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 contract; and
3. This resolution shall take effect immediately. The foregoing Resolution was duly put to a vote on September 5, 2006 and was unanimously adopted.

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to grant Eve Fertig and Deborah Chesna permission to attend the 2006 Environmental Conference on Oct 13<sup>th</sup> – Oct. 15<sup>th</sup> in Chautauqua, NY. Unanimously carried.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to grant Frank Trybuskiewicz/CEO permission to attend the 2006-78<sup>th</sup> Annual Building Official Conference on Sept 9<sup>th</sup> – 12<sup>th</sup> in Niagara Falls (included is Sunday night stay at reasonable Town expense). Unanimously carried.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to grant Town Justice LaDuca permission to attend the NYS Magistrates Conference on Oct 8<sup>th</sup> – 11<sup>th</sup> in Ellenville, NY. Unanimously carried.

Councilwoman Cooke moved and Councilman Snyder seconded the Motion to grant Alden Youth Soccer permission to use the Concession Stand (Pending Health Dept Permit) on requested dates from 9:00 AM – 4:00 PM. Unanimously carried.

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

WHEREAS, the Town Board of the Town of Alden has fully considered 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 has determined that the Proposed Action is an Unlisted Action under SEQRA; and

WHEREAS, the Town Clerk provided notice to the Erie County Division of Planning on August 8, 2006 for this Proposed Action, as required under Section 239-m of the General Municipal Law and a “no recommendation” was received from the Division on August

16, 2006; and to the neighboring municipalities (the Towns of Newstead, Lancaster, Marilla, Darien, Bennington and Elma) on August 8, 2006; and

WHEREAS, the New York State Environmental Quality Review Act requires the Town to determine the Lead Agency status and the Town Board did assume Lead Agency status on August 7, 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 April 11, 2006 recommended to the Town Board the approval of the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board did determine that the Proposed Action is an Unlisted Action under SEQRA
2. The Town Board did determine that it should be the Lead Agency for all environmental review of the Proposed Action.
3. 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.
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 September 5, 2006 and was unanimously adopted.

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

WHEREAS, a resolution was duly adopted by the Alden Town Board for a public hearing to be held by said Town Board on August 21, 2006 at 7:45 pm at the Alden Town Hall, 3311 Wende Road, Alden, New York 14004 to hear all interested parties on a proposed Local Law entitled Local Law No. 1 of the Year 2006 "Amendment of the Zoning Law of the Town of Alden", and

WHEREAS, notice of said public hearing was duly advertised in the Alden Advertiser, the official newspaper of the Town of Alden, and

WHEREAS, said public hearing was duly held on August 21, 2006 and no parties in attendance had any comments in favor or opposed to the proposed Local Law, and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Alden Town Board, as Lead Agency, that adoption of said proposed Local Law is any Unlisted Action and will not have a significant effect upon the environment, and

WHEREAS, the Erie County Division of Planning gave a "no recommendation" to the proposed Local Law on August 16, 2006, pursuant to section 239-m of the General Municipal Law, and

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law on August 8, 2006, and

WHEREAS, the Alden Town Board, after due deliberation, finds it in the best interest of said the Town of Alden to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS,

1. That the Alden Town Board hereby adopts said Local Law No. 1 of the Year 2006 entitled Amendment to the Zoning Law of the Town of Alden, a copy of which is attached hereto and made a part of this resolution,
2. That the Alden Town Clerk enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Alden, and to give due notice of the adoption of said Local Law to the Secretary of State of New York, post the same on the Town Bulletin Board and publish the same in the Alden Advertiser.

LOCAL LAW #1 OF THE YEAR 2006

**SECTION: 1. TITLE**

This Law shall be known as Local Law No. 1 of the Year 2006 entitled “Amendment of the Zoning Law for the Town of Alden”

**SECTION 2. PURPOSE**

The purpose of this local law is to add additional provisions to the Zoning Law codified as Chapter 20 of the Code of the Town of Alden to clarify where residential driveways may be located on a residential parcel.

**SECTION 3. AMENDMENT OF CODE**

The Code of the Town of Alden is amended by this Local Law No. 1 of the Year 2006 as follows:

1. Chapter 20 of the Code of the Town of Alden as 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 1991 and further amended by Local Law No. 1 of the Year 1995; by Local Law No. 4 of the Year 2000 is hereby amended as follows:

Section 20-11F is replaced by the following language to read:

F. Building, structure and driveway requirements are as follows:

1) Principal buildings:

a) Maximum height:

(1) Dwellings: thirty (30) feet

(2) Other: forty (40) feet (no limit on farm buildings)

b) Minimum floor area per dwelling unit:

(1) Two-family dwellings: six hundred (600) square feet

2) Accessory buildings:

a) Maximum height: twenty (20) feet (no limit on farm buildings)

b) Yards and setbacks: as regulated under §20-21, except as provided under §20-22

3) Lot coverage. Maximum lot coverage by all buildings: twenty percent (20%)

4) Lot grading: See §20-30

5) Driveways: No driveways shall be constructed any closer than five (5) feet to any side or rear property line

Section 20-12.F is replaced by the following language to read:

F. Building, structure and driveway requirements are as follows

(1) Principal buildings:

(a) Maximum height:

1) Dwellings: thirty (30) feet

2) Other: forty (20) feet

(b) Minimum floor area per dwelling unit: one thousand two hundred (1,200) square feet

(2) Accessory buildings:

(a) Maximum height: twenty (20) feet

(b) Yards and setbacks: as regulated under § 20-21

(3) Lot Coverage. Maximum for coverage by all buildings; thirty percent (30%)

(4) Lot grading: see § 20-30

(5) Driveways: No driveway shall be constructed and closer than five (5) Feet to any side or rear property line

Section 20-13. F is replaced by the following language to read:

F. Building, structure and driveways requirements are as follows:

(1) Principal buildings:

(a) Maximum height:

(1) Dwellings: thirty (30) feet

(2) Two-family dwellings; six hundred (600) square feet

(2) Accessory buildings:

(a) Maximum height: twenty (20) feet

(b) Yards and setbacks: as regulated under §20-21.

(3) Lot coverage. Maximum let coverage by all buildings: thirty-five percent

(4) Driveways: No driveways shall be constructed any closer than five (5) feet to any side or rear property line.

Section 20-14.F is replaced by the following language to read:

F. Building, structure and driveway requirements are as follows:

(1) Principal buildings:

(a) Maximum height:

(1) Dwellings: thirty (30) feet

(2) Other: forty (40) feet

(b) Minimum floor area per dwelling unit

- (1) Single-family dwelling: eight hundred (800) square feet for the first story
- (2) Two-family dwelling six hundred (600) square feet
- (3) Multiple-family dwellings: six hundred (600) square feet

(c) Minimum distance between multiple-family dwellings: thirty (30) feet.

(d) Building grouping and access. Multiple dwellings within a group development may be arranged in groups or clusters. Each group or cluster shall abut a street; however, each Multiple dwelling within such group or cluster need not so Abut, provided that

- (1) Each dwelling unit is accessible to services and emergency vehicles by means of a private street
- (2) The standards of design and construction for private street shall meet applicable town specifications for public streets unless modified by the approved site plan
- (3) The location, design and construction of all utilities meet all applicable specifications and are adequate to serve the needs of the group or cluster.
- (4) Provisions are made for the preservation and maintenance of private streets, pedestrian ways and common open space

(2) Accessory buildings:

(a) Maximum height: twenty (20) feet

(b) Yards and setbacks: as regulated under §20-21

(3) Lot coverage. Maximum lot coverage by all buildings: forty-percent (40%) of the lot area

(4) Driveways: No driveways shall be constructed any closer than five (5) feet to any side or rear property line.

**SECTION 4. SEPARABILITY**

If any section, subsection phrase, sentence or other portion of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 5. APPLICABILITY**

This chapter is applicable only to the unincorporated areas of the Town of Alden and shall be construed as an exercise of the powers of such town to regulate, control and restrict the use of buildings, structures and land in order to promote the health, safety, morals or general welfare of the community, including the protection and preservation of the property of the town and of its inhabitants and of peace and good order, for the benefit of trade and all other matters related.

## **SECTION 6. EFFECTIVE DATE**

This local law shall take effect immediately upon filing with the Secretary of State of New York.

The foregoing Resolution was duly put to a vote on September 5, 2006 and was unanimously adopted.

Supervisor Smith polled the Board and with no objection the following items were added to the agenda.

Supervisor Smith moved and Councilman Snyder seconded the Motion authorizing the Supervisor to make the Monthly Budget Transfers. Unanimously carried.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to re-appoint Roger Neeland to the Board of Assessment Review Board to be effective 9/1/2006 – 8/31/2011. Unanimously carried.

**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 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 shall be formally bid pursuant to General Municipal Law section 103

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

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

**NOW THEREFORE BE IT RESOLVED AS FOLLOWS:**

1. That all sealed bids received and opened August 24, 2006 to renovate the Alden Senior Community Center are hereby rejected in that the bid price received are in excess of the funds available for the renovations.
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on September 5, 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 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 IT 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 Notice to Bidders;
2. The Town Board hereby authorizes the Town Clerk to publish Notice in the Alden Advertiser. Said Notice must be published more than ten (10) days prior to September 22, 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 Clerk to receive sealed bids until 2:00 PM Prevailing time on September 22, 2006.
4. This resolution shall take effect immediately. The foregoing Resolution was duly put to a vote on September 5, 2006 and was unanimously adopted.

Supervisor Smith moved and Councilman Weber seconded the Motion to allow the Senior Aerobics to use the Community Center from September 11, 2006 through Spring from 9:00 AM – 10:00 AM. On Mondays and Wednesdays. Unanimously carried.

THERE WAS NO UNFINISHED AND TABLED BUSINESS

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilwoman Riddoch has the Voucher ready for the Shelter refund and the Voucher for the agreed amount of the Suppression System which was \$850; she spoke to Beth Downing re the connection of the Parks – she will write a letter of support from the Village and will also get one from the School.

Councilman Weber reported that he met with the Economic Development Committee – there will be a joint Meeting with the Village on Sept 19<sup>th</sup>; on Sept 8<sup>th</sup> he will be going to Monroe County Water Authority with the Supervisor and Town Engineer.

Councilman Snyder reported that he has noticed waterlines being installed along Clinton St in Cowlesville.

Town Engineer Metzger had a conversation with Chris King of the Monroe County Water Authority – he will be at the Meeting on Sept 8<sup>th</sup>; he discussed who would be paying for the Bid Packets for the rebid on the Senior/Community Center – it was decided that anyone who picked up a Bid Packet before – just give them the new Bid Packet.

CEO Trybuskiewicz advised he may be late for the next Work Session; discussed the Backflow and expenses for SD#2.

Supervisor Smith reported he is working on the Preliminary Budget with Fox & Co – will be scheduling a Meeting.

Supervisor Smith adjourned the Meeting at 8:20 PM with a Minute's silence in Memory of William Kuhl

DOROTHY L. BYCINA  
TOWN CLERK