

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Tuesday, September 6, 2005 at 7:30 PM.

PRESENT: Richard A. Savage, Supervisor
Michael W. Cole, Councilman
James M. Lorenzi, Councilman
Ronald L. Snyder, Councilman
Arlene A. Cooke, Councilwoman

RECORDING SECRETARY: Debra Crist, Deputy Town Clerk
Harry F. Milligan, Highway Supt
Frank Trybuskiewicz, Building Inspector
Ralph Witt, Receiver of Taxes

Supervisor Savage called the Regular Meeting to order. Councilwoman Cooke led in the Pledge of Allegiance. The roll call was taken by the Deputy Town Clerk.

Supervisor Savage moved and Councilman Snyder seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of August 15, 2005. Unanimously carried.

COUNCILWOMAN COOKE MOVED AND COUNCILMAN SNYDER SECONDED THAT THE FOLLOWING VOUCHERS BE ALLOWED AND PAID

ACCOUNT	ABST #1	ABST #2	TOTAL
GENERAL FUND "A"	22,553.47	21,823.34	44,376.81
HGHWY FUND "DA/DB"	35,959.65	8,562.86	44,522.55
PARTTOWN FUND "B"	1,753.44	6,518.11	8,271.55
WD#2 FUND "WB"	375.20		375.20
WD#3 FUND "WC"	1,983.20		1,983.20
WD#4 FUND "WD"	22,506.05		22,506.05
SPECIAL FIRE PROTECTION"SF"	181.21		181.21
SD#2 FUND "SA"	9,951.61	1,725.46	11,677.07
TRUST & AGENCY FUND "T"	1,203.37	259.00	1,462.37
SPECIAL REFUSE FUND "SR"	30,383.30	675.00	31,058.30
STREET LIGHTING FUND "SL"	7,081.79		7,081.79

Upon roll call vote the foregoing was unanimously carried.

BUSINESS FROM THE FLOOR

Matt Herdzik/287 S Woodside wanted to "Thank" the Board for their help in saving our Library.

COMMUNICATIONS

Councilman Cole reported that he sent letter of thanks to Rebecca Portem regarding the Library; sent letter to Erie County regarding soil conservation issue; received minutes for the Chamber of Commerce and invitation to the Kaleida Ball.

Councilman Lorenzi reported receiving invitation to Kaleida Ball; Village and Chamber of Commerce minutes.

Deputy Town Clerk Debra Crist reported passing out the tentative budget books to Board members prior to the meeting.

Supervisor Savage reported the following: Notice of Educational Forums and Public Statement Hearing on the Commission's Examination of issues related to the Competitive Provision of Telecommunication Services; copy of letter sent to Bouvier Partnership from Attorney Strong re Contract for Alden Fire Protection District; copies of letters sent to Townline Vol Fire Co Inc; Alden Hook & Ladder Fire Co; Crittenden Vol Fire Dept and Millgrove Fire Dept. from Attorney Strong re Contract for Fire Protection District; copy of the Town Clerk Monthly Report for August; copy of Building Inspector's Monthly Report for August; copy of Bid for a 2005 or 2006 Utility Truck for the Highway Dept; copy of a Resolution re Erie County Sheriff's from the Town of Collins; copy of Resolution re Erie County Sheriff's from the Town of Boston; Notice of Public Hearing re a Zoning Variance for David W and Tamatha Hinsken; Notice of a Public Hearing re a Zoning Variance for Charlene Mays; Notice of a Public Hearing re a Zoning Variance for Jim Zelasko and Wendy Zelasko; copy of Final Expenditure for a Federal or State Project ((Indexing of Minutes); copy of letter sent to Joseph Czechowski "Thanking" him for covering for our Building Inspector during his recent illness; a "Thank You" letter sent to Al Gerhardt for the check presented to the Town re sale of signs : copy of Sheriffs report for month of July; copy of letter from Time Warner with a check for \$14,554.08 representing the franchise collected by TWC on behalf of the Town; copy of Minutes of the Alden Town Planning Board Meeting of August 9, 2005.

Attorney Jennifer Strong received from the Town of Lancaster the out-of-district sewer agreement for KlingleSmith; still working with Senator Volker's office regarding the library; drafts of fire contracts have gone out, she has not heard back yet; court date has been set for MBM Investment; received request from Town Clerk for legal notice for a variance; received letter from Jennifer Lynch stating she does not have proof of expenses; has received nothing on the NYSEG right-of-way; received from Frank Trybuskiewicz all the notices on 1418 Two Rod Rd.

Councilwoman Cooke received a call and letter from Pauline Sanger regarding the 10 acres of land on Gebhard Lane that was deeded to the Town, she had questions regarding the status of this property; received letter from Linda Beilein regarding large tree down under Four Rod Road bridge and another one further down the creek; Highway Supt. Milligan discussed possibilities of correcting this situation.

Councilman Snyder had no communications.

NEW BUSINESS

Councilwoman Cooke moved and Councilman Snyder seconded the Motion to grant the Alden Garden Club permission to use the Community Center on the second Wednesday of each month for the calendar year 2006. Unanimously carried.

Supervisor Savage moved and Councilman Cole seconded the Motion to appoint Judy Downhower, 13071 North Rd., Alden, NY as Part-Time Clerk to the Receiver of Taxes at a rate of \$10.50/Hr. on an as needed Seasonal Basis, not to exceed 19 Hours per week/No Benefits-Appointment is through 12/31/05. Unanimously carried.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to authorize the Supervisor to sign an Engagement Letter with Fox & Company for Single and Departmental Audits for Year 2005, GASB No. 34, and to assist the Town in preparing the 2006 Budget including computation of Special District Tax Rates. Unanimously carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR SAVAGE WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN LORENZI TO WIT;

WHEREAS, the Office of Erie County Sheriff's has been providing exemplary and dependable policy and public safety services to the citizens of the Town of Alden and all of Erie County since 1821, and

WHEREAS, the Office of the Sheriff is the oldest office under the common law in the United States and is an integral part of the government in the State of New York, and

WHEREAS, as the oldest constitutional law enforcement officer of the county, the Sheriff is charged with maintaining the peace in all municipalities, villages, and townships within his jurisdiction, the care and custody of persons pending court action, as well

As those sentenced to less than one year in jail his duties also involve the security of the courts, service and enforcement of civil process, and

WHEREAS, over these 184 years, the Erie County Sheriff's Office has lost 4 deputies in the line of duty serving the citizens of Erie County, and

WHEREAS, over the years various town or village populations grew and they opted to provide enhanced 24/7 law enforcement for their citizens in the form of a local police department by levying additional taxes to their residents, and

WHEREAS, 15 towns in Erie County receive Sheriff's Road Patrol services identical to the services provided in virtually every other county in New York State, and

WHEREAS, the 15 towns that receive Sheriff's Road Patrol are mostly rural communities that do not receive many county services and note that we contribute approximately \$38 million in our combined taxes for Sheriff related services, and WHEREAS, the County Executive proposes to eliminate the Erie County Sheriff's Road Patrol, the first and oldest law enforcement agency in the history of Erie County, and

WHEREAS, before doing so the Executive Branch should look into other fees for services provided to the various towns that the majority of the communities that receive Sheriffs Road Patrol do not utilize, such as Holding Center costs, Transportation costs to various courts, Welfare Costs that are utilized by Cities, Villages and Towns, Health Dept. Services and Central Police Services, to name a few, and

WHEREAS, in this day of an increased need for Homeland Security to combat terrorism and protect our borders, it is imperative that Erie County government provide adequate funding for it's lead Law Enforcement agency to respond, serve and protect all it's residents, and

WHEREAS, the New York State Police have gone on record stating they can not provide additional personnel to cover the calls that have been handled by the Erie County Sheriff's Office, and

WHEREAS, the County of Erie has over 57 million dollars in tax exempt property in the Town of Alden and operates a correctional facility which contains over 930 inmates, and

WHEREAS, it is the responsibility of Erie County to provide public safety including a road patrol response to their facility within the Town of Alden in the event of an escape or major disturbance, and

NOW THEREFORE BE IT RESOLVED, THAT THE Alden Town Board recognizes that any addition cuts to the budget of the Erie County Sheriff's Office would jeopardize its ability to adequately protect the citizens of Erie County,

RESOLVED, that the Alden Town Board goes on record opposing any fees that the County of Erie wishes to impose on our residents and those of the other towns who utilize the Erie County Sheriff's Road patrol, and

BE IT FURTHER RESOLVED, that the Town Clerk send a certified copy of this resolution to Erie County Executive Joel Giambra, The Erie County Legislature, County Comptroller James Hartman, Sheriff Timothy Howard and the Towns of Elma, Clarence, Marilla, Wales, Holland, Sardinia, Boston, Brant, North Collins, Collins, Concord and the Mayors of the Villages of Springville, Alden and Akron.

This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a Roll Call vote and was unanimously adopted.

Councilman Cole moved and Supervisor Savage seconded the Motion to permit Building Inspector/Frank Trybuskiewicz permission to attend the NYS Building Officials Conference in Alexandria Bay at reasonable Town expense for Wed-9/14 – Fri-9/1605 (two nights stay 14th and 15th) Unanimously carried.

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

WHEREAS, the Town Board of the Town of Alden is considering the application of William Frey for the construction of a self storage facility located at 11555 Broadway in the Town of Alden, County of Erie and State of New York and further identified by SBL #118.10-1-1.112

WHEREAS, the proposed construction is an unlisted action within the requirements of the New York State Environmental Quality Review Act; and

WHEREAS, the New York State Environmental Quality Review Act allows the Town to determine the Lead Agency status with the Lead Agency making a SEQR determination; 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 Environmental Assessment Form, which is now on file with the Town Board and the Town's SEQR Intake Officer, Frank A. Trybuskiewicz; and

WHEREAS, pursuant to Law, the Town of Alden did assume Lead Agency Status and did inform other involved agencies on April 14, 2005, for the purpose of determining what significance this action has on the environment; and

WHEREAS, the Town of Alden Planning Board and the Town Engineer have reviewed the proposed site plan; and

WHEREAS, the Town of Alden Planning Board has recommended to the Alden Town Board the approval of the proposed site plan; and

WHEREAS, the Town Board as Lead Agency did consider comments received from the other involved agencies as well as the public.

NOW THEREFORE BE IT RESOLVED, that 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-significant 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 site plan;

RESOLVED, that the proposed site plan is approved contingent upon the following conditions being met prior to the issuance of a building permit;

1. Mr. Frey(or his agent) must submit to and obtain approval from the State of New York Department of Transportation on drainage plans, storm water management calculations; and entrance locations;
2. Mr. Frey(or his agent)must obtain a Highway Work Permit from the State of New York Department of Transportation;
3. Mr. Frey(or his agent)must obtain approval of the operation of the existing gas well from the State of New York Department of Environmental Conservation; or show proof of property enclosure of said gas well in accordance with NYSDEC regulations;
4. New fencing, to the satisfaction of the Alden Town Board and Town Engineer, must be installed around the entire perimeter of the subject property; and
5. The subject property shall contain landscaping in the form of plantings, in addition to the landscaping and plantings shown on the June 5, 2005 site plan to the satisfaction of the Town Board and Town Engineer, on the Bonnie Lake Drive boundary.

This Resolution shall take effect immediately. The adoption of the foregoing Resolution was duly put to a vote on September 6, 2005 and was unanimously adopted.

Councilman Lorenzi moved and Supervisor Savage seconded the Motion to renew the HOP for Douglas Swingle/12049 Genesee St. Unanimously carried.

Supervisor Savage moved and Councilman Cole seconded the Motion to transfer \$250.00 from A71210.251 into A7110.439. Unanimously carried.

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

Supervisor Savage moved and Councilman Cole seconded the Motion to grant Bill Sivecz, Assessor permission to attend the New York State Assessor's Association in Rochester, New York on September 11, 2005 through September 14, 2005 at reasonable Town expense. Unanimously carried.

THERE WAS NO UNFINISHED & TABLED BUSINESS.

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilman Cole reported that he has been working with Assessor Bill Sivecz regarding Water District #5. Discussed signatures on petitions, will give report.

Councilman Lorenzi called Erie County Highway Dept. about taking care of the weeds on Wende Rd.; the concrete was poured at the Schoolhouse. Went on a couple of drainage calls. Called NYSEG about pole #306 (corner of Walden & Wende) goes on and off at night.

Deputy Town Clerk reported that the Board of Elections was coming out to program the Voting Machines.

Supervisor Savage reported on meeting with the Alden Ewell Free Library Board and reiterated we are going to support the Library. We are waiting for figures from them on how much the County is going to give them. The tentative budget will be on the Work Session for review.

Attorney Jennifer Strong reported receiving Judge Dillon's final order denying D. Faso's lawsuit against the Town.

Councilman Snyder reported the rugs at the Historical Society were cleaned.

Councilwoman Cooke reported on meeting with the Disaster Center, the importance after the events down South is evident. The old court chairs were discussed about being donated to this cause. Town Attorney will do a surplus resolution. Councilwoman Cooke will be attending future meetings.

Supervisor Savage adjourned the Meeting at 9:00 PM with a Minute's silence in Memory of Edward Dobies, William Tupaj Sr., Elizabeth Czechowski and Leo Czaplá.