

MEETING NO. 19
REGULAR NO. 19

REGULAR BOARD MEETING

OCT. 5, 2009
7:00 PM

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, October 5, 2009 at 7:00 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 Smith, Supervisor
Mary Riddoch, Councilwoman
William Weber, Councilman
Ronald Snyder, Councilman
Arlene Cooke, Councilwoman
RECORDING SECRETARY: Dorothy Bycina, Town Clerk
OTHERS PRESENT: Jennifer Strong, Town Attorney
Martin Dugan, CEO
Michael Metzger, Town Engineer
John Zoratti, Planning Board
Lenny Weglarski, DCO

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of September 21, 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"		14,964.10	36,830.42
HGHWY FUND "DA/DB"		1,153.32	50,247.62
PARTTOWN FUND "B"		1,692.29	4,711.73
WD#2 FIMD "WB"		6,150.00	6,525.20
WD#3 FUND "WC"			2,063.60
WD#4 FUND "WD"			1,299.80
SP FIRE PROT "SF"			159.18
SD#2 FUND "SA"		325.08	2,681.24
TRUST/AGCY FUND "T"		2,564.70	2,737.20
SP REFUSE FUND "SR"			39,761.17
ST LIGHTING FUND "SL"			6,794.74
PERIWINKLE LTGA "SL1"			36.47
GRANTS		222.97	16,531.37
TOTALS	143,307.28	27,072.46	170,379.74

(PAID 9/21/09)

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

Supervisor Smith "Welcomed" the Students from Alden Central School

BUSINESS FROM THE FLOOR

Norman Taylor/President of Alden Seniors presented a letter to the Board re Out-of-Town Residents and the Senior Program. Attorney Strong explained the issue of Tax Payers money being used for Town Residents. There is nothing in writing stating the reason. Supervisor Smith suggested that this could be discussed further at a Work Session.

Leonard Roberto/Sullivan Rd questioned the Sign Law and requested the Town Board to take action to remove this Ordinance. Attorney Strong reported she reviewed the Sign Law and that the Town is in compliance. Mr. Roberto requested the Board to take a second look at the Law. Supervisor Smith responded that the Ordinance does not require

that the individual pay a fee of \$20.00 – the political party is required to pay the single Fee of \$20.00 which would allow the political party to place as many signs as they want throughout the Town. He then referred to the Alden Watchdog Website that placed information about the Town of Alden using tax payer's money to make political contribution to the Alden Republican and the Committee to elect Laura Monte- the information to the Town was rather slanderous. What the Website shown was that the Town of Alden received the mentioned contributions which really was for a Shelter the Republican Committee rented and a Foil request photo copies for Laura Monte. Upon this the Town regrettably attempted to enforce the Sign Law because we felt that dirty politics was involved. The Web Master knew about this information quite sometime prior to this occurrence – yet made no attempt to contact the Town of Alden to try and find out the real reason for the listing on that site. The reaction was not well planned – well thought out – it was a major reaction to what was believed to be a slap in the face. Obviously to accuse Board Members to use taxpayer's money to fund political contributions is against anything we believe in. Since there was no Permits for the downsizing the CEO went out – placed a letter and removed all Signs in the Town of Alden that violated the Sign Law. This is the reason why this happened. The Sign Law will be looked at in the Master Plan to see if it needs to be updated. The Town Code does need to be updated.

Winnie Fisher questioned the Signs that are put up for our Veterans. Supervisor Smith stated that technically they could be enforced but common sense could prevail.

Laura Drogi referred to the Yard Sale Signs – they need to be enforced – suggested there could be a Waiver for a 3 Day Permit.

James Guarino commented on the money for the Senior Citizens – he feels the Towns interest in this should be limited to the percentage of the Budget that is provided and what percentage of residents come from the Town and that the Town's interest should be restricted to limiting membership. Attorney Strong advised that our control with Meals on Wheels only allows to be used for Town residents. The Adult Men's Softball allows non residents because they pay an extra fee to participate. He then referred to Tax Money being used for Sport Programs – are they limited to Alden Central Districts. Supervisor Smith stated the reason for this is that we use Alden Central School Facilities. Mr. Guarino feels that the decision re the Signs was a bad one at a bad time. He also brought up the Right to Farm Law. Supervisor Smith stated that we are getting close to the completion of the Master Plan process. At the last meeting a discussion was on implementation of priorities of the Master Plan and that it will be discussed more in depth at the next Meeting and listed is the Right to Farm Law.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to enter into the Public Hearing re the Community Development Block Grant.

At 7:20 PM Supervisor Smith called the Public Hearing to Order re the Erie County Community Development Grant. The Town Clerk read the Notice that was published in the Alden Advertiser. Supervisor Smith explained the reason for this Public Hearing. Smith explained what could be covered by this Grant. The Floor was opened for discussion. One Public comment was heard. Items included Generator; Repairs of Roof; Master Plan and Senior Center/Bathrooms. The Supervisor concluded by naming the Senior Center; Master Plan and Senior Van.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to call the Public Hearing to a close at 7:30 PM and re-enter into the Regular Meeting. Unanimously carried.

COMMUNICATIONS:

Councilwoman Riddoch referred to the Alden Watchdog – requested that her Salary and her taking the Benefits be corrected; she attended the Testimonial Dinner last Saturday for the WNY Firemen's Ass'n – they asked her to Thank the Board for their cooperation- they were happy with the conditions in the Park and it was left in excellent condition. She also received a copy of a letter that Highway Supt Milligan wrote to Jerry Sentz re the Mowing in Alden.

Councilman Weber referred to the Alden Watchdog – also stated that his Salary and Benefits he receives from the Town be corrected.

Attorney Strong reported she is working with Time Warner; received from Ted Morgan the Liability and W/C Insurance- still needs OSHA Certification; working with General Code to get a Quote of updating our Zoning Books and is working with the ZBA for preparing the Frey Proposed Subdivision on Billo Road.

Supervisor Smith requested Councilman Snyder to put together the cost of Repairs at the Community Center – the Grant Writer would need this.

Supervisor Smith reported the following: copy of the Alden Town Planning Board Agenda for October 13th; Monthly report from the Building Inspector for September; Monthly report from the Town Clerk for September; copy of Approved Board Minutes from the Village for September 10th.

NEW BUSINESS

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to grant Town Justice LaDuca permission to attend the NYS Magistrates Conference/Certification Seminar at Lake Placid-Oct 18-21. Unanimously carried.

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

WHEREAS, the Town Board of the Town of Alden is considering an application by Raymond L. and Sharon Weber Francis for the subdivision of two (2) lots. The entire parcel currently consists of approximately 40.16 +/- acres on Reinhardt Road in the Town of Alden (currently identified by SBL #96.00-6-14-1). The first proposed lot (“Parcel A”) would be 1.993 +/- acres; the second proposed lot (“Parcel B”) would be the remainder of the parcel 38.167 +/- acres (The “Proposed Action “);

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

WHEREAS, the Town Building Inspector provided notice to the Erie County Division of Planning on September 9, 2009, for this Proposed Action, as required under Section 239-m of the General Municipal Law and a “no recommendation” was received on September 21, 2009;

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;

WHEREAS, the Town of Alden did assume Lead Agency Status on September 21, 2009;

WHEREAS, the Town of Alden Planning Board has reviewed the Proposed Action and on September 8, 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 and State of New York, being part of Lot No. 33 Township 11, Range 5 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the center line of Reinhardt Road at its intersection with the northerly line of lands deeded to Wilhelmina L. Wende by deed recorded in the Erie County Clerk's Office in Liber 2093 of Deeds at page 455; thence easterly along said northerly line 115.92 feet to the northeast corner of lands so deeded to Wended and being a point in the westerly line of lands deeded to Raymond B. Francis by deed recorded in the Erie County Clerk's Office in Liber 11139 of Deeds at page 4775; thence northerly along said westerly line and parallel with the east line of Lot No. 33 a distance of 63.85 feet to the northwest corner of lands so deeded to Francis, thence easterly along the northerly line of lands so deeded to Francis 371.08 feet to the northeast corner thereof; thence northerly at right angles 159.feet; thence westerly at right angles and parallel with the northerly line of lands so deeded to Francis 511.09 feet to the center line of Reinhardt Road; thence southerly along said center line 225.00 feet to the point of beginning, containing 1.993 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 October 5, 2009 and was unanimously adopted.

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

WHEREAS, Councilwoman Cooke has advised the Town Board that the Senior Nutritional Program is in need of a Temporary Site Director for the months of October, 2009 through December, 2009, due to an extended leave of absence for the current Site Director; and

WHEREAS, Councilwoman Cooke has recommended that Donna Zinter be appointed as the Temporary Nutritional Program Site Director for the months of October, 2009 through December 2009;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board accepts the request to extend the unpaid leave, due to a family medical emergency for Julia Lathrup, for the months of October 2009 through December 2009.
2. The Town Board extends the appointment of Donna Zinter, as the Temporary Nutritional program Site Director for the months of October 2009 through December 2009, at an hourly rate of \$9.64 hours, not to exceed nine (9) hours in any week and without any benefits.
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on October 5, 2009 and was unanimously adopted.

Councilwoman Cooke moved and Councilman Snyder seconded the Motion to deny Jim Uebelhoer's request for Refund on Garbage Collection. Unanimously carried.

Supervisor Smith polled the Board and with no objection the following was added to the Agenda. Councilwoman Riddoch moved and Councilman Weber seconded the Motion to approve Alden Central School's request to use the Baseball Field at R.O. Smith Park on Monday – October 19th and October 22nd; the School to line the Field and repair any damage done to Diamond. Unanimously carried.

THERE WAS NO UNFINISHED & TABLED BUSINESS.

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilwoman Riddoch discussed the Safety at St. John's with Sheriff Steve Smith who in turn wrote a letter to Jerry Sentz of Erie County Highway giving some opinions on the situation and told him the Board is supportive of anything to improve the Safety of the Crossing in front of the School.

Councilman Weber is working on two Drainage problems on Cary Road.

Attorney Strong requested the Reinhardt Road construction and the CDBG be placed on the Work Session.

Councilman Snyder reported on the Recycling Day; the concrete and rail at the Community Center is finished and the Paperwork for the Community Center repairs should be ready and would like this added to the Work Session.

Councilwoman Cooke attended a Meeting re the H1N1 Vaccine Clinic; also will be attending a Meeting with Marilla, Newstead and TownLine about working together.

Engineer Metzger has received the Generator and Boiler Specs – will report to the Board when complete.

Supervisor Smith reviewed the 2010 Budget - it will then go back to the Board and will be discussed at the Work Session. A Public Hearing will be held on November 2nd and then for the final vote on November 20th.

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to enter into an Executive Session to discuss a Personnel Matter. Unanimously carried.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to reenter the meeting with no action taken. Unanimously carried.

Supervisor Smith adjourned the Meeting at 8:20 PM with a Minute's silence in Memory of Leonard Zymowski, Linda Barthelemy, Clara Kaczmarek and Edwin Feuerstein.

DOROTHY L. BYCINA
TOWN CLERK