

MEETING NO. 21
REGULAR NO 21

REGULAR BOARD MEETING

NOV. 3, 2008
7:00 PM

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, November 3, 2008 at 7:00 PM. Supervisor Smith called the Meeting to Order. Councilman Snyder led in the Pledge of Allegiance.

PRESENT: Ronald L. Smith, Supervisor
Mary Riddoch, Councilwoman
William Weber, Councilman
Ronald L. Snyder, Councilman
Arlene A. Cooke, Councilwoman
RECORDING SECRETARY: Dorothy L. Bycina, Town Clerk
OTHERS PRESENT: Jennifer Strong, Town Attorney
Harry Milligan, Highway Supt.
Michael Metzger, Town Engineer
Martin Dugan, CEO
Michael Fleming, Planning Board Member
Lenny Weglarski, DCO

Councilman Weber moved and Councilman Snyder seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of October 20, 2008. 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"		11,833.46	24,177.37
HGHWY Fund "DA/DB"		4,805.77	67,142.05
PARTTOWN FUND "B"		1,758.74	6,160.62
WD#2 FUND "WB"			375.20
WD #3 FUND "WC"			2,063.60
WD#4 FUND "WD"			1,299.80
SD #2 FUND "SA"		24.16	2,181.41
TRUST/AGCY FUND "T"			506.83
SP REFUSE FUND "SR"			28,845.14
ST LIGHTING FUND "SL"			6,375.28
SP FIRE PROTECTION "SF"		1,250.00	1,409.18
GRANTS		7,109.60	13,611.90
TOTAL	127,366.65	26,781.73	154,148.38

(Paid Oct. 20, 2008)

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

Business from the floor

John Oles/Countyline Road reported on the Intersection at County Line and North – the Road work has been done but there are no Stop Signs. Highway Supt Milligan reported that Genesee County will not put up Stop Signs and if Erie County does- this would mead Three (3) Stop Signs. Mr. Oles also asked it the Right to Farm Law could be brought up again.

Ken Frey/Reserve Gas questioned the possibility of tying his Gas Line Pipe in with the possible New Water Line – Supervisor Smith stated that there will be a meeting of WD#5 and this would then go to a Referendum Vote.

Debra Faso/North Rd questioned if there has been any more progress re the building off of a Private Drive. Councilman Weber said there has been discussion as Open

Development but was stopped because of a couple of problems. Supervisor Smith suggested she get in contact with Ralph Witt, Chairman of the Planning Board. She also wanted to know when the next Meeting of the Master Plan will be – Supervisor Smith advised there will be a Public Hearing on November 18th.

Robert Wohglemuth/Genesee St “Thanked” the Town Clerk and the Town Board for the FOIL information he requested.

James Guarino/North Rd stated he wasn’t able to be here for the Public Hearing on DOGS - wanted to know what the problem was. Councilwoman Riddoch reviewed the DOG Law. She advised Mr. Guarino that there will be another Public Hearing re DOGS.

COUNCILMAN WEBER MOVED AND COUNCILWOMAN RIDDOCH SECONDED THE MOTION TO ADJOURN THE REGULAR MEETING AT 7:10 PM TO ENTER INTO THE PUBLIC HEARING re SWIMMING POOL LAW. UNANIMOUSLY CARRIED.

The Town Clerk read the Notice of Publication that was published in the Alden Advertiser. The Supervisor reviewed the Local Law and stated this could become Local Law 4/08 – Supervisor Smith explained the Local Law. The Floor was opened for discussion.

Robert Wohglemuth/Genesee St questioned the Fee. Martin Dugan/CEO stated that an above Ground Pool would be \$50.00 and the in ground Pools would be \$150.00. State Law requires an Alarm on all Swimming Pools. The Public Hearing was closed after all those wishing to be heard were heard.

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to adjourn the Public Hearing at 7:20 PM. Unanimously carried.

COUNCILWOMAN RIDDOCH MOVED AND COUNCILMAN WEBER SECONDED THE MOTION TO ENTER INTO THE PUBLIC HEARING re SPECIAL DISTRICT BUDGET FOR 2009. UNANIMOUSLY CARRIED.

The Town Clerk read the Notice of Publication that was published in the Alden Advertiser. Supervisor Smith reviewed the Fire Protection District, Consolidated Lighting District, Periwinkle Lighting District, Refuse Collection District, Sewer Dist #1, #2 Water Dist #1,#2,#3 and #4. The Floor was opened for discussion.

Robert Wohglemuth/Genesee St questioned the Fire Hydrants – he questioned the Fire at St. John’s. The NFTA recommends that the Hydrants be tested re pressure. Three Fire Companies set up a portable Pond. Supervisor Smith stated that he contacted the Fire Chief re the Fire at St. John’s – there was no problem with the Hydrants – it was because there were three separate Fires that had to be extinguished. Supervisor Smith will contact the ECWA re the pressure in the Hydrants.

James Guarino questioned the Rate for WD#3. Supervisor Smith advised that the figures are given to the Assessor and the Frontage is figured into the formula.

Eric Chaffee/Cayuga Creek questioned where does the decrease in the Water District go. Supervisor Smith stated that it goes to the people in the Districts. After all those wishing to be heard were heard the Public Hearing was closed.

COUNCILWOMAN RIDDOCH MOVED AND COUNCILMAN WEBER SECONDED THE MOTION TO ADJOURN THE PUBLIC HEARING AT 7:32 PM. UNANIMOUSLY CARRIED.

COUNCILWOMAN RIDDOCH MOVED AND COUNCILMAN WEBER SECONDED THE MOTION TO ENTER INTO THE PUBLIC HEARING re PRELIMINARY BUDGET FOR 2009. UNANIMOUSLY CARRIED.

The Town Clerk read the Notice of Public Hearing that was published in the Alden Advertiser. The Supervisor reviewed the General Budget for 2009 and the Floor was opened for discussion.

Robert Wohglemuth/Genesee St feels that Town Board should not take the 3% raise until they can minimize the cost to the Taxpayers. He also questioned if the Vehicle that the Town buys would be monitored – the Supervisor stated that it would be.

James Guarino/North Rd feels this is the time the Boards does what West Seneca does-decrease the size of the Board. He appreciates the savings with Independent Health and feels there are other ways to save and that Kevin Gaughn's discussion should be given more serious thought. Supervisor Smith said he understands his concerns but since we have a Part Town Supervisor and Part Town Councilmembers (unlike West Seneca) he feels this is not a wise idea.

Robert Wohglemuth/Genesee St referred to his previous suggestion of downsizing the Planning board to five (5) Members and the Receiver of Taxes to be taken over by the Town Clerk even if a Part time help would be needed. Supervisor Smith stated that these are items that are being considered.

Eric Chaffee/Cayuga Creek Rd stated that Timing is Everything. He feels that the Timing is wrong re the 3% raises.

Tom Weisbeck questioned the amount of repaving for 2009 and the Salt purchase.

Highway Supt Milligan stated that about one (1) mile of repaving is planned and that the Salt is purchases off of State Contract. He questioned other Towns Salaries and expenditures for the Town Board. Supervisor compared this Boards salary, time and expenses incurred by the Board Members (this includes mileage)

After all those wishing to be heard were heard the Supervisor called the Public Hearing to a close.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to adjourn the Public Hearing at 7:55 PM. Unanimously carried.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to re-enter the Regular Meeting. Unanimously carried.

COMMUNICATIONS

Councilman Snyder received an e-mail re the next NEST Meeting.

Supervisor Smith reported the following: the November 10th Agenda for the Alden Town Planning Board; copy of the Town Clerk's Monthly report for October 2008; copy of the CEO Monthly report for October 2008; copy of the WNY Storm water Coalition's Meeting for Sept 10, 2008; letter from Time Warner Cable re coverage with WGRZ; copy of the approved Village Board Minutes of October 9, 2008; copy of a letter from the Ewell Free Library "Thanking" the Board for their financial support.

NEW BUSINESS

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to introduce the revised TEXT of the Dog Law and to refer same to the Planning Board. 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 the adoption of Local Law No. 6 of the Year 2008 entitled "Local Law Changing the Meeting Date of the Board of Assessment Review of the Town of Alden: (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 Erie 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 on November 3, 2008 and was unanimously adopted.

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 has fully considered the adoption of "Local Law No. 4 of the Year 2008, entitled "Amendment of the Swimming Pools Law for the Town of Alden", codified as Chapter 15 of the Code of the Town of Alden to allow the fee to erect, construct, or excavate a swimming pool to be set by Town Board Resolution (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 September 14, 2008, 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 October 15, 2008; 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 October 6, 2008; 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 September 10, 2008, recommended to the Town Board the approval of the Proposed Action.

NOW, THEREFORE, BE IT RESOVLED AS FOLLOWS THAT:

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 the 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 and was unanimously adopted.

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

WHEREAS, a Proposed Local Law #4 of 2008 entitled “Amendment of the Swimming Pools Law for the Town of Alden” was introduced to the Alden Town Board for consideration by Councilperson Cooke on August 18, 2008.

WHEREAS, the Town of Alden Planning Board reviewed the proposed Local Law and recommended to the Town Board its approval on September 10, 2008

WHEREAS, an order was duly adopted by the Alden Town Board for a public hearing to be held by said Town Board on November 3, 2008 at 7:02 pm at the Alden Town Hall, 3311 Wended Road, Alden, New York 14004 to hear all interested parties on a proposed Local Law entitled a Proposed Local Law #4 of 2008 entitled “Amendment of the Swimming Pools Law for the Town of Alden: , and

WHEREAS, notice of said public hearing was duly published in the Alden Advertiser, the official newspaper of the Town of Alden on October 23, 2008

WHEREAS, said public hearing was duly held on November 3, 2008. and all interested parties in attendance were heard, 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 an 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 September 14, 2008, pursuant to section 239-m of the General Municipal Law, and

WHEREAS the neighboring municipalities were given notice of the proposed Local Law on September 14, 2008, and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT;

1. The Alden Town Board hereby adopts said Proposed Local Law #4 of 2008 entitled “Amendment of the Swimming Pools Law for 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.
3. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on November 3, 2008 and was unanimously adopted.

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

WHEREAS, the Alden Town Board has noticed the need to increase, due to the general increase in the cost of doing business, the fees charged by the Town of Alden to construct, erect or excavate for a swimming pool;

WHEREAS, the Alden Town Board is authorized under State Law and under the Alden Town Code to set said fees upon resolution duly adopted by the Town Board;

WHEREAS, the proposed updated swimming pool fee amounts are fair and reasonable; and

WHEREAS, the fees charged by the Town of Alden are reasonably are related to the services performed by the Town of Alden for inspection of the installation, construction and excavation of swimming pools;

NOW THEREFORE BE IT RESOVED AS FOLLOWS:

1. The Town Board hereby adopts the following fees for swimming pools and hereby declares the same as part of the TOWN OF ALDEN PERMIT FEE SCHEDULE as the official fees charged by the Town of Alden, effective as of this date;
 - a. The fee for the construction of an above ground swimming pool shall be \$50.00 and
 - b. The fee for the construction of in ground swimming pool shall be \$150.00

This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on November 3, 2008 and was unanimously adopted.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to renew the HOP for Charles Roberts/13692 Broadway. Unanimously carried.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to renew the HOP for Deneda Gasiiecki/12615 W Main St. Unanimously carried.

UNFINISHED & TABLED BUSINESS

Tabled the Resolution re Negative Declaration re Local Law #4/08 (Windmill)

Tabled the Resolution re Adoption of Local Law #4/08 (Windmill)

REPORTS FROM COMMITTEES, OFFICIALS AND PERSONNEL

Councilman Weber reported that the Students at Alden Central have made a cover for the condenser on the Sr Van – this was done in one day and has been installed on the Van.

Attorney Strong is still working on the Generator Bid.

Councilwoman Cooke met with the Sr. Van Driver and conducted a Class with her.

Engineer Metzger is working on the Reserve Gas project.

Planning Board Member Fleming reported on the Hidden Pond application. There was a discussion between the Owner, Attorney, CEO and Mr. Fleming.

Supervisor Smith reported that there will be a WD#5 meeting on November 12th at 7:30 PM in the Town Hall and a Master Plan Meeting on November 18th at 7:00 PM in the Village Hall.

Supervisor Smith adjourned the Meeting at 8:20 PM with a Minute's silence in Memory of Warren Hofmeier.

DOROTHY L. BYCINA
TOWN CLERK

