

MEETING NO. 23
REGULAR NO 21

REGULAR BOARD MEETING

NOV. 5, 2007
7:30 P.M.

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, November 5, 2007 at 7:30 P.M. Supervisor Smith called the Meeting to Order. Councilwoman Cooke 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: Jennifer Strong, Town Attorney
Harry F. Milligan, Highway Supt
Michael Metzger, Town Engineer
Colleen Pautler, Planning Board
Colleen Rogers, Supervisor's Assistant

Councilman Snyder moved and Councilman Snyder seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of October 15, 2007. Unanimously carried.

Supervisor Smith "Thanked" all that contributed to the Budget preparation. At 7:35 PM Councilman Snyder made motion to enter into a Public Hearing re SPECIAL DISTRICTS BUDGET, Councilwoman Riddoch seconded. No comments were given. The Supervisor gave an overview. At 7:40 PM Councilwoman Riddoch made a motion to adjourn, seconded by Councilman Weber. Unanimously carried.

7:45 P.M Councilman Weber made a motion to enter into a Public Hearing re PRELIMINARY BUDGET, Councilwoman Riddoch seconded. No comments were given. The Supervisor gave an overview. At 7:50 Councilman Weber made a motion to adjourn, seconded by Councilwoman Riddoch. Unanimously carried.

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

ACCOUNT	ABST #1	ABST #2	TOTAL
GENERAL FUND "A"		20,936.55	62,260.08
HIGHWAY FUND "DA/DB"		1,969.59	11,260.91
PART TOWN FUND "B"		2,855.52	6,926.19
WD#2 FUND "WB"			375.20
WD#3 FUND "WC"			2,063.60
WD#4 FUND "WD"			1,299.80
SP FIRE PROTECTION"SF"			159.18
SD#2 FUND "SA"		24.01	461.36
TRUST & AGCY FUND "T"		2,621.25	2,621.25
SP REFUSE FUND "SR"			29,592.60
ST LIGHTING FUND "SL"			8,316.09
TOTAL	(approved on 10/15/07 96,929.34)	28,406.92	125,336.26

UPON ROLL CALL VOTE THE FOREGOING VOUCHERS WERE ALLOWED AND PAID.

BUSINESS FROM THE FLOOR

Supervisor Smith welcomed ACS students. Eric Chaffee/ Cayuga Creek Rd. presented the Board with copies of a proposed motion re "Big Box Limit Moratorium" and asked they would pass the motion tonight, it will be put on the Work Session. Matt Herdzik/S.

Woodside commented on the proposed assessment reevaluation, he is not in favor of it. James Guarino/North Rd. suggested that reflectors be put in at the end of the driveway at Town Hall, it is hard to see at night. Paul Loehr/Henskee Rd. gave his support to Eric Chaffee's proposed motion.

COMMUNICATIONS

Councilman Weber reported that he received a phone call from a Sullivan Rd. resident about a guardrail in need of repair on Sullivan Rd.

Councilwoman Cooke reported receiving a thank you from the Historical Society for the new Boiler. Roberta Vincent, President of the Historical Society was at the meeting and stressed their need for security, as misc. items have been stolen. Councilwoman Cooke asked her to get three bids for security cameras and turn them in to the Town.

Councilman Snyder said there will be an Association of Towns Meeting on Nov. 15th he will be attending and a N.E.S.T. meeting.

Attorney Strong said that she received signed petition re Periwinkle Lighting District, she would like this put on the Work Session.

Supervisor Smith reported he received the Alden Village Board minutes from October 4 and October 18, copy of Alden EMS report for the month of September, minutes from the WNY Stormwater Coalition.

NEW BUSINESS

Councilwoman Riddoch moved and Councilman Weber 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 WEBER WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN SNYDER TO WIT;

WHEREAS, the Town Board of the Town of Alden is considering an application by Margaret Ryan for the subdivision of two (2) lots. The entire parcel currently consists of approximately 37 +/- acres on Countyline and Henskee Roads in the Town of Alden. The first proposed lot ("Parcel A") would be 200' x 1655' fronting on Countyline Road knows as SBL#131.00.1-20.112; the second proposed lot ("Proposed B") would be the remainder of the parcel; further identified by SBL # 131.00-1-23 (The "Proposed Action");

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

WHEREAS, the Town Building Inspector provided notice to the Erie County Division of Planning on October 10, 2007, for this Proposed Action, as required under Section 239-m of the General Municipal Law and a "no recommendation" was received on October 19, 2007; and

WHEREAS, the New York State Environmental Quality Review Act required the Town to determine the Lead Agency status and the Lead Agency making a SEQR determination; and

WHEREAS, the Town of Alden did assume Lead Agency Status on October 15, 2007; 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 October 9, 2007, 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, 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. 1, Township 11, Range 5 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point in the east line of Lot No. 1 a distance of 1294.45 feet southerly from the north east corner of Lot No. 2, thence westerly parallel with the north line of Lot No 1, a distance of 910.00 feet to a point, thence southerly parallel with the east line of Lot. No. 2, a distance of 105.55 feet to a point; thence westerly parallel with the north line of Lot No., 1, a distance of 726.24 feet to a point; thence southerly parallel with the east line of Lot No. 1, a distance of 1655.92 feet to a point in this easterly line of Lot No. 1; thence northerly along the easterly line of Lot No. 1, a distance of 200.00 feet to the point or place of beginning is given subdivision approval.

4. This resolution shall take effect immediately.

The above resolution was dully put to a roll call vote at a regular meeting of the town board of the Town of Alden on November 5, 2007 and was unanimously adopted.

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

WHEREAS, the Town of Alden Highway Superintendent has advised the Town Board that the Highway Department is in need of a new plow equipment and a dump body to assist in plowing snow in the Town of Alden;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden require that all estimated purchased over \$20,000 shall be formally bid pursuant to General Municipal Law section 103.

WHEREAS, the Town Board after full and careful review and consideration of the request finds said request to receive bids for the new plow equipment and a dump body in the public interest;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board hereby authorizes the Town of Alden Town Clerk to advertise for bids as outlined in the attached Instructions 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 five (5) days prior to Friday December 7, 2007 and must state the time when and place where the sealed bids will be publicly opened and read by the Town Clerk.

3. The Town Board hereby authorizes the Town Clerk to receive sealed bids, until 2:00 PM Prevailing time on Friday December 7, 2007. All bids must contain the Non-collusive Bidding Certification.

4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on November 5, 2007 and was unanimously adopted.

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

WHEREAS, the Town of Alden Highway Superintendent has advised the Town Board that the Highway Department is in need of a new 10 wheeler cab and chassis to assist in plowing snow in the Town of Alden;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden require that all estimated purchases over \$20,000 shall be formally bid pursuant to General Municipal Law section 103.

WHEREAS, the Town Board after full and careful review and consideration of the request finds said request to receive bids for a new 10 wheeler cab and chassis in the public interest;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board hereby authorizes the Town of Alden Town Clerk to advertise for bids as outlined in the attached Instructions 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 five (5) days prior to Friday December 7, 2007 and must state the time when and place where the sealed bids will be publicly opened and read by the Town Clerk.

3. The Town Board hereby authorizes the Town Clerk to receive sealed bids, until 2:00 PM Prevailing time on Friday, December 7, 2007. All bids must contain the Non-collusive Bidding Certification.

4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on November 5, 2007 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden is considering the adoption of "Local Law No., 3 of the Year 2007, entitled "Amendment to the Landfill Management Law for the Town of Alden", (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 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 RESOVED AS FOLLOWS:

1. The Town Board had 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 roll call vote on November 5, 2007 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden is considering the adoption of “Local Law No. 4 of the Year 2007, entitled “Amendment to the Dumping Law for the Town of Alden”, (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 decision; 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 5, 2007 and was unanimously adopted.

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. 5 of the Year 2007, entitled “Amendment to the Drainage Control Law for the Town of Alden”, (the “Proposed Action”) and

WHEREAS, the Town Board of the Town of Alden feels that the Proposed Actions in 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 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 vote on roll call vote on November 5, 2007 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden is considering the adoption of “Local Law No. 6 of the Year 2007, entitled “Amendment to the Excavation and Topsoil Removal Law for the Town of Alden”, (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 agency 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 had 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 5, 2007 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden is considering the adoption of “Local Law No. 7 of the Year 2007, entitled “Amendment to the Flood Management Prevention Law of the Town of Alden”, (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 decision; 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 agency with permitting authority; and

WHEREAS, the Town Clerk is hereby directed to send notice 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 had determined that is 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 5, 2007 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden is considering the adoption of “Local Law No., 8 of the Year 2007, entitled “Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer System of the Town of Alden”, (the “Proposed Acton”) 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 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 5, 2007 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden is considering the adoption of “Local Law No. 9 of the Year 2007, entitled “A local law to create a Stormwater Management and Erosion and Sediment Control Law of the Town of Alden”, (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 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 5, 2007 and was unanimously adopted.

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. 10 of the Year 2007, entitled “Amendment to the Zoning Law for the Town of Alden”, (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 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 5, 2007 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden is considering the adoption of a resolution amending the Town of Alden Subdivision Regulations, (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 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.

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 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 5, 2007 and was unanimously adopted.

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

WHEREAS, the Town of Alden is in need of ambulance services including paramedic advanced life support, unique and specialized services;

WHEREAS, LaSalle Ambulance, Inc. and Towns Ambulance Service, Inc., collectively d/b/a RURAL/Metro Medical Services wishes to provide ambulance services including paramedic advanced life support to the Town of Alden, at no charge to the Town of Alden; and

WHEREAS, the Town Board finds it in the best interests of the residents of the Town of Alden to have available the services offered by Rural/Metro Medical Services.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board does hereby authorize Supervisor Smith to enter into and execute all necessary documents to effectuate a Pre-Hospital Emergency Medical Service Agreement with Rural/Metro Medical Services for a term commencing on January 1, 2008 and expiring on December 31, 2011.

2. 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, on November 5, 2007 and was unanimously adopted.

SUPERVISOR SMITH POLLED THE BOARD AND WITH NO OBJECTION THE FOLLOWING ITEMS WERE ADDED:

Supervisor Smith moved and Councilwoman Riddoch seconded the motion to allow the following transfer of funds within the Parks Department budget; \$2000.00 from A.7110.224 into A.7110.450 and \$500.00 from A.7110.224 to A.7110.439. Unanimously carried.

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

WHEREAS, the Town Board of the Town of Alden ("Town Board") is considering an application by Eileen L. Bippert for the minor subdivision of two (2) lots from the existing 185 +/- acre lot. The first proposed lot (containing a barn) will be 10.2 +/- acres, The second proposed lot will be the remainder of the parcel approximately 175 +/- acres; both are commonly known as 54 and 290 Four Rod Road in the Town of Alden, and are further identified by SBL #129.00-3-1.1 (The "Proposed Action");

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA and that an uncoordinated review should be conducted;

WHEREAS, the Town Board believes that the Town of Alden is (1) the agency primarily responsible for undertaking decisions as to a minor subdivision; (2) is the agency with the broadest governmental powers for investigating the impact of the Proposed Action; (3) has the greatest capacity for providing the most thorough environmental assessment of the Proposed Action; and (4) is the most local agent with permitting authority; and

WHEREAS, the Town Building Inspector sent notice to the Erie County Division of Planning on October 15, 2007, for this proposed minor subdivision, as required under Section 239-m of the General Municipal Law.

WHEREAS, the Erie County Division of Planning has given a "no recommendation" to the Proposed Action on October 19, 2007.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board has determined that the proposed minor subdivision is an Unlisted Acton under SEQRA and that a un-coordinated review should be conducted.
2. The Town Board has determined that it should be the Lead Agency for all environmental review of the minor subdivision application.
3. This resolution shall take effect immediately.

The above resolution as duly put to a roll call vote at a regular meeting of the Town Board of the Town of Alden on November 5, 2007 and was unanimously adopted.

THE FOLLOWING RESOLUTION AS OFFERED BY SUPERVISOR SMITH, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN RIDDOCH TO WIT;

WHEREAS, the Town Board of the Town of Alden ("Town Board") is considering an application by Eileen L. Bippert for the minor subdivision of two (2) lots from an existing 185 +/- acre lot. The first proposed lot (containing a barn) will be 10.2 +/- acres. The second proposed lot will be the remainder of the parcel approximately 175 +/- acres; both are commonly known as 54 and 290 Four Rod Road in the Town of Alden, and are further identified by SBL #129.00-3-1.1 (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 or about October 15, 2007, for this Proposed Action, as required under Section 239-m of the General Municipal Law and a no recommendation" was received by the Town Board on October 19, 2007;

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 November 5, 2007;

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;

WHEREAS, the Town of Alden Planning Board has reviewed the Proposed Action and on October 17, 2007, 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 SEQRA 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:
2007-147 proposed description for a 10.2 ac parcel on Four Rod Rd. Lots 120 & 121, T10,R5, Town of Alden.
Beginning at the intersection of Four Rod Road and Cary Road. Thence South on the center of Four Rod Road and a distance of 1104.6' to a point. Thence West at an interior angle of 92°16' in the Southwest quadrant a distance of 33.03' to a point on the east line of lot 120 being on the South line of lands conveyed to Abeudschein & Seeley by liber of deeds 7683 at page 359 said point being the principle point of beginning. Thence continuing West on the South line of Abeudschein & Seely a distance of 535.42' to a point. Thence South parallel to the East lines of lots 120 & 121 at an interior angle of 87°-44' a distance of 841.18' to a point. Thence East at a interior angle of 90°-00' a distance of 535.0' to the East line of lot 121. Thence North on the East lines of lots 121 & lot 120 a distance of 820.0' to the principle point of beginning containing 10.20 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 November 5, 2007 and was unanimously adopted.

THERE WS NO UNFINISHED & TABLED BUSINESS

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilman Weber reported meeting with the Windmill Committee on Monday, October 29 to go over the proposed Windmill Law, to be continued at a later date, yet to be determined.

Attorney Jennifer Strong reported that she will be meeting re new Stormwater Laws/Attorneys on Thursday. Would like the Local Development Corp. put on the Work Session.

Councilman Snyder reported going to a Work Session re Stormwater Laws with Engineer Metzger. Working on getting the Gym doors insulated. Will work on getting the old freezers in kitchen removed.

Councilwoman Cooke reminded all that there is a joint meeting with the Village at the Village Hall at 6:30 P.M. re disaster plans on Thursday, November 8th. She attended a training session at Crittenden Fire Hall this Sunday morning.

Supervisor Smith Spoke with Sue Barnes and has scheduled Jason Engel/Grant Mgr./Marilla/Farmland Protection for the Work Session, would also like to have Eric Chaffee's Big Box moratorium to be added . Joint Work Session at the Village of Alden on Thursday @6:30 PM.

Supervisor Smith adjourned the Meeting at 8:45 P.M. with a Minute's silence in Memory of William Suhr, Marie Lueke, Stephen Sweet, Vincent Muffoletto (Former Town of Alden Court Officer) and Norman Stehle (Brother of Town Clerk Dorothy Bycina)

Debra A. Crist
Deputy Town Clerk