

MEETING NO. 22  
REGULAR NO 21

REGULAR MEETING

NOVEMBER 7, 2005  
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 7, 2005 at 7:30 P.M.

PRESENT; Richard A. Savage, Supervisor  
Michael W. Cole, Councilman  
Ronald L. Snyder, Councilman  
James M. Lorenzi, Councilman  
RECORDING SECRETARY: Dorothy L. Bycina, Town Clerk  
OTHERS PRESENT: Harry F. Milligan, Highway Supt  
Frank Trybuskiewicz, CEO  
John Zoratti, Planning Board Member  
Debra Crist, Deputy Town Clerk  
Jennifer Strong, Town Attorney

Supervisor Savage called the Regular Meeting to order, Councilman Cole led in the Pledge of Allegiance. The roll call was taken by the Town Clerk.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of October 17, 2005. Unanimously carried.

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

ACCOUNT	ABST #1	ABST #2	TOTAL
GENERAL FUND "A"	18,933.57	29,589.77	48,523.34
HIGHWAY FUND "DA/DB"	2,382.99	3,407.61	5,790.60
PART TOWN FUND "B"	1,012.23	5,371.42	6,383.65
WD #2 FUND "WB"	7,125.20		7,125.20
WD #3 FUND "WC"	1,983.20		1,983.20
WD #4 FUND "WD"	1,299.80		1,299.80
SP FIRE PROT 'SF'		181.21	181.21
SD#2 FUND "SA"		2,244.84	2,244.84
TRUST & AGCY FUND "T"	476.37	670.35	1,146.72
SPECIAL REFUSE FUND "SR"	30,159.37		30,159.37
STREET LIGHTING FUND "SL"	7,082.92	7,089.62	14,172.54
TOTAL	70,455.65	48,554.82	119,010.47

UPON ROLL CALL VOTE THE FOREGOING MOTION WAS UNANIMOUSLY CARRIED.

Supervisor Savage "Welcomed" the Students fro Alden Central School.

#### BUSINESS FROM THE FLOOR

Beth Downing/Village of Alden – she was representing the Winterfest and requested use of the Community Center and Town Park for the dates in February. Supervisor Savage will add this to the Agenda.

Matt Herdzyk/S Woodside questioned if any word has been received re the Railroad Crossing on Sandridge Rd. The Supervisor stated that he wrote a letter and has not as yet received a reply.

#### COMMUNICATIONS

Councilman Cole reported on a letter from the Winterfest; Invitation from the Chamber for an Open House (Neil & Strong) on November 15<sup>th</sup> and a copy of a letter from Alden Central School re a renewal of Alden Community Assets Meeting.

Councilman Lorenzi received the same letters as Councilman Cole

Attorney Strong received an E-Mail from the Marilla Attorney re WD; three ZBA applications from the Town Clerk and a call from Przywara's Attorney requesting an update.

AT 7:45 PM SUPERVISOR SAVAGE CALLED THE PUBLIC HEARING TO ORDER re THE 2006 PRELIMINARY BUDGET. THE TOWN CLERK READ THE NOTICE OF PUBLIC HEARING THAT WAS PUBLISHED IN THE ALDEN ADVERTISER.

The Supervisor reviewed the Budget making a comparison from the 2005 Budget to the 2006 Budget. The Village increase will be \$ .27 and the Town increase will be \$ .11. The reason for the Village increase higher is due to the fact that the Village keeps its sales tax.

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

AT 8:00 PM SUPERVISOR SAVAGE CALLED THE PUBLIC HEARING TO ORDER re THE 2006 SPECIAL DISTRICT BUDGET. THE TOWN CLERK READ THE NOTICE OF PUBLIC HEARING THAT WAS PUBLISHED IN THE ALDEN ADVERTISER.

Supervisor Savage compared the 2006 Budget to the 2005 Budget. He explained that the Special Districts do not apply to the Village. After the review of the Districts covered by this Budget the Public Hearing was called to a close.

#### COMMUNICATIONS CONTINUED

Councilman Snyder will be attending a NEST Meeting this Thursday

Councilwoman Cooke received a call re the Water and that a Home is being built on the Virginia Lot.

Supervisor Savage reported the following: a letter from Alden Central School inviting him to the Nov. 16<sup>th</sup> Meeting of the Alden Community Asset Group; Notice of Public Hearing from ECIDA; copy of letter sent to Erie County Dept of Environment & Planning re requesting C.D.B.G Funding; copy of letter to Frank Dunstana/Division of Lands & Forest re grant assistance from the Urban & Community Forestry Program; copy of 2005 Annual Report of the Division of Real Property Tax and 2004 Equalization Rates; copy of the STOP DWI Agreement; Notice from the Alden Chamber of Commerce re "Alden's Christmas in the Park" – December 4<sup>th</sup>; copy of letter sent to Erie County DPW re Snow Removal and Ice Control Agreement 2005-2007; Notice of the Association of Erie County's Celebration of the Holidays; copy of Quarterly Commodity Report from Modern Disposal Services; copy of Lead Agency Designation re Town of Newstead WD#10; copy of letter from NYS Dept of Public Service re "Have an Energy Smart Winter"; letter from Tompkins Ins re the Certificate Holders – to be placed on the Work Session; MEMO from Assessor Sivecz re MBM Investments v. Town of Alden; letter from Time Warner re removal of Channels; a "Thank You" letter to Highway Supt Milligan and his Staff for their outstanding efforts in completing the Hike/Bike Path in the Park; copy of letter Attorney Strong sent to Bouvier Partnership,LLP re Town of Alden Fire Protection District; copy of letter Attorney Strong sent to Teamster Local Union No. 264 re Town of Alden and Teamster Local 264; copy of letter sent to Mr. Oles re "Right to Farm Law" – also wanted to "Thank" Barbara Ertel for the information; letter from NYS Office of Real Property Services re distribution of 2005 STAR; copy of TITLE for the 1984 Toyota; copy of a Inter-Municipal Agreement re Stormwater Coalition.

#### NEW BUSINESS

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to renew the HOP for Mary Jane Wojnar/11385 Broadway. Unanimously carried.

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

Councilwoman Cooke moved and Councilman Snyder seconded the Motion to renew the HO for Ethel Szarafin/750 Exchange St. Unanimously carried.

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

WHEREAS, Susan Tomporowski has filed an Application for a Home Occupation Permit to conduct a business of hand painting house portraits from her residence at 11230 Westwood Road;

WHEREAS, the Town of Alden Planning Board has reviewed the Application and recommended the approval of the Application to the Alden Town Board;

WHEREAS, the Town Board, pursuant to Section 20-64(C) of the Alden Town Code is required to call a public hearing on the Application,

NOW, THEREFORE, BE IT RESOLVED;

1. That a Public Hearing on the Home Occupation Permit Application for Susan Tomporowski be held by the Alden Town Board at the Alden Town Hall, 3311 Wende Road, Alden, New York on November 21, 2005 at 7:45 P.M. Local Time;
2. That the necessary Notice of Public Hearing, as required by Section 2064(C) of the Alden Code be published in the Alden Advertiser, the official newspaper of the Town of Alden, and be posted on the Town Bulletin Board and mailed to the adjacent property owners, which Notice shall be in the form attached hereto and made a part hereof; and
3. This Resolution shall take effect immediately.

The Adoption of the foregoing resolution was duly put to a vote on November 7, 2005 and was unanimously adopted.

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

WHEREAS, the Town of Alden Building Inspector on October 21, 2005 made a report to the Alden Town Board that a house and shed both located at 1418 Two Rod Road are dangerous and unsafe as defined by Chapter 7A of the Alden Town Code; the buildings are so dilapidated, decayed, unsafe and unsanitary, that they utterly fail to provide the amenities essential to decent living so that they are unfit for human habitation.

WHEREAS, the Building Inspector has determined that the buildings; can not be reasonable repaired; are dangerous to the health , morals, safety and general welfare; and are more than 50% damaged, decayed and deteriorated from their original structure; and that said buildings are a public nuisance.

WHEREAS, the Building Inspector has properly notified the owner, mortgagees, and all other persons having an interest in said buildings that the buildings have been found to be dangerous, unsafe and a public nuisance and has given notice that the buildings must be repaired or demolished within thirty (30) days.

WHEREAS, the Building Inspector has posted notice of the Buildings being dangerous, unsafe and a public nuisance on the property.

NOW, THEREFORE, BE IT RESOLVED;

1. That a Hearing be held before the Alden Town Board on November 21, 2005 at 8:00 PM at the Alden Town Hall, 3311 Wende Road, Alden, New York on the report made by the Building Inspector and to determine if the buildings are dangerous, unsafe and a public nuisance;
2. That the necessary Notice of Hearing, as required by Section 7A-6(B) of the Alden Town Code be published in the Alden Advertiser, the official newspaper of the Town of Alden, and be posted on the Town Bulletin Board, and mailed to the property owner and other parties having an interest in the property, which Notice shall be in the form attached hereto and made a part hereof; and
3. This Resolution shall take effect immediately.

The Adoption of the foregoing resolution was duly put to a vote on November 7, 2005 and was unanimously adopted.

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

WHEREAS, THE Alden Central School District has advised the Town Board that the School District could decrease its costs (and therefore the burden on taxpayers) on obtaining natural gas for the operation of school buildings and grounds by obtaining gas from to Nation Fuel Gas Distribution Corporation;

WHEREAS, National Fuel Gas needs to install gas lines through the Alden Town Park, owned by the Town of Alden, in order to be able to provide gas service to the Alden Central School District:

WHEREAS, the Alden Central School District has requested that the Town of Alden execute a Right Of Way Agreement with National Fuel Gas in order to allow the installation of gas lines through the Alden Town Park.

WHEREAS, the Town Board after full and careful review and consideration of the request finds said request in the public interest to execute the Right of Way Agreement;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS

1. The Town Board approves the proposed Right Of Way Agreement with National Fuel Gas as being consistent with its policies and in the interest of the residents of the Town of Alden:
2. National Fuel Gas shall provide proof of insurance and amended insurance naming the Town of Alden as additional insured, annually for the lifetime of the gas line.
3. Any disturbance of the Town Park lands, including damage to existing asphalts and or trees, caused by the installation of the gas lines shall be fully restored and repaired by National Fuel Gas at the sole expense of National Fuel Gas.
4. That the Supervisor of the town of Alden is authorized to sign any and all necessary document to effectuate this purchase; and
5. This resolution shall take effect immediately. The foregoing Resolution was duly put to a vote on November 7, 2005 and was unanimously adopted.

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

WHEREAS, the Town of Alden and Alden Junior Football Association, Inc. a Not-For-Profit Corporation duly organized and existing under the laws of the state of New York, have been negotiating an Agreement to allow Alden Junior Football Association, Inc. to use the Alden Town Hall for its cheerleaders to practice indoors.

WHEREAS, the Town of Alden is aware that a large number of residents of the town of Alden participate in the programs offered by the Alden Junior Football Association, Inc. and is interested in assisting the Alden Junior Football Association, Inc.

WHEREAS, the Town of Alden and Alden Junior Football Association, Inc., have come to a full agreement on the terms of such Agreement to run from November 7, 2005 until December 20, 2005 a copy of which is attached hereto as Exhibit "A"

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the Agreement with Alden Junior Football Inc, 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 Agreement; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on November 7, 2005 and was unanimously adopted.

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

WHEREAS, many municipalities, including cities, counties, towns and villages within Erie County are faced with losing library services due to the Erie County Budget Crisis.

WHEREAS, the Town of Alden believes that the Ewell Free Library is a great asset to the residents of the Town of Alden and would like to keep the Library open for the benefit and enjoyment of its citizens.

WHEREAS, the Alden Ewell Free Library is currently operated by the County of Erie and housed in a building not owned by the Town of Alden.

WHEREAS, the Town Board of the Town of Alden would like to Contract with the Ewell Free Library to provide monies to the Library for its continued Operation.

NOW THEREFORE, BE IT;

1. The Town Board approves the Contract with the Ewell Free Library 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 Resoltuion was duly put to a vote on November 7, 2005 and was unanimously adopted.

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

WHEREAS, Richard A. Savage, Budget Officer of the Town of Alden on September 12, 2005 duly filed the Tentative Budget of the Town of Alden for the Town's Fiscal Year beginning January 1, 2006 with the Alden Town Clerkbu

WHEREAS, Alden Town Clerk, Dorothy L. Bycina, duly presented the Tentative Budget to the Alden Town Board on September 12, 2005;

WHEREAS, the Alden Town Board after full and careful review and consideration of the Tentative Budget approved the Tentative Budget, with changes, on October 3, 2005,

making the Tentative Budget the Preliminary Budget of the Town of Alden for Fiscal Year 2006;

WHEREAS, the Alden Town Board duly called a public hearing on the Preliminary Budget to be held on November 7, 2005, notice of which was duly published and posted;

WHEREAS, the Preliminary Budget was duly filed in the Office of the Alden Town Clerk for inspection by the public;

WHEREAS, the Alden Town Board conducted a public hearing on the Preliminary General Fund Budget for Fiscal Year 2006, on November 7, 2005 at 7:45 PM at which time all persons interested in the Preliminary General Fund Budget were heard.

NOW THEREFORE, BE IT RESOLVED:

1. That the Alden Town Board hereby adopts the General Fund Budget for the Fiscal Year beginning January 1, 2006;
2. That the Alden Town Clerk shall prepare and certify, in duplicate, copies of said General Fund Budget and deliver the same to Supervisor Savage to be presented to the Board of Legislators of Erie County.
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on November 7, 2005 and was unanimously adopted.

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

WHEREAS, Richard A. Savage, Budget Officer of the town of Alden on September 12, 2005 duly filed the Tentative Budget of the town of Alden for the Town's Fiscal Year beginning January 1, 2006 with the Alden Town Clerk;

WHEREAS, Alden Town Clerk, Dorothy L. Bycina duly presented the Tentative Budget to the Alden Town Board on September 12, 2005;

WHEREAS, the Alden Town Board after full and careful review and consideration of the Tentative Budget approved the Tentative Budget, with changes, on October 3, 2005 making the Tentative Budget the Preliminary Budget of the Town of Alden for Fiscal Year 2006;

WHEREAS, the Alden Town Board duly called a public hearing on the Preliminary Budget to be held on November 7, 2005, notice of which was duly published and posted;

WHEREAS, the Preliminary Budget was duly filed in the Office of the Alden Town Clerk for inspection by the public;

WHEREAS, the Alden Town Board conducted a public hearing on the Special Districts Budget for Fiscal Year 2006, on November 7, 2005 at 8:00 PM at which time all persons interested in the Special District Budget were heard.

NOW THEREFORE, BE IT RESOLVED

1. That the Alden Town Board hereby adopts the Special Districts Budget for the Fiscal Year beginning January 1, 2006;
2. That the Alden Town Clerk shall prepare and certify, in duplicate, copies of said Special Districts Budget and deliver the same to Supervisor Savage to be presented to the Board of Legislators of Erie County
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on November 7, 2005 and was unanimously adopted.

Councilman Cole moved and Councilwoman Cooke seconded the Motion authorizing the Supervisor to make the necessary monthly budget transfers.

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

WHEREAS, the Town of Alden Highway Superintendent has advised the Town Board that the Alden Highway Department is in possession of an automobile that is not of any use to the Town Highway Department;

WHEREAS, the Town Board after full and careful review and consideration of the request finds said request to sell said automobile as being in the public interest;

WHEREAS, the Town of Alden obtained possession of the automobile as a result of the abandonment of the vehicle within the Town of Alden

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board hereby determines that the Automobile is not needed for Town purposes and is surplus property.
2. The Town Board hereby authorizes the Town of Alden Town Clerk to advertise for bids starting at an amount of \$500.00 as outlined in the attached Description to Bidders;
3. 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 Wednesday November 23, 2005 and must state the time when and place where the sealed bids will be publically opened and read by the Town Clerk.
4. The Town Board hereby authorizes the Town Clerk to receive sealed bids until 2:00 PM Prevailing time on Wednesday November 23, 2005.
5. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on November 7, 2005 and was unanimously adopted.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to renew the HOP for Dennis Davern/35 Exchange St. Unanimously carried.

Councilwoman Cooke moved and Councilman Snyder seconded the Motion to renew the HOP for Joseph Bove/11607 Genesee St. Unanimously carried.

Councilman Cole moved and Councilman Snyder seconded the Motion to renew the HOP for Dean Adamski/3301 TownLine Rd. Unanimously carried.

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

WHEREAS, the New York State Department of Environmental conservation (“DEC”) and the United States Environmental Protection Agency (“EPA”) have enacted new regulations strictly regulating small Municipal Separate Storm Sewer Systems (“MS4s”) that affect the Town of Alden;

WHEREAS, several small municipalities in Western New York have determined that it would be cost effective to enter into an Inter-Municipal Agreement creating an organization known as the Western New York Stormwater Coalition so that small

municipalities may work together to comply with the Stormwater requirements enacted by DEC and EPA;

WHEREAS, the Town Board after full and careful review and consideration of the proposed Inter-Municipal Agreement finds that it is in the public interest to enter into the Agreement and to become a Member of the Western New York Stormwater Coalition for the Year 2006.

WHEREAS, the Town Board has yet to receive a final and complete version, of the proposed Inter-Municipal.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board does hereby authorize Supervisor Savage to enter into and execute all necessary documents to effectuate the Inter-Municipal Agreement for a term of January 1, 2006 through December 31, 2006; provided that the final version of the Agreement meets the approval of the Town Engineer and the Town Attorney.
2. That the Town of Alden shall pay the sum of \$2,500.00 to the Coalition for membership for the year 2006.
3. This Resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote on November 7, 2005 and was unanimously adopted.

Supervisor Savage moved and Councilman Snyder seconded the Motion to authorize ECIDA'S use of the Town Board Meeting room on December 7, 2005 at 9:30 PM to conduct a Public Hearing. Town Clerk Bycina to notify Mr. Kerchoff of approval. Unanimously carried.

Councilwoman Cooke moved and Councilman Cole seconded the Motion to approve the following Budget Transfers: \$1,100.00 from 7110.429A Contractual Expenses, Repairs and Maintenance of Rec. Equipment to 7110.431A Contractual Expenses, Gasoline and Oil: \$15,000.00 from 5110.433 DB Repairs and Improvement/Contractual Expenses, Resurfacing to 5142.449 DB Snow Removal/Contractual Expenses, Materials and Supplies: \$5,000.00 from 5110.433 DB Repairs and Improvement/Contractual Expenses, Resurfacing to DB5140.431 Brush and Weed Pick Up/Contractual Expenses, Gasoline and Oil. Unanimously carried.

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

Supervisor Savage moved and Councilman Cooke seconded the Motion to approve the use of the Community Center and Town Park for the Winterefest on Friday- February 10, 2006 and Saturday – February 11, 2006. Unanimously carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN COOKE, SECONDED BY COUNCILMAN COLE TO WIT;

WHEREAS, the Town of Alden, with the assistance from the Erie County Emergency Services, has gathered information and prepared the Erie County All Hazard Mitigation Plan; and

WHEREAS, the Erie County All Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Town of Alden is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the plan and the actions in the Plan; and



WHEREAS, the Alden Town Board has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE BE IT RESOLVED, by the Alden Town Board that the Town of Alden adopts the Erie County All Hazard Mitigation Plan as this jurisdiction's All Hazard Mitigation Plan, and resolves to execute the actions in the plan.

The foregoing Resolution was duly put to a roll call vote and was unanimously adopted.

#### REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilman Cole reported on a letter to Supervisor Foss re status of Marilla Water District

Councilman Lorenzi gave an update on the Henskee Road School House.

Attorney Strong reported that she has not yet received a response from Mr. Domin re property.

Councilman Snyder wished the Candidates in the Election the best.

Supervisor Savage requested the Honors Group to be placed on the Work Session – there will be a Christmas Party on December 21<sup>st</sup> - Regular Board Meeting to start at 7:00 PM

Supervisor Savage adjourned the Meeting at 9:15 PM with a Minute's silence in Memory of Geraldine McCormick and Lorraine Palmer.

DOROTHY L. BYCINA  
ALDEN TOWN CLERK