

MEETING NO. 22  
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REGULAR BOARD MEETING

NOV. 17, 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 17, 2008 at 7:00 PM. Supervisor Smith called the Meeting to Order. Councilwoman Cooke 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  
Harry Milligan, Highway Supt  
John Zoratti, Planning Board

Councilman Snyder moved and Councilman Weber seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of November 3, 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"	36,319.62		36,319.62
HIGHWAY FUND "DA/DB"	34,186.70		34,186.70
PARTTOWN FUND "B"	15,691.05		15,691.05
WD#2 FUND "WB"	375.20		375.20
WD#3 FUND "WC"	2,063.60		2,063.60
WD#4 FUND "WD"	1,299.80		1,299.80
SP FIRE "SF"	159.18		159.18
SD #2 FUND "SA"	2,846.04		2,846.04
TRUST/AGCY FUND "T"	2,110.68		2,110.68
SP REFUSE FUND "SR"	29,613.74		29,613.74
ST LIGHTING FUND "SL"	6,501.29		6,501.29
GRANTS	53.94		53.94
TOTAL	131,220.84		131,220.84

TOTAL

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

Supervisor Smith "Welcomed" the Students from Alden Central School

BUSINESS FROM THE FLOOR

Daryl Beyer/13940 Henskee Road discussed with the Board and had Pictures re the Pole Barn Don Langiewicz had built. A Building Permit was issued 4 years ago for a House and Pole Barn – as to date no House has been built. Mr. Langiewicz lives on Countyline Rd near Broadway. He uses the Pole Barn for storing Building Supplies (Windows). Mr. Beyer has talked to the Building Inspector re this matter. Councilman Snyder will check with the Darien Town Board re the property where Mr. Langwicz lives. Attorney Strong spoke with Attorney Matt Herdzik re this matter but has not received an answer as of yet. Supervisor Smith will check this out with the CEO Dugan.

Robert Wohlgemuth/11849 Genesee St advised the Board that he will be filming the Meetings and adding them to his Web Site. Councilwoman Cooke suggested he contact the School re this.

## COMMUNICATIONS

Councilwoman Riddoch reported she received a copy of a letter sent to a claimant from Selective Insurance; received a request from Alden Winterfest re use of the Town Park & Facilities – to be placed on the work Session; received a copy of a letter from the Alden Hook & Ladder Fire Co re their 2009 Convention – to be placed on the Work Session.

Councilman Weber received a call from a resident who claims a person is running a business out of his Home – he spoke to CEO Dugan re this and he will check on this; also checked a drainage problem on Broadway he did check this out with the Highway Supt and will see what can be done.

Attorney Strong questioned whether or not the work in the Periwinkle Lighting District commenced on Monday – the Supervisor stated he spoke to the Marty Dugan and was advised that it was not. She also stated she sent the revised Windmill Law.

Councilwoman Cooke received a letter from Alden Hook & Ladder – she will be attending their Meeting.

Supervisor Smith reported: Letter from the Planning Board recommending the approval of the revised Dog Law; letter from the Planning Board approving the two Lot Subdivision; received the Minutes of the November 10<sup>th</sup> Planning Board Meeting; received the Monthly Rural Metro Report and received the Village of Alden Board Minutes of October 23<sup>rd</sup>.

## NEW BUSINESS

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

WHEREAS, Ronald L. Smith, Budget Officer of the Town of Alden on September 26, 2008 duly filed the Tentative Special District and Special Improvement District budget of the Town of Alden for the Town's Fiscal Year beginning January 1, 2009 with the Alden Town Clerk;

WHEREAS, Alden Town Clerk, Dorothy L. Bycina, duly presented the Tentative Special District and Special Improvement District budget to the Alden Town Board on October 1, 2008;

WHEREAS, the Alden Town Board after full and careful review and consideration of the Tentative Special District and Special Improvement District Budget recommended the approval of the same, making the Tentative special District and Special Improvement District Budget the Preliminary Special District and Special Improvement District budget of the Town of Alden for Fiscal Year 2009;

WHEREAS, on October 20, 2008, the Alden Town Board duly called a public hearing on the Preliminary Special District and Special Improvement District Budget, notice of which public hearing was duly published and posted;

WHEREAS, the Preliminary Special District and Special Improvement District 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 Special District and Special Improvement District Budget for Fiscal Year 2009, on November 3, 2008, at which time all persons interested in the same were heard.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Alden Town Board hereby adopts the Special District and Special Improvement District Budget for the Fiscal Year beginning January 1, 2009;

2. That the Alden Town Clerk shall prepare and certify, in duplicate, copies of said Special District and Special Improvement District Budget and deliver the same to Supervisor Smith to be presented to the board of Legislators of Erie County; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on November 17, 2008 and was unanimously adopted.

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

WHEREAS, Ronald L. Smith, Budget Officer of the Town of Alden on September 26, 2008, duly filed the Tentative Budget of the Town of Alden for the Town's Fiscal Year beginning January 21, 2009, with the Alden Town Clerk;

WHEREAS, Alden Town Clerk, Dorothy L. Bycina, duly presented the Tentative Budget to the Alden Town Board on October 1, 2008

WHEREAS, the Alden Town Board after full and careful review and consideration of the Tentative Budget recommended the approval of the Tentative budget, with changes, making the Tentative Budget the Preliminary Budget of the Town of Alden for Fiscal Year 2009;

WHEREAS, on October 20, 2008, the Alden Town Board duly called a public hearing on the Preliminary Budget, notice of which public hearing 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 2009, on November 3, 2008. At which time all persons interested in the Preliminary General Fund Budget were given the opportunity to be heard.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Alden Town Board hereby adopts the General Fund budget for the Fiscal Year beginning January 21, 2009;
2. That the Alden Town Clerk shall prepare and certify, in duplicate, copies of said General Fund budget and deliver the same to Supervisor Smith to be presented to the Legislature of Erie County.
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on November 17, 2008 and was unanimously adopted.

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

Councilwoman Cooke moved and Councilman Snyder seconded the Motion to re-appoint Ronald Ressler to the Board of Assessment Review Board – term to expire 10/1/2013. Unanimously carried.

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

WHEREAS, the Alden Town Board has noticed the need to update the Town of Alden Employee Handbook; and

WHEREAS, the Town Board has reviewed the attached Employee Handbook and believes the amendment of the Handbook, to add provisions addressing Distribution of Fuel (Gas and Diesel), is in the best interests of the Town of Alden.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT;

1. The Town Board hereby adopts the attached amendment (Section 2303-FUEL DISTRIBUTION (GAS AND DIESEL) to the Employee Handbook dated June 1, 2008;
2. The Town Clerk is hereby directed to send a copy of these amendments Employee Handbook to all Town Employees;
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on November 17, 2008 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 ("Town Board") is considering an application by Hidden Ponds Nursery, Inc. for the subdivision of two (2) lots. The entire parcel currently consists of approximately 2.2+/- acres on West Main Street in the Town of Alden. The first proposed lot ("Parcel A") would be 1.74 +/- acres and the second proposed lot ("Parcel B") would be .46+/- acres containing a house commonly known as 12684 West Main Street and an out building; all further identified by SLB #108.00-4-39.12 (The "Proposed Action") and

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA; and

WHEREAS, the Town Board believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to subdivision; is the agency with the broadest governmental powers for investigating the impact of the Proposed Action; 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 Building Inspector has provided notice to the Erie County Division of Planning for this Proposed Action, 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 Propose 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.

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 17, 2008 and was unanimously adopted.

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

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

A hearing before the Town Board of the Town of Alden, in the County of Erie shall be held at the Town Hall, 3311 Wende Road Alden, New York at 7:05 pm on the 1st day of December 2008 for the purpose of hearing all persons interested in the proposed Local Law No. 5 of the Year 2008; and

ORDERED that the Town Clerk is directed to (a) publish a notice of public hearing in the Alden Advertiser, designated as the official newspaper for this publication, such publication to be not less than five (5) days before the date of the public hearing; (b) and post as required by law one (1) copy of the Notice of Public Hearing no later than the day such Notice is published; and

ORDERED, that the Town Clerk is to make copies of the proposed Local Law No. 5 of the Year 2008, entitled "Amendment of the Dogs Law for the Town of Alden", available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote roll call at a regular meeting on November 17, 2008 and was unanimously adopted.

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

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

A hearing before the Town Board of the Town of Alden, in the County of Erie shall be held at the Town Hall, 3311 Wende Road, Alden, New York at 7:10 pm on the 1<sup>st</sup> day of December, 2008, for the purpose of hearing all persons interested in the proposed Local Law No. 6 of the Year 2008; and

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Alden Advertiser designated as the official newspaper for this publication, such publication to be not less than five (5) days before the date of the public hearing; (b) and post as required by law one (1) copy of the Notice of Public Hearing no later than the day such Notice is published; and

ORDERED, that the Town Clerk is to make copies of the proposed 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", available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call, at a regular meeting on November 17, 2008 and was unanimously adopted.

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to approve the HOP for Marie Paone/916 Three Rod Rd. Unanimously adopted.

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 OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilwoman Riddoch reported she has a call into Mike Asklar/Erie County Engineer requesting to have them look at a Traffic Study at Crittenden & North.

Councilman Weber reported that along with the Highway Supt they have completed a Drainage problem on Pohl Rd and are working on Peters Corners Rd

Attorney Strong reported she has sent out the Phone Bills for the reimbursement from the State Police.

Councilman Snyder reported he had Petschke fix the furnace in the Community Center and the Town Hall.

Councilwoman Cooke received a bill for the Sand used in the Hazardous Spill in Millgrove – she will call the Office of Emergency Services – this will be charged to the owners of the Building.

Planning Board Member/Zoratti questioned the status of Hidden Ponds. Supervisor Smith stated that the Trailer has been removed but the Fence is still there. The Board tonight approved the Lead Agency only.

Supervisor Smith adjourned the Meeting at 7:28 PM with a Minute's silence in Memory of Richard Schoenbeck, Helen Kloss.

DOROTHY L. BYCINA  
TOWN CLERK