The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday November 15, 2010 at 7:00 P.M. Supervisor Smith called the Meeting to Order. Councilman Snyder led in the Pledge of Allegiance. The Roll Call was taken by the Second Deputy Town Clerk.

PRESENT: Ronald Smith, Supervisor

Mary Riddoch, Councilwoman William Weber, Councilman Ronald Snyder, Councilman Arlene Cooke, Councilwoman

RECORDING SECRETARY: Ralph P. Witt, Second Deputy Town Clerk

OTHERS PRESENT: Jennifer Strong, Attorney

Michael Metzger, Town Engineer

Chris Snyder, CEO Carl Fix, Highway Supt.

Len Weglarski, Dog Control Officer

Councilman Snyder moved and Councilman Weber seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of November 1, 2010. 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"	\$43,969.84		\$43,969.84
HGHWY FUND "DA/DB"	43,133.35		43,133.35
PART-TOWN FUND "B"	14,575.40		14,575.40
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 PROT. "SF"			
SD#2 FUND "SA"	2,597.08		2,597.08
TRUST/AGCY FUND "T"	4,091.13		4,091.13
SP REFUSE FUND "SR"	39,113.43		39,113.43
STREET LIGHTING FUND "SL"	6,584.83		6,584.83
PERIWINKLE LTG. "SL1"	46.74		46.74
GRANTS			
TOTALS	\$157,850.40		\$157,850.40

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

# BUSINESS FROM THE FLOOR

Paul Loehr, Henskee Rd. had questions about the drainage plan map Engineer Metzger had done for Henskee Rd.

Winnie Fisher, Two Rd. Rd. questioned the reason for reducing the Town Clerk's salary to \$40,000.00, Supervisor Smith explained a new Town Clerk would not start at the wage of one that had been with the Town for years. She also questioned the staffing for the two offices.

#### **COMMUNICATIONS**

Councilwoman Riddoch received a call from Bill MacCowan from Alden Central School regarding baseball, he will be writing a letter asking the Town to allow the school to practice on the Town fields, as their fields will not be ready for practice, but will be ready for the start of the season. Councilwoman Riddoch will advise he will need to provide proof of insurance.

Councilwoman Cooke reported on Rural Metro's compliance of 90.3% for the month of October.

Supervisor Smith received a letter of resignation from Chris Snyder from the Zoning Board of Appeal, the position will need to be filled, received the Village of Alden's approved board minutes from their October 28, 2010 meeting, received from the Alden Chamber of Commerce, minutes from their October 21<sup>st</sup> meeting.

#### **NEW BUSINESS**

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

# Standard Work Day and Reporting Resolution

1. BE IT RESOLVED, that the Town of Alden hereby establishes the following as standard work days for non-elected and employees and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

_ Title	Name	(Hrs/day)	Standard Work Day Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on record of activities)	
APPOINTED OFFICIALS						
CEO/Bldg Inspect.	Christopher Snyder	6 1/2	Civil Service Hiring	Y	N/A	
Life Guard p/t	Pamela Turton	6 1/2	1/1/10-12/31/10	Y	N/A	
Court Constable	Randal Crist	6 1/2	Civil Service Hiring	Y	N/A	
Rec. Attendt p/t	Joan Marsden	6 1/2	1/1/10-12/31/10	Y	N/A	
Crossing Guard	Margaret McCartin-Ord	cutt 6	01/01/2010- 12/31/2010	Y	N/A	
Senior Van Driver	Michelle Hoffman	6 1/2	01/01/2010-12- 31/2010	Y	N/A	
Clerk	Barb Ertel	6 1/2	Civil Service Hiring	Y	N/A	
Highway Employee	Kenneth Justinger	8	Union Contract	Y	N/A	
Highway Employee	David Retzlaff	8	Union Contract	Y	N/A	
Highway Employee	Daryl Beyer	8	Union Contract	Y	N/A	
Highway Employee	Larry Zobrest	8	Union Contract	Y	N/A	

<sup>\*</sup>Days per month are calculated on actual hours worked and may vary from month to month

2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on November 15, 2010, and was unanimously adopted.

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

# **Revised Standard Work Day and Reporting Resolution**

1. BE IT RESOLVED, that the Town of Alden hereby establishes the following as revised standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name/4 digit SSN	(Hrs/day)	Standard Work Day Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on record of activities)	
ELECTED OFFICIALS						
			01/01/2010-			
Supervisor	Ronald Smith/xxxx	$6\frac{1}{2}$	12/31/2011	N	10	
	~		01/01/2010-		• 0	
Highway Super.	Carl Fix/xxxx	6 ½	12/31/2013	N	20	
Board Member	Mary Riddoch/xxxx	6½	01/01/2010- 12/31/2013	N	10	
APPOINTED OFF	APPOINTED OFFICIALS					
	Matthew					
Town Prosecutor	Herdzik/xxxx	6½	1/1/2010-12/31/10	N	2	
			10/01/2007-			
Assessor	William Sivecz/xxxx	6 ½	09/30/2013	Y	N/A	
1 <sup>st</sup> Dpty Town Clerk	Debra Crist/xxxx	C 1/	01/01/2010-	37	NT/A	
		6 1/2	12/31/2010	Y	N/A	
Dog Control Officer	Leonard Weglarski/xxxx	6½	01/01/2010- 12/31/2010	Y	N/A	
Officer	Wegitirski/AAAA	0/2	01/01/2010-	1	14/11	
Court Clerk	Susan Suidinski/xxxx	6 1/2	12/31/2010	Y	N/A	
			01/01/2010-			
Supervisor's Asst	Colleen Rogers/xxxx	6 1/2	12/31/2010	Y	N/A	
			01/01/2010-12-			
Town Attorney	Jennifer Strong/xxxx	$6\frac{1}{2}$	31/2010	Y	N/A	
TT 1 CI 1	<b>N N</b> /	<b>61</b> /	01/01/2010-12-	***	27/4	
Highway Clerk	Mary Nuwer/xxxx	61/2	31/2010	Y	N/A	
p/t Court Clerk	Georjean Labuzzetta/xxxx	6½	01/01/2010-12- 31/2010	Y	N/A	
p/t Court Clerk	Lauuzzella/ xxxx	072	01/01/2010-12-	1	1 <b>N</b> / <i>F</i> <b>A</b>	
Parks Supervisor	Andy Sojka/xxxx	8	31/2010	Y	N/A	
1	, ,					

<sup>\*</sup>Days per month are calculated on actual hours worked and may vary from month to month

- 2. The Town Clerk's Office is directed to post this Resolution for a minimum of thirty (30) days.
- 3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on November 15, 2010, and was unanimously adopted.

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

WHEREAS, Ronald L. Smith, Budget Officer of the Town of Alden on September 30, 2010, duly filed the Tentative Budget of the Town of Alden for the Town's Fiscal Year beginning January 1, 2011, with the Alden Town Clerk;

WHEREAS, Alden Deputy Town Clerk, Debra Crist, duly presented the Tentative Budget to the Alden Town Board on October 4, 2010;

WHEREAS, The Alden Town Board after full and careful review and consideration of the Tentative Budget recommended the approval of the Tentative Budget, making the Tentative Budget the Preliminary Budget of the Town of Alden for Fiscal Year 2010;

WHEREAS, on October 18, 2010, the Alden Town Board duly called a public hearing on the Preliminary Budget, notice of said 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; and

WHEREAS, the Alden Town Board conducted a public hearing on the Preliminary General Fund Budget for Fiscal Year 2011, on November 1, 2010. 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 THAT:

- 1. The Alden Town Board hereby adopts the General Fund Budget for the Fiscal Year beginning January 1, 2011;
- 2. The Alden Deputy 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 roll call vote at a regular meeting held on November 15, 2010, and was unanimously adopted.

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

WHEREAS, Ronald L. Smith, Budget Officer of the Town of Alden on September 30, 2010, 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, 2011, with the Alden Town Clerk;

WHEREAS, Alden Deputy Town Clerk, Debra Crist, duly presented the Tentative Special District and Special Improvement District Budget to the Alden Town Board on October 4, 2010;

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 2011;

WHEREAS, on October 18, 2010, 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 2011, on November 1, 2010. At which time all persons interested in the same were heard.

#### NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

- 1. The Alden Town Board hereby adopts the Special District and Special Improvement District Budget for the Fiscal Year beginning January 1, 2011;
- 2. That the Alden Deputy 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 roll call vote at a regular meeting held on November 15, 2010, and was unanimously adopted.

THE FOLLOWING ORDER WAS OFFERED BY COUNCILWOMAN RIDDOCH WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN WEBER 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 p.m. on the 6<sup>th</sup> day of December, 2010, for the purpose of hearing all persons interested in the proposed Local Law No. 3 of the Year 2010; 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 First Deputy Town Clerk is to make copies of the proposed Local Law No. 3 of the Year 2010, entitled "Notice of Defects", 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 15, 2010, and was unanimously adopted.

THE FOLLOWING ORDER WAS OFFERED BY COUNCILMAN WEBER WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN RIDDOCH 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 p.m. on the 6<sup>th</sup> day of December, 2010, for the purpose of hearing all persons interested in the proposed Local Law No. 4 of the Year 2010; 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 First Deputy Town Clerk is to make copies of the proposed Local Law No. 4 of the Year 2010, entitled "Court Appearances", 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 15, 2010, and was unanimously adopted.

THE FOLLOWING ORDER 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 7:15 p.m. on the 6<sup>th</sup> day of December, 2010, for the purpose of hearing all persons interested in the proposed Local Law No. 5 of the Year 2010; 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 First Deputy Town Clerk is to make copies of the proposed Local Law No. 5 of the Year 2010, entitled "Amendment to the Dogs Law of the Code 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 15, 2010 and was unanimously adopted.

THE FOLLOWING ORDER WAS OFFERED 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 7:20 p.m. on the  $6^{th}$  day of December, 2010, for the purpose of hearing all persons interested in the proposed Local Law No. 6 of the Year 2010; 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 ten (10) 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 First Deputy Town Clerk is to make copies of the proposed Local Law No. 6 of the Year 2010, entitled "Kennel Amendment to the Zoning Law 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 15, 2010 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 of Alden Highway Employees are subject to a Collective Bargaining Agreement with the Town of Alden;

WHEREAS, The Town Board after full and careful review and consideration of the proposed Collective Bargaining Agreement, finds that it is in the public interest to enter into the proposed Agreement with the Highway Employees;

WHEREAS, the Town of Alden and the Town of Alden Highway Workers have agreed upon the terms of a Collective Bargaining Agreement for a term commencing January 1, 2010, and terminating December 31, 2013, said Agreement is currently on file in the Office of the Town Supervisor.

#### NOW THEREFORE BE IT RESOLVED A FOLLOWS:

- 1. That the Town Board does hereby authorize Supervisor Smith to enter into and execute all necessary documents to effectuate the Collective Bargaining Agreement with the Town of Alden Highway Employees for a term of January 1, 2010, through December 31, 2013; and
  - 2. This Resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote at a regular meeting on November 15, 2010, and was unanimously adopted.

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

WHEREAS, the Alden Town Board has been advised by the Town of Alden Highway Superintendent Carl Fix of the need for a drainage map plan for the drainage improvements on Henskee Road;

WHEREAS, hiring a professional engineer to design a concept plan falls under the professional service exemption of the Town of Alden's Procurement Policy & Procedure Guidelines and the General Municipal Law; and

WHEREAS, The Town Board after full and careful review and consideration of the request finds the need for a concept plan in the public interest;

# NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

- 1. The Town Board approves the hiring of Metzger Civil Engineering to design a drainage map plan for the drainage improvements on Henskee Road at a cost not to exceed \$1,000.00; and
- 2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on November 15, 2010, and was unanimously adopted.

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

WHEREAS, Town of Alden Parks Supervisor Andy Sojka has advised the Town Board that the Parks Department is in possession of a 1999 Dodge Ram 1500 Four Wheel Drive, ½ ton pick-up truck with V-8 Magnum engine and Meyers plow that is not of any use to the Town Parks Department that he would like to offer the same for sale by sealed bid; and

WHEREAS, The Town Board after full and careful review and consideration finds the request to sell the 1999 Dodge Ram 1500 Four Wheel Drive, ½ ton pick-up truck with V-8 Magnum engine and Meyers plow as being in the public interest;

#### NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

- 1. That the Town Board hereby determines that the 1999 Dodge Ram 1500 Four Wheel Drive, ½ ton pick-up truck with V-8 Magnum engine and Meyers plow is not needed for Town purposes and is surplus property;
- 2. The Town Board hereby authorizes the Town of Alden Deputy Town Clerk to advertise for bids as outlined in the attached Instructions to Bidders;
- 3. The Town Board hereby authorizes the Deputy Town Clerk to publish Notice in the Alden Advertiser. Said Notice must be published more than five (5) days prior to Friday December 3, 2010 and must state the time when and place where the sealed bids will be publicly opened and read by the Deputy Town Clerk;
- 4. The Town Board hereby authorizes the Deputy Town Clerk to receive sealed bids, until 2:00 PM Prevailing time on Friday, December 3, 2010. All bids must contain the Non -collusive Bidding Certification;
- 5. The Town Board hereby authorizes the Town Parks Supervisor to sign any and all documentation to effectuate the sale or auction, including signing over the title; and
- 6. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on November 15, 2010, and was unanimously adopted.

Councilwoman Cooke moved and Councilman Snyder seconded the motion to approve the renewal of a Home Occupation Permit for Dennis Davern, 35 Exchange St./Welding Repair. Unanimously Carried.

Councilwoman Riddoch moved and Councilman Weber seconded the motion to approve the renewal of a Home Occupation Permit for Mary Jane Wojnar/All Occasion Florist, 11385 Broadway/Floral Shop. Unanimously Carried.

Councilman Weber moved and Councilwoman Riddoch seconded the motion to approve the renewal of a Home Occupation Permit for Edward Sission Jr., 11323 Broadway/Glass Block Windows. Unanimously Carried.

Councilman Snyder moved and Councilwoman Cooke seconded the motion to approve the renewal of a Home Occupation Permit for Deneda Gasiecki, 12615 W. Main St./Dog Grooming. Unanimously Carried.

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

WHEREAS, the Town Board of the Town of Alden is considering an application by Michael and Gayle Thorpe of two (2) lots. The entire parcel currently consists of approximately 113 vacant acres between Kieffer and Westwood Roads in the Town of Alden, further identified as SBL # 107.00-6-1.1. The first proposed lot ("Parcel A") would be an 300' x 300' parcel fronting on Westwood Road; the second proposed lot ("Parcel B") would be the remaining vacant parcel (The "Proposed Action");

WHEREAS, the remaining parcel is unique as the Tennessee Gas Pipeline Company gas line runs through this parcel (starting at Westwood Road) and hinders future development of this parcel;

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

WHEREAS, the Town Building Inspector provided notice to the Erie County Division of Planning on October 12, 2010, for this Proposed Action, as required under Section 239-m of the General Municipal Law and a "no recommendation" was received on October 20, 2010;

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 October 4, 2010;

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 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 12, 2010, recommended to the Town Board the dis-approval of the Proposed Action;

WHEREAS, Mr. and Mrs. Thorpe have pledged their intention to the Town Board that the remaining parcel will remain in agricultural use; and

WHEREAS, the Town Board has advised Mr. and Mrs. Thorpe that any possible major subdivision of the remaining parcel may be denied by the Town because of the lack of access for a major subdivision from Westwood Road.

### NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

- 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 ("Parcel A"), more particularly described as: ALL THAT TRACT OR PARCEL OF LAND, situate in Lot 42, Township 11, Range 5, in the Town of Alden.

BEGINNING at the Northeast corner of lands conveyed to Christopher A. Helwig and Colleen A. Gilligan by liber of Deeds 10897 at page 6578, said point being on the north line of Lot 42 a distance of 1707.84 feet east of the northwest corner of Lot 42.

Thence south on the east line of Helwig and Gilligan, being parallel to the west line of Lot 42 at an interior angle of 89° 32′ 25″ a distance of 300.0 feet to the southeast corner of Hellwig and Gilligan.

Thence east parallel to the north line of Lot 42 a distance of 300.0 feet to a point. Thence north parallel to the west line of Lot 42 a distance of 300.0 feet to the north line of Lot 42.

Thence west on the north line of Lot 42. A distance of 300.0 feet to the point of beginning containing 2.07 acres of land more or less.

Subject to a portion of a 125.0 foot wide right of way and easement on the easterly side of the above described 2.07 acre parcel conveyed to the Tennessee Gas Pipeline Company by liber of Deeds 10052 at page 443. 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 15, 2010, and the results were as follows:

Councilwoman Riddoch Aye
Councilman Weber Nay
Supervisor Smith Aye
Councilman Snyder Aye
Councilwoman Cooke Aye

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

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 is considering the adoption of "Local Law No. 6 of the Year 2010", entitled "Kennel Amendment to the Zoning Law 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 of 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 THAT:

The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA.

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 and was unanimously adopted.

#### THERE WAS NO UNFINISHED & TABLED BUSINESS

#### REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Attorney Strong reported working with the Highway Department to help them write legal notices for the paper.

Councilman Snyder had a complaint on the Town Hall generator running on Saturday at midnight. He is working on trying to solve this problem. It is suppose to go on Tuesday mornings.

Councilwoman Cooke would like to send a proclamation to the winning football team at Alden Central School. She felt they did a wonderful job and made us all very proud.

Hwy. Supt. Fix reported that his crew has started work on Henskee Rd.

Engineer Metzger attended the Stormwater Coalition meeting. Chris Snyder will be taking over.

Supervisor Smith wanted to thank Attorney Strong and Councilman Weber for all their help with the negotiations with the Highway Dept. contract. He felt that they achieved a contract that would be fair for the employees and the Town of Alden.

NEXT WORK SESSION: NOVEMBER 22, 2010 NEXT BOARD MEETING: DECEMBER 6, 2010

Supervisor Smith adjourned the Meeting at 7:46 P.M. with a Minute of silence in Memory of Andrew Gramza and Agnes Burzynski.

Ralph P. Witt Second Deputy Town Clerk