

MEETING. NO. 22
REGULAR NO. 22

REGULAR BOARD MEETING

NOV. 16, 2009
7:00 P.M.

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, November 16, 2009 at 7:00 P.M. Supervisor Smith called the Meeting to Order. Councilwoman Riddoch led in the Pledge of Allegiance. The roll call was taken by the Town Clerk.

PRESENT: Ronald Smith, Supervisor
Mary Riddoch, Councilwoman
Ronald Snyder, Councilman
Arlene Cooke, Councilwoman
RECORDING SECRETARY: Dorothy L. Bycina, Town Clerk
OTHERS PRESENT: Jennifer Strong, Town Attorney
Martin Dugan, CEO
Michael Metzger, Town Engineer
Lenny Weglarski, DCO
ABSENT: William Weber, Councilman

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of November 2, 2009. Unanimously carried. Councilman Snyder moved and Councilwoman Riddoch seconded the Motion to approve the Minutes and Synopsis of the Public Hearing Meeting of November 9, 2009. 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"	35,644.45		35,644.45
HIGHWAY FUND "DA/DB"	24,539.96		24,539.96
PARTTOWN FUND "B"	11,933.06		11,933.06
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 PROTECTION "SF"	159.18		159.18
SD#2 FUND :SA:	2,726.61		2,726.61
TRUST & AGACY FUND "T"	194.00		194.00
SP REFUSE FUND "SR"	38,410.59		38,410.59
ST LGHTING FUND "SL"	7,663.10		7,663.10
PERIWINKLE LTG DIST "SL1"	42.61		42.61
GRANTS	7.99		7.99
TOTAL	125,060.15		125,060.15

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

THERE WAS NO BUSINESS FROM THE FLOOR

COMMUNICATIONS:

Councilwoman Riddoch reported she received a "Thank You" from Coach Turton from ACS Boys Soccer re the use of the R.O. for a night game under the lights; received a notice of the 6th Annual Winterfest and request to use Town Facilities – to be placed on the Work Session.

Town Clerk Bycina requested the HOP Renewal for Joseph Bove be added to the Agenda for this Meeting.

Councilwoman Cooke received a phone call requesting that the Toilets at the Walking Path be opened.

Supervisor Smith reported the following: letter from Julia Lathrop regretting to inform the Board that she can no longer be the Nutritional Aid; letter from the Alden Chamber of Commerce re “Alden’s Christmas in the Park”; copy of the Monthly Response Compliance for October 2009 from Rural Metro; letter from NYSDOT re Reinhardt Road Grade Crossing; copy of the Planning Board’s Oct. 13th Minutes and a copy of the Planning Board’s Nov. 10th Meeting,

Councilwoman Riddoch moved and Councilwoman Cooke seconded the Motion to enter into the Public Hearing re the Sission HOP Application.

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

The following spoke in favor of this HOP: Norman Wojtkowiak, Mark Kantor, Pat Serra, Craig Sims, Marge Pohl, Dave Szczydlik and Roy Schrodt. Winnie Fisher stated that she did not see the need for this Permit due to the location. She asked where the \$50.00 Fee goes – Supervisor answered that it goes into the Revenue Account. CEO Dugan stated that the Town Code requires a HOP in an area that is not Zoned Commercial – this Area is Zoned R-3. After all those wishing to be heard, were heard, the Public Hearing was called to a close at 7:18 PM.. Councilwoman Riddoch moved and Councilwoman Cooke seconded the Motion to re-enter the Regular Meeting. Unanimously carried.

NEW BUSINESS

Councilwoman Riddoch moved and Councilman Snyder seconded the Motion granting Girl Scouts permission to use the Community Center on the 1st and 3rd Monday of each month from present to May 2010. Unanimously carried.

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

WHEREAS, the Town Board of the Town of Alden is considering an application by Loretto Kranick for the subdivision of two (2) lots. The entire parcel currently consists of approximately 36.73 +/- acres on Westwood Road in the Town of Alden (currently identified by SBL # 107.00-7-6). The first proposed lot (“Parcel A”) would be 3.52 +/- acres containing the residence and garage; the second proposed lot (“B”) would be the remainder of the parcel 33.21 +/- acres containing a pond (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 October 20, 2009, for this Proposed Action, as required under Section 239-m of the General Municipal Law and a “no recommendation” was received on November 9, 2009;

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 2, 2009;

WHEREAS, the Town of Alden Planning Board has reviewed the Proposed Action and on October 13, 2009, 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 is 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; and
3. That the following parcel, more particularly described as:

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. 36, Township 11, Range 5 of the Holland Land Company's Sure, bounded and described as follows:

BEGINNING at a point on the north line of Lot 36 at the northeast corner of lands conveyed to Lawrence G. and Loretto Anne Kranick by deed recorded in the Erie County Clerk's Office in Liber of Deeds 10960 at page 6156, said point being 1158.56 feet west of the northeast corner of Lot 36; thence south on the east line of Kranick at an interior angle of 89°20', a distance of 680.00 feet to a point; thence west parallel to the north line of Lot 36, a distance of 225.72 feet to a point; thence north parallel to the east line of Kranick, a distance of 680.0 feet to the north line of Lot 36; thence east on the north line of Lot 36, a distance of 225.72 feet to the point beginning..

Is given subdivision approval.

4. This resolution shall take effect immediately.

The above resolution was duly put to roll call vote at a regular meeting of the Town Board of the Town of Alden on November 16, 2009 and was unanimously adopted.

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

WHEREAS, the Alden Town Board on November 17, 2008 adopted its 2009 Budget;

WHEREAS, the New York State Department of Transportation has increased the CHIPS payment to the Town of Alden by \$9,785.15;

WHEREAS, the Town of Alden Highway Department has already appropriated the \$9,785.15 CHIPS increase from the NYSDOT;

WHEREAS, increasing the appropriate revenue and expenditure lines will not render the Town of Alden insolvent.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Alden Town Board hereby increases by \$9,785.15 Revenue Line DB.3501 of the 2009 Budget;
2. That the Alden Town Board hereby increase by \$9,785.15 Expenditure Line DB.5112.0449 of the 2009 Budget; and
3. This Resolution shall take effect immediately.

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

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

WHEREAS, pursuant to Section 2000-64 (A) of the Alden Town Code Edward Sission has filed an Application for a Home Occupation Permit to make glass block windows in the garage of his residence at 11323 Broadway (the "Application");

WHEREAS, pursuant to Section 20-64 (B) of the Town of Alden Planning Board has; reviewed the Application; determined that the proposed home occupation meets the requirements and standards set forth at Section 20-63 of the Alden Town Code; and has recommended on October 13, 2009, the approval of the application to the Alden Town Board;

WHEREAS, the Building Inspector has inspected the premises;

WHEREAS, the Alden Town Board, pursuant to Section 2064 (C) of the Alden Town Code has duly called a public hearing on the Application;

WHEREAS, notice of the Public Hearing was: properly published in the Alden Advertiser, properly posted on the Town Bulletin Board; and properly mailed to the adjacent property owners pursuant to Section 20-64 (C) of the Alden Town Code;

WHEREAS, the Alden Town Board held a Public Hearing on November 16, 2009, at 7:05 P.M. at which time all persons in favor of and all persons opposed to the application were heard;

WHEREAS, the Alden Town Board agrees with the recommendation of the Town of Alden Planning Board and finds it in the interest of the residents of the Town of Alden to approve the Application

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That a Home Occupation Permit to allow Edward Sission to make glass block windows in the garage at his residence at 11323 Broadway, Alden, New York be granted for a period of one (1) year and
2. This Resolution shall take effect immediately.

The adoption of the foregoing resolution was duly put to a vote on November 16, 2009 and was unanimously adopted.

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

WHEREAS, Ronald L. Smith, Budget Officer of the Town of Alden on September 25, 2009, duly filed the Tentative Budget of the Town of Alden for the Town's Fiscal Year beginning January 1, 2010, with the Alden Town Clerk;

WHEREAS, Alden Town Clerk, Dorothy L. Bycina, duly presented the Tentative Budget to the Alden Town Board on October 5, 2009;

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 2010;

WHEREAS, on October 19, 2009 the Alden Town Board duly called a public hearing on the Preliminary Budget and on November 2, 2009 adjourned a continuation of the public hearing to November 9, 2009, notices of said public hearings 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 2010 on November 2, 2009 and held a further public hearing on November 9, 2009 at which times 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 adopt the General Fund budget for the Fiscal Year beginning January 1, 2010;
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 16, 2009 and was unanimously adopted.

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

WHEREAS, Ronald L. Smith, Budget Officer of the Town of Alden on September 25, 2009, 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, 2010, with the Alden Town Clerk;

WHEREAS, Alden Town Clerk, Dorothy L. Bycina, duly presented the Tentative Special District and Special Improvements District Budget to the Alden Town Board on October 5, 2009;

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 2010

WHEREAS, on October 20, 2009, the Alden Town Board duly called a public hearing on the Preliminary Special District and Special Improvement District Budget, and on November 2, 2009 adjourned said hearing until November 9, 2009, notice of which public hearings were 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 2010, on November 9, 2009, 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, 2010;
2. That the Alden Town Clerk shall prepare and certify, in duplicate, copies of said Special District and Special Improvements 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 vote on November 16, 2009 and was unanimously adopted.

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

WHEREAS, the Supervisor of the Town of Alden has been contacted by Computel Associates, in regard to conducting a cable television franchise agreement review for the Town of Alden; and

WHEREAS the Town Board believes that a franchise agreement review may increase the franchise fees paid to the Town of Alden by Time Warner Cable; and

WHEREAS, the Town Board feels that it is in the best interests of the citizens of Alden to conduct a review that may increase the franchise fees paid to the Town; and

WHEREAS, services provided by Computel Associates are specialized and unique are therefore, under the Town's Policies and under New York State law, not required to be bid;

NOW THEREFORE, BE IT;

1. The Town Board hereby authorizes the Supervisor to sign a Contract with Computel Associates to permit Computel to conduct a renewal of the Franchise Agreement with Time Warner Cable
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on November 16, 2009 and was unanimously adopted.

Councilwoman Cooke moved and Councilman Snyder seconded the Motion to renew the HOP for Marie Paone/916 Three Rod Road. Unanimously carried.

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

Supervisor Smith moved and Councilwoman Riddoch seconded the Motion to renew the HOP for Josepoh Bove/11607 Genesee St. Unanimously carried.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilwoman Riddoch had a Meeting with the Recreation Department re some Updates at the Town Park – to be placed on the Work Session; had two proposals Faxed from Engineer Metzger re Wetland at the Walking Path – to be placed on the Work Session; and also requested the Ad and Job Description for the Parks to be placed on the Work Session.

Councilman Snyder reported on the NEST Meeting and the Association of Town's Meeting that will be this Thursday.

Councilwoman Cooke requested that the Nutritional Aid be placed on the Work Session. Gave an update on the H1N1 Clinic and will be meeting on Friday with the Lancaster Fire Council.

Engineer Metzger requested that the Generator Bid and the Property at Walden and Wende be placed on the work Session.

Supervisor Smith reported he has passed our Draft Copies of the Comprehensive Plan – there will be a Meeting on December 14th and he has asked Wendy Salvati to be present.

He also Congratulated the Winners in the General Election especially Carl Fix who will be our new Highway Superintendent.

Councilman Snyder added that at the last Recycling Drop Off the cost was \$46,000 to NEST and that the State will be sharing 50% of the cost.

Councilman Snyder moved and Councilwoman Riddoch seconded the Motion to enter into an Executive Session to discuss a personnel matter. Unanimously carried.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion re-enter the Regular Meeting with no action taken. Unanimously carried

Supervisor Smith adjourned the Regular Meeting at 7:45 PM

DOROTHY L. BYCINA
TOWN CLERK