

MEETING NO. 9
REGULAR NO. 9

REGULAR MEETING

MAY 2, 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, May 2, 2005 at 7:30 P.M.

PRESENT: Richard A. Savage, Supervisor
Michael W. Cole, Councilman
James M. Lorenzi, Councilman
Ronald L. Snyder, Councilman
Arlene A. Cooke, Councilwoman
RECORDING SECRETARY: Dorothy L. Bycina, Town Clerk
OTHERS PRESENT: Jennifer Strong, Town Attorney
Harry F. Milligan, Highway
Frank Trybuskiewicz, CEO
Michael Metzger, Town Engineer
Ralph Witt, Planning Board Chairman
Debra Crist, Deputy Town Clerk

Supervisor Savage called the Meeting to order. Councilwoman Cooke 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 April 18, 2005. Unanimously carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN COOKE WHO MOVED IT'S ADOPTION, SECONDED BY COUNCILMAN SNYDER THAT THE FOLLOWING VOUCHERS BE ALLOWED AND PAID:

ACCOUNT	AMOUNT		
	ABSRT #1	ABST #2	TOTAL
GENERAL FUND "A"	21,132.11	16,883.81	38,015.92
HGHWY FUND "DADB"	5,167.92	877.71	6,045.63
PART TOWN FUND "B"	6,468.70	8,708.81	15,177.51
WD#2 FUND "WB"	1,125.20		1,125.20
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"	291.74	2,377.74	2,669.48
TRUST & AGCY "T"	1,467.88	478.60	1,946.48
STREET LGT FUND "SL"	7,164.70		7,164.70
FUND "SR" 26,172.84	26,172.84		26,172.84
TOTAL	72,274.09	29,507.88	101,781.97

UPON ROLL CALL VOTE THE FOREGOING RESOLUTION WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Matt Herdzik/287 S Woodside Crt reported that he could not get through to Time Warner – the Supervisor advised that he would try to get a number to call - he was advised to dial "0" and this would by pass all the message center and put the call right through.

COMMUNICATIONS

Councilman Lorenzi reported he had the Minutes of the last Chamber of Commerce Meeting.

Councilwoman Cooke reported on a letter from Brian Pfeiffer/Rural Metro re the Up-to-Date Rates.

Supervisor Savage reported the following: letter from Margaret McCartin-Orcutt re Crossing Guard position; copy of letter sent to Beth Downing, Village Administrator re Economic Development Agreement; letter from Kevin Burns/Chief of Grants re the Alden Town Park Expansion not being selected; letter from ECIDA re a Public Hearing; copy of the Alden Environmental Conservation Commission Agenda for May 4th; request from the Alden Primary re use of Band Shell - to be placed on Work Session; letter from ECWA re back flow at Fairview Dr – gave to Councilman Snyder; request from St. John the Baptist re use of Band Shelter for their annual lawn fete; invitation from Town Line Vol Fire Dept Inc re their annual Community Memorial Day Service; letter from Time Warner re a copy of the Customer Information Notice that they will be sending to customers; letter from the County of Erie re Local Cooperation Agreement between the Town of Alden and Erie County re ECCDBG Consortium; letter from M&T Bank re the lunch hour entertainment for the summer; letter from Engineer Metzger re Koutsandreas Fill Permit; copy of the Quarterly Commodity Report; letter from Alden-Akron Youth Court –this will be terminated August 31, 2005; letter from Time Warner re the joint acquisition of Adelphi Communication Corp; letter from Attorney Strong re Collective Bargaining Agreement; copy of a Meeting Agenda for Mayors and Supervisors re Impact of Erie County Fiscal Crisis on Emergency Services and Meeting with Erie County Legislature Leaders; letter from the Planning Board recommending the SubDivision for Robert Schlossin; copy of Agenda for the NEST; notice from the State of New York Public Service Commission –re Matter of the Rules and Regulations of the Public Service Commission Regarding Cable Television; copy of the Minutes of the Alden Planning Board Meeting/April 12th; letter from Debra Crist “Thanking” the Town Clerk and the Board for her appointment as Deputy Town Clerk.

NEW BUSINESS

Councilman Lorenzi moved and Councilman Snyder seconded the Motion to renew HOP for Edwin Knoblauch/3499 Townline Rd. Unanimously carried.

Councilman Snyder moved and Supervisor Savage seconded the Motion to appoint Margaret McCartin Orcutt/12937 Broadway as Crossing Guard for the year 2005 - remainder at a rate of \$9.00/Hr and Carl Matthies 12256 Lori Dr is appointed Alternate Crossing Guard for the remainder of 2005 at 9:00/Hr and Gail Wornowski/12513 North Rd remains 2nd Alternate Crossing Guard at \$9.00/Hr. All appointments are Part Time school year seasonal only, no benefit appointments. Unanimously carried.

Councilwoman Cooke moved and Councilman Snyder seconded the Motion to authorize the Supervisor to sign the Collective Bargaining Agreement – dated May 2, 2005 between the Town of Alden and Teamster Local 264 Highway Dept. Workers. Contract to run Jan 1, 2005 through December 31, 2008. Unanimously carried.

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

WHEREAS, an application for a minor Subdivision was filed with the Town Clerk of the Town of Alden on January 30, 2003 by Robert Schlossin, 429 Lapp Road, Alden, New York 14004, for the purpose of seeking Town Board approval to subdivide a parcel of land located at Countyline Road, South of Henskee Road, in the Town of Alden, County of Erie, State of New York, the three (3) subdivided lots being more particularly described as follows:

FIRST PARCEL

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 said Lot No. 1, distant 894.45 feet south from the northeast corner of said Lot No. 1; thence westerly and parallel with the north line of said Lot No. 1, a distance 910.00 feet to a point; thence southerly and parallel with the east line of said Lot No. 1, a distance of 200.00 feet to a point; thence easterly and parallel with the north line of said Lot No. 1, a distance of 910.00 feet to the east line of said Lot No. 1; thence northerly along the east line of Lot No. 1, a distance of 200.00 feet to the point or place of beginning, containing 4.178 acres of land, more or less.

Subject to the rights of the public and others in and to that portion of the above described premises lying within the bound of the public highway.

SECOND PARCEL

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Alden, County of Erie, 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 said Lot No. 1 distant 1094.45 feet south from the northeast corner of said Lot No. 1; thence westerly and parallel with the north line of said Lot. No. 1, a distance of 910.00 feet to a point; thence southerly and parallel with the east line of said Lot No. 1, a distance 200.00 feet to a point; thence easterly and parallel with the north line of said Lot No. 1, a distance of 910.00 feet to the east line of said Lot No. 1; thence northerly along the east line of said Lot No. 1, a distance of 200.00 feet to the point of beginning, containing 4.178 acres of land more or less

Subject to the rights of the public and others in and to that portion of the above described premises lying within the bounds of the public highway.

THIRD PARCEL

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Alden, County of Erie, 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 said Lot No. 1 distance 1294.45 feet south from the northeast corner of said Lot No. 1, thence westerly and parallel with the north line of said Lot No. 1, a distance of 910.00 feet to a point, thence southerly and parallel with the east line of said Lot No. 1, a distance 200.00 feet to a point in the northerly line of lands deeded to Selvey Kidder by deed recorded in the Erie County Clerk's Office in Liber 46 of Deeds at page 204; thence easterly along the northerly line of said lands deeded to Kidder and parallel with the north line of said Lot. No 1, a distance of 910.00 feet to the east line of said Lot No. 1, thence northerly along the east line of said Lot No. 1, a distance of 200.00 feet to the point of beginning, containing 4.178 acres of land more or less

Subject to the rights of the public and others in and to that portion of the above described premises lying within the bounds of the public highway.

WHEREAS, the Planning Board of the Town of Alden, on March 11, 2003 recommended approval of the minor subdivision of the three (3) parcels described above;

WHEREAS ON June 16, 2003, the Town Board; assumed Lead Agency status; determined that the minor subdivision was an unlisted action issuing a Negative Declaration, Notice of Determination of Nonsignificance under SEQRA; determined that an Environmental Impact Statement was unnecessary; and approved the minor subdivision of the three (3) parcels described above;

WHEREAS, Robert Schlossin has asked the Planning Board to amend it's March 11, 2003 recommendation for minor subdivision approval to remove the Third Parcel (as described above) and to approve in place of the Third Parcel the subdivision of a Fourth Parcel located on Countyline Road, in the Town of Alden, County of Erie and State of New York (described below)

FORTH PARCEL

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

Beginning at a point on the north line of Lot No. 1 (said north line of said lot also being the center line Henskee Road) a record distance of 2,942.94 feet and a measured distance of 2,936.24 feet to the intersection of said north line with the east line of Lot No.

1; thence (1) running southerly at a 90° 36'25" interior angle along a line parallel with the west of Lot No. 1 a record distance of 1,477.08 and a measured distance of 1,494.53 feet to a point; thence (2) running easterly along a line parallel with the north line of Lot No. 1, a distance of 300 feet to a point; thence (3) running northerly along a line parallel with course (1) a distance of 1,494.53 feet to a point in the north line of Lot No. 1, thence (4) running westerly along the north line Lot No. 1 (said north line of said lot also being the center line of Henskee Road) a distance of 300 feet to the point or place of beginning.

WHEREAS, the Planning Board on April 12, 2005, recommended the approval of the amendment to the minor subdivision to replace the Third Parcel with the Fourth Parcel;

WHEREAS the requested amendment does not substantially change the character of the original minor subdivision approval;

WHEREAS, the Town Board has previously completed the completed SEQR process;
NOW THEREFORE BE IT RESOLVED

THAT the Resolution adopted by the Town Board on June 16, 2003 regarding the minor subdivision of lands on Countyline Road owned by Robert Schlossin is amended so that the following parcels are given minor subdivision approval;

FIRST PARCEL

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 said Lot No. 1 distance 894.45 feet south from the northeast corner of said Lot No. 1, thence westerly and parallel with the north line of said Lot No. 1, a distance 910.00 feet to a point; thence southerly and parallel with the east line of said Lot No. 1, a distance of 200.00 feet to a point, thence easterly and parallel with the north line of said Lot No. 1, a distance of 910.00 feet to the east line of said Lot No. 1; thence northerly along the east line of Lot No. 1, a distance of 200.00 feet to the point or place of beginning, containing 4.178 acres of land, more or less

Subject to the rights of the public and others in and to that portion of the above described premises lying within the bounds of the public highway.

SECOND PARCEL

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Alden, County of Erie, 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 said Lot No.1 distance 1094.45 feet south from the northeast corner of said Lot. No. 1, thence westerly and parallel with the north line of said Lot No. 1, a distance of 910.00 feet to a point; thence southerly and parallel with the east line of said Lot No. 1, a distance 200.00 feet to a point; thence easterly and parallel with the north line of said Lot No., a distance of 910.00 feet to the east line of said Lot No. 1; thence northerly along the east line of said Lot No. 1, a distance of 200.00 feet to the point of beginning, containing 4.178 acres of land more or less.

Subject to the rights of the public and others in and to that portion of the above described premises lying within the bounds of the public highway.

FOURTH PARCEL

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. 15 Township 11, Range 5 of the Holland Land Company' Survey, bounded and described as follows:

Beginning at a point on the north line of Lot No. 1 (said north line of said lot also being the center line Henskee Road) a record distance of 2,942.94 feet and a measured distance of 2,936.24 feet to the intersection of said north line with the east line of Lot No. 1; thence (1) running southerly at a 90°36'25" interior angle along a line parallel with the west of Lot No. 1 a record distance of 1,477.08 and a measured distance of 1,494.53 feet to a point; thence (2) running easterly along a line parallel with the north line of Lot No. 1, a distance of 300 feet to a point; thence (3) running northerly along a line parallel with

course (1) a distance of 1,494.53 feet to a point in the north line of Lot No. 1; thence (4) running westerly along the north line Lot No. 1 (said north line of said lot also being the center line of Henskee Road) a distance of 300 feet to the point or place of beginning.

THAT, this Resolution shall take effect immediately.

The adoption of the foregoing Resolution was duly put to a roll call vote on May 2, 2005 and was unanimously adopted.

Supervisor Savage moved and Councilman Snyder seconded the Motion to enter into an Executive Session at 8:10 PM to discuss a Personnel Matter. Unanimously carried.

Supervisor Savage moved and Councilman Cole seconded the Motion to re-enter the Regular Meeting at 8:32 PM

Councilman Snyder moved and Councilwoman Cooke seconded the Motion authorized by Chapter 7 of the Town Code 7-3B to set the hours for the Building Inspector to be in the office (except in the case of an emergency) as follows: 9:00 AM- 10:30 AM office daily Monday through Friday, 10:30 AM-2:30 PM inspections (and 1 hour lunch) field work Monday through Friday, 2:30 PM to 4:30 PM daily, Monday through Friday-Office. As per schedule Mondays evenings – 1 ½ hours 7:30-9:00 Reg 7:00-8:30 Work Session – Meetings. Unanimously carried.

Councilwoman Cooke moved and Supervisor Savage seconded the Motion to authorize the Receiver of Taxes to attend the NYS Tax Receivers 2005 Training Seminar in Rochester, June 12-15th at reasonable Town expense. Unanimously carried.

Councilman Cole moved and Councilman Lorenzi seconded the Motion to approve the use of the Town's Band Shelter for St. John's Lawn Fete on July 22, 23 and 24, 2005. Unanimously carried.

Councilwoman Cooke moved and Councilman Snyder seconded the Motion to renew the HOP for Paulette Morris/260 Sullivan Rd. Unanimously carried.

Councilwoman Cooke moved and Councilman Snyder seconded the Motion to allow the ECIDA use of the Board Room for a Public Hearing on June 2, 2005 from 10:00 AM-11:00 AM. Town Clerk to notify David Kerchoff/Lending Officer when the Town approves. Unanimously carried.

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

Supervisor Savage moved and Councilman Cole seconded the Motion to allow Alden Central School use of the Parking area in the Town Park adjacent to the School on May 20, 2005 and May 21, 2005 for ECIC Track Meet. Unanimously carried.

Supervisor Savage moved and Councilwoman Cooke seconded the Motion to authorize the Supervisor to enter into a Workforce Development Consortium Agreement for up to four (4) summer youth to work in the Parks. Unanimously carried.

THERE WAS NO UNFINISHED OR TABLED BUSINESS

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilman Cole reported that he attended the TownLine Fire Dept Dinner – was impressed with the number of Young Men in the Fire Company.

Councilman Lorenzi reported on Drainage issues he inspected with the Engineer and the Highway Supt. And a Meeting of the Henskee Road School House renovation.

The Town Clerk advised that both she and Deputy Crist will be attending a class in Hamburg on Tuesday re the update of DECALS. She also has sent in the report to the Industrial Appraisal Company.

Attorney Strong has closed on the Gradall and has a copy of the Highway Contract.

Councilman Snyder has the Insurance Package – Certificates of Insurance to be given to the Supervisor; has the Insurance Binders and an estimate for the new Garage at the Town Hall.

Councilwoman Cooke has been in contact with a Rev. Mary Ann Pula (Hearts & Hands – Faith in Action) - she will be at the next Work Session.

Engineer Metzger reported on the Drainage, Town Park and WD#5.

CEO Trybuskiewicz reported on the Bearing that was replaced at the Sewer District.

Planning Board Chairman Witt reported he received a phone call from John Foss re the Alden – Marilla Golf Course - 40 Acres involve Alden.

Supervisor Savage requested the following to be placed on the Work Session: Alden Primary letter; WD#5, Bonnie Lake Drainage and the Highway Contract.

Supervisor Savage adjourned the Meeting at 9:10 PM with a Minute's silence in memory of Arnold Robinson.

Dorothy L. Bycina
Town Clerk