

MEETING NO. 11
REGULAR NO. 11

REGULAR BOARD MEETING

JUNE 6, 2005
7:30 PM

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, June 6, 2005 at 7:30 PM

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: Frank Trybuskiewicz, CEO
Michael Metzger, Town Engineer
Jennifer Strong, Town Attorney

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

Councilman Cole moved and Councilman Snyder seconded the Motion to approve the Minute's of the May 16, 2005 Meeting. Unanimously carried.

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

ACCOUNT	ABST #1	ABST #2	TOTAL
General Fund "A"	15,784.83	81,066.17	96,851.00
Highway Fund "DA/DB"	186,174.86	30,460.86	216,635.72
Part-Town Fund "B"	3,688.36	2,198.12	5,886.48
WD#2 Fund "WB"	375.20	375.20	750.40
WD#3 Fund "WC"	1,983.20	1,983.20	3,966.40
WD#4 Fund "WD"	1,299.80	1,299.80	2,599.60
Sp Fire Protection "SF"	181.21		181.21
SD#2 Fund "SA"	1,640.82	89.30	1,730.12
Trust & Agcy Fund "T"	1,066.69	726.92	1,793.61
Sp. Refuse Fund "SR"	28,797.86		28,797.86
St. Lighting Fund "SL"	7,164.70		7,164.70
TOTAL	248,157.53	118,199.57	366,357.10

Upon Roll Call vote the foregoing Resolution as unanimously adopted.

BUSINESS FROM THE FLOOR

June Marsowicz/190 Two Rod Road presented Pictures of her neighbors "Fence and a Painting" on the back of his garage that faces her backyard. Supervisor Savage stated that this was a clothesline with beer cans – not a Fence – there is nothing in the Code Book that refers to this – therefore the Town can not legally get involved.

Matt Herdzik/287 S. Woodside requested the Town to have something done with the Railroad Tracks on Sandridge Rd. The Supervisor will write a letter and send Mr. Herdzik a copy.

COMMUNICATIONS

Councilman Lorenzi had a copy of the Conservation Commission Newsletter and the Chamber Monthly Newsletter.

Town Clerk Bycina requested that the HOP Renewal for Marc & Lou Ann Miller be added the Agenda.

Attorney Strong stated that the Highway negotiations are still on going.

Supervisor Savage reported copy of a Resolution adopted by the Legislature of Erie County re snow and ice removal on County roads being increased; copy of the State Board of Real Property Services setting the Tentative Equalization Rate at 57.00%; request from St. John's re use of Town Facilities for their 5th Annual Softball Tournament – to be placed on Work Session; letter from the NYSDEC re Municipal Official's Guide to Forestry; copy of letter sent by Councilwoman Cooke to the various sport teams re Park Rules; copy of letter from the Alden Hook & Ladder Fire Co re the annual Heritage and Reunion Carnival on June 23rd through June 26th – firemen's parade is Friday, June 24th at 7:00 PM; Notice of the Ass'n of Erie Co Governments meeting – June 23 at the Brant Community Center; letter from Lovell re a Combined Executive Committee & Annual Group Meeting; copy of the Building Inspectors Monthly Report for May; copy of letter sent to the Buffalo & Erie Co Workforce Development Consortium Inc re Summer Youth Program for 2005; copy of letter that Councilwoman Cooke sent to the Alden Advertiser re the schedule for the concerts in the Firemen's Park; note from Melissa Colosanti complimenting the Town on the cleanliness of the Shelter they rented on May 29th; letter from the Sandra Lee Wirth re petition and Resolution re dangerous sexual predators; copy of letter sent to Erie County Health Dept re the Concession Stand Permit; copy of letter from Metzger Engineer re Fodoli Minor Subdivision; copy of the AECC June 1st Meeting; copy of letter from Sandra Lee Wirth to Town Clerk Bycina – same as the one the Supervisor received re dangerous sexual predators; copy of the Sport Leagues who use the Town Parks; letter from Planning Board recommending the Montgomery SubDivision; copy of Police Calls for April; letter from the Town of Newstead re a Public Hearing on Proposed Qualified Abandonment of Wahl Road; MEMO from Assessor Sivecz re additional hours in the Assessor's Office; copy of letter sent to M/M Paul Kustas by the Building Inspector re Permits he needs to obtain; letter from the Planning Board recommending the Drilling SubDivision; letter from the Planning Board re Fudoli SubDivision; letter from Attorney Strong re Title on the 82 Toyota; letter from Heart and Hands/Mary Ann Pula "Thanking" the Town for the time given to her; copy of the Alden Hook & Ladder Fire Co's recently elected Officers; copy of the Village Board Minutes; copy of the National Fuel Contract Information.

NEW BUSINESS

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

Whereas, New York State has made great strides in reducing violent crime in recent years, and

WHEREAS, the safety of our women and children is of the highest priority and any legislation that seeks to further protect them from sexual predators should be supported and passed, and

WHEREAS, legislation has been introduced in the New York State Assembly that would provide for civil confinement of the most dangerous sex offenders and strengthen and expand the scope of Megan's Law to provide additional safeguards to shield New Yorkers for sexual violence, and

WHEREAS, civil confinement legislation would authorize judges, after a unanimous jury verdict, to order a sexually violent predator to be confined in a secure mental facility upon completion of a prison sentence upon a determination that the defendant has serious difficulty controlling his violent behavior (A.2693) and

WHEREAS, convicted sex offenders would be prohibited from living within 1,000 feet of a school or school grounds (A.1654), and

WHEREAS, a GPS tracking system would be implemented to monitor the actions and whereabouts of the most dangerous sex offenders (A.8158), and

WHEREAS, law enforcement would be required, rather than simply permitted, to release information on Level 2 and Level 3 sex offenders to vulnerable populations (A.1654) and

WHEREAS, the Division of Criminal Justice Services' website would be expanded to include information on all registered sex offenders (A-1701), and

WHEREAS, legislation introduced in the New York State Senate at the request of Governor Pataki would require lifetime registration of all sex offenders on the New York State Sex Offender Registry (S.3506A),

THEREFORE, BE IT RESOLVED THAT this body lends its support to the implementation of each of the above measures, and be it further

RESOLVED, that this Honorable Body does hereby urge the New York State Assembly to pass these measures, that New York State Governor George Pataki sign these bills into law when passed, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Sheriff, District Attorney, New York State Attorney General's Office, New York State Assembly Speaker Sheldon Silver, New York State Senate Majority Leader Joseph Bruno, the regional delegation of the New York State Legislature and New York State Governor George Pataki.

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 June 6, 2005 and was unanimously adopted.

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

Whereas, the Town Board of the Town of Alden is considering an application, by Nicole Fudoli for the minor subdivision of two (2) lots from an existing 100+/- acre lot containing a two family dwelling. The first proposed lot (currently vacant) will be 200 feet by 400 feet (approximately 1.377+/- acres) for the purpose of a future single-family dwelling. The second proposed lot will be an approximately 98.6 +/- acres and currently contains a two-family dwelling (commonly known as 12171 Westwood Road) both proposed lots are on Westwood Road in the Town of Alden, further identified by SBL#107.00-8-1 (The "Proposed Action"); and

WHEREAS, the Town Board of the Town of Alden has determined that the Proposed Action is an Unlisted Action under SEQR but has determined that it is the public interest to conduct a coordinated review; and

WHEREAS, the Town Board of the Town of Alden believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to minor subdivision; 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 Building Inspector provide notice to the Erie County Division of Planning on May 9, 2005 for this proposed minor subdivision, as required under Section 239-m of the General Municipal Law and no comments have been received from the Division.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board has determined that the proposed minor sub division is an Unlisted Action under SEQRA but that a coordinated review should be conducted.
2. The Town Board has determined that it should be the Lead Agency for all environmental review of the minor subdivision application.
3. 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 June 6, 2005 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden is considering an application, by Jeffrey T. Drilling for the minor subdivision of two (2) lots. The entire parcel as currently constituted consists of approximately 43+/- acres and contains a house and barn. The first proposed lot would be 175 feet by 300 feet and contains a house and a barn (commonly known as 11302 Broadway) and the second proposed lot would contain the remainder of the vacant land (approximately 42+/- acres) at 11302 Broadway in the Town of Alden, further identified by SBL #118.00-1-20 (The "Proposed Action"); and

WHEREAS, the Town Board of the Town of Alden has determined that the Proposed Action is an Unlisted Action under SEQRA but has determined that it is in the public interest to conduct a coordinated review; and

WHEREAS, the Town Board of the Town of Alden believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to a minor subdivision; 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 Building Inspector provided notice to the Erie County Division of Planning on April 8, 2005, for this proposed minor subdivision, as required under Section 239-m of the General Municipal Law and no comments have been received from the Division.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board has determined that the proposed minor subdivision is an Unlisted Action under SEQRA but that a coordinated review should be conducted.
2. The Town Board has determined that it should be the Lead Agency for all environmental review of the minor sub division application.
3. 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 June 6, 2005 and was unanimously adopted.

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

WHEREAS, the Alden Town Board has noticed the need for a concrete sidewalk at the Henskee Road Schoolhouse located in the Alden Town Park, the estimated cost of which is more than \$1,000.00 but less than \$10,000.00

WHEREAS, the Procurement Policy & Procedure Guidelines have been followed and quotes have been property received

WHEREAS, the Town Board after full and careful review and consideration of the need finds that it is in the public interest to authorize said purchase;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The board approves the purchase and installation of a concrete sidewalk (the approximate dimensions of which are 5' x 5' at the schoolhouse porch, expanding to a 12' x 12' circle contiguous to a 22' x 5' sidewalk that will connect the existing sidewalk) by J. Lund Concrete and Trenching for a total cost of \$1,911.00. The flatwork shall consist of 4,000 psi concrete, wire mesh (6' x 6"), 3" crush stone base, broom and trowel finish, with control joints cut in, and expansion joints were needed. All concrete to be sealed with industrial grade sealer. The installation also includes the pouring of exposed aggregate under 400 sq. foot 4" thick concrete poured with wire mesh and sealer, including excavation and removal;
2. That the Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase and installation; and
3. This resolution shall take effect immediately. The foregoing Resolution was duly put to a vote on June 6, 2005 and was unanimously adopted.

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

WHEREAS, THE TOWN Board of the Town of Alden is considering an application, by Richard Montgomery for the minor subdivision of three (3) lots of vacant land. The parcel as it currently exists contains a total of 9.094 +/- acres. The first proposed lot would be 1.187 acres; the second proposed lot would be 1.206 acres; and the third proposed lot would be 6.701 acres; all on South Blossom Lea Drive (commonly known as 782 South Blossom Lea Drive) in the Town of Alden, further identified by SBL #118.16-2-17.11 (The "Proposed Action") and

WHEREAS, the Town Board of the Town of Alden has determined that the Proposed Action is an Unlisted Action under SEQRQ but has determined that it is in the public interest to conduct a coordinated review; and

WHEREAS, the Town Board of the Town of Alden has determined that the Proposed Action is an Unlisted Action under SEQRA but has determined that it is in the public interest to conduct a coordinated review; and

WHEREAS, the Town Board of the Town of Alden believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to a minor subdivision; 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 Building Inspector provided notice to the Erie County Division of Planning April 28, 2005, for this proposed minor subdivision, as required under Section 239-m of the General Municipal Law and no comments have been received from the Division.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board has determined that the proposed minor subdivision is an Unlisted Action under SEQRA but that a coordinated review should be conducted.
2. The Town Board has determined that it should be the Lead Agency for all environmental review of the minor subdivision application.
3. 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 June 6, 2005 and was unanimously adopted.

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

WHEREAS, the Alden Town Board has noticed the need for one (1) set of portable bleachers for sporting events held in the Town, the estimated cost of which is more than \$1,000.00 but less than \$10,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden states that the Town must obtain written quotes from at least three (3) vendors;

WHEREAS, said Procurement Policy & Procedure Guidelines have been followed and quotes have been properly received;

WHEREAS, The Town Board after full and careful review and consideration of the need finds that it is in the public interest to authorize said purchase;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the purchase of one (1) set of Seating Services, Inc. aluminum bleachers (containing four (4) rows of seating each twenty-seven feet in length) with a tip and roll feature and a two package from E&D Specialty Stands, Inc. for a total cost of \$2,738.00;
2. That the Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase and installation; and
3. This resolution shall take effect immediately. The foregoing Resolution was duly put to a vote on June 6, 2005 and was unanimously adopted.

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

Supervisor Savage moved and Councilman Snyder seconded the Motion to authorize the Supervisor to hire Lynne M. Johnson as outside bookkeeper to the Town Supervisor on a per hour basis for the remainder of 2005 up to 15 hours per week – no benefits, no mileage. Hourly contracted employee with specialized EOS Software and Municipal Accounting skills and will be paid on Voucher. Unanimously carried.

Councilman Lorenzi moved and Councilman Snyder seconded the Motion to renew the HOP for Marc and Lou Ann Miller/11256 Broadway. Unanimously carried.

UNFINISHED & TABLED BUSINESS

TABLED the Resolution re Dugout Pipe, Fencing and Canvas Cover for Robert O. Smith Chamber Field.

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilman Cole commented on the Memorial Day Services; spoke with Commissioner Lichtenhall/ECWA re Eric Chaffee being interested in the new Proposed Water District and he was contacted by Marlene Patterson requesting him to speak to the Social Director re the Erie County Home & Infirmary.

Councilman Lorenzi gave an update on the Henskee Rd School House, sent a “Thank You” letter to the Wyoming County Correctional Facility for the Flowers we received, noticed Street Lights that are out – he will call NYSEG to report these outages.

Engineer Metzger – the Supervisor requested he do a walk-through in the Park and then let him know so it can be put on a Work Session.

Supervisor Savage advised that a Meeting will be held on Tuesday evening re the Highway Contract.

Supervisor Savage adjourned the Meeting at 9:00 PM with a Minute's silence in Memory of Stanley Krzysiak Sr.

DOROTHY L. BYCINA
TOWN CLERK