

MEETING NO. 14
REGULAR NO 13

REGULAR BOARD MEETING

JULY 5, 2005
7:30 P.M..

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Tuesday, July 5, 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: Frank Trybuskiewicz, CEO
Jennifer Strong, Town Attorney
Debra Crist, Deputy Town Clerk
William Weber, Planning Board

Supervisor Savage called the Regular 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 Minute's of the Regular Meeting of June 20, 2005 and the Minute's and Synopsis of the Special Meeting of June 27, 2005. Unanimously Carried.

Councilman moved and Councilman seconded the Motion to approve the Minute's of the Special Meeting of June 27, 2005. Unanimously Carried.

COUNCILWOMAN COOKE MOVED AND COUCILMAN SNYDER SECONDED THAT THE FOLLOWING VOUCHERS BE ALLOWED AND PAID

ACCOUNT	ABST #1	ABST #2	TOTAL
GENERAL FUND "A"	16,658.09	8,244.18	24,902.27
HGHWY FUND "DA/DB"	9,925.60	8,345.98	18,271.58
P/T FUND "B"	2,940.55	2,663.64	5,604.19
SD#2 FUND "SA:	2,209.75	1,677.78	3,887.53
SPECIAL REFUSE "SR"	29,316.62		29,316.62
ST LIGHTING FUND "SL"	7,164.70		7,164.70
WD#2 FUND "WB"		375.20	375.20
WD#3 FUND "WC"		1,983.20	1,983.20
WD#4 FUND "WD"		1,299.80	1,299.80
SP FIRE PROTECTION"SF"		181.21	181.21
TRUST & AGCY FUND "T"		872.60	872.60
TOTAL	68,215.31	25,643.59	93,858.90

THE FOREGOING RESOLUTION WAS DULY PUT TO A ROLL CALL VOTE AND WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Debbie Faso/13550 Genesee St – concerned about the decision that was made on her North Road property by the ZBA. She feels the decision was made on false information. She said the people that were notified all lived on Crittenden Rd and they were under the assumption that she was building a SubDivision – this was the ugliest meeting she ever attended. All she want s is to have her son build a Log Home on the 52 acres – the other acreage is 23 acres and this is the parcel that would have impact on their property. She was told by Mr. Alessi(ZBA Chairman) that their decision would be final and she can not fight it. She said under Article 78 she can fight it. Mr. Alessi talked about here swapping with a neighbor. The reason she wanted the Driveway at this certain location was because of the high land. She was unable to get notes from this meeting – the sign-in sheet – she stated that this whole thing was done wrong.

Supervisor Savage said a Variance is issued when the Building Inspector denies a building permit – it does not matter how much acreage you have – it depends on the frontage and lot size. The ZBA decision can not be over ruled by the Town Board – it would have to go to the Erie County Supreme Court. ZBA can only issue a Variance for reason of Public Benefit or Extreme Hardship. The Supervisor explained to Mrs. Faso that if she has property with frontage that can be made to come into compliance then she would not need a Variance.

Mrs. Faso said she appreciated the time given her here tonight. Supervisor Savage said he was sorry this did not work out but there are three things that can be done –(1)sue if you are within the Time Frame –(2) if she can do something with her land to come with the frontage or (3) be patient and wait until something is done with the private SubDivision.

COMMUNICATIONS

Councilman Lorenzi reported on the Minutes of the AECC; the Chamber of Commerce and the Village of Alden.

Town Attorney Strong reported on the DMV re abandon Vehicle and Pryzwara's SubDivision – they have hired an Attorney.

Councilman Snyder reported he will be attending a NEST Meeting.

Councilwoman Cooke reported on a phone call she received from a Lady on Virginia Dr – she is being stalked by a Hawk – she has referred her to Doug Bartlebaugh.

Supervisor Savage reported the following: requested Councilman Snyder to get information on disposing of items in Kitchen; letter from Tompkins Ins with endorsement adding the 2005 Beuthling Roller; MEMO from Assessor Sivecz advising he will be attending training seminars over the summer – expenses for both are being funded through the Town of Alexander; letter from NYS Environmental Facilities Corp advising that James N. Foss, Inc is eligible to receive state assistance; copy of Certificate of W/C from the Village; letter from NYS/Office of Real Property Services re William Sivecz's appointment as Assessor; Notice from Erie County Sheriff's Police Benevolent Ass'n re Road Patrol; letter to Frank Trybuskiewicz from Metzger Civil Engineering, PLLC re Frey Self Storage; copy of a Resolution adopted by the Town of Brant Town Board; note given to Carl and Bud re items that need to be taken care of in the Town Hall; copy of a Resolution adopted by the Town of Concord; letter from Metzger Civil Engineering, PLLC re Town Park/Football Field – to be placed on the Work Session; copy of Planning Board Minutes; letter from Pat Muehlbauer/1244 Greenfield re the Kids and Traffic on Greenfield – gave to Councilman Cole; letter from Ed Smith/Alden Youth Baseball re Snack Bar; Notice from Village-Beth Downing re Fire Protection; letter from Lovell advising of a 25% dividend; copy of Town Clerk's Monthly report for June; Communication on Reinhardt Railroad Crossing – to be placed on Work Session.

NEW BUSINESS

Supervisor Savage moved and Councilman Cole seconded the Motion to adjust Carl Matthies's (Part Time Clerk in the Supervisor's Office) hourly rate to \$13.00 per hour. Mr. Matthies continues as Part Time (under 20 hours per week) no benefits. The difference in cost assigned to personal services line 1220.103 which is no longer filled. Adjustment will be made via a budget transfer. Unanimously carried.

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

WHEREAS, the Town Board has received a request from Highway Superintendent Harry F. Milligan for the qualified abandonment of Billo Road.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

1. The Town Board does hereby call for a Public Hearing on the proposed qualified abandonment of Billo Road to be held at 7:30 on August 1, 2005 at the Alden Town Hall, 3311 Wende Road, Alden, New York
2. The Town Clerk is directed to mail notice of the public hearing to the adjacent property owners at least twenty (20) days prior to the public hearing.
2. The resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on July 2, 2005 and was unanimously adopted.

Supervisor Savage moved and Councilman Lorenzi seconded the Motion to approve AJF's request to use the Alden Town Park on Saturday – August 20, 2005 for their Annual Invitational Tournament subject to the following conditions: AJF must provide an Insurance Certificate from all Teams or Leagues represented in the Tournament with the Town of Alden named as Additional Insured. These Certificates must be provided to the Town Hall, Supervisor Office by Wednesday August 17, 2005 – Town Clerk Bycina to notify Mr. Bill Kissel at 937-6655 of the approval and conditions of approval. Unanimously Carried.

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

WHEREAS, the Town Board of the Town of Alden is considering the application of Richard Montgomery for the minor subdivision of three (3) lots vacant land. The parcel as it currently exists contains a total of 9.9094+/- acres. The first proposed lot would be 1.187 acres; the seconded 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 Proposed Action is an unlisted action within the requirements of the New York State Environmental Quality Review Act; and

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; and

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 Form Environmental Assessment Form, which is now on file with the Town Board and the Town's SEQR Intake Officer Frank A. Trybuskiewicz; and

WHEREAS, the Erie County Division of Planning was notified on April 28, 2005 and no comments have been received by the Town of Alden;

WHEREAS, the Town of Alden Planning Board has reviewed the Proposed Action and on May 23, 2005, recommended to the Town Board the approval of the Proposed Action; and

WHEREAS, pursuant to Law, the Town of Alden may assume and did assume on June 6, 2005, Lead Agency Status for the purpose of determining what significance this action has on the environment; and

RESOLVED, that 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 the 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 said proposed action. and be it

FURTHER RESOLVED that the Town of Alden hereby approves the Minor Subdivision as described above and attached hereto and as approved by the Town Planning Board on May 23, 2005.

This Resolution shall take effect immediately. The adoption of the foregoing Resolutions were duly put to a vote on July 2, 2005 and was unanimously adopted.

TABLED THE RESOLUTION re SEQR AND SITE PLAN FOR DRILLING SUBDIVISION

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 Dale Nawrocki for the subdivision of three (3) lots (each approximately 200' x 400') from an existing 50 +/- acre lot of vacant lot on Westwood Road the Town of Alden, further identified by SBL #107.00-6-13 (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 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 agency with permitting authority; and

WHEREAS, the Town Building Inspector will provide notice to the Erie County Division of Planning, 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 SEQR 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 July 5, 2005 and was unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN COLE WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN LORENZI TO WIT;

WHEREAS, the Town Board of the Town of Alden is considering an application under §20-11 (H) of the Town of Alden Code, of Paul G. Kustas for site plan review of the outside display of gym/play sets, gazebos and similar units from May 1, 2005, through September 1, 2005 at a existing business (Cape May Ice Cream) at 12001 Broadway in

the Town of Alden, County of Erie and State of New York, further identified by SBL #118-2-21.112; 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 site plan review; 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 the most local agent with permitting authority; and

WHEREAS, the Town is required to provide notice to County Planning for this site plan review 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 proposed site plan review 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 site plan application and review.
3. The Town Board directs that the Code Enforcement Officer of the town of Alden with the assistance of the town Engineers send the required notice with all required attachments to all other interested agencies about the propose action and the determination by the Town of Alden of its desire to act as lead agency under SEQRA and to send the required notice to County Planning as required under Section 239-m of the General Municipal Law.
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 July 5, 2005 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden is considering the application of 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");

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

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; and

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 Form Environmental Assessment Form, which is now on file with the Town Board and the Town's SEQR Intake Officer, Frank A. Trybuskiewicz; and

WHEREAS, pursuant to Law, the Town of Alden may assume and did assume on June 6, 2005, Lead Agency Status for the purpose of determining what significance this action has on the environment; and

WHEREAS, the Erie county Division of Planning was notified on May 9, 2005 and no comments have been received by the Town of Alden;

WHEREAS, the Town of Alden Planning Board has reviewed the Proposed Action and on May 12, 2005 recommended to the Town Board the approval of the Proposed Action; and

WHEREAS the Town Board approves the minor Subdivision of the two above described lots as approved by the Planning Board on May 23, 2005, and

RESOLVED, that 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 said proposed action.

This Resolution shall take effect immediately. The adoption of the foregoing Resolutions was duly put to a vote on July 5, 2005 and was unanimously adopted.

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

WHEREAS, many municipalities, including cities, counties, towns and villages are facing challenging budgets annually, due to health and pension costs that have been escalating at five (5) times the rate of inflation for several years; and

WHEREAS, municipalities must come to terms with these escalating costs and develop reform and change, on a long term basis, that will lessen the burden of these ever increasing costs; and

WHEREAS, the Town of Alden believes we can start that process by recommending a change in the present pension system, with the establishment of another tier; and

WHEREAS, the fiscal impact would be of major assistance to municipal governments; and

NOW THEREFORE, BE IT

RESOLVED, that all new municipal workers continue to contribute to their pension for their entire career; and

RESOLVED that the Town Clerk be directed to forward certified copies of this resolution to Governor George Pataki, Senate Majority Leader Joseph Bruno, Senator Dale Volker, Assembly Speaker Sheldon Silver, Assembly Member Sandra Lee Wirth, the Property Tax Reform Task Force in care of Jeffrey Haber, Executive Director of the Association of Towns of the State of New York and Supervisor of the Towns in Erie County.

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 July 5, 2005 and was unanimously adopted.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to grant the Alden Home Bureau use of the Community Center on requested Dates. Unanimously carried.

UNFINISHED & TABLED BUSINESS

REMOVED from the Agenda the Resolution re dugout pipe, fencing and canvas cover fro Robert O. Smith Chamber Field.

REPORTS FROM STANDING COMMITTEES AND PERSONNEL.

Councilman Cole will be meeting with Eric Chaffee at 6:00 PM before the Work Session re WD#5.

Councilman Lorenzi reported on Drainage problems he will be checking out with the Highway Supt. and gave an update on the Henskee Road School House.

Supervisor Savage announced he will be on Vacation from July 9th – July 21st. Deputy Supervisor Cole will be covering for him.

Supervisor Richard A. Savage adjourned the Meeting at 9:02 PM with a Minute's silence in Memory of John Witmer.

DOROTHY L. BYCINA
ALDEN TOWN CLERK