

MEETING NO. 16
REGULAR NO 15

REGULAR MEETING

AUGUST 1, 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, August 1, 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: Harry F. Milligan, Highway Supt
Frank Trybuskiewicz, CEO
Jennifer Strong, Town Attorney
Michael Metzger, Town Engineer
Ralph Witt, Planning Board Chairman

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.

Supervisor Savage called the 7:30 PM Public Hearing re the Qualified Abandonment of Billo Road. The Town Clerk read the Public Hearing notice that was sent to adjoining property owners.

Supervisor Savage opened the Public Hearing by explaining the reason for this Abandonment. Attorney Strong explained that the Town will not maintain the Road – this will not affect the Postal Service or Garbage Collection. At this time the Floor was opened for discussion.

John Chojecki/3655 Billo Rd stated that he was the only house on this Road and was concerned with the Service such as Postal, Garbage and Policing of the Road. He did not have a problem with the Maintenance. He was assured this would only effect the Town Maintenance.

Caesar Cronolon /Hamburg, NY questioned what brought this to the Town's attention. The Supervisor stated that the Highway Supt. requested this and this is the Legal way to abandon it. He asked what would have to be done to fully abandon the Road. The Attorney stated that the Town would have to give Title and the Town will not be doing this. He was assured that if anything further is to be done on this that the adjoining Property Owners would be notified.

John Chojecki/3655 Billo Road asked if the moving of the Williamsville Toll Barrier would have anything to do with this – The Supervisor said that no one has ever approached the Town on this.

T.J. Murer/136 Pohl Road questioned if this would affect the Tax. The Supervisor explained the process of reviewing the Assessment with the Board of Assessment Review Board.

The Supervisor called the Public Hearing to a close at 7:41 PM after all those wishing to be heard were heard.

BUSINESS FROM THE FLOOR

Steve Zymunt/2026 Crittenden Road had questions re his property line. His frontage has always been 206 feet and now it is 185 feet causing him to lose 20 feet. There seems to be a problem with the Survey. A discussion with the Supervisor and Planning Board Chairman involved the measuring from two different spots – from the Village or from the west. Supervisor Savage stated he understood Mr. Zygmunt's concern but this is something he would have to have legal advise.

Councilman Cole moved and Councilman Snyder seconded the Motion to approve the Minute's of the Regular Meeting of July 18, 2005. Unanimously carried.

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

ACCOUNT	ABST #1	ABST#2	TOTAL
GENERAL FUND "A"	18,146.32	9,938.58	28,084.90
HIGHWAY FUND "DA/DB"	53,751.01	8,902.68	62,653.69
PART TOWN FUND "B"	732.55		
SPECIAL FIRE PROT."SF"	18,043.00	181.21	18,224.21
SEWER DIST #2 FUND "SA"	1,167.38	1,907.85	3,075.23
TRUST & AGENCY FUND "T"	9,000.44	161.00	9,161.44
SPECIAL REFUSE FUND "SR"	29,617.91		
STREET LIGHTING FUND "SL"	7,073.63		
TOTAL	137,532.24	21,091.32	158,623.56

Upon Roll Call vote the foregoing was unanimously adopted.

COMMUNICATIONS

Councilman Cole received a call from Wilson Greatbatch re Traffic at their locations- would like to have the double line extended on Walden Ave. He will check on this.

Councilman Lorenzi received a call from Anita Mankowski Exchange St – she would like to see the Speed Limit reduced from 40 MPH to 35 MPH. Councilman Cole will make a call on this. He also received a notice from Mr. Cornwall and Mr. Weber re the situation at Clearvue and Broadway. The Supervisor requested the CEO to enforce the problem with the unloading of cars from a Car Carrier at this location. He also received a call from Mr. Dollas/11811 Genesee re the Drainage in the back of his property.

Attorney Strong received a claim from Don Anger re his car that was sprayed; the Town is being sued by the old McDonalds – they are challenging the Tax; requested the National Fuel Right-of-Way to be placed on the Work Session; Stalica Drainage – the Supervisor requested Councilman Lorenzi, Engineer Metzger and CEO Trybuskiewicz to check on this; the Fire Contract negotiations have been sent out – the Supervisor requested that only two members from each Fire Company be present; checking on the recent Federal Court regulations on Political Signs; still researching the saving of the Library and she I still is waiting to hear from the Town of Lancaster Attorney re Klingelsmith. Supervisor Savage requested the Highway Supt to take the Car down to the Motor Vehicles so proper ID can be obtained.

Councilwoman Cooke reported that she received a call from Mr. Greis – would like to have a 911 Phone at the Community Center and the Robert O. Smith Park - she will check this out.

Supervisor Savage reported the following: notice from the State Education Dept re the award of a Grant for \$31,114 (this is for the Building Dept) copy of the Town Clerk Monthly report for July; copy of the Budget Comparison from the Supervisor's office; Notice of January 2006 Price Adjustment from American RefFuel; Quarterly Commodity Report from Modern Disposal Services; copy of letter from NYS DOT re SEQR/Site Plan Review for Frey Self Storage; letter from Attorney Strong re National Fuel Right of Way; Notice of Petition and Petition re MBM Investments vs Town of Alden; copy of Planning Board Minutes; MEMO from Joe Czechowski to Frank Trybuskiewicz re Inspection Log; letter from the Village of Alden re Fire Protection Contract; copy of letter from Senator Volker acknowledging receipt of Resolution re convicted Sex Offenders in New York State; copy of letter sent to Moody's Investors Service with a copy of "Town of Alden, New York, Single Audit with Independent Auditor's Reports, Year Ended December 31, 2004"; copy of the Highway's Budget Balance; copy of Quarterly Report from Erie County Community Development – Consortium; copy o State of New York Public Service Commission – Order on Petitions

for Rehearing and Waiver; copy of The State Education Department re Federal and State Grant Quarterly Status Report; copy of letter to Dan Moultrup re the Junior Tennis Foundations re a check in the amount of \$500 to be used towards the cost of instructors for the Alden Recreation Tennis Program; copy of letter from M/M Hy re Zoladz Construction at 13600 Railroad St; copy of the July 7, 2005 Village Board Minutes; copy of the Solid Waste and Recycling Report fro the 2nd Quarter from WM; copy of letter from Crisis Hotline re services available; copy of Rural/Metro Medical Services for the Month of June 2005; copy of letter Supervisor Giza/Lancaster sent to Verizon re upgrading of service; copy of letter from Senator Volker re the necessity to establish the Erie County Fiscal Stability Authority; copy of Grant Application re Town Park Expansion.

NEW BUSINESS

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

WHEREAS, the Town of Alden Highway Superintendent has advised the Town Board that the Alden Highway Department is I need of a new and unused utility truck;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden requires that all estimated purchases over \$10,000.00 shall be formally bid pursuant to General Municipal Law section 103;

WHEREAS, the Town Board after full and careful review and consideration of the request finds said request to receive bids in the public interest;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board hereby authorizes the Town of Alden Town Clerk to advertise for bids as outlined in the attached Instructions to Bidders;
2. The Town Board hereby authorizes the Town Clerk to publish Notice in the Alden Advertiser, Said Notice must be published more then five (5) days prior to Thursday September 1, 2005 and must state the time when and place where the sealed bids will be publically opened and read by the Town Clerk.
3. The Town Board hereby authorizes the Town Clerk to receive sealed bids until 2:00 PM Prevailing time on Thursday September 1, 2005
4. This resolution shall take effect immediately. The foregoing Resolution was duly put to a vote on August 1, 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 Alden Town Board has received a request from Highway Superintendent Harry F. Milligan for the qualified abandonment of Billo Road;

WHEREAS, a Public Hearing has been duly ordered and held on August 1, 2005;
WHEREAS, the Town Clerk has mailed the required notices to the adjacent landowners;

WHEREAS, the following persons spoke in favor of the qualified abandonment of Billo Road;

WHEREAS, the following persons spoke against the qualified abandonment of Billo Road:

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

Publish Notice in the Alden Advertiser. Said Notice must be published more than five (5) days prior to Thursday September 1, 2005 and must state the time when 1. That the Certificate of Qualified Abandonment of Billo Road be filed in the office of the Alden Town Clerk.

2. This resolution shall take effect immediately. The foregoing Resolution was duly put to a vote on August 1, 2005 and was unanimously adopted.

Councilwoman Cooke moved and Councilman Snyder seconded the Motion to approve Joseph DeMare's request for an over "30" Soccer League and the use of the Robert O. Smith Park's Soccer Field subject to the following conditions:

- a. Soccer Fields use on Saturdays 8:00 AM to 11:00 AM and Tuesday evenings from 7:00-8:00 from August 2nd through Oct. 28th is at the scheduling authority of the Recreation Director and will be granted only if there are no conflicts.
- b. All participants must be from the Town of Alden and all teams must provide Rosters and liability waivers to Mr. Moultrup prior to any use of the Park.
- c. No non-residents teams are authorized to be a part or participate in the Recreational in-house league.

Town Clerk to inform Mr. DeMare and Mr. Moultrup if/when notice is adopted.

Upon roll call vote the foregoing Motion was unanimously carried.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to authorize the Supervisor to make the necessary monthly budget transfers.

Councilman Lorenzi moved and Councilman Cole seconded the Motion to issue a Peddlers Permit to Amanda Paige Atkins to sell Education Books and Software. Unanimously carried.

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

THE FOLLOWING RESOLUTION WAS OFFERED ON AUGUST 1, 2005 BY SUPERVISOR RICHARD A. SAVAGE, SECONDED BY COUNCILMAN MICHAEL W. COLE:

WHEREAS, THE Buffalo and Erie County Public Library Board of Trustees and Michael Mahaney, Director of the Buffalo and Erie County Public Library have indicated their intentions to close between 19 and 24 of the 52 Library branches, and

WHEREAS the Alden Ewell Library is one of the "targeted" libraries, and

WHEREAS, the Erie County Public Library Board of Trustees has used a "Library Evaluation" Process, which in the analysis of the Town Board of the Town of Alden appears significantly biased against rural library branches based on both the weighting of particular evaluative criteria and the proposed targeted closings, and

WHEREAS the Erie County Public Library Board of Trustees appears to have failed to recognize a variety of factors which strongly support the continued operation of the Alden Ewell Free Library to wit:

1. Town of Alden Taxpayers contribute \$235,307 in Library Taxes to the County of Erie (2005 Library Tax Levy) while receiving less than \$100,000 back in County support for the Operation and Collection of the Alden Ewell Free Library. Alden residents are paying over 1 ½ times more into the library system than they are receiving in direct support.

2. Several of the evaluative criteria used by the Buffalo and Erie County Public Library such as libraries within 15 miles (rural) are simply inaccurate or weighted against rural libraries. For example, the Marilla Library is counted against the Alden Ewell Free Library as it is within 15 miles yet it too is slated for closure. The closest libraries, in reality, are in 8 – 10 miles distant. Many children and adults utilize the Ewell Library by walking to it. Alden residents do not have regular access to public transportation which

puts them at a distinct disadvantage in being able to access public libraries in other communities that have frequent/regular public transit options.

3. The Erie County Public Library Board of Trustees operates a library at the Erie County Correctional Facility in Alden. It is particularly galling to Alden Taxpayers those Inmates

Convicted of crimes will receive continued Erie County Public Library and Alden Taxpayers support for their library needs while the law abiding citizens of Alden and their children will lose their local library.

4. The saving associated with the closure of the Alden Ewell Free Library represents a tiny fraction (1.5%) of the Buffalo and Erie County Public Library Board of Trustees need for anticipated cuts necessary for expected 2006 budget year reduction. The Erie County Public Library Board of Trustees has called for closing between 37% (19) and 46% (24) of the 52 libraries while their anticipated budget cut in operating costs 2005 (26,071,143 versus 2006 25,238,220) and a loss of \$5,000,000 in capital funding represents a need of a 19% decrease. Therefore, it strongly suggests that the underlying intention of the proposed closure of Alden's Ewell Free Library is based more on a desire to seize the opportunity to downsize the system as opposed to a real impact on the library system's reduced budget.

BASED ON THE ABOVE,

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Alden is strongly opposed to the closing of the Alden Ewell Free Library and urges the Erie County Public Library Board of Trustees and Director Mahaney not to close the Alden Ewell Free Library as it provides for an important community service while utilizing an extremely small portion of the Erie County Public Library system budget. We urge the Buffalo and Erie County Public Library Board to explore other avenues of reducing the Buffalo and Erie County Public Library budget by a mere \$100,000 and adopting such strategies as reducing staff hours system wide, closing fewer but more expensive to operate libraries in urban and suburban areas where residents have access to public transportation, and

BE IT FURTHER RESOLVED that the Town Board of the Town of Alden calls upon the Town's Erie County Legislator to join in urging the Buffalo and Erie County Public Library Board of Trustees to not close the Alden Ewell Free Library, and that this resolution become a part of the Official Public Comment at the Buffalo and Erie County Public Library Board of Trustees – August 4, 2005 Meeting and

BE IT FURTHER RESOLVED that a Certified Copy of this resolution be provided by the Town Clerk to the following:

The Buffalo and Erie County Public Library Board of Trustees –

Rebecca Pordum, Chairperson

Mr. Michael C. Mahaney, Director – Buffalo and Erie County Public Library

The Honorable Legislator Denise Marshall

Mr. Steven Woodard, President Ewell Library Association

The Honorable Mayor Kubik, Village of Alden

The Association of Erie County Governments

The foregoing Resolution was duly put to a roll call vote on August 1, 2005 and was unanimously adopted.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS FROM STANDING COMMITTEES

Councilman Cole reported he met with Erie Chaffee re WD#5; the report on WD#5 has been received from the Assessor and he attended the informational Meeting on the Library.

Councilman Lorenzi “Thanked” the Supervisor for his hard work on the Library; reported on Drainage problems; received a call from Darren Martin/2770 Peters Corners Road – he is willing to pay for the Pipe he would like installed at his property; the Carpet in the Historical Building has been installed and looks very nice.

Councilman Snyder reported on having a re-appraisal done for the Town and he also commented on the Carpet in the Historical Society – he needs to have one carpet cleaned.

Town Engineer had information re Storm Water Coalition – will make copies for the Board – requested this to be placed on the Work Session.

Supervisor Savage “Thanked” Deputy Supervisor Cole for sitting in for him these last two Meetings while he was on Vacation – he also reported on the Library Meeting he attended this week.

Supervisor Savage adjourned the Meeting at 9:15 PM with a Minute’s silence in Memory of Harriett Retzlaff.

DOROTHY L. BYCINA
TOWN CLERK