

MEETING NO. 18  
REGULAR NO. 18

REGULAR BOARD MEETING

SEPT. 21, 2009  
7:00 PM

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, September 8, 2009 at 7:00 PM. Supervisor Smith called the Meeting to Order. Councilman Snyder led in the Pledge of /Allegiance. Mr. Paul Loehr gave the Invocation. The roll call was taken by the Town Clerk.

PRESENT: Ronald Smith, Supervisor  
Mary Riddoch, Councilwoman  
William. Councilman  
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  
Jerry Sanok, Planning Board

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of September 8, 2009. Unanimously carried.

Supervisor Smith "Welcomed" the Students from Alden Central School.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN COOKE AND SECONDED BY COUNCILMAN SNYDER TO WIT;

ACCOUNT	ABST #1	ABST #2	TOTAL
GENER FUND "A"	21,866.32		21,866.32
HGHWY FUND "DA/DB"	49,094.30		49,094.30
PARTTOWN FUND "B"	3,019.44		3,019.44
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 PROT "SF"	159.18		159.18
SD#2 FUND "SA"	2,356.16		2,359.16
TRUST/AGCY FUND "T"	172.50		172.50
SP REFUSE FUND "SR"	39,761.17		39,761.17
ST LIGHTING FUND "SL"	6,794.74		6,794.74
PERIWINKLE LTG "SL1"	36.47		36.47
GRANTS	16,308.40		16,308.40
TOTAL	143,308.28		143,307.28

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

James Guarino/North Road questioned the mowing along the sides of the Roads. Councilwoman Riddoch has been in contact with the County – they are mowing and she will call them and give them North Road.

Ron Gardner/Genesee St questioned the update on the Water District. Supervisor Smith advised there was a Meeting with a Representative from Congressman Higgins Office and Rural Development. We are waiting for figures from Rural Development regarding possible Funding for the Project. The area has been redesigned to be smaller and we will have a Public Meeting sometime in October or early November when the Survey results are back to discuss reducing the District

COMMUNICATIONS

Councilwoman Riddoch reported she has called Erie County re trimming and as yet this has not been done – she will follow up. She spoke with the Attorney re the Stop Sign on Reinhardt Rd – Mike Asklar will be out to check re the approval of this Sign. The Reinhardt Rd sign has been put up on Genesee St and Peters Corners – Dead End Signs are up. CEO Dugan has contacted the Keller’s re the Farm Equipment at Peters Corners and Reinhardt.

Councilman Weber has notified the Post Office re Reinhardt Rd.

Councilwoman Cooke has notified the four Fire Companies re Reinhardt Road. Also she received a report from Rural Metro.

Supervisor Smith reported he received the approved Board Minutes of August 27<sup>th</sup> from the Village; the approved Minutes of the Alden Town Planning Board Meeting of August 11<sup>th</sup> ; the Unofficial Minutes of the Alden Planning Board Meeting of Sept 8<sup>th</sup> and a letter from Coleen Czechowski which she requested be read at the Meeting since she was unable to attend.

#### NEW BUSINESS

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to renew the HOP for Judith Derenda/12126 Genesee St. Unanimously carried.

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

Whereas, the use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America’s children;

WHEREAS, surveys conducted by the National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs;

WHEREAS, teenagers who virtually never eat dinner with their families are 72 percent more likely than the average teenager to use illegal drugs, alcohol and cigarettes;

WHEREAS, teenagers who almost always eat dinner with their families are 31 percent less likely than the average teenager to use illegal drugs, alcohol and cigarettes;

WHEREAS, the correlation between family dinners and reduced risk for teen substance abuse are well documented;

WHEREAS, parental influence is know to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers;

WHEREAS, family dinners have long constituted a substantial pillar of family life in America;

Now, therefore, the Town Board of the Town of Alden does hereby proclaim

1. The September 28, 2009, as

**“FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN”**

**AND URGES ALL CITIZENS TO RECOGNIZE AND PARTICIPATE IN ITS OBSERVANCE.**

2. This Proclamation shall take effect immediately.

The foregoing proclamation was duly put to a roll call vote at a regular meeting on September 21, 2009 and was unanimously adopted.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to transfer \$1,326.00 from A7110.450 Parks Materials and Supplies into A7110.456 Parks Marking Paint. Unanimously carried.

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

WHEREAS, the Town of Alden is in need of fire dispatch services (a unique and specialized service) which can be provided at lesser rate by entering into a joint agreement between the Town of Alden, Town of Lancaster and the Village of Alden with Lancaster Fire Control.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board does hereby authorize Supervisor Smith to enter into and execute all necessary documents to effectuate a Joint Service Agreement (with the Town of Lancaster and the Village of Alden) for Fire Dispatch Service with Lancaster Fire Control effective from January 1, 2010 through the year December 31, 2014.

2. This Resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote at a regular meeting on September 21, 2009 and was unanimously adopted.

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

WHEREAS, the Town of Alden and County of Erie Board of Elections are to hold a Special Election of the qualified voters in the Town of Alden on September 29, 2009, and

WHEREAS, Election Inspectors and Ballot Clerks are required to conduct said Special Election.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The following persons whose names are included on the list of election inspectors and ballot clerks previously designated by the County of Erie Board of Elections for general election purposes, pursuant to the election Law, are hereby appointed to act as Election Inspectors and Ballot Clerks and asked to perform all duties and undertakings in relation thereto as prescribed by the Town Law and the election Law;

Leon Prucnal, Chairperson at a rate of \$10.00 per hour, plus \$10(total); and Dorothy Szrama, Craig Bisbing, Noreen Crist, Ladine Nice; Alvina Cometto; Eileen Wirth and Ann Gilbert as Inspectors of Election and Ballot Clerks, at a rate of \$10.00 per hour.

2. The Election Inspectors shall file an Oath of Office with the Town Clerk of the Town,

3. The Election Inspectors shall file with the Town Clerk of the Town a certificate setting forth the holding of the Special Election, the total number of votes cast upon the Proposition submitted at such Special Election, and the number of votes for and against said Proposition, together with the name and address of every person voting at such Special Election upon such Proposition.

4. This resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote at a regular meeting On September 21, 2009 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden is eligible for a Federal Community Development grant under Title 1 of the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the Town Board of the Town of Alden desires to set a date for a Public Hearing to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Alden by use of Community Development Block Grant Funds;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Alden hereby schedules a Public Hearing to be held on October 5, 2009 at 7:05 PM on the use of Federal Community Development Block Grant Funds at which time all interested persons can make known their view and/or written proposals on the Town of Alden's selection of potential projects to be submitted for possible funding by the Federal Community Development Grant Program, and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Alden duly publish the Legal Notice calling Public Hearing in the designated official Town newspaper.

This resolution shall take effect immediately.

The adoption of the foregoing resolution was duly put to vote on September 21, 2009 and was unanimously adopted.

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

WHEREAS, the Town Clerk and Deputy Town Clerk have advised the Town Board that the Town Clerk's Office is in need of a new air conditioner the estimated cost of which is under \$2,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden ("Policy") requires that all estimated purchases of \$2,000.00 require a request for a proposal and written quotes from at least two (2) vendors;

WHEREAS, said Policy has been followed and two (2) quotes have been obtained; and

WHEREAS, the Town Board after full and careful review and consideration of the purchase request finds the purchase in the public interest.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board approves the purchase of one (1) air conditioning unit and related equipment from United Refrigeration Inc. for \$909.96, as outlined on the attached proposal, including (1) one year warranty on parts and a 5 year warranty on the compressor as being consistent with its policies and in the interests of the residents of the Town of Alden;
2. That the Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase; and

3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on September 21, 2009 and was unanimously adopted.

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 Raymond L. and Sharon Weber Francis for the subdivision of two (2) lots. The entire parcel currently consists of approximately 40.16 +/- acres on Reinhardt Road in the Town of Alden (currently identified by SBL # 96.00-6-14.1). The first proposed lot ("Parcel A") would be 1.993 +/- acres; the second proposed lot ("Parcel B") would be the remainder of the parcel 38.167 +/- acres (The "Proposed Action");

WHEREAS, the Town Board 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;

WHEREAS, the Town Board believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to subdivision; is the agency with the broadest governmental powers for investigating the impact of the Proposed Action; has the greatest capacity for providing the most thorough environmental assessment of the Proposed Action; and is the most local agent with permitting authority;

WHEREAS, the Town Building Inspector is directed to provide notice to the Erie County Division of Planning for this Proposed Action, 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 Action is an Unlisted Action under SEQRA
2. The Town Board has determined that it should be the Lead Agency for all environmental review of the Proposed Action.
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 September 21, 2009 and was unanimously adopted.

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

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 Christine M. Schmidt for the subdivision of one (1) lot. The entire parcel currently consists of 25 +/- acres of land with a residence, pond and outbuildings at 11862 Westwood Road in the Town of Alden, further identified as SBL # 107.00-3-8.1. The first proposed lot ("Parcel "A") would be a 22 +/- acre vacant parcel and the second proposed lot ("Parcel "B") would be the remaining 3 +/- acre parcel with the residence, pond and outbuildings (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 July 21, 2009, for this Proposed Action, as required under Section 239-m of the General Municipal Law and a “no recommendation” was received on July 27, 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 SERQ determination;

WHEREAS, the Town of Alden did assume Lead Agency Status on September 8, 2009;

WHEREAS, the Town of Alden Planning Board has reviewed the Proposed Action and on August 11, 2009 recommended to the Town Board the approval of the Proposed Action, pending the removal of a shed, a new survey; and a wetland walk over;

WHEREAS, the shed has been removed, a survey provided, and a wetland walk over has been completed; and

WHEREAS, the Town of Alden Zoning Board of Appeals on June 16, 2009, granted variances for the frontage (75 feet) of the 22 +/- acre lot and the existing pond location, with the stipulation that the new residence be constructed at least 150 feet from the existing pond on the 3+/- acre parcel

NOW THEREFOR 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 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 the Proposed Action.
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 37, Township 11, Range 5 of the Holland Land Company's Survey, described as follows:

BEGINNING at the southwest corner of lands conveyed to Phillip G. and Christine M. Maderer by Liber of Deeds 9546 at Page 443, said point being 4.03 chains east of the southeast corner of lands conveyed to Selvey Kidder May 1, 1836. Said point of beginning also being on the south line of Lot 37, a distance of 1859.89' east of the southwest corner of Lot 37.

Thence north parallel to the east line of Kidder and parallel to the west line of Lot 37, a distance of about 4095.3' to the north line of Lot 37.

Thence east on the north Line of Lot 37, a distance of 276.48' to the northeast corner of a 10.5' wide strip of land conveyed to Philip G. and Christine M. Maderer by Liber of Deeds 9551 at Page 283.

Thence south on the east line of Maderer being parallel to the west line of Lot 37, a distance of about 3433.25' to a point 660.0' north of the south line of Lot 37.

Thence west parallel to the south line of Lot 37, a distance of 201.48' to a point  
Thence south parallel to the west line of Lot 37, distance of 660.0' to the south line of Lot 37.

Thence west on the south line of Lot 37, a distance of 75.0' to the point of beginning.

EXCEPTING a 99.0' strip of land conveyed to the New York Lackawanna & Western Railroad Company by Liber of Deeds 426 at Page 59.

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 September 21, 2009 and was unanimously adopted.

THERE WAS NO UNFINISHED & TABLED BUSINESS.

#### REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilman Weber reported that along with Highway Supt Milligan they will be checking on Drainage problems.

Councilman Snyder attended a NEST Meeting and this Saturday there will be a Drop Off at Erie Community College – South Town. This Thursday there will be an Association of Towns Meeting – he will give a report at the next Meeting. The Law has been passed re Recycling bottles – starting October 22<sup>nd</sup> we will be recycling Bottles.

Councilwoman Cooke attended a Meeting on September 15<sup>th</sup> –Erie County Environmental Council Management – there will be two Work Shops re SEQR's on November 18<sup>th</sup> and 19<sup>th</sup>. Also attended a Meeting with Dr. Billittier/County Health Department re the HI N1 Vaccine. This past Saturday she attended a School Bus Drill at the Crittenden Vol Fire Co.

Supervisor Smith reported a Meeting will be scheduled later this month with Rural Metro; met with the Town Attorney, Village and a Representative from Time Warner re the Cable and there will be a Master Plan Meeting this Wednesday.

Supervisor Smith adjourned the Meeting at 7:35 PM with a Minute's silence in Memory of Mary Jane Nuwer and Betty Weglarski (wife of our Dog Control Officer).

DOROTHY L. BYCINA  
TOWN CLERK