

MEETING NO. 22
REGULAR NO 20

REGULAR BOARD MEETING

OCT. 15, 2007
7:30 P.M.

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, October 15, 2007 at 7:30 PM. Supervisor Smith called the Meeting to Order. Councilman Snyder led in the Pledge of Allegiance. The roll call was taken by the Town Clerk.

PRESENT: Ronald L. Smith, Supervisor
Mary Riddoch, Councilwoman
William Weber, 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 Supt
Michael Metzger, Town Engineer
Ralph Witt, Planning Board Chairman

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of October 1, 2007. Unanimously carried.

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

ACCOUNT	ABST #1	ABST #2	TOTAL
GENERAL FUND "A"	41,323.53		41,323.53
HGHWY FUND "DA/DB"	9,291.32		9,291.32
PARTTOWN FUND "B"	4,070.67		4,070.67
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		158.18
SEWER DIST #2 "SA"	437.35		437.35
SP REFUSE "SR"	29,592.60		29,592.60
ST LIGHTING "SL"	8,316.09		8,316.09
TOTAL	96,929.34		96,929.34

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

Robert Wohlgemuth/11849 Genesee St referred to his previous request re the Drainage behind his house. Highway Supt Milligan stated that his men checked the property involved that belongs to the Town – he has asked that Mr. Wohlgemuth give him the address of the people involved so he can get their permission to go on their land. Mr. Wohlgemuth spoke re the Planning Board Appointment. He said that Planning Board Members duties do not include appointing or recommending other Planning Board Members. He knows of several who have applied for this appointment and have yet to be contacted. He hopes that the Board will have this applicant come to a Work Session so they can meet with this person and determine how this person can better the Community.

Keith Stone/3806 Crittenden Rd questioned the part of the Agenda entitled "Invocation". Councilman Snyder stated that in the past Clergy from the area Churches use to come to the Meetings. If a Clergy should come to the Meeting, then this Item would be in place.

AT 7:35 PM SUPERVISOR SMITH CALLED THE PUBLIC HEARING TO ORDER re COMMUNITY DEVELOPMENT BLOCK GRANT.

The Town Clerk read the Public Hearing Notice that was published in the Alden Advertiser. Supervisor Smith explained the Grant stating we have two proposals for the Funding - upgrade our Comprehensive Master Plan and the second one to install a box culvert and do some erosion control measures in the Bonnie Lake Subdivision. The Floor was opened for comments.

Paul Loehr/Henske Rd stated he was happy to hear about the Master Plan Update (including careful language, Rezoning, Modified Zoning , and Big Box Laws) but would like to see that this be put on hold until the job is completed.

Supervisor Smith stated that they have asked the Village to be a Co-sponsor of this proposal because we will have a better chance of getting this Funding if we work in conjunction with the Village. Supervisor Smith stated that we would get input from Citizens who are willing to set in on meetings.

Keith Stone/3806 Crittenden Rd stated that he would like to see the Town refuse the Money –does want to see the Town add to the Federal Government’s Budget- it about time that some Town’s say enough spending is enough.

Robert Wohlgemuth/Genesee St. referred to the Master Plan dated 1972. In 1983 and an amendment in 1992 was never adopted by the Board. The cost was in the six figures – he feels this is a waste of money since we do not utilize this.

Supervisor Smith called the Public Hearing to a close at 7:45 PM

COMMUNICATIONS

Councilwoman Riddoch reported that she received a letter in the Mail for Paul Loehr and a letter from ARRG e-mail re Board Meetings and Work Sessions.

Councilman Weber said he probably had the letter from Mr. Loehr but he did not get his mail today.

Councilman Snyder received a package with information on the Emergency Generator – would like to have the Emergency Generator on the Work Session.

Councilwoman Cooke reported she met with Mr. Putman last Friday – got some good concrete information re our Disaster Plan.

Supervisor Smith received the unofficial Minutes of the Planning Board Meeting of Oct 9th; received a memo from the Building Inspector re Electronic Messaging Sign Agreement – to be placed on the Work Session; letter from the County of Erie Health Dept re Proposed Water District #5; letter from Frank Russo advising he is withdrawing his application for the Broadway Rezone.

Councilman Snyder moved and Councilman Weber seconded the Motion to enter into an Executive Session to discuss a personnel matter at 7:48 PM. Unanimously carried.

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to re-enter the Regular Meeting at 8:10 PM – no action was taken. Unanimously carried.

NEW BUSINESS.

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to approve the AJF request for additional use of the Town Park. Unanimously carried.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to grant Assemblyman Cole permission to use the Town Hall for a Town Hall Meeting on October 25th from 6:00 PM – 8:00 PM. Unanimously carried.

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

WHEREAS, the Town Board of the Town of Alden is considering the adoption of a local law to regulate windmills (also known as wind energy conversion systems) in the Town of Alden to ensure the health, safety and general welfare of its residents;

WHEREAS, the Town wishes to regulate windmills in a manner that sufficiently balances the right to own and operate a windmill with the proper protections for the health, safety and general welfare of Town Residents;

WHEREAS, the Town Planning Board and the Town Board have spent many hours drafting the proposed Windmill Law, but now wish to utilize the talents of its citizens in finalizing the proposed law;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board hereby creates a temporary Windmill Citizen Advisory Committee to assist the Town in finalizing the windmill law;
2. The Citizen Advisory Committee shall meet, at the call of the Councilmen Weber, to make recommendations, offer comments, and to facilitate discussion on the draft windmill law and shall have no powers other than to recommend, comment, and facilitate discussion on the proposed Windmill Law;
3. The windmill Citizen Advisory Committee shall automatically dissolve upon the adoption of a Windmill Law by the Alden Town Board; or when dissolved by resolution of the Town Board in the event that a Windmill Law is not adopted by the Town;
4. The following persons are hereby appointed to the Windmill Citizen Advisory Committee;

Councilman Weber, Town Engineer Mike Metzger and three (3) persons who shall be selected by Councilman Weber who also shall sit on the Committee.

5. This resolution shall take effect immediately.

This resolution was duly put to roll call vote at a regular meeting of the Alden Town Board on October 15, 2007 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden is considering an application by Margarett Ryan for the subdivision of two (2) lots. The entire parcel currently consists of approximately 37+/- acres on Countyline and Henske Roads in the Town of Alden. The first proposed lot ("Parcel A") would be 200' x 1655' fronting on Countyline Road known as SBL #131.00-1-20.112; the second proposed lot ("Parcel B") would be the remainder of the parcel; further identified by SBL # 131.00-1-23 (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 has provided 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, and as such will notify other involved agencies of its desire to become the Lead Agency at the conclusion of the mandatory thirty (30) day waiting period as prescribed by 6NYCRR Part 617.
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 October 15, 2007 and was unanimously adopted.

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

WHEREAS, the Alden Town Board has noticed the need to update and revise the Town of Alden Comprehensive Master Plan and the need to make improvements to the drainage system at the Bonnie Lake Subdivision, for which Erie County Community Development Block Grant monies may be available.

WHEREAS, the Alden Town Board would like to utilize the monies available from the Erie County Community Development Block Grant program for the above listed projects.

WHEREAS, the Town Board held a public hearing on October 15, 2007, notice of which was properly posted and published.

Public comments were heard as follows:

Paul Loehr/Henskee Rd spoke in favor of the Master Plan
Keith Stone/Crittenden was opposed to acceptance of Fund and any Plan
Robert Woghlemuth/Genesee St also spoke in favor of the Master Plan

WHEREAS, the Town Board after full and careful review and consideration of the needs of the Town of Alden finds that it is in the public interest to seek the Grant monies for

(1) The purpose of updating and revising the Town of Alden Comprehensive Master Plan and/or

(2) To make improvements to the drainage system at the Bonnie Lake Subdivision.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board hereby authorizes Supervisor Ronald L. Smith to sign, submit, and execute Contracts and/or other necessary paperwork, to apply on behalf of the Town of Alden for the Erie County Community Development Block Grant monies for the above listed projects.
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on October 15, 2007 and was unanimously adopted.

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

WHEREAS, Ronald L. Smith, Budget Officer of the Town of Alden on September 28, 2007 duly filed the tentative budget of said Town for the fiscal year beginning January 1, 2008 with the Town Clerk of said Town; and

WHEREAS, the Town Clerk of the Town of Alden duly presented said Tentative budget to the Town Board on October 1, 2007;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the tentative budget is hereby approved as and shall become the Preliminary Budget of the Town of Alden for the fiscal year beginning January 1, 2008;
2. That said Preliminary Budget shall be filed in the Office of the Town Clerk of the Town of Alden, 3311 Wende Road, Alden, New York 14004 and be made available by her to the public for inspection during the regular business hours of the Town Clerk's Office;
3. That a Public Hearing on the Preliminary Budget of the Town of Alden for the year 2008 be held by the Alden Town Board at the Alden Town Hall, 3311 Wende Road, Alden, New York on November 5, 2007 at 7:45 P.M. Local Time;
4. That the necessary Notice of Public Hearing upon the Preliminary Budget, as required by Section 108 of the Town Law of the State of New York be published in the Alden Advertiser, the official newspaper of the Town of Alden, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof; and
5. This Resolution shall take effect immediately.

The adoption of the foregoing resolution was duly put to a vote on October 15, 2007 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 Board, on behalf of all Special Districts and Special Improvements Districts, upon which the cost of maintenance is required by law to be apportioned and assessed in proportion, to the amount of the benefits conferred has duly prepared detailed estimates in writing of the anticipated revenue and expenditures for such districts to determine the amount of money required to meet the expense of maintaining same; and

WHEREAS, the Town Board has assessed the amount of said estimates on several lots against which the expense of the Improvement was charged in proportion to the amount of benefit conferred; and

WHEREAS, Assessment Rolls were duly prepared according to law and said Assessment Rolls were duly filed in the Office of the Town Clerk.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That a Public Hearing is hereby called and shall be held on November 5, 2007 at 7:35 PM Local time, at the Town Hall, 3311 Wende Road, Alden New York, at which time and place this Town Board will meet to consider the aforementioned Special District

budget for the Year 2008 and to hear all persons interested in the subject matter thereof, and concerning the same;

2. That a Notice of said Public Hearing be published in the Alden Advertiser and posted on the Town of Alden Board which Notice shall be in the form attached hereto and made a part hereof; and

3. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on October 15, 2007 and was unanimously adopted.

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

WHEREAS, the Supervisor has asked the Town Board to consider amending the town Council Rules of Procedure, to change the time of the meeting time of the Town Board Regular Meetings and to change the Order of Business:

WHEREAS, the Town Clerk has asked the Town Board to consider amending the Town Regular meetings of the Alden Town Board shall be held at 7:00p.m.Council Rules of Procedure to amend the time for presentations to the Clerk,

WHEREAS, the Town Council Rules of Procedure at section 31, the Rules can be amended by four-fifths (4/5) vote of all Members of the Town Board, upon two weeks notice of the motion to amend the Rules, which notice shall contain the text of the change.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. Notice is hereby given that the Supervisor will on December 3, 2007, request the Town Board adopt a resolution to amend the Town Council Rules of Procedure effective January 1, 2007, as follows (the proposed changes being shown in bold face type).

§1. **REGULAR MEETINGS**

Regular meetings of the Alden Town Board shall be held at **7:00 p.m.** on the first and third Mondays of each month unless said first or third Monday is a legal holiday, in which events such regular meeting shall be held at **7:00 p.m.** on the following day. Each regular meeting and all adjourned sessions shall be open for consideration of any matter which, in accordance with the law and these rules, may be properly brought before the Town Board.

§6. **ORDER OF BUSINESS**

A. The order of Business of each meeting of the council shall be as follows:

- 1) **Pledge of Allegiance.**
- 2) **Calling the roll of Board Members by the Clerk.**
- 3) **Offer of the minutes and synopsis of the proceedings of previous Meetings.**
- 4) **Approval of Vouchers.**
- 5) **Business from the Floor**
- 6) **Presentation of communications from Board Members and other town officials.**
- 7) **New Business**

9) Unfinished and Tabled Business

9) Reports of committees, officials and personnel

10) Announcements from the Supervisor

11) Memorial Adjournment

§8. Time for presentations to the Clerk

All petitions, resolutions, offers, reports, motions (except incidental ones) and other items of business or communications of whatever nature shall be submitted to the town Clerk before **4:30 p.m. on Thursday** for presentation at the regular meeting on the following Monday, unless said **Thursday** is a legal holiday, in which event all matters shall be presented to the Town Clerk before **4:30 p.m. on Wednesday**. All matters presented to the clerk in accordance with this rule shall be included on the agenda for the ensuing meeting. The agenda for the ensuing meeting shall be prepared and available at the Town Hall not later than **12 noon on the last business day preceding the ensuing meeting**. The Town Board shall not consider nor act upon any matters which are not timely or scheduled on the agenda delivered to the Town Board members as aforesaid, except by unanimous consent by all members of the Board. This rule need not apply to special meetings, which are covered in § 2 and in § 62 of the Town Law of the State of New York.

2. This notice shall take effect immediately.

This resolution was duly put to roll call vote at a regular meeting on October 15, 2007 and was unanimously adopted.

THERE WAS NO UNFINISHED & TABLED BUSINESS

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

Supervisor Smith moved and Councilman Snyder seconded the Motion to set “Trick or Treat” night in the Town as October 31st from 6:00 PM to 8:00 PM. Unanimously carried.

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilwoman Riddoch reported that the Alden Recreation Advisory Committee met for the second time this year on Thursday of last week – many issues have been brought to our meetings and the committee is in agreement with projects that need addressing. This is an informal group with great ideas, all interlinking with each other.

Councilman Weber has been informed by the Highway Supt that they are working on culverts on some Roads before the bad weather sets in.

Attorney Strong reported the first Draft Intermunicipal Agreement for the Water District was circulated today; working with Rural Metro re the Contract; Stormwater Regulations to be on the Work Session/ received the final copy of the Periwinkle Map.

Councilman Snyder reported he is working on the Lights at the Town Hall; attend the Association of Towns Meeting – met the Supervisors Son-in-Law – discussion on all the distressed Building in Downtown Buffalo and also discussed the distribution of the 12.5 Million Dollars Sales Tax.

Councilwoman Cooke received a request for a Deep Sink in the Community Center.

Town Clerk Bycina requested that the Board Member who put items on the Work Session and have information of these items to please give copies to our Office so we have the information that will be discussed at these Meetings.

Councilman Snyder “Thanked” Engineer Metzger for reviewing the specs on the Emergency Generator and also Lenny Weglarski for taking care of the Meter Pit out in front of the Town Hall – the Water Authority was very pleased with their work.

Supervisor Smith referred to the Scope of Services for the Master Plan that he passed out last week – would like this to be on the Work Session.

Supervisor Smith adjourned the Meeting at 8:35 PM with a Minute’s silence in Memory of Edward Haniszewski.

DOROTHY L. BYCINA
TOWN CLERK