

MEETING NO. 23  
REGULAR NO 22

REGULAR MEETING

NOV. 21, 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, November 21, 2005 at 7:30 P.M.

PRESENT: Michael W. Cole, Deputy Supervisor  
James M. Lorenzi, Councilman  
Ronald L. Snyder, Councilman  
Arlene A. Cooke, Councilwoman  
RECORDING SECRETARY: Debra Crist, Deputy Town Clerk  
OTHERS PRESENT: Harry Milligan, Highway Supt  
Frank Trybuskiewicz, CEO  
Ralph P. Witt, Planning Board Chairman  
William Weber, Planning Board Member  
Jennifer Strong, Town Attorney  
ABSENT: Richard Savage, Supervisor

Deputy Supervisor Cole called the Regular Meeting to order at 7:30 PM. Councilman Lorenzi led in the Pledge of Allegiance. The roll call was taken by the Deputy Town Clerk.

Councilman Lorenzi moved and Councilwoman Cooke seconded the Motion to approve the Minute & Synopsis of the Regular Meeting of November 7, 2005. Unanimously carried.

THERE WAS NO BUSINESS FROM THE FLOOR

Deputy Supervisor Cole welcomed Alden Central School Students along with their Teacher Mr. Schmitt.

AT 7:45 PM DEPUTY SUPERVISOR COLE CALLED THE PUBLIC HEARING TO ORDER. THE DEPUTY TOWN CLERK READ THE NOTICE OF PUBLIC HEARING THAT WAS PUBLISHED IN THE ALDEN ADVERTISER. DEPUTY SUPERVISOR COLE EXPLAINED THE REASON FOR THIS PUBLIC HEARING AND AT THIS TIME THE FLOOR WAS OPENED FOR DISCUSSION.

The public hearing was held regarding the proposed application for a Home Occupancy Permit for Susan Tomporowski, 11230 Westwood Rd., Alden, New York to conduct a business of painting house portraits. Building Inspector Frank Trybuskiewicz stated he had inspected and found everything satisfactory. Susan Tomporowski was present for any questions. No public comment.

AFTER ALL THOSE WISHING TO BE HEARD WERE HEARD THE PUBLIC HEARING WAS CALLED TO A CLOSE AT 7:50 PM.

AT 8:00 PM DEPUTY SUPERVISOR COLE CALLED THE PUBLIC HEARING TO ORDER. THE DEPUTY TOWN CLERK READ THE NOTICE OF PUBLIC HEARING THAT WAS PUBLISHED IN THE ALDEN ADVERTISER. DEPUTY SUPERVISOR COLE EXPLAINED THE REASON FOR THE PUBLIC HEARING AND AT THIS TIME THE FLOOR WAS OPENED FOR DISCUSSION.

The public hearing was held for the purpose of declaring 1418 Two Rod Rd. to be dangerous, unsafe and a public nuisance. Building Inspector Frank Trybuskiewicz had pictures on hand of the property for inspection, also described his findings upon inspection. Attorney Jennifer Strong stated the Town is only interested in the Public Safety issue and the property will continued to be owned by Leonard Durnell, until taken over by the County for back taxes, etc. John Fisher, 1342 Two Rod Rd. would like to be notified if the property was to come up for sale, agreed that it is a eye sore, he was interested in the land. Mary Riddoch of 11231 Westwood Rd. was also present and stated this property was on her walking route and said it is very dilapidated.

AFTER ALL THOSE WISHING TO BE HEARD WERE HEARD THE PUBLIC HEARING WAS CALLED TO A CLOSE AT 8:05 PM.

## COMMUNICATIONS

Councilman Cole received letter from Clarence Buob reminding him of judging contest on the Voice of Democracy, which Mike attended on Nov. 19<sup>th</sup>. Communication from Eleanor White regarding Meals on Wheels, Letter from Donald Thompson of DOT regarding Reinhardt Rd. crossing , meeting was postponed, Letter of congratulations from Rural/Metro on winning Supervisor's seat, letter from John W. Greenan, Comm. Of Personnel County of Erie, Memo from Mike Metzger re Proposed Water District #5.

Councilman Lorenzi reported receiving information from the Chamber of Commerce on their monthly meeting.

Councilman Snyder reported received a letter from Dept. of Environmental Planning thanking him for all his participation this Summer in Recycling at Erie Community College.

Councilwoman Cooke received a letter from Robin McPeak who is the Emergency Coordinator for the Town of Lancaster – Councilwoman Cooke will be attending a meeting tomorrow about the Homeland Security Appropriations Bill, the Federal Gov. will be providing 30.8 Billion Dollars that will designated to areas to increase our Homeland Security.

Attorney Strong received a corrected survey from Alden School District re the gas line that will run through the Town Park, also happy to say we have signed fire contracts both with Millgrove and Alden.

Deputy Supervisor Cole reported that Supervisor Savage received request from Boy Scout Troop #117 requesting to use Rec. and gym for Christmas party, letter from Debbie Kirsch, Tompkins Ins. re Certificate Holders/Town of Alden, contract from Grantmakers/Sue Barnes, Resolution from Town of Newstead re/Erie County Comm. Dev. Block Grant Consortium, copy of letter Councilwoman Cooke sent to Dean Messing, copy of letter from Metzger Eng. To E.C. Dept. of Env. & Planning re WNY Stormwater Coalition, copy of Resolution from the Town of Concord re EC Comm. Dev. Block Grant Cons., memo from Metzger Eng. Re Proposed Water Dist. #5, copy of letter sent to FCC re Millgrove Fire Co., Certificate of Liability from Modern Disposal, Invitation to Alden High School's Grand Opening of the Library Media Center, letter from State of New York Office of Real Property Service/re update records, memo from Metzger regarding the Kuhn Subdivision, memo from Metzger regarding Ryan Subdivision, letter from New York Governing Board, Newsletter from E & M Engineers & Surveyors, PC, copy of Resolution from the Town of Elma re E.C. Comm. Dev. Block Grant Program, copy of Resolution from the Town of Clarence e re E.C. Comm. Dev. Block Grant Program..

## NEW BUSINESS

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to Grant Frank Trybuskiewicz/CEO permission to attend the Niagara Frontier Building Inspectors Annual Conference on January 30, 31 and February 1, 2006 at reasonable Town Expense. Unanimously carried. Councilman Lorenzi questioned about being shown what Frank T. will have learned at this conference and Councilwoman Cooke agreed if a synopsis of what is new in codes etc. could be given.

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 the application of Dennis Wagner for the minor subdivision of two (2) lots of vacant land. The parcel as it currently exists measures three hundred (300) feet by three hundred (300) feet. The first

proposed lot would be one-hundred fifty (150) feet by three hundred (300) feet and the second proposed lot would be one-hundred fifty (150) feet by three hundred (300) feet; all on Zoeller Road in the Town of Alden, further identified by SBL#96.00-2-25 (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 New York State Environmental Quality Review Act requires the Town to determine the Lead Agency status and the Lead Agency making a SEQR determination;

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;

WHEREAS, the Town of Alden Planning Board has reviewed the proposed Action and recommended to the Town Board the approval of the Proposed Action;

WHEREAS, a Wetland Investigation was conducted by Earth Dimension, Inc. on or about September 12, 2005, revealing the location of approximately 0.14 acres of wetlands on the property;

WHEREAS, pursuant to Law, the Town of Alden may assume and did assume on October 3, 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 or about October 4, 2005, and no comments have been received by the Town of Alden.

NOW, THEREFORE BE RESOLVED

1. 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.
2. That the subdivision of the two parcels, more specifically described below is hereby approved;

Parcel A

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 No. 45 Township 11, Range 5 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the center line of Zoeller Road distance 1954.86 feet southerly from the northerly line of said Lot. No. 4S as measured along said center line and along said center line extended northerly in a straight line; thence easterly and parallel with the north line of Lot No. 45 a distance of 300.00 feet; thence southerly and parallel with the center line of Zoeller Road 150.00 feet; thence westerly and parallel with the north line of Lot No. 45 a distance of 300.00 feet to the center line of Zoeller Road; thence northerly along the center line of Zoeller Road 150.00 feet to the point beginning, containing 1.033 acres of land more or less.

And Parcel B

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 No. 45, Township 11, Range 5 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the center line of Zoeller Road distant 1804.86 feet southerly from the northerly line of said Lot No. 45 as measured along said center line and along said center line extended northerly in a straight line; thence easterly and parallel with the north line of Lot No. 45 a distance of 300.00 feet; thence southerly and parallel with the center line of Zoeller Road 150.00 feet; thence westerly and parallel with the north line of Lot No. 45 a distance of 300.00 feet to the center line of Zoeller Road, thence northerly along the center line of Zoeller Road 150.00 feet to the point of beginning, containing 1.033 acres of land more or less.

3. This Resolution shall take effect immediately. The adoption of the foregoing Resolution was duly put to a vote on November 21, 2005 and was unanimously adopted.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to allow Boy Scout Troop 117 permission to use the Town Hall Cafeteria and Gym (no Kitchen area use) and No Floor Hockey or Hockey Sticks in Gym on December 13<sup>th</sup> from 7:00 PM – 9:00 PM for their Christmas Party. This permission for approximately 20 Scouts; 4 Leaders and 4 Chaperons – Town Clerk Bycina to advise Mr. Stotz; Councilman Cole will Open/Lock up. Unanimously carried. Councilwoman Cooke stated that she hoped that we could start to utilize the Cafeteria for various groups.

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

Whereas, pursuant to Section 2000-64(A) of the Alden Town Code Susan Tomporowski has filed an Application for a Home Occupation Permit to conduct a business of hand painting house portraits from her residence at 11230 Westwood Road (the "application");

WHEREAS, pursuant to Section 20-64(B) the Town of Alden Planning Board has; reviewed the Application; determined that the proposed home occupation meets the requirements and standards set forth at Section 20-63 of the Alden Town Code; and has recommended the approval of the Application to the Alden Town Board;

WHEREAS, the Alden Town Board, pursuant to Section 20-64 © the Alden Town Code has duly called a public hearing on the Application;

WHEREAS, notice of the Public Hearing was: properly published in the Alden Advertiser; was properly posted on the Town Bulletin Board; and was properly mailed to the adjacent property owners pursuant to Section 20-64 ( C ) of the Alden Town Code;

WHEREAS, the Alden Town Board held a Public Hearing on November 21, 2005 at 7:45 PM at which time all persons in favor of and all persons opposed to the Application were heard;

WHEREAS, the Alden Town Board agrees with the recommendation of the town of Alden Planning Board and finds it in the interests of the residents of the Town of Alden to approve the Application;

NOW, THEREFORE, BE IT RESOLVED;

1. That a Home Occupation Permit to allow Susan Tomporowski to conduct a business of hand painting house portraits from her residence at 11230 Westwood Road, Alden, New York be granted for a period of one (1) year;

2. This Resolution shall take immediately.

The Adoption of the foregoing resolution was duly put to a vote on November 21, 2005 and was unanimously adopted.

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

WHEREAS the Alden Town Board would like to renew its contract with Sue Barnes for Grant Writing Services;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS;

1. That the Town Board approves the renewal of its Contract with Sue Barnes for Grant Writing Services, said Contract to be in effect from 10/17/05 until 10/16/06, at an annual rate of \$15,000.00.
2. This resolution shall take effect immediately. The foregoing Resolution was duly put to a vote on November 21, 2005 and was unanimously adopted.

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

WHEREAS, the Town of Alden Building Inspector on October 21, 2005, made a report to the Alden Town Board that a house and shed both located at 1418 Two Rod Road are dangerous and unsafe as defined by Chapter 7A of the Alden Town Code; the buildings are so dilapidated, decayed, unsafe and unsanitary, that they utterly fail to provide the amenities essential to decent living so that they are unfit for human habitation;

WHEREAS, The Building Inspector has determined that the buildings: can not be reasonably repaired; are dangerous to the health, morals, safety and general welfare; and are more than 50% damaged, decayed and deteriorated from the original structure; and that said buildings are a public nuisance;

WHEREAS, The Building Inspector has properly notified the owner, mortgagees, and all other persons having an interest in said buildings that the buildings have been found to be dangerous, unsafe, and public nuisance and has given notice that the buildings must be repaired or demolished within thirty (30) days;

WHEREAS, the Alden Town Board pursuant to Chapter 7A of the Alden Town Code duly called a public hearing for November 21, 2005 at 8:00 pm ; notice of which was duly published in the Alden Advertiser; posted on the Town Bulletin Board and mailed to all persons/parties with an interest in the real property;

WHEREAS, pursuant to Section 7A-6(B) of the Alden Town Code the Alden Town Board held a public hearing on November 21, 2005, at 8:00 PM at which time all persons in favor of and all persons opposed to the declaration of the buildings at 1418 Two Rod Road as dangerous, unsafe and a public nuisance were heard; and

WHEREAS, THE Alden Town Board and the Town of Alden Building Inspector have complied with the requirements of Chapter 7A of the Alden Town Code.

NOW, THEREFORE, BE IT RESOLVED:

1. That the buildings located at 1418 Two Rod Road are dangerous and unsafe; the same being so dilapidated, decayed, unsafe and unsanitary, that they utterly fail to provide the amenities essential to decent living so that they are unfit for human habitation.
2. The Alden Town Board hereby Orders that any of the parties interested in the buildings located at 1418 Two Rod Road shall repair said buildings with ten (10) days hereof.
3. That shall the above Order not be complied with within ten (10) days the Buildings located at 1418 Two Rod Road shall be demolished (by controlled burn; demolition or

other means) by the Town of Alden, the costs of which shall be assessed to the owner of record.

4. That the Town Clerk is directed to mail a certified copy of this Resolution and Order shall be mailed to all parties having an interest in the property, posted on the Town Bulletin Board and to publish the Order in the Alden Advertiser.

5. That the Town Building Inspector is directed to post a copy of the Order at 1418 Two Rod Road.

6. This Resolution shall take effect immediately.

The adoption of the foregoing resolution was duly put to a vote on November 21, 2005 and was unanimously adopted.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilman Lorenzi had two calls on E. Laray and Lambert Drive re Drainage problems/discussed matter with Frank Trybuskiewicz., a call from Broadway on collapsed culverts/property owners responsibility.

Councilman Snyder had nothing to report.

Councilwoman Cooke asked Frank Trybuskiewicz status of Tower for Millgrove Fireman and if we are helping them out/Cole reported on letter sent to FCC from Town/ Ralph Witt reported talked to Millgrove also regarding this matter, Councilwoman Cooke attended the Senior Citizen's Thanksgiving Luncheon at the Whistle Stop/ D. Moultrup talked to her about the availability of Supervisor & Board Members for Christmas in the Park on Dec. 4<sup>th</sup> @1:00 to dedicate the Schoolhouse.

Ralph Witt, Tax Receiver questioned status of Durnell Property re back taxes, Attorney Strong stated that the County will probably start foreclosure proceedings for back taxes.

Deputy Supervisor Cole requested the following items be placed on the Work Session: Millgrove Fire Communication Tower, Fire Contract Negotiations, Information Grant, Winterfest request, Water District #5, Meals on Wheels Contract.

Deputy Supervisor Cole adjourned the Meeting at 8:20 PM. with a Minute's silence in Memory of Dr. Richard Gilbert and Daniel Garigen.

DEBRA CRIST  
DEPUTY TOWN CLERK