

MEETING NO. 26
REGULAR NO. 24

REGULAR BOARD MEETING

DEC. 17, 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, December 17, 2007 at 7:30 P.M. Supervisor Smith called the Meeting to Order. Councilman Snyder led in the Pledge of Allegiance. The Invocation was given by Mr. Paul Loehr. 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
Martin Dugan, CEO
John Zoratti, Planning Board Member
Michael Metzger, Town Engineer

Councilman Snyder moved and Councilwoman Riddoch seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of December 3, 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"	7,779.92		7,779.92
Highway Fund "DA/DB"	9,990.54		9,990.54
Part Town Fund "b"	2,160.33		2,160.33
Water Dist #2 Fund "WB"	375.20		375.20
Water Dist #3 Fund "WC"	2,063.60		2,063.60
Water Dist #4 Fund "WD"	1,299.80		1,299.80
Special Fire Prot "SF"	159.18		159.18
Sewer Dist #2 Fund "SA"	2,939.76		2,939.76
Trust & Agcy Fund "T"	1,850.96		1,850.86
Special Refuse Fund "SR"	27,964.85		27,964.85
Street Lighting Fund "SL"	4,894.09		4,894.85
TOTAL	61,478.23		61,478.23

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

Supervisor Smith "Welcomed" the Students from Alden Central School

BUSINESS FROM THE FLOOR

Mat Herdzyk/287 S Woodside questioned the WD#3 Bond – since this is paid off, is there a charge on our Taxes for this District. Supervisor Smith replied that they will still pay for the Hydrant Fee.

James Guarino/North Road wanted to know who is responsible for the Snow on the roads that is plowed across the roads by private individuals. Attorney Strong said this is not the Town's responsibility and that the Sheriff's should be notified.

He also stated again his dissatisfaction with the Board re the Right-to-Farm Law. He said that he will continue to bring this to the Board's attention. He also commented on the previous Planning Board Meeting re the time allowed for Public Input. Attorney Strong stated that the rule is the Public is allowed to attend these Meetings but they do not have to let the Public comment. Planning Board Member-John Zoratti confirmed this.

Paul Loehr/Henske Rd stated that he thinks we are not acknowledging that sprawl is on our door step and that the few farmers we do have need some reasonable moxie or protection.

Supervisor Smith added that the Town is not unwilling to adopt Laws that would protect the farmers and that the Laws that the Planning Board looked at are identical to the County's. He stated that no one is questioning the Right-to-Farm Laws but rather the advantages of having a local law that looks just like the County Law.

Town Engineer Metzger said the recommendation is that we do not pursue this at this time but rather at a later date since this is almost exactly redundant to the County Law.

Gerald Aldinger/Cary Road talked about a Conservation Advisory Board.

COUNCILMAN WEBER MOVED AND COUNCILWOMAN RIDDOCH SECONDED THE MOTION TO ENTER INTO THE PUBLIC HEARING re PERIWINKLE LIGHTING. THE TOWN CLERK READ THE PUBLIC HEARING NOTICE THAT WAS PUBLISHED IN THE ALDEN ADVERTISER.

Town Engineer Metzger stated that there are thirty-six single Residential Family Homes in this area. There are twelve decorative lights. The residents will be paying the regular Street Lighting Fee but they also will be paying for these Decorative Lights that will be part of their Tax.

Robert Wohlgemuth/Genesee St. requested his following E-Mail letter be made a part of this Public Hearing.

“The cost to the Town taxpayers on this subdivision lighting district is a clear example of how development in this town is not a benefit to the taxpayers. This lighting district cost should be on the burden of the developer, not the taxpayer. As the developer should burden the cost of sewers, water lines, sidewalks, roadway, traffic control, etc at no expense to the taxpayer.

If this lighting is a requirement by the Town of Alden, proper site plan evaluation should have identified this lighting need and required the developer to install upon the approval of this subdivision.

NO COST for the build out of this development should be at taxpayer's expense.

This letter is being sent as attendance at this public hearing is not possible”

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to call the Public Hearing to a close at 8:10 PM. Unanimously carried.

COMMUNICATONS

Councilwoman Riddoch received a call from Mark Cassel – he will E-mail an application from Parks & Trails of New York-it's an opportunity to acquire some help with Trail Planning and Technical Assistance for Communities. She also received in the mail another Communications from ASCAP.

Councilman Weber received two phone calls from residents on Cayuga Creek re the Proposed Water Dist #5 – both are in favor of the District and want water ASAP. The Supervisor stated he had a conversation with Assemblyman Cole and he has pledged his help with the Water District along with Senator Volker.

Attorney Strong received today the revised language re the Rural Metro Contract.

Councilman Snyder reported he will be going over the following with the CEO re a letter from the DEC/SD#2 and the new By Laws from the International Code Council.

Supervisor Smith reported the Nov. 13th Town Planning Board Minutes; copy of the Nov 2007 Rural Metro Monthly Response Report; the approved Village Board Minutes of Nov. 15th; copy of Agenda for the Dec. 11th Town Planning Board; a FAX from Robert Reynolds re Right to Farm Law and letter from the Village re Alden Winter fest – to be placed on the Work Session.

NEW BUSINESS

Councilwoman Riddich moved and Councilman Weber seconded the Motion to renew the HOP for Dennis Davern/35 Exchange St. Unanimously carried.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to renew the HOP for Mark Moore/12328 Westwood Road. Unanimously carried.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to renew the HOP for Marie Paone/916 Three Rod Road. Unanimously carried.

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 ("Town Board") is considering an application by Raymond L. and Sharon Weber Francis for the minor subdivision of two (2) lots. The entire parcel currently consists of approximately 42 +/- acres on Reinhardt Road in the Town of Alden (currently identified by SBL #96.00-6-11.1). The first proposed lot ("Parcel A") would be 1.84 acres, the seconded proposed lot ("Parcel B") would be the remainder of the parcel (The "Proposed Action");

WHJEREAS, 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 or about November 28, 2007, for this Proposed Action, as required under Section 239-m of the General Municipal Law and a "no recommendation" was received by the Town Board on November 30, 2007;

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, the Town of Alden did assume Lead Agency Status on December 3, 2007;

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 Office;

WHEEAS, the Town of Alden Planning Board has reviewed the Proposed Action and on November 13, 2007, recommended to the Town Board the approval of the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board, as Lead Agency, has determined that the Proposed Action is an Unlisted Action under SEQRA.

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:

Schedule A
(Francis to Francis)

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. 33, Township 11, Range 5 of the Holland Land Company's Survey, Bounded and described as follows:

Beginning at a point on the center line of Reinhardt Road distance 458.74 feet westerly from the east line of Lot 33 as measured along said center line;

Thence westerly, along the center line of Reinhardt Road, a distance of 33.12 feet to the east line of lands deeded to Wilhelmine Wende by deed recorded in Liber 2093 of Deeds at page 455;

Thence northerly, along the east line of lands of Wende aforesaid, also parallel with the east line of Lot 33, a distance of 253.85 feet;

Thence easterly, parallel to the center line of Reinhardt Road, 371.08 feet;

Thence southerly, along a line making a right angle with the center line of Reinhardt Road and also along the west line of lands conveyed by Clarence W. Weber and Loretta Weber to Raymond Francis and Sharon D. Francis by deed recorded in Liber 7186 of deeds at page 195 in the Office of the Erie County Clerk, a distance of 251.00 feet to the center line of Reinhardt Road at the point of beginning;

Is given subdivision approval.

2. 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 December 17, 2007 and was unanimously adopted.

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

WHEREAS, The Town of Alden Highway Superintendent has advised the Town Board that the Highway Department is in need of a new 10 wheeler cab and chassis to assist in plowing snow in the Town of Alden;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden requires that all estimated purchases over \$20,000.00 shall be formally bid pursuant to General Municipal Law section 103;

WHEREAS, the Town Board after full and careful review and consideration authorized the receipts of bids and did properly received and open bids;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That all sealed bids received and opened December 7, 2007, for the purchase of a 10 wheeler cab and chassis are hereby ejected.
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on December 17, 2007 and was unanimously adopted.

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

WHEREAS, the Town of Alden Highway Superintendent has advised the Town Board that the Highway Department is in need of a new 10 wheeler cab and chassis to assist in plowing snow in the Town of Alden;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden require that all estimate purchases over \$20,000 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 for a new 10 wheeler cab and chassis 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 than five (5) days prior to Friday, January 11, 2008 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 Friday, January 11, 2008. All bids must contain the Non-collusive Bidding Certification.
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on December 17, 2007 and was unanimously adopted.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to renew the Junkyard License Permit for Alden Trucks Ltd/2731 Townline Rd. 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 the services of a grant writer to assist the Town and its residents in applying for grant monies for various projects in the Town of Alden;

WHEREAS, grant writing is a professional, unique and specialized skill that will benefit the residents of the Town of Alden; and

WHEREAS, the Alden Town Board given its past work relationship with Grantmakers Advantage, Inc., would like to contract with Grantmakers Advantage, Inc. for Grant Writing Services for the Town of Alden;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the attached Contract with Grantmakers Advantage, Inc. for grant writing services for the Town of Alden for the period of January 1, 2008 until December 31, 2008; at an annual rate of \$16,858.00.
2. The Supervisor of the Town of Alden is hereby authorized to execute all necessary paperwork to effectuate the Contract.
3. This resolution all take effect immediately.

The foregoing Resolution was duly put to a vote on December 17, 2007 and was unanimously adopted.

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 transfer \$1,000.00 from A7140.417 to A7140.424. Unanimously carried.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilwoman Riddoch will be calling the Facility re the Light that is out at Wende.

Town Attorney Strong requested the Highway Agreement be placed on the Work Session.

Councilman Snyder has been working on SD#2.

Town Engineer Metzger is getting a proposal for a Generator for the Town Hall – he will be meeting this Wednesday with Councilman Snyder.

Supervisor Smith “Welcomed” Martin Dugan/Building Inspector to his first Meeting.

Supervisor Smith reported that the Senior Van is out of service but We Care has been contacted to pickup the Seniors. He “Thanked” the Town Clerk for coordinating the Christmas Party. He also “Thanked” the Board for their work this past year and wished everyone a Merry Christmas.

Supervisor Smith adjourned the Meeting at 8:35 PM with a Minute’s silence in Memory of Harriet Schimmel and Beverly Anstett.

DOROTHY L. BYCINA
ALDEN TOWN CLERK