

MEETING NO. 4  
REGULAR NO. 4

REGULAR MEETING

FEB. 22, 2005  
7:30 P.M.

The Regular Meeting of the Alden Town Board was held in the Town Hall 3311 Wende Road on Tuesday, February 22, 2005 at 7:30 P.M.

PRESENT: Richard A. Savage, Supervisor  
James Lorenzi, Councilman  
Ronald L. Snyder, Councilman  
RECORDING SECRETARY: Mary Riddoch, Deputy Town Clerk  
OTHERS PRESENT: Harry F. Milligan, Highway Supt.  
Jennifer Strong, Town Attorney  
Ralph P. Witt, Planning Board Chairman  
ABSENT: Michael W. Cole, Councilman  
Arlene A. Cooke, Councilwoman

Supervisor Savage called the Regular Meeting to order. Councilman Snyder led in the Pledge of Allegiance. The roll was taken by the Deputy Town Clerk.

Councilman Lorenzi moved and Councilman Snyder seconded the Motion to approval the Minute's of February 7, 2005. Unanimously carried.

Supervisor Savage welcomed a student from Alden Central High School.

Matthew Herdzik/287 S. Woodside asked the Board if any progress was being made on bringing new businesses to the former Alden Plaza. The Supervisor told Mr. Herdzik that contacts have been made. He wanted to know if Wal Mart had been contacted, the Supervisor said they had.

#### COMMUNICATIONS

Town Attorney Strong reported on the abandon vehicle that the Town of Alden now has. The attempt to re title vehicle was rejected because of a defective VIN number. Attorney Strong double checked on the baseball player injury and reported that the insurance company is investigating.

Supervisor Savage reported on request from Adecco to use the Town Hall for recruitment; will be put on work session; letter from EC Environmental Management Council re Energy Achievement Award; proposal from Vantage Equipment for delivery of a Gradall; notice from Highway Supt. Milligan re attendance at an equipment show, out of town; copy of February's planning board minutes; revised copy of resolution for Sitzman's; notice of workshop re purchase of development rights; bid for vibratory roller from Baschmann Services; new Medicare rates for uninsured residents from Rural Metro; notice from NYSEG re live-line demonstration program; franchise fee check from Time Warner; letter from Selective Ins. re notice of increased premium on conditional renewal; copy of letter sent to Fox & Co. from Attorney Neill & Strong re audit of Town of Alden Departments and N.E.S.T. letter re the annual recycling report.

NEW BUSINESS

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

WHEREAS, the Town of Alden Highway Superintendent has advised the Town Board that the Department is in need of a Vibratory Roller the estimated cost of which is more than \$10,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden and the General Municipal Law state that the Town must accept formal bids pursuant to General Municipal Law Section 103;

WHEREAS, said Procurement Policy & Procedure Guidelines and General Municipal Law have been followed and bids have been properly received;

WHEREAS, The Town Board after full and careful review and consideration of the request finds that it is in the public interest to authorize said purchase;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the purchase of one Vibratory Roller from Baschmann Services, Inc. for \$18,324.00 as being consistent with its policies and in the interest 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 February 22, 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 Town Board of the Town of Alden is considering an application, under Chapter 19D of the Town of Alden Code, of SBA Network Services, Inc., as agent for Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless (the "Applicant"), for the construction of a 150 foot monopole telecommunication tower, an 11 foot x 20 foot prefabricated equipment shelter and generator within a 20 foot by 50 foot fenced compound on the real property commonly known as 644 Exchange Street, Alden, New York and further identified by SBL 119.00-4-6 (the "Proposed Action"). The real property is currently owned by Linda Herter, and the relevant portion thereof is leased by the Applicant.

WHEREAS, the Town Board of the Town of Alden 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 of Board of the Town of Alden believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to site plan review; 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 of Alden has provided notice to the Erie County Division of Planning, on July 20, 2004, for this site plan review as required under Section 239-m of the General Municipal Law;

WHEREAS, the New York State Environmental Quality Review Act requires the Town of Alden 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 Long Environmental Assessment Form, which is now on file with the Town Board and the Town's SEQR Intake Officer, Frank A. Trybuskiewicz;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA and that a proper coordinated review has been conducted.
2. The Town Board has determined, and the Erie County Division of Planning has concurred, that the Town of Alden should be the Lead Agency for all environmental review of the site plan application.

3. 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.

4. The Town Board of Alden, finds the Proposed Action is consistent with the Town Code and approves the site plan and hereby grants a special use permit to the Applicant and also hereby waives the asphalt or concrete paving requirements for the driveway and parking area for the Applicant for the Proposed Action, as in the opinion of the Town Board the general public will not be using the driveway and parking area and therefore will not be affected by or subject to the view of the driveway and parking area.

5. This Resolution shall take effect immediately but is contingent upon the Applicant furnishing the Town of Alden with a removal bond in an amount no less than \$50,000.00 and is also contingent upon the determination of the Town Building Inspector that the Proposed Action meets the State of New York Building Code.

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 February 22, 2005 and was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Alden is considering an application, under § 20-11(H) of the Town of Alden Code, of Sitzman's Appliance Center, Inc., (the "Applicant") for the construction of a new commercial building which will accommodate a household appliance store and a laundry facility. The project will involve the demolition of the current structures (more specifically one house and three out buildings) on the property commonly known as 12812 Broadway, Alden, New York and further identified by SBL # 119.00-1-17 (the "Proposed Action");

WHEREAS, the Town Board of the Town of Alden 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 of Board of the Town of Alden believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to site plan review; 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 of Alden has provided notice to Erie County Planning, New York State Department of Environmental Conservation, and New York State Department of Transportation, on December 8, 2004, for this site plan review as required under Section 239-m of the General Municipal Law;

WHEREAS, the New York State Environmental Quality Review Act requires the Town of Alden 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 Long Environmental Assessment Form, which is now on file with the Town Board and the Town's SEQR Intake Officer, Frank A. Trybuskiewicz;

WHEREAS, the Village of Alden, on January 27, 2005, approved the connection of the new building, at the out-of-district rate, to the Village Sewer System; and

WHEREAS, the Applicant has requested that the paving be completed in two phases, as shown on the site plan on file with the Building Inspector.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA and that a proper coordinated review has been conducted.
2. The Town Board has determined, and the New York State Department of Environmental Conservation and State of New York Department of Transportation have concurred, that the Town of Alden should be the lead agency for all environmental review of the Proposed Action.
3. 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.
4. That the Town Board of the Alden finds that the Proposed Action is consistent with the Town Code and approves the site plan and also hereby waives for a period of two (2) years (or until February 22, 2007) the concrete or asphalt paving requirements for the area designated as "Driveway Paving Phase 2" on the site plan; as in the opinion of the Town Board the general public will not be using "Driveway Paving Phase 2" and therefore will not be affected by or subject to the view of "Driveway Paving Phase 2").
5. This Resolution shall take effect immediately and is contingent upon Sitzman's Home Appliance Center, Inc. meeting all of the requirements of the Town Engineer and of the Town Building Inspector once the final site plan has been submitted and reviewed.

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 February 22, 2005 was unanimously adopted.

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

WHEREAS, the Town Of Alden Highway Superintendent has advised the Town Board that the Department is in need of a Gradall Machine the estimated coat of which is more than \$10,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden and the General Municipal Law state that the Town must accept formal bids pursuant to General Municipal Law Section 103;

WHEREAS, said Procurement Policy & Procedure Guidelines and General Municipal Law have been followed and bids have been properly received;

WHEREAS, the Town currently owns a 1990 Gradall G3WD that no longer meets the needs of the Town;

WHEREAS, The Town Board after full and careful review and consideration of the request finds said request in the public interest to authorize said purchase and trade-in of the 1990 Gradall;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board hereby determines that the 1990 Gradall is no longer needed for Town purposes and is surplus equipment;
2. The Town Board approves the purchase of one Gradall XL3100 from Vantage Equipment for \$184,000.00 (including the trade-in of the 1990 Gradall for \$35,235.00) as being consistent with its policies and in the interest of the residents of the Town of Alden;
- 3 That the Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase; and
- 4 This resolution shall take effect immediately. The foregoing Resolution was duly put to a vote on February 22, 2005 and was unanimously adopted.

#### REPORTS FROM STANDING COMMITTEES AND PERSONNEL

Councilmember Snyder reported that he is looking into the motion detector in the Tax Receiver office.

Supervisor Savage put on the work session for February 28, Adecco's request, Water District #5, Edward Smith requester Little League Baseball, out of district sewer and Town Land sale.

Supervisor Savage adjourned the meeting at 8:15 PM with a minute's silence in memory of Genevieve Walczak, Eleanor Green, Daniel Koszuta and Josephine Nati.

MARY RIDDOCH  
DEPUTY TOWN CLERK

