

**MEETING NO. 2
REGULAR NO. 2**

**REGULAR BOARD MEETING
TOWN OF ALDEN**

**JAN. 19, 2010
7:00 PM**

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Tuesday, January 19, 2010 at 7:00 PM. Supervisor Smith called the meeting to Order. Councilwoman Riddoch led in the Pledge of Allegiance. The Invocation was given by Mr. Paul Loehr. The roll call was taken by the Deputy Town Clerk.

PRESENT: Ronald Smith, Supervisor
Mary Riddoch, Councilwoman
William Weber, Councilman
Ronald Snyder, Councilman
Arlene Cooke, Councilwoman

RECORDING SECRETARY: Debra A. Crist, Deputy Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney
Martin Dugan, CEO
Carl Fix, Hwy. Supt.
Michael Metzger, Town Engineer
Gary Wagner, Planning Board
Ralph Witt, Comprehensive Plan Committee
Colleen Roger, Comprehensive Plan Committee
Wendy Salvati, Wendel Duchscherer
Len Weglarski, DCO

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of January 4, 2010. 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"	14,221.90		14,221.90
HGHWY FUND "DA/DB"	33,940.69		33,940.69
PART-TOWN FUND "B"	2,310.73		2,310.73
WD#2 FUND "WB"			
WD#3 FUND "WC"			
WD#4 FUND "WD"			
SP FIRE PROT. "SF"	33,281.78		33,281.78
SD#2 FUND "SA"	1,972.56		1,972.56
TRUST/AGCY FUND "T"			
SP REFUSE FUND "SR"	37,171.01		37,171.01
STREET LIGHTING FUND "SL"	8,332.77		8,332.77
PERIWINKLE LTG. "SL1"	53.81		53.81
GRANTS			
TOTALS	\$131,285.25		\$131,285.25

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

BUSINESS FROM THE FLOOR

James Guarino/North Rd. attended a meeting in Pembroke about the Tonawanda Creek Water Shed. Ellicott Creek is part of the Water Shed. They would like input from Erie County. The next meeting is on January 27, 2010 at the Corfu Fire Hall. Councilman Weber said there also was a meeting last Saturday in Marilla about the Cayuga Creek Water Shed.

Eleanor White/Alternative Care, Meals on Wheels thanked the Board for their assistance with the contract last year for Meals on Wheels. She also wanted to express her

disappointment at voting time for the Downsizing of the Town Board. She feels the Town is large enough to have five Board members. Eleanor also presented the Board with a yearly report on Meals on Wheels for Alden/Alden School district residents. She hoped that Meals on Wheels would be included in the budget for 2010. The population in Alden is aging and the request for meals is unbelievable. Eighty different people were served throughout the year and new requests are being received. This program enables the aging to remain in their own home and not have to go to nursing homes. Supervisor Smith thanked Mrs. White on behalf of the Board for the work of her agency and Town Attorney Jennifer Strong will be in touch with her with regards to another contract for 2010.

COUNCILWOMAN RIDDOCH MOVED AND COUNCILMAN WEBER SECONDED THE MOTION TO ENTER INTO THE 7:05 PM PUBLIC HEARING RE THE PROPOSED COMPREHENSIVE PLAN. UNANANIMOUSLY CARRIED.

SUPERVISOR SMITH CALLED FOR THE DEPUTY TOWN CLERK TO READ THE PUBLIC HEARING NOTICE THAT WAS PUBLISHED IN THE ALDEN ADVERTISER.

Wendy Salvati, Project Manager from Wendel Duchscherer gave a presentation before the meeting was opened up for comment.

PUBLIC COMMENTS:

Eric Chaffee/Cayuga Creek Rd. wrote a letter and wanted it entered into the official proceedings of the project, therefore the letter is entered as follows:

From: Eric Chaffee [mailto:2EricC@rochester.rr.com]
Sent: Tue 1/19/2010 9:23 PM
To: Lee; Save Alden; Andrew Reilly; Wendy Salvati; Ron Smith; Smith, Ronald
Subject: FYI: ALDEN MASTER PLAN CRITIQUE, 1/19/2010

I've written a love letter to Alden. Now, not all love letters are sweet; but they should always be true. So I hope you can detect how much I care for this town. Yes, sometimes what is needed is tough love. I've gone to the trouble of writing out my observations so that, after I read them to you, I can handoff my written remarks to the planning consultants, asking that they been entered into the official proceedings of this project. Here goes:

DEAR NEIGHBORS: I'm an idealist. I had very high hopes when we embarked on this effort to update Alden's Masterplan. I thought, 'what better way could there be to discover the ideal configuration for a community, than to engage in a community-wide discussion of what Alden should become?' Well, I've now read the entire draft plan, and if I were to give this project a letter grade, in its present form, I would have to give it a D — for Deeply Disappointing.

Some might charge "sour grapes" or mere negativity on my part. (FULL DISCLOSURE: I had submitted an application volunteering to be on the masterplan committee, but was not chosen, even though I have excellent credentials for such a project, having owned a small commerical business for over 25 years; I also have a degree in design; I own an organic farm in Alden; and I studied in a graduate program at Harvard. But an insider at town hall told me that the mere mention of my name there "raises hairs on the back of necks." I'm deeply sorry that this is the way some neighbors view my civic contributions. But my daily prayer remains simply this: "to be a blessing to my neighbors, today." Some folks may not appreciate the

way I confront tough issues, but I remain dedicated to the observation, that 'those who love truth are destined to agree.' (Yet this platitude doesn't make it any easier to arrive at truth; it takes much courage, and relentless effort.)

So, why am I so disappointed in this plan? For starters, I would characterize the plan to be about as toothless as an old hound dog. Simply put, there are too many weasel words in this document which will enable the town board to duck whenever it chooses, enforcing selectively, or not at all. Frankly, we should all feel insulted by this word play. Everything is linguistics. A more straight-forward approach would bind officials by providing them with clear direction. This document is intended to be a set of instructions written by citizens, for the guidance of our chosen leaders. It should not be vague; it should have real teeth! There should be little doubt about the public will expressed therein.

One of the major failings of this present effort is the way it has constrained public input at the actual work sessions of the committee. The public is allowed to observe the proceedings, but cannot make any comments whatsoever. I attended several of these work sessions as an observer. I finally got so frustrated at some of the ridiculous assertions which were being made — unchallenged by anyone — that I simply quit attending. (Friends, truth is not established by mere assertion! And to leave stupid statements unchallenged implies assent, agreement.) **THE PUBLIC SHOULD HAVE BEEN ALLOWED A BRIEF PERIOD AT THE END OF EACH OF THESE SESSIONS TO CRITIQUE THE ISSUES RAISED.**

Therefore, I now assert that this has NOT been a community-wide conversation, as the draft document purports. Rather, it is the work product of the good old boys, "controlling the ball" as usual. They have been insulated in their work sessions, to decide as they please, without being subject to public purview, rebuttal, or cross-examination, at the end of each session. This is simply wrong. As a result, this plan is a carefully managed document intending to shape this community as certain controlling interests wish it to be shaped. Simply put, the public has been excluded from much of the decision making process. This is contrary to what we were invited to believe at the outset, and it is contrary to law.

Let's consider the issue of town-wide water, for example. A year ago, the town board tried to bring municipal water to the entire balance of the town. That issue was defeated at the polls last spring. But this draft plan, now before us, reveals that the effort is surfacing again, with all the might and financing of our own tax dollars being used against the majority who recently voted to defeat this same issue. And now, it is being justified, underwritten, and inserted into the Masterplan, as though it were the will of the people! Here's some of the language: (Section 4, p.6 item #1) "If water improvement area #5 is approved, the Town will need to institute waterline lateral restrictions to control growth and ease development pressure on rural lands, especially within the Agricultural Districts."

Rubbish! LAWN COURT subdivision supposedly had such protections in place for adjacent farmland, but those restrictions were utterly ignored once a developer bought the land for PERIWINKLE subdivision, across the road from Lawn Court. As a result Alden allowed basements to be planted on 50 more acres of some of the best farmland in the region. So much for Ag protection and lateral restriction! America is devouring 2000 acres per day of prime farmland. Once it's gone, where will America grow our grand children's food?

And then there is the hypocrisy of lecturing the citizens (Section 5, p.17, E3) on how to manage our septic systems, when the corporate entity known as The Town of Alden is the biggest polluter in town. According to an interactive map online at the NYTimes, Town of Alden, as of August 2008, had been cited by the EPA for a total of 33 violations, mostly for illegal effluent discharges, since 2004; but there were ZERO enforcement actions against this polluter, and ZERO fines. So, the planners are yet again trying to persuade citizens to tax themselves for the great service of drinking water from that same source, Lake Erie, where the town's effluent empties. For the record, Erie County Sewer District Waste Water Treatment Plant is also a violator, with 7 citations in two years, along with several major industrial polluters. As you go upstream, the number of violations becomes alarming. Think of the nastiness between here and Milwaukee! Yet this plan now before us would justify bringing this severely polluted resource into Alden's homes.

But water and septic issues aren't the biggest failings in this document. Completely absent is the duty of such a plan to anticipate the arrival of big box stores. A few years ago citizens turned out in droves, monthly, for about 18 months, to lobby the Town Board to restrain the arrival of a big box store which was being urged by a developer seeking a zoning variance. Going forward we will continue to remain vulnerable to such monster projects, because this present plan totally fails to manage excessive growth. The plan simply instructs the Town Board "to consider the size" of such stores. How lame is that? "Consider the size!"

One thing this document does get very right is the putting on record of the strong desire of residents to KEEP ALDEN RURAL. (However, one prominent member of the committee attempted to exclude such language from the document, saying preference for ruralness was so obvious that it didn't even need to be written into the plan! To the credit of our consultants, that manipulative tactic was rejected.) Yet the draft document contains no restrictions whatsoever to limit retail scale, which is a sure impacter of ruralness. There is obviously a deep gap between the public's preference for remaining rural, and the leanings of the louder voices on the committee. Indeed, some committee members may see excluding a big box restriction from the plan as a victory for their position. But absent reasonable big-box limits, Alden will eventually come to look like Cheektowaga. This is contrary to public sentiment. And if this language is allowed to remain, we have mostly wasted our money on this plan.

The yeomen farmers of ancient Athens were small holders when it came

to land ownership. Yet they were able to prevail over the rich aristocrats in town by banding together in something which came to be called 'democracy.' Our founding fathers here in America studied the workings of this concept and replicated it to create the most powerful nation on Earth. But this idea depends on the alertness of individual citizens banding together to instruct their leaders how to lead, rather than merely allowing ourselves to be led. As an idealist myself, I daily invite the words of Rabbi Jesus to lead me. He said: "Where your treasure is, there will your heart be also." Where is my heartfelt treasure regarding Alden? It is in finding what is best for the entire group, rather than what is in the best financial interest of a tiny, but powerful segment of the group. What do I really want Alden to look like in the years to come? Well, it isn't articulated yet in this plan — certainly not as well as it should be. I want our leaders to do better than what we've seen in this document thus far. We need to hand their work back to them for revision.

I sincerely want to thank all those on the committee for caring enough to serve. I'm convinced that this project can still be salvaged. And I guess I should thank the town board for not putting me on the master plan review committee, for it is surely easier to be a critic than an author. But I do hope those on the committee receive my remarks in the spirit in which they have been made. Jesus cared deeply about his community, and got executed by it, for loving too much. I hope that won't happen to me. In closing, I must say that I value the duty and opportunity to speak out in a community where democracy yet prevails. And I trust that those on the committee will recognize that we are not about to let democracy deteriorate here in Alden. Thank you all.

Respectfully submitted by Eric Chaffee, 441 Cayuga Creek Road,
Alden New York

Jim Guarino/North Rd. said that the Master Plan answers questions about how much farm land there is in Alden. 54% of the Town is agricultural land. He felt that if it is not adopted the Plan will not work at all and if it is, there is only voluntary enforcement of zoning, it says the Town "should", nothing says it really will limit development to follow the will of the people which was mentioned many times, "to keep Alden rural". Jim thanked the committee for putting in about keeping Alden rural. Hopes that the people serving on the Town Board and those who serve after follow the will of the people. Referred to Periwinkle subdivision.

Paul Loehr/Henskee Rd. brought up that the Town of Amherst had adopted the Master Plan for the Town and now the new administration is seeking to uproot that Plan and pull it back.

Robert Wohlgemuth/Alden, N.Y. said that a Plan should be like a plan to build his house it specifies what needs to be used, so there is no ambiguity as to what is to be done. Questioned the goal that the Plan says to preserve and promote the rural character, and another goal encourages development and activity throughout the Town, they don't coincide. There is no zoning map in the Plan. The zoning needs to comply with the Plan and does not. Interpretation could be different on the meaning of the Plan. Referred to Amherst changing their Plan because of too many lawsuits. He requested the EAF and does not have a completed copy, making him unable to give public input. He does not think it is a good Plan to adopt, needs to be reworked.

Wendy Salvati reiterated that a copy of the Plan is a guidance document. What makes the Plan work are the actions that you take after you accept or adopt it. If the Town does not generate some kind of economic activity, it will not grow and prosper and struggle with taxes. There needs to be some commercial growth to go along with residential growth. They need to keep a Master Plan Committee and need to keep the Plan active to achieve the vision.

Wynnie Fisher/Alden commented on section in the Plan re Site Plan approval that there needs to be an agricultural form completed if it is within 500' of an agricultural district. Eng. Metzger explained this is a standard form. She knew of a previous site plan that did not include this and could you go back to have them comply? Can not go back, need to go forward. Wynnie felt that it did need to be addressed.

Tom Weisbeck/11452 Broadway questioned what about the existing residents that live along Main St. Broadway and Sandridge Rd./Two Rod? There is talk of a mixed commercial development in those sections, will they be displaced to encourage further commercial development. Spoke on viable farm land North of Broadway. Use was not addressed. The Millgrove area contains a lot of State land, questioned whether the Town plans on acquiring the E.C. H & I. and dispose of it to see the continuation of the Plan. Tom said that Crittenden area is being ignored. There is nothing to address the development of it. Will the Town be cooperating with the Town of Lancaster for a shared vision for the Townline area? Needs to be a mechanism in the Plan for cooperation with the Town of Lancaster for commercial development. Discussed sewer/wastewater management, expense. Supervisor Smith responded that there was no where in the Plan about putting in sewer lines or Sewer Plant.

Keith Stone/Crittenden Rd. said it is a pretty document, but at the opening it stated there was a complete inventory, Wendy said it was not a complete inventory; they tried to gather enough information to give them what they needed. Keith said there were a lot of parcels marked unknown and open land; when it wasn't, felt it was inaccurate. The Plan does not seem complete. Does not seem that the taxpayers got their money's worth. He did appreciate the people that put all the work in.

Tom Weisbeck/11452 Broadway said after what he heard here tonight there is a lot of open questions. It is still stamped as a draft Plan. Questioned whether there would be an opportunity to go back and revisit some of the areas or is this it? Questioned about the draft Plan going out to some of the surrounding communities for review and comment. Asked if they have received any comments as yet? Wendy said none have been received yet. Tom asked about the questions that have been raised here tonight, will they be taken into consideration or is it closed? Wendy said nothing is closed. The record of the meeting will be looked at and will identify the comments and address them. Wendy answered Tom's questions about what will happen to the residents; nothing, they will not be asked to be moved out of their house, there is nothing in the plan that states that. Over time you want to see more activity happen in those areas. Would like to see a mix of commercial and residential. These are suggestions. Steps need to be taken to implement this Plan, whether to adopt or accept. Wendy supports adoption. There was a lot of time and money put into this. You want agencies to fund different projects, they will want to see the Comprehensive Plan, it will lend more credence than an accepted Plan, and it shows more commitment. There will be lawsuits whether adopted or accepted.

Supervisor Smith read a letter from Mr. Gerald Aldinger, who was unable to attend because of back surgery. He was grateful to have served on the Committee and support the agricultural future for the Town of Alden and thanked Wendy Salvati and Drew Riley for their leadership and the Committee for a job well done. He wanted to recommend the Town Board approve the Master Plan as presented.

Supervisor Smith wanted to announce that the request to the Erie County Community Development Block Grant Program for funding for implementation of the Master Plan in 2010 was turned down. We will have to proceed at a slower pace for implementation in 2010; there is a possibility for mid-year funding from CDBG for the project, but hope to reapply in 2011 for funding for faster implementation of the Plan.

Jim Guarino/North Rd. added that for money for the implementation, there could be State money available for the agricultural purposes for portions of the Plan. Referred to a grant that was available and not acted on.

After all those wishing to be heard were heard Councilwoman Riddoch moved and Councilman Weber seconded the Motion to adjourn the Public Hearing at 8:16 PM and enter into the Regular meeting. Unanimously carried.

COMMUNICATIONS

Councilwoman Riddoch received a phone call from Lancaster Events Coordinator Dawn Gaczewski to thank the Board for the use of the Town Band Shell. She has animated Christmas decorations, wanted to know if Town or Village interested. Referred to Nancy Hughes, Chamber of Commerce.

Councilman Weber received a phone call from a resident about a business that should not be a business. He drove by and there were 3 or 4 vehicles that were unlicensed. CEO will check this out.

Attorney Strong received a letter from the Town of Darien stating that they are not interested in participating in switching Time Warner programming.

Councilwoman Cooke spoke with Rich Bartel from Rural Metro, Ron and she will tour the Rural Metro facilities.

Supervisor Smith received the Village of Alden approved Board minutes from 12/22/2009, Rural Metro's 12/2009 monthly response report; compliance is at 77.2%, the approved Planning Board Meeting minutes 12/08/2009, unapproved Planning Board Minutes from 01/12/2010.

NEW BUSINESS

Councilwoman Riddoch moved and Councilman Weber seconded the motion to approve the renewal of the HOP for Nancy Goergen/850 W. Alaura Dr. /Beauty Shop. Upon roll vote the foregoing was unanimously adopted.

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

WHEREAS, this resolution is intended to clarify the resolution duly adopted on January 4, 2010.

NOW THEREFORE BE IT RESOLVED THAT:

Paul A. Alessi, Jr. be and hereby is appointed to the Town of Alden Zoning Board of Appeals for a term to commence this date and expire on December 31, 2014, and that Paul A. Alessi, Jr. shall serve as Chairman of the Zoning Board of Appeals for the year 2010; and

RESOLVED that this resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call at a regular meeting on January 19, 2010 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 Board of the Town of Alden has contracted with Troy & Banks, in regard to conducting a utility audit for the Town of Alden; and

WHEREAS, Troy & Banks has found a less expensive electricity supplier, Integrys Energy Services of New York, Inc. who expects to lower the electricity costs to the Town of Alden.

NOW THEREFORE, BE IT RESOLVED:

1. The Town Board hereby authorizes the Supervisor to sign a Power Sale Agreement with Integrys Energy Services of New York, Inc. to permit the Town to purchase electricity at a lower cost.
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on January 19, 2010 and was unanimously adopted.

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

WHEREAS, this resolution is intended to clarify and supplement the resolution duly adopted on January 4, 2010.

NOW THEREFORE BE IT RESOLVED THAT:

Georjean Labuzzetta be appointed Part Time Court Clerk at an annual salary of \$14,603.00 (which equals An hourly rate of \$14.78) as set forth in the schedule of salaries for said year, employment not to exceed an annual average of 19 hours per week with benefits set forth in the Personnel Policy Handbook. Said salary shall be paid in 26 equal payments of \$561.64.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call at a regular meeting on January 19, 2010 and was unanimously adopted.

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

WHEREAS, the New York State Wende Prison Facility is located within the Town of Alden;

WHEREAS, residents of the Prison Facility have a right to obtain a Marriage License from the Alden Town's Clerk's Office;

WHEREAS, it is more efficient for the Town of Alden to appoint an employee at the Prison Facility to witness Marriage Licenses to resident of the Prison Facility than to make the a Town Clerk travel to the Prison Facility to witness the Marriage License;

NOW THEREFORE BE IT RESOLVED THAT:

1. Lisa Lista, an employee at the New York State Wende Prison Facility be and hereby is appointed as Second Deputy Town Clerk for the Town of Alden for the Year 2010 for the sole purpose of witnessing Marriage Licenses for residents of the Wende Prison Facility; and
2. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call at a regular meeting on January 19, 2010 and was unanimously adopted.

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

WHEREAS, The Alden Town Board on November 16, 2009, adopted its 2010 Budget;

WHEREAS, The Town in July, 2009, entered into a contract for refuse collection with Modern Disposal Services;

WHEREAS, the Town needs to transfer money to allow for an increase in contractual expenses pursuant to the contract with Modern; and

WHEREAS, this money transfer will not render the Town of Alden insolvent.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Alden Town Board hereby authorizes the transfer of \$11,662.84 from the Refuse Collection District Fund Balance into budget line SR.8160.0400; and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on January 19, 2010 and was unanimously adopted.

Councilman Snyder moved and Councilwoman Cooke seconded the motion to allow Alden Hook & Ladder Fire Co., Inc. to use the Alden Town Park for its "Dollars for Scholars 5-K Run-Post Race Party" on Friday, June 11, 2010. Unanimously carried.

Councilwoman Cooke moved and Councilman Snyder seconded the motion to allow the Alden Hook and Ladder Fire Co., Inc. to use the Alden Town Park for its "Summer Carnival" on June 24, 25 and 26, 2010 contingent upon the Town's receipt of insurance prior to the event from: the Village of Alden; Alden Hook & ladder Fire Co.; and all vendors at the event (including but not limited to the ride operator and the fireworks display company) and contingent upon the Village of Alden and the Alden Hook & Ladder Fire Co., giving an Indemnification Agreement to the Town of Alden prior to the event. Unanimously carried.

Councilwoman Riddoch moved and Councilman Weber seconded the motion to allow the Alden Hook & ladder Fire Co., Inc. to use the Alden Town Park for its "Summer Steak Outing" on August 19, 2010. Unanimously carried.

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

WHEREAS, The Town of Alden authorized Computel Associates to conduct an audit of the franchise fees paid to the Town of Alden by Time Warner Cable; and

WHEREAS, the audit has been completed and shows that Time Warner has underpaid the Town of Alden by \$5,704.90 since July, 2003.

WHEREAS, The Town of Alden would like to recover the underpaid franchise fees that it is owed by Time Warner Cable, which recovery may result in a pass through of .32 cents per Time Warner Subscriber for a twelve month period.

WHEREAS, recover of the unpaid franchise fees will also result in the correct franchise fee being paid to the Town for the remainder of the Time Warner Franchise Agreement.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board hereby authorizes Computel Associates to commence a recovery against Time Warner of the underpaid franchise fees from Time Warner pursuant to the November, 2009 Audit Agreement signed with Computel Associates.; and
2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on January 19, 2010 and was unanimously adopted.

SUPERVISOR SMITH POLLED THE BOARD AND WITH NO OBJECTION THE FOLLOWING WERE ADDED:

Supervisor Smith moved and Councilman Weber seconded the motion to transfer \$5,390.46 from Buildings Heat A.1620.0408 to A.1620.0407 Buildings Light. Unanimously Carried.

Supervisor Smith moved and Councilwoman Riddoch seconded the motion to transfer \$4,246.00 from DB.5142.0431 Snow Removal/Gas & Oil to DB.5142.0449 Snow Removal/Materials and Supplies. Unanimously Carried.

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

WHEREAS, The Alden Town Board on November 17, 2008, adopted its 2009 Budget;

WHEREAS, The Town of Alden requires additional funds from the Fund Balance to pay a final lighting invoice for 2009; and

WHEREAS, This transfer of funds will not render the Town insolvent.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Alden Town Board hereby increases by (and transfers to) \$329.25 the Consolidated Lighting Fund SL.5182.0411 from the Fund Balance of the 2009 General Fund Budget;

This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on January 19, 2010 and was unanimously adopted.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilman Snyder attended the Building Inspector's meeting last Wednesday and again the State Budget will be short, code books will be late this Spring. Attended the NEST meeting on Thursday, money short there too.

Councilwoman Cooke reported on the H1N1 clinic, cooperation was great. Board members were there. The Firemen were outstanding. 548 immunizations were given. The whole district worked together. Supv. Smith thanked Councilwoman Cooke and those that ran the clinic.

Engineer Metzger wanted to update the Board on NYSERTA Funding for projects. Talked to Solar Liberty about giving a proposal and documentation that would be necessary for a NYSERTA grant for the Town. Funding for the boiler will be looked into. He will have information at the Work Session.

Supervisor Smith adjourned the Meeting at 8:32 PM with a Minute's silence in Memory of Gloria Kreutter and Eugene Serwacki

Debra A. Crist
Deputy Town Clerk

