

**PRIORITY OF BUSINESS SET BY SUPERVISOR PURSUANT TO
CHAPTER §A371 OF THE ALDEN TOWN CODE**

- 1. PLEDGE OF ALLEGIANCE – COUNCILWOMAN WAISS**
- 2. CALLING THE ROLL OF BOARD MEMBERS BY THE TOWN CLERK**
- 3. OFFER OF THE MINUTES OF THE PROCEEDINGS OF THE REGULAR MEETING OF FEBRUARY 6, 2023 AND FEBRUARY 21, 2023**
- 4. APPROVAL OF VOUCHERS**

7:05 Public Hearing – Justin & Janelle Jones Special Use Permit to harbor chickens

- 5. BUSINESS FROM THE FLOOR**
- 6. PRESENTATION OF COMMUNICATIONS FROM BOARD MEMBERS AND OTHER TOWN OFFICIALS**
- 7. NEW BUSINESS**
 - A. Motion to allow use of Town Hall Auditorium per S/BS**
 - B. Resolution to approve Special Use Permit to harbor chickens (Jones) per S/BS**
 - C. Resolution to Call Public Hearing on Chicken Special use Permit Application (Morris) per S/BS**
 - D. Resolution to Call Public Hearing on Chicken Special use Permit Application (Asimenios) per S/BS**
 - E. Resolution to Call Public Hearing on Chicken Special use Permit Application (Moran) per S/BS**
 - F. Resolution Calling Public Hearing on Hydrant Rental Agreement with Town of Lancaster per S/BS**
 - G. Resolution to approve Volunteer Fire Department members per S/BS**
 - H. Motion to Approve Use of Robert O. Smith Park per S/BS**
 - I. Resolution Calling Public Hearing for Local Law #1 of 2023 Small Wireless Technology in the Public Right-of-Way per S/BS**
 - J. Motion to Introduce Local Law #2 of 2023 per S/BS**
 - K. Resolution regarding SEQRA for Local Law #2 of 2023 per S/BS**
 - L. Resolution Calling Public Hearing for Local Law #2 of 2023 Local Law Rescinding Chapter 67 Residency Requirements of the Alden Town Code per S/BS**
- 8. UNFINISHED & TABLED BUSINESS**
- 9. REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL**
- 10. ANNOUNCEMENTS FROM THE SUPERVISOR**
- 11. NOTICE OF MEETINGS:**

WORK SESSION:	March 13, 2023	@ 7:00 PM
REG. BOARD MEETING:	March 20, 2023	@ 7:00 PM
- 12. MEMORIAL REMEMBRANCE:**
- 13. ADJOURNMENT**

FEB. 2023

COUNCILPERSON _____ MOVED AND COUNCILPERSON _____
SECONDED THAT THE FOLLOWING VOUCHERS BE ALLOWED AND PAID.

ACCOUNT

AMOUNT

	ABSTRACT #1	ABSTRACT #2	TOTAL
GENERAL FUND "A"	\$53,320.72	\$12,410.60	\$65,731.32
HIGHWAY FUND "DA/DB"	\$5,979.75	\$10,944.39	\$16,924.14
PART-TOWN FUND "B"	\$17,293.89	\$3,470.24	\$20,764.13
GRANT "G"			
CONSOLIDATED WATER "WR"	\$63,685.00	\$40,796.88	\$104,481.88
SPECIAL FIRE PROTECTION "SF"			\$0.00
SEWER DIST. #1 FUND "SI"			\$0.00
SEWER DIST. #2 FUND "SA"	\$237.09	\$8,428.11	\$8,665.20
TRUST & AGENCY "T"	\$263.00		\$263.00
SPECIAL REFUSE FUND "SR"	\$42,374.41		\$42,374.41
STREET LIGHTING FUND "SL"	\$5,397.36	\$92.37	\$5,489.73
PERIWINKLE LTG. DIST."SL1"	\$117.23		\$117.23
ZOELLER RD. WATER DIST."WZ"	\$1,125.60		\$1,125.60
WATER DIST. NEWSTEAD "WO"			\$0.00
WATER DIST. EXCHANGE "WX"	\$1,929.60		\$1,929.60
WATER DIST. NO. 1 "WA"			\$0.00
TOTAL	\$191,723.65	\$76,142.59	\$267,866.24

GENERAL FUND "A"
HIGHWAY FUND "DA/DB"
PART-TOWN FUND "B"
GRANT "G"
CONSOLIDATED WATER "WR"
SPECIAL FIRE PROTECTION "SF"
SEWER DIST. #1 FUND "SI"
SEWER DIST. #2 FUND "SA"
TRUST & AGENCY "T"
SPECIAL REFUSE FUND "SR"
STREET LIGHTING FUND "SL"
PERIWINKLE LTG. DIST."SL1"
ZOELLER RD. WATER DIST."WZ"
WATER DIST. NEWSTEAD "WO"
WATER DIST. EXCHANGE "WX"
WATER DIST. NO. 1 "WA"
TOTAL

AP GL Distribution Report Parameters

Report ID:	1	Year:	2023
Period:	1	To:	12
Date Range:	Pay Due Date	Range:	02/22/2023 To: 02/28/2023
Check ID:		To:	Print Certification: No
Voucher No:		To:	Include Description: No
Batch No:		To:	Print Parent Account: No
Minimum Amt:	0.00		Expenses Only: No
Include:	All		Print Over Budget Message: No
Dept Totals:	Yes, no Page Break		Use Alt Fund: No
Sort By:	Voucher No	Include Prior Years Outstanding Vouchers:	No
Summary Only:	No	Include Vouchers Paid/Deleted After Specified Period/Year:	No

Account Table:
 Alt. Sort Table:

Sort:	Sort	Subtotal	Page Break	Subheading
1	Fund	Yes	Yes	Yes
2	Dept	Yes	No	Yes

TOWN OF ALDEN

AP GL Distribution Report

Fiscal Year: 2023 Period From: 1 To: 12 Pay Due Date 02/22/2023 To: 02/28/2023

Account No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund A					GENERAL FUND						
Dept 0000					0000						
A.0000.2610					FINES AND FOREFEITED BAIL						
20230172		00001		0000001431	STATE COMPTROLLER	1430070-2023-01-(02/23/2023	02/23/2023	2	0.00	1,244.00
Total A.0000.2610					FINES AND FOREFEITED BAIL					0.00	1,244.00
Total Dept 0000					0000					0.00	1,244.00
Dept 1220					SUPERVISOR						
A.1220.0401					SUPERVISOR.OFFICE SUPPLIES						
20230169		00001	510	0000002943	DELUXE FOR BUSINESS	9000075384	02/23/2023	02/23/2023	2	0.00	588.92
20230214		00001		0000002489	W. B. MASON CO. INC.	236314643	02/28/2023	02/28/2023	2	0.00	25.99
Total A.1220.0401					SUPERVISOR.OFFICE SUPPLIES					0.00	614.91
Total Dept 1220					SUPERVISOR					0.00	614.91
Dept 1355					ASSESSOR						
A.1355.0401					ASSESSOR.OFFICE SUPPLIES						
20230175		00001		0000002489	W. B. MASON CO. INC.	236215794	02/23/2023	02/23/2023	2	0.00	19.45
Total A.1355.0401					ASSESSOR.OFFICE SUPPLIES					0.00	19.45
Total Dept 1355					ASSESSOR					0.00	19.45
Dept 1410					TOWN CLERK						
A.1410.0201					TOWN CLERK.COMPUTER SOFTWARE						
20230191		00001		0000000481	TSL CO., INC	610	02/27/2023	02/27/2023	2	0.00	700.00
Total A.1410.0201					TOWN CLERK.COMPUTER SOFTWARE					0.00	700.00
A.1410.0412					TOWN CLERK.EDUCATION EXPENSES						
20230192		00001		0000000193	INSTREAM DBA BIEL'S	5085337-IN	02/27/2023	02/27/2023	2	0.00	25.00
Total A.1410.0412					TOWN CLERK.EDUCATION EXPENSES					0.00	25.00
A.1410.0420					TOWN CLERK.P.M. AGREEMENTS						
20230192		00001		0000000193	INSTREAM DBA BIEL'S	5085337-IN	02/27/2023	02/27/2023	2	0.00	250.00
Total A.1410.0420					TOWN CLERK.P.M. AGREEMENTS					0.00	250.00
A.1410.0432					TOWN CLERK.DUES & SUBSCRIPTIONS						
20230209		00001		0000001984	NYSATRC MEMBERSHIP	2023	02/27/2023	02/27/2023	2		

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Fund A					GENERAL FUND						
Dept 1410					TOWN CLERK						
A.1410.0432					TOWN CLERK.DUES & SUBSCRIPTIONS					0.00	25.00
20230212		00001		0000002879	NYSATRC MEMBERSHIP DIVINCENZO, LYNN - TREASURER - E 2023		02/27/2023	02/27/2023	2	0.00	30.00
Total A.1410.0432					TOWN CLERK.DUES & SUBSCRIPTIONS					0.00	55.00
Total Dept 1410					TOWN CLERK					0.00	1,030.00
Dept 1610					INTERNET						
A.1610.0400					INTERNET.CONTRACTUAL EXPENSE						
20230217		00001		0000001862	CHARTER COMMUNICATIONS		02/28/2023	02/28/2023	2	0.00	39.99
Total A.1610.0400					INTERNET.CONTRACTUAL EXPENSE					0.00	39.99
A.1610.0402					INTERNET.COMPUTER SUPPORT						
20230190		00001		0000002562	WANYNETWORKS		02/27/2023	02/27/2023	2	0.00	427.50
Total A.1610.0402					INTERNET.COMPUTER SUPPORT					0.00	427.50
Total Dept 1610					INTERNET					0.00	467.49
Dept 1620					BUILDINGS						
A.1620.0407					BUILDINGS.LIGHT						
20230213		00001		0000000111	NYSEG		02/22/2023	02/27/2023	2	0.00	2,174.03
Total A.1620.0407					BUILDINGS.LIGHT					0.00	2,174.03
A.1620.0409					BUILDINGS.WATER						
20230216		00001		0000000183	ERIE COUNTY WATER AUTH		02/27/2023	02/28/2023	2	0.00	59.56
Total A.1620.0409					BUILDINGS.WATER					0.00	59.56
A.1620.0438					BUILDINGS.MATERIALS & SUPPLIES						
20230211		00001		0000001482	IRR SUPPLY CENTERS		02/27/2023	02/27/2023	2	0.00	145.86
Total A.1620.0438					BUILDINGS.MATERIALS & SUPPLIES					0.00	145.86
A.1620.0444					BUILDINGS.BUILDING MAINTENANCE						
20230184		00001		0000000342	GRAINGER		02/23/2023	02/23/2023	2	0.00	44.09
20230185		00001		0000001408	HARTFORD STEAM BOILER, ATTN: C.1275184		02/23/2023	02/23/2023	2	0.00	210.00
Total A.1620.0444					BUILDINGS.BUILDING MAINTENANCE					0.00	254.09

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Fund A					GENERAL FUND						
Dept 1620					BUILDINGS					0.00	2,633.54
Total Dept 1620					BUILDINGS						
Dept 1670					CENTRAL MAILING						
A.1670.0402					CENTRAL MAILING.POSTAGE						
20230173		00001		000000734	ALDEN CENTRAL SCHOOL DISTRICT 2326	02222023	02/23/2023	02/23/2023	2	0.00	1,520.10
Total A.1670.0402					CENTRAL MAILING.POSTAGE					0.00	1,520.10
Total Dept 1670					CENTRAL MAILING					0.00	1,520.10
Dept 1950					TAXES AND ASSESSMENTS ON PROPERTY						
A.1950.0400					TAXES AND ASSESSMENTS ON PROPERTY						
20230171		00001		0000002374	ALDEN TOWN CLERK	02222023	02/23/2023	02/23/2023	2	0.00	258.47
Total A.1950.0400					TAXES AND ASSESSMENTS ON PROPERTY					0.00	258.47
Total Dept 1950					TAXES AND ASSESSMENTS ON PROPERTY					0.00	258.47
Dept 5010					HIGHWAY						
A.5010.0401					HIGHWAY.OFFICE SUPPLIES						
20230198		00001		0000002489	W. B. MASON CO. INC.	*****	02/27/2023	02/27/2023	2	0.00	131.67
Total A.5010.0401					HIGHWAY.OFFICE SUPPLIES					0.00	131.67
Total Dept 5010					HIGHWAY					0.00	131.67
Dept 5132					HIGHWAY GARAGE						
A.5132.0406					HIGHWAY GARAGE.TELEPHONE						
20230179		00001		0000001862	CHARTER COMMUNICATIONS	144633601020723	02/23/2023	02/23/2023	2	0.00	119.99
Total A.5132.0406					HIGHWAY GARAGE.TELEPHONE					0.00	119.99
A.5132.0407					HIGHWAY GARAGE.LIGHT						
20230213		00001		0000000111	NYSEG	02222023	02/27/2023	02/27/2023	2	0.00	565.40
Total A.5132.0407					HIGHWAY GARAGE.LIGHT					0.00	565.40
A.5132.0438					HIGHWAY GARAGE.REPAIRS & MAINT						
20230197		00001		0000001491	LINDE GAS & EQUIPMENT INC.	33825468	02/27/2023	02/27/2023	2	0.00	409.22
20230202		00001		0000002837	RUPP OVERHEAD DOORS, INC.	24491	02/27/2023	02/27/2023	2	0.00	1,414.00
Total A.5132.0438					HIGHWAY GARAGE.REPAIRS & MAINT					0.00	1,823.22

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Fund A					GENERAL FUND						
Dept 5132					HIGHWAY GARAGE						
A.5132.0438					HIGHWAY GARAGE REPAIRS & MAINT						
A.5132.0439					HIGHWAY GARAGE JANITORIAL SUPPLIES						
20230198		00001		0000002489	W. B. MASON CO. INC.	*****	02/27/2023	02/27/2023	2	0.00	136.81
Total A.5132.0439					HIGHWAY GARAGE JANITORIAL SUPPLIES					0.00	136.81
Total Dept 5132					HIGHWAY GARAGE					0.00	2,645.42
Dept 6772					PROGRAMS FOR AGING						
A.6772.0440					PROGRAMS FOR AGING, RECREATION SUPPLIES						
20230168		00001		0000002308	BUCHERS' CERAMICS UNLIMITED	*****	02/23/2023	02/23/2023	2	0.00	140.09
20230168		00001		0000002308	BUCHERS' CERAMICS UNLIMITED	*****	02/23/2023	02/23/2023	2	0.00	39.56
Total A.6772.0440					PROGRAMS FOR AGING, RECREATION SUPPLIES					0.00	179.65
Total Dept 6772					PROGRAMS FOR AGING					0.00	179.65
Dept 7110					PARKS						
A.7110.0429					PARKS, REPAIRS & MAINTENANCE						
20230181		00001		0000002061	DELACY FORD, INC.	F0CSS257446	02/23/2023	02/23/2023	2	0.00	115.00
20230210		00001		0000002953	FREEDOM AUTOMOTIVE INC.	2642	02/27/2023	02/27/2023	2	0.00	642.53
Total A.7110.0429					PARKS, REPAIRS & MAINTENANCE					0.00	757.53
A.7110.0432					PARKS, AUTO PARTS & ACCESSORIES						
20230184		00001		0000000342	GRAINGER	9571377457	02/23/2023	02/23/2023	2	0.00	88.20
20230207		00001		0000001389	NAPA AUTO PARTS	976898	02/27/2023	02/27/2023	2	0.00	30.16
Total A.7110.0432					PARKS, AUTO PARTS & ACCESSORIES					0.00	118.36
A.7110.0439					PARKS, JANITORIAL SUPPLIES						
20230184		00001		0000000342	GRAINGER	9571377457	02/23/2023	02/23/2023	2	0.00	20.74
Total A.7110.0439					PARKS, JANITORIAL SUPPLIES					0.00	20.74
A.7110.0450					PARKS, MATERIALS & SUPPLIES						
20230184		00001		0000000342	GRAINGER	9571377457	02/23/2023	02/23/2023	2	0.00	457.40
20230193		00001		0000002824	KEPLER CULLIGAN WATER	282687	02/27/2023	02/27/2023	2	0.00	10.95
Total A.7110.0450					PARKS, MATERIALS & SUPPLIES					0.00	468.35

Date Prepared: 02/28/2023 01:22 PM

Report Date: 02/28/2023

Account Table:

Alt. Sort Table:

TOWN OF ALDEN

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Account No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund A					GENERAL FUND						
Dept 7110					PARKS						
A.7110.0471					PARKS.UNIFORMS						
20230201		00001		000002781	RUNNINGS	1876983	02/27/2023	02/27/2023	2	0.00	300.92
Total A.7110.0471					PARKS.UNIFORMS					0.00	300.92
Total Dept 7110					PARKS					0.00	1,665.90
Total Fund A					GENERAL FUND					0.00	12,410.60

TOWN OF ALDEN

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Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund B					PART TOWN FUND						
Dept 3620					SAFETY INSPECTION						
B.3620.0457					SAFETY INSPECTION,REPAIRS AND MAINT						
20230218		00001		0000001650	ALDEN AUTOMOTIVE	28477	02/28/2023	02/28/2023	2	0.00	574.94
Total B.3620.0457					SAFETY INSPECTION,REPAIRS AND MAINT					0.00	574.94
Total Dept 3620					SAFETY INSPECTION					0.00	574.94
Dept 6989					OTHER ECONOMIC OPPORTUNITY & DEVELOPMENT						
B.6989.0411					OTHER ECONOMIC OPPORTUNITY & DEVELOPMENT.CONTRACTUAL SERVICES						
20230187		00001		0000002805	ROTELLA GRANT MANAGEMENT	2023027	02/27/2023	02/27/2023	2	0.00	1,800.00
Total B.6989.0411					OTHER ECONOMIC OPPORTUNITY & DEVELOPMENT.CONTRACTUAL SERVICES					0.00	1,800.00
Total Dept 6989					OTHER ECONOMIC OPPORTUNITY & DEVELOPMENT					0.00	1,800.00
Dept 9060					HOSPITAL AND MEDICAL INSURANCE						
B.9060.0800					HOSPITAL AND MEDICAL INSURANCE						
20230170		00001	511	0000002768	BLUE CROSS BLUE SHIELD OF WNY	230220285388	02/23/2023	02/23/2023	2	0.00	1,095.30
Total B.9060.0800					HOSPITAL AND MEDICAL INSURANCE					0.00	1,095.30
Total Dept 9060					HOSPITAL AND MEDICAL INSURANCE					0.00	1,095.30
Total Fund B					PART TOWN FUND					0.00	3,470.24

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Fund DB					HIGHWAY FUND - PART TOWN						
Dept 5110					MAINTENANCE OF ROADS						
DB:5110.0433					MAINTENANCE OF ROADS,RESURFACING MATERIALS						
20230205		00001		0000002069	TRACTOR SUPPLY COMPANY	2223	02/27/2023	02/27/2023	2	0.00	31.06
Total DB:5110.0433					MAINTENANCE OF ROADS,RESURFACING MATERIALS					0.00	31.06
Total Dept 5110					MAINTENANCE OF ROADS					0.00	31.06
Dept 5130					MACHINERY						
DB:5130.0424					MACHINERY,REPAIRS AND MAINTENANCE						
20230176		00001		0000002942	ALTA CONSTRUCTION EQUIPMENT N S11/1762		02/23/2023	02/23/2023	2	0.00	1,898.38
20230177		00001		0000002446	EL-DON BATTERY POST AND GOLF C 20814		02/23/2023	02/23/2023	2	0.00	150.00
20230178		00001		0000001534	CJR MACHINE INC.	205611	02/23/2023	02/23/2023	2	0.00	426.50
20230180		00001		0000002705	CYNCON EQUIPMENT	*****	02/23/2023	02/23/2023	2	0.00	105.51
20230182		00001		0000001005	FLEET MAINTENANCE	629766	02/23/2023	02/23/2023	2	0.00	26.89
20230186		00001		0000002696	HUNTER BUFFALO PETERBILT	X207128169	02/23/2023	02/23/2023	2	0.00	71.63
20230194		00001		0000002648	KIMBALL MIDWEST	100682910	02/27/2023	02/27/2023	2	0.00	125.00
20230195		00001		0000002648	KIMBALL MIDWEST	100747222	02/27/2023	02/27/2023	2	0.00	65.92
20230196		00001		0000002543	LAWSON PRODUCTS	9310304647	02/27/2023	02/27/2023	2	0.00	183.30
20230199		00001		0000002454	NIAGARA TRUCK EQUIPMENT	13932	02/27/2023	02/27/2023	2	0.00	222.75
20230200		00001		0000002666	POWERHOUSE SERVICES, INC.	3189	02/27/2023	02/27/2023	2	0.00	20.00
20230203		00001		0000002420	RUSERT EQUIPMENT LLC	10479	02/27/2023	02/27/2023	2	0.00	646.80
20230204		00001		0000002949	SUPERIOR LUBRICANTS	443742	02/27/2023	02/27/2023	2	0.00	78.00
20230205		00001		0000002069	TRACTOR SUPPLY COMPANY	2223	02/27/2023	02/27/2023	2	0.00	90.97
20230206		00001		0000002877	UNICORN SPECIALTIES	8330	02/27/2023	02/27/2023	2	0.00	255.00
20230208		00001		0000001389	NAPA AUTO PARTS	*****	02/27/2023	02/27/2023	2	0.00	550.39
Total DB:5130.0424					MACHINERY,REPAIRS AND MAINTENANCE					0.00	4,917.04
Total Dept 5130					MACHINERY					0.00	4,917.04
Dept 5140					MISCELLANEOUS (BRUSH AND LEAVES)						
DB:5140.0449					MISCELLANEOUS (BRUSH AND LEAVES),MATERIALS & SUPPLIES						
20230205		00001		0000002069	TRACTOR SUPPLY COMPANY	2223	02/27/2023	02/27/2023	2	0.00	77.97
Total DB:5140.0449					MISCELLANEOUS (BRUSH AND LEAVES),MATERIALS & SUPPLIES					0.00	77.97
Total Dept 5140					MISCELLANEOUS (BRUSH AND LEAVES)					0.00	77.97
Dept 5142					SNOW REMOVAL						
DB:5142.0449					SNOW REMOVAL,MATERIALS & SUPPLIES						
20230180		00001		0000002705	CYNCON EQUIPMENT	*****	02/23/2023	02/23/2023	2	0.00	5,570.00

Date Prepared: 02/28/2023 01:22 PM

Report Date: 02/28/2023

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Fund DB Dept 5142					HIGHWAY FUND - PART TOWN SNOW REMOVAL						
DB:5142.0449					SNOW REMOVAL.MATERIALS & SUPPLIES						
20230183		00001		0000000284	GEORGE & SWEDE SALES & SERVIC 01-68764		02/23/2023	02/23/2023	2	0.00	348.32
Total DB:5142.0449					SNOW REMOVAL.MATERIALS & SUPPLIES					0.00	5,918.32
Total Dept 5142					SNOW REMOVAL					0.00	5,918.32
Total Fund DB					HIGHWAY FUND - PART TOWN					0.00	10,944.39

TOWN OF ALDEN

AP GL Distribution Report

Fiscal Year: 2023 Period From: 1 To: 12 Pay Due Date 02/22/2023 To: 02/28/2023

Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund SA Dept 8130					SEWER ALAURA DRIVE SEWAGE TREATMENT AND DISPOSAL						
SA.8130.0408					SEWAGE TREATMENT AND DISPOSAL.ELECTRIC						
20230213		00001		0000000111	NYSEG	02222023	02/27/2023	02/27/2023	2	0.00	9.48
Total SA.8130.0408					SEWAGE TREATMENT AND DISPOSAL.ELECTRIC					0.00	9.48
SA.8130.0409					SEWAGE TREATMENT AND DISPOSAL.WATER						
20230215		00001		0000000183	ERIE COUNTY WATER AUTH	022720231	02/28/2023	02/28/2023	2	0.00	59.95
Total SA.8130.0409					SEWAGE TREATMENT AND DISPOSAL.WATER					0.00	59.95
SA.8130.0419					SEWAGE TREATMENT AND DISPOSAL.OTHER UNCLASSIFIED						
20230174		00001		0000002656	EC PUBLIC HEALTH LAB. ATTN: ACCC 2230003		02/23/2023	02/23/2023	2	0.00	164.00
Total SA.8130.0419					SEWAGE TREATMENT AND DISPOSAL.OTHER UNCLASSIFIED					0.00	164.00
Total Dept 8130					SEWAGE TREATMENT AND DISPOSAL					0.00	233.43
Dept 9710					SERIAL BONDS						
SA.9710.0700					SERIAL BONDS.INTEREST						
20230189		00001	513	0000002741	M&T BANK. ATTN: J. WIESZCHOLEK 02242023		02/27/2023	02/27/2023	2	0.00	8,194.68
Total SA.9710.0700					SERIAL BONDS.INTEREST					0.00	8,194.68
Total Dept 9710					SERIAL BONDS					0.00	8,194.68
Total Fund SA					SEWER ALAURA DRIVE					0.00	8,428.11

Date Prepared: 02/28/2023 01:22 PM

Report Date: 02/28/2023

Account Table:

Alt. Sort Table:

TOWN OF ALDEN

AP GL Distribution Report

Fiscal Year: 2023 Period From: 1 To: 12 Pay Due Date 02/22/2023 To: 02/28/2023

Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund SL					CONSOLIDATED LIGHTING						
Dept 5182					STREET LIGHTING						
SL:5182.0411					STREET LIGHTING.LIGHTING CONTRACTS						
20230213		00001		0000000111	NYSEG	02222023	02/27/2023	02/27/2023	2	0.00	92.37
Total SL:5182.0411					STREET LIGHTING.LIGHTING CONTRACTS					0.00	92.37
Total Dept 5182					STREET LIGHTING					0.00	92.37
Total Fund SL					CONSOLIDATED LIGHTING					0.00	92.37

TOWN OF ALDEN

Alt. Sort Table:

Fiscal Year: 2023 Period From: 1 To: 12 Pay Due Date 02/22/2023 To: 02/28/2023

AP GL Distribution Report

Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
WR.9710.0600					SERIAL BONDS,PRINCIPAL						
20230188		00001	512	0000001763	JPMORGAN CHASE BANK, N.A.	02242023	02/27/2023	02/27/2023	2	0.00	35,000.00
Total	WR.9710.0600				SERIAL BONDS,PRINCIPAL					0.00	35,000.00
WR.9710.0700					SERIAL BONDS,INTEREST						
20230188		00001	512	0000001763	JPMORGAN CHASE BANK, N.A.	02242023	02/27/2023	02/27/2023	2	0.00	5,796.88
Total	WR.9710.0700				SERIAL BONDS,INTEREST					0.00	5,796.88
Total Dept 9710					SERIAL BONDS					0.00	40,796.88
Total Fund WR					CONSOLIDATED WATER DISTRICTS					0.00	40,796.88
Grand Total										0.00	76,142.59
					0000	0000	0.00	1,244.00			
					1220	SUPERVISOR	0.00	614.91			
					1355	ASSESSOR	0.00	19.45			
					1410	TOWN CLERK	0.00	1,030.00			
					1610	INTERNET	0.00	467.49			
					1620	BUILDINGS	0.00	2,633.54			
					1670	CENTRAL MAILING	0.00	1,520.10			
					1950	TAXES AND ASSESSMENTS ON PROPERTY	0.00	258.47			
					3620	SAFETY INSPECTION	0.00	574.94			
					5010	HIGHWAY	0.00	131.67			
					5110	MAINTENANCE OF ROADS	0.00	31.06			
					5130	MACHINERY	0.00	4,917.04			
					5132	HIGHWAY GARAGE	0.00	2,645.42			
					5140	MISCELLANEOUS (BRUSH AND LEAVES)	0.00	77.97			
					5142	SNOW REMOVAL	0.00	5,918.32			
					5182	STREET LIGHTING	0.00	92.37			
					6772	PROGRAMS FOR AGING	0.00	179.65			
					6989	OTHER ECONOMIC OPPORTUNITY & DEVELOPMENT	0.00	1,800.00			
					7110	PARKS	0.00	1,665.90			
					8130	SEWAGE TREATMENT AND DISPOSAL	0.00	233.43			
					9060	HOSPITAL AND MEDICAL INSURANCE	0.00	1,095.30			

Date Prepared: 02/28/2023 01:22 PM

Report Date: 02/28/2023

Account Table:

All Sort Table:

TOWN OF ALDEN

AP GL Distribution Report

Fiscal Year: 2023 Period From: 1 To: 12 Pay Due Date 02/22/2023 To: 02/28/2023

Account No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
		9710			SERIAL BONDS		0.00	48,991.56			
		Grand Total:					0.00	76,142.59			

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
ON SPECIAL USE PERMIT TO HARBOR CHICKENS
814 SOUTH BLOSSOM LEA DR.
TOWN OF ALDEN

PLEASE TAKE NOTICE, that the Alden Town Board Alden will conduct a public hearing pursuant to Section 365-11(C)(4) of the Alden Town Code on the application of Justin and Janelle Jones for a Special Use Permit to Harbor Chickens at their residence: 814 South Blossom Lea Dr., Alden, NY.

THEREFORE, pursuant to the Town Code the Town Board shall hold a public hearing on the proposed application at the Alden Town Hall, 3311 Wende Rd., Alden, NY at 7:05 p.m. on the 6th day of March, 2023, at which time the owners and occupants of property adjacent to 814 South Blossom Lea Dr. as well as members of the general public may be heard. The meeting room is wheel chair accessible. Those needing special arrangements should call the Town Hall at 937-6969.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF ALDEN

Dated: February 21, 2023

Motion to allow Use of Town Hall Auditorium

A

Motion to allow the Erie County Board of Elections to use the Town Hall Auditorium for training courses for election inspectors on April 18, 2023 at 9:00am; 1:00 pm and 6:00 pm and on April 19, 2023 at 9:00 am and 1:00 pm.

B

RESOLUTION TO APPROVE SPECIAL USE PERMIT TO HARBOR CHICKENS

THE FOLLOWING RESOLUTION WAS OFFERED BY _____ ,WHO MOVED ITS ADOPTION, SECONDED BY _____

WHEREAS, the Alden Town Board is considering an application by Justin and Janelle Jones for a Special Use Permit to Harbor Chickens at their residence located at 814 South Blossom Lea Drive in the Town of Alden (further identified by SBL # 118.16-2-10.1); (the "Proposed Action");

WHEREAS, the Town Code Enforcement Officer has inspected the premises and has found the same in compliance with all requirements of the Alden Town Code;

WHEREAS, the notice of public hearing was mailed to the neighboring parcel owners and the public hearing was held on March 6, 2023, after due publication in the Alden Advertiser; and

WHEREAS, at said public hearing all persons appearing in favor of and against the proposed action were heard and all concerns have been addressed.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT:

- 1. The Town Board hereby directs the Code Enforcement Officer to issue to Justin and Janelle Jones a Special Use Permit to Harbor Chickens limited to six (6) hen chickens for a period of one year; and**
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 March 6, 2023, the results of which were as follows:

Councilwomen Waiss	Aye	Nay
Supervisor Sitzman	Aye	Nay
Councilwomen Pautler	Aye	Nay

**RESOLUTION TO CALL PUBLIC HEARING ON CHICKEN
SPECIAL USE PERMIT APPLICATION**

C

THE FOLLOWING RESOLUTION WAS OFFERED BY _____,
WHO MOVED ITS ADOPTION, SECONDED BY _____.

WHEREAS, Robert F. Morris has filed an application for a Special Use Permit to Harbor Chickens at his residence located at 928 West Alaura Drive in the Town of Alden (further identified by SBL # 117.16-1-19.1); and

WHEREAS, the Town Board, pursuant to Section 365-11(C)(4) of the Alden Town Code is required to call a public hearing on the Application.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT:

1. A Public Hearing on the application for a Special Use Permit to Harbor Chickens made by Robert F. Morris be held by the Alden Town Board at the Alden Town Hall, 3311 Wende Road, Alden, New York on March 20, 2023 at 7:05 P.M. Local Time;

2. That the Building Department is hereby directed to publish the Notice of Public Hearing in the Alden Advertiser; to post the same on the Town Bulletin Board; and to mail the Notice to the property owners within 200 feet, which Notice shall be in the form attached hereto and made a part hereof; and

3. This Resolution shall take immediately.

The Adoption of the foregoing resolution was duly put to a roll call vote at a regular meeting on March 6, 2023, as follows:

Councilwomen Waiss	AYE	NAY
Supervisor Sitzman	AYE	NAY
Councilwomen Pautler	AYE	NAY

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
ON SPECIAL USE PERMIT TO HARBOR CHICKENS
928 WEST ALAURA DR.
TOWN OF ALDEN

PLEASE TAKE NOTICE, that the Alden Town Board Alden will conduct a public hearing pursuant to Section 365-11(C)(4) of the Alden Town Code on the application of Robert F. Morris for a Special Use Permit to Harbor Chickens at their residence: 928 West Alaura Dr., Alden, NY.

THEREFORE, pursuant to the Town Code the Town Board shall hold a public hearing on the proposed application at the Alden Town Hall, 3311 Wende Rd., Alden, NY at 7:05 p.m. on the 20th day of March, 2023, at which time the owners and occupants of property adjacent to 928 West Alaura Dr. as well as members of the general public may be heard. The meeting room is wheel chair accessible. Those needing special arrangements should call the Town Hall at 937-6969.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF ALDEN

Dated: March 6, 2023



RESOLUTION TO CALL PUBLIC HEARING ON CHICKEN SPECIAL USE PERMIT APPLICATION

THE FOLLOWING RESOLUTION WAS OFFERED BY _____,
WHO MOVED ITS ADOPTION, SECONDED BY _____.

WHEREAS, Catie Asimenios has filed an application for a Special Use Permit to Harbor Chickens at her residence located at 2047 Townline Road in the Town of Alden (further identified by SBL # 107.00-1-11.12); and

WHEREAS, the Town Board, pursuant to Section 365-11(C)(4) of the Alden Town Code is required to call a public hearing on the Application.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT:

1. A Public Hearing on the application for a Special Use Permit to Harbor Chickens made by Catie Asimenios be held by the Alden Town Board at the Alden Town Hall, 3311 Wende Road, Alden, New York on March 20, 2023 at 7:10 P.M. Local Time;

2. That the Building Department is hereby directed to publish the Notice of Public Hearing in the Alden Advertiser; to post the same on the Town Bulletin Board; and to mail the Notice to the property owners within 200 feet, which Notice shall be in the form attached hereto and made a part hereof; and

3. This Resolution shall take immediately.

The Adoption of the foregoing resolution was duly put to a roll call vote at a regular meeting on March 6, 2023, as follows:

Councilwomen Weiss	AYE	NAY
Supervisor Sitzman	AYE	NAY
Councilwomen Pautler	AYE	NAY

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
ON SPECIAL USE PERMIT TO HARBOR CHICKENS
2047 TOWNLINE RD
TOWN OF ALDEN

PLEASE TAKE NOTICE, that the Alden Town Board Alden will conduct a public hearing pursuant to Section 365-11(C)(4) of the Alden Town Code on the application of Catie Asimenios for a Special Use Permit to Harbor Chickens at her residence: 2047 Townline Rd. Alden, NY.

THEREFORE, pursuant to the Town Code the Town Board shall hold a public hearing on the proposed application at the Alden Town Hall, 3311 Wende Rd., Alden, NY at 7:10 p.m. on the 20th day of March, 2023, at which time the owners and occupants of property adjacent to 2047 Townline Rd as well as members of the general public may be heard. The meeting room is wheel chair accessible. Those needing special arrangements should call the Town Hall at 937-6969.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF ALDEN

Dated: March 6, 2023

E

RESOLUTION TO CALL PUBLIC HEARING ON CHICKEN SPECIAL USE PERMIT APPLICATION

THE FOLLOWING RESOLUTION WAS OFFERED BY _____,
WHO MOVED ITS ADOPTION, SECONDED BY _____.

WHEREAS, Michael Moran has filed an application for a Special Use Permit to Harbor Chickens at his residence located at 11837 Broadway in the Town of Alden (further identified by SBL # 118.00-2-29.11 and 118.00-2-51); and

WHEREAS, the Town Board, pursuant to Section 365-14(C)(6) of the Alden Town Code is required to call a public hearing on the Application.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS, THAT:

1. A Public Hearing on the application for a Special Use Permit to Harbor Chickens made by Michael Moran be held by the Alden Town Board at the Alden Town Hall, 3311 Wende Road, Alden, New York on March 20, 2023 at 7:15 P.M. Local Time;

2. That the Building Department is hereby directed to publish the Notice of Public Hearing in the Alden Advertiser; to post the same on the Town Bulletin Board; and to mail the Notice to the property owners within 200 feet, which Notice shall be in the form attached hereto and made a part hereof; and

3. This Resolution shall take immediately.

The Adoption of the foregoing resolution was duly put to a roll call vote at a regular meeting on March 6, 2023, as follows:

Councilwomen Waiss	AYE	NAY
Supervisor Sitzman	AYE	NAY
Councilwomen Pautler	AYE	NAY

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
ON SPECIAL USE PERMIT TO HARBOR CHICKENS
11837 BROADWAY
TOWN OF ALDEN

PLEASE TAKE NOTICE, that the Alden Town Board Alden will conduct a public hearing pursuant to Section 365-14(C)(6) of the Alden Town Code on the application of Michael Moran for a Special Use Permit to Harbor Chickens at his residence: 11837 Broadway Alden, NY.

THEREFORE, pursuant to the Town Code the Town Board shall hold a public hearing on the proposed application at the Alden Town Hall, 3311 Wende Rd., Alden, NY at 7:15 p.m. on the 20th day of March, 2023, at which time the owners and occupants of property adjacent to 11837 Broadway as well as members of the general public may be heard. The meeting room is wheel chair accessible. Those needing special arrangements should call the Town Hall at 937-6969.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF ALDEN

Dated: March 6, 2023

RESOLUTION CALLING PUBLIC HEARING ON HYDRANT RENTAL AGREEMENT WITH THE TOWN OF LANCASTER



THE FOLLOWING RESOLUTION WAS OFFERED BY _____, WHO MOVED ITS ADOPTION, SECONDED BY _____.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS;

A hearing before the Town Board of the Town of Alden on behalf of the Alden Fire Protection District, in the County of Erie shall be held at the Town Hall, 3311 Wende Road, Alden, New York at 7:20 p.m. on the 20th day of March, 2023, for the purpose of hearing all persons interested in the proposed Hydrant Rental Agreement with the Consolidated Water District of the Town of Lancaster regarding the rental of 48 fire hydrants in the Town of Lancaster by the Alden Fire Protection District; and

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Alden Advertiser, designated as the official newspaper for this publication, such publication to be not less than ten (10) days before the date of the public hearing; and (b) posted as required by law one (1) copy of the Notice of Public Hearing no later than the day such Notice is published;

ORDERED, that the Town Clerk is to make copies of the proposed Rental Agreement available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call, at a regular meeting on March 6, 2023 which resulted as follows:

Councilwomen Waiss	AYE	NAY
Supervisor Sitzman	AYE	NAY
Councilwomen Pautler	AYE	NAY

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
ALDEN FIRE PROTECTION DISTRICT, NEW YORK

PLEASE TAKE NOTICE, that there has been presented to the Town Board on behalf of the Alden Fire Protection District, for execution a Hydrant Rental Agreement with the Consolidated Water District of the Town of Lancaster regarding the rental of 48 fire hydrants in the Town of Lancaster by the Alden Fire Protection District. The proposed Rental Agreement states that each party will pay for one-half of the cost of the annual charge billed by the Erie County Water Authority and one-half of the cost of repair or replacement of any or all of the 48 fire hydrants.

THEREFORE, pursuant to the Town Law Section 184-a the Town Board of the Town of Alden shall hold a Public Hearing on the proposed Rental Agreement at the Alden Town Hall, 3311 Wende Road, Alden, New York at 7:20 p.m. on the 20th day of March, 2023, at which time persons interested may be heard. Copies of the proposed Hydrant Rental Agreement are available at the office of the Town Clerk for inspection and distribution to any interested person during business hours. The meeting room is wheel chair accessible. Those needing special arrangements should call the Town Hall at 937-6969.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF ALDEN

Dated: March 6, 2023

HYDRANT RENTAL AGREEMENT

WHEREAS, the Town Board of the Town of Alden is, pursuant to Notice duly given, published and posted, held a Public Hearing at the Town Hall of the Town of Alden, on March 20, 2023 at 7:20 o'clock P.M., local time, in accordance with the provisions of the Town Law, Section 184-a, to consider a proposed Hydrant Rental Agreement between the said Town Board of Alden on behalf of the Alden Fire Protection District and the Consolidated Water District of the Town of Lancaster, and

WHEREAS, notice was published and posted as to terms and conditions of said proposed contract, and said terms and conditions were discussed at the Public Hearing, there being no objection thereto made at said Hearing;

NOW, THEREFORE, it is hereby agreed by and between the Town Board of the Town of Alden on behalf of the Fire Protection District of the Town of Alden and the said consolidated Water District of the Town of Lancaster, as follows:

1. That the aforesaid Consolidated Water District of the town of Lancaster shall maintain a sufficient supply of water for fire purposes and for the furnishing, erection, maintenance, care and replacement of fire hydrants within the boundaries of the Town of Lancaster along the westerly line of Town Line Road between Schlemmer Road and the south boundary line of the Town of Alden, including the erection and maintenance of markers therefor for fire purposes, for a period of five (5) years; provided, however, that either party may terminate this Agreement upon thirty (30) days written notice each to the other.
2. The Fire Protection District of the Town of Alden shall pay to the Consolidated Water District of the Town of Lancaster, the sum of one-half of the annual charge billed by the Erie County Water Authority to the Town of Lancaster for the forty-eight (48) hydrants along the westerly line of Town Line Road between Schlemmer Road and the south boundary line of the Town of Alden. for a period of five (5) years; commencing April 1, 2023 and terminating March 31, 2028, provided, however, that said sum owed per hydrant shall be modified in accordance with any increase in hydrant charge made by the Erie County Water Authority to the Consolidated Water District of the Town of Lancaster, in which event the charge under this Agreement shall be accordingly increased.
3. The Fire Protection District of the Town of Alden further agrees to pay to the Consolidated Water District of the Town of Lancaster a sum equal to one-half of

the cost of the repair or replacement of any or all of the beforementioned hydrants, within thirty (30) days of demand therefor.

4. It is the intention of the parties hereto that the use of said hydrants by the Town of Alden Fire Protection District shall be solely for fire protection and only by those fire companies with which the Fire Protection District of the Town of Alden contracts for firematic services; provided further that use of hydrants for fire drill purposes shall be limited only to those instances where prior notification of such use, at least one (1) day prior thereto, shall be communicated to the Town of Lancaster.
5. Payment shall be made annually on or before April 1st of each year, beginning in the year 2023 upon presentation of a proper voucher as set forth above at the regular annual rate, upon the basis of the number of hydrants as hereinabove provided.

IN WITNESS WHEREOF, the parties hereto on behalf of the Fire Protection District of the Town of Alden and on behalf of the Consolidated Water District of the Town of Lancaster, have hereunto set their hands and seals this day of March 2023.

**TOWN BOARD OF THE TOWN OF ALDEN
WATER
ON BEHALF OF THE FIRE PROTECTION
TOWN
DISTRICT OF THE TOWN OF ALDEN**

**CONSOLIDATED
DISTRICT OF THE
OF LANCASTER**

BY: _____

**Brett A. Sitzman Supervisor
Supervisor**

BY:

Ronald Ruffino, Sr.,

STATE OF NEW YORK)
COUNTY OF ERIE) ss:
TOWN OF LANCASTER)

On this day of March, 2023 before me personally came **Ronald Ruffino Sr.**, to me known to be the Supervisor of the Town of Lancaster, New York, and the person who executed the foregoing instrument on behalf of the Town of Lancaster, New York, who being by me duly sworn, did depose and say that he executed the said instrument by Order and resolution of the Town Board of the Town of Lancaster, New York.

Notary Public

STATE OF NEW YORK)
COUNTY OF ERIE) ss:
TOWN OF ALDEN)

On this day of March, 2023 before me personally came **Brett A. Sitzman**, to me known to be the Supervisor of the Town of Alden, New York, and the person who executed the foregoing instrument on behalf of the Town of Alden , New York, who being by me duly sworn, did depose and say that he executed the said instrument by Order and resolution of the Town Board of the Town of Alden, New York.

Notary Public

RESOLUTION TO APPROVE VOLUNTEER FIRE DEPARTMENT MEMBERS

G

THE FOLLOWING RESOLUTION WAS OFFERED BY _____, WHO MOVED
ITS ADOPTION, SECONDED BY _____

WHEREAS, New York State General Municipal Law allows a municipality to approve the volunteer members of a volunteer fire department operating in said municipality;

WHEREAS, the Crittenden Volunteer Fire Department provides fire protection services within the Town of Alden pursuant to a contract with the Town of Alden;

WHEREAS, approval of members assists an injured volunteer firefighter in receiving worker's compensation benefits pursuant to New York State Volunteer Firefighter Benefit Law;

WHEREAS, Crittenden Volunteer Fire Department has approved Rachel Jackson, Adam Sobezak, Jeremy M. Stacey, Patrick O'Hare Jr. and Preston Smith as members; and

WHEREAS, Crittenden Volunteer Fire Department has submitted to the Alden Town Clerk's Office notification of these new members.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

- 1. The Alden Town Board hereby approves Rachel Jackson, Adam Sobezak, Jeremy M. Stacey, Patrick O'Hare Jr. and Preston Smith for membership in the Crittenden Volunteer Fire Department; and**
- 2. This resolution shall take effect immediately.**

The foregoing Resolution was duly put to a roll call vote at a regular meeting on March 6, 2023, as follows:

Councilwomen Waiss	Aye	Nay
Supervisor Sitzman	Aye	Nay
Councilwomen Pautler	Aye	Nay



Motion to Approve Use of Robert O. Smith Park

Motion to approve the request of the Alden Central School to use the Robert O. Smith Park for the 2023 Modified and JV Baseball Teams 2023 practices and games at 5:00 on: April 21; May 2; May 8; May 15, May 16; May 17; May 22; May 26 and May 30.

The School must submit proof of insurance to the Town Clerk prior to using the Park.



Resolution Calling Public hearing for Local Law # 1 of 2023 Small Wireless Technology in the Public Right-Of-Way

THE FOLLOWING RESOLUTION WAS OFFERED BY _____, WHO MOVED ITS ADOPTION, SECONDED BY _____.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED AS FOLLOWS;

A hearing before the Town Board of the Town of Alden, in the County of Erie shall be held at the Town Hall, 3311 Wende Road, Alden, New York at 7:25 p.m. on the 20th day of March, 2023, for the purpose of hearing all persons interested in the proposed Local Law No. 1 of the Year 2023 Small Wireless Technology in the Public Right-Of-Way; and

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Alden Advertiser, designated as the official newspaper for this publication, such publication to be not less than ten (10) days before the date of the public hearing; (b) and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; and

ORDERED, that the Town Clerk is to make copies of the proposed Local Law No. 1 of the Year 2023, entitled "Small Wireless Technology in the Public Right-Of-Way" available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call, at a regular meeting on March 6, 2023 which resulted as follows:

Councilwomen Weiss	AYE	NAY
Supervisor Sitzman	AYE	NAY
Councilwomen Pautler	AYE	NAY

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
TOWN OF ALDEN, NEW YORK

PLEASE TAKE NOTICE, that there has been presented to the Town Board on December 5, 2022, for adoption a proposed Local Law to be known as Local Law No. 1 of the Year 2023 entitled “Small Wireless Technology in the Public Right-Of-Way ” The purpose of this local law is to allow and regulate small wireless technology in the public right of way.

THEREFORE, pursuant to the Municipal Home Rule Law Rules, the Town Board of the Town of Alden shall hold a Public Hearing on the aforesaid proposed Local Law at the Town Hall, 3311 Wende Road, Alden, New York at 7:25 p.m. on the 20th day of March, 2023, at which time persons interested may be heard. Copies of the aforesaid proposed Local Law are available at the office of the Town Clerk for inspection and distribution to any interested person during business hours. The meeting room is wheel chair accessible. Those needing special arrangements should call the Town Hall at 937-6969.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF ALDEN

Dated: March 6, 2023

Chapter 172A

Small Wireless Technology in the Public Right-Of-Way

§ 172A-1 Purpose and intent.

- A. The Town has an interest in minimizing the number and height of small wireless facilities, wireless support structures, technology, and all of their related parts that are located within its borders given the fact that the Town is predominately a low-rise developed municipality with a largely rural character.
- B. Aesthetics are an important consideration in the quality of life in the Town, and the small wireless facilities, wireless support structures, technology, and all of their related parts are determined to be aesthetically detrimental to the Town and have a negative impact upon surrounding properties, especially residential properties and rural areas with significant open space. It is the Town's objective to minimize wireless support structures in and adjacent to residential districts and commercial districts.
- C. In many cases, small wireless facilities can be mounted on existing structures and can provide the same level of commercial mobile service with minimal or no aesthetic impacts upon neighboring uses.
- D. Where the construction of new wireless support structures is necessary in order to provide small wireless technology, often it is possible to house more than one such provider on a given structure, thus reducing the proliferation of new wireless support structure construction. Additionally, construction of wireless support structures in commercial or business districts is generally favored over construction in residential and rural districts, if appropriate coverage can be obtained. Therefore, the construction of more than one wireless support structure on a commercial or business site may be preferred over construction on a residential or rural site, where feasible and within the criteria of this chapter.

§ 172A-2 Definitions.

- A. General use of terms.
 - (1) The terms, phrases, words, and their derivations used in this chapter shall have the meanings given in this section.
 - (2) Words not defined shall be given their common and ordinary meaning.
- B. Defined terms.

ABANDONED

Any small wireless facilities or wireless support structures that are unused for a period of 365 days

without the operator otherwise notifying the Town and receiving the Town's approval.

ANTENNA

An apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location for the provision of personal wireless service and any commingled information services.

APPLICANT

Any person applying for a small wireless permit hereunder.

CO-LOCATION or CO-LOCATE

To install, mount, maintain, modify, operate, or replace wireless facilities on a wireless support structure.

DECORATIVE POLE

A pole, arch, or structure other than a streetlight pole placed in the right-of-way specifically designed and placed for aesthetic purposes and on which no appurtenances or attachments have been placed except for any of the following: a) electric lighting; b) specially designed informational or directional signage; or c) temporary holiday or special event attachments.

FACILITY or PERSONAL WIRELESS SERVICE FACILITY

An antenna facility or a structure that is used for the provision of personal wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.

OPERATOR

A wireless service provider, cable operator, or a video service provider that operates a small wireless facility and/or provides wireless service. "Operator" includes a wireless service provider, cable operator, or a video service provider that provides information services as defined in the Telecommunications Act of 1996, 110 Stat. 59, 47 U.S.C. § 153(2), and services that are fixed in nature or use unlicensed spectrum.

ORNAMENTAL POLE

A pole or structure placed in the right-of-way to support traffic signals and/or streetlights which has been specifically designed and placed for aesthetic purposes. Ornamental poles often include appurtenances or attachments for flags, planters and/or other aesthetic features.

PERSON

Any natural person or any association, firm, partnership, joint venture, corporation, or other legally recognized entity, whether for-profit or not-for profit.

RIGHT-OF-WAY

The surface of, and the space within, through, on, across, above, or below, any public street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk,

public boulevard, public parkway, public drive, public easement, and any other land dedicated or otherwise designated for a compatible public use, which is owned or controlled by the Town of Alden.

SMALL WIRELESS FACILITY (SWF), ALSO KNOWN AS SMALL CELL FACILITY

Encompasses facilities that meet each of the following conditions:

- (1) The facilities:
 - (a) Are mounted on structures 50 feet or less in height, including their antennas; or
 - (b) Are mounted on structures no more than 10% taller than other adjacent structures; or
 - (c) Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10%, whichever is greater. Such measurement to include the antennas of the installation.
- (2) Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume.
- (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume.
- (4) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards.

SMALL WIRELESS PERMIT

The nonexclusive grant of authority issued by the Town of Alden to install a small wireless facility and/or a wireless support structure in a portion of the right-of-way in accordance with this chapter and other applicable law.

STRUCTURE

A pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or commingled with other types of services).

UTILITY POLE

A structure that is designed for, or used for the purpose of, carrying lines, cables, or wires for electric or telecommunications service.

WIRELESS SUPPORT STRUCTURE

A pole, such as a monopole, streetlight pole, traffic signal pole, a fifteen-foot or taller sign pole, or utility pole capable of supporting small wireless facilities.

§ 172A-3 General requirements.

- A. No person shall occupy or use the right-of-way except in accordance with law.

- B. The permitting procedures and authorizations set forth in this chapter shall apply only to small wireless facilities and wireless support structures in the right-of-way.
- C. Nothing in this chapter precludes the Town from applying its generally applicable health, safety, and welfare regulations when granting consent for a small wireless facility or wireless support structure in the Town's right-of-way or the right-of-way of any Erie County or NYS highway subject to the regulations of those entities.
- D. All small wireless facilities and wireless support structures shall be designed, constructed, operated and maintained in compliance with all generally applicable federal, state, and local health and safety regulations, including without limitation all applicable regulations for human exposure to RF emissions. (See § 172A-7. Safety and liability requirements.)
- E. Notwithstanding anything to the contrary within this Code, this Chapter controls all activities that relate to small wireless facilities within the public right-of-way.
- F. The Town may deviate from any requirement within this chapter where strict application of this chapter would prohibit or have the effect of prohibiting the provision of wireless service to the area referenced within the small wireless application.

§ 172A-4 Application and approval process.

- A. Small wireless permit required. Prior to installation, modification, or relocation of a small wireless facility, or wireless support structure, installation of a new wireless support structure, or co-location on an existing wireless support structure in the right-of-way, the operator/applicant shall apply to the Town Building Department and receive approval from the Town Board as evidenced by the grant of a small wireless permit issued after Town Board approval.
- B. Removal of a small wireless facility or wireless support structure shall not require a small wireless permit, but will require prior written notice to the Building Department of the small wireless facility(ies) or wireless support structure(s) that are being removed.
- C. Application materials and supporting documents. The following information shall be submitted in support of an application for a small wireless permit. This information is required in addition to any other information or documents required under Chapter 365, Zoning.
 - (1) Full application on a form supplied by the Town and the truthfulness attested to by a professional engineer:
 - (a) Environmental assessment form (EAF).
 - (b) The name, address and contact information of the applicant, operator, owner, and/or lessee(s) to the application.
 - (c) New erection of SWF or co-location on existing poles and type of installation (e.g., 4G or 5G) and fiber network plans.

- (d) Site plan (showing location of all proposed SWF and wireless support structures), including photo(s) of existing pole(s) or location(s) and closest address(es) to the SWF, and if installing on existing pole(s), existing attachments on poles(s)/structure(s).
 - (e) Detailed description of the project and of the facility and equipment, including elevations/renderings of the proposed infrastructure.
 - (f) The applicant's/owner's maintenance and inspection schedule.
 - (g) A safety analysis and certification by a licensed professional engineer that the proposed facility will be in compliance with all applicable FAA and FCC laws and regulations, including RF emissions (RFE) letters for each small wireless facility proving that the SWF is in compliance with all RFE regulations.
 - (h) Pole numbers and proof of the site or pole owner's consent, if the applicant is not the owner of the site or pole on which the applicant seeks to locate a small wireless facility.
 - (i) Passing structural analysis of any wireless support structure by a licensed NY State professional engineer.
 - (j) For initial applications, inventory of existing towers, antennas and small wireless facilities sites within the Town and within 750 feet of the border of the Town, including specific information regarding the tower and/or antenna height and the location, street address, tax parcel, latitude and longitude and mean sea level height of the tower base.
 - (k) Proposed construction schedule.
 - (l) Removal bond for cost of removal. (See § 172A-7.)
 - (m) Details showing compliance with these regulations.
 - (n) As-built drawings, within 60 days after completion of the construction, if already submitted as part of application and no changes made, certification that the submitted plans are to be considered as-built drawings.
 - (o) A copy of the right-of-way permit granted by the Erie County Department of Public Works or the New York State Department of Transportation to ensure compliance with the indemnity requirements set forth within this chapter.
 - (p) Applicable fees. (As defined in the Town Fee Schedule.)
- (2) The operator/applicant must submit all required materials, fees and documentation to the Building Department. Upon receipt, the Building Department will review the submitted application for compliance with the requirements set forth in this chapter. If an application is deemed incomplete, the Building Department will notify the applicant of the absence of the required information necessary to render a final determination within 10 days of submission and will allow the applicant to cure the

defects of an incomplete submission. Once the application is deemed complete, the Building Department will proceed with the necessary level of review for the requested action and will either issue or deny a small wireless permit to the operator/applicant.

- D. **Administrative review.** Co-location on existing or replacement of wireless support structures in all districts shall be subject to an administrative review process to be performed by the CEO. Upon conclusion of review, the CEO may grant or deny an application based on compliance or noncompliance with the objective criteria required by this chapter for a complete and satisfactory application. In the event that the application requires a deviation in any way from the specific guidelines and co-location requirements of this chapter, the application for co-location must be submitted to the Town Planning Board for review, who will make a recommendation to the Town Board for final approval after this review. Additionally, the CEO may require an application to be sent to the Planning Board for further review in his or her sole discretion in instances where unique circumstances are present within the application that require further review in order to ensure compliance with the Town Code generally. Approval will be contingent upon the recommendation of the Planning Board and final approval by the Town Board for all applications that require a deviation from the co-location requirements and guidelines set forth in this chapter.
- E. **Planning Board review.** The erection of all new wireless support structures within the Town will be subject to review by the Planning Board and approval by the Town Board following a recommendation by the Planning Board. This heightened level of review is required due to the increased level of disruption to the public right-of-way necessary for the erection of a new wireless support structure and the need to avoid possible congestion of the public right-of-way. Additionally, the erection of a new wireless support structure is more likely to negatively alter the character of the surrounding areas than those applications for co-location. Approval of an application is contingent upon a satisfactory showing that the specific negative effects that the erection of a new wireless support structure will have on the surrounding area have been satisfactorily mitigated and that compliance with this chapter has been achieved.
- F. **Equipment maintenance, repairs and modifications.** The operator may maintain, repair, replace and make like-kind modifications to any small wireless facility that do not materially change the size, height and weight of the small wireless facility or exceed the structural capacity of the wireless support structure without requiring a new small wireless permit. The operator/applicant must give prior written notice to the Building Department prior to performing any maintenance repairs and/or modifications.

§ 172A-5 Fees.

All fees related to small wireless facilities are listed in the Town of Alden Fee Schedule.

§ 172A-6 Small wireless design guidelines.

- A. **Purpose.** The purpose of these guidelines is to establish general procedures and standards, consistent with all applicable federal and state laws, for the siting, construction, installation, co-location, modification, relocation, operation and removal of small wireless technology within the Town's right-of-way. The goals of these guidelines are to:
 - (1) Provide standards, technical criteria and details for small wireless facilities in the Town's right-of-way

to be uniformly applied to all applicants and owners of small wireless facilities or support structures for such facilities.

- (2) Enhance the ability of wireless communications carriers to deploy small wireless technology in the Town quickly, effectively and efficiently so that residents, businesses and visitors benefit from ubiquitous and robust wireless service availability.
 - (3) Preserve the character of the Town's neighborhoods, districts and corridors.
 - (4) Ensure that small wireless facilities and support structures are in conformance with all applicable health and safety regulations and will blend into their environment to the greatest extent possible.
 - (5) Comply with, and not conflict with or preempt, all applicable state and federal laws.
- B. Requirement to comply. Placement, modification, operation, relocation and removal of a small wireless facility and/or wireless support structure shall comply with the specifications of this section: at the time the permit for installation, modification, relocation or removal is approved and as amended from time to time.
- C. Locations of small wireless facilities, related ground equipment, and wireless support structures.
- (1) Most preferable zone locations: Industrial areas (if not adjacent to a municipal park or residential area); highway right-of-way areas (if not adjacent to a municipal park or residential area); and retail and commercial areas (if not adjacent to a municipal park or residential area).
 - (2) Least preferable zone locations. Residential or rural districts are the least preferred areas for new small wireless facilities.
 - (3) Duration of permit validity.
 - (4) Co-location preference. It is the Town's strong preference that whenever an applicant proposes to place a new wireless support structure with a small wireless facility within 250 feet from an existing wireless support structure, the applicant either co-locate with the existing facility or demonstrate that a co-location is either not technically feasible or space on the existing facility is not potentially available.
 - (5) Order of preference for wireless support structures. The following list indicates the order of preference for wireless support structures for small wireless facilities, from most preferential to least preferential locations:
 - (a) Existing utility poles.
 - (b) Light poles.
 - (c) Ornamental municipal service poles.
 - (d) New wireless support structures.

D. Consideration of alternate locations.

- (1) In instances where an applicant seeks to co-locate, the Town reserves the right to propose an alternate wireless support structure to the one proposed in the application, which the applicant shall use if it has the right to use the alternate location on reasonable terms and conditions and the alternate location does not impose substantial technical limits or substantial additional costs.
- (2) Where the applicant seeks to erect a new wireless support structure, the Town reserves the right to propose a different location than the location proposed within the application. The applicant shall use the Town's proposed location unless the new proposed location has the effect of or prohibits the provision of wireless service to the particular location sought by the applicant.

E. Guidelines on placement and location of support equipment.

- (1) Facility maintenance and placement. Generally, an applicant shall construct and maintain small wireless facilities and wireless support structures in a manner that does not:
 - (a) Obstruct, impede or hinder the usual travel or public safety on a right-of-way.
 - (b) Obstruct the legal use of a right-of-way by other utility providers.
 - (c) For new wireless support structures, create an unreasonable obstruction to property sight lines.
- (2) Preferred placement. Preferred placement for new small wireless facilities and wireless support structures is generally on an extension of the side-yard property line at the intersection with the line of streetlights, utility poles, or trees in the right-of-way, to avoid interference with building faces, views, business signage, pedestrian flow, etc. Small wireless facilities and wireless support structures shall not be installed between the perpendicular extension of the primary street-facing wall plane of any single- or two-family residence and the street. When located adjacent to a commercial establishment, small wireless facilities and wireless support structures shall not be located in front of store windows, primary walkways, primary entrances or exits, or in such a way that would impede a delivery to the building
- (3) Antennas on existing or replaced utility poles. The antenna(s) associated with co-location on existing or replaced utility poles must have concealed cable connections, antenna mounts and other hardware. The maximum dimensions for antennas shall not be more than three cubic feet in volume, including any enclosure for the antenna.
- (4) Height above ground.
 - (a) Small wireless facilities: Small wireless facilities shall be installed at least eight feet above the ground. If a small wireless facility attachment is projecting toward the street, for the safety and protection of the public and vehicular traffic, the Town may require the attachment to be installed no less than 16 feet above the ground.
 - (b) New wireless support structures in residential or rural districts: In areas where there are no wireless

support structures or utility poles taller than 30 feet in height above ground level and the maximum allowable height for building construction in the underlying zoning district is 35 feet in height above ground level, the overall height of a new wireless support structure and any co-located antennas shall not be more than 35 feet in height above ground level.

[1] In all other areas, the overall height of a new wireless support structure and any co-located antennas shall not be more than 50 feet in height above ground level.

- (c) Existing wireless support structures: For an existing wireless support structure, the antenna and any associated shroud or concealment material are permitted to be co-located at the top of the existing wireless support structure and shall not increase the height of the existing wireless support structure to a height of more than 50 feet or by more than 10%, whichever is greater.
- (5) Protrusion. No protrusions from the outer circumference of the existing structure or pole shall be more than 30 inches. The Town, at its option, may waive the requirement to limit the protrusion to no more than 30 inches on a case-by-case basis.
- (6) Location of equipment - general. Small wireless facilities and related equipment shall not impede pedestrian or vehicular traffic in the right-of-way. If any small wireless facility or wireless support structure is installed in a location that is not in accordance with the plans approved by the Town, impedes pedestrian or vehicular traffic and/or does not comply or otherwise renders the right-of-way noncompliant with applicable laws, including the Americans with Disabilities Act, then the operator shall promptly remove the small wireless facilities and/or wireless support structure. If the operator does not complete removal in a reasonable time frame, the Town will remove it and bill the operator for the cost of the removal. The operator must remove it within 30 days from receipt of notice.
 - (a) Utility lines: Service lines must be underground whenever feasible to avoid additional overhead lines. For new metal poles, underground cables and wires must transition directly into the pole base without any external junction box. If pulling power from existing overhead utility lines, all wiring must be placed in a conduit colored to match or complement the pole. If compliance with this section is not technically feasible, this section may be deviated from with approval from the Town.
 - (b) Spools and coils: To reduce clutter and deter vandalism, excess fiber optic or coaxial cables for small wireless facilities shall not be spooled, coiled or otherwise stored on the pole except within the approved enclosure such as a cage or cabinet. If compliance with this section is not technically feasible, this section may be deviated from with approval from the Town.
 - (c) Aboveground conduit: On wood poles, all aboveground wires, cables and connections shall be encased in the smallest section or smallest diameter PVC channel, conduit, U-Guard™, or shroud feasible, with a maximum dimension of four-inch diameter. Such conduit shall be grey or brown PVC, colored to complement the wood poles.
 - (d) Noise suppression: The applicant is required to incorporate ambient noise suppression measures and/or required to place the equipment in locations less likely to impact adjacent residences or businesses to ensure compliance with all applicable noise regulations.

- (7) Ground-mounted equipment. Ground-mounted equipment shall not be permitted unless the applicant demonstrates that no other feasible options for containing the necessary equipment are available. When allowed, ground equipment should be as minimally intrusive as possible. The equipment shroud or cabinet must contain all the equipment associated with the facility other than the antenna. All cables and conduits associated with the equipment must be concealed from view, routed directly through the metal pole (with the exception of wood power poles) and undergrounded between the pole and the ground-mounted cabinet.
- (8) Pole-mounted equipment. All pole-mounted equipment and cabinets must be installed as flush to the pole as possible. Equipment attached to metal poles must be installed using stainless steel banding straps or other mounting methods that reduce the likelihood of creating negative visual effects on the surrounding area. Equipment attached to wood poles may be bolted to the pole or installed using stainless steel banding straps. When the straps are attached to a metal pole, they must match or complement the color of the pole. All pole-mounted equipment shall be located as close together as technically possible and, if possible, on the same side of the pole, and in the smallest possible equipment box, cabinet, or other unit that may include ventilation openings.
 - (a) Pole-mounted equipment: When pole-mounted equipment is either permitted or required, all equipment other than the antenna(s), electric meter and disconnect switch must be concealed within an equipment cabinet. Equipment cabinets, including cabinets for telephone and/or fiber optic utilities, may not extend more than 30 inches from the face of the pole. The Town's general preference is for the equipment cabinet to be nonreflective, colored to match the existing pole if attached to a metal pole, and in the color of grey or tan if attached to a wood pole. The Town retains discretion over such aesthetic requirements, including camouflaging, and shall determine whether to deviate from said general preference.
 - (b) Electric meter: The Town strongly encourages site operators to use flat-rate electric service when it would eliminate the need for a meter. When a meter is necessary, site operators shall use the smallest and least intrusive electric meter available. Whenever permitted by the electric service provider, the Town's general preference is for the electric meter base to be painted to match the pole; however, the Town retains discretion over such aesthetic requirements, including camouflaging, and shall determine whether to deviate from said general preference on a case-by-case basis.
- (9) Undergrounded equipment vaults. Equipment in an environmentally controlled underground vault may be required in some areas where technologically feasible and appropriate for the location.
- (10) New wireless support structures.
 - (a) Spacing: The Town strongly discourages more than one new wireless support structure per block and will not approve more than one per 250 feet on each side of the street to minimize the hazard of poles adjacent to roadways and minimize visual clutter and distractions to vehicular traffic. Wireless support structures shall be spaced apart from utility poles or wireless support structures supporting small wireless facilities at the same spacing between utility poles in the immediate proximity. An exemption may be granted if the applicant can demonstrate that this spacing restriction prohibits or has the effect of

prohibiting wireless service to the proposed location.

- [1] If multiple requests are received to install two or more poles that would violate the spacing requirement or to co-locate two or more small wireless facilities on the same wireless support structure, priority will be given to the first request received that meets these guidelines.
- (b) General restrictions on new wood poles: In all locations, the Town reserves the right to require a metal pole rather than a wood pole based on the build and/or natural environmental character of the proposed site location.
- (c) Wood pole footings and foundations: In the event that the Town allows for the erection of new wood poles, all poles must be direct buried to a depth determined, stamped, sealed and signed by a professional engineer licensed and registered by the State of New York, and subject to the Town's review and approval.
- (d) Metal pole footings and foundations: All new metal poles must be supported with a reinforced concrete pier or other self-supporting means. The design, including the pier, footings and anchor bolts, shall be stamped, sealed and signed by a professional engineer licensed and registered by the State of New York, and subject to the Town's review and approval. All anchor bolts must be concealed from public view with an appropriate pole boot or cover, subject to the Town's prior approval.
 - [1] The use of guyed towers is prohibited. Towers must be self-supporting without the use of wires, cables, beams or other means. The design should utilize a monopole configuration.
- (e) Metal pole material: All metal poles must be constructed from hot-dip galvanized steel or other corrosion-resistant materials approved by the Town and finished in accordance with these guidelines to avoid rust stains on adjacent sidewalks, buildings or other improvements.
- (f) Lighting, planters, flags, banners: The Town may require the applicant to install functional streetlights and/or brackets to hold hanging flower planters, flags and/or banners when technically feasible and when the Town determines that such additions will enhance the overall appearance and usefulness of the proposed facility that are necessary to match the character of the immediate streetscape. The Town may install hanging flower planters, flags and/or banners utilizing the brackets.
- (11) Town-owned wireless support structures.
 - (a) Required load analysis: Installations on all Town-owned poles shall have an industry standard pole load analysis completed, sealed, and signed by a professional engineer licensed and registered by the State of New York and submitted to the Building Department, with each permit application indicating that the Town-owned pole to which the small wireless facility is to be attached will safely support the load.
 - (b) Power source: A small wireless facility on a Town-owned wireless support structure may not use the same power source that provides power for the original purpose of the wireless support structure.
 - (c) Installations on traffic signals and streetlights: Installations on all traffic signal structures or streetlights

must not interfere with the integrity of the facility in any way that may compromise the safety of the public. The installation must not interfere with other existing uses on the pole such as traffic signals, streetlights, hanging flower planters, flags, and/or banners. Installation of small wireless facilities on any traffic signal structure or street light shall a) be encased in a separate conduit than the traffic light electronics; b) have a separate electric power connection than the traffic signal/streetlight structure; and c) have a separate access point than the traffic signal/streetlight structure.

- (d) Reservation of space for future public safety or transportation uses: An application which relates in any way to space on a Town-owned or -operated wireless support structure that conflicts with space reserved for future public safety or transportation uses documented in an approved plan in place at the time of the application will be denied unless the operator pays for the replacement of the pole or wireless support structure and the replaced pole or wireless support structure will accommodate the future use and the small wireless facility.
- F. Undergrounding requirements. The Town may deny requests to install structures and facilities in the right-of-way in an area where the Town has required all structures and facilities, except those owned by the Town, to be placed underground or elsewhere in the right-of-way or in a utility easement. The Town may deviate from this requirement where strict application would prohibit or have the effect of prohibiting the provision of wireless service to the area referenced within the Small Wireless application.
- G. General aesthetic requirements.
 - (1) Uniformity of appearance. The Town desires to promote cleanly organized and streamlined facilities using the smallest and least intrusive means available to provide wireless services to the community. Generally, a small wireless facility and/or wireless support structure shall match and be consistent with the materials of the adjacent utility poles of the surrounding area adjacent to their location.
 - (2) Concealment.
 - (a) Generally: To the maximum extent possible, as determined by the Town in its sole discretion, on a case-by-case basis: wireless support structures and small wireless facilities shall be designed to blend in with the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where color is dictated by federal or state authorities such as the Federal Aviation Administration; and, every small wireless facility and wireless support structure shall be of neutral colors that blend in with the natural features, buildings, and structures surrounding such small wireless facility and wireless support structure.
 - (b) When underground vaults are proposed, they shall be located to minimize disruption to the placement of street trees. Adequate planting depth shall be provided between the top of the vault and the finished grade to allow plants to grow in a healthy condition. Access to vaults shall not require destruction of decorative plant growth.
 - (3) Signage/lights/logos/decals/cooling fans.

- (a) Signage: The operator shall only post signage required for safety purposes as required by the FCC. No other signage shall be permitted unless approved by the Town.
- (b) Lights: New small wireless facilities and wireless support structures shall not be illuminated, except in accord with state or federal regulations, or unless illumination is integral to the camouflaging strategy such as design intended to look like a streetlight pole.
- (c) Logos/decals: operators must remove or paint over unnecessary equipment manufacturer decals. New small wireless facilities and wireless support structures shall not include advertisements or logos and may only display information required by a federal, state or local agency. The operator shall utilize the smallest and lowest visibility radio-frequency (RF) warning sticker required by government or electric utility regulations, and said RF sticker shall be placed as close to the antenna as possible.
- (d) Cooling fans: In residential areas, the operator shall use a passive cooling system. In the event that a fan is needed, the operator shall use a cooling fan with a low noise profile.

H. General provisions.

- (1) Tree maintenance. The operator, its contractors, and its agents shall obtain written permission from the Town before trimming any trees in the right-of-way. When trimming such trees on private property, the operator, its contractors, and its agents shall notify the Town and obtain written permission from the property owner. When directed by the Town, the operator shall trim under the supervision and direction of the Town. The Town shall not be liable for any damages, injuries, or claims arising from the operator's actions under this section.
- (2) Graffiti abatement. As soon as practical, but not later than 14 calendar days from the date the operator receives notice thereof, the operator shall remove all graffiti on any of its small wireless facilities and/or wireless support structures located in the right-of-way and restore such facilities/structures to their pre-graffiti appearance. The Town, in its sole discretion, may agree to an extension of time for abatement when necessitated by the need to order replacement equipment when such equipment is ordered in a timely manner.
- (3) Minor technical exceptions. The Town recognizes that in some circumstances strict compliance with these guidelines may result in undesirable aesthetic outcomes and that minor deviations should be granted when the need for such deviation arises from circumstances outside the applicant's control.
- (4) Waivers if requirements have the effect of prohibiting the provision of wireless service to a location. In the event that any applicant asserts that strict compliance with any provision in this chapter, as applied to a specific proposed small wireless facility, would effectively prohibit the provision of personal wireless services, the Town may grant a limited, one-time exemption from strict compliance.

§ 172A-7 Safety and liability requirements.

- A. Prevention of failures and accidents. Any operator of a small wireless facility and/or wireless support structure located in the right-of-way shall at all times employ ordinary and reasonable care and install and maintain in use industry standard technology for preventing failures and accidents which are likely

to cause damage, injury, or nuisance to the public.

- B. Compliance with fire safety and FCC regulations. Small wireless facilities, wires, cables, fixtures, and other equipment shall be installed and maintained in substantial compliance with the requirements of the National Electrical Code, all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property.
- C. The operator shall provide RF emissions letters for each small wireless facility prior to and as a condition of each and every small wireless permit being issued proving that the site is in compliance with all RFE regulations.
- D. Changes in state or federal safety standards and regulations. If state or federal safety standards and regulations are amended, the owner/operator of the small wireless facilities and/or wireless support structures governed by this chapter shall bring any facilities and/or structures into compliance with the revised standards and regulations within six months of the effective date of the standards and regulations, unless a different compliance schedule is mandated by the regulating agency. Failure to bring small wireless facilities and/or wireless support structures into compliance with any revised standards and regulations shall constitute grounds for revocation of the small wireless permit and removal at the owner's expense.
- E. Insurance. The owner or operator of a SWF shall maintain a current liability insurance policy which will cover the installation and operation of the SWF at all times. As a part of the site plan review process, the Alden Town Board may require proof that the owner or operator is carrying sufficient liability, workers' compensation, or other insurance as determined necessary by the Alden Town Board, during installation and operation of a proposed SWF. Limits for said insurance policies shall be set by the Alden Town Board based on the size and scope of each SWF project.
- F. Removal bond or equivalent financial tool for cost of removal. All operators must procure and provide to the Town a removal bond, or a letter of credit acceptable to the Town, to ensure compliance with all provisions of this chapter. The bond or letter of credit must be maintained for as long as the owner/operator has small wireless facilities and/or wireless support structures located in the right-of-way. The bond or letter of credit must specifically cover the cost of removal of unused or abandoned small wireless facilities and/or wireless support structures or damage to Town property caused by an operator or its agent of each small wireless facility and/or wireless support structure in case the Town has to remove or pay for its removal. The amount of the bond or letter of credit shall be determined by the Town Board with input from the Town Engineer.

§ 172A-8 Installation requirements.

- A. Completion within 365 days. The co-location or erection of a new wireless support structure for which a small wireless permit is granted shall be completed within 365 days after issuance of the small wireless permit unless the Town Board and the applicant agree to extend this period. The Town Board will agree to an extension if the operator has made a timely request within 300 days after the issuance of the small wireless permit. The additional time to complete installation may not exceed a total of 547 days after the issuance of the small wireless permit.

- B. Procedure for request for extension of time. In situations where the applicant requests an extension of time, such request must be completed by a written submission to the Town, which includes the length of time being requested and the reason for the delay.

§ 172A-9 As-built maps and records.

- A. As-built maps. The operator shall maintain accurate maps and other appropriate records, including an inventory, of its small wireless facilities and wireless support structures as they are actually constructed in the right-of-way or any other Town-owned property. The inventory shall include GIS coordinates, date of installation, type of wireless support structure used for installation, wireless support structure owner/operator and description/type of installation for each small wireless facility and wireless support structure.

- (1) Inactive facilities: Upon the Town's written request, the operator shall provide a cumulative inventory within 30 days of the Town's request. Concerning small wireless facilities and wireless support structures that become inactive, the inventory shall include the same information as active installations, in addition to the date the small wireless facility and/or wireless support structure was deactivated and the date the small wireless facility and/or wireless support structure was removed from the Right-of- Way. The Town may compare the inventory to its records to identify any discrepancies.

§ 172A-10 Liability and signal interference.

- A. No liability. The Town shall not be liable to the operator by reason of inconvenience, annoyance or injury to the small wireless facilities, wireless support structures, and related ground- or pole-mounted equipment or activities conducted by the operator therefrom, arising from the necessity of repairing any portion of the right-of-way, or from the making of any necessary alteration or improvements in, or to, any portion of the right-of-way, or in, or to, the Town's fixtures, appurtenances or equipment.
- B. Signal interference prohibited. In the event that an operator's small wireless facility interferes with the public safety radio system, or the Town's or State of New York's traffic signal system, then the operator shall, at its cost, immediately cooperate with the Town to either rule out the operator as the interference source or eliminate the interference. Cooperation with the Town may include, but shall not be limited to, temporarily switching the transmission equipment on and off for testing.

§ 172A-11 Requirements for removal, replacement, maintenance and repair.

- A. Replacement of municipal-owned wireless support structure. When necessary to accommodate small wireless facility, the Town may require, in response to an application to co-locate a small wireless facility on a Town-owned wireless support structure, the replacement or modification of the wireless support structure at the operator's cost if the Town determines that replacement or modification is necessary for compliance with construction and safety standards. Such replacement or modification shall conform to this chapter. The Town may retain ownership of the replacement or modified wireless support structure.
- B. Removal or relocation required for Town project. The operator shall remove and relocate the permitted small wireless facility and/or wireless support structure at the operator's sole expense to accommodate construction of a public improvement project by the Town. To the extent possible, the Town will work

with the operator to provide an alternate location on either a temporary or permanent basis.

- (1) Failure to remove upon request: If the operator fails to remove or relocate the small wireless facility and/or wireless support structure or portion thereof as requested by the Town within 120 days of the Town's notice, then the Town shall be entitled to remove the small wireless facility and/or wireless support structure, or portion thereof, at the operator's sole cost and expense, without further notice to the operator.
- (2) Reimbursement for removal: The operator shall, within 30 days following issuance of invoice for the same, reimburse the Town for its reasonable expenses incurred in the removal (including, without limitation, overhead and storage expenses) of the small wireless facilities and/or wireless support structure, or portion thereof.

C. Removal required by Town for safety and imminent danger reasons. The operator shall, at its sole cost and expense, promptly disconnect, remove, or relocate the applicable small wireless facility and/or wireless support structure within the time frame and in the manner required by the Town if the Town reasonably determines that the disconnection, removal, or relocation of any part of a small wireless facility and/or wireless support structure is necessary to protect the public health, safety, welfare, or Town property.

- (1) Imminent danger. If the Town reasonably determines that there is imminent danger to the public, then the Town may immediately disconnect, remove, or relocate the applicable small wireless facility and/or wireless support structure at the operator's sole cost and expense.

D. Removal/abandonment of facilities. The operator shall remove small cell facilities and/or wireless support structures when such facilities are abandoned, regardless of whether it receives notice from the Town. Unless the Town sends notice that removal must be completed immediately to ensure public health, safety, and welfare, the removal must be completed within the earlier of 60 days of the small wireless facility and/or wireless support structure being abandoned, or within 60 days of receipt of written notice from the Town. When the operator abandons permanent structures in the right-of-way, the operator shall notify the Town in writing of such abandonment and shall file with the Town the location and description of each small wireless facility and/or wireless support structure abandoned. Prior to removal, the operator must make application to the Town and receive approval for such removal. The operator must obtain a right-of-way work permit for the removal. The Town may require the operator to complete additional remedial measures necessary for public safety and the integrity of the right-of-way.

- (1) Transfer of ownership: The Town may, at its option, allow a wireless support structure to remain in the right-of-way and coordinate with the owner to transfer ownership of such wireless support structure to the Town, instead of requiring the owner and/or operator to remove such wireless support structure.

E. Restoration. The operator shall repair any damage to the right-of-way, any facilities located within the right-of-way, and/or the property of any third party resulting from operator's removal or relocation activities (or any other of the operator's activities hereunder) within 10 calendar days following the date of such removal or relocation, at the operator's sole cost and expense. Restoration of the right-of-way

and such property must be to substantially the same condition as it was immediately before the date the operator was granted a small wireless permit for the applicable location or did the work at such location (even if the operator did not first obtain a small wireless permit). This includes restoration or replacement of any damaged trees, shrubs, or other vegetation. Such repair, restoration and replacement shall be subject to the sole, reasonable approval of the Town.

§ 172A-12 Rulemaking authority.

The Town Board is hereby authorized to promulgate additional rules and regulations, including but not limited to the adoption of forms and application submittal requirements, to carry out the purpose and intent of this chapter in order to protect the public health, safety and welfare. Such rules, and amendments thereto, shall be consistent with this Town Code, and shall be subject to the approval of the Town Supervisor.

§ 172A-13 Effect of partial invalidity.

The provisions of this chapter are hereby declared to be severable, and if any section, subsection, or clause of this chapter is held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such a ruling shall not affect the other parts of this chapter that can be given effect.

§ 172A-14 Failure to comply.

In addition to any penalties under §172A-15 below, if the operator fails to abide with all provisions of this chapter and obtain all applicable licenses, permits, and certifications, the operator's small wireless permit shall be revoked and the operator, at its sole cost and expense, shall promptly disconnect, remove, and/or relocate its small wireless facility(ies) and/or wireless support structure(s).

§ 172A-15 Penalties for offenses.

Violation of any of the provisions of this chapter shall be a violation punishable by a fine of a minimum of \$250 per day and a maximum of \$1,000 per day, or 15 days in jail, or both. Each day that a violation occurs or is permitted to exist by the operator constitutes a separate offense.

Motion to Introduce Local Law # 2 of 2023



Motion to Introduce Local Law # 2 of 2023 Local Law Rescinding Chapter 67 Residency Requirements of the Alden Town Code.

Local Law Rescinding Chapter 67 Residency Requirements of the Alden Town Code

TOWN OF ALDEN LOCAL LAW NO. 2 OF THE YEAR 2023

A Local Law Rescinding a Chapter 67 Residency Requirements of the Alden Town Code

Be it enacted by the Town Board of the Town of Alden as follows:

Section 1.

Chapter 67 of the Alden Town Code adopted by the Town Board of the Town of Alden 12-4-2006 by L.L. No. 2-2006 (Ch. 20B of the 1981 Code); amended in its entirety 11-3-2020 by L.L. No. 2-2020, hereby the Town of Alden undertook and exercised its regulatory authority with regard to enacting a residency requirements for Town employees be and the same hereby is rescinded in its entirety.

Section 2.

This Local Law shall take effect immediately.

K

RESOLUTION REGARDING SEQRA FOR LOCAL LAW # 2 of 2023

THE FOLLOWING RESOLUTION WAS OFFERED BY _____, WHO MOVED ITS ADOPTION, SECONDED BY _____

WHEREAS, the Town Board of the Town of Alden (“Town Board”) has fully and properly considered adopting Local Law # 2 of 2023, a Local Law Rescinding Chapter 67 Residency Requirements of the Alden Town Code (the “Proposed Action”); and

WHEREAS, the Town Board, after completing the Short Environmental Assessment Form has determined that the Proposed Action is a Type II Action under SEQRA; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The Town Board hereby adopts the attached Determination of Type II Action.**
- 2. The Town of Alden, as Lead Agency, hereby determines that the Type II action described in the attached Determination, 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.
- 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 March 6, 2023, the results of which were as follows:

Councilwomen Waiss	Aye	Nay
Supervisor Sitzman	Aye	Nay
Councilwomen Pautler	Aye	Nay

Determination of Type II Action

TOWN OF ALDEN

In the Matter of the Application of the Town of Alden
for an Environmental Assessment Pursuant to the
State Environmental Quality
Review Act (SEQR)

1. The Town of Alden, on or about February 28, 2023, filed an Environmental Assessment Form (EAF) with the Alden Town Board, a copy of which is attached hereto and made a part hereof relating to the Local Law Rescinding Chapter 67 Residency Requirements of the Alden Town Code.
2. Pursuant to 6 NYCRR section 617.5 of the SEQR regulations it is hereby determined that the action proposed in said application constitutes a Type II action as defined under said regulation and does not require an environmental impact statement or any other determination or procedure. More Specifically: 6 NYCRR Section 617.5(c)(26) and (33) state that routine continuing administration and management of the Town and the adoption of local legislation in relation thereof are Type II actions. The adoption of a local law to rescind a local law requiring residency of Town employees is local legislation regarding the continuing administration and management of the Town of Alden.

Date: March 6, 2023

Brett A. Sitzman, Supervisor Town of Alden

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Town of Alden			
Name of Action or Project: Local Law # 2 of 2023: Rescind Residency Law			
Project Location (describe, and attach a location map): Town Wide			
Brief Description of Proposed Action: Local Law rescinding the residency requirements for Town of Alden employees.			
Name of Applicant or Sponsor: Alden Town Board		Telephone: 716.937.6969	
		E-Mail: brett.sitzman@erie.gov	
Address: 3311 Wende Road			
City/PO: Alden		State: NY	Zip Code: 14004
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ 0 acres	
b. Total acreage to be physically disturbed?		_____ 0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 0 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): town wide local law			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: _____ Date: _____		
Signature: <u>Brett A. Sitzman</u> Title: <u>Supervisor</u>		



Resolution Calling Public hearing for Local Law # 2 of 2023 Local Law Rescinding Chapter 67 Residency Requirements of the Alden Town Code

THE FOLLOWING RESOLUTION WAS OFFERED BY _____, WHO MOVED ITS ADOPTION, SECONDED BY _____.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED AS FOLLOWS;

A hearing before the Town Board of the Town of Alden, in the County of Erie shall be held at the Town Hall, 3311 Wende Road, Alden, New York at 7:30 p.m. on the 20th day of March, 2023, for the purpose of hearing all persons interested in the proposed Local Law No. 2 of the Year 2023 Local Law Rescinding Chapter 67 Residency Requirements of the Alden Town Code; and

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Alden Advertiser, designated as the official newspaper for this publication, such publication to be not less than ten (10) days before the date of the public hearing; (b) and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; and

ORDERED, that the Town Clerk is to make copies of the proposed Local Law No. 2 of the Year 2023, entitled "Local Law Rescinding Chapter 67 Residency Requirements of the Alden Town Code" available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call, at a regular meeting on March 6, 2023 which resulted as follows:

Councilwomen Waiss	AYE	NAY
Supervisor Sitzman	AYE	NAY
Councilwomen Pautler	AYE	NAY

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
TOWN OF ALDEN, NEW YORK

PLEASE TAKE NOTICE, that there has been presented to the Town Board on March 6, 2023, for adoption a proposed Local Law to be known as Local Law No. 2 of the Year 2023 entitled "Local Law Rescinding Chapter 67 Residency Requirements of the Alden Town Code" The purpose of this local law is to rescind the residency requirement for Town employees..

THEREFORE, pursuant to the Municipal Home Rule Law Rules, the Town Board of the Town of Alden shall hold a Public Hearing on the aforesaid proposed Local Law at the Town Hall, 3311 Wende Road, Alden, New York at 7:30 p.m. on the 20th day of March, 2023, at which time persons interested may be heard. Copies of the aforesaid proposed Local Law are available at the office of the Town Clerk for inspection and distribution to any interested person during business hours. The meeting room is wheel chair accessible. Those needing special arrangements should call the Town Hall at 937-6969.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF ALDEN

Dated: March 6, 2023