

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

- 1. PLEDGE OF ALLEGIANCE – COUNCILWOMAN PAUTLER**
- 2. CALLING THE ROLL OF BOARD MEMBERS BY THE TOWN CLERK**
- 3. OFFER OF THE MINUTES OF THE PROCEEDINGS OF THE REGULAR MEETING OF JUNE 20, 2023**
- 4. APPROVAL OF VOUCHERS**  
\*\*\*\*\*  
**7:05 Public Hearing – Local Law No. 3 “Town Of Alden Code of Ethics”**  
\*\*\*\*\*
- 5. BUSINESS FROM THE FLOOR**
- 6. PRESENTATION OF COMMUNICATIONS FROM BOARD MEMBERS AND OTHER TOWN OFFICIALS**
- 7. NEW BUSINESS**
  - A. Resolution declaring SEQRA Neg Dec and approving minor subdivision on Three Rod Rd. per S/BS**
  - B. Motion to approve Alden Central School to use Town Park and Joe Panza Trail per S/BS**
  - C. Motion to approve Alden Central School to use Town Park athletic fields per S/BS**
  - D. Resolution to approve Polling Place Lease Agreement per S/BS**
  - E. Resolution to approve Local Law #3 “Town Of Alden Code of Ethics” per S/BS**
  - F. Resolution to Hire Painter for the Alden Heritage Center Building per S/BS**
  - G. Resolution requiring property owner to maintain lawn at 11133 Broadway per S/BS**
  - H. Resolution requiring property owner to maintain lawn at 178 Two Rod Rd. per S/BS**
  - I. Resolution for NYS Water Infrastructure Improvement Act – 2023 Water Grant per S/BS**
- 8. UNFINISHED & TABLED BUSINESS**
- 9. REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL**
- 10. ANNOUNCEMENTS FROM THE SUPERVISOR**
- 11. NOTICE OF MEETINGS:**

<b>WORK SESSION:</b>	<b>July 10, 2023</b>	<b>@ 7:00 PM</b>
<b>REG. BOARD MEETING:</b>	<b>July 17, 2023</b>	<b>@ 7:00 PM</b>
- 12. MEMORIAL REMEMBRANCE: Norman Wachowiak, Donald Crist, Elaine Jackson, Clyde Butcher, Richard Mansfield, Debbi Lemke, Jeanne Seitz**
- 13. ADJOURNMENT**

# AP GL Distribution Report Parameters

**Report ID:** Year: 2023  
**Period:** 1 To: 12  
**Date Range:** Pay Due Date Range: 06/22/2023 To: 06/30/2023  
**Check ID:** To: Print Certification: No Certification Option: Voucher A  
**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

Prepared By: CLERK 4

Date Prepared: 06/30/2023 01:25 PM  
 Report Date: 06/30/2023  
 Account Table:  
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Fiscal Year: 2023 Period From: 1 To: 12 Pay Due Date 06/22/2023 To: 06/30/2023

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 A					GENERAL FUND						
Dept 1410					TOWN CLERK						
A.1410.0401					TOWN CLERK.OFFICE SUPPLIES						
20230548		00001		0000002489	W. B. MASON CO. INC.	238969844	06/22/2023	06/22/2023	6	0.00	34.48
<b>Total A.1410.0401</b>					TOWN CLERK.OFFICE SUPPLIES					<b>0.00</b>	<b>34.48</b>
<b>Total Dept 1410</b>					TOWN CLERK					<b>0.00</b>	<b>34.48</b>
Dept 1610					INTERNET						
A.1610.0400					INTERNET.CONTRACTUAL EXPENSE						
20230574		00001		0000001862	CHARTER COMMUNICATIONS	146018401062123	06/30/2023	06/30/2023	6	0.00	159.96
<b>Total A.1610.0400</b>					INTERNET.CONTRACTUAL EXPENSE					<b>0.00</b>	<b>159.96</b>
<b>Total Dept 1610</b>					INTERNET					<b>0.00</b>	<b>159.96</b>
Dept 1620					BUILDINGS						
A.1620.0407					BUILDINGS.LIGHT						
20230572		00001		0000000111	NYSEG	06222023	06/29/2023	06/29/2023	6	0.00	1,476.53
<b>Total A.1620.0407</b>					BUILDINGS.LIGHT					<b>0.00</b>	<b>1,476.53</b>
<b>Total Dept 1620</b>					BUILDINGS					<b>0.00</b>	<b>1,476.53</b>
Dept 1670					CENTRAL MAILING						
A.1670.0415					CENTRAL MAILING.COPIER SUPPLIES						
20230575		00001		0000002290	COMDOC	IN5734889	06/30/2023	06/30/2023	6	0.00	27.55
<b>Total A.1670.0415</b>					CENTRAL MAILING.COPIER SUPPLIES					<b>0.00</b>	<b>27.55</b>
<b>Total Dept 1670</b>					CENTRAL MAILING					<b>0.00</b>	<b>27.55</b>
Dept 5132					HIGHWAY GARAGE						
A.5132.0406					HIGHWAY GARAGE.TELEPHONE						
20230564		00001		0000001862	CHARTER COMMUNICATIONS	144633601060723	06/29/2023	06/29/2023	6	0.00	129.99
<b>Total A.5132.0406</b>					HIGHWAY GARAGE.TELEPHONE					<b>0.00</b>	<b>129.99</b>
<b>Total Dept 5132</b>					HIGHWAY GARAGE.TELEPHONE					<b>0.00</b>	<b>129.99</b>
A.5132.0438					HIGHWAY GARAGE.REPAIRS & MAINT						
20230569		00001		0000002837	RUPP OVERHEAD DOORS, INC.	28733	06/29/2023	06/29/2023	6	0.00	240.00
<b>Total A.5132.0438</b>					HIGHWAY GARAGE.REPAIRS & MAINT					<b>0.00</b>	<b>240.00</b>
<b>Total Dept 5132</b>					HIGHWAY GARAGE.REPAIRS & MAINT					<b>0.00</b>	<b>240.00</b>

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<b>Fund A</b>											
<b>Dept 5132</b>											
GENERAL FUND											
HIGHWAY GARAGE											
HIGHWAY GARAGE.REPAIRS & MAINT											
<b>Total Dept 5132</b>										<b>0.00</b>	<b>369.99</b>
<b>Dept 7110</b>											
HIGHWAY GARAGE											
PARKS											
PARKS.REPAIRS & MAINTENANCE											
A.7110.0429			00001	0000002953	FREEDOM AUTOMOTIVE INC.	*****	06/27/2023	06/27/2023	6	0.00	534.20
<b>Total A.7110.0429</b>										<b>0.00</b>	<b>534.20</b>
PARKS.GASOLINE & OIL											
A.7110.0431			00001	0000002953	FREEDOM AUTOMOTIVE INC.	*****	06/27/2023	06/27/2023	6	0.00	145.71
<b>Total A.7110.0431</b>										<b>0.00</b>	<b>145.71</b>
PARKS.AUTO PARTS & ACCESSORIES											
A.7110.0432			00001	0000002953	FREEDOM AUTOMOTIVE INC.	*****	06/27/2023	06/27/2023	6	0.00	129.31
<b>Total A.7110.0432</b>										<b>0.00</b>	<b>129.31</b>
PARKS.LANDSCAPING MATERIALS											
A.7110.0434			00001	0000001698	LAKESIDE SOD SUPPLY CO	75553	06/29/2023	06/29/2023	6	0.00	82.50
20230559			00001	0000002659	MITCHELL GREENHOUSES	466660	06/29/2023	06/29/2023	6	0.00	318.25
20230560			00001	0000002832	TOMMY TOPSOIL	1022	06/29/2023	06/29/2023	6	0.00	200.00
<b>Total A.7110.0434</b>										<b>0.00</b>	<b>600.75</b>
PARKS.CHEMICALS											
A.7110.0435			00001	0000001552	CRYSTAL CLEAR POOLS	61539	06/27/2023	06/27/2023	6	0.00	51.80
<b>Total A.7110.0435</b>										<b>0.00</b>	<b>51.80</b>
PARKS.BUILDING MAINTENANCE											
A.7110.0438			00001	0000002643	HAIST LOCKSMITH SERVICE	06222023	06/27/2023	06/27/2023	6	0.00	67.50
<b>Total A.7110.0438</b>										<b>0.00</b>	<b>67.50</b>
PARKS.MATERIALS & SUPPLIES											
A.7110.0450			00001	0000001389	NAPA AUTO PARTS	*****	06/29/2023	06/29/2023	6	0.00	66.68
20230561			00001	0000001473	SHERWIN-WILLIAMS	3029-8	06/29/2023	06/29/2023	6	0.00	121.69
<b>Total A.7110.0450</b>										<b>0.00</b>	<b>188.37</b>

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Fund A					GENERAL FUND						
Dept 7110					PARKS						
Total Dept 7110					PARKS					0.00	1,717.64
Dept 7140					RECREATION						
A.7140.0432					RECREATION.DUES & SUBSCRIPTIONS						
20230554		00001		0000002890	GADD, MICHELLE	03816-30723232	06/27/2023	06/27/2023	6	0.00	11.94
Total A.7140.0432					RECREATION.DUES & SUBSCRIPTIONS					0.00	11.94
A.7140.0434					RECREATION.RECREATION SUPPLIES						
20230549		00001		0000002489	W. B. MASON CO. INC.	239088770	06/27/2023	06/27/2023	6	0.00	80.54
20230550		00001		0000002890	GADD, MICHELLE	*****	06/27/2023	06/27/2023	6	0.00	14.58
Total A.7140.0434					RECREATION.RECREATION SUPPLIES					0.00	95.12
Total Dept 7140					RECREATION					0.00	107.06
Total Fund A					GENERAL FUND					0.00	3,893.21

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<b>Fund B</b>											
<b>Dept 3620</b>											
<b>PART TOWN FUND</b>											
<b>SAFETY INSPECTION</b>											
B.3620.0401											
20230557		00001		0000002489	W. B. MASON CO. INC.	238969844	06/27/2023	06/27/2023	6	0.00	235.00
<b>Total B.3620.0401</b>										<b>0.00</b>	<b>235.00</b>
<b>B.3620.0403</b>											
<b>SAFETY INSPECTION.PRINTING &amp; ADVERTISING</b>											
20230557		00001		0000002489	W. B. MASON CO. INC.	238969844	06/27/2023	06/27/2023	6	0.00	132.97
<b>Total B.3620.0403</b>										<b>0.00</b>	<b>132.97</b>
<b>B.3620.0457</b>											
<b>SAFETY INSPECTION.REPAIRS AND MAINT</b>											
20230555		00001		0000001136	SNYDER, CHRISTOPHER	06132023	06/27/2023	06/27/2023	6	0.00	35.00
<b>Total B.3620.0457</b>										<b>0.00</b>	<b>35.00</b>
<b>Total Dept 3620</b>										<b>0.00</b>	<b>402.97</b>
<b>Dept 9060</b>											
<b>HOSPITAL AND MEDICAL INSURANCE</b>											
B.9060.0800											
20230573		00001	536	0000002768	BLUE CROSS BLUE SHIELD OF WNY	230620488015	06/29/2023	06/29/2023	6	0.00	1,642.95
<b>Total B.9060.0800</b>										<b>0.00</b>	<b>1,642.95</b>
<b>Total Dept 9060</b>										<b>0.00</b>	<b>1,642.95</b>
<b>Total Fund B</b>										<b>0.00</b>	<b>2,045.92</b>
<b>PART TOWN FUND</b>											

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Fund DB					HIGHWAY FUND - PART TOWN						
Dept 5110					MAINTENANCE OF ROADS						
DB.5110.0433					MAINTENANCE OF ROADS.RESURFACING MATERIALS						
20230567		00001		0000002543	LAWSON PRODUCTS	9310652536	06/29/2023	06/29/2023	6	0.00	122.64
20230570		00001		0000002920	THOMANN ASPHALT PAVING CORP	217415	06/29/2023	06/29/2023	6	0.00	3,575.12
Total DB.5110.0433					MAINTENANCE OF ROADS.RESURFACING MATERIALS					0.00	3,697.76
Total Dept 5110					MAINTENANCE OF ROADS					0.00	3,697.76
Dept 5112					ROAD CONSTRUCTION						
DB.5112.0433					ROAD CONSTRUCTION.MATERIALS & SUPPLIES						
20230565		00001		0000000164	COUNTY LINE STONE CO., INC.	152028	06/29/2023	06/29/2023	6	0.00	606.30
20230568		00001		0000001897	MIDLAND ASPHALT MATERIALS INC.	3193177	06/29/2023	06/29/2023	6	0.00	1,281.56
Total DB.5112.0433					ROAD CONSTRUCTION.MATERIALS & SUPPLIES					0.00	1,887.86
Total Dept 5112					ROAD CONSTRUCTION					0.00	1,887.86
Dept 5130					MACHINERY						
DB.5130.0424					MACHINERY.REPAIRS AND MAINTENANCE						
20230566		00001		0000002648	KIMBALL MIDWEST	101149857	06/29/2023	06/29/2023	6	0.00	117.66
Total DB.5130.0424					MACHINERY.REPAIRS AND MAINTENANCE					0.00	117.66
Total Dept 5130					MACHINERY					0.00	117.66
Dept 5140					MISCELLANEOUS (BRUSH AND LEAVES)						
DB.5140.0449					MISCELLANEOUS (BRUSH AND LEAVES).MATERIALS & SUPPLIES						
20230571		00001		0000002832	TOMMY TOPSOIL	1020	06/29/2023	06/29/2023	6	0.00	575.00
Total DB.5140.0449					MISCELLANEOUS (BRUSH AND LEAVES).MATERIALS & SUPPLIES					0.00	575.00
Total Dept 5140					MISCELLANEOUS (BRUSH AND LEAVES)					0.00	575.00
Total Fund DB					HIGHWAY FUND - PART TOWN					0.00	6,278.28

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Fund SA Dept 8130					SEWER ALAURA DRIVE						
					SEWAGE TREATMENT AND DISPOSAL						
SA.8130.0419					SEWAGE TREATMENT AND DISPOSAL.OTHER UNCLASSIFIED						
20230552		00001		0000002656	EC PUBLIC HEALTH LAB. ATTN: ACC\6230003	06/27/2023	06/27/2023	06/27/2023	6	0.00	164.00
<b>Total SA.8130.0419</b>					SEWAGE TREATMENT AND DISPOSAL.OTHER UNCLASSIFIED					<b>0.00</b>	<b>164.00</b>
<b>Total Dept 8130</b>					SEWAGE TREATMENT AND DISPOSAL					<b>0.00</b>	<b>164.00</b>
<b>Total Fund SA</b>					SEWER ALAURA DRIVE					<b>0.00</b>	<b>164.00</b>



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Fund T					TRUST & AGENCY						
Dept 0000				0000							
T.0000.0017					DEFERRED COMPENSATION PLAN						
20230553		00001	535	0000002471	NEW YORK STATE DEFERRED COMF 06212023	06/27/2023	06/27/2023	6	0.00	1,844.83	
Total T.0000.0017					DEFERRED COMPENSATION PLAN				0.00	1,844.83	
Total Dept 0000				0000					0.00	1,844.83	
Total Fund T					TRUST & AGENCY				0.00	1,844.83	
Grand Total									0.00	14,226.24	

Dept. No.	Name	Enc. Amount	Exp. Amount
0000	0000	0.00	1,844.83
1410	TOWN CLERK	0.00	34.48
1610	INTERNET	0.00	159.96
1620	BUILDINGS	0.00	1,476.53
1670	CENTRAL MAILING	0.00	27.55
3620	SAFETY INSPECTION	0.00	402.97
5110	MAINTENANCE OF ROADS	0.00	3,697.76
5112	ROAD CONSTRUCTION	0.00	1,887.86
5130	MACHINERY	0.00	117.66
5132	HIGHWAY GARAGE	0.00	369.99
5140	MISCELLANEOUS (BRUSH AND LEAVES)	0.00	575.00
7110	PARKS	0.00	1,717.64
7140	RECREATION	0.00	107.06
8130	SEWAGE TREATMENT AND DISPOSAL	0.00	164.00
9060	HOSPITAL AND MEDICAL INSURANCE	0.00	1,642.95
Grand Total:		0.00	14,226.24

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

PLEASE TAKE NOTICE, that there has been presented to the Town Board on June 5, 2023, for adoption a proposed Local Law to be known as Local Law No. 3 of the Year 2023 entitled "Town of Alden Code of Ethics" The purpose of this local law is to adopt a new Code of Ethics and to rescind the current Code of Ethics.

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 7:05 p.m. on the 3<sup>rd</sup> day of July, 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 wheelchair accessible. Those needing special arrangements should call the Town Clerk at 716-937-6969.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF ALDEN

Dated: June 20, 2023

A

**RESOLUTION DECLARING SEQRA NEGATIVE DECLARATION AND APPROVING MINOR SUBDIVISION ON 542 THREE ROD ROAD**

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

**WHEREAS, the Alden Town Board is considering an application by Richard Donnelly for the subdivision of two (2) lots. The entire parcel currently consists of approximately 27 improved acres at 542 Three Rod Road, in the Town of Alden, further identified as SBL 118.00-6-4.1. The first proposed lot ("Parcel A") would be an approximately 18.75 acre parcel containing an existing house; and the second proposed lot ("Parcel B") would be an approximately 8.25 acre vacant parcel (the "Proposed Action");**

WHEREAS, the Proposed Action is an unlisted action within the requirements of the New York State Environmental Quality Review Act;

WHEREAS, the Town Building Inspector provided notice to the Erie County Division of Planning, for this Proposed Action, as required under Section 239-m of the General Municipal Law and no comment was received;

WHEREAS, the New York State Environmental Quality Review Act requires the Town to determine the Lead Agency status and the Lead Agency making a SEQRA determination;

WHEREAS, the Alden Town Board did assume Lead Agency Status on May 15, 2023;

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law the Town Board has prepared the Short Form Environmental Assessment Form, which is now on file with the Town Board and the Town's SEQRA Intake Officer; and

WHEREAS, during review of this Proposed Action, the Town of Alden assessed areas of environmental concern and determined that no significant negative impacts would occur. In reaching this decision, the Town carefully considered all "Criteria" for Determination of Significance listed in the SEQRA Regulations.

**WHEREAS, the Town of Alden Planning Board on June 13, 2023, reviewed the Proposed Action and recommended to the Town Board the approval of the Proposed Action.**

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

- 1. The Town Board, as Lead Agency, has determined that the Proposed Action is an Unlisted Action under SEQRA;**
- 2. The Town of Alden, as Lead Agency hereby concludes that the project will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic consideration;**

**3. That the following parcel, more particularly described as:**

*All that Tract of Parcel of Land, situated in the Town of Alden, County of Erie and State of New York being part of Lot 72 in the 10<sup>th</sup> Township and 5<sup>th</sup> Range of the Buffalo Creek Reservation and being further bounded and described as follows: **BEGINNING** at the intersection point of the center lines of Cary Road (49.50 feet wide) and Three Rod Road (width varies); Thence North 24°33'09" West along the center line of Three Rod Road, a distance of 7.30 feet to a Point of Curvature; Thence northerly along a Curve to the right having a Radius of 418.6 feet and an Arc distance of 256.0 feet to a point; Thence North 81°48'36" West, a distance of 42.42 feet to a point; Thence North 14°50'24" East, a distance of 35.83 feet to a point; Thence North 65°17'36" West, a distance of 1,294.79 feet to a point; Thence South 11°39'29" West, a distance of 366.13 feet to a point; Thence South 76°33'30" East, a distance of 777.05 feet to a point; Thence North 6°27'04" East, a distance of 30.00 feet to a point; Thence South 83°32'56" West, a distance of 113.50 feet to a point; Thence South 44°08'07" East, a distance of 314.60 feet to a point; Thence South 3°25'18" West, a distance of 157.54 feet to a point in the center line of Cary Road; Thence easterly along the center line of Cary Road, along a Curve to the left having a Radius of 390.00 feet and an Arc distance of 155.53 feet to a point of Tangency; Thence North 67°51'04" East, a distance of 89.40 feet to a Point or Place of Beginning. Containing within said bounds 8.258 acres of land more or less.*

**Is given subdivision approval; and**

**4. This resolution shall take effect immediately.**

The above resolution was duly put to a roll call vote at a regular meeting of the Alden Town Board on July 3, 2023, the results of which were as follows:

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

B

**Motion to Approve Alden Central School Request to use Town Park and the Joe Panza Trail**

Motion to approve the request of the Alden Central School to use the paved loop in the Town Park and the Joe Panza Nature Trail for Varsity and Modified Cross county practices from August 21, 2023 through November, 2022 from 3.45 pm until 5.45 pm Mondays through Fridays and for meets on: September 26, 2023 at 5.00 pm; September 27, 2023 at 5:30 PM; October 10, 2023 at 5:00 pm; October 14, 2023 at 9.45 am; October 17, 2023 at 5.00 pm and October 28, 2023 at 10.00 am.

The School will submit proof of liability insurance naming the Town of Alden as an additional insured to the Town Clerk prior to using the fields.



**Motion to Approve Alden Central School Request to Use Town Park**

Motion to approve the request of the Alden Central School to use the Town Park athletic fields (near the basketball courts) for Girls and Boys JV soccer practices on Mondays through Fridays from 3.45 pm until 5.45 pm from August 21, 2023 until October 13, 2023.

The School will line the soccer field.

The School will submit proof of liability insurance naming the Town of Alden as an additional insured to the Town Clerk prior to using the fields.



**Resolution to Approve Polling Place Lease Agreement**

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

**WHEREAS, The Board of Elections on June 23, 2023 asked the Town of Alden for permission for the County of Erie would like to lease one room at Town Hall for the purpose of holding elections on June 27, 2023 and on November 7, 2023 terms as per the attached proposed Polling Location Lease Agreement;**

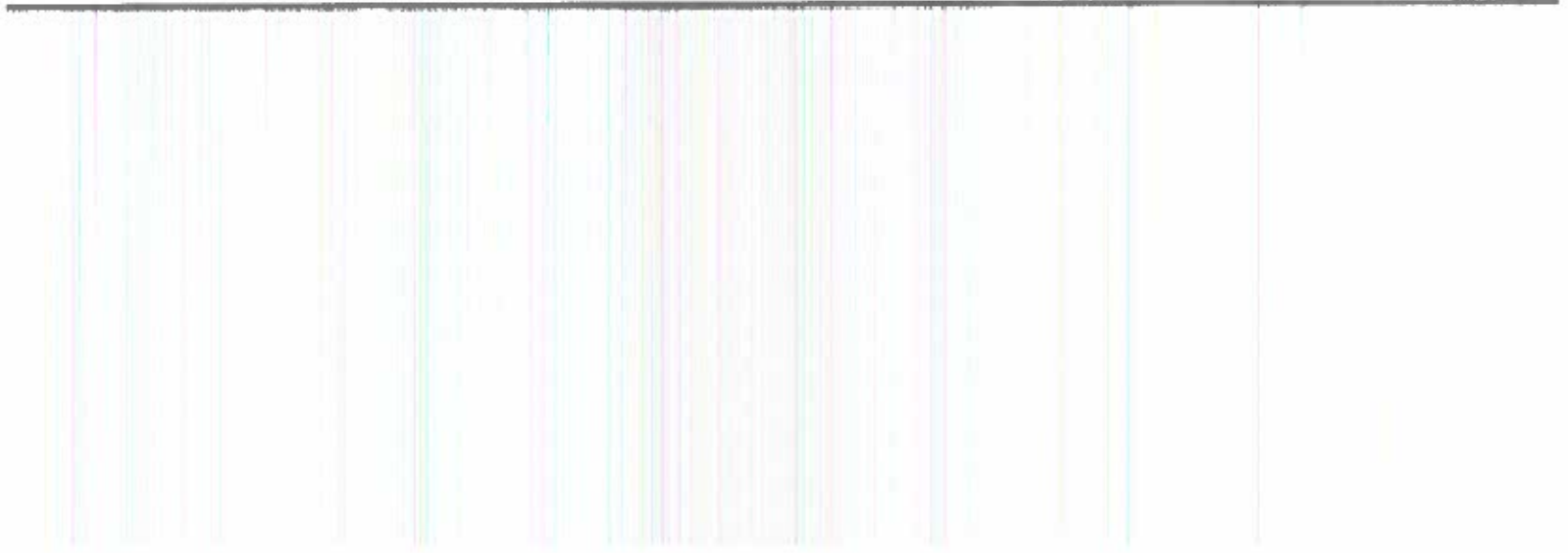
WHEREAS, the Alden Town Board finds that it is in the best interests of the Town to enter into the Polling Location Lease Agreement.

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

1. **The Alden Town Board approves the Polling Location Lease Agreement and directs and authorizes the Supervisor to sign any and all necessary documents to effectuate this Agreement; and**
2. This resolution is subject to permissive referendum.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on July, 3 2023, as follows:

Councilwomen Weiss	Aye	Nay
Supervisor Sitzman	Aye	Nay
Councilwomen Pautler	Aye	Nay



**POLLING LOCATION LEASE AGREEMENT**



**CITY/TOWN & DISTRICTS**

This agreement made on the \_\_\_\_\_ (date), by and between the **TOWN OF ALDEN**, hereinafter known and referred to as the **OWNER**, and the Board of Elections for the County of Erie, hereinafter referred to as the **TENANT**.

**Witnesseth** that said OWNER has agreed to let, and by these presents, does hereby grant, demise and let unto the said TENANT the following described premises:

CITY/TOWN DISTRICT(S): **ALDN 005.**  
LOCATION: **ALDEN TOWN HALL**  
ADDRESS: **3311 Wende Road, Alden NY 14004**

The area to be leased is a room or location that has been pre-approved by the Board of Elections within the building suitable for registration and voting and which is as close as possible to a convenient entrance to such building that provides access, by ramp or otherwise, to physically disabled voters.

PRIMARY CONTACT: Brett Sitzman  
PHONE NUMBER: 937-6969, Ext. 3  
EMAIL: [brett.sitzman@erie.gov](mailto:brett.sitzman@erie.gov)

DELIVERY CONTACT: Alecia Barrett  
PHONE NUMBER: 937-6969, Ext. 2  
EMAIL: [Alecia.Barrett@erie.gov](mailto:Alecia.Barrett@erie.gov)

BUILDING OPENER: Alecia Barrett  
CELL PHONE NUMBER: 716-807-6991  
EMAIL: [Alecia.Barrett@erie.gov](mailto:Alecia.Barrett@erie.gov)

As a place to hold official voter registrations and conduct elections in accordance with the provisions of the New York State Election Law on the dates listed below:

**PRIMARY ELECTION: TUESDAY, JUNE 27, 2023**  
**GENERAL ELECTION: TUESDAY, NOVEMBER 7, 2023**

The TENANT agrees to pay the OWNER **\$100** for each election listed above for the use of the **3311 Wende Road, Alden NY 14004**.

The TENANT is to have uninterrupted use and possession of the leased area on each said date from 5:30 am, being one-half hour prior to the opening of the polls until 9:30 pm, being one-half hour after the closing of the polls or until the inspectors have completed their work, whichever shall be later.

In the event an election is delayed or continues as a result of a common disaster to another date, the OWNER agrees to make available the leased area to the TENANT on said subsequent date.

The OWNER hereby agrees to open the building for delivery and pick up of the voting machine(s) on a date mutually agreed to by the parties, between the third and sixth day prior to the election and between the first and fourth day following the election.



The OWNER hereby promises, covenants and acknowledges as follows:

- A. To furnish necessary light, heat, and if available, cooling, to the leased area;
- B. To provide and set up twelve chairs and four tables no less than 48" in length for each machine delivered to the leased area;
- C. To ensure that the leased area is accessible to the public during the times heretofore specified and that the doors are opened;
- D. That there is a functional restroom facility available for use by employees of the TENANT during said day; and
- E. That political contributions by the OWNERS of a polling place are prohibited and that it is a misdemeanor for such OWNER to make, offer or promise any such political contribution as an inducement for the leasing of these premises.

The TENANT hereby promises, covenants and acknowledges as follows:

- A. Not to use said premises, or any part thereof, for any purpose other than the official voter registration and election functions;
- B. Not to let or sign over said premises, or any part thereof, to another without the prior written consent of the OWNER;
- C. To punctually pay said rent as the same accrues; and
- D. To take special care that no damage happens to the building, or any improvements or fixtures therein.

A breach of any promise or covenant made by the TENANT shall be reported by the OWNER to the commissioners of the Erie County Board of Elections as soon as practicable. If any damage shall occur to the leased premises as a result of the negligence by the TENANT or any of its agents or employees, the TENANT hereby agrees to cooperate with the OWNER in filing a claim for damages with the County of Erie. The County does not assume liability for the OWNER's obligation to maintain and operate the property, building, premises and ingress/egress thereto in a safe condition. Any reported incident related to election operations will be investigated and evaluated by Erie County in cooperation with the lessor.

The commissioners of the Board of Elections, no later than four weeks following the receipt of the fully executed lease agreement and the conclusion of the election, shall transmit to the Erie County Comptroller a voucher, in the form required by said comptroller, requesting prompt payment of the rental due to the OWNER in the amount stated above.

In the event that following the execution of this lease agreement, the premises shall become damaged, restricted, or placed under repair to such an extent that the leased area is no longer suitable for the conduct of voter registration and election, the TENANT shall have the right to terminate this lease agreement.

**IN WITNESS WHEREOF**, the parties hereto have affixed their hands and seals the day and year first above mentioned.

ERIE COUNTY BOARD OF ELECTIONS:

OWNER: \_\_\_\_\_

\_\_\_\_\_  
Ralph M. Mohr, Commissioner of Elections

BY: \_\_\_\_\_

\_\_\_\_\_  
Jeremy J. Zellner, Commissioner of Elections

PRINT NAME: \_\_\_\_\_

E

**RESOLUTION TO APPROVE LOCAL LAW**

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

**WHEREAS, a Proposed Local Law # 3 of 2023, entitled "Town of Alden Code of Ethics" was introduced to the Alden Town Board for consideration by Supervisor Sitzman on June 5, 2023,**

WHEREAS, a resolution was duly adopted by the Alden Town Board calling a public hearing to be held by the Alden Town Board on July 3, 2023 at the Alden Town Hall, to hear all interested parties on a proposed Local Law,

WHEREAS, notice of said public hearing was duly published in the Alden Advertiser,

WHEREAS, said public hearing was duly held on July 3, 2023 and all parties in favor of and opposed to the local law were heard,

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 State Environmental Quality Review Act it has been determined by the Alden Town Board that the Local Law is a Type II Action,

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law on \_\_\_\_\_, 2023, and

WHEREAS, the Alden Town Board, after due deliberation, finds it in the best interest of said the Town of Alden to adopt said Local Law.

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

**1. The Alden Town Board hereby adopts said Local Law No. 3 of the Year 2023 entitled "Town of Alden Code of Ethics"; and, a copy of which is attached hereto and made a part of this resolution,**

2. That the Alden Town Clerk enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Alden, and to give due notice of the adoption of said Local Law to the Secretary of State of New York, post the same on the Town Bulletin Board and publish the same in the Alden Advertiser, and

3. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on July 3, 2023, as follows:

Councilwomen Weiss	Aye	Nay
Supervisor Sitzman	Aye	Nay
Councilwomen Pautler	Aye	Nay

**Alden Local Law No. 3 of the Year 2023 (final draft)**  
**A LOCAL LAW AMENDING CHAPTER 29 ETHICS**

**SECTION 1: TITLE**

The title of this Local Law shall be “Town of Alden Code of Ethics” and shall replace in its entirety Chapter 29 of the Alden Town Code adopted as L.L. No. 2-1972.

**SECTION 2: AUTHORIZATION:**

This Local Law is adopted pursuant to Article 18, §806, of the General Municipal Law of the State of New York.

**SECTION 3: PURPOSE:**

The purpose of this local law is to convey standards of ethical conduct to officers and employees of the Town of Alden and serve as a guide for the official conduct of the officers and employees of the Town of Alden.

**SECTION 4: SCOPE:**

- a) This local law applies to all Town of Alden officers, employees and members of all boards and commissions (Town Representative). The proper operation of Town government requires that its Town Representative be independent, impartial, objective, unbiased and responsible to the people of the Town and to discharge faithfully the duties of their position, regardless of personal considerations. The Code of Ethics is intended to maintain high standards of fairness, honesty, integrity, and respect for others. The Code of Ethics provides general principles of appropriate conduct and includes provisions to help avoid even the appearance of impropriety. It would be nearly impossible and overly cumbersome to try and capture all possible circumstances and situations that might present themselves in the Ethics of business within the Town. Therefore, this Code of Ethics is not intended to be all-inclusive. The absence of a specific circumstance or situation does not relieve Town Representatives from acting responsibly or exercising high ethical standards. Town Representatives should conduct themselves within the spirit and intent of this Code of Ethics and should seek advice or guidance if necessary.
- b) By issuing this Code of Ethics, the Town does not wish to preclude neighborly conduct and acts of goodwill. This Code of Ethics is not intended to preclude either extending or receiving acts of kindness, expressions of appreciation, lending a helping hand, helping out

in a personal emergency and other similar circumstances. Should a complaint of misconduct arise, it will be viewed by the Board of Ethics in terms of whether the act was intended to gain or give special favor, gain or give special consideration, influence a decision or to receive personal gain or position.

- c) Any Town resident, Town Representative, supplier/contractor, outside government official or the general public may approach Town government with ethical misconduct or conflict of interest concerns as provided for herein.

**SECTION 5: DEFINITIONS:**

As used in this Local Law, the following terms shall have the meanings as indicated:

- a) "Town Representative" means an employee of the Town, an elected or appointed officer of the Town, whether paid or unpaid, a member of any administrative board, commission or other agency thereof whether elected or assigned or paid or unpaid. However, no person shall be deemed to be a Town Representative by reason of being an independent contractor performing services under contract or agreement with the Town. No person shall be deemed to be a Town Representative solely by reason of being a volunteer, such as a fireman or civil defense volunteer.
- b) "Interest" means any direct or indirect monetary or material benefit accruing to a Town Representative or a Town Representative's: 1) spouse, child, step-child, sibling, or parent of the Town Representative, or a person claimed as a dependent on his or her latest individual state income tax; 2) a firm, partnership or association of which such Town Representative is a member or employee; 3) a corporation of which such Town Representative is an officer, director or employee, and; 4) corporation, any stock of which is accrued or controlled directly or indirectly by such Town Representative.
- c) "Immediate Family" means the husband, wife, son, daughter, father, mother, brother, sister, father-in-law, and/or mother-in-law. It shall also pertain to any person living in the Town Representative's household.

**SECTION 6: CONFLICTS OF INTEREST:**

No Town Representative may take action that provides a financial or other personal benefit to his or her: (1) immediate family; (2) customers or clients; (3) employer; or (4) a person who has made campaign contributions to the Town Representative within a twelve-month period. No Town

Representative shall invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with his or her official duties. No Town Representative shall receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any Town agency or board of which he or she is an officer, member or employee, or of any municipal agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer or employee. Town Representatives must disclose to the Town Board if they or immediate family have any direct or indirect interest in a company doing business with or being considered to do business with the Town of Alden. To the extent that he or she knows thereof, a Town Representative, whether paid or unpaid, who participates in the discussion or gives official opinion of the Town Board on any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she has in such legislation.

**SECTION 7: APPEARANCE OF IMPROPRIETY:**

A Town Representative must avoid circumstance that compromise his or her ability to make decisions solely in the public interest or create an appearance of impropriety.

**SECTION 8: RECUSAL:**

A Town Representative must recuse himself or herself when faced with the above conflicts. Recusal means that the Town Representative may not deliberate, vote or participate in any way in that matter. The Town Representative should disclose his or her conflict and remove him or herself from the board. He or she should not provide input regarding the matter from the audience in his or her capacity as a member of the public. A Town Representative should remove himself or herself from any review, recommendation, or selection of any procurement transaction that involves such company.

**SECTION 9: USE OF TOWN PROPERTY AND RESOURCES:**

No employee may use town-owned property, assets or any resources for personal purposes or profit or to benefit any person. Use of these resources is restricted to the ethics of town business, for the benefit of all residents and to further an authorized public purpose. Any outside employment must be kept completely separate from town responsibilities. Town Representative are prohibited from

using town equipment, tools, time, property or other town resources for their outside employment activities. Any activity seeking private gain or pursuit of a personal business endeavor by an employee during work hours is prohibited.

**SECTION 10: NEPOTISM:**

Spouses and other family members of Town Representative may not serve in positions whose duties conflict or appear to conflict within the duties of the official. They may not serve on a commission, board or body of which the Town Representative is a member.

**SECTION 11: GIFTS:**

A Town Representative may not solicit any gift or personal favor nor may he or she receive any gift or personal favors, whether financial or in any other form, from any person who is doing or seeking to do business of any kind with the town including applications for permits or approvals; has done business with the town during the last six months; or from a lobbyist representing a person before a town agency. A Town Representative may not solicit or receive any gift or payment as a reward for exercise of Town Representative duties. Generally, a Town Representative may not receive or solicit any gift, creating the appearance that he or she may be influenced or that his or her responsibility to make impartial decisions solely in the public interest is compromised. Gifts as used in this section excludes gifts from family members; attendance at local social events such as holiday festivities; benefits available to the general public; acceptance of an award; functions that officials routinely attend, such as chamber of commerce events; acceptance of promotional items; and an event or activity fulfilling a public purpose.

**SECTION 12: PRIVATE EMPLOYMENT:**

A Town Representative shall not solicit, negotiate for or commit to accept private employment from any person doing business with or having any matter pending with the town or render services for private interests when such employment or service creates a conflict with or impairs the proper



discharge of his or her duties. Otherwise, Town Representative may engage in outside employment.

**SECTION 13: REPRESENTATION:**

A Town Representative shall not appear on behalf of or represent a person in any matter before a municipal agency except on his or her own behalf.

**SECTION 14: CONFIDENTIAL INFORMATION:**

A Town Representative or former Town Representative may not disclose confidential information or use it to further his or her or another person's private interests or in any way utilize the information for non-public purposes.

**SECTION 15: POLITICAL SOLICITATION:**

No Town Representative shall solicit political contributions from subordinates or request that they attend political functions or engage in any political activity.

**SECTION 16: FORMER EMPLOYMENT:**

No Town Representative who has left municipal service shall appear before or receive compensation in a matter before his or her former agency for a period of one year after departure. He or she is permanently barred from appearing or receiving compensation regarding a matter he or she was personally involved in as a town official.

**SECTION 17: INCOMPATIBLE POSITIONS:**

A Town Representative is prohibited from holding more than one position with the Town of Alden when one is subordinate to the other or holding more than one position with the Town of Alden when the duties of the positions conflict.

**SECTION 18: DISCRIMINATION:**

The Town work environment should be free from discrimination on the basis of race, religion, sex, age, disability, national origin, marital status, veteran status or sexual orientation. This policy

applies to hiring practices, administration of activities within Town operations and government and between Town Representatives and Town Residents.

**SECTION 19: USE OF ALCOHOL OR ILLEGAL DRUGS:**

No Town Representative shall consume alcoholic beverages or illegal drugs during working hours. No Town Representative should report to work under the influence of alcohol or illegal drugs.

**SECTION 20: DEADLY WEAPONS:**

No Town Representative, except Town Constables, while carrying out responsibilities of their Town position shall be in the possession of a deadly weapon as defined in Section 10(12) of the NYS Penal Law.

**SECTION 21: BOARD OF ETHICS:**

- a) The Alden Town Board hereby establishes a Board of Ethics, who shall serve at the pleasure of the Alden Town Board. The Board shall be comprised of five members, only one of which must be a Town Representative. The Town's attorney shall serve as counsel to the Board of Ethics except in any matter where a conflict of interest may exist.
- b) The term of office for Board of Ethics members shall be five years, except for the initial appointments creating the Board; which shall be appointed as follows:  
one Initial Member shall have a one year term; one Initial Member shall have a two year term; one Initial Member shall have a three year term; one Initial Member shall have a four year term; and one Initial Member shall have a five year term. No member shall serve more than two consecutive terms.
- c) Meetings of the Board shall be held at the call of any member on at least three days written notice, mailed to the last-known address of the members. Minutes shall be kept for every meeting. It is recognized that reputations of Town Representatives can be wrongfully tarnished by false or misleading complaints. Therefore, to the extent allowed by law, the Board of Ethics shall be exempt from the Freedom of Information Law and from the Open Meetings Law when reviewing complaints. Discussions held in Executive Session shall remain confidential and will not be disclosed.
- d) Board of Ethics members shall receive no salary or compensation for their services, but shall be entitled to actual and necessary reimbursement of expenses in performing the duties of their office.



- e) Should a vacancy in the Board of Ethics arise, the Town Board shall appoint a person to serve out the remainder of the term.
- f) Any member of the Board of Ethics may be removed by the Town Board for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of his or her office or violation of the Code of Ethics.

**SECTION 22: POWERS AND DUTIES OF THE BOARD OF ETHICS:**

- a) The Board of Ethics shall have the powers and duties prescribed by Article 18, §808, of the General Municipal Law of the State of New York and as set forth herein and shall render advisory opinions to the officers and employees of the Town with respect to the Code of Ethics and Article 18 of the General Municipal Law, and under such rules and regulations as the Town Board may prescribe.
- b) The Board of Ethics shall have the authority to take testimony under oath recognizing that false statements given under oath can be forwarded to the Erie County District Attorney's Office for possible criminal prosecution.
- c) The Board shall have the authority to receive from any person a written complaint questioning the compliance of any Town Representative with the provisions of the Code of Ethics or addressing conflicts of interest concerns.
- d) The complaint shall be in writing, must include the complainant's name, address and phone number and shall be signed by the complainant. The written complaint shall set forth reasonable detail and documentation, if any, of the facts alleged to constitute the violation(s), or the conditions(s) that exist that creates a potential for a conflict of interest. The complaint should include date(s), time and place of each occurrence, and the name of the Town Representative(s) charged with the violation(s). Preferably, the complaint shall identify the section of the Code of Ethics that has been allegedly violated.
- e) Any document identified as a complaint that is received by the Town Board, or a Town Representative shall be forwarded, unaltered, to the Board of Ethics.
- f) The Board of Ethics may on its own initiative conduct an inquiry of a Town Representative's alleged non-compliance with the provisions of the Code of Ethics upon receipt of substantial, reliable evidence, including, but not limited to, documents, written material, or other forms of proof. The Board of Ethics shall also have the power to initiate complaints as a result of information discovered during the course of its duties.

- g) Upon receipt of a complaint, the Board of Ethics shall acknowledge receipt to the complainant and forward the complaint simultaneously to the Town Representative who is the subject of the complaint and to the Town's attorney.
- h) All complaints until completely investigated are considered alleged violations or conflicts of interest, and as such, are to be kept in the confidential records of the Board of Ethics. Board of Ethics members, the Town Board or any other Town Representative having knowledge about a complaint, and any details thereof, shall keep all complaints, information and discussions thereof, confidential before and during investigation.
- i) Within 30 days after receipt of a complaint, the Board of Ethics shall conduct a preliminary investigation.
- j) After the complaint has been filed and prior to any investigation undertaken of a complaint before the Board of Ethics, no member of the Board of Ethics or any of the Board's authorized agents may communicate directly or indirectly with any party or other persons about any issue of fact or law regarding the complaint, except that:
  - 1) The members of the Board of Ethics may obtain legal advice from the Town's attorney or special counsel as the case may be;
  - 2) The members of the Board of Ethics may discuss the complaint among themselves;
  - 3) If any person attempts to influence a Board of Ethics member regarding the pending complaint, the Board member shall report the substance of the communication to the Board of Ethics at the next meeting of the Board of Ethics.
- k) The Board of Ethics shall then conduct a preliminary analysis of the complaint and determine whether there is probable cause for the complaint. In the event that the Board of Ethics should find no probable cause for the complaint, the Board of Ethics shall dismiss the complaint. If the complaint is dismissed, it shall be done in writing, setting forth the facts and provisions upon which the dismissal is based, and shall provide a copy of the written dismissal to the complainant, to the Town Representative who is the subject of the complaint, to the Town Board and to the Town's attorney. The complaint shall not be disclosed to the public (other than to the complainant) and all records shall be maintained in the confidential files of the Board of Ethics for a period of seven years, after which it shall be destroyed. The Town Representative who is the subject of the complaint may make a written request to the Town Board to make the findings public. The Town shall then honor any such request.

- l) In the event that the Board of Ethics has no basis to dismiss the complaint, it shall proceed with an investigation. At such point, the Board of Ethics shall forward to the Town Board a copy of its initial position together with any information and documentation acquired by the Board of Ethics regarding the complaint.
- m) An investigation should then proceed. Since complaints will vary in nature, so too may the approach taken to investigate a complaint vary. The Board of Ethics may seek advice on how to proceed with individual investigations. The Board of Ethics shall have final say in determining how an investigation shall proceed. The Board of Ethics shall seek to make sure that both the complainant and the Town Representative who is the subject of the complaint have an opportunity to be heard and to present evidence. The Board of Ethics may limit the testimony and evidence that is presented to it, if in the opinion of the Board the testimony and evidence in question is irrelevant, unnecessary, redundant, or unreliable.
- n) The members of the Board of Ethics shall have the right to obtain opinions from qualified people other than themselves provided that the majority of the members of the Board of Ethics agree with such a course of action and the names of individuals involved in the complaint are withheld, to the extent possible, from such other qualified people.
- o) The Board of Ethics may require, with sufficient written notice, any Town Representative to appear before it to provide testimony regarding pending complaints. The Board of Ethics, for this purpose, may administer oaths and require the production of evidence, such as documents.
- p) The Town Representative who is the subject of the complaint may submit a written sworn response to the Board of Ethics.
- q) Should satisfactory cooperation not be forthcoming by the accused Town Representative, or by any witness, the Board of Ethics upon a majority vote of the total voting membership of the Board, may issue subpoenas to compel the attendance of the Town Representative charged with the violation or necessary witnesses, to a hearing. Subpoenas may also be used to obtain the production of documents and other materials pertinent to the investigation. The Town's attorney will advise and assist the Board in the use, preparation and issuance of subpoena(s).
- r) A copy of the transcript of the testimony of the Town Representative who is the subject of the complaint shall be provided at no cost to the Town Representative.
- s) The Town Representative who is the subject of the complaint shall have the right to be represented by counsel.

- t) Upon completion of its investigation, the Board of Ethics shall prepare a written report detailing its review and provide a recommendation to the Town Board regarding the disposition of the complaint. A copy shall be forwarded to the Town's attorney. The complaints, records, other proceedings related thereto, and report, up to this point in the process, shall remain confidential.
- u) The Board of Ethics' report will identify, in the Board's judgement, whether or not the complaint is a violation of the Code of Ethics or if a conflict of interest exists. The Board's assessment shall be binding unless new evidence is brought to bear on the subject. Upon review and authorization of the report by the Town Board and concurrence from the Town's attorney, the Board of Ethics shall furnish the complainant and the Town Representative who is the subject of the complaint with a disposition of the complaint.
- v) Should a complaint be deemed to not violate the Code of Ethics or be a conflict of interest, the complaint shall not be disclosed to the public (other than to the complainant), to avoid the potential for tarnishing the accused Town Representative's reputation. The Town Representative who is the subject of the complaint may make a written request to the Town Board to make the findings public. The Town shall then honor any such request. All records shall be maintained in the confidential files of the Board of Ethics for a period of seven years, after which it shall be destroyed.
- w) Should a complaint be deemed to be a violation of the Code of Ethics, The Town Board shall determine disciplinary action. Should the complaint be deemed to be a conflict of interest matter, the Town Board shall take appropriate steps to mitigate the matter. Details of the report shall not be made public (other than to the complainant) unless it is determined necessary to do so by the Town Board. The Town Representative who is the subject of the complaint may make a written request to the Town Board to make the findings of the report public. The Town shall then honor any such request. All records shall be maintained in the Town Representative's confidential personnel file for a period consistent with NYS Law.

**SECTION 23: DISTRIBUTION OF CODE OF ETHICS:**

The Town Supervisor shall ensure that a copy of the Code of Ethics be distributed to every Town Representative within thirty days after the effective date of this local law or any revision there to. Each Town Representative elected or appointed thereafter shall be furnished a copy of the Code of Ethics before entering upon the duties of his or her office or employment. It shall be the

responsibility of the supervisor of any new employee to ensure that the new employee familiarizes himself/herself with the provisions of this local law and the Code of Ethics.

**SECTION 24: PENALTIES:**

In addition to any penalty contained in any other provision of law, any person who shall violate any of the provisions of the Code of Ethics may be reprimanded, fined, suspended or removed from office or employment, as assessed by the Town Board, in the manner provided by law. The Board of Ethics shall not have the power to impose any monetary or other penalty.

**SECTION 25: TRAINING:**

Each Town Representative shall receive training concerning the requirements of the code of ethics and the procedure for seeking an opinion or investigation by the Board of Ethics. Copies of the code and amendments to the code shall be provided to all officials. Said training shall occur biennially prior to March 1 of each even-numbered calendar year.

**SECTION 26: ANNUAL DISCLOSURE:**

Pursuant to Sections 811 and 812 of the NYS General Municipal Law, all Town Representatives must file with the Town Clerk, annually no later than January 31 of each calendar year or within thirty days of being hired/appointed. The Form of Annual Disclosure is below as "Attachment A."

If during the term of employ with the Town of Alden, any Town Representative becomes aware of any potential conflict of interest, said Town Representative must immediately file the Transactional Statement of Disclosure with the Town Clerk, below as "Attachment B."

**ATTACHMENT A  
ANNUAL STATEMENT OF DISCLOSURE  
FOR EMPLOYEES OF THE TOWN OF ALDEN  
FOR CALENDAR YEAR 20\_\_**

NAME: \_\_\_\_\_



ADDRESS: \_\_\_\_\_

EMAIL: \_\_\_\_\_ SPOUSE'S NAME: \_\_\_\_\_  
(If applicable)

CELL PHONE#: \_\_\_\_\_ HOME#: \_\_\_\_\_

DATE OF HIRE/APPOINTMENT/ELECTION: \_\_\_\_\_

**The purpose of this "Annual Disclosure" is to identify potential conflicts of interest before such conflicts occur. In answering the questions below, the following definitions are critical:**

- A. Interest, as used in this Disclosure, is defined as follows:
1. Providing goods, influence, investment, property or service(s) to any person, business or entity for which compensation or benefit is expected or received, and
  2. Holding ownership, title or right, alone or with others, to a property, within the Town or bordering the Town.
- B. Contract, as used in this Disclosure, shall be defined in accordance with Standard English usage.

**Please answer the following questions and then sign your name.**

1. Do you, your spouse or dependents have an interest in any business or entity doing business with the Town currently or within the past twelve (12) months?

Yes \_\_\_\_\_ No \_\_\_\_\_

2. Do you, your spouse or dependents have an interest in any contract made or executed by the Town within the past twelve (12) months?

Yes \_\_\_\_\_ No \_\_\_\_\_

3. Do you receive any benefits, compensation, or other consideration that are derived directly or indirectly from your employment or association with the Town of Alden other than your remuneration from the Town for the services you provide?

Yes \_\_\_\_\_ No \_\_\_\_\_

**If you answered yes to any of the above questions, please attach your own description of the nature, source and amount of such benefits, compensation and other considerations.**

4. During the current year, if there are any changes in your answers to items 1, 2, or 3 above, you must file an amended "Annual Disclosure" with the Town Clerk within thirty (30) days of such change.

I hereby certify that the information I have provided in this annual disclosure is true, correct, and complete. I have reviewed the current Code of Ethics for the Town of Alden.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

**ATTACHMENT B**  
**TOWN OF ALDEN CODE OF ETHICS**  
**TRANSACTIONAL STATEMENT OF DISCLOSURE**  
**(only fill out this form if you have a potential conflict to disclose)**

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

POSITION: \_\_\_\_\_

MATTER TO BE DISCLOSED: \_\_\_\_\_

\_\_\_\_\_

REASON FOR DISCLOSURE: \_\_\_\_\_

\_\_\_\_\_

DO YOU PLAN TO RECUSE YOURSELF DUE TO THIS DISCLOSURE?

Yes \_\_\_\_\_

No \_\_\_\_\_

IF NO, PLEASE STATE THE REASON(S):

\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_

Print Name

**SECTION 27: SEPARABILITY:**

Each separate provision of this Local Law shall be deemed independent of all other provisions herein and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

**SECTION 28: REPEALER:**

This Local Law shall supersede and replace in their entirety Chapter 27 Ethics enacted through Local Law # 2-1972 and all others previously enacted Ordinance, Rule and Regulation of the Town of Alden, and they shall be upon the effectiveness of this Local Law, null and void.

**SECTION 30: EFFECTIVE DATE:**

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.



4

**Resolution to Hire Painter for the Alden Heritage Center Building**

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

**WHEREAS, the Alden Historical Society has informed the Town Board that the Alden Heritage Center Building, needs to painting work as follows: the handicapped ramp needs to be pressure washed and painted; the front porch needs to power washed, stripped and sealed; and the window trim needs to be scraped and painted the cost of which is estimated to be over \$5,000.00 but less than \$20,000.00;**

WHEREAS, the Alden Heritage Center Building is owned by the Town of Alden and occupied, pursuant to a Deed Restriction by the Alden Historical Society;

WHEREAS, the Procurement Policy & Procedure Guidelines ("Guidelines") of the Town of Alden and the General Municipal Law state that the Town must obtain written quotes from at least three (3) vendors;

**WHEREAS, three quotes were requested and received by the Alden Historical Society as follows:**  
the highest quote is from Darling Paint & Restorations at \$7,160.00;  
the second highest quote is from Paint of WNY at \$5,175.00; and  
**the lowest quote is from SMW Painting and Remodeling, LLC at \$4,530.00;**

**WHEREAS, SMW Painting and Remodeling, LLC is the lowest responsible quote;**  
**and**

WHEREAS, The Town Board after full and careful review finds that it is in the public interest to authorize the painting work at the Alden Heritage Center Building.

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

- 1. The Town Board hereby approves the hiring of SMW Painting and Remodeling, LLC for the painting work at the Alden Heritage Center Building at a cost not to exceed \$4,530.00;**
- 2. SMW Painting and Remodeling, LLC must pay NYS Prevailing wages to any non-owner employees and must comply with all labor law requirements and postings prior to starting any work and must provide proof of liability insurance to the Town prior to starting any work;**  
**and**
- 3. That the Town Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase; and**
- 4. This resolution shall take effect immediately.**

The foregoing Resolution was duly put to a roll call vote at a regular meeting on July 3, 2023 as follows:

Councilwoman Weiss            Aye    Nay

Supervisor Sitzman  
Councilwoman Pautler

Aye Nay  
Aye Nay

6

**RESOLUTION REQUIRING PROPERTY OWNER TO MAINTAIN LAWN AT 11133 BROADWAY**

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

WHEREAS, the Building Inspector/Code Enforcement Officer has informed the Alden Town Board that the lawn at 11133 Broadway, in the Town of Alden is not being properly maintained;

WHEREAS, Chapter 263 of the Alden Town Code allows the Alden Town Board to adopt a resolution requiring a property owner to cut, trim or remove brush, grass, rubbish or weeds on their lands; and

WHEREAS, Steven Weber is the owner of record of 11133 Broadway also known by SBL 117.12-4-2.11 situated in the Town of Alden.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. Steven Weber is hereby ordered by the Alden Town Board to cut, trim and remove the brush, grass, rubbish and weeds on her above listed property no later than July 14, 2023;
2. Should the property owner fail to cut, trim and remove the brush, grass, rubbish and weeds on said property no later than July 14, 2023, the Town of Alden will authorize the lawn maintenance to be performed by a third party and paid for from the general fund of the Town of Alden;
3. The Town Board shall then cause the general fund to be reimbursed by the property owner by levying the costs incurred by the Town onto the property owner's County/Town Tax Bill for Tax Year 2024;
4. The Town of Alden Building Department shall mail a copy of this resolution to the owner of record at his last known address; and
5. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on July 3, 2023, as follows:

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



**RESOLUTION REQUIRING PROPERTY OWNER TO MAINTAIN LAWN AT 178 TWO ROD ROAD**

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

WHEREAS, the Building Inspector/Code Enforcement Officer has informed the Alden Town Board that the lawn at 178 Two Rod Road, in the Town of Alden is not being properly maintained;

WHEREAS, Chapter 263 of the Alden Town Code allows the Alden Town Board to adopt a resolution requiring a property owner to cut, trim or remove brush, grass, rubbish or weeds on their lands; and

WHEREAS, Michael Thompson is the owner of record of 178 Two Rod Road also known by SBL 129.01-1-15.1 situated in the Town of Alden.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. Michael Thompson is hereby ordered by the Alden Town Board to cut, trim and remove the brush, grass, rubbish and weeds on her above listed property no later than July 14, 2023;
2. Should the property owner fail to cut, trim and remove the brush, grass, rubbish and weeds on said property no later than July 14, 2023, the Town of Alden will authorize the lawn maintenance to be performed by a third party and paid for from the general fund of the Town of Alden;
3. The Town Board shall then cause the general fund to be reimbursed by the property owner by levying the costs incurred by the Town onto the property owner's County/Town Tax Bill for Tax Year 2024;
4. The Town of Alden Building Department shall mail a copy of this resolution to the owner of record at his last known address; and
5. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on July 3, 2023, as follows:

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

**Municipal Resolution for NYS Water Infrastructure Improvement Act - 2023 NYS Water Grant**



WHEREAS, the Town of Alden, after thorough consideration of the various aspects of the existing conditions, problems and review of available data for the Alden water system, has hereby determined that certain work, as described in the Cayuga Creek Water District map, plan and report, is required to address the need to expand the Town of Alden's public water supply. The Cayuga Creek Water District Project, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project and address said compliance requirements; and

WHEREAS, the NYS Environmental Facilities Corporation (EFC) authorizes State assistance to municipalities for drinking water quality improvement projects by means of a contract, and the Town of Alden deems it to be in the public interest and benefit under this law to enter into a contract therewith.

NOW, THEREFORE, BE IT RESOLVED BY the Alden Town Board, that:

1. Supervisor Brett Sitzman, or his representative or successor in office, is the representative authorized to act on behalf of the Alden Town Board in all matters related to State assistance under the New York State Environmental Facilities Corporation (EFC) and/or any applicable State grant provisions.
2. The Supervisor, or his representative, is authorized to submit a 2023 NYS WIIA grant application in the amount of \$887,600 which the Town is requesting 60% of the total project cost in grant funding (\$532,560);
3. The Town of Alden Town Board agrees to fund its portion of the cost of the Project by way of a General Obligation Bond or a series of Bond Anticipation Notes, authorized on November 19, 2021, and that funds will be made available to initiate the Project efforts within 12 months of written approval of its application by the NYS Department of Health and the New York State Environmental Facilities Corporation authority;
4. The one certified copy of this Resolution be prepared and submitted with the electronic WIIA grant application to the NYS Environmental Facilities Corporation; and
5. This Resolution takes effect immediately.

CERTIFICATION OF RECORDING OFFICER

That the attached Resolution is a true and correct copy of the Resolution, as regularly adopted at a legally convened meeting of the Alden Town Board duly held on the 3<sup>rd</sup> day of July, 2023; and further, that such Resolution has been fully recorded in the \_\_\_\_\_ in my office.

In Witness thereof, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 2023

Signature of Recording Officer \_\_\_\_\_

Title of Recording Officer \_\_\_\_\_

