

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road, Alden, NY on Monday, July 3, 2023 at 7:00 P.M. Town Supervisor Sitzman called the Meeting to Order and Councilwoman Pautler led in the Pledge of Allegiance. The Roll Call was taken by the Deputy Town Clerk.

PRESENT: Brett Sitzman, Town Supervisor  
Colleen Pautler, Councilwoman

RECORDING SECRETARY: Joanna Eisensmith, Deputy Town Clerk

OTHERS PRESENT: Residents

Councilwoman Pautler Moved and Supervisor Sitzman seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of June 5, 2023 and June 20, 2023.

**CARRIED**

Ayes 2 Sitzman & Pautler  
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN PAUTLER, SECOND BY COUNCILWOMAN WAISS, WHO MOVED THAT THE FOLLOWING VOUCHERS BE ALLOWED AND PAID TO WIT; VOUCHERS #548 - 575 **ALL BILLS REVIEWED BY THE TOWN BOARD.**

<u>ACCOUNT</u>	<u>AMOUNT</u>		
	ABSTRACT #1	ABSTRACT #2	TOTAL
GENERAL FUND "A"	\$15,866.05	\$3,893.21	\$19,759.26
HIGHWAY FUND "DA/DB"	\$10,277.87	\$6,278.28	\$16,556.15
PART-TOWN FUND "B"	\$2,125.00	\$2,045.92	\$4,170.92
WATER DIST. NEWSTEAD "WO"			
SPECIAL FIRE PROTECTION "SF"			
WATER DIST. #1 FUND "WA"			
WATER DIST.EXCHANGE ST. "WX"			
SEWER DIST. #2 FUND "SA"	\$224.00	\$164.00	\$388.00
TRUST & AGENCY "T"	\$1,832.02	\$1,844.83	\$3,676.85
SPECIAL REFUSE FUND "SR"	\$41,822.15		\$41,822.15
STREET LIGHTING FUND "SL"	\$4,880.92		\$4,880.92
PERIWINKLE LTG. DIST."SL1"	\$93.02		\$93.02
ZOELLER RD. WATER DIST. "WZ"			
<b>TOTAL</b>	<b>\$77,121.03</b>	<b>\$14,226.24</b>	<b>\$91,347.27</b>

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON JULY 3, 2023 AND

**ADOPTED.**

Ayes 2 Sitzman & Pautler

Nays 0

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7:05 Public Hearing – Local Law No. 3 “Town of Alden Code of Ethics”

Councilwoman Pautler moved to enter in Public hearing, second by Supervisor Sitzman.

All in favor. Passed.

Deputy Town Clerk Eisensmith read the notice of public hearing.

Supervisor Sitzman opened the floor for public comment.

Melanie Rimkus, Genesee St – Reviewed Code of Ethics found conflicts of interest lacking. Brought copy of NYS General Municipal Law, Sections 800-809: Conflicts of Interest of Municipal Officers and Employees to be posted in the Town Hall. Stated a copy is to be posted but currently is not. Contacted the Comptrollers Office for extra copies of handouts for anyone who wants them. Clarified conflicts of interest; Article 18, sections 800-809 (provided) Supersedes the Town’s policy.

Laura Loehr, Henskee Rd. – Working with copy of Code of Ethics, pg. 3 section 8. Questioned wording of “board” and asked which “board?” May need to be clarified.

*Supervisor Sitzman stated he would clarify with the Town Attorney.*

Page 9 , letter K area talks about complaints. Where will confidential files of the Board of Ethics be maintained?

*Supervisor Sitzman stated that is to be decided.*

Page 10, letter V should a complaint be deemed not to be a violation of the code of ethics the information is maintained as confidential as to not tarnish the reputation of the accused. Does not see anywhere that it states the complainant is also kept confidential to protect their reputation. Hopes both parties have protection of reputation (for the Complainant and the Town Representative).

*Supervisor Sitzman stated that NYS has policies in place that protect Whistleblowers that trump the Town’s policy.*

Questioned the role of social media and the protection of people’s reputation. Has the role of social media been taken into consideration? Including social media could be an enhancement to the policy.

*Supervisor Sitzman stated that it can be addressed with the Town’s Attorney.*

Councilwoman Pautler moved to leave public hearing and enter back into Public hearing, second by Supervisor Sitzman.

All in favor. Passed.

**BUSINESS FROM THE FLOOR**

Melanie Rimkus, Genesee St – has researched water districts in Alden. Asked questions of formation of previous water districts. Talked about grant applications/opportunities. Questioned denial of grants in the past. Grant programs available to help homeowners hook into water lines. Suggested the Board look at other Town’s and how they provided water to their residents.

Art Eisensmith, E. Laray – any new news on Ledgestone Village?

## **COMMUNICATIONS**

**Brett Sitzman, Town Supervisor**

1. Thank you card from the library
2. Sales tax report

## **NEW BUSINESS**

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN PAUTLER, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR SITZMAN, TO WIT;

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 SEQR 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 question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on July 3, 2023, which resulted as follows:

**CARRIED.**

Ayes 2 Sitzman & Pautler

Nays 0

THE FOLLOWING MOTION WAS OFFERED BY SUPERVISOR SITZMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN PAUTLER, TO WIT;

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, 2023 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.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on July 3, 2023, which resulted as follows:

**CARRIED.**

Ayes 2 Sitzman & Pautler

Nays 0

THE FOLLOWING MOTION WAS OFFERED BY COUNCILWOMAN PAUTLER, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR SITZMAN, TO WIT;

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.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on July 3, 2023, which resulted as follows:

**CARRIED.**

Ayes 2 Sitzman & Pautler

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR SITZMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN PAUTLER, TO WIT;

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 question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on July 7, 2023, which resulted as follows:

**CARRIED.**

Ayes 2 Sitzman & Pautler

Nays 0

THE FOLLOWING RESOLUTION WAS TABLED; COUNCILWOMAN PAUTLER MOVED AND SUPERVISOR SITZMAN SECONDED THE MOTION TO TABLE FOR FURTHER REVIEW.

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 question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on July 3, 2023, which resulted as follows:

**TABLED.**

Ayes 2 Sitzman & Pautler

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR SITZMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN PAUTLER, TO WIT;

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 question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on July 3, 2023, which resulted as follows:

**CARRIED.**

Ayes 2 Sitzman & Pautler

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN PAUTLER, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR SITZMAN, TO WIT;

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 question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on July 3, 2023, which resulted as follows:

**CARRIED.**

Ayes 2 Sitzman & Pautler

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR SITZMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN PAUTLER, TO WIT;

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:

2. 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;

5. 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;

6. 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 question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on July 3, 2023, which resulted as follows:

**CARRIED.**

Ayes 2 Sitzman & Pautler

Nays 0

THE FOLLOWING REOLUTION WAS OFFERED BY COUNCILWOMAN PAUTLER, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR SITZMAN, TO WIT;

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 WIA grant application to the NYS Environmental Facilities Corporation; and
5. This Resolution takes effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on July 3, 2023, which resulted as follows:

**CARRIED.**

Ayes 2 Sitzman & Pautler

Nays 0

**REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL**

Supervisor Sitzman – Thanked all fire departments involved in the recent major structure fire.

**UNFINISHED AND TABLED BUSINESS**

**NOTICE OF MEETINGS**

**WORK SESSION:**

**July 10, 2023**

**@7:00 PM**

**REGULAR BOARD MEETING**

**July 17, 2023**

**@7:00 PM**

**MEMORIAL REMEMBRANCE -**

**ADJOURNMENT**

At 8:45 P.M. Supervisor Sitzman adjourned the Meeting.

Alecia Barrett  
Town Clerk