

**BOARD MEETING NO.19
REGULAR NO. 16**

**TOWN BOARD MEETING
TOWN OF ALDEN**

**Tuesday, September 8, 2026
6:00 PM**

The Town Board Meeting of the Alden Town Board was held at 3311 Wende Road, Alden, N.Y. on Tuesday, September 8 at 6:00 P.M. Councilmember Kerl, called the Meeting to Order and led the Pledge of Allegiance.

The Roll Call was taken by Alyssa Cooper, who is the Town Clerk.

PRESENT: Randy Crist, Councilmember
Gwendolyn Bork, Deputy Supervisor
Mark Drogi, Councilmember
Mark Kerl, Councilmember
ABSENT: Colleen Pautler, Supervisor

Town Clerk: Alyssa Cooper

OTHERS PRESENT: Town Attorney Jennifer Strong, Town Engineer Mike Metzger,
Code Enforcement Officer, Rick Coburn. Residents : Ron
Rebmann, Carol Rice, Jack Rice

Motion to approve Minutes of the Borad Meeting of August 17, 2026, was made by Councilman Crist, seconded by Councilman Kerl.

The forgoing Motion was duly put to a Roll Call vote, September 8, 2026 and was:

CARRIED

Ayes: 4(Crist, Bork, Drogi, Kerl)

Nays: 0

Absent: (Pautler)

Sep-26

**THE FOLLOWING RESOLUTION WAS OFFERED BY Councilmember Crist , SECOND BY Councilmember Kerl , WHO MOVED THAT THE FOLLOWING VOUCHERS BE ALLOWED AND PAID TO WIT;
VOUCHERS # [796] to # [860]. ALL BILLS REVIEWED BY THE TOWN BOARD.**

<u>ACCOUNT</u>	<u>AMOU</u> <u>NT</u>				
	9/8/2026				TOTAL
GENERAL FUND "A"	\$21,273.86				\$21,273.86
HIGHWAY FUND "DA/DB"	\$13,064.71				\$13,064.71

PART-TOWN FUND "B"	\$3,715.27					\$3,715.27
SR CTR EXPANSION/4						\$0.00
SEASON "HS"						\$0.00
GRANTS "G"						\$0.00
SPECIAL FIRE						\$0.00
PROTECTION "SF"						\$0.00
SEWER INDUSTRIAL						\$0.00
PARK "SI"						\$0.00
SEWER DIST. #2 FUND	\$2,114.40					\$2,114.40
"SA"						
TRUST & AGENCY "T"	\$24,844.47					\$24,844.47
SPECIAL REFUSE FUND	\$225.00					\$225.00
"SR"						
STREET LIGHTING FUND	\$480.28					\$480.28
"SL"						
PERIWINKLE LTG.	\$19.80					\$19.80
DIST."SL1"						
ZOELLER RD. WATER						\$0.00
DIST."WZ"						
WATER DIST. NEWSTEAD						\$0.00
"WO"						
CONS. WATER DIST "WR"	\$2,975.00					\$2,975.00
WATER DIST. EXCHANGE						\$0.00
"WX"						
CAYUGA CREEK WATER						\$0.00
DIST "HY"						
CAPITAL PROJECTS SALT BARN						\$0.00
"HB"						
WATER DIST. NO. 1 "WA"						\$0.00
TOTAL	\$68,712.79		\$0.00	\$0.00	\$0.00	\$68,712.79

BUSINESS FROM THE FLOOR

No Business from the floor.

PRESENTATIONS OF COMMUNICATIONS FROM BOARD MEMBERS AND OTHER TOWN OFFICIALS

Councilmember Kerl- Nothing to report

Councilmember Drogi- Nothing to report

Town Clerk- Nothing to report

Councilmember Bork- Nothing to report.

Councilmember Crist- Received communications from the Seniors about the need for a new Senior Van.

NEW BUSINESS:

Proclamation Honoring the Life and Legacy of Coach Frank “Sonny” Landahl

**THE FOLLOWING PROCLAMATION WAS OFFERED BY
COUNCILMEMBER KERL, WHO MOVED ITS ADOPTION,
SECONDED BY BYCOUNCILMEMBER DROGI**

WHEREAS, the Town of Alden honors and remembers **Coach Frank “Sonny” Landahl**, a beloved member of our community who dedicated more than thirty years to Alden Junior Football and to the young people he coached; and

WHEREAS, **Coach Sonny** began as an assistant in 1984, simply wanting to help wherever he could, and became head coach of the Alden Invaders in 1986. His love of the game was matched by his commitment to teaching teamwork, responsibility, sportsmanship, and character; and

WHEREAS, **Coach Sonny** understood that football was about more than winning games. He taught his players to rely on one another, to win and lose with integrity, and to value the friendships and bonds that could last a lifetime; and

WHEREAS, his influence reached far beyond the football field. He genuinely cared about each player and continued to follow their lives and accomplishments long after they left his program. Many former players have shared that he was not only their coach, but a mentor, a father figure, and someone who always believed in them; and

WHEREAS, following his passing on November 5, 2020, former players have continued to speak of the profound impact **Coach Sonny** had on their lives. Their memories are a testament to a man who gave his time, his heart, and his belief to generations of Alden youth; and

WHEREAS, the memorial bench placed in Alden Town Park is a fitting tribute to **Coach Sonny** and a lasting place for family, friends, former players, and our community to pause, reflect, and remember a man who gave so much to others.

NOW, THEREFORE, BE IT PROCLAIMED, that the Town of Alden honors the life and legacy of **Coach Frank “Sonny” Landahl** and extends its heartfelt gratitude for the lasting difference he made in the lives of so many young people.

BE IT FURTHER PROCLAIMED, that while **Coach Sonny** may no longer be on the sidelines, the lessons he taught, the friendships he helped create, and the lives he touched will forever remain a part of the Alden community.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 8, 2026, as follows:

Councilman Crist	Aye
Councilwoman Bork	Aye

Supervisor Pautler	Absent	•	•
Councilman Drogi	Aye		
Councilman Kerl	Aye		

RESOLUTION TO APPROVE LOCAL LAW NO. 4 OF 2026

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER DROGI WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER BORK

WHEREAS, a Proposed Local Law No. 4 of 2026 entitled “A Local Law to Regulate Battery Energy Storage Systems” was introduced to the Alden Town Board for consideration by Supervisor Pautler on June 15, 2026.

WHEREAS, a resolution was duly adopted by the Alden Town Board calling a public hearing to be held by the Alden Town Board on August 17, 2026 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 Akron Bugle, and

WHEREAS, said public hearing was duly held on August 17, 2026 and all parties in favor of and opposed to the local law were heard; and

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 an Unlisted Action, and

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law by the Alden Town Clerk on or about August 4, 2026, and

WHEREAS, the Town submitted the 239m Notice and a “no recommendation” was received;

WHEREAS, the Town Planning Board on June 9, 2026 recommended approval of the Local Law

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 Town of Alden, as Lead Agency hereby concludes that the Proposed Local Law 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(s) as outlined in the attached Negative Declaration Certificate;**
- 2. The Alden Town Board hereby adopts said Local Law No. 4 of the Year 2026

entitled “A Local Law to Regulate Battery Energy Storage Systems”, a copy of which is attached hereto and made a part of this resolution;**
- 3. 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 Akron Bugle;**
- 4. This Resolution shall take effect immediately.**

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 8, 2026, as follows:

Councilman Crist	Aye
Councilwoman Bork	Aye
Supervisor Pautler	Absent
Councilman Drogi	Aye
Councilman Kerl	Aye

Town of Alden
Local Law # 4 of the Year 2026
A Local Law to Regulate Battery Energy Storage Systems

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

Section 1. Authority

This Battery Energy Storage System Law is adopted pursuant to Article IX of the New York State Constitution, § 2(c)(6) and (10), New York Statute of Local Governments, § 10(1) and (7); and

§§ 261 through 263 of the Town Law and § 10 of the Municipal Home Rule Law of the State of New York, which authorize the Town to adopt zoning provisions that advance and protect the health, safety and welfare of the community.

Section 2. Purpose and Intent

This article is adopted to advance and protect the public health, safety, welfare, and quality of life of the Town by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

- A. To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of battery energy storage systems;
- B. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems;
- C. To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources; and
- D. To create synergy between battery energy storage system development and the goals of the Comprehensive Master Plan and its addenda, including but not limited to sustainable development goals and exploring opportunities for the utilization of solar and other alternative energy fixtures and facilities.

Section 3.

The Town of Alden Code be and hereby is amended by this Local Law as follows

§ 1. Definitions.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM — An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

BATTERY ENERGY STORAGE SYSTEM — One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a standalone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 battery energy storage system as follows:

- (1) Tier 1 battery energy storage systems have an aggregate energy capacity less than or equal to 600 kilowatt hours ("kWh") and, if in a room or enclosed area, consist of only a single energy storage system technology.
- (2) Tier 2 battery energy storage systems have an aggregate energy capacity greater than 600 kWh or are comprised of more than one storage battery technology in a room or enclosed area.

BATTERY(IES) — A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this chapter, batteries utilized in consumer products are excluded from these requirements.

UL — Underwriters Laboratory, an accredited standards developer in the U.S.

UNIFORM CODE — The New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time

§ 2. Applicability.

- A. The requirements of this chapter shall apply to all battery energy storage systems permitted, installed, or modified in the Town after the effective date of this chapter, excluding general maintenance and repair.
- B. Battery energy storage systems constructed or installed prior to the effective date of this chapter shall not be required to meet the requirements of this chapter.
- C. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this chapter.

§3. General requirements.

- A. A building permit and an electrical permit shall be required for installation of all battery energy storage systems.
- B. Issuance of permits and approvals by the Town Board shall include review pursuant to SEQRA.
- C. All battery energy storage systems, all dedicated use buildings, and all other buildings or structures that: (1) contain or are otherwise associated with a battery energy storage system; and (2) subject to the Uniform Code and/or the Energy Code, shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes,

regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the Town Code.

§4. Permitting requirements for Tier 1 battery energy storage systems.

Tier 1 battery energy storage systems shall be permitted in all zoning districts, subject to the Uniform Code¹ and the "Battery Energy Storage System Permit," and exempt from site plan review.

§5. Permitting requirements for Tier 2 battery energy storage systems.

Tier 2 battery energy storage systems are permitted through the issuance of a special use permit within the M1 and M2 Zoning Districts, and shall be subject to the Uniform Code and the site plan application requirements set forth in this section.

A. Applications for the installation of Tier 2 battery energy storage system shall be:

- (1) Reviewed by the Code Enforcement Officer for completeness. An application shall be complete when it addresses all matters listed in this section, including but not necessarily limited to: (a) compliance with all applicable provisions of the Uniform Code and all applicable provisions of the Energy Code; and (b) matters relating to the proposed battery energy storage system and floodplain, utility lines and electrical circuitry, signage, lighting, vegetation and tree-cutting, noise, decommissioning, site plan and development, special use and development, ownership changes, safety, and permit time frame and abandonment. Applicants shall be advised within 10 business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.
- (2) Subject to a public hearing to hear all comments for and against the application. The Town Board shall have a notice printed in a newspaper of general circulation in the Town at least five days in advance of such hearing. Applicants shall have delivered the notice by first class mail to adjoining landowners or landowners within 200 feet of the property at least 10 days prior to such a hearing. Proof of mailing shall be provided to the Town Board at the public hearing.
- (3) Referred to the Erie County Department of Environment and Planning pursuant to General Municipal Law § 239-m if required.
- (4) Upon closing of the public hearing, the Town Board shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the Town Board and applicant.

B. Utility lines and electrical circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

C. Signage.

- (1) The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.
 - (2) As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
- D. Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.
- E. Vegetation and tree-cutting. Areas within 10 feet on each side of Tier 2 battery energy storage systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt, provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.
- F. Noise. The one-hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA as measured at the outside wall of any nonparticipating residence or occupied community building. Applicants may submit equipment and component manufacturers' noise ratings to demonstrate compliance. The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.
- G. Decommissioning.
 - (1) Decommissioning plan. The applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan shall include:
 - (a) A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;
 - (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
 - (c) The anticipated life of the battery energy storage system;
 - (d) The estimated decommissioning costs and how said estimate was determined;

- (e) The method of ensuring that funds will be available for decommissioning and restoration;
 - (f) The method by which the decommissioning cost will be kept current;
 - (g) The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
 - (h) A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.
- (2) Decommissioning fund. The owner and/or operator of the energy storage system shall continuously maintain a fund or bond payable to the Town of Alden, in a form approved by the Town Board and Town Attorney for the removal of the battery energy storage system, in an amount to be determined by the Town Board, for the period of the life of the facility. This fund may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the applicant.
- H. Site plan application. For a Tier 2 battery energy storage system requiring a special use permit, site plan approval shall be required. Any site plan application shall include the following information:
- (1) Property lines and physical features, including roads, for the project site.
 - (2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
 - (3) An electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over-current devices.
 - (4) A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
 - (5) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.
 - (6) Name, address, phone number, and signature of the project applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.
 - (7) Zoning district designation for the parcel(s) of land comprising the project site.

- (8) Commissioning plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, battery energy storage system commissioning shall be conducted by a New York State (NYS) licensed professional engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to the Code Enforcement Officer prior to final inspection and approval and maintained at an approved on-site location.
- (9) Fire safety compliance plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.
- (10) Operation and maintenance manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code.
- (11) Erosion and sediment control and stormwater management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.
- (12) Prior to the issuance of the building permit or final approval by the Town Board, but not required as part of the application, engineering documents must be signed and sealed by a NYS licensed professional engineer.
- (13) Emergency operations plan. A copy of the approved emergency operations plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
 - (a) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe startup following cessation of emergency conditions.
 - (b) Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - (c) Procedures to be followed in response to notifications from the battery energy storage management system, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
 - (d) Emergency procedures to be followed in case of fire, explosion, release of

liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the Fire Department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

- (e) Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
- (f) Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
- (g) Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.
- (h) Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

I. Special use permit standards.

- (1) Setbacks. Tier 2 battery energy storage systems shall comply with the setback requirements of the underlying zoning district for principal structures.
- (2) Height. Tier 2 battery energy storage systems shall comply with the building height limitations for principal structures of the underlying zoning district.
- (3) Fencing requirements. Tier 2 battery energy storage systems, including all mechanical equipment, shall be enclosed by a seven-foot-high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.
- (4) Screening and visibility. Tier 2 battery energy storage systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports.

- J. Ownership changes. If the owner of the battery energy storage system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Code Enforcement Officer of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must provide such notification to the Code Enforcement Officer in writing. The special use permit and all other local approvals for the battery energy storage system are void if a new owner or operator fails to provide written notification to the Code Enforcement Officer in the required time frame. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications

under this chapter.

§ 6. Safety.

- A. System certification. Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for Battery Energy Storage Systems and Equipment) with subcomponents meeting each of the following standards, as applicable:
 - (1) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power, and Light Electric Rail Applications).
 - (2) UL 1642 (Standard for Lithium Batteries).
 - (3) UL 1741 or UL 62109 (Inverters and Power Converters).
 - (4) Certified under the applicable electrical, building, and fire prevention codes as required.
 - (5) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 and applicable codes, regulations and safety standards may be used to meet system certification requirements.
- B. Site access. Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 2 battery energy storage system is located in an ambulance district, the local ambulance corps.
- C. Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

§7. Permit time frame and abandonment.

- A. The special use permit and site plan approval for a battery energy storage system shall be valid for a period of 24 months, provided that a building permit is issued for construction and construction is commenced within that time. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Town Board, within 24 months after approval, the Town Board may extend the time to complete construction for 180 days. If the owner and/or operator fails to perform substantial construction after 36 months, the approvals shall expire.
- B. The battery energy storage system shall be considered abandoned when it ceases to operate consistently for 12 months. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, enter the property and utilize the available bond and/or security for the removal of a Tier 2 battery energy storage system and restoration of the site in accordance with the decommissioning plan.

§8. Enforcement.

Any violation of this Battery Energy Storage System Law shall be subject to the same enforcement requirements contained in this chapter.

Section 4. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 5. Repealer

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 6. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State.

NEGATIVE DECLARATION

Determination of Non-Significance

Date: August 31st, 2026

Town of Alden Town Board

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Conservation Law (State Environmental Quality Review Act ("SEQRA"))).

The Town of Alden Town Board ("Board"), as lead agency, has determined the project submitted on behalf of Town of Alden the Regulate Battery Energy Storage Systems Local Law #4 will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Regulate Battery Energy Storage Systems Local Law #4

Location of Action: Alden New York 14004 Erie County.

SEOR Status: Unlisted

Description of Action: This article is adopted to advance and protect the public health, safety, welfare, and quality of life of the Town by creating regulations for the installation and use of battery energy storage systems, with the following objectives

Reasons Supporting this Determination: Potential environmental impacts associated with the Project were identified in a Short Environmental Form. The Town analyzed the project under the criteria for determining significance listed in 6 NYCRR §617.7(c) (1) and in accordance with 6 NYCRR §617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR §617.7(c)(1), the Project will not have a significant adverse impact on the environment.

- 1) Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? **No impact.**
- 2) Will the proposed action result in a change in the use or intensity of use of land? **No impact**
- 3) Will the proposed action impair the character or quality of the existing community? **No impact**
- 4) Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? **The Town of Alden has not established a Critical Environmental Area (CEA).**
- 5) Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? **No impact**

- 6) Will the proposed action cause an increase in the use of energy, and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? **No impact**
- 7) Will the proposed action impact existing: a. Public/private water supplies? **No impact**
public/private wastewater treatment utilities? **No impact**
- 8) Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? **No impact**
- 9) Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? **No impact.**
- 10} Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? **No impact**
- 11} Will the proposed action creates a hazard to environmental resources or human health? **No impact**

For Further Information:

Richard Coburn- Code Enforcement Officer Town of Alden
3311 Wende Rd
Alden, New York 14004 (716) 937-6969 Ext. 143

RESOLUTION TO APPROVE LOCAL LAW NO. 5 OF 2026

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER BORK WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER CRIST

WHEREAS, a Proposed Local Law No. 5 of 2026 entitled “Override of Tax Cap” was introduced to the Alden Town Board for consideration by Councilmember Crist on July 20, 2026.

WHEREAS, a resolution was duly adopted by the Alden Town Board calling a public hearing to be held by the Alden Town Board on August 17, 2026 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 Akron Bugle, and

WHEREAS, said public hearing was duly held on August 17, 2026 and all parties in favor of and opposed to the local law were heard; and

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, and

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law by the Alden Town Clerk’s Office, 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. 5 of the Year 2026 entitled “Override of Tax Cap”, a copy of which is attached hereto and made a part of this resolution,

2. That the Alden Town Clerk Office’s 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 Akron Bugle.

3. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 8, 2026, as follows:

Councilman Crist	Aye
Councilwoman Bork	Aye
Supervisor Pautler	Absent
Councilman Drogi	Aye
Councilman Kerl	Aye

Local Law No. 5 of 2026
Town of Alden, County of Erie
Title: Override of Tax Cap

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ALDEN, COUNTY OF ERIE AS FOLLOWS:

SECTION ONE Legislative Intent

The State Constitution, Article XVI, §1, reserves all taxing power to the State and therefore local governments possess only that taxing power which has been expressly delegated to them by the State Legislature (Opns St Comp, 1990 No. 90-39; Opns St Comp, 1981, No. 81-331; Opns St Comp, 1973, No. 72-1085, unreported; 23 Opns St Comp, 1967, p 788).

The Town Board of the Town of Alden, County of Erie has reviewed the financial needs and obligations of the town. Due to contract obligations, limited revenue from non-real property tax sources, the rising cost of commodities and health care, compliance with unfunded mandates, reductions in state and federal revenue sharing programs coupled with the limitations on raising revenue set forth in General Municipal Law, §3-c, the Town Board of the Town of Alden, County of Erie, hereby determines that it necessary to override the tax cap for the fiscal year 2027.

SECTION TWO Authority

General Municipal Law, §3-c (5) authorizes the town board to adopt a local law overriding the tax cap by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

SECTION THREE Tax Cap Override

The Town Board of the Town of Alden, County of Erie hereby overrides the tax cap as required by General Municipal Law, §3-c as for the town fiscal year of 2027.

SECTION FOUR. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION FIVE. Effective date.

This local law take effect immediately upon filing with the Secretary of State.

RESOLUTION TO AUTHORIZE SETTLEMENT AGREEMENT REGARDING TOWN OF ALDEN ENGINEERING FEES

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER CRIST, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER KERL

WHEREAS, the Town of Alden has engaged Metzger Civil Engineering, PLLC as Town Engineer and since 2000;

WHEREAS, The Town of Alden and Metzger Civil Engineering, PLLC have realized that many outstanding invoices, dating back to 2009, due to administrative errors by both the Town of Alden and Metzger Civil Engineering, PLLC remain open and unpaid. To resolve these open and unpaid invoices and to preserve the long standing relationship between the Town of Alden and Metzger Civil Engineering, PLLC, wish to enter into a Settlement Agreement.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

- 1. The Town Board approves the attached Settlement Agreement Regarding Town Of Alden Engineering Fees;**
2. The Supervisor and/or Deputy Supervisor of the Town of Alden is hereby authorized and directed to execute the above referenced Agreement; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting held on September 8, 2026, as follows:

Councilman Crist	Aye	Nay
Councilwoman Bork	Aye	Nay
Supervisor Pautler	Absent	
Councilman Drogi	Aye	Nay
Councilman Kerl	Aye	Nay

**SETTLEMENT AGREEMENT REGARDING TOWN OF ALDEN ENGINEERING FEES DUE TO
METZGER CIVIL ENGINEERING, PLLC**

The Town of Alden has contracted annually with Metzger Civil Engineering, PLLC for the provision of engineering services since 2000.

The Town of Alden and Metzger Civil Engineering, PLLC have realized that many outstanding invoices, dating back to 2009, due to administrative errors by both the Town of Alden and Metzger Civil Engineering, PLLC remain open and unpaid. To resolve these open and unpaid invoices and to preserve the long standing relationship between the Town of Alden and Metzger Civil Engineering, PLLC, it is agreed as follows:

FORGIVENESS

The balance due for engineering fees for the following matters have been, by mutual agreement between Metzger Civil Engineering, PLLC and the Town of Alden, forgiven together with any interest and penalties and are no longer owed by the Town of Alden to Metzger Civil Engineering, PLLC:

Invoice # 2864 dated 2/5/2009 for \$1,950.00 regarding the Reinhardt Road Closure;

Invoice # 6569 dated 4/30/2018 for \$288.75 and Invoice # 6675 dated 6/29/2018 for \$165.00 both regarding the defunct Secure Storage Project on Townline Road;

Invoice # 3501 dated 9/28/2010 for \$1,650.00 and Invoice # 3637 dated 3/28/2011 for \$550.00 both regarding the Town Hall Roof Mounted Solar Panel Project;

Invoice # 3455 dated 8/28/2010 for \$1,010.00 for Town Park Master Plan; and

Invoice # 10558 dated 4/7/2026 for \$1,050.00 for the Buffalo Solar Project will be partially forgiven in the amount of \$525.00^.

TOTAL AMOUNT FORGIVEN: \$6,138.75

PAYMENTS MADE PER VOUCHER DATED JULY 6, 2026

Invoice # 10413 dated 12/30/2025 for \$150.00; Invoice #10560 dated 4/7/2026 for \$75.00; and Invoice # 10597 dated 5/5/2026 for \$75.00 for the Burden Project at Walden and Wende (total \$300.00) of which \$284.00 was paid, leaving a \$16 balance for Invoice # 10413.

TOTAL OWED \$16.00*

PAYMENTS MADE PER VOUCHER DATED AUGUST 17, 2026

Invoice # 9891 dated 2/21/2025 for \$225.00 in regard to the Crown Atlantic cellular tower Project at Reinhardt Road;

Invoice # 8861 dated 9/14/2022 for \$325.00 and Invoice # 9045 for \$1,712.50 dated 2/1/2023 both regarding the Mulvey Construction Project at 11061 Walden Avenue (total \$2,037.50);

Invoice # 9779 dated 12/10/2024 for \$105.00 regarding the Adam Mazz Project at 11625 Broadway;

Invoice # 9778 dated 12/10/2024 for \$25.00 and Invoice # 9892 dated 2/21/2025 for \$150.00 in regard to the Adam Mazz Project at 13500 Genesee Street Project (total \$175.00);

Invoice # 9944 dated 3/26/2025 for \$300.00 regarding the Adam Mazz Project at 11649 Broadway;

Invoice # 9378 dated 4/18/2024 for \$240.00 and Invoice # 9515 dated 7/10/2024 for \$150 in regard to the Dan Q Project at Townline Road (total \$390.00);

Invoice # 8789 dated 8/15/2022 for \$125.00 and Invoice #9780 dated 12/10/2024 for \$1,592.50 in regard to the Integer Project at 11900 Walden Avenue (total \$1,717.50);

Invoice # 8786 dated 8/15/2022 for \$125.00; Invoice #9046 dated 2/1/2023 for \$937.50; and Invoice # 9171 dated 7/25/2023 for \$610.00 regarding the Dollar General Project at 12240 Walden Avenue (total \$ 1,672.50);

Invoice # 10413C for \$0.96** in regard to the Burden Project at Walden and Wende; and

The above amount paid to Metzger was reduced by \$242.50 reflecting a double payment by the Town of Alden to Metzger on a prior invoice for Adam Mazz.

TOTAL PAID: \$6,380.96

PAYMENTS TO BE MADE FROM BY VOUCHER DATED 8/17/2026

Invoice # 10223 dated 9/5/2025 for \$375.00 for Burden Project at Walden and Wende and \$16.00* owed from Invoice # 10413B and minus \$0.96** from Invoice # 10413C from above (total \$391.00);

Invoice # 9730 dated 11/20/2024 for \$225.00 for the Kraus Project at Genesee Street;

Invoice # 10558 dated 4/7/2026 (^after partial forgiveness above) for \$525.00 for the Buffalo Solar Project

TOTAL PAID \$1,140.04

**PAYMENTS TO BE MADE FROM ESCROW AFTER APPROVAL OF VOUCHER AT
SEPTEMBER 8, 2026 TOWN BOARD MEETING**

Invoice # 9047 dated 2/1/2023 for \$887.50 in regard to the Crystal Clear Pools Project at 12433 Broadway; and

Invoice # 10595 dated 5/5/2026 for \$300.00 for the 11580 Walden Avenue Project.

TOTAL PAID \$1,187.50

BALANCES DUE and PAYMENT TERMS

The balance due for engineering fees for the following matters in the amounts set forth below will be paid by the Town of Alden in the sum of \$1,350.00 to Metzger Civil Engineering, PLLC by voucher to be approved at the 9/21/2026 Town Board Meeting:

Invoice # 10007 dated 4/16/2025 for \$75.00 regarding the Zoladz Project at 11668 Broadway; and

Invoice # 9896 dated 2/21/2025 for \$1,050.00 and Invoice # 9947 dated 3/26/2025 for \$225.00 for the Zoladz Project at Broadway and Two Rod Roads (total \$1,275.00).

Based upon the above agreement, Metzger Civil Engineering, PLLC and the Town of Alden hereby stipulate, settle and agree that all invoices issued by Metzger Civil Engineering, PLLC to the Town of Alden dated through 6/10/2026 are resolved and no monies are due from the Town of Alden to Metzger Civil Engineering, PLLC for engineering services rendered to the Town of Alden and billed through 6/10/2026.

**RESOLUTION CALLING PUBLIC HEARING ON THE USE OF FEDERAL
COMMUNITY DEVELOPMENT FUNDS**

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER KERL, WHO
MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER DROGI

NOW, THEREFORE, IT IS HEREBY RESOLVED 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 6:05 p.m. on the 21st day of September, 2026, for the purpose of hearing all persons interested in the use of Federal Community Development Funds in the Town of Alden; and

ORDERED, that the Town Clerk's Office is directed to (a) publish a notice of public hearing in the Akron Bugle, designated as the official newspaper for this publication, such publication to be not less than five (5) days before the date of the public hearing; (b) and post as required by law one (1) copy of the Notice of Public Hearing no later than the day such Notice is published; and

The question of the adoption of the foregoing order was duly put to a vote on roll call, at a regular meeting on September 8, 2026, which resulted as follows:

Councilman Crist	Aye
Councilwoman Bork	Aye
Supervisor Pautler	Absent
Councilman Drogi	Aye
Councilman Kerl	Aye

RESOLUTION FOR APPROVAL FOR MINOR SUBDIVISION OF 3726 POHL ROAD

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER DROGI, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER BORK

WHEREAS, the Alden Town Board is considering an application by Jeffrey and Valerie Ketterer for the subdivision of three lots. The entire property currently consists of 20.83 ± acres of improved land at 3726 Pohl Road in the Town of Alden, further identified as SBL# 85.00-5-4.21. The first proposed lot ("Parcel 1") will be 16.69 ± acres and contains residential structures; the second proposed lot ("Parcel 2") will be the 2.07 ± vacant acres ; and the third proposed lot ("Parcel 3") will be 2.07 ± vacant acres (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 Department 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 recommendation 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 July 6, 2026 and all comments from involved agencies have been addressed;

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, as per the attached Negative Declaration Certificate.

WHEREAS, the Town of Alden Planning Board on June 9, 2026, reviewed the Proposed Action and recommended to the Town Board the approval of the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

The Town Board, as Lead Agency, has determined that the Proposed Action is an Unlisted Action under SEQRA;

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 as further stated in the attached Negative Declaration Certificate;

That the following parcels, more particularly described on the attached legal descriptions are given subdivision approval; and

*** SEE ATTACHED ***

4. 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 September 8, 2026, the results of which were as follows:

Councilmember Crist:	AYE
Councilmember Bork:	AYE
Supervisor Pautler:	ABSENT
Councilmember Drogi:	AYE
Councilmember Kerl:	AYE

Proposed Description for 2.07 acre parcel at the northeast corner of 3726 Pohl Road

All that Tract or Parcel of Land, situate in the Town of Alden, County of Erie, State of New York, being part of Lot 34, Township 11, Range 5 of the Holland Land Company's Survey, bounded and described as follows:

Commencing at a point on the center line of Pohl Road, being 66.0 feet wide, at the southeast corner of lands conveyed to Jerome J. Zack and Lynette M. Zack by deed recorded in the Erie County Clerk's Office in Liber 11096 of Deeds at Page 1669;

Thence northerly along the center line of said road, a distance of 428.42 feet, to the Point of Beginning;

Thence westerly parallel with the south line of said lands conveyed to Zack, a distance of 450.00 feet, to a point;

Thence northerly parallel with the center line of said road, a distance of 200.00 feet, to a point on the north line of said lands conveyed to Zack;

Thence easterly parallel with the south line of said lands conveyed to Zack, a distance of 450.00 feet, to a point on the center line of said road;

Thence southerly along the center line of said road, a distance of 200.00 feet, to the Point of Beginning. Containing 2.07 acres of land, more or less.

Proposed Description for 2.07 acre parcel at the southeast corner of 3726 Pohl Road – REV2

All that Tract or Parcel of Land, situate in the Town of Alden, County of Erie, State of New York, being part of Lot 34, Township 11, Range 5 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point on the center line of Pohl Road, being 66.0 feet wide, at the southeast corner of lands conveyed to Jerome J. Zack and Lynette M. Zack by deed recorded in the Erie County Clerk's Office in Liber 11096 of Deeds at Page 1669;

Thence westerly along the south line of said lands conveyed to Zack, a distance of 462.25 feet, to a point;

Thence northerly parallel with the center line of said road, a distance of 200.00, to a point;

Thence easterly parallel with the south line of said lands conveyed to Zack, a distance of 211.25 feet, to a point;

Thence southerly at right angles to the last described line, a distance of 35.00, to a point;

Thence easterly parallel with the south line of said lands conveyed to Zack, a distance of 78.00 feet, to a point;

Thence northerly at right angles to the last described line, a distance of 35.00 feet, to a point;

Thence easterly parallel with the south line of said lands conveyed to Zack, a distance of 173.00 feet, to a point on the center line of said road;

Thence southerly along the center line of said road, a distance of 200.00 feet, to the point of beginning. Containing 2.07 acres of land, more or less.

RESOLUTION TO APPROVE AGREEMENT WITH SPCA SERVING ERIE COUNTY

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER BORK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER CRIST

WHEREAS, the Town of Alden Dog Control Officer uses the services of the SPCA Serving Erie County (“SPCA”) to surrender stray dogs;

WHEREAS, the SPCA has given notice to terminate the current Agreement between the Town and the SPCA and has proposed a new Agreement; and

WHEREAS, the Alden Town Board believes that entering into a new Agreement the SPCA to allow the Town to continue to surrender dogs is in the best interests of the residents of the Town of Alden.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board approves the proposed Agreement (with auto renewal provisions) with the SPCA as being consistent with its policies and in the interest of the residents of the Town of Alden;
2. The Town Supervisor and/or Deputy Supervisor are hereby directed to and authorized to sign any and all necessary documents to effectuate this Agreement; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on September 8, 2026, as follows:

Councilman Crist	Aye
Councilwoman Bork	Aye
Supervisor Pautler	Absent
Councilman Drogi	Aye
Councilman Kerl	Aye

AGREEMENT

THIS AGREEMENT made this 1st day of October 2026 by and between the Town of Alden, New York (the "Town") and the Erie County Society for the Prevention of Cruelty to Animals d/b/a SPCA Serving Erie County, a not-for-profit corporation having an office located at 300 Harlem Road, West Seneca, New York, 14224 (the "SPCA").

WITNESSETH

WHEREAS the Town and the SPCA desire to enter into a contract providing that after the statutory holding period as per New York State Agricultural and Markets Law, a seized dog may be offered for adoption by the Town or the SPCA according to New York State Agricultural and Markets Law, Article 7 and Article 26.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

1. The term of this agreement shall commence on October 1st, 2026, and shall be automatically and continuously renewed for each succeeding calendar year until the Town or the SPCA provides written notice to the other, at least thirty (30) days prior to the commencement of the succeeding year, of its desire to terminate this Agreement.
2. During the term of this Agreement, SPCA will only accept dogs that it considers safe adoption candidates after they have been held the legal stray holding period as determined by NYS Agriculture and Markets laws unless otherwise stated within this contract. The Town will be responsible for identifying dogs who are overtly, behaviorally unsound, suffering irredeemably, or dangerous with people or other animals. In that event, the Town shall be responsible for the animal's humane euthanasia at the veterinary facility of its choice. The Town understands that its representatives are welcome to contact SPCA's behavior department with any questions pertaining to behavior or temperament.
 - a. Prior to scheduling any transfer appointments, the Town shall complete and submit an Intake Assessment Form to the SPCA. Upon receipt and review of the completed form, the SPCA shall have the sole discretion to either approve the scheduling of a transfer appointment or decline acceptance of the dog for transfer, based on behavioral concerns or indications of unsound temperament. Because of this, the SPCA may be unable to accommodate same-day appointments.
 - b. In the event that the SPCA declines the transfer, the Town shall be responsible for determining an alternative placement for the dog or, if deemed appropriate and humane, proceeding with euthanasia.
 - c. If within 5 days of intake the SPCA determines that the animal presents with behaviors, conditions, or characteristics that differ materially from those represented by the Town in the Intake Assessment Form, the SPCA reserves the right to request that the Town retrieve said animal. Upon such request, the Town shall be responsible for all fees incurred related to the care and medical treatment of the animal as outlined in this agreement.
 - d. The SPCA reserves the right to assess the animal's temperament either before or at the time of intake and deny admittance for transfer should the animal not be considered suitable for adoption.

3. The Town understands that it is their sole responsibility to seek and provide veterinary care for a sick or injured impounded animal. The Town agrees to seek said care from a licensed Veterinarian, and to adhere to the care/treatment recommendations from said Veterinarian. Contact information for the Veterinarian(s) routinely worked with by the Town will be furnished when the signed contract is returned to the SPCA. If the Town does not provide veterinarian information when returning this Contract, the Contract will be considered void. Furthermore, the Town understands and acknowledges that failure to provide medical care to an impounded animal in need may immediately void this agreement and could lead to criminal charges.
 - a. NYCRR, Part 77.2 requires that all dogs seized under AML, Article 7 "...shall be properly cared for, sheltered, fed and watered for the redemption period..." "Properly cared for" includes veterinary care when necessary. Any seized dog suffering from illness or serious injury must receive prompt treatment by a licensed veterinarian. A common sense evaluation of the seized dog by the DCO is necessary to determine when that care is necessary. For example, if a dog appears to have been hit by a car, has lacerations and possible fractures and is in pain, that animal needs to be seen by a veterinarian. The municipality is responsible for stabilizing care for that animal, but not for orthopedic surgery or other major surgery or diagnostics. Stabilization may include intravenous fluids, cleaning of wounds, supportive wraps for fractures; pain control, etc. Other examples would be a dog that is weak, unable to walk, is vomiting, etc., or a dog with porcupine quills. That dog also needs to be seen by a veterinarian. It is not acceptable to deliver a dog in need of veterinary care to a shelter and leave it in a cage when no arrangements have been made for treatment. This is of particular importance if a dog is delivered to the shelter after hours and left unattended in a cage when in need of veterinary care. The municipality could be subject to the Agriculture and Markets cruelty law since needed care was not supplied. The municipality may have a formal arrangement with the shelter to assist in getting veterinary care, with the understanding that all cost will be borne by the municipality.
 - b. In circumstances where a dog's medical condition is too severe to be adequately maintained at the Town's holding facility, the dog may be transferred to the SPCA for medical evaluation and treatment, subject to the prior mutual agreement of both parties. The Town acknowledges that the SPCA is not equipped to provide acute or emergency medical care requiring 24-hour stabilizing treatment. Should the SPCA provide medical evaluation or stabilization but subsequently decline to accept the dog for transfer, the Town shall remain solely responsible for all costs associated with the medical care rendered by the SPCA.
4. In the event the Town feels that the physical condition of the dog at the time of initial impoundment may rise to the level of animal cruelty, the Town understands it may contact the SPCA. The SPCA agrees to arrange for the Town to bring the dog to the shelter and to have a member of its medical and/or Law Enforcement team examine the dog. If the SPCA deems the condition of the dog may in fact be evidence of the crime of cruelty to animals, the SPCA will accept said dog, hold the dog stray time and open an investigation. The Town understands that it must take the dog back, hold stray time, and provide medical treatment as described above in the event the SPCA declines to accept the dog for further investigation solely at the Town's own expense. The Town also agrees to reimburse the SPCA for any veterinary care provided to stabilize the animal while in the care of the SPCA.

5. In the event that a dog relinquished by the Town to the SPCA is subsequently euthanized due to significant medical or behavioral problems, euthanasia shall be performed by registered Licensed Animal Health Technicians employed by the SPCA and shall be carried out humanely with an injection of sodium pentobarbital.
6. All transfers of dogs from the Town to the SPCA shall be conducted strictly by appointment only. The SPCA shall accept dogs for transfer solely as space, staffing, resources, operational capacity, and other organizational considerations permit. The Town agrees to contact the SPCA in advance to schedule an appointment and confirm availability. All communications regarding transfer scheduling must be made by authorized agents or representatives directly to the SPCA's main telephone line during regular business hours, defined as 8:00 a.m. to 4:00 p.m. Contacting SPCA staff via personal telephone numbers is strictly prohibited. In the event that no staff member is immediately available, the Town shall leave a voicemail message with the Community Support Services Department. The SPCA acknowledges that, should it be unable to accept a dog due to limitations in space, staffing, resources, operational capacity, or other organizational considerations, the Town may pursue alternative placement options for the dog(s) with other organizations.
7. Per New York State Department of Agriculture and Markets Article 26-C, The Town agrees to provide all core vaccinations for dogs that have cleared the legal hold period and have been in its possession for 48 hours, or more, beyond the date it cleared, unless an appointment has been made with the SPCA within that 48-hour time frame. Vaccines should be age appropriate and should include Rabies, DHPP, Bordetella, and dewormer. The Town is required to submit proof of this vaccination, and a rabies vaccine certificate, on official veterinarian letterhead prior to their transfer appointment date.
8. The Town agrees to pay the SPCA the following fees for services rendered pursuant to this Agreement per dog:
 - a. A euthanasia fee of eighty dollars (\$80.00)
 - b. A crematory and disposal fee of eighty dollars (\$80.00)
 - c. An adoption fee of seventy-five dollars (\$75.00)
 - d. Rabies vaccination fee of ten dollars (\$10.00)
 - e. Core Vaccine Package, including rabies, dewormer, flea/tick treatment of seventy-five dollars (\$75.00)

In the event that the Town identifies a potential adopter for a dog during the legal holding period and/or prior to transfer to the SPCA, and requests that the SPCA facilitate the adoption, the Town agrees to pay a facilitation fee of seventy-five dollars (\$75.00). This fee shall cover the cost of spay/neuter surgery, microchipping, and administration of appropriate vaccinations prior to finalizing the adoption. The prospective adopter shall also be responsible for paying any applicable adoption fees as set by the SPCA at the time of adoption.

Should the prospective adopter decline to proceed with the adoption after services have been rendered and the dog remains in the custody of the SPCA, the Town shall be responsible for reimbursing the SPCA for the full cost of services provided. Furthermore, if the SPCA is unable to accept the dog into its adoption program, the Town shall retrieve the dog and return it to its holding facility. In such cases, the Town shall also reimburse the SPCA for the cost of care at a rate of thirty dollars (\$30.00) for the first day and twenty dollars (\$20.00) for each subsequent day the dog remains in SPCA custody.

9. The fees accrued during each month shall be paid no later than the fifteenth day of the next subsequent month. All fees are subject to change; written notice will be provided.
10. The Town acknowledges that it is solely responsible for providing animal control services within its municipality. The SPCA expects that the Town will make reasonable efforts to identify potential adopters for all dogs that are either signed over or cleared of the legal holding period.
11. The Town agrees to pay the SPCA's reasonable attorney fees incurred in any legal action brought by the purported owner of the subject animals arising from the Town's seizure of said animal.
12. If it is necessary for the SPCA to accept a stray dog found within the Town, the Town agrees to pick up said dog within four (4) SPCA business hours of receiving a phone call from the SPCA. The Town understands that if the dog is not picked up, there will be a thirty-dollar (\$30.00) transport fee for an SPCA representative to deliver the dog to the Town's Animal Control Office. Additionally, if the Town fails to retrieve the dog within four (4) hours or is unavailable to accept said dog upon SPCA arrival to their holding facility, the Town agrees to reimburse the cost of care for the dog at the rate of thirty dollars (\$30.00) for the first day and twenty dollars (\$20.00) for each subsequent day. The Town also agrees to reimburse the SPCA for any veterinary care provided to stabilize the animal while in the care of the SPCA.
13. The Town agrees to send all Animal Control Officers, Dog Control Officers or any Agent of the Town acting in such a role where they have a responsibility to feed, clean, house, walk, accept, pick up or in any way interact with or provide care for animals as part of their Town duties to continuing education courses. This may include courses that they find independently or any training courses that are scheduled and hosted by the SPCA.
14. If for any reason the Town accepts and transports an owned animal for surrender, the Town understands the SPCA will not accept said animal without a completed SPCA Pet Profile, paper proof of permanent ownership relinquishment to the Town, and reliable contact information for the previous owners. *Pet Profiles for canines can be found at yoursPCA.org/rehomeyourpet*
15. The Town agrees to scan all stray dogs for a microchip, and to fully document any and all attempts to contact the registered owner. The Town understands that if a microchip is detected by the SPCA upon transfer, and it was not previously discovered by the Town, or the Town made no attempts to contact the owner, the SPCA will hold the dog for a period of 24 hours while attempt(s) are made to contact and locate the registered owner. The Town agrees to pay the SPCA for the additional holding period cost of care at a rate of thirty dollars (\$30.00) for the first day and twenty dollars (\$20.00) for each subsequent day the dog remains in SPCA custody and to reimburse the SPCA for any veterinary care. If the SPCA is unable to make contact with the registered owner or the owner fails to make contact after an initial attempt, the dog will become property of the SPCA and be available for adoption or humane euthanasia at the discretion of the SPCA.
16. The town agrees to provide the following information at the time of signing the contract:

- a. Names and contact information of any agent or representative of the of Town, whether designated as an animal control officer, dog control officer, or otherwise tasked with caring for dogs, as well as any individual who brings dogs to the SPCA for intake.
 - b. The location of the Town's kennel facility or the names and locations of any businesses contracted by the Town to house dogs during the legal holding period. The SPCA reserves the right to request to view these facilities with prior consent from the Town or named businesses.
 - c. Names of any other town, village, or other municipality that they provide Animal Control or Dog Control services for.
17. The Town shall furnish a complete copy of this Agreement, including any amendments, to the Town Dog/Animal Control Officer within five (5) business days of execution. During the term of this Agreement, if the position of Dog/Animal Control Officer changes for any reason, the Town shall provide a copy of this Agreement to any successor Dog/Animal Control Officer within five (5) business days of such appointment or designation. The Town shall promptly provide the SPCA with the name, title, telephone number, and email address of the current Dog/Animal Control Officer and shall notify the SPCA of any changes to such contact information within five (5) business days. If the SPCA reasonably believes that the Dog/Animal Control Officer has not received or is unaware of the conditions of this Agreement, the SPCA is expressly authorized to furnish a copy of this Agreement directly to the Dog/Animal Control Officer. The Town acknowledges that such disclosure is appropriate and necessary to ensure awareness and enforcement of the conditions set forth herein.
18. The Town and the SPCA each agree to cooperate and assist the other in fulfilling the terms of this Agreement.
19. The parties hereto represent and warrant to each other that they each have the full right, power and authority to enter into this Agreement.
20. This Agreement may only be modified or amended through the written consent of both parties hereto.
21. The town agrees to indemnify, defend, and hold harmless, the SPCA, its directors, officers and employees from and against any and all claims, actions, liabilities, damages, costs, expenses and reasonable attorney fees, including, but not limited to, those for personal injury and/or death and/or property damage, that arise against or are incurred by the Indemnified Party as a result of any breach, performance or non-performance by the Indemnifying Party of the terms and services set forth in this Agreement.

The provisions this section shall survive the termination of this Agreement.

In witness whereof, the parties hereto have caused their hands and seals to be hereunto affixed the day and year first above written.

ERIE COUNTY SOCIETY FOR THE
PREVENTION OF CRUELTY TO ANIMALS
("SPCA")

By: _____
President & C.E.O.

TOWN OF ALDEN ("Town")

By: _____
Its: _____

Town Veterinarian Information: (Towns may not list the SPCA or E-Clinics as a veterinarian facility)

Veterinarian name: _____
Practice name: _____
Phone Number: _____

Veterinarian name: _____
Practice name: _____
Phone Number: _____

Animal Control or Dog Control Officers or Town Representatives:

Name: _____
Email: _____
Name: _____
Email: _____

Name and Location of Kennel Facility used by the Town: (If Any)

Name: _____
Owner: _____
Address: _____
Phone Number: _____

Towns, Villages, and/or Municipalities that the Town provides Animal/Dog Control/Other Services for:

REPORTS OF COMMITTEE, OFFICIALS AND PERSONAL-

Councilmember Kerl- Dog license renewals are going well. I need to get together with the wastewater committee; some actions came out of the DEC meeting I attended. Meeting dates will be on Mondays now instead of Fridays, due to my work schedule changing.

Councilmember Drogi- Please add Blair and Waste Management to the work session agenda for next week.

Town Clerk Cooper- Nothing to Report

Councilmember Bork- We are working on several grants, records grant, Senior Van grant, Parks grant and looking into other grants for our community. Please add Grants and the Newsletter to the agenda for the next work session. In the next newsletter we should have an update on our Ambulance contract for our community members. The newsletter is an expense, and we are looking into areas that we can have the newsletter distributed for our residents, Town Hall, Bank, Pharmacy and any places that residents visit frequently. Updates from the departments are due to me by the end of the month.

Town Attorney Strong- Please add E-Bikes to the work session. The assessor is assessing Meals on Wheels for fair market value of the Town Hall for the contract renewal. Waiting on that information, and I hope to have it by the work session. We are working on the Town Line Water agreement, this will be a three-way agreement with Alden, Lancaster and Clarence.

Councilmember Crist- The front bathroom was vandalized by minors in the Town Park. Camaras were reviewed and the Parks department worked with the SRO from Alden, they discovered half of the minors were not Alden residents. The SRO and the Parks Department are handling the situation.

Town Engineer Metzger- Erie County Health Department approved the Town Line Water District Plans, we are currently waiting on the Erie County Water Authority, hopefully we will have that any day now. We are working on the Bid packets and once everything is approved and reviewed, we will have the Bid process start. Cayuga Creek is making a lot of progress; we hope to have the project completed very soon. Once complete, then the water testing process will happen and after that we should receive the final approval of Cayuga Creek Water. United Precious Metals project is currently back clearing for a parking lot. I have not received any more information from Buffalo Solar.

Code Enforcement Officer Coburn- **There** has been no change or updates on the Weber property. Mr. Weber goes back to Supreme Court on November 12th. I am hoping to have the RFP completed and ready for the building by the court date. We do not know what will happen at the hearing, but I want to be ready and prepared for the possible outcome.

NOTICE OF MEETINGS

Work Session – Monday September 14, 2026- 6:00pm

Reg. Board Meeting – Monday September 21, 2026- 6:00pm

MEMORIAL REMEMBRANCE: Raymond Fowler, Elaine R. Koch, Town of Marilla
Supervisor, Earl “Skip” Gingerich, Carl Mattheis, Jamie Roche

Adjournment

Deputy Supervisor Bork adjourned the meeting at 6:29pm, all in favor.

Councilman Crist	Aye
Councilwoman Bork	Aye
Supervisor Pautler	Absent
Councilman Drogi	Aye
Councilman Kerl	Aye