

Town Board Meeting April 11, 2022

Supv. Crossen called the monthly meeting of the Alabama Town Board to order at 7:00 p.m. Roll Call was taken, Councilperson Fisher, Veazey, Klotzbach and Supv. Crossen were present. Absent: Councilperson LaGou. Also present were Supt. Covell and Mark Masse.

Privilege of the Floor -- None

Highway – Supt. Covell gave update:

- Removed the judges bench, mounted TVs in board room.
- A little bit of snow plowing.
- Snow fence has been taken down.
- Attended two safety classes.
- Went with Supv. to CPL and picked up some desks, filing cabinets, etc.
- Met with County Engineer regarding federal grants for road work. Decided to pass on the federal grants at this time, will end up costing more in the long run.
- Received price for a pole to put water meter reader on at highway dept. Will talk to National Grid about replacing existing pole that is there instead of adding another pole.

Truck Quote

Supt. Covell received a proposal from Fleet Maintenance, Inc. for a Freightliner M2106 truck under NYS MWBE Article 15-A File ID#1909, at a cost of \$97,802, which includes a 7 year warranty on the engine and exhaust treatment system and a warranty on the extended cab and chassis. Estimates were received from the following for outfitting the truck:

- \$123,778 from Viking Cives
- \$135,995 from Valley Fab & Equipment

Disc. held on cost of truck and how to pay for it. Supt. Covell informed the board that it will take almost a year for the truck to be built and outfitted. The truck will not be delivered to the Town until 2023. Most Municipalities are planning 1-2 years out for replacing trucks due to supply shortages. Supv. Crossen commented that the Town can budget for the truck in the 2023 budget using CARES Act, Pilot, or IZA funds. It will be further discussed when working on the 2023 budget. There was \$160,000 in the 2022 budget for the truck, it will get rolled over into the 2023 budget to pay for it.

MOTION By Councilperson Veazey, seconded by Councilperson Klotzbach to order the Freightliner M2106 truck under NYS MWBE Article 15-A File ID#1909, at a cost of \$97,802 from Fleet Maintenance, Inc. and to have Viking Cives outfit the truck at a cost of \$123,778, for a total of \$221,580 to be paid for from the 2023 budget upon delivery in 2023. Approved by roll call vote:

C. Fisher – yes C. LaGrou – absent C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Genesee Co. Planning Board referral agreement

AGREEMENT BETWEEN THE GENESEE COUNTY PLANNING BOARD AND THE TOWN OF ALABAMA

Agreement Exempting Certain Minor Land Use Actions from Genesee County Planning Board Review

I. Authority

In accordance with New York State General Municipal Law, Article 12-B, Section 239-m.3. (c) of the Laws of 1991, the Genesee County Planning Board is authorized to voluntarily enter into agreements with Cities, Towns, and Villages regarding certain proposed land use actions that are of local, rather than inter-community or County-wide concern, and therefore are not subject to referral to the Genesee County Planning Board as would otherwise be required by Section 239-m and n.

II. Purpose

It is the intent of this Agreement to eliminate the need for County review of certain actions as defined herein which do not have significant inter-community or County-wide impacts. The Agreement between the Genesee County Planning Board and the Town of Alabama Board shall be identical to that between the County and any other municipality.

III. Procedures

Upon the Municipality's receipt of a proposal by an applicant, it is the responsibility of the municipal official(s) who is charged with submitting referrals to the Genesee County Planning Board to determine if an application is exempt from referral to the County Planning Board. This determination shall be based on those actions specifically listed in Section IV ("Minor Land Use Actions Exempt from Referral to the County Planning Board") of the Agreement. If a proposal does not fall within one of the categories listed in Section IV, it shall be submitted to the County Planning Board in the prescribed manner. If it does fall within Section IV, there is no need for further involvement of or notice to the County Planning Board.

IV. Minor Land Use Actions Exempt from Genesee County Planning Board Review

The following municipal planning and zoning actions have been determined to be typically of a local rather than inter-community or countywide concern and shall be exempt from review by the County Board. However, any action that constitutes a Type I action under the New York State Environmental Quality Review Act (SEQRA) shall be subject to review by the County Board.

1. Area variances to rear or side-yard setback requirements for single and two-family residential uses.
2. Area variances to yard setback requirements (rear, side or front) for accessory structures, as defined by the municipality, provided the variance does not propose the structure be closer to a State or County highway or municipal boundary than the existing principal structure.
3. Area variances for accessory structures, as defined by the municipality, for being in front of the principal building, provided the accessory structure would meet the front-yard setback required of a principal building.
4. Area variances and/or permits for freestanding signs or fences except when proposed along a State or County highway.
5. Area variances for parking or driveways not accessing a State or County highway.

6. Special use permits or site plan reviews for home occupations/businesses not accessing a State or County highway and that meet all applicable local municipal code requirements.
7. Special use permits or site plan reviews for the co-location of telecommunications equipment on an existing telecommunications tower/facility.
8. Special use permits or site plan reviews for new ponds or pond expansions that meet all applicable local municipal code requirements, provided that the construction will not disturb more than an acre of land and as per the SEQRA review, will not impact archaeological resources, threatened or endangered species, or State or Federal regulated wetlands.
9. Site Plan Review or Design Review for the interior or exterior remodeling of a new use allowed in that zoning district including building-mounted signage that meets all applicable local municipal code requirements, and does not cause changes to other aspects of the site.
10. Subdivisions or resubdivisions for minor lot-line adjustments on existing lots where no additional lots are created and there is no change to access points and no new access points are proposed on State or County highways.
11. Subdivision of land into two lots that meet all applicable local municipal code requirements provided such subdivision occur within a Genesee County Smart Growth Development Area.
12. Land use moratoria not exceeding 12-months, except that a notice shall be sent to the Genesee County Planning Department for informational purposes.
13. Administrative and fee amendments to the zoning code (i.e., general provisions, permit procedures, powers and duties of local boards and officers, penalties for offenses, public hearing requirements, organization, and amendment procedures).
14. Interpretations of the municipal zoning code.

V. Optional Review

Notwithstanding the previous section, nothing shall prevent the municipality from submitting any application to the County Planning Board for its review and recommendation as would be required under Section 239-m and n of General Municipal Law.

VI. Effective Date

This Agreement shall be effective immediately upon its passage by majority resolutions of both the Genesee County Planning Board and the Town of Alabama Board.

VII. Amendment

Any amendment to the Agreement becomes effective immediately upon passage of a majority resolution of both the Genesee County Planning Board and the Town of Alabama Board.

VIII. Termination

This Agreement can be terminated at any time without cause by majority resolution of either the Genesee County Planning Board or the Town of Alabama Board. Notice of such termination should be made in writing within ten days of the resolution to the other party that entered into this agreement. Upon termination, the municipality shall resume responsibility for sending all eligible referrals to the Genesee County Planning Board as otherwise established in Section 239-m and n.

Date adopted by the Genesee County Planning Board: 2/10/2022

Certified by Laraine Caton, Chairperson: _____

Date: _____

Date adopted by the Town of Alabama Board: _____

Certified by _____, Town Clerk

Date: _____

(seal)

MOTION by Councilperson Klotzbach, seconded by Councilperson Fisher to accept the Agreement Exempting Certain Minor Land Use Actions from Genesee County Planning Board Review. Approved by roll call vote:

C. Fisher – yes C. LaGrou – absent C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

RP-7114 Municipal Report of Special Franchise Activity

Supv. Crossen asked for permission to sign and send in the RP-7114. It is being reported that Empire Access installed fiber optic lines in 2021 on State Route 77, Judge Road and Crosby Road, and that the line is not active yet.

MOTION by Councilperson Fisher, seconded by Councilperson Veazey to accept the RP-7114 Municipal Report of Special Franchise Activity and have Supv. Crossen sign it. Approved by roll call vote:

C. Fisher – yes C. LaGrou – absent C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Seasonal Parking Local Law

Supv. Crossen will contact the County and State DOT for approval of no parking law on State and County Roads. Proposing no parking on roads from 4 p.m. to 8 a.m. Nov. 1st to April 30th.

Lockport Road Speed Reduction

Gen. Co. Highway Supt. Hens sent signed requests from resident on Lockport Road to reduce the speed limit to 55 MPH. Disc. held. Supv. Crossen would like to wait and see what the Town of Oakfield's recommendation is before proceeding.

Broadband

Genesee Co. is putting out an RFP for broadband service to residents who do not currently have it. Other Municipalities are considering joining in and putting funds toward this. Supv. Crossen will keep the Board informed of the progress.

STAMP – Mark Masse gave update:

Working with residents for easements for the force main.

Waiting on the DEC for permits.

Developer is looking at STAMP site.

Plug Power Update from Attorney Boylan:

MARCH 2022

PLUG POWER CONSTRUCTION UPDATE

The Town’s engineer, Wendel completed 8 site visits in March and made the following observations;

- SWPPP inspections by the Plug Power engineer of record are taking place weekly and the mailbox is in place that contains inspection reports.
- Sphere foundation work is complete
- Fabrication of the spheres is complete.
- Topsoil is being stockpiled in a new area.
- Stormwater pipe installation is continuing.
- Swales are being installed.
- Fill placement for liquefaction building is underway.

Wendel is currently in discussions with the Plug Power design and engineering team regarding the following items:

- They have submitted to the Plug Power engineering team their first engineering review of the utility site plan
- building design and landscape plans are under review and will be resubmitted for the April Planning Board meeting.

Supv. Crossen will be sending a bill to Plug Power for funds to cover Town expenses. We have used up all of the funds from the STAMP Fee Schedule.

Water Dist. 2 Budget Modification

WATER DISTRICT #2

PROJECT BUDGET MODIFICATIONS

WHEREAS, the Town of Alabama has received funding from Rural Development for their Water District #2 (“Project”); and

WHEREAS, the Town Board wishes to adjust project budget items to more accurately reflect actual costs and;

WHEREAS, Rural Development requires the Town Board to authorize all changes to the Administrative Budget as shown on the Form E; NOW, therefore be it

RESOLVED, that the Town Board of the Town of Alabama authorizes the following Budget modifications for the Project:

Net Interest	Increase of	\$240.00
Single Audits	Increase of	748.35
Contingency	Decrease of	988.35

Councilperson Klotzbach offered the resolution, which was seconded by Supervisor Crossen and approved by roll call vote:

C. Fisher – yes C. LaGrou – absent C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Closeout WD2 Phase 3A

MOTION by Councilperson Fisher, seconded by Supv. Crossen to accept the Phase 3A closeout from Morsch Pipeline and begin the warranty period. Approved by roll call vote:

C. Fisher – yes C. LaGrou – absent C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Executive Session

MOTION by Councilperson Klotzbach, seconded by Councilperson Veazey to go into executive session at 7:51 p.m. to discuss matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation; and/or Negotiations and updates subject to NDAs regarding the IZA; and/or Negotiations regarding the Teamsters Contract with Mark Masse. Approved by roll call vote:

C. Fisher – yes C. LaGrou – absent C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

MOTION by Councilperson Klotzbach, seconded by Councilperson Fisher to come out of executive session at 8:48 p.m. Approved by roll call vote:

C. Fisher – yes C. LaGrou – absent C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Court

Supv. Crossen spoke with Brian Thompson. He will contact a few retired deputies and put together a proposal for Court Security and submit it to the Town.

2021 Court Audit

Councilpersons Klotzbach and LaGrou met with the Justices and completed an audit of the Justices for 2021.

MOTION by Councilperson Klotzbach, seconded by Councilperson Veazey to accept the 2021 audit of the Town Justices as complete. Approved by roll call vote:

C. Fisher – yes C. LaGrou – absent C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Union Contract

Will be meeting next week with Union to discuss contract.

Approval of Minutes

3/14/22 Board Meeting – MOTION by Councilperson Veazey, seconded by Supervisor Crossen to accept minutes as presented. Approved by roll call vote:

C. Fisher – yes C. LaGrou – absent C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Supervisors Report

4/3/22 -- MOTION by Councilperson Fisher, seconded by Councilperson Veazey to accept report as written. Approved by Roll Call Vote:

C. Fisher – yes C. LaGrou – absent C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Audit Bills

MOTION by Councilperson Fisher, seconded by Supervisor Crossen to accept Abstract #004-2022 and pay bills in the amount of \$64,906.60 vouchers 91 to 114 General Fund; \$12,340.34 vouchers 45 to 58 Highway Fund; \$152,598.27 vouchers 9 to 10 Water District 2; \$315.00 voucher 8 Water District 1.

Approved by Roll Call Vote:

C. Fisher – yes C. LaGrou – absent C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Town Clerk's Report

March 2022 -- MOTION by Councilperson Veazey, seconded by Councilperson Fisher to accept report as written. Approved by Roll Call Vote:

C. Fisher – yes C. LaGrou – absent C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Assessor's Report

February 2022 Transfers -- MOTION by Councilperson Fisher, seconded by Councilperson Klotzbach to accept report as written. Approved by Roll Call Vote:

C. Fisher – yes C. LaGrou – absent C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

CEO/ZEO Report

March 2022 -- MOTION by Councilperson Fisher, seconded by Supv. Crossen to accept report as written. Approved by Roll Call Vote:

C. Fisher – yes C. LaGrou – absent C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Website -- Councilperson Klotzbach gave update:

 The updated website is live.

 Beth made a few changes.

 Received the invoice for Beth's work on the website, will be on next month's abstract

MOTION by Councilperson Veazey, seconded by Councilperson Fisher to adjourn meeting at 9:04 p.m.

Approved by roll call vote:

C. Fisher – yes C. LaGrou – absent C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Respectfully Submitted,

Rebecca L. Borkholder
Town Clerk