

Town Board Meeting October 10, 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, LaGrou, Veazey, Klotzbach and Supv. Crossen were present. Also present were Supt. Covell, Mark Masse, Wendy Kingsland, Attorney Boylan, Wendy Thompson and Alison Thompson.

Privilege of the Floor

Wendy Kingsland --- she will be retiring but will still consult part time. Disc. on submitting application and notify neighbors of potential solar panels.

Wendy Thompson – AFD 2023 budget request. The Fire Dept. is asking for \$103,800, an increase of \$2,100. Disc. held on 2023 purchases, new truck and bathroom remodel.

Highway – Supt. Covell gave update:

- Shared services with Pembroke, Oakfield, Batavia and Corfu.
- Worked on servicing/repairs equipment.
- Headstone foundations in Alabama Cemetery.
- ¾ of the way done with last round of mowing.
- Went to Fall Conference.

Supt. Covell was contacted by the DOT regarding roadside mowing of State Roads for 2023. He informed them that he is not willing to mow roads on the reservation, he will consider mowing Route 63 from Medina to Indian Falls and Macomber Road to Alleghany Road. Disc. held on rate. He will continue to discuss it with the State.

Plug Power Stone. Supt. Covell is working on placement of stone on highway property. Plug Power will install the culvert/driveway on Ham Road for truck access. Estimate 60,000 cu. yd. of soil plus 8,500 yd of crusher run #2. Plug Power will bring over what is excess, they will keep what they want on their property.

NY Class – Supv. Crossen, Mary Jo Hinkson and Clerk Borkholder attended a presentation from NY Class. Supv. Crossen will contact Kathy from NY Class to present it to the Board at the November meeting.

STAMP – Mark Masse gave update:

- National Grid finishing up with power line re-route.
- Tree clearing on hold due to Florida storm cleanup. The contractors went to Florida.
- Had two site visits last week.
- Responded to two RFPs.
- Held meetings for the Water/Sewer Works.

Scannell Development

The Town received Lead Agency notification from the GCEDC regarding the Scannell Development option on approx. 22 acres.

Water District #2 Engineering Services Amended #2.

September 12, 2022

Supervisor Robert Crossen
Town of Alabama
2218 Judge Road
Oakfield, New York 14125

RE: TOWN OF ALABAMA
WATER DISTRICT No. 2, PHASE 3
ENGINEERING SERVICES AMENDMENT No. 2

Dear Rob:

We are pleased to submit our proposal for additional engineering services related to the Construction Administration and Construction Observation for the above referenced project.

As you are aware, CPL has incurred additional expenses to provide additional services during the construction phase of this project. This includes but is not limited to the following:

1. There were substantial pandemic related material and construction delays. The Phase 3A project was supposed to be substantially complete and operational by December 2, 2020, and ready for final payment by January 1, 2021. Substantial Completion was not achieved until February 2, 2021 and Final Completion was not achieved until February 9, 2022, with Final Payment being issued in April 2022. The Phase 3B project was supposed to be substantially complete and operational by September 1, 2021, and ready for final payment by October 1, 2021. While Substantial Completion was achieved September 9, 2021, final restoration/Final Completion was not completed until August 25, 2022, with Final Payment anticipated to be issued at the September 12, 2022 Town Board Meeting. These extended periods of construction oversight have added 15 months of construction administrative support and inspection services.

2. Assistance with evaluating options for the Sensus Fixed Based Antenna locations, including coordination with GCEMS for their requested Intermodulation Study and Intermunicipal Agreement (IMA) prior to the rejection and Zoom Meeting where GCEMS provided full disclosure/clarification of the Intermodulation Study results showing conflicts with County frequencies.

3. Assistance with tracking water service inspections between Town of Alabama and Town of Batavia files/records for completed residential inspections and water service applications.

4. Assisting with evaluating potential future connections for Town of Batavia and Town of Pembroke Out-of-District Users and reviewing the IMA with the respective Town's, Town Attorney and USDA.

5. Assistance with repair planning for the septic system located at 6158 Alleghany Road, including mapping of the existing system, coordination with the Genesee County Department of Health, resident, private contractors, and Town of Alabama for determining the scope of repairs needed and associated costs.

6. Assistance in adding several operator and owner requested items into the project. These include obtaining price quotes for various materials and equipment, reviewing Wish List items with USDA and coordination with operator and owner.

As of September 2, 2022, we were \$22,137 over CPL's fee budget with Construction Administration and Observation services, even with CPL team members not charging all the time they spent on this project.

We estimate that we will be approximately \$26,000 over budget by the time this project is closed out with Contractor's and most Wish List Items completed/purchased.

Most often CPL tries to absorb extra work without seeking additional payment. However, the additional support required for this project was very significant and beyond our scope of work and control. In addition, the pandemic caused delays on many of our projects in construction, which has compounded the overall cumulative financial strains on our company. As a result, we are requesting an additional construction support fee of \$26,000.

Our fee proposal for the work described above is as follows:

Task	Current Fee	Additional Fee	New Total Fee
1. Survey & Mapping	\$104,818	\$0	\$104,818
2. Preliminary Design	\$160,660	\$0	\$160,660
3. Final Design & Approvals	\$139,170	\$0	\$139,170
4. Bidding Services	\$12,400	\$0	\$12,400
5. Construction Administration	\$89,320	\$17,500	\$89,320
Subtotal	\$506,368	\$17,500	\$523,868
6. Construction Observation	\$238,080	\$8,500	\$246,580
Subtotal	\$238,080	\$8,500	\$246,580
TOTAL	\$744,448	\$26,000	\$770,448

Upon your acceptance of this proposal, please sign the attached Exhibit K – Amendment to Owner-Engineer Agreement, as required by USDA Rural Development and return a copy to me.

We would greatly appreciate the Board’s consideration and authorization of this request. If you have any questions, we would be happy to discuss this request in more detail.

Very truly yours,
 CPL Jeremy E. DeLyser, P.E., Associate

This is EXHIBIT K, consisting of 2 pages, referred to in and part of the Agreement between Owner and Engineer for Professional Services dated March 12, 2018 .

AMENDMENT TO OWNER-ENGINEER AGREEMENT

Amendment No. 2

The Effective Date of this Amendment is: September 12, 2022 .

Background Data

Effective Date of Owner-Engineer Agreement: March 12, 2018
 Owner: Town of Alabama
 Engineer: Clark Patterson Lee (CPL)
 Project: Town of Alabama Water District No. 2, Phase 3

Nature of Amendment:

Additional Services to be performed by Engineer

Description of Modifications:

Additional engineering services for the Construction Administration and Observation

Phases of the project. Refer to attached proposal dated September 12, 2022.

Agreement Summary:

Original agreement amount: \$ 700,008.00
Net change for prior amendments: \$ 44,440.00
This amendment amount: \$ 26,000.00
Adjusted Agreement amount: \$ 770,448.00
Change in time for services (days or date, as applicable): _____N/A

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

MOTION by Councilperson LaGrou, seconded by Councilperson Fisher to accept the CPL Engineering Services Amended No. 2 in the amount of \$17,500 for construction administration and \$8,500 for construction observation, and allow Supv. Crossen to sign it. Approved by roll call vote:

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

**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:

Construction Administration	Increase of	\$17,500.00
Construction Observation	Increase of	8,500.00
Contingency	Decrease of	26,000.00

Councilperson Fisher offered the above resolution, which was seconded by Supv. Crossen and approved by roll call vote:

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

Executive Session

MOTION by Councilperson Veazey, seconded by Councilperson Klotzbach to go into executive session at 7:37 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 Attorney Boylan and Mark Masse. Approved by roll call vote:

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

MOTION by Councilperson LaGrou, seconded by Councilperson Veazey to come out of executive session at 8:05 p.m. Approved by roll call vote:

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

Court

Supv. Crossen to contact a few people for court security.

Stipend for Justice Tauscher

MOTION by Councilperson LaGrou, seconded by Councilperson Klotzbach to provide a \$3,125, one-time stipend, to Justice Jeffrey Tauscher for additional court cases and nights from Sept. 1 through Dec. 31, 2022, due to the resignation of Judge Thurber. Approved by roll call vote:

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

Justice Position

The Town received one letter of interest and resume from an interested resident. The Town Republican Committee also received a letter of interest. Disc. held. Councilperson LaGrou will reach out to the interested party to forward their letter of interest/resume to the Town.

The court committee will interview the candidates before the next meeting.

Town Hall – nothing new.

Union Contract – nothing new.

Approval of Minutes

9/12/22 & 9/26/22 Board Meetings – MOTION by Councilperson Klotzbach, seconded by Councilperson Fisher to accept minutes as presented. Approved by roll call vote:

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

Supervisors Report

10/2/2022 -- MOTION by Councilperson LaGrou, seconded by Councilperson Veazey to accept report as written. Approved by Roll Call Vote:

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

Audit Bills

MOTION by Councilperson Veazey, seconded by Councilperson Fisher to accept Abstract #010-2022 and pay bills in the amount of \$36,815.37 vouchers 212 to 227 General Fund; \$131,211.03 vouchers 130 to 146 Highway Fund; \$29,667.95 voucher 16 Water District 2; \$1,502.57 vouchers 20 to 22 Water District 1. Approved by Roll Call Vote:

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

Town Clerk's Report

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

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

Assessor's Report – no report

CEO/ZEO Report

1/1/2022 to 9/30/2022 -- MOTION by Councilperson Veazey, seconded by Supv. Crossen to accept report as written. Approved by Roll Call Vote:

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

Assessor Position

Barry Flansberg and Stephanie Underhill submitted letters of interest for the position. Supv. Crossen and Councilperson Fisher to set up interviews.

2023 Budget

Reviewed budget. Received a letter from the County, they are waiving the 2022 election inspection costs, \$1,788. Received budget amounts from the fire departments.

Mileage line for Supervisor

Disc. held on reimbursing the Supv. for mileage for the meetings he attends on behalf of the Town.

MOTION by Councilperson Klotzbach, seconded by Councilperson LaGrou to add a mileage line to the supervisor budget in the amount of \$500.00. Approved by roll call vote:

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

2023 Town of Alabama Budget Public Hearing

Councilperson LaGrou offered the resolution:

RESOLVED, that the Town Board accept the 2023 Tentative Budget, with changes, and also RESOLVED, that the Town Board will hold a public hearing on the 2023 Town of Alabama Budget on the 14th Day of November, 2022 at 7:00 p.m. at the Alabama Town Hall, 2218 Judge Road, Town of Alabama, Genesee County, NY with salaries for Elected Officials to be Supervisor \$18,780; Town Clerk \$38,635; Town Board \$12,000 (4); Town Justices \$19,140.(2); Highway Superintendent \$74,750;

Councilperson Klotzbach seconded the resolution which was approved by roll call vote:

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

2023 Alabama Fire Dept. Budget Public Hearing

Councilperson LaGrou offered the resolution:

RESOLVED, that the Town Board will hold a Public Hearing on the 2023 Alabama Fire Department contract in the amount of \$103,800.00 for the contract year beginning January 1, 2023 on the 14th day of November 2022 at 7:00 PM at the Alabama Town Hall, 2218 Judge Road, Town of Alabama, Genesee County, NY.

Which was seconded by Councilperson Klotzbach and approved by roll call vote:

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

MOTION by Councilperson LaGrou, seconded by Councilperson Veazey to adjourn meeting at 8:46 p.m. Approved by roll call vote:

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

Respectfully Submitted,

Rebecca L. Borkholder
Town Clerk