

Town Board Meeting June 12, 2023

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, Jeff Tauscher, Barry Flansburg, Dave Bencic and Craig Nale.

MOTION by Councilperson LaGrou, seconded by Councilperson Veazey to open the public hearing for proposed Local Law 1-2023 at 7:01 p.m. Approved by roll call vote:

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

Clerk Borkholder read the legal notice:

PLEASE TAKE NOTICE that the Town Board of the Town of Alabama will hold a Public Hearing at 7:00 p.m. on Monday, June 12, 2023 at the Town Hall 2218 Judge Road Oakfield, NY 14125, in the Town of Alabama to consider the proposed adoption of Local Law No. 1-2023 Replacement of Zoning Law Section 808: Site Plan Review.

Copies of the proposed local law are available from the Town Clerk during her regular office hours.

By Order of the Town Board

Town of Alabama, Rebecca Borkholder, Town Clerk

Supv. Crossen opened the floor for public comment:

Dave Bencic – commented on the final sketch plan, likes that part. Invasive plants – apple trees are invasive, suggests evergreen trees & shrubs are not good due to road salt killing them. Disc. held. Item #10 is a big loop hole (Waiver of Requirements); #15 costs – remove “the” before payment.

No other comments.

Privilege of the Floor

Dave Bencic – has a relative who works @ a coal power plant in PA. They send 30% of their power to Niagara Falls. Another coal plant is being shut down. Natural gas power plants are cheaper to operate.

Highway – Supt. Covell gave update:

Genesee County closed Lewiston Rd for pipe replacement. Will be opening back up soon. They will be closing it again to do a 3-4 month culvert replacement near Lamb Farms.

Road work being done with good weather.

Worked with other Towns w/Shared Services.

Roadside mowing is halfway done on the first round.

Misc. pipe replacements done on roads.

Viking working on Ben’s truck and the new truck. Hoping to have new truck by next week.

WD #2 – waiting for rebar for tower pad.

Two estimates coming for Howard septic.

Cemetery – complaint received about condition of Alabama Cemetery weed trimming. Disc. held.

Highway Dept. Bulk Water Sales

Supt. Covell allows contractors to fill trucks with water, would like to add a \$50.00 fee per invoice for billing plus the cost of the water. Disc. held.

MOTION by Councilperson LaGrou, seconded by Councilperson Fisher to amend the fee schedule to add \$50.00 per invoice for bulk water sales at Highway Dept. Approved by roll call vote:
C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Maple Rd. Quarry

Northern Clearing is interested in renting out space at the Maple Rd. quarry. Disc. held. They are offering \$18,000 per year. Town would need to add extra insurance as necessary. Disc. held. Assessor Flansburg informed the Board that the Town will lose their tax exempt status on the site if it is rented or leased out. Disc. held. A public hearing and referendum will be required.

Soil @ Highway

Town residents are asking for soil. Disc. held on allowing Town residents to get soil for personal use.

MOTION by Councilperson LaGrou, seconded by Councilperson Fisher to allow Town Residents to remove up to five (5) yards of soil at a time for personal use only. Approved by roll call vote:
C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Assessor – Barry gave update:

2023 Tentative roll is done. Grievance Day was held, only 1 person showed up. They were denied.

NYS gave the Town 100% on the 2023 re-assessment project.

Assessor will need a resolution from the Town authorizing re-assessment for 2024. Disc.

Assessor Hours – re-assessment project is done for the year, there isn't anything for Assessor to do at Town Hall, he informed the Board that he will not have office hours at the Town Hall as residents can reach him via phone or in Oakfield or by appointment.

Supv. Crossen asked if there were any other comments on Local Law 1-2023. No comments.

MOTION by Councilperson Klotzbach, seconded by Councilperson Veazey to close the public hearing at 7:42 p.m. Approved by roll call vote:
C. Fisher – yes C. LaGrou – yes C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

2023 Budget Amendment

MOTION by Councilperson Fisher, seconded by Councilperson LaGrou to amend the 2023 budget by adding \$14,969.89 to lines DA5112.4 and DA3501 for additional CHIPS funding. Approved by roll call vote:

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

2022 Annual Report – Water District #1

MOTION by Supv. Crossen, seconded by Councilperson Fisher to accept the 2022 Annual Report for Water District #1. Approved by roll call vote:

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

GAM – Survey to Disband

Supv. Crossen opened discussion on the GAM survey to disband. Not enough attendance at meetings.

Haxton Library – voters approved the Library Charter in May. The Town paid out half of the budgeted \$5,000. Disc. on sending or holding the remaining funds.

STAMP – Mark Masse gave update:

Powerline re-route project is done.

NYS is waiting on the Governor to sign a bill to include all PILOTS in the 2% tax cap.

FASTNY Award – hoping to hear by the end of June.

Tree planting is complete, 2,220 trees were planted.

Scannell – working on a couple of projects.

Plug Power

Signs -- Plug Power is asking to put their name/logo on their spheres. Supv. Crossen looked at Zoning Law, it doesn't allow them to have more than one sign. Disc. held. Incentive Zoning could allow that to happen.

Sound Study Proposal –

Wendel Companies
375 Essjay Road
Suite 200
Williamsville, NY 14221

Proposal
Acoustical Testing Services
Stamp Project Site

Heike Jacob, AICP
Planner

5/11/23
Revised 5/23/23

Ms. Jacob,

The following is our understanding of the intents for noise testing at the Stamp Site in Alabama NY.

DEFINITIONS:

- Wendell Companies – Hereafter referred to as “Client”
- AVL Designs, Incorporated - Hereafter referred to as “AVL”
- Town Of Alabama NY – hereafter referred to as “Owner”

SCOPE:

Testing of dBA Leq noise at locations as noted on the attached map. Test site have been chosen based on expectations for lower average existing noise levels compared to on road testing. This will provide a better concept of how new noise levels will impact each residence. Average noise levels taken at the roadways will inevitably be higher than those experienced in the backyard areas behind residences and closer to the site. Where frontages face the site tests will be taken in the front of the residence.

Conditions

• The town will need to provide contacts to each resident to get approval for testing to take place at the sites noted. Ideally we would like cell or phone numbers for each to contact on the day of testing prior to arrival.

- Each AVL tech will be identified with a Company Lanyard, Hard Hats and Safety Vests.
- Data will be collected in:
- dBA Leq – 30 Minute average A weighted

During tests we will need:

- Access to residential properties noted on the attached map. Is any site is unoccupied we will proceed with testing, and will need a cell number for an owner representative.
- Cooperation for residents, they cannot be near the testing, talking to techs, or operating lawn equipment , machinery etc..... during tests.
- Any construction at the site halted.
- Cell phone numbers for appropriate contact personnel of the owner and or residents must be provided to

AVL.

If conditions are not met, additional fees will be incurred to retest at any site affected.

Tests - At each of 12 to be selected sites tests will be taken in 30 Minute averages at the following times:

- 9AM-11AM Weekday
- 2PM-4PM Weekday
- 7PM-9PM Weekday
- 12PM -2AM Weekday
- 9AM-11AM Saturday
- 2PM-4PM Saturday
- 7PM-9PM Saturday
- 12PM -2AM Saturday
- Test will be summarized on the map.

Weekday tests will be one weekday, not all weekdays.

Dates for tests are weather dependent. Rain and higher winds prevent accurate tests.

Tests will be summarized in report form.

- Testing and reports on noise levels are the only included services. No meetings, predictive analysis documents or other work are part of this proposal. All such services would be contracted as additional services.
- This proposal will be the only formal agreement for services.
- No contracts, issuing of assigned or endorsed COI's etc..... are included in this proposal. If any are required we will need to modify the proposal to allow for review by legal representatives and insurance carriers.

AVL Insurance Limits :

- Professional Liability \$2 Million
- General Liability \$4 Million
- Umbrella \$3 Million
- Workmen's Comp \$1 million
- Auto Hired and Non Owned \$2 Million

Fees: Lump Sum \$17,375.00

Please call if you have any questions.

Sincerely,

Seth E. Waltz
PRESIDENT

ACCEPTED:

CLIENT _____
 ADDRESS _____
 BY _____
 TITLE _____

Disc. held. Attorney Boylan informed the Board that the cost of the study should be billed under Plug Power.

MOTION by Councilperson LaGrou, seconded by Councilperson Fisher to accept the Sound Study proposal from AVL Industries for a cost of \$17,375.00 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

Executive Session

MOTION by Councilperson Fisher, seconded by Councilperson Veazey to go into executive session at 8:09 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, Supt. Coval 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 Fisher, seconded by Councilperson Klotzbach to come out of executive session at 8:40 p.m. Approved by roll call vote:

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

Court

Justice Tauscher dropped off information for the Board regarding proposed Legislature for Justices for the top 100 courts in the State.

Town Hall –

Clerk Borkholder asked the Board to close the Town Hall on July 3rd, disc. held, Councilperson Fisher said he doesn't see any reason not to, other members agreed. Councilperson Klotzbach asked to post the closure as soon as possible.

Solar – Craig Nale reports that there is nothing new going on, still in discussions with landowners. He also stated that they are anticipating submitting the 94C application in 2024.

Solar/Battery Storage Laws

Supv. Crossen received comments from Councilperson Klotzbach.

Union Contract – nothing new

Approval of Minutes

5/8/2023 Board Meeting – MOTION by Councilperson Veazey, seconded by Supv. Crossen 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

5/1/2023 -- MOTION by Councilperson LaGrou, seconded by Councilperson Fisher 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 Fisher, seconded by Councilperson Veazey to accept Abstract #006-2023 and pay bills in the amount of \$42,592.69 vouchers 114 to 132 General Fund; \$164,699.00 vouchers 88 to 103 Highway Fund; \$7,500.00 voucher 7 Water District 2; \$1,874.15 voucher 13 to 15 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

May 2023 -- MOTION by Councilperson Veazey, seconded by Councilperson Klotzbach 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

3/1/2023 to 5/10/2023 Transfers -- MOTION by Councilperson Fisher, 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

CEO/ZEO Report

May 2023 -- MOTION by Councilperson Klotzbach, 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

Local Law 1-2023

MOTION by Councilperson LaGrou, seconded by Councilperson Fisher to table until next month for grammar edits in law. Approved by roll call vote:

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

FEMA Storm Update

Supv. Crossen continues to work on the FEMA paperwork with Supt. Covell. Disc held.

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

Respectfully Submitted,

Rebecca L. Borkholder
Town Clerk