

**Town Board Meeting & Public Hearing  
August 14, 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, Klotzbach, Veazey and Supv. Crossen were present. Also present were Supt. Covell, Dave Bencic, Mark Masse, Donna Waldron, Sharon Lindsley, Craig Nale and Attorney Boylan.

MOTION by Councilperson LaGrou, seconded by Councilperson Fisher to open the public hearing for proposed Local Law 2-2023 Tax Cap Override. 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:

*NOTICE OF PUBLIC HEARING ON  
Proposed Local Law No. 2 of the Year 2023  
Town of Alabama, County of Genesee, State of New York*

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Alabama will hold a public hearing on the following proposed Local Law at the Alabama Town Hall, 2218 Judge Road, Oakfield, NY 14125, at 7:00 p.m. on the 14th day of August, 2023: Proposed Local Law No. 2 of the Year 2023, Town of Alabama, County of Genesee, State of New York, “A local law to override the tax levy limit established in General Municipal Law §3-c.” Copies of the proposed law are available at the Town Clerk’s Office during normal business hours.

By Order of the Town Board  
Rebecca L. Borkholder  
Alabama Town Clerk  
Dated: August 8, 2023

MOTION by Councilperson Veazey, seconded by Councilperson Klotzbach to open the public hearing for the proposed Northern Clearing Lease. 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:

**NOTICE OF PUBLIC HEARING BY THE TOWN BOARD  
OF THE TOWN OF ALABAMA, NEW YORK  
TO CONSIDER THE LEASE OF CERTAIN TOWN PROPERTY**

**PLEASE TAKE NOTICE** that on the 14th day of August, 2023, at 7:00 o'clock in the afternoon of that day the Town Board of the Town of Alabama, New York will conduct a public hearing at the Alabama Town Hall located at 2218 Judge Road, in the Town of Alabama, New York, for the purpose of considering the advisability of entering into a lease with Northern Clearing, Inc for property owned by the Town located at 7843 Maple Road in the Town of Alabama, at which time and place all persons interested will be heard.

A copy of said proposed lease is on file at the office of the Alabama Town Clerk, 2218 Judge Road, Alabama, New York and is open for inspection during regular Office hours.

Dated: Alabama, New York,  
August 8, 2023  
Rebecca Borkholder, Town Clerk  
Town of Alabama, New York

Supv. Crossen opened the floor for public comment:

Dave Bencic – Tax Cap -- asked if there is a rate or tax amount for the tax cap override? Inflation is low, hopes that we will stay close to it. Lease – Town will need enough liability insurance on the property. Asked if it was lease to own or a regular lease. Suggested that the Town inspect the property before leasing it.

No other comments.

### **Privilege of the Floor**

Sharon Lindsley – Maple St. Rd. resident. Re: 7047 Maple Rd. If the property is not cleaned up it is going to attract rodents. They are burning at night, not sure what. Loud music, engines revving at all hours, they block the road parking on it. Would like the Town to take action.

### **Highway** – Jeff Covell gave update:

- Grader paving Salt & Meadville Roads
- Continue working on the water meter tower
- Stoned the shoulders on a few Town Roads.
- Continue shared services with other Towns.
- Road striping completed on most roads.
- Town Hall parking lot has been oiled & stoned.
- Roadside mowing continues
- Headstone foundations done
- New MEO – Kurt will start after Labor Day
- Getting estimates for fencing around water meter tower

**7047 Maple Rd. Complaints** – CEO/ZEO Morris sent a letter to the resident on 8/7/23.

### **Plug Power Incentive Zoning Application**

Attorney Boylan received the request from Plug Power to allow Three (3) signs at the Plug Power site, one on main building and on each sphere. Disc. held.

MOTION by Councilperson LaGrou, seconded by Councilperson Fisher to set the public hearing for the Plug Power Incentive Zoning application at 7:00 p.m., Monday, Sept. 11, 2023. Approved by roll call vote:

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

**2024 Budget** – Supv. Crossen working on it, will have preliminary budget to Board by Sept. meeting.

### **STAMP** – Mark Masse gave update:

- Plug Power finalizing DEC permits for temporary parking.
- Reconstructing part of Crosby Rd.
- Meeting with Town and County to discuss Crosby/Lewiston Rd intersection
- Edwards – heading toward September closing
- FASTNY application – nothing new
- Scannell – nothing new

## **Water District 2 –**

Supv. Crossen has been sending emails to the Nation since 2016 about getting water to the Reservation with no response. He has received a few calls from residents on the reservation wanting to get public water. Mark Masse also send emails to the Nation, monthly to discuss water, with no response.

Lamb Farms has applied for a second water tap at their Lewiston Rd. heifer farm, with an expected use of 4,000 gallons per day.

## **Water District 1**

Supv. Crossen has studied the water rates for WD#1. The residents are still paying \$6.00 per 1,000 gallons of water, the same rate since 2004. Erie Co. Water Authority charged \$3.54 per 1,000 gallons in 2021 and is now currently at \$5.36. Supv. Crossen suggests increasing the water rate to the residents to \$8.25 effective January 1, 2024. Disc. held.

MOTION by Councilperson Fisher, seconded by Councilperson LaGrou to have a public hearing at 7:00 p.m., Monday, Sept. 11, 2023 for increasing the water rate in Water District 1 to \$8.25 per 1,000 gallons of water to be effective January 1, 2024. Approved by roll call vote:

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

**Solar** – nothing new

## **Executive Session**

MOTION by Councilperson LaGrou, seconded by Councilperson Fisher to go into executive session at 8:01 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 Veazey, seconded by Supv. Crossen to come out of executive session at 8:45 p.m. Approved by roll call vote:

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

**Court** – nothing new

**Town Hall** – nothing new

## **Approval of Minutes**

7/10/2023 Public Hearing and Board Meeting – MOTION by Councilperson LaGrou, 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**

8/6/2023 -- MOTION by Councilperson Fisher, 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

## **Audit Bills**

MOTION by Councilperson Veazey, seconded by Councilperson LaGrou to accept Abstract #008-2023 and pay bills in the amount of \$50,969.44 vouchers 147 to 167 General Fund; \$208,141.44 vouchers 115

to 131 Highway Fund; \$14,658.11 vouchers 9 to 14 Water District 2; \$2,862.70 vouchers 19 to 21 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**

July 2023 -- MOTION by Councilperson Fisher, seconded by Councilperson LaGrou 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**

5/1/2023 to 7/26/2023 Transfers -- MOTION by Councilperson Klotzbach, 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** – no report submitted

**Solar Law Update** -- tabled

**Public Hearings**

MOTION by Councilperson Veazey, seconded by Councilperson LaGrou to close the public hearings for Local Law 2-2023 and the Northern Clearing Lease. Approved by roll call vote:

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

**Northern Clearing Proposed Lease**

**Town of Alabama**

**Resolution to Enter into a Lease of Real Property subject to Permissive Referendum**

**Whereas**, The Town Board of the Town of Alabama has determined after a Public Hearing on August 14, 2023 that it is in the best interest of the Town to enter into a lease of approximately 2 acres of real property located at 7348 Maple Road in the Town of Alabama to Northern Clearing, Inc., and

**Whereas**, the term of the lease is one (1) year with the option for renewals upon mutual agreement of the parties at the annual rent of \$18,000.00 in the first year; and

**Now Therefore be it Resolved**, That the Town Board of the Town of Alabama agree to enter into a one year lease with Northern Clearing Inc, at a rate of \$18,000.00 per year of 2 acres of property located at 7348 Maple Road in the Town of Alabama and said Board authorizes the Town Supervisor to execute any and all documents necessary to that end.

This Resolution is subject to permissive referendum of the qualified voters of the Town of Alabama. The resolution shall take effect 30 days from the publication hereof unless a petition requiring a referendum is filed within said 30 day period, pursuant to section 6(g)(7) of the General Municipal Law.

Councilperson Fisher offered the resolution which was seconded by Councilperson LaGrou and adopted by roll call vote:

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

**Local Law 2-2023 Tax Cap Override**

**RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE  
TOWN OF ALABAMA  
OF LOCAL LAW NO. 2-2023**

WHEREAS, a resolution was duly adopted by the TOWN BOARD of the TOWN of ALABAMA for a public hearing to be held by said Governing Body on August 14, 2023 at 7:00 p.m. at the Town Hall, 2218 Judge Road Oakfield, NY 14125 to hear all interested parties on a proposed Local Law Authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law §3-c, and

WHEREAS, notice of said public hearing was duly advertised in The Daily News, the official newspaper of said Town, on August 8, 2023, and

WHEREAS, said public hearing was duly held on August 14, 2023 at 7:00 pm at the Town Hall, 2218 Judge Road, Oakfield, NY 14125 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof, and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the TOWN BOARD who declares itself Lead Agency that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA, and

WHEREAS, the TOWN BOARD of the TOWN of ALABAMA, after due deliberation, finds it in the best interest of said TOWN to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the TOWN BOARD of the TOWN of ALABAMA hereby adopts said Local Law No. 2-2023 entitled A Local Law Authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law §3-c, a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the TOWN of ALABAMA, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

A motion was made by Councilperson Fisher, seconded by Councilperson Klotzbach, to approve the above resolution and adopt Local Law #2-2023, which was approved by roll call vote:

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

**FEMA Update**

Supv. Crossen has been working on it, might have it all figured out and is putting data into the system.

MOTION by Councilperson Veazey, seconded by Supv. Crossen to adjourn meeting at 9:12 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