

**Town Board Meeting
June 10, 2024**

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

Supv. Crossen read the following statement : Councilperson Dianne Klotzbach has informed me of a conflict with STAMP. Councilperson D. Klotzbach will not participate anytime the issue is discussed and simply vote 'present' on any vote taken.

Local Law 1-2024 Public Hearing

MOTION by Councilperson Fisher, seconded by Councilperson Veazey to open the public hearing at 7:01 p.m. Approved by roll call vote:

C. Fisher – yes C. J. Klotzbach – yes C. D. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Clerk Borkholder read the legal notice that was published in the June 4, 2024 Daily News:

TOWN OF ALABAMA, LEGAL NOTICE, NOTICE OF PUBLIC HEARINGS

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 10, 2024 at the Town Hall, 2218 Judge Road Oakfield, NY 14125 to consider the proposed adoption of Local Law No. 1-2024 Zoning Text Amendments.

Copies of the proposed local law is available from the Town Clerk during regular office hours and on the website www.alabamany.com.

By Order of the Town Board, Town of Alabama
Rebecca Borkholder, Town Clerk

Supv. Crossen asked if there were any comments:
Dave Bencic – what are the amendments.

Local Law 2-2024 Public Hearing

MOTION by Councilperson J. Klotzbach, seconded by Supv. Crossen to open the public hearing at 7:02 p.m. Approved by roll call vote:

C. Fisher – yes C. J. Klotzbach – yes C. D. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

*NOTICE OF PUBLIC HEARING ON
Proposed Local Law No. 2 of the Year 2024
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 10th day of June, 2024: Proposed Local Law No. 2 of the Year 2024, 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

Supv. Crossen asked if there were any comments:
Dave Bencic – asked why we are doing this so early, please try to stay under the tax cap.

Local Law 3-2024 Public Hearing

MOTION by Councilperson Veazey, seconded by Councilperson Fisher to open the public hearing at 7:04 p.m. Approved by roll call vote:

C. Fisher – yes C. J. Klotzbach – yes C. D. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

**TOWN OF ALABAMA LEGAL NOTICE
NOTICE OF PUBLIC HEARINGS**

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 10, 2024 at the Town Hall, 2218 Judge Road Oakfield, NY 14125 to consider the proposed adoption of Local Law No. 3-2024 Battery Energy Storage Systems Law Moratorium.

Copies of the proposed local law is available from the Town Clerk during regular office hours and on the website www.alabamany.com.

By Order of the Town Board, Town of Alabama
Rebecca Borkholder, Town Clerk

Supv. Crossen asked if there were any comments:
Dave Bencic – has no objections, doing the right thing.

Privilege of the Floor -- None

Highway – Supt. Covell gave update:

- 95% done with first round of mowing Town Roads
- Spare truck fuel leak fixed
- 2019 truck, Jeff’s spare, has had many electrical issues and other repairs. \$6,000 so far in extra repairs. Will need to get rid of truck. Disc. held.
- Hauled for Batavia for two days.
- Next week doing culverts on Ledge Road, Batavia will help
- #107 painted.
- Milling Wight Road
- Cemetery upkeep being done, mowing and weeds.
- Attended Highway School last week.
- CHIPS proposal sent to the State for approval of 5 years on chip sealing roads.
- Alec passed his CDL A.
- Kurt working on his, needs 26 hours of driving to take the test.
- Marble Road dip – being looked at.
- 2023 Street Lights have been installed.
- 2024 Street Lights update:
 - Ham/Knowlesville & Bloomingdale/Wright – no charge
 - Gorton/Ham -- \$4,930. Invoice on abstract tonight.
 - McAlpine/Ogden – waiting for estimate
- NYSERDA Grant – putting list together

STAMP – Mark Masse gave update:

FASTNY documents sent in to the State.

Potential project on the west side of Crosby.

Substation work to resume.

One other project looking at the site.

State law to expand the number of board members to include a school member and laborer.

Currently 7 members, will be 9 until members leave, then it will go back to 7. Disc. held.

Water District #2 – nothing

Water District 1 – residents not paying bills. Supv. Crossen to look at water code to see what late fees can be charged.

Executive Session

MOTION by Councilperson J. Klotzbach, seconded by Councilperson Fisher to go into executive session at 7:24 p.m. to discuss negotiations and updates subject to NDAs regarding the IZA; with Attorney Boylan and Mark Masse. Approved by roll call vote:

C. Fisher – yes C. J. Klotzbach – yes C. D. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Councilperson D. Klotzbach excused herself from the executive session.

MOTION by Councilperson Veazey, seconded by Councilperson Fisher to come out of executive session at 7:53 p.m. Approved by roll call vote:

C. Fisher – yes C. J. Klotzbach – yes C. D. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Court – nothing new

Town Hall – nothing new

Solar Law Update

Met last week. Supv. Crossen asked for board member comments to be submitted to himself or Drew Reilly. Need to get input on opening statement. Disc. held. Councilperson J. Klotzbach had comments on “reasonably practical” in the Screening and Visibility portions.

Public Hearings

MOTION by Councilperson J. Klotzbach, seconded by Councilperson Veazey to close all three public hearings at 8:04 p.m. Approved by roll call vote:

C. Fisher – yes C. J. Klotzbach – yes C. D. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Local Law 1-2024

RESOLUTION ADOPTING LOCAL LAW No. 1 OF 2024

WHEREAS, proposed Local Law No. 1 of 2024 of the Town of Alabama entitled “AN AMENDMENT TO SECTIONS 617 AND 623 OF THE TOWN OF ALABAMA ZONING LAW-HOURS OF OPERATION in its final form was presented to the Town Board at the meeting held on May 13, 2024, and a copy thereof was kept with the Town Clerk and copies both laid upon the desks of the members of said Town Board Members and mailed to each member of the Town Board Members not in attendance at said meeting; and

WHEREAS, a public hearing on the advisability of enacting said proposed Local Law was held on June 10, 2024, before this Town Board, pursuant to public notice duly published in The Daily News on June 4, 2024 according to law, at which time all interested persons were heard; and

WHEREAS, pursuant to part 617.4 (b)(2) of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Town Board of said Town that adoption of said proposed Local Law is a Type I in that the Town is undertaking an amendment to its Zoning Local Law and 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, New York is of the opinion that adoption of said proposed Local Law No. 1 of 2024 is in the best interest of the Town of Alabama, New York, and

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Alabama, New York that said proposed Local Law No. 1 of 2024 be and the same hereby is adopted; and

BE IT FURTHER RESOLVED, that a certified copy of said Local Law No. 1 of 2024 be filed with the New York State Secretary of State in accordance with Law.

Councilperson Fisher offered the resolution which was seconded by Councilperson D. Klotzbach and approved by roll call vote:

C. Fisher – yes C. J. Klotzbach – yes C. D. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Local Law 2-2024

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF ALABAMA OF LOCAL LAW NO. 2-2024

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 June 10, 2024 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 June 4, 2024, and

WHEREAS, said public hearing was duly held on June 10, 2024 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. 2-2024 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.

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

C. Fisher – yes C. J. Klotzbach – yes C. D. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Local Law 3-2024

Referral sent to County Planning. They meet on Thursday, June 13th.

Edwards Vacuum Permit Fees/Reimbursement

MOTION by Councilperson Fisher, seconded by Councilperson J. Klotzbach to table until next month. Approved by roll call vote:

C. Fisher – yes C. J. Klotzbach – yes C. D. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

7047 Maple Road

There were many issues this past week with the property. Scheduled for court tomorrow night. Disc. held.

Annual Reassessment Projects 2025 through 2028

Councilperson Fisher offered the following **RESOLUTION**:

RESOLVED, that we the Town Board of the Town of Alabama support the Assessor doing Annual Reassessments for the 2025, 2026, 2027 and 2028 Assessment Rolls, in accordance with guidelines established by the NYS Office of Real Property Services;

BE IT FURTHER RESOLVED, that we support the Town of Alabama Assessors' efforts in the execution of the Annual Reassessment Projects for 2025 through 2028 and will allocate sufficient funds to cover all costs associated with the process, and provide appropriate staff to support the necessary efforts.

Supv. Crossen seconded the **RESOLUTION**, which was approved by roll call vote:

C. Fisher – yes C. J. Klotzbach – yes C. D. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Broadway Group Escrow Agreement for Dollar General

MOTION by Councilperson Fisher, seconded by Councilperson J. Klotzbach to accept the Broadway Group Escrow Agreement and have Supv. Crossen sign it. Approved by roll call vote:

C. Fisher – yes C. J. Klotzbach – yes C. D. Klotzbach – present C. Veazey – yes Supv. Crossen – yes

Water District #1 2023 Annual Report

MOTION by Councilperson Veazey, seconded by Councilperson J. Klotzbach to accept the Water District #1 2023 Annual Report as written. Approved by roll call vote:

C. Fisher – yes C. J. Klotzbach – yes C. D. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

NYSDEC Amendment to License Issuing Agent Agreement

MOTION by Councilperson Fisher, seconded by Councilperson D. Klotzbach to approve the NYSDEC Amendment to License Issuing Agent Agreement and allow Clerk Borkholder to sign it. Approved by roll call vote:

C. Fisher – yes C. J. Klotzbach – yes C. D. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Audit Bookkeeper & Town Clerk 2023 records

Disc. held. Councilpersons Fisher and D. Klotzbach to audit the records.

Approval of Minutes

5/13/24 Board Meeting – MOTION by Councilperson Fisher, seconded by Supv. Crossen to accept minutes as presented. Approved by roll call vote:

C. Fisher – yes C. J. Klotzbach – yes C. D. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Supervisors Report

6/2/24 -- MOTION by Councilperson J. Klotzbach, seconded by Councilperson D. Klotzbach to accept report as written. Approved by Roll Call Vote:

C. Fisher – yes C. J. Klotzbach – yes C. D. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Audit Bills

MOTION by Councilperson Veazey, seconded by Supv. Crossen to accept Abstract #006-2024 and pay bills in the amount of \$13,130.51 vouchers 109 to 125 General Fund; \$10,320.82 vouchers 104 to 115 Highway Fund; \$18.00 voucher 17 Water District 1. Approved by Roll Call Vote:

C. Fisher – yes C. J. Klotzbach – yes C. D. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Transfers

MOTION by Councilperson Fisher, seconded by Supv. Crossen to make the following transfers:

\$6,908.83 from A1990.4 to A1910.4

\$9,400.00 from DA 5142.4 to DA9089.8

Approved by Roll Call Vote:

C. Fisher – yes C. J. Klotzbach – yes C. D. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Town Clerk’s Report

May 2024-- MOTION by Councilperson J. Klotzbach, seconded by Councilperson Fisher to accept report as written. Approved by Roll Call Vote:

C. Fisher – yes C. J. Klotzbach – yes C. D. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Assessor’s Report – not submitted

CEO/ZEO Report

May 2024 -- MOTION by Councilperson J. Klotzbach, seconded by Councilperson Veazey to accept report as written. Approved by Roll Call Vote:

C. Fisher – yes C. J. Klotzbach – yes C. D. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

MOTION by Councilperson Veazey, seconded by Councilperson D. Klotzbach to adjourn meeting at 8:39 p.m. Approved by roll call vote:

C. Fisher – yes C. J. Klotzbach – yes C. D. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Respectfully Submitted,

Rebecca L. Borkholder
Town Clerk