

Town Board Meeting May 13, 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 Attorney Boylan, Mark Masse, Dave Ciurszynski 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.

Privilege of the Floor – None

Highway – Supt. Covel prepared a written update that was sent to the Board Members.

NYS DOT 2024 Mowing Contract

The DOT submitted a contract for 2024 roadside Mowing in the Town at a rate of \$500 per centerline mile, 9.8 miles for a total of \$4,900.00, to be paid out in two installments, June and October.

MOTION by Councilperson Fisher, seconded by Councilperson Veazey to accept the NYSDOT Roadside Mowing Contract for 9.8 miles at a rate of \$500.00 per centerline mile, to be paid to the Town in June and October, 2024 and to allow Supt. Covel to sign the contract. Approved by roll call vote:

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

Clean Energy Community Grant – the Town can apply for a \$10,000.00 grant. Disc. Held.

MOTION by Councilperson J. Klotzbach, seconded by D. Klotzbach to apply for the \$10,000 Clean Energy Community Grant and allow Supv. Crossen to sign it. Approved by roll call vote:

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

Reserve Price for ¾ ton Pickup and Plow – disc. held.

MOTION by Councilperson Fisher, seconded by Councilperson Veazey to set a reserve price of \$3,000.00 for the ¾ ton pickup and \$1,000.00 for the plow. Approved by roll call vote:

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

CHIPS Letters of Support – Supt. Covel is asking the Board Members to send letters of support for CHIPS funding to Assemblyman Hawley and Senator Borello. Disc. held.

MOTION by Councilperson Fisher, seconded by Councilperson Veazey for Board Members to send individual letters of support for CHIPS funding to Assemblyman Hawley and Senator Borello. Approved by roll call vote:

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

STAMP – Mark Masse gave update:

SEQR package going out for another project.

2nd project looking at the site.

FASTNY funds have been approved, will get them sooner than anticipated.

Work with O’Connell to move forward with sub station.

Edwards Site Plan Fees – Mark Masse spoke to the Board on behalf of Edwards Vacuum regarding the fees collected by the Town for the permit. Edwards is concerned with some of the bills that were paid. There should only be building expenses left for expenses. Edwards would like the Town to return \$400,000, leaving approx. \$200,000 for inspections. Dave Ciurszynski said he doesn't need an answer tonight, but would like the Board to consider it. Disc. held. Supv. Crossen to talk to the Town of Batavia and Wendel for anticipated expenses for the project.

The GCEDC will have a new President effective August 1st.

Water District #2 – Mary Jo is transferring the remaining funds in the WD#2 construction checking account to the savings account.

Executive Session

MOTION by Councilperson J. Klotzbach, seconded by Councilperson Fisher to go into executive session at 7:26 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. J. Klotzbach – yes C. D. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Councilperson D. Klotzbach excused herself from the executive session portion with Mark Masse. She entered executive session after Mark Masse left at 7:48 p.m.

MOTION by Councilperson Fisher, seconded by Councilperson Veazey to come out of executive session at 7:49 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 – possibly hearing the case for 7047 Maple Rd. tomorrow.

Town Hall – nothing new

Solar Law Update

MOTION by Councilperson J. Klotzbach, seconded by Councilperson D. Klotzbach to have a work session meeting for the solar and battery storage laws. Approved by roll call vote:

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

Proposed Local Law #1-2024

Zoning Law Changes to Section 623 #5, Section 617 A & B to add the following text:

During the process of granting a special use permit, the Planning Board may consider and is empowered to modify these hours of operation.

Genesee Co. Planning Board reviewed the referral on 5/9/24.

Proposed Local Law #2-2024 -- Tax Cap Override

Proposed Local Law #3-2024 – Battery Storage Moratorium

The Town Board of the Town of Alabama does hereby enact the Town of Alabama Moratorium on Battery Energy Storage Systems Law. This Local Law shall impose a moratorium on applications or proceedings for applications for, the review of applications for, or the issuance of approvals or permits for the construction of any Battery Energy Storage System, as defined herein.

The capitalized terms in the foregoing sentence, and as used throughout this local law, shall have the following meanings ascribed to them:

Commercial Battery Energy Storage System- One or more devices, assembled together, capable of storing energy produced by a commercial wind or solar energy conversion system, in order to supply electrical energy at a future time, having an aggregate energy capacity greater than 600kWH or comprised of more than one storage battery technology in a room or enclosed area.

Applicant- All landowners and all those claiming through or on behalf of the owner(s), whether by license, lease, easement, contract, or by owner's designation as an agent for purposes of making any application or any land use review or approval, whether for a permit or otherwise.

Section 2. Authorization, Purpose and Intent.

Pursuant to the authority and provisions of the New York State Constitution, and Section 10 of the Municipal Home Rule Law, and the statutory powers vested in the Town of Alabama to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board (the "Board") of the Town of Alabama hereby declares a moratorium on applications or proceedings for applications for, the review of applications, or the issuance of approvals or permits for the construction of Commercial Battery Energy Storage Systems within the Town of Alabama (the "Town"), lasting through **December 31, 2024**.

This moratorium will allow time for Town officials to review, clarify, amend, and update the Town's regulations for commercial battery energy storage systems, particularly with regard to where such development may be located in the Town. Additionally, this moratorium will allow the Town to adopt such other regulations as may be necessary to promote and preserve the health, safety and welfare of the Town and its citizens.

Section 3. Scope of Controls.

During the effective period of this Local Law:

- A. Neither the Town Board nor the Planning Board shall conduct any review or consider or grant any special permit or other approval that will result in the approval, establishment or construction of any Battery Energy Storage System within the Town.
- B. To the extent permitted by law, this moratorium shall supersede all relevant provisions of the New York State Town Law, the New York State Building Code, any relevant Town local law and any other applicable law, rule or regulation, that may be in conflict herewith. If any ambiguity or conflict exists, this local law shall govern and the presumption shall in each case be that the moratorium is in effect.

Section 4. No Consideration of New, Revised, or Renewal Applications.

No new, revised, or renewal applications shall be accepted for filing, review, or consideration, and no site plans, authorizations, special permits, permits, building permits, variances, waivers or other approvals that purport to allow or advance the development, siting, or construction of any Battery Energy Storage System shall be undertaken, reviewed, considered or issued by any board, officer, employee or agent of the Town, except as specifically set forth in Section 10 of this local law. Nor shall any language or term in this moratorium effect, or be construed to result in, any default approval, and any matter now pending shall be stayed in place during the pendency of this moratorium, with all deadlines or other timelines suspended for the same number of days that this moratorium is in effect.

Section 5. Term.

The moratorium imposed by this Local Law shall be in effect until December 31, 2024 starting from the effective date of this Local Law. This moratorium may be extended, or rescinded or removed, by local law.

Section 6. Location.

The moratorium imposed by this Local Law shall apply to the territorial limits of the Town of Alabama. Any dispute as to whether a property is encompassed within the geographic area detailed above shall be resolved by

reference to the official tax maps of Genesee County and the official New York corporate boundary maps for the Town of Alabama.

Section 7. Penalties.

The following provisions shall apply generally, and the violation of this Local Law shall allow and permit enforcement in any one or more of the following manners:

- A. When any term, provision, or requirement of this Local Law is violated the Enforcement Officer may issue a written notice of violation to the Applicant (or other Person in violation hereof). The notice of violation shall contain; (i) the name and address of the Person alleged to have violated this Local Law; (ii) the address, when available, or a description of the building, structure or parcel upon which the violation occurred or is occurring; (iii) a brief statement specifying the nature of the violation; (iv) a statement of the fine or penalty that may or could be assessed against any Person to whom the notice of violation is directed; and (v) a clear statement identifying whether the notice commences or may commence a civil or criminal proceeding. The failure to comply with a written notice of violation by correcting the violation is in itself a separate violation of this Local Law and may be further enforced as such. In addition, Executive Law § 382 may be duly enforced separately from any such notice, and both notices may take the form of a single notice which must, in addition to the above, contain the information and be served as required by said § 382.

- B. The Enforcement Officer may issue stop work orders for violations of this Local Law. Any Person receiving a stop work order shall be required to halt all clearing, grading, construction, and any other or related activities, until the Enforcement Officer or a court of competent jurisdiction allows work to re-commence.

- C. The Town may also maintain actions or proceedings in the name of the Town in a court of competent jurisdiction to compel compliance with, restrain by injunction the violation of any provision or requirement of this Local Law, including to prevent, enjoin, correct, enforce, or abate any violation of, or non-conformance with, any provision or requirement of this local law or the terms and conditions set forth in any waiver or approval issued hereunder. In any such proceeding the Town shall not be required to: (i) prove the lack of an adequate remedy at law; or (ii) to post a bond or other undertaking as a condition or requirement for any preliminary, interim, or permanent restraining order or injunction. No such action or proceeding shall commence without the appropriate authorization from the Town Board.

- D. This Local Law may be enforced civilly or criminally by seeking fines, penalties, and like punishments to deter future violations and sanction offenders. All provisions of New York law and process generally applicable to misdemeanors shall apply to any criminal proceeding brought upon any violations of this Local Law, including for purposes of conferring jurisdiction. The following civil and criminal fines and penalties shall apply to any violation of the requirements or terms of this Local Law:
 - 1. For a first offense, any Person that violates any of the provisions of this Local Law shall be (i) guilty of a violation and subject to a fine of not more than \$500, or (ii) subject to a civil penalty of not more than \$500 to be recovered by the Town in a civil action. Every such Person shall be deemed guilty of a separate offense for each week that such violation, disobedience, omission, neglect or refusal shall continue. Similarly, a separate civil penalty shall apply and be assessable for each week that such violation, disobedience, omission, neglect or refusal shall continue.

 - 2. For a second offense, being any violation that is found to have occurred within 2 years of any prior civil or criminal determination of any violation of this Local Law, a Person shall be (i) guilty of an unclassified misdemeanor and subject to a fine of not more than \$2,500, or (2) subject to a civil penalty of not more than \$2,500 to be recovered by the Town in a civil action. Every such Person shall be deemed guilty of a separate unclassified misdemeanor for each week that such violation, disobedience, omission,

neglect, or refusal shall continue. Similarly, a separate civil penalty shall apply and be assessable for each week that such violation, disobedience, omission, neglect, or refusal shall continue.

3. The above fines are in addition to any penalty, fine, or sentence allowed or imposable pursuant to said Executive Law § 382.

- E. Upon any violation of this Local Law by an Applicant or any Person, the Town may, and the Enforcement Officer shall, decline and refuse to issue any approvals, endorsements, certifications, building permits, certificates of occupancy, certificates of compliance, and any similar or other document or approval until the Applicant or Person rectifies and cures such violation.
- F. Any Person violating this Local Law may be required to restore land to its prior or undisturbed condition. If restoration is not undertaken within a reasonable time after notice, the Town may take necessary corrective action, the cost of which shall become a lien upon the property until paid. In addition, the Town may commence any one or more civil proceedings in the Town Court, or any other court or tribunal of competent jurisdiction, to recover the costs of such restoration.
- G. For purposes of this Local Law the Justice Court of the Town is hereby vested and imbued with jurisdiction to: (i) issue administrative or other warrants in compliance with the New York Criminal Procedure Law and administrative codes of the State of New York; and (ii) hear and adjudicate allegations relating to the criminal or civil violation of this Local Law and to thereafter, if appropriate, impose any fine, penalty, or sanction.
- H. Criminal matters arising in relation to enforcement matters under this local law shall be and be classified as offenses per the following guidelines: (i) first offenses shall be deemed violations; (ii) second offenses shall be deemed unclassified misdemeanors; and (iii) violations of Executive Law § 382 shall be classified as set forth by New York State in such § 382.
- I. No remedy or penalty specified in this local law shall be the exclusive remedy available to the Town to address any violation of, or non-compliance with, the requirements of this local law. The rights and remedies of the Town are independent of each other and cumulative. The grant of any right or remedy in this Local Law is in addition to, and not in limitation of or in substitution for any other right or remedy of the Town, whether sounding in law, equity, or admiralty. Further, the election by the Town of any one right or remedy does not forestall or prevent the simultaneous or future election of any other right or remedy, whether relating to enforcement, sentencing, or otherwise.

Section 8. Exemptions and Non-Conforming Uses.

Notwithstanding any provision hereof to the contrary, any Battery Energy Storage System that has already been issued all necessary approvals or permits from the Town Board or the Planning Board (the “Town Approvals”) may continue such projects and such support activities that are being conducted in the Town as of the effective date of this Local Law, so long as such supporting activities are in all respects being conducted in accordance with all applicable laws and regulations and any conditions of approval, including all Town Approvals. Such limited right to proceed when Town Approvals have been issued shall include the right to apply for and obtain a building permit, so long as the same is or are in conformance with any existing Town Approvals.

Any expansion of a lawful, pre-existing, non-conforming use shall not be grandfathered under this Section and instead shall in all respects be prohibited as contemplated by Section 3 hereof. “Grandfathered” and allowed lawful pre-existing uses neither have nor possess any right to expand such non-conforming use whether above or below ground, and no such right shall be deemed, construed, or implied to exist.

Section 9. Validity.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 10. Hardship.

The Town Board of the Town is hereby authorized to accept and review (after public notice and hearing and in accordance with the requirements of law and of this Local Law) requests for a waiver application of the provisions of this Local Law by persons aggrieved hereby.

No such waiver shall be granted by the Town Board without a showing by the Applicant that applicable regulations and restrictions have caused unnecessary hardship.

- A. Unnecessary Hardship. In order to prove such unnecessary hardship the Applicant is required to demonstrate to the Town Board that, with respect to every permitted use under Town land use, each of the following four criteria is satisfied: (i) the Applicant cannot realize a reasonable return on the entire parcel of property, and such lack of return is substantial as demonstrated by competent financial evidence; (ii) the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (iii) the neighborhood; and (iv) the alleged hardship has not been self-created.
- B. Reasonable Rate of Return. In evaluating whether the Applicant can realize a reasonable rate of return, the Town Board must examine whether the entire original or expanded property holdings of the Applicant are incapable of producing a reasonable rate of return (and not just the site of the proposed development project). No waiver shall be granted unless, in addition to satisfying all other applicable provisions of law and this Law, the Town Board finds that the Applicant has clearly demonstrated by detailed “dollar and cents” proof, the inability to obtain a reasonable return for the entire parcel (and not just the site of the proposed project) and for each and every permitted use in the area of the Town the property is located.
- C. Unique Hardship. No waiver shall be granted unless, in addition to satisfying all other applicable provisions of the law and this Law, the Town Board finds that the entire parcel of which the project is a part possesses unique characteristics that distinguish it from other properties in the area.
- D. Essential Character of the Neighborhood. In making its determination, of whether the proposed development project will alter the essential character of the neighborhood, the Town Board shall take into account factors that are of vital importance to the citizens of the Town including without limitation: (i) the rural residential and agricultural character of the Town, (ii) its irreplaceable recreation, historic, and tourism sites, (iii) the extent of hazard to life, limb or property may result from the proposed development project, (iv) health impacts, (v) the social and economic impacts of traffic congestion, noise, dust, odors, emissions, solid waste generation and other nuisances, (vi) the impact on property values, and (viii) whether the Applicant will engage in the type of development that will result in degradation to the air quality, water quality or scenic or other natural resources of the Town. In order to find that the proposed development project does not alter the essential character of the neighborhood, the Board shall interpret the public interest in said essential character of the neighborhood to require, at a minimum, that the project will not do any of the following: (x) pose a threat to the public safety, including public health, water quality or air quality, (y) cause an extraordinary public expense, or (z) create a nuisance.
- E. Self-Created Hardship. The Town Board may find that the Applicant suffers from a self-created hardship in the event that the Board finds that (i) the Applicant’s inability to obtain a reasonable return on the property as a whole results from having paid too much or from a poor investment decision; (ii) the Applicant previously divided the property and is left with only a portion which suffers from some unique conditions for which relief is sought and which did not apply to the parcel as a whole; (iii) when the Applicant purchased the property, he or she knew or should have known the property was subject to the land use restrictions; or (iv) that the Applicant transferred or obtained property rights with only a unilateral expectation of development or investment character, and it shall be material to this question to examine the degree to which opposed to in fee (actual acquisition of fee simple title), and whether the anticipated income, profits, or receipts were conditional, contingent, or guaranteed.

If the Town Board grants a waiver from the provisions of this Local Law to the Applicant, the Applicant shall be required to comply with all provisions of the Town's then applicable land use regulations and other laws and regulations, together with any amendments to such law or regulations which may be enacted during the term of this Local Law. Any waiver that is granted shall grant only the minimum waiver that the Town Boards deems necessary and adequate to address the unnecessary hardship proven by the Applicant, and at the same time preserve and protect the character of the neighborhood and health, safety, and welfare of the community.

Section 11. Effective Date.

This Local Law shall take effect immediately.

Disc. held on proposed local laws. Supv. Crossen will send referral to Co. Planning for the Battery Storage Moratorium. Public hearings can be scheduled.

MOTION by Councilperson Fisher, seconded by Councilperson J. Klotzbach to have public hearings at 7:00 p.m., Monday, June 10, 2024 for proposed Local Laws #1 Zoning Law changes, #2 Tax Cap Override and #3 Battery Storage Moratorium. 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 Zoning Issue

Disc. held on the continued zoning violation at 7047 Maple Rd. Supv. Crossen would like to retain DiMatteo, Roach and Kelly to take the case to County Supreme Court, if needed. They sent an engagement letter, should it be needed.

DIMATTEO ROACH & KELLY
ATTORNEYS AT LAW

DAVID M. DiMATTEO, ESQ.
MARSHALL A. KELLY, ESQ.

DAVID M. ROACH, ESQ.
ELIJAH H. MCWHINNEY, ESQ.

April 28, 2024

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

Re: Engagement Letter

Dear Mr. Crossen:

This engagement letter will set forth the terms and conditions of this firm's representation of you. I ask that you acknowledge these terms and conditions by signing the copy of this letter enclosed herein and returning the same to me together with the retainer requested.

SCOPE OF ENGAGEMENT

DiMatteo Roach & Kelly, Attorneys at Law will assist you with a Zoning Violation Petition in Supreme Court, Genesee County against Brianna Zuch.

NATURE OF SERVICES

Any and all required pleadings and proceedings, correspondence, communication, research, etc.

THOSE WHO WILL PROVIDE LEGAL SERVICES

I will be primarily responsible for work in this matter. I will however, as needed for efficiency and proper responsiveness, utilize the services of other attorneys and paralegals or legal assistants as required, including the staff in my office.

COMMUNICATION BETWEEN CLIENT AND LAWYER

This firm will make every effort to be responsive to your needs. This office is available to you during the designated business hours, normally between 9:00 a.m. to 5:00 p.m. and voice mail messages can be left at any hour. You should expect a return call as soon as the attorney or staff is available. Please indicate the phone number you wish to receive calls on _____. **Make sure you have your voice mail set up and that a message can be left in the event you are not available to answer our call.**

You will receive periodic statements of account throughout the period of time we represent you. The statements are usually forwarded on a monthly basis, but in any event, at least every sixty days. **Billing will ALWAYS be sent to you by First Class Mail.**

You will receive copies of all documents and correspondence concerning your case. **Please indicate if you wish to receive your copies by First Class Mail _____ or by e-mail at _____.**

87 NORTH MAIN STREET, P.O. BOX 190, WARSAW, NEW YORK 14569
(585) 786-2110 PHONE ~ WWW.DDIMATTEOLAW.COM ~ (585) 786-0126 FAX

PRESERVING CONFIDENCES

All information which you provide to me as your attorney will be kept confidential according to the code of professional responsibility. Communications where a non-attorney is present cannot be protected and I discourage the use of E-mail, cell phones and other non-secure electronic devices for confidential communication. Your files will be retained in a secure manner for a reasonable time prior to their destruction.

CLIENT'S OBLIGATIONS

Your timely response to my requests for information or compliance with requests is essential to my working towards achieving your desired results. I will rely on you providing complete and accurate information in all instances.

FEE ARRANGEMENT

Attorney fees and disbursements will be billed against the retainer at \$325.00 per hour for David M. DiMatteo, Esq., \$275.00 per hour for David M. Roach, Esq., \$275.00 per hour for Marshall A. Kelly, Esq. and \$185.00 per hour for Elijah H. McWhinney, Esq. The legal assistants and paralegals time is billed at a rate of \$75.00 per hour. Your file may be handled at any given time by any one of the members of the support staff. It is our policy that in the event of reconciliation, or other discontinuance of our representation for any reason, there will be a refund of any unused portion of the retainer fee.

BILLING

Bills will normally be submitted to you on a monthly basis. The bills will reflect the activity and time devoted to your matter by attorney or staff member in increments of 1/10th of an hour. The billing statement will reflect payments made, balance due, disbursements, and any trust account balance. Payments should be made upon receipt of the bill but in no event later than thirty days of receipt. If you have any questions about a bill, please contact me immediately so that the issue can be resolved while fresh in everyone's minds.

DISPUTE RESOLUTION

Should you have any concerns relating to my representation of you in this matter, please bring them to my attention immediately. I will make every effort to resolve the matter expeditiously to the satisfaction and understanding of both of us. Also you should know that New York State has a dispute resolution program which applies to fee disputes in civil matters between client and attorney. The program provides an informal process to resolve fee disputes by mediation and arbitration in matters where the fee and costs exceed \$1,000 but are less than \$50,000. As the client, you have the right to such arbitration and I will provide you with instructions as to how to proceed upon your request. This firm may also request this arbitration under some circumstances. The Erie County Bar Association handles such matters through its fee arbitration committee.

RIGHT OF WITHDRAWAL

You may terminate my services at any time without cause. I also have the right, and sometimes the obligation, to terminate my representation of a client on written notice and subject to the code of professional responsibility. I reserve the right to suspend or terminate representation if you, the client, breach the obligations of this engagement letter or fail to pay the firm's invoices within thirty days of receipt. I also reserve the right to terminate my representation of you should you seek to embark upon a course of action which is in direct contravention of my advice and best judgment.

87 NORTH MAIN STREET, P.O. BOX 190, WARSAW, NEW YORK 14569
(585) 786-2110 PHONE ~ WWW.DDIMATTEOLAW.COM ~ (585) 786-0126 FAX

Should you have any questions regarding this letter, please call. It is a binding agreement between you and this firm.

Please review this letter carefully. **If the letter is acceptable, sign the original and return it to me. Retain the copy for your records.** I will begin work when the signed original is received.

Very truly yours,



David M. Roach, Esq.

DMR/bjk

Agreed to and accepted this ___ day of _____, 2024

ROBERT CROSSEN

Motion by Councilperson Veazey, seconded by Councilperson Fisher to retain DiMatteo, Roach and Kelly for the 7047 Maple Road Zoning issue and to proceed with filing the petition in the Genesee County Supreme Court. 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 J. Klotzbach, seconded by Councilperson Veazey to authorize Supv. Crossen to sign the engagement letter should, in the judgement of the Supervisor and Deputy Supervisor, pending the Town Court actions prove insufficient in bringing the property into compliance. Approved by roll call vote:

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

2023 ARPA Report – has been filed by the Supv. Waiting for the State to accept it.

Water District #1 Loan Resolution

WHEREAS, Water District #1, due to the increasing cost of operation, the increasing cost and frequency of required testing, and the increasing cost of water purchased, has insufficient margins to pay its ongoing expenses, and

WHEREAS Water District #1 currently has inadequate funds to pay its current obligations, and

WHEREAS, it will take several months to raise the water rate so as to provide sufficient margin to fund the district.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Alabama duly convened as follows:

1. The Supervisor be and hereby is authorized to temporarily advance from surplus General Funds of the Town the sum of 2,000.00 to Water District #1 Fund pursuant to provisions of section 9-a of the General Municipal Law of the State of New York.
2. Such temporary advance shall be repaid with interest at two (2) percent by Water District #1 to the General Fund as soon as monies are available, but in any event not later than December 31, 2024.
3. This resolution shall take effect immediately.

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

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

Approval of Minutes

4/8/2024 Board Meeting – MOTION by Councilperson Fisher, seconded by Councilperson D. Klotzbach 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

5/5/2024 -- MOTION by Councilperson Veazey, 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

Audit Bills

MOTION by Councilperson Veazey, seconded by Supv. Crossen to accept Abstract #005-2024 and pay bills in the amount of \$64,481.71 vouchers 88 to 108 General Fund; \$89,840.80 vouchers 81 to 103 Highway Fund; \$99,800.56 vouchers 4 to 7 Water District 2; \$94,337.00 vouch 3 Alabama Fire Protection District; \$3,718.72 vouchers 13 to 16 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

Town Clerk's Report

April 2024 -- MOTION by Councilperson Fisher, seconded by Councilperson J. 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

Assessor's Report – Not submitted

CEO/ZEO Report

April 2024 -- MOTION by Councilperson Fisher, seconded by Supv. Crossen 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 J. Klotzbach, seconded by Councilperson D. Klotzbach to adjourn meeting at 8:09 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