

Town Board Meeting December 9, 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, Barry Flansberg, Dave Bencic and Rachel Smith.

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.

Assessor – Barry Flansberg gave update:

Finished first round of re-assessment. Sent to State for their review. Sales are still high. Land values are going up, residential up 3-5%. Change notice will be sent out late March. Disc. held on Solar and ag exemptions.

Highway – Supt. Covell gave update:

Snow & Ice Agreement signed and sent to DOT.

Rust Kote sprayed all trucks.

S&I equipment ready to go

Hired new employee to start January 1st.

Ben has Dr. appointment on Dec. 17th, hopefully he will be cleared to come back to work.

Pickup on Auctions International – high bid was \$3,450. Jeff countered the bid at \$4,300, waiting to hear from bidder. If they don't agree, he can re-list it.

Ford Truck Resolution

MOTION by J. Klotzbach, seconded by Fisher to allow Supt. Covell to order the 2025 Ford F350 XL crew cab truck from VanBortel Ford, through the Onondaga County Bid #0010808, at a cost of \$64,560.99 with an estimated delivery date of February 2025. Approved by roll call vote:

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

STAMP – Mark Masse gave update:

A third data center was added at the last meeting. Stream Data Centers, 60 acres maximum, 900,000 or 1.2 mil. Sq. ft., 100 to 130 jobs. Possible decision at February meeting, one or none.

Nothing new with Plug Power.

Sewer Works meeting in January, possibly the 14th.

Substation – 2026 completion.

GCEDC access to Town Property,

MOTION by councilperson J. Klotzbach, seconded by Councilperson Fisher to allow Supv. Crossen to sign the GCEDC's Permit to Enter Property for Archeological Studies for the Force Main on Tax Map #11.-1-72.2, Alleghany Rd. property and Tax Map #11.-1-33 Highway Garage property. Approved by roll call vote:

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

Water District #2

GCEDC Funding Request for Valve Replacement

Disc. held. Changes being asked for by Town of Batavia. There are problems with pressure in the system. No decision, waiting for cost estimate.

Plans for Valve Replacement

Supv. Crossen suggested having Wendel do a cursory review of the plans. Town of Batavia Engineers designed the plan, CPL reviewed them for the Town of Batavia. Disc. held.

MOTION by Councilperson J. Klotzbach, seconded by Councilperson Fisher to have Wendel do a cursory review of the proposed changes to Water District 2 valves. Approved by roll call vote:

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

Water Dist. #1 Letter to Residents

Supv. Crossen wrote a letter to send to WD#1 residents regarding water bills and the new water rate.

Board members reviewed the letter. Disc. held. Supv. Crossen to make minor changes and send it out with the December water bills.

Water District #1 Loan

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 is hereby authorized to pay interest from the Water District #1 account (\$4000 principle, 365 days, at a 2% rate, \$80, plus \$2000 principle @ 2%, 231 days, \$25.32, plus \$4000 principle 49 days @ 2% \$10.74) a total of \$116.06 to General Fund for the previous year's loans.
2. The Supervisor is hereby is authorized to repay from and temporarily readvance from surplus General Funds of the Town the sum of \$10,000.00 to Water District #1 Fund pursuant to provisions of section 9-a of the General Municipal Law of the State of New York.
3. 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, 2025.
4. This resolution shall take effect at the transition point between 12/31/2024 and 1/1/2025.

Councilperson Fisher offered the resolution which was seconded by Councilperson Veazey and approved by roll call vote:

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

Solar Law Update:

Wendel sent a memo to Board Members with comments from the Public Hearing:

Memo: Town of Alabama Solar Energy Law Public Hearing Comments Response

Meeting Date: November 18, 2024

To: Robert Crossen, Town of Alabama Supervisor and the Alabama Town Board

From: Wendel, Drew Reilly and Nina Zesky

Public Comments:

One resident asked a question related to taxes/taxation and Drew responded that taxes are not considered in a solar law. We do though have a requirement for a Host Community Agreement in the law.

EDP Renewables' Comments:

EDP's Statements on Their Project Timeline:

- As early as 2022 EDP Renewables initiated the Alabama Solar Park Project
- The "pre-application" process started in August 2024
- EDP anticipates formally submitting the application to ORES in Spring 2025
- EDP anticipates construction beginning in early 2027 pending favorable permitting
- EDP anticipates operations beginning by fall 2028

Wendel's Response: We thank EDP for updating the project's timeline. Any application in 2025 will need to meet the law that is in place at that time. This new law should be in place by the end of 2024 or in January of 2025.

Topic 1 - Restricting Tier 3 and 4 Solar Energy Facilities on Priority Agricultural Lands:

EDP's Response: EDP feels that restricting Tier 3 and 4 solar projects on Priority Agricultural Lands is exceptionally strict, limiting the Town of Alabama's potential tax benefits from this and future large-scale solar projects. EDP also argues that these restrictions prevent individual landowners from deciding the best long-term use of their property.

Wendel's Response: Wendel believes that EDP has misunderstood the restrictions regarding Priority Agricultural Lands. The restricted areas are the Priority Agricultural lands that have been identified in the Genesee County Agricultural and Farmland Protection Plan and the Town of Alabama Agricultural and Farmland Protection Plan, which have been in place before EDP started working on this project in 2022. They are important components of the Town and County's plans. These plans have both been adopted by the Town and County and have been accepted by NYS. These plans look at the long-term economic viability of the Town and County (not just taxation issues).

Topic 2 - Increased Setback Requirements:

EDP's Response: EDP states that the current project was designed to comply with the Town's 2020 Solar Law, which is less restrictive than the newly adopted law. EDP points out that increasing the setback from public rights-of-way (ROWs) from 50 feet, as specified in the 2020 law, to 200 feet under the new law reduces the project's energy production area by 8-10%. They argue that this requirement is unnecessarily restrictive compared to neighboring municipalities (they reference the City of Batavia and Town of Oakfield. The city is a wrong reference, the adjoining community is the Town of Batavia, which has similar setbacks). Additionally, EDP raises concerns about the 100-foot setback from the fence line to all property lines, suggesting the term "property lines" be clarified to specify "non-participating property lines."

Wendel's Response: An element of these setback requirements is related to visual impact, which is a consistent concern across all communities navigating new solar energy systems and is important to the community character vision in the Town's Comprehensive Plan. The setbacks in this proposed law are consistent with modern solar laws to preserve not only visual resources, but important natural resources such as forests, wetlands, and greenery, and the overall aesthetics of the community. As an FYI, the 50-foot setback from the road in the "94c" regulations" is wrong as it references the setback from the center line of the road. Setbacks should be from the ROW and typical setbacks of 50 feet would not provide adequate room for screening, future road improvements and other infrastructure. We believe that the new setbacks are reasonable for the Town of Alabama.

We do agree with the property line setback comment and will suggest a change to "non-participating property lines".

Topic 3 - Decommissioning Costs:

EDP's Response: That requiring 125% of the cost of site removal and restoration, along with a 2% annual escalator and a prohibition on including salvage value, is overly burdensome. EDP argues that this requirement is inconsistent with other local laws and the regulations established by ORES. They also contend that excluding salvage value unfairly penalizes developers and could deter future solar projects.

Wendel's Response: Over the years since this project began, it has become clear that the ORES guidelines on decommissioning costs need to be updated. The proposed Town of Alabama Solar Law aligns with some recent projects that New York State has agreed with not allowing salvage value (the market is too volatile). As to the 125% criteria and the 2% escalator, this is based on the Town getting this bond for a long term (30 year bond). If when approving such project, the negotiated bond has stipulations such as 5-year re-estimates and renewals, then the estimate could be changed.

Final Thoughts:

The proposed Solar Law is more stringent than the Town's current regulations because of the experiences of other communities with these types of projects over the last few years. The new law also better reflects the vision of the Town based on its Comprehensive Plan – Zoning must be in accordance with the community's Comprehensive Plan (it cannot be based on the ORES – 94c – RAPID Act regulations). Additionally, the Town of Alabama's law is designed not only to address EDP's current project but also to consider the long-term implications of all future solar developments (community solar and these "ORES – 94c" projects). In developing this law, the Town did not look at EDP's project, but just solar projects in general.

Disc. held. Will vote on Solar Law at January meeting.

Battery Storage Law – nothing new

Court – nothing new

Town Hall – nothing new

7047 Maple Road – resident is currently in jail. No other updates for Co. Court.

Board of Assessment Review

Disc. held. Supt. Covell will serve if he is allowed to.

MOTION by Councilperson Fisher, seconded by Supv. Crossen to appoint Jeff Covell, pending Attorney approval, to the Board of Assessment Review to fill Anthony Mudzynski's vacancy. Approved by roll call vote:

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

Resignations

Jill Klotzbach submitted a letter of resignation from the Town Board, effective December 31, 2024.

MOTION by Supv. Crossen, seconded by Councilperson Fisher to accept Jill Klotzbach's letter of resignation, effective December 31, 2024, with regrets. Approved by roll call vote:

C. Fisher – yes C. J. Klotzbach – yes C. D. Klotzbach – no C. Veazey – yes Supv. Crossen – yes

Kevin Veazey submitted a letter of resignation from the Town Board, effective December 31, 2024.

MOTION by Supv. Crossen, seconded by Councilperson Fisher to accept Kevin Veazey's letter of resignation, effective December 31, 2024, with regrets. Approved by roll call vote:

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

2025 Salary Schedule

Position	Salary
Supervisor	\$19,000.00
Bookkeeper	\$9,470.00
Councilpersons (4 each) (\$12,520 total)	\$ 3,130.00
Town Clerk/Collector	\$40,980.00
Registrar	\$ 1,060.00
Deputy Town Clerk	\$ 19.25 per hour
Town Justice (2 each) (\$20,190 total)	\$10,095.00
Court Clerk	\$ 8,690.00
Assessor	\$16,900.00
Zoning Enforcement Officer	\$ 7,500.00
Building Code/Fire Inspector	\$ 7,500.00
Cleaner	\$ 19.25 per hour
Highway Superintendent	\$80,300.00
Motor Equipment Operator	\$29.74 per hour
Deputy Highway Supt.	\$30.74 per hour
Laborer	\$ 19.25 per hour
Sr. Laborer	\$ 22.00 per hour
On Call Seasonal Truck Driver	\$ 28.90 per hour
Alabama Cemetery Caretaker	\$ 2,475.00
Historian	\$ 850.00
Bingo Inspector	\$ 200.00
Zoning Board of Appeals Member	\$ 30.00 per mtg
Zoning Board of Appeals Chairman	\$ 50.00 per meeting
Planning Board Member	\$ 40.00 per mtg
Planning Board Chairman	\$ 50.00 per meeting
Stipend to Town Clerk Zoning/Planning Bd. Clerk Duties	\$ 2,000.00
Assessment Board of Review	\$ 120.00 per day
Mileage for Town Employees	\$ IRS Rate
Water System/Treatment Plant Operator WD#1	\$ 24.50 per hour
Buildings/Grounds Maintenance	\$ 6,125.00
Assistance to Supv. Stipend for Town Clerk	\$1,590.00

Deputy Supervisor	\$ 530.00
New Court Clerk Trainee	\$ 19.25 per hour
Water District Oversight Stipend for Hgwy Supt	\$2,420.00

MOTION by Councilperson J. Klotzbach, seconded by Councilperson D. Klotzbach to adopt the 2025 Salary Schedule as written. 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

11/11/2024 Board Meeting & Public Hearings – MOTION by Councilperson Fisher, seconded by Councilperson Veazey 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

12/1/2024 -- MOTION by Councilperson Fisher, 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

Audit Bills

MOTION by Councilperson J. Klotzbach, seconded by Councilperson D. Klotzbach to accept Abstract #012-2024 and pay bills in the amount of \$27,456.92 vouchers 218 to 248 General Fund; \$28,178.77 vouchers 197 to 214 Highway Fund; \$277.29 vouchers 28 to 29 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 Councilperson Veazey to make the following budget transfers:

\$35.90 from A1110.42 to A1110.4

\$1,450.24 from DA9089.4 to DA9010.8

\$100.00 from A1990.4 to A9089.8

\$353.56 from SW1-8310.1 to SW1-9340.4

1,317.96 from A1990.4 to A1440.45

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

November 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

7/1/24 to 11/27/24 Transfers & written report -- MOTION by Councilperson Veazey, 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

CEO/ZEO Report

November 2024 -- MOTION by Councilperson Fisher, 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 J. Klotzbach, seconded by Councilperson Veazey to adjourn meeting at 8:10 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