

Town Board Meeting September 8, 2025

Supv. Crossen called the monthly meeting of the Alabama Town Board to order at 7:00 p.m. Roll Call was taken, Councilperson Klotzbach, Fisher, LaGrou and Supv. Crossen were present. Also present were Supt. Covell, Attorney Boylan, Mark Masse, Dave Bencic, Terry Thompson, Sam Scarborough, Kathryn Weaver, Rachel Smith and Travis Warner.

Privilege of the Floor

Sam Scarborough – read a letter to the Town Board explaining his support of a solar project in the Town.

Dave Bencic – thanked Sam.

Highway – Supt. Covell gave update:

Shared services with Batavia and Pembroke.

Oil & Stone is done.

Billed farm for Ledge Road damage from pea harvester.

Poured foundations in Alabama Cemetery. Military plaques were stolen from some headstones.

STAMP –

Supv. Crossen met with Rob Klavoon and Attorney Boylan to discuss inspections for Edwards. No C-of-O yet.

Mark Masse gave update:

Electric connection for Edwards is done.

Sewer (holding tanks) for Edwards is done.

Water connected to Edwards.

Keeler doing extension of hammerhead.

9/29/25 – GLOW event, Edwards will have a booth there.

Data Center sent letter to EDC, they want to do a larger project. The GCEDC will be rescinding the original application, will have to start SEQR for larger project.

Article 78 – Supv. Crossen said it will be a non-issue due to the application being withdrawn.

Solar Fee Schedule

Supv. Crossen has a copy of the Town of Batavia Solar Fee Schedule. Drew Reilly suggests the Town adopt a similar fee schedule. Disc. held. Will discuss more next month.

Solar Project Discussion – Supv. Crossen said that in 2020 representatives from EDP stated at Town Board meetings that they would follow the Town Solar Law. Disc. held.

Rachel Smith informed the board that they will submit a letter of intent to the Town and that EDP is not going to comply with the Town Solar Law.

Supv. Crossen – Alabama, Batavia, Oakfield and Pembroke representatives met to discuss the proposed solar project. Each Town has a solar law and comprehensive plans that EDP is going to ask to be set aside. The Towns put together a resolution for EDP to comply with the Towns solar/zoning laws. Disc. held.

Rachel Smith stated that they were complying with the original solar law 100%. Alabama adopted a revised solar law in 2024, they are not in compliance with that law on a few specific sites and the priority farmland. Disc. held. EDP is not opposed to going through the Town process, they are not required to do the local building permit process. Disc. held.

Supv. Crossen asked if there are any other comments on the resolution?

Kathryn Weaver commented that the average age for a farmer is 58. What mechanism will be put in place to keep people from China from buying up the farmland and putting U.S. residents out of business?

Sam Scarborough – STAMP took over farmland, it was allowed.

Supv. Crossen – the resolution is not saying no to the solar project, we just want them to follow our local laws.

Sam Scarborough stated that STAMP brought water to the whole Town, not just a small part of Town. Thank you for that.

Rachel Smith – priority farmland is most of the project. Disc. held.

EDP Alabama Solar Project Resolution

Councilperson Fisher offered the following resolution:

WHEREAS, the proposed EDP Alabama Solar Project involves the construction of a large scale industrial solar installation that would significantly alter the land use character within the Towns of Batavia, Oakfield, Pembroke, and Alabama; and

WHEREAS, a substantial portion of farmland in Genesee County, New York State's fourth-largest agricultural producer, has already been converted to solar energy infrastructure, contributing to a cumulative and accelerating loss of prime agricultural land, and placing long-term food production capacity and rural economic stability at increasing risk; and

WHEREAS, on August 13, 2025, EDP advised the Towns and Genesee County that it would be seeking numerous waivers from the State of New York in order to bypass established County and Town comprehensive plans, local laws, and zoning regulations; and

WHEREAS, the project, as currently proposed, is not in compliance with duly enacted zoning laws adopted in accordance with New York State Town Law, and therefore could not proceed without overriding local legal authority; and

WHEREAS, the proposed project site consists of highly productive agricultural land that has long supported the local economy, food security, and rural heritage of the region, and its conversion to industrial-scale energy production would result in the permanent loss of valuable farmland; and

WHEREAS, the use of state-level mechanisms to override or circumvent established local land use laws, Town and County agricultural and comprehensive plans, and zoning regulations, specifically those of the Towns of Batavia, Oakfield, Pembroke, Alabama, and Genesee County, would effectively strip municipalities and residents of their legal right to self-determination in land use matters; and

WHEREAS, such a precedent undermines the authority of local governments and erodes the principle of "home rule," thereby threatening democratic participation and local control in planning and land management decisions;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Alabama formally opposes the EDP Alabama Solar Project as proposed;

BE IT FURTHER RESOLVED, that this opposition is based on the project’s clear and irreversible harm to agricultural land, its disregard for local land use and zoning law, and the broader threat it poses to the integrity and autonomy of local planning authority across Genesee County;

BE IT FINALLY RESOLVED, that the Towns and Genesee County jointly demand that the EDP Alabama Solar Project comply fully with all applicable local laws, zoning regulations, and adopted land use plans; and further urge the State of New York to uphold the principles of home rule as guaranteed by **Article IX of the New York State Constitution**, affirming the legal authority of local governments to determine and enforce land use policy within their jurisdictions.

Councilperson Klotzbach seconded the resolution which was approved by roll call vote:
C. Fisher – yes C. Klotzbach – yes C. LaGrou – abstained Supv. Crossen – yes

Battery Storage Law – NYS has drafted guidance.

Town Hall – nothing new

Bicentennial Committee – Councilperson Fisher read report from Dawn Fisher:

Will be sending letters to businesses this week.
Attending conference for Historians.
Will have a meeting in September.
Mural – getting more information.
Working on a schedule of events for next year.

Cemetery Sign – no update

2026 Budget – copies of preliminary Budget to Board Members. Supv. Crossen briefly reviewed the tentative budget with the Board.

Audit 2024 Books – nothing new.

Northern Clearing Lease 10/1/25 to 9/31/26

AGREEMENT

AGREEMENT made this day of , 2025, between the **TOWN OF ALABAMA**, a New York municipal corporation with offices at 2218 Judge Road, Oakfield, New York 14125 (hereinafter referred to as First Party), and **NORTHERN CLEARING, INC.** a New York corporation with offices at 6870 Northern Boulevard East Syracuse, NY13057, (hereinafter referred to as Second Party).

WITNESSETH:

WHEREAS, the Second Party desires to lease approximately 2 acres of vacant land owned by the Town located at 7348 Maple Road in the Town of Alabama for the purpose of using it as a contractor's yard operated by the Second Party; and

WHEREAS, the First Party desires to lease the above described premises to the Second party under certain terms and conditions set forth herein; and

NOW, THEREFORE in consideration of the above premises and the mutual agreements hereinafter set forth, the parties agree as follows:

1. The Second Party agrees to lease the property from the First Party for one (1) year from October 1, 2025 until September 30, 2026. The parties may extend the lease term by mutual written agreement no later than 30 days prior to the execution of the initial term.
2. The annual rent for the term shall be \$20,000.04 payable in monthly installments of \$1,666.67 on the first day of each month.
3. The Second Party shall be responsible for normal maintenance property.
4. The Second Party shall be responsible for any damage that it causes to the premises or surrounding area owned by the First Party.
5. No signs may be placed upon or around the leased premises by the Second Party without obtaining prior permission from the First Party, which permission will not be unreasonably withheld. Any permitted sign(s) must conform to the general appearance of the building.
6. The Second Party agrees to comply with and fulfill all federal, state, county and municipal laws, ordinances, rules and regulations affecting its use of the leased premises, together with the requirement of the Insurance Services Office (ISO) or any similar body as the same may apply to the leased premises and the use thereof
7. The Second Party agrees to obtain sufficient liability and fire insurance to cover its interest in and use of the premises, and the First Party shall be named as an additional insured on the Second Party's policy.
8. The Second Party agrees to return the premises to the First Party at the expiration of the Lease and in the same condition as at the beginning of said Lease, reasonable wear and tear expected.
9. If the second Party holds over after expiration of this Lease, the tenancy shall become a holdover month-to-month tenancy commencing on the first day after the expiration of the current Lease term. All conditions and terms of the expired Lease shall remain in full effect for the duration of such holdover tenancy and the Second Party shall pay rent on the first day of each holdover month in advance, at a monthly rate of one third of the final quarterly payment under the expired Lease, with an additional ten (10) percent surcharge per month until a new lease is executed. Upon execution of a new Lease, the terms shall be retroactive to the last day of the expiring Lease.

TOWN OF ALABAMA

By: _____
Crossen, Supervisor

Robert

NORTHERN CLEARING, INC.

By: _____

MOTION by Councilperson LaGrou, seconded by Councilperson Klotzbach to approve the Northern Clearing Lease and have Supv. Crossen sign it. Approved by roll call vote:

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

JCAP – Window Blinds and Tint

Justice V. Williams received quotes for window blinds and tint for the Court Clerk windows at the Oakfield Court Facility with approval from JCAP to reallocate funds on them. Disc. held.

Window Blinds:

Wills Carpet One – \$975.00

Budget Blinds -- \$842.68

Window Tint:

WNY Tint -- \$970.00

Apex Window Films -- \$1,406.00

MOTION by Councilperson Klotzbach, seconded by Councilperson LaGrou to accept the quotes from Budget Blinds at \$842.68 and WNY Tint at \$970.00 with approval from the Town of Oakfield to install the windows and blinds. Approved by roll call vote:

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

Court Security – no update

Tompkins Insurance Check Washing Info.

Tompkins offers a policy to protect the Town from Check Washing. \$164.00 premium with a \$250,000.00 limit and a 500.00 deductible. Disc. held.

MOTION by Councilperson Fisher, seconded by Supv. Crossen to purchase the insurance. Approved by roll call vote:

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

Letter of Support To Senator Borello for Senate Bill S.8481

The Honorable Senator George Borrello

New York State Senate

Albany, NY 12247

Dear Senator Borrello,

On behalf of the Town of Alabama, I am writing to express our strong support for **Senate Bill S.8481**, introduced by Senator Gallivan, which would authorize local governments to opt out of mandates and benchmarks established under the Climate Leadership and Community Protection Act (CLCPA).

While we understand and respect the State's goal of addressing climate change, the implementation of universal electrification requirements has placed a disproportionate burden on small towns and rural

communities like ours. The rising costs of utility infrastructure, restrictive building codes that prohibit the use of natural gas, and ambitious vehicle mandates do not reflect the practical or economic realities of our residents and businesses.

S.8481 would restore an essential balance by allowing local governments to file a resolution with the Department of Environmental Conservation to opt out of these mandates. This approach respects **home rule** and acknowledges that local leaders are best positioned to make energy decisions that serve the unique needs of their communities.

We thank you for your leadership on this issue and fully support the passage of this important legislation.
Sincerely,

Robert Crossen

Supervisor

Town of Alabama, NY

MOTION by Councilperson Klotzbach, seconded by Councilperson LaGrou to have Supv. Crossen sign the letter of Support for Senate Bill S.8481. Approved by roll call vote:

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

Approval of Minutes

8/11/2025 Board Meeting – MOTION by Councilperson Fisher, seconded by Councilperson Klotzbach to accept minutes as presented. Approved by roll call vote:

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

Supervisors Report

9/2/2025 -- MOTION by Councilperson Klotzbach, seconded by Councilperson LaGrou to accept report as written. Approved by Roll Call Vote:

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

Audit Bills

MOTION by Councilperson Fisher, seconded by Councilperson Klotzbach to accept Abstract #008-2025 and pay bills in the amount of \$15,577.54 vouchers 184 to 200 General Fund; \$300,084.46 vouchers 140 to 154 Highway Fund; \$2,475.57 vouchers 22 to 23 Water District 1. Approved by Roll Call Vote:

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

Transfer

MOTION by Councilperson Klotzbach, seconded by Supv. Crossen to transfer \$20.00 from A1990.4 to A7510.41. Approved by roll call vote:

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

Town Clerk's Report

August 2025 -- MOTION by Councilperson LaGrou, seconded by Councilperson Fisher to accept report as written. Approved by Roll Call Vote:

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

Assessor's Report – Not submitted

CEO/ZEO Report – Not submitted

Water District #1 Loan Resolution

Councilperson Fisher offered the following 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 \$3,000.00 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, 2025.
3. This resolution shall take effect immediately.

Councilperson Klotzbach seconded the resolution which was adopted by roll call vote:

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

MOTION by Councilperson Klotzbach, seconded by Councilperson Fisher to adjourn meeting at 8:54 p.m. Approved by roll call vote:

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

Respectfully Submitted,

Rebecca L. Borkholder
Town Clerk