

**Town Board Meeting
December 13, 2021**

MOTION by Councilperson LaGrou, seconded by Councilperson Klotzbach to open the public hearing at 7:00 p.m. 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 that was published in the Dec. 7, 2021 Daily News:

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Alabama will hold a public hearing at 7:00 p.m. on Monday, December 13, 2021 at the Town Hall, 2218 Judge Road, Town of Alabama, Genesee County, NY to consider the Petition of Shawn Wilkins for a Special Use Permit for mass vehicle storage in a building less than 12,000 sq. ft. located in an Industrial Zone. The Property is identified by Tax Map 17.-1-10.114 located at 396 Wright Road in the Town of Alabama.

The Town Board invites and will accept both oral and written comments relevant to this application at said hearing.

By Order of the Town Board
Robert Crossen, Supv.
DATED: December 7, 2021

Supv. Crossen opened the floor for public comment:
Dave Bencic – has no problem with issuing the special use permit.

Supv. Crossen called the monthly meeting of the Alabama Town Board to order at 7:03 p.m. Roll Call was taken, Councilperson Fisher, LaGrou, Klotzbach, Veazey and Supv. Crossen were present. Also present were Supt. Covell, Katy Duggan, Shawn Wilkins, Wendy Kingsland and Kaylen Olwin. Present via zoom: Jeremy DeLyser and Keilka Salsbury.

Supv. Crossen asked if there were any more comments on the Wilkins Special Use Permit, after hearing none, MOTION by Councilperson LaGrou, seconded by Councilperson Fisher to close the public hearing at 7:05 p.m. Approved by roll call vote:

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

Highway – Supt. Covell gave an update:

- Completed ditching project.
- Finished outfitting trucks for Winter.
- Culvert inspection done.
- Completed workplace violence and sexual harassment training.

Supt. Covell informed the Board that he has had some issues with residents parking in the road during winter, making it difficult to plow the road. He has tried to talk to them, doesn't work. He would like the Board to consider a Town Law for a parking ban on roads during the Winter. Disc. held. He will get samples of signs from other Towns and asked Attorney Boylan to look into the language for the law.

Privilege of the Floor

Kaylen Olwin from EDPR – they are still working on the bird study in Town.

Wilkins Special Use Permit, 396 Wright Road, Mass Vehicle Storage

Mr. Wilkins is applying for a Special Use Permit for Mass Vehicle Storage, the previous permit expired and he is currently in violation for that. County Planning reviewed the application and approved it. Supv. Crossen asked Mr. Wilkins for the number of vehicles, there will be no more than 32 vehicles in storage.

Supv. Crossen reviewed the Zoning Law pertaining to the Special Use Permit. Particularly Section 809, H, of the Zoning Law, Standards Applicable for all Special Use Permits. There are 13 points, only 4 of them pertain to this particular application:

4. The proposed use shall not cause undue noise, vibration, odor, lighting glare, and unsightliness so as to detrimentally impact on adjacent properties. **No, does not apply to this permit.**

5. When a commercial or industrial special use abuts a residential property the authorizing board may find it necessary to require screening of sufficient height and density (i.e. fences, hedges, etc.) to reduce or eliminate the conflicting environmental conditions previously mentioned. **Does not apply to this permit.**

8. Appropriate on-lot drainage shall be provided so as to eliminate any potential on-site water related problems. Also, the drainage systems created shall not detrimentally impact on adjacent properties. **No, does not apply to this permit.**

11. A special use permit shall not be issued for a use on a lot where there is an existing violation of this Zoning Law unrelated to the use which is the subject of the requested special use permit, as determined by the authorizing board. **There are no other known violations on the property.**

13. In addition to the general standards for special permits as set forth herein, the authorizing board may, as a condition of approval for any such use, establish any other additional standards, conditions, and requirements, it deems necessary or appropriate to promote the public health, safety and welfare, and to otherwise implement the intent of this Zoning Law. **Supv. Crossen has recommended that there be no off-premises signs. Mr. Wilkins acknowledged this condition and agrees to it.**

MOTION by Councilperson Fisher, seconded by Councilperson Veazey to allow the Special Use Permit for Mass Vehicle Storage at 396 Wright Road, building J with the condition that there will be no off-premises signs. Approved by roll call vote:

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

Board of Assessment Review

MOTION by Councilperson LaGrou, seconded by Councilperson Fisher to appoint Richard Miller to the Board of Assessment Review for a five year term, 10/1/2021 to 9/30/2026. Approved by roll call vote:

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

Water District #2 – Jeremy DeLyser gave update:

Phase 3 closeout letter will be sent out soon.

Sergi punchlist will be addressed in the Spring.

Working on ISO rating.

Septic Repair on Alleghany Rd. – homeowner has asked to wait until Spring for repairs.

Reached out to Tower Owners on Ham Road, waiting for response. (For meter antenna)

Single Audit requirement from USDA – an audit is required for 2021. Freed, Maxick will no longer be doing municipal audits. Disc. held. Supv. Crossen and/or Attorney Boylan will call Freed, Maxick and ask if they will consider doing our audit for 2021 as they have done the 2020 and it will not cost as much.

WD#2 Loan Repayment to the Town

The GCEDC has not paid the invoice for the interest on the 2017 BAN, approx. \$26,000. That money was going to be used to reimburse the Town for the loan. Currently there is only \$30-35,000 in the account to repay the loan. Disc. held.

MOTION by Councilperson Klotzbach, seconded by Councilperson Fisher to re-pay a minimum of \$30,000 but no more than \$60,000 from the Town of Alabama Water Dist. #2 account to the Town of Alabama General Fund for the loan that was approved at the Sept. 29, 2021 Town Board meeting.

Approved by roll call vote:

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

(Motion was rescinded at the January 10, 2022 Board Meeting)

Plug Power

Attorney Boylan gave a monthly report to the Board:

DECEMBER 2021
PLUG POWER CONSTRUCTION UPDATE

The Town’s engineer, Wendel completed 6 site visits in November and made the following observations;

- Approximately 90% of the project site has been disturbed. Stripping of the topsoil continues and it is being stockpiled and exported. Preparation of the subgrade is ongoing. Common and stone fill is being imported and placed around the liquefaction building.
- SWPPP inspections by the Plug Power engineer of record are taking place weekly.
- The SWPP mailbox is on site and contains the required inspection reports.
- The two stabilized entrances are in place for construction purposes.
- The front berm has been constructed.
- The water well has been located and is in the process of being abandoned.
- Soil bores are beginning on site within the vicinity of the location of the two storage spheres.
- The field office was installed near Crosby Road.
- Utility poles have been installed along the east side of Crosby Road for communication lines to serve the site.

Wendel is currently in discussions with the Plug Power design and engineering team regarding the following items:

- Plug Power has submitted plans for foundations of the two storage spheres which were forwarded to the Town of Batavia for inspection purposes pursuant to the Town’s Intermunicipal Agreement with them.
- A master plan review and construction schedule. Wendel is awaiting its submission and will provide copies to the Town upon receipt.

Supv. Crossen, Attorney Boylan, Supt. Covell, Councilperson Veazey and Carl Kumpf will be doing a site visit at Plug Power on January 7, 2022 with the engineer.

Town Hall – nothing new.

Court -- Letter from Robert Zickl asking to be appointed to Town Prosecutor in 2022 due to Kevin Finnell being elected to District Attorney.

MOTION By Councilperson LaGrou, seconded by Councilperson Veazey to appoint Robert Zickl as Town Prosecutor effective January 1, 2022 to Dec. 31, 2022. Approved by roll call vote:

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

2022 Salary Schedule

Position	Salary
Supervisor	\$18,415.00
Bookkeeper	\$8,500.00
Councilpersons (4 each) (\$10,500 total)	\$ 2,625.00
Town Clerk/Collector	\$38,025.00
Registrar	\$ 410.00
Deputy Town Clerk	\$ 15.75 per hour
Town Justice (2 each) (\$18,760 total)	\$ 9,380.00
Court Clerk	\$ 7,960.00
Assessor	\$13,950.00
Zoning Enforcement Officer	\$ 6,300.00
Building Code/Fire Inspector	\$ 6,300.00
Cleaner	\$ 15.75 per hour
Highway Superintendent	\$69,290.00
Motor Equipment Operator	\$26.24 per hour
Deputy Highway Supt.	\$26.74 per hour
Laborer	\$ 15.75 per hour
Sr. Laborer	\$ 18.25 per hour
On Call Seasonal Truck Driver	\$ 25.50 per hour
Alabama Cemetery Caretaker	\$ 2,080.00
Historian	\$ 825.00
Bingo Inspector	\$ 200.00
Zoning Board of Appeals Member	\$ 30.00 per mtg
Zoning Board of Appeals Chairman	\$ 40.00 per meeting
Planning Board Member	\$ 30.00 per mtg
Planning Board Chairman	\$ 40.00 per meeting
Zoning/Planning Bd. Clerk	\$ 15.75 per hr
Assessment Board of Review	\$ 85.00 per day

Mileage for Town Employees	\$.48 per mile
Water System/Treatment Plant Operator WD#1	\$ 23.00 per hour
Buildings/Grounds Maintenance	\$ 5,202.00
Assistant to the Supervisor (Town Clerk)	\$1,000.00
Deputy Supervisor	\$ 500.00
Dog Enumerator	\$ 500.00
New Court Clerk Trainee	\$ 15.75 per hour

MOTION By Councilperson LaGrou, seconded by Councilperson Fisher to adopt the 2022 Salary Schedule as written. Approved by roll call vote:

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

Solar

Received a map of the proposed site for the bird study, it will be on the bulletin board in the hallway.

Union Contract – still working on it. Responded to questions from the Union. Healthcare rates were received, Attorney Boylan to review them.

Approval of Minutes

11/8/21 and 11/22/21 Board Meetings – MOTION by Councilperson Fisher, seconded by Councilperson Klotzbach 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

12/5/21 -- MOTION by Councilperson LaGrou, 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

Audit Bills

MOTION by Councilperson LaGrou, seconded by Councilperson Fisher to accept Abstract #012-2021 and pay bills in the amount of \$52,952.95 vouchers 235 to 262 General Fund; \$58,473.35 vouchers 159 to 186 Highway Fund; \$5,223.28 vouchers 45 to 47 Water District 2; \$5,769.80 vouchers 28 to 31 Water District 1. Approved by Roll Call Vote:

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

Transfers

MOTION by Councilperson Fisher, seconded by Councilperson LaGrou to make the transfers as written:

- \$136.72 from A1990.4 to A8664.42
- \$3.47 from A8810.4 to A8810.11
- \$2,421.76 from A1990.4 to A9060.8
- \$10,998.30 from DA5110.4 to DA9060.8

Approved by roll call vote:

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

Town Clerk's Report

November 2021 -- MOTION by Councilperson Veazey, seconded by Councilperson Fisher 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

October 2021 Transfers -- MOTION by Councilperson LaGrou, 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

CEO/ZEO Report

November 2021 -- MOTION by Councilperson Veazey, seconded by Councilperson Fisher 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 Update

Auditors are finalizing report.

Website – should be done by the end of the year.

Executive Session

MOTION by Councilperson LaGrou, seconded by Councilperson Fisher to go into executive session at 7:47 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 LaGrou, seconded by Councilperson Klotzbach 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

MOTION by Councilperson Veazey, seconded by Councilperson Fisher to adjourn meeting at 8:46 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