

**Town of Alabama Public hearing  
May 10, 2021**

MOTION by Councilperson LaGrou, seconded by Councilperson Klotzbach to open the public hearing for the Cable Franchise Agreement at 6:47 p.m. Approved by roll call vote:

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

Present in person: Supv. Crossen, Councilperson LaGrou, Supt. Covell, Mark Masse.

Present via zoom: Councilpersons Veazey & Klotzbach.

Clerk Borkholder read the legal notice that was published in the May 4, 2021 Daily News:

**Legal Notice of Public Hearing**

Please take notice that the Town Board of the Town of Alabama will hold a public hearing at 6:45 p.m., Monday, May 10, 2021 at the Town Hall, 2218 Judge Road, Oakfield, NY 14125, in the Town of Alabama, for the purpose of reviewing the proposed franchise agreement from Spectrum Northeast, LLC, an indirect subsidiary of CHARTER COMMUNICATIONS, INC., for the renewal of their cable television franchise agreement. A complete and written copy of the franchise agreement, as submitted by Charter Communications, is on file and available for public inspection during normal business hours at the Office of the Town Clerk.

Town Of Alabama, Rebecca Borkholder, Town Clerk

Supv. Crossen opened the floor for comment:

Dave Bencic emailed the following comments which were read by Supv. Crossen:

1. I read the agreement online. Thanks for making it available.
2. This appears to be non-exclusive, which I would think means that any other cable company could come in the town as long as they "sign up" and have another agreement with the town. This appears to be a good change from the previous agreement.
3. As per the proposed agreement, the cable company must pay the town a 5% "fee" to continue to operate in the town. This "fee" can be added to residents cable bills as an added cost. Therefore, in my opinion, this is NOT a franchise agreement but just a hidden town tax on residents who have cable service. I realize that the consumer must pay for everything indirectly, but this is a direct town tax on cable service, and no other cable company can come in unless they collect the "tax" and give it to the town. This does not seem right.

I have the following questions. You may not answer it as part of the public hearing, but I would appreciate an answer sometime.

1. Is my spectrum internet service considered "cable" and subject to this agreement? If so, that is about \$30 a year more I have to pay the town.
2. Will the internet service be subject to the 5% "fee" to the town?

Councilperson Fisher arrived at 6:55 p.m.

After no further comments, MOTION by Councilperson Klotzbach, seconded by Councilperson LaGrou to close the public hearing at 6:58 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

## **Town Board Meeting May 10, 2021**

Supv. Crossen called the monthly meeting of the Alabama Town Board to order at 7:00 p.m. Roll Call was taken, Councilperson Fisher, LaGrou, Klotzbach and Supv. Crossen were present with Councilpersons Veazey and Klotzbach present via zoom. Also present were Supt. Covell, Mark Masse and Wendy Kingsland. Also present via zoom were Scott Harkness, Attorney Boylan, Mike Morris and Jeremy DeLyser.

### **Privilege of the Floor**

Wendy Kingsland, EDPR – a survey for water wells will be going out to residents within 1,000 feet of proposed solar panels. The bird study continues, the cultural and archeological studies have begun.

### **Highway** – Supt. Covell gave an update:

Continue working on Knowlesville removing trees and ditching.

Ben is working on the cemeteries, getting them cleaned up.

Street Lights – Supt. Covell recommends adding three street lights at the following intersections at a cost of \$9,215.00:

McAlpine at Alleghany Road

Gorton Road at Ledge Road

Gorton Road at Judge Road

MOTION by Councilperson Fisher, seconded by Councilperson Klotzbach to install LED street lights at the intersections of McAlpine at Alleghany Road; Gorton Road at Ledge Road and Gorton Road at Judge Road at a cost of \$9,215.00. Approved by roll call vote:

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

### **Highway Budget Amendment:**

MOTION by Councilperson LaGrou, seconded by Councilperson Veazey to add \$85,268.72 to DA5112.4, expense line and DA3501, revenue line for additional CHIPS monies to be expended and received this year.

Approved by roll call vote:

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

### **STAMP** – Mark Masse gave an update:

Plug Power will be submitting their site plan on May 26<sup>th</sup>.

Working on Speedy's Permit and Fish & Wildlife Permit.

The sewer line through the refuge will begin July 15<sup>th</sup>.

### **Water/Sewer Works Committee Member**

MOTION by Councilperson Fisher, seconded by councilperson LaGrou to appoint Supv. Crossen to the EDC Water/Sewer Works Committees until Dec. 31, 2021. Approved by roll call vote:

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

### **Water District 2** --- Jeremy DeLyser gave an update:

Ph. 3A – Morsch waiting for parts for the auto-flushing units.

Ph. 3B – Sergi started on Gorton road, on track to finish by end of June.

Gen. Co. Emergency Services has yet to review the IMA for the water meter on their antenna.

Pembroke line – finished crossing the creek, approximately \$60,000 over budget due to rock.

Alleghany Road – grey water surfacing on property, Morsch doesn't believe they are responsible. Supv. Crossen and Supt. Covell have looked at it and will keep an eye on it, if need be they can fix it. Shouldn't be too expensive to fix.

**COVID-19** – continue to abide by the Governors directives. A resident asked the Town Clerk how long we will be required to sign-in and how long we are required to keep the sheets. Supv. Crossen said the sign-in sheets for contact tracing only need to kept for two weeks.

**Court** – nothing new.

**Town Hall** – nothing new.

**Executive Session**

MOTION by Councilperson Fisher, seconded by Councilperson Veazey to go into executive session at 7:36 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 Mark Masse and Attorney Boylan. 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 Fisher to come out of executive session at 8:11 p.m. and reconvene the regular meeting. Approved by roll call vote:

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

**Solar Reimbursement Agreement** – nothing new.

**Union Contract**

MOTION by Councilperson Fisher, seconded by Councilperson LaGrou to approve the 2% pay raise for Union Employees retro active to January 1, 2021. Approved by roll call vote:

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

**Charter/Spectrum Franchise Agreement**

Councilperson LaGrou offered the following **RESOLUTION:**

**WHEREAS**, Franchisees' technical ability, financial condition and character were considered in a full public proceeding of the Town Board (hereinafter Board) affording due process and culminating in a public hearing on May 10, 2021, and

**WHEREAS**, following a full public proceeding affording due process, the plans of the Franchisee for constructing, maintaining and operating the Cable Television System have been considered by the Board and found adequate and feasible, and

**WHEREAS**, this Franchise is subject to and complies with all applicable Federal and State Law and Regulations, including without limitation, the rules of the New York State Public Service Commission concerning Franchise standards, and

**WHEREAS**, the franchisee desires to obtain a non-exclusive franchise with the Town for a term of **ten (10)** years, and

**NOW THEREFORE, BE IT RESOLVED THAT** the Board hereby grants to the Franchisee, its successors and assigns, a Franchise to construct own, operate and maintain a Cable Television System pursuant to the terms and conditions set forth herein.

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

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

**Water District 2 Municipal Solutions Amendment**

MOTION by Councilperson LaGrou, seconded by Councilperson Veazey to approve the amendment to the original contract for fiscal services with Muncipal Solutions, for Water District 2, phase 3, dated April 12, 2017. The total revised fee will be \$76,000 at a rate of \$148. Supv. Crossen is hereby authorized to sign the amendment. Approved by roll call vote:

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

**Approval of Minutes**

4/12/2021 Board Meeting – MOTION by Councilperson Fisher, seconded by Councilperson LaGrou 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**

5/2/2021 -- 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

**Audit Bills**

MOTION by Councilperson LaGrou, seconded by Councilperson Fisher to accept Abstract #005-2021 and pay bills in the amount of \$17,190.30 vouchers 98 to 112 General Fund; \$6,220.20 vouchers 58 to 69 Highway Fund; \$199,905.82 vouchers 16 to 20 Water District 2; \$1,555.18 vouchers 12 and 13 Water District 1. Approved by Roll Call Vote:

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

**Town Clerk's Report**

April 2021 -- MOTION by Councilperson Veazey, seconded by Councilperson LaGrou 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**

March 2021 Transfers -- MOTION by Councilperson Klotzbach, seconded by Councilperson LaGrou 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**

April 2021 -- MOTION by Councilperson Fisher, seconded by Councilperson LaGrou 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

**2021 Budget** nothing new.

Planning Board – met last month with Attorney Boylan, Supv. Crossen and Drew Reilly, went over the site plan approval process for STAMP/Plug Power.

**Audit**

Advertised RFP for Fixed Asset Appraisal as required for audit. Received one (1) bid from Industrial Appraisal Co. at a cost of \$3,500.00.

MOTION by Councilperson LaGrou, seconded by Councilperson Veazey to accept the bid from Industrial Appraisal Co. at \$3,500.00 for the Fixed Asset Appraisal with the understanding that there may be an addendum for other items that may be required. Approved by roll call vote:

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

**Website**

Supv. Crossen and Councilperson Klotzbach met and went over change they want to see on the website. Councilperson Klotzbach will be meeting with Beth Kemp to start the process.

MOTION by Councilperson LaGrou, seconded by Councilperson Klotzbach to adjourn meeting at 8:48 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