

Town Board Meeting **July 11, 2022**

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, Veazey and Supv. Crossen were present. Absent: Councilperson Klotzbach. Also present were Supt. Covel, Attorney Boylan, Wendy Kingsland and Mark Masse.

Privilege of the Floor

Wendy Kingsland – the bird surveys are ending this week.

Highway – Supv. Covel gave update:

Culvert replaced on Ham Road and Maple Rd.

Halfway through second round of mowing.

Milled & filled Gorton & Knowlesville Roads

Grader paved Ham Road

Worked with Pembroke, shared services

Assisted the County with Judge Rd. mill & fill

Working with Genesee County to secure an “old” lattice tower that is being decommissioned.

May be able to use it in place of replacing a utility pole for WD2.

Working with EDC, Morsch and the DOT to get Travis Warner issue corrected.

Truck Change Order

Fleet Maintenance contacted Supt. Covel regarding the Freightliner M2106 truck that was ordered in April. Due to rising costs, there will be an additional \$3,8000.00 surcharge to the cost of the truck. Disc. held.

MOTION by Councilperson LaGrou, seconded by Councilperson Fisher to accept the change order in the amount of \$3,800.00 and allow Supv. Crossen to sign it. Approved by roll call vote:

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

Local Law No. 2 of the year 2022 Seasonal Parking on Town Roads

PROHIBITING PARKING ON ALL ROADS WITHIN THE TOWN OF ALABAMA FROM NOVEMBER 1st THROUGH APRIL 30th. BETWEEN THE HOURS OF 4 PM AND 8 AM

WHEREAS, it has come to the attention of the Town Board of the Town of Alabama that due to the numerous cars parking on roadways within the Town during the winter months it has created an issue for the Town Highway Department in its efforts to clear the roads of snow and ice as well safety issues for persons traveling along the roads.

WHEREAS, the Town Board wishes to address this issue by prohibiting parking on all roads within the Town of Alabama from November 1th through April 30th between the hours of 4 PM and 8 AM.

NOW THEREFORE BE IT ENACTED BY THE TOWN OF ALABAMA, as follows;

That parking be prohibited on all roads within the Town of Alabama from November 1st through April 30th between the hours of 4 PM and 8 AM pursuant to New York State Vehicle and Traffic Law Section 1660 (7).

That the Town's Highway Superintendent be directed to post the appropriate signage along all roads within the Town of Alabama.

This local law shall take effect immediately.

RESOLUTION ADOPTING LOCAL LAW No. 2 OF 2022

WHEREAS, proposed Local Law No. 2 of 2022 of the Town of Alabama entitled "SEASONAL PARKING RESTRICTIONS" in its final form was presented to the Town Board at the meeting held on June 13, 2022, and a copy thereof was kept with the Town Clerk and copies both laid upon the desks of the members of said Town Board Members and mailed to each member of the Town Board Members not in attendance at said meeting; and

WHEREAS, a public hearing on the advisability of enacting said proposed Local Law was held on June 13, 2022, before this Town Board, pursuant to public notice duly published in The Daily News on June 8, 2022 according to law, at which time all interested persons were heard; and

WHEREAS, pursuant to part 617.4 (b)(2) of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Town Board of said Town that adoption of said proposed Local Law is a Type I in that the Town is undertaking an amendment to its Local Laws and would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA, and

WHEREAS, the Town Board of the Town of Alabama, New York is of the opinion that adoption of said proposed Local Law No. 2 of 2022 is in the best interest of the Town of Alabama, New York, and

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Alabama, New York that said proposed Local Law No. 2 of 2022 be and the same hereby is adopted; and

BE IT FURTHER RESOLVED, that a certified copy of said Local Law No. 2 of 2022 be filed with the New York State Secretary of State in accordance with Law.

A motion was made by Councilperson Fisher, seconded by Councilperson Veazey, to approve the above resolution and adopt Local Law #3-2022. Approved by roll call vote:

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

Local Law No. 3 of the year 2022 Tax Cap Override

A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Alabama to adopt a budget for the fiscal year commencing 2023 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Alabama, County of Genesee, is hereby authorized to adopt a budget for the fiscal year commencing 2023 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF ALABAMA OF LOCAL LAW NO. 3-2022

WHEREAS, a resolution was duly adopted by the TOWN BOARD of the TOWN of ALABAMA for a public hearing to be held by said Governing Body on June 13, 2022 at 7:00 p.m. at the Town Hall, 2218 Judge Road Oakfield, NY 14125 to hear all interested parties on a proposed Local Law Authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law §3-c, and

WHEREAS, notice of said public hearing was duly advertised in The Daily News, the official newspaper of said Town, on June 8, 2022, and

WHEREAS, said public hearing was duly held on June 13, 2022 at 7:00 pm at the Town Hall, 2218 Judge Road, Oakfield, NY 14125 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof, and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the TOWN BOARD who declares itself Lead Agency that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA, and

WHEREAS, the TOWN BOARD of the TOWN of ALABAMA, after due deliberation, finds it in the best interest of said TOWN to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the TOWN BOARD of the TOWN of ALABAMA hereby adopts said Local Law No. 3-2022 entitled A Local Law Authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law §3-c , a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the TOWN of ALABAMA, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

A motion was made by Councilperson Fisher, seconded by Councilperson Veazey, to approve the above resolution and adopt Local Law #3-2022. Approved by roll call vote:

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

Mercy Flight Amendment to Contract

The current contract with Mercy Flight has expired, they sent over the following amendment:

AMENDMENT TO SERVICE AGREEMENT

This Amendment to Service Agreement, effective as of July 1, 2019 by and between [REDACTED], a municipal corporation having its principal office at [REDACTED], (hereinafter collectively referred to as "Municipality") and MERCY FLIGHT, INC. d/b/a Mercy Flight EMS, a corporation with principal office at 100 Amherst Villa Rd., Buffalo, NY 14225 (hereinafter referred to as "Ambulance Service").

Background

Mercy and Municipality entered into a Service Agreement, dated July 1, 2014 (the "Agreement"). The Agreement provided for a term of five years and may be renewed for up to two five-year renewal periods upon the written agreement of all parties.

NOW THEREFORE, the parties agree as follows:

1. Section 6.01 is amended by deleting it in its entirety and replacing it with the following:

"This Agreement shall be for a term of five (5) years commencing at 12:00:01 A.M. on July 1, 2019 and terminating at 12:00:00 A.M. on June 30, 2024, unless terminated earlier as otherwise provided herein. This Agreement may be renewed for up to one five-year renewal period upon the written agreement of all parties. Notwithstanding the foregoing, however, either party may, for any reason, terminate this Agreement on six months written notice. Upon mutual written consent, this agreement may be modified at any time to include service to any additional municipalities within Genesee County.

2. Section 6.02 (B) is amended as follows:

(B) The rates that Ambulance Service may charge during the term of this Agreement for all services rendered under this Agreement to any patient are set forth in Schedule A attached hereto and made a part hereof. Ambulance Service will inform the Municipality of any additional charges or rate adjustments and shall revise Schedule A to reflect same.

3. Schedule A is amended by deleting:

"Rates as outlined above would increase by 5% annually in July of each year beginning July of 2015. Any increase above 5% would be subject to approval of the municipality." and replacing it with the following:

"Rates as outlined above are subject to change at the discretion of Ambulance Service to the extent necessary to meet business needs."

4. Except as expressly set forth herein, all terms and provisions of the Agreement are hereby ratified and confirmed and remain in full force and effect. This Amendment may be executed in any number of counterparts, all of which taken together will constitute one and the same agreement.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed, by their duly authorized representatives, as of the Amendment Date.

**Mercy Flight, Inc.
d/b/a Mercy Flight EMS**

Municipality:_____

MOTION by Councilperson LaGrou, seconded by Supv. Crossen to accept the Amendment to the Service Contract with Mercy Flight and have Supv. Crossen sign it. Approved by roll call vote:
C. Fisher – yes C. LaGrou – yes C. Klotzbach – absent C. Veazey – yes Supv. Crossen – yes

Mercy Flight also sent information regarding a rate increase for their services.

Genesee County Fire/EMS Report

Supv. Crossen has reviewed the video report, Gary Patnode will be attending to discuss the report.

Appointment – Dog Enumerator

MOTION By Councilperson LaGrou, seconded by Supv. Crossen to appoint Rebecca Borkholder as the dog enumerator for 2022. Approved by roll call vote:

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

Court

Judge Thurber has informed the Board that she will be resigning. Her house is for sale, once she has a closing date she will submit a formal resignation letter. Supv. Crossen asked the Court Committee to look into downsizing to one justice. Disc. held.

STAMP – Mark Masse gave update:

Water line/holding tank installed for Plug Power

Lay down area to be constructed

Working on getting permits from DEC

There is a company looking at the site, approx.. 50 acres, 125 employees. They have narrowed it down to the STAMP site and a site in Ohio.

Attorney Boylan submitted an update for Plug Power

JUNE 2022 PLUG POWER CONSTRUCTION UPDATE

The Town's engineer, Wendel completed 7 site visits in May and made the following observations;

- SWPPP inspections by the Plug Power engineer of record are taking place bi-weekly and the mailbox is in place that contains inspection reports.
- Fabrication of the interior stainless steel sphere is continuing by CB&I.
- Cerrone the site contractor is starting stormwater work, including Storm sewer installation along the north access road, shaping detention ponds, importing and placement of granular fill at the liquefaction building pad and installing lower stone and drains at bioretention.

- Sanitary sewer wetwell is installation is continuing along Crosby Rd on the opposite side of the project site.
- Waterline installation near Crosby Rd and Stamp Drive (by others) is underway.
- Drilling of creek for waterline installation on Crosby (by others) is underway.

Water District 2 – nothing new

Solar – Wendy Kingsland gave a brief update:

Bird studies are done for now. Will wait for results.

Supv. Crossen asked if there is an estimated date for submitting an application to the Town. She said next year.

Genesee County Fire/EMS Report – Gary Patnode arrived to give a brief update:

The report is available, it was released last week to GAM.

Possible consolidation of the two stations in Town. Disc. held.

Executive Session

MOTION by Councilperson Veazey, seconded by Councilperson Fisher to go into executive session at 7:34 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. Approved by roll call vote:

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

MOTION by Councilperson LaGrou, seconded by Councilperson Fisher to come out of executive session at 8:05 p.m. Approved by roll call vote:

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

Union Healthcare Participation Agreements

The Town signed the Union Contract, the Union is looking for the healthcare participation agreements. Disc. held. No action taken.

Town Hall – nothing new

Approval of Minutes

6/13/22 Public Hearings and Board Meeting – MOTION by Councilperson LaGrou, seconded by Supv. Crossen to accept minutes as presented. Approved by roll call vote:

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

Supervisors Report

7/5/22 -- 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 – absent C. Veazey – yes Supv. Crossen – yes

Audit Bills

MOTION by Councilperson LaGrou, seconded by Supv. Crossen to accept Abstract #007-2022 and pay bills in the amount of \$29,043.82 vouchers 156 to 757 General Fund; \$16,911.20 vouchers 90 to 101 Highway Fund; \$508.44 vouchers 3 to 4 Water District 1. Approved by Roll Call Vote:

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

Williamson Law Books Contract

MOTION by Councilperson Fisher, seconded by Councilperson LaGrou to accept the contract from Williamson Law Books for the accounting software and have Supv. Crossen sign it. Approved by roll call vote:

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

Town Clerk's Report

June 2022 -- 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 – absent C. Veazey – yes Supv. Crossen – yes

Assessor's Report

May 2022 Transfers -- MOTION by Councilperson Fisher, seconded by Supv. Crossen to accept report as written. Approved by Roll Call Vote:

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

CEO/ZEO Report

June 2022 -- MOTION by Councilperson LaGrou, seconded by Councilperson Fisher to accept report as written. Approved by Roll Call Vote:

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

Reassessment

Supv. Crossen talked with the Assessor about the length of time in between town wide assessments. She will go to three years for the next re-assessment. She is required to fill out paperwork to send to the State for when she plans to re-assess. Disc. held.

MOTION by Councilperson LaGrou, seconded by Councilperson Veazey to adjourn meeting at 8:19 p.m. Approved by roll call vote:

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

Respectfully Submitted,

Rebecca L. Borkholder
Town Clerk