

Town Board Public Hearing & Meeting

August 8, 2022

MOTION by Councilperson LaGrou, seconded by Councilperson Fisher 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 August 2, 2022 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, August 8, 2022 at the Town Hall, 2218 Judge Road, Town of Alabama, Genesee County, NY to consider the Petition of John Grainy for Request to change the zoning of the parcel from Industrial to Agricultural/Residential for property identified as Tax Map 15.-1-37, located on Wight, 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 of Alabama, Town Board, Robert Crossen, Supv.

Supv. Crossen opened the floor for public comment – there were none.

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. Covel, Wendy Kingsland, Dave Bencic and John Grainy.

Privilege of the Floor – none

Highway -- Supt. Covel gave update:

Finished grader paving, ready for oil and stone this week

Received millings from Pembroke School project

3 burials this month in Alabama Cemetery

Tower for Water Dist. 2 Equipment

Received the all clear from all sources to receive the tower from Genesee County. Disc. Held.

MOTION by Councilperson Veazey, seconded by Councilperson Fisher to allow Supt. Covel and Supv. Crossen to pursue receiving the tower from Genesee County. Approved by roll call vote:

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

Soil from STAMP Substation Site

MOTION by Councilperson LaGrou, seconded by Councilperson Klotzbach to allow Supt. Covel to accept soil from the STAMP power substation site. Approved by roll call vote:

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

Supv. Crossen asked again if there were any comments for the public hearing. There were none.

MOTION by Councilperson LaGrou, seconded by Councilperson Veazey to close the public hearing at 7:19 p.m. Approved by roll call vote:

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

Local Law 4-2022

TOWN OF ALABAMA ZONING AMENDMENT OF 2022

Be it enacted by the Town Board of the Town of Alabama as follows:

Section 1.

The Town of Alabama Zoning Local Law be and hereby is amended by this Local Law as follows: The following property situate at Wight Road, (TMP 15.-1-37) is hereby zoned and designated Agricultural/Residential District under the Town of Alabama Zoning Local Law adopted August 8, 2022, subject to all regulations created and established relative to said District:

Section 2. Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Alabama hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 3. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

RESOLUTION ADOPTING LOCAL LAW No. 4 OF 2022

WHEREAS, proposed Local Law No. 4 of 2022 of the Town of Alabama entitled “AMENDING THE TOWN OF ALABAMA ZONING LAW 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 August 8, 2022, before this Town Board, pursuant to public notice duly published in The Daily News on August 2, 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 2 in that the Town is undertaking an amendment to its Zoning Local Law 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. 4 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. 4 of 2022 be and the same hereby is adopted; and

BE IT FURTHER RESOLVED, that a certified copy of said Local Law No. 4 of 2022 be filed with the New York State Secretary of State in accordance with Law.

Councilperson LaGrou offered the resolution, which was seconded by Supv. Crossen and approved by roll call vote:

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

Appointment – Alternate to Planning Board

MOTION by Councilperson LaGrou, seconded by Councilperson Klotzbach to appoint Joshua Mullen as Alternate to the Planning Board. Approved by roll call vote:

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

PLUG POWER CONSTRUCTION UPDATE – July 2022

The Town's engineer, Wendel completed 5 site visits in July 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 continuing stormwater work in the following areas:
 - Bioretention area
 - Excavation of the south ditch.
 - Storm sewer along North access road.
 - Import and placement of granular fill at liquefaction building pad.
 - Fine grading of pads.
- Installation of chainlink fence is underway along the North, West and South property lines.
- A full time security guard is now onsite due to recent trespassing issues.

Supv. Crossen informed the Board that there will be a site inspection Aug. 24th with the Town of Batavia.

Water District #2

Supv. Crossen and Supt. Covel met with the Town of Batavia to discuss the water system. Some vaults weren't installed to specs. Disc. Held. Will contact the contractors to fix where it is still under warranty.

Had discussion with them about doing O&M on Water District #1 as well. Disc. Held.

Executive Session

MOTION by Councilperson LaGrou, seconded by Councilperson Fisher to go into executive session at 7:35 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 Supt. Covel. 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 Supv. Crossen to come out of executive session at 8:00 p.m. Approved by roll call vote:

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

Court

The Court Committee (Pam & Jill) met with the Justices. Judge Thurber will be handing in her resignation in a few weeks. A new appointment won't be able to start until January. They will have to wait until December for the mandatory training.

Disc. On moving forward with looking into merging with another Town Court. The court committee will continue to look into it.

Town Hall – nothing new.

Solar – nothing new

Union Healthcare Participation Agreements

MOTION by Councilperson Fisher, seconded by Supv. Crossen to allow Supv. Crossen to sign the NYS Teamsters Council Health and Hospital Fund Participation Agreement for MEO's and Highway Supt. For 2021, 2022 and 2023. Approved by roll call vote:

C. Fisher – yes C. LaGrou – no C. Klotzbach – yes C. Veazey – yes Supv. Crossen – yes

Approval of Minutes

7/11/22 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 – yes C. Veazey – yes Supv. Crossen – yes

Supervisors Report

7/31/22 -- MOTION by Councilperson Fisher, 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 Fisher, seconded by Councilperson Veazey to accept Abstract #008-2022 and pay bills in the amount of \$36,736.53 vouchers 178 to 197 General Fund; \$226,647.05 vouchers 102 to 110 Highway Fund; \$1.80 voucher 13 Water District 2; \$1,378.53 vouchers 15 to 17 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

July 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 – yes C. Veazey – yes Supv. Crossen – yes

Assessor's Report

June 2022 Transfers -- MOTION by Councilperson Veazey, seconded by Supv. Crossen 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

July 2022 -- 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

Personnel Matter

MOTION By Councilperson LaGrou, seconded by Councilperson Veazey to allow Supv. Crossen to sign documents related to the personnel matter with the advice of Town Counsel. 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 Veazey to adjourn meeting at 8:28 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