

## Town Board Meeting October 13, 2025

Supv. Crossen called the monthly meeting of the Alabama Town Board to order at 7:00 p.m. Roll Call was taken, Councilperson Fisher, Klotzbach, LaGrou and Supv. Crossen were present. Also present were Supt. Covel, Dave Bencic, Drew Klotzbach, Terry Thompson, Ryan Thompson, Mary Jo Hinkson, Kathryn Weaver and Alison Thompson.

### **Privilege of the Floor**

Dave Bencic – There are two board vacancies and only two people on the November ballot. Why aren't they attending the meetings?

### **Highway** – Supt. Covel gave update:

Shared Services with Pavilion, Oakfield and Genesee Co.

Received millings from Keeler, used them on Crosby to widen the shoulders from Judge Rd. to Edwards.

Finished pipes on Kenyon and Meadville.

Waterway (ditch) mowed from Lewiston Rd. to Route 63 by the Cemetery.

Milled and paved the large area at the Highway Building near the fuel tanks.

Paved/topoff all pipe cuts and oil/stoned for winter.

Finished repairs to #107 and addressing air tank leaks on #102.

Installing hopper and tanks to new painted stand.

Put the 2019 Chevy back on Auctions International. Accepted a bid of \$22,700. Disc. held.

Ledge Road Damage – billed the farm, haven't received payment. NY Highway Law Section 320 stated that the Town can charge them for up to 3 times the cost. Disc. held. Supt. Covel to follow up on the invoice that was sent.

Purchased a zero turn from Alexander Equipment on State Bid.

Halfway through second round of mowing cycle.

### **NYSDOT Snow and Ice Supplemental Agreement No. 3 and Adjustment/Calculation 2025/26 Snow & Ice Season**

Councilperson LaGrou offered the following resolution

WHEREAS, the Town of Alabama is under contract with the New York State Department of Transportation to provide snow and ice control on specified State roads within the Town and,

WHEREAS, the base agreement, a five-year contract (No. D014801) commencing July 1, 2019 and ending June 30, 2024, was approved at the March 9, 2020 Town Board Meeting and,

WHEREAS, the Agreement to Extend the contract for a second term, commencing July 1, 2024 and ending June 30, 2029, was approved at the November 11, 2024 Town Board Meeting and,

WHEREAS, the present New York State DOT Snow and Ice Agreement needs to be adjusted based on new calculations and,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes Supervisor Crossen to execute the NYSDOT Supplemental Agreement No. 3 and the Municipal Snow & Ice Program

Agreement Adjustment/Calculation Worksheet for Index Lump Sum Agreements for the 2025/26 Snow & Ice Season.

The resolution was seconded by Councilperson Fisher and approved by roll call vote:  
C. Fisher – yes C. Klotzbach – yes C. LaGrou – yes Supv. Crossen – yes

**STAMP** – Supv. Crossen gave update:

Hammerhead paved this week.  
Edwards water and sewer have been hooked up.  
AFD needs to do radio check from inside Edwards.  
C-of-O possibly by the first of the year.

**Plug Power** – nothing new.

**Stream Data Center** – in pre-application phase. Supv. Crossen sent over a reimbursement agreement.

**STAMP Sewer Works** – Design sent to Town Board for their review. Supv. Crossen is waiting on the County's review.

**Water District #1** -- Town of Batavia called Supv. Crossen asking if it is possible to merge Districts 1 & 2. Disc. held. Supv. Crossen looking into it.

**Solar Fee Schedule** Town of Batavia is more in line for us. Disc. on language. Supv. Crossen would like to add to the fee schedules. Supv. Crossen would like one fee schedule for everything. Disc. held.

**Solar** -- Supv. Crossen would like to re-visit the Community Solar and Tier 3 Project.  
No meeting with the Towns this past month.  
Gen. Co. hired a new Attorney and Consultant for Solar.

**Battery Storage Moratorium** – Received direction from the State. Will get Wendel working on it.

**Town Hall** – nothing new.

**Historian/Bicentennial** – Report received, Supv. Crossen would like to see a list of dates/events being planned.

Dawn would like to apply for a couple of grants and would like authorization. \$5,000.00 to \$7,500.00 for murals and \$2,300.00 for Storybridge. Disc. held. The Board would like the grant info.

MOTION by Councilperson LaGrou, seconded by Councilperson Klotzbach to allow the Town Supv. and Attorney to review and approve the Historian to move forward with the grant applications. Approved by roll call vote:

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

**Cemetery Sign Grant** – going to SHIPO for approval.

**2026 Budget Review**

**AFD 2026 Budget**

The Fire Dept. is requesting \$110,153.00 for 2026. Terry Thompson says the Dept. has three members taking interior firefighting. Disc. on budget and the Bureau of Indian Affairs.

MOTION by Councilperson Fisher, seconded by Councilperson Klotzbach to accept the amount of \$110,153.00 for the Alabama Fire Dept. 2026 budget. Approved by roll call vote:  
C. Fisher – yes C. Klotzbach – yes C. LaGrou – yes Supv. Crossen – yes

### **Town Budget**

Disc. on Highway unexpended fund balance -- \$240,000.00 of it is in the Capital Reserve Fund.

Supv. Crossen figured out the tentative tax rate of \$2.36

Board members reviewed the tentative budget.

Adding \$10,000 revenue and expense lines for Historian Grant Funds.

Corrections made on highway budget lines.

Supv. Crossen provided a tentative 2026 salary schedule to Board Members.

### **2026 Town of Alabama Budget Public Hearing**

Councilperson Klotzbach offered the resolution:

**RESOLVED**, that the Town Board accept the 2026 Tentative Budget, with changes, and also **RESOLVED**, that the Town Board will hold a public hearing on the 2026 Town of Alabama Budget on the 10th Day of November, 2025 at 7:00 p.m. at the Alabama Town Hall, 2218 Judge Road, Town of Alabama, Genesee County, NY with salaries for Elected Officials to be Supervisor \$19,000.00; Town Clerk \$42,400.00; Town Board \$13,600.00 (4); Town Justices \$20,790.00 (2); Highway Superintendent \$83,110.00.

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

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

### **2026 Alabama Fire Dept. Budget Public Hearing**

Councilperson Fisher offered the resolution:

**RESOLVED**, that the Town Board will hold a Public Hearing on the 2025 Alabama Fire Department contract in the amount of \$110,153.00 for the contract year beginning January 1, 2026 on the 10<sup>th</sup> day of November 2025 at 7:00 PM at the Alabama Town Hall, 2218 Judge Road, Town of Alabama, Genesee County, NY.

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

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

Proposed 2026 Salary Schedule was reviewed, the Bingo Inspector pay should be \$210.

### **2024 Audits of the Bookkeeper, Town Clerk and Tax Collector for 2024.**

MOTION by Supv. Crossen, seconded by Councilperson LaGrou to accept the audits of the Bookkeeper, Town Clerk and Tax Collector for 2024 as complete. Approved by roll call vote:

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

### **Article 78 Hearing**

The Seneca Nation has not moved to withdraw the lawsuit. Looks like they are still moving forward.

Supv. Crossen read a list of the people included in the Lawsuit

Tonawanda Seneca Nation

Sierra Club

Kate Bartholomew  
Kenith Dale Jonathan  
Victoria Rothman  
Levi Winnie

Les Blomberg  
Kathleen Rivers  
Kirk Scirto  
Vance Wyder

As advised by the Town Attorney, he reminded the Board and Town Employees to not discuss STAMP or the Data Center with any of the people listed above.

**Large Scale Solar Resolution**

**RESOLUTION OPPOSING LARGE-SCALE SOLAR PROJECTS THAT OVERRIDE LOCAL LAND USE AUTHORITY AND IMPACT AGRICULTURAL LAND IN GENESEE COUNTY**

**WHEREAS**, current and planned large-scale solar energy projects are significantly altering land use patterns and the rural character of Genesee and surrounding Counties; and

**WHEREAS**, Genesee County, as New York State's fourth largest agricultural producer, has already experienced the conversion of a substantial portion of its farmland to industrial-scale solar energy infrastructure; and

**WHEREAS**, this accelerating trend results in the permanent loss of prime agricultural land, placing long-term food production capacity, rural economic stability, and environmental stewardship at increasing risk; and

**WHEREAS**, developers of large-scale solar projects frequently seek waivers from the State of New York in order to bypass County, City, Town, and Village comprehensive plans, zoning laws, and other locally enacted land use regulations, including those adopted in accordance with New York State Town Law and other applicable statutes, meaning such projects often cannot proceed without overriding or circumventing local legal authority; and

**WHEREAS**, these projects are consistently sited on highly productive farmland that has historically supported the local economy, food security, and the rural heritage of the region; and

**WHEREAS**, the conversion of such land to industrial energy production represents an irreversible loss of valuable agricultural resources; and

**WHEREAS**, the use of state level siting mechanisms to override or circumvent local laws and planning documents, including comprehensive and agricultural protection plans, effectively strips municipalities and residents of their right to self-determination in land use matters; and

**WHEREAS**, such actions undermine the authority of local governments and erode the principle of "home rule," threatening democratic participation and the ability of communities to plan for their own futures; and

**WHEREAS**, Article XIV, Section 4 of the New York State Constitution declares that it is a State policy to conserve, protect, and encourage agricultural lands, mandating the legislature create adequate protections for agricultural lands, and

**WHEREAS**, [Municipalities] have an interest in application of Article 25-AA of the New York State Agriculture and Markets Law, which states:

Declaration of legislative findings and intent . . . the declared policy of the state [is] to conserve, protect and encourage the development and improvement of its agricultural land for production of food and other agricultural products. It is also the declared policy of the state to conserve and protect agricultural lands as valued natural and ecological resources which provide needed open spaces for clean air sheds, as well as for aesthetic purposes. The constitution of the state of New York directs the legislature to provide for the protection of agricultural lands. It is the purpose of this article to provide a locally initiated mechanism for the protection and enhancement of New York State's agricultural land as a viable segment of the local and state economies and as an economic and environmental resource of major importance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Alabama Town Board formally opposes any and all large-scale solar projects that override or disregard local land use policies, zoning regulations, and comprehensive plans;

**BE IT FURTHER RESOLVED**, that this opposition is based on the projects' clear and irreversible harm to agricultural lands, their circumvention of local laws, and the broader threat they pose to the integrity and autonomy of municipal planning authority in Genesee County;

**BE IT FURTHER RESOLVED**, that the Town of Alabama Town Board supports legislative efforts to restrict the development of large scale solar projects on prime soils and soils of Statewide significance, and demands that the Farmland Protection Working Group created by the Renewable citing law be immediately convened to address the issue of the loss of a critical mass of farmland in Genesee County,

**BE IT FINALLY RESOLVED**, that the Town of Alabama joins with Genesee County in demanding that all current and future solar energy projects comply fully with all applicable local laws, zoning ordinances, and adopted land use plans; and further urges 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 right of local governments to control land use and development within their jurisdictions.

Councilperson Klotzbach offered the resolution which was seconded by Councilperson Fisher and approved by roll call vote:

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

### **Langworthy Energy Choice Act Resolution**

#### **A RESOLUTION IN SUPPORT OF CONGRESSMAN NICK LANGWORTHY'S ENERGY CHOICE ACT (H.R. 3699, S. 1945) AND IN OPPOSITION TO GOVERNMENT-MANDATED NATURAL GAS BANS**

WHEREAS, affordable and reliable energy is essential to the health, safety, and economic prosperity of New York families, businesses, and communities; and

WHEREAS, natural gas remains a dependable, cost-effective, and clean-burning energy source used by millions of New Yorkers to heat their homes, cook their food, and power their businesses; and

WHEREAS, in 2019, New York State enacted the **Climate Leadership and Community Protection Act (CLCPA)**, which mandates aggressive emissions reductions and serves as the foundation for sweeping energy restrictions, including efforts to phase out natural gas; and

WHEREAS, building on the CLCPA, Governor Kathy Hochul and the New York State Legislature in 2023 enacted provisions in the state budget banning natural gas and other fossil fuel hookups in most new residential and commercial buildings, effective 2026 for smaller buildings, and 2029 for larger buildings, thereby eliminating consumer choice and limiting access to affordable energy; and

WHEREAS, Governor Hochul has publicly supported these bans and related measures as part of her administration's climate and energy agenda, despite widespread concerns that such mandates will increase costs, strain grid reliability, and restrict energy diversity; and

WHEREAS, these top-down policies undermine affordability, threaten reliability during peak demand, and strip away the freedom of consumers and businesses to choose the energy sources that best meet their needs; and

WHEREAS, Congressman Nick Langworthy of New York and Senator Jim Justice of West Virginia introduced the **Energy Choice Act (H.R. 3699, S. 1945)**, federal legislation that ensures state and local governments cannot restrict consumer access to natural gas and other affordable energy sources, thereby protecting freedom of choice for New Yorkers and all Americans; and

WHEREAS, the Energy Choice Act would safeguard households, small businesses, hospitals, farmers, and manufacturers from harmful government overreach and preserve access to an “all-of-the-above” energy strategy that strengthens reliability and affordability;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Alabama Town Board strongly supports the Energy Choice Act as introduced by Congressman Langworthy (H.R. 3699) and Senator Justice (S. 1945) and stands firmly opposed to New York State's natural gas bans, the CLCPA-driven restrictions, and other state energy mandates that eliminate consumer choice; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Alabama urges Congress to pass the Energy Choice Act to defend consumer choice, protect energy affordability, and preserve reliable access to natural gas for New Yorkers; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Congressman Nick Langworthy, Senator Jim Justice, the New York Congressional delegation, Senators Chuck Schumer and Kirsten Gillibrand, Governor Kathy Hochul, and leadership of the New York State Legislature.

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

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

#### **Fiscal Monitoring**

Supv. Crossen gave a report from New York State regarding the Town's Fiscal Monitoring for their review. Disc. held.

#### **Approval of Minutes**

9/8/2025 Board Meeting – MOTION by Councilperson Klotzbach, seconded by Councilperson Fisher to accept minutes as presented. Approved by roll call vote:

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

### **Supervisors Report**

10/6/2025 -- MOTION by Councilperson LaGrou, seconded by Councilperson Klotzbach 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 Supv. Crossen, seconded by Councilperson Klotzbach to accept Abstract #010-2025 and pay bills in the amount of \$51,465.60 vouchers 201 to 215 General Fund; \$85,107.75 vouchers 155 to 176 Highway Fund; \$2,785.80 vouchers 24 to 27 Water District 1. Approved by Roll Call Vote:

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

### **Town Clerk's Report**

September 2025 -- MOTION by Supv. Crossen, seconded by Councilperson Klotzbach 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**

August and September 2025 -- MOTION by Councilperson Klotzbach, seconded by Councilperson Fisher to accept reports as written. Approved 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 8:42 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