

**Town of Elba
Regular Town Board Meeting
May 10, 2018**

Supervisor Hynes called the meeting to order at 7:00 p.m.

Those in attendance included:

Supervisor Hynes
Councilman Chamberlain
Councilman Coughlin
Councilwoman Marshall
Councilwoman Zambito

Others Present:

Town Clerk Werth
Superintendent of Highways Yungfleisch
Assessor Flansburg
Joanne Soules, Elba Betterment Committee

Minutes of April 12, 2018 Town Board Meeting:

MOTION Councilman Coughlin, second by Councilman Chamberlain to approve the minutes as written.

Ayes: Chamberlain, Coughlin, Hynes, Marshall, Zambito

MOTION Carried

RESOLUTION NO. 18-2018 DISPOSAL OF SURPLUS OFFICE EQUIPMENT

Councilman Coughlin offered the following:

RESOLVED, that the Elba Town Board approves of the disposal of the following office equipment that is no longer utilized by town employees due to it being non-operational or out-dated:

Assessor's Office

1972 Sony Matic Tape Recorder; SN: 93615
1983 Gemini-10X Dot Matrix Printer; SN: 3014188805
Keyboard Model VS-211; SN: 89122940
Netgear ProSafe VPN Firewall Model FVS318; SN FVS9151FB003569
1997 US Robotics Sportster Faxmodem; SN 21NF28H7CLTA
Panasonic Digital Telephone Message System Model KX-TM85-B
SN: KX-TM87-B 8FASA056750
2000 Hewlett Packard Deskjet 935C; SN MX0911D15F
2004 Dell Monitor; SN: CN-0Y1352-47609-4BN-FV9W
2006 Dell Optiplex GX620 Computer Tower; SN: 6QBQQ91

Court

2005 Hewlett Packard Laserjet 1160 Printer; SN CNB1D13843

Supervisor's Office

Brother Intellifax 885MC; SN U56584E7K145933

Town Clerk's Office

2009 Dell Optiplex 760 Computer Tower; SN: BBJFRJ1
Olympia Werke Ag Typewriter, Model SGE A62

Second by: Councilman Chamberlain

Ayes: Chamberlain, Coughlin, Hynes, Marshall, Zambito

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 19-2018 PROPOSED AGREEMENT WITH STAR GROWERS

Councilman Chamberlain offered the following:

AGREEMENT

AGREEMENT made as of the _____ day of May, 2018 by and between the Town of Elba, a municipal corporation organized and existing under the Town Law of the State of New York, with offices at 7 Maple Avenue, Elba, New York 14058 (hereinafter "Town") and Star Growers Land LLC, a domestic limited liability corporation with offices at 7500 Starowitz Road, Elba, New York 14058 (hereinafter "LLC").

WITNESSETH:

WHEREAS, the Town, pursuant to Town Law Article 12-A, has duly established Water District No. 2 (hereinafter "Water District"), and

WHEREAS, a new water storage tank is included as part of the Town Project and is necessary to provide proper water pressure for fire protection and for the Water District, and

WHEREAS, the Town and the Village of Elba (hereinafter "Village") have arrived at a mutual agreement with respect to the construction of a new water storage tank and demolition of the Village's existing tank, as part of the Water District Project, and

WHEREAS, in order to construct a new water storage tank, it is necessary for the Town to acquire a tract of land consisting of approximately 0.241 acres immediately north and adjacent to the Village real property on which the Village water storage tank is situate (hereinafter "Parcel 1"), and additionally it is necessary for the Town to acquire a strip of land 10 feet in width running along the west boundary of a strip of land 16 feet in width now owned by the Village, (hereinafter "Parcel 2"), and

WHEREAS, Parcel 1 and Parcel 2 are owned by the LLC, and

WHEREAS, the Town and the LLC have arrived at mutual understandings with respect to the Town acquiring title to Parcel 1 and Parcel 2 and wish to set forth in writing their mutual understandings as hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein, it is agreed as follows:

- (1) The LLC will convey the two parcels of land to the Town. Parcel 1 is a tract of land 75 feet by 140 feet consisting of approximately 0.241 acres, and Parcel 2 is a strip of land which is 10 feet

in width running 444 feet from the northerly border of the Michael C. Skye property to the tract of land now owned by the Village of Elba. The strip of land will run along the west boundary of a strip of land 16 feet in width now owned by the Village. Attached hereto as Exhibit A are legal descriptions of Parcel 1 and Parcel 2 together with a copy of survey by Welch & O'Donoghue, L.S. more particularly describing and setting forth the two parcels.

- (2) The Town will be responsible for payment of the following:
 - a) Any processing fee required by Farm Credit East for a Release Part of Mortgaged Premises.
 - b) Farm Credit East attorney fees for preparation of the Release.
 - c) LLC's attorney's fees related to the conveyance and obtaining the Release.
 - d) Genesee County Clerk's recording fees and filing fees.
 - e) Survey and abstract of title fees.
- (3) The Town will grant to the LLC a permanent easement for ingress and egress over the strip of land acquired from the LLC, over the strip of land being acquired from the Village of Elba, and the strip of land being acquired from Michael C. Skye. The easement shall be for agriculturally related purposes, not for residential or nonagricultural commercial/industrial purposes.
- (4) a. The Town will enter into a ground lease agreement with the LLC whereby the LLC may park equipment and vehicles on vacant portions of the water storage tank property so long as the equipment and vehicles do not interfere with the functioning of the water storage tank, mains, valves and water service appurtenances.

b. If the Town constructs the proposed 10" drainage line on the premises draining from the new tower south to Drake Street, the LLC has the right to connect to the Town's 10" drainage line for field tile drainage purposes only.
- (5) Closing of the acquisition of the two parcels from the LLC by the Town shall take place within fifteen days after issuance of the Release Part of Mortgage Premises by Farm Credit East and determination that the title to the real property is good and marketable in the opinion of the counsel to the Town.

IN WITNESS WHEREOF, the parties have signed this Agreement as of the day and year first written above.

TOWN OF ELBA

By: _____
Donna Hynes, Supervisor

STAR GROWERS LAND, LLC

By: _____

Second by: Supervisor Hynes

Ayes: Chamberlain, Coughlin, Hynes, Marshall, Zambito

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 20-2018 STANDARD WORK DAY AND REPORTING FOR ELECTED AND APPOINTED OFFICIALS

Councilwoman Zambito offered the following:

RESOLVED, that the Town of Elba hereby establishes a standard work day for employees that are enrolled in the NYS Local Retirement System based on their record of activities.

Second by: Councilman Coughlin

Ayes: Chamberlain, Coughlin, Hynes, Marshall, Zambito

APPROVED by unanimous vote (5-0)

ABSTRACT 5-2018

MOTION Councilman Coughlin, second Councilman Chamberlain to approve the following:

General Fund	85-112	\$11,394.21
Highway	48-57	\$ 3,477.41
Water District 2	6-8	\$45,759.60
	TOTAL	\$60,631.22

Ayes: Chamberlain, Coughlin, Hynes, Marshall, Zambito

MOTION CARRIED by unanimous vote (5-0)

COMMITTEE REPORTS

Building and Grounds

Superintendent of Highways Yungfleisch reported that an MEO accidentally pulled into one of the truck bays with the box still up on the truck. There is minimal damage that will need to be repaired before winter. He is currently getting an estimate.

Zoning Board

Councilman Chamberlain stated that the owners of 29 North Main Street attended the last meeting. They will be seeking a Special Use Permit for chickens.

ZBA is looking for more information on completing their training hours. Town Clerk Werth provided ZBA Member Lynn Bezon with a link to the Department of State that offers several webinars.

The Zoning Board and the Planning Board are waiting to see what other local towns are doing in regard to Solar Farms. Tax exempt and PILOT agreements were discussed.

Planning Board

Councilman Coughlin said the Planning Board had a land separation and a potential land separation at their last meeting. The Planning Board made a motion to ensure all land separations contain a proposed deed to match a proposed land separation survey in the future. Discussion ensued on the process that currently takes place. This will be tabled until next month.

Assessor Flansburg attended and explained to the Planning Board that there was a potential for tax

revenue from a commercial solar project if a PILOT program was negotiated through the EDC. Discussion followed. The Town Board would like the Planning and Zoning Boards to look into this further.

GAM

Councilwoman Zambito had no report and stated she would not be able to attend the June meeting. Councilwoman Marshall offered to go and will bring refreshments as it is Elba's turn to host.

Cemetery

No report.

Publicity

No report.

DEPARTMENT REPORTS

Highway

The highway employees have started summer hours, Monday – Thursday, 10 hour days. Graham and Snyder Roads will be closed for culvert replacements next week. Paving will follow for those two roads. Highway Superintendent Yungfleisch is looking for a used excavator that will help the town in multiple ways.

Assessor

The 2018 tentative roll is on the website. The State of New York has certified the 2017 Assessment Roll at 94%. To get back to 100% there will be an increase in 2019 of 10-12% for all home and land owners.

ZEO/CEO

Mr. Mikolajczyk's report was handed out and is also available in the Town Clerk's office. A copy continues to be kept in the back of the signature binder for the ZBA and Planning Board to reference.

Town Clerk

Town Clerk Werth reported that she took in \$1,009.00 and remitted \$958.00 to the Supervisor for local share and \$51.00 to NYS Ag. & Markets.

Supervisor

- We are currently in the middle of an audit by the State Comptroller's Office.
- Dave Schubel, Town Attorney has made a few changes to the Blue Sky contract. He is in contact with their attorney, and they hope to have it completed by next months meeting. The value of the property will increase with the addition of the tower. The property will still be in the Town's name, but the taxes will be paid by Blue Sky.
- Spoke with Steve Mountain regarding the Water Code. Will meet with him and others involved the week of May 14th to discuss further.
- The Skye property mortgage has been released – Dave Schubel will meet with the County to hand in documents and then set up a meeting with the Skye's attorney to set up closing.
- Water District 2
 - Phase 1 – All easements are complete, Dave Schubel will record these with the County. He will then deliver to Dawn Kuras (Rural Development) the Right of Way Certificate

form (RD 442-21), Opinion of Counsel form (RD 442-22), and the Certificate for the Title to project site. Once this is completed a release date for the first construction meeting will be issued. The contractor would like to start by the end of the month.

- Phase 2 – Discussions are taking place as to when Phase 2 will go out to bid.

OLD BUSINESS

Joanne Soules, Elba Betterment Committee

The Committee is looking for help with the Pig Roast this July. A sign-up sheet will be passed around. She asked if the town dumpsters could be used for trash – YES.

Ms. Soules stated the Memorial Day celebration is all set. They would like someone from the Town to say a few words.

Councilpersons/Miscellaneous

Councilman Chamberlain reminded everyone that the School Budget is set for May 15th. They will have the spring concert, art work on display as well as a Beef on Weck dinner.

Looking to reschedule the July Board meeting due to personal conflicts. Will keep everyone up to date.

ADJOURNMENT

MOTION was offered from Councilman Chamberlain, second by Councilman Coughlin to adjourn the meeting at 8:00 P.M.

Ayes: Chamberlain, Coughlin, Hynes, Marshall, Zambito

MOTION CARRIED by unanimous vote (5-0)

Respectfully Submitted,

Trisha Werth
Town Clerk