

**Town of Elba  
Regular Town Board Meeting  
June 14, 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 was absent.

**Others Present:**

Town Clerk Werth  
Superintendent of Highways Yungfleisch  
Chuck Hoover, Planning Board Chairman

**Minutes of May 10, 2018 Town Board Meeting:**

**MOTION** Councilman Coughlin, second by Councilman Chamberlain to approve the minutes with one correction in the Zoning Board section to state, “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.”

**Ayes:** Chamberlain, Coughlin, Hynes, Marshall

**MOTION Carried**

**RESOLUTION NO. 21-2018 OF THE TOWN BOARD OF THE TOWN OF ELBA AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE AN UNDERTAKING FOR THE BENEFIT OF THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION**

Councilwoman Marshall offered the following:

WHEREAS, the Town of Elba from time to time receives permits from the New York State Department of Transportation (hereinafter referred to as the “NYSDOT”) and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, the Town’s access and operation upon state rights-of-way is conditioned upon compliance with the Highway Law Sections 52, 103, 203 and/or 234, including the condition that the Town assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel( affected the Town’s operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses, and

WHEREAS, in addition to the Town’s evidence of insurance for each instance in which the Town conducts activities upon state highways and rights-of-way, the Town is required to provide an undertaking to NYSDOT covering situations such as: Permit Applications; Applicable Rules, Regulations & Conditions Control; Site Restoration; Payment & Release of Liens; and Indemnity; and

WHEREAS, the Town Board of the Town of Elba believes it is in the best interest of the Town of Elba to authorize the Supervisor to execute the undertaking annexed hereto as Exhibit "A",

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that the Town Board of the Town of Elba hereby authorizes the Town Supervisor, or his designees, to execute the undertaking annexed hereto as Exhibit "A" and deliver same to the New York State Department of Transportation.

**Second by:** Councilman Coughlin

**Ayes:** Chamberlain, Coughlin, Hynes, Marshall

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 22-2018 DETOUR OF ROAD(S) FOR ONION QUEEN PARADE, JULY 14, 2018**

Councilman Coughlin offered the following:

**WHEREAS**, the Elba Parade Committee has scheduled a parade to take place on Saturday, July 14, 2018, at 4:00 P.M. in Elba, New York during the Betterment Committee's Annual Pig Roast.

**WHEREAS**, the proposed parade will start on Oak Orchard Road, Elba, New York and end at the Village Park on State Route 98 / Main Street,

**WHEREAS**, the Town Board of the Town of Elba has determined that it is necessary to detour a portion of Oak Orchard Road, State Route 98 / Main Street in the Town of Elba, New York as described herein in order to adequately protect the health, safety and welfare of the participants in the parade and spectators along said route, and

**BE IT FURTHER RESOLVED AND ORDERED** that the Town Clerk of the Town of Elba, New York shall post a copy of this Resolution and Order on the signboard maintained at her office on or before June 15, 2018 and shall remain posted until July 14, 2018.

**BY ORDER OF THE TOWN BOARD  
TOWN OF ELBA**

Trisha Werth  
Town Clerk

**RESOLVED:** That the Town Board of the Town of Elba does hereby adopt this resolution in support of detouring road(s) within the Town of Elba for a parade to take place on Saturday, July 14, 2018, at 4:00 P.M. in Elba, New York during the Betterment Committee's Annual Pig Roast, this 14<sup>th</sup> day of June, 2018.

CC: Nick Esten, Parade Chairman  
Mike Heale, Elba Fire Chief  
Mark Yungfleisch, Town of Elba, Superintendent of Highways  
Genesee County Sheriff's Office

State of New York)

County of Genesee)  
Town of Elba) ss.

I, Trisha Werth, Town Clerk of the Town of Elba in the County of Genesee, State of New York, hereby certify that the foregoing Resolution was duly adopted at a meeting of the Town Board on the Town of Elba held on the 14<sup>th</sup> day of June, 2018, by the required necessary votes of the members to approve this Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Elba, Genesee County, New York this 14<sup>th</sup> day of June, 2018.

**Second by:** Councilman Chamberlain  
**Ayes:** Chamberlain, Coughlin, Hynes, Marshall  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION #23-2018 SETTING A PUBLIC HEARING TO ESTABLISH THE LOCAL WATER CODE**

Councilman Coughlin offered the following:

NOTICE OF PUBLIC HEARING  
TOWN OF ELBA

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Elba, at the Elba Town Hall, 7 Maple Avenue, Elba, New York on July 10, 2018 at 2:00pm on the enactment of a Local Law known as A LOCAL LAW ESTABLISHING THE WATER CODE OF THE TOWN OF ELBA, GENESEE COUNTY, NEW YORK. Such Local Law provides for water use rates, payment for water usage, provides for and ensures proper and safe water usage, and establishes rights and obligations of water users in the Town of Elba and to any out of district users. Such Local Law further establishes a Water Service Head Loss Chart, a Fee Schedule and Water Service details. A copy of the entire text of the Local Law may be reviewed at the office of the Elba Town Clerk at any time during usual business hours. A copy of the entire Local Law may be obtained from the Town Clerk. All local laws or regulations, or parts or portions thereof that conflict or are contrary to any provision of this local law will be repealed.

At such public hearing, all persons, either for or against the same shall be heard.

Trisha Werth  
Elba Town Clerk

Dated: June 14, 2018  
Elba, New York

**Second by:** Councilman Chamberlain  
**Ayes:** Chamberlain, Coughlin, Hynes, Marshall  
**APPROVED by unanimous vote (4-0)**

**ABSTRACT 6-2018**

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

General Fund	115-138	\$ 6,707.90
Highway	59-75	\$176,476.42
Water District 2	10	\$ 28,921.65
	<b>TOTAL</b>	<b>\$212,105.97</b>

**Ayes:** Chamberlain, Coughlin, Hynes, Marshall  
**MOTION CARRIED by unanimous vote (4-0)**

**COMMITTEE REPORTS**

**Building and Grounds**

Superintendent of Highway Yungfleisch reported that he is still waiting for a quote on the repair needed on the truck bay.

**Zoning Board**

Councilman Chamberlain stated the Zoning Board and the Village Board met with ZEO/CEO Mikolajczyk to discuss the chickens at 29 North Main Street. The Zoning Board will discuss this at their July 9<sup>th</sup> meeting.

**Planning Board**

Chuck Hoover Chairman attended this evening. He stated the Planning Board is looking for guidance from the Town Board in reference to a solar plan. After a lengthy discussion it was decided if a request is received then they will start with a public hearing followed by a zoning variance.

Land separations were also discussed at length. The general consensus was to follow the steps that are listed in the land separation packet. The Planning Board believes that while it is not necessary to have a conversation with those wanting a land separation it helps in walking them through the process. The application will be added to the website.

**GAM**

Councilwoman Zambito was unable to attend. Councilwoman Marshall and Councilman Coughlin offered to attend the GAM meetings in the future.

**Cemetery**

No report.

**Publicity**

The Youth Court is looking for a location to send youth volunteers. Town Clerk Werth will pass this information onto Mr. Earl for the Historical Society.

Town Clerk Werth also passed around the water testing results sent out by the Village.

## **DEPARTMENT REPORTS**

### **Highway**

Superintendent of Highways Yungfleisch reported that he and his crew have successfully paved Graham and Snyder Roads. They were also able to pave part of Strouts Road with black top that the County had left over. They are waiting on their turn with the shoulder machine. Mr. Yungfleisch has been meeting with Randsco to start planning for Water District 2, Phase 1 which is scheduled to begin June 18<sup>th</sup>.

### **Assessor**

No report.

### **ZEO/CEO**

Mr. Mikolajczyk's report was emailed and is also available in the Town Clerk's office.

### **Town Clerk**

Town Clerk Werth reported that she took in \$780.49 and remitted \$709.49 to the Supervisor for local share and \$71.00 to NYS Ag. & Markets. A total of 2 new dogs were licensed, 22 licenses renewed and there was one dog seized.

Received a phone call from NYS Vital Statistics Division; must go live with EDR by June 28th of this year. Training was completed Monday, June 11<sup>th</sup>.

Town Clerk Werth gave the board for their review, the three month NYS Retirement calendars that log her daily work activities. All members signed the calendars and they will be sent to Ashley at Baldwin Business Services. Ashley will send to the State to report for retirement service credit.

**MOTION** was offered from Councilwoman Marshall to approve the NYS Retirement calendars as written, second by Councilman Coughlin.

**Ayes:** Chamberlain, Coughlin, Hynes, Marshall

**MOTION CARRIED by unanimous vote (4-0)**

### **Supervisor**

Supervisor Hynes reported that the first Pre Construction meeting for Water District 2, Phase 1 went well on May 30<sup>th</sup>. Construction is scheduled to begin the week of June 18<sup>th</sup>. Randsco expects to have three crews working. Adam, Project Manager has been in town this week and has worked with Superintendent of Highways Yungfleisch to set up staging areas for pipes and hydrants. Mr. Yungfleisch has mowed the grass in all the staging areas as well.

Supervisor Hynes, Councilwoman Marshall and Town Clerk Werth met with Dawn from Rural Development on May 30<sup>th</sup> as well to go over the compliance review. The Town Hall needs quite a bit of work to make it accessible to individuals with disabilities or offer reasonable accommodations. This will need to be an ongoing conversation for the Town Board. Dawn also shared that all letterhead and printed material must contain a Telecommunication Device for the Deaf (TDD) number and a nondiscrimination statement. New posters stating "...And Justice for All" and "Equal Opportunity" are required to be displayed in the Town Hall as well. Rural Development will complete a compliance review every three years for the life of the loan.

The Skye property has been completed. Dave Schubel will finalize all the bills that will need to be paid by the July meeting.

The NYS Comptroller Auditor continues to be here. We have addressed many issues that he has brought to our attention. We are not sure how much longer he will be with us.

We will need to change credit cards soon. The cards we have now are managed by an outside company, not M&T. There is concern from M&T as they are no longer able to access these accounts. M&T will offer new cards and will help the switch

We have a meeting scheduled with Laurie Finn from the Commercial Office of M&T on June 20<sup>th</sup>. They will offer technical training on the check scanner as well as web banking for the Town accounts. They are offering these services at no cost because of their upcoming move out of Elba.

### **OLD BUSINESS**

A lengthy discussion took place on our current website/host/domain and all the problems the Town continues to have with email and web service. A **MOTION** was offered by Councilman Coughlin to move all Information Technology services to Millennium Computers, second by Supervisor Hynes.

**Ayes:** Chamberlain, Coughlin, Hynes, Marshall  
**MOTION CARRIED by unanimous vote (4-0)**

### **Councilpersons/Miscellaneous**

None.

### **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  
**MOTION CARRIED by unanimous vote (4-0)**

Respectfully Submitted,

Trisha Werth  
Town Clerk