

**Town of Elba  
Regular Meeting  
August 8, 2019**

Supervisor Hynes called the meeting to order at 7:00 p.m.; followed by the Pledge to the Flag.

Those in attendance included:

Supervisor Hynes  
Councilman Chamberlain  
Councilman Coughlin  
Councilwoman Marshall  
Councilwoman Zambito

**Others Present:**

Town Clerk Werth  
Superintendent of Highways Yungfleisch  
David Schubel, Webster, Schubel & Meier, LLP  
Jason Foote, CPL

**Public Hearing - Proposed Increase in the Maximum Amount to be Expended on Water District No. 2**

The Supervisor called the Public Hearing to Order for the Proposed Increase in the Maximum Amount to be Expended on Water District No. 2. at 7:00 p.m. Minutes for Public Hearing entered separately.

**Minutes of July 11, 2019 Town Board Meeting:**

**MOTION** Councilman Chamberlain, second by Councilwoman Zambito to approve the minutes as written.

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

**MOTION CARRIED by unanimous vote (5-0)**

**RESOLUTION NO. 19-2019**

Councilman Coughlin offered the following:

**SEQRA RESOLUTION WITH RESPECT TO INCREASING THE AMOUNT TO BE EXPENDED  
ON ELBA WATER DISTRICT NO. 2**

WHEREAS, the Town Board of the Town of Elba heretofore determined that the establishment and construction of Town of Elba Water District No. 2 would result in no significant adverse impacts and that the determination constituted a negative declaration for purposes of SEQRA, and duly adopted resolution no. 34 on August 4, 2016, and

WHEREAS, the Town wishes to increase the maximum amount to be expended from \$17,769,000.00 to \$18,800,000.00 for certain upgrades to the Project, and

WHEREAS, the upgrades consist of upsizing the water storage tank and upsizing certain water mains from 8 inches to 12 inches, and

WHEREAS, the Town in consultation with its engineers has evaluated the upgrades to determine the significance of any potential environmental impacts as a result of the increase in the maximum amount to be expended,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Elba does hereby declare that the proposed action of an increase in the amount to be expended on Elba Water District No. 2 will result in no adverse environmental impacts or that any identified adverse impacts will not be significant, and

BE IT FURTHER RESOLVED, that for purposes of SEQRA, the increase in maximum amount proposed to be expended from \$17,769,000.00 to \$18,800,000.00 falls within the conditions, limitations and thresholds of the negative declaration issued on August 4, 2016.

**Second by:** Councilman Chamberlain

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

**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 20-2019**

Councilwoman Zambito offered the following:

**RESOLUTION AND ORDER OF THE TOWN BOARD OF THE TOWN OF ELBA INCREASING THE MAXIMUM AMOUNT TO BE EXPENDED ON WATER DISTRICT NO. 2**

Recitals

WHEREAS, the Town Board of the Town of Elba formed Elba Water District No. 2 in accordance Town Law Article 12-A, a Final Order Establishing District having been duly adopted July 19, 2017, a certified copy of which having been recorded in Genesee County Clerk's Office on July 21, 2017, and

WHEREAS, the Final Order provided that Water District No. 2 was to be constructed at a maximum cost not to exceed \$17,769,000.00, and

WHEREAS, the Town Board of the Town of Elba wishes to increase the maximum amount to be expended for construction of Water District No. 2 from \$17,769,000.00 to \$18,800,000.00 due to significant upgrades to the overall Genesee County Water System, and

WHEREAS, the upgrades include the County of Genesee making a financial contribution to the Town of Elba to upsize the Town of Elba Water storage tank and to upsize certain of the Town's water mains from 8 inches to 12 inches, and

WHEREAS, to simplify the construction coordination and reduce costs, the County's improvements will be completed as part of the Town of Elba Water District No. 2 project, and

WHEREAS, a revised map, plan and report has been prepared by Clark Patterson Lee dated July 2019, which engineers are duly licensed in the State of New York, and which revised map, plan and report is on file in the office of the Elba Town Clerk for public inspection, and

WHEREAS, the maximum amount to be expended as stated in the revised map, plan and report is increased from \$17,769,000.00 to \$18,800,000.00, with the entire additional amount of \$995,000.00 to be

expended for County upgrades is to be paid by Genesee County as more particularly set forth in an Intermunicipal Agreement between Genesee County and the Town of Elba, a copy of which is enclosed as an appendix to the revised map, plan and report, and

WHEREAS, the Village of Elba will make an additional financial contribution of \$36,000.00 relative to the Village tank demolition, and

WHEREAS, the original map, plan and report estimated the cost of the district to a typical one or two family home in the amount of \$1,035.00, and the revised map, plan and report now estimates the cost of the district to a typical family home in the amount of \$1,044.00, the \$9.00 increase as a result of the estimated yearly water cost with the estimated debt service of \$738.00 remaining the same in the map, plan and report, and the revised map, plan and report, and

WHEREAS, the other one-time costs remain the same in the revised map, plan and report, and

WHEREAS, the boundaries of Water District No. 2 will remain the same and the total number of Units (EDU's) will remain the same, and

WHEREAS, the New York State Comptroller's approval is required for such increase, and

WHEREAS, an Order Calling Public Hearing was duly adopted by the Elba Town Board on July 11, 2019 setting a public hearing on the proposed increase on the 8<sup>th</sup> day of August, 2019 at 7:00p.m. at the Elba Town Hall, 7 Maple Avenue in the Town of Elba, County of Genesee and State of New York, and

WHEREAS, a certified copy of the Order Calling Public Hearing was published in the Town's Official newspaper on July 25, 2019 and duly posted on the sign board of the Town maintained pursuant to the Town Law section 30 (6) on July 25, 2019, and a certified copy of the Order Calling Public Hearing was also filed with the New York State Comptroller in accordance with Town Law, and

WHEREAS, a public hearing on increasing the maximum amount to be expended was held on the 8<sup>th</sup> day of August, 2019 at 7:00p.m. by the Elba Town Board at Elba Town Hall, 7 Maple Avenue, Elba, New York at which all persons desiring to be heard were heard, and

WHEREAS, pursuant to Part 617 of the Implementing Regulations pertaining to Article VIII (State Environmental Quality Review Act), it has been determined by the Town Board that approving increasing the maximum to be expended would not have a significant effect upon the environment, and

WHEREAS, the Town Board has duly considered all of the evidence given at the public hearing, and

WHEREAS, the original and revised Maps, Plans and Reports have been filed in the Town Clerk's Office and have been and are available for public inspection, and

WHEREAS, this resolution and order is subject to permissive referendum,

NOW THEREFORE, IT IS RESOLVED AS FOLLOWS

**Section 1.** It is determined that:

- (a) the Order Calling Public Hearing was published and posted as required by Law, and is otherwise sufficient;
- (b) all the property and property owners included within the District hereinabove referred to are benefited by the increase in the maximum amount to be expended;
- (c) all the property and property owners benefited by the increase are included within the District; and
- (d) it is in the public interest to increase the maximum amount to be expended from \$17,769,000.00 to \$18,800,000.00

**Section 2.** For purpose of SEQRA, the increase in the amount to be expended falls within the conditions, limitations and thresholds of negative declaration issued for the District by the Town Board on August 4, 2016.

**Section 3.** The amounts to be paid by the County of Genesee and the Village of Elba as set forth hereinabove in the Recitals will be sufficient to cover the increased cost, and it is hereby

ORDERED that an increase in the amount to be expended for Elba Water District No. 2 from \$17,769,000.00 to \$18,800,00.00 is hereby ordered, authorized and approved, and be it further

ORDERED that the permission of the State Comptroller is required with respect to the increase, and an application will need to be submitted to the State Comptroller’s Office for approval, and it is further

ORDERED that this Resolution is subject to permissive referendum in the manner provided in Town Law section 209(e) and the Town Clerk is hereby authorized and directed within ten (10) days after the adopted resolution to cause to be published and posted a Notice which shall set forth an abstract of the foregoing resolution concisely setting forth the purpose and effect thereof and specifying that it was adopted subject to permissive referendum.

By Order of the Town Board of the Town of Elba, in the County of Genesee, New York

Dated August 8, 2019

\_\_\_\_\_  
Trisha Werth  
Elba Town Clerk

**Second by:** Supervisor Hynes  
**Ayes:** Chamberlain, Coughlin, Hynes, Marshall, Zambito  
**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 21-2019**  
Councilman Chamberlain offered the following:

**REAPPOINTMENT – TOWN ASSESSOR**

**WHEREAS,** Barry Flansburg has been the Assessor for the Town of Elba since 2012;

**WHEREAS,** his term will expire as of September 30, 2019

**NOW, THEREFORE, BE IT RESOLVED**, the Elba Town Board hereby reappoints Barry Flansburg, as the Assessor for the Town of Elba. The term will begin October 1, 2019 and end September 30, 2025.

**Second by:** Councilwoman Marshall  
**Ayes:** Chamberlain, Coughlin, Hynes, Marshall, Zambito  
**APPROVED by unanimous vote (5-0)**

Councilwoman Marshall asked if the Village of Elba appoints Mr. Flansburg as an Assessor too, Supervisor Hynes will ask Mayor Itjen. Supervisor Hynes will also ensure that Mr. Flansburg is taking the necessary courses each year.

**RESOLUTION NO. 22-2019**

Councilwoman Zambito offered the following:

**BUDGET TRANSFER 2019 – UNAPPROPRIATED – CONTINGENCY FUND**

**RESOLVED**, The Elba Town Board hereby authorizes an increase in the following line item numbers:

Transfer From:	A1990.4	Contingency	\$2700.00
Transfer To:	A1110.4A	Traffic Prosecutor	\$2700.00
Total:			\$2700.00

and be it

**FURTHER RESOLVED**, to fund this expense, \$2,700.00 will be transferred from the Contingency Fund Balance.

**Second by:** Councilman Coughlin  
**Ayes:** Chamberlain, Coughlin, Hynes, Marshall, Zambito  
**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 23-2019**

Councilman Chamberlain offered the following:

**SETTING A DATE TO CONDUCT A HEARING ON  
THE DISCONTINUANCE AND ABANDONMENT OF A PORTION  
OF STAROWITZ ROAD**

**RESOLVED**, that this Board conduct a public hearing on September 12, 2019 at 7:00p.m. at the Elba Town Hall on the request to discontinue and abandon a portion of Starowitz Road approximately 850 feet in length from its southerly terminus pursuant to section 207 of the New York State Highway Law.

**Second by:** Councilman Coughlin  
**Ayes:** Chamberlain, Coughlin, Hynes, Marshall, Zambito  
**APPROVED by unanimous vote (5-0)**

**ABSTRACT 8-2019**

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

General Fund	164-186	\$ 10,131.78
Highway	84-92	\$156,960.13
Water District 2	37-45	<u>\$693,461.46</u>
	<b>TOTAL</b>	<b>\$860,553.37</b>

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

**MOTION CARRIED by unanimous vote (5-0)**

## **COMMITTEE REPORTS**

### **Building and Grounds**

No report.

### **Zoning Board**

Councilman Chamberlain reported:

- Only two members were present at the last meeting. They waited on new member as well.
- Councilman Chamberlain would like to commend Mr. Content for his well-written minutes.
- The Committee received the information regarding the Sexual Harassment training.

### **Planning Board**

Councilman Coughlin reported:

- The Committee received the information regarding the Sexual Harassment training.
- They reviewed the Kriwox request but Mr. Kriwox was not at the meeting. Councilman Coughlin will encourage Chuck Hoover, Chairman to reach out to Mr. Kriwox.
- The Committee reviewed Town of Stafford's and New York State's solar plan.

### **GAM**

No meeting took place.

### **Cemetery**

Councilman Chamberlain reported:

- Mr. Davis called Councilman Chamberlain with another request for a sinking footer.

### **Publicity**

A save the date flyer regarding Local Government Innovation Conference in Albany on October 17-18, 2019 was passed around.

## **DEPARTMENT REPORTS**

### **Highway**

Superintendent of Highways Yungfleisch reported:

- Waiting on Water project to finish before starting any road work.
- The County will pay \$102,248.35 for salt, and plowing of county roads for the 2019 and 2020 season.
- The County will also pay \$7,370.25 for mowing the county roads.

### **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 \$1,905.05 and remitted \$1,838.05 to the Supervisor for local share, \$67.00 to NYS Ag. & Markets for spay/neuter program.

### **Supervisor**

Supervisor Hynes reported:

- A yearly meeting regarding the Townline Water District will take place on August 28, 2019.
- Phase 4 – The tank is ordered and drawings are approved for the foundation. They should start digging soon. Mr. Yungfleisch will advise Nichols, Long and Moore that the drainage issue needs to be addressed for the driveway.
- August 29<sup>th</sup> at 10:00 a.m. we will open the bids for Phase 5. Five packets were issued. Phase 5 will have an alternate bid for the “Big Ditch” on State Route 98.
- Phase 6 has approval from the Health Department, it is now with Rural Development for their approval.
- Phase 7 – We will hold off on rolling this Phase out until we see how much Phase 5 bid will be. Jason Foote will forward a cost of each segment to the Board members.
- Lee Walters finished the audit. Once it is reviewed by another party, he will be in to send the report off with Supervisor Hynes. His main concern from the audit was our policy book, it needs to be updated. Councilwoman Marshall continues to work on it and would like to plan monthly updates at each meeting.
- M&T has completed the ATM construction. Working with the Real Estate department on signage. Supervisor Hynes is trying to schedule a final walk through with M&T. The final proposal will be passed on to Dave Schubel for review.
- A quote was received from Lawley for the Cyber Policy. The 67-page document will be sent to Town Board members for their review. We will discuss at the September meeting.

### **ADJOURNMENT**

**MOTION** was offered from Councilman Chamberlain second by Councilman Coughlin to adjourn the meeting at 7:38 p.m.

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

**MOTION CARRIED by unanimous vote (5-0)**

Respectfully Submitted,

Trisha Werth  
Town Clerk