

**Town of Elba  
Regular Meeting  
September 12, 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

**Others Present:**

Town Clerk Werth  
Superintendent of Highways Yungfleisch  
Jason Foote, CPL

**Absent:**

Councilwoman Zambito

**Public Hearing - Discontinuance and Abandonment of Portion of Starowitz Road**

The Supervisor called the Public Hearing to Order for the Discontinuance and Abandonment of Portion of Starowitz Road at 7:00 p.m. Minutes for Public Hearing entered separately.

**Minutes of August 8, 2019 Town Board Meeting:**

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

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

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

**RESOLUTION NO. 24-2019**

Councilman Chamberlain offered the following:

**SEQRA RESOLUTION WITH RESPECT TO DISCONTINUANCE AND ABANDONMENT OF  
PORTION OF STAROWITZ ROAD**

**WHEREAS**, the Town has received and considered the Petition of Star Growers Land, LLC verified the 8<sup>th</sup> day of August, 2019, seeking that a portion of Starowitz Road approximately 850 feet in length be discontinued and abandoned, and

**WHEREAS**, the Town has caused to be prepared an Environmental Assessment Form (EAF) wherein an impact assessment is made with respect to the proposed action, and

**WHEREAS**, the EAF identifies no elements of the proposed action which would result in a significant adverse environmental impact,

**NOW THEREFORE, BE IT RESOLVED** that the Town Board does hereby declare that the proposed action to discontinue and abandon a portion of Starowitz Road approximately 850 feet in length will result in no adverse environmental impacts, and

**BE IT FURTHER RESOLVED** that a Negative Declaration be issued.

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

**RESOLUTION NO. 25-2019**

Councilman Coughlin offered the following:

**RESOLUTION CONSENTING TO THE DISCONTINUANCE AND ABANDONMENT OF A PORTION OF STAROWITZ ROAD**

**WHEREAS**, the Town Highway Superintendent and the Town Board have received a Petition by Star Growers Land, LLC seeking to have a portion of Starowitz Road discontinued and abandoned for highway purposes, and

**WHEREAS**, the Town Highway Superintendent filed a Determination and Order wherein the Highway Superintendent determines that the portion of Starowitz Road sought to be discontinued and abandoned is unnecessary for highway purposes and orders the portion of Starowitz Road as described therein be discontinued and abandoned, and

**WHEREAS**, a public hearing having been conducted on September 12, 2019 with respect to the discontinuance and abandonment and anyone wishing to be heard, either for or against the same, was able to be heard, and

**WHEREAS**, the Town Board has evaluated the discontinuance and abandonment for purposes of SEQRA and determined that the proposed action will result in no adverse environmental impacts and that a Negative Declaration be issued, and

**WHEREAS**, due deliberation having been had, now therefore be it

**RESOLVED**, that this Town Board consents to the Order of Discontinuance and Abandonment of the Town Highway Superintendent and that the portion of Starowitz Road described in annexed Schedule A be so abandoned, and the same shall be discontinued, and be it further

**RESOLVED**, that the Town Supervisor execute and deliver a deed for said real property to Star Growers Land, LLC as the owner of the land on both side of such road so abandoned and discontinued.

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

**RESOLUTION NO. 26-2019**

Councilman Coughlin offered the following:

**BID AWARD – WATER DISTRICT NO. 2, PHASE 5**

**WHEREAS**, the Town of Elba received bids August 29, 2019 at 12:00 P.M. for the construction of approximately 56,000 linear feet of 8-inch and 12-inch water mains and appurtenances along Ridge Road, Graham Road, Lockport Road (CR12), Oak Orchard Road and Quaker Hill Road (NYS Route 98) in the

Town of Elba Water District No. 2, Phase 5. In addition to the Base Bid, the overall bid included the following alternate bid for 4,300 linear feet of 8” water main along NYS Route 98 from just North of Ridge Road to the Elba/Barre Town line.

**WHEREAS**, Randsco Pipeline, Inc. from Macedon, New York was the lowest responsible bidder with a base bid amount of \$3,178,875.00 and an alternate bid of \$230,425.00.

**NOW THEREFORE BE IT RESOLVED**, the Elba Town Board hereby awards the Bid to Randsco Pipeline, Inc. at a cost of Three Million One Hundred Seventy-Eight Thousand Eight Hundred Seventy-Five Dollars and Zero cents (\$3,178,875.00), and an alternate bid amount was Two Hundred Thirty Thousand Four Hundred Twenty-Five Dollars and Zero cents (\$230,425.00). for the installation of approximately 60,300 linear feet of 8 inch and 12-inch water main and appurtenances for Phase 5 of the Town of Elba Water District No. 2, contingent on all USDA Rural Development approvals and upon all required insurance and bonding being in place as approved by the Town Attorney; and

**BE IT FURTHER RESOLVED**, the Elba Town Board hereby authorizes the Supervisor to execute Agreements and issue the Notice to Proceed once the aforementioned conditions are met.

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

**RESOLUTION NO. 27-2019**

Councilman Chamberlain offered the following:

**AUTHORIZING BANK TRANSFERS**

**RESOLVED**, The Elba Town Board hereby authorizes the following budget transfers:

Transfer From:	Bank of Castile	Transfer To:	General	\$150,000.00
Transfer From:	Bank of Castile	Transfer To:	General for Cemetery	\$ 173.39
Transfer From:	Bank of Castile	Transfer To:	Highway	<u>\$100,000.00</u>
		<b>Total:</b>		<b>\$250,173.39</b>

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

**ABSTRACT 9-2019**

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

General Fund	187-208	\$ 8,143.94
Highway	93-106	\$ 21,180.95
Water District 2	46-52	<u>\$ 418,392.03</u>
	<b>TOTAL</b>	<b>\$ 447,716.92</b>

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

## **COMMITTEE REPORTS**

### **Building and Grounds**

Ron Snyder is working with his lawyer to come up with an offer to the Town for the piece of land on Maple Avenue.

### **Zoning Board**

Councilman Chamberlain reported:

- Still looking for a member.
- Reviewed two variances that will need a Public Hearing next month:
  - 20 Chapel Street, Barn
  - 6616 Snyder Road, Pole Barn
- All but two members were in attendance at the Sexual Harassment training. They will need to take the course elsewhere and provide documentation.

### **Planning Board**

Councilman Coughlin reported:

- No update on Kriwox land separation. Mr. Kriwox will attend the September meeting.
- Discussion continues on the solar plan.
- Mike Augello sent a letter to the Rochester Home Builder's Association asking for advice on how to start a sub-development in the town.
- The Hoover family is looking to do a land separation.
- All members who did not attend the Sexual Harassment training will need to take the course and provide documentation.

### **GAM**

There was not a meeting in August. Supervisor Hynes will reach out to Councilwoman Zambito to see if she is available for the September meeting.

### **Cemetery**

Councilman Chamberlain reported:

- There have been more requests for headstone repairs. Many of the requests are coming to Steve Davis from the funeral home directors. Councilman Chamberlain said quite a few funeral homes will pay the bill and then back pay their customer.
- Mr. Davis stated he has had requests to put crushed stone under the headstone instead of concrete. This is not a practice the town wishes to partake in. A policy will be created that includes the town's expectations of material, pay practice and price sheet that will be updated at the Organizational meeting each January.

### **Publicity**

No report.

## **DEPARTMENT REPORTS**

### **Highway**

Superintendent of Highways Yungfleisch reported:

- Waiting on Sergi to finish roads so they can start to do road repairs.
- A few trees were cut on Watson Road because they were damaging the road.
- Suit Coat will be working with the Village next week to pave Chapel Street.
- Replaced the rear end on one of the trucks.

- New truck should be completed by next month.

Councilwoman Marshall asked if we could speak to the State about putting snow fences on State Route 98. Mr. Yungfleisch will speak with Dan Stahley next week.

Discussion ensued about the numerous accidents that continue to take place at State Route 98 and Lockport Road.

### **Assessor**

Mr. Flansburg reports that work has started on the 2020 update for values. He has been running numbers waiting for the State to complete their numbers to see how much values will need to increase to remain at 100%. Since finishing the 2019 numbers, 8 homes in Elba have sold for an average of 28% above the 2019 assessment. The lowest was 1% above with the highest at 48% above. Three of the sales were over 40% above the 2019 assessments. Calculations are showing that the average home assessment for 2020 should go up about 6%. He will wait to see the State numbers before changing values.

### **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 \$1,174.99 and remitted \$1,043.49 to the Supervisor for local share, \$64.00 to NYS Ag. & Markets for spay/neuter program.

### **Supervisor**

Supervisor Hynes reported:

- Phase 7 – Supervisor Hynes passed Jason Foote's email regarding the projected budget and cost to the Town Board. Currently \$800k short to service 100% of the residents. Discussion ensued on the best way to include as many residents as possible. Mr. Foote stated it is important to include Pekin Road to continue the loop. Hundredmark Road should also be included as there will always be families living on that road. CPL would like to get started on engineering Phase 7.
- Phase 6 – It was discussed to possibly bid this out in the Fall of 2019.
- Phase 5 – Randsco will have crews ready to go by November 1<sup>st</sup>. A construction meeting will take place in early October.
- There is one easement in Phase 5 that is still open. The home owner is requesting that the construction company add them to their insurance policy. This is not a typical request.
- Phase 3 – There is a service on Luddington Road that a resident and his contractor would like to move. They are requesting to move the town tap a ¼ mile from the location they originally had staked out. The Town Board stated this could be done at the resident's expense.
- Insurance Policy – This was received this morning from Lawley. It is \$18,053.98, there is an additional \$1k for cyber insurance for 2020.
- Congressman Chris Collins met with the Town Supervisors and Mayors for the County on August 20<sup>th</sup>. It was an informal meeting to discuss issues affecting local communities and updates on what is going on in Washington. Also, some towns are having issues with cleaning out ditches so the Congressman has set up a meeting with the Army Corp of Engineers with the hope that an agreement can be reached in some of the areas. There should be an announcement in the next couple months concerning broadband coming to the rural areas of Western NY.
- Budget – Supervisor Hynes sent the budget to the Town Board. We will have a meeting following the Construction Meeting on September 25<sup>th</sup> at 10:00 a.m. to hand out the tentative budget.

### **Councilpersons**

Councilman Coughlin reported he went to the site of the Water Tower with Supervisor Hynes. He stated it was a quite a large project site.

Councilwoman Marshall has been reviewing Policy Manuals of nearby towns and will reach out to Association of Towns for a standard copy. Hoping to review 3-4 policies at each meeting.

In reviewing the proposed budget Councilwoman Marshall had questions regarding the increase in the tax line. She asked if this included the fee for water units or why it had an increase. Supervisor Hynes will reach out to Justin at Baldwin Business.

### **ADJOURNMENT**

**MOTION** was offered from Councilman Chamberlain second by Councilwoman Marshall to adjourn the meeting at 8:15 p.m.

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

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

Respectfully Submitted,

Trisha Werth  
Town Clerk