

**Town of Elba
Regular Meeting
December 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

Others Present:

Town Clerk Werth
Superintendent of Highways Yungfleisch
Justice Doug King
Pauli Miano, Resident, Elba Betterment Committee

Absent:

Councilwoman Marshall

Minutes of November 7, 2019 Town Board Meeting, Public Hearing Local Law #1 of 2019 – Override Tax Levy Limit, Public Hearing 2020 Annual Town Budget, Public Hearing Granting a Cable Television Franchise Agreement Between the Town of Elba and Spectrum Northeast, LLC:

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

Ayes: Chamberlain, Coughlin, Hynes

MOTION CARRIED by unanimous vote (3-0)

Public Participation

Mrs. Pauli Miano was in attendance to answer any questions regarding the Richter Foundation annual request. Supervisor Hynes informed Mrs. Miano the Town could only distribute \$600.00 this year.

Mrs. Miano stated the Betterment Committee was successful in a grant they applied for with Go Art. This will help the Committee bring approximately six bands along with other activities and food to the Village Park during the summer of 2020. They are working out the details and could always use new community members to help.

Justice Doug King was present to discuss the criminal justice reform update. A couple of highlights include the elimination of cash bail for most offenders, more state certified interpreter services will be required, and the paperwork of the judges, court clerks, DA's, etc. will increase. These mandated updates may lead to the need for pay increases for the judges and court clerk in the future. Justice King encouraged the Board to voice their thoughts to local Legislators so they can pass on to the Governor.

RESOLUTION #41-2019:

Councilman Coughlin offered the following:

**A RESOLUTION OF THE ELBA TOWN BOARD OF THE TOWN OF ELBA
AUTHORIZING THE ADOPTION OF THE 2019 GENESEE COUNTY, NY
HAZARD MITIGATION PLAN**

WHEREAS, all jurisdictions within Genesee County have exposure to natural hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate

longterm risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS; a coalition of Genesee County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Genesee County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the Town of Elba:

- 1) Adopts in its entirety, the 2019 Genesee County Hazard Mitigation Plan (the “Plan”) as the jurisdiction’s Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Hazard Mitigation Steering Committee and Planning Partnership as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

PASSED AND ADOPTED on this 12th day of December, 2019, by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

 Donna Hynes, Town Supervisor

ATTEST: _____
 Town Clerk, Town of Elba

Second by: Councilman Chamberlain
Ayes: Chamberlain, Coughlin, Hynes
APPROVED by unanimous vote (3-0)

RESOLUTION #42-2019:
 Councilman Coughlin offered the following:

AGREEMENT FOR FUEL DISPENSING STATION

THIS AGREEMENT, made the 12th day of December, 2019 by and among the **TOWN OF ELBA**, with offices located at 7 Maple Avenue, Elba, New York 14058, (hereinafter referred to as the “Town”), and the **VILLAGE OF ELBA**, with offices located at 4 South Main Street, Elba, New York 14058 (hereinafter

referred to as the “Village”), and the **ELBA FIRE DEPARTMENT**, with offices located at 4 South Main Street, Elba, NY 14058 (hereinafter referred to as the “Fire Department”), and the **ELBA CENTRAL SCHOOL DISTRICT**, with offices located at 57 South Main Street, Elba, New York 14058, (hereinafter referred to as the “District”).

WITNESSETH:

WHEREAS, the parties cooperatively use a common fuel dispensing station located on Town property adjacent to the Town Hall, currently consisting of two above ground storage tanks, and the appurtenances, one of which contains diesel fuel and once of which contains gasoline, and

WHEREAS, since approximately 1995 the parties have been jointly using and operating this station, and

WHEREAS, the parties have not found a written Agreement signed by all four parties, and

WHEREAS, the parties desire to place the terms and conditions for the future use and operation of this station in writing, as set forth herein.

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

1. Each party shall be jointly and equally responsible for any and all costs and expenses of any kind or nature related to the operation and maintenance of this system.

Second by: Supervisor Hynes
Ayes: Chamberlain, Coughlin, Hynes
APPROVED by unanimous vote (3-0)

RESOLUTION NO. 43-2019:

Councilman Chamberlain offered the following:

JANITORIAL CONTRACT WITH ARC OF GENESEE ORLEANS

RESOLVED, that the Town of Elba enter into a month to month Janitorial Contract with Arc of Genesee Orleans, 64 Walnut Street, Batavia, NY for the provision of custodial services at the Town Hall at a rate of \$151.91 per month effective January 1, 2020.

Second by: Councilman Coughlin
Ayes: Chamberlain, Coughlin, Hynes
APPROVED by unanimous vote (3-0)

RESOLUTION NO. 44-2019:

Town Clerk Werth spoke with our Sales Representative at Toshiba. She was able to renegotiate our contract to receive a better price and increase the pages per month and decrease the overage charge.

Councilman Chamberlain offered the following:

**MAINTENANCE AGREEMENT E-STUDIO
3018A DIGITAL COPIER/ PRINTER/SCANNER**

RESOLVED, after careful consideration, that the Elba Town Board hereby approves the proposed Maintenance Contract Agreement between Toshiba Business Solutions and the Town of Elba, for the E-Studio 3018A Digital Copier/Printer/Scanner, at a cost of \$82.85/month, based on 1,800 black images per month, with overages being billed at \$.00890, and be it further

RESOLVED, the Supervisor is hereby authorized to execute the five year agreement.

Second by: Councilman Coughlin
Ayes: Chamberlain, Coughlin, Hynes
APPROVED by unanimous vote (3-0)

RESOLUTION NO. 45-2019:
Councilman Coughlin offered the following:

2020 QUALIFYING QUARTERLY INSURANCE PAYMENT

RESOLVED, Town Clerk, Trisha Werth will use the New York State Teamsters Council Health Insurance starting January 1, 2020, and be it further

RESOLVED, the contract between the Town of Elba and NYS Teamsters Council requests a payment for qualifying quarters of October and November, 2019 for 36 days, as well as payment for December. A check in the amount of \$6,881.94 will be sent to NYS Teamsters Council.

Second by: Councilman Chamberlain
Ayes: Chamberlain, Coughlin, Hynes
APPROVED by unanimous vote (3-0)

RESOLUTION NO. 46-2019:
Councilman Coughlin offered the following:

2020 IN LIEU OF INSURANCE PAYMENT

RESOLVED, MEO Joseph Mickey is not taking insurance and will receive \$5,000.00 in lieu of insurance. The amount shall be paid twice per year (\$2,500.00 each payment).

Second by: Supervisor Hynes
Ayes: Chamberlain, Coughlin, Hynes
APPROVED by unanimous vote (3-0)

ABSTRACT 12-2019

MOTION, Supervisor Hynes second by Councilman Chamberlain to approve the following:

| | | |
|------------------|--------------|-----------------------|
| General Fund | 261-293 | \$8,506.89 |
| Highway | 135-150 | \$26,690.22 |
| Water District 2 | 65-70 | \$1,405,221.83 |
| | Total | \$1,440,418.94 |

Ayes: Chamberlain, Coughlin, Hynes

MOTION CARRIED by unanimous vote (3-0)

COMMITTEE REPORTS

Building and Grounds

Mr. Yungfleisch had the MEO's install drip edge pieces on the roof over the office doors.

Zoning Board

Councilman Chamberlain reported the vouchers for the members annual pay were not at the last meeting. Town Clerk Werth has since printed these for the members and submitted them for payment.

Planning Board

Councilman Coughlin reported:

- Chuck Hoover encouraged the members to keep taking training classes.
- They are continuing to work on the solar plan.
- They are reviewing the wind power agreement.

GAM

Jay Gsell, County Manager gave a short presentation in regards to the NYS mandate to prepare and file the 2019 shared services plan. A copy of the original plan which is already in play was presented and Mr. Gsell is hoping that everyone will continue to work on new shared service plans to share with the county moving forward.

Tim Yaeger and Bill Schutt from the Emergency Management Office were at the meeting to discuss the Crisis in the Volunteer Fire Service. Communities across the state and country are all facing critical shortage of volunteers.

Cemetery

The report was frozen.

Publicity

Town Clerk Werth reminded the Board members of the Board Member training taking place at RIT in January.

DEPARTMENT REPORTS

Highway

Superintendent of Highways Yungfleisch reported:

- Buying salt and "grit" (ice controlled sand) to mix with salt for use in 2020.
- New MEO, Joe Mickey is doing really well. He is a good addition and a great mechanic.
- Mr. Yungfleisch received the snow/ice agreement from Mr. Hens and will review it.
- The pick up truck is back in service. Mr. Yungfleisch stated it is time to look into a new truck for the town. He will also start replacing the truck every 1-2 years to save the town money. The current truck will go on Auctions International.

Supervisor Hynes made a **MOTION**, second by Councilman Coughlin to give the Highway Superintendent approval to move forward with purchasing a new truck not to exceed \$42,605.35.

Ayes: Chamberlain, Coughlin, Hynes

MOTION CARRIED by unanimous vote (3-0)

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 \$1448.94 and remitted \$1,394.44 to the Supervisor for local share, \$32.00 to NYS Ag. & Markets for spay/neuter program and \$22.50 to NYSDOH.

Supervisor

- The next construction meeting is scheduled for Wednesday, December 18th at 9:00 a.m.
- Future meeting dates include: Year End meeting - Thursday, December 26th at 3:00 p.m., Organizational meeting – Thursday, January 2nd at 3:00 p.m. and monthly meeting Thursday, January 9th at 7:00 p.m.
- We will post an ad in January for the open Town Board seat.
- There will be a Public Hearing before the January meeting for the solar energy law. May need to do a local law to opt out of the State's tax exemption for solar companies and have Genesee Economic Development negotiate a PILOT on the Town's behalf.

Councilpersons

Councilman Coughlin asked about the Christmas trees at the park. It was explained that the Betterment Committee was doing one tree and adding ornaments in honor or memory of family and friends this year.

Councilman Chamberlain asked for an explanation of the future meeting dates.

Councilman Chamberlain also questioned the fuel agreement contract. It was explained that this is done every five years.

ADJOURNMENT

MOTION was offered from Councilman Chamberlain second by Councilman Coughlin to adjourn the meeting at 8:11 p.m.

Ayes: Chamberlain, Coughlin, Hynes

MOTION CARRIED by unanimous vote (3-0)

Respectfully Submitted,

Trisha Werth
Town Clerk