

**Town of Elba
Regular Meeting
January 7, 2021**

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 Augello
Councilman Chamberlain
Councilman Coughlin
Councilwoman Marshall

Others Present:

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

Minutes of December 29, 2020 Year End Meeting

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

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION #4-2021:

Councilman Chamberlain offered the following:

APPOINT PLANNING BOARD MEMBER

RESOLVED, that David Scott be appointed to the Elba Joint Village/Town Planning Board effective January 1, 2021 to fill the newly open seat left by Adam Howard. The term will end December 31, 2024.

Second by: Councilwoman Marshall

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 5-2021:

Councilman Chamberlain offered the following:

**WATER DISTRICT #2 PROJECT
BUDGET MODIFICATIONS**

WHEREAS, the Town of Elba has received funding from Rural Development for their Water District #2 Project (“Project”); and

WHEREAS, the Town Board wishes to adjust project budget items to more accurately reflect actual costs and;

WHEREAS, Rural Development requires the Town Board to authorize all changes to the

- \$10k was the number suggested and ForeFront agreed to this amount. It will be used for reviewing the Solar Law by a lawyer and engineering firm at no cost to the Town of Elba or our tax payers.
- If the escrow fund falls below \$500.00 the Town shall notify in writing, through its attorney and they will deposit an additional \$3k. If it is not used the money is returned to ForeFront. If something happens in between now and the money being deposited or it does not work out than the Town would return the money. Mr. Hoover sees no reason not to accept it.
- Councilwoman Marshall said the escrow fund will be a requirement in the Town's new Solar Law for anyone applying in the future for solar. Mr. Kanyuck has found a few typos and correction in the Town's current law. Councilman Coughlin stated Mr. Kanyuck has really picked our Solar Law apart and feels it is a good base.
- Mr. Hoover shared our law will be one that other towns will want to model after it is polished up and finished. Mr. Kanyuck would like to void the current law, switch to the new law and merge with the zoning law. He encouraged everyone to review the Solar Law with the corrections that Mr. Kanyuck has recommended. Mr. Hoover will share the updated law with corrections via email with the Town Board members and provide a printed copy for Councilman Chamberlain.
- Mr. Hoover stated this escrow fund shows good faith from ForeFront. PILOT and community benefit negotiations will still take place.
- The Solar and Wind Committee reviewed the Solar Law, line by line at their last meeting.
- Mr. Hoover shared his take on the process, ForeFront filled out a petition to the Planning Board application. However, there were a number of bullet points missing for a complete application according to Mr. Kanyuck. ForeFront and they are working on completing the requirements. They have sent two checks – special use permit for \$65.00 and one for a site plan review for \$65.00. Mr. Hoover shared when their application is final it will then go to the Code and Zoning Official, Mr. Mikolajczyk. He will review and his role will be to determine if it is allowable by Elba Law, then it will come back to the Planning Board. A letter of intent will go to NYSDEC, Genesee County Planning Board, and a few other agencies. They have a thirty day process to respond to it, quite often there is no response if it looks adequate. Once this happens it comes back to the local Planning Board and they will set a Public Hearing to review parts two and three of the SEQRA (part one is filled out by ForeFront). Part one of SEQRA, environmental impact statement (TIS) is followed by part two of SEQRA. This is where the Lead Agency is named and according to Mr. Kanyuck the Planning Board should be the Lead Agency. As they have the sole authority for approving or denying special use permits. Part three follows, this step is basically a green light to move to a Public Hearing and the Planning Board will then choose to approve or deny the special use permit. At that point they will apply for a building permit before any construction takes place. Mr. Hoover stated there is no sense in an applying for a building permit until the special use permit is approved as there is no need to spend the money if it is denied.
- Mr. Hoover stated it seems like we are moving fast, but in ForeFront's eyes this has been delayed a few months. However, they want to ensure it was being done right. The Mudzynski's, land owners on the lease are happy with its progress. Once we get through this process, we can create a template on how to handle any in the future.
- Councilman Coughlin shared Town of Batavia has stopped their solar projects. They are having a meeting to decide whether they are going to put it up for a moratorium to stop their community solar projects. Mr. Hoover stated they have not received PILOT or community benefit from any of the solar companies. At this point it is costing the Town of Batavia money to use their own engineers and lawyers. They have a twenty acre maximum on community solar projects. Our law says it is ok to have common parcels, one after the other as long as it is in the scope of the tier, Town of Batavia's does not. We do not have a restriction on size, ours is based on kilowatts.

- Mr. Hoover stated community solar projects are a category and homes can sign up with an independent company and receive 7-8% credit on their National Grid bill as a built in community benefit. They have a restricted number of homes because they only have so much power they can get.
- Councilwoman Marshall stated that the Cider Project is one of the largest in NYS right now. We need to have all our t's crossed, I's dotted and the best team put together to handle this. Councilman Coughlin stated we need to get everyone on board because we do not want to lose any benefits for the Town.
- Mr. Hoover asked Mr. Kanyuck if Elba's Town Board did not want solar or the big project coming what would be the chances of it not taking place here. Mr. Kanyuck stated 0-1%, the transmission lines are a big attraction. The goal is to get the best deal for the Town, taxpayers and keeping the environment and costs in check. This would be a great source of revenue for the Town.
- Councilwoman Marshall stated one of the Committee's first charges is to work on community benefits. This will be something that benefits the whole community and will not cost the community anything. They should have some ideas together in the next few weeks. She provided a few ideas that were brought to the table:
 - Highway needs a new overhead door for the garage at approximately \$20k
 - New computers and technology for the Town Hall
 - Bicycle, walking, hiking paths
 - Electric car plug in
 - Finish the lights on Main Street up to the school
 - A specified amount of money towards an endowment to the school for a scholarship gifted to a high school senior going into the green energy field
 - A flat payment each year

Once this list is together the idea is to have the attorney, engineer, Steve Hyde (GCEDC) and the developer to start discussing the PILOT and community benefit negotiations. They will bring that to the Town Board to discuss and see if the Town Board agrees. Mr. Hyde has a good idea on what developers are willing to pay.

Councilman Augello asked if there is a dollar amount based on the size. Mr. Hoover stated he has heard approximately \$5,500.00 a kilowatt. He provided a hypothetical example, on a community solar project like the Norton Road project, \$5,500.00 times the five acres equals \$30k. The typical breakdown is 60% to the school and 20% each to the Town and County. Mr. Hoover stated this was not a significant amount and this company may consider a onetime community benefit would be more practical. Maybe they would purchase the computers or overhead door. However, those figures with the Cider project are much larger. The Town of Elba could see upwards of \$1 million annually. Harrison Luna, Hecate and Mr. Hyde have said it will be based on acreage.

- Mr. Hoover stated there is a different process for the escrow requirement for the Cider project, as it is much larger. They are anticipating \$250,000.00-275,000.00 in intervenor funds that would be used by the Town for attorney and engineering reviews. If there is a community group that would like to oppose solar, they can also apply for money out of this fund. With this being a 94C project, the newer streamline version of an Article 10 which would need more review on the part of any community group.
- Supervisor Hynes asked where the fire department comes in, with the PILOT or community benefit. Mr. Hoover stated he would not recommend the fire department get anything from either of these. He stated once it is built the Town Assessor will reassess the properties and they will be approximately \$75,000.00-100,000.00 an acre. The developer will then pay the fire tax line item and this is where the funding will come from for the fire department. This will be huge for the

fire department. Therefore, it does not make sense to include them with the community benefit when they will get it on the line item.

- Mr. Kanyuck would like to see the new Solar Law put in place by March. Therefore, it will need to be presented at the February meeting and a resolution to accept. The Public Hearing would then take place in March which would fit in the time frame for the Cider projects application process. The day Hecate puts their application in, the town will have 30 days to request the intervenor funds which Mr. Kanyuck would ask for. With larger projects the developer funds the account and the State would oversee paying the bills from that account.
- Mr. Hoover stated there will be pushback on this. One of the benefits we can share with the community is that this is being done at no cost to the Town and taxpayers. Those at Hecate are willing to work with the Town and community.
- Councilman Augello stated he took part in the recent Zoom meetings with Hecate. He stated that Mr. Luna seemed genuine that he wants to hear complaints from the community. Councilman Augello encouraged the Board to let residents know they can take part in the weekly Zoom meetings. These informational sessions take place every Wednesday from 1:00-2:00 p.m. Councilwoman Marshall said we could suggest to Hecate to host an evening session for residents as well. Unfortunately, with Covid-19 they were unable to have an open house.
- Mr. Hoover will be sure to share the minutes with the Solar Wind Committee as well as Town Board members.
- Supervisor Hynes asked if they are all set with the Solar Laws that they reviewed at their last meeting. Councilman Coughlin believes they are set and ready for review by the Solar Wind Committee and then they will pass it on to the Planning Board. The Town Board should review them before the February 11th Town Board meeting. Mr. Kanyuck is able to engage with the solar companies to let them know what the law will be.
- Mr. Hoover stated the set backs were changed significantly. Set backs are 250 feet from the residence, 100 feet from property lines, 100 feet from the edge of the right away and 50 feet from an adjoining parcel. The wetland set back was also changed to meet the States requirements. Discussion took place regarding trees and berms.
- Supervisor Hynes suggested calling a Special Town Board meeting in three weeks to discuss anything we are missing. This will help those who feel they need more time. Discussed going over the Solar Law at this meeting.
- Discussion ensued regarding holding a caucus meeting to keep everyone up to date. Just a reminder there will be no voting at this gathering.

After discussion ceased Councilwoman Marshall offered the following:

**AGREEMENT FOR THE PAYMENT OF MUNICIPAL
ENGINEERING AND LEGAL EXPENSES**

This Agreement dated January 7, 2021 by and between the Town of Elba, a municipal corporation with its principal office located at 7 Maple Avenue, Elba, New York 14058 (the “Town”) and ForeFront Power, LLC, with its principal place of business located at 100 Montgomery Street, Suite 275, San Francisco, California 94104 (“ForeFront”).

WHEREAS, ForeFront is the developer of a 5 MW solar energy facility proposed to be located in the Town of Elba (the “Project”) and has applied for a special use permit and site plan review for the Project with the Town Planning Board (the “Application”); and

WHEREAS, pursuant to its authority under New York State law, the Town has authority to impose reasonable fees to carry out zoning and planning regulatory measures, so long as they are reasonably necessary to the accomplish the reviews required in the Town's Zoning Law; and

WHEREAS, the Town has retained special legal counsel and will retain an engineering firm (together, the "Professionals") to assist it in the review of the Application. The Professionals will be billing the Town on a time and material basis for such services; and

NOW THEREFORE, in consideration of the mutual promises herein, the Town and ForeFront agree that the terms and conditions of this Agreement are the following: Forefront shall reimburse the Town, in accordance with this Agreement, for all of its documented out-of-pocket engineering and legal fees reasonably incurred by the Professionals in connection with the Town's review of the Application (the "Project Review Expenses").

1. Within fifteen (15) business days of the execution of this Agreement, Applicant shall deposit the sum of Ten Thousand Dollars (\$10,000.00), which represents the Town's anticipated reasonable out-of-pocket Project Review Expenses, with the Elba Town Supervisor who shall hold the funds in escrow to be used to pay the Project Review Expenses incurred in reviewing the Application.
2. The invoices for Project Review Expenses will be submitted to the Town Board, which will review the invoices in consultation with the Town Planning Board. Upon approval by the Town Board, the Town Supervisor will thereafter be directed to disburse funds from the escrow account to pay the invoices. Copies of all invoices shall be provided to ForeFront, except for any privileged portions of legal billings.
3. Whenever the balance of the escrow fund falls below Five Hundred Dollars (\$500.00), the Town shall notify the Applicant in writing, through its attorney, of the balance of funds in the escrow account with an accounting of all monies expended since the last notification including the name of the payee, amount, invoice date and payment date. Within fifteen (15) business days of Applicant's receipt of such notification, the Applicant shall deposit an additional Three Thousand Dollars (\$3,000.00), or such other amount as the Applicant shall designate, into the account with the Town Supervisor. In the event Applicant fails to replenish the escrow account within fifteen (15) business days of such Town written notification, the Town Board may direct the Professionals to cease all work on the Applications until such additional funds are received from Applicant.
4. In the event that any escrow funds are disbursed by the Town for expenses or services that are not in connection with the review and processing of the Application ("Out of Scope Disbursement"), the Town shall within fifteen (15) business days deposit an amount equal to the funds so disbursed in connection with the Out of Scope Disbursement into the escrow account.
5. Upon completion of the review of the Application by the Professionals, any excess funds remaining in the escrow account shall be refunded by the Town Supervisor to ForeFront within fifteen (15) business days of written request for refund of such funds by ForeFront.
6. The Professionals retained by the Town to assist its work for the Town and do not have any obligation or fiduciary relationship to ForeFront.
7. The parties hereto acknowledge that reimbursement by ForeFront of the Town's engineering and legal expenses associated with the Town's review of the Application is consistent with the authorization under New York State law for reimbursement for such expenses, and in no way commits the Town to a course of conduct or position in support or opposition to any aspect of the Project.

TOWN OF ELBA

FOREFRONT POWER LLC

By: _____

By: _____

Print Name: Donna Hynes

Print Name: _____

Title: Town Supervisor

Title: _____

Second by: Councilman Augello

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 8-2021

Mr. Hoover reminded everyone that lead only means to approve and study the environmental impact. If this is passed today, they will be able to send out the Part 1 SEQRA tomorrow out to all the agencies to start the 30 day notice of intent. This will only be done on community solar projects.

Councilman Coughlin offered the following:

DECLARATION OF LEAD AGENCY STATUS—FOREFRONT NORTON ROAD SOLAR PROJECT

At a Meeting of the Town of Elba Town Board held on the 7th day of January, 2021, at 7:00 pm, at the Elba Town Hall, 7 Maple Avenue, in the Town of Elba, County of Genesee and State of New York.

STATE OF NEW YORK COUNTY OF GENESEE
TOWN OF ELBA TOWN BOARD

In the Matter of the Application of
Forefront Power LLC for the Norton Road Solar Project

RESOLUTION

UPON MOTION OF COUNCILMAN COUGHLIN, SECONDED BY COUNCILMAN AUGELLO, IT IS UNANIMOUSLY RESOLVED THAT:

WHEREAS, the Town of Elba Town Board (the “Board”) has received an application from Forefront Power (the “Applicant”) for a Solar Permit to construct and operate a 5-megawatt ground-mounted solar farm and associated electrical appurtenances at 6974 Norton Road (“Action”); and

WHEREAS, in accordance with the New York State Environmental Quality Review Act (“SEQRA”), and regulations adopted to implement SEQRA, the Board must undertake an environmental review of the Action; and

WHEREAS, the Town of Elba Zoning Board of Appeals has no approval authority over the Action, so the lead agency provisions of Town of Elba Zoning Law Section 811(B) cannot apply because the ZBA is not an

involved agency pursuant to 6 NYCRR 617.2(t); and

WHEREAS, a full Environmental Assessment Form Part I (“EAF”) for the Action was prepared by the Applicant to evaluate the significance of the potential environmental impact of the Action; and

WHEREAS, a Genesee County Planning Board referral is required for the Action pursuant to General Municipal Law § 239-m; and

NOW, THEREFORE, IT IS RESOLVED that, pursuant to 6 N.Y.C.R.R. §617.6(b)(3)(i), the Board shall serve as Lead Agency for the SEQRA review of the Action; and it is further

RESOLVED, that the Board accepts the EAF dated November 6, 2020; and

RESOLVED, that the proposed Action is a Type I action as defined by SEQRA, pursuant to 6 N.Y.C.R.R. §617.4(b)(1); and

NOW, THEREFORE, IT IS FURTHER RESOLVED that pursuant to SEQRA, the Board will undertake a coordinated review by furnishing all other Involved Agencies with a copy of the full EAF and notifying them of its intent to be designated as Lead Agency for the SEQRA review of the Action, and a period of thirty (30) calendar days will be allowed for Involved Agencies to consent to or object to that designation; and

NOW, THEREFORE, IT IS FURTHER RESOLVED that the Board directs the Code Enforcement Officer to refer the application and EAF for the Action to the Genesee County Planning Board for review pursuant to General Municipal Law § 239-m.

CERTIFICATION OF TOWN CLERK

STATE OF NEW YORK)
COUNTY OF ELBA) s.s:

TRISHA WERTH, Town Clerk of the Town of Elba, Genesee County, New York, DOES HEREBY CERTIFY that she has compared the above Resolution duly adopted by the Town Board of the Town of Elba on the 7th day of January, 2021 with the original Resolution now on file in her office, and she certifies that it is a correct and true copy of that Resolution.

Dated: January 7, 2021

Trisha Werth, Elba Town Clerk

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

RESOLUTION NO. 9-2021:

Councilman Chamberlain offered the following:

TOWN CLERK'S YEAR END REPORT

WHEREAS, the Town Clerk has submitted the 2020 Year End Clerk's Report and is accepted into the minutes.

01/07/2021

Town Clerk Monthly Report
January 01, 2020 - December 31, 2020

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Account#	Account Description	Fee Description	Qty	Local Share
		Water Inspection Fee	106	7,950.00
		Sub-Total:		\$7,950.00
A1255	Certified Copies - Birth	Certified Copies - Birth	1	10.00
	Certified Copies - Death	Certified Copies - Death	65	650.00
	Certified Copies - Marriage	Certified Copies - Marriage	8	80.00
	Copies	Copies	20	5.00
	Land Separation App. Fee	Land Separation App. Fee	3	200.00
	Marriage License Fee	Marriage License Fee	4	70.00
	Site Plan Review	Site Plan Review	2	130.00
	Variance Application Fee	Variance Application Fee	1	65.00
		Sub-Total:		\$1,210.00
A2530	Racing & Wagering Fees	Bell Jar License	1	10.00
		Raffle License	2	10.00
		Sub-Total:		\$20.00
A2540	Racing & Wagering Fees	Bingo License	41	307.50
		Bingo Proceeds	2	41.01
		Sub-Total:		\$348.51
A2544	Dog Licensing	Female, Spayed	148	592.00
		Female, Unspayed	22	264.00
		Male, Neutered	131	524.00
		Male, Unneutered	32	384.00
		Purebred Licenses	2	50.00
	Dog Seizure Fee	Dog Seizure Fee	3	30.00
		Sub-Total:		\$1,844.00
B2555	Building Permit Applications	Building Permit Applications	32	4,942.18
		Sub-Total:		\$4,942.18
			Total Local Shares Remitted:	\$16,314.69
Amount paid to:	New York State Comptroller's Office			491.25
Amount paid to:	New York State Dept of Health			90.00
Amount paid to:	NYS Ag. & Markets for spay/neuter program			471.00
Total State, County & Local Revenues:				\$17,366.94
			Total Non-Local Revenues:	\$1,052.25

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Trisha Werth, Town Clerk, Town of Elba during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.




Supervisor _____ Date 1/7/21
 Town Clerk _____ Date 1/7/2021

Second by: Supervisor Hynes

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 10-2021:

Supervisor Hynes offered the following:

AGREEMENT FOR THE EXPENDITURES OF HIGHWAY MONIES

AGREEMENT between the Town Superintendent of the Town of ELBA HIGHWAY DEPT., County of GENESEE, New York, and the undersigned members of the Town Board.

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS. The sum of \$270,000.00 shall be set aside to be expended for primary work and general repairs upon 32.55 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

2. PERMANENT IMPROVEMENTS. The following sums shall be set aside to be expended for the permanent improvement of town highways:

(a) On the road commencing at ALL TOWN ROADS, a distance of _____ miles, there shall be expended not over the sum of \$ _____

Executed in duplicate this 7 th day of January, 2021.

_____	_____
Supervisor	Councilwoman
_____	_____
Councilman	Councilman
_____	_____
Councilman	Councilman
_____	_____
Councilman	Councilman
_____	_____
County Superintendent of Highways	Town Superintendent

NOTE: This Agreement should be sign in duplicate by a majority of the members of the Town Board and by the Town Superintendent. Both Copies must be approved by the County Superintendent. One copy must be files in the Town Clerk's office and once in the County Superintendent's office. COPIES DO NOT HAVE TO BE FILED IN ALBANY.

Second by: Councilman Coughlin
Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall
MOTION CARRIED by unanimous vote (5-0)

ABSTRACT 1-2021

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

General Fund	1-19	\$61,990.24
Highway	1-2	\$241.06

Water District 2	1-3	\$125,664.97
	Total	\$187,896.27

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall
MOTION CARRIED by unanimous vote (5-0)

COMMITTEE REPORTS

Building and Grounds

Mr. Yungfleisch reported that he rented a lift to clean the heaters in the shop. Also placed a secure drop box on the Town Clerk’s office door.

Zoning Board

Councilman Chamberlain reported:

- John Babcock handed in his resignation effective June 1, 2021. They will select a new Chair at that time.
- Chuck Norton took on the role of Secretary.
- The 2021 meeting schedule will be posted in the Newspaper this month.

Planning Board

Councilman Coughlin reported:

- Torrey’s Land Separation – they were waiting on mylar which was recently dropped off to town office.
- Chuck Hoover provided the Planning Board an update on the Norton Road solar project.
- Discussed the amended wind law in the Town of Barre.
- Introduced Dave Scott as a potential new member.
- Discussed the possibility of having two people from Planning Board and two people from Zoning Board volunteer to be alternatives for the opposite board. The Chair would reach out to an alternate if a quorum needed to be met. Chuck and Bryan Gubb volunteered for the Planning Board. Once we have two from the Zoning Board, we will move forward in making a motion at the Town Board level.
- Brad Mudrzynski discussed the need to update the Comprehensive Plan and have an Agriculture Preservation Plan. He noted there are grants we can apply for to update these. Councilwoman Marshall suggested this could be added to our wish list for the community benefits through solar.

GAM

No report.

Cemetery

No report.

DEPARTMENT REPORTS

Highway

Mr. Yungfleisch reported he has ordered salt and they are working on equipment.

Assessor

No report.

ZEO/CEO

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

Town Clerk

Town Clerk Werth reported that she took in \$760.00 and remitted \$711.50 to the Supervisor for local share, \$26.00 to NYS Ag. & Markets for spay/neuter program and \$22.50 to NYSDOH for a marriage license.

Tax collections have started and are going well.

Supervisor

No report.

NEW BUSINESS

Councilman Coughlin shared he believes we need an Engineer for the solar project. The Town is receiving money and he wants to see it used in hiring the right Engineering firm. He sent out information to the Town Board members regarding LaBella and Supervisor Hynes sent information out regarding CPL. Councilman Coughlin shared CPL did a great job with our water project and their portfolio for buildings and parks is unbelievable. However, he shared that LaBella is the best firm to choose for engineering with solar projects.

Councilwoman Marshall shared that she was tasked to find names of lawyers when the Town first started discussing solar. She was able to speak with a few different people from recommendations and came back with a few options after spending a lot of time reviewing resumes. Councilwoman Marshall stated she used the same process in looking for an engineering firm. She was given three names; one company was ruled out after comments heard by Supervisor Hynes and herself. Supervisor Hynes suggested CPL, Councilwoman Marshall stated she has worked with CPL for over 40 years, their specialty is water projects and municipal buildings. She reviewed their website and there was no mention of solar. However, Councilwoman Marshall spoke with Kathy Spencer, a Principal Environmental Analyst at LaBella. She provided this packet to everyone at the last board meeting. LaBella has a team that has been involved in environmental and energy projects for almost 30 years. Ms. Spencer presented for the Genesee Finger Lakes Regional Planning Council and it was an excellent workshop. Councilwoman Marshall believes CPL's specialty is water and construction, and while the Town has a relationship with them it is nice to have fresh set of eyes sometimes and someone who specializes in solar. She strongly recommended LaBella and said it is important that it is done at this meeting so they have a chance to look at our Solar Law too. They may have recommendations that Mr. Kanyuck did not suggest.

Councilwoman Marshall made a **motion** to sign an engagement with LaBella as the engineering firm for solar.

Supervisor Hynes stated that CPL has worked very closely with the Town of Elba and they know every piece of property in Elba. They are very familiar with the Town Board too. The engineers do not design the projects, that is already done. Therefore, when an engineer is hired, they will need a strong review expertise for site plans, SEQRA, drainage, construction impacts are critical, and local level concerns. She stated CPL is very familiar with these topics. They have a group just like LaBella that focuses on solar. She felt it was important for them to have an opportunity as they are strictly working on the municipalities side and not working on the developer's side. Councilwoman Marshall stated CPL does not have much solar experience, just a few smaller projects and this is one of the largest projects taking place in NYS and the Town needs the experience. Councilman Coughlin stated that LaBella has done major projects in the planning stage. They have completed ground mounted projects, but Article 10 has had too many stumbling blocks. Councilman Augello shared that LaBella will not be learning right along with us where CPL will.

Councilwoman Marshall stated that LaBella's team consists of an Environmental Analyst, Solar Engineer, Electrical Engineer, Landscape and the Project Manager. The primary person this group will work with is Mr. Kanyuck, the Town's solar attorney. They are charged with looking out for our best interest and they

have experience with Article 10 and they are ahead of the game with 94C.

Supervisor Hynes stated she was concerned while reading their 45 page proposal that they understand there is going to be community projects but their biggest concern was that the Cider project was going to bring in \$375k for engineering and legal fees and they felt they could get it done within that amount of money. She does not see a lot of engineering needs in this project, there will certainly be plenty of costs for the attorney. Councilwoman Marshall stated they are ensuring the Town that there would not be additional costs. Councilman Coughlin shared that if for some reason in 3-6 months we are not happy with LaBella than we can change, we need to provide a 30 day notice.

Councilman Chamberlain stated this afternoon was the first he had heard of any of this when Supervisor Hynes gave him a paper copy of CPL’s proposal. He will not make any decision until he can read both proposals. He stated that CPL does have experience with solar according to their proposal.

Supervisor Hynes recommended the option of having another meeting in three weeks so everyone could review the proposals. Councilman Augello stated the longer we wait the more detrimental it is in reaping the benefits and ensuring it goes the way we want it to go. He does not want to wait three weeks in deciding who the engineer is going to be for one of the biggest solar projects in the state in one of the smallest communities of the state.

Town Clerk Werth reread the motion that was still on the floor:

Councilwoman Marshall made a **motion** to sign an engagement with LaBella as the engineering firm for solar.

Second by: Councilman Coughlin

	AYE	NAY
Donna Hynes, Supervisor	---	<u> X </u>
Wade Chamberlain, Councilmember	---	<u> X </u>
Dan Coughlin, Councilmember	<u> X </u>	---
Maureen Marshall, Councilmember	<u> X </u>	---
Michael Augello, Councilmember	<u> X </u>	---

MOTION CARRIED (3-2)

Supervisor Hynes will sign LaBella’s engagement letter and return it via email to Kathy Spencer.

Councilwoman Marshall asked Councilman Chamberlain how we can get information faster to him. He stated that he just needs to know there is an information packet at the Town to pick up or call Town Clerk Werth if he receives anything via email that he would like printed. The Solar Wind Committee will also send the minutes from their meetings out to everyone on the Board.

ADJOURNMENT

MOTION was offered from Councilman Chamberlain second by Councilman Coughlin to adjourn the meeting at 8:25 p.m.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Respectfully Submitted,

Trisha Werth
Town Clerk

DRAFT