

**Town of Elba
Regular Meeting
April 8, 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 and Wind/Solar Committee Chair
Dwight Kanyuck, Knauff Shaw – Zoom – entered meeting at 7:27 p.m. and exited at 7:53 p.m.
Rachel Partington, Junior Associate, Knauff Shaw – Zoom – exited meeting at 7:45 p.m.

Minutes of March 11, 2021 Public Hearing 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)

Minutes of March 11, 2021 Town Board Meeting

MOTION Councilwoman Marshall, second by Councilman Augello to approve the minutes as written.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

PUBLIC PARTICIPATION

Rachel Partington with Knauff Shaw reviewed Parts 2 and 3 of the Environmental Assessment Form (EAF) under the SEQRA.

Councilwoman Marshall made a **MOTION**, second by Councilman Chamberlain to adopt the EAF Parts 2 & 3.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

The Board discussed the amendment to the Solar Law, there was one change noted, a cross reference in Section 413(f)(5)(c). The current reference to Section 413(F)(5)(b) should instead be Section 413(F)(5)(c).

RESOLUTION NO. 22-2021

Councilman Chamberlain made a motion to issue a SEQRA negative offered the following:

RESOLUTION ENACTING LOCAL LAW NO. 1 OF 2021

WHEREAS, by Resolution dated February 11, 2021, at the recommendation of the Town of Elba Planning Board, the Town of Elba Town Board introduced for consideration proposed Local Law No. 1 of 2021 (the “Proposed Local Law”), which would annul the Town of Elba Solar Energy Law, Local Law No. 1 of 2020 (the “Existing Solar Law”), and amend the Town of Elba Zoning Law to include additional definitions and provisions related to the regulation of solar energy systems; and

WHEREAS, the Proposed Local Law would make the following substantive changes to the Existing Solar Law with respect to the following issues:

1. Revised and updated definitions to account for recent technology changes and for consistency.
2. Creation of a category of solar energy system referred to as On-Farm Solar Energy Systems, which provide lightened regulation for solar energy systems installed on agricultural land that are sized to solely support the farm operation.
3. General reorganization of the solar energy system regulations to clarify general requirements applicable to all solar energy system systems, application requirements, and permitting standards.
4. Additional application requirements related to landscape screening and visual impact assessments, analysis of impacts to prime farmland and farmland of statewide importance, noise assessment, ground-water impacts, decommissioning plans, and operation and safety plans.
5. Clarification of the permitting requirements and allowed zoning districts for each classification of solar energy system.
6. Explicit integration of the applicability of standard site plan and special use permit application requirements and site plan review and special permit standards of Zoning Law Section 808 to permitting for solar energy systems.
7. Additional application requirements for Tier 3 solar energy systems, including:
 - a. Additional visual impact assessment and landscaping plan requirements for solar energy systems exceeding ten (10) acres;
 - b. Additional vegetation management plan requirements; and
 - c. Integration of the decommissioning plan requirements into the application requirements.
8. Revised special use permit standards and approval requirements for Tier 3 solar energy systems, including those related to:
 - a. Requiring referral of all Tier 3 solar energy system applications to the Genesee County Planning Board for a General Municipal Law §239-m review;
 - b. Construction and decommissioning and restoration practices consistent with the NYS Agriculture and Markets Solar Energy Project Guidance when solar farms are constructed on prime farmland and farmland of statewide importance;
 - c. Removing the 500 foot setback requirement for solar energy systems from NYSDEC and US Army Corps of Engineers regulated wetlands, which causes the setback to revert to the 100 foot setback required by NYSDEC;
 - d. Establishing a setback to adjacent residences and increasing setbacks from public highways, adjacent properties, and adjacent residential property as follows:

- i. Establishing setbacks from adjacent residences at a minimum of 250 feet;
 - ii. Increasing setbacks from adjacent residential property lines to a minimum of 100 feet from a prior range of 15 to 100 feet;
 - iii. Increasing setbacks from a public road to a minimum of 100 feet from the edge of the right of way from a prior range of 30 to 100 feet; and
 - iv. Increasing setbacks from adjacent non-residential property lines to a minimum of 50 feet from a prior range of 15 to 25 feet.
- e. Waiving the setback requirements for contiguous participating parcels;
 - f. Establishing a noise standard where none was previously present;
 - g. Providing additional detail regarding the requirements for vegetation management plans, landscape screening, and vegetation plantings with ongoing maintenance requirements;
 - h. More specific requirements for the financial security for decommissioning and site restoration to ensure the availability of funds, including specificity on bond requirements, an update to the estimated cost of implementing the decommissioning plan every five years for the purpose of updating the amount of financial security, and the exclusion of salvage value in the estimated cost for implementing the decommissioning plan; and
 - i. Clarifying the notification requirements for solar energy system ownership changes.
9. Rescinding the election of the Town to opt-out of the Real Property Tax Law §487 property tax exemption so that the Town has the explicit ability to negotiate a payment-in-lieu-of-taxes (PILOT) agreement with solar energy system project developers.

WHEREAS, a Notice of a Public Hearing on the Proposed Local Law was published in the *Batavia Daily News* on March 6, 2021 and the Town Clerk also caused a copy of that Notice to be posted on the Town of Elba website and to be posted on the sign board of the Town maintained pursuant to Town Law §30(6) on March 4, 2021;

WHEREAS, pursuant to Town Law § 264, on March 4, 2021 written notice of the Proposed Local Law was mailed to the Town Clerks of the Towns of Byron, Stafford, Batavia, Oakfield, Barre, and Clarendon, and the Clerk of the Legislature of Orleans County; and

WHEREAS, a public hearing was duly held on that proposed Local Law on March 11, 2021 at 6:45 PM before the Town Board at the Elba Town Hall, and all persons desiring to speak were heard; and

WHEREAS, the public hearing held on March 11, 2021 was recessed and continued; and

WHEREAS, a Notice of a Public Hearing on the Proposed Local Law was published in the *Batavia Daily News* on March 25, 2021 and the Town Clerk also caused a copy of that Notice to be posted on the Town of Elba website and to be posted on the sign board of the Town maintained pursuant to Town Law §30(6) on March 25, 2021;

WHEREAS, pursuant to Town Law § 264, on March 25, 2021 written notice of the Proposed Local Law was mailed to the Town Clerks of the Towns of Byron, Stafford, Batavia, Oakfield, Barre, and Clarendon, and the Clerk of the Legislature of Orleans County; and

WHEREAS, the Proposed Local Law, Part 1 of an Environmental Assessment Form, and the Existing Solar Law were referred to the Genesee County Planning Board for review pursuant to General Municipal Law § 239-m; and

WHEREAS, by Notice of Final Action dated March 11, 2021, the Genesee County Planning Board approved the Proposed Local Law but recommended that clarification be made of the zoning districts where Tier 3 Solar Energy Systems are permitted; and

WHEREAS, comments suggesting changes or clarifications to the Proposed Local Law were received by letter dated March 9, 2021 from Charles Malcolm, Esq. of Hodson Russ LLP on behalf of Hecate Energy LLC (“Hecate”) and such comments were also discussed at the public hearing on March 11, 2021; and

WHEREAS, comments, dated March 18, 2021, from LaBella Associates (“LaBella”), an engineer for the Town, from its review of a currently pending solar energy system application from ForeFront Energy LLC before the Town Planning Board identified additional suggested modifications to the Proposed Local Law; and

WHEREAS, by Resolution at the Town Board workshop held April 1, 2021, the Town Board recommended that the following revisions be made to the Proposed Local Law (the “Revised Proposed Local Law”) based on the comments of County Planning, LaBella, and Hecate:

- Section 413(F)(1) and Tables 1 and 2 were clarified to limit Tier 3 Solar Energy Systems to Agricultural-Residential Districts and Business Districts. The reference to the Commercial District was eliminated because there is no zoning district designated as a Commercial District in the zoning law.
- Revisions to the Decommissioning Plan and Abandonment Provisions: were made based on the LaBella comments.
- Section 413(F)(4)(h) (regarding Tree-cutting) has been revised to state that cutting of trees greater than 6” in diameter at the base of the trunk is to be minimized.
- Sections 413(F)(4)(j)(i)(1), (2), and (4) (regarding property line and residence setbacks) were updated to clarify that the property line and residence setback requirements apply only to non-participating properties.
- Section 413(F)(4)(l)(ii)(1) (Regarding lot coverage requirements) was revised to clarify that only the portions of the solar energy system that touch the ground are included in the lot cover calculation.
- Section 413(F)(4)(o)(ii)(3) (regarding screening and landscaping) was revised to allow naturalized/non-invasive species for vegetative screening.
- Appendix 1 (Related to lot size requirements) clarified that minimum lot size requirements for projects proposed to be constructed on more than one contiguous participating property may be satisfied by aggregating the lot sizes of all participating properties.
- Section 413(F)(4)(j)(i)(3) (public road setbacks) was revised to modify the setback from public roads from 100 feet from the right of way for all public roads to 100 feet from the right of way for state roads or highways and 70 feet from the right of way for county and town roads.

WHEREAS, a redline of the Revised Proposed Local Law showing the changes as compared to the Proposed Local Law is annexed hereto as Exhibit A: and

WHEREAS, the Revised Proposed Local Law has been on the desks of all Town Board members since April 1, 2021; and

WHEREAS, Parts 1, 2, and 3 of an Environmental Assessment Form (“EAF”) were prepared for the Revised Proposed Local Law, which the Town Board has reviewed; and

WHEREAS, adoption of Local Law No. 1 of 2021 is a Type I action under the State Environmental

Quality Review Act, pursuant to 6 N.Y.C.R.R. §617.4(b)(2); and

WHEREAS, a public hearing was duly held on the Revised Proposed Local Law on April 8, 2021 at 6:45 PM before the Town Board at the Elba Town Hall, the revisions to the Proposed Local Law were discussed at the public hearing, and all persons desiring to speak were heard; and

WHEREAS, no additional revisions were made to the Revised Proposed Local Law as a result of comments made at the April 8, 2021 public hearing.

NOW THEREFORE, IT IS RESOLVED, that the Town Board has considered the Revised Proposed Local Law and its potential for environmental impacts; reviewed and considered the EAF, the criteria contained in 6 N.Y.C.R.R. §617.7(c), and other supporting information to identify the relevant areas of environmental concern; and thoroughly analyzed the identified relevant areas of environmental concern to determine if the Revised Proposed Local Law may have a significant adverse impact on the environment, and finds that the Revised Proposed Local Law would not have a significant impact on the environment, because:

1. New York State has adopted policy and set goals into law to promote the installation of solar energy systems on residential and municipal buildings, and for large commercial and utility-scale generating systems.
2. This law furthers the Town's goal of supporting the use of solar energy systems in certain districts with appropriate regulations to promote and uphold the public health, safety and welfare, conserve farmland, and to ensure that such systems will not have a significant adverse impact on the aesthetic qualities and character of the Town.

IT IS FURTHER RESOLVED, that pursuant to the State Environmental Quality Review Act, a Negative Declaration shall be made and duly filed, and an environmental impact statement need not be prepared; and it is

RESOLVED that, pursuant to the Municipal Home Rule Law, the Revised Proposed Local Law¹ is hereby enacted as Local Law No. 1 of 2021, and shall be filed with the Secretary of State; and it is

RESOLVED that, pursuant to Real Property Tax Law § 487, a notice that the Town has rescinded the Town's election to opt-out of the Real Property Tax Law §487 property tax exemption shall be submitted to the New York State Commissioner of the Department of Taxation and Finance and the President of the New York State Energy Research and Development Authority; and it is

RESOLVED that, pursuant to Town Law § 264, a summary of Local Law No. 1 of 2021 shall be published in the *Batavia Daily News* and the affidavit of such publication shall be filed with the Town Clerk.

DATE: April 8, 2021

Second by: Supervisor Hynes

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

APPROVED by unanimous vote (5-0)

RESOLUTION #23-2021:

Councilman Coughlin offered the following:

**RESOLUTION APPROVING THE ENTERING INTO
OF AN ESCROW AGREEMENT FOR PROFESSIONAL SERVICES**

**AND DESIGNATING THIRD-PARTY PROFESSIONALS
FOR THE REVIEW OF THE BW SOLAR PROJECT**

WHEREAS, the Town has been presented an application (“Application”) by BW Solar (the “Applicant”) to construct and operate a five megawatt solar energy facility in the Town (the “Project”), which will require the approval of a special use permit and a site plan by the Town Planning Board; and

WHEREAS, the Planning Board has determined that contracted legal and engineering support (the “Professional Services”) is necessary to assist the Planning Board with the timely review of the Application; and

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

WHEREAS, annexed as Exhibit “A” is a form escrow agreement (“Escrow Agreement”) which provides for the Applicant to fund an escrow account, in the amount of \$10,000, to be managed by the Town Supervisor, with Town Board, Planning Board, and Applicant oversight, for the payment of the Professional Services.

NOW, THEREFORE, IT IS RESOLVED that the Town Board hereby authorizes the Town Supervisor to enter into the Escrow Agreement for the Professional Services with the Applicant, or its designee; and

IT IS FURTHER RESOLVED that Knauf Shaw LLP is designated as the provider of legal services for review of the Application on behalf of the Town; and

IT IS RESOLVED that CPL is designated as the provide of engineering service for review of the Application on behalf of the Town.

DATE: April 8, 2021

Second by: Councilman Augello

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

APPROVED by unanimous vote (5-0)

RESOLUTION #24-2021:

Councilman Augello offered the following:

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

This Agreement dated April 11, 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 [BW Power, LLC], with its principal place of business located at Oak Orchard Road, Elba New York (“BW”).

WHEREAS, BW 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 BW agree that the terms and conditions of this Agreement are the following:

1. BW 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").
2. 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.
3. 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 Chair. Upon approval by the Town Board, copies of all invoices shall be provided to BW, except for any privileged portions of legal billings. If BW makes no objection to the payment of the invoices within five (5) business days, the Town Supervisor will thereafter be directed to disburse funds from the escrow account to pay the invoices.
4. In the event of an objection by BW to a claimed Project Review Expense, the parties will in good faith attempt to resolve the dispute in consultation with the relevant Professional. In the event a disputed claimed Project Review Expense cannot be resolved, BW may contest the claimed Project Review Expense upon application to the Zoning Board of Appeals.
5. 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.
6. 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 BW within fifteen (15) business days of written request for refund of such funds by BW.
7. The Professionals retained by the Town do not have any obligation or fiduciary relationship to BW.
8. The parties hereto acknowledge that reimbursement by BW 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

[BW POWER LLC]

By: _____

By: _____

Print Name: Donna Hynes

Print Name: _____

Title: Town Supervisor

Title: _____

Second by: Councilman Coughlin

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

APPROVED by unanimous vote (5-0)

RESOLUTION #25-2021:

Councilman Chamberlain offered the following:

APPOINT CHAIRPERSON FOR ZONING BOARD OF APPEALS

RESOLVED, with the upcoming retirement of John Babcock, the Board moves to approve the Zoning Board of Appeals recommendation that Rick Sanfratello be appointed as the Chairperson for the Zoning Board of Appeals effective April 1, 2021.

Second by: Councilman Augello

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

APPROVED by unanimous vote (5-0)

RESOLUTION #26-2021:

Councilman Coughlin offered the following:

RESOLUTION IN SUPPORT OF S.4717B & A.06223A

WHEREAS, Genesee County authorized voluntary revenue distribution payments to towns and villages within the County and it was the understanding of the county and towns and villages that the county would make voluntary distribution payments when fiscally possible and presumed the payments would be allocated and spent in the same way as would funds paid (previously) pursuant to a tax sharing agreement, and

WHEREAS, It has been determined that funds made pursuant to voluntary contributions cannot be used in the same way as funds received through a tax sharing agreement in towns that contain a village, and

WHEREAS, Genesee County requested Senator Edward Rath and Assemblyman Steve Hawley introduce legislation to address this and allow funds to be allocated as was intended by both Genesee County and the towns and villages within the county, Now therefore, Be it

RESOLVED, That the Town of Elba supports S.4717B and A.06223A and urges the New York State Senate and Assembly to pass this legislation during this 2021 Legislative Session.

Second by: Councilman Chamberlain

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 27-2021

Supervisor Hynes offered the following:

Amend Supervisor Disbursement for Capital Account

To Amend the March 11, 2021 Disbursements – Water #2 Fund (Capital Account) Voucher No. 8 in the amount of \$5370.55 as one invoice was previously paid.

The Final amount paid should read \$899.28.

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

RESOLUTION NO. 28-2021

Councilman Chamberlain offered the following:

APPOINT BOARD OF ASSESSMENT REVIEW MEMBER

RESOLVED, that Anthony (Tony) Mancuso be appointed to the Elba Board of Assessment Review member effective April 8, 2021 to fill the open seat left by Lynn Bezon. The term will end September 30, 2025.

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

ABSTRACT 4-2021

MOTION, Councilman Chamberlain second by Councilwoman Marshall approve the following:

General Fund	69-85	\$8,420.86
Highway	31-44	\$19,817.05
Water District 1	3	\$475.00
Water District 2	10-12	\$67,874.07
Solar	1-2	\$5,619.24
	Total	\$102,206.22

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

COMMITTEE REPORTS

Building and Grounds

Mr. Yungfleisch reported:

- Work at the new Town Hall continues, waiting on drywall and replacing basement stairs. He purchased a dehumidifier and the basement remains dry.
- Blue Sky Towers is waiting on a pole to be put into place so they have power.
- Putting out to bid the 20 foot door at the end of the building. The MEO’s will remove three of the four overhead doors. This building will now be a shop and the trucks will all be parked

back in the garage.

Zoning Board

Councilman Chamberlain reported:

- Mr. Rick Sanfratello ran the last meeting and seemed very organized.
- A Public Hearing is scheduled for Mr. Dent on Bridge Road for a front yard variance for a set of steps that need a four feet variance.

Planning Board

Councilman Coughlin reported:

- Mrs. Mindy Stempin has not been appointed by the Village yet. The Town Board would like the Village attorney to see if that IMA is still in effect. Supervisor Hynes will ask Mayor Itjen to look into this. The question remains does the next member need to be a Village resident?
- There was a Public Hearing for the Forefront Norton Road Solar Project. Mr. Hoover provided background on the review process to date and informed everyone there would be another Public Hearing on April 15th this will go to the County Planning Board. Mr. and Mrs. Bob Bowen were in attendance with several questions regarding visual impact, impact to water flow and drainage, impact to property values and impact to snowmobile trails. All of their questions were answered by the Forefront representatives and they were encouraged to reach out to them with any other questions.
- BW Solar was introduced, a 5 MW photovoltaic array on 28 acres of agricultural land on a single parcel of 55.8 acres at 7209 Oak Orchard Road.

GAM

Councilman Augello stated there was a lot of discussion regarding water, equalization rates from one side of the County to the other and solar. They also mentioned Economic Development is going to do a study on the lack of housing in Genesee County. It was stated that the County is short 4,000 market value homes in the area.

Cemetery

Councilman Chamberlain shared Mr. Steve Davis, Caretaker's letter regarding his request for an increase in his salary. His three year contract was from 2017-2019, therefore he performed the duties last year without a contract. Yearly increases for maintenance, operating costs and increasing fuel prices were not included in the contract. Mr. Davis proposed a one year contract, contingent to his health, at a salary of \$14k versus the \$10,500.00 he receives now. Councilman Chamberlain stated he has worked at that \$10,500.00 for four years now. Councilman Coughlin said he should let the Board know by September each year. He does provide his own insurance policy and it was discussed that those rates have gone up as well. When Mr. Davis' new contract is drawn up it should be included in there to let the Board know prior to September if he would like an increase. Councilman Chamberlain will contact Mr. Davis to discuss the increase and report back next month. He would like a new contract drawn up to and it should include the following statement, "any increases need to be before the Town Board before September."

Mr. Yungfleisch stated they have rolled the new section several times.

Publicity

We received a letter from Melissa Garcia Vasquez, a third grade student at Elba. She is very passionate about cleaning up our environment and would like to start right here in Elba. Town Clerk Werth reached out to Carol Bush, Elementary Principal to see if we can help accomplish Melissa's goal. We are working with

her teachers and Jerah Augello, Village Clerk on possibly getting together for a few hours on April 22nd, Earth Day to clean up some of our Village streets.

DEPARTMENT REPORTS

Highway

Mr. Yungfleisch reported:

- They mixed up shoulder material, salt is in and will mix it next week.
- They sent a truck to Lockport to have the box painted, too expensive to do the whole truck.
- Taking trucks apart
- Cutting trees down – may need to rent a tug grinder to get rid of them all.

Assessor

Mr. Flansburg's report was emailed to the Town Board members and is also available in the Town Clerk's office.

ZEO/CEO

Mr. Mikolajczyk's report was emailed to the Town Board members and is also available in the Town Clerk's office. Town Clerk Werth to resend this report as some were not able to open it.

Town Clerk

Town Clerk Werth reported that she took in \$1185.00 and remitted \$1164.00 to the Supervisor for local share, \$21.00 to NYS Ag. & Markets for spay/neuter program.

We finished collecting Town and County taxes and returned 40 unpaid taxes to the County.

Supervisor

Supervisor Hynes reported:

- Millennium upgraded the server giving us more space for emails. Let Supervisor Hynes know if you have any other issues with email and we will have Millennium take a look.
- Jason Foote, CPL is working with Steve Mountain of Town of Batavia and attorneys Dave Schubel and Andrew Meier to move things forward with the Byron side of Transit Road. John Helgren stated he did not want the Town of Elba putting any money in the Water District account from Town of Byron residents. The Town of Batavia has agreed to work with the Byron residents to hook up to the water. We will collect the debt service each year from those who choose to hook up.

Councilpersons

Councilman Chamberlain questioned the equalization rate in Town. Residents have mentioned to him that other Towns are only at 80%, they ask why we need to be at 100%. Supervisor Hynes stated he does follow the NYS Taxation and Finance, she believes anyone with questions should talk with Mr. Flansburg and let him explain it. Very few Towns received increases in their assessment this year. The Board would like Mr. Flansburg to attend a Town Board meeting to help explain this, Supervisor Hynes will set this up.

Councilwoman Marshall shared that Conley Electric will be doing a lot of work in upgrading the lines here in Elba this summer for National Grid. They were looking for work locations at the North end and center of Town. This will make the roads quite active in the Town.

OLD BUSINESS

Mr. Hoover shared the Planning Board will reopen the Public Hearing for Forefront next week. He will contact CPL to get the information they need for BW. The letter of intent will go out tomorrow for BW, Mr. Hoover reviewed the process.

NEW BUSINESS

Town Clerk Werth discussed what she adds to the School Newsletter. Please let her know if there is anything the Board would like added. Mr. Hoover mentioned adding a piece about the weekly Cider Solar Farm Zoom meetings.

Councilwoman Marshall made a **MOTION**, second by Councilman Augello to go into Executive Session to discuss employment matters at 7:57 p.m.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Councilwoman Marshall made a **MOTION**, second by Councilman Coughlin to return to regular session at 8:18 p.m.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Councilwoman Marshall made a **MOTION**, second by Councilman Augello to hire Mr. John Whiting as the Town Attorney.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

ADJOURNMENT

MOTION was offered from Councilwoman Marshall second by Councilman Coughlin to adjourn the meeting at 8:20 p.m.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Respectfully Submitted,

Trisha Werth
Town Clerk