

**Town of Elba
Regular Meeting
May 13, 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 Chamberlain
Councilman Coughlin
Councilwoman Marshall

Others Present:

Town Clerk Werth
Superintendent of Highways Yungfleisch
Chuck Hoover, Planning and Wind/Solar Committee Chair – entered at 7:36 p.m.

Absent:

Councilman Augello

Minutes of April 8, 2021 Public Hearing Meeting

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

Ayes: Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (4-0)

Minutes of April 8, 2021 Town Board Meeting

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

Ayes: Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (4-0)

RESOLUTION NO. 29-2021

Councilman Coughlin offered the following:

APPOINT PLANNING BOARD MEMBER

RESOLVED, with the resignation of Vern Howard, the Board moves to appoint Mindy Stempin as an alternate to the Elba Joint Village/Town Planning Board effective May 13, 2021 to fill an unexpired term, ending December 31, 2023.

Second by: Councilman Chamberlain

Ayes: Coughlin, Chamberlain, Hynes, Marshall

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 30-2021

Upon Motion of Councilwoman Marshall, second by Councilman Coughlin it is unanimously resolved that:

**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

August 1, 2021, and shall remain posted until Monday, September 20, 2021.

**BY ORDER OF THE TOWN BOARD
TOWN OF ELBA**

Trisha Werth
Town Clerk

RESOLVED: That the Town Board of the Town of Elba does hereby adopt this resolution in support of closing roads within the Town of Elba for the Arc of Genesee Orleans as part of the “2021 Friends & Family 5K” race, this 13th day of May, 2021.

CC: Sandy Konfederath, Community Relations Coordinator, Arc of Genesee Orleans
Mike Heale, Elba Fire Chief
Mark Yungfleisch, Town of Elba, Superintendent of Highways

State of New York)
County of Genesee)
Town of Elba) ss.

I, Trisha Werth, Town Clerk of the Town of Elba in the County of Genesee, State of New York, hereby certify that the foregoing Resolution was duly adopted at a meeting of the Town Board on the Town of Elba held on the 13th day of May, 2021, by the required necessary votes of the members to approve this Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Elba, Genesee County, New York this 13th day of May, 2021.

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

RESOLUTION NO. 32-2021:
Councilwoman Marshall offered the following:

CEMETERY CARETAKER AGREEMENT

RESOLVED, that the Town of Elba enter into an annual agreement with Steve Davis, 135 Vine Street, Batavia, NY to provide equipment and services for maintenance of the three Cemeteries in Elba, NY for a period of one year.

RESOLVED, that the Town Supervisor is hereby authorized to sign this agreement.

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

RESOLUTION NO. 33-2021:
Councilman Chamberlain offered the following:

**RESOLUTION AUTHORIZING THE OPENING OF A
CHECKING ACCOUNT FOR THE BW SOLAR PROJECT**

RESOLVED, the Elba Town Board hereby authorizes the Town Supervisor to open a Town of Elba checking account, entitled, “BW Solar Project” to receive deposits of intervenor funds from BW Solar Holding Inc.; and

RESOLVED, disbursements will be made from this account for payment of attorney and engineering fees; and

BE IT FURTHER RESOLVED, that the Town Supervisor and Deputy Supervisor shall be authorized signees for the account on behalf of the Town of Elba.

Second by: Councilman Coughlin

Ayes: Chamberlain, Coughlin, Hynes, Marshall

APPROVED by unanimous vote (4-0)

ABSTRACT 5-2021

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

General Fund	86-110	\$74,507.13
Highway	45-61	\$53,164.15
Water District 1	4	\$5,147.20
Water District 2	14-15	\$2,638.68
	Total	\$135,457.16

Ayes: Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (4-0)

COMMITTEE REPORTS

Building and Grounds

Mr. Yungfleisch reported:

- Pump Doctor Inc. sent a quote for the installation of a new Gasboy Prime management system. After some discussion, Councilwoman Marshall would like to do some research to see if there is another company that can do the maintenance. She believes it has more to do with the connection issues with the phone system.

Zoning Board

Councilman Chamberlain did not attend the last meeting.

Planning Board

Councilman Coughlin reported:

- Cider Solar Project reduced its proposed footprint from 3,500 to 2,800 acres
- Current setback requirements from the right of way edge for the Town roads is 70 feet while County roads are 100 feet
- Labella Associates reviewed the Environmental Assessment Forms 2 and 3 for the Forefront Solar project. In general, no/small impacts were determined. Largest anticipated impacts were to agricultural resources as this would be taking of farmland, but was still not considered significant

- Concerns were addressed by Mr. and Mrs. Bowen, they would be planting extra screening on the northern portion of the project and they will add anti-reflective coatings on the panels to reduce glare.
- Genesee County Planning Board a second time and approved the projects with strengthened decommissioning language to allow the access road to be in the middle of the solar field
- According to Dwight Kanyuck, the negative declaration is considered conditional as a handful of checklist items must be completed. These include final building permits; approval of construction materials; agreements with National Grid; DEC compliance; updated drawings; decommissioning financials; 911 address verification; notify local fire chief; maintain industry standards; successors need to comply with conditions; and the PILOT agreement must be in place.
- BW Solar Project – the 30-day Notice of Intent started April 5, public hearing scheduled for the May 20.

GAM

No report.

Cemetery

Councilman Chamberlain shared that Mr. Steve Davis will come in to sign the contract. This will be renewed annually.

Mr. Yungfleisch added that he had to take a dead tree down at the Edgerton Road Cemetery.

Publicity

Town Clerk Werth stated that she has tickets available for the Elba Hall of Fame Committee Beef on Weck dinner on May 18th and Chicken BBQ tickets for the Elba Betterment Committee on June 13th. The Town also received a letter from Pete and Sue Zeliff with the Warrior House of WNY, they have sponsorship opportunities available.

DEPARTMENT REPORTS

Highway

Mr. Yungfleisch reported:

- Salt is in and all mixed up
- 500 ton of shoulder materials has been used so far and another 720 ton was added this week
- Towns are starting to do pave, we will help with that and also mow our roadsides
- Fixing quite a few pieces of equipment

Assessor

Mr. Flansburg's report was recently provided to the Town Board 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

Town Clerk Werth reported that she took in \$1303.00 and remitted \$1201.00 to the Supervisor for local share, \$57.00 to NYS Ag. & Markets for spay/neuter program and \$45 to NYSDOH for marriage licenses.

Deputy Town Clerk Laurie Itjen has resigned effective May 31st. Town Clerk Werth will continue to seek

someone to fill this role.

Councilwoman Marshall added that the articles regarding Earth Day with the students were nice to read. It was a good human interest story and it was nice to see Town Clerk Werth and Village Clerk Augello coordinate this event together.

Supervisor

Supervisor Hynes reported:

- The new Town Hall renovations are coming along, they have eliminated as much as possible to keep the costs down. The abatement process really used a lot more of the financials than anticipated. Councilwoman Marshall suggested a keypad for entry, this allows us to change codes as individuals come and go. This would be much more efficient than issuing keys. The target date for completion of the renovation is the end of June.
- Spectrum – Supervisor Hynes has passed on to Mark Meyerhoffer all the areas that should be included in the build out for internet service. Councilwoman Marshall added the biggest issue was the children needing to complete schoolwork via Zoom without access to the internet.
- Still waiting on the monthly financials from Baldwin's.

Councilman Coughlin made a **MOTION**, second by Councilman Chamberlain to authorize Supervisor Hynes to sign Change Order 3 for Town Hall renovations to include electrical boxes for fans and Gypsum wall board repairs.

Ayes: Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (4-0)

Councilman Chamberlain made a **MOTION**, second by Councilman Coughlin to authorize Supervisor Hynes to sign the amended Townwide Water contract with Municipal Solution to cover the total reviewed fee based on the current project scope including an additional nine months.

Ayes: Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (4-0)

Councilpersons

Councilman Chamberlain stated he was the only public who attended the School Board Budget Public Hearing. They offered handouts and did a real good presentation.

Councilwoman Marshall shared Town of Bergen's concerns regarding a recent ATV accident where someone was killed. She questioned whether our Town has property where there is exposure of people riding. The water tower is fenced in and is properly posted to cover the Town. The refuse center is also well posted but Mr. Yungfleisch will ask the County to make another large sign to post at that property. Councilwoman Marshall also suggested reaching out to the Sheriff's office to keep patrolling the area.

Councilwoman Marshall shared concern regarding the email from Mayor Itjen. It is not clear if the Town/Village attorney or the attorney with NYCOM made the comment regarding being on board with consolidating the Town and Village. Supervisor Hynes will investigate.

Councilwoman Marshall asked when we will start budget planning. Supervisor Hynes stated in mid August.

OLD BUSINESS

Mr. Hoover provided a solar update:

- Forefront – Norton Road Solar – The Planning Board approved their conditional special use permit. There were ten bullet points that need to be done and Labella is reviewing. Mr. Kanyuck has sent them a note asking for an additional \$3-6K in intervenor funds. This will cover Mr. Kanyuck's services and Labella's.
- BW Solar – Elba 1 LLC – An email was received from NYS Ag and Market, Division of Land and Water Resources with a determination letter attached. Review was already completed from NYSERDA. Mr. Hoover will check in with CPL. There is a Public Hearing set for this project on May 20th. They will review bullet points at that time. Supervisor Hynes added the \$10K was received from BW, working with M&T to open an account.
- Cider Project – Waiting to hear if the application has been filed. Once filed the 30 day process will start where the Town can ask for intervenor funds, which Mr. Kanyuck will handle. The State will have 60 days to review the application. Councilwoman Marshall asked if there has been any discussion with GCECD on what the PILOT shares will be. There has been some discussion between Steve Hyde at GCECD and Mr. Kanyuck regarding this. The State came out with new regulations that allows 94C developers to not pay the percentages that were originally discussed. If they follow the form that was used in Byron than the Town would get about \$3 million a year split between the two towns, 2/3 of megawatts for this project is in Elba. Mr. Hoover stated the Town will benefit more than the County and School with the community benefit plan. When taking into account a PILOT the School and County receive more, but he sees the community benefit being set up differently. He believes this is accurate as the Town has the liability and did all the work, where the School and County collect a check. The payments will take place over an 18 year period. Supervisor Hynes and Mike Heale, Fire Chief briefly met with Harrison Luna when he was recently in Town. Mr. Luna will work with Mr. Heale to set up a training for the fire departments.
- Discussion ensued around the option of a moratorium on the amount of solar projects in the Town. Councilwoman Marshall stated there are solar companies knocking on doors.
- Mr. Hoover stated they need to move on wind energy, battery storage laws and update the comprehensive plan including upgrades to the cultural plan.
- The County is working on the 2050 plan.

ADJOURNMENT

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

Ayes: Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (4-0)

Respectfully Submitted,

Trisha Werth
Town Clerk