

**Town of Elba
Regular Meeting
July 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

Minutes of June 10, 2021 Town Board Meeting

MOTION Councilwoman Marshall, second by Councilman Chamberlain to approve the minutes with one correction with our Town Attorney name.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

ABSTRACT 7-2021

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

General Fund	140-163	\$65,288.76
Highway	77-85	\$16,182.36
BW Solar	3	\$1,750.00
ForeFront Solar	5	\$2,152.50
Water District 2	18-19	\$97,711.86
	Total	\$183,085.48

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

COMMITTEE REPORTS

Building and Grounds

No report.

Zoning Board

Councilman Chamberlain stated there was no meeting due to holiday.

Planning Board

Councilman Coughlin shared:

- Mr. and Mrs. Sequin came to the last Planning Board meeting to express their concerns regarding the Cider Solar Farm project. Hoping Hecate can come back to do a presentation now that the State has opened back up.
- BW Solar and Forefront are moving forward

- Mr. Bridge has a land separation that is being addressed
- Mr. Hoover has spoken with Dwight Kanyuck regarding a template for battery zoning and wind energy law that we can review
- Mr. Sanfratello attended the Planning Board meeting and shared his concerns regarding the Cider Solar Farm project too. He shared that the Zoning Board is getting a lot of questions regarding the Hecate project, and suggested that everyone review the project plans so that the Planning Board members are all able to answer citizens' questions.

GAM

Councilman Augello did not attend the meeting but shared the following:

- The County has contracted with Municipal Resources, Inc. to assist in evaluating how fire and EMS services are currently provided in Genesee County
- An architect is working on a detailed estimate of the current design of the jail
- Quite a few towns are wrapping up on water
- City of Batavia sending a letter to the State asking them to revisit bail reform
- No meetings in July or August

Cemetery

Mr. Yungfleisch noted there is a dead tree in the middle of the cemetery. It needs to come down, he will get a quote from Wheatville Blacksmith.

Councilwoman Marshall asked if there was follow up on cleaning the headstones with the Betterment Committee. It would be a great volunteer activity for Girl Scouts, Boy Scouts, Eagle Scout, etc.

Publicity

No report.

DEPARTMENT REPORTS

Highway

Mr. Yungfleisch reported:

- Waiting on the County to help with paving Weatherwax Road, hopefully they can help in two weeks. If not, he will contract with Keeler Construction Company to get it done.
- Salt is mixed up
- Putting shoulders on
- Trucks have been helping other towns
- Waiting on water to finish up.

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 \$2,289.70 and remitted \$2,259.70 to the Supervisor for local share, and \$30.00 to NYS Ag. & Markets for spay/neuter program.

Town Clerk Werth informed the Board she has appointed Sue Dart to replace Laurie Itjen as Deputy Town Clerk and Deputy Registrar. Training took place with Docuware this afternoon.

Supervisor

Supervisor Hynes reported:

- Mr. Kanyuck provided the documents to her to sign for intervenor funds for the Cider Solar Farm project
- Mr. Kanyuck shared that an Elba Neighborhood Alliance group has been established through the Zoghlin Group. The ENA is opposing the Cider Solar Farm project. The attorney through Zoghlin has requested \$125k in intervenor funds to represent this group. This group mails letters to residents near the solar projects offering free consultation. Councilman Chamberlain shared that he received a mailing at his home as well. Councilwoman Marshall stated she read that twelve towns near Albany County filed a lawsuit against NYS Office of Renewable Energy Siting. This may put everything on hold regarding the 94C citing process. This lawsuit targets the 94C process that ignores local zoning and other local laws that govern industrial wind and solar farms.
- Supervisor Hynes applied for funds from the American Rescue Plan Act. According to NYS Division of the Budget the Town of Elba is eligible for up to \$164,150.00. In speaking with George at Congressman Jacobs office this is the amount of the first payment and the second payment would come in 12 months from the date of the first one. This will be used to meet pandemic response needs within the Town of Elba. Several ideas were shared around the table.
- Allied Financial Partners will be in on July 27th to provide the audit for Rural Development on Water District 2. This audit should take a few weeks. This is a yearly requirement due to the grant money that we received from Rural Development.
- The 48th water project meeting was on June 30th. Rochester Pipeline is working on Edgerton Road and Turner Underground Installations is drilling along Hundredmark Road. The next meeting is July 14th.
- It appears there will be approximately \$100k left of the WD2 grant money, Jason Foote, CPL will be in contact with John Helgren, Rural Development to ask if we can use that money towards the renovations at the new Town Hall. Mr. Helgren will discuss this possibility with Dawn Kurus, USDA. Hoping to hear back from them soon. Rural Development required several of the different renovations to make the new Town Hall ADA compliant. A few of these quotes include:
 - Phone System – John Seville recently met with Supervisor Hynes regarding the current phone system. He would be able to update the new system and move it to the new Town Hall. Mr. Seville provided a quote of \$2,800.00.
 - Data Cabling – We received a quote from Mr. Seville (\$6,800.00) and Whitney East (\$6,200.0) for the data drops.
 - Fire Suppression System – Do not need as there are less than 100 people in the building.
 - RPZ System/Back Flow Preventer– Needs to be replaced according to the Health Department. A quote was received for \$950.00.
 - Alarm System – A quote of \$6,200.00 was received Whitney East. A one year monitoring system is also included in this price.

Councilwoman Marshall would like to know what the annual costs of upkeep will be on the new Town Hall. Supervisor Hynes will scan and email the quotes to the Board members. Mr. Yungfleisch will reach out to Amherst Alarm for a quote on the alarm system.

A final walk through will take place July 14th. Painting and electrical work are almost complete.

It is coming along nicely.

- Please let Supervisor Hynes know if there is anyone who is in need of broadband. Councilman Augello will check with the school to see if there are any other students in need of this. Supervisor Hynes will check to see if Edgerton Road is on the list.

Councilpersons

Councilman Chamberlain received an email from Jeff Baxter about NY Community Solar to help save 10% on energy bills. They are a third party supplier.

Councilman Chamberlain has had community residents approach him asking how much money the Town will receive from the solar projects. They have also asked what the Town will do with the money and will it lower their taxes. He explained that we are not sure how much money we will receive yet and the State will have restrictions on it. Mr. Chamberlain would like to see a meeting of some sort to let the residents ask these questions. Councilwoman Marshall would like to see a letter go out from the Supervisor and Town Board stating that we feel it is important to have an open house now for the community, this shows that we are doing our due diligence.

Councilwoman Marshall was grateful to see the solar information on the website.

Councilwoman Marshall asked about the Albert Pinsky/Clarence Strobele tax case. Supervisor Hynes will follow up with Mr. Schubel and ask that he send a letter to their attorney that we have exhausted every avenue and the Town will not reimburse your taxes.

Mr. Yungfleisch stated the Town need to give back West Muck Road to the land owners around it or the Water Shed.

Councilwoman Marshall asked if there was anything new on the Gasboy. The school was able to do a report last week, it was difficult though. Councilman Augello will follow up with the school.

Councilwoman Marshall shared a mailing she received from the Town of Yates regarding a moratorium from the Governor preventing municipalities and public utilities from terminating water services for nonpayment. She asked if the Town or the Town of Batavia would be sharing this with the Town of Elba water customers. Supervisor Hynes will check in with the Town of Batavia to see if they are addressing this. Councilwoman Marshall suggested adding the information to our website too.

Councilwoman Marshall asked if the draft letter for the Transit Road residents in the Town of Byron was completed. Supervisor Hynes has worked on this with Steve Mountain, waiting on final draft. They would like to receive responses from these residents by the end of July. Once they sign up the Towns of Elba and Byron will sign an agreement with each resident.

Councilman Chamberlain asked if the number of units would change for a farm that goes out of business or changes their herd size. Supervisor Hynes stated that we will go by the volume of water they use as that is the most equitable way to do it. Councilwoman Marshall asked if we could change that procedure now as it is not what we originally planned on doing. Supervisor Hynes stated we can amend it and all units will be reevaluated per usage. Councilwoman Marshall asked when these changes will take place, Supervisor Hynes would like to do it as soon as possible. Councilwoman Marshall reminded everyone that the unit charge was additional to the amount of water you used on your tax bill for the debt service. If someone uses eight units of water they are being charged for eight separate units for debt services on the taxes. Originally it was

going to be reevaluated every three years but Supervisor Hynes would like to see it addressed annually. Supervisor Hynes will discuss this further with Jason Foote, CPL and Dawn Kuras, USDA.

Councilwoman Marshall shared of a situation in WD1 with Town of Batavia and the Town of Elba. The amount residents/businesses are paying is not matching up with the agreement in place. She stated there could be a lawsuit with the side deals that are taking place. Supervisor Hynes will discuss this situation with Town of Batavia.

Councilman Coughlin asked what was taking place at the property at Lockport Road and North Byron Road and if they received a building permit. They had a permit for the shed. They do plan to build eventually.

ADJOURNMENT

MOTION was offered from Councilman Chamberlain second by Councilwoman Marshall to adjourn the meeting at 8:14 p.m.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Respectfully Submitted,

Trisha Werth
Town Clerk