

**Town of Elba
Regular Meeting
April 14, 2022**

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
John Given, ZBA – exit meeting at 7:21 p.m.
Chuck Norton, ZBA – exit meeting at 7:21 p.m.
Rick Sanfratello, ZBA Chair – exit meeting at 7:21 p.m.
Lori Coughlin, Resident – exit meeting at 7:21 p.m.
Joanne Soules, Resident – exit meeting at 7:21 p.m.

Minutes of March 10, 2022 Town Board Meeting

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

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Public Participation

Lori Coughlin, a resident of the Village of Elba attended the meeting to discuss the water issues she is having at her home. She struggles to control the amount of water coming onto her property and into her basement. The Town Board said they will investigate and be in contact with Ms. Coughlin.

Rick Sanfratello and Chuck Norton were in attendance to discuss the ZBA's wish to revise the Zoning Laws. They stated the laws are outdated and they are interested in forming a committee with a few members of the ZBA, Planning Board, and Town Board along with residents.

Supervisor Hynes made a **MOTION**, second by Councilwoman Marshall to move forward to upgrade the Zoning Laws.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION #13-2022:

Councilman Chamberlain offered the following:

RESOLUTION TO APPOINT ZEO/CEO

RESOLVED, with the resignation of Mark Mikolajczyk, the Board moves to appoint Mike Morris to the Elba ZEO/CEO effective May 1, 2022 to fill Mr. Mikolajczyk's unexpired term, ending December 31, 2022.

Second by: Councilman Coughlin

Ayes: Augello, Coughlin, Hynes, Chamberlain, Marshall

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 14-2022:

Councilman Chamberlain offered the following:

**AGREEMENT EXEMPTING CERTAIN MINOR LAND USE
ACTIONS FROM GENESEE COUNTY PLANNING BOARD REVIEW**

I. Authority

In accordance with New York State General Municipal Law, Article 12-B, Section 239-m.3. (c) of the Laws of 1991, the Genesee County Planning Board is authorized to voluntarily enter into agreements with Cities, Towns, and Villages regarding certain proposed land use actions that are of local, rather than inter-community or County-wide concern, and therefore are not subject to referral to the Genesee County Planning Board as would otherwise be required by Section 239-m and n.

II. Purpose

It is the intent of this Agreement to eliminate the need for County review of certain actions as defined herein which do not have significant inter-community or County-wide impacts. The Agreement between the Genesee County Planning Board and the Town of Elba Board shall be identical to that between the County and any other municipality.

III. Procedures

Upon the Municipality's receipt of a proposal by an applicant, it is the responsibility of the municipal official(s) who is charged with submitting referrals to the Genesee County Planning Board to determine if an application is exempt from referral to the County Planning Board. This determination shall be based on those actions specifically listed in Section IV ("Minor Land Use Actions Exempt from Referral to the County Planning Board") of the Agreement. If a proposal does not fall within one of the categories listed in Section IV, it shall be submitted to the County Planning Board in the prescribed manner. If it does fall within Section IV, there is no need for further involvement of or notice to the County Planning Board.

IV. Minor Land Use Actions Exempt from Genesee County Planning Board Review

The following municipal planning and zoning actions have been determined to be typically of a local rather than inter-community or countywide concern and shall be exempt from review by the County Board. However, any action that constitutes a Type I action under the New York State Environmental Quality Review Act (SEQRA) shall be subject to review by the County Board.

1. Area variances to rear or side-yard setback requirements for single and two-family residential uses.
2. Area variances to yard setback requirements (rear, side or front) for accessory structures, as defined by the municipality, provided the variance does not propose the structure be closer to a State or County highway or municipal boundary than the existing principal structure.
3. Area variances for accessory structures, as defined by the municipality, for being in front of the principal building, provided the accessory structure would meet the front-yard setback required of a principal building.

4. Area variances and/or permits for freestanding signs or fences except when proposed along a State or County highway.
5. Area variances for parking or driveways not accessing a State or County highway.
6. Special use permits or site plan reviews for home occupations/businesses not accessing a State or County highway and that meet all applicable local municipal code requirements.
7. Special use permits or site plan reviews for the co-location of telecommunications equipment on an existing telecommunications tower/facility.
8. Special use permits or site plan reviews for new ponds or pond expansions that meet all applicable local municipal code requirements, provided that the construction will not disturb more than an acre of land and as per the SEQRA review, will not impact archaeological resources, threatened or endangered species, or State or Federal regulated wetlands.
9. Site Plan Review or Design Review for the interior or exterior remodeling of a new use allowed in that zoning district including building-mounted signage that meets all applicable local municipal code requirements, and does not cause changes to other aspects of the site.
10. Subdivisions or resubdivisions for minor lot-line adjustments on existing lots where no additional lots are created and there is no change to access points and no new access points are proposed on State or County highways.
11. Subdivision of land into two lots that meet all applicable local municipal code requirements provided such subdivision occur within a Genesee County Smart Growth Development Area.
12. Land use moratoria not exceeding 12-months, except that a notice shall be sent to the Genesee County Planning Department for informational purposes.
13. Administrative and fee amendments to the zoning code (i.e., general provisions, permit procedures, powers and duties of local boards and officers, penalties for offenses, public hearing requirements, organization, and amendment procedures).
14. Interpretations of the municipal zoning code.

V. Optional Review

Notwithstanding the previous section, nothing shall prevent the municipality from submitting any application to the County Planning Board for its review and recommendation as would be required under Section 239-m and n of General Municipal Law.

VI. Effective Date

This Agreement shall be effective immediately upon its passage by majority resolutions of both the Genesee County Planning Board and the Town of Elba Board.

VII. Amendment

Any amendment to the Agreement becomes effective immediately upon passage of a majority resolution of both the Genesee County Planning Board and the Town of Elba Board.

VIII. Termination

This Agreement can be terminated at any time without cause by majority resolution of either the Genesee County Planning Board or the Town of Elba Board. Notice of such termination should be made in writing within ten days of the resolution to the other party that entered into this agreement. Upon termination, the municipality shall resume responsibility for sending all eligible referrals to the Genesee County Planning Board as otherwise established in Section 239-m and n.

Date adopted by the Genesee County Planning Board: February 10, 2022

Certified by Laraine Caton, Chairperson: _____

Date: _____

Date adopted by the Town of Elba Board: _____

Certified by Trisha Werth, Town Clerk

Date: April 14, 2022

(seal)

Second by: Councilman Coughlin

Ayes: Augello, Coughlin, Hynes, Chamberlain, Marshall

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 15-2022:

Councilman Coughlin offered the following:

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ELBA, NEW YORK, ACCEPTING FUNDING FROM THE AMERICAN RESCUE PLAN ACT AND AMENDING THE TOWN'S ADOPTED BUDGET FOR THE FISCAL YEAR ENDING MAY 31, 2022 SO AS TO APPROPRIATE THE FUNDS RECEIVED BY THE TOWN FROM THE AMERICAN RESCUE PLAN ACT

WHEREAS, on March 11, 2021, Joe Biden, the President of the United States of America signed into law the American Rescue Plan Act (ARPA) which provides financial assistance to assist in the continued relief from the impact of the Covid-19 pandemic.

and WHEREAS, approximately \$350 billion of The ARPA funding was allotted to assist the United States' state, local, tribal, and territory governments in responding to the coronavirus pandemic.

and WHEREAS, Sections 602(b) and 603(b) of the Social Security Act as added by section 9901 of the American Rescue Plan Act, Pub. L No. 117-2 (March 11, 2021) authorized the Department of the Treasury to make payments to certain recipients from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund,

and WHEREAS, the Town of Elba (the Town) is expected to receive \$164,820.02 in funding; such funding to be received in two tranches, with approximately one half within 60 days of the plan passage, and the remaining funding approximately 12 months later, and

WHEREAS, the Town has received the first tranche of ARPA funds from the United States Department of Treasury via transfer from the State of New York in the amount of \$82,410.02;

and WHEREAS, the Town Board recognizes that periodic modifications to the adopted budget for the fiscal year are necessary for fiscal management purposes and to implement changes to the Town Board's fiscal policy which have occurred after the adoption of the Fiscal Year 2022 Budget;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF ELBA, NEW YORK :

SECTION 1. The Town Board acknowledges the receipt of and does hereby accept the allocation of funds in the amount of \$164,820.02 allocated to it by the ARPA; and such funds will be placed in a special revenue fund for the purpose of tracking all approved transactional activities.

SECTION 2. The Town Board hereby amends the Town's adopted Budget for Fiscal Year 2022 to allocate ARPA funds in the amount of \$85,625.99 to the Town's proposed Building Capital Project and authorizes an interfund transfer from the Town's A 688 Other Liabilities Account ARPA to the General Fund Budget contractual and equipment lines \$29,471 A-1620.21 ARPA Town Hall; \$35,185 A-1620.22 and A-1620.41 ARPA Computers & Installation (total General Fund \$85,625.99).and \$20,969.99 ARPA Funds Highway Outside Village line item DB 5110.4 Contractual, for road paving, shoulder improvements and culvert replacement by appropriating \$20,969.99 to General Fund A9901.1 Transfer to Other Funds Highway ARPA budget line and transferring said funds to the DB fund.

SECTION 3. This Resolution shall become effective immediately upon execution.

Second by: Councilman Chamberlain

Ayes: Augello, Coughlin, Hynes, Chamberlain, Marshall

APPROVED by unanimous vote (5-0)

ABSTRACT 4-2022

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

General Fund	80-109	\$15,007.26
Highway	35-50	\$59,729.61
WD2	5-7	\$745.50
	Total	\$75,482.37

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

COMMITTEE REPORTS

Building and Grounds

Mr. Yungfleisch reported:

- The office and highway department locations were surveyed. The Fire Department's electric poles are on the Town property. This will need to be addressed.
- Tile will need to be added in the front yard at the office, this will connect with the tile in the back.
- The parking lot at the office will need to be updated in the near future.
- Four cameras will be added to the outside of the office. They will also be adding one additional camera to the shop at the highway department.
- M&T is testing lights out front of office building to ensure all are in working in order.

- Two new door openers have been added for overhead doors.
- The front of the highway department is just about complete.
- There are ash trees behind the salt shed that will need to come down as they are dying. Mr. Yungfleisch will contact Wheatville Blacksmith Tree Services to assist with this.
- The salt shed tarp is wearing through and will need to be replaced. Approximately \$50k to replace.
- CPL donated shelving to use in the old conference room
- Would like to add surplus equipment to auction site.

Supervisor Hynes made a **MOTION**, second by Councilman Coughlin to move forward to putting surplus equipment on Auctions International.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Zoning Board

Councilman Chamberlain shared there was a lengthy meeting. Discussion revolved around properties on Lockport Road and Luddington Road. There are several issues with the property on Luddington Road and they are reading through the Zoning Laws. Their variance request was tabled.

Planning Board

Councilman Coughlin reported that four land separations were reviewed.

GAM

Councilman Augello reported that the bid for the jail was awarded under budget. Park Road in Batavia is under construction.

Cemetery

Need to survey the new section of the cemetery.

DEPARTMENT REPORTS

Highway

Mr. Yungfleisch reported:

- Salt and stone were delivered. Trying to stock up before the price increases.
- MEO's have been cleaning lawns.
- Rochester Pipeline broke a pipe on Hundredmark Road. This will be addressed at a progress meeting on April 27th.
- Mr. Yungfleisch and a few members from the Town Board will go to Ms. Coughlin's house next week to look at her water issues.

Assessor

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

ZEO/CEO

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

Town Clerk

Town Clerk Werth reported that she took in \$1,064.29 and remitted \$1,044.29 to the Supervisor for local share, \$20.00 to NYS Ag. & Markets for spay/neuter program.

We finished collecting Town and County taxes and returned 51 unpaid taxes to the County.

Supervisor

Supervisor Hynes reported:

- Met with Mark Meyerhoffer and Justin from Charter Communications. Mr. Meyerhoffer offered to make things right regarding our loss of phone service when we first moved into the new office. There will be no charge during the month of June. Internet service is still needed on parts of Weatherwax, Snyder, Edgerton and Pekin Roads.
- The computers are not working for the gas pumps. Councilman Augello will speak with Mrs. Rosales, School Superintendent to ensure that replacing the computer system is aidable. Councilwoman Marshall believes the statements should be done monthly versus quarterly. Mr. Yungfleisch will also call S& W for a quote.
- Hecate will have a public comment meeting at the Elba Recreation Hall on May 4th at 5:00 p.m. There will be representatives from the siting board in attendance as well.

COUNCILPERSONS

Councilwoman Marshall shared that she wants to continue with monthly reports from the Town Assessor and she would like him to attend at least four Town Board Meetings a year. Councilman Coughlin stated he would like the ZEO/CEO to attend Planning Board and Zoning Board meetings going forward.

Councilwoman Marshall also shared a “Notice to Residential and Small Business Customers” memo that she received from the Town of Yates. This memo will be shared with the Town of Batavia.

ADJOURNMENT

MOTION was offered from Councilman Chamberlain second by Councilman Coughlin to adjourn the meeting at 8:26 p.m.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Respectfully Submitted,

Trisha Werth
Town Clerk