

**Town of Elba
Regular Meeting
February 14, 2019**

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

Others Present:

Town Clerk Werth
Superintendent of Highways Yungfleisch

Absent:

Councilwoman Marshall
Councilwoman Zambito

Minutes of January 3, 2019 Reorganization Meeting:

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

Ayes: Chamberlain, Coughlin, Hynes

MOTION CARRIED by unanimous vote (3-0)

Minutes of January 3, 2019 Town Board Meeting:

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

Ayes: Chamberlain, Coughlin, Hynes

MOTION CARRIED by unanimous vote (3-0)

RESOLUTION NO. 4-2019:

Councilman Coughlin offered the following:

APPOINT PLANNING BOARD MEMBER

RESOLVED, that Brad Mudrzynski be appointed to the Elba Joint Village/Town Planning Board effective February 14, 2019 through December 31, 2021, to complete the unexpired term of Mike Riner.

Second by: Councilman Chamberlain

Ayes: Chamberlain, Coughlin, Hynes

APPROVED by unanimous vote (3-0)

RESOLUTION NO. 5-2019:

Councilman Chamberlain offered the following:

ACKNOWLEDGE COMPLETION OF INTERNAL AUDIT

WHEREAS, on February 6 and 14, 2019 members of the Town Board of the Town of Elba conducted an internal audit of the records, accounts and finances for the Justice Court, Town Clerk and Tax Collector, and

WHEREAS, the Town Board of the Town of Elba reviewed the records, accounts and finances of the above offices in accordance with the requirements and checklists provided by the office of the New York State Comptroller, and

WHEREAS, the Town Board of the Town of Elba found no irregularities, discrepancies or identified any issues of concern in the records, accounts and finances of the Justice Court, Town Clerk and Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Elba, New York, that is acknowledges the annual internal audit was conducted as required and,

BE IT FURTHER RESOLVED the Town Board of the Town of Elba, New York, is satisfied with the level of accountability and controls in place with regard to the records, accounts and finances for the Justice Court, Town Clerk and Tax Collector.

Second by: Councilman Coughlin

Ayes: Coughlin, Hynes, Chamberlain

APPROVED by unanimous vote (3-0)

RESOLUTION NO. 6-2019:

Councilman Chamberlain offered the following:

**ACCEPTING OFFER OF M&T BANK TO DONATE ITS FORMER
BANK BRANCH BUILDING AT 7133 OAK ORCHARD ROAD,
ELBA, NEW YORK TO THE TOWN OF ELBA**

WHEREAS, M&T Bank has tendered a written offer to donate M&T's former bank branch building situate at 7133 Oak Orchard Road to the Town of Elba for no consideration and in gratitude for M&T's longstanding relationship with the Town, and

WHEREAS, the Town has undertaken its due diligence and has determined that the bank branch building is appropriate for use by the Town for Municipal Offices and meeting rooms and for the rendering of municipal services by the Town, and

WHEREAS, the Town Board hereby determines that it is in the public interest to accept the offer of M&T Bank to donate the said former bank branch building for no consideration, now therefore be it

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to formally notify M&T Bank of the Town's acceptance of M&T's offer to donate the former bank branch building at 7133 Oak Orchard Road, and be it further

RESOLVED that the Town of Elba accept conveyance of the said real property by the appropriate documents, acceptable in form and substance to counsel to the Town of Elba, to finalize the donation, and be it further

RESOLVED, that the Supervisor of the Town of Elba be, and she hereby is, authorized to execute such documents as are necessary to effectuate the conveyance and permit recordation of the deed in the Genesee County Clerk's Office, and be it further

RESOLVED, that the expenditure of the fees and recording costs traditionally paid by a grantee are hereby authorized.

Second by: Councilman Coughlin
Ayes: Coughlin, Hynes, Chamberlain
APPROVED by unanimous vote (3-0)

RESOLUTION NO. 7-2019:

Councilman Coughlin offered the following:

**AUTHORIZING ACCEPTANCE OF CONVEYANCE OF LAND FOR CONSTRUCTION OF
WATER STORAGE TANK IN CONNECTION WITH WATER DISTRICT NO. 2
AND EXECUTION OF COLLATERAL AGREEMENTS
RELATIVE TO DRAINAGE, PARKING, DRIVEWAY USAGE, AND A TEMPORARY
CONSTRUCTION EASEMENT**

WHEREAS, the Town, pursuant to Town Law Article 12-A, has duly established Water District No. 2 (the “Project”), and

WHEREAS, the water storage tank phase of the Project encompasses the construction of a new water storage tank and the removal of the existing water storage tank and surrounding fence, and

WHEREAS, it is necessary to acquire an additional parcel of land for construction of the new water storage tank abutting the parcel of land on which the existing water storage tank is situate and also to acquire a strip of land ten feet in width adjacent to the real property on which the existing driveway is located running northerly from Drake Street to the water storage tank property, and

WHEREAS, Star Growers Land, LLC has agreed to convey to the Town a parcel of land consisting of 0.241 acres and a 10-foot strip of land running northerly and abutting the land on which the existing driveway situated, for no monetary consideration, but subject to certain terms and conditions set forth in collateral agreements and a temporary construction easement, now therefore be it

RESOLVED, that the Town hereby accepts the conveyance of land from Star Growers Land, LLC as hereinabove described by Bargain and Sale Deed, and, subject to permissive referendum, authorizes execution of collateral agreements between the Town and Star Growers Land, LLC with respect to drainage, parking, and driveway usage, and also execution of a temporary construction easement, and be it further

RESOLVED, that the Town Supervisor is hereby authorized to execute all of the foregoing described documents and also to execute such other documents as approved by counsel to the Town that may be required as a part of the water storage tank phase of the Project to effectuate the intent of this resolution, and be it further

RESOLVED, that this resolution is adopted subject to permissive referendum pursuant to Town Law Article 7.

Second by: Councilman Chamberlain
Ayes: Coughlin, Hynes, Chamberlain

APPROVED by unanimous vote (3-0)

ABSTRACT 2-2019

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

General Fund	17-45	\$246,286.24
Highway	2-18	\$ 51,737.19
Water District 1	1-2	\$ 80,422.61
Water District 2	4-11	<u>\$529,176.40</u>
TOTAL		\$907,622.44

Ayes: Chamberlain, Coughlin, Hynes

MOTION CARRIED by unanimous vote (3-0)

COMMITTEE REPORTS

Building and Grounds

No report.

Zoning Board

Councilman Chamberlain stated there was no meeting this month. He stated he had not heard from Lynn Bezou regarding her intentions with the ZBA board. Town Clerk Werth to follow up with Lynn.

Planning Board

Councilman Coughlin reported the Planning Board had their end of year meeting. Chuck Hoover will remain the Chairperson, Mike Augello – Vice Chairman and Bryan Gubb as the Secretary. The Board will continue meeting at 7:00 p.m. on the third Thursday of each month. Chairman Hoover recommended that the Planning Board use the Model Solar Energy Local Law as a template to craft a solar energy resolution. It was unanimously agreed that this would be adequate.

GAM

No report.

Cemetery

No report.

Publicity

The Town of Elba has received invitations from the Elba Fire District for their annual Installation Banquet on March 2nd and the Arc of Genesee Orleans for the Art Show and Film Festival on March 9th at GCC’s Stuart Steiner Theatre.

DEPARTMENT REPORTS

Highway

Superintendent of Highways Yungfleisch offered the Agreement for the Expenditure of Highway Moneys to the Board. Each member in attendance signed.

Mr. Yungfleisch stated we are using a lot of salt with the weather. He also ordered a new truck that should arrive sometime this fall.

Assessor

No report.

ZEO/CEO

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

Town Clerk

Town Clerk Werth reported that she took in \$1,734.00 and remitted \$1,677.00 to the Supervisor for local share, \$57.00 to NYS Ag. & Markets for spay/neuter program.

We continue to collect the Water Service Applications for the Town of Batavia. At this time, we have collected 71 of 101 applications for Phase 1, 39 of 70 for Phase 2 and 34 of 193 for Phase 3.

Town Clerk Werth will attend the Annual NYSTCA Conference in Syracuse this year, May 5-8th.

TAXES – The Town has received their portion of taxes collected. We will continue to collect through the end of March.

Supervisor

Supervisor Hynes wanted to address a few questions that she has received regarding the bank property.

- Will M&T have any restrictions if we need to sell the building – Supervisor Hynes spoke with Patti Dore at M&T Headquarters; the bank will be our building to do with what we want.
- Is the ATM staying – Yes. Our residents value this service.
- Will there be a cap on the cost of remodeling – That will be a Board decision.
- Do we have the best layout – We only have a preliminary drawing from the architects. We will continue to discuss the best possible layout.
- Will we need a back door – Yes, there is one in the preliminary drawing and it is necessary to meet code.
- Rumors around town that the firemen are going to take part of the lot – No, there is not much lot there to take. The Fire Department already own the land behind the bank.
- We need to make sure we have the lot zoning compliant – Mark Mikolajczyk stated it is already zoned commercial and there is no zoning for municipal buildings.
- If we need to sell – The building is ours to do with as we please.
- What is the plan for current Town Hall and cost – The current Supervisor, Assessor and Town Clerk offices will go back to two bays for the Highway. The conference room will be used as storage. The cost of present utilities will be minimal. A new roof does not need to be replaced straight away. The thought is to use the money from the Blue Sky Tower agreement (\$14k annual) to cover costs of buildings and maintenance. It would be wise to set up a Building Fund for upkeep of both buildings.
- Do taxpayers of the Town need to vote on this – No, the building was donated and we have \$100k in reserves to renovate. There is no increase in taxes to our residents. We will add the information to our website and advertise in the official newspaper once details come in.
- CPL did not charge us for the architect, roofing or HVAC consult.

Supervisor Hynes also reported on the following:

- We received a \$1k signing bonus from Blue Sky Tower. We will transfer this to the Building Fund.
- Phase 4 of WD2 will go out to bid next week – possibly opening bids on March 9th.
- Phase 3 is moving right along with very few issues.
- Soil bores have been completed for Phases 5 & 6.
- The exit meeting with the Auditor from the Office of the State Comptroller will take place February 20th with Assessor Flansburg and Supervisor Hynes. The Auditor stated that if the Board members would like to meet with them, they would need to schedule a separate date.
- Conversations with the Mayor Norm Itjen continue with concern to moving forward with the dissolution. They will meet with Town of Batavia to discuss a possible O&M. This would help keep the village and town on the same page with water. Supervisor Hynes and Mayor Itjen plan to meet with Jeff Smith in March to discuss additional items that need to be addressed.

Councilpersons

Councilman Chamberlain reported that he continues to attend the school board meetings. He likes the new Superintendent and appreciates that Mr. Dale reaches out to him regarding the budget and other ideas. The school is looking at a 2% preliminary increase in taxes this year. They have had engineers in to look at the renovations that need to take place to preserve the school, including plumbing of original fixtures and pipes, windows, roof, asbestos abatement in floors, etc. Councilman Chamberlain stated we are talking about making improvements with the Town Hall, that is small in comparison to what the school needs to maintain. He stated they have a good plan that will take 3-4 years to finish. Mr. Dale also stated in the meeting that the buses will be moved on campus by April 1st.

Councilman Chamberlain also stated that the Town missed the opportunity to buy the storage buildings behind the Town Hall. The Village missed the opportunity of have the water lines replaced 20 years ago – it would have been very inexpensive back then. He states this bank would be a new building for the Town Hall and it is a great opportunity for our Town. This will help move the Town forward. We do not need to rush the process of renovating the bank.

ADJOURNMENT

MOTION was offered from Councilman Chamberlain second by Councilman Coughlin to adjourn the meeting at 7:55 p.m.

Ayes: Chamberlain, Coughlin, Hynes

MOTION CARRIED by unanimous vote (3-0)

Respectfully Submitted,

Trisha Werth
Town Clerk