

**Town of Elba
Regular Meeting
March 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
Councilwoman Marshall

Others Present:

Town Clerk Werth
Superintendent of Highways Yungfleisch
Jason Foote, CPL

Absent:

Councilwoman Zambito

Minutes of February 14, 2019 Town Board Meeting:

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

Ayes: Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (4-0)

RESOLUTION NO. 8-2019

Jason Foote, CPL stated that Rural Development would like the Town to hold off on approving Alternate Bid 3 (enhancements) for Phase 4. Nichols, Long and Moore Construction confirmed they will hold their pricing for Alternate Bid 3 for 60 days.

Mr. Foote referred to the schedule Nichols, Long and Moore Construction provided stating they will have Phase 4 completed by the end of November 2019. He stated Nichols, Long and Moore will manage all site work and Caldwell will erect the tank.

Councilwoman Marshall asked if there would be a change in unit charge at dairy farms that have upsized. Mr. Foote stated that per the Water Code there is a 3-year review. The Town Board could review on an individual circumstance if necessary, though.

Highway Superintendent Yungfleisch wanted to ensure that there would be enough money left over to fix the road shoulders once the project is complete. Over time it will settle and be quite hazardous. Mr. Foote ensured there would be funds to do so.

Mr. Yungfleisch also stated there has been quite a bit of extra work this winter due to the water project. He does not want to see another phase take place during winter months.

Councilman Chamberlain offered the following:

BID AWARD – WATER DISTRICT NO. 2, PHASE 4

WHEREAS, the Town of Elba received bids March 8, 2019 at 10:00 A.M. The base bid for the project involves the construction of a 350,000-gallon water storage tank including all the site related work. In

addition to the base bid, the bid included the following alternate bids:

1. Alternate Bid 1 – Demolition of the Village’s existing water storage tank. The work will be reimbursed through adjustments to the Village’s onetime payment to the Town for the use of the new tank.
2. Alternate Bid 2 – Upsizing of the tank from 350,000 gallons to 500,000 and the installation of a disinfection byproduct reduction system. This additional work is part of the Genesee County Phase 2 Water Supply project. Genesee County will reimburse the Town for the tank upsizing and additional work through an inter-municipal agreement (IMA).

WHEREAS, the lowest responsible bidder was Nichols, Long and Moore Construction from Tonawanda, New York with a Base Bid amount of One Million, Seven Hundred Sixty-Six Thousand, One Hundred Twenty-Six Dollars and Ninety-Six Cents (\$1,766,126.96). They also had an Alternate Bid 1 amount of Fifteen Thousand, Seven Hundred Sixty-Eight Dollars and Forty-Two Cents (\$15,768.42), and an Alternate Bid 2 amount of One Hundred Eighty-Eight Thousand, Eleven Dollars and Fifty-Nine Cents (\$188,011.59).

NOW THEREFORE BE IT RESOLVED, the Elba Town Board hereby awards the Base Bid for One Million, Seven Hundred Sixty-Six Thousand, One Hundred Twenty-Six Dollars and Ninety-Six Cents (\$1,766,126.96); Alternate Bid 1 in the amount of Fifteen Thousand, Seven Hundred Sixty-Eight Dollars and Forty Two Cents (\$15,768.42); and Alternate Bid 2 in the amount of One Hundred Eighty-Eight Thousand, Eleven Dollars and Fifty Nine Cents (\$188,011.59) for a total award amount of One Million Nine Hundred Sixty Nine Thousand Nine Hundred Six Dollars and Ninety Seven Cents (\$1,969,906.97) for Phase 4 of the Town of Elba Water District No. 2 project, contingent on all USDA Rural Development approvals and upon all required insurance and bonding being in place as approved by the Town Attorney; and

BE IT FURTHER RESOLVED, the Elba Town Board hereby authorizes the Supervisor to execute Agreements and issue the Notice to Proceed once the aforementioned conditions are met.

Second by: Supervisor Hynes

Ayes: Chamberlain, Coughlin, Hynes, Marshall

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 9-2019

Councilwoman Marshall offered the following:

PREVAILING WAGE PREMIUM ON PRIVATE SECTOR PROJECTS

WHEREAS, the Town of Elba supports the continued growth of business expansion, retention and attraction; and investments into workforce development, housing and healthy living projects, and

WHEREAS, Genesee County has used financial incentives to secure significant private sector investments amid competitive site selection searches; to allow Genesee County businesses to pursue projects expanding their workforce, production, and facilities; and to overcome competitive disadvantages from New York State’s expensive business climate, and

WHEREAS, such public-private partnerships are necessary to enable revitalization of our downtowns, expand markets for agricultural products, create rewarding career pathways for our existing workforce and

youth, and fulfill the delivery of transformational projects at the WNY STAMP campus in the town of Alabama, and including all economic development parks in Genesee County, and

WHEREAS, projects assisted by the Genesee County Economic Development Center have returned a significant benefit to Genesee County, enabling pledges of \$33 million in capital investment, 99 new jobs, and construction of over 189,000 square feet of facilities in 2018; and over the past 17 years have enabled \$1.3 billion in capital investment, over 4,500 new jobs, and new construction and renovations totaling over 3.5 million square feet of facilities, and

WHEREAS, legislation is currently under consideration by the State Senate of New York and the State Assembly of New York which redefines public works projects to include private sector projects; and would impose prevailing wage requirements on all private sector investments receiving any incentives, grants, loans or assistance from Genesee County or the State of New York; including those to expand manufacturing, affordable and market rate housing, downtown revitalization, historic preservation and projects undertaken by non-profit organizations, and

WHEREAS, studies have projected a prevailing wage mandate would increase project costs by an additional 25 to 30 percent, resulting in fewer projects, fewer new jobs, and fewer investments into community needs in Genesee County; and past use of prevailing wage requirements in Ulster County and the City of Yonkers arrested economic development in those communities, therefore be it

RESOLVED, that the Town of Elba reaffirms its support for the continued growth of Genesee County's economy and quality of life, and goes on record opposing Senate Bill 1947 and Assembly Bill 1261.

RESOLVED, that the Town Clerk of the Town of Elba shall forward certified copies of this Resolution to the Governor of the State of New York Andrew Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Senator Mike Ranzenhofer, Speaker of the New York State Assembly Carl Heastie, Assemblyman Steve Hawley, the Inter County Association and NYSAC.

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

RESOLUTION NO. 10-2019

Councilwoman Marshall offered the following:

OPPOSING THE PROPOSED AND AMENDED 2020 EXECUTIVE STATE BUDGET IMPACTING AID AND INCENTIVES TO MUNICIPALITIES AND STATE COST SHIFT TO COUNTIES

WHEREAS, on February 15, 2019, Governor Cuomo announced a 30-Day Amendment to the 2019/2020 Executive Budget making impacted towns and villages whole from his changes to AIM funding by utilizing revenue from county sales tax, and

WHEREAS, instead of restoring AIM with State funding and signifying a decide by the State to act as partners with local governments, this budget amendment requires counties to make up for lost AIM funding with sales tax revenue, imposing a new mandate on counties, and

WHEREAS, already-existing unfunded State mandates are the cause of high local taxes in New York State,

and

WHEREAS, counties were granted the authority to levy a local sales tax in the late 1960’s to help pay for Medicaid, indigent legal defense services, probation, and other state mandates on counties, and

WHEREAS, requiring counties to make up for the State’s cut in AIM funding to villages and towns sets an unsustainable precedent and unnecessarily shifts the State’s budget to local taxpayers who already pay some of the highest property taxes in the nation, and

WHEREAS, currently nine state mandated programs placed on counties like Genesee equals more than 82percent of the typical county property tax levy, and these mandated costs continue to grow, and

WHEREAS, cutting AIM funding in the first place for Genesee County Towns and Villages would be a loss of \$287,165 and is a tax-shift from broad-based State income taxes to regressive local property taxes, and

WHEREAS, replacing what has been State AIM assistance with funding from county revenues is simply a tax-shift that will ultimately result in higher property taxes and is another erosion of Home Rule Authority by New York State, Now, therefore Be it

NOW, THEREFORE, BE IT RESOLVED, that Genesee Association of Municipalities supports the full restoration of this aid program to local governments and urges the Governor and State Legislature to fully restore this state funding in the final 2019/2020 state budget.

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

ABSTRACT 3-2019

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

General Fund	46-66	\$ 9,435.56
Highway	19-32	\$ 40,581.98
Water District 2	12-21	<u>\$792,976.29</u>
	TOTAL	\$842,993.83

Ayes: Chamberlain, Coughlin, Hynes, Marshall
MOTION CARRIED by unanimous vote (4-0)

COMMITTEE REPORTS

Building and Grounds

No report.

Zoning Board

No report.

Planning Board

Councilman Coughlin reported that new member Brad Mudrzynski attended last months meeting.

- They had two land separation discussions. The applicants were advised to have the land surveyed

and fill out the appropriate documents.

- The Planning Board is looking for more information on Solar Energy Laws from New York state.

ZBA & Planning Board

Supervisor Hynes asked that the Secretary's of ZBA and Planning Board's send minutes to her and Mayor Norm Itjen. Councilman Chamberlain and Councilman Coughlin will pass this request on.

GAM

Supervisor Hynes handed out the Sales Tax report that she received from last month's meeting. The members of GAM developed a list of questions they would like the County Legislature to answer each year.

AIM funding was discussed at the meeting as well. Supervisor Hynes learned at the meeting that 82% of the County taxes go to New York State mandates.

Cemetery

No report.

Publicity

No report.

DEPARTMENT REPORTS

Highway

Superintendent of Highways Yungfleisch reported this is his first year using all the funds for salt allocation. There is enough to complete this year.

- Mr. Yungfleisch would like to bring on a third full time person. It is necessary to have a third person and it would be beneficial to have this person established before next winter so they can assist with plowing snow.
- Plow controls arrived. Mr. Yungfleisch explained that these will help track the location of the trucks. They will be installed on two current trucks as well as the new one when it arrives.
- Councilwoman Marshall asked if it would be beneficial to send a letter to the State regarding the need for snow fence along the State highways. Discussion ensued.

Assessor

Mr. Flansburg's report was handed out (attached).

Supervisor Hynes stated that she and Assessor Flansburg met with the auditors from the Comptroller's Office on February 20. She sent the initial response and February 21 to the Buffalo office. After the final audit report has been issued the Town will have 90 days to submit our CAP (corrective action plan).

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 \$4,188.75 and remitted \$3,676.00 to the Supervisor for local

share, \$21.00 to NYS Ag. & Markets for spay/neuter program and \$491.25 to the New York State Comptroller's Office for Racing and Wagering.

We continue to collect the Water Service Applications for the Town of Batavia.

Taxes – Letters were sent out on March 1st to the land owners who have not paid their taxes yet.

Supervisor

Supervisor Hynes stated the next Construction meeting for WD2, Phase 3 will be held on March 27th at 9:00 a.m. Sergi is moving right along on this phase.

Councilpersons

Councilwoman Marshall said the Winter Youth Basketball program was very successful this year. There was a record number of students signed up.

Councilman Chamberlain referenced an article in the Buffalo Newspaper regarding Water Policy changes and EPA regulations.

ADJOURNMENT

MOTION was offered from Councilman Chamberlain second by Councilman Coughlin to adjourn the meeting at 8:01 p.m.

Ayes: Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (4-0)

Respectfully Submitted,

Trisha Werth
Town Clerk