

**Town of Elba  
Regular Meeting  
June 6, 2019**

Councilman Chamberlain called the meeting to order at 7:00 p.m.; followed by the Pledge to the Flag.

Those in attendance included:

Councilman Chamberlain  
Councilman Coughlin  
Councilwoman Marshall

**Others Present:**

Town Clerk Werth  
Superintendent of Highways Yungfleisch

**Absent:**

Supervisor Hynes  
Councilwoman Zambito

**Minutes of May 9, 2019 Town Board Meeting:**

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

**Ayes:** Chamberlain, Coughlin, Marshall

**MOTION CARRIED by unanimous vote (3-0)**

**RESOLUTION NO. 14-2019**

Councilwoman Marshall offered the following:

**TOWN OF ELBA FEE SCHEDULE AMENDMENT**

**WHEREAS**, the Elba Town Board adopted a revised Town of Elba Fee Schedule on March 18, 2018; and

**WHEREAS**, the Elba Town Board would like to include a Returned Check fee plus any addition bank fee;  
and

**WHEREAS**, the amended Town of Elba Fee Schedule reflects this addition.

**NOW, THEREFORE, BE IT RESOLVED**, the Elba Town Board adopts the amended Fee Schedule, effective immediately.

**Second by:** Councilman Coughlin

**Ayes:** Chamberlain, Coughlin, Marshall

**APPROVED by unanimous vote (3-0)**

**RESOLUTION NO. 15-2019**

Councilman Chamberlain offered the following:

**M&T BANK PERMIT FEE**

**WHEREAS**, the M&T Bank donated the property at 7133 Oak Orchard Road, Elba New York to the Town of Elba; and

**WHEREAS**, the building permit fee will be waived for the ATM vestibule alteration which will remain in place;

and

**NOW, THEREFORE, BE IT RESOLVED**, the Elba Town Board waives building permit fee for M&T Bank.

**Second by:** Councilman Coughlin

**Ayes:** Chamberlain, Coughlin, Marshall

**APPROVED by unanimous vote (3-0)**

**RESOLUTION NO. 16-2019**

Councilman Coughlin offered the following:

**ORDER CALLING A PUBLIC HEARING ON PROPOSED INCREASE IN THE MAXIMUM AMOUNT TO BE EXPENDED IN THE CONSTRUCTION OF WATER DISTRICT 2**

At a regular meeting of the Town Board of the Town of Elba in the County of Genesee, New York, held in the Town on the 6th day of June 2019 at 7' oclock p.m.

PRESENT: Wade Chamberlain, Councilperson  
Daniel Coughlin, Councilperson  
Maureen Torrey-Marshall, Councilperson

---

In the Matter of the Proposed Increase in the Maximum Amount to be Expended in the Construction of Water District No. 2 from \$17,769,000.00 to \$18,764,000.00, pursuant to Section 209-h of the Town Law

---

**ORDER CALLING PUBLIC HEARING**

**TO BE HELD ON JULY 11, 2019**

**AT 7:00 PM (PREVAILING TIME)**

WHEREAS, the Town Board of the Town of Elba formed Elba Water District No. 2 in accordance Town Law Article 12-A, a Final Order Establishing District having been duly adopted July 19, 2017, a certified copy of which having been recorded in the Genesee County Clerk's Office on July 21, 2017, and

WHEREAS, the Final Order provided that Water District No. 2 was to be constructed at a maximum cost not to exceed \$17,769,000.00, and

WHEREAS, the Town Board of the Town of Elba wishes to increase the maximum amount to be expanded for construction of Water District No. 2 from \$17,769,000.00 to \$18,764,000.00 due to significant upgrades to the overall Genesee County Water System, and

WHEREAS, the upgrades include the County of Genesee making a financial contribution to the Town of Elba to upsize the Town of Elba Water storage tank and to upsize certain of the Town's water mains from 8 inches to 12 inches, and

WHEREAS, to simplify the construction coordination and reduce costs, the County's improvements will be completed as part of the Town of Elba Water District No. 2 project, and

WHEREAS, a revised map, plan and report has been prepared by Clark Patterson Lee dated June 2019, which engineers are duly licensed in the State of New York, and which revised map, plan and report is on file in the office of the Elba Town Clerk for public inspection, and

WHEREAS, the maximum amount to be expended for construction as stated in the revised map, plan and report is increased from \$17,769,000.00 to \$18,764,000.00, and the entire additional amount of \$995,000.00 to be expended is to be paid by Genesee County as more particularly set forth in an Intermunicipal Agreement between Genesee County and the Town of Elba, a copy of which is enclosed as an appendix to the revised map, plan and report, and

WHEREAS, the original map, plan and report estimated the cost of the district to a typical one or two family home in the amount of \$1,035.00, and the revised map, plan and report now estimates the cost of the district to a typical family home in the amount of \$1,044.00, the \$9.00 increase as a result of the estimated yearly water cost with the estimated debt service of \$738.00 the same in each map, plan and report, and

WHEREAS, the Town of Elba Town Board proposes to increase the maximum amount to be expended and to conduct a hearing with respect to same and to hear all persons interested in the subject thereof and concerning the same in accordance with the provisions of section 209-h of the Town Law, and

WHEREAS, the New York State Comptroller's approval is required for such increase.

NOW THEREFORE BE IT:

ORDERED, that the Town Board of the Town of Elba meet and hold a public hearing at the Elba Town Hall, 7 Maple Avenue, Elba, New York on the 11<sup>th</sup> day of July 2019 at 7:00p.m. (Prevailing Time) to consider

an increase in the maximum amount to be expended for Elba Water District No. 2 from \$17,769,000.00 to \$18,764,000.00 and take such other and further action as may be required and authorized by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the “The Daily News”, a newspaper designated as the official newspaper of the Town for such publications, and post on the sign board of the Town maintained pursuant to section 209-d of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing; and it is

FURTHER ORDERED, that the Town Clerk file a certified copy of this Order with the Comptroller of the State of New York on or about the date of publication of a copy of this Order

Dated: June 6, 2019

TOWN BOARD OF THE TOWN OF ELBA

<u>ABSENT</u>	
Supervisor	Donna Hynes
Councilperson	Wade Chamberlain
Councilperson	Daniel Coughlin
Councilperson	Maureen Torrey-Marshall
<u>ABSENT</u>	
Councilperson	Chantal Zambito

**Second by:** Councilwoman Marshall  
**Ayes:** Chamberlain, Coughlin, Marshall  
**APPROVED by unanimous vote (3-0)**

**ABSTRACT 6-2019**

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

General Fund	114-133	\$ 4,859.82
Highway	54-68	\$ 23,688.57
Water District 2	29-30	<u>\$571,278.17</u>
	<b>TOTAL</b>	<b><u>\$599,826.56</u></b>

**Ayes:** Chamberlain, Coughlin, Marshall  
**MOTION CARRIED by unanimous vote (3-0)**

## **COMMITTEE REPORTS**

### **Building and Grounds**

Town Clerk Werth will send a letter to Mr. Snyder at 3 Maple Ave regarding his wish to buy a portion of the property alongside the town building as long as he agrees to pay the lawyer and surveyor fees and any other costs associated. She will work with Supervisor Hynes and Assessor Flansburg on an amount.

### **Zoning Board**

Councilman Chamberlain did not attend the meeting or have a report.

### **Planning Board**

Councilman Coughlin reported that the County is requesting that the parcels merge with the three properties for the Norton land separation. They do not want these to be divided up separately for each land owner. He also said the Planning Board continues to look at NYS's Solar plan. They will make the changes necessary for Elba and then pass on to the ZBA and Town Board.

### **GAM**

Councilwoman Marshall attended the meeting. They started off with the jail input meeting, this will cost approximately \$60 million. There is also discussion to add a courtroom and have the town and village judges alternate. There are exploring opportunities for the old courthouse.

Other topics included a sales tax report from Scott German, Randsco was awarded the County's Phase 2 water project, and there is concern of water shortage.

### **Cemetery**

Councilman Chamberlain has not received anymore information from the family who would like to use a stone versus a traditional headstone.

### **Publicity**

No report.

## **DEPARTMENT REPORTS**

### **Highway**

Superintendent of Highways Yungfleisch reported:

- They will be sealing up two roads that were done last year. They will also stone Ridge Road.
- 15 culverts need to be replaced when it dries out.
- No roadwork will take place until the water project is completed.

Councilwoman Marshall heard NYS will be replacing a bridge at the intersection of Spoilbank Road and Hundredmark Road through the NYS Bridge grant program. Mr. Yungfleisch confirmed this will take place in 2020.

### **Assessor**

Mr. Flansburg left a copy of his report for everyone (attached).

Supervisor Hynes left a copy of the Corrective Action Plan letter for the Comptroller's Office. After discussion it was decided to hold off on sending the letter to the Comptroller's Office. Councilwoman Marshall is going to investigate how other towns are handling the new requests.

### **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 \$1,982.25 and remitted \$1,936.25 to the Supervisor for local share, \$46.00 to NYS Ag. & Markets for spay/neuter program.

**Supervisor**

No report due to Supervisor Hynes absence.

**Councilpersons**

No report.

**ADJOURNMENT**

**MOTION** was offered from Councilman Coughlin second by Councilman Chamberlain to adjourn the meeting at 7:33 p.m.

**Ayes:** Chamberlain, Coughlin, Marshall

**MOTION CARRIED by unanimous vote (3-0)**

Respectfully Submitted,

Trisha Werth  
Town Clerk