

**Town of Elba
Regular Meeting
July 11, 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 Zambito

Others Present:

Town Clerk Werth
Superintendent of Highways Yungfleisch
David Schubel, Webster, Schubel & Meier, LLP
Jason Foote, CPL

Absent:

Councilwoman Marshall

Public Hearing Proposed Increase in the Maximum Amount to be Expended in the Construction of Water District No. 2

The Supervisor relayed that the Public Hearing to Order for Proposed Increase in the Maximum Amount to be Expended in the Construction of Water District No. 2 is postponed until next month.

Minutes of June 6, 2019 Town Board Meeting:

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

Ayes: Chamberlain, Coughlin, Hynes, Zambito

MOTION CARRIED by unanimous vote (4-0)

RESOLUTION NO. 17-2019 DETOURING OF ROAD(S) FOR THE BIG PARADE AND KIDDIE PARADE, JULY 13, 2019

Councilwoman Zambito offered the following:

WHEREAS, the Elba Parade Committee has scheduled a parade to take place on Saturday, July 13, 2019, at 12:00 P.M. in Elba, New York during the Betterment Committee's Annual Family Fun Fest.

WHEREAS, the proposed parade will start on Oak Orchard Road, Elba, New York and end at the Village Park on State Route 98 / Main Street,

WHEREAS, the Town Board of the Town of Elba has determined that it is necessary to close portions of Oak Orchard Road, State Route 98 / Main Street in the Town of Elba, New York as described herein in order to adequately protect the health, safety and welfare of the participants in the parade and spectators along said route, and

BE IT FURTHER RESOLVED AND ORDERED that the Town Clerk of the Town of Elba, New York shall post a copy of this Resolution and Order on the signboard maintained at her office on or before July 11, 2019 and shall remain posted until July 13, 2019.

**BY ORDER OF THE TOWN BOARD
TOWN OF ELBA**

Trisha Werth
Town Clerk

RESOLVED: That the Town Board of the Town of Elba does hereby adopt this resolution in support of closing road(s) within the Town of Elba for a parade to take place on Saturday, July 13, 2019, at 12:00 P.M. in Elba, New York during the Betterment Committee's Annual Big Parade and Kiddie Parade, this 11th day of July, 2019.

CC: Frank Kowalski, Parade Chairman
Mike Heale, Elba Fire Chief
Mark Yungfleisch, Town of Elba, Superintendent of Highways
Genesee County Sheriff's Office

State of New York)
County of Genesee)
Town of Elba) ss.

I, Trisha Werth, Town Clerk of the Town of Elba in the County of Genesee, State of New York, hereby certify that the foregoing Resolution was duly adopted at a meeting of the Town Board on the Town of Elba held on the 11th day of July, 2019, by the required necessary votes of the members to approve this Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Elba, Genesee County, New York this 11th day of July, 2019.

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

RESOLUTION NO. 18-2019

Councilman Coughlin offered the following:

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 11th day of July 2019 at 7'oclock p.m.

PRESENT: Donna Hynes, Supervisor
Wade Chamberlain, Councilperson
Daniel Coughlin, Councilperson
Chantel Zambito, Councilperson

In the Matter of the Proposed Increase in the Maximum Amount to be Expended on Water District No. 2 from \$17,769,000.00 to \$18,800,000.00, pursuant to Section 209-h of the Town Law

ORDER CALLING PUBLIC HEARING

TO BE HELD ON AUGUST 8, 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 expended for construction of Water District No. 2 from \$17,769,000.00 to \$18,800,000.00 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 July 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 as stated in the revised map, plan and report is increased from \$17,769,000.00 to \$18,800,000.00, with the entire additional amount of \$995,000.00 to be expended for County upgrades 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 Village of Elba will make an additional financial contribution of \$36,000.00 relative to the Village tank demolition, 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 remaining the same in the map, plan and report, and the revised map, plan and report, and

WHEREAS, the other one-time costs remain the same in the revised map, plan and report, and

WHEREAS, the boundaries of Water District No. 2 will remain the same and the total number of Units will remain the same, 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 8th day of August 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 \$18,800,000.00 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: July 11, 2019

TOWN BOARD OF THE TOWN OF ELBA

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

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

ABSTRACT 7-2019

MOTION, Councilman Coughlin second by Councilwoman Zambito to approve the following:

General Fund	134-163	\$ 11,905.20
Highway	69-83	\$ 84,260.56
Water District 2	31-36	<u>\$634,858.46</u>
	TOTAL	\$731,024.22

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

COMMITTEE REPORTS

Building and Grounds

No report.

Zoning Board

Councilman Chamberlain reported:

- Still looking for members.
- The Board approved three variances, Armbrewster, Markle, and Rigerman. Rigerman and Markle were approved at the County level too.
- The next meeting is scheduled for August 5th, may need to reschedule due to vacations.

Planning Board

Councilman Coughlin reported:

- Mr. Kriwox submitted an application for land separation. The Board requested he have a mylar completed.
- They will discuss the solar plan at their next meeting. Councilman Coughlin will pass on Stafford's plan to the Board.

GAM

No report.

Cemetery

Councilman Chamberlain reported:

- Steve Davis sent a proposal for two plots that need to be addressed due to foundations sinking. Councilman Chamberlain explained the proper process of laying a foundation. The proposal is:

Swabb, Lot #386, 1 and 2

Remove existing stone and foundation. Replace with new foundation. \$350.00

Schultz, Lot #473, 3 and 4

Remove existing stone and foundation. Replace with new foundation. \$275.00

All prices contingent on head stones not being connected to the foundations.

Councilman Chamberlain stated there have only been these two complaints, but Mr. Davis states there are several other foundations sinking in the cemetery. Mr. Davis was asked to make a list. Councilman Chamberlain will speak with Mr. Davis to ensure he completes the work on his own, the foundations need to be dug at least three feet and someone will need to inspect before it is poured.

Councilman Coughlin made a **MOTION** to accept Mr. Davis' proposal as written.

Second by: Supervisor Hynes

Ayes: Chamberlain, Coughlin, Hynes, Zambito

MOTION CARRIED by unanimous vote (4-0)

Mr. Davis reported that Home Depot donated the flowers and mulch for the Veteran's Memorial Garden at Maple Lawn Cemetery. Town Clerk Werth will send a thank you note on behalf of the Town.

Publicity

None.

DEPARTMENT REPORTS

Highway

Superintendent of Highways Yungfleisch reported:

- We are receiving \$14k from the State for the extreme winter.
- Mr. Yungfleisch and staff replaced eleven culverts this week and will do two more next week.
- The access stone was groomed off of Ridge Road.
- They will stone/oil and blacktop a few more roads this summer.

Assessor

The State of New York has issued an equalization rate for the 2019 Final Elba Assessment Roll of 100%. The changes were enough to get 100%. Two sales in June were more than 15% above the 2019 assessments so we will wait till September or October to see what the State's projection will be on how much values may need to rise in 2020 to stay at 100%.

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 \$1,182.16 and remitted \$1,145.16 to the Supervisor for local

share, \$37.00 to NYS Ag. & Markets for spay/neuter program.

The sexual harassment training memo was sent out to everyone. The training will take place Wednesday, September 4, 2019 at 6:00 p.m. at the Oakfield Government Center. The State of New York has made this mandatory for all employees, including Zoning Board of Appeals, Zoning Board, Planning Board, Town Board, etc.

A representative from Quill contacted Town Clerk Werth to discuss the Quill Plus program. The cost of the program is \$24.00 this year and will allow us to receive free shipping on all products and cases of paper for \$31.99 versus \$55.00.

Supervisor

Supervisor Hynes reported:

- The amended bond resolution will take place in August now.
- Lee Walter and Justin from Baldwin
- were here today to review Mr. Walter's audit report of Water District 2 that is required by Rural Development. Supervisor Hynes will email Board members the report.

Councilpersons

Councilman Coughlin stated we should advertise for Zoning Board members. Town Clerk Werth will add this to the website and to the school's newsletter.

ADJOURNMENT

MOTION was offered from Councilman Chamberlain second by Councilman Coughlin to adjourn the meeting at 7:26 p.m.

Ayes: Chamberlain, Coughlin, Hynes, Zambito

MOTION CARRIED by unanimous vote (4-0)

Respectfully Submitted,

Trisha Werth
Town Clerk