

**Town of Elba
Regular Meeting
March 12, 2020**

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	Pauli Miano, Elba Betterment Committee
Superintendent of Highways Yungfleisch	Joanne Soules, Elba Betterment Committee
ZEO/CEO Mark Mikolajczyk	Robert Santiago, Resident – entered at 7:30 p.m.
Daniel Spitzer, Hodgson Russ	Amy Angora, Resident – entered at 7:30 p.m.

Public Participation

Pauli Miano and Joanne Soules spoke on behalf of the Elba Betterment Committee. They are the recipients of a grant from GO ART! which will help fund 7 concerts in the park this summer. They wanted to ensure the Town did not have any concerns regarding these events. They are always looking for help and would like to have presence from the Town and our residents this summer.

**Minutes of Public Hearing Local Law #1 of 2020 – Town of Elba Solar Energy Local Law
Override Tax Levy Limit – February 13, 2020**

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)

**Minutes of Public Hearing Local Law #2 of 2020 – Opt Out of Energy System Real Property Tax
Exemptions – February 13, 2020**

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

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Minutes of February 13, 2020 Town Board Meeting

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

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 19-2020

Councilman Augello offered the following:

CLOSING OF ROADS FOR ARC OF GENESEE ORLEANS FRIENDS & FAMILY 5K

WHEREAS, the Arc of Genesee Orleans Friends & Family 5K, has scheduled a 5K race to take

place on Saturday, September 19, 2020, 9:50 A.M.-10:50 A.M. in Elba, New York.

WHEREAS, the proposed race will start on Barrville Road, Elba, New York and includes portions of Bridge Road and Luddington Road and ends at the Genesee ARC facility on Barrville Road,

WHEREAS, the Town Board of the Town of Elba has determined that it is necessary to close portions of Barrville Road, Bridge Road and Luddington Road 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 race 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 August 1, 2020, and shall remain posted until Monday, September 21, 2020.

**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 roads within the Town of Elba for the Arc of Genesee Orleans as part of the “2020 Friends & Family 5K” race, this 12th day of March, 2020.

CC: Sandy Konfederath, Community Relations Coordinator, Arc of Genesee Orleans
Mike Heale, Elba Fire Chief
Mark Yungfleisch, Town of Elba, Superintendent of Highways

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 12th day of March, 2020, 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 12th day of March, 2020.

Second by: Councilman Coughlin
Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 20-2020

Mr. Dan Spitzer with Hodgson Russ LLP was in attendance to give a quick overview on this waiver and thanked the Town for our continued business.

Supervisor Hynes offered the following:

Resolution Approving Hodgson Russ LLP Waiver Request

WHEREAS, Hodgson Russ LLP has from time to time represented and currently represents the Town of Elba (the “Town”) in a variety of matters and values the Town as a client; and

WHEREAS, Hodgson Russ LLP has not represented the Town in connection with the proposed photovoltaic solar generation facility referred to as the Cider Solar Project or any related zoning, land use, tax or related matters; and

WHEREAS, Hodgson Russ LLP has been asked to represent Hecate Energy, LLC in connection with project development matters related to the Cider Solar Project, including permitting, tax, land use, and other related matters, and it is likely that such matters will involve, among other things, negotiations with and other matters before the Town; and

WHEREAS, Hodgson Russ LLP does not possess any confidential information learned from the Town concerning the Cider Solar Project and has represented that it is confident that this representation will not impact its independent professional judgment on any other matter involving the Town;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Elba as follows:

1. That the Town hereby agrees to waive any conflict of Hodgson Russ LLP as the result of the representation described above.
2. This Resolution shall be effective immediately.

PASSED AND ADOPTED this 12th day of March, 2020 by the Town Board of the Town of Elba.

Second by: Councilman Chamberlain
Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 21-2020 - TABLED

Discussion ensued regarding this IMA with the Village of Elba. The Board had questions that Supervisor Hynes will pass onto our Town Attorney to answer. We will table this resolution until the next meeting.

**INTERMUNICIPAL AGREEMENT FOR COST
ALLOCATION AND PAYMENT OF WATER
SYSTEM FLUSHING AND UNBILLABLE WATER USAGE
FOR TOWN OF ELBA WATER DISTRICT NO. 2 AND THE VILLAGE OF ELBA**

ABSTRACT 3-2020

MOTION, Councilman Coughlin second by Supervisor Hynes to approve the following:

General Fund	51-74	\$6,732.28
Highway	31-49	\$113,956.92
Water District 2	8-12	\$470,049.93
	Total	\$590,739.13

Ayes: Augello, Coughlin, Chamberlain, Hynes, Marshall
MOTION CARRIED by unanimous vote (5-0)

COMMITTEE REPORTS

Building and Grounds

No report.

Zoning Board

Councilman Chamberlain reported that Michael Welch has resigned. Their new member Chuck Norton attended, they walked him through what is expected with training as well as past topics.

Planning Board

Councilman Coughlin was unable to attend the last meeting.

GAM

Councilman Coughlin reported there was a Public Hearing on the proposed Genesee County Jail. Construction taking place in 2020-2021, with an anticipated move in of 2022. There will be 184 beds, 4 pod design.

Carol Kistner with Moms Demand Action presented to the Committee. This Organization encourages and supports common sense gun laws.

Cemetery

No issues to report.

Publicity

None.

DEPARTMENT REPORTS

Highway

Mr. Yungfleisch shared the following:

- The salt in the shed will need to last until January 2021
- New town pick up has arrived
- George and Swede would like the Town's loader, they offered a new one for \$22,304.00
- An MEO will be retiring March 30, 2020
- Working with water installation

Supervisor Hynes made a **MOTION**, second by Councilwoman Marshall to purchase a 2020 Hyundai XL940 Wheel Loader.

Ayes: Augello, Coughlin, Chamberlain, Hynes, Marshall
MOTION CARRIED by unanimous vote (5-0)

Assessor

No report.

ZEO/CEO

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

Mr. Mikolajczyk stated he is in need of new code books. These will be valid for approximately five years. Total cost is \$935.63 and Town of Elba's share will be \$311.88.

Councilman Chamberlain made a **MOTION**, second by Councilman Coughlin to provide our share of \$311.88 for the ZEO/CEO Code Books for Mr. Mikolajczyk.

Ayes: Augello, Coughlin, Chamberlain, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Town Clerk

Town Clerk Werth reported that she took in \$1,621.75 and remitted \$1,090.50 to the Supervisor for local share, \$40.00 to NYS Ag. & Markets for spay/neuter program.

Taxes are going well. We have sent three payments to the County Treasurer totaling \$874,000.00. We will continue to collect through the end of March.

Supervisor

Supervisor Hynes reported the following:

- The water tank is in the process of going up. Caldwell Manufacturing is on location. We still need to select a color for the water tower. Please let Supervisor Hynes know which color.
- Maria Muzurek, an architect with CPL met us at the bank. She will be developing a drawing to share with us soon. Jay Grasso will join us at the April meeting to discuss the possibility of finding a grant to help with ADA compliant materials.
- It appears the Justice Court is back on track and ready for the audit. We would like to meet on March 18th at 3:00 p.m. starting at the Elba office to audit the Supervisor and Town Clerk and then we will go to Oakfield to take care of the Justice Court.
- We have approved moving forward with Phase 6, which is a change order for Phase 3. We have RD approval and will need a motion to sign the change order.

Councilman Coughlin made a **MOTION**, second by Councilman Chamberlain to sign the Change Order for Phase 3 to include Phase 6.

Ayes: Augello, Coughlin, Chamberlain, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Councilpersons

Councilman Chamberlain asked if there was an agreement with the Town of Oakfield regarding using the water on Lockport Road. Mr. Foote noted that we are mostly using water from Snyder Road.

Councilman Augello has handed in necessary paperwork for Baldwin Business.

PUBLIC PARTICIPATION

Mr. Robert Santiago handed a packet to Mr. Mikolajczyk, ZEO/CEO and each Councilperson. He discussed that he received an Order to Correct Violation from Mr. Mikolajczyk, ZEO/CEO. The violation was sent on September 23, 2019 and he was given 30 days to remove all unregistered vehicles over one. Mr. Santiago discussed at length that he is benchmarked disabled and he needs the cars. This is now in the hands of the Judge, next court date is in May. Supervisor Hynes thanked Mr. Santiago for coming.

At 7:49 p.m. Councilman Chamberlain made a **MOTION** seconded by Councilman Augello to adjourn to

Executive Session for matters concerning employment history and personnel.

At 8:13 p.m. Supervisor Hynes made a **MOTION** seconded by Councilman Augello to move from Executive Session to Public Session and reconvene the regular meeting in order to continue with conduct of business.

ADJOURNMENT

MOTION was offered from Councilman Chamberlain second by Councilman Augello to adjourn the meeting at 8:13 p.m.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Respectfully Submitted,

Trisha Werth
Town Clerk