

**Town of Elba  
Regular Meeting  
November 5, 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

**Others Present:**

Town Clerk Werth  
Highway Superintendent Yungfleisch  
Rick Sanfratello, Resident

**Absent:**

Councilwoman Marshall

**Minutes of October 8, 2020 Town Board Meeting**

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

**Ayes:** Augello, Chamberlain, Coughlin, Hynes

**MOTION CARRIED by unanimous vote (4-0)**

**Minutes of November 3, 2020 Special Town Board Meeting**

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

**Ayes:** Augello, Chamberlain, Coughlin, Hynes

**MOTION CARRIED by unanimous vote (4-0)**

**PUBLIC PARTICIPATION**

Mr. Rick Sanfratello suggested to the Town Board that the Town's Solar Law be amended. He had a couple of recommendations including:

- Increasing the set back from 30 feet to 100 feet
- Would like to see our guidelines tougher, helping with negotiations when the time comes
- Amend landscaping requirements as they are very vague, being more specific will prevent companies from doing the minimum and will help in being good neighbors
- Would like to see more than 75% after 2 years, this should be 100%. Letting one out of four trees die should not be acceptable for our Town.
- Our Solar Law states the Town Board would approve shrubs and landscaping – it should be approved by a landscape architect, someone with experience.
- With a little tweaking we can make this law better for the citizens of Elba.

Councilman Coughlin invited Mr. Sanfratello to a Planning Board meeting. Supervisor Hynes asked Mr. Sanfratello to provide a list of the changes he is recommending. He would be willing to work with the Town to make these changes.

**RESOLUTION #37-2020:**

Councilman Chamberlain offered the following:

**RESOLUTION ADOPTING LOCAL LAW No. 3 of 2020 TO OVERRIDE  
THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c**

**WHEREAS**, proposed Local Law No. 3 of 2020 of the Town of Elba entitled “Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c”, which proposed Local Law in its final form was presented to the Town Board at the meeting held October 8, 2020 and a copy thereof was kept with the Town Clerk and copies provided to Town Board Members at said meeting; and

**WHEREAS**, a public hearing on the advisability of enacting said proposed Local Law was held on November 5, 2020, before this Town Board, pursuant to public notice duly published in The Daily News according to law, at which time all interested persons were heard; and

**WHEREAS**, the Town Board of the Town of Elba, New York is of the opinion that adoption of said proposed Local Law No. 3 of 2020 is in the best interest of the Town of Elba, New York.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Elba, New York that said proposed Local Law No. 3 of 2020 entitled “Override the Tax Levy Limit Established in General Municipal Law §3-c” be and the same hereby is adopted; and

**BE IT FURTHER RESOLVED**, that a certified copy of said Local Law No. 3 of 2020 be filed with the New York State Secretary of State in accordance with the Law.

**Second by:** Councilman Coughlin

**Ayes:** Augello, Chamberlain, Coughlin, Hynes

**APPROVED by unanimous vote (4-0)**

**CERTIFICATION**

I, Trisha Werth, Town Clerk of the Town of Elba, County of Genesee and State of New York, DO HEREBY CERTIFY that I have compared the aforementioned resolution duly adopted by the Town Board of the Town of Elba, on the 5th day of November, 2020 with the original now on file in my office, and the same is a correct and true copy of said Resolution and of the whole thereof.

**Dated:** November 5, 2020

\_\_\_\_\_  
**Trisha Werth**  
**Town Clerk**

{SEAL}

**RESOLUTION NO. 38-2020:**

Councilman Coughlin offered the following:

**ADOPTION OF 2021 TOWN ANNUAL BUDGET**

**WHEREAS**, the Elba Town Board hereby adopts the Town Budget for 2021; and be it further

**NOW, THEREFORE, BE IT RESOLVED**, that the Elba Town Board approves the budget as prepared with a copy attached hereto.

**Second by:** Councilman Augello

**Ayes:** Augello, Chamberlain, Coughlin, Hynes

**APPROVED by unanimous vote (4-0)**

**RESOLUTION #39-2020:**

Councilman Coughlin offered the following:

**APPROVAL OF OFFICIAL UNDERTAKING FOR TAX COLLECTION**

[The Official Undertaking/Bond must be filed with the County Clerk and have attached thereto the approval of the Town Board as set forth below.]

**APPROVAL OF THE ELBA TOWN BOARD**

We, the undersigned members of the Town Board of the Town of Elba, County of Genesee, State of New York, do hereby approve the attached undertaking or bond as to its form, manner of execution, amount and sufficiency thereof, and to the sureties names thereon. Said undertaking or bond shall be conditioned that the collector of the taxes shall well and truly keep, pay over and account for all moneys and property coming into her/his hands as such collector.

Witnessed this 5th day of November, 2020.

Supervisor \_\_\_\_\_

Council Member \_\_\_\_\_

Council Member \_\_\_\_\_

Council Member \_\_\_\_\_

Council Member \_\_\_\_\_

[Approval may also be in the form of a copy of the Resolution with the corresponding certification of the Town Clerk.]

Pursuant to Sections 25, 35, 36 and 37 of the Town Law of the State of New York

**Second by:** Councilman Chamberlain

**Ayes:** Augello, Chamberlain, Coughlin, Hynes,

**APPROVED by unanimous vote (4-0)**

**RESOLUTION #40-2020:**

Councilman Chamberlain offered the following:

**AUTHORIZE DELINQUENT WATER BILL  
TO BE RE-LEVIED ON THE 2021 WARRANT**

**WHEREAS**, the Town Clerk has received a list of all property owners who owe for water rents in Water Districts #1 and #2 to the Town of Batavia; and

**WHEREAS**, Section 229-15 (c) of Town Law stipulates that such amounts owing shall be levied against the property to which the service is rendered.

**NOW, THEREFORE, BE IT RESOLVED**, the amount of \$1,895.01, or as may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the following individuals:

- Ronald Shultz - \$137.95
- J&M Pflaumer - \$259.42
- David Genagon – 4.49
- Brian Walczak - \$183.61
- March Cwiklinski - \$607.29
- Bart & Jan Dentino - \$233.05
- Joshua Benson - \$133.15
- Joseph Stachowski - \$35.31
- Rose Printup Estate - \$131.25
- Patrick Crawford - \$105.93
- Nicole Kauffman - \$63.56

**Second by:** Councilman Augello

**Ayes:** Augello, Chamberlain, Coughlin, Hynes

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 41-2020**

Councilman Augello offered the following:

**ACCEPTING THE BID IN THE AMOUNT OF \$29,471.00 AS RECEIVED FROM  
ENVIRONMENTAL CONSTRUCTION GROUP, INC. AND AWARDING THE CONTRACT TO  
THEM FOR A TOTAL AWARD AMOUNT OF \$29,471.00**

**WHEREAS**, the Town of Elba received bids November 2, 2020 at 2:30 P.M. for removing by abatement, the existing floor finishes and portions of the existing walls and ceiling in the former M&T Bank building at 7133 Oak Orchard Road and is limited to the interior of the building.

**WHEREAS**, Environmental Construction Group, Inc. from Wayland, New York was the lowest responsible bidder with a bid amount of \$29,471.00.

**NOW THEREFORE BE IT RESOLVED**, the Elba Town Board hereby awards the Bid to Environmental Construction Group, Inc. at a cost of Twenty Nine Thousand Four Hundred Seventy One Dollars and Zero cents (\$29,471.00) for the Elba Town Hall Abatement project; and

**BE IT FURTHER RESOLVED**, the Elba Town Board hereby authorizes the Supervisor to execute Agreements and issue the Notice of Award.

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

**RESOLUTION NO. 42-2020**

Supervisor Hynes offered the following:

**BID AWARD – WATER DISTRICT NO. 2, PHASE 7**

**WHEREAS**, the Town of Elba received bids November 2, 2020 at 3:00 P.M. for the Base Bid with Alternate Bid 1 for installation of approximately 27,000 linear feet of 8-inch water mains, valves, hydrants, water services and appurtenances along portions of Edgerton Road, Starowitz Road, Pekin Road, and

**WHEREAS**, Rochester Pipeline, Inc. from Rochester, New York was the lowest responsible bidder with a contract price of the awarded contract at \$1,147,520.00.

**NOW THEREFORE BE IT RESOLVED**, the Elba Town Board hereby awards the Bid to Rochester Pipeline, Inc. at a cost of One Million, One Hundred Forty Seven Thousand, Five Hundred Twenty Dollars and Zero cents (\$1,147,520.00), for the installation of approximately 27,000 linear feet of 8 inch water mains and appurtenances for Phase 7 of the Town of Elba Water District No. 2, contingent on concurrence of award by 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 of Award once the aforementioned conditions are met.

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

**Abstract 11-2020**

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

General Fund	231-260	\$19,424.77
Highway	129-146	\$30,112.76
Water District 2	53-57	\$111,000.00
	<b>Total</b>	<b>\$160,537.53</b>

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

**COMMITTEE REPORTS**

**Building and Grounds**

Mr. Yungfleisch reported that they fixed the men’s room toilet and the boards on the salt shed. Need to work

on shop heaters and water pumps in the Spring.

### **Zoning Board**

Mr. Chamberlain reported they discussed the Mudzynski solar project. They would like to pick their Chairperson and Secretary for 2021 in December. Mr. Dick Contant will resign in December and Mr. Rick Sanfratello will fill that seat.

### **Planning Board**

Mr. Coughlin reported that Mr. Earl Roth came for a land separation, the Planning Board agreed with his plan. Mrs. Eleanor Hart is looking at a land separation as well, but this was tabled as she did not attend the meeting. Mr. Chuck Hoover continues to talk with Hecate and several attorneys to gather information regarding solar. Supervisor Hynes stated Councilwoman Marshall is lining up information on a couple of other attorneys who have worked with solar plans and municipalities. Mr. Coughlin said they had three people attend the meeting from Forefront, they have changed their blueprint a bit.

### **GAM**

Supervisor Hynes did not attend the meeting.

### **Cemetery**

No report.

## **DEPARTMENT REPORTS**

### **Highway**

Mr. Yungfleisch shared the following:

- Helping with the Water Tower, hauling dirt out and stone in
- Mowing is done
- Hoping it dries out soon so they can put snow fence up
- Getting trucks ready for winter

### **Assessor**

Mr. Flansburg sent the following report for the Town Board:

“Attached is the first report from the New York State Department of Taxation and Finance for the calculation of the Town of Elba 2021 equalization rate.

The A Class is the residential properties. The trend is +6%. This is the trend for all towns in Genesee County. This means the State feels that the average home in Elba is currently under assessed by at least 6% and looking for increases in 2021 of that much or more to stay at 100%. As they fill in the chart, the last column will be the projected 2021 equalization rate if no values are changed for 2021/ I will distribute the chart to everyone every time the State comes up with another trend on the chart.

I have already started making increases for 2021 All land categories are going up \$200 per acre. The acre that a house sits on will be going up \$1,000.00. Sales of homes have been going really high. Ten homes have sold since March 1<sup>st</sup>. The combined 2020 assessment of those homes was \$1,209,700.00. The combined sales price of these homes was \$1,816,900.00. This averaged 50% above assessed value. This is the date the State uses to determine that values are too low. I plan on sending out change notices in March once the State determines I have raised values enough to get 100% for 2021.

Exemption renewal forms will be sent out in November for Ag renewals and Aged renewals. STAR is now done by the State off of NYS tax returns.”

Councilman Augello said this was an unfair assessment of Elba property values. Councilman Coughlin shared that it is fair to say if we had an overabundance of houses than it would be cheaper, but this is not a growing community. Supervisor Hynes stated that these numbers are being pushed down from the State and unfortunately, there is no property for sale to build houses in Elba.

### **ZEO/CEO**

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

### **Town Clerk**

Town Clerk Werth reported that she took in \$646.00 and remitted \$606.00 to the Supervisor for local share, \$40.00 to NYS Ag. & Markets for spay/neuter program.

The Elba Betterment Committee is hosting Christmas in the Park again this year. Councilmembers will chip in to participate.

### **Supervisor**

Supervisor Hynes reported the following:

- The Court Clerk has resigned. The Town Judges for Elba, Oakfield and Alabama will start looking for someone to fill this position. The Town of Alabama recently signed an IMA to have their court proceedings at Oakfield as well.
- Planning Board notes – Supervisor Hynes has spoken with Mr. Chuck Hoover regarding the overlay plan that Hecate Energy has proposed. She believes the Planning Board will advise the Town Board not to sign it. They would rather look at each company plan. It is important to be consistent with each company.
- The Town finally received approval from the Comptroller for increasing the maximum amount to be expended on Water District No. 2 enabling us to move forward with Phases 7. Supervisor Hynes has been in touch with John Alessi, Jeff Smith and Town Attorney Dave Schubel regarding the bond and BAN.
- Town Attorney Dave Schubel will soon be retiring. He has agreed to see the Town through the Water District 2 project and will help until we have someone in place. Supervisor Hynes has been given a few attorneys to look into.
- Environmental Construction Group was the successful bidder for the new Town Hall abatement project. They should be in and out quickly.

### **Councilpersons**

Councilman Coughlin asked about the Blue Sky project. Supervisor Hynes says they are working on it and working with DEC.

### **ADJOURNMENT**

**MOTION** was offered from Councilman Chamberlain second by Councilman Coughlin to adjourn the meeting at 7:35 p.m.

**Ayes:** Augello, Chamberlain, Coughlin, Hynes

**MOTION CARRIED by unanimous vote (4-0)**

Respectfully Submitted,

Trisha Werth  
Town Clerk

DRAFT