

**Town of Elba
Regular Meeting
October 14, 2021**

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
Superintendent of Highways Yungfleisch
Chuck Hoover, Planning and Wind/Solar Committee Chair, left meeting at 8:15 p.m.
Lois Petote, Resident, left meeting at 7:20 p.m.
Joe Stachowski, Resident, left meeting at 7:20 p.m.

Minutes of September 9, 2021 Town Board Meeting

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

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Minutes of September 28, 2021 Special Town Board Meeting

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

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Public Participation

Resident, Lois Petote read from the Hecate website. She does not believe the Elba Town Board has been open in communicating with the community regarding the solar project. Discussed what she has watched take place on Fotch Road. She shared a flyer that she received. Mr. Hoover invited Mrs. Petote and Mr. Stachowski to the Planning Board meeting. They would be happy to discuss solar at length at that meeting.

RESOLUTION NO. 40-2021:

Councilman Chamberlain offered the following:

**INTRODUCE PROPOSED LOCAL LAW NO. 3 OF 2021 AND
TO SCHEDULE A PUBLIC HEARING**

WHEREAS, the Town Board of the Town of Elba, New York desires to consider adopting legislation to override the limit on the amount of real property taxes that may be levied by the Town of Elba pursuant to General Municipal Law § 3-c, and to allow the Town of Elba to adopt a town budget for fiscal year 2021 that requires a real property tax levy in excess of the tax levy limit, also known as Town of Elba Local Law No. 3 of 2021.

NOW, THEREFORE, BE IT RESOLVED by the Town Board for the Town of Elba, New York that proposed Local Law No. 3 of 2021 entitled "A Local Law to Override the Tax Levy Limit Established in

General Municipal Law § 3-c”, which proposed Local Law is now in its final form as appears by a copy thereof hereto attached, be and the same hereby is introduced for adoption; and

BE IT FURTHER RESOLVED that said proposed Local Law was given to the members of this Town Board on this date and remain with them and a copy thereof be kept on file in the office of the Town Clerk until November 4, 2021, and that a public hearing be held before this Town Board on the 5th day of November 2021 at 6:50 p.m. at the Elba Town Hall, 7 Maple Avenue, Elba New York, on the advisability of enacting said proposed Local Law; and

BE IT FURTHER RESOLVED that the Town Clerk shall cause notice of said public hear to be published once in The Daily News at least five (5) days prior to the date of said public hearing, which notice shall contain the time and place of said hearing, the title and purpose thereof, as well as a statement that a copy of said proposed Local Law is on file in the Town Clerk’s Office.

Second by: Councilman Coughlin

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

APPROVED by unanimous vote (5-0)

NOTICE OF PUBLIC HEARING

Please Take Notice that the Elba Town Board will conduct a public hearing at the Elba Town Hall, 7 Maple Avenue, Elba, New York on Thursday, November 4, 2021 at 6:50 p.m. on the enactment of a Local Law known as Local Law No. 3 of 2021 to Override the Tax Levy Limit Established in General Municipal Law § 3-c, which said Local Law may be summarized as follows: It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Elba pursuant to General Municipal Law § 3-c, and to allow the Town of Elba to adopt a budget for the fiscal year 2021 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

At such public hearing, all persons, either for or against the same, shall be heard.

By Order of the Elba Town Board

Trisha Werth, Town Clerk

Local Law Filing

New York State Department of State
99 Washington Avenue, Albany, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~
Town
~~Village~~

of Elba, Genesee County, New York

Local Law No. 3 of the year 2021.

A local law to override the tax levy limit established in General Municipal Law 3-c
(Insert Title)

Be it enacted by the _____ Town Board _____ of the
(Name of Legislative Body)

County
City of Elba, Genesee County, New York as follows:
Town
Village

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Elba pursuant to General Municipal Law §3-c, and to allow the Town of Elba to adopt a budget for the fiscal year 2021 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Elba, County of Genesee, is hereby authorized to adopt a budget for the fiscal year 2020 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its separation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2021, of the (~~County~~) (~~City~~) (Town) (~~Village~~) of Elba, New York was duly passed by the Town Board on November 5, 2021, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2021 of the (~~County~~) (~~City~~) (Town) (~~Village~~) Elba was duly passed by the _____ on _____ 20____, and was (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 2021, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2021 of the (~~County~~) (~~City~~) (Town) (~~Village~~) of _____ was duly passed by the _____ on _____ 2021, and was by the _____ on _____ 2021. Such local

law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2021 of the (County) (City) (Town) (Village) of _____ was duly passed by the Board of Trustees (Name of Legislative Body) on _____ 2021, and was (approved) (~~not disapproved~~) (~~repassed after disapproval~~) by the _____ on _____ 2021. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2021, in accordance with the applicable provisions of law.

*** Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special) (general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

(SEAL)

Trisha Werth
Town Clerk, Town of Elba

Date: October 14, 2021

RESOLUTION NO. #41-2021:

Councilman Chamberlain offered the following:

PRELIMINARY 2022 TOWN BUDGET

RESOLVED, the Elba Town Board accepts the Preliminary Town Budget for 2022; and be it further

RESOLVED, that the 2022 Preliminary Town Budget hereby be filed in the Office of the Elba Town Clerk.

Second by: Councilman Coughlin

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 42-2021:

Councilman Coughlin offered the following:

CALLING FOR PUBLIC HEARING ON THE 2022 TOWN BUDGET

RESOLVED, the Elba Town Board hereby authorizes and orders that a Public Hearing on the Preliminary Town Budget for 2022 be conducted at the Elba Town Hall, 7 Maple Avenue, Elba, New York, beginning at 6:55 p.m. on Thursday, November 4, 2021 at which time and place all interested persons will be heard; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to publish such public notice of the subject Public Hearing as required by law.

Second by: Councilman Augello

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

APPROVED by unanimous vote (5-0)

**NOTICE OF PUBLIC HEARING
ON THE 2022 TOWN BUDGET**

PUBLIC NOTICE IS HEREBY GIVEN that the Preliminary Budget of the Town of Elba for fiscal year 2022 has been completed and filed in the Office of the Town Clerk of the Town of Elba, where is it available for public inspection during regular business hours.

Notice is also given that the Town Board of the Town of Elba will hold a Public Hearing on the Preliminary Budget at the Elba Town Hall, 7 Maple Avenue, Elba, New York beginning at 6:50 p.m. on Thursday, November 4, 2021 at which time and place any person will be heard in favor of or in opposition to any item or items contained therein.

Public Official Salaries are as follows:

Supervisor	\$8,512.00
Councilperson (4)	\$1,982.50
Town Clerk/Tax Collector	\$30,687.00
Highway Superintendent	\$60,762.00
Town Justice (2)	\$9,129.00

By Order of the Elba Town Board

Trisha Werth, Town Clerk

RESOLUTION NO. 43-2021

Councilman Chamberlain offered the following:

**AUTHORIZE DELINQUENT WATER BILLS
TO BE LEVIED AGAINST 2022 TAX WARRANT**

WHEREAS, the Town Clerk has received a list of all property owners who owe for water rents in Water District #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 Genesee County Treasurer is hereby approved for levying against the individuals 2022 tax warrant.

Second by: Councilman Coughlin

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 44-2021

Councilman Coughlin offered the following:

COMPUTERS AND CHROMEBOOKS QUOTE

BE IT RESOLVED, that the Town Board of the Town of Elba authorized the purchase of four (4) new laptop computers at a cost of \$4,392.00 each and six (6) Chromebooks at a cost of \$2,100.00 (\$6,492.00) through Millennium Computers. These items will be paid for out of the ARPA Recovery Funds received by the Town.

Second by: Councilman Augello

Ayes: Augello, Coughlin, Chamberlain, Hynes, Marshall

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 45-2021

Councilman Chamberlain offered the following:

INTERMUNICIPAL AGREEMENT BETWEEN

**GENESEE COUNTY AND TOWN OF ELBA FOR THE PROVISION OF SNOW REMOVAL AND
ICE CONTROL SERVICES AND ROADSIDE MOWING**

THE AGREEMENT, dated _____, by and between the COUNTY OF GENESEE, a municipal corporation having its office and place of business in the County Building, 15 Main Street, Batavia, New York, 14020, hereinafter referred to as the "County," and the TOWN OF ELBA, a municipal corporation within the County of GENESEE, having its office and place of business at 7 Maple Avenue, PO Box 295, Elba, New York, 14058 hereinafter referred to as the "Town."

W I T N E S E T H

WHEREAS, the County owns, operates, and maintains a highway system in the towns and villages of the County; and

WHEREAS, the County Superintendent of Highways has general charge and supervision of the work of constructing, improving, repairing and maintaining all County roads; and

WHEREAS, County funds may be expended for the control and removal of snow and ice from County roads; and

WHEREAS, County funds may be expended for roadside mowing and removal of noxious weeds along County roads; and

WHEREAS, the County desires to enter into an agreement with the Town for snow removal and for salting and treating County roads for the purpose of removing the danger of ice and snow and the mowing along the sides of County roads; and

WHEREAS, the Town has appropriate snow and ice removal and mowing equipment and sufficient snow and ice control and mowing personnel to contract with the County for snow and ice control services and roadside mowing services; and

WHEREAS, the Town Board has authorized the Agreement by Resolution No. _____, adopted _____, 2021.

NOW THEREFORE, in consideration of the mutual covenants, agreements, and consideration hereinafter set forth and pursuant to Sections 118-b, 135-a and 142-d of the New York State Highway Law, the parties hereto mutually agree that the Town will provide snow and ice control services and roadside mowing on the County highway system and that the County will reimburse the Town for the provision of these services under a lump sum reimbursement contract.

I. TERM OF THE AGREEMENT:

The term of this Agreement shall be for a period of one (1) year beginning January 1, 2022 and expiring on December 31, 2022.

II. SCOPE OF WORK:

This Agreement shall include all activities by the Town upon County roads and roadsides within the Town that are necessary to control snow and ice and roadside mowing, together with all necessary labor, equipment and materials. The contracted activities which will be routinely performed by all towns are listed below: (will there be any differences for any Towns)

1. Supervision of Town equipment and trucks on County Roads;
2. Supervisory patrolling of Town equipment and trucks on County Roads;
3. Preparedness for snow and ice control, snow fencing and stockpiling;
4. Plowing of snow from the roadways and shoulders, and/or the application of anti-icing or de-icing materials
5. Treatment of slippery spots, including 'black ice', and bridge decks;
6. Routine benching using plow trucks;
7. Pushing back high banks with other heavy equipment;
8. Roadside mowing along roadways, embankments, and ditches

III. SERVICES TO BE PROVIDED:

A. Snow and Ice Control Standards.

The Town shall provide the basic service elements as outlined in this Agreement and as outlined in the latest revision(s) to the New York State Department of Transportation "Highway Maintenance Guidelines Chapter 5 - for Snow and Ice Control", and as the Guidelines may be further updated/revised from time to time throughout the term of this Agreement; with the exception that the following modifications or clarifications to the Guidelines, and as amended, shall be applicable to this Agreement:

1. Section 5.3200 Snow Control Goals

Replace the table in subsection 5.3201 and 5.3202 with the following; *The Town shall provide for the middle half width of pavement (wheel tracks) to be bare 4 to 8 hours after the event. If suitable weather conditions allow, the Town shall provide for the full width of the pavement to be bare 12-24 hours after the event.*

2. Section 5.4405 Guidelines for the use of Salt

Paragraph F. Spreading speed. Delete the third paragraph and replace with the following;

Depending on the road and traffic conditions, speeds should be in the range of 15 MPH to 30 MPH.

3. Section 5.4406 Guidelines for the use of Abrasives.

Replace paragraph E. Spreading speed with the following;

The spreading speed should be in the range of about 15 to 30 MPH, depending on traffic and highway surface conditions.

4. Section 5.8300 Methodology for Passive Snow Control

Section 5.8301 General. Add the following: *Snow fence - The installation, maintenance and storage of snow fence is not considered a special activity and the County will not provide additional reimbursement. The decision to install snow fence shall be determined by the Town Highway Superintendent.*

B. Sweeping

At the end of the snow season, the Town shall be responsible to sweep County road sections where abrasive materials have accumulated on the pavement.

C. Operational Plan

In November of each year, the Town may be required to submit an operational plan (electronic submission is acceptable), which outlines the approach to meet the requirements of this Agreement. If there are no changes from the previous year, a simple statement submitted by the highway superintendent via email referencing the previous years' plans and stating "no change" is sufficient. The County and Town may modify the operational plan by mutual consent.

D. Mutual Aid

The County agrees to provide additional equipment and work force to assist the Town in unusual storms or events at no penalty or cost to the Town. The Town and County will maintain records and log books of such mutual aid so that it may be communicated with emergency managers and, if needed, disaster recovery reimbursements.

E. Roadside Mowing

The Town shall provide the basic service elements as outlined in this Agreement and as outlined in the latest revision(s) to the New York State Department of Transportation "Highway Maintenance Guidelines Chapter 3 - for Roadside and Drainage Maintenance", and as the Guidelines may be further updated/revised from time to time throughout the term of this Agreement;

IV. LEVEL OF SERVICE:

A. Snow and Ice Control.

The Genesee County plowing and salting lane mileage inventory for each road in the Town will be provided each year. The County shall update this inventory annually as of December of each year. The County shall provide a copy of this amended inventory to the Town for its review and acceptance. The values contained on the annual inventory will be used for the annual calculation for lump sum payment as outlined in this Agreement. For the purpose of this agreement, turning lanes will be accounted for as lane miles and will be converted to centerline miles at half their distance.

B. Roadside Mowing.

In general, grass height shall be maintained between 6 and 10 inches in all mowed areas and extend from the pavement edge a minimum of ten feet on the first mowing and to the right-of-way edge on the second and any additional mowing. Traffic signs shall be clearly visible at all times and sight distance areas shall be mowed to a sufficient width.

V. PAYMENT:

In consideration of the performance by the Town, the County agrees to pay to the Town amounts calculated as follows:

A. Snow and Ice Control.

The payment for Snow and Ice Control on County Roads shall be lump sum on a per centerline mile basis. The payment shall be recalculated annually using the most current equipment rates as provided by NYSDOT, supervisory rates based upon the average of the Town Highway Superintendent salaries across the County, labor rates based on the Genesee County Highway AFSCME collective bargaining agreement and the annual sodium chloride bid price as awarded by Genesee County. The calculation will assume that each Town is running at least 4 plow trucks to cover their County snow plow mileage. The annual rate will be based on and adjusted annually by the previous 3-year average number of days with at least one inch of snow cover as recorded by the National Weather Service at the Buffalo (BUF) Airport. A sample of the calculation is shown in Exhibit "A". County Highways classified as Touring Routes shall be compensated at 1.5 times the centerline mile rate established annually. For calendar year 2022, the County shall pay to the Town a lump sum payment of \$5,825 per centerline mile for 15.85 miles of County Roads for a total annual payment of \$92,326.25 to be paid as described in this agreement under Section VI "Method of Payment".

B. Roadside Mowing.

The payment for Roadside Mowing on County Roads shall be lump sum on a per centerline mile basis. For calendar year 2022, the County shall pay to the Town a lump sum payment of \$502 per centerline mile for 15.85 miles of County Roads for a total annual payment of \$7,956.70 to be paid as described in this agreement under Section VI "Method of Payment".

VI. METHOD OF PAYMENT:

A. Snow and Ice Control.

The Town shall be reimbursed for services provided in two (2) payments. The first payment shall represent 50% of the Snow & Ice Payment. The first payment shall be made in February of each year of this Agreement. The second and final payment will be made in April and represent the remaining 50% of the Snow & Ice Payment.

B. Roadside Mowing.

The Town shall be reimbursed for services provided in one (1) payment. The payment shall be made in September of each year of this Agreement.

VII. NOTICES

All notices and other communications hereunder shall be in writing and shall be delivered personally, or by guaranteed overnight delivery, or by registered or certified mail (return receipt requested), postage prepaid, to the parties at the following addresses (or at such other address for a party as shall be specified by like notice:

To County, at the following address:
Timothy Hens, P.E.
Genesee County Superintendent of Highways
153 Cedar Street
Batavia, NY 14020
Phone: (585) 344-8508

To Town, at the following address:
Mark Yungfleisch
Town of Elba Highway Superintendent
7 Maple Avenue, PO Box 295
Elba, NY 14058
Phone: (585) 757-2762 Ext. 5

IN WITNESS WHEREOF, the parties have hereunto executed the Agreement the date set forth above.

COUNTY OF GENESEE

TOWN OF ELBA

By: _____
Chairperson of the Legislature

By: _____
Supervisor

STATE OF NEW YORK)
COUNTY OF GENESEE) SS:

On this ____ day of _____, 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public
STATE OF NEW YORK)
COUNTY OF GENESEE) SS:

On this ____ day of _____, 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

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

RESOLUTION NO. 46-2021
Supervisor Hynes offered the following:

HIRING OF AN MEO

BE IT RESOLVED, that the Town Board of the Town of Elba allow the Highway Superintendent to hire an MEO who lives in a bordering town.

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

RESOLUTION NO. 47-2021
After Mr. Yungfleisch explained the project, Councilman Augello offered the following:

**ACCEPTING THE BID AND AWARDING THE
CONTRACT TO DILCHER'S EXCAVATING & CONTRACTING LLC**

WHEREAS, the Elba Highway Superintendent invites sealed bids for the masonry, steel frame for overhead door (20x14 foot) and modifications. The Highway Superintendent received bids through October 14, 2021.

WHEREAS, Dilcher's Excavating & Contracting LLC from Bergen, New York was the only bid received, with a total bid amount of \$13,825.00.

NOW THEREFORE BE IT RESOLVED, the Elba Town Board hereby awards the Bid to Dilcher's

Excavating & Contracting LLC for a total award amount of Thirteen Thousand Eight Hundred Twenty Five Dollars and Zero cents (\$13,825.00) for the Elba Highway garage project; and

BE IT FURTHER RESOLVED, the Elba Town Board hereby authorizes the Highway Superintendent to execute Agreements.

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

RESOLUTION NO. 48-2021

Councilman Chamberlain offered the following:

WATER DISTRICT #2
PROJECT BUDGET MODIFICATIONS

WHEREAS, the Town of Elba has received funding from Rural Development for their Water District #2 Project (“Project”); and

WHEREAS, the Town Board wishes to adjust project budget items to more accurately reflect actual costs and;

WHEREAS, Rural Development requires the Town Board to authorize all changes to the Administrative Budget as shown on the Form E; NOW, therefore be it

RESOLVED, that the Town Board of the Town of Elba authorizes the following Budget modifications for the Project:

Water Flush / Testing	Increase of	\$20,000.00
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I, Trisha Werth, Town Clerk of the Town of Elba, do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Elba on October 14, 2021, by the following vote:

	AYE	NAY
Donna Hynes, Supervisor	<u> X </u>	____
Wade Chamberlain, Councilmember	<u> X </u>	____
Dan Coughlin, Councilmember	<u> X </u>	____
Maureen Marshall, Councilmember	<u> X </u>	____
Michael Augello, Councilmember	<u> X </u>	____

 Trisha Werth
 Town Clerk – Town of Elba

Dated: _____

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

ABSTRACT 10-2021

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

General Fund	213-243	\$20,015.39
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Highway	100-106	\$18,982.55
Water District 2	25-27	\$178,117.26
	Total	\$217,115.20

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

COMMITTEE REPORTS

Building and Grounds

Mr. Yungfleisch shared that he changed some light bulbs.

Zoning Board

No report.

Planning Board

Mr. Hoover shared Ag & Markets passed a law that any solar project over 30 acres will receive a strict review. Forefront’s application was in before this happened. They denied their approval of the Mudzynski property, which meant the NYSERDA funding was taken away. Forefront argued that their application went in before the law but it did not matter. Forefront changed the foot print of this property to only be 30.8 acres.

After learning this information Mr. Hoover reached out to BW and they stated NYSERDA funds were not available. Therefore, they are stalling until they can apply for more money.

Ag & Market is trying to protect the best farmland, they do have the power to review these projects.

GAM

No report.

Cemetery

Mr. Yungfleisch will contact a surveyor to set up the new section at the cemetery. He would also like the surveyor to survey the town property at 7 Maple Avenue.

Publicity

No report.

DEPARTMENT REPORTS

Highway

Mr. Yungfleisch reported:

- Purchased a new mower. Continues to encourage MEO’s to clean the road after mowing.
- Still waiting on the County to pave sections of Arnold Road. Would like to do a few sections on Watson Road too.
- The County is not budging on taking care of bridge on Oak Orchard Road, the weight limit remains in effect.
- Work continues to progress on the bridge on Hundredmark Road.

Assessor

Mr. Flansburg submitted the following report:

- Work has begun on the 2022 annual reassessment. Waiting on the State to arrive at their estimate of the sales trend for residential properties. We have done our own figures for Genesee County and it comes in at 15%. The sales show that the average home in Genesee County has been selling for 15%

above the 2021 assessed value. Waiting to see if hopefully the State trend figures come in a little lower. As of now, it appears the average home value in Elba for 2022 will go up about 10%. There will not be a land value adjustment for 2022, mainly the changes will be on structures.

ZEO/CEO

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

Town Clerk

Town Clerk Werth reported that she took in \$1,305.05 and remitted \$1,247.55 to the Supervisor for local share, \$35.00 to NYS Ag. & Markets for spay/neuter program and \$22.50 to NYS DOH for a marriage license. DEC sales were up in September due to hunting season.

Supervisor

Supervisor Hynes reported:

- The November meeting will be moved to November 4th.
- New Town Hall – Furniture is scheduled to arrive October 26th, they hope to install October 28th. We will start moving items over after this. The building is wired, alarms and phones are installed. They do have the new computers ready and will hook them up when we are ready.
- Supervisor Hynes will pick up the chromebooks for the Town Board members and pass out.
- WD2 Phase 7 is nearing complete. A bit of trouble with the contractor, we denied him an extension. Everything should be flushed and they are filling lines with the exception of Starowitz Road. They did bring in a different crew for restoration.
- Reviewed the EDU's for WD2 with Jason Foote, CPL and Barry Flansburg, Assessor. They will review this annually and will base on usage. There will be an update debt service charge on the January 2022 county and town tax bill. It is currently at \$711.52.

Councilman Chamberlain made a **MOTION** to move forward with the change in EDU's calculation for WD2.

Second by: Councilman Coughlin

Ayes: Augello, Coughlin, Chamberlain, Hynes

Abstain: Marshall

APPROVED (4 Yes, 0 No, 1 Abstain – Marshall)

- Supervisor Hynes shared correspondence she received from Erin Pence, Deputy Director of Genesee County Department of Planning regarding two water hook up requests. One for 5299 Edgerton Road and another at 3877 Ridge Road. According to the email from Ms. Pence, municipalities need to respond with their recommendation to the Review Committee per the Genesee County Smart Growth Plan. After discussion, the Town Board fully supports the hook ups and Supervisor Hynes will respond to Ms. Pence in writing.

RESOLUTION NO. 49-2021

Councilman Chamberlain offered the following:

WATER HOOKUP REQUEST

BE IT RESOLVED, that the Town Board of the Town of Elba have no objections to providing water service to 5299 Edgerton Road, Elba NY, 12.-1-10.1.

RESOLVED, that the Town Supervisor is hereby authorized to respond in writing with the Town’s recommendation to the “Genesee County Water System Hookup Administrative Review Committee”.

Second by: Councilman Coughlin

Ayes: Augello, Coughlin, Chamberlain, Hynes

Abstain: Marshall

APPROVED (4 Yes, 0 No, 1 Abstain – Marshall)

RESOLUTION NO. 49-2021

Councilman Coughlin offered the following:

WATER HOOKUP REQUEST

BE IT RESOLVED, that the Town Board of the Town of Elba have no objections to providing water service to 3877 Ridge Road, Elba NY, 13.-1-74.

RESOLVED, that the Town Supervisor is hereby authorized to respond in writing with the Town’s recommendation to the “Genesee County Water System Hookup Administrative Review Committee”.

Second by: Councilman Augello

Ayes: Augello, Coughlin, Chamberlain, Hynes, Marshall

APPROVED by unanimous vote (5-0)

Councilpersons

Councilwoman Marshall stated youth basketball will return this winter. Supervisor Hynes stated those funds were decreased this year and next year, Sports Boosters will receive \$2,040.00 and Richter Foundation will receive \$360.00.

ADJOURNMENT

MOTION was offered from Councilman Chamberlain second by Councilman Coughlin to adjourn the meeting at 8:34 p.m.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Respectfully Submitted,

Trisha Werth
Town Clerk