

**Town of Elba
Regular Meeting
January 4, 2024**

Supervisor Hynes called the meeting to order at 6:49 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
- George Morgan, Resident, left meeting at 6:58 p.m.

Minutes of December 27, 2023 Year End 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)

PUBLIC PARTICIPATION

Mr. George Morgan was in attendance to provide the Board with information regarding the pump he has been encouraged to install at his home. After discussion, Supervisor Hynes will set up a time for the Town of Batavia to come out and inspect.

RESOLUTION #3-2024:

Supervisor Hynes, second by Councilman Coughlin offered the following:

TOWN CLERK'S YEAR END REPORT

WHEREAS, the Town Clerk submitted the 2023 Year End Clerk's Report and is accepted into the minutes.

Account#	Account Description	Fee Description	Qty	Local Share
		Return Check Fee	1	10.00
		Sub-Total:		\$10.00
A1255	Certified Copies - Death	Certified Copies - Death	63	630.00
	Certified Copies - Marriage	Certified Copies - Marriage	5	50.00
	Land Separation App. Fee	Land Separation App. Fee	4	240.00
	Marriage License Fee	Marriage License Fee	10	175.00
	Variance Application Fee	Variance Application Fee	1	65.00
		Sub-Total:		\$1,160.00
A2530	Racing & Wagering Fees	Bell Jar License	2	20.00
		Raffle License	2	20.00
		Sub-Total:		\$40.00
A2540	Racing & Wagering Fees	Bingo License	41	307.50
		Bingo Proceeds	37	1,120.38
		Sub-Total:		\$1,427.88
A2544	Dog Licensing	Female, Spayed	126	600.00
		Female, Unspayed	22	264.00
		Male, Neutered	99	396.00
		Male, Unneutered	29	348.00
		Purebred Licenses	1	25.00
	Dog Seizure Fee	Dog Seizure Fee	4	40.00
		Sub-Total:		\$1,673.00
B2555	Building Permit Applications	Building Permit Applications	31	23,495.00
		Sub-Total:		\$23,495.00
		Total Local Shares Remitted:		\$27,705.88
Amount paid to:	New York State Comptroller's Office			521.25
Amount paid to:	New York State Dept of Health			225.00
Amount paid to:	NYS Ag. & Markets for spay/neuter program			395.00
Total State, County & Local Revenues:	\$28,647.13	Total Non-Local Revenues:		\$1,141.25

To the Supervisor:
Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Trisha Werth, Town Clerk, Town of Elba during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

Supervisor

Date

Town Clerk

Date

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 4-2024:

Supervisor Hynes offered the following:

AGREEMENT FOR THE EXPENDITURES OF HIGHWAY MONEYS

AGREEMENT between the Town Superintendent of the Town of ELBA HIGHWAY DEPT., County of GENESEEE, New York, and the undersigned members of the Town Board. Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. **GENERAL REPAIRS.** The sum of \$350,000.00 shall be set aside to be expended for primary work and general repairs upon 32.55 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.
2. **PERMANENT IMPROVEMENTS.** The following sums shall be set aside to be expended for the permanent improvement of town highways:

(a) On the road commencing at ALL TOWN ROADS, a distance of _____
 _____ miles, there shall be expended not over the sum of \$ _____
 Executed in duplicate this 4th day of January, 2024.

_____	_____
Supervisor	Councilperson
_____	_____
Councilperson	Councilperson
_____	_____
Councilperson	Councilperson
_____	_____
County Superintendent of Highways	Town Superintendent

NOTE: This Agreement should be sign in duplicate by a majority of the members of the Town Board and by the Town Superintendent. Both Copies must be approved by the County Superintendent. One copy must be files in the Town Clerk’s office and once in the County Superintendent’s office. COPIES DO NOT HAVE TO BE FILED IN ALBANY.

Second by: Councilman Chamberlain

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 5-2024

Councilman Chamberlain offered the following:

REAUTHORIZATION FOR TOWN SUPERVISOR TO EXECUTE CIDER SOLAR PILOT AND HOST AGREEMENTS

WHEREAS, on July 25, 2022, the Hecate Energy Cider Solar LLC (“Hecate”) was issued a Siting Permit for a Major Renewable Energy Facility (the “Permit”) by the State of New York Office of Renewable Energy Siting (“ORES”), pursuant to Executive Law Section 94-c (“Section 94-c”), for a 500-megawatt solar energy facility to be located in the Towns of Elba and Oakfield (the “Cider Solar Project”); and

WHEREAS, Section 94-c and the Permit require that Hecate provide host community benefits for the Cider Solar Project, such as payment in lieu of tax (“PILOT”) payments pursuant to a PILOT agreement, other payments pursuant to host community agreements (“Host Agreements”), and utility bill reductions; and

WHEREAS, after extensive negotiations facilitated by the Genesee County Economic Development Center (“GCEDC”), GCEDC, the host taxing jurisdictions, including the Towns of Elba and Oakfield, Genesee County and the host school districts, and Hecate reached an agreement in principle on the financial

terms for the PILOT Agreement and Host Agreements for the Cider Solar Project, which agreement, entitled Cider Solar Project Financial Term Sheet (“Term Sheet”), is annexed hereto as Exhibit A: and

WHEREAS, the non-binding Term Sheet would form the basis for the financial terms of a 30-year PILOT agreement between Hecate and GCEDC (“PILOT Agreement”) and Host Agreement between Hecate and the Town of Elba (“Elba Host Agreement”) for the Cider Solar Project, which would memorialize and make binding the financial benefits to the Town of Elba from the Cider Solar Project, as summarized in Exhibit A, Exhibit C, and Exhibit E to the Term Sheet; and

WHEREAS, at its December 8, 2022 meeting, the Town Board adopted Resolution 32-2022, which authorized the Town Supervisor to execute the Elba Host Agreement & PILOT Agreement, so long as the PILOT Agreement & Elba Host Agreement are substantially consistent with the terms of the Term Sheet; and

WHEREAS. Hecate continues to negotiate the detailed terms of the PILOT Agreement with the GCEDC so the Elba Host Agreement has not yet been executed; and

WHEREAS, because a new Town Board was elected, effective January 1, 2024, the authority granted the Town Supervisor in Resolution 32-2022 expired; and

WHEREAS, the financial terms of the PILOT Agreement and Elba Host Agreement presented in the Term Sheet remain unchanged.

NOW THEREFORE BE IT RESOLVED, that the Board approves the terms of the Term Sheet affecting, relating to or benefiting the Town; and

IT IS FURTHER RESOLVED, that Board finds that entry into the PILOT Agreement by the GCEDC and the Elba Host Agreement by the Town, in terms substantially consistent with those presented in the Term Sheet, are in the best interests of the Town of Elba; and

IT IS FURTHER RESOLVED, that the Board reauthorizes the Town Supervisor to enter into the PILOT Agreement and Elba Host Agreement on behalf of the Town of Elba, so long as the PILOT Agreement and Elba Host Agreement are substantially consistent with the terms of the Term Sheet, and execute those documents necessary to memorialize such agreements, the execution thereof by the Town Supervisor to constitute conclusive evidence of such consistency and approval.

Second by: Councilman Coughlin

Ayes: Augello, Coughlin, Chamberlain, Hynes, Marshall

APPROVED by unanimous vote (5-0)

ABSTRACT 1-2024

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

General Fund	1-18	\$55,460.32
Highway	1	\$2,092.47
	Total	\$57,552.79

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

COMMITTEE REPORTS

Building and Grounds

Mr. Yungfleisch shared that the front of the Town Hall has been completed. In the Spring he would like to complete the black top for the parking lot and repair the awning at the drive thru.

Zoning Board

The meeting will take place January 8, 2024.

Planning Board

Councilman Coughlin shared that the Planning Board signed their vouchers and Mr. Hoover reminded them to be sure they get their required training hours in. The reorganization meeting will take place 1/18.

GAM

Councilman Augello will attend the next meeting.

Cemetery

Discussion will continue with Mr. Davis regarding the Cemetery.

DEPARTMENT REPORTS

Highway

It has been a nice winter so far. Mr. Yungfleisch is working with the school regarding salt for their lot.

Assessor

No report.

ZEO/CEO

Mr. Morris' monthly and year end reports were emailed and is also available in the Town Clerk's office.

Town Clerk

Town Clerk Werth took in \$315.23 and remitted \$305.23 to the Supervisor for local share, \$10.00 to NYS Ag. & Markets for spay/neuter program. Tax collections have started and are going well.

Supervisor

Supervisor Hynes shared they will move money from Highway to NYCLASS this month. Interest is currently at 5.79. Interest made in 2023 was \$9,077.79.

Supervisor Hynes read an email from Village Mayor, Norm Itjen regarding Big O's project on Oak Orchard Road. He stated the Village Board approved the sewer hook up to the Village pending a written agreement between the property owner and the Village. Mr. Armbrewster was in attendance to provide the stamped engineering drawings and the contractors who will be doing installation of the grinder pump station, sewer lines, check valve, etc. were also at the meeting. Mr. Albright, with Albion Pollution Control Facility and shared that the proposed engineering will exceed requirements that are needed.

Supervisor Hynes shared that we just received the lease check from Blue Sky Tower for \$15,281.00. She would like to see this annual check designated towards a certain area versus going into the general account.

ADJOURNMENT

MOTION was offered from Councilman Chamberlain second by Councilwoman Marshall to adjourn the meeting at 7:19 p.m.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Respectfully Submitted,

Trisha Werth
Town Clerk