

TOWN OF ELBA
TOWN BOARD MEETING
Thursday, June 13, 2024 –7:00 PM

Call Meeting to Order

- Pledge to the Flag

Approval of Minutes

- May 9, 2024 Town Board Meeting

Public Participation

- Mike Morris, CEO/ZEO
- Dwight Kanyuck, Attorney

Resolutions

- 15-2024 Authorization for Town Supervisor to Execute Cider Solar Road Use Agreement
- 16-2024 Establishment of Building Permit Renewal Fees

Abstract 6-2024

Committee Reports

Building & Grounds	Highway Supt. Yungfleisch
Zoning Board	Councilman Chamberlain
Planning Board	Councilman Coughlin
GAM	Councilman Augello
Cemetery	Councilman Chamberlain

Department Reports

Highway Superintendent
Assessor
ZEO/CEO
Town Clerk
Supervisor
Councilpersons

Adjournment

RESOLUTION NO. 15-2024:

**AUTHORIZATION FOR TOWN SUPERVISOR TO
EXECUTE CIDER SOLAR ROAD USE AGREEMENT**

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 provide that Hecate enter into road use and restoration agreements with the Town to address the use of Town roads and traffic control plans during Project construction and repair of Town roads if they are damaged by heavy equipment, construction, or maintenance activities during construction and operation of the Project; and

WHEREAS, Section 94-c and the Permit also require that Hecate obtain the necessary rights-of-way and access rights required for construction and operation of the Project, including underground electric cable crossings and Town road connections for Project access roads; and

WHEREAS, special counsel to the Town, in consultation with the Highway Superintendent and Town Supervisor, has negotiated a draft Road Use Agreement, attached as Exhibit A, addressing the above Project matters related to Town Roads, providing for pre- and post-construction surveys, road repair, road repair bonding, designated haul routes, traffic control plans, approval processes for the location and methods for installation of access roads and road crossings; and

WHEREAS, the Board has had an opportunity to review the draft Road Use Agreement and understands its contents; and

WHEREAS, LaBella, the engineers to the Town for the Project, will complete its review of the draft Road Use Agreement in regards to the methodology for pre- and post-construction road condition surveys (Section 2 of the Road Use Agreement) and appropriate amount of road repair bonding (Section 7) prior to execution of a binding Road Use Agreement.

NOW THEREFORE BE IT RESOLVED, that Board finds that entry into the Road Use Agreement by the by the Town, in terms substantially consistent with those presented in the Draft Road Use Agreement, is in the best interests of the Town of Elba; and

IT IS FURTHER RESOLVED, that the Board authorizes the Town Supervisor to enter into the Road Use Agreement and execute those documents necessary to memorialize such agreement upon approval by special counsel to the Town as to final form and by the Town’s engineer in regard to pre- and post-construction survey methodology and road repair bonding.

RESOLUTION NO. 16-2024:

ESTABLISHMENT OF BUILDING PERMIT RENEWAL FEES

WHEREAS, Section 4(i) of the Town of Elba Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code (the “Code Enforcement Law,”

Local Law No. 2 of 2006) provides that

“Building Permits shall become invalid unless the authorized work is commenced within 6 months following the date of issuance. Building Permits shall expire 12 months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.”

WHEREAS, the Town of Elba does not currently provide for a Building Permit renewal fee in its Building Permit Application Fee schedule (the “Fee Schedule”) contained in the Town of Elba Fee Schedule; and

WHEREAS, Building Permit fees are required to be reasonably related to the cost to the Town of administering the Building Permit process because of the extended time frame for monitoring and inspecting the construction activity.

NOW THEREFORE BE IT RESOLVED, that the Board finds that a Building Permit renewal fee of twenty five percent (25%) of the fee initially imposed for the issuance of the original Building Permit is reasonably related to the cost of administering the Building Permit renewal so long as there are no substantial changes to the scope of the proposed construction activity subject to the Building Permit; and

IT IS FURTHER RESOLVED that the Fee Schedule is hereby amended to require a Building Permit renewal fee equal to 25% of the fee initially imposed for the issuance of the original Building Permit so long as there are no substantial changes to the scope of the proposed construction activity subject to the Building Permit; and

IT IS FURTHER RESOLVED that, in the instance where substantial changes to the scope of the proposed construction activity subject to the Building Permit, as determined at the sole discretion of the Code Enforcement Officer, the Building Permit renewal fee shall be equal to that required for the issuance of a new Building Permit.