

**Town of Elba
Regular Meeting
May 9, 2024**

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

Minutes of April 11, 2024 Town Board Meeting

MOTION by 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)

Supervisor Hynes stated that she received an engagement letter from Hodgson Russ LLP for them to provide Bond counsel services with the 10 Wheeler.

Supervisor Hynes then made a **MOTION**:

RESOLVED, that Hodgson Russ LLP is hereby reaffirmed as Bond Counsel to the Town pursuant to the terms set forth in the engagement letter, as presented.

Second by: Councilman Coughlin

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION #14-2024:

BOND RESOLUTION, ACQUISITION OF A TRUCK, 10- WHEELER

TOWN OF ELBA
GENESEE COUNTY, NEW YORK
EXTRACT OF MINUTES

A meeting of the Town Board of the Town of Elba, Genesee County, New York (the “Town”) was convened in public session at the Town Hall, 7133 Oak Orchard Road, in the Town of Elba, New York on May 9, 2024 at 7:00 o’clock p.m., local time.

The meeting was called to order by the Town Supervisor and, upon roll being called, the following members were:

PRESENT: Donna Hynes, Town Supervisor
Michael Augello, Councilman
Wade Chamberlain, Councilman
Dan Coughlin, Councilman
Maureen Marshall, Councilwoman

ALSO PRESENT:

Trisha Werth, Town Clerk
Mark Yungfleisch, Highway Superintendent

* * *

The following resolution was offered by Supervisor Hynes and seconded by Councilman Coughlin, to wit;

A BOND RESOLUTION, DATED MAY 9, 2024, OF THE TOWN BOARD OF THE TOWN OF ELBA, GENESEE COUNTY, NEW YORK (THE “TOWN”), AUTHORIZING THE ACQUISITION OF A MAINTENANCE VEHICLE AND ASSOCIATED EQUIPMENT FOR USE BY THE TOWN, AT AN ESTIMATED MAXIMUM COST OF \$300,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$300,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY, AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of Elba, in the County of Genesee, New York (the “Town”) (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to acquire a maintenance vehicle and associated equipment for use by the Town, including, but not limited to, a 10-wheeler truck (including plow truck, equipment, and dump body) as well as all necessary equipment, apparatus and warranties and all preliminary costs and costs incidental thereto and in connection with the financing thereof (collectively, the “Purpose”). The estimated maximum cost of the Purpose is \$300,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$300,000 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county, and/or local funds received. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 3. It is hereby determined that the Purpose is a class of objects or purposes described in subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 15 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, will mature no later than five years from the date of original issuance of such bonds or notes.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of

the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 11. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 13. The Town hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

SECTION 14. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 15. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 16. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

SECTION 17. This Resolution is effective immediately.

* * *

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES: Donna Hynes, Town Supervisor
Michael Augello, Councilman
Wade Chamberlain, Councilman
Dan Coughlin, Councilman
Maureen Marshall, Councilwoman

NOES:

ABSENT:

The foregoing resolution was thereupon declared duly adopted.

CERTIFICATE OF RECORDING OFFICER
(Maintenance Vehicle and Associated Equipment – 2024)

The undersigned hereby certifies that:

(1) The undersigned is the duly qualified and acting Clerk of the Town of Elba, New York (the “Town”) and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board; and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Town Board held on May 9, 2024 and entitled:

A BOND RESOLUTION, DATED MAY 9, 2024, OF THE TOWN BOARD OF THE TOWN OF ELBA, GENESEE COUNTY, NEW YORK (THE “TOWN”), AUTHORIZING THE ACQUISITION OF A MAINTENANCE VEHICLE AND ASSOCIATED EQUIPMENT FOR USE BY THE TOWN, AT AN ESTIMATED MAXIMUM COST

OF \$300,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$300,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY, AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

(3) Such meeting was duly convened and held and such resolution was duly adopted in all respects in accordance with law and the regulations of the Town. To the extent required by law or such regulations, due and proper notice of such meeting was given. A legal quorum of members of the Town Board was present throughout such meeting, and a legally sufficient number of members (2/3 of the voting strength of the Town Board) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, such regulations, or otherwise, incident to such meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has executed this certificate on May 9, 2024.

(SEAL)

Town Clerk

RESOLUTION NO. 15-2024:

AUTHORIZATION FOR TOWN SUPERVISOR TO EXECUTE CIDER SOLAR ROAD USE AGREEMENT

After discussion, Councilwoman Marshall moved to table this resolution.

Second by: Councilman Augello

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

ABSTRACT 5-2024

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

General Fund	94-119	\$13,203.56
Highway	39-49	\$16,225.44
	Total	\$29,429.00

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (4-0)

COMMITTEE REPORTS

Building and Grounds

Mr. Yungfleisch reported the roof and door were replaced on the vault at Maplelawn Cemetery. They started to dig out and mill the parking lot at the Town Hall. Hope to have it paved in the next month. They painted the doors at the entrances of the Town Hall. Mr. Yungfleisch explained what is being proposed for CHIPS.

Zoning Board

No meeting.

Planning Board

Councilman Coughlin was unable to attend meeting.

GAM

The next meeting is scheduled for May 16th.

Cemetery

Mowing has started. Waiting to hear back from Steve Davis.

DEPARTMENT REPORTS

Highway

Mr. Yungfleisch stated they began mowing road sides. Will start paving with Town of Batavia next week. The one ton is currently at Valley Fab. Waiting on auditors from insurance companies. Waiting until the fall to order salt.

Assessor

Mr. Flansburg's monthly report was emailed and is also available in the Town Clerk's office.

ZEO/CEO

Mr. Morris' monthly report was emailed and is also available in the Town Clerk's office.

Town Clerk

Town Clerk Werth reported that she took in \$706.27 and remitted \$651.27 to the Supervisor for local share and \$55.00 to NYS Ag. & Markets for spay/neuter program.

Millennium Computers will only offer web hosting moving forward. They recommended we connect with EK Design and Consulting to handle the Wordpress and Web Developer maintenance. This would include monthly updates to the theme and plugins and monitoring of site health. The charge for this is \$50.00 a month.

Councilwoman Marshall made a **MOTION**, seconded by Supervisor Hynes to enter into an agreement with EK Design and Consulting to handle the Wordpress and Web Developer maintenance of the website.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Supervisor

Supervisor Hynes handed out NYCLASS reports.

Councilpersons

Councilwoman Marshall was grateful to Joanne Soules for opening the Museum for the Board to tour. Also to Lori Coughlin for helping Joanne with cleaning and organizing the buildings.

Councilwoman Marshall is working on the policy for appointment to Town level boards.

ADJOURNMENT

MOTION was offered from Councilman Chamberlain second by Councilman Coughlin to adjourn the meeting at 7:30 p.m.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Respectfully Submitted,

Trisha Werth
Town Clerk