

**Town of Elba
Special Town Board Meeting
June 3, 2024**

Supervisor Hynes called the meeting to order at 3:00 p.m.; followed by the Pledge to the Flag.

Those in attendance included:

Supervisor Hynes
Councilman Augello
Councilman Chamberlain, entered at 3:15 p.m.
Councilman Coughlin

Others Present:

Town Clerk Werth
Dwight Kanyuck, Solar Attorney

Absent:

Councilwoman Marshall

After discussion with Mr. Kanyuck regarding lay down location and use of Village streets a **MOTION** was made by Councilman Augello, seconded by Supervisor Hynes to table the matter until the next Town Board meeting.

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

TABLED - 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, Town Supervisor, and the Town’s consulting engineers, have negotiated a draft Road Use Agreement, attached as Exhibit A and acceptable to Hecate, 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.

NOW THEREFORE BE IT RESOLVED, that Board finds that entry into the Road Use Agreement by the by the Town, in terms 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.

ADJOURNMENT

MOTION was offered from Supervisor Hynes second by Councilman Chamberlain to adjourn the Special Town Board meeting at 3:34 p.m.

Ayes: Augello, Chamberlain, Coughlin, Hynes

MOTION CARRIED by unanimous vote (4-0)

Respectfully Submitted,

Trisha Werth
Town Clerk