

**Town of Elba
Regular Meeting
June 13, 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
Mike Morris, CEO/ZEO, left at 7:26 p.m.
Dwight Kanyuck, Attorney, entered at 7:50 p.m.

Minutes of May 9, 2024 Town Board Meeting

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

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Minutes of June 3, 2024 Special Town Board Meeting

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

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

PUBLIC PARTICIPATION

CEO/ZEO Morris was in attendance to discuss the resolution regarding the Establishment of Building Permit Renewal Fees. He explained that permits are valid for one year. He recommends charging 25% of the initial fee if the permit needs to be renewed. This will be allowed twice before a new permit would need to be issued.

Mr. Morris also discussed the need to increase the fee for work started without a permit. After discussion, Supervisor Hynes made a **MOTION**, second by Councilman Chamberlain to change fee schedule to read “starting working without a permit will now be triple all applicable fees”.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 15-2024:

Councilman Coughlin offered the following:

**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.

Second by: Councilwoman Marshall

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 16-2024:

Supervisor Hynes offered the following:

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 (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, with a maximum of a two year extension; 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 and this will only be allowed two times before a new permit will need to be issued, 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.

Second by: Councilman Coughlin

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

ABSTRACT 6-2024

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

General Fund	120-146	\$9,095.13
Highway	50-64	\$16,399.99
	Total	\$25,495.12

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

COMMITTEE REPORTS

Building and Grounds

Mr. Yungfleisch reported they milled and added to the Town Hall parking lot. They will pave it in a few weeks.

Zoning Board

No meeting.

Planning Board

Per Chairman Mudrzyński, they interviewed and are confident Mr. Piskorowski will be a good fit to their Board. Supervisor Hynes made a **MOTION**, second by Councilman Coughlin to appoint Mr. Piskorowski to the Planning Board effective June 13, 2024 to fill Mr. Hoover’s unexpired term, ending December 31, 2027.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Councilman Coughlin reported that Felipe Oltramari presented a land separation training. The Planning Board discussed Smart Growth with Mr. Oltramari as well.

GAM

Councilman Augello shared that Matt Landers, County Manager was in attendance and discussed the “new” water advisory board/commission. Rob Richardson, Clean Energy Community Coordinator for GFLRPC gave a slide presentation of grants and ways to accumulate points towards higher grants and ZEO training in June.

Cemetery

Councilman Chamberlain shared he has been checking out the mowing, Supervisor Hynes stated she has received several compliments on how well the cemeteries look.

Councilwoman Marshall suggested looking into ways to defer cemetery costs, perhaps collecting donations. Mr. Yungfleisch will speak to the caretaker at Mt. Albion regarding the spacing of plots in the new section.

DEPARTMENT REPORTS

Highway

Mr. Yungfleisch stated they may pave Bridge Road between Barrville and Norton Roads.

Assessor

Mr. Flansburg's monthly report was emailed and is also available in the Town Clerk's office. Discussion took place regarding NYS annual reassessment.

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 \$21,013.14 and remitted \$20,979.42 to the Supervisor for local share and \$34.00 to NYS Ag. & Markets for spay/neuter program.

Supervisor

Supervisor Hynes shared the NY Class statement. She has not received any information regarding the Comprehensive Plan or the grant for the 10 wheeler. There will be an audit with Rural Development next week.

Councilpersons

Councilman Augello suggested increasing the solar energy systems fee.

PUBLIC PARTICIPATION

Mr. Kanyuck was in attendance to review and answer any questions regarding the Host Agreement and Road Use Agreement with Hecate. They were able to adjust the road use agreement to exclude haul routes on Village roads. They added a commitment to provide additional traffic control on Lockport Road (contingent on County approval as it is a County Road). Councilwoman Marshall shared that she is concerned about Route 262 and Weatherwax Road as it is dangerous. Mr. Yungfleisch offered to speak with Jeff at the State about adding extra signage/flags. Supervisor Hynes will move forward in signing these agreements.

RESOLUTION NO. 17-2024

Councilwoman Marshall offered the following:

APPROVE MUNICIPAL SOLUTIONS, INC. TWO YEAR CONTRACT

RESOLVED, that the Elba Town Board hereby approves Municipal Solutions, Inc. proposed two year contract renewal in connection with the Town's general financial services, and be it further

RESOLVED, the Supervisor is hereby authorized to execute the two year agreement.

Second by: Councilman Augello

Ayes: Augello, Coughlin, Chamberlain, Hynes, Marshall

APPROVED by unanimous vote (5-0)

ADJOURNMENT

MOTION was offered from Councilwoman Marshall second by Councilman Chamberlain to adjourn the meeting at 9:10 p.m.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Respectfully Submitted,

Trisha Werth

Town Clerk