

**Town of Elba
Regular Meeting
November 14, 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 Coughlin
Councilwoman Marshall

Others Present:

Town Clerk Werth
Superintendent of Highways Yungfleisch

Absent:

Councilman Augello
Councilman Chamberlain

Minutes of October 10, 2024 Public Hearing Meeting

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

Ayes: Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (3-0)

Minutes of October 10, 2024 Town Board Meeting

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

Ayes: Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (3-0)

RESOLUTION NO. 22-2024:

Councilwoman Marshall offered the following:

**AUTHORIZE DELINQUENT WATER BILL
TO BE RE-LEVIED ON THE 2025 WARRANT**

WHEREAS, the Town Clerk has received a list of all property owners who owe for water rents in Water Districts #1 and #2, to the Town of Batavia as of October 23, 2024; and

WHEREAS, Section 229-15 (c) of Town Law stipulates that such amounts owing shall be levied against the property to which the service is rendered.

NOW, THEREFORE, BE IT RESOLVED, the amount of \$712.87, or may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2025 tax warrant at 5439 North Byron Road, Elba, NY 14058, parcel #18.-1-53;

BE IT FURTHER RESOLVED, the amount of \$619.10, or may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2025 tax warrant at 4061 Batavia Elba Townline Road, Oakfield, NY 14125, parcel #10.-1-37.22;

BE IT FURTHER RESOLVED, the amount of \$484.30 and \$431.58, or may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2025 tax warrant at 7619 Bank Street Road, Batavia, NY 14020 and 6009 Batavia Elba Townline Road, Batavia NY 14020, parcel #12.-1-61;

BE IT FURTHER RESOLVED, the amount of \$370.73, or may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2025 tax warrant at 5461 Bridge Road, Elba, NY 14058, parcel #9.-1-7.121;

BE IT FURTHER RESOLVED, the amount of \$339.84, or may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2025 tax warrant at 6616 Snyder Road, Oakfield, NY 14125, parcel #16.-1-31.2;

BE IT FURTHER RESOLVED, the amount of \$259.07, or may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2025 tax warrant at 4090 Maltby Road, Oakfield, NY 14125, parcel #19.-1-65.12;

BE IT FURTHER RESOLVED, the amount of \$193.14, or may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2025 tax warrant at 6576 Log City Road, Elba, NY 14058, parcel #18.-1-56.2;

BE IT FURTHER RESOLVED, the amount of \$180.56, or may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2025 tax warrant at 7608 Bank Street Road, Elba, NY 14058, parcel #12.-1-65.1;

BE IT FURTHER RESOLVED, the amount of \$164.87, or may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2025 tax warrant at 4233 West Avenue Road, Elba, NY 14058, parcel #19.-1-27.12;

BE IT FURTHER RESOLVED, the amount of \$109.91, or may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2025 tax warrant at 6722 Oak Orchard Road, Elba, NY 14058, parcel #8.-1-4;

BE IT FURTHER RESOLVED, the amount of \$109.91, or may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2025 tax warrant at 6742 Oak Orchard Road, Elba, NY 14058, parcel #8.-1-7;

BE IT FURTHER RESOLVED, the amount of \$102.06, or may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2025 tax warrant at 5477 Ford Road, Elba, NY 14058, parcel #9.-1-11;

BE IT FURTHER RESOLVED, the amount of \$100.69, or may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2025 tax warrant at 4904 Barrville Road, Elba, NY 14058, parcel #17-1-26;

BE IT FURTHER RESOLVED, the amount of \$92.19, or may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2025 tax warrant at 6830 Transit Road, Elba, NY 14058, parcel #9.-1-9;

BE IT FURTHER RESOLVED, the amount of \$62.81, or may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2025 tax warrant at 5854 Quaker Hill Road, Elba, NY 14058, parcel #13.-1-33.2;

BE IT FURTHER RESOLVED, the amount of \$51.38, or may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2025 tax warrant at 3812 Drake Street Road, Oakfield, NY 14125, parcel #10.-1-2.2;

BE IT FURTHER RESOLVED, the amount of \$30.97, or may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2025 tax warrant at 4355 Lockport Road, Elba, NY 14058, parcel #16.-1-12.1;

BE IT FURTHER RESOLVED, the amount of \$23.55, or may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2025 tax warrant at 3861 Ridge Road, Elba, NY, mailing address 8229 Bank Street Road, Batavia, NY 14020 parcel #13.-1-72;

BE IT FURTHER RESOLVED, the amount of \$23.55, or may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2025 tax warrant at 4265 Maltby Road, Elba, NY 14058, parcel #19.-1-13;

BE IT FURTHER RESOLVED, the amount of \$5.71, or may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2025 tax warrant at 7224 Pekin Road, Oakfield, NY 14125, parcel #10.-1-51.12;

Second by: Councilman Coughlin

Ayes: Coughlin, Hynes, Marshall

APPROVED by unanimous vote (3-0)

RESOLUTION NO. 23-2024:

RESOLUTION TO APPROVE AUTHORIZING THE RELEVY OF OUTSTANDING WATER DEBT SERVICE CHARGE ON TOWN/COUNTY REAL PROPERTY TAXES

The Town Board of the Town of Elba (hereafter the “Town Board”) met at a regular board meeting at the Elba Town Hall located at 7133 Oak Orchard Rd., Elba, NY 14058 in the Town of Elba, NY on November 14, 2024 commencing at 7:00 p.m. and the following members were:

Present: Supervisor Hynes
Council Member Coughlin
Council Member Marshall

Absent: Council Member Augello
Council Member Chamberlain

WHEREAS, all Town Board Members having received due notice of said meeting; and

WHEREAS, pursuant to the Public Officers Law, said the meeting was open to the general public and due and proper notice of the time and place of the meeting was given as required by law; and

WHEREAS, the Town has in place certain Water Customer Agreements whereby the Town provides water to certain out-of-district customers; and

WHEREAS, the Town has one such Water Customer Agreement in place with A. Elizabeth Prinzi, residing at 7069 Transit Rd., Elba, NY 14058, for service to property located at 7069 Transit Rd., Town of Byron, County of Genesee, and State of New York by and through the Town of Elba Water District No. 2; and

WHEREAS, said agreement calls for a debt service charge of \$713.15 for the year 2024 with payment to be made within forty-five (45) days after receipt of the statement showing such charge; and

WHEREAS, the Town duly provided a statement to the customer for payment of the debt service charge at the time of signing the agreement; and

WHEREAS, forty-five (45) days have elapsed since the customer’s receipt of said statement; and

WHEREAS, pursuant to N.Y. Town Law § 198(3)(a), if a property owner fails to pay the uniform service charge, a statement showing the name of the property owner and the amount unpaid and containing a brief description of the real property shall be transmitted to the board of supervisors of the county and such amount shall be levied and collected as an assessment against the real property;

NOW, ON MOTION OF Council Member Coughlin, which has been duly seconded by Council Member Marshall, be it therefore

RESOLVED, that the Town Board hereby acknowledges and declares that the above-referenced

customer has not paid their debt service fee for the year 2024, and the debt service fee owed has been outstanding for a period greater than forty-five (45) days; and be it further

RESOLVED, that the Town Board hereby directs the Town Clerk to transmit to the Genesee County Board of Supervisors a statement showing the name of the property owner and the amount of debt service charges left unpaid along with a brief description of the real property and a request that said outstanding amount be levied and collected as an assessment against the real property.

Ayes: Supervisor Hynes
Council Member Coughlin
Council Member Marshall

Absent: Council Member Augello
Council Member Chamberlain

Nays: None Abstained: None

Quorum Present: X Yes No Carried: X Yes No

Dated: November 14, 2024

State of New York)
County of Genesee) ss.:

I, Trisha Werth, Town Clerk of the Town of Elba, NY, hereby certify that the foregoing resolution was duly adopted at a meeting of the Town Board held on November 14, 2024 by the required necessary vote of the members to approve this resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Elba, NY this 14 day of November, 2024.

Trisha Werth, *Town Clerk*

RESOLUTION #24-2024:

Councilwoman Marshall offered the following:

AGREEMENT FOR FUEL DISPENSING STATION

THIS AGREEMENT, made the 4th day of November, 2024 by and among the **TOWN OF ELBA**, with offices located at 7133 Oak Orchard Road, Elba, New York 14058, (hereinafter referred to as the “Town”), and the **VILLAGE OF ELBA**, with offices located at 4 South Main Street, Elba, New York 14058 (hereinafter referred to as the “Village”), and the **ELBA FIRE DEPARTMENT**, with offices located at 4 South Main Street, Elba, NY 14058 (hereinafter referred to as the “Fire Department”), and the **ELBA CENTRAL SCHOOL DISTRICT**, with offices located at 57 South Main Street, Elba, New York 14058, (hereinafter referred to as the “District”).

WITNESSETH:

WHEREAS, the parties cooperatively use a common fuel dispensing station located on Town property adjacent to the Town Highway, currently consisting of two above ground storage tanks, and the appurtenances, one of which contains diesel fuel and once of which contains gasoline, and

WHEREAS, since approximately 1995 the parties have been jointly using and operating this station, and

WHEREAS, the parties have not found a written Agreement signed by all four parties, and

WHEREAS, the parties desire to place the terms and conditions for the future use and operation of this station in writing, as set forth herein.

WHEREAS, the District holds the NYSDEC permits for these tanks; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, it is agreed as follows:

1. Each party shall be jointly and equally responsible for any and all costs and expenses of any kind or nature related to the operation and maintenance of this system as well as their usage of fuel.

Second by: Councilman Coughlin

Ayes: Coughlin, Hynes, Marshall

APPROVED by unanimous vote (3-0)

RESOLUTION NO. 25-2024:

Supervisor Hynes offered the following:

ELBA YOUTH PROGRAMS

WHEREAS, the Elba Town Board has not been involved with the Elba Recreation program at the Veteran’s Park for several years, this is a service the Village has provided;

NOW, THEREFORE, BE IT RESOLVED, that the Elba Town Board will continue to show support to the children of Elba, NY by helping to financially support the Elba Youth Basketball Program and the Richter Foundation.

Second by: Councilman Coughlin

Ayes: Coughlin, Hynes, Marshall

APPROVED by unanimous vote (3-0)

ABSTRACT 11-2024

MOTION, Councilman Coughlin second by Councilwoman Marshall approve the following:

General Fund	245-270	\$38,092.30
Highway	110-126	\$257,290.57
	Total	\$295,382.87

Ayes: Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (3-0)

COMMITTEE REPORTS

Building and Grounds

No report.

Zoning Board

No report.

Planning Board

Councilman Coughlin reported that the Comprehensive Plan is moving along. Town Clerk Werth is advertising for the open position on the Planning Board. Resumes and letters of interest should be brought to the Town Hall.

GAM

No report.

Cemetery

Supervisor Hynes shared that Mr. Wolcott has ordered the pins to do the mapping of the new section of the

Maple Lawn cemetery. He hopes to start this winter or early in the spring.

DEPARTMENT REPORTS

Highway

Mr. Yungfleisch shared:

- They have not started on the trucks in Boston yet. Pushing to get the one ton finished soon.
- Getting ready for winter with trucks and pick up.
- Snow fence going up.
- There is a spot on Whitney Mill Road that has a dip and will need black top. Planning to do next week.
- MEO's are working hard.

Assessor

No report. Supervisor Hynes will ask Mr. Flansburg to attend the December 12, 2024 meeting.

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 \$233.79, remitted \$200.29 to the Supervisor for local share, \$11.00 to NYS Ag. & Markets for spay/neuter program and \$22.50 to NYS Department of Health for a marriage license.

Supervisor

- Hecate Cider Solar:
 - Shared copy of the agenda from the October 28th solar meeting in Oakfield. Reached out to Diane Sullivan with Greenbacher for a list of contacts and phone numbers.
 - Shawn Grasby met Mike Morris and Mark Mikolajczyk today. Inspections will need to be done as they are inspections are NYS requirements. Mr. Grasby will take the lead, Mike and Mark will be "Deputy Solar Coordinator's". They are putting numbers together and Dwight Kanyuck is putting a contract together. Hecate will pay for their fees.
- The year end meeting will take place December 23rd at 3:00 p.m. and the organizational and monthly meeting will take place January 2nd at Noon.

Councilpersons

Councilwoman Marshall shared her disappointment with Hecate's letter with the preconstruction notice. They did not remove West Avenue, Mechanic Street, Church Street or Chapel Street after we asked them to and they agreed. There is concern whether they will follow the rules in place, for example being 200 feet behind homes. She would like to see a strong letter from Mr. Kanyuck stating that the Town Board has concerns and will do their due diligence and ensure that contracts are followed. She would like to see Hecate or Greenbacher send out another letter stating that corrections have been made. It was discussed that this is a poor start on Hecate/Greenbacher's behalf. Supervisor Hynes will speak with Mr. Kanyuck about this next week.

ADJOURNMENT

MOTION was offered from Councilwoman Marshall second by Councilman Coughlin to adjourn the meeting at 7:35 p.m.

Ayes: Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (3-0)

Respectfully Submitted,

Trisha Werth
Town Clerk