

**Town of Elba
Regular Meeting
June 12, 2025**

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, arrived at 7:07 p.m.
Councilman Chamberlain
Councilwoman Marshall

Others Present:

Town Clerk Werth
Superintendent of Highways Yungfleisch
Chuck Norton, Resident
Ed Nemec, Cemetery Caretaker

Absent:

Councilman Coughlin

Minutes of May 8, 2025 Town Board Meeting

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

Ayes: Chamberlain, Hynes, Marshall

MOTION CARRIED by unanimous vote (3-0)

Minutes of May 21, 2025 Town Board Meeting

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

Ayes: Chamberlain, Hynes, Marshall

MOTION CARRIED by unanimous vote (3-0)

RESOLUTION NO. 14-2025

Councilman Chamberlain in offered the following:

**UPDATED RULES AND REGULATIONS FOR MONUMENTS
AND FOUNDATIONS AT ALL TOWN OF ELBA CEMETERIES**

WHEREAS, there is a need to establish rules and regulations for placing monuments and foundations through Derek Monument Company and Snyder Brother Cemetery Service at all Town of Elba cemeteries through December 31, 2025;

WHEREAS, flat Markers must be a minimum of 4" thick;

WHEREAS, upright monuments must be a minimum of 6" thick with the exception of government issued military markers;

WHEREAS, The Town of Elba does not accept delivery of monuments from dealers (local or internet) unless preapproved by the Town of Elba;

WHEREAS, all foundation orders should be sent to Derrick Monument Company P.O. Box 117, LeRoy, NY 14482. Orders must include all necessary information. A \$50.00 layout fee per foundation applies and will be invoiced upon completion by Derrick Monument Company;

WHEREAS, Snyder Brothers Cemetery Service will complete all foundation installation. Their fee is \$36.00 per cubic foot with a \$400.00 minimum;

BE IT FURTHER RESOLVED the Town Board of the Town of Elba, New York, has these rules and regulations for the Town of Elba cemeteries.

Second by: Councilwoman Marshall

Ayes: Hynes, Chamberlain, Marshall
APPROVED by unanimous vote (3-0)

RESOLUTION NO. 15-2025:

Councilwoman Marshall offered the following:

**RESOLUTION INTRODUCING PROPOSED LOCAL LAW NO. 1 OF 2025 ESTABLISHING A
MORATORIUM ON TIER 3 SOLAR ENERGY SYSTEMS, LARGE BATTERY ENERGY
STORAGE SYSTEMS, AND COMMERCIAL WIND ENERGY SYSTEMS**

WHEREAS, two 5-megawatt Tier 3 Solar Energy Systems have been approved and constructed within the Town, and the 500-megawatt/2,500-acre Cider Solar facility was granted a siting permit by the New York State Office of Renewable Energy Siting in 2022 and is under construction; and

WHEREAS, the Town continues to receive inquiries from other Solar developers for future Tier 3 solar project projects because the Town appears continuing to be economically attractive for Solar development; and

WHEREAS, the existing Wind Energy System Law has not been reviewed or updated in 12 years and there have been significant changes in the technology and size of Commercial Wind Energy Systems since that time and additional understanding about the noise and shadow flicker impacts of Commercial Wind Energy Systems; and

WHEREAS, the Town Board desires to place a moratorium on Tier 3 Solar Energy Systems, Commercial Wind Energy Systems, and Large Battery Energy Storage Systems as provided in the Proposed Local Law No. 1 of 2025, annexed as Exhibit A (the "Proposed Local Law"), to assess its zoning requirements for such systems and the potential for cumulative impacts to the Town from these facilities; and

WHEREAS, the Proposed Local Law is exempt from SEQRA because moratoria are considered Type II actions; and

WHEREAS, the Proposed Local Law is required to be referred to the Genesee County Planning Board pursuant to General Municipal Law § 239-m.

NOW, on Motion duly made and seconded, it is

NOW, THEREFORE, IT IS RESOLVED that the Proposed Local Law is being introduced for consideration by the Town Board; and

RESOLVED, that the Town Board directs the Town Supervisor to arrange for the referral of the Proposed Local Law to Genesee County Planning Board for review pursuant to General Municipal Law § 239-m; and

IT IS HEREBY FURTHER RESOLVED that a public hearing before the Town Board at the Elba Town Hall regarding the Proposed Local Law is set for the 10th day of July, 2025 at 6:45 pm.

Second by: Councilman Chamberlain

Ayes: Augello, Hynes, Chamberlain, Marshall

APPROVED by unanimous vote (4-0)

ABSTRACT 6-2025

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

General Fund	106-137	\$16,917.68
Highway	56-70	\$14,522.19
Total		\$31,439.87

Ayes: Augello, Chamberlain, Hynes, Marshall

MOTION CARRIED by unanimous vote (4-0)

COMMITTEE REPORTS

Building and Grounds

One of the original overhead doors is broken. Mr. Yungfleisch is looking to have it replaced.

Zoning Board

There was no meeting in June.

Planning Board

No report.

GAM

No report.

Cemetery

Mr. Nemec was in attendance and a few topics to discuss:

- He is enrolled in Basic Cemetery operations class this month.
- The last three burials did not have a temporary marker. The funeral directors charge \$25-30 for these, he asked if there was something we can do because the people do not want to purchase them.
- Mr. Nemec also shared that quite a few of the veteran markers are broken. He shared that someone replaced all flag holders as an Eagle Scout project quite a few years ago. Councilwoman Marshall will reach out to our local Boy scout troop to see if this is something they will do.
- A family called the office a few weeks ago regarding a foundation that was no longer level. He was able to fix that one. He said there are quite a few foundations that will need to be addressed. Mr. Nemec and Councilman Chamberlain will meet to discuss and report back to the Town Board.
- Town Clerk Werth shared that Mr. Nemec is working with Perry Lawn Maintenance to fix plots after a burial. Once a site has settled, he will properly level, seed and water the area.

DEPARTMENT REPORTS

Highway

Mr. Yungfleisch stated one of the trucks had a front tire blow out that took out the hood, approximately \$30K in damage. He sent it to Buffalo for repair and is working with the insurance company. Waiting to hear when the new truck will be it. We have all the salt here and it should last until January. Mowing is taking place. Will pave Log City Road and a portion of Bridge Road. He would like to stone and oil Edgerton Road too.

Assessor

Mr. Flansburg's 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 \$1,061.56 and remitted \$945.56 to the Supervisor for local share, \$26.00 to NYS Ag. & Markets for spay/neuter program and \$90.00 to NYSDOH for marriage licenses.

Supervisor

Supervisor Hynes shared the following:

- Thanked Karen & Ed Nemec for taking on the garden in Maplelawn Cemetery. The garden is cleaned up, edged and flowers planted. Also edged the four trees on roadside and mulched. Mrs. Nemec will keep it watered and weeded moving forward. It looks great.
- Supervisor Hynes passed around the agreement from Shawn Grasby and Dwight Kanyuck for Code Compliance Certification Services. She asked Councilman Augello to oversee reviewing this agreement and asked that the Town Board review it and share their concerns. She spoke with Mr. Grasby and Mr. Kanyuck yesterday regarding her issues with the agreement. Discussion ensued on if the Town needs this agreement in place when it is a State project that the Town has no control over.

Supervisor Hynes also shared that she is not comfortable with the Town having control of the escrow account for the Town of Elba and the Town of Oakfield. That would require an intermunicipal agreement. She stated they would not be working for the Town, therefore the Town should not be responsible for paying them out of an escrow account that would need to be established. Mr. Grasby suggested speaking with Mr. Kanyuck about his firm handling the account.

- Supervisor Hynes shared that she has had a couple of conference calls with NYSDOT regarding their letter to change the intersection of State Route 98 and Lockport Road from a two way stop to a four way stop. Mr. Yungfleisch took part in a call and stated his concerns with the intersection, especially during the winter months as the road is not well taken care of. A second call took place with NYSDOT and they stated a study was completed and a four-way stop has been added to this year's budget. The target date for these to be put in place is two months after the work order goes in and the work order will take 2-3 weeks. They will add flags on the stop ahead signs and will remove them after a few months. A press release will be sent out. Supervisor Hynes said she has spoken with them several times regarding a flashing light at the intersection instead. NYSDOT encouraged her to send a letter to have the light considered for next year's budget. Councilwoman Marshall shared that their study took place on a Tuesday and Wednesday, there were 500 vehicles going South and 121 going East and West. She told them that those are not peak days, the weekends are when people are traveling. The study also showed that in 5 years there had been 16 crashes where 5 failed to stop and 11 stopped and proceeded. Discussion took place on how well the flashing light works at Ledge Road and State Route 77 in Alabama. Supervisor Hynes shared that the Fire Department suggested lowering the speed limit from the Village of 30 mph through the Lockport Road and State Route 98 intersection. NYSDOT advised sending another letter with this suggestion.

Councilwoman Marshall would like to see something done about solar vehicles pulling out of the lay down site at State Route 98 and Lockport Road in front of cars, school busses, etc. Councilman Chamberlain shared he had a loaded semi-truck pull out in front of him as well. It needs to be discussed with the solar company before something serious happens. Supervisor Hynes recommended filling out the complaint form and submitting it to ensure issues are addressed.

Discussion ensued regarding the "no solar traffic beyond this point" signs in the Village. They are poorly placed on the Village streets and not visible until a vehicle is already on the street. Mr. Yungfleisch stated they continue to leave temporary signs in the road right of way overnight.

Councilwoman Marshall also noticed other towns/villages have push button crosswalk signs. The Village should consider grants to have these put in place near the post office, park and school.

Councilpersons

Councilman Chamberlain stated he is having problems with his computer. Supervisor Hynes encouraged him to take a class or make an appointment with Millennium if there are issues with the computer.

ADJOURNMENT

MOTION was offered from Councilman Chamberlain second by Councilwoman Marshall to adjourn the meeting at 7:57 p.m.

Ayes: Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (4-0)

Respectfully Submitted,

Trisha Werth
Town Clerk