

**Town of Elba
Regular Meeting
April 10, 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
Councilman Chamberlain
Councilman Coughlin

Others Present:

Town Clerk Werth
Superintendent of Highways Yungfleisch
Tim Kilner, Student, arrived at 7:08 p.m.

Absent:

Councilwoman Marshall

Minutes of February March 13, 2025 Town Board Meeting

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

Ayes: Augello, Chamberlain, Coughlin, Hynes

MOTION CARRIED by unanimous vote (4-0)

RESOLUTION NO. 7-2025

Supervisor Hynes shared emails from Dwight Kanyuck, Solar Attorney and Councilperson Marshall with those present. Niagara Mohawk is seeking permission to replace the current pole on the Town’s property. They have offered compensation. There are eight property owners who Niagara Mohawk is seeking easements from. If all eight do not sign than the eminent domain will take over and no one will receive compensation. Discussion ensued.

APPROVE PROPOSED EASEMENT GRANT TO NIAGARA MOHAWK POWER CORPORATION

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 April 10, 2025 commencing at 7:00 p.m. and the following members were:

<u>Present:</u>	Supervisor	<u>Hynes</u> _____
	Council Member	<u>Augello</u> _____
	Council Member	<u>Chamberlain</u> _____
	Council Member	<u>Coughlin</u> _____
	Council Member	_____
<u>Absent:</u>	Council Member	<u>Marshall</u> _____

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

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

WHEREAS, the Town has been presented with a proposed easement from Niagara Mohawk Power Corporation (hereafter “Niagara Mohawk”) which, among other things, would grant Niagara Mohawk the right to construct and maintain a pole line for the transmission of electricity, intelligence, and communication services; and

WHEREAS, the Town Board, after due deliberation, desires to execute said easement in favor of Niagara Mohawk;

NOW, ON MOTION OF Councilman Chamberlain, which has been duly seconded by Councilman Augello, be it therefore

RESOLVED, that the proposed easement in favor of Niagara Mohawk would be in the best interests of the residents of the Town and would help to promote the health, wellbeing, and safety of the residents of the Town; and be it further

RESOLVED, that the Town Board hereby approves of the proposed easement in favor of Niagara Mohawk; and be it further

RESOLVED, that the Town Board hereby authorizes and directs the Town Supervisor to execute said easement in favor of Niagara Mohawk; and be it further

RESOLVED, that the Town Board directs the Town Clerk to transmit the executed easement to Niagara Mohawk.

Ayes: <u>Supervisor Hynes</u>	Absent: <u>Council Member Marshall</u>
<u>Council Member Augello</u>	_____
<u>Council Member Chamberlain</u>	_____
<u>Council Member Coughlin</u>	_____

Nays: _____ Abstained: _____

Quorum Present: 4 Yes 0 No Carried: X Yes _____ No

Dated: April 10, 2025

RESOLUTION NO. 10-2025:

Councilman Coughlin offered the following:

CEMETERY MAINTENANCE AGREEMENT

RESOLVED, that the Town of Elba enters into an agreement with Perry’s Lawn Maintenance, PO Box 147, Lyndonville, NY to provide equipment and services for maintenance and clean-up of the three Cemeteries in Elba, NY for the period of April 1-December 31, 2025.

RESOLVED, that the Town Supervisor is hereby authorized to sign this agreement.

Second by: Councilman Chamberlain

Ayes: Augello, Chamberlain, Coughlin, Hynes

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 11-2025:

Supervisor Hynes offered the following:

**MAINTENANCE AGREEMENT E-STUDIO
3528A DIGITAL COPIER/ PRINTER/SCANNER**

RESOLVED, that the Elba Town Board hereby approves the proposed Maintenance Contract Agreement between Toshiba Business Solutions and the Town of Elba, for the E-Studio 3528A Digital Copier/Printer/Scanner, at a cost of \$85.70/month, based on 1,500 black images per month, with overages being billed at \$.01020, and be it further

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

Second by: Councilman Coughlin

Ayes: Augello, Chamberlain, Coughlin, Hynes

APPROVED by unanimous vote (4-0)

ABSTRACT 4-2025

MOTION, Councilman Chamberlain second by Councilman Augello to approve the following:

General Fund	66-86	\$12,998.66
Highway	32-46	\$164,463.24
	Total	\$177,461.90

Ayes: Augello, Chamberlain, Coughlin, Hynes

MOTION CARRIED by unanimous vote (4-0)

COMMITTEE REPORTS

Building and Grounds

No report.

Zoning Board

No meeting.

Planning Board

Councilman Coughlin shared there were two land separations that were both approved. Bids are due in April for the Comprehensive Plan.

GAM

No meeting.

Cemetery

Supervisor Hynes reported that Mr. Wolcott was at the cemetery to pin and layout section 5. He will also digitalize that section to pass on to the Town. Possibly digitalizing the cemetery on Edgerton Road next. Discussion ensued on Pine Hill, Quaker Hill and Gardner Family Cemeteries. Mr. Yungfleisch stated they took down and hauled away a 50+ foot evergreen tree at the Pine Hill cemetery. There are other trees in poor shape there that Mr. Yungfleisch will get a quote to have them removed.

DEPARTMENT REPORTS

Highway

Mr. Yungfleisch reported that the tractor came back for the new mower. Pictures were shown of the new mower and clean up around the shop. The one ton came back but has already been sent back and returned because the adjustments were not correct. Purchased 1,000 tons of salt, it will be mixed up next week. Mixed shoulder material. Will fix roadsides, lawns and take down snow fences once the weather cooperates.

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 \$509.61 and remitted \$496.61 to the Supervisor for local share, \$13.00 to NYS Ag. & Markets for spay/neuter program.

We finished collecting Town and County taxes and returned 49 unpaid tax bills to the County this week.

Supervisor

Supervisor Hynes shared that Dwight Kanyuck, Solar Attorney will be here next week for the Planning Board meeting.

Councilpersons

Councilman Chamberlain shared that he reviewed the original prints for the Cider Solar projects. He was not aware that they would be clear cutting all the trees and woods that they did. There is a lot of logging taking place for this project of 100+ year trees. He wrote a letter to send to the Governor, Representatives, DEC, Soil and Water, etc. Supervisor Hynes stated that Dwight Kanyuck, Solar Attorney, told her that the Town has no say and issues like this are to be handled by the people who signed the leases with the solar companies. Any complaints can be filed on the Cider Solar website. They are also still working on who will be taking care of the inspection. They are moving ahead with the project and there are no inspections currently taking place.

Councilman Augello suggested adding something to the Solar Law that limits properties from being covered on three sides. He also asked if the Town could speak with the County or other municipalities to see if there is a way too slow down the amount of solar coming? As it is coming at a fast pace. Is there a way for the Town to say that we have met our maximum amount for solar? Or only allow a certain percentage of someone's land to have solar on it?

Councilman Augello stated that the Town should start looking into a housing development. Supervisor Hynes shared that the Comprehensive Plan may help with this. Senior housing would be great in Elba.

ADJOURNMENT

MOTION was offered from Councilman Chamberlain second by Councilman Coughlin to adjourn the meeting at 7:43 p.m.

Ayes: Augello, Chamberlain, Coughlin, Hynes

MOTION CARRIED by unanimous vote (4-0)

Respectfully Submitted,

Trisha Werth
Town Clerk