

**TOWN OF ELBA**  
**TOWN BOARD MEETING**  
**Thursday, August 14, 2025 –7:00 PM**

**Call Meeting to Order**

- Pledge to the Flag

**Approval of Minutes**

- July 10, 2025 Town Board Meeting

**Resolutions**

- |         |                                                                                                                                   |
|---------|-----------------------------------------------------------------------------------------------------------------------------------|
| 18-2025 | Resolution to Reappoint Town Assessor                                                                                             |
| 19-2025 | Resolution to Appoint Town Historian                                                                                              |
| 20-2025 | Approve Proposed Easement Grant to Niagara Mohawk Power Corporation                                                               |
| 21-2025 | Authorization for Town Supervisor to Execute Compliance Monitor and Town Representative Expense Escrow Agreement with Cider Solar |

**Abstract 8-2025**

**Committee Reports**

|                    |                           |
|--------------------|---------------------------|
| Building & Grounds | Highway Supt. Yungfleisch |
| Zoning Board       | Councilman Chamberlain    |
| Planning Board     | Councilman Coughlin       |
| GAM                | Councilman Augello        |
| Cemetery           | Councilman Chamberlain    |

**Department Reports**

Highway Superintendent  
Assessor  
ZEO/CEO  
Town Clerk  
Supervisor  
Councilpersons

**Adjournment**

**RESOLUTION NO. 18-2025**

**RESOLUTION TO REAPPOINTMENT – TOWN ASSESSOR**

**RESOLUTION NO. 21-2025**

**AUTHORIZATION FOR TOWN SUPERVISOR TO EXECUTE COMPLIANCE MONITOR AND  
TOWN REPRESENTATIVE EXPENSE ESCROW AGREEMENT WITH CIDER SOLAR**

**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 (now Article 8 of the Public Service Law), for a 500-megawatt solar energy facility to be located in the Towns of Elba and Oakfield (the “Cider Solar Project”); and

**WHEREAS**, each Host Community Benefit Agreement between the Towns of Oakfield and Elba and Hecate obligates Hecate to reimburse the Town for reasonable professional costs incurred by the Town related to compliance with the Permit and to monitor construction of the Project (“Compliance Monitor Services”), up to a total of \$40,000; and

**WHEREAS**, the Permit requires the Project to have an independent third-party certify the Project’s compliance with the New York State Uniform Fire Prevention and Building Code, the Energy Conservation Code of New York State, and the substantive provision of any applicable local electrical, plumbing, or building code (collectively, the “Code”); and

**WHEREAS**, Hecate has requested and the Town of Elba and the Town of Oakfield have agreed to administer such Code compliance certification services (the “Code Certification Services,” together with the Compliance Monitor Services being the “Services”) to be funded by Hecate; and

**WHEREAS**, the Services would be provided by the Code Enforcement Officers for each Town under the supervision of Shawn Grasby of Grasby Consulting, as provided in a Grasby Consulting proposal (“Grasby Proposal”) previously accepted by the Town Board; and

**WHEREAS**, a total of \$145,000 is proposed (the “Cost Cap”) to be provided by Hecate to fund the Services to be administered by Knauf Shaw LLP, special counsel to the Towns of Elba and Oakfield for the Project, acting as escrow agent, via a proposed Compliance Monitor and Town Representative Expense Escrow Agreement among Hecate and the Towns of Oakfield and Elba (the “Escrow Agreement”), substantially in the form attached as Exhibit A; and

**WHEREAS**, the Escrow Agreement provides for a reevaluation of the scope and the estimated cost for the Services to ensure the Cost Cap is not exceeded or the Cost Cap is increased; and

**WHEREAS**, the Board has had an opportunity to review the draft Escrow Agreement and the Grasby Proposal and understands their contents.

**NOW THEREFORE BE IT RESOLVED**, that Board finds that entry into the Grasby Proposal and the Escrow Agreement by the Town, in terms presented in the draft Escrow 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 Escrow Agreement and Grasby Proposal and execute those documents necessary to memorialize such agreement.