#### **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
Zoning Board
Planning Board
GAM
Councilman Chamberlain
Councilman Coughlin
Councilman Augello
Councilman Chamberlain

### **Department Reports**

Highway Superintendent

Assessor ZEO/CEO Town Clerk Supervisor Councilpersons

### Adjournment

WHEREAS, Barry Flansburg has been the Assessor for the Town of Elba since 2012;

WHEREAS, his term will expire as of September 30, 2025

**NOW, THERFORE, BE IT RESOLVED,** the Elba Town Board hereby reappoints Barry Flansburg, as the Assessor for the Town of Elba. The term will begin October 1, 2025 and end September 30, 2031.

### **RESOLUTION NO. 19-2025:**

#### **RESOLUTION TO APPOINT TOWN HISTORIAN**

**RESOLVED**, with the resignation of Earl Roth, the Board moves to appoint Joanne Soules as the Town Historian effective August 14, 2025 to fill Mr. Roth's unexpired term, ending December 31, 2025.

#### **RESOLUTION NO. 20-2025**

# APPROVE PROPOSED EASEMENT GRANT TO NIAGARA MOHAWK POWER CORPORATION

| ommencing at | p.m. and the follo | owing members were: |  |
|--------------|--------------------|---------------------|--|
| Present:     | Supervisor         |                     |  |
|              | Council Member     |                     |  |
| Absent:      |                    |                     |  |

WHEREAS, all Town Board Members having 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;

**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.

### **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.