

**Town of Elba
Special Town Board Meeting
August 25, 2025**

Supervisor Hynes called the meeting to order at 4:00 p.m.; followed by the Pledge to the Flag.

Those in attendance included:

Supervisor Hynes
Councilman Augello
Councilman Chamberlain
Councilman Coughlin
Councilwoman Marshall

Others Present:

Town Clerk Werth
Chuck Norton, Resident

RESOLUTION NO. 20-2025

Councilman Coughlin offered the following, second by Councilman Augello:

**APPROVE PROPOSED EASEMENT GRANT
TO NIAGARA MOHAWK POWER CORPORATION**

After discussion Councilman Coughlin rescinded his **MOTION**.

Councilman Augello made a **MOTION** to **TABLE** Resolution No.20-2025, entitled “Approve Proposed Easement Grant to Niagara Mohawk Power Corporation.”

Second by: Councilwoman Marshall

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

TABLED by unanimous vote (5-0)

RESOLUTION NO. 21-2025

Councilman Coughlin offered the following:

**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.

Second by: Councilwoman Marshall

Ayes: Augello, Coughlin, Marshall

Nays: Chamberlain, Hynes

APPROVED vote (3-2)

ADJOURNMENT

MOTION was offered from Councilwoman Marshall second by Councilman Chamberlain to adjourn the meeting at 4:21 p.m.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Respectfully Submitted,

Trisha Werth
Town Clerk