

**Town of Elba
Regular Meeting
July 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
Councilwoman Marshall

Others Present:

Town Clerk Werth
Superintendent of Highways Yungfleisch

Minutes of June 12, 2025 Town Board Meeting

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

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION #16-2025:

MOTION offered from Councilman Chamberlain second by Councilman Augello to adopt the following:

**RESOLUTION ADOPTING LOCAL LAW No. 1 of 2025 -A LOCAL LAW TO IMPOSE A
MORATORIUM ON TIER 3 SOLAR ENERGY SYSTEMS, LARGE BATTERY ENERGY
STORAGE SYSTEMS AND COMMERCIAL WIND ENERGY SYSTEMS**

WHEREAS, proposed Local Law No. 1 of 2025 of the Town of Elba entitled “A Local Law to Impose a Moratorium on Tier 3 Solar Energy Systems, Large Battery Energy Storage Systems and Commercial Wind Energy Systems”, which proposed Local Law in its final form was presented to the Town Board at the meeting held June 12, 2025 and a copy thereof was kept with the Town Clerk and copies provided to Town Board Members at said meeting; and

WHEREAS, a public hearing on the advisability of enacting said proposed Local Law was held on July 10, 2025, before this Town Board, pursuant to public notice duly published in The Daily News according to law, at which time all interested persons were heard; and

WHEREAS, the Town Board of the Town of Elba, New York is of the opinion that adoption of said proposed Local Law No. 1 of 2025 is in the best interest of the Town of Elba, New York.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Elba, New York that said proposed Local Law No. 1 of 2025 entitled “A Local Law to Impose a Moratorium on Tier 3 Solar Energy Systems, Large Battery Energy Storage Systems and Commercial Wind Energy Systems” be and the same hereby is adopted; and

BE IT FURTHER RESOLVED, that a certified copy of said Local Law No. 1 of 2025 be filed with the New York State Secretary of State in accordance with the Law.

Ayes: Supervisor Hynes
Council Member Augello
Council Member Chamberlain
Council Member Coughlin
Council Member Marshall

Nays:

Quorum Present: 5 Yes 0 No Carried: 5 Yes 0 No

Dated: July 10, 2025

State of New York)
County of Genesee) ss.:

I, Trisha Werth, Town Clerk of the Town of Elba, NY, hereby certify that the foregoing resolution was duly adopted at a meeting of the Town Board held on July 10, 2025 by the required necessary vote of the members to approve this resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Elba, NY this 10th day of July, 2025.

SEAL

Trisha Werth, Town Clerk

RESOLUTION #17-2025:

Councilwoman Marshall, second by Councilman Coughlin offered the following:

**STANDARD WORK DAY AND REPORTING FOR
ELECTED AND APPOINTED OFFICIALS**

BE IT RESOLVED, The Town of Elba hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities.

Ayes: Augello, Chamberlain, Coughlin, Marshall, Hynes

APPROVED by unanimous vote (5-0)

ABSTRACT 7-2025

MOTION, Councilman Chamberlain second by Councilman Coughlin approve the following:

General Fund	138-159	\$10,544.48
Highway	70-81	\$43,660.44
BW Solar	1	\$ 840.00
Total		\$55,044.92

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

COMMITTEE REPORTS

Building and Grounds

Mr. Yungfleisch reported the following:

- Will address a fallen tree at Maple Lawn Cemetery that caused damage to the roof of the building.
- The two door openers will be arriving for the shop. Jeff Boyce will take care of the electrical work.
- Frank Kowalski had the lowest bid to seal the driveway at office. Will discuss how to layout the lines.

Zoning Board

There was no meeting in July. Mr. Chamberlain asked that we pass the new Local Law onto the members.

Planning Board

Mr. Coughlin reported they had a quick meeting. The committee has been taking part in a comprehensive plan training course after their meetings for the last couple of months.

GAM

No meeting.

Cemetery

Councilman Chamberlain needs to catch up with Mr. Nemec regarding the headstones that need to be

straightened. Mr. Yungfleisch stated when people come in and want a stone fixed than we can address it straight away. However, he and the MEO's can spend time this fall and fix some of the older stones. Councilwoman Marshall looked into the cost of Veteran's flag holders; they range from \$35-40 each. She will continue to work on this and hopefully find organizations and community members that may help with funding. Mr. Yungfleisch asked if the flags need to stay up all summer for the Veterans as they are starting to fall to the ground. We will ask Boy Scouts to pick up after July 4th holiday in the future.

DEPARTMENT REPORTS

Highway

Mr. Yungfleisch reported the truck that was damaged last month is back, the insurance paid \$28K and the Town paid \$500.00. Not sure when the new truck will be completed, it has been two years. At the beginning of August they will pave Log City Road and Bridge Road from Norton Road down to Zuber's. Will stone and oil these roads a few weeks after. Tony will mow again next week.

Assessor

Mr. Flansburg's report was emailed and is also available in the Town Clerk's office. Councilwoman Marshall shared she would like to see a breakdown of what the percentage of difference was between the sales versus assessment for houses and land. She would like to know how much the solar reclassification of the land increased the total assessment for the Town. She asked if there were agricultural buildings that came off exemption too due to being involved with solar. Supervisor Hynes will ask Mr. Flansburg to report on these questions in next month's report.

ZEO/CEO

No report.

Town Clerk

Town Clerk Werth reported that she took in \$372.67 and remitted \$346.67 to the Supervisor for local share, \$26.00 to NYS Ag. & Markets for spay/neuter program.

Supervisor

Supervisor Hynes reviewed her notes on the Escrow Agreement for Code Compliance Services.

- Councilman Coughlin shared concerns of Hecate not giving a two week notice on what they are doing. Supervisor Hynes stated that Mr. Kanyuck was not sure if this was in their agreement.
- Councilwoman Marshall said there were two different fee caps in the agreement. Supervisor Hynes said Hecate is putting in \$145K, \$80K will be for the Town's and \$65K for Mr. Grasby.
- Supervisor Hynes told Mr. Kanyuck the Town would not be handling the escrow account. He agreed that his company would set up this account and his charges would come from that account. Each Town would need to approve Mr. Grasby's and the CEO/ZEO's vouchers.
- The agreement states the Town will issue necessary tax forms, will discuss this with Mr. Kanyuck.
- Councilwoman Marshall asked what the target date is to have this agreement in place. Supervisor Hynes said they want it now but there are plenty of issues. Having a hard time understanding the urgency for this agreement when the Town has been pushing for it since late 2024. Mr. Kanyuck stated Hecate's attorneys have had it. Supervisor Hynes also told him the Town wanted separate agreements and Mr. Kanyuck said that could not happen. He said the two CEO/ZEO's and Mr. Grasby will be working together and may need to cover each other's Towns, therefore it needs to be one agreement.
- Supervisor Hynes also discussed a section in the agreement that reads, "The company acknowledges that any Consultant retained by the Towns to assist on the matters contemplated in this Agreement works for the Towns and does not have any obligation or fiduciary relationship to the Company." She stated the company does not work for the Town; they are working for the State.
- It was discussed that Mr. Grasby expects this cost to be approximately \$10K a month, he said there would be a lot of work at the beginning, and they would not need to inspect as much towards the end of

the project. Concerns were shared as this project is said to take 2-3 years to complete and the money Hecate is giving for inspections will run out. The agreement still states “the Towns will potentially be responsible for any costs exceeding the tax cap.” Mr. Kanyuck said they would look at this again once they reached \$100K.

Supervisor Hynes also shared:

- Mr. Earl Roth has resigned as Town Historian effective immediately. Supervisor Hynes will reach out to a few residents to see if there is any interest. Town Clerk Werth will post the job opening in the paper and will add Planning and Zoning Board seats available too.
- Maxwell Torrey is building a house and would like to hook up to municipal water. The County Planning denied this as it is an agricultural parcel. Mr. Felipe Oltramari said he would need a letter from the Town stating, “the Town of Elba accepts the fact that Maxwell Torrey is a farm worker and supports his request to hook up for water at his parcel on Norton Road, Elba.” Mrs. Werth sent the letter as requested to Mr. Oltramari and he replied that the letter needed to come from the Town Attorney. He wanted it to state, “that the Town will not enforce its lateral restriction policy on properties enrolled in the Ag District program for the proposed water hookup request from Mr. Torrey.” Discussion ensued on the need for the Town Attorney as that would incur fees. Supervisor Hynes will ask Mr. Whiting to send a letter. Councilman Augello suggested the municipalities come together and draft a letter to the County requesting Smart Growth be reevaluated. He has shared this at GAM meetings in the past, stating the people in Elba believe this law is hindering our growth.

Supervisor Hynes made a **MOTION**, second by Councilman Augello to have Town Attorney John Whiting send a letter to the Genesee County Planning Board, Felipe Oltramari that the Town Board supports Mr. Torrey’s request to hook up to municipal water.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Councilpersons

Councilman Chamberlain stated he saw markers for the new stop signs on State Route 98 and Lockport Road. He recently had someone pull out in front of him there. Mr. Yungfleisch stated the trees at that intersection need to be trimmed. He will reach out to Mr. Staley and ask them to trim.

ADJOURNMENT

MOTION was offered from Councilman Chamberlain second by Councilwoman Marshall to adjourn the meeting at 7:53 p.m.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Respectfully Submitted,

Trisha Werth
Town Clerk