

**Town of Elba
Regular Meeting
December 11, 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 Chamberlain
Councilman Coughlin
Councilwoman Marshall

Others Present:

Town Clerk Werth
Superintendent of Highways Yungfleisch
Chuck Norton, Resident

Absent:

Councilman Augello

Minutes of November 6, 2025 Public Hearing Meeting

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

Ayes: Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (4-0)

Minutes of November 6, 2025 Town Board Meeting

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

Ayes: Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (4-0)

RESOLUTION NO. 32-2025

Councilman Coughlin offered the following:

APPROVE MUNICIPAL SOLUTIONS, INC. TWO YEAR CONTRACT

RESOLVED, that the Elba Town Board hereby approves Municipal Solutions, Inc. proposed two year contract renewal in connection with the Town's general financial services, and be it further

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

Second by: Supervisor Hynes

Ayes: Coughlin, Chamberlain, Hynes, Marshall

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 33-2025:

Councilman Chamberlain offered the following:

APPROVE JANITORIAL CONTRACT WITH ARC GLOW

RESOLVED, that the Town of Elba enter into a month to month Janitorial Contract with Arc GLOW, 18 Main Street, Mt. Morris, NY for the provision of custodial services at the Town Hall at a rate of \$221.00 per month effective January 1, 2026.

RESOLVED, the Supervisor is hereby authorized to execute this one year agreement.

Second by: Councilman Coughlin

Ayes: Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (4-0)

RESOLUTION NO. 34-2025:

Councilman Coughlin offered the following:

AGREEMENT FOR TOWN PROSECUTOR SERVICES – TRAFFIC MATTERS

RESOLVED, that the Elba Town Board hereby approves the proposed Agreement for Town Prosecutor Services – Traffic Matters between Genesee Traffic Prosecutors, Robert R. Zickl and the Town of Elba, at a cost of \$350.00/month, and be it further

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

Second by: Councilman Chamberlain

Ayes: Chamberlain, Coughlin, Marshall, Hynes

APPROVED by unanimous vote (4-0)

RESOLUTION #35-2025:

Councilman Chamberlain offered the following:

APPOINT PLANNING BOARD MEMBER

RESOLVED, that Kim Ball be appointed to the Elba Joint Village/Town Planning Board effective January 1, 2026, term ending December 31, 2030.

Second by: Councilman Coughlin

Ayes: Chamberlain, Coughlin, Hynes, Marshall

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 36-2025

Councilman Coughlin offered the following:

**AUTHORIZATION FOR TOWN SUPERVISOR TO
CONSENT TO CIDER SOLAR TAX EQUITY TRANSACTION**

WHEREAS, the Town of Elba (“Town”) and Hecate Energy Cider Solar LLC (“Cider Solar”) entered into a Host Community Benefit Agreement, effective June 1, 2024 (the “HCBA”), to provide the Town with certain host community benefits related to the siting, construction, and operation of a 500-megawatt solar energy facility to be located in the Towns of Elba and Oakfield (the “Project”); and

WHEREAS, Section 2.2 of the HCBA provides that Cider Solar may not undergo a change in control without the prior written consent of the Town. Relevant to Section 2.2 of the HCBA, a “change in control” includes the acquisition or transfer of fifty percent or more of the capital, profits, or beneficial interest in Cider Solar; and

WHEREAS, Section 2.2 of the HCBA further provides that the Town’s consent to a change in control of Cider Solar may not be unreasonably withheld; and

WHEREAS, Section 2.2 of the HCBA provided for the Town’s consent to the assignment or change in control of Cider Solar by Greenbacker Renewable Energy Corporation or its affiliates (“Greenbacker”); and

WHEREAS, Greenbacker now indirectly owns Cider Solar; and

WHEREAS, Greenbacker is entering into a tax equity financing transaction (the “Tax Equity Transaction”) to provide funding for the construction and operation of the Project; and

WHEREAS, the Tax Equity Transaction is a financing mechanism for Cider Solar whereby tax equity investors would obtain greater than fifty percent of the beneficial interests in Cider Solar, which could be deemed a “change in control” under the terms of the HCBA, as further set forth in the form of the Consent to Transfer of

Interest letter annexed hereto as Exhibit A (the “Tax Equity Consent Agreement”); and

WHEREAS, the voting rights and the right to control Cider Solar, however, will remain with Greenbacker following consummation of the Tax Equity Transaction so that Greenbacker will ultimately retain corporate voting and decisional control over Cider Solar and remain responsible for construction and operation of the Project.

NOW THEREFORE BE IT RESOLVED, that the Board agrees to consent to the Tax Equity Transaction as described in the Tax Equity Consent Agreement; and

IT IS FURTHER RESOLVED, that the Board authorizes the Town Supervisor execute the Tax Equity Consent Agreement substantially in the form presented in Exhibit A, with such changes therein as the Town Supervisor shall approve, the execution thereof by the Town Supervisor to constitute conclusive evidence of such approval.

IT IS FURTHER RESOLVED, that the Town Supervisor is authorized to make, execute and deliver, or cause to be made, executed and delivered, all other such agreements, documents, regulatory filings, certificates, instruments and other papers, and to do or cause to be done all such acts or things, in the name and on behalf of the Town, as may be deemed necessary or appropriate to effectuate or carry out the purposes and intent of the foregoing resolution.

Second by: Councilwoman Marshall

Ayes: Coughlin, Chamberlain, Hynes, Marshall

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 37-2025:

Councilman Chamberlain offered the following:

AUTHORIZE BUDGET TRANSFERS FOR 2025

RESOLVED, that the Elba Town Board hereby authorizes the following Budget Transfers:

GENERAL FUND-TOWNWIDE

Transfer From:

A1990.4	Contingency	\$	10,000.00
A9060.8	Health & Medical	\$	5,000.00
A9050.8	Unemployment Ins	\$	2,500.00
A8010.4	Zoning Contr.	\$	1,500.00
A5132.4	Garage Contr.	\$	4,000.00
A3620.1A	Solar Insp. Serv.	\$	3,000.00
A1450.4	Elections	\$	1,684.00
	TOTAL:	\$	27,684.00

Transfer To:

A1110.1AD	Deputy Court Clerk	\$	3,500.00
A1460.4	Records Management, Contr.	\$	282.00
A1670.4	Central Printing	\$	1,500.00
A1910.4	Unallocated Ins	\$	1,826.00
A1950.4	Taxes & Assess	\$	439.00
A3989.4	Misc. Public Safety Contr.	\$	12,836.00
A6989.4	Other Eco. & Dev. Contr.	\$	3,250.00
A8810.1	Cemetery Pers. Serv.	\$	3,600.00
A8810.4	Cemetery Contr.	\$	281.00
A8810.4A	Cemetery Supplies	\$	170.00

TOTAL: \$ 27,684.00

HIGHWAY FUND - TOWNWIDE

Transfer From:

DAUBR	Equipment Reserve	\$ 38,000.00
DA9950.9A	Equipment Reserve, Transfer	\$ 85,000.00
DA5142.1	Snow Removal Pers. Serv.	\$ 13,000.00
DAUB	Unexp. Balance	\$ 112,569.00
TOTAL:		<u>\$ 210,569.00</u>

Transfer To:

DA5130.2	Machinery, Equip	\$ 134,047.00
DA5130.4	Machinery, Contr.	\$ 22,657.00
DA5142.4	Snow Removal, Contr.	\$ 52,881.00
DA9010.8	Retirement	\$ 984.00
TOTAL:		<u>\$ 210,569.00</u>

HIGHWAY FUND - OUTSIDE VILLAGE

Transfer From:

DB9060.8	Hosp./Med.	\$ 983.00
TOTAL:		<u>\$ 983.00</u>

Transfer To:

DB9010.8	State Retirement	\$ 983.00
TOTAL:		<u>\$ 983.00</u>

Second by: Supervisor Hynes
Ayes: Coughlin, Chamberlain, Hynes, Marshall
APPROVED by unanimous vote (4-0)

ABSTRACT 12-2024

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

General Fund	262-294	\$21,919.14
Highway	137-155	\$56,021.11
Total		<u>\$77,940.25</u>

Ayes: Chamberlain, Coughlin, Hynes, Marshall
MOTION CARRIED by unanimous vote (4-0)

COMMITTEE REPORTS

Building and Grounds

Mr. Yungfleisch reported the new lights are wired inside the highway barn. He also suggested setting money aside to replace the overhead doors in the barn as they are starting to show significant deterioration.

Zoning Board

Councilman Chamberlain stated ZBA will be down to three people come the new year. Discussion ensued on how to bring on new members, possibly share members between the Planning Board and Zoning Board, etc. Councilwoman Marshall will reach out to Association of Towns to see if they have any suggestions.

Planning Board

Councilman Coughlin said they are reviewing the solar laws and will bring suggestions to the Town Board.

GAM

No meeting.

Cemetery

No report.

DEPARTMENT REPORTS

Highway

Mr. Yungfleisch shared that the new 10 wheeler truck is in. He ordered \$30k in salt this week.

Assessor

No report.

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 \$631.00 and remitted \$617.00 to the Supervisor for local share, \$14.00 to NYS Ag. & Markets for spay/neuter program. Office of the Aging will be here on January 15th from 8:30-3:30 p.m. to offer services to our residents.

Supervisor

- She shared invoices from Shawn Grasby and Mark Mikolajczyk. The Town of Oakfield approved Mr. Mikolajczyk's invoice. Mr. Grasby emailed Supervisor Hynes stating he reviewed the flash drive with photos from the start of the project, stating it looked good. He also said he reviewed the foundation for the control building and the substation. Mr. Kanyuck said both the Town of Elba and Town of Oakfield will need to approve their invoice to pay them. Discussion ensued.

Councilman Coughlin made a **MOTION** to pay Mr. Grasby's invoice number 478 in the amount of \$6,930.00.

Second by: Councilwoman Marshall

Ayes: Coughlin, Hynes, Marshall

Nays: Chamberlain

APPROVED vote (3-1)

Councilwoman Marshall made a **MOTION** to table Mr. Mikolajczyk's invoice number 102 in the amount of \$1,800.00.

Second by: Councilman Coughlin

Ayes: Chamberlain, Coughlin, Hynes, Marshall

APPROVED vote (4-0)

Supervisor Hynes will reach out to Mr. Mikolajczyk and ask him to attend a future Town Board meeting to explain his bill.

- Supervisor Hynes spoke with Mr. Kanyuck regarding the Decommissioning Bond that needs to be renewed. The bonds are kept in the safe.

Councilpersons

Councilman Coughlin shared the Comprehensive Plan group had a meeting on December 2nd. They plan to send out a lengthy survey to all residents. Discussion ensued on Smart Growth and how much it has hurt our Town. It is unfortunate that there are new homes going up and they are unable to connect to the municipal water that runs in front of their new homes.

Councilwoman Marshall shared that youth basketball has started. She also discussed a possible new deduction

on assessments for senior citizens. She would like to find out more information on this from Mr. Flansburg and/or Association of Towns.

ADJOURNMENT

MOTION was offered from Councilman Chamberlain second by Councilman Coughlin to adjourn the meeting at 7:49 p.m.

Ayes: Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (4-0)

Respectfully Submitted,

Trisha Werth
Town Clerk