

A regular meeting of the Elma Town Board was held on Wednesday, October 21st, 2020 at 7:00PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor	Wayne Clark
Councilman	Thomas Fallon
Councilman	James Malczewski
Councilman	Michael Nolan
Councilman	Tracy Petrocy

Also:	Building Inspector	Joseph Colern
	Highway Superintendent	Howard Diehl
	Plant Manager	Brian Fiden
	Town Attorney	Phyllis Todoro
	Town Engineer	James Wyzykiewicz

Approximately 14 people attended the meeting.

The meeting was opened with the reciting of the Pledge of Allegiance.

Councilman Petrocy made the motion and Councilman Fallon seconded the motion to approve the minutes from the September 16th, 2020 meeting. Ayes-5. Noes-0. Carried.

Making the legal notice for the Public Hearing on Drainage District #206 Rice & Girdle Roads for Mr. Bierl part of the minutes Supervisor Clark opened the public hearing at 7:00pm. No one spoke in favor or against the drainage district. Supervisor Clark closed the public hearing at 7:01pm.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve Drainage District #206 at Rice & Girdle Roads for Mr. Bierl. Ayes-5. Noes-0. Carried.

Making the legal notice for the Public Hearing on the Community Development Block Grant (CDBG) part of the minutes Supervisor Clark opened the public hearing at 7:01pm. Supervisor Clark proposed supporting Rural Transit and a new floor and stove for the Senior Center. No one spoke in favor or against. Supervisor Clark closed the public hearing at 7:02pm.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve CDBG application for 1. Senior Center flooring and stove. 2. Rural Transit. Ayes-5. Noes-0. Carried.

Building Inspector Joseph Colern presented the September 2020 building report with a combined total of 43 permits issues, fees collected of \$19,893.72 with an estimated value of construction of \$9,230,440.05

Plant Manager Brian Fiden noted that the water line project at Clinton and Transit is on hold till November or Spring depends on the weather. Highway Superintendent Howard Diehl noted they are working on the brush pick up and the Town parks will be winterized next week.

Town Attorney Phyllis Todoro noted the Oaknoll agreement is done and Mr. Cannan is deeding the property on Bowen Road to the Town.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to set a public hearing date of November 18, 2020 at 7:00pm for a Special Use Permit on Niagara Produce at 3131 Transit Road under code 144-86.9. Ayes-5. Noes-0. Carried.

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Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the Preliminary Business Use permit for SAVEONSP LLC at 7420 Seneca St and to refer to the Planning Board for site plan approval under section 117. Drainage District required. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to issue a negative declaration on a short form SEQR for EC716LLC/EUROCHARGE at 555 Pound Road building 4B with certificate of occupancy when complete. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve a Business Use Permit for EC716LLC/EUROCHARGE at 555 Pound Road building 4B for tuning, repairing, modification of exotics and higher end automobiles, vehicle wraps (advertising). Building Inspector notes building permit required for interior build out. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to issue a negative declaration on a short form SEQR for Marrano Marc Equity at 555 Pound Road building 4A. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to approve a Business Use Permit to Marrano Marc Equity at 555 Pound Road building 4A for storage for files, doors, construction Ram PS, miscellaneous building materials, door lock sets, etc. Building Inspector notes storage only. Building permit required for interior build out. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to issue a negative declaration on a short form SEQR for Enviro Serve A Salvage Company at 555 Pound Road building 2. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve a Business Use Permit to Enviro Serve A Salvage Company at 555 Pound Road building 2 for emergency response, environmental remediation. Building Inspector notes building permit required for interior build out. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to issue a negative declaration on a short form SEQR for Great Plate Glass LLC at 555 Pound Road building C. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve a Business Use Permit to Great Plate Glass LLC at 555 Pound Road building C for transfer of glass from manufactures to end user. Building Inspector notes inspection required for occupancy and sign permits required for advertising. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to issue a negative declaration on a short form SEQR for Anna's Beauty & Barbershop at 6438 Seneca Street. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve a Business Use Permit to Anna's Beauty & Barbershop at 6838 Seneca Street for hair salon/barbershop. Building Inspector notes sign permits required for advertising and inspection required within 30 days of occupancy. Ayes-5. Noes-0. Carried.

Wednesday, October 21<sup>st</sup>, 2020

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to approve Supervisor Clark to sign the proclamation for Red Ribbon Week as follows: WHEREAS, alcohol and drug abuse affect individuals, families, and communities across the nation; and WHEREAS, it is imperative that visible, unified efforts by community members be launched to prevent drug abuse; and WHEREAS, Red Ribbon Week offers citizens the opportunity to demonstrate their commitment to drug-free lifestyles; and WHEREAS, Red Ribbon Week will be celebrated in communities across the nation on October 23-31; and WHEREAS, businesses, government, law enforcement, media, health care providers, religious institutions, schools, and other community-based organizations will demonstrate their commitment to healthy, drug-free lifestyles by wearing red ribbons and participating in drug prevention activities; and WHEREAS, the community of the Town of Elma further commits its resources to ensure the success of Red Ribbon Week; NOW, THEREFORE, BE IT RESOLVED, We of the Town of Elma do hereby proclaim October 23-31, as RED RIBBON WEEK, and encourage you to participate in drug prevention education activities, not only during Red Ribbon Week, but also throughout the year, making a visible statement that we are strongly committed to a drug-free lifestyle.  
Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve Supervisor Clark to sign the agreements with EMW Little League Football in the amount of \$3000.00 for 2020, EMW Little League Soccer in the amount of \$5000.00 for 2020 and EMW Latimer Hockey in the amount of \$3000.00 for 2020. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve the resolution for amending the 2020 adopted budget for budget transfers as follows: WHEREAS, as the year has progressed the Town's actual spending has exceeded the 2020 adopted budget in certain line items, and WHEREAS, while these lines have no effect on the total 2020 adopted budget, it is necessary to transfer budgetary appropriations between certain appropriation codes, NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the following transfers within the 2020 budget: Decrease Appropriations: SW8310.490 Contingency \$3,500.00 Total of \$3,500.00. Increase Appropriations: SW8310.422 Locating Services - UFPO \$2,000.00 SW8310.424 Water Quality \$1,500.00. Total of \$3,500.00. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the resolution for authorizing a loan from the General Fund to Drainage District #115 in install a new pipe as follows: WHEREAS, the Town wishes to proceed with improvements within Drainage District No. 115, and WHEREAS, the Town has estimated the total cost of these improvement to be \$4,432.00, and WHEREAS, the Town does not currently have such improvements budgeted in Drainage District No. 115, but does having funding available through a loan from the General Fund, NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the amending of the 2020 adopted budget for Drainage District No. 115 to authorize appropriations of \$4,432.00 for the installation of a new pipe. BE IT FURTHER RESOLVED that the Town Board authorizes a loan from the General Fund to Drainage District No. 115 in the amount of \$4,432.00, with the loan to be repaid over a two-year period. Loan for \$4432.00, 40 units and cost per unit \$55.40.  
Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to approve Supervisor Clark to sign the Intermunicipal Agreement Cares Act Local Government Distribution due to the COVID-19.  
Ayes-5. Noes-0. Carried.

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Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve Supervisor Clark to sign the Host Community Benefit Agreement by and between NextEra Energy Transmission New York Inc and the Town of Elma. Ayes-5. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Malczewski seconded the motion to approve Supervisor Clark to sign the easement agreement with Brian and Evan Caughel at 1750 Woodard Road. Ayes-5. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Nolan seconded the motion to add an item to the agenda. Ayes-5. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Nolan seconded the motion to approve Town Engineer James Wyzkiewicz to hire off the Erie County bid list for the drainage work to be done on Oaknoll and Woodard Roads not to exceed \$10,000. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to add an item to the agenda. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve Plant Manager Brian Fiden to order a new pump at the Water Department not to exceed \$85,000. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve Vouchers/Warrant #10 claim #786 thru #919 as follows: General Fund \$46,908.51; Highway Fund \$11,301.74; Water District \$56,532.94; Special District \$11,380.15; Capital Improvements \$7233.65. Ayes-5. Noes-0. Carried.

The next Work Session meeting will be November 4th, 2020 at 6:00pm and the Town Board meeting will be November November 18<sup>th</sup>, 2020 at 7:00PM.

Meeting adjourned at 7:59PM. All in favor.

Respectfully submitted,

Patricia King,  
Town Clerk

**NOTICE OF PUBLIC HEARING**  
**Notice to the Citizens of the**  
**Town of Elma**

A Public Hearing will be held on Wednesday, October 21st, 2020, at 7:00PM at the Elma Town Hall, 1600 Bowen Road, Elma, New York regarding the use of Federal Community Development Block funds in the Town of Elma. The Town of Elma is eligible for a Federal Community Development Grant under Title I of the Housing and Community Development Act of 1974, as amended. The purpose of the Hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low- and moderate-income persons, seniors and handicapped persons in the Town of Elma. Citizens are urged to attend this meeting to make known their views and/or written proposals on the Town of Elma's selection of potential projects to be submitted for possible funding by the Federal Community Development Grant Program. The Hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible.

**LEGAL NOTICE**

WHEREAS, a petition dated September 16th, 2020 has been duly presented to the Town Board of the Town of Elma according to the law, requesting that a drainage district #206, as hereinafter described, be established in the Town of Elma, and WHEREAS, the boundaries of the proposed drainage district #206 are as follows: ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Elma, County of Erie and State of New York, being part of Lot No. 28, Township 10, Range 6 of the Buffalo Creek Reservation, bounded and described as follows: BEGINNING at the southeast corner of Lot 28, also being the intersection of the center line of Rice Road and the center line of Girdle Road; thence westerly along the south line of Lot 28 a distance of 1669.64 feet to the southwest corner of Lot 28; thence northerly at an interior angle of 90° 10' 57" along the west line of Lot 28 a distance of 1937.68 feet; thence easterly at an interior angle of 90° 16' 55" a distance of 1663.61 feet to the east line of Lot No. 28; thence southerly at an interior angle of 89° 58' 27" along the east line of Lot No. 28 a distance of 1351.20 feet to the point of beginning, containing 51.44 acres of land more or less. SUBJECT to the rights of the public and others in and to that portion of the above described premises lying with the bounds of the public highway as Rice Road and Girdle Road; WHEREAS, the improvements proposed in said district consist of none. ORDERED, that the Town Board of the Town of Elma, shall meet at the Town Hall, 1600 Bowen Road, Elma, New York on the 21st day of October, 2019 at 7:00 o'clock to consider such petition and hear all person interested in the subject thereof and it is further ORDERED, that the Town Clerk of the Town of Elma, hereby authorized and directed to publish a certified copy of this order in the Elma Review and to post a copy of the same on the signboard of the Town of Elma in the time and manner required by law.