

A regular meeting of the Elma Town Board was held on Wednesday, October 3rd, 2018 at 7:00PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor	Dennis Powers
Councilman	Thomas Fallon
Councilman	James Malczewski
Councilman	Michael Nolan
Councilman	Tracy Petrocy

Also: Building Inspector	Joseph Colern
Highway Superintendent	Wayne Clark
Water Superintendent	Eugene Stevenson
Town Attorney	Phyllis Todoro
Deputy Town Attorney	Dean Puleo
Town Engineer	James Wyzkiewicz

Approximately 26 people attended the meeting.

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

Making the legal notice for the Public Hearing on the Community Development Block Grant (CDBG) part of the minutes Supervisor Powers opened the public hearing at 7:00pm. No one spoke for or against, with no ideas presented by the public for this grant. Supervisor Powers closed the public hearing at 7:01pm.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve the minutes from the September 19th, 2018 meeting. Ayes-5. Noes-0. Carried.

Building Inspector Joseph Colern presented the monthly report for September with 30 permits issued, fees collected of \$8625.24 with an estimated value of construction of \$1,574,908.94. Water Superintendent Eugene Stevenson noted the roof was replaced at the Billington Road pump house. The fountain at the Elma Village Green is completed and waiting to be dedicated. They are working on the water lines and septic tank for the new Highway Garage. Highway Superintendent Wayne Clark noted that Northrup Road has been milled and paved, striping to follow. Also received a quote for the new dump truck from Fleet Maintenance Inc.

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 the purchase from Fleet Maintenance, Inc at the cost of \$118,726.56 for the new highway truck. Ayes-5. Noes-0. Carried.

Town Attorney Phyllis Todoro noted the Solar Farm legislation is in its final draft.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to approve a Preliminary Use Permit for A & M Automotive at 1131 Bullis Rd. Restriction on this "Use" no junk autos, parts or trailers to be stored or left on site. Building Inspector notes all current property code violations must be corrected prior to December 31st, 2018 per current owner's letter. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve the following resolution for Senior/Veterans Exemptions: WHEREAS, New York State Real Property Tax Law (RPTL) Section 467 allows local municipalities to offer a senior property tax exemption based on income; and WHEREAS, state law was amended in 1997 to allow municipalities to "opt out" of including certain income when calculating and providing for said property tax exemptions on seniors; and WHEREAS, this resolution is intended to address that issue and to allow for veterans who receive veteran disability compensation to not have that income included in the calculation for an Erie County senior citizen property tax exemption; and WHEREAS, periodically since July 1970, the maximum income level exemption has been reviewed and updated by the Erie County Legislature; and WHEREAS, because the Senior Citizen Real Property Tax Exemption has not been reviewed or revised since 2004, it is necessary to also review and revise the County's exemption threshold based on maximum income eligibility for senior citizens.

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NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Elma, pursuant to Section 467 of the Real Property Tax Law, as amended, does hereby declare and find that for the purposes of such senior citizen property tax exemption, any such senior citizen who is a service-connected disabled veteran and receives disability compensation from the US Department of Veterans Affairs as defined in Title 38 of the United States Code, shall not have said payments/compensation included in the calculation by any assessor for the purposes of the exemption from the County of Erie real property taxes as initiated and approved by the Erie County Legislature's Honorable Body on July 7, 1970; and be it further RESOLVED, that the Town Board of the Town of Elma, pursuant to Section 467 of the Real Property Tax Law, as amended, is interested in participating in the local option to increase the maximum income eligibility for senior citizens to receive a real property tax exemption; and be it further RESOLVED, that the maximum allowable income levels for the Senior Citizen Real Property Tax Exemption for the County property tax purposes are hereby revised to the following levels:

Percentage of Exemption	Minimum Income	Maximum Income
50	\$0.00	\$27,000.00
45	\$27,000.01	\$27,999.99
40	\$28,000.00	\$28,999.99
35	\$29,000.00	\$29,999.99
30	\$30,000.00	\$30,899.99
25	\$30,900.00	\$31,799.99
20	\$31,800.00	\$32,699.99
15	\$32,700.00	\$33,599.99
10	\$33,600.00	\$34,499.99
5	\$34,500.00	\$35,399.99

and be it further RESOLVED, that the Town Board of the Town of Elma hereby applies aforesaid exemption schedule to all taxable status dates for the 2019 assessment rolls in Elma, applying to such tentative assessment rolls prepared on taxable status dates occurring on or after December 1, 2018. Fiscal Impact: To be determined.
Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the resolution for the JCAP Grant for the Elma Town Courts as follows: WHEREAS: The Justice Court Assistance Program (JCAP) was established by the New York State Legislator as an ongoing vehicle by which the State can assist Towns and Villages in the automation and operation of their Justice Courts; WHEREAS: The maximum JCAP grant is \$30,000 and there are no matching funds required by this application; WHEREAS: The grant may be used for a variety of purposes, including but not limited to the acquisition of audio and computer equipment, office equipment, furniture and security measures for the Justice Court and Court office; WHEREAS: The State of New York Unified Court System is entertaining applications for the Justice Court Assistance Program with an October 11, 2018 deadline; WHEREAS: The Elma Justice Court is in need of the following items, listed in order of priority: Replacement carpeting in the Court Office and in the Court Room; Installation of window film in the Court Room; An office cart for use by the Court Office; and, Two label makers for use by the Court Office. NOW BE IT RESOLVED that the Town of Elma Town Board does hereby authorize Supervisor Dennis Powers to sign and if funded, execute a grant application entitled: NYS UNIFIED COURT SYSTEM JUSTICE COURT ASSISTANCE PROGRAM and if awarded, to be the official representative in connection with the application, providing any additional information, if required, and to fully comply with the execution of the contract.
Ayes-5. Noes-0. Carried

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Councilman Nolan made the motion and Councilman Fallon seconded the motion to deny the one lot subdivision at Hickory Hill corner of Jamison Road for Mr. Campbell. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the budget transfers for milling and paving for Northrup Road as follows: WHEREAS, the Town wishes to provide for funding for the milling and paving repairs Northrup Road, and WHEREAS, the Town Board wishes to provide funding for such expenses, and WHEREAS, the Town's 2018 adopted budget does not currently include such funding NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the amendment of budgetary appropriations in the Town's 2018 adopted budget as follows: Increase Appropriations: DA 5110.400 Materials & Supplies \$200,000.00 A 9950.900 Transfer Out-Capital Project \$200,000.00. Decrease Appropriations: DA 599 Appropriated Fund Balance \$200,000.00 A 599 Appropriated Fund Balance \$200,000.00. Ayes-5. Noes-0. Carried.

Supervisor Powers has presented the 2019 Tentative Budget to the Town Clerk on September 28, 2018 making it the 2019 Preliminary Budget, this will be on the next Work Session Agenda.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to table the Grant Consultant Contract and obtain three quotes for this service, RFP's will be made available. Ayes-5. Noes-0. Carried.

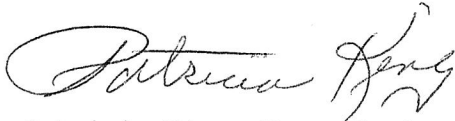
Supervisor Powers set a Public Hearing date of October 24th, 2018 at 7:00PM for the extension of the Solar Farm Moratorium and November 7th, 2018 at 7:00PM for the 2019 Preliminary Budget

All have received the Planning, Zoning, Conservation Boards and Subdivision Code Review Committee agenda and minutes that apply.

The next Work Session will be October 10th, 2018 at 6:00pm and the Town Board meeting will be October 24th, 2018 at 7:00pm.

Meeting adjourned at 7:58PM. All in favor.

Respectfully submitted,



Patricia King, Town Clerk