

A regular meeting of the Elma Town Board was held on Wednesday, December 18th, 2019 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
	Plant Manager	Brian Fiden
	Town Attorney	Phyllis Todoro-Absent
	Deputy Town Attorney	Dean Puleo
	Town Engineer	James Wyzykiewicz

Approximately 10 people attended the meeting.

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

Supervisor Earl Gingerich and Councilman Brian Nolan from the Town of Marilla presented Supervisor Powers with a proclamation for his years of service and retirement.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the minutes from the December 4th, 2019 meeting. Ayes-5. Noes-0. Carried.

Town Engineer James Wyzykiewicz would like the Sigman & Highland drainage project on the next Work Session for more discussion. Building Inspector Joseph Colern noted that the gas line and electric conduit has been installed for the generator which will be completed next month at the Town Hall. Mr. Colern is working on three zombie homes in Town to get them repaired and maintained by the banks. Plant Manager Brian Fiden noted that NYS will be working on the water main project at Clinton and Transit and is requesting the Town's funds for this project. Also, Doreen Fleming will be retiring in January. Highway Superintendent Wayne Clark noted that the new plow truck is in service and there are still issues with the new Highway garage. Deputy Town Attorney Dean Puleo had nothing to report, this will be his last Town Board meeting after 16 years. He will be the new Town Judge.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to issue a negative declaration on a short form SEQR for Triple Nickel Industrial Park at 555 Pound Rd. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve a Business Use Permit to Triple Nickel Industrial Park at 555 Pound Rd for parking of cars, tractor trailers, RV's, boat and no junk cars. Restrictions on this "Use" Preliminary "use permit" granted by Town Board 9/18/2019, Planning Board approved site plan 11/19/2019. Building Inspector notes building permit required for interior renovations/alterations and sign permit required. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to issue a negative declaration on a short form SEQR for SSBC-USA at 555 Pound Rd. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to approve a Business Use Permit to SSBC-USA at 555 Pound Rd for manufacture of custom automotive and truck brake systems. Building Inspector notes permit required for advertising signs and fire inspection required within 30 days of occupancy. Ayes-5. Noes-0. Carried.

Wednesday, December 18, 2019

Councilman Malczewski made the motion and Councilman Perocy seconded the motion to issue a negative declaration on a short form SEQOR for Straight Line General Contractors Inc at 6771 Seneca St. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Nolan seconded the motion to approve a Business Use Permit to Straight Line General Contractors Inc at 6771 Seneca St for general contractor's office of operation office location-minimal client visitation. Restrictions on this "Use" no outside storage of construction vehicles, building equipment or contractor supplies per 144-86.1 of the Town codes Building Inspector notes permit required for advertising signs. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the following Criminal Justice Reform Bail resolution: WHEREAS, protecting the people from harm by enforcing the rule of law is the foundational role of government. County governments are vested by the State of New York with the responsibility to protect the most vulnerable among us, including the socioeconomically disadvantaged, the disabled, the elderly and children. No group is more vulnerable than the victims of crime, and a just society demands that crime victims should be recognized as key participants within the criminal justice system and be treated with dignity, fairness, and respect; WHEREAS, for the past twenty-five years the State of New York has committed itself to reducing crime, and has succeeded as evidenced by official U.S. Department of Justice Uniform Crime Reporting Statistics showing that New York transformed from the second most dangerous state in America in the early 1990s to the safest large state in America by the early 2000s; and WHEREAS, in the final stages of adopting its FY 2020 budget, the State of New York enacted sweeping criminal justice reforms including the elimination of cash bail for many specific enumerated crimes and the imposition of stringent discovery mandates on police and prosecutors; and under bail reform, beginning January 1, 2020, judges will be stripped of their discretion to set bail for many specific enumerated crimes, which means those suspected of committing these crimes can no longer be held in jail after their arrest, regardless of the strength of the case against these defendants, or the length of the potential sentence faced by these defendants, or the extent of the harm allegedly caused by these defendants, and instead these defendants will be released back into the general public; and WHEREAS, these crimes include those that result in the deaths of innocent people, including several subcategories of homicide and manslaughter, resulting in those responsible for these deaths being released back into the community of grieving families. These crimes include Making a Terroristic Threat and Money Laundering in Support of Terrorism in the Third and Fourth degree, resulting in those alleged to have supported terrorism in this manner, or who have threatened to commit acts of terrorism, being released immediately from police custody; and WHEREAS, these crimes include Promoting an Obscene Sexual Performance by a Child; Possessing an Obscene Sexual Performance by a Child; Failure to Register as a Sex Offender; and Patronizing a Person for Prostitution in a School Zone, resulting in suspected child predators being released and returning into our community. They also include Aggravated Assault Upon a Person Less than Eleven Years Old; Reckless Assault of a Child by a Daycare Provider; Criminal Sale of a Controlled Substance to a Child; Abandonment of a Child; and Criminal Possession of a Weapon on School Grounds, resulting in those suspected to have physically harmed or endangered children in this manner being free from custody; and WHEREAS, these crimes include Endangering the Welfare of a Vulnerable Elderly Person or an Incompetent or Physically Disabled Person, resulting in the potential for further endangerment of seniors and these defenseless individuals and Aggravated Cruelty to Animals, Torturing Animals and Injuring Animals, resulting in the immediate release of those suspected of deliberately injuring, torturing and killing animals; and WHEREAS, these crimes include Assault in the Third Degree, Aggravated Vehicular Assault, and other crimes of physical violence against people; and also include Burglary of a Residence, resulting in the immediate release of these individuals back into the neighborhoods they are suspected of targeting. Bail Jumping and Unlawfully Fleeing a Police Officer in a Motor Vehicle,

Wednesday, December 18, 2019

resulting in release on recognizance of the very individuals who have demonstrated a propensity to evade the law; and WHEREAS, all of the offenders mentioned heretofore are at risk of not showing up for court, thereby placing a burden on public employees who, under this law, are required to send multiple court appearance reminders to these offenders, as well as police officers and District Attorneys who must commit resources to tracking and pursuing those who evade prosecution; and WHEREAS, all offenders who are currently being held in custody for non-qualifying crimes including those mentioned heretofore will be eligible for release from custody on January 1, 2020; and the discovery mandates imposed by the State of New York will require police and District Attorneys, beginning January 1, 2020, to turn over voluminous trial-related materials to defense attorneys within 15 days, creating a mandate that will inevitably not be achieved in some cases and may result in the inability of the People to properly prosecute cases against criminal defendants; and WHEREAS, discovery reform will also result in an opportunity for defendants to gain access to crime scenes that may include a victim's residence, thereby giving defendants accused of burglaries, assaults, rapes and other crimes committed in victims' homes the right to return to those same homes; and the issues mentioned heretofore will undeniably impact past, present and future victims of crime in a negative manner, and in so doing, the bail and discovery reforms adopted by the State of New York will themselves further victimize these innocent individuals; and WHEREAS, these bail and discovery laws, in their current form, represent a clear and present danger to society, will tilt the scales of justice in favor of suspected criminals and away from innocent crime victims, and risk reversing decades of bipartisan progress made by the State of New York in reducing crime; and the fundamental responsibility of governments to protect the vulnerable in society demands that the shortcomings of these laws be remedied prior to their effective date of January 1, 2020, BE IT RESOLVED, that the Town of Elma hereby supports legislation (S.6853) introduced by Senator Chris Jacobs and implores the State of New York to immediately amend or otherwise delay implementation of these laws by convening an emergency session of the State Legislature, or by emergency executive authority, or by any other means deemed possible by the State, and to do so before December 31, 2019; and BE IT FURTHER RESOLVED, that the Town of Elma asks all counties in New York State to urge their state representatives to take immediate action on the foregoing issues, and BE IT FURTHER RESOLVED, that copies of this resolution be provided to Attorney General Letitia James, Governor Andrew Cuomo, Lieutenant Governor Kathy Hochul, Senator Charles Schumer, Senator Kirsten Gillibrand, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Senate Majority Leader Andrea Stewart-Cousins, Honorable Republican Minority Leader John Flanagan, Honorable Majority Leader of the Assembly Crystal People-Stokes, Honorable Minority Leader of the Assembly Brian Kolb, the Western New York Delegation and Erie County Executive Mark Poloncarz and the Erie County Legislature. The New York State Association of Counties, the New York State Sheriffs' Association, the New York State Association of Chiefs of Police, the District Attorneys Association of New York, the New York State Defenders Association, the New York State Probation Officers Association, the New York Council of Probation Administrators, the Association of Justices of the Supreme Court of the State of New York, the New York State Association of City Court Judges, the County Judges Association of the State of New York, and the County Attorneys' Association of the State of New York, The Association of Towns and NYCOM. Ayes-5. Noes-0. Carried.

Supervisor Powers noted that all pay rates have been filed in the Town Clerk's Office.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to add and item to the Agenda. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve raising the water rates by \$.10per one thousand gallons effective January 1, 2020 due to the Erie County water rate increase. Ayes-5. Noes-0. Carried.

Wednesday, December 18, 2019

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve Vouchers/Warrant #12 claim #1415 thru #1529 as follows: General Fund \$49,243.23; Highway Fund \$46,550.94; Water District \$4,118.69; Special District \$2,759.68 and Capital Improvements \$5,157.78. Ayes-5. Noes-0. Carried.

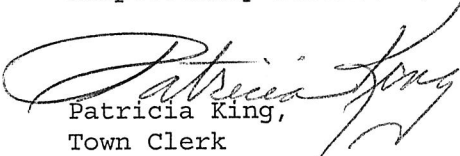
All have received the Planning, Zoning and Conservation Board agenda and minutes that apply.

The next Town Board meeting will be January 8th, 2020 at 7:00pm and the next Work Session meeting will be January 15th, 2020 at 6:00PM.

Being the last Town Board meeting for Councilman/Supervisor I am leaving a blank page in the minute book in Honor of Supervisor Powers 20 years of dedicated service to the Town of Elma and wishing you the best in your new endeavor.

Meeting adjourned at 7:40PM. All in favor.

Respectfully submitted,


Patricia King,
Town Clerk