

A regular meeting of the Elma Town Board was held on Wednesday, May 20, 2020 at 7:00PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor	Wayne Clarks
Councilman	Thomas Fallon-Absent
Councilman	James Malczewski
Councilman	Michael Nolan
Councilman	Tracy Petrocy

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

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the minutes from the February 26th, 2020 meeting. Ayes-4. 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 Deluxe Laserworks Inc at 6515 Seneca St. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve a Business Use Permit to Deluxe Laserworks Inc at 6515 Seneca St for laser engraving and packing/assembly of orders, Building Inspector notes sign permit required for advertising sign and fire inspection required within 30 days of occupancy. Ayes-4. 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 Crossbar Athletics at 2353 Bowen Rd. Ayes-4. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Malczewski seconded the motion to approve a Business Use Permit to Crossbar Athletics at 2353 Bowen Rd for screen printing and embroidery. Building Inspector notes sign permit required for advertising sign and fire inspection within 30 days. Ayes-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Nolan seconded the motion to issue a negative declaration on a short form SEQR for Pete's Moving LLC at 7397 Seneca St. Ayes-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to approve a Business Use Permit to Pete's Moving LLC at 7397 Seneca St for office and storage use. Building Inspector notes sign permit required for advertising sign and fire inspection within 30 days of occupancy. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to issue a preliminary Use permit to A Finer Finish of WNY at 5880 Seneca St. Restrictions on this "Use" no painting on site (unless in an approved ventilation/spray booth. Building Inspector notes exterior drainage work, trees and landscaping to be completed by June 1st, 2020 per letter. Dumpster must be enclosed per Planning Board. Ayes-3. Noes-1. (Councilman Malczewski voted no). Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the following resolution Opposing Gov. Cuomo Budget Amendment as follows: Whereas: On February 21, 2020, Governor Cuomo submitted a 30-day budget amendment entitled "Accelerated renewable energy growth and community benefit act" for the purposes of meeting the Governor's goals for renewable energy, and Whereas: This amendment would establish a new system for permitting and siting renewable projects, setting aside the current "Article 10 Siting Board" process, and Whereas: Permitting will now be under the jurisdiction of a new entity - Office of Renewable Energy Siting (ORES), and Whereas: the powers assigned to ORES will totally usurp and diminish local home rule, local zoning codes, local planning and Local Waterfront Revitalization Plans when permitting and siting renewable energy projects, and Whereas: ORES will now have the power to; Make available to developers "build - ready" sites; Develop "uniform permitting standards"; "coordinate, approve, evaluate, issue, amend, transfer and enforce siting permits"; Limit the ability of local governments to raise objections to proposed projects; Direct local appeals to ORES decisions to litigation through the Article 78 process; Prohibit local governments from requiring any additional approvals or permits; Whereas: By filling this action as a 30 day budget amendment, is ignoring and bypassing the legislative process of formulating policy through public input, public hearings and public debate in favor of a rushed and secretive process, and Whereas: This amendment represents a blatant attempt to usurp local government's historical and constitutionally power of home rule in the areas of planning, zoning and land use, Now therefore be it resolved that the Town of Elma does hereby go on record strongly opposing this Governor's attempt to dilute and usurp the roles and powers of local governments in New York State,

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and Further be it resolved that The Town of Elma Urges State Legislators to oppose this amendment and have it removed from the final budget document and, Further be it resolved that a copy of this resolution be transmitted to the Governor, Lieutenant Governor, Speaker of the Assembly and Majority Leader of the Senate. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve Greenman-Pedersen, Inc proposal for the Town of Elma Transit Rd internal tank inspection at 5730 Seneca St at the cost of \$29,950, Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the budget amendments to increase appropriations and revenue for the sale of various water equipment as follows: WHEREAS, the Town wishes to provide for funding for the sale of various water equipment in 2019 and the purchase of a vehicle, and WHEREAS, the Town Board wishes to provide funding for such revenues and expenses, and WHEREAS, the Town's 2019 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 2019 adopted budget as follows: Increase Appropriations: SW8310.200-Road Equipment-\$ 26,669.79; Increase Revenues: SW2665-Sale of Equipment-\$ 26,669.79. Ayes-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to authorize Supervisor Clark to sign the final 2019 Service Award points for Blossom, Elma and Jamison Road Volunteer Fire Companies after the 30-day review. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve the agreement between the Town of Elma and Edward Hulme Inc for the drainage project at Highland Dr and Sigman Ln at the cost of \$32,045. The cost to be paid for by the residents in the drainage district project. Ayes-4. Noes-0. Carried

Councilman Malczewski made the motion and Councilman Nolan seconded the motion to approve the NYClass Municipal Cooperation resolution as follows: WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o ("Section 119-o") empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, town and villages, and districts] to enter into, amend, cancel and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers and duties on a cooperative or contract basis; WHEREAS, the Town of Elma wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019; WHEREAS, the Town of Elma wishes to assure the safety and liquidity needs of their funds; Now, therefore, it is hereby resolved as follows: That Wayne A. Clark, Supervisor of the Town of Elma is hereby authorized to participate in the NYCLASS program under the terms of the NYCLASS Municipal Agreement, amended and restated as of March 28, 2019. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve Charles Greico Attorney for the Water Department issues effective June 28, 2019. Aye-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Nolan seconded the motion to approve the Fill permit for Todd Huber at 6170 Seneca St. Ayes-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to approve the AT&T equipment upgrade contract at 67 Jamison Rd with the recommendations from the Town Attorney. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve the brush grinding at the Transfer Station at the cost of \$21,650 from Zoladz Construction. A quote from Lardon Construction for \$26,580 was also received. Ayes-3. Noes-1. (Councilman Malczewski voted no) Carried.

Councilman Malczewski made the motion and Councilman Nolan seconded the motion to approve Vouchers/Warrant #3 claim #182 thru #253 as follows: General Fund \$43,567.43; Highway Fund \$26,696.48; Water District \$9,623.93; Special District \$3,343.12. Warrant #4 claim #254 thru #321 General Fund \$27,431.46; Highway Fund \$11,407.89; Water District \$146,934.05; Special District \$3,580.03 and Capital Improvements \$68.00. Warrant #5 claim #322 thru #394 General Fund \$13,050.52; Highway Fund \$911.16; Water District \$6,566.57; Special District \$6,278.88. Ayes-4. Noes-0. Carried.

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Supervisor Clark read a Proclamation in recognition First Lieutenant Herman C. Pawlicki as the oldest Veteran in the Town of Elma.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to extend the expiration date of building permits for 120 days due to the Covid19 Pandemic. Ayes-4. Noes-0. Carried.

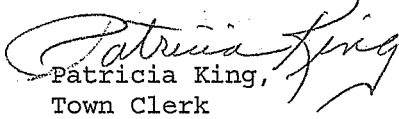
Councilman Nolan made the motion and Councilman Malczewski seconded the motion to have a Fireworks display over Labor Day weekend. Ayes-4. Noes-0. Carried.

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

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to leave a page blank in the minute book as the meeting was adjourned in memory of Kandace Wittmeyer Town Assessor from 1999 until January of 2020 and Dennis Siebert former Water Superintendent from 1984 until retirement in 1999, Dennis started with the Water Department in 1965. We also lost Diane Rohl former secretary to the Planning Board and Conservation Board and Jeremy Stone an Elma Fireman. Ayes-4. Noes-0. Carried.

Meeting adjourned at 7:50PM. All in favor.

Respectfully submitted;


Patricia King,
Town Clerk