

A regular meeting of the Elma Town Board was held on Wednesday, October 20, 2021, 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	Vacant
Councilman	Tracy Petrocy

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

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

Approximately 5 people attended the meeting.

Making the legal notice for the Public Hearing for Drainage District #209 6250 Seneca St part of the minutes Supervisor Clark opened the public hearing at 7:01pm. No one spoke for or against. Supervisor Clark closed the public hearing at 7:02 pm.

Councilman Fallon made the motion and Councilman Petrocy seconded the motion to approve Drainage District #209 6250 Seneca St for Todd Huber. Ayes-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve the minutes from the September 15th, 2021, meeting. Ayes-4. Noes-0. Carried.

Department Reports:

Building Inspector Joseph Colern presented the September building report with 30 permits issued, fees collected of \$12,94.55 with an estimated value of construction of \$2,039,270.

Highway Superintendent Howard Diehl noted the new plow truck has been delivered.

Councilman Petrocy made the motion and Councilman Fallon seconded the motion to add and item to the Agenda. Ayes-4. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Fallon seconded the motion to surplus two pick-up trucks and a plow truck. Ayes-4. Noes-0. Carried.

Plant Manager Brian Fiden informed the Board that the 2008 Pick-up was scrapped for \$1650.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to issue a negative declaration on a short form SEQR for Murphy's Barbershop at 430 Main St. Ayes-4. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to approve a Business Use Permit for Murphy's Barbershop at 430 Main St for barber shop. Building Inspector notes permit required for Advertising sign and inspection required prior to opening. Ayes-4. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Petrocy seconded the motion to approve the following Erie County Community Development Block Grant request: WHEREAS, following the Public Hearing of October 13th, 2021 which was held at the Elma Town Hall for suggestions by the public for projects to be submitted for funding, and in consideration thereof, NOW, THEREFORE BE IT RESOLVED, that the Elma Town Board submits the following projects to be considered for funding by the Erie County Community Development Block Grant Program during the 2022-2023 grant cycle:

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1st Priority - Senior Center Chairs and Lighting; 2nd Priority - Rural Transit Service. NOW THEREFORE BE IT RESOLVED that the Elma Town Board authorizes Wayne Clark, Town Supervisor, to sign, submit and if funded, execute a contract with Erie County Community Development Block Grant (ECCDBG) Program for the cited projects upon approval of the ECCDBG. NOW THEREFORE BE IT FURTHER RESOLVED that the Elma Town Boards 1st Priority is Senior Center chairs and lighting; 2nd Priority is Rural Transit Service. Ayes-4. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to approve Local Law #1-2021 opting out of Cannabis retail dispensaries and on-site consumption sites of Cannabis as follows: A local law to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under Cannabis Law Article 4. BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ELMA AS FOLLOWS: SECTION 1. Legislative Intent It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Elma that would otherwise be allowed under Cannabis Law Article SECTION 2. Authority This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes the town board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24. SECTION 3. Local Opt-Out The Town Board of the Town of Elma hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the town's jurisdiction. SECTION 4. Severability. If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered. SECTION 5. Permissive Referendum/Referendum on Petition This local law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24. SECTION 6. Effective date. This local law shall take effect immediately upon filing with the Secretary of State. Ayes-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve the agreement with On-Site Employee Testing with no increase in price. Ayes-4. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Petrocy seconded the motion to approve the following resolution authorizing a loan from the General Fund to Drainage District #115 (Caroline Ln) for final grade work. WHEREAS, the Town wishes to proceed with the final improvements within Drainage District No. 115, and WHEREAS, the Town has estimated the total cost of these improvement to be \$380, 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 2021 adopted budget for Drainage District No. 115 to authorize appropriations of \$380 for the final grading of the lawn. BE IT FURTHER RESOLVED that the Town Board authorizes a loan from the General Fund to Drainage District No. 115 in the amount of \$380, with the loan to be repaid over a one-year period. Loan repayment \$380.00 40 units at the cost per unit \$9.50. Ayes-4. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Malczewski seconded the motion to approve the maintenance contract with MJ Mechanical Services Inc for the HVAC Equipment. Ayes-4. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Fallon seconded the motion to approve the building quote from Arc-Tek at the cost of \$7100 for sewer district #4 Briggswood and a quote from Hard-Knot Construction Inc for \$7500 was also reviewed. Ayes-4. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to approve Paul Schwiegerling to the Library Board until 2022. Ayes-4. Noes-0. Carried.

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Councilman Fallon made the motion and Councilman Petrocy seconded the motion to accept the Red Ribbon Week Proclamation 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 participation 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-4. Noes-0. Carried.

Supervisor Clark set a public hearing date of November 3rd, 2021, at 7:00pm for Mr. Buyers at 2601 West Blood Rd, Drainage District #208 Annunciation Church and Dish Wireless Co Locate at 6629 Clinton St.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve Vouchers/Warrant #10 claim #758 thru #884 General Fund \$41,562.34; Highway Fund \$36,678.19; Water District \$32,733.70; Special District \$37,896.13 and Capital Projects \$7,588.00. Ayes-4. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Malczewski seconded the motion to add an item to the Agenda. Ayes-4. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Fallon seconded the motion to surplus the Sewer Plant pickup truck. Ayes-3. Noes-1. (Councilman Malczewski voted no). Carried.

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

The next Town Board meeting will be November 3rd, 2021, at 7:00pm, Work Session will be November 10th, 2021, at 6:00pm and the Town Board meeting November 17th, 2021, at 7:00pm.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to enter Executive Session with no motions taken and to adjourn immediately following the session. All in favor.

Meeting adjourned at 7:24PM. All in favor.

Respectfully submitted,

Patricia A King,
Town Clerk