

A regular meeting of the Elma Town Board was held on Wednesday, June 15, 2022, at 7:00PM at Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor	Wayne Clark
Councilman	Leroy Kupczyk
Councilman	Joseph Macaluso
Councilman	James Malczewski
Councilman	Tracy Petrocy

Also:

Building Inspector	Joseph Colern
Highway Superintendent	Howard Diehl
Plant Manager	Brian Fiden
Town Attorney	Phyllis Todoro
Sewer Plants	Timothy Walczyk
Town Engineer	James Wyzykiewicz

Approximately 10 people attended the meeting.

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

Making the legal notice for the Public Hearing for Verizon Wireless Co-Locate at 145 Stolle Rd on the NYSEG tower part of the minutes Supervisor Clark opened the public hearing at 7:00pm. No one spoke for or against except one resident at 151 Stolle Rd questioned as to where the tower is located and if it is the one currently erected. Only adding to current tower. Supervisor Clark closed the public hearing at 7:02pm.

Councilman Malczewski made the motion and Councilman Kupczyk seconded the motion to approve a negative declaration on a short form SEQR for Verizon Wireless co-locating on the NYSEG tower at 145 Stolle Rd, Elma, New York. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Kupczyk seconded the motion to approve Verizon Wireless co-locating on the NYSEG tower at 145 Stolle Rd, Elma, New York. Ayes-5. Noes-0. Carried.

Making the legal notice for the Public Hearing for the amendment to the Sign Code part of the minutes Supervisor Clark opened the public hearing at 7:05pm. No one spoke for or against, only Mr. Ternullo questioned the brightness of the signs. It is in the code regulating the lumens Supervisor Clark closed the public hearing at 7:06pm.

Councilman Malczewski made the motion and Councilman Macaluso seconded the motion to approve the Sign Code amendment to be inserted into the present Town of Elma Sign Code. Ayes-5. Noes-0. Carried.

The Proclamation was presented to Marlene Baumgartner at the 6:00PM Work Session.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to approve the minutes from the May 18, 2022, meeting except to include the fire companies receiving \$50,000; the first \$25,000 immediately and the second \$25,000 30 days after the Town of Elma receives the balance of the funds. No vote was taken.

Councilman Kupczyk made the motion and Councilman Macaluso seconded the motion to table the vote on the minutes from May 18, 2022 until the tape recording can be reviewed regarding Mr. Malczewski motion. Ayes-3. Noes-2. (Councilman Malczewski and Councilman Petrocy voted no). Carried.

Department Reports:

Building Inspector Joseph Colern presented the monthly report for May with 47 permits issued, \$5,113.18 fees collected and the estimated value of construction \$877,634.77.

Plant Manager Brian Fiden asked to be on the next work session to discuss the Transit Road water line repairs.

Highway Superintendent Howard Diehl would like to award the bid for the transfer station recycling boxes to the agenda and noted the Bullis Road Bridge will be closed for repairs from June 27, 2022, until September 14, 2022.

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Councilman Macaluso made the motion and Councilman Kupczyk seconded the motion to add and item to the agenda. Ayes-5. Noes-0. Carried.

Councilman Macaluso made the motion and Councilman Kupczyk seconded the motion to approve the purchase of the Transfer Station recycling boxes from Buck's Fabricating at the cost of \$25,020. A quote from Rudco Products was received at the cost of \$23,396. Ayes-4. Noes-1. (Councilman Malczewski voted no) Carried.

Town Attorney Phyllis Todoro noted she is working on the Fire Company agreements for the American Rescue Plan Act (ARPA) monies.

Councilman Malczewski made the motion and Councilman Kupczyk seconded the motion to issue a negative declaration on a short form SEQR for Witmer Public Safety Group Inc at 101 Jamison Rd, Bldg. C Suite 1, Elma, New York. Ayes-4. Noes-0. Abstain-1. (Councilman Macaluso abstained) Carried.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to approve a Business Use Permit for Witmer Public Safety Group Inc at 101 Jamison Rd, Bldg. C Suite 1, Elma, New York for office and warehouse, eventually retail. Building Inspector notes sign permit required, permit required for interior build-out. Ayes -4. Noes -0. Abstain-1. (Councilman Macaluso abstained). Carried.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to issue a negative declaration on a short form SEQR for Tranquil Waters Counseling PLLC at 2711 Transit Rd Suite 124, Elma, New York. Ayes -5. Noes -0. Carried.

Councilman Malczewski made the motion and Councilman Kupczyk seconded the motion to approve a Business Use Permit for Tranquil Waters Counseling PLLC at 2711 Transit Rd Suite 124, Elma, New York. for counseling, and general office. Building Inspector notes permit required for interior build out. Ayes-5. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Kupczyk seconded the motion to approve the Water Department fee increases as follows: Inspection Fees:

Building distance 200' or less - ¾" tap - \$100.00 -- 1" tap -\$100.00 -- Over 1" -\$100.00

Building distance 201' or greater - ¾" tap - \$200.00 1" tap -\$200.00 -- Over 1" -\$200.00

Tapping fees: Approved by Elma Town Board- 3/22/17

¾" tap - \$1,150.00 -- 1" tap -\$1,400.00 -- Over 1" subject to cost

Meter deposit: ¾" tap - \$300.00 -- 1" tap -\$480.00 -- Over 1" subject to cost

Service for duplex buildings: (see section 140-19.1) T line - \$150.00

Water on business hours: \$100.00 (see section 140.34-1)

Water on after hours: \$180.00 (see section 140.34-1)

Water department employee meter read for 3RD and 4TH estimates \$40.00 each

Shut off for 4TH estimate readings: \$100.00 (see section 140.29.1)

Water on 4TH estimates readings: Business hours: \$100.00 (see section 140.34-1)

Water on 4TH estimate readings: after hours: \$180.00 (see section 140.34-1)

Temporary shut off and turn on: \$40.00 (see section 140.32)

Meter damage and cost of repairs: (see section 140-27)

Fire service connections, lawn sprinkler connections, and ready-to-serve: (see section 140-40)

Fire hydrant inspection fee: \$90.00 each time the line needs to be inspected

Fireline inspection fee: \$50.00 per hour. Returned checks service charge \$25.00.

Ayes -5. Noes -0. Carried.

Councilman Malczewski made the motion and Councilman Macaluso seconded the motion to approve the resolution for amending the 2022 adopted budget transfers for budget transfers for the Water department as follows: Whereas, as the year has progressed the Town's actual spending has exceeded the 2022 adopted budget in certain line items, and Whereas, while these lines have no effect on the total 2022 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 2022 budget: Decrease Appropriations: SW 8310.490 Contingency \$42,500. Increase Appropriations: SW 8310.414 Special Services \$42,500. Ayes-5. Noes-0. Carried.

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Councilman Petrocy made the motion and Councilman Kupczyk seconded the motion to approve the Intermunicipal Agreement as follows: This Agreement made this 15th day of June 2022, pursuant to Article 5-G of the New York General Municipal Law, by and between the Town of Elma, Erie County, New York ("Elma") with offices at 1600 Bowen Road, Elma, New York 14059 and the Iroquois Central School District, Erie County, New York ("Iroquois") with offices at 2111 Girdle Rd, Elma, New York 14059. WITNESSETH: WHEREAS Elma and Iroquois both have a need to upgrade wastewater treatment services; and WHEREAS, New York State grant funding is available to help both parties offset the costs associated with construction of a shared wastewater treatment facility; and WHEREAS, Elma and Iroquois want to jointly apply for New York State grant funding to offset the cost of the project; NOW THEREFORE, in consideration of the foregoing promises and the mutual covenants hereinafter expressed, it is hereby agreed by and between the parties hereto as follows: 1. Both Elma and Iroquois hereby enter into this Agreement for the purpose of agreeing to jointly apply for New York State grant funding to offset the costs of the construction of a shared wastewater treatment facility. 2. Both parties shall provide all information, data, and assistance, and shall execute such documents as are reasonably necessary to timely complete and submit the joint grant application. 3. The Supervisors of Elma and the Superintendent of the Iroquois School District have both executed this Agreement pursuant to duly adopted resolutions of their respective Boards. 4. This instrument may be executed in counterparts, the whole of which shall constitute the entire agreement. 5. This Agreement constitutes the complete understanding of the parties. No modification of any provision thereof shall be valid unless in writing and signed by both parties. 6. This Agreement is governed by the laws of the State of New York. 7. The signatories to this Agreement state that they have the authority to enter into this Agreement on behalf of their respective parties. In witness whereof, the Supervisor of the Town of Elma and the Superintendent of the Iroquois Central School District have executed this Agreement on the date first written above. Ayes-5. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Macaluso seconded the motion to approve the appointment of Judith Wollen as assistant director at the Senior Center part time for \$15.60 per hour. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Macaluso seconded the motion to authorize a loan from the general fund to Drainage District #91 (Buffalo Creek) for repairs as follows: Whereas, the Town wishes to proceed with improvements within Drainage District No. 91, and Whereas, the Town has estimated the total cost of these improvements to be \$3,835.00, and Whereas, the Town does not currently have such improvements budgeted in Drainage District No. 91, but does have funding available through a loan from the General Fund, Now, Therefore, be it Resolved, that the Town Board hereby authorizes the amending of the 2022 adopted budget for Drainage District No. 91 to authorize appropriations of \$3,835.00 for the necessary repairs. Be it Further Resolved that the Town Board authorizes a loan from the General Fund to Drainage District No. 91 in the amount of \$3,835.00, with the loan to be repaid over a three-year period. Loan repayment years 2023 to 2025 for 24 units at the cost per unit of \$53.264. Ayes-5. Noes-0. Carried

Councilman Malczewski made the motion and Councilman Kupczyk seconded the motion to approve Vouchers/Warrant #6 claim #391 thru # 479. General Fund \$32,663.68; Highway Fund \$7,100.09; Water District \$45,543.96; Special District \$6,748.54. Ayes -5. Noes -0. Carried.

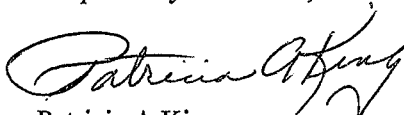
All have received the Planning, Zoning and Conservation Board agendas and minutes that apply.

The next Work Session meeting will be July 20th, 2022, at 6:00PM and the next Town Board Meeting will be July 20th, 2022, at 7:00PM.

Councilman Kupczyk made the motion and Councilman Malczewski seconded the motion to adjourn the meeting at 7:32PM. All in favor. Carried.

Meeting adjourned at 7:32 PM. All in favor.

Respectfully submitted,



Patricia A King
Town Clerk

Wednesday, June 15, 2022

Councilman Petrocy asked for a moment of silence in memory of William Bierl past fire Chief of the Jamison Road Fire Company.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Elma, New York will meet at the Elma Town Hall, 1600 Bowen Road, Elma, New York on the 15th of June, 2022, at 7:00PM for the purpose of conducting a Public Hearing to consider a special use permit for Verizon Wireless, pursuant to Town Code Section 59A-3A, for the proposed co-location on the existing 300 foot wireless telecommunication tower owned by NYSEG Electric & Gas Corporation and located at 145 Stolle Road (tax parcel #147.00-1-17), Town of Elma, New York. By Order of the Town Board of the Town of Elma, New York.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Elma, Erie County, will meet at the Town Hall, 1600 Bowen Road, Elma, New York on the 15th day of June, 2022, at 7:00 o'clock p.m., for the purpose of conducting a public hearing to amend the Town of Elma Sign Code. Anyone having concerns or other comments should appear at said time and place and the Town Board will consider such proposal and hear all persons interested in the subject and concerns. Copy of amendment to the Sign Code are available in the Clerk's Office.

By Order of the Town Board of
The Town of Elma, New York.
Patricia King, Elma Town Clerk
