

A regular meeting of the Elma Town Board was held on Wednesday, February 28, 2024, at 7:00PM at Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members:

Supervisor	Wayne Clark
Councilman	Leroy Kupczyk
Councilman	Joseph Macaluso
Councilman	Daryl Nolan
Councilman	Tracy Petrocy-Absent

Also:

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

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

Approximately 9 people attended the meeting.

Councilman Macaluso made the motion and Councilman Kupczyk seconded the motion to approve the minutes from the January 24th, 2023, meeting. Ayes-3. Noes-0. (Councilman Nolan abstained) Carried.

Department Reports:

Building Inspector Joseph Colern presented the building report for January 2024 with 12 permits issued, fees collected of \$3,974.90 with an estimated value of construction of \$731,840.00. Plant Manager Brian Fiden noted a paint adhesive test will be done on the water tank to possibly just paint over the water tank as it is, which will reduce the cost of repainting the tank. Supervisor Clark noted Highway Superintendent Howard Diehl is working to remove down trees caused by the storm.

Councilman Kupczyk made the motion and Councilman Nolan seconded the motion to approve a negative declaration on a short form SEQR for Phantom Fireworks at Seneca Plaza (Seneca St. and Transit Rd), Elma, NY. Ayes-3. Noes-0. (Councilman Macaluso recused himself) Carried.

Councilman Nolan made the motion and Councilman Kupczyk seconded the motion to approve a Business Use Permit for Phantom Fireworks at Seneca Plaza (Seneca St and Transit Rd), Elma, NY. for retail sales of safe & sane fireworks. The Building Inspector notes the same restriction as previous year. Permit from 6/20/2024 to 7/4/2024. Ayes-3. Noes-0. (Councilman Macaluso recused himself) Carried.

Councilman Nolan made the motion and Councilman Macaluso seconded the motion to approve a negative declaration on a short form SEQR for Young Development Inc at 1120 Bullis Road, Elma, NY. Ayes-. Noes-0. Carried

Councilman Nolan made the motion and Councilman Macaluso seconded the motion to approve a Business Use Permit for Young Development Inc at 1120 Bullis Road, Elma, NY. for their Corporate Office. The Building Inspector notes sign permits required for advertising. Permit required for interior build out. Ayes-4. Noes-0. Carried.

Councilman Macaluso made the motion and Councilman Kupczyk seconded the motion to approve Supervisor Clark to sign the extension of unpaid county taxes until July 1st, 2024. Ayes-4. Noes-0. Carried.

Councilman Kupczyk made the motion and Councilman Macaluso seconded the motion to approve the new water rate increase of 9% due to the Erie County Water Authority raising the water rates for the Town of Elma. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Kupczyk seconded the motion to approve posting for 30-day review of the 2023 Service Awards points at the Fire halls of Blossom, Elma, and Jamison Road Volunteer Fire Companies. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Macaluso seconded the motion to rescind 23 old business use permits that are not in use. Ayes-4. Noes-0. Carried.

February 28, 2024

Councilman Macaluso made the motion and Councilman Kupczyk seconded the motion to approve the resolution for the Southwestern Blvd. & Transit Rd County Project as follows
 Resolution #1-2024: WHEREAS, the New York State Department of Transportation proposes the capital project of **US 20, TRANSIT ROAD & SOUTHWESTERN BOULEVARD BIN 1015520 OVER CAZENOVIA CREEK HIGHWAY RECONSTRUCTION & BRIDGE REPLACEMENT TOWN OF WEST SENECA, ELMA, & ORCHARD PARK PIN 5111.77, D265151** in the Town of Elma located in Erie County, and WHEREAS, the State will include as part of the of the above mentioned project the relocation of the 6" waterline south of the bridge and 8" waterline north of the bridge pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, and WHEREAS, the service life of the adjusted facilities will not be extended, and WHEREAS, the State will provide for the adjustment of the above mentioned work, as shown on the contract plans relating to the above mentioned project. NOW, THEREFORE, BE IT RESOLVED: That the Town of Elma approves of the relocation of the 6" waterline south of the bridge and 8" waterline north of the bridge as shown on the contract plans. BE IT RESOLVED: the Town of Elma will maintain or cause to be maintained the adjusted facilities as shown on the contract plans. BE IT FURTHER RESOLVED: that Wayne A. Clark has the authority to sign, with the concurrence of the Elma Town Board, any and all documentation that may become necessary as a result of this project as it relates to the Town of Elma, and BE IT FURTHER RESOLVED: That the clerk of the Town of Elma is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Ayes-3. Noes-0. (Councilman Nolan abstained) Carried.

Councilman Kupczyk made the motion and Councilman Nolan seconded the motion to amend the Town Attorney's Official Title to read Town Attorney/Town Prosecutor.

Ayes-4. Noes-0. Carried.

Councilman Kupczyk made the motion and Councilman Nolan seconded the motion to approve Vouchers/Warrant #2 claim #49 thru #122 as follows: General Fund \$24,806.13; Highway Fund \$43,564.12; Water District \$232,565.76; Special District \$4,131.41. Final Warrant of 2023 claim #1034 thru #1055 as follows: General Fund \$21,227.60; Highway Fund \$130.54; Water District \$8,205.341; Special District #8 \$19.85. Ayes-4. Noes-0. Carried.

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

The next Work Session meeting will be March 13th, 2024, at 6:00PM and the Town Board meeting on March 20th, 2024 at 7:00PM.

Councilman Nolan made the motion and Councilman Kupczyk seconded the motion to add an item to the agenda. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Macaluso seconded the motion to add the tabled Business Use Permit for Jim Deans Off Road Center & Smokey Towing at 2210 Bowen Rd to the agenda, Ayes-4. Noes-0. Carried.

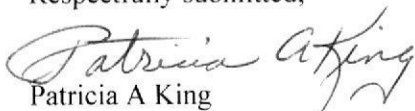
Supervisor Clark made the motion and Councilman Macaluso seconded the motion to deny the tabled Business Use Permit for Jim Deans Off Road Center & Smokey Towing at 2210 Bowen Rd. There has been no response from the applicant since the last meeting regarding the incomplete application. Ayes-4. Noes-0. Carried.

Councilman Macaluso made the motion to enter Executive Session regarding a personnel matter in the Water Department at 7:40pm and will adjourn immediately following this session with no motions taken seconded by Councilman Kupczyk. All in favor. Carried.

Councilman Kupczyk made the motion and Councilman Macaluso seconded the motion to adjourn the Executive Session at 8:28pm. All in favor. Carried.

Meeting adjourned at 8:28pm.

Respectfully submitted,


 Patricia A King
 Elma Town Clerk