

A regular meeting of the Elma Town Board was held on Wednesday, February 26th, 2020 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	Michael Nolan
Councilman	Tracy Petrocy

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

Approximately 12 people attended the meeting.

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

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve the minutes from the January 22nd, 2020 meeting. Ayes-5. Noes-0. Carried.

Building Inspector Joseph Colern presented the January 2020 building department report with 20 permits issues, fees collected of \$6,056.60 with an estimated value of construction of \$862,534. Also, the extra generator is up and running for the Town Hall. Plant Manager Brian Fiden noted the 2012 pickup sold for \$7,677. The water tank at Transit needs to be inspected before painting, the tank will be out of service for about a week to see if repairs are needed. It was last painted 1993.

Highway Superintendent Howard Diehl noted the signs for trash and brush have been posted for April at the Transfer Station.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to issue a negative declaration on a short form SEQR for Northeast HVAC Solution, Inc at 2701 Transit Rd Suite 137. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve a Business Use Permit to Northeast HVAC Solution, Inc at 2701 Transit Rd Suite 137 for general office space. Building Inspector notes building permit required for interior build-out and sign permit required for advertising sign. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to issue a negative declaration on a short form SEQR for Premier Blacktop & Landscape at 1221 Maple Rd. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve a Business Use Permit to Premier Blacktop & Landscape at 1221 Maple Rd for storing of equipment for lawn and landscape. Storing of trailers. Restrictions on this "Use" no stock piling of materials (stone, topsoil etc) No junk materials or parts to be stored outside. Building Inspector notes permit required for advertising signs and fire inspection required within 30 days of occupancy. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to issue a negative declaration on a short form SEQR for TSG BBQ at 6272 Seneca St. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to approve a Business Use Permit to TSG BBQ at 6272 Seneca St for counter service restaurant & bar. Second floor outdoor seating. Building Inspector notes permit required for advertising signs and fire inspection prior to opening. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to issue a negative declaration on a short form SEQR for Your Online Marketplace, Inc/MOOG 7625 Seneca St. Ayes-5. Noes-0. Carried.

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Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve a Business Use Permit to Your Online Marketplace, INC/MOOG at 7625 Seneca St for office, warehouse and storage. Building Inspector notes permit required for advertising signs and fire inspection required within 30days. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to approve the following resolution granting the State of New York authority to perform the adjustment for the owner and agreeing to maintain facilities adjusted via State-let contract:

Resolution # 2-2020:WHEREAS, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of Highway Rehabilitation Project in the Town of Elma located in Erie county, PIN 5038.17, and WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the replacement of 8" waterline required for NYSDOT widening near N. Blossom Road 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 relocated and or replaced utilities has not been extended, and WHEREAS, the State will provide for the reconstruction 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 replacement of 8" waterline and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the Town of Elma will maintain or cause to be maintained the adjusted facilities performed as above stated and 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-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to appoint Phyllis Todoro as Town Prosecutor and Rosemary Bapst as Deputy Town Prosecutor for the Town of Elma Courts.

Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve the appointment of Nate Klinard to the Library Board replacing Kim Dixon until December 2021. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the appointment of James Chisholm as part time Assessor for \$32,000 a year. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve the purchase of two (2) 2020 Ford F150's on the State bid list from Delacy Ford for the Water Department and to surplus 2014 and 2017 vehicles to be replaced. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve Supervisor Clark to sign the Municipal Solutions, Inc Agreement for a two (2) year period. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve Supervisor Clark signing the extension of unpaid taxes until June 30th, 2020. Ayes-5. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Malczewski seconded the motion to approve Strategic Development Specialists for grant writing services for \$15,000 for one-year term. Quotes from Ann McDonnell, Project Consultant and Rotella Grant Management were also reviewed. Ayes-5. Noes-0. Carried.

Wednesday, February 24th, 2020

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to rescind the following old business use permit as follows: Mainlining, 555 Pound, Refab-ulous Furniture 5950 Seneca, Penny Saver 6091 Seneca, RT16 Chicken Shack & Brew yard 6272 Seneca, JC'S Auto Repair 6515 Seneca, Roaming Dee's 6831 Seneca, Domador Mexican Bar 7200 Seneca, The Ark Community Church 7620 Seneca and Reflection Pools 3211 Transit. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve Vouchers/Warrant #2 claim #53 thru #181 as follows: General Fund \$63,477.59; Highway Fund \$82,410.35; Water District \$159,591; Special District \$1,248,574.68 and Capital Improvements \$1,553.46. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to add an item to the agenda. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded to approve two new computers for the Water Department not to exceed \$3500. Ayes-5. Noes-0. Carried.

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

The next Work Session meeting will be March 11th, 2020 at 6:00pm and the next Town Board meeting will be March 18th, 2020 at 7:00PM.

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

Respectfully submitted,
As per notes taken by Town Attorney Phyllis Todoro

Patricia King,
Town Clerk