

A regular meeting of the Elma Town Board was held on Wednesday, May 15, 2013 at 7:00PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

|            |                      |
|------------|----------------------|
| Supervisor | Dennis Powers        |
| Councilman | Thomas Fallon        |
| Councilman | James Malczewski     |
| Councilman | Michael Nolan-Absent |
| Councilman | Tracy Petrocy        |

|       |                        |                   |
|-------|------------------------|-------------------|
| Also: | Building Inspector     | Joseph Colern     |
|       | Highway Superintendent | Wayne Clark       |
|       | Water Superintendent   | Eugene Stevenson  |
|       | Town Attorney          | Phyllis Todoro    |
|       | Town Engineer          | James Wyzykiewicz |

Approximately 21 people attended the meeting.

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

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to approve the minutes from the April 17, 2013 meeting. Ayes-4. Noes-0. Carried.

Department Reports:

Building Inspector Joseph Colern presented the monthly building report for April with 21 permits issued, fees collected of \$6,150.36 with an estimated value of construction of \$762,978.

Water Superintendent Eugene Stevenson informed the Town Board of the water tank inspections on May 28th and 29th by Conrady Consultant Services and the Town Board is invited to attend. A leak has been repaired on West Maple Court. Also the water line in Spring Brook Shores has been 100% completed.

Highway Superintendent Wayne Clark noted that the trash and brush pickup has been completed and Mr. Clark would like to purchase a new pick up truck for the highway department and surplus the older vehicle.

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

Supervisor Powers introduced Erie County Legislator Joseph Lorigo.

Councilman Fallon made the motion and Councilman Petrocy seconded the motion to issue a negative declaration on a short form SEQR for Seasonal Nursery Buffalo RV at 90 New Bullis Rd. Ayes-3. Noes-1. (Councilman Malczewski voted no) Carried.

Councilman Fallon made the motion and Councilman Petrocy seconded the motion to approve a Business Use Permit for Seasonal Nursery Buffalo RV at 90 New Bullis Rd contingent upon hours of operation change to Monday thru Friday 7:00AM to 9:00PM, Saturday 7:00AM to 3:00PM and Sunday only until 3:00PM for watering. No brush on property. Burma to be completed by August 1st, 2013 and a drainage district to be formed. Building Inspector will rescind use permit if requests are not completed. Ayes-3. Noes-1. (Councilman Malczewski voted no) Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to issue a negative declaration on a short form SEQR for West Asset Management Inc at 611 Jamison Rd. Ayes-4. Noes-0. Carried.

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Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve a Business Use Permit for West Asset Management Inc at 611 Jamison Rd. Building Inspector notes a fire inspection required within 30 days of occupancy and a permit required for any advertising signs. Ayes-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to decline the Business Use Permit for John Anderson Construction at 6300 Seneca St for non compliance of Town Code 114-77A. Ayes-4. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Petrocy seconded the motion to issue a negative declaration on a short form SEQR for John Anderson Construction at 6300 Seneca St. Ayes-4. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Petrocy seconded the motion to approve the amended Business Use Permit for John Anderson Construction at 6300 Seneca St. This is contingent upon outside construction materials be moved within 48 hours, no outside storage of construction material is allowed, only inside the building. Ayes-4. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Malczewski seconded the motion the approve the citation for William Nagy, past Commander of the Elma VFW Memorial Post 5861 honoring him on his 79th birthday with a brick being installed in the gazebo walkway at the Elma Village Green. Ayes-4. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to approve the Proclamations for Municipal Clerk's Week May 5-11, 2013 as follows: Whereas, The Office of the Municipal Clerk, a time honored and vital part of the local government exists throughout the world, and Whereas, The Office of the Municipal Clerk is the oldest among public servants, and Whereas, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and Whereas, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all. Whereas, The Municipal Clerk serves as the information center on functions of local government and the community. Whereas, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations. Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk. Now, Therefore, I, Dennis M. Powers, Supervisor of the Town of Elma, do recognize the week of May 5 through May 11, 2013, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Patricia A. King, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent. Dated this day 15th day of May, 2013. Ayes-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve the proclamation for Motorcycle Safety Month as follows: WHEREAS, motorcycle safety awareness is of critical importance to both riders and other potential victims; and WHEREAS, in the past year, Erie County has experienced more than a dozen mishaps involving motorcycles, more than half ending in fatalities; and WHEREAS, no single cause is to blame; and WHEREAS, motorcycle safety awareness has been identified by Governor Andrew Cuomo, as well as other government officials, as a priority in traffic safety; NOW, THEREFORE WE the members of the Town Board of the Town of Elma, declare the month of May, 2013 as "Motorcycle Safety and Awareness Month" in our municipality; and

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FURTHERMORE, we take note of the Saturday, May 4th, 2013 at the Erie County Rath Building the assembly of area bikers sponsored by the Buffalo-Erie County Chapter, American Bikers Aimed Toward Education (ABATE) in the month of May; and FINALLY, WE RESOLVE that a copy of this proclamation be sent to Peter Campanella, Coordinator of ABATE, as well as to all Mayors and Supervisors who are members of the Association of Erie County Governments.

Ayes-4. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Petrocy seconded the motion to approve Supervisor Powers signing the 2013 agreement with EMW Little League Baseball in the amount of \$7000.

Ayes-4. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Petrocy seconded the motion to resolve and support the Erie County Assessor's Association regarding the proposed amendment to RPTL section 102(i) as follows: WHERE AS, Fiber optic cable located on private property has been part of the Outside Plant roll section 6 assessment under Section 102(i) of Real Property Tax since the 1980's. Which is consistent with the valuation of fiber optic cable located within the public right of way defined as Special Franchise property and, WHERE AS, Amendments to Section 102 (i) of Real Property Tax in 1985 and 1987 were never intended to exclude fiber optic cable or other emerging technology from Outside Plant roll section 6 and, WHERE AS, Until a recent decision by the Appellate Division, First Department removing fiber optic cable from Outside Plant roll section 6, fiber optic cable had been part of the Outside Plant assessment for over 25 years, and WHERE AS, Across New York State hundreds of millions of dollars in tax base are in jeopardy of being lost creating a significant impact on Town, County and School tax, NOWTHEREFORE, BE IT RESOLVED That the Town of Elma hereby supports the Erie County Assessor's Association and respectfully request the New York State Legislature to amend Section 102 (i) of Real Property Tax Law to defining, include and memorialize fiber optic cable as part of Outside Plant for tax assessment purposes consistent with the intent of a 1986 amendment to Section 102. And which is consistent with the valuation of fiber optic cable as Special Franchise property.

Ayes-4. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion approve James Wyzykiewicz as MS4 Compliance Officer for 2013 at no additional salary. Ayes-4. Noes-0. Carried.

Supervisor Powers noted that the Annual Stormwater MS4 Compliance Report is available for review.

Councilman Petrocy made the motion and Councilman Fallon seconded the motion to approve a negative declaration on the TYPE I SEQR for the proposed communications tower on Stolle Road. NYSEG is referred to the Zoning Board of Appeals, than Planning Board with Town Board final approval. Ayes-4. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to approve the Accounting Department Manual Journal Entry Policy effective 6/1/2013 as follows: The Town of Elma recognizes that manual journal entries are needed and made for various reasons including but not limited to: record revenues and expenditures, to transfer funds, or to record balance sheet accruals. Based on the need for manual journal entries, the following policy is being established to document procedures on how journal entries are expected to be processed: Journal entries for all funds/departments will be entered by the Bookkeeper. The individual entering the journal entry should pay close attention that the correct posting date and fiscal period are used. Appropriate documentation/support shall be included with the journal entry. The Supervisor will review the journal entry based on individual circumstances.

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If a journal entry is determined to be appropriate, the Supervisor will ensure each entry is properly coded, in balance and entered for the correct period. The Supervisor after completing his review and determining the journal entry is correct will then approve and the Bookkeeper will then post the journal entry. These procedures are being established in order to create proper segregation of duties. (i.e. there should always be an approval being done by a person other than the preparer of the journal entry.)  
Ayes-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to approve the 10% rate increase for tapping fees as follows: 3/4" tap would go from \$832.00 - \$915.00; 1" tap would go from \$1000.00 - \$1100.00 and 1 1/2" and larger would still be at the cost to the contractor. Ayes-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded to approve the Highway Superintendent to purchase a 2013 Pick up truck from the Erie County bid list at the cost of \$23,941. Also to surplus the 2004 or 2009 pick up as per bids received from Auction International. Ayes-4. Noes-0. Carried.

Supervisor Powers set a Public Hearing date of June 19th, 2013 for Drainage District #103, 90 New Bullis Road at 7:00PM.

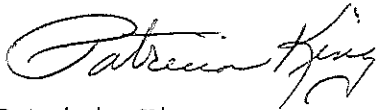
Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to approve Warrant #5 Claim #450 thru #525 as follows: General Fund \$37,652.36; Highway Fund \$3,407.36; Water District \$13,566.93 and Special District \$1862.16.  
Ayes-4. Noes-0. Carried.

Supervisor Powers noted the next Work Sessions and Town Board meetings are as follows for June 19th, July 17th and August 21st, 2013 Work Sessions at 6:00PM with the Town Board meetings to follow at 7:00PM.

All have received the Planning, Zoning, Conservation Board and Multiply Dwelling Code Committee agenda and minutes that apply.

Meeting adjourned at 8:35 PM. All in favor.

Respectfully submitted,



Patricia King,  
Town Clerk