

A regular meeting of the Elma Town Board was held on Wednesday, December 7, 2016 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
Councilman	Tracy Petrocy

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

Approximately 49 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 Local Law #3-2016 Moratorium on Solar Farms part of the minutes Supervisor Powers opened the public hearing at 7:02pm. Speaking for Fakhari-Girdle Rd, Resident from Amherst along with Mr. Big Kettle, Resident from Griffin Ln, Efstation-Griffin Ln, Wirth-Ostrander Rd, Wood-Girdle Rd and Baumgartner-Hessland Ct no one spoke against. Supervisor Powers closed the public hearing at 7:15pm.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve Local Law #3-2016 Moratorium on Solar Farms for a period of one (1) year. Ayes-5. Noes-0. Carried.

Making the legal notice for the Public Hearing for Local Law #1-2016 Moratorium on Subdivisions and extending the Moratorium for six months changing the Local Law to #4-2016 part of the minutes Supervisor Powers opened the public hearing at 7:18pm. Speaking for Baumgartner-Hessland Ct no one spoke against. Supervisor Powers closed the public hearing at 7:21pm.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to approve the six month extension to Local Law #4-2016 Moratorium on Subdivisions. Ayes-5. Noes-0. Carried.

Making the legal notice for the Public Hearing for Local Law #2-2013 Historic Preservation Ordinance to amend the ordinance (verbiage changes only) and making it Local Law #5-2016 Historic Preservation part of the minutes Supervisor Powers opened the public hearing at 7:22 pm. Speaking for Baumgartner-Hessland Ct no one spoke against. Supervisor Powers closed the public hearing at 7:24pm.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to approve the amending of Local Law #5-2016 Historic Preservation. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve the minutes from the November 16th, 2016 meeting. Ayes-5. Noes-0. Carried.

#### Department Reports:

Building Inspector Joseph Colern noted the building report for November 2016 as follows: 17 permits issued, fees collected of \$5,168.33 with an estimated value of construction of \$800,964.80.

Water Superintendent Eugene Stevenson noted all fire hydrants and Parks have been winterized, valve exercising completed, front lawn at the Water Department is repaired and Erie County Water will be increasing the water rates, Mr. Stevenson will advise the Board when notified.

Highway Superintendent Wayne Clark noted the parking ban is in effect starting at 2AM and the Transfer Station boxes will be out for bid and opened on January 18th , 2017.

December 7, 2016

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve a negative declaration on a short form SEQR for Nicole Serafin Photographer at 2350 Bowen Rd. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the Business Use Permit for Nicole Serafin Photographer at 2350 Bowen Rd for photographing studio. Building Inspector notes fire inspection required within 30 days of occupancy and sign permits required for advertising. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve a negative declaration on a short form SEQR for The Stox Group at 2701 Transit Rd, Suite 139/140. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the Business Use Permit for The Stox Group at 2701 Transit Rd, Suite 139/140 for service by publication (Public Notices). Building Inspector notes sign permits required for advertising signs. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve a negative declaration on a short form SEQR for WNY Networks Inc at 980 West Maple Court. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the Business Use Permit for WNY Networks Inc at 980 West Maple Ct for office space. Building Inspector notes fire inspection required within 30 days of occupancy and sign permits required for advertising signs. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the 2016-2019 Snow Removal and Ice Control Agreement with Erie County Department of Public Works for September 1, 2016 through March 31, 2017, with 67.50 lane miles at a cost of \$3,818.99 per lane mile; 2017 to 2018 \$3,933.56 per land mile and 2018 to 2019 \$4,051.57 per lane mile. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the 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 as follows: WHEREAS, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of General Bridge Repairs Erie and Chautauqua Counties in the Town of Elma located in Erie county, PIM 5812.59, and WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the general bridge repairs 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 general bridge repairs 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 Supervisor 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 authorize Supervisor Powers to sign and execute any and all paperwork necessary for the Girdle Road/400 Bridge Repairs PIN 5812.59. Ayes-5. Noes-0. Carried.

December 7, 2016

All have received the Planning, Zoning, Conservation Boards and Subdivision Code Review Committee agenda and minutes that apply.

Supervisor Powers stated the next Work Session will be December 14th, 2016 at 6:00PM and the next Town Board meeting December 22st,2016 at 7:00PM.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to enter Executive Session at 7:53 to discuss the Union Contract and will adjourn immediately following this session, no motions to be made. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Nolan seconded the motion to exit Executive session at 8:46 PM.

Meeting Adjourned at 8:46pm. All in favor.

Respectfully submitted,

*Patricia King*  
Patricia King,  
Town Clerk

**NOTICE OF PUBLIC HEARING**  
NOTICE IS HEREBY GIVEN that the Town Board of the Town of Elma, County of Erie, will meet at the Elma Town Hall, 1600 Bowen Road, Elma, New York on the 7th day of December, 2016 at 7:00 p.m. for the purpose of conducting a public hearing to consider and discuss and if need be, act upon the proposed local law entitled Local Law #3-2016 Imposing a Twelve Month Moratorium on Solar Farms in the town of Elma on the issuance of applications and the granting of applications, permits, licenses or approvals for the erection, establishment, siting, location, construction or development of any solar farms, non-residential solar electric generating systems or related facilities or structures. By Order of the Town Board of the Town of Elma, Erie County, New York.

**NOTICE OF PUBLIC HEARING**  
NOTICE IS HEREBY GIVEN that the Town Board of the Town of Elma, County of Erie, will meet at the Elma Town Hall, 1600 Bowen Road, Elma, New York on the 7th day of December, 2016 at 7:00 p.m. for the purpose of conducting a public hearing to consider and discuss and if need be, act upon the proposed local law entitled Local Law #1-2016 Imposing a Twelve Month Moratorium on Construction of Subdivisions in the Town of Elma for a Six (6) Month Extension changing this to Local Law #4-2016 BY ORDER OF THE TOWN BOARD OF THE TOWN OF ELMA, ERIE COUNTY, NEW YORK.

**NOTICE OF PUBLIC HEARING**  
NOTICE IS HEREBY GIVEN that the Town Board of the Town of Elma, County of Erie, will meet at the Elma Town Hall, 1600 Bowen Road, Elma, New York on the 7th day of December, 2016 at 7:00 p.m. for the purpose of conducting a public hearing to consider and discuss and if need be, act upon the proposed amendments to Local Law #2-2013 entitled Historic Preservation Ordinance to establish landmarks or historic districts in the Town of Elma and changing this to Local Law #5-2016 Historic Preservation. By order of the TOWN BOARD of the TOWN OF ELMA, Erie County, New York.