

A regular meeting of the Elma Town Board was held on Wednesday, July 17, 2013 at 7:00PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

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

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

Approximately 51 people attended the meeting.

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

Making the legal notice for Drainage District #193/90 New Bullis Road part of the minutes Supervisor Powers opened the public hearing at 7:05 PM. Mr. Warchocki spoke in favor of the drainage district. No one spoke against the drainage district. Supervisor Powers closed the public hearing at 7:08PM.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve Drainage District #193 for 90 New Bullis Road. Ayes-5. Noes-0. Carried.

Making the legal notice for Drainage District #194/1221 and 1231 Maple Road part of the minutes Supervisor Powers opened the public hearing at 7:09PM. No one spoke for or against the drainage district. Supervisor Powers closed the public hearing at 7:10PM.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve Drainage District #194/1221 and 1231 Maple Road. Ayes-5. Noes-0. Carried.

Making the legal notice for Local Law #2-2013 Historic Preservation part of the minutes Supervisor Powers opened the public hearing at 7:11PM. Mr. Yotz Executive Director the of the Buffalo Niagara Preservation gave a brief explanation on historic preservation regarding landmarks and districts. Speaking in favor of the local law: M. Baumgartner, J. Hagerty, C. Facklam, Mr. & Mrs. Miecznikowski, D. Kling, K. Rodeghiero, M. Ternullo, F. Maciejewski and W. Jackson. No one spoke against the local law. Supervisor Powers closed the public hearing at 7:46PM.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve Local Law #2-2013 Historic Preservation. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve the minutes from the June 19, 2013 meeting. Ayes-5. Noes-0. Carried.

Department Reports:

Building Inspector Joseph Colern presented the monthly building report for June with 30 permits issued, fees collected of \$25,132.16 with an estimated value of construction of \$3,955,300. Mr. Colern requested to set a public hearing date to amend the Placing of Fill Code.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to add an item to the Agenda. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Petrocy seconded the motion to add set a public hearing for the Placing of Fill Code Ordinance amendments. Ayes-5. Noes-0. Carried.

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Water Superintendent Eugene Stevenson advised that no further action needs to be taken at this time against Triton Valley Mobile Home Park, plans should be submitted by September. Conrady Consultant Services has completed the inspection of the three (3) water tanks advising that they will not need any repair and do not need to be re inspected for five (5) more years. The tanks are in good condition. Fire hydrants are being painted and water services are being installed. Mr. Stevenson would also like to put out to bid a 2014 pick up truck replacing the 2002 F250.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to put out to bid a 2014 pick up truck for the Water Department returnable by August 21st at 3:00PM and will be opened at the Work Session at 6:00PM. Ayes-5. Noes-0. Carried.

Speaking for Highway Superintendent Wayne Clark Supervisor Powers noted that Schultz Road will be paved and the County has replaced a culvert on Girdle Road to alleviate the road flooding. Town Attorney Phyllis Todoro noted that NYSEG's proposed cell tower on Stolle Road was tabled at the Planning Board for further requirements.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve the following resolution WHEREAS, The Town of Elma, recognizes that plowing and de-icing town, as well as county roads, is in the best interest and safety of its residents, and WHEREAS, Erie County and the 25 towns within the county have negotiated contracts which assure that the majority of the county roads within the towns would be maintained according to the same snow and ice control methods used on all town, roads, and WHEREAS, such methods have been approved by the Erie County Department of Public Works, and WHEREAS, in the past, all costs of manpower, equipment, and materials have been calculated to the satisfaction of all parties, and WHEREAS, any issues that have arisen during snow and ice control in previous years have been resolved by all parties involved, and WHEREAS, a new contract between the Towns and Erie County is currently being negotiated, and WHEREAS, on March 20, 2013, there was a tentative agreement between the towns and Erie County which included a 3 year term with an annual increase of 5.0% as was past practice, and WHEREAS, this agreement was considered fair and within the budgeting confines of Erie County, and WHEREAS, on April 16, 2013, Erie County made a counter proposal to increase the contract from 3 years to 5 years and to reduce the monetary increase to 0.5%, and WHEREAS, the county proposed rate is one the towns cannot afford, and WHEREAS, the budgetary planning for 2014 is going to be starting in many municipalities, and WHEREAS, the deadline for towns to order road salt de-icer is now past. NOW THEREFORE BE IT RESOLVED, that the Town Clerk of the Town of Elma is to transmit copies of this resolution to Erie County Executive Mark Poloncarz, Erie County Legislator Joseph Lorigo, Erie County Chairwoman Betty Jean Grant, and Erie County Department of Public Works Commissioner John Loffredo, and the other towns within Erie County. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the following resolution WHEREAS General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate; Now therefore Be It RESOLVED, that the Town Board of the Town of Elma, County of Erie designates Patricia A King in her capacity as Town Clerk, to receive notices of claims served upon the Secretary of State by mail at 1600 Bowen Road, Elma, New York 14052 and email at townclerk@elmanewyork.com. BE IT FURTHER RESOLVED, that the Town of Elma hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013. Ayes-5. Noes-0. Carried.

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Supervisor Powers announced the following notice of invitation to Bid Cleaning Services: Specification for Cleaning Services at the Elma Town Hall, 1600 Bowen Road are available in the Town Clerks Office, Monday through Friday 8:00AM to 4:00PM. Sealed bids are returnable on August 14, 2013 by 3:00PM; they will be opened and reviewed to be awarded at the next regular Town Board meeting on August 21, 2013 at 7:00PM. Any question call 652-3260.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve Warrant #7 Claim #693 thru #797 as follows: General Fund \$48,858.05; Highway Fund \$55,003.84; Water District \$24,756.22; Special District \$1,623.04 and Capital Project \$21,241.91 Ayes-5. Noes-0. Carried.

Supervisor Powers noted there will be a Special Town Board meeting on August 3rd, 2013 at 10:00AM for the dedication of the conference room to William (Bill) Lexo. Also Supervisor Powers noted the next Work Session and Town Board meeting will be 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 8:29PM. All in favor.

Respectfully submitted,

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 17th day of July, 2013, 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 #2-2013 entitled Historic Preservation Ordinance to establish landmarks or historic districts in the Town of Elma. By order of the TOWN BOARD of the TOWN OF ELMA, Erie County, New York.

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LEGAL NOTICE DRAINAGE DISTRICT #193

WHEREAS, a petition dated June 19, 2013, has been duly presented to the Town Board of the Town of Elma, according to the law, requesting that a drainage district, as hereinafter described, be established in the Town of Elma, and

WHEREAS, the boundaries of the proposed drainage district #193 are as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Elma, County of Erie and State of New York, being part of Lots No. 106 in Section 8, Township 10, Range 6 of the Buffalo Creek Reservation, bounded and described as follows:

Beginning at a point of intersection of the south right of way line of New Bullis Road and the west right of way of Blossom Road and running thence southerly along the west line of Blossom Road, a distance of 321.36 feet, to the northeast corner of lands conveyed to Richard Szytlke and Florence Szytlke, his wife, by deed recorded in Erie County Clerk's Office in Liber 8914 of Deeds at page 267; thence westerly along the northerly line of said lands conveyed to Szytlke by deed aforesaid, a distance of 400.37 feet, to a point in the easterly line of lands conveyed to Trachte Building Systems by deed recorded in the Erie County Clerk's Office in Liber 8914 of Deeds at page 563; thence northerly and along the east line of lands so conveyed to Trachte Building Systems, a distance of 321.20 feet to a point in the south right of way line of New Bullis Road; thence easterly along the south right of way line of New Bullis Road a distance of 400.78 feet to the place or point of beginning. Parcel containing 2.91 acres of land, more or less.

ORDERED, that the Town Board of the Town of Elma, shall meet at the Town Hall, 1600 Bowen Road, Elma, New York on the 17th day of July 2013 at 7:00 o'clock p.m. to consider such petition and hear all persons interested in the subject thereof, and it is further

LEGAL NOTICE DRAINAGE DISTRICT #194

WHEREAS, a petition dated June 19, 2013, has been duly presented to the Town Board of the Town of Elma, according to the law, requesting that a drainage district, as hereinafter described, be established in the Town of Elma, and

WHEREAS, the boundaries of the proposed drainage district #194 are as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Elma, County of Erie and State of New York, being part of Lot No. 39, Township 10, Range 6 of the Buffalo Creek Reservation, bounded and described as follows:

Beginning at a point in the center line of Maple Road, which is also the west line of said Lot No. 39, distant 839.97 feet southerly from the northwest corner of said lot, as measured along the center line of Maple Road, running thence

easterly making an interior angle of 90 degrees with the center line of Maple Road a distance of 181.5 feet, running thence southerly making an interior angle of 90 degrees a distance of 10.5 feet; running thence easterly making an exterior angle of 90 degrees a distance of 269.67 feet to the west line of lands of the Pennsylvania Railroad Company, running thence southerly along the west line of the Pennsylvania Railroad Company making an interior angle of 114 degrees 41' 17" a distance of 342.32 feet to the northeast corner of a 3 foot strip of land extending from Maple Road easterly, described in deed recorded in the Erie County Clerk's Office in Liber 6566 of Deeds at page 353; running thence westerly making an interior angle of 66 degrees 07' 43" and along the northerly line of said 3 foot strip a distance of 158.21 feet to the southeast corner of lands conveyed to S & J Realty Holdings, Inc. by deed recorded in Erie County Clerk's Office in Liber 11165 of Deeds at page 4195; thence northerly along the east line of lands so conveyed to S & J Realty Holdings, Inc 100 feet to the northeast corner of said lands; thence westerly along the north line of lands

so conveyed to S & J Realty Holdings, Inc, 436 feet to the northwest corner of said lands, being a point in the center line of Maple Road and the west line of Lot No 39; thence northerly along the center line of Maple Road a distance of 230 feet to the point beginning.

ORDERED, that the Town Board of the Town of Elma, shall meet at the Town Hall, 1600 Bowen Road, Elma, New York on the 17th day of July 2013 at 7:00 o'clock p.m. to consider such petition and hear all persons interested in the subject thereof, and it is further

ORDERED, that the Town Clerk of the Town of Elma is hereby authorized and directed to publish a certified copy of this order in the Elma Review and to post a copy of the same on the signboard of the Town of Elma in the name and manner required by law.

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