

A regular meeting of the Elma Town Board was held on Wednesday, November 15th, 2017 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-Absent |

- 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 18 people attended the meeting.

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

Making the legal notice for the on the 2018 Public Hearing Preliminary Budget part of the minutes Supervisor Powers opened the public hearing at 7:06pm. Questions regarding the budget from David Baker. No one spoke for or against the 2018 Preliminary Budget. Supervisor Powers closed the public hearing at 7:12pm.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the minutes from the October 18th, 2017 meeting. Ayes-4. Noes-0. Carried.

Department Reports:

Town Engineer James Wyzykiewicz noted the fence in the easement on Caroline Lane has been removed for work to start and the Oaknoll project is on hold until the easements are in place.

Building Inspector Joseph Colern presented the monthly report for October with 22 permits issued, fees collected of \$4,240.01 with an estimated value of construction of \$908,249.

Water Superintendent Eugene Stevenson noted 900 fire hydrants have been winterized along with the Town Parks. The bulk water stand has been removed at Jamison Rd but bulk water is still available at the Seneca St shop. NYS Cyber Security and EPA seminars have been attended.

Highway Superintendent Wayne Clark noted the loader from the Transfer Station sold for \$15,350.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the 2018 Preliminary Budget making it the 2018 Budget as presented. Ayes-4. Noes-0. Carried.

Supervisor Powers noted the Greater East Aurora Chamber of Commerce Proclamation for Small Business Saturday to show your support on proclaiming, November 25th, 2017 as Small Business Saturday.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to issue a negative declaration on a short form SEQR for Dynamics Research Corp at 6890 Seneca St Building A. Ayes-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve a Business Use Permit for Dynamics Research Corp at 6890 Seneca St Building A for spin balancing. Restrictions on this "Use" no outside storage. Building Inspector notes fire inspection required within 30 days and sign permits required for advertising. Ayes-4. Noes-0. Carried.

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Councilman Malczewski made the motion and Councilman Fallon seconded the motion to issue a negative declaration on a short form SEQR for Steuben Food Inc at 1200 Maple Rd. Ayes-3. Noes-0. (Councilman Nolan recused himself from the vote) Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to approve a Business Use Permit for Steuben Foods Inc at 1200 Maple Rd for a business office. Building Inspector notes sign permits required and fire inspection within 30 days of occupancy. Ayes-3. Noes-0. (Councilman Nolan recused himself from the vote) Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the following resolution amending the 2017 Budget as follows: WHEREAS, as the year has progressed the Town's actual spending has exceeded the 2017 adopted budget in certain line items, and WHEREAS, while these lines have no effect on the total 2017 adopted budget, it is necessary to transfer budgetary appropriations between certain appropriation codes, NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the following transfers within the 2017 budget: Decrease Appropriations: A-1990.400--Contingency \$8,781.63; DA-5110.112--Winter Seasonal Wages \$2,000.00 for a total of \$10,781.63. Increase Appropriations: A-1320.400--Independent Auditing \$210.00, A-1355.115--Assessment Board of Review \$71.63, A-1355.410--Assessor-Other Expenses \$7,000.00, A-1410.410--Town Clerk-Other Expenses \$1,500.00 and DA-5110.403--Liability Insurance \$2,000.00 for a total of \$10,781.63. Ayes-4. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to approve the following resolution: Supporting a Home Rule Request: Seeking Permission from New York State to Amend the Erie County Tax Act. WHEREAS, since 2015 more than 800 homes in Western New York have been deemed "zombie houses" defined as properties undergoing the foreclosure process that can remain vacant for years; and WHEREAS, the economic result of such vacant properties is nearly \$58 million worth of real estate in Erie County since it was last calculated; and WHEREAS, if the home remains vacant for a long enough period of time the property value could decrease to such a level that it is no longer in a bank's financial interest to foreclose on the property implying that time is a crucial factor in these cases; and WHEREAS, these houses remain empty typically due to homeowners' misunderstanding of proper foreclosure procedure- leaving these houses in limbo, i.e. the homeowners no longer maintain the property and banks are not legally obligated to. This means these properties are maintained oftentimes at the expense of taxpayers; and WHEREAS, in the United States the average time it takes to foreclose on a property is two years. If a house has been deemed abandoned by the municipality the foreclosure process should only take one year; and WHEREAS, as such the Town of Elma Legislature requests permission from New York State to make the following amendments to the legislation known as the Erie County Tax Act; and WHEREAS, the purpose of this resolution is to recommend the New York State Senate and Assembly amend § 9-1.0 of the Erie County Tax Act to shorten the period in which the holder of a tax sale certificate may foreclose on a property that is certified by a municipality to be vacant and abandoned from two years to one year; and WHEREAS, additionally to recommend § 11-2.0 of the Erie County Tax Act be amended to shorten the period in which the county may foreclosure on a tax certificate on a property that is certified by a municipality to be vacant and abandoned from two years to one year NOW, THEREFORE, BE IT RESOLVED, the following resolution is hereby adopted by the Town of Elma; and be it further, RESOLVED, that the Clerk of Town of Elma forward certified copies of this resolution to the New York State Assembly attention Speaker Carl E. Heastie and New York State Senate attention Majority Leader Flanagan as well as to the Erie County Executive, the Honorable Mark Poloncarz and to all other parties deemed necessary and proper. Ayes-4. Noes-0. Carried.

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Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve the budget transfers for Drainage District #7 & #164 repairs as a loan from the general fund as follows: WHEREAS, the Town wishes to proceed with the repairs within Drainage District No. 7 and No. 164, and WHEREAS, the Town has estimated the total cost of this improvement to be \$23,850.00, and WHEREAS, the Town does not currently have such an improvement budgeted in Drainage District No. 7 and Drainage District No. 164, but does have funding available through a loan from the General Fund, NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the amending of the 2017 adopted budget for Drainage District No. 7 and Drainage District No. 164 to authorize appropriations of \$23,850.00 for various drainage improvements. BE IT FURTHER RESOLVED, that the Town Board authorizes a loan from the General Fund to Drainage District No. 7 and Drainage District No. 164 in the amount of \$23,850.00, with the loan to be repaid over a seven-year period. At the cost of \$58.744 per the 58 units. Ayes-4. Noes-0. Carried.

Supervisor Powers set a Public Hearing date of December 6, 2017 at 7:00pm for the Fire Company Agreement and December 20, 2017 at 7:00pm for Local Law #4-2017 Moratorium on Solar Farms.

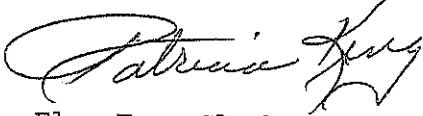
Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve Vouchers/Warrant #11 claim #1308 thru #1452 as follows: General Fund \$42,515.44; Highway Fund \$13,996.65; Water District \$28,998.86; Special District \$93,365.53. Ayes-4. Noes-0. Carried.

The next Town Board meeting will be December 6th, 2017 at 7:00PM and the Work Session will be December 13th, 2017 at 6:00PM.

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

Meeting Adjourned at 7:46PM. All in favor.

Respectfully submitted,



Elma Town Clerk
Patricia King,

TOWN OF ELMA
Notice of Public Hearing Preliminary Budget

Notice is hereby given that the Preliminary Budget of the Town of Elma for the fiscal year beginning January 1, 2018 has been completed and filed in the office of the Town Clerk, Town of Elma, New York where it is available for inspection by any interested person during regular business hours. Further notice is hereby given that the Town Board of Elma will meet and review said Preliminary, ad valorem budget, Special District budgets and hold a public hearing at the Elma Town Hall, 1600 Bowen Road, Elma, New York at 7:00pm on November 15th, 2017 and that at such hearing any person may be heard in favor or against any items therein contained. Pursuant to Section 115 of the Town Law, the proposed salaries of the following Town Officials are hereby specified as follows:

Supervisor	\$71,908
Councilman (4)	\$17,938
Town Clerk	\$65,280
Highway Superintendent	\$65,280
Justices (2)	\$37,240

By Order of the Elma Town Board
Town Clerk