

A regular meeting of the Elma Town Board was held on Wednesday, February 15, 2012 at 7:00 PM, 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-Absent
	Water Superintendent	Eugene Stevenson
	Town Attorney	Phyllis Todoro
	Town Engineer	James Wyzykiewicz

Approximately 16 people attended the meeting.

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

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve the minutes from the January 18, 2012 meeting. Ayes-5. Noes-0. Carried.

Making the Legal Notice for the Public Hearing on Drainage District #146-A extension part of the minutes Supervisor Powers opened the public hearing at 7:00PM. No one spoke for or against the Drainage District #146-A extension. Supervisor Powers closed the public hearing at 7:01PM.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the extension of Drainage District #146-A at 6091 Seneca Street for Todd Huber. Ayes-5. Noes-0. Carried.

Making the Legal Notice for the Public Hearing on the rezone of the back 6 acres at 6091 Seneca Street from residential to C2 part of the minutes Supervisor Powers opened the public hearing at 7:02PM. No one spoke for or against the rezoning of the back 6 acres at 6091 Seneca Street. Supervisor Powers closed the public hearing at 7:03PM.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the rezone of the back 6 acres at 6091 Seneca Street from residential to C2 for Todd Huber. Ayes-5. Noes-0. Carried.

#### Department Reports:

Building Inspector Joseph Colern noted that Moog and Sylvia's Place are progressing and will present monthly reports for January and February at the next Town Board meeting.

Water Superintendent Eugene Stevenson noted the waterline for Sylvia's Place is completed, Moog and Pondbrook projects are almost completed. The Emergency Plan and Quality Report are in progress. The Jamison Road pump house has been painted.

Town Attorney Phyllis Todoro is checking into the 10% increase for the water meters and taps.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve the Service Award Points as posted for 30 days. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to approve the installation of two (2) street lights at the Senior Center driveway; one on Bowen Road and one near the Historical barn, to be installed by NYSEG. The current electrical cost for the lights will be \$9.50 a month. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the Supervisor to sign the agreement for the Tree Acquisition and Administration Contract with Re-Tree WNY for \$100. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the meter deposit increase for the AMR System meters (meter deposits are refunded when you sell your home) are as follows: ¾" meter deposit \$220.00 and 1" meter deposit \$340.00. Meters larger than 1" are special ordered. Ayes-5. Noes-0. Carried.

Wednesday, February 15, 2012

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the 10% increase in water tapping costs on water service to new home construction are as follows: ¾" tapping \$832.00, 1" tapping \$1000.00 and any over 1" tapping the cost is estimated. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to accepted Robert Newton's 2011 Elma Town Historian's report. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve Warrant #2 with exception #166 as follows: General Fund \$22,202.02; Highway Fund \$50,262.30; Water District \$30,301.98 and Special District \$1,094,327.43. Ayes-5. Noes-0. Carried.

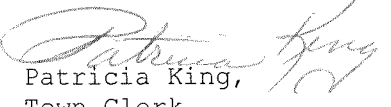
All have received the Planning, Zoning, Conservation Boards agenda and minutes that apply.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to enter Executive Session regarding litigation and adjourn immediately following with no motion or actions taken at 7:23PM. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to exit Executive Session at 8:10PM. Ayes-5. Noes-0. Carried.

Meeting Adjourned at 8:10PM. All in favor.

Respectfully submitted,

  
Patricia King,  
Town Clerk

#### LEGAL NOTICE

WHEREAS, a petition dated January 18, 2012, has been duly presented to the Town Board of the Town of Elma, according to the law, requesting to extend drainage district #146, as hereinafter described, be established in the Town of Elma, and

WHEREAS, the boundaries of the proposed drainage district #146-A extension 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. 83, Township 10, Range 6 of James Sperry's Survey of the Buffalo Creek Indian Reservation, bounded and described as follows:

COMMENCING at a point in the northeasterly line of Seneca Street distant 306.36 feet southeasterly from its intersection with the west line of Lot No. 83, said point being the southeast corner of lands deeded to Thomas E. McNamara by deed recorded in the Erie County Clerk's Office in Liber 10258 of Deeds at page 290; thence northerly along the easterly line of said lands deeded to McNamara and parallel with the westerly line of Pound Road 565.50 feet to the principle point of beginning; thence easterly at right angles 751.53 feet to a point; thence northerly at right angles 364.00 feet to a point in the northerly line of lands deeded to My Father's House by deed recorded in the Erie County Clerk's Office in Liber 9701 of Deeds at page 162; thence westerly at right angles and along the northerly line of lands deeded to My Father's House 751.53 feet to the northeast corner of lands deeded to McNamara by deed recorded in Liber 10258 of Deeds at page 290; thence southerly at right angles and along the easterly line of said lands deeded to McNamara and parallel with the westerly line of Pound Road 364.00 feet to the point of beginning, containing 6.280 acres of land more or less.

WHEREAS, the improvements proposed in said district consist of none, it is

ORDERED, that the Town Board of the Town of Elma, shall meet at the Town Hall, 1600 Bowen Road, Elma, New York on the 15th day of February 2012 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

#### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Elma, Erie County, New York, will meet at the Elma Town Hall, 1600 Bowen Road, Elma, New York on the 15th day of February, 2012, at 7:00 p.m. for the purpose of conducting a public hearing upon a proposal to rezone the rear 6 acres from residential to

C2 at 6091 Seneca Street as herein described at which time and place said Town Board will consider such proposal and hear all persons interested in the subject thereof concerning the same. The description of the boundaries of the proposed area to be rezoned is 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. 83, Township 10, Range 6 of James Sperry's Survey of the Buffalo Creek Indian Reservation, bounded and described as follows:

COMMENCING at a point in the northeasterly line of Seneca Street distant 306.36 feet southeasterly from its intersection with the west line of Lot No. 83, said point being the southeast corner of lands deeded to Thomas E. McNamara by deed recorded in the Erie County Clerk's Office in Liber 10258 of Deeds at page 290; thence northerly along the easterly line of said lands deeded to McNamara and parallel with the westerly line of Pound Road 565.50 feet to the principle point of beginning; thence easterly at right angles 751.53 feet to a point; thence northerly at right angles 364.00 feet to a point in the northerly line of lands deeded to My Father's House by deed recorded in the Erie County Clerk's Office in Liber 9701 of Deeds at page 162; thence westerly at right angles and along the northerly line of lands deeded to My Father's House 751.53 feet to the northeast corner of lands deeded to McNamara by deed recorded in Liber 10258 of Deeds at page 290; thence southerly at right angles and along the easterly line of said lands deeded to McNamara and parallel with the westerly line of Pound Road 364.00 feet to the point of beginning, containing 6.280 acres of land more or less.

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 sign board of the Town of Elma in the time and manner required by law.