

A regular meeting of the Elma Town Board was held on Wednesday, April 20, 2022, at 7:00PM at Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor	Wayne Clark
Councilman	Leroy Kupczyk
Councilman	Joseph Macaluso
Councilman	James Malczewski
Councilman	Tracy Petrocy
Also:	
Building Inspector	Joseph Colern
Highway Superintendent	Howard Diehl
Plant Manager	Brian Fiden
Town Attorney	Phyllis Todoro
Town Engineer	James Wyzykiewicz

Approximately 100 people attended the meeting.

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

Councilman Malczewski made the motion and Councilman Macaluso seconded the motion to approve the minutes from the March 16, 2022 meeting. Ayes -5. Noes - 0. Carried.

Department Reports:

Town Engineer James Wyzykiewicz had nothing to report.

Building Inspector Joseph Colern presented the monthly report for March with 35 permits issued, \$4,287.52 fees collected and the estimated value of construction \$1,105,094.88.

Plant Manager Brian Fiden noted the company where they usually get their meters has been sold and the new company will not be selling his meters. The new company he found right now is in Pittsburgh so Brian is looking into finding a new distributor in Western New York. The week of May 9th the four Fire Companies will be doing fire flow testing for fire insurance on the fire hydrants in their districts with assistance from Water Dept employees. Next week weather permitting the Water Department plans on turning on the water at the Town Parks.

Highway Superintendent Howard Diehl noted they are working on brush pickup, working at the Creek Road Town Park and they will be starting their summer hours on May 2nd.

Town Attorney Phyllis Todoro noted there have been issues with people storing semis on their property whether they are private residences or commercial. She suggests the matter be discussed at a Work Session because there is nothing in the Town Code specified on the matter.

Councilman Malczewski made the motion and Councilman Kupczyk seconded the motion to issue a negative declaration on a short form SEQR for Bach's Towing LLC at 930 Maple St, Elma, New York. Ayes - 5. Noes - 0. Carried.

Councilman Malczewski made the motion and Councilman Macaluso seconded the motion to approve a Business Use Permit for Bach's Towing LLC at 930 Maple St, Suite 106, Elma, New York for continued use as previous, towing company and storage yard Restrictions on this "Use" No junk autos or auto parts. Building Inspector notes change of ownership (same use) and fire inspection required and sign permit required. Ayes - 5. Noes - 0. Carried.

Councilman Petrocy made the motion and Councilman Malczewski seconded the motion to issue a negative declaration on a short form SEQR for Fox Lawn Furniture at 7570 Seneca St, Elma, New York. Ayes - 5. Noes - 0. Carried.

Councilman Petrocy made the motion and Councilman Kupczyk seconded the motion to approve a Business Use Permit for Fox Lawn Furniture at 7570 Seneca St, Elma, New York for handcrafted lawn furniture assembly and sales and shed sales. Same "Use" new owners (Alden Pools and Play LLC). Building Inspector notes new sign permits required and fire inspection required. Ayes - 5. Noes - 0. Carried.

Councilman Kupczyk made the motion and Councilman Malczewski seconded the motion to issue a negative declaration on a short form SEQR for Empire Smoke Shop at 5710 Seneca St, Elma, New York. Ayes - 3. Noes - 1. Carried. (Councilman Macaluso recused himself and Councilman Petrocy voted no).

Councilman Kupczyk made the motion and Councilman Malczewski seconded the motion to approve a Business Use Permit for Empire Smoke Shop at 5710 Seneca St, Elma, New York for retail smoke shop. Restrictions on this "Use" No Cannabis/dispensary/consumption as per NY Law & Clean Indoor Air Act. Building Inspector notes sign permit required for advertising and fire inspection and permit for any build out. Ayes - 3. Noes - 1. Carried. (Councilman Macaluso recused himself and Councilman Petrocy voted no).

Councilman Macaluso made the motion and Councilman Malczewski seconded the motion to approve a Preliminary Business Use Permit for Creative Land Development at 6040 Seneca St, Elma, New York for a business rent to own. Building Inspector notes refer to Planning Board for site plan review Chapter 117. Ayes - 5. Noes - 0. Carried.

Councilman Macaluso made the motion and Councilman Kupczyk seconded the motion to approve the amended Use Permit for Niagara Produce of Elma /Greenhouses at 3131 Transit Rd, Elma, New York. Use Permit limited to Greenhouses as per Fire Safety Action Plan. Ayes- 5. Noes- 0. Carried.

Councilman Malczewski made the motion and Councilman Kupczyk seconded the motion to approve the Special Use (Music) permit for The Cove at 4701 Transit Rd, Elma, New York. The current Special Use Permit expires May 31, 2022. Ayes- 5. Noes- 0. Carried.

Councilman Malczewski made the motion and Councilman Macaluso seconded the motion to approve Supervisor Clark to sign the extension of unpaid county taxes until June 30th, 2022. Ayes- 5. Noes- 0. Carried.

Councilman Petrocy made the motion and Councilman Kupczyk seconded the motion to approve the Resolution authorizing the adoption of the 2022 Erie County, NY Hazard Mitigation Plan as follows: **WHEREAS**, all jurisdictions within Erie County have exposure to hazards that increase the risk to life, property, environment, and the County and local economy; and **WHEREAS**; proactive mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and **WHEREAS**, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre- and post-disaster hazard mitigation programs; and **WHEREAS**; a coalition of Erie County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Erie County; and **WHEREAS**, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating, and revising this strategy; **NOW, THEREFORE, BE IT RESOLVED** that the Town of Elma:

- 1) Adopts in its entirety, the 2022 Erie County Hazard Mitigation Plan (the "Plan") as the jurisdiction's Hazard Mitigation Plan and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Planning Partnership as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

Ayes - 5. Noes - 0. Carried.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to approve the Retention and Disposition Schedule for NY local GOVERNMENT RECORDS AS FOLLOWS: **NOW, THEREFORE, BE IT RESOLVED**, By the Elma Town Board of the Town of Elma that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein. **FURTHER RESOLVED**, that in accordance with Article 57-A: (a) Only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein. (b) Only those records will be

disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods. Ayes - 5. Noes - 0. Carried.

Councilman Macaluso made the motion and Councilman Petrocy seconded the motion to approve the Resolution Establishing A Debt Reserve Account To Fund The Debt Service Principle And Interest Payment In The Town Of Elma as follows: **WHEREAS**, the Town Board of the Town of Elma would like to establish a debt reserve fund to be known as the "Debt Reserve Fund". The purpose of this Reserve Fund is to accumulate monies to pay down the principal and interest payments; and **WHEREAS**, the Town Board therefore desires to set aside funds over a period of time to cover the costs associated with the principal and interest payments of the 2021 Public Improvements Serial Bond. **NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Elma as follows:

1. That there is hereby appropriated to a separate account the amount of \$500,000.00, from the General Fund unassigned fund balance, to fund the debt service principal and interest payment of the Bond.
2. That such account shall be known as the "Highway Garage Fund Account".
3. Such additional sums as may hereafter be appropriated shall become part of the account.
4. The funds will be used to pay on the interest and principal payments of the 2021 Public Improvements Serial Bond.

BE IT FURTHER RESOLVED that the Town Board authorizes the establishing of a debt reserve account in the amount of \$500,000.00 from the fund balance in the General Fund. Ayes - 5. Noes - 0. Carried.

Councilman Malczewski made the motion and Councilman Macaluso seconded the motion to approve the Resolution for a Budget Amendment to Increase Appropriations for the CDBG Grant for the Senior Center Flooring as follows: **WHEREAS**, the Town wishes to provide for funding for the CDBG Grant that was awarded for flooring for the Senior Center, and **WHEREAS**, the Town Board wishes to provide funding for such expenses, and **WHEREAS**, the Town's 2021 adopted budget does not currently include such funding, **NOW, THEREFORE BE IT RESOLVED**, that the Town Board hereby authorizes the amendment of budgetary appropriations in the Town's 2021 adopted budget as follows:

Increase Appropriations:

A 7620.0415	CDBG Grant – Senior Flooring	\$68,000.00
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Decrease Appropriations:

A 599	Appropriated Fund Balance	\$17,751.00
A 3060	State Aid- Grants	\$50,249.00

Ayes - 5. Noes - 0. Carried.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to approve the Resolution for a Budget Amendment to Increase Appropriations for the Interest Payment on the BAN for the New Highway Garage as follows: **WHEREAS**, the Town wishes to provide for funding for the interest payment on the BAN for the New Highway Garage, and **WHEREAS**, the Town Board wishes to provide funding for such expense, and **WHEREAS**, the Town's 2021 adopted budget does not currently include such funding, **NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes the amendment of budgetary appropriations in the Town's 2021 adopted budget as follows:

Increase Appropriations:

A 9730.700	BAN – Interest	\$46,000.00
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Decrease Appropriations:

A 599	Appropriated Fund Balance	\$46,000.00
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and also approve the Resolution for a Budget Amendment to Increase Appropriations for the Transfer to Close Out the Capital Projects Account for the New Highway Garage as follows: **WHEREAS**, the Town wishes to provide for funding for the capital project account for the new Highway Garage, and **WHEREAS**, the Town Board wishes to provide funding for such expenses, and **WHEREAS**, the Town's 2021 adopted budget does not currently include such funding, **NOW THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes the amendment of budgetary appropriations in the Town's 2021 adopted budget as follows:

Increase Appropriations:

A 9950.900	Transfers-Capital Projects	\$345,790.11
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Decrease Appropriations:

A 599	Appropriated Fund Balance	\$345,790.11
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Ayes- 5. Noes-0. Carried.

Councilman Macaluso made the motion and Councilman Kupczyk seconded the motion to approve William Taber Jr as new Transfer Station and Sewer employee. Ayes - 5. Noes - 0. Carried.

Councilman Kupczyk made the motion and Councilman Malczewski seconded the motion to approve the Water Department Summer Hours with some employees working 10 hour days and 2 employees to continue working their 8 hour days. Ayes- 5. Noes- 0. Carried

Councilman Malczewski made the motion and Councilman Kupczyk seconded the motion to approve Vouchers/Warrant #4 claim # 207 thru #324. General Fund \$58,282.62; Highway Fund \$24,614.89; Water District \$254,088.71; Special District \$3,283.09. Ayes - 5. Noes - 0. Carried.

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

The next Work Session meeting will be May 11th, 2022, at 6:00PM and the next Town Board Meeting will be May 18th, 2022, at 7:00PM.

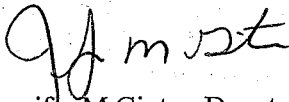
Councilman Macaluso made the motion and Councilman Kupczyk seconded the motion to add an item to the agenda to call for an Executive Session to be held on Friday, April 22, 2022 at 3PM for a meeting to be held with Erie County Clerk Mickey Kearns and the WNY Law Center at the Elma Town Hall regarding to The County Clerk's Zombie Properties Initiative. Ayes -5. Noes-0. Carried.

Councilman Kupczyk made the motion and Councilman Macaluso seconded the motion to adjourn the meeting at 7:45PM. Ayes- 5. Noes- 0. Carried.

Meeting adjourned at 7:45PM. All in favor.

As per notes taken by Town Attorney Phyllis Todoro

Respectfully submitted,



Jennifer M Ginter, Deputy Town Clerk