

A special meeting of the Elma Town Board was held on Tuesday, August 30, 2022, at 9:00AM 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-Absent

Also:

Building Inspector	Joseph Colern
Highway Superintendent	Howard Diehl-Absent
Plant Manager	Brian Fiden-Absent
Town Attorney	Phyllis Todoro
Sewer Plants	Timothy Walczyk-Absent
Town Engineer	James Wyzykiewicz-Absent

Approximately 1 person 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 issue a negative declaration on a full environmental assessment SEQR for the sewer plant merger project with Rolling Green Lane, The Meadows and Iroquois Central School, Elma, New York. Ayes-4. Noes-0. Carried.

Councilman Macaluso made the motion and Councilman Malczewski seconded the motion to approve the following IMG Grant Funding resolution as follows:

A RESOLUTION AUTHORIZING THE SUPERVISOR TO APPLY FOR
AND ACCEPT AN IMG GRANT FOR THE ELMA MEADOWS WASTEWATER TREATMENT
PLANT CONSOLIDATION PROJECT AND TO AUTHORIZE
PAYMENT OF THE REMAINING BALANCE FROM A BOND

WHEREAS, the Town of Elma is eligible to apply for an Intermunicipal Water Infrastructure ("IMG") Grant from the New York State Environmental Facilities Corporation ("EFC") for the Elma Meadows Wastewater Treatment Plant Consolidation Project (the "Project"); and

WHEREAS, the Town hereby authorizes the Project at a maximum total cost of \$5,400,000; and

WHEREAS, the Town wishes to undertake payment of the remaining cost of the Project with a Municipal Bond; and

WHEREAS, the Town wishes to authorize the Supervisor as the designated person to sign the funding agreement with EFC and any other associated documents.

NOW, THEREFORE, the Board of the Town of Elma, duly convened in regular session, does hereby:

RESOLVE that the Supervisor of the Town of Elma is hereby authorized to apply for and to accept on behalf of the Town an IMG Grant for up to \$2,160,000 from EFC for the Project, and that the Supervisor is authorized to sign the funding agreement with EFC and any other associated documents; and be it further

RESOLVED that the Town of Elma hereby authorizes the Project at a maximum total cost of \$5,400,000 and agrees to pay the Town's local share of the costs with a Municipal Bond.

Ayes -4. Noes -0. Carried.

Councilman Kupczyk made the motion and Councilman Macaluso seconded the motion to approve the IMA Agreement for the sewer plant merger project with Rolling Green Lane, The Meadows and Iroquois Central School, Elma, New York as follows:

INTER-MUNICIPAL
AGREEMENT

This Agreement made this 30th day of August 2022, pursuant to Article 5-G of the New York General Municipal Law, by and between the Town of Elma, Erie County, New York ("Elma") with offices at 1600 Bowen Road, Elma, New York 14059 and the Iroquois Central School District, Erie County, New York ("Iroquois") with offices at 2111 Girdle Road, Elma, New York 14059

WITNESSETH:

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WHEREAS, Elma and Iroquois both have the need to upgrade their wastewater treatment plants and neither entity has the capacity to implement separate projects. The shared model will realize cost savings in the construction of the new facility and in the long-term operations and maintenance costs; and

WHEREAS, New York State grant funding is available to help both the town and the school offset the costs associated with obtaining a new consolidated wastewater treatment plant and for paying the costs of said plant; and

WHEREAS, Elma will submit an application for funding to Environmental Facilities Corporation's Water Infrastructure Improvement Act Intermunicipal Grant program to assist in financing the project; and

WHEREAS, Elma and Iroquois want to issue a joint bid or request for proposals for the services of constructing a new consolidated wastewater treatment plant to serve both Elma and the Iroquois School District;

NOW THEREFORE, in consideration of the foregoing promises and the mutual covenants hereinafter expressed, it is hereby agreed by and between the parties hereto as follows:

1. Both Elma and Iroquois hereby enter into this Agreement for the purpose of agreeing to (a) jointly bid or request proposals for the services of constructing a new consolidated wastewater treatment plant; (b) to jointly apply for New York State grant funding to offset the costs of said services, and (c) to provide for the apportionment of the costs of both items (a) and (b) above between the municipality and the school district.
2. Elma will be the lead entity on the project and in securing the financial bonding for the entire project at an estimated cost of \$5,400,000. The school's financial responsibility is to allow the town to use the school's land for the construction of the sewer plant.
3. Elma and Iroquois agree to joint bid or request for proposals for wastewater treatment services, such services to be provided within the Town of Elma and the Iroquois School District.
4. Each and every provision of law and clause required by law to be inserted in this contract shall be deemed to have been inserted herein. If any such provision is not inserted through mistake or otherwise, then upon the application of either party, this contract shall be physically amended forthwith to make such insertion.
5. Both Elma and Iroquois agree and acknowledge that this Agreement does not constitute an agreement of employment of any of the vendors listed herein and that all such vendors are independent contractors.
6. No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term, condition of this Agreement, or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.
7. The Supervisor of Elma and the Superintendent of Iroquois have both executed this Agreement pursuant to duly adopted resolutions of their respective Boards.
8. This instrument may be executed in counterparts, the whole of which shall constitute the entire agreement.
9. This Agreement constitutes the complete understanding of the parties. No modification of any provision thereof shall be valid unless in writing and signed by both parties.
10. This Agreement is governed by the laws of the State of New York.
11. The signatories to this Agreement state that they have the authority to enter into this Agreement on behalf of their respective parties.

Ayes-4. Noes-0. Carried

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Councilman Malczewski made the motion and Councilman Macaluso seconded the motion to add an item (Executive Session regarding Union negotiations) to the agenda. Ayes-4. Noes-0. Carried.

The next Work Session will be September 14, 2022, at 6:00PM and the Town Board meeting will be September 21st, 2022, at 7:00PM.

Meeting adjourned. All in favor.

Respectfully submitted, as per notes taken by the Town Attorney Phyllis Todoro

Patricia A King, Town Clerk