

A regular meeting of the Elma Town Board was held on Wednesday, October 19, 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-Absent
Councilman	James Malczewski
Councilman	Tracy Petrocy

Also:

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

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

Councilman Malczewski made the motion and Councilman Kupczyk seconded the motion to approve the minutes from the September 21, 2022, meeting. Ayes-4. Noes-0. Carried.

#### Department Reports:

Building Inspector Joseph Colern presented the monthly report for September with 33 permits issued, \$7,821.20 fees collected and the estimated value of construction \$1,692,982.25.

Highway Superintendent Howard Diehl noted that a tree in the Village Green needs to be taken down, he will get two quotes for removal. A brush pick-up policy needs to be discussed.

Councilman Malczewski made the motion and Councilman Kupczyk seconded the motion to issue a negative declaration on a short form SEQR for MS Properties & Online Auto at 6381 Seneca St. Ayes-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Kupczyk seconded the motion to approve a Preliminary Business Use Permit for MS Properties & Online Auto at 6381 Seneca St for parking and storage of cars, outside and inside of building. No working or dismantling will take place outside. Building Inspector notes refer to Planning Board under section 60-1, 60-2 and 60-3. Ayes-4. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Kupczyk seconded the motion to approve a Preliminary Business Use Permit for 72 Par at 7200 Seneca St for golf simulator and sports bar. Building Inspector notes required Zoning Board approval (10-11-22) case #1422 and to refer to Planning Board for site plan review under chapter 117. Ayes-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Kupczyk seconded the motion to approve the renewal contract with MJ Mechanical for the HVAC at Town Hall at the cost of \$19,018 for 2023. Ayes-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to approve two (2) Highway pickup trucks (1) 4-wheel drive and (1) 2 wheel drive off the NYS bid list, price unknown at this time. Ayes-3. Noes-1. (Councilman Kupczyk voted no). Carried.

Councilman Kupczyk made the motion and Councilman Malczewski seconded the motion to approve the purchase of replacement parts for the playground at the Village Green at the cost of \$11,085.36 from Miracle Recreations Equip. Co. Ayes-4. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Kupczyk seconded the motion to approve the Highway generator repair at the cost of \$5,067 by Emergency Power Systems. Ayes-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Kupczyk seconded the motion to approve the following resolution: WHEREAS: The Justice Court Assistance Program (JCAP) was established by the New York State Legislator as an ongoing vehicle by which the State can assist Towns and Villages in the automation and operation of their Justice Courts; WHEREAS: The maximum JCAP grant is \$30,000; WHEREAS: The grant may be used for a variety of purposes, including but not limited to the acquisition of audio and computer equipment, office equipment, furniture and security measure for the Justice Court and Court office;

October 19, 2022

WHEREAS: The State of New York Unified Court System is entertaining applications for the Justice Court Assistance Program with and October 14, 2022. Deadline; WHEREAS: The Elma Justice Court needs the following items, listed in order of priority: New handheld metal detector, new office chair, typewriter for the Court office for completing forms, new table for Court office, file cart for Court office, new dry erase arrow sign for entrance to court room; and two new Judicial robes for the judges. NOW BE IT RESOLVED that the Town of Elma Town Board does hereby authorize the Elma Town Court to apply for a Justice Court Assistance Program Grant for the 2022-2023 cycle, and if awarded, to be the official representative in connection with the application, providing any additional information, if required, and to fully comply with the execution of the contract. Ayes-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to add an item to the agenda. Ayes-4. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Malczewski seconded the motion to approve the following resolution: WHEREAS, following the Public Hearing of September 21, 2022, which was held at the Elma Town Hall for suggestions by the public for projects to be submitted for funding, and in consideration thereof, NOW THEREFORE BE IT RESOLVED, that the Elma Town Board submits the following projects to be considered for funding by the Erie County Community Development Block Grant (ECCDBG) Program for the cited projects upon approval of the ECCDBG. NOW THEREFORE BE IT RESOLVED that the Elma Town Board authorized Wayne A Clark, Town Supervisor, to sign, submit and if funded execute a contract with Erie County Community Development Block Grant (ECCDBG) Program for the cited projects upon approval of the ECCDBG. NOW THEREFORE BE IT FURTHER RESOLVED that the Elma Town Board 1<sup>st</sup> Priority is Rural Transit Service. Ayes-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Kupczyk seconded the motion to set a Public Hearing date of November 9, 2022, at 7:00pm for the Preliminary Budget 2023. Ayes-4. Noes-0. Carried.

Councilman Macaluso made the motion and Councilman Kupczyk seconded the motion to approve Vouchers/Warrant #10 claim #764 thru #841. General Fund \$49,611.45; Highway Fund \$35,452.72; Water District \$218,022.39; Special District \$14,591.59. Ayes-4. Noes -0. Carried.

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

The next Work Session on the Budget meeting will be October 26<sup>th</sup>, 2022, at 8:00AM and the next Work Session will be on November 9, 2022, at 6:00PM with the Town Board Meeting to follow at 7:00PM.

Councilman Kupczyk made the motion and Councilman Maczewski seconded the motion to enter Executive Session at 7:40PM regarding pending lawsuit and personnel matter and will adjourn immediately following this meeting. Ayes-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to exit Executive Session at 8:40PM. All in favor.

Motion to adjourn the meeting at 8:40PM. All in favor. Carried.

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

Patricia A King,  
Town Clerk