

A regular meeting of the Elma Town Board was held on Wednesday, August 21, 2013 at 7:10PM, 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
Water Superintendent	Eugene Stevenson
Town Attorney	Phyllis Todoro
Town Engineer	James Wyzykiewicz

Approximately 33 people attended the meeting.

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

Making the legal notice for the changes to the Placing of Fill Ordinance part of the minutes Supervisor Powers opened the public hearing at 7:12PM. No one spoke for or against the changes. Supervisor Powers closed the public hearing at 7:20PM.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the changes to the Placing of Fill Ordinance 77-1 Drainage Plan Required as follows: Filling of lands within the Town of Elma shall require a stamped engineered drainage plan showing existing and proposed elevations, any drainage waterways, wetlands, and drainage contours in one foot increments. After review of the proposed project and the site plan has been submitted, the Building Inspector and Town Engineer may require additional information pertaining to the site. The Building Inspector and Town Engineer may at any time require a drainage district be formed with a public hearing and Town Board approval regarding the site. Permits will only be valid for 6 months. The adopted fee schedule by The Elma Town Board applies for permits. The table below sets forth when a permit and above listed requirements are required for filling of lands in the Town of Elma: 300-400 yards on a 1 -2 acre site; 400-600 yards on a 2 -3 acre site; 600-800 yards on a 3-4 acre site; 800 yards on a lot greater than 4 acres *(800+ yards of fill requires town board approval) **Exemptions to above law: Contractors/developers/owners of property shall not be required to obtain fill permit when: 1) Applicant already has received a final site plan approval for the project through the Elma Planning Board (must have stamped drainage plan with site plan approval) 2) For a new residential house permit where a stamped engineered drainage plan is filed with the building department and the drainage plan has been approved by the building department and town engineer. No filling shall take place until building permit has been issued. 3) Driveways and parking lots. **The building inspector at any time may impose a stop work order when there is found to be a violation of filling lands within the Town of Elma. ** Fines in accordance to 77-2 will be applied if any filling of land has taken place without approvals/permits. ** Any person who is filling land must still fill out application even thou it may be exempt. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to approve the minutes from the July 17,2013 meeting. Ayes-5. Noes-0. Carried.

Department Reports:

Water Superintendent Eugene Stevenson noted that Triton Valley Mobile Home Park has been notified that the September 3, 2013 deadline date for the water shut off is near because the work has not been completed as requested; also the Erie County Health Department completed their annual inspection with no violations. A hydrant will be replaced on Bullis Road due to an accident and all the premiered hydrants should have the final coat of paint within the next 2 weeks.

Highway Superintendent Wayne Clark noted that the repaving of Shultz Road is 85% and Kirkwood Drive is in the process of being repaved. Auctions International has sold the 2009 Ford pickup for \$21,500.

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Councilman Fallon made the motion and Councilman Petrocy seconded the motion to add an item to the agenda. Ayes-5. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Malczewski seconded the motion to surplus the 2003 and 2009 Ford Pickup trucks for the Highway Department due to the Auctions International sale bids of \$8000 for the 2003 and \$21,500 for the 2009. Also to purchase the 2014 replacement vehicle from the Erie County bid list from Delacy Ford at the cost of \$24,266. Ayes-5. Noes-0. Carried.

Town Attorney Phyllis Todoro noted that the final site plan for NYSEG on Stolle Road has been approved and the next step is a variance for height with the Zoning Board.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve a negative declaration on a short form SEQR for a General Physician, PC at 2701 Transit Road Suite #143 & 144 in the Commons on Transit LLC. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve a Business Use Permit for a General Physician, PC at 2701 Transit Road Suite #143 & 144. Building Inspector notes a permit required for any advertising signs. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Nolan seconded the motion to approve a negative declaration on a short form SEQR for Country Glamour Mini-Spa at 430 Main Street. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve a Business Use Permit for Country Glamour Mini-Spa at 430 Main Street. Building Inspector notes a fire inspection within 30 days after occupancy and a sign permit required for advertising signs. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Nolan seconded the motion to approve a negative declaration on a short form SEQR for Transen Open Air market and Garden Center at 5710 Seneca Street. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve a Business Use Permit for Transen Open Air Market and Garden Center at 5710 Seneca Street. Building Inspector notes a permit required for any advertising signs and fire inspection within 30 days after occupancy. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve a negative declaration on a short form SEQR for Shelley's Big Scoop at 2331 Bowen Road. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve a Business Use Permit for Shelley's Big Scoop at 2331 Bowen Road. Building Inspector notes inspection required prior to opening and permit is required for any advertising signs. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to add an item to the Agenda. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve a Business Use Permit for Northeast Fluid Power, Inc at 717 Jamison Road Suite #5. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to table until the next Town Board meeting on September 4, 2013 the cleaning bid for the Town Hall on the conditions for the company to supply references, insurance and performance bond; Coverall Health Based Cleaning at \$12,852 per year. Also bids where received from Clean Sweep Janitorial Services \$19,152 per year and JaniKing The King of Clean \$16,618.44 per year were received. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to award the bid for the Water Department Pick-up to Delacy Ford at \$27,993. A bid from West Herr Ford New York at \$29,219 was also submitted. Ayes-5. Noes-0. Carried.

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Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve the agreement with EMW Lacrosse Inc in the amount of \$2000 for 2013. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to approve the resolution for Authorizing a budget transfer for additional appropriations for Sewer District #7 as follows: WHEREAS, the Town has made repairs at Sewer District 7, and WHEREAS, the Town's 2013 adopted budget does not currently include the appropriations needed for such repairs NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the amending of the 2013 adopted budget to include the appropriations for the Sewer District 7 repairs as follows: Increase Appropriations: SS7 8127.405-Reserve for Repairs \$3,500.00. Increase Estimated Revenues: SS7 599-Appropriated Fund Balance (\$3,500.00). Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve the resolution Keeping The Cornell Local Roads Program as follows: WHEREAS, since 1951 the Cornell Local Roads Program has been providing technical assistance and training for local highway officials through Cooperative Extension; and WHEREAS, effective September 30, 2014 the College of Agriculture and Life Sciences at Cornell has decided to terminate the Local Technical Assistance Program which is the outreach of the Cornell Local Roads Program; and WHEREAS, this decision by Cornell is apparently based on the program being judged as no longer being a priority for the College of Agriculture and Life Sciences; and WHEREAS, yet this program is acknowledged within the College to be valuable, meeting a need and doing a good job; and WHEREAS, all of us local highway officials are aware of its value, especially in providing technical assistance and meeting our ongoing needs for training. NOW THEREFORE, BE IT RESOLVED, that the Elma Highway Department and the Elma Town Board strongly urge reversal of this decision by the College of Agricultural and Life Sciences; and BE IT FURTHER RESOLVED, that we ask other local highway official colleagues to join us in seeking this reversal in a timely way since the New York State Department of Transportation solicits every five years proposals to maintain the Local Technical Assistance Program which current agreement expires on September 30, 2014. FINALLY, let it be known that this Local Roads Program provides the Connell University, our land grant University, and specifically the College of Agriculture and Life Sciences, the opportunity to directly impact local governments in New York State by applying their expertise to local road issues. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the resolution for authorizing a loan from the General Fund to Drainage District #14 for the Installation of a Drain Pipe as follows: WHEREAS, the Town wishes to proceed with improvements within Drainage District No. 14, and WHEREAS, the Town has estimated the total cost of these improvement to be \$3,015.00, and WHEREAS, the Town does not currently have such improvements budgeted in Drainage District No. 14, but does having funding available through a loan from the General Fund, NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the amending of the 2013 adopted budget for Drainage District No. 14 to authorize appropriations of \$3,015.00 for various drainage improvements. BE IT FURTHER RESOLVED, that the Town Board authorizes a loan from the General Fund to Drainage District No. 14 in the amount of \$3,015.00, with the loan to be repaid over a three year period. Cost per unit the thirty (30) will be \$33.50 per year. Ayes-5. Noes-0. Carried.

Councilman Malczewski gave a brief update of the Multiple Dwelling Code Committee progress.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve Warrant #8 claim #847 to #973 as follows: General Fund \$46,598.27; Highway Fund \$80,690.28; Water District \$173,455.77 and Special District \$5,455.04. Ayes-5. Noes-0. Carried.

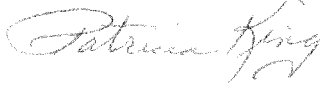
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Supervisor Powers noted the next Town Board meeting will be September 4, 2013 at 7:00pm, Work Session September 11, 2013 at 6:00pm and the next Town Board meeting September 18, 2013 at 7:00pm.

All have received the Planning, Zoning Conservation Boards and Multiple Dwelling Code Committees agendas and minutes that apply.

Meeting adjourned at 8:05PM. All in favor.

Respectfully submitted,



Patricia King,
Town Clerk

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 21st of August, 2013 at 7:00PM for the purpose of conducting a Public Hearing upon a proposal to amend the Placing of Fill Ordinance of the Town of Elma. At which time all persons interested may be heard. Copies of the amendment to the Placing of Fill Ordinance will be available in the Building Department for inspection and distribution to any interested person during business hours, Monday through Friday 8:00 am to 3:30pm.

LEGAL NOTICE

The Town of Elma is accepting sealed bids for the purchase of a 2014 Pick Up Truck for the Elma Water Department. Sealed bids to be received at the Elma Town Hall, Town Clerk's Office, 1600 Bowen Rd, Elma, NY, prior to 3:00PM on August 21st, 2013. Specifications are available at the Elma Town Clerk's Office. The Town Board reserves the right to refuse any and all bids. All bids to be opened at 6:00PM August 21st at the Elma Town Hall, Work Session Meeting.

Notice of Invitation to Bid Cleaning Services

Specification for Cleaning Services at the Elma Town Hall, 1600 Bowen Road are available in the Town Clerks Office, Monday through Friday 8:00AM to 4:00PM. Sealed bids are returnable on August 14, 2013 by 3:00PM; they will be opened and reviewed to be awarded at the next regular Town Board meeting on August 21, 2013 at 7:00PM. Any question call 652-3260.