

A regular meeting of the Elma Town Board was held on Wednesday, June 18, 2014 at 7:00PM, 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 63 people attended the meeting.

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

Making the legal notice part of the minutes for the Abandonment of Old Woodard Road; Supervisor Powers opened the Public Hearing at 7:03pm. Speaking for the abandonment Mr. & Mrs. Reed and Mr. & Mrs. Snitzer, no one spoke against the abandonment. Supervisor Powers closed the Public Hearing at 7:11pm.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the abandonment of Old Woodard Road as stated in the Public Hearing notice. Ayes-5. Noes-0. Carried.

Making the legal notice part of the minutes for Local Law #3-2010 to amend the Dog Ordinance adding Section F. Redemption Fees of seized dogs and changing the Local Law to #2-2014; Supervisor Powers opened the Public Hearing at 7:12pm. No one spoke for or against the dog ordinance amendment. Supervisor Powers closed the Public Hearing at 7:15pm.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the amending of Local Law #3-2010 adding Section F. Redemption fees of seized dogs. The owner of a seized dog may redeem the dog(s) within seven (7) days of seizure, if untagged or tagged by paying to the Town Clerk's Office the following seizure and poundage fees: a. Twenty-five dollars (\$25.00) on first seizure for each dog seized. b. Forty dollars (\$40.00) on a second seizure within a one-year period per dog seized. c. Fifty-five dollars (\$55.00) on a third seizure or more within a one-year period. d. Plus Seven dollars (\$7.00) per day for expenses after the first offense. Redemption Fees of seized dogs and changing the Local Law to #2-2014. Ayes-5. Noes-0. Carried.

Making the legal notice part of the minutes for Drainage District #195 Tim Horton's at 2157 Transit Road; Supervisor Powers opened the Public Hearing at 7:16pm. A representative from Wm Schutt Associates spoke in favor, no one spoke against the drainage district. Supervisor Powers closed the Public Hearing at 7:17pm.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve Drainage District #195 for Tim Horton's at 2157 Transit Road. Ayes-5. Noes-0. Carried.

Making the legal notice part of the minutes for Open Space Protection and Land Conservation Easement #1 Rupp Property on Ostrander Road; Supervisor Powers opened the Public Hearing at 7:18pm. Speaking in favor D. Appleby, S Meyers, M Sheridan, T Muench, F Streif (email response) and no one spoke against the Conservation Easement. Supervisor Powers closed the Public Hearing at 7:20pm.

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Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve for Open Space Protection and Land Conservation Easement #1 Rupp Property on Ostrander Road, upon final completion of the search and survey paperwork. Ayes-5. Noes-0. Carried.

Making the legal notice part of the minutes for the second (6) six month extension of Local Law #1-2014 Six Month extension on the Moratorium for 1 year on Multi-Family Dwellings/projects in the Town of Elma which will become Local Law #3-2014; Supervisor Powers opened the Public Hearing at 7:22pm. No one spoke for or against the extension. Supervisor Powers closed the Public Hearing at 7:25pm.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve the second six month extension of Local Law #1-2014 Six Month extension on the Moratorium for 1 year on Multi-Family Dwellings/Projects in the Town of Elma which will become Local Law #3-2014. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to approve the minutes from the May 21st, 2014 meeting. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the Proclamation for the Relay for Life on June 20, 2014. Ayes-5. Noes-0. Carried.

Supervisor Powers presented a Proclamation to Jacob Ducoli on becoming an Eagle Scout.

Department Reports:

Building Inspector Joseph Colern presented the monthly report for May with 32 permits issued, fees collected of \$16,121.90 with an estimated value of construction of \$2,558,988. Mr. Colern is requesting the Town Board to hire professional services for the Brookside Patio Homes on Bowen Road for the Type I SEQER review.

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

Councilman Nolan made the motion and Councilman Fallon seconded the motion to retain Clark Patterson Lee for professional services on the Brookside Patio Homes, Bowen Road Type I SQER review with fees to be paid for by Mr. Young. Ayes-5. Noes-0. Carried.

Water Superintendent Eugene Stevenson noted that there was another water line break on Treehaven off Chairfactory Road. Fire hydrants are in the process of being painted. The new water pumps were delivered today for both pump houses and Mr. Stevenson is requesting to bid the installation of a generator and electrical upgrades for the new pumps.

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

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve Clark Patterson Lee to bid out the contract for the installation of a generator and electrical upgrades to support the new water pumps. Bids to be returned by July 16, 2014 at 3:30pm and to be opened at 7:00pm and will awarded on August 20, 2014 at 7:00pm. Ayes-5. Noes-0. Carried.

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Highway Superintendent Wayne Clark noted that they are patching roads, doing road side mowing and sweeping roads. Also Mr. Clark would like the Water Department to help with the July 4th, clean up on July 5th. Mr. Stevenson will ask his workers to be available.

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

Councilman Nolan made the motion and Councilman Fallon seconded the motion to allocate the 1% sales tax from Erie County to the Highway Fund specifically for road repairs. Ayes-5. Noes-0. Carried.

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

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve Custom Builders of Western New York LLC at the cost of \$24,950 to erect the Press Box at the Creek Road Park. Three quotes have been received and a percentage of the cost to be paid for by the Town of Wales and Town of Marilla. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to rescind the following Business Use Permits: RW PennySavers at 5763 Seneca St; T & T Trading Group at 6300 Seneca St; Apex Cabinetry at 717 Jamison Rd #5 and 16 South Fire Grill at 7200 Seneca St. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to issue a Preliminary Business Use Permit for King's Automotive at 6511 Seneca Street. Building Inspector notes; need Site Plan approval under Section 117 Elma Town code. No Junk Auto parts or junk Auto's to be stored outside. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve a negative declaration on a short form SEQR for Strum Roofing at 717 Jamison Road Suite #4. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve a Business Use Permit for Strum Roofing at 717 Jamison Road Suite #4. Building Inspector notes inside storage/office only. No construction material stored outdoors. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve a negative declaration on a short form SEQR for RealTree Landscapers I LLC at 6701 Seneca Street. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve a Business Use Permit for RealTree Landscapers I LLC at 6701 Seneca Street. Building Inspector notes no outside storage of construction vehicles, building equipment, and building supplies. No stockpiling of stone/mulch per 144-86.1 A5 of the Town Code. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Petrocy seconded the motion to approve a negative declaration on a short form SEQR for JKMC, LLC/Mariahs on Sixteen at 7200 Seneca Street. Ayes-5. Noes-0. Carried.

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Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve a Business Use Permit for JKMC, LLC/Mariahs on Sixteen at 7200 Seneca Street. Building Inspector notes a sign permit required. Fire inspection prior to opening. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to authorize Supervisor Powers to sign the agreement with EMW Little League Baseball in the amount of \$7,000. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the Annual Stormwater MS4 Compliance report, which has been on the Town website for review. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to authorize the Supervisor to sign the Grant with Erie County Soil and Water for the Northrup Road Culvert Replacement Project in the amount of \$13,500. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the following agreement: WHEREAS, the Iroquois Central School District is desirous of obtaining the services of a full-time special patrolman in an effort to deter criminal behavior and otherwise benefit the student population through positive interactions between students during school hours, and to otherwise perform duties traditionally associated with a school resource officer to the extent permitted by law; and WHEREAS, the Town of Elma is desirous of providing such services to the District, in order to benefit the District's student population as well as the community at large; and WHEREAS, the Parties have considered and deliberated over the terms upon which this program will be implemented, and an inter-municipal agreement has been prepared to memorialize such terms; NOW, THEREFOR, BE IT RESOLVED, that the Town Board of the Town of Elma hereby approves the agreement between the Town and the Iroquois Central School District, as presented, for the provision of a special patrolman to the District to perform the duties traditionally associated with school resource officer. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the following Quasar Energy Group resolution as follows: Resolution urging New York State Department of Environmental Conservation to Revoke or Deny Permits Granted or Under Consideration To Quasar Energy Group Allowing "EQUATE" to be Applied to Farmland Within Erie, Wyoming, and Niagara Counties. WHEREAS, the New York State Department of Environmental Conservation has granted at least 10 permits to allow Quasar Energy Group to spread "Equate", a material derived from sewage, to be spread on agricultural land within Niagara County, and WHEREAS, the New York State Department of Environmental Conservation is considering granting permits in Erie and Wyoming Counties, and WHEREAS, various town governments have expressed concerns about Equate being used within their jurisdictions, and WHEREAS, many members of the agricultural community have expressed concerns about Equate and their ability to bring produce to market, and WHEREAS, many residents have expressed concerns about the impact of this product on the health of children, pets, and themselves, and WHEREAS, the Honorable George D. Maziarz and the Honorable John L. Ceretto did, on April 8th of this year, jointly request that the DEC revoke any permits issued to Quasar Energy Group and its subsidiaries allowing for the spreading of Equate at sites in Western New York, and WHEREAS, the Town of Elma shares the concerns expressed by a great number of residents and believes the more prudent course for Equate is to allow further investigation of claims made by Quasar regarding the safety of this product, now therefore be it RESOLVED, the Town Board of the Town of Elma hereby adds its endorsement to the April 8, 2014 letter from Senator Maziarz and Member of the Assembly Ceretto to Commissioner

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Joseph Martens of the DEC, and be it further RESOLVED, the Town Board of the Town of Elma urges the New York State Department of Environmental Conservation Revoke/Deny any permit granted or under consideration to Quasar Energy Group allowing "Equate", a material derived from sewage, to be spread on farmland within Erie, Wyoming or Niagara Counties, be it further RESOLVED, that the Town of Elma shall forward copies of this Resolution to Governor Andrew M. Cuomo, Senate Vice President Pro Tem George Maziarz, Senate Temporary President Dean D. Skelos, Senate Deputy Majority Leader Thomas W. Libous, Speaker of the Assembly Sheldon Silver, Assembly Majority Leader Joseph Morelle, Assembly Minority Leader Brian M. Kolb, the entire WNY State Delegation, NYS DEC and all others deemed necessary and proper. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve Warrant #6 claim #607 thru #728 as follows: General Fund \$154,812.02; Highway Fund \$12,375.20; Water District \$153,602.60; and Special District \$134,410.54. Ayes-5. Noes-0. Carried.

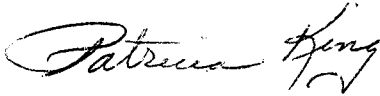
Supervisor Powers set a public hearing date of July 16, 2014 for Drainage District #196 Bo Tucker at 5970 Seneca St and to amend Town Code Chapter 115-165 Sewage.

Supervisor Powers noted the next Work Session will be July 16, 2014 at 6:00PM with the Town Board meeting to follow at 7:00PM

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

Meeting adjourned at 8:27PM. 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, County of Erie, will meet at the Elma Town Hall, 1600 Bowen Road, Elma, New York on the 18th day of June, 2014, at 7:00PM for the purpose of conducting a public hearing to consider and discuss and if need be act upon the proposed abandonment of Old Woodard Road, 2014-116 description of Old Woodard Road to be abandoned by the Town of Elma, part of Lot 48 Township 10, Range 12 of the Buffalo Creek Reservation, bounded and described as follows: Beginning at the Northeast corner of lands conveyed to Robert A. and Jean S. Palas by Liber of deeds 9239 at page 138, said point being on the center of Old Woodard Road 873.6' southwesterly from the east line of Lot 48 as measured on the center of Woodard Road. Thence southwest on the center of Old Woodard Road being the north line of Palas a distance of 21.74' to a point on the southeasterly extension of the westerly line of New Woodard Road as reconstructed circa 1929. The above described point being the principle point of beginning. Thence southeast on the southeasterly extension of New Woodard Road as reconstructed a distance of 36.74' to the south line of Old Woodard Road. Thence southwest on the south line of Old Woodard Road at an interior angle of 63° 45' a distance of 316.2' to the easterly line of a 118.0 wide strip of land conveyed to the Buffalo New York and Philadelphia Railway Company by Liber of deeds 453 at page 256. Thence northwesterly on the easterly line of said railroad lands on a curve to the left having a measured radius of 6282.73 a length of 66.86' to the north line of Old Woodard Road. Thence northeast on the north line of Old Woodard Road being parallel to the north line of Palas a distance of 294.4' to the westerly line of the existing Woodard Road. Thence southeast on the westerly line of the existing Woodard Road at an interior angle of 116° 15' a distance of 36.79' to the principle point of beginning containing 0.462 acres of land more or less.

By order of the Town Board of the Town OF Elma, Erie County, New York.

23-1

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Elma, County of Erie, will meet at the Elma Town Hall, 1600 Bowen Road, Elma, New York on the 18th day of June, 2014, at 7:00 p.m. for the purpose of conducting a public hearing to consider and discuss and if need be act upon amending the Local Law #3-2010 Dog Ordinance, to add to 65-10 as item F. Redemption fees of seized dogs which will become Local Law #2-2014 Amended Dog Ordinance.

By order of the Town Board of the Town OF Elma, Erie County, New York.

23-1

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Elma, County of Erie, will meet at the Elma Town Hall, 1600 Bowen Road, Elma, New York on the 18th day of June, 2014, at 7:00PM for the purpose of conducting a public hearing to consider and discuss and if need be act upon the proposed Open Space Protection and Land Conservation Easement for the Rupp property on Ostrander Road 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. 19, Township 10, Range 6 of the Buffalo Creek Reservation, bounded and described 35 acres belonging to Daniel Rupp and Linda Rupp of 641 Ostrander Road. The selected parcel is east and directly behind the Rupp's residence at 641 Ostrander and borders on the southwest side of the Buffalo Creek.

By order of the Town Board of the Town OF Elma, Erie County, New York.

23-1

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Elma, County of Erie, will meet at the Elma Town Hall, 1600 Bowen Road, Elma, New York on the 18th day of June, 2014, at 7:00 p.m. for the purpose of conducting a public hearing to consider and discuss and, if need be, act upon the proposed local law entitled "Local Law #1-2014 Second Six Month extension on the Moratorium for 1 Year on Multi-Family Dwellings/projects in the Town of Elma, which will become Local Law #3-2014. The moratorium should include 3 or more family structures, senior housing, townhouses, condos and all apartment complexes. This moratorium would not include two (2) family residences. This will be the final extension on the Moratorium.

By order of the Town Board of the Town OF Elma, Erie County, New York.

23-1

LEGAL NOTICE

Drainage District #195
WHEREAS, a petition dated May 21, 2014, has been duly presented to the Town Board of the Town of Elma, according to the law, requesting that a drainage district, as hereinafter described, be established in the Town of Elma, and **WHEREAS**, the boundaries of the proposed drainage district #195 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. 97, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

Beginning at a point in the east line of Transit Road, 100 feet wide, distant 670.99 feet southerly of its intersection with the south line of Seneca Street 66 feet wide running thence southerly along the easterly line of Transit Road 100 feet to a point, which point is the northwest corner of lands conveyed to Wilbur Johnst by deed recorded in the Erie County Clerk's Office in Liber 3788 of Deeds at page 302, running thence easterly at right angles with the easterly line of Transit Road and along the north of lands line so conveyed to said Johnst 582 feet to the east line of premises conveyed to Hugh D Stevenson and One by deed recorded in the Erie County Clerk's Office in Liber 2847 of Deeds at page 454, thence northerly along the east line of said Stevenson's land and parallel with the easterly line of Transit Road 100 feet to a point, thence westerly parallel with the first described line herein 582 feet to the point or place of beginning.

ORDERED, that the Town Board of the Town of Elma, shall meet at the Town Hall, 1600 Bowen Road, Elma, New York on the 18th day of June 2014 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 of the same on the signboard of the Town of Elma in the time and manner required by law.

23-1