

A regular meeting of the Elma Town Board was held on Wednesday, July 18, 2012 at 7:00 PM, 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-Absent
	Water Superintendent	Eugene Stevenson
	Town Attorney	Phyllis Todoro
	Town Engineer	James Wyzykiewicz-Absent

Approximately 18 people attended the meeting.

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

Councilman Petrocy made the motion and Councilman Fallon seconded the motion to approve the minutes from the June 20, 2012 meeting. Ayes-5. Noes-0. Carried.

Department Reports:

Building Inspector Joseph Colern presented the monthly report for June 2012 with 30 permits issued, fees collected of \$14,311.04 with an estimated value of construction of \$2,522,943.

Water Superintendent Eugene Stevenson inquired if a replacement for the cleaning person at the Water Department is being considered. Also noted that water consumption due to the recent drought, residents are using approximately 3.4 million gallons of water a day.

Town Attorney Phyllis Todoro informed the Town Board of recent projects approve at the Planning Board meeting. Also the MS-4 Stormwater review is being worked on with the Town Engineer and DEC to become compliant.

Supervisor Powers presented Certificates of Achievement to Jonathan Bragg and Christopher Schwab on becoming an Eagle Scout. Scout Master Art Phillips accepted the certificate for Keelan Schwab who was unable to attend the meeting.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to rescind the Business Use Permits for Biggwood and Novastar Home Mortgage Inc at 2901 Bowen Road. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to issue a negative declaration on a short form SEQR for Buffalo Wealth Management at 2901 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 Buffalo Wealth Management at 2901 Bowen Road. Building Inspector notes a permit is required for any advertising signs and a fire inspection within 30 days of occupancy. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to issue a negative declaration on a short form SEQR for Crash Research & Analysis, Inc at 2901 Bowen Road. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve a Business Use Permit for Crash Research & Analysis, Inc at 2901 Bowen Road. Building Inspector notes sign permit is required for any advertising signs and fire inspection required within 30 days of occupancy. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to deny the Business Use Permit for Brenda's Auto Place at 6711 Seneca Street due to no previous business at this site and an inadequate description of the business. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to approve the resolution for Authorizing a Budget Amendment for Additional Appropriations for Sewer District 5 as follows: WHEREAS, the Town has made repairs at Sewer District 5, and WHEREAS, the Town's 2012 adopted budget does not currently include the appropriations needed for such repairs NOW, THEREFORE, be it

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RESOLVED, that the Town Board hereby authorizes the amending of the 2012 adopted budget to include the appropriations for the Sewer District 5 repairs as follows: Increase Appropriations: SS5 8127.405--Reserve for Repairs--\$46,000.00 Increase Estimated Revenues: SS5 599--Appropriated Fund Balance--(\$46,000.00) Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the resolution for Authorizing a Budget Amendment for Additional Appropriations for a New Transfer Station Truck & Roll Off Body as follows: WHEREAS, the Town is purchasing a new truck and roll off body for the Transfer Station, and WHEREAS, the Town wishes to fund the acquisition of this truck with the 1% sales tax revenue that is in excess of what was budgeted, NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the amending of the Town's 2012 adopted budget for the General Fund and to authorize additional appropriations to provide for the cost of the equipment as follows: Increase Appropriations: A 8160.200--Sanitation - Refuse Equipment--\$ 145,000.00. Increase Estimated Revenues: A 1120--Sales Tax Revenue--\$ 145,000.00. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to approve the resolution for Authorizing a Workers' Compensation Reserve as follows: WHEREAS, the Town is a member of the Upstate New York Municipal Workers' Compensation Fund, and WHEREAS, in the past years the Town has had a good experience relating to workers' compensation claims and has received a refund from the Fund, and WHEREAS, the Town, despite all its efforts to maintain a safe working environment for all employees and volunteer firefighters, realizes that there may be years in which its workers' compensation claims may not be as positive, and WHEREAS, the Town wishes to protect itself from those times when injuries may occur, and WHEREAS, General Municipal law, Section 6-j allows Town governments to set up a Workers' Compensation Fund Reserve Fund, NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorize the establishment of a Workers' Compensation Fund Reserve Fund and the refund received from the Upstate New York Municipal Workers' Compensation Fund of \$34,903.00 will be used for the initial funding of such reserve. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the following resolution: WHEREAS, the New York State, Department of State (DOS) is soliciting grant applications for the Local Government Performance and Efficiency Program (LGPEP), to provide performance awards for existing cost savings actions that are substantial, measurable and transformative, and WHEREAS, the Town of Elma and the Town of West Seneca have implemented a program to share the services of an Assessor since 2010, thereby resulting in reoccurring savings to taxpayers of both communities, and WHEREAS, the Towns of Elma and West Seneca desire to submit a grant application titled, "Elma-West Seneca Shared Assessor Program" to the New York State Department of State Local Government Performance and Efficiency Program and, WHEREAS, the Town of Elma will serve as the designated Lead Agency, representing the two municipalities and entering into a contract with the New York State, Department of State on behalf of the Town of Elma and the Town of West Seneca upon award of the grant; NOW THEREFORE, BE IT RESOLVED, that the Elma Town Board agrees to act as the Lead Agency for the purposes of submitting the grant application and administering the grant award, and BE IT FURTHER RESOLVED, that the Elma hereby designates Dennis M. Powers, Town Supervisor, (and his designee), to submit an application for the Town of Elma-Town of West Seneca Shared Assessor Program to the Local Government Performance and Efficiency Program, BE IT FURTHER RESOLVED, that Dennis M. Powers is hereby authorized to execute all financial and/or administrative processes relating to the implementation of the program on behalf of the Town of West Seneca, and BE IT FURTHER RESOLVED, that, should it be necessary, the Supervisor of the Town of West Seneca, Sheila M. Meegan, be and hereby is authorized to execute any and all documents to effectuate the terms of the grant. Ayes-5. Noes-0. Carried.

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Councilman Nolan made the motion and Councilman Malczewski seconded the motion to award the bid for the Elderberry Lane and Geyer Road Reconstruction project to Northeast Diversification Inc at the cost of \$416,992 the second lowest bidder. Yarussi Construction was the lowest bidder at \$394,759 but failed to sign Article 7 pages #8 and #23 which are required for the Community Block Development Grant that the Town of Elma is receiving for this work. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to approve Warrant #7 as follows: #848 thru #964 General Fund \$80,981.18; Highway Fund \$22,062.70; Water District \$175,152.48; Special District \$137,073.88 and Capital Projects \$9,500.00. Ayes-5. Noes-0. Carried.

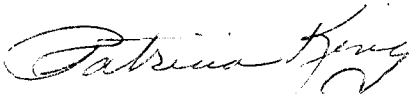
All have received the Planning, Zoning, Conservation Boards agenda and minutes that apply.

Supervisor Powers noted the next Work Sessions will be at 6:00PM with the Town Board meetings at 7:00PM on August 15, 2012.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to adjourn the meeting with a moment of silence for Donald Thomasson whom passed away in June. Mr. Thomasson worked at the Transfer Station and than became Deputy Building Inspector from 1992 until 1997. Ayes-5. Noes-0. Carried.

Meeting adjourned at 8:00PM. All in favor.

Respectfully submitted,



Patricia King,
Town Clerk