

A regular meeting of the Elma Town Board was held on Wednesday, November 18, 2015 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-Absent
	Highway Superintendent	Wayne Clark
	Water Superintendent	Eugene Stevenson
	Town Attorney	Phyllis Todoro
	Deputy Town Attorney	Dean Puleo-Late
	Town Engineer	James Wyzykiewicz

Approximately 14 people attended the meeting.

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

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve the minutes from the November 4, 2015 meeting. Ayes-5. Noes-0. Carried.

Department Reports:

Town Engineer James Wyzykiewicz noted the stairs at the Jerge sewer plant are installed and a concrete pad will be poured in the Spring. Water Superintendent Eugene Stevenson noted the major water break on Northrup Road and thanked all that helped. (Three employees were taking their test for certification during the break; and passed) The Health Department inspection went well. They are working on new services, winterizing the 900 hydrants, also the service to the pole barn at Town Hall just needs to be connected. The trac vehicle is being made ready for full use. The Erie County Water Authority will be raising their rates as of January 2016, this will be on the next Work Session. Highway Superintendent Wayne Clark noted the trucks are ready for snow plowing, brush pick up is complete and the restrooms at the Village Green will be locked up on Friday for the winter.

Town Attorney Phyllis Todoro is working on the survey and easement with Marrano for Spring Brook Shore sewer plant and Marrano has hired an engineer to review the upgrades needed at the sewer plant.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to adopt the Town of Elma Preliminary Budget for 2016 as the Adopted Budget for 2016. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve the resolution for Local Transportation Funding as follows: Whereas, a reliable transportation infrastructure is vital for the safety of New York's traveling public and its economy; and Whereas, 85 percent of New York's roads and bridges are maintained by local governments; and Whereas, despite well-timed and targeted preventative maintenance treatments, the age and condition of many of our locally-owned transportation assets means that they are beyond preservation and in need of much more costly rehabilitation and reconstruction; and Whereas, estimates by the State Comptroller, DOT and independent studies show a large portion of road mileage is deteriorating and many bridges in the state are rated structurally deficient and functionally obsolete; and Whereas, the State Comptroller estimates that there will be \$89 billion in unmet local infrastructure needs over the next 20 years; and Whereas, the New York State Association of Town Superintendents of Highways commissioned its own fifteen year analysis that indicates an annual funding gap of \$1.3 billion for the local system (excluding NYC) alone; and Whereas, funding for our local system has been far short of what is needed and we've fallen further and further behind in maintaining the vast and aging transportation infrastructure over this long period with severe consequences for conditions ratings; and Whereas, the New York State Consolidated Local Street and Highway Program (CHIPS) provides essential funding for every municipality in the state and is part of the New York State Department of Transportation (NYSDOT) capital program; and

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Whereas, in the early 1990's the Governor and Legislature created the Dedicated Highway and Bridge Trust Fund (DHBTF) to pay for the NYSDOT capital program and the Dedicated Mass Transit Trust Fund (DMTTF) to assist with the Metropolitan Transportation Authority (MTA) and other transit systems' capital programs; and Whereas, when the DHBTF was created, it was agreed that the NYSDOT and MTA five-year capital programs would be similar in size and would be negotiated concurrently; and Whereas, through 2005-09, both five-year capital programs were similar in size and adopted within months of each other; and Whereas, in 2010 the Executive and Legislature broke traditional parity and enacted a five-year capital program for the MTA but not the DOT; NOW THEREFORE BE IT RESOLVED, that the Town of Elma calls upon the Governor and the state Legislature to make additional state funding and resources available at levels that accurately reflect the critical needs of local roads and bridges; and increase CHIPS funding in the 2016-17 state budget; and BE IT FURTHER RESOLVED, that the Town of Elma calls upon the Governor, and members of the state Legislature to fully fund and submit a new NYSDOT five-year transportation capital plan; and BE IT FURTHER RESOLVED, that the Town of Elma calls upon the Governor and members of the state Legislature to recognize the equality of roads, bridges and transit by restoring funding equality between the MTA and NYSDOT five-year programs and by voting on the plans simultaneously. 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 Fallon seconded the motion to approve a resolution for a moratorium on any proposed subdivisions in the Town of Elma until the codes are reviewed and updated. The Building Inspector is not to accept any subdivision plans. A Local Law will be presented and a committee will be formed to review and update the subdivision codes. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy 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 the following Refugee Resettlement resolution: WHEREAS; The Town of Elma is located in the heart of Erie County in the State of New York with a kind and giving population of 11,317 Americans, WHEREAS: The majority of refugees currently proposed to be resettled in the United States, and in the County of Erie, are from North Africa, and the Middle East, including Syria. Due to social upheaval, terrorism, and civil wars, the countries of origin of these refugees are considered failed states and are unable to provide our State Department with reliable information about the background, criminal records, or terrorist associations of these refugees; and WHEREAS: These refugees are not screened for HIV/AIDS and other communicable diseases; and WHEREAS: Many, if not most, of these refugees are military age males who have not been screened by anyone to determine if they have associations with Hamas, Hezbollah, ISIS, al Qaeda, or other organizations that regularly engage in acts of terrorism directed at Americans and our allies; and WHEREAS: The refugees being resettled do not speak English and will therefore pose an economic burden on our system of public education and social services; and WHEREAS: Under federal law, these refugees are given legal permanent residence in the United States, and priority for an expedited process to become citizens without having to meet all the usual criteria of immigrants. Federal law also provides these refugees are immediately qualified for AFDC, SSI, Food Stamps, subsidized housing, free public education, health care, and all other social services provided to low income Americans; and WHEREAS: Nothing in this resolution is intended to prevent any private citizen, Church, Missionary Organization, or other Ministry, from ministering to the needs of Christians who are displaced or persecuted in North Africa and the Middle East, provided it is financed with private voluntary donations, and WHEREAS: Neither the US State Department, nor the County of Erie has sought the input of the voting taxpayers in the communities that will be adversely affected by the proposed refugee resettlement, now therefore be it RESOLVED: That the Elma Town Board respectfully and emphatically calls upon The Erie County Executive to immediately suspend the proposed resettlement of refugees in Erie County, New York.

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Resolved that copies of this resolution be sent to; The President of the United States, NYS Governor, Erie County Executive, NYS Senator, NYS Congressmen, Erie County Executive, Erie County Legislature and All Towns in Erie County. 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 The Ark Community Church at 7620 Seneca Street. Ayes-5.Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the Business Use Permit for The Ark Community Church at 7620 Seneca Street as an assembly place for worship, church offices and bible study. Building Inspector notes a fire inspection due with in 30 days and no parking on Seneca Street will be allowed. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to enter Executive Session at 7:35pm to discuss employment at the Transfer Station. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Petrocy seconded the motion to exit Executive Session at 8:27pm. Ayes-5. Noes-0. Carried.

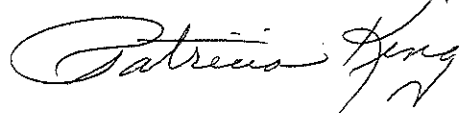
Councilman Malczewski made the motion and Councilman Nolan seconded the motion to approve Vouchers/Warrant #11 claim #1676 thru #1789 as follows with noted exception of #1727 until explanation is given: General Fund \$364,992.23; Highway Fund \$117,478.24; Water District \$112,496.17; Special District \$106,884.90. Ayes-5. Noes-0. Carried.

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

Supervisor Powers stated the next Town Board meeting is December 2, 2015 at 7:00pm, Work Session December 9, 2015 at 6:00pm and December 16, 2015 Town Board meeting at 7:00pm.

Meeting Adjourned at 8:35pm. All in favor.

Respectfully submitted,



Patricia King,
Town Clerk