

A regular meeting of the Elma Town Board was held on Wednesday, November 16th, 2015 at 7:05PM, 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-Absent
Town Attorney	Phyllis Todoro
Deputy Town Attorney	Dean Puleo
Town Engineer	James Wyzykiewicz

Approximately 68 people attended the meeting.

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

Making the legal notice for the Public Hearing on Local Law #2-2016 Tax Cap part of the minutes Supervisor Powers opened the public hearing at 7:00pm. No one spoke for or against the tax cap. Supervisor Powers closed the public hearing at 7:05pm.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve Local Law#2-2016 Tax Cap. Ayes-4. Noes-1. (Councilman Malczewski voted no) Carried.

Making the legal notice for the Public Hearing for the Springbrook Shores Sewer District #8 part of the minutes Supervisor Powers opened the public hearing at 7:06pm. Mr. Harmon, Property Manager and Mr. Dyl President of the Home Owners Association presented questions. Supervisor Powers will address at the association meeting. No one spoke for or against forming District #8. Supervisor Powers closed the public hearing at 7:15pm.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the Springbrook Shores Sewer District #8. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve the minutes from the November 2nd, 2016 meeting. Ayes-5. Noes-0. Carried.

Department Reports:

Highway Superintendent Wayne Clark noted that the water is off at the Town Parks and snow plows are ready to go.

Supervisor Powers presented a Proclamation to Evan Badgley on becoming an Eagle Scout, he is the 9th family member to become an Eagle Scout.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the Tax Cap resolution as follows:
 WHEREAS, on June 24, 2011 the State of New York Legislature enacted Chapter 97 of the NYS Laws of 2011, hereinafter referred to as the "General Municipal Law Section 3-c" and WHEREAS, General Municipal Law Section 3-c, expressly authorized local governments to override the tax levy limit by the adoption of a local law approved by a vote of at least sixty percent (60%) of the total voting power of the governing body (in this case, the "Elma Town Board of the Town of Elma"); and WHEREAS, the Town has prepared a proposed Local Law to override the Tax Levy Limit established in General Municipal Law Section 3-c; and WHEREAS, The Elma Town Board has reviewed and modified the proposed Local Law to override the Tax Levy Limit established in General Municipal Law Section 3-c; NOW, THEREFORE, BE IT RESOLVED THAT THE PROPOSED LAW IS READY FOR CONSIDERATION BY THE Elma Town Board; and BE IT FURTHER RESOLVED, that the Elma Town Board has held a public hearing for consideration of the Local Law to override the Tax Levy Limit established in General Municipal Law Section 3-c on November 16, 2016 at 7:00 pm at the Elma Town Hall, 1600 Bowen Road, Elma, NY; and BE IT FURTHER RESOLVED, that the Elma Town Clerk has properly published notice of said hearing in the Elma Review and other copies of such notice in the manner provided by law;

Wednesday, November 16, 2016

BE IT FURTHER RESOLVED, that the Elma Town Board hereby authorizes the override of the tax levy limit by the adoption of a Local Law approved by a vote of at least sixty percent (60%) of the total voting power of The Board as authorized by General Municipal Law Section 3-c.
Ayes-4. Noes-1. (Councilman Malczewski voted no) Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the 2017 Budget as proposed. Ayes-4.
Noes-1. (Councilman Malczewski voted no) Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to set a public hearing date of December 7th, 2016 at 7:00PM for Local Law #3-2016 Imposing a Twelve Month Moratorium on Solar Farms in the Town of Elma. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to set a public hearing date of December 7th, 2016 at 7:00PM for Local Law #4-2016 Extending a Six Month Extending on the Twelve Month Moratorium on Construction of Subdivisions in the Town of Elma. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to set a public hearing date of December 7th, 2016 at 7:00PM on Local Law #5-2016 Amending the Historic Preservation Law.
Ayes-5. Noes-0. Carried.

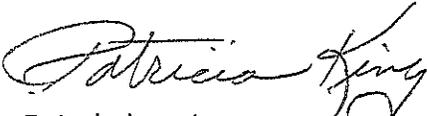
Councilman Malczewski made the motion and Councilman Nolan seconded the motion to approve Vouchers/Warrant #11 claim #1296 thru #1398 as follows: General Fund \$39,135.31; Highway Fund \$32,274.55; Water District \$31,773.40; Special District \$235,971.97.
Ayes-5. Noes-0. Carried.

The next Town Board meeting will be December 7th, 2016 at 7:00PM and the Work Session will be December 14th, 2016 at 6:00PM.

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

Meeting Adjourned at 7:55PM. All in favor.

Respectfully submitted,



Patricia King, Elma Town Clerk

NOTICE OF PUBLIC HEARING LOCAL LAW 2-2016 TAX LEVY LIMIT OVERRIDE

Notice is hereby given that a public hearing will be held before the Town Board of the Town of Elma, New York, on the 16th day of November 2016 at 7:00 PM at the Town Hall, 1600 Bowen Road, Elma, NY to hear all interested parties and citizens for or against the adoption of Local Law Number 2 for the year 2016. The proposed Local Law seeks to override the tax levy limit established in General Municipal Law Sec 3-c.

Any resident of the Town of Elma is entitled to be heard upon said proposed adoption of Local Law No. 2 for the year 2016. Copies of the law will be available at the office of the Town Clerk for inspection by any person during regular business hours and are posted on the town's website.

Patricia A. King, Town Clerk
Dated: October 21, 2016

LEGAL NOTICE

WHEREAS, an agreement dated October 4, 2005 between the Town of Elma and Marrano to transfer ownership upon the completion of Springbrook Shores Sewage Works Corporation has been duly presented to the Town Board of the town of Elma, according to the law, requesting that the sewer district be transferred, as hereinafter described, be established in the town of Elma, and

WHEREAS, the boundaries of the proposed sewer district are as follows:

AND THAT TRACT OR PARCEL OF LAND, situate in the Town of Elma, County of Erie and State of New York, being part of Lot 65, 66, 69 and 70, Township 10, Range 6 of the Holland L and Company's survey, bounded and described as follows: beginning at the southeast corner of Sub Lot 75;

THENCE northwesterly along the northeasterly and northerly line of Sub Lots 75, 74 and 73 along a curve to the left having a radius of 199.00 feet an arc distance of 267.81 feet;

THENCE N-00°-04'-08" W a distance of 82.82 feet;

THENCE N-89°-55'-52" E a distance of 197.98 feet;

THENCE S-00°-20'-06" E a distance of 260.75 feet;

THENCE S-89°-37'-13" W a distance of 10.04 feet to the northeast corner of Sub Lot 76;

THENCE S-84°-52'-09" W along the north line of Sub Lot 76 a distance of 18.12 feet to the point of beginning.

The actual plant consisting of specific dimensions 47'00" frontage by 72'26" depth.

WHEREAS, the improvements proposed in said district consist of more than:

ORDERED, that the Town Board of the Town of Elma, shall meet at the Town Hall, 1600 Bowen Road, Elma, New York on the 26th day of October 2016 at 7:00 o'clock pm to consider such petition and hear all persons interested in the subject thereof, and this 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 sign board of the Town of Elma in the time and manner required by law.

Any one needing accommodations to assist their attendance at the public meeting pursuant the Americans with Disabilities Act should contact the Town Clerk 48 hours prior to the meeting at 652-3260 so that arrangements can be made.