

A regular meeting of the Elma Town Board was held on Wednesday, April 18, 2018 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
Deputy Town Attorney	Dean Puleo
Town Engineer	James Wyzykiewicz

Approximately 14 people attended the meeting.

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

Making the legal notice for Charter Communications part of the minutes Supervisor Powers opened the public hearing at 7:01pm. No one spoke against or for the franchise agreement with Charter Communications. Supervisor Powers closed the public hearing at 7:04pm.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the application has been duly made to the Board of the Town of Elma, County of Erie, New York, by Time Warner Cable Northeast LLC, l/k/a Charter Communications, a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, for the approval of a renewal agreement for Time Warner Cable's cable television franchise for fifteen (15) years commencing with the date of approval by the Public Service Commission commencing with the date of approval by the Public Service Commission. The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings. Now, Therefore, the Board Of the Town of Elma finds that: 1. Time Warner Cable Northeast LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and 2. Time Warner Cable Northeast LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and 3. Time Warner Cable Northeast LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests. BE IT FURTHER RESOLVED that the Board of the Town of Elma hereby grants the cable television franchise of Time Warner Cable Northeast LLC and the Town of Elma for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence. BE IT FURTHER RESOLVED that the Board of the Town of Elma hereby confirms acceptance of this Franchise Renewal Agreement. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to approve the minutes from the March 21st, 2018 meeting. Ayes-5. Noes-0. Carried.

Department Reports:

Building Inspector Joseph Colern presented the monthly report for March with 20 permits issued, fees collected of \$5,771.09 with an estimated value of construction \$1,597,256.

Highway Superintendent Wayne Clark is requesting permission to have the large brush pile at the Transfer Station removed and to accept bids for a new roller for paving repairs. Also, they will be doing another round of brush pick-up when the current one is completed.

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 approve Zoladz Construction to remove the brush at the Transfer Station not to exceed the quote of \$17,550. One other quote was received at a higher price. Ayes-5. Noes-0. Carried.

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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 approve the Highway Superintendent to solicit bids for a new roller. Ayes-5. Noes-0. Carried.

Town Attorney Phyllis Todoro has concerns regarding drainage districts this will be on a Work Session agenda.

Water Superintendent Eugene Stevenson presented the Elma Water Department 2017 Annual Report, if anyone has questions regarding the report please call Mr. Stevenson. Also, Mr. Stevenson acknowledged DJ Thompson for filling in for the six weeks Mr. Stevenson was out of work.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to table the Special Use Permit for Verizon at 2170 Bowen Road until the next Town Board meeting, one more form is needed from Erie County to complete the application. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve amending the Business Use Permit for SG Chiropractic moving to 5763 Seneca St for a chiropractic office. Building Inspector notes building permit required for interior build-out. Sign permits required. Ayes-5. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Malczewski seconded the motion to approve amending the Business Use Permit for General Physicians, PC office at 2701 Transit Rd for additional space. Building Inspector notes ok to amend square footage and permit required for any advertising signs. 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 Moog Employees Federal Credit Union at 7181 Seneca St. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve a Business Use Permit for Moog Employee Federal Credit Union at 7181 Seneca St for credit union with banking operations including drive-through teller and ATM. Also, to set a public hearing for a drainage district. Building Inspector noted sign permits required for advertising signs. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve the full time Court clerk Brenda Barry with training completed making the salary of \$15.10 per hour. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve three+one to do an analysis of the Town's banking and for Supervisor Powers to move to the next step of the agreement. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve Supervisor Powers to sign the Town of Alden EMS letter of support. Ayes-5. Noes-0. Carried.

Supervisor Powers set a public hearing date of May 9th, 2018 for the Social Host Liability Law and for the Basis for Establishing the area of Special Flood Hazard. Also for Jamison Road Volunteer Fire Company for approval of borrowing on May 23rd, 2018.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve Vouchers/Warrant #4 claim #334 thru #450 as follows: General Fund \$62,082.82; Highway Fund \$18,590.23; Water District \$15,654.98; Special District \$4,417.51; Capital Improvements \$65,000. Ayes-5. Noes-0. Carried.

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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 approve a speed study for North Blossom Road to reduce the speed limit to 35mph. Ayes-5. Noes-0. Carried.

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 appoint Gary Wielgosz as temporary crew chief. Ayes-3. Noes-2. (Councilman Malczewski and Supervisor Powers voted no). Carried.

The next the next Town Board meeting will be on May 9th and 23rd, 2018 at 7:00pm and the Work Session meeting will be May 16th, 2018 at 6:00pm.

All have received the Planning, Zoning, Conservation Boards and Subdivision Code Review Committee agenda and minutes that apply.

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

Respectfully submitted,


Patricia King,
Town Clerk

Notice of Public Hearing

For the approval of a Cable Television Agreement between Time Warner Cable Northeast LLC and the Town of Elma. PLEASE TAKE NOTICE that the TOWN OF ELMA will hold a Public Hearing on April 18th, 2018 at 7:00p.m. at 1600 Bowen Road, Elma, New York regarding granting a cable television franchise agreement by and between the Town of Elma and Time Warner Cable Northeast LLC, I/k/a Charter Communications. A copy of the agreement is available for public inspection during normal business hours at the Town of Elma Clerk's office, 1600 Bowne Road, Elma, New York. At such public hearing, all person will be given an opportunity to be heard. Written and oral statements will be taken at that time. Time limitation may be imposed for each oral statement, if necessary.

Dated March 21, 2018 by Order of the Board Town of Elma