

A regular meeting of the Elma Town Board was held on Wednesday, May 9th, 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-Absent
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 16 people attended the meeting.

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

Making the legal notice for the Social Host Liability Law part of the minutes Supervisor Powers opened the public hearing at 7:00pm. No one spoke against or for the Social Host Liability Law. Supervisor Powers closed the public hearing at 7:03pm.

Councilman Petrocy made the motion and Councilman Malczewski seconded the motion to approve the Social Host Liability Law. Ayes-3. Noes-0. Carried.

Making the legal notice to amend the Special Flood Hazard Code 82-6 part of the minutes Supervisor Powers opened the public hearing at 7:04 pm. No one spoke against or for amending the Special Flood Hazard Code 82-6. Supervisor Powers closed the public hearing at 7:06pm.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to approve amending the Special Flood Hazard Code 82-6. Ayes-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve the minutes from the April 18th, 2018 meeting. Ayes-4. Noes-0. Carried.

#### Department Reports:

Town Engineer James Wyzykiewicz noted the RFP's for Highland and Sigman are to be returned to the Town Hall by Friday May 11, 2018 by 2:00pm to be opened and reviewed. Work on Caroline Lane will be starting weather permitting and the issue with the farm on Rice Road with water runoff will have a buffer installed and seeded.

Building Inspector Joseph Colern reported the monthly building report for April with 34 permits issued, fees collected of \$8,820.11 with an estimated value of construction of \$881,080. Also, would like to have Wendel Engineers update the Zoning Map from 2008. Mr. Colern will obtain quote and will present it at the June Work Session.

Water Superintendent Eugene Stevenson noted the 2017 Annual Quality Report is completed and available for review by the residents. A water break on Woodard and Dorris has been repaired. New water taps and landscaping are in progress.

Highway Superintendent Wayne Clark noted that the second brush pick up is completed and to have the second load chipped at the Transfer Station will cost \$13,150. Mr. Clark would like to purchase the new roller at the cost of \$34,689.89 from Monroe Tractor.

Councilman Petrocy made the motion and Councilman Fallon seconded the motion to add an item to the Agenda. Ayes-4. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Petrocy seconded the motion to approve Zoladz Construction to chip the second round of brush at the cost not to exceed \$13,150. Ayes-3. Noes-1. (Councilman Malczewski voted no) Carried.

Councilman Fallon made the motion and Councilman Petrocy seconded the motion to add an item to the Agenda. Ayes-4. Noes-0. Carried.

Wednesday, May 9, 2018

Councilman Petrocy made the motion and Councilman Fallon seconded the motion to approve the purchase of a new roller from Monroe Tractor at the cost of \$34,689.50. Ayes-4. Noes-0. Carried.

Town Attorney Phyllis Todoro is in contact with Nussbaumer & Clarke to survey 21 & 31 Oaknoll for the drainage easement.

Supervisor Powers presented a proclamation for Municipal Clerk's Week.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to issue a negative declaration on a short form SEQR for Verizon at 2170 Bowen Road. Ayes-4. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to approve a Special Use Permit for Verizon at 2170 Bowen Road for colocation of a telecommunication facility on an existing tower. Building Inspector notes building permit required for new buildings and co-location of new antenna. Ayes-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to issue a negative declaration on a short form SEQR for Communicate & Play Dog Training at 3211 Transit Road. Ayes-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve a Business Use Permit for Communicate & Play Dog Training at 3211 Transit Road for dog obedience & skill training. Building Inspector notes building permit required for interior renovations and sign permit required for any advertising signs. Ayes-4. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Petrocy seconded the motion to approve a Preliminary Business Use Permit for Gage Tree Experts, LLC at 2841 Transit Road for a tree service for local homeowners & businesses. Building Inspector notes refer to Planning Board for Site Plan Review. Ayes-4. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to authorize Supervisor Powers to sign the Skylighters Fireworks agreement for the July 4<sup>th</sup>, 2018 fireworks at the Elma Fire Company property on Girdle Road at the cost of \$10,000. Ayes-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to authorize Supervisor Powers to sign the contract with EMW Landscaping, LLC for the seasonal maintenance at the Town Hall, Library and Historical Center at the cost of \$4,310. Ayes-4. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to issue a negative declaration on a short form SEQR for Finnegan Drive 2-5+ acre lots. Ayes-4. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to approve 2-5+ acre lots on Finnegan Drive under 100-2 of the Town Code for Forbes Capretto Homes. Also, to form a Drainage District for said property. Ayes-4. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Fallon seconded the motion to approve the eight (8) 2018 Summer Concerts at the Elma Village Green Park. Ayes-4. Noes-0. Carried.

Supervisor Powers noted the Town will solicit RFP's for the Senior Center and Senior Roof.

Councilman Petrocy made the motion and Councilman Malczewski seconded the motion to approve the following resolution Elma Comprehensive Plan: WHEREAS, the Town of Elma has worked diligently in preparing a Comprehensive Plan Update for the Town; and WHEREAS, through the coordinated actions of the Comprehensive Plan committee, Erie County, the Elma Town Board, and other Town employees, and through the input of Town residents and businesses, the Town has completed a Draft Comprehensive Plan Update; and WHEREAS, the Town of Elma has determined this Draft Comprehensive Plan Update is sufficiently complete for

official agency input, and continued public review and input, and WHEREAS, in accordance with Part 617 of the implementing regulations Wednesday, May 9, 2018

pertaining to Article 8 (State Environmental Quality Review Act - SEQ) of the Environmental Conservation Law, the Elma Town Board would like to begin the environmental review process of the Comprehensive Plan Update by conducting a coordinated review and requesting Lead Agency status and beginning the potential adoption process, and WHEREAS, the adoption of a Comprehensive Plan requires referral to the Erie County Planning and the holding of a public hearing. NOW, THEREFORE BE IT RESOLVED, that the Elma Town Board accepts the draft of the Comprehensive Plan Update as complete and ready for public review and requests designation as the SEQR Lead Agency, in accordance with the SEQR regulations, for the purposes of conducting a Coordinated Review of this action; and BE IT FURTHER RESOLVED, that the Town of Elma authorizes Wendel, to begin the SEQR coordinated process and to complete referral to the Erie County Planning; and BE IT FURTHER RESOLVED, that the Elma Town Board directs that a public hearing be held, in accordance with New York State Town Law, on June 20, 2018 at 7:00 P.M. at the Elma Town Hall to solicit comments on the draft Comprehensive Plan Update, and BE IT FINALLY RESOLVED that copies of the document be made available for public review at the Town Hall and on the Town's website. Ayes-4. Noes-0. Carried.

Supervisor Powers set a public hearing date of May 23rd, 2018 at 7:00pm for Drainage District #200 720 N Star Rd, Drainage District #201 7181 Seneca St Moog Credit Union and the Annual Stormwater Report.

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

Councilman Petrocy made the motion and Councilman Fallon seconded the motion to add an item to the Agenda. Ayes-4. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Fallon seconded the motion to surplus the highway roller for auction. Ayes-4. Noes-0. Carried.

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

Supervisor Powers adjourned the meeting in honor of William Jackson one of the founders for the Conservation Board. He will be greatly missed.

Meeting Adjourned at 8:14PM. All in favor.

Respectfully submitted,

*Patricia King*

Patricia King,  
Elma Town Clerk

NOTICE OF PUBLIC HEARING  
NOTICE IS HEREBY GIVEN that the Town Board of the Town of Elma, New York will meet at the Elma Town Hall 1600 Bowen Road, Elma, New York on the 9th of May, 2018 at 7:00 PM for the purpose of conducting a Public Hearing on the Social Host Liability Law to consider and hear any person speaking in favor or against the Social Host Liability Law.  
By Order of the Town Board of the Town of Elma, New York

NOTICE OF PUBLIC HEARING  
NOTICE IS HEREBY GIVEN that the Town Board of the Town of Elma, New York will meet at the Elma Town Hall 1600 Bowen Road, Elma, New York on the 9th of May, 2018 at 7:00 PM for the purpose of conducting a Public Hearing on the BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.  
The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency: Flood Insurance Rate Map (multiple panels) Index No. 3602390001-0009, whose effective date is June 22, 1998; A Scientific and Engineering Report entitled "Flood Insurance Study, Town of Elma, New York, Erie County," dated June 22, 1998; Letter of Map Revision, Case Number 17-02-0955P, effective July 19, 2018, amending Panels 3602390001B and 3602390002B of the Flood Insurance Rate Map.  
The above documents are hereby adopted and declared to be a part of this chapter and are filed at the Elma Town Hall 1600 Bowen Road, Elma, New York 14059. And to consider at the hearing any person in favor or against the special flood hazard.  
By Order of the Town Board of the Town of Elma, New York