

A regular meeting of the Elma Town Board was held on Wednesday, April 17th, 2019 at 7:00PM, Elma Town Hall, 1600 Bowen Rd, Elma, New York with the following members present:

Supervisor	Dennis Powers-Absent
Councilman	Thomas Fallon
Councilman	James Malczewski
Councilman	Michael Nolan
Councilman	Tracy Petrocy

Also:	Building Inspector	Joseph Colern
	Highway Superintendent	Wayne Clark
	Plant Manager	Brian Fiden
	Town Attorney	Phyllis Todoro
	Deputy Town Attorney	Dean Puleo
	Town Engineer	James Wyzykiewicz

Approximately 14 people attended the meeting.

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

Making the legal notice for the Public Hearing on Local Law #1-2019 Flood Damage Prevention in the Town of Elma and will replace Town Code Chapter 82 part of the minutes, Deputy Supervisor Malczewski opened the public hearing at 7:00PM. Building Inspector Joe Colern stated the Local Law is an update and replacement to current Local Law Section 82 of the Town Code regarding Flood Plain Management Law. If someone wants to build/reconstruct in flood plain area the Local Law coordinates with FEMA Law & the DEC Law. The DEC came out with new maps which will be effective June 7th, 2019 showing new flood plain overlays in the Town. The new Law will coordinate with new maps which is what the DEC and Federal Government are requiring. No one spoke for or against. Deputy Supervisor Malczewski closed the Public Hearing at 7:04PM.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve Local Law #1-2019 Flood Damage Prevention in the Town of Elma which will replace Town Code Chapter 82. Ayes – 4. Noes – 0. Carried.

Councilman Petrocy made the motion and Councilman Fallon seconded the motion to approve the minutes from the March 20, 2019 meeting. Ayes – 4. Noes – 0. Carried.

Department Reports:

Town Engineer James Wyzykiewicz reported on the Highland Drive Drainage District. Phase I is complete and suggests the Town proceed further with Phase II and have bid documents created for construction drawings for Phase II for the Drainage District. He recommends the Town proceed with Wm Schutt & Associates to draw up bid documents for construction drawings at the cost of \$4500.00. The residents have been informed of the costs of this project. (Mr. Wyzykiewicz had to leave the meeting after his report).

Councilman Petrocy made the motion and Councilman Nolan seconded the motion to add an item to the agenda. Ayes – 4. Noes – 0. Carried.

Councilman Petrocy made the motion and Councilman Nolan seconded the motion to hire Wm Schutt & Associates as requested by residents for \$4500.00 to create the bid documents for Phase II of the Highland Drainage project. Ayes- 4. Noes – 0. Carried.

Building Inspector Joseph Colern presented the monthly report for March 2019 with 31 permits issued, fees collected of \$11,705.42 with an estimated value of construction at \$6,621,854.00.

Plant Manager Brian Fiden reported the Water Department has been working with the Highway Department on the new septic at the new Highway garage. The water was turned on for the construction work. Brian mentioned that two (2) existing pumps at the Transit Road pumping station and one (1) existing pump at the Jamison Road pumping station need upgrading and also the water tank on Transit Rd needs to be painted and refurbished. Brian submitted quotes for the work. The Water Department will be going to a four (4) day work week with employees alternating work days allowing the Water Department to still be open Monday thru Friday. After hour calls will be handled accordingly.

Highway Superintendent Wayne Clark stated the Town lost money in funding for winter recovery. He is looking into Pave New York program. The Transfer Station will be open normal hours on Friday, April 19th (Good Friday) and Saturday, April 20th. Brush pickup started. The bathrooms at the Village Green Park should be open in about a week depending on the temperature/weather.

Town Attorney Phyllis Todoro stated she is working with two (2) residents on Oaknoll regarding a drainage issue.

Deputy Town Attorney Dean Puleo noted the Board will need to go into Executive Session after the Board meeting to discuss a legal matter.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to issue a negative declaration on a short form SEQR for WNY Metro Crown Realty Sales & Appraisal Corporation at 2361 Bowen Rd. Ayes – 4. Noes – 0. Carried.

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Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve a Business Use Permit for WNY Metro Crown Realty Sales & Appraisal Corporation at 2361 Bowen Rd for a Real Estate office, sales and related services. Hours of operation to be Monday thru Friday 9-5 and Saturday and Sundays open for appointments only. Building Inspector notes building permit required for interior office build-out. Sign permits required for advertising. Ayes – 4. Noes – 0. Carried.

Councilman Fallon made the motion and Councilman Petrocy seconded the motion to appoint Fran Schaub to the Elma Conservation Board to fill the vacancy of Howard Winkler until the term expires on 12/31/2023. Ayes - 4. Noes – 0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the extension of the Tax Collection until July 1st, 2019 to collect any unpaid taxes. Ayes – 4. Noes – 0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve the following resolution for Amending the 2019 Adopted Budget Transfers as follows: WHEREAS, the year has progressed the Town's actual spending has exceeded the 2019 adopted budget in certain line items, and WHEREAS, while these lines have no effect on the total 2019 adopted budget, it is necessary to transfer budgetary appropriations between certain appropriation codes, NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the following transfers within the 2019 budget:

Decrease Appropriations:

A	1990.400	Contingency	\$26,432.70
DA	5110.112	Winter Seasonal Wages	\$ 3,410.21
SW	8310.490	Contingency	<u>\$ 1,227.05</u>
			\$31,069.96

Increase Appropriations:

A	1910.400	Unallocated Insurance	\$ 1,411.70
A	3310.401	Signals and Intersections	\$23,521.00
A	3620.410	Buidling Inspector-Other Expenses	\$ 500.00
A	8020.410	Planning-Other Expenses	\$ 1,000.00
DA	5110.403	Liability Insurance	\$ 3,410.21
SW	8310.412	Insurance	<u>\$ 1,227.05</u>
			\$31,069.96

Ayes-4. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Nolan seconded the motion to award the bid for the Replacement of Existing Floor Carpet at the Elma Town Hall 1600 Bowen Rd for carpet replacement in the Supervisor's Office, Town Clerk's Office, Court Clerk's Office, Court Room, Conference Room and Assessor's Office to ServiceMaster Restoration Services at the cost of \$21,942.58. Bids from Custom Carpet Centers for \$29,842.00, Fairway Floor Covering Inc for \$23,300.00 and Floor Solutions of WNY Inc for \$23,600.00 were also reviewed. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to award the bid for the Replacement of the Existing Flat Roof and Removal/Re-Install of Existing Rooftop Heating/Air Conditioning Rooftop Unit for the Elma Public Library at 1860 Bowen Rd to Murray Roofing Co Inc at the cost of \$29,150.00 and to approve \$8,157.00 for the removal of the HVAC rooftop unit to Commercial Refrigeration Service Inc. No other bids submitted. Ayes-4. Noes-0. Carried.

Deputy Supervisor Malczewski set a public hearing date of May 22nd, 2019 at 7:00pm for Local Law #2-2019 Solar Renewable Energy Systems.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve Vouchers/Warrant #4 claim #325 to #484 as follows: General Fund \$97,747.71; Highway Fund \$27,229.46; Water District \$19,007.61; Special District \$5,406.90 and Capital Improvements \$317,087.55. Ayes-4. Noes-0. Carried.

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

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

Councilman Nolan made the motion and Councilman Fallon seconded the motion to add Todd Huber to the next Work Session Agenda scheduled for May 22nd, 2019 at 6:00pm to discuss his fill permit on Seneca St. Ayes-4. Noes-0. Carried.

The next Town Board Meeting will be May 8th, 2019 at 7:00pm and the next Work Session will be May 22nd, 2019 at 6:00pm immediately followed by the Town Board Meeting at 7:00pm.

The annual Easter Egg Hunt will be at the Elma Town Hall, 1600 Bowen Rd, on Saturday, April 20th, 2019 at 10:00am for children the ages 1-9.

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Councilman Nolan made the motion made the motion and Councilman Fallon seconded the motion to enter Executive Session at 7:45pm to discuss a Legal Matter/Lawsuit and will adjourn immediately following this session, with no motions or actions to be made. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malzcewski seconded the motion to exit Executive Session at 8:30pm.

Meeting adjourned at 8:30pm. All in favor.

Respectfully submitted,



Jennifer Ginter
Deputy Town Clerk

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that the Town Board of the Town of Elma, County of Erie will meet at the Elma Town Hall, 1600 Bowen Road, Elma, New York on the 17th day of April, 2019, at 7:00 p.m. for the purpose of conducting a public hearing to consider and discuss and if need be, act upon the proposed local law entitled "Local Law #1-2019 Flood Damage Prevention in the Town of Elma and will replace Town Code Chapter 82. By Order of the Town Board of the Town of Elma, Erie County, New York.
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