

A regular meeting of the Elma Town Board was held on Wednesday, May 22, 2019 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
Plant Manager	Brian Fiden
Town Attorney	Phyllis Todoro
Deputy Town Attorney	Dean Puleo
Town Engineer	James Wyzykiewicz

Approximately 11 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 #2-2019 Solar Renewable Energy System part of the minutes Supervisor Powers opened the public hearing at 7:01pm. No one spoke in favor, T. Huber and R. Luders spoke against the Local Law. Supervisor Powers closed the public hearing at 7:18pm.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to approve Local Law #2 Solar Renewable Energy System. Ayes-4. Noes-1. (Councilman Nolan voted no.) Carried.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to approve the minutes from the May 8th, 2019 meeting. Ayes-5. Noes-0. Carried.

Department Reports:

Building Inspector Joseph Colern noted the Library roof will be replaced in two weeks and the DMV/Pistol permit office is just about finished with the alterations.

Plant Manager Brian Fiden noted he would like to discuss a personnel issue in Executive Session after the Town Board meeting. Also, to replace the valve for the #2 pump at Transit Rd station and would like to surplus items that are not being used at the Water Department.

Highway Superintendent Wayne Clark noted that all the brush is picked up and they will be black topping soon.

Town Attorney Phyllis Todoro noted a settlement issue needs to be discussed in Executive Session after meeting.

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 Fallon seconded the motion to approve the purchase of the pump for Transit Rd station at the approximate cost of \$18,857. 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 Malczewski seconded the motion to approve the mule, enclosed trailer, generator and truck at the Water Department declared surplus. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to approve the following resolution relating to the State Environmental Quality Review Process as follows: WHEREAS, the Town board of the Town of Elma is considering adopting a Local Law # 2-2019 to exclude those provisions of Real Property Tax Law of the State of New York §487 that provides a tax exemption for any Solar Energy Systems created or placed in connection therewith from being effective within the Town; and WHEREAS, the Town Board of The Town of Elma is duly qualified to act as lead agency for environmental review of certain actions undertaken by local government;

Wednesday, May 22, 2019

NOW, THEREFORE, BE IT, RESOLVED, that the Town Board of the Town of Elma hereby declares itself as Lead Agency for SEQRA review purposes relating to excluding those provisions of Real Property Tax Law §487 relating to a tax exemption from being effective within the Town and hereby determines that the proposed action is a Type II action under New York Code of Rules and Regulations section 617.20 that will result in no significant environmental impact and no further review will be undertaken. 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 7-Eleven at 2180 Bullis Rd. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the Business Use Permit for 7-Eleven at 2180 Bullis Rd for a gas station and convenience store. Building Inspector notes sign permits required for advertising sign and fire inspection required within 30 days. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the Water Department Union employees to start summer hours three employees will work Monday, Tuesday, Wednesday and Thursday while alternating three employees will work Friday, Tuesday, Wednesday and Thursday from June 2nd until August 31st, 2019. Ayes-5. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Nolan seconded the motion to appoint Dwayne Fisher as full-time truck driver for the Transfer Station at \$22.36 per hour starting May 28th, 2019. Ayes-5. Noes-0. Carried.

Supervisor Powers set a Public Hearing date of June 19th, 2019 at 7:00PM for Annual Stormwater Report for 2018.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve Vouchers/Warrant #5 claim #557 thru #673 as follows: General Fund \$51,663.18; Highway Fund \$6,165.84; Water District \$17,868.99; Special District \$10,724.80 and Capital Improvements \$226,450.25. Ayes-5. Noes-0. Carried.

The next Work Session meeting will be June 19th, 2019 at 6PM with the Town Board meeting to follow at 7PM. Summer meetings for July and August will be the third Wednesday.

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 enter Executive Session regarding a personnel matter and a settlement agreement with no motions to be made at 7:50pm. Ayes-5. Noes-0. Carried

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to exit Executive Session 8:35pm. Ayes-5. Noes-0. Carried.

Meeting adjourned with a moment of silence in memory of William Nagy past VFW Commander and Leita Reed from the Historical Society.

Meeting adjourned at 8:35PM. All in favor.

Respectfully submitted,


Patricia King,
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 22nd day of May, 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 #2-2019 Solar Renewable Energy Systems" in the Town of Elma.
By Order of the Town Board of the Town of Elma, Erie County, New York.