

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

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

Also: Building Inspector	Joseph Colern
Highway Superintendent	Wayne Clark
Plant Manager	Brian Fiden-Absent
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 the Public Hearing on a Special Use Permit for WNY Lawn & Landscaping at 8351 Clinton St part of the minutes Supervisor Powers opened the public hearing at 7:03pm. R. Schafer Zoning Board Chairman spoke against the special use permit. K. Kelchlin spoke for the special use permit. Supervisor Powers closed the public hearing at 7:14pm.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to issue a Preliminary Special Use Permit to WNY Lawn & Landscape Inc at 8351 Clinton St. Building Inspector notes to refer to the Planning Board for site plan review Chapter 117, complete SEQR (short form). Ayes-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to approve the minutes from the June 19th, 2019 meeting. Ayes-4. Noes-0. Carried.

#### Department Reports:

Town Engineer James Wyzykiewicz informed the Board that the Highland & Sigman drainage project is out for bid and to be returned on August 13, 2019.

Building Inspector Joseph Colern presented the monthly report for June with 39 permits issues, fees collected of \$33,547.75 with an estimated value of construction of \$12,568,560.26.

Highway Superintendent Wayne Clark noted that they are patching roads and paving will follow. Also, the Sewer Jet has been delivered.

Town Attorney Phyllis Todoro noted the Oaknoll proposals need one more resident to sign before they can proceed.

Deputy Town Attorney Dean Puleo noted of a Conservation Easement situation need to be addressed. This will be on the next Work Session.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the Proclamation for the William J Donovan Purple Heart Book of Merit that will be presented to Michael P Kearns at the Purple Heart Ceremony on August 7<sup>th</sup>, 2019 at 2:00pm. The Town Hall will fly the Purple Heart flag and designate a parking space in their honor. Erie County Clerk Michael P Kearns was present at the meeting. Ayes-4. Noes-0. Carried.

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

Councilman Nolan made the motion and Supervisor Powers seconded the motion to back whole heartedly the efforts of Erie County Clerk Michael P Kearns to stop the undocumented immigrants from obtaining a New York State driver license before the NYS Law goes into effect which will be a violation of Federal Law. Ayes -4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to issue a negative declaration on a short form SEQR for Capaccio Chiropractic at 2341 Bowen Rd. Ayes-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to approve a Business Use Permit for Capaccio Chiropractic at 2341 Bowen Rd for chiropractic office. Building Inspector notes sign permits required for advertising signs, building permit required for interior build out and final inspection required prior to occupancy. Ayes-4. Noes-0. Carried.

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Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to issue a negative declaration on a short form SEQR for Cardno Inc at 1061 Bullis Rd (rear). Ayes-4. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to approve a Business Use Permit for Cardno Inc at 1061 Bullis Rd (rear) for storage and operations of environmental consulting/contracting company, no construction equipment will be stored outside. Building Inspector notes sign permit required for advertising. Fire inspection required within 30 days of occupancy. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve Richard Dzubella step increase of \$.25per hour. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to table the SRO vehicle until the next Work Session for more information. Ayes-4. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Malczewski seconded the motion to re-appoint Kandace Wittmeyer as Assessor shared with the Town of West Seneca. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion approve Supervisor Powers to sign the agreement with EMW Lacrosse Inc in the amount of \$2000 for 2019. Ayes-4. Noes-0. Carried

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion approve Supervisor Powers to sign the agreement with EMW Little League Baseball in the amount of \$7000 for 2019. Ayes-4. Noes-0. Carried

Councilman Petrocy made the motion and Councilman Malczewski seconded the motion approve Supervisor Powers to sign agreement with EMW Little League Football in the amount of \$5000 for 2019. Ayes-4. Noes-0. Carried

Councilman Malczewski made the motion and Councilman Nolan seconded the motion to approve Vouchers/Warrant #7 claim #786 thru #925 as follows: General Fund \$54,656.02; Highway Fund \$100,975.59; Water District \$17,309.43; Special District \$12,493.77 and Capital Improvements \$381,676.45. Ayes-4. Noes-0. Carried.

The next Work Session will be August 21st, 2019 at 6:00pm and the Town Board meeting to follow at 7:00pm.

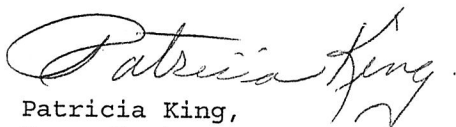
Councilman Nolan made the motion and Councilman Malczewski seconded the motion to enter Executive Session at 8:00pm with no motion take and to adjourn immediately following this Session. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to exit Executive Session at 8:15pm. Ayes-4. Noes-0. Carried.

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

Meeting adjourned at 8:15PM. All in favor.

Respectfully submitted,

  
Patricia King,  
Town Clerk

**PUBLIC HEARING  
NOTICE**  
NOTICE IS HEREBY  
GIVEN that the Town Board of  
the Town of Elma, Erie County,  
New York will meet at the Elma  
Town Hall, 1600 Bowen Road,  
Elma, New York on the 17th  
day of July 2019 at 7:00 p.m.  
for the purpose of conducting  
a public hearing on a "Special  
Use Permit" for WNY Lawn &  
Landscaping at 8351 Clinton St.  
The Town Board will consider  
such proposal and hear all  
persons interested in the subject  
thereof concerning the same.