

A regular meeting of the Elma Town Board was held on Wednesday, May 18, 2022, at 7:00PM at Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor	Wayne Clark
Councilman	Leroy Kupczyk
Councilman	Joseph Macaluso
Councilman	James Malczewski
Councilman	Tracy Petrocy

Also:

Building Inspector	Joseph Colern
Highway Superintendent	Howard Diehl-Absent
Plant Manager	Brian Fiden-Absent
Town Attorney	Phyllis Todoro
Town Engineer	James Wyzykiewicz

Approximately 12 people attended the meeting

Supervisor Clark asked for a moment of silence in memory of the 10 people you died in the mass shooting in Buffalo.

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

Councilman Malczewski made the motion and Councilman Macaluso seconded the motion to approve the minutes from the April 20, 2022, meeting. Ayes -5. Noes -0. Carried.

Department Reports:

Building Inspector Joseph Colern presented the monthly report for April with 31 permits issued, \$2,870.60 fees collected and the estimated value of construction \$435,957.03. Mr. Colern would like the Town Board to review the Fire Inspector & Education budget line A3620.400 being added back into the budget, this will be discussed at a Work Session.

Councilman Macaluso made the motion and Councilman Kupczyk seconded the motion to issue a negative declaration on a short form SEQR for Transit Towing & Recovery, LLC at 1721 Transit Rd. Ayes -5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Macaluso seconded the motion to issue a negative declaration on a short form SEQR for Transit Auto Detailing, LLC at 1721 Transit Rd. Ayes -5. Noes-0. Carried.

Councilman Macaluso made the motion and Councilman Kupczyk seconded the motion to approve a Business Use Permit for Transit Towing & Recovery, LLC at 1721 Transit Rd for parking of employee vehicles on site during business hours, parking tow trucks on site off hours and sale of vehicles (8-10 max); light mechanical repairs including replacement of brakes, rotors (no collision) etc. Restrictions on this "Use" no junk/unlicensed vehicles, no junk auto parts/tires. Building Inspector notes Planning Board approval on 3/15/22 for vehicle sales/parking to be out of the right of way. No collision work/painting. Ayes -5. Noes -0. Carried.

Councilman Malczewski made the motion and Councilman Kupczyk seconded the motion to issue a negative declaration on a short form SEQR for Bariatric Fusion at 2701 Transit Rd Suite 132-134. Ayes -5. Noes -0. Carried.

Councilman Malczewski made the motion and Councilman Macaluso seconded the motion to approve a Business Use Permit for Bariatric Fusion at 2701 Transit Rd Suite 132-134 for office space. Building Inspector notes permit required for interior build-out and sign permits required. Ayes -5. Noes -0. Carried.

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Councilman Petrocy made the motion and Councilman Malczewski seconded the motion to issue a negative declaration on a short form SEQR for The Dance Collective LLC at 7070 Seneca St Ayes -5. Noes -0. Carried.

Councilman Petrocy made the motion and Councilman Kupczyk seconded the motion to approve a Business Use Permit for The Dance Collective LLC at 7070 Seneca St for a dance studio Building Inspector notes permit required for interior build-out and sign permits required. Ayes- 5. Noes -0. Carried.

Councilman Malczewski made the motion and Councilman Kupczyk seconded the motion to issue a negative declaration on a short form SEQR for Phantom Fireworks at 5710 Seneca St Ayes -4, Noes -0. Abstain-1. (Councilman Macaluso abstained) Carried.  
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Councilman Malczewski made the motion and Councilman Kupczyk seconded the motion to approve a Special Use Permit for Phantom Fireworks at 5710 Seneca St for a tent sale of consumer fireworks from June 20<sup>th</sup>, 2022, until July 5<sup>th</sup>, 2022. Building Inspector notes compliance with Title 9 NYCRR 225 and FCNYS, NYS permit #22-000253. Copy sent to Springbrook Fire Company. Ayes -4. Noes -0. Abstain-1. (Councilman Macaluso abstained) Carried.

Councilman Malczewski made the motion and Councilman Macaluso seconded the motion to approve the Fuel Tank permits for Wilbert's U Pull It at 550 Pound Rd. Ayes -5. Noes -0. Carried.

Councilman Petrocy made the motion and Councilman Kupczyk seconded the motion to approve the following resolution authorizing the Town of Elma to join the Erie County Aggregation: WHEREAS, Article 5-G of the General Municipal Law authorizes municipal corporations to enter into cooperative agreements for the performance of those functions or activities in which they could engage individually; and WHEREAS, Section 119-N of the General Municipal Law defines the term "Municipal Corporation" to mean a county outside the city of New York, a city, a town, a village, a board of cooperative educational services, fire district or a school district; and WHEREAS, it has been determined that the Town of Elma can save money by the joint purchasing of energy; and WHEREAS, the Town of Elma has determined that it may purchase energy through the use of marketing firm, individually or through an energy cooperative; NOW THEREFORE BE IT RESOLVED that the Town of Elma would like to participate in the Erie County Aggregation by authorizing the Supervisor to execute the attached Electric and Natural Gas Co-Operative Purchasing Agreements for said Aggregation indicating the Town of Elma will agree to be bound thereby. Ayes-5. Noes-0. Carried.

Councilman Kupczyk made the motion and Councilman Macaluso seconded the motion to approve the software upgrade at the Water Department to Logics. Ayes-4. Noes-1. (Councilman Petrocy voted no) Carried.

Councilman Macaluso made the motion and Councilman Malczewski seconded the motion to rebid the recycling boxes for the Transfer Station due to cost increases with bids due back by June 9, 2022, at 1:00PM. Ayes-5. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Kupczyk seconded the motion to approve the three (3) year Erie County 2022-2025 Intermunicipal Snow Removal and Ice Control Agreement. Ayes-5. Noes-0. Carried.

Councilman Kupczyk made the motion and Councilman Macaluso seconded the motion to approve the SEQR for the proposed Sign Code amendments. Ayes-5. Noes-0. Carried.

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Councilman Petrocy made the motion and Councilman Kupczyk seconded the motion to approve the EDR Engineering services for Elma Meadows sewer plant at the cost of \$13,500 and for Briggswood sewer plant at the cost of \$3900. Ayes-5. Noes-0. Carried.

Supervisor Clark set a Public Hearing date of June 15<sup>th</sup>, 2022, at 7:00PM for Version Wireless to co locate on the tower at 145 Stolle Rd and the Sign Code amendments.

Councilman Malczewski made the motion and Councilman Macaluso seconded the motion to approve Vouchers/Warrant #5 claim #325 thru #390; General Fund \$40,770.85; Highway Fund \$2,924.25; Water District \$33,440.94; Special District \$10,274.87. Ayes -5. Noes -0. Carried.

Councilman Petrocy made the motion and Councilman Malczewski seconded the motion to add an item to the agenda. Ayes-5. Noes -0. Carried.

Councilman Petrocy made the motion and Councilman Kupczyk seconded the motion to approve the firework agreement with Skylighters for July 4<sup>th</sup>, 2002, at the cost of \$13,225. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to add an item to the agenda. Ayes-5. Noes -0. Carried.

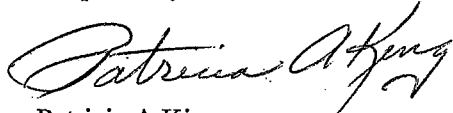
Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to approve \$50,000 from the American Rescue Plan Act (ARPA) money the Town received for the Blossom, Elma, Jamison Road, and Springbrook Fire Companies. With the Town only receiving half the money to date they will receive \$25,000 this year and \$25,000 next year. Ayes -4. Noes -0. Abstain-1. (Councilman Macaluso abstained) Carried.

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

Supervisor Clark noted a special work session on June 1<sup>st</sup>, 2022, at 6:00pm to review grants for Elma Meadows sewer plant upgrades. The next regular Work Session meeting will be June 15, 2022, at 6:00PM with the Town Board meeting to following at 7:00PM, 2022.

Meeting adjourned at 7:45PM. All in favor.

Respectfully submitted,



Patricia A King  
Town Clerk