

A regular meeting of the Elma Town Board was held on Wednesday, October 26, 2016 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
Water Superintendent	Eugene Stevenson
Town Attorney	Phyllis Todoro
Deputy Town Attorney	Dean Puleo-Absent
Town Engineer	James Wyzykiewicz

Approximately 27 people attended the meeting.

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

Making the legal notice for the Public Hearing for the Springbrook Shores Sewage Works Corporation transfer to the Town of Elma part of the minutes Supervisor Powers opened the public hearing at 7:01pm. Speaking for the sewer plant transfer were residents from Lakeview Ct and Springbrook Shores Dr no one spoke against the transfer. Supervisor Powers closed the public hearing at 7:10pm.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the Springbrook Shores Sewage Works Corporation transfer to the Town of Elma effective 1-1-2017 upon all conditions being completed at the plant. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve the minutes from the October 5th, 2016 meeting. Ayes-5. Noes-0. Carried.

Department Reports:

Water Superintendent Eugene Stevenson noted a leak was repaired on Treehaven under a driveway and a valve leak on Porterville. The Water Department shop project is almost completed.

Highway Superintendent Wayne Clark note brush pick up is completed and the trucks are in the process of getting ready for winter.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to rescind the business use permit for Jim Rzepka's Family Karate Center at 2351 Bowen Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve a negative declaration on a short form SEQR for Rzepka's Family Karate Center at 2324 Rear Bowen Rd. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the Business Use Permit for Rzepka's Family Karate Center at 2324 Rear Bowen Rd to teach Martial Arts. Building Inspector notes fire inspection required within 30 days of occupancy and sign permits required for advertising. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to rescind the business use permit for The American Kempo Karate Institute at 2322 Bowen Rd. Ayes-5. Noes-0. Carried.

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Councilman Malczewski made the motion and Councilman Nolan seconded the motion to approve a negative declaration on a short form SEQR for Bartsch's Auto Service at 900 Maple Rd. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve the Business Use Permit for Bartsch's Auto Service at 900 Maple Rd for auto repair shop. Building Inspector notes no outside storage of junk auto's and parts. Fire inspection required within 30 days of occupancy and sign permits required for advertising signs. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the budget amendment to increase appropriations for the Chairfactory Road Culvert Replacement as follows: WHEREAS, the Town was awarded FEMA aid to replace the culvert on Chairfactory Road, and WHEREAS, the Town's 2016 adopted budget does not currently include such funding NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the amendment of budgetary appropriations in the Town's 2016 adopted budget as follows: Increase Appropriations: DA 5110.400 Materials & Supplies-- \$29,284.13. Increase Estimated Revenues: DA 3070--FEMA State Aid (\$7,321.03) DA 4960 FEMA Federal Aid (\$21,963.10) Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the budget amendment to Increase Appropriations for Repairs at Jerge Sewer Plant as follows: WHEREAS, the Town wishes to provide for funding for the repairs to the stairway and fence at the Sewer Plant, and WHEREAS, the Town Board wishes to provide funding for such expenses, and WHEREAS, the Town's 2016 adopted budget does not currently include such funding NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the amendment of budgetary appropriations in the Town's 2016 adopted budget as follows: Increase Appropriations: SS1 8121.405 Reserve for Repairs \$3,500.00 and Decrease Appropriations: SS1 599 Appropriated Fund Balance \$3,500.00. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the resolution for Authorizing a loan from the General Fund to Drainage District #91 and proceed with Improvements to Drainage as follows: WHEREAS, the Town wishes to proceed with improvements within Drainage District No. 91, and WHEREAS, the Town has estimated the total cost of these improvement to be \$1,200, and WHEREAS, the Town does not currently have such improvements budgeted in Drainage District No. 91, but does having funding available through a loan from the General Fund, NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the amending of the 2016 adopted budget for Drainage District No. 91 to authorize appropriations of \$1,200 for emergency drainage improvements. BE IT FURTHER RESOLVED, that the Town Board authorizes a loan from the General Fund to Drainage District No. 91 in the amount of \$1,200, with the loan to be repaid over a one year period. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to authorize the Supervisor is sign the Erie County Community Development Grant (CDBG) request of 1st Town of Elma Comprehensive Plan Update and 2nd Rural Transit Service. Ayes-5. Noes-0. Carried.

Supervisor Powers set a Public Hearing date of November 16th, 2016 for Local Law #2-2016 Tax Cap and the creation of Sewer District #8 Springbrook Shores at 7:00pm.

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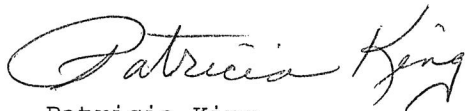
Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve Vouchers/Warrant #10 claim #1126 thru #1295 as follows: General Fund \$83,822.69; Highway Fund \$59,535.74; Water District \$160,771.22; Special District \$10,357.47.
Ayes-5. Noes-0. Carried.

All have received the Planning, Zoning, Conservation Boards and Subdivision Code Review Committee agenda and minutes that apply.

Supervisor Powers stated the next Town Board meeting November 2nd, 2016 at 7:00PM and Work Session will be November 9th, 2016 at 6:00PM.

Meeting Adjourned at 7:37pm. All in favor.

Respectfully submitted,



Patricia King,
Town Clerk

LEGAL NOTICE

WHEREAS, an agreement dated October 4, 2005 between the Town of Elma and Marrano to transfer ownership upon the completion of Springbrook Shores Sewage Works Corporation has been duly presented to the Town Board of the Town of Elma, according to the agreement requesting that the sewer district be transferred, as hereinafter described, be established in the Town of Elma, and

WHEREAS, the boundaries of the proposed sewer district are as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Elma, County of Erie and State of New York, being part of the survey of 65, 66, 69 and 70, Township 10, Range 6 of the Holland Land Company's survey, bounded and described as follows: beginning at the southeast corner of Sub Lot 75:

THENCE northwesterly, along the northeasterly and northerly line of Sub Lots 75, 74 and 73 along a curve to the left having a radius of 199.00 feet an arc distance of 267.81 feet;

THENCE N-00°-04'-08"W a distance of 82.82 feet;

THENCE N-89°-55'-52"E a distance of 197.98 feet;

THENCE S-00°-20'-06"E a distance of 260.75 feet;

THENCE S-89°-37'-13"W a distance of 10.04 feet to the northeast corner of Sub Lot 76;

THENCE S-84°-52'-09"W along the north line of Sub Lot 76 a distance of 18.12 feet to the point of beginning.

The actual plant consisting of specific dimensions 47.00' frontage by 72.26' depth.

WHEREAS, the improvements proposed in said district consist of none, it is

ORDERED, that the Town Board of the Town of Elma, shall meet at the Town Hall, 1600 Bowen Road, Elma, New York on the 26th day of October, 2016 at 7:00 o'clock p.m. to consider such petition and hear all persons interested in the subject thereof, and it is further

ORDERED, that the Town Clerk of the Town of Elma is hereby authorized and directed to publish a certified copy of this order in the Town of Elma Review and to post a copy of the same on the signboard of the Town of Elma in the time and manner required by law.

Anyone needing accommodations to assist their attendance at the public meeting pursuant to the Americans with Disabilities Act should contact the Town Clerk 48 hours prior to the meeting at 652-3260 that arrangements can be made.