A regular meeting of the Elma Town Board was held on Wednesday, October 21, 2026, at 7:00PM at Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members:

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| Supervisor | Wayne Clark |
| Councilman | Leroy Kupczyk |
| Councilman | Joseph Macaluso |
| Councilman | James Malczewki |
| Councilman | Daryl Nolan |

Also:

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| Building Inspector | Joseph Colern-Absent |
| Highway Superintendent | Michael Malecki-Deputy |
| Water Superintendent | Brian Nolan Jr |
| Town Attorney | Phyllis Todoro |
| Sewer Plants | Timothy Walczyk-Absent |
| Town Engineer | James Wyzykiewicz-Absent |

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

Making the legal notice for a Public Hearing on a Special Use Permit for Tractor Supply at 1000 W Maple Ct for a retail store part for the minutes. Supervisor Clark opened the public hearing. No one spoke for or against. Supervisor Clark closed the public hearing.

Making the legal notice on the Public Hearing for the Community Block Development Grant (CDBG) part of the minutes Supervisor Clark opened the public hearing. No one spoke for or against or offered any suggestions. Supervisor Clark closed the public hearing.

Making the legal notice for the Public Hearing on a six-month extension of the battery energy storage Local Law #2-2025 part of the minutes. Supervisor Clark opened the public hearing. No one spoke for or against. Supervisor Clark closed the public hearing.

Making the legal notice for the Public Hearing on Local Law #1-2026 Residency requirements part of the minutes. Supervisor Clark opened the public hearing. Speaking for the local law wasMichael Sawyer and no one spoke against. Supervisor Clark closed the public hearing.

Councilman Malczewski made the motion, and Councilman Kupczyk seconded the motion to approve the minutes from the September 16, 2026, meeting. Ayes-5. Noes-0. Carried.

Department Reports:
Deputy Highway Superintendent Michael Malecki noted the large rubbish pick-up is completed, and brush pick-up is in progress. CATCO will be replacing the pole at Jamison and Bowen Roads.
Water Superintendent Brain Nolan Jr noted that winterizing of the fire hydrants has started.

Councilman Malczewski made the motion, and Councilman Nolan seconded the motion to approve a negative declaration of a short form SEQR Special Use Permit for Tractor Supply at 1000 W Maple Ct, Elma NY. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion, and Councilman Nolan seconded the motion to approve a Special Use Permit for Tractor Supply at 1000 W Maple Ct, Elma NY for a retail store. The Building Inspector notes sign permit required and final site plan approval required under Chapter 117. (Preliminary approval by Planning Board 9/15/26). Restrictions on this "Use" Town code 60-3A for trailer sales, retail sales and propane storage. (Zoning Board approval for propane 9/1/26). Ayes-5. Noes-0. Carried.

Councilman Kupczyk made the motion, and Councilman Macaluso seconded the motion to approve Tractor Supply at 1000 W Maple Ct, Elma NY. for a propane storage tank on the property. Zoning Board approval on 9/1/26. Planning Board preliminary approval 9-15-26. Ayes-5. Noes-0. Carried.

Councilman Kupczyk made the motion, and Councilman Macaluso seconded the motion to approve the service agreement with MJ Mechanical Services, Inc for the HVACR system at the Town Hall for $4,206 a year. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion, and Councilman Macaluso seconded the motion to approve the resolution regarding Erie County Planning Board as follows: **WHERE AS,** Erie County Legislator Jeanne Vinal, representing portions of Amherst and Cheektowaga has recently contacted local officials regarding renewed effort to reinstate the Erie County Planning board; and **WHERE AS,** proposals of this nature have been opposed and rejected numerous times over the past two decades; and **WHERE AS,** based on the version of a draft local law shared and referenced by Legislator Vinal's communication, this Planning Board would derive its mission and purpose from a regional growth plan adopted by Erie County in 2007; and **WHERE AS,** under this version of the law, only two of the nine voting members of this board would reside outside of the Cities of Buffalo, Lackawanna, and Tonawanda or the towns of Amherst, Cheektowaga, Tonawanda, and West Seneca, leaving large representation gap for communities that make up a majority of the land area of Erie County, and making no distinction between suburbs and rural communities outside of first-ring suburbs; and **WHERE AS,** according to New York State Law, this board could have authority to review and reject certain local project proposals, or set conditions for the approval thereof, as well as act as lead agency under the State Environmental Quality Review Act, stripping away local control of the environmental impact review process; and **WHERE AS,** creation of such a board would add an additional and unnecessary layer of bureaucracy to the already daunting task of fostering constructure economic development within our region; and **WHERE AS,** the oversight and control conferred upon such a board would reduce the voice of local governments and the residents who would make decisions regarding land use within their own communities; and **WHERE AS,** local municipalities and the residents who elect their government and zoning plans that best suit their communities; and **WHERE AS,** the State of New York has already been encroaching upon local control by proposing and enacting legislation that allows them to override local zoning regulations for various types of projects; and **WHERE AS,** the Town of Elma desires to maintain the identity of our community and retain control over its vision for growth through local representation; and **WHERE AS,** the Elma Town Board does not believe the establishment od an Erie would be in the best interests of the residents of Elma or similarly situated municipalities across Erie County. **NOW, THEREFORE BE IT Resolved,** that the Town Board of Elma believes it is crucial that local municipalities retain the right to determine their own planning actions; and be it further **Resolved,** the Town Board of Elma hereby opposes the creation of an Erie County Planning Board; and be it further **Resolved,** that certified copies of this resolution shall be sent to Erie County Executive Mark Polancarz, members of Erie County Legislature and the Erie County Association of Governments.
Ayes-5. Noes-0. Carried.

Councilman Macaluso made the motion, and Councilman Malczewski seconded the motion to approve a resolution authorizing the Supervisor Clark to sign the authorizing resolution for the Community Block Development Grant (CDBG) for the Rural Transit Van Service for the Towns of Elma Marilla Wales and Aurora. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion, and Councilman Kupczyk seconded the motion to approve the following resolution for amending the 2026 adopted budget for additional water budget line expenses: WHEREAS, the Town has exceeded the funds in the water department budget, and WHEREAS, while these changes have no effect on the total 2026 adopted budget, the changes do make it necessary to transfer budgetary appropriations between certain appropriation codes, NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the amending of the 2026 budget as follows: Decrease Appropriations: SW 8310.490 Contingencies $10,000.00. Increase Appropriations: SW 8310.203 Meters $5,000.00. SW 8310.420 Gas, Oil & Grease $5,000.00. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion, and Councilman Macaluso seconded the motion to approve the following resolution for amending the 2026 adopted budget for additional general budget line expenses as follows: WHEREAS, the Town has exceeded the funds in the general fund budget, and WHEREAS, while these changes have no effect on the total 2026 adopted budget, the changes do make it necessary to transfer budgetary appropriations between certain appropriation codes, NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the amending of the 2026 budget as follows: Decrease Appropriations: A1900.400 Contingencies $50,000. Increase Appropriations: A 3310.401 Signals & Intersections $50,000.
Ayes-5. Noes-0. Carried

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Councilman Kupczyk made the motion, and Councilman Malczewski seconded the motion to approve the AMR 3-year agreement for ambulance service at the cost 2026-$29,284; 2027-$30,162 and 2028-$31,067. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion, and Councilman Macaluso seconded the motion to approve CATCO for the pole replacement at Jamison and Bowen Roads at the cost of $22,600. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion, and Councilman Macaluso seconded the motion to approve the bid for painting the Senior Center to Southtowns at the cost of $17,800. Bids from Salerno $28,800; D.G. Cutting Edge $19,500 and A Finer Finish $25,500 were also received. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion, and Councilman Malczewski seconded the motion to approve the following resolution authorizing a loan from the General Fund to Drainage District #34 to repair drainage pipe. WHEREAS, the Town wishes to proceed with repairing the drainage pipe and fixing a sink hole within Drainage District #34, and WHEREAS, the Town has estimated the total cost of these improvements to be $7,040.66, and WHEREAS, the Town does not currently have such improvements budgeted in Drainage District #34, but does have funding available through a loan from the General Fun, NOW,THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the amending of the 2026 adopted budget for Drainage District No. 34 to authorize appropriations of $7,040.66 for emergency drainage repairs. BE IT FURTHER RESOLVED, that the Town Board authorizes a loan form the General Fund to Drainage District NO.234 n the amount of $7,040.66, with the loan to be repaid over a five -year period. Loan repayment of $128.012 for the eleven units. Ayes-5. Noes-0. Carried.

Supervisor Clark set a public hearing date of November 4th, 2026, at 7:00pm for Eternal Ink Tattoos at 2151 Transit Rd, Suite B, K&R Day Trucking at 850 Bullis Rd and the 2027 Preliminary Budget.

Councilman Malczewski made the motion, and Councilman Nolan seconded the motion to approve Vouchers/Warrant #10 claim #741 thru #824 as follows: General Fund $188,610.12; Highway Fund $94,958.65; Water District $308,921.01; Special District $9,920.31. Ayes–5. Noes-0. Carried

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

The next Town Board meeting will be November 4th, 2026, at 7:00pm, Work Session will be on November 18th, 2026, at 6:00PM with the Town Board meeting to follow at 7:00PM.

Councilman Nolan made the motion, and Councilman Kupczyk seconded the motion to adjourn the meeting at 7:27pm. 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 be holding a public hearing at the Elma Town Hall, 1600 Bowen Rd., Elma, NY on the 21st day of October 2026, at 7:00 p.m. for the purpose of a special use permit for above ground propane storage tank and retail sales at 1000 West Maple Court. All persons interested may be heard at this time.

A Public Hearing will be held on Wednesday, October 21st, 2026, at 7:00PM at the Elma Town Hall, 1600 Bowen Road, Elma, New York regarding the use of Federal Community Development Block funds in the Town of Elma. The Town of Elma is eligible for a Federal Community Development Grant under Title I of the Housing and Community Development Act of 1974, as amended. The purpose of the Hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate-income persons, seniors, and handicapped persons in the Town of Elma. Citizens are urged to attend this meeting to make known their views and/or written proposals on the Town of Elma's selection of potential projects to be submitted for possible funding by the Federal Community Development Grant Program. The Hearing will also present a review of prior Community Development projects and expenditures and discussion of eligible activities. The meeting room is wheelchair accessible.

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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 Rd., Elma, NY on the 21st day of October 2026, at 7:00 p.m. for the purpose of conducting a public hearing to consider and discuss and, if need be, act upon the first six (6) month extension for the proposed local law entitled "Local Law 2-2025 Battery Energy Storage Systems" in the Town of Elma. By Order of the Town Board of the Town of Elma, Erie County, New York.

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, Elam, New York on the 21st day of October 2026, at 7:00pm 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 #1-2026 Residency Requirements. By Order of the Town Board of the Town of Elma, Erie County, New York. All persons interested may be heard at this time.

**Title Local Law No. 1-2026**

"ADDING RESIDENCY REQUIREMENT LANGUAGE TO TOWN OF ELMA'S EXISTING EMPLOYEE HANDBOOK. **"Section 1: Title** This Local Law shall be referred to as "Local Law #1-2026 and it shall add residency requirement language to the Town of Elma's existing Employee Handbook under section 401 "PROCEDURES FOR FILLING VACANCIES OF EMPLOYMENT MATTERS", of the existing employee handbook. **Section 2: Purpose and Intent** In order to address present and future employment practices within the Town of Elma. **Section 3: Statutory Authority: Suppression** A. This Local Law is enacted by the Town Board of the Town of Elma pursuant to its authority to adopt local laws under the New York State Constitution Article IX and Municipal Home Rule Law 10, 20 and 27, and in compliance with section 239- m of the General Municipal Law. B. This Local Law supersedes Section 400 of the Employee Handbook of the Town of Elma, New York. **Section 4: Term** This Local Law #1-2026 shall be in effect until it is modified at a future date **Section 5: Scope of Control Residency Requirement** In the event there is a vacancy in a new or existing position, which the Town intends to maintain the Town requires that successful applicants be residents of the Town to the extent permitted by the New York Civil Service Law, Rules and Regulations. Should the Town receive applications for employment from non-Town residents; the Town shall have the ability to hire an employee from those applications. However, the Town shall also retain their ability or preference for filling said vacancies with Town residents who have applied for the same employment positions. In view of the current times of employment, municipalities are experiencing difficulties in filling employment vacancies. In the event a vacancy cannot be filled with a Town employee; the Town shall look to fill said vacancies with non-Town residents. In doing so, the Town shall utilize a seven (7) mile radius from the intersection of Rice and Bowen within the Town, while accepting employment applications. IN the event a non-resident applicant is hired for such a position and is given the use of a Town vehicle during his/her workday; that employee shall not have the ability to take the vehicle to their home during the employment day or at the end of their shift. **Section 6: Severability** If any part or provision of this Local Law #1-2026 or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be limited in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law #1-2026 or the application thereof to other persons or circumstances, and the Town Board of the Town of Elma hereby declares that it would have passed this chapter or the remainder thereof had such invalid application or invalid provision been apparent. **Section 9: Effective Date** This Local Law #1-2026 shall take effect immediately upon filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.