

A regular meeting of the Elma Town Board was held on Wednesday, September 17, 2025, at 7:00PM at Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor	Wayne Clark-Absent
Councilman	LeRoy Kupczyk
Councilman	Joseph Macaluso
Councilman	Daryl Nolan
Deputy Supervisor	Tracy Petrocy
Also:	
Building Inspector	Joseph Colern
Highway Superintendent	Howard Diehl
Plant Manager	Brian Fiden
Town Attorney	Phyllis Todoro
Sewer Plants	Timothy Walczyk
Town Engineer	James Wyzykiewicz

The meeting was opened with the Pledge of Allegiance.

Councilman Nolan made the motion, and Councilman Kupczyk seconded the motion to approve the minutes from the August 20, 2025, meeting. Ayes-4. Noes-0. Carried.

Department Reports:
Building Inspector Joseph Colern presented the monthly report for August 2025 with 36 permits issued, \$8,051.21 fees collected and the estimated value of construction \$1,666,875.00. The property at Jamison and Creek Road is getting a new contractor to clean up demolition. Still working on the Northrup property clean up.
Highway Superintendent Howard Diehl noted they are cleaning up the old highway garage. Rubbish pickup starts on Monday October 6th, 2025, and Brush starts October 20th, 2025.

Councilman Nolan made the motion, and Councilman Macaluso seconded the motion to approve a negative declaration on a short form SEQR for QOL Medical at 5763 Seneca St 1st Floor, Elma, NY. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion, and Councilman Kupczyk seconded the motion to issue a Business Use Permit to QOL Medical at 5763 Seneca St 1st Floor, Elma, NY for pharmaceutical sales. Building Inspector notes sign permits required for advertising. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion, and Councilman Kupczyk seconded the motion to approve a negative declaration on a short form SEQR for Herd Creations LLC 2827 Transit Rd, Elma, NY. Ayes-4. Noes-0. Carried.

Councilman Kupczyk made the motion, and Councilman Macaluso seconded the motion to issue a Business Use Permit to Herd Creations LLC 2827 Transit Rd, Elma, NY for direct to film printing/custom stickers/custom apparel. Building Inspector notes permits required for advertising signs and fire inspection required within 30 days. Ayes-4. Noes-0. Carried.

Councilman Macaluso made the motion, and Councilman Kupczyk seconded the motion to approve the Intermunicipal Agreement with the Town of Colden to assist with their Water Department and the Intermunicipal Agreement with the Town of Marilla for their dog kennel services effective September 17th, 2025. Ayes-4. Noes-0. Carried.

Councilman Macaluso made the motion, and Councilman Kupczyk seconded the motion to approve Local Law #1-2025 Tax Exemption for Firefighters. Ayes-3. Noes-0. Abstain-1. (Councilman Nolan abstained). Carried.

Councilman Kupczyk made the motion, and Councilman Nolan seconded the motion to approve Drainage District Extension #129 for Great Lakes Building System on Transit Road in the Town of Elma, NY. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion, and Councilman Macaluso seconded the motion to approve the TK Elevator annual agreement. Ayes-4. Noes-0. Carried.

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Councilman Kupczyk made the motion, and Councilman Nolan seconded the motion to approve the resolution in support of Congressman Nick Langworthy's Energy Choice Act (H>R> 3699, S1945) and in opposition to Government-Mandated Natural Gas Bans as follows: WHEREAS, affordable and reliable energy is essential to the health, safety, and economic prosperity of New York families, businesses, and communities; and WHEREAS, natural gas remains a dependable, cost-effective, and clean-burning energy source used by millions of New Yorkers to heat their homes, cook their food, and power their businesses; and WHEREAS, in 2019, New York State enacted the **Climate Leadership and Community Protection Act (CLCPA)**, which mandates aggressive emissions reductions and serves as the foundation for sweeping energy restrictions, including efforts to phase out natural gas; and WHEREAS, building on the CLCPA, Governor Kathy Hochul and the New York State Legislature in 2023 enacted provisions in the state budget banning natural gas and other fossil fuel hookups in most new residential and commercial buildings, effective 2026 for smaller buildings, and 2029 for larger buildings, thereby eliminating consumer choice and limiting access to affordable energy; and WHEREAS, Governor Hochul has publicly supported these bans and related measures as part of her administration's climate and energy agenda, despite widespread concerns that such mandates will increase costs, strain grid reliability, and restrict energy diversity; and WHEREAS, these top-down policies undermine affordability, threaten reliability during peak demand, and strip away the freedom of consumers and businesses to choose the energy sources that best meet their needs; and WHEREAS, Congressman Nick Langworthy of New York and Senator Jim Justice of West Virginia introduced the **Energy Choice Act (H.R. 3699, S. 1945)**, federal legislation that ensures state and local governments cannot restrict consumer access to natural gas and other affordable energy sources, thereby protecting freedom of choice for New Yorkers and all Americans; and WHEREAS, the Energy Choice Act would safeguard households, small businesses, hospitals, farmers, and manufacturers from harmful government overreach and preserve access to an "all-of-the-above" energy strategy that strengthens reliability and affordability; NOW, THEREFORE, BE IT RESOLVED, that the Town of Elma strongly supports the Energy Choice Act as introduced by Congressman Langworthy (H.R. 3699) and Senator Justice (S. 1945) and stands firmly opposed to New York State's natural gas bans, the CLCPA-driven restrictions, and other state energy mandates that eliminate consumer choice; and BE IT FURTHER RESOLVED, that the Town of Elma urges Congress to pass the Energy Choice Act to defend consumer choice, protect energy affordability, and preserve reliable access to natural gas for New Yorkers; and BE IT FURTHER RESOLVED, that copies of this resolution be sent to Congressman Nick Langworthy, Senator Jim Justice, the New York Congressional delegation, Senators Chuck Schumer and Kirsten Gillibrand, Governor Kathy Hochul, and leadership of the New York State Legislature. Ayes-4. Noes-0. Carried.

Councilman Macaluso made the motion, and Councilman Kupczyk seconded the motion to award the bid for the asbestos flooring removal at the old highway garage to United Precision Construction Services LLC at the cost of \$6,500. Geiter Done of WNY Inc also bid at \$8,400. Ayes-3. Noes-1. (Councilman Nolan voted no). Carried.

Councilman Kupczyk made the motion, and Councilman Macaluso seconded the motion to approve the 30-Day period for viable Agricultural Land into a District in Erie County. Ayes-4. Noes-0. Carried.

Councilman Macaluso made the motion, and Councilman Kupczyk seconded the motion to appoint Jennifer Khan as clerk to the Zoning Board of Appeals. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion, and Councilman Petrocy seconded the motion to appoint James Chisholm as Town Assessor. Ayes-2. Noes-2. (Councilman Kupczyk and Councilman Macaluso voted no). No action taken.

Councilman Nolan made the motion, and Councilman Macaluso seconded the motion to approve the Red Ribbon Week Proclamation as follows: WHEREAS, alcohol and drug abuse in this nation has reached epidemic stages; and WHEREAS, it is imperative that visible, unified prevention education efforts by community members be launched to eliminate the demand for drugs; and

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WHEREAS, The National Family Partnership is sponsoring the National Red Ribbon Campaign offering citizens the opportunity to demonstrate their commitment to drug-free lifestyles (no use of illegal drugs, no illegal use of legal drugs); and WHEREAS, The National Red Ribbon Campaign will be celebrated in every community in America during "Red Ribbon Week", October 23-31; and WHEREAS, businesses, government, parents, law enforcement, media, medical, religious institutions, school senior citizens, service organizations and youth will demonstrate their commitment to healthy, drug-free lifestyles by wearing and displaying Red Ribbons during the week long campaign; and WHEREAS, The Town of Elma further commits its resources to ensure the success of Red Ribbon Campaign; NOW, THEREFORE, BE IT RESOLVED, that the Town of Elma does hereby proclaim October 23-31, as RED RIBBON Week, and encourages its citizens to participate in drug prevention education activities, making a visible statement that we are strongly committed to a drug-free state. Ayes-4. Noes-0. Carried.

Deputy Supervisor Petrocy set a public hear date for October 22nd, 2025, at 7:00pm for the Community Block Development Grant (CDBG).

Councilman Nolan made the motion, and Councilman Kupczyk seconded the motion to approve Vouchers/Warrant #9 claim #688 thru #755 as follows: General Fund \$ 425,484.21; Highway Fund \$53,070.84; Water District \$23,392.56; Special District \$8,843.47. Ayes-4. Noes-0. Carried.

The next Work Session will be on September 24th, 2025, at 7:00pm for the 2026 Budget with a Work Session on October 8th, 2025, at 6:00pm and the Town Board meeting on October 22nd, 2025, at 7:00pm.

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

Today is Brain Fiden's last day of serving the Town of Elma for 42 years.

Councilman Macaluso made the motion, and Councilman Kupczyk seconded the motion to enter Executive Session. All in favor.

All in favor of exiting the Executive Session. Meeting adjourned.

As per notes taken by Town Attorney Phyllis Todoro