

09/05/07 Town Board Minutes

A regular meeting of the Elma Town Board was held on Wednesday, September 5, 2007, at 8:00 PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor Michael Nolan
Councilwoman Susan Glownia
Councilman David Polak
Councilman Dennis Powers
Councilman Dean Puleo

Also: Town Attorney Phyllis Todoro
Building Inspector Joseph Colern
Highway Superintendent Wayne Clark
Water Superintendent Eugene Stevenson
Town Engineer James Wyzykiewicz

Approximately 18 people attended the meeting.

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

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to approve the minutes from the September 5, 2007 meeting.

Ayes-5. Noes-0. Carried.

Department Reports

Building Inspector Joseph Colern presented the monthly report for August with 51 permits issued, fees collected of \$33,261.35 with an estimated value of construction \$6,757,928. Also the right of way at Northrup and Kinsley Roads has been marked, a maintenance notification letter has been sent to the property owner and the Highway Department has cleared the right of way.

Councilman Puleo made the motion and Councilman Powers seconded the motion to issue a negative declaration on a short form SEQR for Express Mart/Tim Hostons at 661 Jamison Road. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilman Puleo seconded the motion to issue a Business Use Permit for Express Mart/Tim Hortons at 661 Jamison Road. Building Inspector notes a permit is required for any advertising signs. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilman Puleo seconded the motion to award the bid for the 2008 Pick up Truck for the Water Department to Delacy Ford Inc at the cost of \$21,866 on the recommendations for Water Superintendent Eugene Stevenson. The lower bid from Joe Basil Chevrolet, Inc did not meet all the specifications. Ayes-5. Noes-0. Carried.

Supervisor Nolan set a Public Hearing date regarding variances under Local Law #1-2007 for Building Solutions at 6091 Seneca Street and Al-Will Auto Finishers at 2811 Transit Road for September 19, 2007 at 8:00PM and for Blossom Homes Inc at Transit/Bullis Roads for October 3, 2007, 8:00PM.

Councilman Powers made the motion and Councilwoman Glowonia seconded the motion to withdraw the temporary Business Use Permit and the application for a variance under Local Law #1-2001 for Heritage Fence Company Inc at 2841 Transit Road upon the request from David J Dole. Ayes-5. Noes-0. Carried.

Councilwoman Glowonia made the motion and Councilman Powers seconded the motion to approve the cross training of Kerry Galuski for the Water Department office at the pay rate of \$11.20 per hour. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve the TOWN OF ELMA Acceptable Training for Planning Board and Zoning Board of Appeals Members as follows: WHEREAS Town Law Sections 267 and 271, Village Law Sections 7-712 and 7-718, and General City Law Sections 27 and 81 provide that effective January 1, 2007, all planning board and zoning board of appeals members in New York State, as well as alternate members of those boards, must complete a minimum of four hours of training each year; and WHEREAS the above sections of state law provide that a planning board or zoning board of appeals member shall not be eligible for reappointment to such board if they have not completed the training required

by law; and WHEREAS the above sections of state law provide that the legislative body of the town, village and city specifies which activities qualify as training to satisfy the state requirements; and

NOW, THEREFORE, be it RESOLVED, that the following list of agencies, commissions, associations, universities, and other organizations are approved to provide training to meet the state requirements when the training they provide pertains to municipal planning, zoning, community design, environmental issues, economic development, and local government functions and practices:

- 1) The NYS Department of State; Department of Agriculture and Markets; Office of the State Comptroller; Department of Health; Department of Transportation; Department of Environmental Conservation; Office of Parks, Recreation, and Historic Preservation; Hudson River Valley Greenway; and
- 2) The New York State Association of Towns, the New York Conference of Mayors, the New York State Association of Counties, the New York Planning Federation, the American Planning Association, the Upstate New York Chapter of the American Planning Association and its sections, and
- 3) University at Buffalo, Erie Community College, Buffalo State University, and TVGA Engineering of Elma.

AND LET IT FURTHER be RESOLVED, that other training activities may be approved on a case-by-case basis by the Town Board upon the request of a planning board or zoning board of appeals member; and be it further

RESOLVED, that any new member appointed to fill the last 6 months of a term shall not be required to have attended training to be reappointed to a first full term, but must thereafter comply with the municipal training policy as provided elsewhere herein; and be it further

RESOLVED, that training received by a planning board member or zoning board of appeals member in excess of four hours in any one year may be carried over by the member into succeeding years; and be it further RESOLVED, that the Town Planning and Zoning Board Secretary shall create and maintain a system of tracking the training individual members complete annually; and such information shall be presented to the appointing authority prior to considering a member for reappointment.

Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilwoman Glowonia seconded the motion to approve the following resolution:

OPPOSING PROPOSED STATE WINDMILL SITING PROCEDURE

WHEREAS, Article X of the Public Service Law provides a streamlined siting permit procedure for certain power generation facilities and the law expired on December 31, 2002; WHEREAS, since January 1, 2003 power generation facilities have been sited via local zoning and state DEC review; and WHEREAS, there is currently a proposal by Governor Spitzer before the Legislature to renew and revise Article X of the Public Service Law that would also include the siting of windmills; and WHEREAS, this inclusion essentially eliminates local zoning control over windmills and has an impact on community host payments; and

WHEREAS, the Town of Elma, along with numerous municipalities throughout New York State, has undergone considerable time and expense to develop and Implement windmill siting policies that best fit our community; NOW, THEREFORE BE IT RESOLVED THAT; The Town Board of the Town of Elma is opposed to any inclusion of the siting of windmills in Article X of the Public Service Law as it removes local control of our landscape and violates the principles of Home Rule that has been the guiding force of our State; and The Town Board of the Town of Elma encourages any revision of Article X to address health and environmental issues for those who live and work near power generation facilities; and That the Town Clerk forward copies of this Resolution to Governor Eliot Spitzer, Assemblyman Cole, Senator Volker and to the Towns and Villages in Erie County. Ayes-3. Noes-2. (Councilwoman Glowonia and Councilman Polak voted no)Carried.

Councilman Puleo the motion and Councilman Polak seconded the motion to approve the following resolution:

Support of the Animal Alliance of Western New York and the Erie County SPCA
WHEREAS, the Society for the Prevention of Cruelty to Animals serving Erie County is the lead agency for a grant from the Maddie's Fund to support community wide collaborations for adoption guarantee organizations, traditional shelters, animal control agencies, and private practice veterinarians working together to end the killing of healthy and treatable shelter dogs and cats; and WHEREAS, the Elma Town Board wishes to express its support for this application and also appreciation for the excellent work performed by the Erie County SPCA in the community in support of our animal control program;

NOW, THEREFORE BE IT RESOLVED, that the Elma Town Board and the Animal Control Program will support the efforts of the Animal Alliance of Western New York and the Erie County SPCA through partnering with them to save the lives of cats and

dogs through ongoing communication, record keeping and best practices; and BE IT FURTHER RESOLVED that the Supervisor is authorized to sign the Statement of Support prepared by the Erie County SPCA; and BE IT FURTHER RESOLVED that the Town Clerk forward certified copies of this resolution to the Western New York Delegation, the Town Supervisors and City and Village Mayors of Erie County. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilwoman Glowonia seconded the motion to add the Farmland Protection Grant application to the Agenda. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilwoman Glowonia seconded the motion to approve the following resolution: Whereas the potential loss of active farmland will forever change the community character and deplete the benefits of open space in the Town of Elma; Whereas the Town of Elma Town Board supports farmland preservation to prevent the exhaustion of open space and to protect natural resources in Elma; Whereas the Town of Elma has been operating under the Erie County Agricultural and Farmland Protection Plan and will continue to use this plan as a planning tool for open space preservation. Whereas the Town of Elma also requests and authorizes the Western New York Land Conservancy to assist in the planning and implementation of a local farmland protection program. This includes, but is not limited to prioritizing of parcels and areas for protection, coordination of appraisals, negotiation in the purchase of development rights, co-holding of conservation easements with the Town of Elma and perpetual stewardship and monitoring of conservation easements. RESOLVED: That Michael P. Nolan, as Supervisor of the Town of Elma is hereby authorized and directed to file an application for Farmland Protection funds from the New York State Department of Agriculture & Markets requesting \$82,950 in funding from the New York State Department of Agriculture & Markets and will provide a Town match of \$27,650 (\$24,150 in cash and \$3,500 through in-kind services.). Ayes-5. Noes-0. Carried. All have received the Planning, Zoning, Conservation Board and Code Review Committee Agenda and Minutes that apply.

Supervisor Nolan noted the next Work Session will be September 12, 2007 at 6:00PM.

Adjourned at 8:32PM.

Respectfully submitted,

Patricia King
Town Clerk