

09/19/07 Town Board Minutes

A regular meeting of the Elma Town Board was held on Wednesday, September 19, 2007, at 8:00 PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor Michael Nolan
Councilwoman Susan Glowina-Absent
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 Wzykiewicz

Approximately 28 people attended the meeting.

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

Making the Legal Notice for the Public Hearing on a commercial variance for Al-Wil Auto Finishers at 2811 Transit Road part of the minutes Supervisor Nolan opened the Public Hearing at 8:01PM.

Speaking for the variance, Frank Wailand from F J Wailand Associates Inc representing Al-Wil Auto Finishers requested to erect a new building behind the existing structure and removing the old building upon completion of the new building with a certificate of occupancy. Al-Wil had originally had Planning Board approval for an addition to the existing building in 2006. The addition was not cost effective. No one spoke against. Supervisor Nolan closed the Public Hearing at 8:10PM.

Making the Legal Notice for the Public Hearing on a commercial variance for Building Solutions at 6091 Seneca Street part of the minutes Supervisor Nolan opened the Public Hearing at 8:11PM.

Speaking for the variance was Todd Huber from Building Solutions and Michael

Masman from Buffalo Embroidery. Mr. Huber explained that if he could not expand his building to accommodate the increased volume of business for Mr. Masman that Mr. Masman would have to move his business elsewhere. The addition would be 24' x 60'. No one spoke against. Supervisor Nolan closed the Public Hearing at 8:16PM.

Councilman Polak made the motion and Councilman Powers seconded the motion to enter Executive Session at 8:17PM to discuss the variances presented in the Public Hearings and make a determination.
Ayes-4. Noes-0. Carried.

Councilman Powers made the motion and Councilman Polak seconded the motion to exit Executive Session at 8:35PM. Ayes-4. Noes-0. Carried.

Councilman Polak made the motion and Councilman Puleo seconded the motion to grant the variance for Al-Wil Auto Finishers at 2811 Transit Road after considering Section 7A, B subsection a thru e of Local Law #1-2007. Ayes-4. Noes-0. Carried.

Councilman Polak made the motion and Councilman Puleo seconded the motion to grant the variance for Building Solutions at 6091 Seneca Street after considering Section 7A, B subsection a thru e of Local Law #1-2007, with the contingencies that the letter from Spring Brook Fire District No. 1 requesting specific items to be completed and to be referred to the Planning Board. Ayes-4. Noes-0. Carried.

Councilman Powers made the motion and Councilman Polak seconded the motion to approve the minutes from the September 5, 2007 meeting.
Ayes-4. Noes-0. Carried.

Department Reports

Town Engineer James Wyzykiewicz informed and requested the Town Board to attend the Water Quality Forum on Storm Water Regulations, October 2, 2007, 6:30PM at the Lancaster Town Hall. These regulations will be implemented starting January 2008 and the Town must comply.

Water Superintendent Eugene Stevenson informed the Town Board that the Water Department is in the process of cleaning up odd projects before the winter and they are enlarging the parking lot at the Seneca Street site due to the increase volume of

customers.

Highway Superintendent Wayne Clark is requesting to accept sealed bids for an old Massey Ferguson tractor that was damaged in an accident, to be sold as is where is. Also Billington Road has been repaved and rubbish collection starts October 1, 2007. The snowplowing contract with Erie County has been approved for 3 years at 5 %.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve Clean Sweep Janitorial Services Inc to clean the Town Hall for a period of one (1) year at the cost of \$20,592.

Ayes-4. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to approve Waste Management in Chaffee for the Solid Waste Contract at \$35.90 a ton.

Ayes-4. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Polak seconded the motion to approve the Antique Car Club of America to hold a car show at the Elma Village Green Park on June 8, 2008. Ayes-4. Noes-0. Carried.

Councilman Polak made the motion and Councilman Puleo seconded the motion to approve Holt Associates, Inc for the appraisal of the Janiga farm on Jamison Road for the Farmland Protection Grant at the cost of \$1500. Ayes-4. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to accept lead agency on the SEQR for Omnipoint Communications Inc at 881 Schultz Road. Ayes-4. Noes-0. Carried.

Councilman Powers made the motion and Councilman Polak seconded the motion to rescind the Preliminary Business Use permit for Buffalo RV at 7120 Seneca Street. Ayes-4. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve the following Resolution for Authorizing and Provide Funding for Chairfactory Road Repaving Project. WHEREAS, the Town wishes to complete road repair and repaving of Chairfactory Road, and WHEREAS, the Town has received sales tax revenues in excess of that which was anticipated in its 2007 adopted budget and wishes to

utilize such additional funds to improve its road infrastructure, and NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the amending of the Town's 2007 adopted budget to recognize the additional sales tax to be received by the Highway Fund and to authorize additional appropriations to provide for cost of repaving Chairfactory Road, as follows: Increase Estimated Revenues: DA1120 Non-Property Tax Distribution by County \$150,000.00 Increase Appropriated Fund Balance: DA5110.400 Materials and Supplies \$150,000.00
Ayes-3. Noes-1. (Councilman Polak voted no.) Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve Warrant #9 as follows with exceptions.

Claim #938 to #1086

General Fund \$63,678.97 Water District \$155,793.34

Highway Fund \$40,141.79 Special District \$ 17,722.13

Ayes-4. Noes-0. Carried.

All have received the Planning, Zoning, Conservation Board and Code Review Committee Agenda and Minutes that apply.

Councilman Puleo made the motion and Councilman Powers seconded the motion to add the sealed bids for the sale of the Massey Ferguson tractor at the Highway Department to the Agenda.

Ayes-4. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to accept sealed bids for the sale of the Massey Ferguson tractor as is where is to be opened on October 17, 2007 at 8:00PM at a Town Board meeting. Ayes-4. Noes-0. Carried.

Adjourned at 8:55PM.

Respectfully submitted,

Patricia King
Town Clerk

