

A regular meeting of the Elma Town Board was held on Wednesday, June 21, 2006, 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	Robert Pierce
Building Inspector	Joseph Colern
Highway Superintendent	Wayne Clark
Water Superintendent	Eugene Stevenson
Town Engineer	James Wyzkiewicz

Approximately 31 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 June 7, 2006 meeting. Ayes-5. Noes- 0. Carried.

Department Reports:

Building Inspector Joseph Colern noted that Moog, Inc, Steuben Foods (6500sq ft), Advanced Auto and the Planning Board has given final approval for Smolarek (4500sq ft) on Clinton St are all large building projects in the works. Spring Brook Shores has sold ten patio homes with 53 more in progress. Water Superintendent Eugene Stevenson spoke of the water main break Monday on Bullis Road, they will be working with the Highway Department to repair the roadway. The water lines have been pressure tested for Stone Ridge Estates and will be chlorinated tested this Friday, with the Health Department approval to follow. The GIS Grant is in operation and will save the Town and Water Dept time and money. Highway Superintendent Wayne Clark noted that road patching is in progress.

Executive Director Celeste Lawson from the Arts Council of WNY presented a check for \$1200 to the Summer Concerts Committee Gary Haas, Ken Schaff, Joyce Zimmerman and Joan Wood. Kathy Clark and Dave Engberg were unable to attend.

Councilman Puleo made the motion and Councilman Powers seconded the motion to issue a negative declaration on a short form SEQR for The Studio of Hair at 430 Main Street. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilman Puleo seconded the motion to issue a Business Use Permit to Lorraine Lindemuth for The Studio of Hair at 430 Main Street. Restriction in "Use" as per Erie County Health Department only a single stationed hair salon allowed. Building Inspector notes a fire inspection within 30 days of occupancy and a permit for any advertising sign. Ayes-5. Noes-0. Carried.

Bid opening for the Senior Center Expansion is as follows: (Bids to be reviewed at the next Work Session)

Building Solutions	\$ 97,200	Cloverbank Construction	\$143,500
Kaz Brothers	\$142,500	Strock Construction	\$188,000

No bids received for the Senior Center Sprinkler System.

Bid opening for the Water Depart Vehicles is as follows: (Bids to be reviewed at the next Work Session)

1995 Chevrolet Van	J. Biddle \$ 51.00	R. Connolly	\$201.22
1996 Ford Wagon	J. Biddle \$399.00	R. Connolly	\$851.54

Councilman Puleo made the motion and Councilman Powers seconded the motion to approve the Topsoil Removal Permit for Stone Ridge Estates to remove an estimated 2000 cubic yards on Rice Road. Ayes-4. Noes-1.(Supervisor Nolan voted no). Carried.

Councilman Powers made the motion and Councilman Polak seconded the motion to approve the following budget amendment:WHEREAS, The Town has received a grant from New York State for the construction of a memorial for veterans, and WHEREAS, The Town Board wishes to proceed with the construction of such a memorial, and WHEREAS, the Town's 2006 adopted budget does not currently include the grant funding nor the appropriation for the construction of such memorial. NOW THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the amending of the 2006 adopted budget to include the grant funding and appropriations for the construction of the memorial as follows: Increase Appropriations:A6510.401 Veterans Services-VFW Memorial \$5000 Increase Estimated Revenues:A3789 State Aid-VFW Memorial Grant \$5000. Ayes-5. Noes-0. Carried.

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Councilman Polak made the motion and Councilwoman Glownia seconded the motion to approve the Water Department increasing the amount of petty cash from \$75.00 to \$200.00 for daily start up to be able to make change as needed. Ayes-5. Noes-0. Carried.

Councilwoman Glownia made the motion and Councilman Puleo seconded the motion to authorizing Supervisor Nolan to sign 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 \$223,500 in funding from the New York State Department of Agriculture & Markets and will provide a Town match of \$74,500 (\$67,500 in cash and \$7,000 through in-kind services.). Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve Warrant #6 as follows: claim #574 to #719 with exception

General Fund \$67,570.88 Water District \$128,992.37

Highway Fund \$11,744.81 Special District \$ 6,539.65

Ayes-4. Noes-0. Abstain-1. (Councilwoman Glownia abstained) Carried.

Supervisor Nolan set a Public Hearing date of July 19, 2006 at 8:00PM for Drainage District #178 Smolarek on Clinton Street.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to add the 1977 Sales Tax Revenue Distribution Agreement to the Agenda. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to adopt the following 1977 Sales Tax Revenue Distribution Agreement as follows:
Whereas, on December 30, 1977, the County of Erie, the City of Buffalo, the City of Lackawanna and the City of Tonawanda entered into an Agreement in regard to the sales tax revenues distribution; and Whereas, the Agreement provided a disposition of 25.6858 per cent to the cities and the areas outside the cities in proportion to their respective populations as determined in accordance with the latest decennial federal census; and Whereas, the population of Erie County has shifted in the last three decades and the current formula for sales tax distribution is no longer equitable; and Whereas, section 3 of the Agreement dated December 30, 1977 provides that any time subsequent to November 30, 1982, each party to the agreement shall have the right to terminate said Agreement by giving one(1) year's prior written notice, served upon each of the parties; and Now, Therefore, Be It Resolved, that the Town of Elma supports the terminating of the current 1977 Sales Tax Revenue Distribution Agreement; and be it further Resolved, that the Town of Elma further supports the right of the Eire County Legislature to adopt a resolution to terminate said agreement; and be it further Resolved, that any new Agreement shall provide for a fair and more equitable distribution of the sales tax to the cities, towns and villages in proportion to their respective populations, determined in accordance with the latest decennial federal census as the fair and equitable allocation; and be it further Resolved, that a certified copy of this resolution be forwarded to each member of the Erie County Legislature, Erie County Executive Joel Giambra, the Mayors of the City of Buffalo, City of Lackawanna, City of Tonawanda, Town Supervisors and Village Mayors of Erie County. Ayes-5. Noes-0. Carried.

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All have received the Zoning Board minutes and the Planning Board agenda.

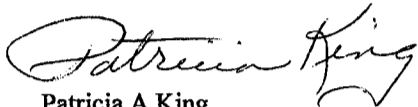
Supervisor Nolan stated that the next work session will be June 27, 2006, Tuesday at 4:00PM.

Town Board entered into Executive Session at 8:50PM all members in favor regarding a contract for the Fire Service and also to adjourn the Town Board meeting at the end of Executive Session.

Town Board exited Executive Session at 9:10PM.

Meeting Adjourned at 9:10PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Patricia King". The signature is written in black ink and is positioned to the right of the typed name.

Patricia A King
Town Clerk