

09/21/11 Town Board Minutes

A regular meeting of the Elma Town Board was held on Wednesday, September 21, 2011 at 7:00 PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor Dennis Powers
Councilman Thomas Fallon
Councilman Michael Nolan
Councilman Tracy Petrocy
Councilman Dean Puleo

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

Approximately 25 people attended the meeting.

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

Councilman Puleo made the motion and Councilman Petrocy seconded the motion to approve the minutes from the September 7, 2011 meeting. Ayes-5. Noes-0. Carried.

Making the Legal Notice for Drainage District #191 part of the minutes Supervisor Powers opened the public hearing at 7:01PM. No one spoke for or against the drainage district, Mr. Staples just inquired about the project itself. Supervisor Powers closed the public hearing at 7:03PM.

Councilman Puleo made the motion and Councilman Nolan seconded the motion to approve Drainage District #191 for Bryan Young at 1120 Bullis Rd. Ayes-5. Noes-0. Carried.

Department Reports:

Building Inspector Joseph Colern informed the Town Board that 100 units have been built to date in SpringBrook Shores.

Water Superintendent Eugene Stevenson noted the Billington water tank's final inspection on the painting project is tomorrow, if all is on order final payment will be made. The Erie County Health Department inspection for the Water Department is next Wednesday. The Water Department's monthly report was reviewed. Also the surge protectors are on order and will be installed at the cost of \$120 each. Mr. Stevenson is looking to purchase a used trailer and would like the Board's approval to pursue this purchase.

Highway Superintendent Wayne Clark noted that trash pickup starts on October 3, and brush pickup starts October 17, 2011.

Town Attorney Phyllis Todoro noted that the Town Board needs to hold a public hearing regarding Verizon for the cell tower on Delacy's property.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to issue a Special Use Permit for Seasonal Nursery at 1120 Bullis Road with a negative declaration on a short form SEQR. Also to amend the hours of operation for the Garden Center 7:00AM to 8:00PM. Building Inspector notes are to refer to the Planning Board under Elma Code Section 117 for a final site plan review.

Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Puleo seconded the motion to issue the final Business Use Permit for Aurora Optometric Group PC at 980 West Maple Court with a negative declaration on a short form SEQR. Building Inspector notes a permit is required for any advertising signs. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Puleo seconded the motion to deny the variance for Transit Commons at 2701-2731 Transit Road under the moratorium on Sign codes. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Puleo seconded the motion to approve the change order #1 for the extension to the contract time for the New Bullis Road Reconstruction to November 30, 2011 by Tom Greenauer Development Inc. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to

approve the resolution for the resolution to Authorizing a Loan from the General Fund to Drainage District #1 for the Remainder of the Repairs Associated with Replacing the Culvert Pipe: WHEREAS, the Town wishes to proceed with improvements within Drainage District No. 1, and WHEREAS, the Town has estimated the total cost of these improvement to be \$1,288.82, and WHEREAS, the Town does not currently have such improvements budgeted in Drainage District No. 1, but does having funding available through a loan from the General Fund,

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the amending of the 2011 adopted budget for Drainage District No. 1 to authorize appropriations of \$1,288.82 for various drainage improvements. BE IT FURTHER RESOLVED that the Town Board authorizes a loan from the General Fund to Drainage District No. 1 in the amount of \$1,288.82, with the loan to be repaid over a two year period.

Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the fill permit for Todd Huber at 320 and 330 N Davis Road for an additional 3500 cubic yards of fill. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Puleo seconded the motion to approve Warrant #9 as follows: Claim #1047 thru #1184
General Fund \$223,957.20, Highway Fund \$98,255.25, Water District \$163,877.69, Special District \$30,217.05 and Capital Projects \$1,269. Ayes-5. Noes-0. Carried.

Supervisor Powers set a Public Hearing date of October 5, 2011 at 7:00PM for the Community Block Development Grant.

Supervisor Powers noted the next Work Session will be on September 28, 2011 at 6:00PM, next Town Board will be October 5, 2011 at 7:00PM

Supervisor Powers accepted the resignation of Alfred Harrington as Chairman of the Zoning Board of Appeals with great regrets.

All have received the Agenda and Minutes from the Planning, Zoning and Conservation Boards that apply.

Councilman Puleo made the motion and Councilman Fallon seconded the motion to add an item to the Agenda. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Petrocy seconded the motion to allow Water Superintendent Eugene Stevenson to pursue the purchase of the used trailer at the cost not to exceed \$6000. Ayes-2. Noes-3. (Councilman Nolan, Councilman Puleo and Supervisor Powers) Motion denied ayes carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to table the purchase of the used trailer. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to add an item to the Agenda. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to authorize Supervisor Powers to send a letter to Eric County Highways for a review of Bullis Road near Pound Road regarding signage and road striping. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Nolan seconded the motion to enter Executive Session regarding a personnel matter at 8:20PM and will adjourn immediately following this session. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Supervisor Powers seconded the motion to exit Executive Session at 8:38PM. Ayes-5. Noes-0. Carried.

Meeting adjourned at 8:38PM. All in Favor.

Respectfully submitted,

Patricia King,
Town Clerk