

## **11/16/11 Town Board Minutes**

A regular meeting of the Elma Town Board was held on Wednesday, November 16, 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-Absent  
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 24 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 the 2012 Preliminary Budget part of the minutes Supervisor Powers opened the public hearing at 7:07PM. Supervisor Powers noted only two changes have been made since the Tentative 2012 Budget; water department seasonal workers and bookkeepers budget stipend. No one spoke for or against; questions asked by D Filipski and D Rohl. Supervisor Powers closed the public hearing at 7:22PM.

Councilman Nolan made the motion and Councilman Puleo seconded the motion to approve the 2012 Preliminary Budget as the 2012 Adopted Budget.  
Ayes-4. Noes-0. Carried.

Making the Legal Notice for the Public Hearing on the rezoning of 5800 Seneca Street for Ron Kimmel from Residential C to Commercial part of the minutes Supervisor

Powers opened the public hearing at 7:23PM. Supervisor Powers noted that this was original rezoned in 1995 but was mistakenly omitted from the updated zoning map. No one spoke for or against. Supervisor Powers closed the public hearing at 7:24PM.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve the rezoning of 5800 Seneca Street from Residential C to Commercial. Ayes-4. Noes-0. Carried. (C-2 Intermediate).

Councilman Petrocy made the motion and Councilman Nolan seconded the motion to approve the minutes from the November 2, 2011 meeting. Ayes-4. Noes-0. Carried.

#### Department Reports:

Building Inspector Joseph Colern requests attending the Niagara Frontier Builders Conference in Cheektowaga, January 23rd thru 25th at the cost of \$315.

Councilman Nolan made the motion and Councilman Puleo seconded the motion to add an item to the Agenda. Ayes-4. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Nolan seconded the motion to approve the Building Inspector and Assistant to attend the conference. Ayes-4. Noes-0. Carried.

Water Superintendent Eugene Stevenson noted that all fire hydrants have been winterized; also the Town parks and Library will be completed by the end of the week. Sylvia's Place and Transit Commons water lines are complete. The flushing program will be starting and there are water taps to be done.

Highway Superintendent Wayne Clark noted that the winter parking ban is in effect from November till April 2012.

Councilman Puleo made the motion and Councilman Nolan seconded the motion to issue a negative declaration on a short form SEQR to Accounting Group Management Services at 5763 Seneca St (upper). Ayes-4. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Petrocy seconded the motion to issue a Business use Permit to Accounting Group Management Services at 5763 Seneca St (upper). Building Inspector notes a fire inspection required within 30 days and permits

are required for any advertising signs. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to issue a negative declaration on a short form SEQR to Cans-2-Cash at 5710 Seneca St. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Puleo seconded the motion to issue a Business use Permit to Cans-2-Cash at 5710 Seneca St. Building Inspector noted only one semi-trailer to be parked on site at this time. A permit required for any advertising signs. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to reinstate the Special Use Permit issued to Seasonal Nursery and Garden Center at 1120 Bullis Rd upon the condition that Clark Patterson Lee Engineering firm be hired at the expense of Bryan Young to over see the drainage problems that have arisen in the area. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Puleo seconded the motion to approve the health insurance proposal presented by Sheridan Benefits, LLC with Independent Health iDirect Plan. Ayes-4. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Nolan seconded the motion to approve effective immediately the Court Security services from the NYS Office of Courts Administration (OCA) at the cost of \$26.52 an hour; all scheduling for court nights will be coordinated by the OCA. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve a negative declaration on the Type I SEQR upon the completion of an archeological study for Verizon Wireless at 1000 North Blossom Rd. Ayes-4. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Petrocy seconded the motion to approve the following resolution for Authorizing a Budget Amendment for Additional Appropriations for Sewer District 5. WHEREAS, the Town has repaired the driveway at Sewer District 5, and WHEREAS, the Town's 2011 adopted budget does not currently include the appropriations needed for such repairs NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the amending of the 2011 adopted budget to include the appropriations for the Sewer District 5 repairs as follows: Increase Appropriations: SS5 8125.405--Reserve for Repair--\$10,000.00. Increase Estimated Revenues:SS5 599--Appropriated Fund Balance--(\$10,000.00). Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve Supervisor Powers to sign the rate agreement with Independent Health's Medicare Encompass E Plan for retired employees. Ayes-4. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Puleo seconded the motion to approve Warrant #11; claim #1386 thru #1499 as follows:  
General Fund \$216,150.50;Highway Fund \$130,068.91;Water District \$96,795.85;  
Special Districts \$156,369.82 and Capital Project \$63,408.82.  
Ayes-4. Noes-0. Carried.

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

Supervisor Powers noted the next Town Board meeting will be December 7, 2011.

Meeting adjourned at 8:09PM. All in Favor.

Respectfully submitted,

Patricia King,  
Town Clerk