

06/16/10 Town Board Minutes

A regular meeting of the Elma Town Board was held on Wednesday, June 16, 2010, at 7:00 PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor Michael Nolan
Councilman Thomas Fallon
Councilman Tracy Petrocy
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 40 people attended the meeting.

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

Councilman Powers made the motion and Councilman Petrocy seconded the motion to approve the minutes from the May 19, 2010 meeting. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Powers seconded the motion to approve the following proclamation for the Relay for Life on June 19, 2010 as follows: WHEREAS, Relay for Life is the nationwide signature event for the American Cancer Society, and WHEREAS, teams in Elma, New York will join 2.5 million people across America in this event to fight cancer and WHEREAS, the Relay for Life represents our hope that those lost to cancer will not be forgotten, that those battling cancer will be supported and that one day cancer will be eliminated and WHEREAS, the American Cancer Society is the nationwide community-based voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering for cancer, through research, education, advocacy and

service. NOWHEREFORE, the Town Board of Elma does hereby proclaim June 19th 2010 as "Relay for Life" day in Elma, New York and call upon our citizens to support the American Cancer Society with voluntary services and donations in an effort to eradicate cancer. Ayes – 5. Noes – 0. Carried.

Department Reports

Building Inspector Joseph Colern presented his monthly report for May 2010 with 23 permits issued, \$6,540.27 in fees collected and an estimated value of construction \$1,022,082.04.

Water Superintendent Eugene Stevenson reported the Billington tank rehab project is in the 3rd week and is 40% to 45% complete. All is going well. The crew has been maintaining line pressure 24/7. The Water Department crew has been working around the clock so not much field work has been getting done but they have been cleaning up around the Jamison Road shop. July 4th is the target date to have the tank project complete with water back in the tank and Health Dept approval on the project.

Highway Superintendent Wayne Clark noted the parks have received all approvals and on Monday the new playground equipment was erected at the Park. Culvert pipes were placed on Jackman Lane and a retention pond.

Town Attorney Phyllis Todoro reported she is working on an Ordinance with the Water Department regarding Fire Hydrants, which will need to be on the next Work Session Agenda. Also, being worked on is a Resolution for Old Bowen Rd.

Councilman Puleo made the motion and Councilman Powers seconded the motion to approve a budget transfer for Internet Tax Software for the Town Clerk/Tax office as follows: Resolution for a Budget Transfer to Increase Appropriations for Internet Tax Software: WHEREAS, the Town wishes to purchase internet tax software for the Town Clerk's office, and WHEREAS, the Town Board wishes to provide funding for such software, and WHEREAS, the Town's 2010 adopted budget does not currently include such funding NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the transfer of budgetary appropriations in the Town's 2010 adopted budget as follows:

Increase Appropriations: A1410.410 Town Clerk – Other Expenses \$ 4,000.00

Decrease Appropriations: A1990.400 Special Items - Contingent Account \$ 4,000.00

Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to

table Supervisor Nolan signing the agreement with First Niagara Risk Management Inc for Workers Compensation Insurance for Town Employees and Volunteer Fire Service Workers until such time other interested agents can submit a quote. The current Workers Compensation Insurance expires July 1, 2010. A special meeting will need to be held. Ayes- 5. Noes – 0. Carried.

Councilman Fallon made the motion and Councilman Puleo seconded the motion to approve the purchase of a defibrillator for Creek Road Park for \$1,444.00 from AED Professionals. Jamison Road Fire Co will take care of the ordering and installation of the defibrillator. Ayes- 5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Fallon seconded the motion to approve the annual agreement with EMW Little League Baseball for \$7000 from the Town of Elma. Just a note, the notary will have to re-sign due to an expired Commission date. Ayes – 5. Noes -0. Carried.

Councilman Petrocy made the motion and Councilman Fallon seconded the motion to award the bid for the Creek Road Park picnic shelter to the lowest bidder Arc-Tek for \$15,046.00 and authorize Supervisor Nolan to sign the contract for work to begin. Modern Building Development Inc. submitted a bid for \$23,000.00. Ayes – 5. Noes- 0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to amend the 280-A Resolution that was approved on February 10, 2010 under Section II Definitions, subsection b. paragraph (6) the last sentence to read: “If the applicant can not achieve one hundred and twenty-five (125) feet front roadside set back, the applicant may apply to the Elma Town Board”. Ayes – 5. Noes – 0. Carried.

Councilman Fallon made the motion and councilman Petrocy seconded the motion to rescind the Business Use Permit for Tom Maclucki of Jensar Enterprises LLC for Aurora Sales & Service located at 5811 Seneca St. Ayes – 5. Noes – 0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to rescind the Business Use Permit for AMT Machines Inc located at 6535 Seneca St. Ayes- 5. Noes – 0. Carried.

Councilman Petrocy made the motion and Councilman Fallon seconded the motion to rescind the Business Use Permit for Jennifer Bach and the Bubble Salon located at 6439 Seneca St. Ayes – 5. Noes – 0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve Warrant #6 as follows: Claim #591 to #715
General Fund \$85,221.21; Highway Fund \$47,516.25; Water District \$137,255.61;
Special District \$83585.86; Capital Project \$2073.22. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Fallon seconded the motion to introduce Local Law #1-2010 as follows: Local Law to Adopt the 2010 Retirement Incentive Program Part A – Chapter 105, Laws of 2010: A LOCAL LAW electing a retirement incentive program as authorized by Chapter 105, laws of 2010 for the eligible employees of the Town of Elma.

BE IT ENACTED by the Elma Town Board of the Town of Elma, as follows:

1. The Town of Elma hereby elects to provide all of its eligible employees with a retirement incentive program authorized by Chapter 105, Laws of 2010.
2. The commencement date of the retirement incentive program shall be upon adoption of Local Law.
3. The open period, during which eligible employees may retire and receive the additional retirement benefits, shall be 30 to 60 days in length.
4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the Town of Elma for each employee who receives the retirement benefits payable under this local law.
5. This act shall take effect immediately upon adoption by the Elma Town Board.

Ayes – 5. Noes – 0. Carried.

Supervisor Nolan set a public hearing date of July 21, 2010 for Local Law #1-2010 to Adopt the 2010 Retirement Incentive Program.

All have received the Planning, Zoning and Conservation Board and Design Guidelines Committee minutes that apply.

Supervisor Nolan announced the next Work Session will be June 23, 2010 at 6:00PM.

Correspondence was received from Erie County regarding A household Hazardous Waste Drop Off Day ECC South Campus on Saturday, June 19 from 9:00AM-2:00PM.

The Town of Elma will hold its Fireworks Display on Sunday, July 4, 2010 at the EMW Boys and Girls Club and the Elma Fire Company substation on Girdle Rd.

Councilman Fallon made the motion and Councilman Petrocy seconded the motion to enter into Executive Session at 8:00PM regarding a proposed Conservation Easement Agreement with two residents on North Davis and North Star Roads. Ayes- 5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Fallon seconded the motion to exit Executive Session at 8:27PM. Ayes -5. Noes -0. Carried.

Councilman Puleo made the motion and Councilman Fallon seconded the motion that Star-Davis LLC will create a Conservation Easement in perpetuity which will be added to the deed descriptions for Greg Hewitt's and Charlie Sauers' properties, each consisting on an additional 3.7 acres (Lot A and Lot A-1); as a result the Town will grant a variance regarding the 280-A Zoning Laws for applicant William Beyer allowing a 100' setback rather than 125' for the flag lot located between 531 and 563 North Star Rd, as the applicant attended all moratorium work sessions. Said application was made contemporaneously with the finalization of the Town's moratorium on flag lots. Ayes – 5. Noes – 0. Carried.

Meeting adjourned at 8:30PM. All in Favor.

Respectfully submitted,

Jennifer M Ginter
Deputy Town Clerk