

## **06/04/08 Town Board Minutes**

A regular meeting of the Elma Town Board was held on Wednesday, June 4, 2008, 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 Phyllis Todoro  
Building Inspector Joseph Colern  
Highway Superintendent Wayne Clark  
Water Superintendent Eugene Stevenson-Absent  
Town Engineer James Wyzykiewicz

Approximately 21 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 under Local Law #4-2008 for Samco Recreational Vehicles Inc at 1721 Transit Road part of the minutes Supervisor Nolan opened the public hearing at 8:02PM. Speaking for the variance was Mike Glair from Samcoe. No one spoke against. Supervisor Nolan closed the public hearing at 8:04PM.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to enter Executive Session at 8:04PM concerning the commercial variance for Samco

Recreational Vehicles Inc. Ayes-5. Noes-0.Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to exit Executive Session at 8:10PM. Ayes-5. Noes-0 Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to approve the variance for Samco Recreational Vehicles, Inc. at 1721 Transit Road under Local Law #4-2008 showing hardship.  
Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Polak seconded the motion to approve the following proclamation for the Relay for Life on June 20 and 21, 2008 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 overnight 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 from cancer, through research, education, advocacy and service. Now Therefore, the Town Board of Elma does hereby proclaim June 20th as “Relay for Life” weekend 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.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to approve the minutes from the May 21, 2008 meeting.  
Ayes-5. Noes-0. Carried.

#### Department Reports

Building Inspector Joseph Colern presented the monthly reported for May 2008 with 37

permits issued, fees collected of \$9,888.67 with an estimated value of construction of 41,639,188.79.

Superintendent Wayne Clark stated that the prep work for paving of Handy and Knabb Roads is complete and will begin paving.

Town Attorney Phyllis Todoro is working on the easements with the Water Superintendent Eugene Stevenson for the O'Neil property on Bullis Road.

Councilman Polak made the motion and Councilman Powers seconded the motion to approve a negative declaration on a short form SEQR for Elma Wellness Center at 2341 Bowen Road. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to approve a Business Use Permit for Elma Wellness Center at 2341 Bowen Road for a massage therapy center. Building Inspector notes fire inspection required within 30 days of occupancy and a permit required for any advertising signs. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to approve the renewal of a Special Use Permit for Live Music inside the building at Rita's Springbrook Hotel 6350 Seneca Street. Building Inspector notes all live music to be indoors not to create a noise nuisance to adjoining neighbors. Permit expires May 31st, 2009 with same restriction as previous years. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to approve the contract for \$10,000 with Premier Pyrotechnics Inc for the fireworks display on July 4th, 2008 at the Boys & Girls Club on Girdle Road. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve the Firemen's Service Award audit with Penflex, Inc and Drescher & Malecki LLP. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to

approve the Baseline Documentation Report (BDR) Springbrook Shores approved by the Conservation Board on March 25, 2008 that it is recommended that based upon the receipt of the Town Attorney's legal opinion, the Elma Town Board grant its final approval of the Baseline Documentation Report for Springbrook Shores. Subsequent to this approval, the BDR, along with a copy of the survey, is to be forwarded to the Erie County Clerk's Office to be filed with the Deed as an official Land Conservation Easement on the designated property within Springbrook Shores. Motion passed unanimously by the Conservation Board. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to add a budget amendment for Road Improvements to the Agenda. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Polak seconded the motion to authorize a budget amendment for additional appropriations for Road Improvements as follows; Whereas, the Town wishes to repair and improve its road infrastructure, and Whereas, the Town wishes to allocate additional sales tax revenue to fund such road improvements, and Whereas, the Town wishes to proceed with the road repair and improvements Now, Therefore, be it Resolved, that the Town Board hereby authorizes the amending of the Town's m2008 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 road improvements, as follows: Increase Estimated Revenues: DA1120 Non-Property Tax Distribution by County \$275,000.00 Increase Appropriations: DA5110.400 Materials and Supplies \$275,000.00. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilman Puleo seconded the motion to add changing the dates of the Town Board meetings to the Agenda. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glowina seconded the motion to hold the Work Session on July 9, 2008 and August 13, 2008 at 4:00PM and Town Board meetings on July 16, 2008 and August 20, 2008 at 8:00PM. Ayes-5. Noes-0. Carried.

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

Supervisor Nolan stated that the next Work Session will be June 11, 2008 at 5:00PM with the Code Review Committee meeting to follow at 6:00PM.

Adjourned in honor of Harry Carlson who was a longtime member of the Elma Historical Society and served as a trustee on the board for over 20 years. He was in charge of the building and grounds for most of his tenure on the board and was instrumental in drawing the plans to build the barn museum. He was always there to help when he was needed and his manner was always quiet and gentlemanly. Harry managed the insurance for Stimm Associates for the project of building the Iroquois Central School in 1955. Harry was a great asset to the community and will be sadly missed by us all. Motion by Councilman Polak seconded by Councilman Powers. Ayes-5. Noes-0. Carried. Adjourned at 8:30PM.

Respectfully submitted,

Patricia King  
Town Clerk