

06/18/08 Town Board Minutes

A regular meeting of the Elma Town Board was held on Wednesday, June 18, 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-Absent

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

Approximately 12 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 4, 2008 meeting.

Ayes-3. Noes-0. Carried.

Department Reports

Building Inspector Joseph Colern noted that Ray Balcerzak assistant building inspector will be attending Code Enforcement training at the Erie County Fire Training Academy in Cheektowaga on June 24th to 26th.

Water Superintendent Eugene Stevenson noted another water line break on Elderberry and also one on Fairway have been repaired. Water problems at the Library have been repaired. The painting of fire hydrants is in progress. The Erie County Health Department Inspection went well. Also attended a GIS Conference in Monroe County.

Superintendent Wayne Clark noted that paving of Handy and Knabb Roads will begin on Monday.

Supervisor Nolan read the following proclamation for James Coatsworth has served the E.M.W. Boys and Girls Club for 15 years. Be it further known that such record of service to the Town of Elma merits the honor of being cited by Town Supervisor Michael P Nolan and the Elma Town Board for his contributions and influence to the children of our community. In witness whereof, this Certificate of Appreciation is testimony of our personal gratitude and presented on the 18th day of June, 2008.

Councilman Powers made the motion and Councilwoman Glowina seconded the motion to approve the Supervisor to sign the stipend of \$7000 for the EMW Baseball and \$5000 for the EMW Little League Football.

Ayes-3. Noes-0. Carried.

Councilwoman Glowina made the motion and Councilman Powers seconded the motion to approve the addition to the Historical barn side shed extension at no cost to the Town.

Ayes-3. Noes-0. Carried.

Councilman Powers made the motion and Councilwoman Glowina seconded the motion to approve the resolution regarding the VALUATION of CONDOMINIUMS as follows: Whereas, the Town Board of the Town of Elma is committed to fair and equitable assessment practices, and Whereas, fair and equitable assessments lead to a fair distribution of the local property tax burden, and Whereas, increasing unfunded state mandates continue to shift the burden of supporting state programs with local property tax dollars, and Whereas, the New York State Real Property Law Section 581 & Real Property Law Section 339-Y requires condominiums to be assessed at a value substantially less than comparable, non-condominium properties, and thus, disrupts the desire and credibility of local officials to deliver a fair property assessment and tax systems, and Whereas, the proliferation of condominiums throughout New York State threatens to undermine the underlying principle of fairness and equity in assessments in an ever-increasing number of communities, and Whereas, New York State Real Property Law Section 581 and Real Property Law Section 339-Y creates a disadvantage to current property owners whose property does not have this exemption in their ability to sell and market their property, and WHEREAS, the Town Board deems it in the public interest to memorialize the New York State Assembly, New York State Senate and Governor David Paterson of its support for legislation which would address this inequity. Now, Therefore, Be It Resolved AS FOLLOWS: The Town Board of the Town of Elma hereby lends its

unconditional support of draft legislation of New York State Senator William Stachowski that would change Section One, subdivision 1 of Section 339-Y of the Real Property Law that would allow municipalities a local opt-out for newly constructed condominiums, and The Town Board encourages New York State Senator Dale Volker & New York State Assemblyman Michael Cole to sign on as co-sponsors of this draft legislation, and The Town Board of the Town of Elma strongly recommends the passage of each bill, respectively, by the Assembly and Senate, and The Town Board of the Town of Elma strongly recommends that Governor David Paterson sign this all important legislation into law once it has passed the Assembly and Senate, and The Elma Town Clerk is instructed to forward copies of this resolution to the other Town Clerks in Erie County as well as to New York State Senator Dale Volker; New York State Assemblymen Michael Cole; and Governor David Paterson. Ayes-3. Noes-0. Carried.

Supervisor Nolan set a Public Hearing date of July 16, 2008 at 8:00PM for rezoning Conley Trucking and SASI at 960 West Maple Court for a variance on Local Law #4-2008.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to approve Warrant #6, #612 to #726 with noted exceptions:

General Fund \$96,472.91 Water District \$135,637.21
Highway Fund \$40,476.90 Special District \$69,435.17
Capital Project \$350.00 Ayes-3. 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 July 9, 2008 at 4:00PM.

Councilman Polak arrived.

Supervisor Nolan announced an Executive Session that will be adjourning immediately following the session and noted to adjourn the meeting in Honor of Tim Russert.

Councilman Powers made the motion and Councilman Polak seconded the motion to enter Executive Session regarding the Conservation Club Grant at 8:34PM. Ayes-4. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to exit Executive Session at 9:18PM. Ayes-4. Noes-0. Carried.

Respectfully submitted,

Patricia King
Town Clerk