09/17/08 Town Board Minutes

A regular meeting of the Elma Town Board was held on Wednesday, September 17, 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 Town Engineer James Wyzykiewicz

Approximately 33 people attended the meeting.

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

Representatives Drew Reilly and Frederick Frank from Wendel Duchscherer gave a summary report of the proposed Town of Elma Zoning Code changes.

Making the Legal Notice for the Public Hearing on Local Law #5-2008 Zoning Code changes part of the minutes Supervisor Nolan opened the public hearing at 8:25PM. Residents speaking for, against and some with just questions were: N. Ruger, T. Reid, E. Orwat, D. Rohl, G. Seibert, C. Benn, A. Fasolino, T. Huber, C. Scherr, R. Kimmel, T. Gaczynski and D. McNamara. Mr. Huber also presented a petition with residences and businesses in opposition to the proposal for rezoning Seneca Street (Transit to Old Pound) from C-3 to C-2. Ms. Scherr asked to be removed from the petition. Councilman Polak arrived late. Supervisor Nolan closed the public hearing at 8:50PM.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to approve the minutes from the September 3, 2008 meeting.

Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Polak seconded the motion to table the approval of the new zoning maps.

Ayes-5. Noes-0. Carried.

Department Reports

Building Inspector Joseph Colern presented his monthly report for August 2008 with 35 permits issued, fees collected of \$17,682.23, est. value of construction of \$10,419,501.31. Water Superintendent Eugene Stevenson asked the Town Board to attend a meeting next Tuesday at 1:00pm with Conrady Consultant Services regarding the Billington tank repairs. Mr. Stevenson thanked the Town Board for the implementation of Code Red. Highway Superintendent Wayne Clark noted that road repair is completed for this year. Town Engineer James Wyzykiewicz informed the Town Board of drainage district problems at old Elma Meadows, new Elma Meadows and Sigman Lane.

Councilman Polak made the motion and Councilwoman Glowina seconded the motion to add the drainage district problems to the Agenda. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glowina seconded the motion to approve Town Engineer James Wyzykiewicz to obtain quotes to rectify the drainage district problems for the next Work Session.

Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to approve Supervisor Nolan signing the STOP-DWI Memorandum of Understanding. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve the agreement with the Conservation Club Inc at the cost of \$2000.00 per year for five years for use of a portion of the playing field and parking area for EMW Sports. Ayes-5. Noes-0. Carried.

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

approve the following resolution Opposing the Proposed Changes To the Public Health Law Consolidating Local Registrars of Vital Statistics: WHEREAS, the New York State Local Government Commission on Efficiency and Competitiveness has made certain recommendations to the Governor which affects the operation of local governments, and WHEREAS, one of the recommendations of the Commission was to move all Registrar of Vital Statistics duties to the County level under the direction of the New York State Health Commissioner, and WHEREAS, the NYS Department of Health has developed a program bill (Senate Bill#S8184 and Assembly Bill#A11560) that would allow the commissioner to consolidate the function of the local Registrars of Vital Statistics, and WHEREAS, the Commissioner could consolidate these services without County Legislature approval as is required by law currently, and WHEREAS, the NYS Department of Health has inappropriately attached these proposed changes in the structure of the Registrar of Vital Statistics duties to changes in the "Pandemic Flu and Public Health Emergency Preparedness Law", and WHEREAS, the local city, town and village clerks have provided this service professionally, efficiently and in a timely and cost effective manner over the years, and WHEREAS, the Elma Town Board feels with the current high costs and financial stress to citizens, including fuel and the County's geography from Elma, this would put additional undue burden on residents as these services would be located much further away and the local registrar's currently charge \$10.00 per certified copy and the state proposes to allow the County to charge \$30.00 per certified copy, thereby tripling their current costs, and WHEREAS, the loss of revenues would have a financial impact on the local governments, NOW THEREFORE BE IT RESOLVED that in the interest of its residents and good, efficient, cost effective government the Town of Elma opposes the consolidation of the function of the local Registrars of Vital Statistics to the County, and BE IT FURTHER RESOLVED that the Town of Elma appeals to its County and State Officials to oppose the proposed changes to the Public Health Law relating to the Registrars of Vital Statistics and requests that a copy of this resolution be forwarded to Governor David Paterson, Senator Dale Volker, Assemblyman Michael Cole, Erie County Executive Chris Collins and the Erie County Legislature.

Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve Warrant #9 claim #922 thru #1038 with noted exceptions as follows: General Fund \$82,535.82 Water District \$115,632.76 Highway Fund \$252,516.91 Special District \$6,541.74

Ayes-4. Noes-0. Abstain-1. Councilman Polak abstained. Carried.

Supervisor Nolan set a Public Hearing date of October 15, 2008 for the Community Block Development Grant.

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

Supervisor Nolan noted the next Work Session will be on September 24, 2008 at 6:00PM.

Meeting adjourned at 9:08PM.

Respectfully submitted,

Patricia King Town Clerk