

## **12/17/08 Town Board Minutes**

A regular meeting of the Elma Town Board was held on Wednesday, December 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 Wzykiewicz-Absent

Approximately 15 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 December 3, 2008 meeting.  
Ayes-5. Noes-0. Carried.

### **Department Reports**

Building Inspector Joseph Colern presented the monthly report for November 2008 with 20 permits issued, \$8,200.89 in fees collected with an estimated value of construction of \$2,197,531.

Water Superintendent Eugene Stevenson has replaced two (2) fire hydrants due to accidents and the flushing program will be completed in January.

Highway Superintendent Wayne Clark noted that the Transfer Station will be closing at

3:00PM Wednesday the 24th and Wednesday the 31st.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to approve a negative declaration on a short form SEQR for Reid's Tires at 6800 Seneca Street. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to approve the amendment (moved to a new location) to the Business Use Permit for Reid's Tires at 6800 Seneca Street. Restrictions in "Use" all tires stored inside building. No auto repair. Building Inspector notes permit required for any advertising signs and a fire inspection within 30 days of occupancy. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to approve a negative declaration on a short form SEQR for NEMS Inc dba The Mattress Warehouse at 3211 Transit Road. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Polak seconded the motion to approve the Business Use Permit for NEMS Inc dba The Mattress Warehouse at 3211 Transit Road. Restrictions in "Use" no outside storage of mattresses or material. Building Inspector notes permit required for any advertising signs and a fire inspection within 30 days of occupancy. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to amend the following NYS Office of parks, Recreation Grant as follows: I, Patricia A King, the duly (elected and qualified secretary) OR (qualified and acting Clerk) of the (Town of Elma of Elma, New York, a corporation subject to the Not-for-Profit Corporation Law of New York State and qualified for tax exempt status under the federal internal revenue code) OR (Elma, New York), do hereby certify that the following resolution was adopted at a regular meeting of the Elma Town Board held on December

17, 2008, and is (incorporated in the original minutes of said meeting) OR (on file and of record), and that said resolution has not been altered, amended or revoked and is in full force and effect. WHEREAS, this organization has received a special grant in the 2008-2009 New York State Budget; and WHEREAS, there are specific requirements and regulations governing the expenditure of these funds;

NOW, THEREFORE, this body resolves the following: Administration of all funds under this grant will be in accordance with all terms and conditions contained in “GUIDELINES to prepare Grant Agreements for non-construction projects \$50,000 and under – Fiscal Year 2008 – 2009”, provided by the New York State Office of Parks, Recreation and Historic Preservation. That Michael P Nolan, as Supervisor of our organization, is hereby authorized to sign legal documents on behalf of our organization and that such signature is acknowledgement of the acceptance by this body of compliance with all terms and conditions of the grant agreement, to be executed for the grant. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve the three (3) year Fire Company Agreement as follows: Blossom 2009/\$156,700, 2010/\$162,400.00 and 2011/\$168,100.00  
Elma 2009/\$226,700.00, 2010, 2010/\$232,400.00 and 2011/\$238,100.00  
Jamison Road 2009/\$206,700, 2010/\$212,400.00 and 2011 \$218,100.00  
With ambulance service included. Ayes-5. Noes-0. Carried.

Councilwoman Glownia made the motion and Councilman Puleo seconded the motion to amend Dottie Moltrup’s service award points to 77. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to approve TVGA EWA for completion of Creek Road Park Grant boundary survey and to provide a CD copy at the cost of \$3000 with \$100 for expenses. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to approve Werner Archaeological Consulting, LLC for the archaeological study for Creek Road Park Grant at the cost of \$2472.

Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve the purchase of playground equipment for Creek Road Park Grant at the cost of \$24,605.02, wood carpet package \$6,400 and supervised setup of equipment \$5,960.

Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to enter Executive Session at 8:20PM to review the Union Contract. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to exit Executive Session at 8:30PM. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve the Teamsters Local 264 Union Contract effective January 2009 – December 2011. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilwoman Glownia seconded the motion to approve the employee health insurance contribution of 5%, 10% and 10% to coincide with the Union Contract. Ayes-3. Noes-2.

(Councilman Polak and Councilman Powers voted no) Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve the 2008 year end budget amendments.

Ayes-5. Noes-0. Carried.

Councilwoman Glowina made the motion and Councilman Powers seconded the motion to approve Wendel Duchscherer for the NYSA Phase 2 GIS Implementation Plan at the cost of \$1900. Ayes-5. Noes-0. Carried.

Councilwoman Glowina made the motion and Councilman Puleo seconded the motion to approve the Town of Elma Hazardous Material Response Plan for 2009 and the Town of Elma Emergency Disaster Plan for 2009.  
Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve Warrant #12 as follows: Claim #1344 to #1487  
General Fund \$71,227.76 Water District \$19,193.14  
Highway Fund \$22,076.40 Special District \$ 2,484.37  
Capital Projects \$37,097.32  
Ayes-5. Noes-0. Carried.

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

Correspondence: Sargent & Collins, LLP lawsuit with 1093 Group, LLC (Rite-Aid) variance has been denied, no further action.  
Western NY Developmental Disabilities Service Office informed the Town Board that the lots on Girdle Road are not satisfactory.

Councilman Puleo made the motion and Councilwoman Glowina seconded the motion to add an item to the Agenda. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilwoman Glowina seconded the motion to approve the Planning Board alternate to be paid for eleven (11) meetings, \$495 for 2008. Ayes-4. Noes-1. (Councilman Polak voted no) Carried.

Supervisor Nolan adjourned the meeting in honor of Edith Boller mother of Judge M. William Boller.

Meeting adjourned at 9:11PM.

Respectfully submitted,

Patricia King  
Town Clerk