

02/14/07 Town Board Minutes

A regular meeting of the Elma Town Board was held on Wednesday, February 14, 2007, 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-Absent
Water Superintendent Eugene Stevenson-Absent
Town Engineer James Wyzykiewicz

The regular meeting for February 7, 2007 was cancelled due to weather.

Approximately 30 people attended the meeting.

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

Making the Legal Notice for 5121 Clinton Street, Smolarek property rezoning part of the minutes, Supervisor Nolan opened the Public Hearing at 8:01PM.

No one spoke for or against the rezoning.

Supervisor Nolan closed the Public hearing at 8:02PM.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve the rezoning of 5121 Clinton Street from Residential C to Commercial for Smolarek property.

Ayes-4. Noes-1. (Councilman Polak voted no.) Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve the January 3rd and January 17th, 2007 minutes. Ayes-4. Noes-0. Abstain-1.

(Councilman Polak abstained.) Carried.

Department Reports:

Building Inspector Joseph Colern presented the monthly report January, 2007 with 20 permits issued, \$8,180.46 in fees collected with an estimated value of construction of \$1,637,182.

Supervisor Nolan opened the bids for the 2008 Pick up Truck for the Highway Department as follows:

Bison Truck Center, Inc. \$18,586.77, DeLacy Ford Inc. presented three (3) bids with options 1. \$18,989 2. \$17,279 and 3. \$19,123 and West Herr Ford \$20,879. Bids will be reviewed.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to approve Heritage Estates East Phase II for Fischione Construction contingent upon a maintenance bond for the water lines. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to table the Business Use Permit for Rite-Aid Pharmacy at 2317 Bowen Road. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to issue a negative declaration on a short form SEQR for Stover & Sons at 5761 Seneca Street. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to approve a Business Use Permit for Stover and Sons at 5761 Seneca Street. Building Inspector notes a permit is required for any advertising sign and fire inspection within 30 days. Restriction on the Use No outdoor storage of junk, auto parts or automobiles. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to approve the following Internet Sex Offenders Legislation:

WHEREAS, many sex offenders utilize computers and the internet to anonymously communicate with children using fictitious identities in order to entice children to meet with them with the ultimate goal of engaging in sex with children, and WHEREAS, the

incidence of this illegal and immoral crime against our children has increased dramatically, and WHEREAS, something must be done to protect our children from this type of criminal behavior, and WHEREAS, State Assemblyman mark Schroeder, D-Buffalo, has sponsored a bill in the State Assembly (A. 12114) which would enact a new law (Article 495 û Computer Sex Crimes Against Children) to make it a separate crime to use the internet to commit a sex crime against a child and to deem such crime to be subject to a more severe criminal penalty, and WHEREAS, this board feels that this proposed legislation is worthwhile and would add an additional deterrent to sex offenders in New York State, NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby memorializes the New York State Legislature and Governor to enact Assembly No. 12114 to mandate stricter penalties to those who use the internet to commit sex crimes against children, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby authorized and directed to send certified copies of this resolution to Assemblyman Michael Cole, Senator Dale Volker and Governor Elliot Spitzer, and also to all municipalities in Erie County. Ayes-5. Noes-0. Carried.

Councilwoman Glownia made the motion and Councilman Puleo seconded the motion to accept the resignation from James Tuck as the alternate to the Planning and Zoning Boards with regrets.
Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to add T-Mobile to the Agenda. Ayes-5. Noes-0. Carried

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to obtain an independent review of the Type I SEQR for T-Mobile. This independent review will be charged back to T-Mobile. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to add the resolution for a moratorium to the Agenda. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Polak seconded the motion to approve the following resolution:

Whereas, the recent interest in development activity with in the Town of Elma, has created an increase of awareness of possibly outdated provisions of the Town Zoning Ordinances, and

Whereas the Town Board, recognizing that the current Zoning Ordinances may be in need of revision; and

Whereas in an effort to give the Town Board an opportunity to review and update the current Commercial and Industrial Zoning Ordinances; Now, therefore be it resolved, That the Town Board institute a moratorium on Commercial and Industrial development within the Town of Elma for a period of six months from the adoption of this resolution; and That all current projects that have not received final approval are affected by this resolution and can be reviewed for relief on a case by case. Ayes-5. Noes-0. Carried.

All have received the Zoning, Planning and Conservation Board Agenda and Minutes.

Meeting Adjourned at 8:38PM.

Respectfully submitted,

Patricia King
Town Clerk