

## **03/21/07 Town Board Minutes**

A regular meeting of the Elma Town Board was held on Wednesday, March 21, 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  
Water Superintendent Eugene Stevenson-Absent  
Town Engineer James Wyzykiewicz

Approximately 31 people attended the meeting.

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

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve the minutes from the March 7, 2007 meeting. Ayes-5. Noes-0. Carried

### **Department Reports**

Supervisor Nolan read a letter from Water Superintendent Eugene Stevenson regarding his personal vacation.

Town Attorney Phyllis Todoro informed the Board of the completion of Local Law#1-2007.

Highway Superintendent Wayne Clark noted that he would like to attend the Highway SuperintendentÆs Conference June 4th thru the 6th, 2007 in Ithaca, New York. Rubbish pick-up will start on April 2nd and brush will start on April 16th, 2007. Mr. Clark informed the Town Board that the creek bank on Northrup Road is in need of stabilization, maybe grant money can be obtained to help with the cost. Also the reimbursement contract with the County for snow plowing is up for renewal.

Presentation from the Elma Historical Society, President Marlene Baumgartner, was a plaque for the old school bell in front of the Town Hall that reads BELL FROM SCHOOL #6 ELMA, NEW YORK CIRCA 1876 to be attached to the base of the old bell. Kenneth Schaff presented the Town Board with an American Flag that was flown over the United States Capitol on March 7, 2007 at the request of the Honorable Thomas M. Reynolds, Member of Congress in honor of the first Town of Elma town meeting on March 7, 1857. Also from the White House. I send greetings to those celebrating the 150th anniversary of Elma, New York. This milestone is an opportunity to take pride in the rich heritage of your community. Communities like yours provide support as people raise families, build better lives, and pursue their dreams. The success of Elma is a testament to the contributions of your citizens and the hope and promise of our great country. Laura and I send our best wishes on this special occasion. George W. Bush.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to approve a Preliminary Business Use Permit to Clevermethod, Inc at 1200 Maple Road for a web technology company. Building Inspector notes are to refer to the Planning Board for a site plan review under chapter 117 of the Elma Town Code. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to issue a negative declaration on a short form SEQR for Springbrook Golf at 6831 Seneca Street. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to approve a Business Use Permit for Springbrook Golf at 6831 Seneca Street. Building Inspector notes a permit is required for any advertising sign and a fire inspection within 30 days of occupancy. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Polak seconded the motion to issue a negative declaration on a short form SEQR for Mr. Tint at 3211 Transit Road. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to approve a Business Use Permit for Mr. Tint at 3211 Transit Road. Building Inspector

notes a permit is required for any advertising sign and a fire inspection within 30 days of occupancy.

Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to approve a Special Use Permit for General Welding at 991 Maple Road for the addition of over 25,000 square feet and grant a variance to the adopted commercial moratorium resolution and to refer this project to the Elma Planning Board for site plan review. Building Inspector notes are also to refer this matter to the Planning Board for a site plan review under chapter 117 of the Elma Town Code. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Polak seconded the motion to authorize Supervisor Nolan to sign the following: Resolution for Authority to Sign Legal Documents

I, Patricia King, the duly elected and qualified acting Clerk of the Town of Elma, Municipality, New York, do hereby certify that the following resolution was adopted at a meeting of the governing body held on March 21, 2007, and is incorporated in the original minutes of said meeting, and that said resolution has not been altered, amended or revoked and is in full force and effect. RESOLVED: That Michael P. Nolan as Supervisor of our organization, the Town of Elma, is hereby authorized to sign legal documents related to the legislative member item appropriation PKS-06-NI-005 in the amount of \$20,000 for the construction of backstops at the Elma Town Park at Creek Road. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilwoman Glowonia seconded the motion to approve the Volunteer Fire Service Award Program lists for all the active Volunteer Firepersons of the Blossom, Elma and Jamison Road Fire Companies to post in respective Fire Company for 30 days. Ayes-5. Noes-0. Carried.

Councilman Powers informed the public that 16 resolutions were passed at the Association of Towns meeting in NYC. They include Increase in Justice Court Funding, School Funding Reform, Mandate Relief, Reform Real Property Tax Exemptions, Reform Condominium Assessments, Fair Assistance In Relief, Efficient Highway Administration, Preserve Local Cable Franchises Authority, Franchise Fees and Public Rights-Of- Way Management, Pension Relief, GML 207c Disability Benefits for Law Enforcement, Preserve Local Control over Active and Retiree Health Insurance Benefits,

Speed Limits on Town Roads, ATV Use of Town Roads, Fund the Unfunded MS4 Mandate and Publication of Legal Notices in Community Newspapers. Special Franchise Assessment Litigation Charge-Backs was not approved. Councilman Powers made the motion and Councilwoman Glownia seconded the motion to support the above resolutions. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to approve Warrant #3 as follows: Claim #218 through # 334  
General Fund \$53,345.57 Water District \$99,257.29 Capitol Project \$16,380.00  
Highway Fund \$27,179.62 Special District \$ 6,124.04  
Ayes-5. Noes-0. Carried.

Supervisor Nolan set a Public Hearing date of April 18, 2007 at 8:00PM for Local Law #1-2007, "Imposing a Twelve Month Moratorium on Land Use Approvals or Applications for land Use in the Commercial and Restricted Commercial Zones in the Town of Elmaö.

All have received the Zoning, Planning and Conservation Boards Agendas and Minutes.

Next Work Session will be March 28, 2007 at 6:00PM.

Bridget Koch presented petition signatures opposing Rite Aid Development.

Meeting Adjourned at 8:35PM.

Respectfully submitted,

Patricia King  
Town Clerk