

05/16/07 Town Board Minutes

A regular meeting of the Elma Town Board was held on Wednesday, May 16, 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
Town Engineer James Wyzykiewicz

Approximately 29 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 May 2, 2007 meeting.
Ayes-5. Noes-0. Carried.

Supervisor Nolan presented the proclamation to the Relay for Life committee representing the American Cancer Society Relay for Life.
WHEREAS, Relay for Life is the nationwide signature event for the American Cancer Society, and WHEREAS, teams in Elma, New York will join 2.5 million people across America in this overnight event to fight cancer and WHEREAS, the Relay for Life represents our hope that those lost to cancer will not be forgotten, that those battling cancer will be supported and that one day cancer will be eliminated and WHEREAS, the American Cancer Society is the nationwide community-based voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education,

advocacy and service. NOW THEREFORE, the Town Board of Elma does hereby proclaim June 15, 2007 as "Relay for Life Weekend in Elma, New York" and call upon our citizens to support the American Cancer Society with voluntary services and donations in an effort to eradicate cancer.

Councilman Powers made the motion and Councilman Polak seconded the motion to approve the following Proclamation for the Support of Creating Weather Museum in Downtown Buffalo as a Family Attraction:

WHEREAS, a recent study by the Buffalo Niagara Convention & Visitors Bureau concluded that the tourism industry in Erie County generated more than \$1 billion in direct visitor spending in 2005; and WHEREAS, cultural institutions such as theaters, sporting events and museums as evidenced by the above mentioned study, serve as a huge economic draw for local residents and tourists; and WHEREAS, downtown Buffalo needs additional family attractions to serve as a destination point; and WHEREAS, a unique interactive Weather Museum as advocated by Kate Foster, Craig Turner and Joe Illuzzi could attract tens of thousands of visitors to downtown Buffalo; and WHEREAS, weather is a topic of daily interest and news stories from around the world concern weather and its impact; and WHEREAS, everyone from school children to adults are fascinated by hurricanes, tornadoes, blizzards, tsunamis etc, and such items are frequently the topic of class discussions and television shows; and WHEREAS, a Weather Museum is not something that many places have and such an attraction would be unique to Buffalo; and WHEREAS, the Town of Elma is desirous of Western New York succeeding as a region; and WHEREAS, a Weather Museum in Buffalo would be an asset to the region; and NOW THEREFORE BE IT RESOLVED, that the Elma Town Board supports the idea of creating a Weather Museum as a unique cultural attraction; and be it further RESOLVED, that certified copies of this resolution be forwarded to U.S. Senators Charles Schumer, and Hillary Clinton, U. S. Congress members Thomas Reynolds, Louise Slaughter and Brian Higgins, Governor Eliot Spitzer, The Empire State Development Corporation, Erie Canal Harbor Development Corporation, members of the WNY State Delegation, and the Buffalo Niagara Convention & Visitors Bureau.
Ayes-5. Noes-0. Carried.

Department Reports

Building Inspector Joseph Colern presented the monthly report for April with 33 permits issued, fees collected of \$13,704.39, with an estimated value of construction at \$2,495,739.29

Water Superintendent Eugene Stevenson reported that the Annual Drinking Water Quality Report for 2006 has been mailed to all water customers and copies are available at the Town Hall and Water Department. The backflow project at Jacobs is completed. The new hydrant on West Blood Road will be installed tomorrow and landscaping of old water repair project has been completed. Supervisor Nolan noted for Highway Superintendent Wayne Clark that brush is still being picked up.

Councilman Puleo made the motion and Councilwoman Glownia seconded the motion to issue a Preliminary Business Use Permit for Specialized Tree Service at 1241 Bowen Road. Mr. Dugan Jr. is referred to the Planning Board for the storage of volatile materials (144-153 Elma Town Code). Restrictions in use: no outside storage of any tree debris or mulch piles. No grinding or recycling of tree debris on site. Also, service of vehicles limited to owned fleet vehicles. Not to be used as public garage and no outside storage of junk vehicles or parts.

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

Councilman Powers made the motion and Councilman Polak seconded the motion to issue a negative declaration on a short form SEQR for Giangel's Pizza Caf  at 5952 Seneca Street.

Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to issue a Business Use Permit for Giangel's Pizza Caf  at 5952 Seneca Street. Building Inspector notes a fire inspection within 30 days of occupancy and a permit is required for any advertising signs.

Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to approve the following budget amendments as follows: Resolution to Increase Appropriation in the Animal Control Department
WHEREAS, the Town wishes to appropriately fund necessary departmental expenditures, and WHEREAS, the Town's Animal Control Department now anticipates additional appropriations will be required to appropriately fund mileage reimbursement, and WHEREAS, the Town wishes to correct such budgetary account by transferring from other available appropriations NOW, THEREFORE, be it RESOLVED, that the Town

Board hereby authorizes the following budget transfer to the 2007 adopted budget:

Increase Appropriations: A3510.412 Control of AnimalsûMileage \$801.00

Decrease Appropriations: A1990. Contingency \$801.00

Resolution for Correct Appropriations for the Town Historian

WHEREAS, the Town wishes to appropriately fund required departmental expenditures, and WHEREAS, the Town's 2007 adopted budget for the Historian contractual expenses relating to Historical Building was included at \$300 and should have been \$3,000, and WHEREAS, the Town wishes to correct such budgetary account by transferring from other authorized appropriations within the Contingency account NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the following budget transfers to the 2007 adopted budget:

Increase Appropriations: A7510.410 HistorianûHistorical Bldg \$2,700

Decrease Appropriations A1990.00 Contingency \$2,700

Resolution for Correct Appropriation in the Building & Zoning Inspection

Department WHEREAS, the Town wishes to appropriately fund required departmental expenditures, and WHEREAS, the Town's 2007 adopted budget erroneously did not fund certain contractual expenditures in the Building Inspection Department, and WHEREAS, the Town wishes to correct such budgetary accounts by transferring from other authorized appropriations within the Building Inspection Department NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the following budget transfers to the 2007 adopted budget:

Increase Appropriations: A3620.400 Bldg & Zoning InspectorûInspector Education \$500

A3620.410 Bldg & Zoning InspectorûOther Expenses \$3,500

Decrease Appropriations: A3620.103 Bldg & Zoning InspectorûP/T Asst Inspector \$4,000

Ayes-5.Noes-0. Carried.

Councilman Puleo made the motion and Councilwoman Glownia seconded the motion to add to the Agenda and approve Citizens Bank as a depository for the Town of Elma.

Ayes-5. Noes-0. Carried.

Supervisor Nolan set a Public Hearing date of June 20, 2007 at 8:00PM for the variance on Rite-Aid at Bowen and Bullis Roads.

Councilman Polak made the motion and Councilman Powers seconded the motion to add to the Agenda an emergency generator for the Senior Center. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to approve JRÆS Electric Construction Inc to purchase and install a new Cutler Hammer 12kw natural gas backup generator at the Senior Center at a cost of \$7,385. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to add to the Agenda a speed study request from Mr. Delo on Jamison Road. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to approve a speed study on Jamison Road from Creek Road to the Elma Town line on the request of Mr. Delo. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to add to the Agenda an appointment to the Library Board. Ayes-4. Abstained-1.(Councilman Puleo Abstained.) Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to approve the appointment of Arthur Aigner to the Library Board. Ayes-4. Abstained-1. (Councilman Puleo abstained.)Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve Warrant #5 as follows: with noted exceptions: claim #450 through #537
General Fund \$46,126.09 Water District \$126,942.29
Highway Fund \$24,863.28 Special District \$ 66,905.20
Capital Project \$310.00 Ayes-5. Noes-0. Carried.

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

Supervisor Nolan noted there will be a Work Session on Wednesday, May 23, 2007 at 6:00PM.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to enter Executive Session regarding 900 Aurora Street at 8:43PM and to adjourn

immediately after the session. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to exit Executive Session at 8:55PM. Ayes-5. Noes-0. Carried.

Adjourned at 8:55PM.

Respectfully submitted,

Patricia King
Town Clerk