

07/19/06 Town Board Minutes

A regular meeting of the Elma Town Board was held on Wednesday, July 19, 2006, 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 Attorney Robert Pierce
Building Inspector Joseph Colern
Highway Superintendent Wayne Clark
Water Superintendent Eugene Stevenson
Town Engineer James Wzykiewicz

Approximately 75 people attended the meeting.

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

Making the Legal Notice for Drainage District #178 for Daniel Smolarek on Clinton Street part of the minutes, Supervisor Nolan opened the Public Hearing at 8:02PM.

Speaking for Drainage District #178:

Mark Dean from Dean Sutton Architects

No one spoke against Drainage District #178.

Supervisor Nolan closed the Public Hearing at 8:04PM.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to approve Drainage District #178 for Mr. Smolarek on Clinton Street. Ayes- 5. Noes-0. Carried.

Making the Legal Notice for Local Law #2-2006 Abolishing the Office of Receiver of Taxes and to transfer all powers and duties of that office to the Office of Town Clerk of the Town of Elma, New York part of the minutes, Supervisor Nolan opened the Public

Hearing at 8:06PM.

No one spoke for Local Law #2.

Speaking against Local Law #2:

Charles Hunt 58 Sullivan Drive

Michael Savage 71 Streif Road

Franklin Kester (current Tax Receiver) 821 Northrup Road. Mr. Kester has obtained 1,109 signatures on a petition against abolishing the Tax Receiver's position but will not submit the petition to the Town Board or the Town Clerk.

Bill Cirocco 7270 Seneca Street

Bruce Lutgen 7891 Clinton Street

John Grzedzicki 3550 Bullis Road

Edmund Orwat 90 Homeward Place. Mr. Orwat has submitted his written statements made to the Town Board at the public hearing. Said documents will be on file at the Town Clerk's Office.

Yvonne Stoklosa 191 Pound Rd

Dennis Cervi 791 Stolle Road

Supervisor Nolan closed the Public Hearing at 8:30PM.

Councilman Powers made the motion and Councilwoman Glowonia seconded the motion to adopt Local Law #2-2006 Abolishing the Office of Receiver of Taxes and to transfer all powers and duties of that office to the Office of Town Clerk of the Town of Elma, New York. Ayes 5. Noes 0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve the minutes from the June 21, 2006 meeting. Ayes- 5. Noes-0. Carried.

Department Reports:

Town Engineer Jim Wyzykiewicz had nothing to report at this time.

Building Inspector Joseph Colern presented his monthly report for the month of June with 36 building permits issued; fees collected of \$24,863.21 with an estimated value of construction of \$3,778,020.00.

Water Superintendent Eugene Stevenson reported the water main has been extended approximately 400' into the Village Green park for the installation of the new sprinkler system at the Senior Center; the Water main and services at Stoneridge Estates Development have been inspected by the Water Dept and the pressure tests and bacteria

samples have passed NYS Health Dept regulations; and the flushing program is being worked on.

Highway Superintendent Wayne Clark reported the Highway Dept has finished chip sealing approximately 3 to 3 ++ miles of road; ditches have been cleaned and shoulders cut back on S Blossom Rd; paving Pinewood Trail is tentatively scheduled next week, weather permitting.

In respect to the appointment of the new Town Attorney, Councilman Polak made the motion and Councilwoman Glownia seconded the motion to adjourn any decision on the appointment of the new Attorney at this time because they were not informed of the Attorneys being interviewed and were not part of the interviewing process. Ayes- 2. Noes- 3. Motion to adjourn the appointment not carried. (Councilman Powers, Councilman Puleo and Supervisor Nolan voted no).

Councilman Puleo made the motion and Councilman Powers seconded the motion to appoint Phyllis Todoro on the recommendation of the Personnel Committee as Town Attorney. Ayes-3. Noes-2. Carried. (Councilwoman Glownia & Councilman Polak voted no).

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to accept the resignation of Town of Elma Justice, the Honorable M. William Boller with regrets. Ayes- 5. Noes- 0. Carried.

Councilwoman Glownia made the motion and Councilman Puleo seconded the motion to approve Town Justice Robert J Pierce to attend the NYS Magistrate Associations annual conference in Ellenville, NY at a cost of \$575 which has been budgeted for, October 8th to the 11th. Ayes- 5. Noes- 0. Carried.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to approve court clerk Jeannine Willson to attend the NYS Magistrate Associations annual conference in Ellenville, NY at a cost of \$656 which has been budgeted for, October 8th to the 11th. Ayes- 5. Noes- 0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve a negative declaration on a short form SEQR for Muscle Car Alley at 5960 Seneca St. Ayes- 5. Noes- 0. Carried.

Councilman Polak made the motion and Councilwoman Glowonia seconded the motion to issue a Business Use Permit to John Mariacher for Muscle Car Alley at 5960 Seneca St. Building Inspector notes no outside storage of any automotive parts, no selling of used cars at this location, a permit for any advertising sign and a fire inspection within 30 days of occupancy. Ayes- 5. Noes- 0. Carried.

Councilman Puleo made the motion and Councilwoman Glowonia seconded the motion to approve a negative declaration on a short form SEQR for Express Mart at 661 Jamison Rd. Ayes 5. Noes 0. Carried.

Councilman Polak made the motion and Councilwoman Glowonia seconded the motion to issue a Business Use Permit to PETR-ALL Petroleum Corporation for Express Mart (Gas Station and Convenient Mart) at 661 Jamison Rd. Building Inspector notes a referral to the Planning Board for any future expansions, a permit required for any advertising sign and a fire inspection within thirty (30) days of occupancy. Ayes 5. Noes 0. Carried.

Councilman Powers made the motion and Councilwoman Glowonia seconded the motion to adopt the Hazardous Material Response Plan for the Town of Elma presented by Disaster Coordinator Edward Sauer. Mr. Sauer was commended on his services as Disaster Coordinator for the Town of Elma. Ayes- 5. Noes-0. Carried.

Councilman Puleo had to leave the meeting at 9:15PM.

Councilman Powers made the motion and Councilwoman Glowonia seconded the motion to approve the Intermunicipal Agreement between the City of Buffalo and the Town of Elma for the provision of Emergency Response Services to Hazardous Material Incidents in the Town of Elma for an annual fee of \$4500.00. Ayes -4. Noes -0. Carried.

Councilman Powers made the motion and Councilwoman Glowonia seconded the motion to award the bid for the Water Dept's 1995 Chevrolet van for \$201.22 to R. Connolly. Ayes- 4. Noes- 0. Carried.

Councilman Powers made the motion and Councilwoman Glowonia seconded the motion to award the bid for the Water Dept's 1996 Ford wagon for \$851.54 to R. Connolly. Ayes 4. Noes -0. Carried.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to award the bid for the sprinkler system at the Senior Center to OGI+ Keefe Fire Protection for \$40,950.00 on the recommendation of an engineering firm and the Elma Building Inspector. Ayes -4. Noes G(0. Carried.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to approve Warrant #7 as follows: claim #720 to #836 as follows with exceptions noted: General Fund \$42,603.98 Water District \$123,453.61 Highway Fund \$20,931.85 Special District \$5,355.04 Ayes- 3. Noes- 0. Abstained G(1. Carried. (Councilman Polak abstained).

Supervisor Nolan set a Public Hearing date of August 16, 2006 for a Code Change for Commonwealth Electrical Inspection Agency.

All have received the Zoning and Planning Board minutes.

Supervisor Nolan stated that the next work session will be Wednesday, July 26, 2006 at 4:00PM.

Councilman Polak mentioned a meeting he attended at the Library with County Legislature Kathy Konst on July 11, 2006 to discuss funding and the hours of operation of the Elma Library.

Meeting Adjourned at 9:33PM.

Respectfully submitted,

Jennifer Ginter
Deputy Town Clerk

Local Law No. 2-2006
ABOLISHING THE OFFICE OF RECEIVER OF TAXES AND
TO TRANSFER ALL POWERS AND DUTIES OF THAT OFFICE TO THE

OFFICE OF THE TOWN CLERK OF THE TOWN OF ELMA, NEW YORK

BE IT ENACTED BY THE Town Board of the Town of Elma, New York as follows:

Section 1. Purpose. The purpose of this Local Law is to abolish the office of Receiver of Taxes in the Town of Elma New York and to transfer all powers and duties of that office to the office of the Town Clerk of the Town of Elma, New York.

Section 2. Abolition. The office of Receiver of Taxes in the Town of Elma, New York is hereby abolished. The powers and duties of that office shall be transferred to the office of the Town Clerk of the Town of Elma, New York effective on the 8th day of November 2006.

Section 3. Mandatory Referendum. This Local Law is adopted subject to a mandatory referendum and shall be submitted for approval of the qualified voters of the Town of Elma at the next General Election to be held not less than sixty (60) days after the adoption of this local law.

Section 4. Effective Date. This Local Law shall take effect upon the affirmative vote of a majority of the qualified voters of the Town of Elma at the said Election and the filing with the Office of the New York Secretary of State in accordance with the applicable provisions of law. Effective Date: November 8, 2006.

Section 5. Statutory Authority. This Local Law is adopted pursuant to the provisions of the Municipal Home Rule Law and the Town Law the State of New York.

Section 6. Severability. If any provisions of this Local Law or the applications thereof to any person or circumstances shall be adjudged invalid or unconstitutional by any court of competent jurisdiction, the remainder of this chapter of the application thereof to other persons and circumstances shall not be affected thereby, and the Town Board hereby declares that it would have enacted this chapter with the invalid provision or application, as the case may be, such invalidity been apparent.

LEGAL NOTICE

WHEREAS, a petition dated June 21, 2006, has been duly presented to the Town Board of the Town of Elma, according to the law, requesting that a drainage district, as hereinafter described, be established in the Town of Elma, and

WHEREAS, the boundaries of the proposed drainage district # 178 are as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Elma, County of Erie and State of New York, being part of Lot No. 410 and 411 of the Ebenezer Lands as filed under Map Cover 58, and part of Lot 101, Township 10, Range 6 of the Buffalo Creek Reservation, described as follows:

Beginning at a point on the centerline of Clinton Street a distance of 438.42 feet easterly from the intersection of the centerline of Clinton Street with the centerline of Transit Road, said point being the southeast corner of lands conveyed to Frank H. Keele and Clare Francis Keele, his wife, by deed recorded in Liber 2056 of Deeds at page 244; thence northerly along said easterly line of said lands and said line extended northerly 1252.55 feet to the northerly line of Lot 410; thence easterly along the northerly line of Lot 410 and Lot 411, 678.92 feet; thence southerly parallel to the easterly line of Lot 411 and 133.58 feet westerly therefrom, 1300.55 feet to the centerline of Clinton Street; thence westerly along the centerline of Clinton Street, 508.15 feet to an angle in the centerline of Clinton Street; thence westerly along the centerline of Clinton Street 193.38 feet to the point or place of beginning.

WHEREAS, the improvements proposed in said district consist of none, it is ORDERED, that the Town Board of the Town of Elma, shall meet at the Town Hall, 1600 Bowen Road, Elma, New York on the 19th day of June 2006 at 8:00 o'clock p.m. to consider such petition and hear all persons interested in the subject thereof, and it is further

ORDERED, that the Town Clerk of the Town of Elma is hereby authorized and directed to publish a certified copy of this order in the Elma Review and to post a copy of the same on the signboard of the Town of Elma in the time and manner required by law. Anyone needing accommodations to assist their attendance at the public meeting pursuant the Americans with Disabilities Act should contact the Town Clerk 48 hours prior to the meeting at 652-3260 so that arrangements can be made.