

08/16/06 Town Board Minutes

A regular meeting of the Elma Town Board was held on Wednesday, August 16, 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-Absent

Also:

Town Attorney Phyllis Todoro
Building Inspector Joseph Colern
Highway Superintendent Wayne Clark-Absent
Water Superintendent Eugene Stevenson
Town Engineer James Wyzykiewicz

Approximately 25 people attended the meeting.

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

Making the Legal Notice for Electrical Standards code chapter 71 part of the minutes, Supervisor Nolan opened the Public Hearing at 8:01PM. Speaking for the code change, Patrick Cullinan, no one spoke against. Supervisor Nolan closed the Public Hearing at 8:02PM.

Councilman Powers made the motion and Councilman Polak seconded the motion to approve the Electrical Standards code chapter 71 as follows:

71.1 Inspectors designated.

71-2 Duties of Inspector; enforcement officer designated.

71-3 Application and certification required for electrical work.

History: Adopted by the Town Board of the Town of Elma 7.16-69 as Ord. No.10.

Amendments noted where applicable.) General References Building construction-See Ch. 52 Fire prevention-See Ch 79.

71-1 Inspectors designed.

The Chief Inspector and each of the duly appointed Inspectors of the New York Board of Fire Inspectors of Fire Underwriters and Commonwealth Electrical Inspection Services, Inc. are hereby authorized and deputized as agents of the Town of Elma to make inspections and re inspections of all electrical installations heretofore and hereafter described and to approve or disapprove the same. In no event, however, will the cost or expense of such inspections and re inspections be a charge against the Town of Elma.

71-2 Duties of Inspector; enforcement officer designated.

It shall be the duty of the Inspector to report in writing, to the Building Inspector, whose duty it shall be to enforce all provisions of this code, all violations or deviations from or omissions of the electrical provision of the Building Code applicable to the town of Elma and of all local laws, ordinances and Building Code as referred to in this chapter insofar as any of the same apply to electrical wiring.

71-3 Application and certifications required for electrical work.

It shall be a violation of this chapter for any person, firm or corporation to install or cause to be installed or to alter electrical wiring for light, heat or power in or on properties of the Town of Elma until an application for inspection has been filed with the New York Board of Fire Inspectors of Fire Underwriters and Commonwealth Electrical Inspection Services, Inc. It shall be a violation of this chapter for a person, firm or corporation to connect or cause to be connected electrical wiring in or on properties for light, heat or powers, to any source of electrical energy supply prior to the issuance of a temporary certificate of compliance by the New York Board of Fire Inspectors of Fire Underwriters and Commonwealth Electrical Inspection Services, Inc. Ayes-4. Noes-0. Carried.

Councilman Powers made the motion and Councilman Polak seconded the motion to approve the minutes from the July 19, 2006 meeting. Ayes-3. Noes-0. Carried.
(Councilwoman Glownia stepped out of the meeting)

Department Reports:

Building Inspector Joseph Colern presented his monthly report for the month of July with 36 building permits issued; fees collected of \$29,831.25 with an estimated value of construction of \$6,721,451.40.

Also Mr. Colern advised the Town Board that legal action will be started on the property at 900 Aurora.

Water Superintendent Eugene Stevenson noted that fire hydrants are being painted, water taps and valves are being installed and weed whacking around fire hydrants is in progress.

Supervisor Nolan reported for Highway Superintendent Wayne Clark that five (5) roads have been re paved being Pinewood Trail, King, Queensway, Winona and South Blossom Road. Also Robert Schafer has been appointed as Deputy Highway Superintendent.

Councilman Polak made the motion and Councilman Powers seconded the motion to approve a negative declaration on a short form SEQR for Continental Automotive Systems Elma, NY at 611 Jamison Rd. Ayes-4. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to issue a Business Use Permit to Temic Automotive of North America, Inc for Continental Automotive Systems Elma, NY facility at 611 Jamison Rd. Building Inspector notes a fire inspection within 30 days of occupancy and a permit is required for any advertising signs. Ayes-4. Noes-0. Carried.

Councilman Powers made the motion and Councilman Polak seconded the motion to approve a negative declaration on a short form SEQR for Express Mart at 6640 Clinton St. Ayes-4. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to issue a Business Use Permit to PETR-ALL Petroleum Corporation for Express Mart (Gas Station and Convenient Mart) at 6640 Clinton St. 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-4. 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 Childrens Kastle by EduKids at 6961 Seneca St. Ayes-4. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to issue a Business Use Permit to NJCC, LLC (EduKids Inc) for Childrens Kastle by EduKids at 6961 Seneca St. Building Inspector notes a permit for any advertising sign and a fire inspection within 30 days of occupancy. Ayes-4. Noes-0. Carried.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to approve a negative declaration on a short form SEQR for Mane Expressions at 6434 Seneca St.

Ayes-4. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to issue a Business Use Permit to Cheryl Heida for Mane Expressions at 6434 Seneca St. Building Inspector notes a permit for any advertising sign and a fire inspection within 30 days of occupancy. Ayes-4. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to issue a Special Use Permit to Thomas Pease for the Blue Lantern Lounge at 6120 Seneca St. Building Inspector notes that the permit expires May 31st, 2007. Any noise complaints are reviewed on a case by case basis and may be subject to Town Board revocation of music permit. Ayes-4. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to approve the following resolution to appoint temporary Town Justice:

Whereas, a vacancy exists in the Town of Cheektowaga Justice Court because of the passing of Town Justice Ronald Kmiotek, and it is necessary for the Town of Cheektowaga to request assistance from another municipality; and Whereas, Section 106(2) of the Uniform Justice Court Act provides that in the event any Town is without the services of a Town Justice, the Administrative Judge of the courts may assign a justice to serve, and Whereas, pursuant to the provision of the Uniform Justice Court Act, the town of Cheektowaga has requested the Town of Elma to authorize Elma Town Justice Joseph A. Sakowski to temporarily provide justice services to the Town of Cheektowaga, and Whereas, Elma Town Justice Joseph A. Sakowski is a resident of Erie County and has consented to such assignment, Now Therefore Be It Resolved, that the Town Board of the Town of Elma hereby requests the Administrative Judge, the Honorable Sharon S. Townsend, to approve the assignment of the Elma Town Justice Joseph A. Sakowski to temporarily serve as Cheektowaga Town Justice and Be It Further Resolved, that the Town Board of the Town of Elma formally consents to the Town of Cheektowaga's request to have Elma Town Justice Joseph A. Sakowski temporarily serve as Justice for the Town of Cheektowaga and Be It Further Resolved, that the town Board of the Town of Elma makes this appointment effective July 28, 2006.

Ayes-4. Noes-0. Carried.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to authorize Supervisor Nolan to enter into the following agreement; Whereas, the Town's Highway Department is in need of a new truck/snow plow, and Whereas, the funding for the purchase of this equipment was only partially included in the Town's 2006 adopted Highway budget, and Whereas, the town wishes to fund the remaining purchase price of this equipment over a period of time to better match the equipment's useful life and appropriately spread the cost to taxpayers, Now Therefore, be it Resolved, that the Town Board hereby authorizes the town Supervisor to enter into an equipment financing note with JP Morgan Chase Bank in an amount not to exceed \$128,000, with an interest rate not to exceed 4.8% and a repayment term of three (3) years. Ayes-4. Noes-0. Carried.

Councilwoman Glownia made the motion and Councilman Powers seconded the motion to authorize Supervisor Nolan to enter into the following resolution; 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-05-NI-028 in the amount of \$10,000 for the purchase of a commercial lawn mower. Ayes-4. Noes-0. Carried.

Councilwoman Glownia made the motion and Councilman Powers seconded the motion to approve the land purchase of 28.71 acres that is directly behind the Town Hall at a cost of \$75,000. This will make a total of sixty (60) acres at the Town Hall site for future development. Ayes-4. Noes-0. Carried.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to approve the following resolution for the Senior Center Expansion Project: Whereas, the town wishes to expand its Senior Citizens Center, and Whereas, the town has acquired certain grants to assist in the construction costs and has funds available in its General Fund for the balance of such costs, and Whereas, the Town wishes to proceed with the expansion project Now, Therefore, be it Resolved, that the Town Board hereby authorizes the establishment of a capital project entitled Senior Center Expansion Project with authorized appropriations of \$260,060, with funding provided by a \$25,000 grant from New York State, a \$90,000 Community Development Block grant (from Erie County), and town funding of \$145,060. Be It Further Resolved that the

Town Board authorizes the amending of the Town's 2006 adopted budget to provide for the transfer of funds relating to the Town's share of the cost for the Senior Center expansion, as follows:

Increase appropriations: A9901-9 Transfer to Capital Projects (Senior Expansion)
\$145,060 Increase appropriated fund balance: A599 Appropriated fund balance \$145,060.
Ayes -4. Noes 0. Carried.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to approve the following resolution for the South Blossom Road Repaving Project:
Whereas, the town wishes to repair and repave South Blossom Road, and Whereas, the Town has acquired a Community Development Block Grant to assist in the construction costs, has additional funds available in its General Fund for the balance of such costs, and will utilize Town Highway personnel in such project to reduce and control spending on this project, and Whereas, the town wishes to proceed with the road repair and repaving project Now, Therefore Be It Resolved, that the Town Board hereby authorizes the establishment of a capital project entitled South Blossom Road Repaving Project with authorized appropriations of \$174,451.20. with funding provided by a \$90,000 Community Development Block Grant (from Erie County), and Town funding not to exceed \$84,451.20 from the General Fund. Additionally, the Highway Fund will provide in kind labor to such project at a cost not-to-exceed \$7,322.80. Be It Further Resolved that the Town Board authorizes the amending of the Town's 2006 adopted budget to provide for the transfer of funds relating to the Town's share of the cost for the South Blossom Road Repaving Project, as follows: Increases appropriations: A9901.9 transfer to Capital Projects (South Blossom) \$84,451.20 Increase appropriated fund balance: QA599 Appropriated fund balance \$84,451.20. Ayes-4. Noes-0. Carried.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to approve Warrant #8 as follows: claim #837 to #949 as follows:

General Fund \$52,236.06 Water District \$23,214.16
Highway Fund \$43,881.68 Special District \$ 7,149.90
Ayes-4. Noes-0. Carried.

Supervisor Nolan set a Public Hearing date of September 6, 2006 at 8:00PM for Drainage District #179.

All have received the Zoning and Planning Board minutes and agendas.

Supervisor Nolan stated that the next work session will be Wednesday, August 23, 2006 at 4:00PM.

Supervisor Nolan asked for a moment of silence due to the passing of Deputy Highway Superintendent William Ulrich, serving the Town for twenty-eight (28) years, starting in 1978 and becoming Deputy Highway Superintendent in 1992.

Supervisor Nolan stated the Town Board will enter Executive Session regarding a pending lawsuit at 8:35PM and the meeting to adjourn immediately following this session. All in favor.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to exit Executive Session at 9:00PM.

Meeting Adjourned at 9:00PM.

Respectfully submitted,

Patricia King
Town Clerk