

11/01/06 Town Board Minutes

A regular meeting of the Elma Town Board was held on Wednesday, November 1, 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-Absent
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 21 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 October 18, 2006 meeting. Ayes-4. Noes-0. Carried.

Department Reports:

Water Superintendent Eugene Stevenson noted that all fire hydrants are being winterizing, including the Elma Village Green and Creek Road Park will be done as soon as football is over. A fire hydrant was hit on Transit and Willardshire Roads on Oct. 12, 2006 and Oct. 26, 2006 a valve broke on Girdle Road. Also valves near Chairfactory and Bullis Road will be repaired.

Town Attorney Phyllis Todoro met with Councilman Polak, Councilwoman Glownia, Eugene Stevenson and Warren Miller regarding the back flow prevention. Supervisor Nolan reported for Highway Superintendent Wayne Clark that brush pick-up is still in progress.

Councilman Powers made the motion and Councilman Polak seconded the motion to issue a negative declaration on a short form SEQR for Bravo CafT & Catering, Inc at 5781 Seneca Street.

Ayes-4. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to issue a Business Use Permit for Bravo CafT & Catering, Inc at 5781 Seneca Street. Building Inspector notes a permit is required for any advertising sign and an annual fire inspection is required for public assembly.

Ayes-4. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to adopt the 2007 Budget. Ayes-4. Noes-0. Carried.

Councilman Polak made the motion and Councilman Puleo seconded the motion to request a speed study on Townline Road due to a petition from Lori and Earl Gillen.

Ayes-4. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to adopt the following Fire Service Resolution of the Town Board of the Town of Elma, in the matter amending the Town of Elma sponsored volunteer firefighter Service Award Program with a resolution fixing the time and place of the Special Election:

WHEREAS, voters of the Elma Town Fire Protection District approved a referendum to establish the Elma Town Fire Protection District a Service Award Program for members of the Blossom Fire Company, Elma Fire Company, Inc. and the Jamison Road Volunteer Fire Company, Inc effective January 1, 1992 in accordance with Article 11-A of the New York State General Municipal Law; and

WHEREAS; Article 11-A authorizes the Town Board of the Town of Elma to seek voter approval of amendments to the Service Award Program; and

WHEREAS; persons who continued to serve as active volunteer firefighter members of the one of the three Fire Companies after having attained the Entitlement Age and have begun to be paid Service Award Program monthly payments have been incorrectly denied the opportunity to continue to earn Service Award Program credit for active volunteer firefighter service rendered after the attainment of Entitlement Age: and,

WHEREAS; Such denial of the opportunity for senior active volunteer firefighters to earn Service Award Program credit may be age discrimination which is prohibited under

ADEA, the Federal Age Discrimination In Employment Act; and,
WHEREAS; Article 11-A was amended by Chapter 647 of the laws of 2003 to explicitly state that a Service Award Program may allow post Entitlement Age volunteers to continue to earn service credit.

WHEREAS; many of these amendments are intended to enable the Town to improve the Service Award Program benefits to active volunteer firefighter members of the Fire Companies; and,

WHEREAS; such improvements in Service Award program benefits is consistent with the intent of the Program to help the Town and Fire Companies recruit active volunteer firefighters; and,

Now, Therefore, BE IT RESOLVED That:

The Town Board of the Town of Elma, as authorized by Article 11-A of the new York State General Municipal Law, directs that there shall be a public referendum of eligible voters of the Elma Town Fire Protection District in an election to be held on December 12, 2006, to determine whether the Elma Town Fire Protection District Service Award Program shall be amended effective January 1, 2007 to:

- 1) Allow post Entitlement Age volunteer firefighters to earn Service Award Program service credit under the point system and to thereby increase their monthly Service Award payments by twenty dollars (\$20) for each year of service credit earned under the point system during a calendar year beginning on or after January 1, 2007 which is during or after the firefighter attained the Entitlement Age. Such payment increases shall be effective the January 1st following the year in which the additional service credit was earned and the certain period remaining shall be based on the original benefit commencement date (the effective date of the first monthly service award payment made after the attainment of entitlement age). Service credit shall continue to be limited by the maximum years of service credit allowed under the provisions of the Service Award Program.
- 2) Increase the maximum years of service credit under the Program from 20 to 40.

The total calendar year 2006 and 2007 cost to the Elma Town Fire Protection District Service Award Program is estimated to be about \$74,000 per year including the cost of administration of \$5,000 per year. Should voters approve this amendment, the 2008 annual cost of the amended program for current participants may be as much as \$140,000, including the cost of administration of about \$5,000. The cost per covered participant is estimated to be \$1,100.

All other provisions of the Elma Town Fire Protection District Service Award Program shall not change and the programs shall continue to be administered by the Town in accordance with article 11-A of the New York State General Municipal Law as such law is amended from time to time.

Regarding the Referendum:

Whereas, a Resolution was adopted by the Town Board of the Town of Elma on November 1, 2006 to approve the amendments to the Service Award Program for active volunteer firefighters of the Elma Town Fire Protection District effective January 1, 2007 and set the matter down for a referendum to be held on December 12, 2006. NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That a special election of the residents and taxpayers of the Town of Elma is hereby authorized and directed to be held on the 12th day of December, 2006, between the hours of 1:00PM and 7:00PM for the purpose of voting by ballot upon the proposition hereinafter set forth.

Section 2. The polling places at such election are hereby designated as follows:

Blossom Fire House for Election District No. 4

Elma Fire House for Election Districts Nos. 1, 2, 6, 7, and 9.

Jamison Road Fire House for Election Districts Nos. 3, 5, 8, 10, and 11.

Section 3. The notice of such special election shall be in substantially the following form:

NOTICE IS HEREBY GIVEN THAT a Special Election of the residents and taxpayers of the Town of Elma in the Elma Town Fire Protection District, Erie County, New York, which includes Blossom Fire House, Elma Fire House and Jamison Road Fire House will be held in said Town on the 12th day of December, 2006 at which the polls will be kept open between the hours of 1:00PM and 7:00PM for the purpose of voting by ballot upon the following proposition amendments: PROPOSITION TO AMEND ELMA TOWN FIRE PROTECTION DISTRICT SERVICE AWARD PROGRAM SHALL THE RESOLUTION OF THE TOWN BOAD OF THE TOWN OF ELMA, ADOPTED

November 1, 2006, AUTHORIZING THE AMENDMENT OF THE ELMA TOWN FIRE PROTECTION DISTRICT SERVICE AWARD PROGRAM TO ALLOW POST ENTITLEMENT AGE (CURRENTLY AGE 65) ACTIVE VOLUNTEER FIREFIGHTERS TO EARN SERVICE AWARD PROGRAM SERVICE CREDIT UNDER THE POINT SYSTEM IN EVERY YEAR IN WHICH THEY ARE OVER THE ENTITLEMENT AGE DURING A CALENDAR YEAR BEGINNING ON OR AFTER JANUARY 1, 2007 AND TO INCREASE THE MAXIMUM YEARS OF SERVICE CREDIT EARNABLE UNDER THE PROGRAM FROM 20 TO 40 YEARS;

STATING THE TOTAL CALENDAR YEAR 2006 AND 2007 COST OF FUNDING THE ELMA TOWN FIRE PROTECTION DISTRICT SERVICE AWARD PROGRAM FOR CURRENT PARTICIPANTS IS ABOUT \$74,000 PER YEAR INCLUDING THE CURRENT COST OF ADMINISTRATION OF ABOUT \$5,000 PER YEAR STATING THE ANNUAL PROGRAM COST OF THE AMENDED PROGRAM BEGINNING IN CALENDAR YEAR 2008 FOR CURRENT PARTICIPANTS SHALL BE ABOUT \$140,000 OR ABOUT \$1,100 PER PARTICIPANT INCLUDING THE COST OF ADMINISTRATION OF ABOUT \$5,000; AUTHORIZING SUCH AMENDMENT TO BE EFFECTIVE JANUARY 1, 2007; BE APPROVED ?

The polling places at such election shall be as follows: Blossom Fire House for Election District No. 4.

Elma Fire House for Election Districts Nos. 1, 2, 6, 7, and 9. Jamison Road Fire House for Election Districts Nos. 3, 5, 8, 10, and 11.

All electors of the Elma Town Fire Protection district, Town of Elma, Erie County, New York, shall be qualified to vote at such special election.

Section 4. the Town Clerk is hereby ordered and directed to give notice of such election by publication thereof in the Elma Review, such publication to be at least ten days prior to the date of such special election, and by posting on the sign board of said Town a copy of such notice at least ten days prior to the date of such special election.

Section 5. The Town Clerk is hereby ordered and directed to prepare printed ballots, or arrange the use of voting machines in sufficient quantity for use at said special election, and also to prepare for the use of the election officers to be designated the necessary oaths and certificates of election, and also to procure and deliver to such election officers any and all necessary paraphernalia for the proper conduct of such election.

Section 6. This resolution shall take effect immediately.

Ayes-4. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to table the Back Flow Prevention Consultants for the Water Department with Warren Miller until the next Work Session.

Ayes-3. Noes-1. Councilman Polak voted no. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve Warrant #10A due to the October Storm, with questions, as follows: claim #1184 to #1239

General Fund \$121,983.36 Water District \$2,359.62
Highway Fund \$ 10,236.99 Special District \$ 2,566.34
Ayes-4. Noes-0. Carried.

All have received the Zoning Board Agenda.

Supervisor Nolan stated that the next work session will be Wednesday, November 8, 2006 at 6:00PM.

Meeting Adjourned at 8:30PM.

Respectfully submitted,

Patricia King
Town Clerk