

## **08/17/05 Town Board Minutes**

A regular meeting of the Elma Town Board was held on Wednesday, August 17, 2005, at 8:00 PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor Michael Nolan  
Councilman Bill Cirocco-Absent  
Councilwoman Susan Glownia  
Councilman Dennis Powers  
Councilman Dean Puleo

Also: Town Attorney Robert Pierce-Absent  
Building Inspector Joseph Colern  
Highway Superintendent Wayne Clark  
Water Superintendent Eugene Stevenson  
Town Engineer James Wyzykiewicz

Approximately 19 people attended the meeting.

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

Making the Legal Notice for the Public Hearing on the Water Ordinance changes part of the minutes. Supervisor Nolan opened the Public Hearing at 8:05PM. No one spoke for or against the water ordinance changes. Supervisor Nolan closed the Public Hearing at 8:05PM.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to approve the Water Ordinance changes to be updated and published. Ayes-4. Noes-0. Carried.

Making the Legal Notice for the Public Hearing on the Sewer Ordinance changes part of the minutes. Supervisor Nolan opened the Public Hearing at 8:07PM. No one spoke for or against the sewer ordinance changes. Supervisor Nolan closed the Public Hearing at 8:07PM.

Councilman Puleo made the motion and Councilwoman Glownia seconded the motion to approve the Sewer Ordinance changes to be updated and published. Ayes-4. Noes-0. Carried.

Making the Legal Notice for the Public Hearing on Drainage District #171 for Frontier Equine at 801 Jamison Road part of the minutes. Supervisor Nolan opened the Public Hearing at 8:09PM.

No one spoke for or against Drainage District #171. Supervisor Nolan closed the Public Hearing at 8:10PM.

Councilman Puleo made the motion and Councilwoman Glownia seconded the motion to approve Drainage District #171 for Frontier Equine at 801 Jamison Road. Ayes-4. Noes-0. Carried.

Making the Legal Notice for the Public Hearing on Drainage District #172 for EMW Soccer Field Development Club Inc on Seneca Street part of the minutes. Supervisor Nolan opened the Public Hearing at 8:12PM. No one spoke for or against Drainage District #172. Supervisor Nolan closed the Public Hearing at 8:13PM.

Councilwoman Glownia made the motion and Councilman Puleo seconded the motion to approve Drainage District #172 for EMW Soccer Field Development Club Inc on Seneca Street.

Ayes-4. Noes-0. Carried.

Making the Legal Notice for the Public Hearing included with the Drainage District #172 for EMW Soccer Field Development Club Inc on Seneca Street for Town Code 144-30 G'úUses not specifically permittedG'Ñ part of the minutes. Supervisor Nolan opened the Public Hearing at 8:14PM. No one spoke for or against the Town Code 144-30 applying to EMW Soccer Fields.

Supervisor Nolan closed the Public Hearing at 8:15PM.

Councilman Puleo made the motion and Councilwoman Glownia seconded the motion to approve Town Code 144-30 G'úUses not specifically permittedG'Ñ applying to EMW Soccer Fields. Ayes-4. Noes-0. Carried.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion

to approve the minutes from the July 20, 2005 meeting. Ayes-4.Noes-0. Carried.

WEDNESDAY, AUGUST 17, 2005

Department Reports:

Town Engineer James Wyzykiewicz informed the Town Board regarding the following subjects and advised as to what action should be taken.

FEMA has funds available to repair the Stolle Road area between Bullis Road and Creek Road that has been falling in and will need Town approval to complete the work. Legal documents to be forwarded to the Town.

Flagging wetlands at the Town of Elma Highway Garage.

Clearing the retention pond for Drainage District #7 Jackman Lane.

Tree removal Drainage District #7 Jackman Lane area.

Funding for Drainage District #7 project.

WNY Stormwater Coalition Intermunicipal agreement from Tom Hersey, Erie County Department of Environment & Planning. Mr. Wyzykiewicz suggested to the Town Board to include in the 2006 budget and until 2008, \$2500 to participate with the Stormwater Phase II permit requirements. This will be review at a Work Session.

Councilman Puleo made the motion and Councilwoman Glownia seconded the motion to hire Earth Dimensions, Inc at a cost of \$600 for flagging limits of existing wetlands at Town of Elma Highway Garage, 2170 Bowen Road. No report will be generated. Ayes-4. Noes-0. Carried.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to accept the bid from Occhino Corp. on clearing the retention pond for Drainage District #7 on Jackman Lane. Eastwood Industries, Inc and Buffalo Creek Inc have also submitted bids.

Ayes-4. Noes-0. Carried.

Councilwoman Glownia made the motion and Councilman Puleo seconded the motion to accept the bid from ETS Clearing & Grading for removal of trees and stumps along the

drainage ditch behind the houses on Jackman Lane at the cost of \$5500. Occhino Corp also submitted a bid.

Ayes-4. Noes-0. Carried.

Councilman Puleo made the motion and Councilwoman Glownia seconded the motion to approve the following resolution: Whereas, the Town wishes to proceed with improvements within Drainage District #7, and Whereas, the Town Has estimated the total cost of these improvements to be \$10,000, and Whereas, the Town does not currently have such improvements budgeted in Drainage District #7, but does have funding available through a loan from the General Fund, Now, Therefore, be it Resolved, that the Town Board hereby authorizes the amending of the 2005 adopted budget for Drainage District #7 to authorize appropriations of \$10,000 for various drainage improvements. Be IT Further Resolved, that the Town Board authorizes a loan from the General Fund to Drainage District #7 in the amount of \$10,000, with the loan to be repaid over a five year period, with interest charged at 3 percent on the outstanding balance.

Ayes-4. Noes-0. Carried.

Building Inspector Joseph Colern presented the monthly report for July 2005 with 29 permits issued, fees collected of \$7,508.08 with an estimated value of construction \$1,734,260.

Water Superintendent Eugene Stevenson informed the Town Board of the following projects. The new transformer and switch Have been installed at Jamison Pump house, MoogG!+s back-flow projects have been completed, and the conduit for the electric has been installed at the Historical barn. Also thirty (30) lead and copper water samples have been completed which is required by NYS Department of Health with no bad samples. Currently the inspection of the new water line on Clark Court is in progress, also the Water Department is pressure testing and power washing fire hydrants to be repaired and painted if needed.

Highway Superintendent Wayne Clark reported that Finnegan Drive and Old Pound Road have been re-paved with only the shoulders to be completed, seven (7) miles of roads in the Town have been chipped and sealed, also patching on other roads is being done, rubbish collection is +- done. The new shelter at the Elma Village Green is up with only the electric work to be completed. New steel light poles have been installed at Jamison and Bowen Roads next will be Bullis and Bowen Roads both will then be hooked to the

emergency generators. Also a 1994 pick-up will be disposed of and a new plow will be purchased. Rubbish pick-up to be review at the next Work Session.

Councilwoman Glownia made the motion and Councilman Puleo seconded the motion to approve a negative declaration on a short form SEQR to Thomas Pease/Blue Lantern Lounge at 6120 Seneca Street. Ayes-4. Noes-0. Carried.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to approve a Business Use Permit for Thomas Pease/Blue Lantern Lounge at 6120 Seneca Street. Restrictions in G'úUseG'Ñ live music and entertainment requires a separate permit from the Town Board. Building Inspector notes permit is required for any advertising sign and a fire inspection within 30 days of occupancy. Ayes-4. Noes-0. Carried.

Councilman Puleo made the motion and Councilwoman Glownia seconded the motion to approve a negative declaration short form SEQR to Norm Bealer Jr, Norman Wolf III & Kevin Barczykowski /Elma Towne Grille at 6650 Clinton Street. Ayes-4. Noes-0. Carried.

Councilman Puleo made the motion and Councilwoman Glownia seconded the motion to approve a Business Use Permit for Norm Bealer Jr, Norman Wolf III & Kevin Barczykowski /Elma Towne Grille at 6650 Clinton Street. Restrictions in G'úUseG'Ñ limited to bar & restaurant. Building Inspector notes permit is required for any advertising sign and a fire inspection within 30 days of occupancy. Ayes-4. Noes-0. Carried.

Councilwoman Glownia made the motion and Councilman Puleo seconded the motion to approve a Preliminary Business Use Permit for H.Dale & Diane Kling/The Olde Steeple at 381 Main Street. H.Dale & Diane Kling where referred to the Planning Board for a site plan review.  
Ayes-4. Noes-0. Carried.

Councilwoman Glownia made the motion and Councilman Powers seconded the motion to solicit lead agency for Stone Ridge Estates on the SEQR Ayes-4. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to

approve a the following resolution as read:

WHEREAS, the Office of the Erie County SheriffG|+s has been providing exemplary and dependable service to the citizens of the Town of Elma and Erie County since 1821, and WHEREAS, the Office of the Sheriff is the oldest office under the system of common law in the United States and is an integral part of the government in the State of New York, and

WHEREAS, as the oldest constitutional law enforcement officer of the county, The Sheriff is charged with maintaining the peace in all municipalities, villages, and townships within his jurisdiction , the care and custody of persons pending court action, as well as those sentenced to less than one year in jail. His duties also involve the security of the courts, service and enforcement of civil process, and

WHEREAS, over these 184 years, the Erie County SheriffG|+s Office has lost 4 deputies in the line of duty serving the citizens of Erie County, and

WHEREAS, over the years various town populations grew and they opted to provide enhanced law enforcement for their citizens in the form of a local police department by levying additional taxes to their residents, and

WHEREAS, 15 towns in Eire County receive SheriffG|+s Road Patrol services identical to the services provided in virtually every other county in New York State, and

WHEREAS, the 15 towns that receive SheriffG|+s Road Patrol are mostly rural communities that do not receive many county services and feel that we contribute approximately \$38M in our combined taxes for this service, and

WHEREAS, the County Executive proposes to eliminate the Erie County SheriffG|+s Road Patrol, the first and oldest law enforcement agency in the history of Erie County, and

WHEREAS, before doing that the Executive Branch should look into other fees for services provided to the various towns that the majority of the communities that receive SheriffG|+s Road Patrol do not utilize, such as Holding Center costs, Transportation costs to various courts, Welfare Costs that are utilized by Cities, Villages and Towns, Health Dept. Services and Central Police Services, to name a few, and

WHEREAS, in this day of Homeland Security concerns and Terrorism, it is imperative that Erie County government provide adequate funding for itG|+s lead Law Enforcement agency to serve and protect all itG|+s residents, and

WHEREAS, the New York State Police have gone on record stating they con not provide additional personnel to cover the calls that have been handled by the Eire County SheriffG|+s Office, and

NOW THEREFORE BE IT RESOLVED, that the Elma Town Board recognizes that any

additional cuts to the budget of the Eire County SheriffG|+s Office would jeopardize its ability to adequately protect the citizens of Erie County,  
RESOLVED, that the Elma Town Board go on record opposing the fees that the County of Erie wish to impose on our residents and those of the other 15 towns who utilize the Eire County SheriffG|+s Road patrol, and

RESOLVED, that the Eire County Legislature realize that these towns share one or two SheriffG|+s cars to patrol between 4-5 towns and to eliminate a service that in these times could be devastating to public safety for the residents of Erie County, and  
BE IT FURTHER RESOLVED, that the Town Clerk send a certified copy of this resolution to Erie County Executive Joel Giambra, the Erie County LegislatorG|+s at their district offices, County Comptroller Jim Hartman, Sheriff Timothy Howard and the Town of Newstead, Alden, Clarence, Marilla, Wales, Holland, Sardinia, Boston, Brant, North Collins, Collins, Concord and the Mayors of the Village of Springville and Akron.  
Ayes-4. Noes-0. Carried.

Supervisor Nolan set a Public Hearing date of September 21,2005 for Local Law #1 Condominium Law, Conservation Board and Conservation Easements.

Councilwoman Glowonia made the motion and Councilman Puleo seconded the motion to approve Warrant #8 as follows: # 732 thru # 854 with exceptions.

General Fund \$50,869.88 Water District \$133,210.82

Highway Fund \$40,218.53 Special District \$ 4,763.82

Ayes G|(4. Noes G|(0. Carried

All have received the Planning Board Agenda.

Supervisor Nolan accepted the resignation of Mary Ann Arnold with regrets as Bookkeeper, who has served the Town for the past ten (10) years and wishing her the best in her new job. Supervisor Nolan has appointed Kerry Galuski to fill this position.

Supervisor Nolan stated the next Work Session will be on Wednesday, August 24, 2005 at 4:00PM.

Meeting adjourned at 9:16PM. All in favor.

Respectfully submitted,

Patricia King  
Town Clerk