

## **11/04/09 Town Board Minutes**

A regular meeting of the Elma Town Board was held on Wednesday, November 4, 2009, at 8:00 PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor Michael Nolan  
Councilwoman Susan Glowina-Absent  
Councilman David Polak  
Councilman Dennis Powers  
Councilman Dean Puleo

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

Approximately 28 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 2010 Preliminary Budget part of the minutes Supervisor Nolan opened the public hearing at 8:01PM. No one spoke for or against the 2010 Preliminary Budget. Supervisor Nolan closed the public hearing at 8:02PM.

Councilman Powers made the motion and Councilman Puleo seconded the motion to adopt the 2010 Budget as presented. Ayes-3. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to add a resolution to the Agenda. Ayes-3. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion in honor of John MacIver upon his retirement from East Aurora Fire Control after 35 years of service. Mr. MacIver is also a past Fire Chief of the Jamison Road Fire Company.

Ayes-3. Noes-0. Carried.

Councilman Polak arrived late.

Making the Legal Notice for the Public Hearing on Drainage District #185 for 951 Bowen Road part of the minutes Supervisor Nolan opened the public hearing at 8:10PM. No one spoke for or against the drainage district #185. Supervisor Nolan closed the public hearing at 8:11PM.

Councilman Puleo made the motion and Councilman Powers seconded the motion to approve Drainage District #185 for 951 Bowen Road. Ayes-4. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve the minutes from the October 21, 2009 meeting.  
Ayes-4. Noes-0. Carried.

#### Department Reports

Building Inspector Joseph Colern presented his report for October 2009 with 27 permits issued, fees collected of \$4,336.29 with an estimated value of construction of \$647,425. Water Superintendent Eugene Stevenson noted that winterizing of the fire hydrants will be completed by next week. The water line project on Northrup Road in Cazenovia Creek is almost complete. Also the Town Board is invited to a start up meeting with Clark Patterson and Lee on the Billington water tank project at 10:00am on Thursday, November 5, 2009.

Highway Superintendent Wayne Clark noted that brush pick up is just about complete and some road repair has been done on New Bullis.

Town Attorney Phyllis Todoro informed the Board of an Executive session regarding a pending lawsuit.

Supervisor Nolan presented a certificate of achievement to Randall Gyergyek as Eagle Scout.

Councilman Polak made the motion and Councilman Puleo seconded the motion to issue a negative declaration on a short form SEQR for SpringBrook Auto Repairs at 6300 Seneca Street. Ayes-4. Noes-0. Carried.

Councilman Polak made the motion and Councilman Puleo seconded the motion to issue a Business Use Permit for SpringBrook Auto Repairs at 6300 Seneca Street. Restrictions on the "Use" remove two (2) tractor trailers on the west portion of property. Building Inspector notes no outside storage of junk cars or junk vehicle parts. Fire inspection within 30 days of occupancy and permits required for advertising signs. Trailers on premises to be addressed.  
Ayes-4. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to issue a negative declaration on a short form SEQR for Elma Automotive Inc at 5960 Seneca Street. Ayes-4. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to issue a Business Use Permit for Elma Automotive Inc at 5960 Seneca Street. Building Inspector notes no outside storage of junk cars or junk vehicle parts. Fire inspection within 30 days of occupancy and permits required for advertising signs. Ayes-4. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to issue a Preliminary Business Use Permit for Daniel R Smolarek Funeral Home at 5121 Clinton Street. Building Inspector notes to refer to the Planning Board under section 117 of the Elma Town code. Ayes-4. Noes-0. Carried.

All have received the Planning, Zoning and Conservation Board, Design Guidelines Committee minutes that apply.

Supervisor Nolan noted the next Work Session will be on November 18, 2009 at 6:30PM with the Town Board meeting at 8:00pm.

Councilman Powers requested that an increase of 5% for health insurance for elected officials be added to the next Town Board agenda.

Councilman Powers made the motion and Councilman Puleo seconded the motion to enter Executive Session and to adjourn the Town Board meeting immediately following with no motions to be made regarding a pending lawsuit.  
Ayes-4. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to exit Executive Session and adjourn at 8:45PM.

Meeting adjourned at 8:45PM.

Respectfully submitted,

Patricia King  
Town Clerk