

10/17/07 Town Board Minutes

A regular meeting of the Elma Town Board was held on Wednesday, October 17, 2007, 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: Town Attorney Phyllis Todoro
Building Inspector Joseph Colern
Highway Superintendent Wayne Clark-Absent
Water Superintendent Eugene Stevenson
Town Engineer James Wyzykiewicz

Approximately 41 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 a commercial variance for Gorman Enterprise at 691 Bullis Road part of the minutes Supervisor Nolan opened the Public Hearing at 8:01PM. Speaking for the variance was Jim Bammel and Bill Gorman. No spoke against the variance.

Supervisor Nolan closed the Public Hearing at 8:07PM.

Councilwoman Glownia made the motion and Councilman Polak seconded the motion to enter Executive Session at 8:07PM to discuss the variance presented in the Public Hearing and make a determination.

Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to exit Executive Session at 8:15PM. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to grant the variance for Gorman Enterprise at 691 Bullis Road after considering Section 7A, B subsection a thru e of Local Law #1-2007. Ayes-5. Noes-0. Carried.

Making the Legal Notice for the Public Hearing on the Community Block Development Grant part of the minutes Supervisor Nolan opened the Public Hearing at 8:08PM. No one spoke for or against or presented any ideas to be applied for. Supervisor Nolan closed the Public Hearing at 8:15PM.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to approve the following authorizing resolution: At a meeting of the Town of Elma Town Board held on October 17, 2006, the Board authorized Michael Nolan, Supervisor to sign, submit and executed a contract with Erie County Community Development Block Grant (ECCDBG) program for the following projects upon approval of ECCDBG, 1 Billington Road Repaving Project, with a Town match of \$90,000 using Highway Department Force Account Labor 2 Rural Transit Van Service to serve the four Towns of Elma, Marilla, Wales and Aurora. Ayes-5. Noes-0. Carried,

Councilwoman Glownia made the motion and Councilman Powers seconded the motion to approve the following: Supervisor Nolan presented the following Proclamation Celebrating the 50th Anniversary of the Elma Historical Society. Whereas, in December of 1957 citizens of the Town of Elma established and held their first formal meeting of the Elma Historical Society, and Whereas, this non-profit group of volunteers is dedicated to collecting, researching, preserving, and sharing the history of Elma, thereby fostering an appreciation for Elma's past as well as its present, and Whereas, the Society founded and maintains the Elma Town Museum at 3011 Bowen Road, (The Hurd House) with exhibition space and collected, maintained, catalogued, and built its vast collection of photographs, materials, memorabilia, and artifacts relating to the Town of Elma, and Whereas, the Society has recognized and fostered an appreciation for the diversity of cultures, which comprise the rich heritage of Elma, and Whereas, the Society has offered informative talks to the public about our history and preservation, offered museum tours and educated the public about our history, now therefore be it Resolved, The Town of Elma Supervisor, Michael P. Nolan and the Town Board hereby recognizes the year 2007 as the 50th anniversary of the Elma Historical Society in commemoration of its contribution to preserving the history of Elma for future generations and encourages all

our citizens to support and contribute to this valuable institution. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve the minutes from the October 3, 2007 meeting. Ayes-5. Noes-0. Carried.

Department Reports

Water Superintendent Eugene Stevenson would like to be advised as to when the Town Parks can be winterized.

Attorney Phyllis Todoro needs to have an Executive session due to an on going lawsuit.

Councilman Powers made the motion and Councilman Polak seconded the motion to issue a negative declaration on a short form SEQR to Bach's Service Center at 900 Maple Road. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Polak seconded the motion to issue a Business Use Permit to Bach's Service Center at 900 Maple Road. Building Inspector notes No outside storage of junk vehicles and parts. Fire Inspection required within 30 days of occupancy and sign permits are required. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to issue a negative declaration on a short form SEQR to Enterprise Rent A Car at 3461 Transit Road. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to issue a Business Use Permit to Enterprise Rent A Car at 3461 Transit Road. Building Inspector notes No used car sales at this location and permits required for advertising signs. No junk auto's to be stored on site. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Polak to table the review for Omnipoint cell tower on Schultz Road until the next Town Board meeting. Ayes-5. Noes-0. Carried.

Supervisor Nolan opened the bid for the Massey Ferguson tractor at the Highway garage from Patrick Roberts for \$275.00 as is where is. Highway Superintendent will be notified.

Councilwoman Glownia made the motion and Councilman Powers seconded the motion to accept with regrets the resignation of Glenn Reinhardt from the Conservation Board. Ayes-5. Noes-0. Carried.

David Engberg and Kathy Pierce presented a report on the success of the 4th Annual Town of Elma Pumpkin Fest held October 6, 2007 at the Elma Village Green.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve Wendel Duchscherer at the cost \$15,000 for phase II of the Code Review project. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to approve the purchase for the upgrade to the postage machine from Pitney Bowes at the cost of \$4300.00 due to the new postal changes. Ayes-5. Noes-0. Carried.

Supervisor Nolan set a Public Hearing date of November 7, 2007 at 8:00PM for the 2008 Preliminary Budget.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve Warrant #10 as follows with exceptions:
General Fund \$ 72,547.92 Water District \$195,339.04
Highway Fund \$112,305.34 Special District \$ 15,045.70
Ayes-5. Noes-0. Carried. Claim # 1087 thru #1223

All have received the Planning, Zoning, Conservation Board and Code Review Committee Agenda and Minutes that apply.

Councilman Puleo made the motion and Councilman Polak seconded the motion to enter Executive Session at 8:50PM to discuss the lawsuit regarding Franklin Kester. Town Board will adjourn immediately following Executive Session. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to exit Executive Session at 9:05PM.

Adjourned at 9:05PM.

Respectfully submitted, Patricia King Town Clerk