

## **09/21/05 Town Board Minutes**

A regular meeting of the Elma Town Board was held on Wednesday, September 21, 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  
Building Inspector Joseph Colern  
Highway Superintendent Wayne Clark-Absent  
Water Superintendent Eugene Stevenson  
Town Engineer James Wyzykiewicz

Approximately 27 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 Local Law #1 Condominium Law part of the minutes Supervisor Nolan opened the Public Hearing at 8:02PM. Speaking for the Condominium Law was Joseph Sluberski, Anne Fanelli and a resident from Rice Road. Speaking against the Condominium Law was Donald and Nancy Battistoni, also Trudy Weber. Supervisor Nolan closed the Public Hearing at 8:13PM.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve Local Law #1 Condominium Law Local Law Intro NO. 2005-1  
**CONDOMINIUM LAW**

1. Title This Local Law shall be known as the **GlúTown of Elma Converted Condominium Taxation Assessment ExclusionGlú** Local Law No. 2005-1
2. Purpose. The purpose of this law is to exclude converted condominium units from assessment under Real Property Law Section 339-y.
3. Statutory authority; applicability.

A. This Local Law is subject and subordinate to all the conditions and provisions contained in Article 9-B of the Real Property Tax Law, Section 581(1) , and amendments thereto, and any and all rules and regulations and opinions adopted or to be adopted by the State of New York.

B. This Local Law shall apply to Real Property situate within the bounds of the Town of Elma.

4. Definitions. The words and terms used in this Local Law shall have the same meaning as in Article 9-B of the Real Property Law and Article 5 of the Real Property Tax Law.

5. When effective. This Local Law shall take effect immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after such effective date.

6. Inconsistency. All resolutions, ordinances or local laws or portions thereof of the Town of Elma not consistent with this ordinance in whole or in part shall be repealed.

7. Severability. If any provisions of this Local Law or the applications thereof to any person or circumstances shall be adjudged invalid or unconstitutional by any court of competent jurisdiction, the remainder of this chapter or the application thereof to other persons and circumstances shall not be affected thereby, and the Town Board hereby declares that it would have enacted this chapter with the invalid provision or application, as the case may be, had such invalidity been apparent.

The words and terms used in this Local Law shall have the same meaning as in Article 9-B of the Real Property Law and Article 5 of the Real Property Tax Law.

Ayes-3. Noes-1. Councilwoman Glownia voted No. Carried.

Making the Legal Notice for the Public Hearing on the Conservation Board part of the minutes Supervisor Nolan opened the Public Hearing at 8:15PM. Questions regarding the Conservation Board were asked by Anne Fanelli. Supervisor Nolan closed the Public Hearing at 8:16PM.

Councilman Puleo made the motion and Councilwoman Glownia seconded the motion to approve the establishment of the GlúTown of Elma Conservation BoardG!Ñ. The Board will consist of seven (7) members appointed by the Town Board for a two (2) year term. This Conservation Board Code will be added to the Town of Elma Code Book. Ayes-4. Noes-0. Carried.

Making the Legal Notice for the Public Hearing on the Conservation Easements part of the minutes Supervisor Nolan opened the Public Hearing at 8:17PM. Speaking in favor of

the Conservation Easements were Fred Streif, Anne Fanelli, a Town of Elma resident and a Town of Aurora resident. Supervisor Nolan closed the Public Hearing at 8:22PM.

Councilman Powers made the motion and Councilwoman Glowonia seconded the motion to approve the Conservation Easements which will be added to the Town of Elma code book as chapter 6 Conservation Easement Law of the Town of Elma. Ayes-4. Noes-0. Carried.

Councilwoman Glowonia made the motion and Councilman Puleo seconded the motion to approve the minutes from the September 7, 2005 meeting. Ayes-4. Noes-0. Carried.

#### Department Reports:

Water Superintendent Eugene Stevenson presented to the Town Board a proposal to transfer 417 system two (2) accounts into system one (1) and four (4) billing cycle to balance the work load for both the office and field work. Mr. Stevenson is requesting to have our Town auditors and the Town Attorney look over this idea and advise the Town Board for the next Work Session.

Councilwoman Glowonia made the motion and Councilman Powers seconded the motion to award Wendel Duchscherer Architects & Engineers the GIS Implementation Grant at a cost of \$13,502. Ayes-3. Noes-1. Councilman Puleo voted No. Carried.

Councilman Puleo made the motion and Councilwoman Glowonia seconded the motion to accept lead agency on the SEQR for Stone Ridge Estates on Rice Road. Ayes-4. Noes-0. Carried.

Supervisor Nolan set a Public Hearing date of October 5, 2005 for the Community Development Block Grant. Residents suggestions are greatly appreciated.

Councilman Powers made the motion and Councilwoman Glowonia seconded the motion to approve Warrant #9 as follows: claim #856 to 1008  
General Fund \$ 71,246.06 Water District \$130,804.29  
Highway Fund \$101,944.83 Special District \$ 8,814.77  
Ayes-4. Noes-0. Carried.

All have received the Planning Board Agenda and Zoning Board Minutes.

Supervisor Nolan stated the next Work Session will be on Wednesday, September 28, 2005 at 4:00PM.

Supervisor Nolan presented the Preliminary 2006 Budget to the Town Clerk.

Supervisor Nolan asked for a moment of silence on the passing of Immaculata Cirocco, Councilman Cirocco's mother and Joseph Gnojek's Papa Joe's Spring Brook Fire District Commissioner.

Meeting adjourned at 8:48PM. All in favor.

Respectfully submitted,

Patricia King  
Town Clerk

#### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Elma, County of Erie, will meet at the Elma Town Hall, 1600 Bowen Road, Elma, New York on the 21st day of September, 2005, at 8:00 p.m. for the purpose of conducting a public hearing to consider and discuss and, if need be, act upon the proposed local law entitled Local Law #1 Condominium Law in the Town of Elma. The Text of this local law is as follows:

#### LOCAL LAW INTRO NO. 2005-1 CONDOMINIUM LAW

1. Title This Local Law shall be known as the Town of Elma Converted Condominium Taxation Assessment Exclusion Local Law No. 2005-1
  2. Purpose. The purpose of this law is to exclude converted condominium units from assessment under Real Property Law Section 339-y.
  3. Statutory authority; applicability.
- C. This Local Law is subject and subordinate to all the conditions and provisions

contained in Article 9-B of the Real Property Tax Law, Section 581(1) , and amendments thereto, and any and all rules and regulations and opinions adopted or to be adopted by the State of New York.

D. This Local Law shall apply to Real Property situate within the bounds of the Town of Elma.

4. Definitions. The words and terms used in this Local Law shall have the same meaning as in Article 9-B of the Real Property Law and Article 5 of the Real Property Tax Law.

5. When effective. This Local Law shall take effect immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after such effective date.

6. Inconsistency. All resolutions, ordinances or local laws or portions thereof of the Town of Elma not consistent with this ordinance in whole or in part shall be repealed.

7. Severability. If any provisions of this Local Law or the applications thereof to any person or circumstances shall be adjudged invalid or unconstitutional by any court of competent jurisdiction, the remainder of this chapter or the application thereof to other persons and circumstances shall not be affected thereby, and the Town Board hereby declares that it would have enacted this chapter with the invalid provision or application, as the case may be, had such invalidity been apparent.

The words and terms used in this Local Law shall have the same meaning as in Article 9-B of the Real Property Law and Article 5 of the Real Property Tax Law.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF ELMA, ERIE COUNTY, NEW YORK.

Anyone needing accommodations to assist their attendance to the Public meeting pursuant to the Americans with Disabilities Act should contact the Town Clerk 48 hours prior to the meeting at 652-3260. The meeting room is wheel chair accessible.

#### NOTICE OF PUBLIC HEARING

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Monday through Friday 8:00a.m. to 3:30p.m. THEREFORE, the Town Clerk of the Town of Elma is hereby authorized on the 17th day of August, 2005 and directed to publish a certified copy of this order in the Elma Review and to post a copy of the same on a sign board of the Town of Elma in the time and manner required by law. Anyone needing accommodations to assist their attendance to the public meeting pursuant the Americans with Disabilities Act should contact the Town Clerk 48 hours prior to the meeting at 652-3260. The meeting room is wheel chair accessible.