

06/20/12 Town Board Minutes

A regular meeting of the Elma Town Board was held on Wednesday, June 20, 2012 at 7:08 PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor Dennis Powers
Councilman Thomas Fallon
Councilman James Malczewski
Councilman Michael Nolan
Councilman Tracy Petrocy

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

Approximately 52 people attended the meeting.

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

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve the minutes from the May 16, 2012 meeting.

Ayes-5. Noes-0. Carried.

Department Reports:

Building Inspector Joseph Colern presented the monthly report for May 2012 with 40 permits issued, fees collected of \$19,127.28 with an estimated value of construction of \$3,368,498.

Water Superintendent Eugene Stevenson is requesting to hire a new custodian as Daniel Clark is retiring. On the request from the Energy Conservation Plan to conserve energy for the power grid the pumps will be manually operated tomorrow from 1:00PM to 6:00PM. Also the two culvert replacement projects with NYSDOT which included moving the two water mains involved on Clinton Street have been completed.

Highway Superintendent Wayne Clark informed the Town Board that 15 bids were received for the 2005 pickup truck thru Auctions International with the net bid of \$6901 being accepted.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the resolution in support of establishment of a Veterans Cemetery in Knox Farm State Park as follows: WHEREAS, the Town of Elma strives to be a place where military veterans can feel at ease; and WHEREAS, Western New York is the home of approximately 200,000 veterans, including those who live more than 75 miles from the nearest Veterans Cemetery; and WHEREAS, the Town believes that because of the long history of military service in this area and the presence here of so many who have sacrificed and served; it is important to provide a permanent memorial here recognizing their lives and that service, and a cemetery would provide a final resting place of dignity and beauty, and would acknowledge their service and sacrifice and the value we place upon it; and WHEREAS, Veterans Affairs (VA) officials have been trying to locate a Western New York site for a Veterans Cemetery since August, 2010 and a third new site selection effort was announced by VA officials on March 2, 2012; and WHEREAS, this effort focuses within a 50 mile diameter area, which includes the Town of Elma, and parts of Erie, Orleans, Niagara and Genesee Counties; and WHEREAS, the Knox Farm State Park offers an ideal option within the selected area that provides serene, open meadows, surrounded by acres of natural habitat, and enables easy access via Route 400, a major highway; and WHEREAS, the Village of East Aurora provides the ideal offering of hotels, bed and breakfasts, restaurants and shops for future Veterans Cemetery visitors; and WHEREAS, many residents, local veterans, the East Aurora Chamber of Commerce, and several elected officials have expressed their strong desire for the consideration by the VA of a portion of Knox Farm State Park for this cemetery; and WHEREAS, supporting this endeavor is not only a way to remember those who died for their country, but also those who were prepared to make the supreme sacrifice for their country in defense of those sacred ideals of liberty, freedom, and justice for all; and NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Elma and VFW Memorial Post 5861 support the consideration of a portion of Knox Farm State Park as a Veterans Cemetery serving Western New York; and BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the Veterans Affairs Office in Washington, D.C., Senator Charles Schumer, Senator Patrick Gallivan, Assemblywoman Jane Corwin, and New York State Parks Commissioner Rose Harvey.

Duly adopted this 20th day of June, 2012. Ayes-5. Noes-0. Carried.

Wednesday, June 20, 2012

Supervisor Powers read proclamations for the Relay for Life, Jacob Kaminski Olympian and The 15 year Celebration of the Senior Center.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to issue a negative declaration on a short form SEQR for WNY Spine & Sport Chiropractic LLC at 2701 Transit Road Suite #138.
Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve a Business Use Permit for WNY Spine & Sport Chiropractic LLC at 2701 Transit Road Suite 138. Building Inspector notes a permit is required for any advertising signs.
Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to issue a negative declaration on a short form SEQR for Relaxation Station: Therapeutic Massage, Wellness & Skin Care at 3281 Transit Road. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to approve a Business Use Permit for Relaxation Station: Therapeutic Massage, Wellness & Skin Care at 3281 Transit Road. Building Inspector notes sign permit is required and fire inspection required within 30 days of occupancy. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to table the Business Use Permit for Brenda's Auto Place at 6711 Seneca Street for future discussion at the next Work Session on July 18, 2012 at 6:00PM. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to appoint Town Attorney Phyllis Todoro and Deputy Town Attorney Dean Puleo as a Marriage Officer at no additional salary.
Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion

to accept the resignation of Daniel Clark with regrets on June 21st, 2012 as Water Department Custodian since 1999.

Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to authorize Supervisor Powers to sign the agreement with Skylighters of New York LLC for the 4th of July fire works display in the amount of \$10,000. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Petrocy seconded the motion to authorize Supervisor Powers to sign the agreement with EMW Little League Baseball for the sum of \$7,000. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the Standard Work Day and Reporting Resolution for recently elected and appointed officials. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the following resolution determining the significance of Seasonal Nursery proposal on Bullis Road in the Town of Elma, and directing that the negative declaration be prepared in accordance with the requirements of SEQR at 1120 Bullis Road as follows: Whereas, the Town of Elma Town Board is lead agency for the purpose of implementing the above referenced project, and Whereas, the Town of Elma Town Board has considered and reviewed the project, now therefore be it, Resolved based upon the Long Environmental Assessment Form completed and the comments thereon received from the involved and interested parties, the Town of Elma Town Board determines that the action will not have a "significant adverse impact" on the environment and, therefore, directs that a negative declaration be prepared, and be it further Resolved, that as a consequence of such finding, the Town of Elma Town Board hereby directs that the negative declaration be prepared in accordance with the requirements of SEQRA. Resolved, the Business meets all DEC requirements and acquires proper permitting. Resolved the Business meets requirement set forth by Erie County Department of Public Works. Resolved the Business meets all Army Corp of Engineer requirements. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Malczewski seconded the motion to approve Warrant #6 as follows: #679 thru #808

General Fund \$62,527.47; Highway Fund \$18,280.62; Water District \$167,663.66; Special District \$9,091.37 and Capital Projects \$35,231.50. Ayes-5. Noes-0. Carried.

All have received the Planning, Zoning, Conservation Boards agenda and minutes that apply.

Supervisor Powers noted the next Work Sessions will be at 6:00PM with the Town Board meetings at 7:00PM on July 18, 2012.

Supervisor Powers introduced Erie County Legislator Joseph Lorgio whom attended the meeting in support of the Veterans. Also present James Bach and Jeffrey Harris Councilman from the Town of Aurora in support of the Veterans.

Meeting Adjourned at 7:56PM. All in favor.

Respectfully submitted,

Patricia King,
Town Clerk