

08/17/11 Town Board Minutes

A regular meeting of the Elma Town Board was held on Wednesday, August 17, 2011 at 7:00 PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor Dennis Powers
Councilman Thomas Fallon
Councilman Michael Nolan
Councilman Tracy Petrocy
Councilman Dean Puleo

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

Approximately 16 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 #1-2011 Conservation Easement part of the minutes, Supervisor Powers opened the public hearing at 7:06 PM. No one spoke against and Mr. Zilke spoke for the Local Law. Supervisor Powers closed the public hearing at 7:08PM.

Councilman Nolan made the motion and Councilman Puleo seconded the motion to approve Law Local #1-2011 Conservation Easement Agreement; procedures for obtaining a conservation easement agreement. Ayes-5. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Fallon seconded the motion to approve the minutes from the July 20, 2011 meeting. Ayes-5. Noes-0. Carried.

Department Reports:

Town Engineer James Wyzykiewicz informed the Town Board of possible repair work that will need to be done on the Elma Village Green dam for the Mill Race.

Building Inspector Joseph Colern presented the monthly report for July, 2011 with 30 permits issued; fees collected of \$30,252.88 with an estimated value of construction \$3,928,395.00.

Water Superintendent Eugene Stevenson reviewed his monthly report, the lead and copper samples are complete, fire hydrants are being flushed to check the chlorine levels and information on water usage is being prepared to be placed on the Town's website from Elma Nite Out.

Town Attorney Phyllis Todoro informed the Town Board that she is working with Mrs. Reed on the Old Woodard Road abandonment to exclude Mrs. Palas driveway.

Supervisor Powers presented a proclamation to Stephen Petoniak for his achievement to become an Eagle Scout.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to issue a negative declaration on a short form SEQR to Sport Surface Specialties LLC at 6091 Seneca St (rear). Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to issue a Business Use Permit for Sport Surface Specialties LLC at 6091 Seneca St (rear). Building Inspector notes a permit required for any advertising sign and a fire inspection required within 30 days of occupancy. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Nolan seconded the motion to issue a negative declaration on a short form SEQR to Primordial Strength Inc at 717 Jamison Road Suite #7. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Fallon seconded the motion to issue a Business Use Permit for Primordial Strength Inc at 717 Jamison Road Suite #7. Building Inspector notes a permit required for any advertising sign and a fire inspection required within 30 days of occupancy. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Puleo seconded the motion to table the fill permit for Todd Huber at 320 and 330 N Davis Road for 700 to 800 cubic yards until the next Work Session. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the municipal endorsement as follows: WHEREAS, The Archaeological Conservancy is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project to be located in the Town of Elma, a site within the territorial jurisdiction of this Council; and WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the “approval/endorsement of the governing body of the municipality in which the project will be located”;

NOW, THEREFORE, be it resolved by this body that the Town Board of Elma hereby does approve and endorse the application of The Archaeological Conservancy for a grant under the Environmental Protection Fund for a park project known as the Newton Hopper Village Site Preservation project and located within this community. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve the following court grant resolution: WHEREAS: The Justice Court Assistance Program (JCAP) was established by the New York State Legislator as an ongoing vehicle by which the State can assist Towns and Villages in the automation and operation of their Justice Courts; WHEREAS: The maximum JCAP grant is \$30,000 and there are no matching funds required by this application; WHEREAS: The grant may be used for a variety of purposes, including but not limited to the acquisition of audio and computer equipment, office equipment, furniture and security measures for the Justice Court and Court office; WHEREAS: The State of New York Unified Court System is entertaining applications for the Justice Court Assistance Program with a September 15, 2011 deadline; WHEREAS: The Elma Justice Court is in need of a new audio system for use in the Elma Town Court Room at an estimated cost of \$11,526.71, which is the first and only priority for this year; NOW BE IT RESOLVED that Connie D. Miner & Co. Grant Consultants, the Town’s grants consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Unified Court System for the purpose of securing this grant; and, BE IT FURTHER RESOLVED that the Town of Elma Town Board does hereby authorize Supervisor Dennis Powers to sign and if funded, execute a grant application entitled: NYS UNIFIED COURT SYSTEM JUSTICE COURT ASSISTANCE PROGRAM and if awarded, to be the official representative in connection with the

application, providing any additional information, if required, and to fully comply with the execution of the contract. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Fallon seconded the motion to approve Edward Arnold Scrap Processors Inc (EASCO) for electronic recycling at the transfer station it will be a one year contract with a 10 year option. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Fallon seconded the motion to approve the surplus of supplies for the old Sharp and Gestetner copy machines. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Puleo seconded the motion to add an item to the Agenda. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to surplus a 1985 International Dump Truck with plow. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Petrocy seconded the motion to approve Supervisor Powers to sign the agreement with EMW Little League Football in the amount of \$5,000. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Puleo seconded the motion to approve Supervisor Powers to sign the agreement with Meals on Wheels Agreement in the amount of \$1500. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Nolan seconded the motion to approve the resolution for authorizing a budget transfer to increase appropriations for the Library Building as follows: WHEREAS, the Town wishes to purchase a HVAC unit for the Library Building, and WHEREAS, the Town Board wishes to provide funding for such equipment, and WHEREAS, the Town's 2011 adopted budget does not currently include such funding NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the transfer of budgetary appropriations in the Town's 2011 adopted budget as follows: Increase Appropriations: A7410.410 Library – Repairs--\$15,000.00. Decrease Appropriations: A1990.400 Special Items- Contingent Account \$15,000.00. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Puleo seconded the motion to approve the resolution for authorizing a budget amendment for additional appropriations for Sewer District #5 as follows: WHEREAS, the Town has repaired the drainage lines at Sewer District 5, and WHEREAS, the Town's 2011 adopted budget does not currently include the appropriations needed for such repairs
NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the amending of the 2011 adopted budget to include the appropriations for the Sewer District 5 repairs as follows: Increase Appropriations: SS5 8125.201 Plant Improvement & Repair \$9,000.00 Increase Estimated Revenues: SS5 599 Appropriated Fund Balance (\$9,000.00). Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Puleo seconded the motion to table the resolution for the standard work day hours for the New York State and Local Employees' Retirement System until the next Work Session.
Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Nolan seconded the motion to approve a stipend of \$12.50 for the Court Clerks only, this is hours worked after 8 hours in a work day that has evening Court hours. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to authorize Supervisor Powers to sign the contract with Tom Greenauer Development Inc at the cost of \$436,000 for the New Bullis Road project.
Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Fallon seconded the motion to authorize Supervisor Powers to sign the Conservation Easement Agreement with South Blossom Ventures, LLC for New Bullis Road wetlands.
Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Puleo seconded the motion to solicit Lead Agency on the SEQR for Verizon with two locations Blossom Fire Company and Delacy Ford. Ayes-5. Noes-0. Carried.

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

approve Warrant #8 as follows: claim #885 thru #1009
General Fund \$48,555.89; Highway Fund \$18,195.55; Water District \$164,579.71;
Special District \$2,926.44 and Capital Projects \$1,677.45.
Ayes-5. Noes-0. Carried.

Supervisor Powers stated the next Town Board meeting will be September 7, 2011 at 7:00PM with the next Work Session on September 14, 2011 at 6:00PM.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to enter Executive Session at 8:10pm regarding a personnel matter and will be adjourning immediately following this session. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Fallon seconded the motion to exit Executive Session at 8:30pm. Ayes-5. Noes-0. Carried.

Meeting adjourned at 8:30PM. All in Favor.

Respectfully submitted,

Patricia King,
Town Clerk