

03/18/09 Town Board Minutes

A regular meeting of the Elma Town Board was held on Wednesday, March 18, 2009, at 8:00 PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor Michael Nolan-Absent
Councilwoman Susan Glowina
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 14 people attended the meeting.

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

Councilman Powers made the motion and Councilwoman Glowina seconded the motion to approve the minutes from the March 4, 2009 meeting. Ayes-4. Noes-0. Carried.

Department Reports

Town Engineer James Wyzykiewicz noted that the Stormwater Phase II needs to be on the Agenda for April.

Deputy Supervisor Puleo opened the only bid received for the Highway Department 2009 Pick up from Delacy Ford the cost of \$25,678. This will be reviewed at the next Work Session.

Deputy Supervisor Puleo presented the following resolutions in regards to the Office of Town Clerk and Highway Superintendent:

WHEREAS, the Office of the Town Clerk is the center of local government providing

indispensable duties including management, storage and organization of all Town records, taking accurate and reliable minutes of the Town Board, collection of licensing fees, issuance of all marriage licenses and birth and death certificates, and in most towns the collection of County/Town taxes and School taxes, and WHEREAS, the Town Clerk is duly elected by the voters, giving the residents a say in the process and providing the checks and balances with the Clerk being accountable to the electorate, and thereby promoting transparency with in government, and WHEREAS, Part NN, Section 26 through 28, of S.56/A.156, Public Protection and General Government Article VII of the Governor's Budget Bill will permit a Town Board to convert the office of Town Clerk from an elected to appointed position, subject to a permissive referendum, and WHEREAS, Municipal Home Rule Law '23(e) already provides that a town may adopt a local law changing the office of Town Clerk from an elected to appointed positions, and WHEREAS, Municipal Home Rule already requires a mandatory referendum to occur before any change in an elected office could occur, and WHEREAS, a Mandatory Referendum would require the affirmative vote of the electorate at a biennial of special election, and WHEREAS, a permissive referendum technically can be passed without any public comment thus taking away the voice and the choice of the residents to choose who they want as their representative, and WHEREAS, Sections 26 through 28 will create no financial savings for the State and, in fact, will cost local governments additional administrative expenses, and WHEREAS, a permissive referendum is a cumbersome, inefficient and time consuming process, and WHEREAS, there is no cost efficiency in an appointed position versus an elected position because the duties and overhead are the same; NOW, THEREFORE, BE IT RESOLVED, that in the interest of its residents and good, efficient, cost effective government the Town Board of the Town of Elma is opposed to Part NN, Section 26 through 28, of S.56/A.156, Public Protection and General Government Article VII of the NYS Governor's Bill, and. BE IT FURTHER RESOLVED that the Town of Elma appeals to its State Officials to oppose to Part NN, Sections 26 through 28, of S.56/A.156, Public Protection and General Government Article VII of the NYS Governor's Bill to convert the Office of the Town Clerk from an elected to an appointed position and requests that a copy of this resolution be forwarded to Governor David Paterson, and the Western New York delegation of the New York State Senate & Assembly, the Honorable Sheldon Silver and the Honorable Malcolm Smith.

WHEREAS, the Office of the Superintendent of Highways provides indispensable duties including maintaining highways & drainage ditches throughout the Town, snow plowing,

road patching and paving, pick-up of wood debris, etc., and WHEREAS, the Highway Superintendent is duly elected by the voters, giving the residents a say in the process and providing the checks and balances with the Highway Superintendent being accountable to the electorate, and thereby promoting accountability within government, and WHEREAS, Part NN, Sections 26 through 28, of S.56-a/A.156-a, Public Protection and General Government Article VII of the Governor's Budget Bill will permit a Town Board to convert the office of the Highway Superintendent from an elected to an appointed position, subject to a permissive referendum, and WHEREAS, Municipal Home Rule already requires a mandatory referendum to occur before any change in an elected office could occur, and WHEREAS, a Mandatory Referendum would require the affirmative vote of the electorate at a biennial or special election, and WHEREAS, a permissive referendum technically can be passed without any public comment thus taking away the voice and the choice of the residents to choose who they want as their representative, and WHEREAS, a permissive referendum is a cumbersome, inefficient and time consuming process, and WHEREAS, there is no cost efficiency in an appointed position versus an elected position because the duties and overhead are the same; NOW, THEREFORE, BE IT RESOLVED, that in the interest of its residents and good, efficient, cost effective government the Town Board of the Town of Elma is opposed to Part NN, Sections 26 through 28, of S.56-a/A.156-a, Public Protection and General Government Article VII of the NYS Governor's Bill, and BE IT FURTHER RESOLVED that the Town of Elma appeals to its State Officials to oppose to Part NN, Sections 26 through 28, of S.56-a/A.156-a, Public Protection and General Government Article VII of the NYS Governor's Bill to convert the Office of the Highway Superintendent from an elected to an appointed position and requests that a copy of this resolution be forwarded to Governor David Paterson, and the Western New York delegation of the New York State Senate & Assembly, the Honorable Sheldon Silver and the Honorable Malcolm Smith.

Councilman Powers made the motion and Councilwoman Glowonia seconded the motion to accept the Office of Town Clerk and Office of Highway Superintendents Resolutions. Ayes-3. Noes-0. Abstain-1. (Councilman Polak abstained) Carried.

Councilwoman Glowonia made the motion and Councilman Powers seconded the motion to approve the Service Award points for the Blossom, Elma and Jamison Road Fire Companies. Ayes-4. Noes-0. Carried.

Councilman Powers made the motion and Councilman Polak seconded the motion to accept the .082 parcel next to the Mill Race on Bowen Road donated by Robert & Kathleen Rice.

Ayes-4. Noes-0. Carried.

Councilwoman Glowina made the motion and Councilman Powers seconded the motion to solicit lead agency on the SEQR for Arthur Court. Ayes-3. Noes-1. (Councilman Polak voted no) Carried.

Deputy Supervisor Puleo stated that bids will be accepted for a shelter to be constructed at the Creek Road Park, the shelter will be the same as the large ones at the Elma Village Green and will be opened at the April 1, 2009, Town Board meeting.

Councilman Powers made the motion and Councilwoman Glowina seconded the motion to approve Warrant #3 with noted exceptions as follows: #1821 thru #1915 General Fund \$41,778.54, Water District \$82,420.35, Highway Fund \$13,263.94, Special District \$69,871.40. Ayes-4. Noes-0. Carried.

Councilman Powers made the motion and Councilwoman Glowina seconded the motion to add the GIS Consultant to the Agenda. Ayes-3. Noes-1. (Councilman Polak voted no) Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve the GIS Consultant for the Conservation Board at the cost of \$1200. Ayes-3. Noes-1.

(Councilman Polak voted no) Carried.

Deputy Supervisor Puleo announced the next Town Board meeting will be April 1, 2009 at 8:00PM.

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

Meeting adjourned at 8:29PM.

Respectfully submitted,

Patricia King
Town Clerk