

07/15/09 Town Board Minutes

A regular meeting of the Elma Town Board was held on Wednesday, July 15, 2009, at 8:00 PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor Michael Nolan
Councilwoman Susan Glownia-Absent
Councilman David Polak
Councilman Dennis Powers
Councilman Dean Puleo

Also: Town Attorney Phyllis Todoro
Building Inspector Joseph Colern
Highway Superintendent Wayne Clerk
Water Superintendent Eugene Stevenson
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 a variance under Local Law #1-2009 Moratorium on Subdivisions for CW Fargo LLC-Arthur Ct part of the minutes
Supervisor Nolan opened the public hearing at 8:01PM. Speaking for the variance was Mr. Fargo's attorney Peter Sorgi, no one spoke against.
Supervisor Nolan closed the public hearing at 8:09PM.

Councilman Polak made the motion and Councilman Powers seconded the motion to enter Executive Session at 8:09PM concerning the variance regarding the moratorium on subdivisions for CW Fargo LLC-Arthur Ct. Ayes-4. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to exit Executive Session at 8:17PM. Ayes-4. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to

deny the variance for CW Fargo LLC-Arthur Court under Section 7: Variances of the moratorium. Ayes-3. Noes-1. (Councilman Puleo voted not) Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve the minutes from the June 17, 2009 meeting. Ayes-4. Noes-0. Carried.

Department Reports

Town Engineer James Wyzykiewicz advised the Town Board of the cost to clean the ditch in the drainage district for the Elma Meadows subdivision.

Councilman Powers made the motion and Councilman Puleo seconded the motion to add this item to the Agenda. Ayes-4. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to approve Pat Roberts & Sons to clean the ditch in Elma Meadows subdivision at the cost of \$4950 to be billed to the Drainage District. Ayes-4. Noes-0. Carried.

Building Inspector Joseph Colern presented the monthly report for June 2009 with 31 permits issued; fees collected of \$4,694.86 with an estimated value of construction of \$850,480. Also that the NY Board of Fire Inspectors of Fire Underwriters will be going out of business as of October. Mr. Colern will keep the Board informed.

Water Superintendent Eugene Stevenson stated that a crew is out working on fire hydrants, another with the new valve machine and they are looking into putting the all valves on the GIS system. Also a hydrant was damaged on Girdle and Summerdale to be repaired on July 23, 2009, a hydrant on Kettle Run needs to have the barrel replaced due to an accident.

Highway Superintendent Wayne Clark noted that road patching is just about done; signs on Northrup Rd have been installed. Creek Road Park tennis court is done.

Councilman Polak made the motion and Councilman Powers seconded the motion to approve the Special Use Permit "Music" for Cyber Creek Entertainment LLC for Cobber's Restaurant & Pub at 6831 Seneca St. Building Inspector notes no live music on outdoor rear patio. Permit expires 5/31/2010. Music to be performed not to create a nuisance to neighboring properties. Ayes-4. Noes-0. Carried.

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

approve the signing of the certificate of amendment of the certificate of incorporation of the Elma Fire Company Inc which is required by the IRS.
Ayes-4. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to accept the resignation of Richard Walter with regrets from the Elma Public Library Board of Trustees effective June 1,2009. Ayes-4. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to approve the appointment of Mrs. Terry Booth to fill the unexpired term of Richard Walter to the Elma Public Library Board of Trustees effective June 1,2009. Ayes-4. Noes-0. Carried.

Supervisor Nolan announced the specifications are available in the Town Clerks office for the re bid of the Pondbrook Wastewater Roof with a pre-bid meeting on July 29, 2009 at 10:00AM at the Pondbrook Wastewater plant. Bids will be accepted until 4:00PM on August 19, 2009 and bids to be opened at the Town Board meeting at 8:00PM.

Councilman Powers made the motion and Councilman Polak seconded the motion to table the budget transfer for the loan from the General Fund to Drainage District #28 to clean the storm sewer pipe. Ayes-4. Noes-0. Carried

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve Diane Rohl to attend the NYAT Planning & Zoning Summer School at the cost of \$70.00 with an additional \$10.00 for meal and mileage.
Ayes-4. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve Warrant #7, claim #2354 thru #2479. General Fund \$125,346.65, Highway Fund \$146,939.86, Water District \$37,829.28, Special District \$24,672.63 and Capital Project \$3, 242. Ayes-4. Noes-0. Carried.

Supervisor Nolan set a public hearing date of August 19, 2009 for the rezoning of 2989 Transit Road for Mark Subject.

Supervisor Nolan announced that the next Work Session will be August 19, 2009 at

6:00PM with the Town Board meeting to follow at 8:00PM.

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

Meeting adjourned at 8:40PM.

Respectfully submitted,

Patricia King
Town Clerk