

07/16/08 Town Board Minutes

A regular meeting of the Elma Town Board was held on Wednesday, July 16, 2008, at 8:00 PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

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

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

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 commercial variance under Local Law #4-2008 for Suburban Adult Services, Inc (SASI) at 960 West Maple Court part of the minutes Supervisor Nolan opened the public hearing at 8:01PM. Speaking for, Mr. Annunziato from SASI and Mr. Weisbeck resident. No one spoke against. Supervisor Nolan closed the public hearing at 8:07PM.

Councilman Polak made the motion and Councilman Powers seconded the motion to enter Executive Session at 8:07PM concerning the commercial variance for SASI. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to exit Executive Session at 8:11PM. Ayes-5. Noes-0. Carried.

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

approve the variance for SASI at 960 West Maple Court under Local Law #4-2008 showing hardship.

Ayes-5. Noes-0. Carried.

Making the Legal Notice for the Public Hearing for the rezoning of 300' Commercial to Industrial for Conley Trucking at 6891 Seneca Street part of the minutes Supervisor Nolan opened the public hearing at 8:14PM. Speaking for, Mr. Gaczynski from Conley Trucking and his Attorney Mr. Vasillon. Speaking against, J Sluberski, T Sluberski and J Warchocki.

Supervisor Nolan closed the public hearing at 8:27PM.

Councilman Polak made the motion and Councilwoman Glowina seconded the motion to table the rezoning for Conley Trucking at 6891 Seneca Street until the next Town Board meeting.

Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve the minutes from the June 18, 2008 meeting. Ayes-5. Noes-0. Carried.

Department Reports

Supervisor Nolan opened the sealed bids for the 1994 Chevy pick-up (Water Department) as follows: K Morrissey \$125, J Wallace \$300 and A Sosrowski \$902.

Councilman Puleo made the motion and Councilman Powers seconded the motion to award the bid for the 1994 Chevy pick-up to A Sosrowski for \$902.00. Ayes-5. Noes-0. Carried.

Building Inspector Joseph Colern presented the monthly report for June, 2008 with 28 permits issued, fees collected of \$6,658.56 with an estimated value of construction of \$1,222,155. Also Knabb Road complaints from truck traffic hauling fill to a property owner that is doing road damage after it has just been repaved.

Councilman Polak made the motion and Councilman Powers seconded the motion to add Knabb Road to the Agenda. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glowina seconded the motion to have the Building Inspector issue a Stop Work Order to the property owner on Knabb Road until a fill permit is issued and post a Bond for road repair. Ayes-5. Noes-0.

Carried.

Water Superintendent Eugene Stevenson noted that Conrady will be doing the water tank

inspections on July 28th, 29th and 30th, the Town Board is invited to observe. Erie County Health Department inspection did not reveal any violations. Maintenance work on the fire hydrants in district #4 is in progress. The first round of water samples for lead has passed. Also on July 7th a water line break was repaired on Tiffany Lane and on July 9th due to an auto accident a fire hydrant was sheared off with a water line break all has been repaired.

Reporting for Superintendent Wayne Clark, Supervisor Nolan stated that Knabb and Handy Roads have been repaved.

Town Attorney Phyllis Todoro has completed the easement for Cemetery Road.

Councilman Puleo made the motion and Councilman Polak seconded the motion to approve a negative declaration on a short form SEQR for David Jackson, LLC at 717 Jamison Road Suite #3. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to approve a Business Use Permit for David Jackson, LLC at 717 Jamison Road Suite #3, shop space for contractors. Building Inspector notes Restriction on this "Use" no outside storage of construction material or junk vehicles. Also a fire inspection required within 30 days after occupancy and a permit required for all advertising signs. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to approve a negative declaration on a short form SEQR for Caryn Bartnik, Psy.D. at 2430 Bowen Road.

Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to approve a Business Use Permit for Caryn Bartnik, Psy. D. at 2430 Bowen Road for Clinical Psychologist-Private Practice. Building Inspector notes a fire inspection required within 30 days after occupancy and a permit required for all advertising signs.

Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to approve the Supervisor to sign the stipend of \$5000 for the EMW Soccer.

Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to approve the construction of a water wheel at the Historical Museum. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to authorize Supervisor Nolan to sign the 2008 Haz-Mat agreement with the City of Buffalo at the cost of \$4500. Ayes-5. Noes-0. Carried.

Councilwoman Glownia made the motion and Councilman Powers seconded the motion to approve the following Agreement between the Elma Cemetery Association, Inc. (hereinafter known as “the Association”), a not-for-profit corporation organized under the Laws of the State of New York and the Town of Elma (hereinafter known as “the Town”), a municipal corporation organized under the State of New York is to provide for the mutual interests for the two parties. That the Association being desirous of improving and expanding its turn around to adequately provide for the needs for the patrons of the Cemetery and the Town wishing to expand the same turn around to provide accommodations for the school buses for the Iroquois Central School System such that children may be picked up on Cemetery Road, hereby agree and contract as follows:

1. The Town, having expanded the area by 10 feet in length at the northerly end of the former turn around, which lies across the current road at the western end at a stone wall currently in place on the property, the Town agrees it will maintain the turn around at its own expense; that it will return any areas in the immediate area of the expansion to their original state if the damages are caused; that it will hold the Association harmless from any claims of liability by third-parties as a result of the expansion; and that it will move the turn around at the request of the Association to accommodate more Cemetery lots or to make Cemetery lots more accessible if requested in writing by the Association. The Association agrees that it will allow the above expansion under the terms indicated, and that the Cemetery patrons may also make use of the expanded turn around area. Both parties agree that the allowed use and expansion is not an indication of ownership or lease or right-of-way or easement or adverse possession or an exercise or eminent domain upon the part of Town but is simply a contractual agreement between the two parties allowing the right to use the property only under the terms and conditions herein and for the period hereinafter described. Said Agreement shall be valid for five (5) years from the date of signing of the Association, and shall be renewable upon agreement of both parties. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilman Puleo seconded the motion to approve the Elma Fire Company for a negative declaration on a short form SEQR to erect a 60' by 72' fire hall at 2070 Girdle Road. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glowina seconded the motion to approve the Elma Fire Company under code #144-30. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilwoman Glowina seconded the motion to request a speed study for Northrup Road on the request of petition signatures. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Polak seconded the motion to add No Parking request to the Agenda. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to request No Parking signs from the Iroquois Central School campus to Caroline Lane. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve Warrant #7, #726 to # :
General Fund \$54,407.99 Water District \$15,540.26
Highway Fund \$85,938.52 Special District \$ 7,894.63
Ayes-5. Noes-0. Carried.

All have received the Planning, Zoning, Conservation Board and Code Review Committee minutes that apply.

Supervisor Nolan stated that the next Work Session will be August 13, 2008 at 4:00PM.

Supervisor Nolan announced an Executive Session that will be adjourning immediately following the session and noted to adjourn the meeting in Honor of Suzanne Howe Blazak.

Councilman Polak made the motion and Councilwoman Glowina seconded the motion to enter Executive Session regarding South Blossom Venture lawsuit at 9:05PM. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to exit Executive Session at 9:35PM. Ayes-5. Noes-0. Carried.

Respectfully submitted,

Patricia King
Town Clerk