

08/15/07 Town Board Minutes

A regular meeting of the Elma Town Board was held on Wednesday, August 15, 2007, 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

Approximately 14 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 for Building Solutions at 6091 Seneca Street part of the minutes Supervisor Nolan opened the public hearing at 8:16PM. Speaking for the variance was Todd Huber, explaining his reason due to the Work Session running out of time. No one spoke against the variance. Supervisor Nolan closed the Public Hearing at 8:21PM.

Councilwoman Glownia made the motion and Councilman Polak seconded the motion to approve the variance for Mr. Huber, Building Solutions. Ayes-2. Noes-3. (Councilman Powers, Councilman Puleo and Supervisor Nolan voted no.) Motion denied.

Making the Legal Notice for the Public Hearing on a commercial variance for Heritage Fence at 2841 Transit Road part of the minutes Supervisor Nolan opened the public hearing at 8:25PM. Speaking for the variance was David Dole (purchaser) and James Wyzykiewicz (seller, explaining there reasons due to the Work Session running out of

time. No one spoke against the variance. Supervisor Nolan closed the Public Hearing at 8:30PM.

Councilman Powers made the motion and Councilman Puleo seconded the motion to table the variance for Heritage Fence at 2841 Transit Road until the next Town Board meeting.

Ayes-4. Noes-1. (Supervisor Nolan voted no.) Carried.

Making the Legal Notice for the Public Hearing on Drainage District #181 on Pound Road for Mr. Balducci part of the minutes Supervisor Nolan opened the public hearing at 8:32PM. No one spoke for or against the drainage district. Supervisor Nolan closed the Public Hearing at 8:34PM.

Councilman Polak made the motion and Councilman Powers seconded the motion to approve Drainage District #181 for Mr. Balducci on Pound Road. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to approve the minutes from the July 25, 2007 meeting.

Ayes-5. Noes-0. Carried.

Department Reports

Building Inspector Joseph Colern presented the monthly report for June with 42 permits issued, fees collected of \$11,265.34 with an estimated value of construction \$2,397,964. Also his report for July with 40 permits issued, fees collected of \$11,191.15 with an estimated value of construction \$3,764.649.

Water Superintendent Eugene Stevenson reported that two (2) new fire hydrants have been installed on Hall Road and are in operations. The testing of all 2ö and larger water meters is in progress. Also water ordinance changes will be discussed in the future.

Councilwoman Polak made the motion and Councilwoman Glownia seconded the motion to issue a negative declaration on a short form SEQR for The Olde Steeple at 381 Main Street. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilman Puleo seconded the motion to issue a Business Use Permit for The Olde Steeple at 381 Main Street. Building Inspector notes

a permit is required for any advertising signs. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to table the Preliminary Business Use Permit for Heritage Fence at 2841 Transit Road until the next Town Board meeting.
Ayes-5. Noes-0. Carried.

Supervisor Nolan opened the bids for the Cleaning Service at the Town Hall:
Liberty Janitorial Services \$18,580
Clean Sweep Janitorial Services, Inc \$20,582
These will be reviewed and awarded.

Supervisor Nolan opened the bids for the 2008 Pick up Truck for the Water Department:
Delacy Ford Inc \$21,866 Joe Basil Chevrolet Inc \$21,500
Northtown Dodge \$22,484 Bison Truck Center \$21,919.05
These will be reviewed and awarded.

Councilman Polak made the motion and Councilman Puleo seconded the motion to table the award of the bid for the refuse contract for a period of one (1) month. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to authorize Supervisor Nolan to sign the following NYS Justice Court Grant application:
Whereas: The Justice Court Assistance Program was established by the New York State Legislator as an ongoing vehicle by which the State can assist Towns and Villages in the operation of their Justice Courts; Whereas: The State of New York Unified Court System is entertaining applications for the Justice Court Assistance Program with a August 31, 2007 deadline; Be It Resolved: That the Town Board of Elma does hereby authorize the Supervisor to prepare, sign and submit 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 Powers made the motion and Councilwoman Glownia seconded the motion to approve Wendel Duchscherer for step 1 to assist in the guidelines and set up of the

Code Review Committee, they will attend three (3) meetings at the cost of \$3500. Ayes-5. Noes-0. Carried.

Councilman Puleo the motion and Councilman Polak seconded the motion to approve the following resolution SUPPORT FOR EXTENDING STATUTE OF LIMITATIONS ON RAPE CRIMES,

WHEREAS, residents of WNY were recently shocked and stunned by the arrest of Altimio C Sanchez for the murder of three women on Monday, January 15, 2007; and WHEREAS, residents of WNY learned that Altimio Sanchez would not be charged and go unpunished for the rape of several women in the WNY area because the statute of limitations for those crimes had expired; and WHEREAS, the New York Penal Law currently has a statute of limitations of five years for the prosecution of rape crimes; and WHEREAS, the evolution of forensic sciences and DNA testing has resulted in the ability for police to reliably solve crimes that would have gone unsolved in the past; new, therefore, be it RESOLVED, that the Elma Town Board requests the Governor of the State of New York, the New York Senate, and the New York State Assembly to adopt appropriate legislation to extend the statute of limitations for violations of the New York Penal Law; and be it further, RESOLVED, that a copy of this resolution be sent to Eliot Spitzer, Governor of the State of New York; Joseph Bruno, Majority Leader of the NYS Senate; Sheldon Silver, Speaker of the NYS Assembly; Senator Dale Volker; and Assemblyman Michael Cole. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glowonia seconded the motion to approve the resolution SUPPORT DEDICATION OF COUNTY FOREST PRESERVES AS PARKLANDS,

WHEREAS, the County of Erie owns various properties throughout the County which are declared to be forest preserves, and WHEREAS, there has been lumbering on these properties over the years and the area has lost a number of mature and healthy trees as result, and WHEREAS, there has been increased use of such forest preserves by the public for hiking, snowmobiling, etc., and WHEREAS, in order to protect these preserves from further lumbering, Erie County Legislator Thomas Loughran has submitted a resolution to the County Legislature to dedicate its forest preserves as Erie County Parklands and to include them in the Master Plan of Erie County Parklands, thus preserving them from lumbering in the future, and WHEREAS, many trees were lost as a result of the October, 2006 storm and these trees are needed more now than ever, NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby goes on record in

support of Erie County Legislator Thomas Loughran's resolution to dedicate County forest lands as parklands, and BE IT FURTHER RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to legislator Kathy Konst. Erie County Legislature and the Erie County Executive.

Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve Warrant #8 as follows: #828 thru #936 with noted exception:

General Fund \$159,479.59 Water District \$25,880.89

Highway Fund \$134,379.26 Special District \$ 3,196.09

Capital Project \$1,278.00

Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to add the Grant Consultant contract to the Agenda.

Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to approve the renewal of the Grant Consultant contract with Connie D. Miner & Co. Grant Consultants for \$14,004.

Ayes-5. Noes-0. Carried.

All have received the Planning, Zoning and Conservation Board Agenda and Minutes that apply.

Supervisor Nolan noted the next Town Board meeting will be held on Wednesday September 5, 2007 at 8:00PM and the next Work Session will be September 12, 2007 at 6:00PM.

Adjourned at 9:22PM.

Respectfully submitted,

Patricia King
Town Clerk