

## **07/24/07 Conservation Board Minutes**

### TOWN of ELMA CONSERVATION BOARD

#### MINUTES OF REGULAR MEETING û July 24, 2007

I The Regular Meeting of the Town of Elma Conservation Board, hereinafter referred to as the ECB, was held on Tuesday, July 24, 2007 at 7:00 p.m. in the Conference Room at the Elma Town Hall, 1600 Bowen Road, Elma, NY.

#### PRESENT: ABSENT:

Chairman Bryant Zilke William Jackson

Member Raymond Boy Glenn Reinhardt

Member William Massaro

Member Marc Schneckenberger OTHERS:

Member Kenneth Schroeder None

Alt/Recording Secretary Diane Rohl (for Jackson)

#### II MINUTES OF June 26, 2007

Motion to Approve Minutes as amended and submitted by William Massaro, Alternate Recording Secretary, Made by Raymond Boy and Second by Marc Schneckenberger. Ayes: 6. Nays: 0. Motion Carried.

#### III CHAIRMANÆS REPORT

A. Right-To-Farm Signs û Bryant Zilke confirmed the price of the signs with Michael Nolan, Town Supervisor. Chairman Zilke requested that they be placed at all strategic intersections and borders of the Town. It was estimated that there would need to be about twenty-two signs. Exact locations will be determined upon delivery of the signs. Mr. Nolan will be requesting approval for the expenditure from the Town Board.

B. STATUS OF 2006 PDR GRANT û Chairman Zilke informed the ECB that the Town is waiting for names of Land Appraisers. Once one is selected, he will perform an independent appraisal of the Janiga farmland as the next step in the PDR Grant process.

C. UPDATE ON THE 2007 PDR GRANT APPLICATION û Chairman Zilke submitted a Press Release to local area newspapers including the Elma Review. The purpose was to solicit interest in applying for Purchase of Development Rights on farmland which would be included in the PDR Grant. There has been no response of interest as yet to either

phone calls  
or to the Press Release.

D. PDR OUTREACH û Chairman Zilke continues to work on this. After some discussion, the following motion was suggested:

Specific contacts of potential landowners for inclusion in Town of Elma Conservation Programs will be by Elma Conservation Board Members only, or by express permission of the Elma Conservation Board.  
Motion made by Marc Schneckenberger and Second by William Massaro.  
Ayes: 6. Nays: 0. Motion Carried.

E. INCLUSION IN SITE PLAN APPROVALS PROCESS û No News.

F. PROPOSED ANNUAL REPORT TO TOWN BOARD - The one page summary report as prepared by Chairman Zilke was reviewed and accepted with minor edits.

Motion to Approve the Amended Annual Report for submission to the Elma Town Board, Made by Diane Rohl and Second by William Massaro.  
Ayes: 6. Nays: 0. Motion Carried.

#### IV LEGAL OPINIONûLAND CONSERVATION EASEMENT PROGRAM

Town Attorney Phyllis Todoro issued an Opinion Letter to the Conservation Board stating that ôthe Town of Elma cannot enact the existing Conservation Easement Law as currently proposedðAccording to a senior attorney for NYS Real Property Services Division, there is no current statute which gives the Town of Elma the authority to grant the kind of exemption as proposed à Therefore, any law of this nature would have to be passed by the State Legislatureö.

The ECB discussed their options. They agreed that the Conservation Easement Program itself is still legal but that the granting of a percentage reduction on assessments by a municipality for varying lengths of time, for the purpose of tax reduction, has now been deemed illegal. Supervisor Nolan has indicated that he will work with our County Legislators to gain support for this program; and with our State legislators to have legislation passed to allow municipalities to grant these tax reductions for land conservation purposes. In the meantime, the ECB has decided to continue working on alternative programs and methods of financing to preserve open space in Elma.

#### V ALTERNATE TO CODE REVIEW COMMITTEE

As a result of one of the appointed ECB Members to the Code Review Committee potentially not being available for the first meeting, it was decided that appointing an Alternate would provide representation in situations such as this.

Motion to appoint Diane Rohl as an Alternate to the Code Review Committee, Made by William Massaro and Second by Bryant Zilke.

Ayes: 6. Nays: 0. Motion Carried.

#### VI AD-HOC COMMITTEE REPORT

A Committee to study alternative programs and funding methods for land conservation in Elma was formed at the June meeting. Voluntary members were Raymond Boy, William Jackson and Marc Schneckenberger. Their charge by the ECB was to attempt to identify the direction in which the ECB wants to go in view of the legal opinion from our Town Attorney. As a result of their meeting on July 10th, they have drafted a letter to the Town Supervisor suggesting other methods of preserving open space and alternative sources of funding. Several minor changes were made to the draft.

Motion to have Bryant Zilke submit the amended letter to Supervisor Nolan, Made by Marc Schneckenberger and Second by William Massaro.

Ayes: 6. Nays: 0. Motion Carried.

It was also decided that the Committee will meet again prior to the August ECB meeting to put together a one-half page explanation of each option outlined in the letter. This will be submitted in August where a Committee will be formed to explore each option.

#### VII STATUS OF BASELINE DATA REPORT û Springbrook Shores

Glenn Reinhardt has finalized the BDR for Springbrook Shores and will be submitting it to the ECB as well as other data on LCE applications in his possession. He has notified the ECB that he will no longer be able to serve on the Board due to possible conflicts as an employee of DEC.

#### VIII FOLLOWUP LETTER TO LCE APPLICANTS

Diane Rohl drafted a letter to the seven applicants for Land Conservation Easements, advising them of the legal opinion by our Town Attorney and the attorney for NYS ORPS. They had previously been informed that there was some question regarding the

Land Conservation Easement Program. Contained in the letter was a request to be patient as the ECB explores other avenues to fund the LCE Program.

Motion to approve the letter as amended with a minor editorial change, Made by William Massaro and Second by Marc Schneckenberger.  
Ayes: 6. Nays: 0. Motion Carried.

#### IX TVGA TRAINING SESSIONS

The ECB was given information on classes to be conducted by TVGA at no charge and sponsored by the Elma Planning and Zoning Boards. Two hours sessions will be given at the Elma Town Hall on Monday, September 10th and Monday, October 8th. Members are invited to attend.

X FYI - The following information was distributed to the ECB:

- A. Press Release Seeking PDR Applicants û Elma Review
- B. EPB Agenda June 19, 2007; July 17, 2007
- C. EPB Minutes June 19, 2007
- D. Town Board Minutes May 16, 2007; June 6, 2007; June 20, 2007

Motion to adjourn at 9:10 P.M. Made by William Massaro and Second by Marc Schneckenberger. Ayes: 6. Nays: 0. Motion Carried.

Respectfully Submitted,

Diane Rohl,  
Recording Secretary