

A regular meeting of the Elma Town Board was held on Wednesday, May 6, 2009, at 8:00 PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor	Michael Nolan
Councilwoman	Susan Glowina-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 24 people attended the meeting.

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

Making the Legal Notice for the Public Hearing regarding the Water Department code changes part of the minutes Supervisor Nolan opened the public hearing at 8:01PM. No one spoke for or against the code changes. Supervisor Nolan closed the public hearing at 8:02PM.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve the Water Department code changes as follows: Section 140-29.1. Meter reading card. (Amended 7-7-82,8-17-05) In all instances, except for industries, (AMR). Section 140-34. Billing Procedure. (Amended 8-17-05) A. Meters will be read and bills rendered at regular quarterly intervals for all meters up to 1" in size. Also: Meters over 1" in size will be billed monthly. Underlined are the changes. Ayes-4. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve the minutes from the April 15, 2009 meeting. Ayes-4. Noes-0. Carried.

Department Reports

Building Inspector Joseph Colern presented his monthly report for April with 31 permits issued, fees collected of \$3,553.25, an estimated value of construction of \$636,790.

Water Superintendent Eugene Stevenson advised the Town Board of a hydrant break on West Blood Road last Sunday and thanked the Board for the reverse 911 system to notify the residents. Mr. Stenevson presented the annual water quality monitoring report and the new ACH debit program for water customers. The new hydrant at the Elma Fire Company sub station is complete. All landscaping due to repair work has been completed. And the work for the Gristmill project is complete.

Highway Superintendent Wayne Clark is still working on brush pick up, mowing the parks and the Crossing Guard shack at the Boys & Girls Club is completed.

Councilman Puleo made the motion and Councilman Polak seconded the motion to award the bid for the Hydraulic Valve Exerciser to E.H. Wachs Company at the cost of \$21,685 and \$900 for shipping. Ayes-4. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to add the following Opposing Resolution to the Agenda. Ayes-4. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve the following: A Resolution Opposing The Establishment of a County Planning Board and Supporting the Veto of the recently Passed Local Law. WHEREAS, at the regularly scheduled session of the Erie County Legislature held on April 23, 2009 the Legislature passed Local Law Into 1-1 (2009), "A Local Law Entitled 'The Strategic Development Act' for the Creation of an Erie County Planning Board," and WHEREAS, this planning board legislation creates a level of bureaucracy that is unnecessary in Erie County Government and unwanted in most local municipalities, and WHEREAS, the County Administration is adamantly opposed to this law and will veto it, and

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WHEREAS, membership of the proposed planning board is largely subject to political appointments and is very narrowly represented by rural townships, leaving no guarantee that its membership will include representation from the Town of Elma, and WHEREAS, the County Administration has been doing more with less since 2005 and admittedly does not have the resources to staff or properly fund this planning function, leaving it powerless and ineffective, making it another layer of government in a process already littered with them, and WHEREAS, the best planning decisions are locally derived, and NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Elma hereby goes on record opposing the creation and establishment of an Erie County Planning Board, and be it further RESOLVED, that this honorable body disagrees with the initial passage of Local Law 1-1 (2009), "The Strategic Development Act," and supports the County Executive's intention to veto this local law, and be it further RESOLVED, that this honorable body encourages members of the Erie County Legislature to not support the override of the County Executive's veto relevant to this law, and be it further RESOLVED, that certified copies of this resolution be forwarded to the Erie County Legislature, and the County Executive. Ayes-4. Noes-0. Carried.

Supervisor Nolan opened the bids for the 1988 International Dump Truck as follows: R.Gross-\$6,577./R.Conley-\$4850./K.York-\$650./Nuwer Auto Parts Inc-\$2777.50/A. Smith-\$3106.

Councilman Polak made the motion and Councilman Powers seconded the motion to award the bid to R. Gross at the bid of \$6,577, if Mr. Gross does not want the truck it will be re bid. Ayes-4. Nes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to authorize Supervisor Nolan to sign the resolution for the implementation, and funding in the first instance of State Multi-Modal Program-aid eligible costs, of a capital project, and appropriating funds as follows: WHEREAS, a Project for the New Bullis Road reconstruction from Transit Road & Route 20 to South Blossom Road, P.I.N. 5MS358.30A ("the Project") is eligible for funding (under Title 23 U.S. Code, as amended, and) New York State's Multi-Modal Program administered by the NYS Department of Transportation ("NYSDOT"); and WHEREAS, the Town of Elma desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the Project; and NOW, THEREFORE, the Town Board, duly convened does hereby RESOLVE, that the Town Board hereby approves the above-subject project; and it is hereby further RESOLVED, that the Town Board hereby authorizes payment in the first instance 100% of the cost of Preliminary Design and construction work for the Project estimated at \$376,038; and it is further RESOLVED, that the Town Supervisor of the Town of Elma be and is hereby authorized to execute all necessary Agreements, certificates or reimbursement requests for Federal Aid and/or Multi-Modal Program Funding on behalf of the Town of Elma with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and all Project costs that are not so eligible, and it is further RESOLVED, that a certified copy of this resolution be filed with the New York Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project. And it is further Resolved, that this Resolution shall take effect immediately. Ayes-4. Noes-0. Carried.

Councilman Powers made the motion and Councilman Polak seconded the motion to approve the quote for refinishing the tennis and basketball court at the Creek Road Park to Northeast Paving at the cost of \$9750. Ayes-4. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to approve the quote for repainting the tennis and basketball court fencing at Creek Road Park to Salerno Paint & Paper Inc at the cost of \$4200. Ayes-4. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to approve the Purchase of Development Rights Agreement and Sales Contract for Leonard & Mabel Janiga on Jamison Road, Conservation Easement Grant at the cost of \$216,000. Ayes-4. Noes-0. Carried.

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Councilman Puleo made the motion and Councilman Powers seconded the motion to approve the Home Rule Request regarding Senate Bill S.1566-A entitled An Act to amend the Real Property Tax Law, in relation to establishing a conservation easement agreement exemption in a town having a population of not less than eleven thousand three hundred and not more than eleven thousand four hundred, based upon the two thousand federal census. Ayes-4. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to approve the Home Rule Request regarding Senate Bill S.1566-A entitled An Act to amend the Real Property Tax Law, in relation to establishing a conservation easement agreement exemption in a town having a population of not less than eleven thousand three hundred and not more than eleven thousand four hundred, based upon the two thousand federal census. Ayes-4. Noes-0. Carried.
**Motion redone for clarification.

Councilman Puleo made the motion and Councilman Powers seconded the motion to approve the Home Rule Request regarding Assembly Bill A.6273-A entitled An Act to amend the Real Property Tax Law, in relation to establishing a conservation easement agreement exemption in a town having a population of not less than eleven thousand three hundred and not more than eleven thousand four hundred, based upon the two thousand federal census. Ayes-4. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to approve the fill permit for Mr. Konesky on Stolle Road. Fill may be delivered Monday through Friday between 8:00AM to 6:00PM, clean fill, clay mostly approximately 500 cubic yards. Ayes-4. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to deny the fill permit for MJJ Equipment LLC on Jamison Road. More information is required on where, how much and what kind of fill is being brought in. This will be discussed at the next Work Session. Ayes-3. Noes-1. (Councilman Polak voted no) Carried.

Supervisor Nolan announced that specifications are available in the Town Clerks office for the Elma Library roof, bids will be accepted until 4:00PM on May 20th, 2009 and will be opened at the Town Board meeting at 8:00PM on May 20th, 2009.

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

Supervisor Nolan announced the next Work Session will be on May 13, 2009 at 6:00PM.

Meeting adjourned at 9:15PM.

Respectfully submitted,


Patricia King
Town Clerk

**PUBLIC HEARING NOTICE
Water Department Truck**

The Town of Elma is accepting sealed bids for the sale of a 1988 International Dump truck. Truck can be seen at the Water Department at 5730 Seneca Street, Elma, New York, Monday thru Friday 8:00AM to 4:00PM. Sealed bids accepted until May 6, 2009 at 4:00PM in the Town Clerk's Office. The Town Board reserves the right to refuse any and all bids. All bids to be opened at 8:00PM May 6, 2009 at the Elma Town Hall, Town Board meeting, 1600 Bowen Road, Elma, and New York. Any questions call 674-8855 Elma Water Department.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Elma, Erie County, New York, will meet at the Elma Town Hall, 1600 Bowen Road, Elma, New York on the 6th day of May, 2009, at 8:00 p.m. for the purpose of conducting a public hearing for code changes to 140-29.1 Meter reading card and 140-34 Billing procedure regarding the Water Department codes. Changes are available in the Town Clerk's Office. The Town Board will consider such proposal and hear all persons interested in the subject thereof concerning the same. Anyone needing accommodations to assist their attendance to the public meeting pursuant the Americans with Disabilities Act should contact the Town Clerk 48 hours prior to the meeting at 652-3260 so that arrangements can be made

**Elma Water Department
Advertisement for Bids for
Hydraulic Valve Exerciser**

Sealed bids for a Hydraulic Valve Exerciser for the Elma Water Department, Town of Elma, NY will be received by the Town Clerk at her office in the Town Hall, 1600 Bowen Road, Elma, NY on or before 4:00 PM, local time, Wednesday, April 15, 2009. The bids will be publicly opened and read aloud in the Board Room at the regular scheduled meeting of the Town Board, Elma Town Hall, 1600 Bowen Road, Elma, NY on April 15, 2009 at 8:00PM.

Specifications may be obtained or examined at the office of the Town Clerk, 1600 Bowen Road, Elma, NY during regular office hours, 8:00 am to 4:00 pm, Monday through Friday.