

A regular meeting of the Elma Town Board was held on Wednesday, December 16, 2009, at 8:00 PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

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

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

Approximately 22 people attended the meeting.

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

Making the Legal Notice for the Public Hearing for James & Sarah Matthews on Woodard Rd for a Variance under Local Law #1-2009 part of the minutes Supervisor Nolan opened the Public Hearing at 8:01PM. The Matthews were not present for the Hearing. No one spoke for or against the variance. Supervisor Nolan closed the Public Hearing at 8:02PM.

Councilman Powers made the motion and Councilman Polak seconded the motion to decline the Variance for James & Sarah Matthews on Woodard Rd.
Ayes - 5. Noes - 0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve the minutes from the November 18, 2009 meeting.
Ayes-5. Noes-0.Carried.

Department Reports

Building Inspector Joseph Colern presented his monthly report for November 2009 with 17 permits issued, fees collected of \$2,840.74 and with an estimated value of construction of \$612,426.00. Mr. Colern asked the Boards permission to attend the annual Niagara Frontier Building Officials Conference January 25-27, 2010 for himself and Assistant Building Inspector Raymond Balcerzak at \$250/each.

Water Superintendent Eugene Stevenson reported there was an auto accident on Clinton Street and two (2) fire hydrants had to be replaced; there was a leak on Girdle Rd that was repaired; the Annual Flushing Program was started on December 9th and will run through the 12th or 13th of January; the first part of Erie County Health Department's Inspection was done on December 16th and will be complete on December 17th; and Mr. Stevenson is requesting a rate increase as discussed at the Work Session prior to the Board Meeting.

Highway Superintendent reported the Town wide parking ban is now in effect and Christmas trees can be dropped off at the Transfer Station, not the Highway Department.

Town Attorney Phyllis Todoro reported the Board will need to call an Executive Session regarding the Lawsuit with C.Fargo.

Councilman Polak made the motion and Councilwoman Glowonia seconded the motion to issue a negative declaration on a short form SEQR for Aurora Sales & Service at 3211 Transit Road. Ayes- 5. Noes- 0. Carried.

Councilman Polak made the motion and Councilwoman Glowonia seconded the motion to issue a Business Use Permit for Aurora Sales & Service at 3211 Transit Road. Restrictions on "Use" is No spray on bed liners permitted on site. Building Inspector notes all bed liners & truck caps to be behind privacy fence behind building, a permit required for advertising signs and a Fire Inspection within 30 days of occupancy. Ayes- 5. Noes- 0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to authorize Supervisor Nolan to sign the contracts for the 2010 Concert Series
Ayes - 5. Noes - 0. Carried.

Councilman Polak made the motion and Councilman Puleo seconded the motion to adopt the Elma CERT Team By-Laws. Ayes - 5. Noes - 0. Carried.

Wednesday, December 16, 2009

Councilwoman Glownia made the motion and Councilman Puleo seconded the motion to approve the 2010 Water Rates Increase of 3.5% effect February 1, 2010 as follows:

| | | |
|---|------------|------------|
| Minimum....0-5,000 gals | Gross | Net |
| | 19.61 | 17.65 |
| First.....150,000 gals | 4.21 per M | 3.79 per M |
| Next.....300,000 gals | 4.03 per M | 3.63 per M |
| Over.....450,000 gals | 3.73 per M | 3.36 per M |
| For Meters larger than 1"-Monthly billing | Gross | Net |
| Minimum....0-5,000 gals | 19.61 | 17.65 |
| First.....50,000 gals | 4.21 per M | 3.79 per M |
| Next.....150,000 gals | 4.03 per M | 3.63 per M |
| Over.....200,000 gals | 3.73 per M | 3.36 per M |
| Out of District Rates- | Gross | Net |
| Minimum....0-5,000 gals | 22.50 | 20.25 |
| First.....150,000 gals | 4.83 per M | 4.35 per M |
| Next.....300,000 gals | 4.63 per M | 4.17 per M |
| Over.....450,000 gals | 4.31 per M | 3.88 per M |
| Out of District Rates-Larger than 1" Mo Billing | Gross | Net |
| Minimum....0-5,000 gals | 22.50 | 20.25 |
| First.....50,000 gals | 4.83 per M | 4.35 per M |
| Next.....150,000 gals | 4.63 per M | 4.17 per M |
| Over.....300,000 gals | 4.31 per M | 3.88 per M |

These rates would raise the minimum water bill \$.20 per month or \$2.40 per year.

Ayes - 5. Noes - 0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to approve the Resolution for Amending the 2009 Adopted Budget For Conservation Easement Grant as follows: WHEREAS, the Town has received a grant from New York State for Farmland preservation, and WHEREAS, the Town's 2009 adopted budget does not currently include the grant funding nor the appropriations for the Conservation Easement, NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the amending of the 2009 adopted budget to include the grant funding and appropriations for the Conservation Easement as follows: Increase Appropriations: A 8715.400 Conservation Easement Expense \$234,537.00; Increase Estimated Revenues: A 3910 State Aid-Conservation Grant \$185,432.00 and A 599 Appropriated Fund Balance \$49,105.00. Ayes - 5. Noes - 0. Carried.

Councilman Polak made the motion and Councilman Puleo seconded the motion to Rescind the Business Use Permits for Kustom Works at 3211 Transit Rd, Muscle Car Alley at 5960 Seneca St and Gelatino's at 6629 Clinton St. Ayes - 5. Noes - 0. Carried.

Councilman Puleo made the motion and Councilwoman Glownia seconded the motion to approve Warrant #12 claim #3107 thru #3234 with noted exceptions as follows:

| | | | |
|-----------------|-------------|------------------|--------------|
| General Fund | \$43,162.43 | Water District | \$101,902.65 |
| Highway Fund | \$48,454.74 | Special District | \$134,885.63 |
| Capital Project | \$700.00 | | |

Ayes - 5. Noes - 0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to add to the agenda the streetlight request for the Elma Vol. Fire Co. substation on Girdle Road. Ayes - 5. Noes - 0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to approve the installation of a streetlight by the Elma Vol. Fire Co. substation on Girdle Road. Ayes - 5. Noes - 0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to add to the agenda the request of the Building Inspector to attend the annual Niagara Frontier Building Officials Conference. Ayes - 5. Noes - 0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to approve Building Inspector Joseph Colern and Assistant Building Inspector Raymond Balcerzak to attend the annual Niagara Frontier Building Officials Conference January 25-27, 2010 at \$250/each which has been budgeted for. Ayes - 5. Noes - 0. Carried.

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

Supervisor Nolan presented a Certificate of Recognition to Councilman Polak for his years of service as Town Councilman from January 1, 2006 to December 31, 2009.

Wednesday, December 16, 2009

Supervisor Nolan presented a Certificate of Recognition to Councilwoman Glownia for her years of service as Town Councilwoman from January 1, 2002 to December 31, 2009. Also presented to Councilwoman Glownia was an engraved clock in honor of her retirement.


Councilwoman Glownia made the motion and Councilman Polak seconded the motion to enter into Executive Session at 8:31PM to discuss the Lawsuit with C. Fargo. Ayes- 5. Noes- 0. Carried.

Councilman Puleo made the motion and Councilwoman Glownia seconded the motion to exit the Executive Session at 8:45PM.

Councilman Puleo made the motion and Councilwoman Glownia seconded the motion to authorize the Town Attorney to execute the Stipulation of Discontinuance and withdraw the Positive Declaration relative to the property. Ayes - 5. Noes - 0. Carried.

Meeting adjourned at 8:50PM.

Respectfully submitted,



Jennifer Ginter
Deputy Town Clerk

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 16th day of December, 2009, at 8:00 p.m. for the purpose of conducting a public hearing for James & Sarah Matthews on Woodard Road for a variance under Local Law #1-2009. 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.