

A regular meeting of the Elma Town Board was held on Wednesday, August 18, 2010, at 7:00 PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor	Michael Nolan
Councilman	Thomas Fallon
Councilman	Tracy Petrocy
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 25 people attended the meeting.

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

Supervisor Nolan presented a proclamation on becoming an Eagle Scout to Christopher J Waver.

Making the Legal Notice for the Public Hearing on Local Law #2-2010, entitled "Amendment to the Zoning Law for Temporary Storage Units and Temporary Accessory Structures of the Town of Elma" part of the minutes, Supervisor Nolan opened the public hearing at 7:05PM. No one spoke for or against. Supervisor Nolan closed the public hearing at 7:06PM.

Councilman Powers made the motion and Councilman Fallon seconded the motion to table Local Law #2-2010 entitled "Amendment to the Zoning Law for Temporary Storage Units and Temporary Accessory Structures of the Town of Elma" until the next Work Session. Ayes-5. Noes-0. Carried.

Making the Legal Notice for the Public Hearing on the relocation of TVGA Consultants located at 1000 Maple Road into the City of Buffalo Empire Zone number 38 part of the minutes, Supervisor Nolan opened the public hearing at 7:07 PM. Speaking against TVGA moving was J. Sluberski. Supervisor Nolan closed the public hearing at 7:16PM.

Councilman Petrocy made the motion and Councilman Puleo seconded the motion to approve the relocation of TVGA Consultants located at 1000 Maple Road into the City of Buffalo Empire Zone number 38 resolution as follows: WHEREAS, TVGA Consultants provided engineering and surveying services from 1995 to 2010, and WHEREAS, TVGA Consultants, employed sixty people in 1995, including one resident of Elma and ten within close proximity, and WHEREAS, lease issues prevented TVGA Consultants from remaining at 1000 Maple Road, Elma, beyond 2010, and WHEREAS, TVGA Consultants, attempted to relocate in Elma in 2010, but could find no comparable space, and WHEREAS, the Town Board has heard public comments that extraordinary circumstances existed to warrant the relocation of TVGA Consultants in to the City of Buffalo, Empire Zone number 38. NOW THEREFORE be it hereby RESOLVED, that the Town of Elma consents to the relocation of TVGA Consultants from Elma to the Buffalo Empire Zone. Ayes-5. Noes-0. Carried.

Making the Legal Notice for the Public Hearing on Drainage District #186 for Aurora Optometric Group on West Maple Court part of the minutes, Supervisor Nolan opened the public hearing at 7:20PM. Town Engineer James Wyzykiewicz suggested that all the parcels on West Maple Court be combined into one drainage district upon completion of the project. No one spoke for or against. Supervisor Nolan closed the public hearing at 7:26PM.

Councilman Powers made the motion and Councilman Fallon seconded the motion to approve Drainage District #186 for Aurora Optometric Group on West Maple Court. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Petrocy seconded the motion to approve the minutes from the July 21, 2010 meeting. Ayes-5. Noes-0. Carried.

Department Reports

Town Engineer Jim Wyzykiewicz noted that the Elma Meadows drainage project is complete.

Building Inspector Joseph Colern presented his monthly report for July 2010 with 37 permits issued, \$22,054.45 in fees collected and an estimated value of construction at \$6,419,375. Also Mr. Colern requested that the Town Board set a public hearing for the rezone of Transit and Bullis Road property.

Water Superintendent Eugene Stevenson informed the Town Board that the fire hydrants on Bullis Road are being repaired and painted. Water taps for new homes and the extension of the water main in SpringBrook Shores is being done.

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Supervisor Nolan informed the Town Board that the walking trail at the Creek Road Park is in progress and the shelter should be done within the next two weeks.

Councilman Fallon made the motion and Councilman Powers seconded the motion to approve Local Law #1-2010 Retirement Incentive Program upon adoption.
Ayes-5. Noes-0. Carried.

Bid for the Cleaning the Town Hall were opened as follows:
Clean Sweep Janitorial Services, Inc at the cost of \$19,152.

Bids for the 2000 Ford Truck were opened as follows:
R Kelchlin \$1588 and J Colern \$2195.

Bids will be reviewed at the next Work Session.

No bids for the Elma Library HVAC were received.

Councilman Puleo made the motion and Councilman Fallon seconded the motion to re bid the Elma Library HVAC project with a return date of September 15, 2010 at 4:00PM and will be opened at the Town Board meeting at 7:00PM.
Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Petrocy seconded the motion to table the budget amendment for Drainage District #1 Elma Meadows/Fairway 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 Intermunicipal Agreement between the City of Buffalo and the Town of Elma for the provision of Emergency Response Services to Hazardous Material incidents in the Town of Elma, New York at the cost of \$4500 a year.
Ayes-5. Noes-0. Carried.

Supervisor Nolan made the motion and no one seconded the motion to deny the extension of the Fill permit to Mr. Balducci for Pound Road LLC at 521 Pound Road. Motion not carried.

Councilman Puleo made the motion and Councilman Fallon seconded the motion to table the extension of the Fill permit for Mr. Balducci at 521 Pound Road until the Town Board can inspect the site and to discuss this matter at the next Work Session. Ayes-5. Noes-0. Carried.

Councilman Fallon the motion and Councilman Puleo seconded the motion to approve the following resolution: BE IT RESOLVED, that the Elma Town Board hereby establishes the following as a standard work day for elected and appointed officials and for all employees for the purpose of determining days worked reportable to the New York State and Local Employees' Retirement System:
Six hour work day: Councilmember's (4), Town Justices (2), Deputy Town Attorney and Town Engineer. Seven hour work day: General Office Personnel. Eight hour work day: Assessor, Building Inspector, Town Supervisor, Town Clerk, Town Attorney, Highway Superintendent, Water Superintendent, Water Clerk, General Hourly Employees in Highway, Refuse, Sewer, and Water Departments.
Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve Connie Miner Grants Consultant for the year 2010 to 2011 at the cost of \$15,000 and increase of \$192 to cover business expenses. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Petrocy seconded the motion to award the bid for the HVAC unit at the Elma Museum to Capital Heating at the cost of \$5,013. Quotes from North Harland Corp \$5,653 and MJ Mechanical Inc \$8,691 were reviewed. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Fallon seconded the motion to approve Supervisor Nolan to sign the legal documents contained in "Guidelines to prepare Grant Agreements for non-construction projects \$50,000 and under Fiscal Year 2009-2010" provided by the NYS Office of Parks, Recreation and Historic Preservation for the Creek Road Park Grant. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Supervisor Nolan seconded the motion to deny CW Fargo/Arthur Court for a public roadway. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve Warrant #8 with noted exceptions as follows: Claim #889 to #1039 General Fund \$79,125.83; Highway Fund \$28,827.24; Water District \$142,278.85; Special District \$4,329.72; Capital Project \$8,089.27.
Ayes-5. Noes-0. Carried.

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Supervisor Nolan set a Public Hearing date of September 15, 2010 at 7:00PM for the rezoning of the property at Transit and Bullis Roads for Walden Development Group, LLC to C-3.

Erie County Legislator Dino Fudoli spoke regarding the County Budget and if any residents had any concerns, he will be available after the Town Board meeting.

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

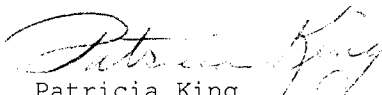
Supervisor Nolan stated the Town Board will be entering into Executive Session regarding a matter at the Transfer Station, no motions will be made and to adjourn immediately following the session.

Councilman Fallon made the motion and Councilman Powers seconded the motion to enter Executive Session at 8:39PM. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Fallon seconded the motion to exit Executive Session at 9:08PM. Ayes-5. Noes-0. Carried.

Meeting adjourned at 9:08PM. All in Favor.

Respectfully submitted,


Patricia King
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 18th day of August, 2010, at 7:00 p.m. for the purpose of conducting a public hearing for Local Law #2-2010 entitled "Amendment to the Zoning Law for Temporary Storage Units and Temporary Accessory Structures of the Town of Elma." The Town Board will consider such proposal and hear all persons interested in the subject thereof concerning the same. 31-1

**NOTICE OF PUBLIC HEARING
FOR A SHIFT OF OPERATION
INTO AN EMPIRE ZONE**

The Town of Elma will hold a public hearing pursuant to the General Municipal Law Article 18-B, Section 959(a) (iii) to solicit comments regarding the relocation of TVGA Consultants located at 1000 Maple Road into the City of Buffalo Empire Zone number 38. The hearing will be held at 1600 Bowen Road on August 18, 2010 at 7:00PM.

All speakers will be limited to ten (10) minutes for their presentations. Persons wishing to present testimony should register in advance by contacting Supervisor Nolan at 716-652-3260. Advance registration is recommended as these speakers will be heard first. Ten (10) copies of a prepared testimony must be submitted to Supervisor Nolan no later than two days prior to the hearing date.

LEGAL NOTICE

WHEREAS, a petition dated July 21, 2010, has been duly presented to the Town Board of the Town of Elma, according to the law, requesting that a drainage district, as hereinafter described, be established in the Town of Elma, and

WHEREAS, the boundaries of the proposed drainage district # 186 are as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Elma, County of Erie and State of New York, being part of Lot No. 17, Township 10, Range 6 (Milestrip Section) of the Buffalo Creek Reservation and further described as follows:

BEGINNING at the southwesterly corner of lands conveyed to TVGA Engineering, Surveying, P.C. by deed recorded in the Erie County Clerk's Office in Liber 10887 of Deeds at page 123, said point being on the northerly line of West Maple Court; thence southwesterly on a curve to the left having a radius of 110.00 feet and a central angle of 43° 48' 94", an arc length of 84.11 feet to a point; thence on a radial line and a bearing of north 63° 43' 00" west a distance of 468.24 feet to a point on the west line of Lot 17, also being the west line of lands conveyed to West Maple Partnership by deed recorded in the Erie County Clerk's Office in Liber 10875 of Deeds at page 9288; thence northerly on the west line of Lot 17 and the west line of West Maple Partnership, a distance of 354.26 feet to the northwest corner of lands conveyed to West Maple Partnership by aforesaid deed; thence south 89° 46' 36" east, a distance of 300.11 feet to the northwest corner of lands conveyed to TVGA Engineering, Surveying, P.C. by deed recorded in the Erie County Clerk's Office in Liber 10887 of Deeds at page 123; thence south 19° 54' 26" east and along the westerly line of lands conveyed to TVGA Engineering Surveying, P.C. by aforesaid deed, a distance of 537.84 feet to the point or place of beginning.

WHEREAS, the improvements proposed in said district consist of none, it is

ORDERED, that the Town Board of the Town of Elma, shall meet at the Town Hall, 1600 Bowen Road, Elma, New York on the 18th day of August 2010 at 7:00 o'clock p.m. to consider such petition and hear all persons interested in the subject thereof, and it is further

ORDERED, that the Town Clerk of the Town of Elma is hereby authorized and directed to publish a certified copy of this order in the Elma Review and to post a copy of the same on the signboard of the Town of Elma in the time and manner required by law.

Anyone needing accommodations to assist their attendance at 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. 32-1