

A regular meeting of the Elma Town Board was held on Wednesday, December 19, 2007, at 8:00 PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor	Michael Nolan
Councilwoman	Susan Glowina
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 17 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 EduKids at 6961 Seneca Street part of the minutes Supervisor Nolan opened the Public Hearing at 8:01PM. Speaking for the variance was Mr. Silvestri of Silvestri Architects, PC and representatives from EduKids, also Mr. Sluberski no one spoke against. Supervisor Nolan closed the Public Hearing at 8:25PM.

Councilman Powers made the motion and Councilwoman Glowina seconded the motion to enter Executive Session at 8:26PM to discuss the variance presented at the Public Hearing for EduKids and make a determination. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to exit Executive Session at 8:31PM. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glowina seconded the motion to grant the variance for EduKids at 6961 Seneca St after considering Section 7A,B subsections a thru e of Local Law #1-2007. Ayes-5. Noes-0. Carried.

Making the Legal Notice for the Public Hearing on the Volunteer Fire Company Agreement part of the minutes Supervisor Nolan opened the Public Hearing at 8:34PM. No one spoke for or against. Supervisor Nolan closed the Public hearing at 8:37PM.

Councilman Powers made the motion and Councilman Polak seconded the motion to approve the Volunteer Fire Company Agreement as follows: Blossom Volunteer Fire Company \$\$151,000, Elma Volunteer Fire Company \$221,000 and Jamison Road Volunteer Fire Company \$201,000 with ambulance service included. Ayes-5. Noes-0. Carried.

Making the Legal Notice for the Public Hearing on Local Law #2-2007 Residency Requirements part of the minutes Supervisor Nolan opened the Public Hearing at 8:38PM. No one spoke for, speaking against T. Weber. Supervisor Nolan closed the Public Hearing at 8:40PM.

Councilman Puleo made the motion and Councilman Powers seconded the motion to approve Local Law #2-2007 Residency Requirements as follows: Residency Requirements, Town residency required. On and after the effective date of this article, it shall be the duty of each employee of the Town of Elma during the period of his or her employment by the Town to maintain his or her residence or dwelling within the corporate limits of the Town. The provisions of this section shall not apply to any employee principally engaged in Town activities outside the corporate limits of the Town. Compliance by employees not now living within Town. Any employee who, on the effective date of this article, does not maintain his or her residence or dwelling within the corporate limits of the Town shall, within the period of one year from the effective date, maintain a residence or dwelling within the corporate limits of the Town. Relief from provisions. If the Elma Town Board, after investigation, determines that enforcement of the provision of this article works an undue hardship upon any employee, it may grant relief to such employee as the Board, in its judgment, deems just and proper. Failure to comply. Failure of any employee to comply with any of the provisions of this article shall constitute misconduct and shall be cause for removal in the manner provided by law and pursuant to the Town of Elma Town Policy. Exceptions. Provisions of this article shall not apply to elected officials or other employees whose residence requirements are established by law. Ayes-3. Noes-2. (Councilwoman Glowina and Councilman Polak voted no.) Carried.

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Making the Legal Notice for the Public Hearing on Local Law #3-2007 Amending Chapter 115, Sewers, of the Code of the Town of Elma, in relation to the prohibition of illicit discharges, activities, and connections to the municipal separate storm sewer system part of the minutes Supervisor Nolan opened the Public Hearing at 8:41PM. Town Engineer James Wyzykiewicz gave a brief summary of the six(6) year Storm Water Coalition. No one spoke for or against. Supervisor Nolan closed the Public hearing at 8:43PM.

Councilman Puleo made the motion and Councilman Powers seconded the motion to approve Local Law #3-2007. Due to the length of this Law copies are available in the Town Clerk's Office.
Ayes-5. Noes-0. Carried.

Making the Legal Notice for the Public Hearing on Local Law #4-2007 Amending Chapter 52, Building Construction; Chapter 82, Flood Damage Prevention; Chapter 117, Site Plan Review; and Chapter 123, Subdivision of land, of the Code of the Town of Elma, and adding a new Chapter 119, Stormwater management, to the Code of the Town of Elma, in relation to stormwater management part of the minutes Supervisor Nolan opened the Public Hearing at 8:44PM. No one spoke for or against. Supervisor Nolan closed the Public hearing at 8:45PM.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve Local Law #4-2007. Due to the length of this Law copies are available in the Town Clerk's Office.
Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve the minutes from the December 5, 2007 meeting.
Ayes-5. Noes-0. Carried.

Department Reports

Town Engineer James Wyzykiewicz noted the need for Drainage District #182 on Winspear Road.

Water Superintendent Eugene Stevenson informed the Town Board of a water line break on Girdle Road between Chairfactory and Clinton Street. Also the flushing program is in progress.

Councilman Polak made the motion and Councilman Puleo seconded the motion to approve a Preliminary Business Use Permit for EduKids at 6961 Seneca St and to refer to the Planning Board for a site plan review
Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to authorize Supervisor Nolan to sign the New Cingular Wireless Contract for the antenna located at the Jamison Road water tank.
Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Polak seconded the motion to authorize Supervisor Nolan to sign the Agriculture and Farmland Protection Grant in the amount of \$216, 000, contract #C800634.
Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to award the Library replacement carpet bid to Kenny Enterprises Inc at the cost of \$16,188 with and additional cost of \$500.00 to remove and replace furniture. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman seconded the motion to carry over the remaining budget line balance for the Library from 2007 to the 2008 budget. Ayes-5. Noes-0. Carried.

Councilwoman Glownia made the motion and Councilman Powers seconded the motion to approve the Water rate increase as follows:

Two inch & under		Gross	Net
Minimum	0-5,000gals	18.94	17.05
First	150,000gals	4.07 perM	3.66 perM
Next	300,000gals	3.89 perM	3.50 perM
Over	450,000gals	3.59 perM	3.23 perM
Larger than 2"		Gross	Net
Minimum	0-5,000gals	18.94	17.05
First	50,000gals	4.07 perM	3.66 perM
Next	150,000gals	3.89 perM	3.50 perM
Over	200,000gals	3.59 perM	3.23 perM

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Out of District	Gross	Net
Minimum 0-5,000gals	21.74	19.57
First 150,000gals	4.67 perM	4.20 perM
Next 300,000gals	4.48 perM	4.03 perM
Over 450,000gals	4.16 perM	3.74 perM

Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve Warrant #12 as follows with noted exceptions:

Claim #1368 thru #1525	
General Fund \$99,403.48	Water District \$118,993.81
Highway Fund \$22,144.86	Special District \$ 82,639.45

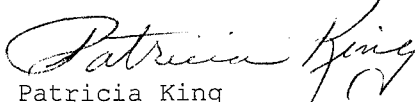
Ayes-5. Noes-0. Carried.

Supervisor Nolan set a Public Hearing date of January 2, 2008 for Local Law #1-2008 Stormwater, and January 16, 2008 for Omnipoint Communications Inc at 881 Schultz Rd, Drainage District #182 for 569 Winspear Rd, and AT&T/Velocitel co-locate on Jamison water tank.

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

Adjourned at 9:20PM.

Respectfully submitted,


Patricia King
Town Clerk

Residency Requirements Fire Company 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 19th day of December, 2007, 8:00PM for the purpose of conducting a public hearing on Residency Requirements:

Town residency required.

On and after the effective date of this article, it shall be the duty of each employee of the Town of Elma during the period of his or her employment by the Town to maintain his or her residence or dwelling within the corporate limits of the Town. The provisions of this section shall not apply to any employee principally engaged in Town activities outside the corporate limits of the Town.

Compliance by employees not now living within Town.

Any employee who, on the effective date of this article, does not maintain his or her residence or dwelling within the corporate limits of the Town shall, within the period of one year from the effective date, maintain a residence or dwelling within the corporate limits of the Town.

Relief from provisions.

If the Elma Town Board, after investigation, determines that enforcement of the provision of this article works an undue hardship upon any employee, it may grant relief to such employee as the Board, in its judgment, deems just and proper.

Failure to comply.

Failure of any employee to comply with any of the provisions of this article shall constitute misconduct and shall be cause for removal in the manner provided by law and pursuant to the Town of Elma Town Policy.

Exceptions.

Provisions of this article shall not apply to elected officials or

LEGAL NOTICE PUBLIC HEARING

Notice is hereby given that the Town Board of the Town of Elma shall meet at the Town Hall, 1600 Bowen Road, Elma, New York on the 19th day of December, 2007 at 8:00PM for the purpose of considering a contract proposed by said Town Board to be entered into with the Blossom Volunteer Fire Co., Elma Volunteer Fire Co. and Jamison Road Volunteer Fire Co. Inc. for the furnishing of the fire protection in Elma Fire Protection District, excepting Spring Brook Fire District boundaries of said Town, at which time and place said Town Board will consider such proposed contract and hear all persons interested in same. In general terms the proposed contract call for/shall provide fire protection and ambulance service for the Town and in return shall receive the following amounts: Blossom \$151,000.00, Elma \$221,000.00, and Jamison Road \$201,000.00 with ambulance service included.

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 same on the sign board 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. By Order of the Town Board of the Town of Elma, New York

Patricia King, Town Clerk of Elma

EduKids PUBLIC HEARING 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 19th day of December, 2007, at 8:00 p.m. for the purpose of conducting a public hearing for EduKids Early Childhood Centers at 6961 Seneca Street for a variance under Local Law #1-2007. 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.

Local Laws #3 and #4

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Elma, County of Erie, will meet at the Elma Town Hall, 1600 Bowen Road, Elma, New York on the 19th day of December, 2007, at 8:00 p.m. for the purpose of conducting a public hearing to consider and discuss and, if need be, act upon the proposed local law entitled "Local Law #3-2007 "Erosion and Sediment Control Local Law" and Local Law #4-2007 Collectively, the "Local Laws" as required by the NYSDEC and the NYS Department of State for the MS4 Phase II stormwater management. By order of the TOWN BOARD of the TOWN OF ELMA, Erie County, New York.

Anyone needing accommodations to assist their attendance to the Public meeting pursuant to the Americans with Disabilities Act should contact the Town Clerk 48 hours prior to the meeting at 652-3260. The meeting room is wheelchair accessible.