

## **06/07/06 Town Board Minutes**

A regular meeting of the Elma Town Board was held on Wednesday, June 7, 2006, at 8:00 PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

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

Also: Town Attorney Robert Pierce  
Building Inspector Joseph Colern  
Highway Superintendent Wayne Clark  
Water Superintendent Eugene Stevenson  
Town Engineer James Wyzykiewicz-absent

Approximately 45 people attended the meeting.

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

Making the Legal Notice part of the minutes Supervisor Nolan opened the Public Hearing at 8:02PM for Drainage District #176, Advanced Auto Parts on Transit Road. No one spoke for or against Drainage District #176. Supervisor Nolan closed the Public Hearing at 8:03PM.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to approve Drainage District #176 for Advanced Auto Parts on Transit Road. Ayes-5. Noes-0. Carried.

Making the Legal Notice part of the minutes Supervisor Nolan opened the Public Hearing at 8:04PM for Drainage District #177, Bravo Caf+¼ on Seneca Street. No one spoke for or against Drainage District #177.

Supervisor Nolan closed the Public Hearing at 8:05PM.

Councilman Puleo made the motion and Councilman Powers seconded the motion to approve Drainage District #177 for Bravo Caf+¼ on Seneca Street. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve the minutes from the May 17, 2006 meeting. Ayes-4. Noes-0. Abstain-1. (Councilman Polak abstained.) Carried.

Department Reports:

Building Inspector Joseph Colern presented the monthly report for May 2006 with 45 permits issued, fees collected of \$35,500.99 with an estimated value of construction of \$5,188,540.

Water Superintendent Eugene Stevenson noted that the Water Quality Report has been mailed to all water customers and copies are available at the Town Hall, Water Department, Post Office and Library. Hydrant restraints are being replaced on Hall Road as needed.

Highway Superintendent Wayne Clark noted that road patching is in progress. The CHIPS program is set until 2010, this needs to be further discussed in the future.

Supervisor Nolan read the following Proclamations:

American Cancer Society Relay for Life.

WHEREAS, Relay for Life is the nationwide signature event for the American Cancer Society, and

WHEREAS, teams in Elma, New York will join 2.5 million people across America in this overnight event to fight cancer and

WHEREAS, the Relay for Life represents our hope that those lost to cancer will not be forgotten, that those battling cancer will be supported and that one day cancer will be eliminated and

WHEREAS, the American Cancer Society is the nationwide community-based voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service.

NOW THEREFORE, the Town Board of Elma does hereby proclaim June 16 and 17, 2006 as Relay for Life Weekend in Elma, New York and call upon our citizens to

support the American Cancer Society

#### American Flag Disposal

WHEREAS, Americans have much to be proud of. We enjoy a greater measure of liberty, justice and equality than any other country in history and

WHEREAS, There is one symbol that above all others encapsulates the history and values we hold dear: The American Flag and

WHEREAS, From time to time we honor our flag and all it stands for, with hand over heart in deep appreciation for the blessings we enjoy as Americans. and

WHEREAS, The U.S. Federal Code Chapter 10 Section 176 reads: The flag when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way. Preferably by burning and

WHEREAS, The Abigail Fillmore Chapter, National Society Daughters of the American Revolution and the Town of Elma will conduct its annual Flag Disposal Ceremony on Sunday, June 11, 2006.

NOW THEREFORE, The Town Board of Elma, does hereby proclaim June 11, 2006 as flag disposal day, and call upon our citizens, in a dignified manner, to dispose of worn American Flags in a patriotic spirit.

Councilman Powers made the motion and Councilwoman Glowonia seconded the motion to award the bid to Valley Fab & Equipment for the 2007 dump truck body and snow plow at the cost of \$62,345 for the Highway Department. Ayes- 5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Polak seconded the motion that after a hard look at all the factors, information and written documentation to issue a positive declaration on the SEQR due to Town of Elma code violation #144-88 for South Blossom Ventures, LLC located on South Blossom Road. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Polak seconded the motion to deny the proposed site plan and Preliminary Business Use Permit for South Blossom Ventures, LLC on South Blossom Road. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glowonia seconded the motion to approve the following resolution opposing the Erie County Legislature's (4) Four Year Plan for Erie County:

WHEREAS, the Erie County Legislature is proposing a four(4) year plan that would

Eliminate Sheriff Road Patrols, Transfer County roads to local control, Increase sales tax, and Increase County property tax, and

WHEREAS, such actions would cause an undue hardship on the Town of Elma creating a General Town Tax, which would severely impact our residents, particularly those on fixed incomes and those with families, and

WHEREAS, the Town of Elma wishes to take visible stand in protest to these proposed recommendations by the Erie County Legislature,

NOW, THEREFORE BE IT

RESOLVED, that the Elma Town Board objects to the aforementioned proposals. These proposals, if enacted, would cause a serious hardship for the Town of Elma and its residents, and

RESOLVED, that certified copies of this Resolution be forwarded to: Erie County Executive Joel Giambra, all Erie County Legislators, and the following Erie County Towns for support: Akron, Alden, Boston, Clarence, Colden, Collins, Concord, Holland, Marilla, North Collins, Newstead, Sardinia and WalesG<sup>1</sup>-.

Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to approve

the following resolution: Waiver of Health Department Section 11 Sanitary Code Fees

WHEREAS, there are many charitable, philanthropic, religious and municipal corporations in Erie County providing essential social and human services to the community, and

WHEREAS, these organizations are holding events to raise money for the community to provide important and essential social and human services, and

WHEREAS, since January 1994, Section 11 Sanitary Code fees, such as the fee for permits for temporary food service, established by the Health Department, were required to be waived for charitable, philanthropic, religious and municipal corporations by the Commissioner of Health, and

WHEREAS, on November 15, 2005 a resolution was passed by the Erie County Legislature by a two-thirds majority, to increase Health Department Sanitary Code fees, that included Temporary Food Service Permits, and to eliminate the waiver provision,

WHEREAS, effective January 1, 2006 increased Section 11 Sanitary Code fees in the Health Department became effective and the waiver of fees for charitable, philanthropic, religious and municipal corporations was no longer in effect, and

WHEREAS, a temporary one-day food service can cost up to \$146.00 and defeats the purpose of charitable, philanthropic, religious and municipal corporations from meeting their fundraising goals to provide a benefit to our community by providing social and human services, and

NOW THEREFORE BE IT

RESOLVED, that the Elma Town Board wishes to encourage and promote charitable, philanthropic, religious and municipal corporations in their mission to provide social and human services, and be it further

RESOLVED, that the Elma Town Board is encouraging the Erie County Legislature restores the waiver of Section 11 Sanitary Code fees for charitable, philanthropic, religious and municipal corporations, and be it further

RESOLVED, that a certified copy of this resolution be sent to Anthony J. Billittier IV, Commissioner of Department of Health, and Joel A Giambra, Erie County Executive Ayes-5. Noes-0. Carried.

Supervisor Nolan set a Public Hearing date of July 19, 2006 at 8:00PM for Local Law #2-2006 Consolidation of the Tax Receivers Office into the Town Clerk's Office.

All have received the Zoning Board agenda.

Supervisor Nolan stated that the next work session will be June 14, 2006 at 4:00PM.

Respectfully submitted,

Patricia A King  
Town Clerk