

January 23, 2008

MINUTES

**WORK SESSION MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
JANUARY 23, 2008
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN (<i>Deputy Supervisor</i>)
EDWARD KRYCIA, JR.	-	COUNCILMAN
VINCENT V. VACCO	-	COUNCILMAN (<i>Absent</i>)
RICHARD S. VENTRY	-	COUNCILMAN

OTHERS PRESENT:

Mary Jo Hultquist	-	Town Clerk
Anna M. Knack	-	Administrative Assistant

Call To Order:

Supervisor Nellis called the Work Session of the Eden Town Board to order at 7:48 P.M.

Pledge of Allegiance:

Supervisor Nellis led the assembly in the Pledge of Allegiance to the flag followed by a moment of silence.

New and Unfinished Business:

1. Status Report on Water Projects

Supervisor Nellis read correspondence from Wesley C. Dust, P.E., Executive Engineer for Erie County Water Authority regarding the Town of Eden Water System Improvement. Mr. Dust referred to a letter received from Supervisor Nellis that was reviewed by their Board of Commissioners at their January 10, 2008 meeting, which concurred that once the Eden Town Board passed the bond resolution for the construction of the Shadagee Road pump station and waterline, the Town will have met all of the requirements outlined in their letter of April 12, 2002. Based on these facts, the Erie County Water Authority agrees that the Town of Eden can lift the moratorium on waterline extensions.

2. Notification by owner of Renewal of Liquor License for the East Eden Tavern

Supervisor Nellis read correspondence dated December 2, 2007 from Robin Kirisitz, East Eden Tavern, 8163 East Eden Road, Eden, New York regarding renewal of their liquor license. This is informational in nature.

3. Appointments

Supervisor Nellis read the following appointments to the Farmland Protection Committee:

Dave Zittel & Karen Agle, representing the Agricultural Advisory Comm.
Frank Mantione & Mary Jane Bolo representing the Conservation Board
Frank Meyer representing the Planning Board

MOTION was made by Councilwoman Pew to approve the appointments as presented; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? - None; Motion carried.

January 23, 2008

Supervisor Nellis read the following resolution:

RESOLUTION OF EDEN TOWN BOARD

WHEREAS, on August 31, 2007, the Eden Town Board appointed Gregory Szarowicz to the position of Police Officer, Part-time, for the purpose of allowing him to attend the Basic Course for Police Officers; and

WHEREAS, Officer Szarowicz has enrolled in and is currently attending such course as a recruit officer at Genesee Community College; and

WHEREAS, Chief Howard has requested that the appointment of Officer Szarowicz be continued so as to allow Officer Szarowicz to complete this course.

NOW, THEREFORE IT IS RESOLVED that the Town Board of Eden hereby ratifies the continued appointment of Gregory Szarowicz to the position of Police Officer, Part-time, to allow Officer Szarowicz to complete the Basic Course for Police Officers, and it is further

RESOLVED that this appointment shall be subject to the following conditions:

1. For so long as this appointment shall be effective, Officer Szarowicz shall be listed on the Police Registry, as required by the New York State Department of Criminal Justice Services.
2. This appointment shall automatically terminate upon any Town Officer, including the Police Chief, receiving notification that Officer Szarowicz has withdrawn from, discontinued his attendance at or failed the Basic Course for Police Officers.
3. This appointment shall automatically terminate upon Officer Szarowicz failing to successfully complete the Basic Course for Police Officers and obtain his Police Officer Certification by August 12, 2008.
4. At all times while he is attending the Basic Course for Police Officers and prior to his receipt of his Police Officer Certification, Officer Szarowicz shall undertake no on-the-job training, patrol, street, in-field or office-based police activities except under the direction and continuous in-car, in-office or in-field supervision by Chief Howard or another experienced officer designated by Chief Howard.

AND IT IS FURTHER RESOLVED that upon his completion of the Basic Course for Police Officers and receipt of his Police Officer Certification, Officer Szarowicz will be eligible for assignment to regular patrol or street duties as a part-time police officer of the Eden Police Department upon Chief Howard providing written certification that, following the issuance of his Police Officer Certification, Officer Szarowicz successfully completed a minimum of 20 hours of one-on-one training in the practices, standards and procedures of the Eden Police Department under the direct supervision of Chief Howard or another experienced officer designated by Chief Howard.

MOTION was made by Supervisor Nellis to approve the resolution as presented; seconded by Councilman Krycia; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

Supervisor Nellis read the following contract renewals:

To renew a contract with Michael Bolo (Peak Performance) for the remainder of 2008, February 1 – December 31, 2008 as an Independent Economic Development Consultant for the Town of Eden for the stipend of \$4,400, to be compensated \$400 monthly upon receipt of a statement of services rendered for that month.

Supervisor Nellis stated that Michael Bolo had submitted all the documentation that was previously required by the Town Board. Supervisor Nellis stated that Mr. Bolo has been instrumental in several projects throughout the town in the past year.

January 23, 2008

Councilwoman Pew stated that she would have liked some of those responsibilities to be directed to the Economic Development Committee.

MOTION was made by Supervisor Nellis to renew the contract with Michael Bolo (Peak Performance) for the remainder of 2008 as an Independent Economic Development Consultant for the Town of Eden for the stipend of \$4,400, to be compensated \$400 monthly upon receipt of a statement of services rendered for that month; seconded by Councilman Krycia; “Ayes”; Nellis, Krycia, Ventry; Opposed? – Pew; Abstain? – None; Motion carried.

To renew a contract with Charles Dias for the remainder of 2008, February 1 – December 31, 2008 as an Independent Computer Technology Service Provider for the Town of Eden at the stipend of \$4,400, to be compensated \$400 monthly upon receipt of a statement of services rendered for that month.

Councilwoman Pew stated that Mr. Dias had submitted all the documentation that was previously required by the Town Board and explained some of the updates that Mr. Dias had performed during the course of the year 2007.

MOTION was made by Councilwoman Pew to renew the contract with Charles Dias for the remainder of 2008 as an Independent Computer Technology Service Provider for the Town of Eden at the stipend of \$4,000, to be compensated \$400 monthly upon receipt of a statement of services rendered for that month; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8:00 P.M.

**Public Informational Meeting
Use of 3121 Paxon Road
As a home for the Developmentally Disabled**

Supervisor Nellis introduced Mr. Thomas Becker, Executive Director and Anthony Annunziato, Associate Executive Director of Suburban Adult Services, Inc. Mr. Becker explained that the residence they are seeking to develop would become the home of four (4) adults from the New York State Cares Wait List. Suburban Adult Services, Inc. will operate the proposed residence and provide assistance by trained staff on a 24-hour per day basis.

One of the major service goals is the establishment of community living alternatives for persons with developmental disabilities currently residing in the community who for many reasons may need specialized living arrangements. This home will enable four (4) people to reside in the community, allowing them opportunities for normal life-enriching experiences. Besides instruction in activities of daily living and the provision of housing and meals, the residential program provides individuals with companionship, involvement in social events, and daily attendance at various pre-vocational, vocational, and educational programs in the community, including the Kazoo Factory and Museum.

Wilbert Smutz, E. Church Street asked if this residence would be removed from the tax roll and Mr. Becker stated that the status of this residence would be a contract agency, exempt from taxes but would pay fees in lieu of taxes.

Robert Reynolds, Erie County Legislator stated that his office had not received any correspondence on this matter.

Supervisor Nellis stated that the Town Board had the following three options at this time:

1. Approve the site recommended by the sponsoring agency;
2. Suggest one or more suitable sites within its jurisdiction which could accommodate such a facility; or
3. Object to the establishment of a facility of the kind described by the sponsoring agency because to do so would result in such a concentration of

community residential facilities for the mentally retarded/developmental disabled in the municipality or in the area in proximity to the site selected or a combination of such facilities with other community residences or similar facilities licensed by other agencies of state government that the nature and character of the areas within the municipality would be substantially altered.

Councilman Krycia stated that it is a credit to the organization that the clients make good neighbors.

MOTION was made by Supervisor Nellis to approve the site recommended by Suburban Adult Services, Inc. at 3121 Paxon Road to develop a Community Residence for four (4) adults with developmental disabilities from the New York States Cares List; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? - None; Motion carried.

4. Drescher & Malecki LLP, Re: Letter of Understanding – Auditing Services 2007

Supervisor Nellis requested authorization to sign the letter of understanding from Drescher & Malecki LLP to serve as independent accountants and auditors for the Town of Eden for the year ending December 31, 2007 at a cost of \$15,965.00.

MOTION was made by Councilman Krycia to authorize Glenn R. Nellis, Supervisor to sign the letter of understanding from Drescher & Malecki LLP for independent accountants and auditors for the Town of Eden for the year ending December 31, 2007 at a cost of \$15,965.00; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? - None; Motion carried.

5. State Legislative Resolutions

Supervisor Nellis requested the Town Board to consider supporting the following 2008 Proposed Legislative Program including Resolution No. 1; Mandate Relief; Resolution No. 4; Highway Transportation Funding; and Resolution No. 5; Speed Limits on Town Roads. These resolutions will be discussed at the annual Association of Towns meeting. Supervisor Nellis will forward the above-mentioned resolutions to our local representatives for their support as well.

MOTION was made by Councilwoman Pew to approve the resolutions as presented; seconded by Councilman Krycia; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

6. Town of Hamburg, Re: Burglar/Fire Alarm Agreement

Supervisor Nellis stated that the term of the agreement is for five (5) years from January 1, 2008 to January 1, 2013. The service charge is presently set at \$100.00 per year for each alarm and the Town of Eden currently has two alarms for a total cost of \$200.00.

After much discussion, this item was tabled and moved to "Old Business" to be reviewed and discussed at a future Town Board meeting.

7. Permission to Attend the Annual Meeting of State Association of Towns

Supervisor Nellis received a request from the following to attend the Annual Meeting of the Association of Towns of the State of New York from February 17-20, 2008 in New York City: Mark Agle, Planning Board Chairman, Michael Cooper, Town Justice, Melissa Zittel, Town Justice and Teresa Baskerville, Court Clerk, requesting three (3) nights stay accommodations.

MOTION was made by Councilwoman Pew to approve attendance to the 2008 Annual Meeting of the Association of Towns, which will include three (3) nights stay accommodations for Mark Agle, Planning Board Chairman, Michael Cooper, Town

January 23, 2008

Justice, Melissa Zittel, Town Justice and Teresa Baskerville, Court Clerk; seconded by Councilman Krycia; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

8. Proposed Increase of Water Rates for Wepax Road water users

Supervisor Nellis read correspondence from Ann Knack, Administrative Assistant regarding a proposed increase in water rates for Wepax Road water users. Mrs. Knack stated that the rates were last increased in August 2006. The increase is warranted in part by monthly charges from Erie County Health Department for various water testing that must be done at each residence on Wepax besides on the main line; increased charges from the Village of Farnham for conducting these various tests, collecting the samples, distributing them to the Health Department, completing mandatory reports for the Health Department, reading the Master Meter and reading on a quarterly basis of individual meters and billing the individual homeowners. Mrs. Knack stated that our costs are exceeding our revenues, thus a rate increase is warranted and that Wepax Road must sustain their own district. If approved, a copy of the rate increase will be mailed to the 16 water users on Wepax Road explaining the situation.

The rates would be as follows:

Flat Charge for 6,000 gallons from \$30.00 to \$37.50

For every 1,000 gallons over 6,000, the proposed rate is from \$3.00 to \$3.50.

MOTION was made by Supervisor Nellis to increase the water rates on Wepax Road as presented; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – none; Motion carried.

Supervisor's Report:

Supervisor Nellis stated that the training course for National Incident management System (NIMS) executive workshop would be held on Wednesday, February 20, 2008 from 1:00 p.m. to 5:00 p.m. Pre-registration is required.

Hearing of Visitors:

Robert Stickney, 2718 Lourdes Drive

Adjournment:

MOTION was made by Councilman Vacco to adjourn the Work Session Meeting of the Eden Town Board; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis adjourned the Work Session Meeting of the Eden Town Board at 8:35 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board at 10:30 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk