

July 8, 2015

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
JULY 8, 2015
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN
EDWARD KRYCIA, JR	-	COUNCILMAN
RICHARD S. VENTRY	-	COUNCILMAN
FRAN MCLAUGHLIN	-	COUNCILMAN

DEPARTMENT HEADS PRESENT:

Ronald C. Maggs	-	Superintendent of Highways
Michael J. Felschow	-	Chief of Police
Matthew Colvin	-	Eden Fire Chief
Robert Pietrocarlo	-	Chairman Board of Assessors
Susan Brass	-	Recreation Director
Ray Zabron	-	Dog Control Officer

OTHERS PRESENT:

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk
Lisa Greiner	-	Administrative Assistant
Lisa Winter	-	Bookkeeper

Call to Order:

Supervisor Nellis called the Regular Meeting of the Eden Town Board to order at 7:30 P.M.

Pledge of Allegiance:

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

Approval of Minutes:

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of June 10, 2015; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of June 10, 2015 as presented; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of June 24, 2015; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of June 24, 2015 as presented; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfers/Amendments:

Supervisor Nellis read the following Budget Transfers/Amendments:

From Account	To Account	Reason for Amendment	Amount
A1989 Other Economic Assistance	A1620.4 Town Hall – Contractual	Use of Keep America Beautiful Grant Money for Flower Boxes	\$766.86
A3620.1 Safety Inspection – Personal	A3620.4 Safety Inspection – Contractual	Hamburg Code Enforcement Officer Interim Support	\$3,450.00

MOTION was made by Councilwoman Pew to approve the Budget Transfers/Amendments as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Audit Bills:

Supervisor Nellis asked if there were any changes or additions to the “Audit of Bills” which are on file in the Town Clerk’s office. There were none.

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	393-446	\$59,622.71
Highway Dept. Fund	159-183	\$69,508.21
Fire Dept. Fund	123-148	\$46,710.04
Recreation Dept. Fund	48-73	\$15,632.09
Refuse and Garbage Fund	--	--
Street Lights Fund	15-17	\$4,233.60
Water Fund	20-21	\$1,387.43
Trust & Agency Fund	--	--
Capital Fund H3410.2 H8320.402 H8302.403 H8320.404	8-10	\$58,236.51
Community Development	--	--

MOTION was made by Councilman McLaughlin to approve the Audit of Bills as presented; seconded by Councilman Krycia; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

Departmental Reports:

Department reports for the month of June 2015 were presented by Matthew Colvin, Eden Fire Chief; Councilwoman Pew for Andrew Breier, East Eden Fire Chief; Michael Felschow, Eden Police Chief; Ray Zabron, Dog Control Officer; Ronald Maggs, Superintendent of Highways; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Supervisor Nellis for Kurt Allen, Acting Zoning Code Enforcement Officer; Susan Brass, Recreation Director; Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Matthew Colvin, Eden Fire Chief, requested removing Kevin C. Condon from the active roster of the Eden Fire Dept. No.1 after 10 years of service.

MOTION was made by Councilwoman Pew to remove Kevin C. Condon from the active roster of the Eden Fire Dept. No. 1 with thanks for his 10 years of service to the Town of Eden; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested up to \$270,000.00 from the Equipment Reserve Account D878.2 for the purchase of a new and unused 2015 Ditch Digging Excavator, as per our replacement schedule, subject to Permissive Referendum.

MOTION was made by Councilman Krycia to approve the request of \$270,000.00 from the Equipment Reserve Account D878.2 for the purchase of a new and unused 2015 Ditch Digging Excavator, as per the replacement schedule and subject to Permissive Referendum; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Susan Brass, Recreation Director requested the following staff appointments:

POOL

Maggie O’Connell	CIT	\$8.75/per hour
Aubree Gross	CIT	\$8.75/per hour

MOTION was made by Councilwoman Pew to approve the above-mentioned staff appointments, as recommended by Susan Brass, Recreation Director and the Recreation Advisory Board; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

New and Unfinished Business:

1. Resolution/Action on proposed home for the developmentally disabled at corner of Jennings Road and East Church Street

Supervisor Nellis read the following resolution:

**RESOLUTION OF EDEN TOWN BOARD
OBJECTING TO THE ESTABLISHMENT OF AN INDIVIDUAL RESIDENTIAL
ALTERNATIVE FACILITY
(GROUP COMMUNITY RESIDENCE)
AT 8621 JENNINGS ROAD IN THE TOWN OF EDEN
DATED JULY 8, 2015**

WHEREAS, on June 4, 2015, the Town of Eden (“Town”) received a letter dated May 27, 2015 from Community Services for the Developmentally Disabled (“CSDD”) notifying the Town of CSDD’s plans to develop one Individual Residential Alternative community residence at a vacant site identified as 8621 Jennings Road in the Town of Eden, and

WHEREAS, on June 24, 2015, the Eden Town Board held a public information session at which Mindy Cervoni, Vice President of Programs and Chief Operating Officer of CSDD was given an opportunity to provide information and answer questions about the proposed group community residence, and

WHEREAS, during such public information session the representative from CSDD was informed of many concerns raised by the public and by Town officials about the proposed site not being safe or appropriate for development as a group community residence due to the existence of a high pressure natural gas pipeline on the proposed site, the lack of sewers, sidewalks and public transportation and the incidence of traffic problems at the intersection where the proposed site is located, and

WHEREAS, the representative from CSDD acknowledged during the session that facilities such as the one proposed place additional burdens upon Police, Fire and other local emergency services because of the incidents of responses which must be made to such facilities, frequently due to false alarms and the representative also acknowledged that CSDD would not rule out the placement of individuals with criminal histories, such as sex offenders, at this site, and

WHEREAS, the Eden Central School District School Board has recently taken action indicating its opposition to the proposed siting of this facility, and

WHEREAS, it is undisputed that the Town of Eden already has a number of similar facilities sited within the Town.

NOW, THEREFORE IT IS

RESOLVED that the Eden Town Board, on behalf of the entire Eden community, objects to the proposed site development and hereby puts CSDD on notice that the proposed site is unsafe and inappropriate for such development due to the existence of a high pressure natural gas pipeline on the proposed site, the lack of sewers, sidewalks and public transportation and the existing traffic problems in proximity to this currently undeveloped site. Additionally, the site appears to be an archeologically sensitive area, as defined by the State Historic Preservation Office and the project appears to be a Type 1 Action under the State Environmental Quality Review Act (SEQR) as a non-agricultural use within Eden #2 Agricultural District and is contrary to Eden's Farmland Protection Plan, and it is further

RESOLVED, that the Eden Town Board objects to the proposed site being developed as a group community residence because it finds that the establishment of the facility described by CSDD would result in an over-concentration of community facilities or similar facilities licensed by other agencies of state government in the area in proximity to the proposed site such that the nature and character of the area would be substantially altered, and it is further

RESOLVED, that, upon adoption, copies of this resolution be immediately sent to CSDD and to the Office for People with Developmental Disabilities, Acting Commissioner Kerry A. Delaney, 44 Holland Avenue, Albany, NY 14229 (in accordance with the requirements of Section 41.34 of the Mental Hygiene Law of the State of New York) with informational copies being sent to N.Y.S. Assembly Member, Hon. David DiPietro, and the N.Y.S. Senator, Hon. Patrick Gallivan.

MOTION was made by Councilwoman Pew to approve the resolution as presented; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None;

Comments: William Trask, Town Attorney explained that the next step would be for Community Services to do nothing, abandon their proposal to develop this site. They have the option to request a hearing from the office for people with Developmental Disabilities, a State Agency that licenses these group homes. If they do make that request, it would be an expedited process to schedule the hearing by the commissioner of that office within 15 days. If a hearing is scheduled it would be held at the Town Hall.

Motion carried.

2. Resolution naming July 30, 2015 in memory of Clem and Mary Crowe Family

**PROCLAMATION
IN MEMORY OF CLEM AND MARY CROWE
AND THE CROWE CLAN
DESIGNATING THURSDAY, JULY 30, 2015
IN HONOR OF THIS FAMILY**

WHEREAS, from 1948 through 1979 Clem and Mary Crowe lived at 9411 Sandrock Road with their 10 children, making them a well-known family within the Town of Eden; and

WHEREAS, Mary Crowe was prominent in her own right, being nominated by the Eden Woman's Republican Club and ultimately selected as 1971 New York State Mother of the Year and being the first woman in her family to attend college and earn her degree from Purdue University in 1924; and

July 8, 2015

WHEREAS, Clem Crowe was a famous sports figure as a member of the renowned Seven Mule Team playing for famed Notre Dame Football Coach, Knute Rockne and as captain of the Notre Dame Football team in 1925, as a multiple All-American in both football and baseball and as a college and professional football coach for a number of teams including a stint as head coach of the Buffalo Bills in 1949; and

WHEREAS, upon Clem and May Crowe's passing they left a trust fund for their 10 children with the proviso that the family gather every 3 years, a reunion that now includes over 100 family members of all ages and from all points of the United States; and

WHEREAS, the Crowe Family is coming home to 9411 Sandrock Road on Thursday, July 30, 2015, to honor the 7 surviving Crowe children – Joanne, Katy, Jim, Ann, Ellie, John and Mike and in memory of the deceased Crowe children, Richard, Mary Rita and Clement Patrick.

NOW, BE IT RESOLVED, that the Eden Town Board welcomes the Crowe's home to Eden and duly designates July 30, 2015 as Crowe Family Day in the Town of Eden for all residents to recognize this prominent family and its descendants.

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

3. Resolution calling for a hearing on the proposed revocation of a Special Use Permit Issue to Renee Adams

RESOLUTION CALLING FOR A HEARING ON THE PROPOSED REVOCATION OF A SPECIAL USE PERMIT ISSUE TO RENEE ADAMS

WHEREAS, the Eden Town Board originally issued a special use permit to Renee Adams ("permittee") on August 13, 2008, allowing her to operate a dog kennel at 3424 Hickman Road, Eden, New York, subject to certain conditions contained therein, and

WHEREAS, such special use permit has been renewed annually, subject to revocation if such conditions are not met, and

WHEREAS, a recent report from the Dog Control Officer has determined that the permittee is in violation of one or more conditions and has failed to correct such violations and the Eden Town Board intends to revoke such special use permit,

NOW, THEREFORE IT IS

RESOLVED, the Eden Town Board will hold a hearing on August 12, 2015 at 8:00 p.m. local time during the regularly scheduled meeting of the Eden Town Board, giving the permittee an opportunity to appear and be heard on the proposed revocation of the said Special Use Permit issued to Renee Adams, Dog Kennel, 3424 Hickman Road, Eden, New York failure to meet all conditions of the said Special Use Permit, including, but not limited to, condition number 5, which prohibits dogs exceeding 16 pounds from being on the premises, and it is further

RESOLVED, that permittee shall be provided notice of such hearing by first class mail sent to her last known address, and it is further

RESOLVED, that the Eden Town Board reserves the right to make a final decision regarding the proposed revocation of such special use permit following such hearing.

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

July 8, 2015

Supervisor's Report:

Supervisor Nellis reminded the residents that a Hot Dog roast would be held on Wednesday, July 22, 2015 at the Eden Library sponsored by Legislator John Mills, with all profits going to the Eden Library.

Hearing of Visitors:

Susan Wilhelm, East Church Street thanked the entire Town Board for listening to the resident's comments regarding the proposed home for developmentally disabled at 8621 Jennings Road. Mrs. Wilhelm asked if the residents would be notified of the hearing date and Supervisor Nellis stated that it would be advertised as an open meeting in the Penny Saver and on the website.

Ann Marie Tobin, East Church Street, as a new homeowner next to the proposed group home site, thanked the neighbors for speaking on behalf of the homeowners in the area.

Adjournment:

MOTION was made by Councilman McLaughlin to adjourn the Regular Meeting of the Eden Town Board; seconded by Councilwoman Pew ; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 8:05 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 9:00 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk