

April 9, 2014

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
APRIL 9, 2014  
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:**

Mark Cavacolli	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Shawn Bishop	-	Sergeant – Eden Police Department
Matthew Colvin	-	Eden Fire Chief
Andrew Breier	-	East 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

**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 March 19, 2014.

**Correction:** Item #8 – Recommendation from Planning Board on possible Amendment to the town’s Sign Ordinance regarding LED Signage:

Supervisor Nellis stated for the record that the proposed upgraded sign at the Eden Central Elementary School is exempt from the current sign law as it is used for governmental purposes for the school district and Town Attorney William Trask agreed.

**MOTION** was made by Councilwoman Pew to approve the Town Board Minutes of March 19, 2014 as amended; seconded by Councilman McLaughlin; “Ayes”; Nellis, Krycia, Pew, McLaughlin; Opposed? – None; Abstain? – Ventry (Absent); Motion carried.

**Petitions:**

There were none.

**Budget Transfers/Amendments:**

There were none.

**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	143-209	\$59,783.73
Highway Dept. Fund	69-109	\$27,362.11
Fire Dept. Fund	54-73	\$18,875.21
Recreation Dept. Fund	17-29	\$2,847.10
Refuse and Garbage Fund	4	\$37,730.24
Street Lights Fund	5-8	\$6,873.62
Water Fund	8-14	\$11,550.73
Trust & Agency Fund	--	--
Capital Fund H3410.2 H8320.402 H8302.403 H8320.404	1	\$100.10
Community Development	--	--

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

**Departmental Reports:**

Department reports for the month of June 2013 were presented by Matthew Colvin, Eden Fire Chief; Andrew Breier, East Eden Fire Chief; Sergeant Shawn Bishop for 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 Scott Henry, 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 permission for Eden and East Eden Fire Department to advertise the Request for Proposals for Itemized Fire Equipment with the bid opening date of Friday, May 2, 2014 at 3:30 p.m.

**MOTION** was made by Councilwoman Pew to set the bid opening date for May 2, 2014 at 3:30 p.m. in the Town Clerk Office for the Request for Proposals for Itemized Fire Equipment for Eden and East Eden Fire Department; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Matthew Colvin, Eden Fire Chief requested permission to send Joe Hart to the State Fire Academy in Montour Falls, NY for 2 weekends in June for a Fire Instructor 1 course at a cost of \$195.00 plus travel costs, as budgeted.

**MOTION** was made by Councilwoman Pew to grant permission to Joe Hart to attend State Fire Academy in Montour Falls, NY for 2 weekends in June for a Fire Instructor 1 course at a cost of \$194.00 plus travel costs, as budgeted; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Andrew Breier requested adding Brandon Walczyk to the active roster of the East Eden Fire Company pending his background check. He has completed his physical.

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**MOTION** was made by Councilwoman Pew to add Brandon Walczyk to the active roster of the East Eden Fire Company pending his background check; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent, requested permission to attend Highway School in Ithaca, NY on June 2-4, 2014.

**MOTION** was made by Councilwoman Pew to grant permission to Ron Maggs, Highway Superintendent to attend Highway School in Ithaca, NY on June 2-4, 2014; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Mark Cavacoli, Town Engineer reported meeting with Erie County Water Authority regarding the consolidation with the authority and more information would be available in the next few months.

Mary Jo Hultquist, Town Clerk, requested permission to attend the annual NYS Town Clerk’s Conference in Saratoga Springs, NY from April 27-30, 2014.

**MOTION** was made by Councilwoman Pew to grant permission to Mary Jo Hultquist, Town Clerk to attend the NYS Town Clerk’s Conference in Saratoga Springs, NY from April 27-30, 2014; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**MOTION** was made by Councilman Krycia to close the Regular Meeting of the Eden Town Board and open the Public Hearing; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:00 p.m.

Supervisor Nellis confirmed with Mary Jo Hultquist, Eden Town Clerk that the Notice of the Public Hearing was in fact published and posted consistent with the Order Calling for Public Hearing that was adopted on March 19, 2014.

**8:00 P.M.**  
**Public Hearing**  
**Improvement of Water Facilities**  
**Green and Depot Streets**

Supervisor Nellis then explained the purpose of the public hearing is to listen to any concerns or questions that citizens have.

Mark Cavacoli, Town Engineer stated that the total cost of the project is \$200,000.00, with a Community Development Block Grant of \$100,000.00, the actual cost would be \$100,000.00 or less, contingent on bid prices. The project would be bonded over a 5-year period and the cost to residents would be \$0.10 per thousand or on an assessed property of \$80,000.00, \$8.03/year for 5-years. Mr. Cavacoli expects the project to go out to bid in early to mid June and that it would take approximately 3-4 weeks to complete.

Comments:                There were none.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the public hearing at 8:10 P.M.

**MOTION** was made by Councilman Krycia to close the public hearing and open the Regular Meeting of the Eden Town Board; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**New and Unfinished Business:**

**1. Ratification of Town Health Plan**

**MOTION** was made by Councilman Ventry to ratify renewal for the year May 1, 2014 – April 30, 2015 for the Town of Eden Health Insurance Plan through Independent Health, more specifically, the I Direct Silver Plan; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**2. Bid results – 2014 Pick Up Truck for Highway Department**

Ron Maggs, Highway Superintendent presented the following bid results:

<b>Bidders</b>	<b>Amount</b>	<b>Bid Bond, Certified Check, Cash</b>
West Herr Ford – Option 100	\$21,391.00	Waived
Option 101A	\$21,959.00	
Emerling Chevrolet	\$22,463.00	Waived

Ron Maggs, Highway Superintendent recommended West Herr Ford, Option 101A in the amount of \$21,959.00.

**MOTION** was made by Councilman McLaughlin to award the bid to West Herr Ford, Option 101A in the amount of \$21,959, as recommended by Ron Maggs, Highway Superintendent; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**3. Bid Results – Portable Sanitation Services 2014 Season**

Supervisor Nellis read correspondence from Susan Brass, Recreation Director regarding quotes received for the Portable Sanitation Services for the 2014 season. The Eden Recreation Advisory Board received the following two quotes:

Ball Toilet & Septic Services	\$2,330.91
Modern Portable Toilets, Inc.	\$2,368.00

The Recreation Advisory Board is requesting the Town Board award Ball Toilet & Septic Services, which was the low quote at \$2,330.91

**MOTION** was made by Councilwoman Pew to award the bid to Ball Toilet & Septic Services at the amount of \$2,330.91; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

**4. Green Street/Depot Street Water Improvement**

William Trask, Town Attorney read the following resolution:

**State Environmental Quality Review (SEQR)  
Resolution – Negative Declaration**

Name of Action: Green Street and Depot Street Waterline Improvement Project

**WHEREAS,** the Town of Eden proposes the replacement of 850 lineal feet of 8-inch waterline along Green Street and the abandonment of approximately 430 lineal feet of 6-inch waterline along Depot Street; and

**WHEREAS,** a map and plan dated March 2014 describing the area affected and the proposed improvements and anticipated project costs has been prepared by Conestoga, Rovers & Associates, competent engineers; and

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**WHEREAS**, the Town of Eden Town Board (the “Board”) has declared lead agency status with respect to the Project; and

**WHEREAS**, the Board has reviewed the Project and the Town’s application materials, including the Environmental Assessment Form, the engineering report and all other materials submitted in connection with this proposed action; and

**WHEREAS**, the Board has taken a “hard look” at all potentially adverse environmental impacts pursuant to SEQR.

**NOW, THEREFORE**, be it resolved by the Board that:

Based upon the Board’s thorough and careful review of the Project and Project application materials, including the Environmental Assessment Form and all other materials submitted in connection therewith, the board hereby determines that the Project will not result in any significant environmental impacts and hereby issues a negative declaration for the Project pursuant to SEQR.

**REASONS SUPPORTING THE NEGATIVE DECLARATION:**

Air, Water, Noise, Waste, Erosion, Drainage, Site Disturbance Effects: The Project will not create any adverse change in the existing air quality, water quality or noise levels, nor in solid waste production, nor potential for erosion, nor promote flooding or drainage problems. The Project will produce a minimal disturbance of soil and vegetation during construction, with minimal storm run-off.

Aesthetics, Agriculture, Archeology, History, Natural or Cultural Resource, Community or Neighborhood Character: The Project will not adversely affect agricultural, archeological, historical, natural, or cultural resources.

Vegetation, Fish, Wildlife, Significant Habitats, Threatened or Endangered Species: No plant or animal life will be adversely permanently affected by the Project.

Community Plans, Use of Land or Natural Resources: The Project is in keeping with official community plans and goals and will have no adverse effects on land-use of the use of natural resources b or in the community.

Growth, Subsequent Development, etc. The Project is not expected to induce any significant or adverse growth or subsequent development.

Long Term, Short Term, Cumulative, or Other Effects: The Project will not have any significant adverse long term, short term, cumulative, or other environmental effects.

Critical Environmental Area: The Project will not have an impact on any Critical Environmental Area as designated in 6 NYCRR, subdivision 716.14 (g).

Public Health and Safety: The Board finds no adverse impacts on the public health. In fact, the Board recognizes that the Project will improve water quality for residents along Green and Depot Streets.

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

William Trask, Town Attorney read the following resolution:

**RESOLUTION AND ORDER  
AFTER PUBLIC HEARING APPROVING  
THE INCREASE AND IMPROVEMENT OF  
FACILITIES OF THE CONSOLIDATED WATER DISTRICT**

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WHEREAS, the Town Board of the Town of Eden (herein called “Town Board” and “Town”, respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Town of Eden Consolidated Water District (the “District”); and

WHEREAS, the Town Board has directed CRA Infrastructure & Engineering, Inc., competent engineers licensed in New York, to prepare a preliminary map, plan and report for a water system capital improvements project within the District; and

WHEREAS, such water system capital improvements project will include, but not be limited to, the installation of approximately 850 lineal feet of 8-inch waterline along Green Street, the abandonment of approximately 430 lineal feet of 6-inch waterline along Depot Street, the installation of interconnections, hydrants, valves and appurtenances, the reconnection of services to the new water line on Green Street, the transfer of services to an adjacent water line on Depot Street, as well as other such improvements as more fully identified in such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto (collectively, the “District Improvement”); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an estimated maximum amount of \$200,000; such cost to be financed by the issuance of serial bonds of the Town in an aggregate amount not to exceed \$200,000, such bonds to be offset by any federal, state, county and/or local funds received;

WHEREAS, the Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary; and

WHEREAS, the Town Board issued an Order at its March 19, 2014 meeting calling for a public hearing to be held at the Town Hall, Eden, New York, on April 9, 2014 at 8:00 o’clock P.M. (prevailing time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and

WHEREAS, such notices of the public hearing were properly published and posted and the public hearing duly held at the time and place stated in the notices;

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF EDEN, based on the information provided at the public hearing, as follows:

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$200,000; and it is hereby

DETERMINED, that the parcels and lots of the District shall be benefited by said increase and improvement of the facilities of the District; and it is hereby

DETERMINED, that all parcels and lots benefited by said increase and improvement of the facilities are included in the District; and it is hereby

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ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate amount not to exceed \$200,000, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection from the several lots and parcels of land within the District for such purpose in the same manner and at the same time as other Town charges to pay the principal of and interest on said bonds as the same shall become due and payable, except as otherwise provided by law; and it is hereby

FURTHER ORDERED, that within ten days after adoption of this Resolution and Order, the Town Clerk shall record with the Clerk of the County of Erie a copy of this Resolution and Order, certified by said Town Clerk.

**MOTION** was made by Councilman Krycia to approve the resolution as presented; seconded by Councilman McLaughlin.

The adoption of the foregoing Resolution Approving the Increase and Improvement of Facilities of the Consolidated Water District was duly put to a vote on roll call, which resulted as follows:

AYES: Glenn R. Nellis, Supervisor  
Mary Lou Pew, Councilwoman  
Edward Krycia, Jr., Councilman  
Richard Ventry, Councilman  
Francis McLaughlin, Councilman

NOES: None

ABSENT: None

The Resolution approving the increase and improvement of facilities of the Consolidated Water District was declared adopted.

William Trask, Town Attorney read the following resolution:

WHEREAS, the Town Board of the Town of Eden, Erie County, New York (the "Town"), has determined to proceed with a certain capital improvements project in the Consolidated Water District within the Town (the "District"); and

WHEREAS, the Town Board has determined by resolution to undertake the construction of a certain water system capital improvements project within the District, such improvements will include, but not be limited to, the installation of approximately 850 lineal feet of 8-inch waterline along Green Street, the abandonment of approximately 430 lineal feet of 6-inch waterline along Depot Street, the installation of inter-connections, hydrants, valves and appurtenances, the reconnection of services to the new water line on Green Street, the transfer of services to an adjacent water line on Depot Street, as well as other such improvements as more fully identified in such preliminary map, plan and report prepared in connection with such project, all of the foregoing to

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include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto (collectively, the "Project"); and

WHEREAS, the Town Board has determined to proceed with the Project;  
and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of the Project.

NOW THEREFORE,

BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is a certain water system capital improvements project, including, but not limited to, the installation of approximately 850 lineal feet of 8-inch waterline along Green Street, the abandonment of approximately 430 lineal feet of 6-inch waterline along Depot Street, the installation of interconnections, hydrants, valves and appurtenances, the reconnection of services to the new water line on Green Street, the transfer of services to an adjacent water line on Depot Street, as well as other such improvements as more fully identified in such preliminary map, plan and report prepared in connection with such project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto. The estimated maximum cost of said purpose is \$200,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate amount not to exceed \$200,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid by other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection from the several lots and parcels of land within the District for such purpose in the same manner and at the same time as other Town charges to pay the principal of and interest on said bonds as the same shall become due and payable, except as otherwise provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, the cost of such improvements shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District for such purpose in the same manner and at the same time as other Town charges to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local



Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. In the absence or unavailability of the Town Supervisor, the Deputy Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 13. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) if the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 14. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form

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provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in said Town and designated as the official newspaper of said Town for such publication.

SECTION 15. This Resolution is effective immediately.

**MOTION** was made by Councilman Krycia to approve the resolution as presented; seconded by Councilwoman Pew.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES: Glenn R. Nellis, Supervisor  
Mary Lou Pew, Councilperson  
Edward Krycia, Jr., Councilperson  
Richard Ventry, Councilperson  
Francis McLaughlin, Councilperson

NOES: None

ABSENT: None

The foregoing resolution was thereupon declared duly adopted.

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

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:30 p.m.

**8:30 p.m.**  
**Public Hearing**  
**Proposed Local Law No. 2-2014**  
**A temporary moratorium on the issuance of applications and the granting of permits, licenses or approvals for the siting, location or use of Illuminated or Electronic Message Signs.**

Supervisor Nellis then explained the purpose of the public hearing is to listen to any concerns or questions that citizens have.

Supervisor Nellis stated that the proposed local law is a result of a recommendation of the Eden Planning Board, which was stated in the minutes of March 19, 2014.

Comments:

Paul Zittel, reported that all funding had been received for the new sign at the Eden Elementary School. Mr. Zittel questioned the effect the moratorium would have on the proposed sign and Supervisor Nellis stated that at the beginning of the Town Board Meeting tonight it was clarified that the School District would be exempt for the proposed local law as it used for governmental purposes for the School District.

William Trask, Town Attorney, stated that the proposed 6-month moratorium to adopt the Local Law is to update the Town Law.

Mark Cavacoli, Town Engineer, stated on behalf of the Planning Board it is to update the Code of Eden, which does not mention LED signs. There is no intention on the part of the Planning Board to push for one thing or another. The Town of Eden’s Code does not recognize this technology.

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Ray Klein, stated that it is a good idea to update the code, it is a new era of advertising. But it is very distracting. The Town of Eden is short on businesses and if it goes into law it could deter new businesses. He stated that we don't need this new law.

Pat Puckhaber, representing the American Legion asked if the law changes if it will affect their new sign. It was stated by William Trask, Town Attorney that they would be grandfathered in.

William Trask, Town Attorney, stated that the updated law is not to restrict or prohibit, but to allow them with public safety in mind.

Paul Zittel, as President of the Eden Chamber of Commerce stated that we don't need a law. The American Legion spent a lot of money and God Bless America on a sign isn't a bad thing. They may need to tone it down a little, quiet it down, slow it down. He is against a moratorium.

Phil Muck, stated that the Zoning Board Hearing with the American Legion was for the position and size of their new sign, LED was not part of the variance. Mr. Muck stated that more important to consider is along with LED signs are billboard signs that change. We need something in place to define the law for the LED signs, the 6-month moratorium. It was not answered properly at the Zoning Board meeting.

Ben Grawson, Student, stated that the LED signs at Walmart in Springville are very distracting and could potentially cause accidents.

Phil Muck, stated that the Town Board should take a careful look, the changing signs in Hamburg are causing problems.

Paul Zittel, requested that they do something, not a law, but form a committee.

Curtis Neureuter, asked if the new Credit Union building that is being built had applied for signage?

Supervisor Nellis did not know if they had applied for a sign permit or not.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the public hearing at 9:15 P.M.

**MOTION** was made by Councilman Krycia to close the Public Hearing and open the Regular Meeting of the Eden Town Board; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis opened the Regular Meeting of the Eden Town Board at 9:30 p.m.

**Note:** Supervisor Nellis stated that a decision would not be made tonight to give other residents an opportunity to contact the Town Board with their comments.

## **5. Recreation Department**

**MOTION** was made by Supervisor Nellis to grant permission to the Recreation Department to use one of the Highway Laborers at the highway laborer rate of pay (\$11.50/hr) as needed now until mid-May to assist with Spring Recreation projects that have been delayed due to weather; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

## **Discussion**

Councilman Ventry stated that he did not want to wait the 2-weeks, as suggested previously by Supervisor Nellis, he is ready to adopt the proposed Local Law to impose a

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6-month moratorium to update the current sign law, as recommended by the Planning Board.

Mark Cavacoli, Town Engineer, read the following from the Eden Code Book:

Prohibited signs: “Flashing signs, including any sign or device on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use”.

After much discussion the following Motion was offered:

**MOTION** was made by Councilman McLaughlin to adopt Local Law No. 2-2014, a local law imposing a temporary moratorium on the issuance of applications and the granting of permits, licenses or approvals for the siting, location or use of Illuminated or Electronic Message Signs in the Town of Eden; seconded by Councilman Ventry; “Ayes”; Krycia, McLaughlin, Ventry; Opposed?- Nellis, Pew; Abstain? – None; Motion carried.

William Trask, Town Attorney suggested that the Planning Board be informed immediately to come up with sample legislation to adopt for the Town of Eden.

Supervisor Nellis suggested a working committee of the Planning Board, Town Board and Town Attorney.

Mark Cavacoli, Town Engineer stated that it is not going to happen in a month’s time, the Planning Board meets once a month. Mr. Cavacoli stated that on behalf of CRA he is willing to be part of the working committee.

**Supervisor’s Report:**

- National Fuel has notified the Town of Eden that modifications to the facility that runs through East Eden to the Pennsylvania line, near Gorcica Field in East Eden will take place in the near future.
- Saturday, April 12, 2014 – Electronics Recycle Event – Tonawanda
- Saturday, May 24, 2014 – Motorcycle Run through the Town of Eden 12:00 noon – 3:30 p.m.
- Saturday, May 7, 2014 Scrap Metal and Tire Drop-off

**Hearing of Visitors:**

There were none.

**Adjournment:**

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:30P.M.

**Executive Session:**

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 11:00 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk

April 9, 2014