

August 26, 2015

MINUTES

**TOWN BOARD MEETING
2795 EAST CHURCH STREET
EDEN, NEW YORK
AUGUST 26, 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 (<i>Absent</i>)
FRAN MCLAUGHLIN	-	COUNCILMAN

OTHERS PRESENT:

Mary Jo Hultquist	-	Town Clerk
Lisa Greiner	-	Administrative Assistant

Call To Order:

Supervisor Nellis called the Work Session 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.

New and Unfinished Business:

1. Discussion and approval of plan to proceed on turnover of water system by Town to Erie County Water Authority

Supervisor Nellis read the following resolution:

**RESOLUTION
COLSOLIDATION OF EDEN WATRE SYSTEM
INTO ERIE COUNTY WATER SYSTEM**

WHEREAS, on August 12, 2015, the Eden Town Board received and filed the Feasibility Study-Final Report, which includes a description of the required upgrades and estimated costs association with the potential consolidation of the Town's water system with the Erie County Water Authority (ECWA); and

WHEREAS, the Feasibility Study was funded in part by New York State Department of State (NYSDOS), under the Local Government Efficiency Grant Program; and

WHEREAS, the Eden Town Board is preparing final project documents for submittal to the NYSDOS, and further, intends to apply to the NYSDOS for an "implementation grant" to defray some of the estimated construction costs associated with the potential water system consolidation; and

WHEREAS, the Eden Town Board has also reviewed the legal requirements associated with a potential water system consolidation with Bond Counsel and developed a preliminary project schedule in consultation with the Town Engineer; and

WHEREAS, the next step is for the Eden Town Board to decide on whether to move forward or not with regard to the water system consolidation; and

NOW, THEREFORE, BE IT RESOLVED that the Eden Town Board approves the Final Report and the accompanying preliminary project schedule as our plan to merge the

Town of Eden Water System with the ECWA with an estimated completion date of June 2017.

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

2. Resolution on Renee Adams Special Use Permit

Supervisor Nellis read the following resolution:

**RESOLUTION OF EDEN TOWN BOARD
REVOKING SPECIAL USE PERMIT ISSUED 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, the Eden Dog Control Officer issued a report determining that the permittee was in violation of one or more conditions and failed to correct such violations despite warning, and

WHEREAS, pursuant to law, Eden Town Board held a hearing on August 12, 2015 on its intention to revoke such special use permit due to such violations, and

WHEREAS, the permittee was advised of such hearing and her opportunity to be heard at same by written notice mailed to her last known address on or about July 10, 2015, and

WHEREAS, the permittee did not attend such hearing and did not submit anything to be considered by the Town Board as it took this matter under consideration.

NOW, THEREFORE IT IS

RESOLVED, that the Eden Town Board does hereby immediately and unconditionally revoke the said Special Use permit issued to Renee Adams, Dog Kennel, 3424 Hickman Road, Eden, New York for failure to meet all conditions of the said Special Use Permit, including, but not limited to, condition number 5, which prohibits dogs exceeding 6 pounds from being on the premises, and it is further

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

RESOLVED, that the Eden Dog Control Officer and the Code Enforcement Officer are to be provided copies of this Resolution.

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

3. Resolution on Multi-Jurisdictional Hazard Plan

Councilwoman Pew read the following resolution:

**RESOLUTION
FORMALLY ADOPTING MULTI-JURISDICTIONAL
HAZARDOUS MITIGATION PLAN**

WHEREAS, the Town of Eden, with the assistance from URS Corporation , has gathered information and prepared the Erie County, New York, Multi-Jurisdictional Hazard Mitigation Plan Update (“the Plan”); and

WHEREAS, the Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Town of Eden is a local unit of government that has afforded the citizens an opportunity to comment and provide input to the Plan and the actions in the Plan; and

WHEREAS, the Town of Eden has reviewed the Plan and affirms that the Plan will be updated no less than every five years.

NOW, THEREFORE, BE IT RESOLVED, by the Eden Town Board that the Town of Eden adopts the Erie County, New York Multi-Jurisdictional Hazard Mitigation Plan Update as this jurisdiction’s Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

MOTION was made by Councilwoman Pew to approve the resolution as presented and authorize Supervisor Nellis and Town Clerk Hultquist to sign the agreement; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4. Set Public Hearing for Thomas Ford Change of Use at 8159 N. Main Street-October 14, 2015 at 8:00 P.M.

MOTION was made by Councilwoman Pew to set the Public Hearing for October 14, 2015 at 8:00 p.m. at the Eden Town Hall for the purposes of change of use at 8159 N. Main Street, for Thomas Ford; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5. Ratification on 30-day waiver by Town on East Eden Tavern liquor license request to State Liquor Authority

MOTION was made by Councilman Krycia to waive the requirement of a 30-day Municipality Notification of the East Eden Tavern & Smokehouse LLC to the NYS Liquor Authority; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6. Asbestos Study – Eden Fire Hall

Supervisor Nellis read correspondence from GHD regarding the Proposal for a Limited Asbestos Bulk Sampling Event for the roof at the Eden Fire Hall, 2791 East Church Street.

The following quotes were received:

Aurora Environmental	\$2,310.00
Sienna Environmental	\$3,170.00
AECC Environmental	\$3,500.00

Based on the recommendation of GHD the following motion was offered:

MOTION was made by Supervisor Nellis to award the bid Aurora Environmental, the low bidder, at a cost of \$2,310.00; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

Supervisor Nellis stated that the Hearing for the proposed Group Home at 8621 Jennings Road is scheduled for September 15, 2015 at 1:00 p.m. at the Eden Town Hall.

Supervisor Nellis stated that the Town-wide garage sale, sponsored by the Eden Chamber of Commerce would be held on September 12, 2015.

Hearing of Visitors:

Carl Modica, Hemlock Road reported that 3 or 4 days after the petition was presented to the Town Board regarding truck traffic on Hemlock Road there was a tractor-trailer incident resulting in property damage to 2 residences. It was noted by the truck driver that he was sent in that direction via GPS. Mr. Modica was checking on the status.

Supervisor Nellis stated that he has notified the speed limit committee along with Michael Felschow, Chief of Police and Ron Maggs, Highway Superintendent to advise them of the situation and asked for their feedback.

Robert Stickney, Lourdes Drive asked again about the telephone poles, new poles were installed and the old poles were not removed.

Adjournment:

MOTION was made by Councilman McLaughlin 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 7:55 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