

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
SEPTEMBER 10, 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
RICHARD S. VENTRY	-	COUNCILMAN

**DEPARTMENT HEADS PRESENT:**

Dana Braun of Wendel	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Patrick M. Howard	-	Chief of Police
John Sheffer	-	Eden Emergency Squad
Chris Colvin	-	Eden Fire Chief
Scott Henry	-	Zoning Code Enforcement Officer
Susan Brass	-	Recreation Director

**OTHERS PRESENT:**

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk
Anna M. Knack	-	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 August 13, 2008; there were none.

**MOTION** was made by Councilman Ventry to approve the Town Board Minutes of August 13, 2008 as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of August 27, 2008; there were none.

**MOTION** was made by Councilman Vacco to approve the Town Board Minutes of August 27, 2008 as presented; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

**Petitions:**

There were none.

**Budget Transfers:**

Supervisor Nellis read the following “Highway Budget Transfers” from D2270 to D5110.4 in the amount of \$326.28 for Off-Road Drainage paid the Highway Department for Project 2008-2 and from D2270 to D5110.4 in the amount of \$1,288.00 for pipe permits 5 & 6.

**MOTION** was made by Councilman Vacco to approve the “Highway Budget Transfers” as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**Budget 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	458-505	\$34,928.77
Highway Dept. Fund	222-245	\$42,492.77
Fire Dept. Fund	174-190	\$15,645.12
Recreation Dept. Fund	97-105	\$3,057.97
Refuse and Garbage Fund	--	--
Street Lights Fund	22-23	\$3,391.71
Water Fund	22-23	\$5,173.28
Trust & Agency Fund	--	--
Capital Fund		
H8320.4B	10-11	\$562.20
H1440.4/H1440.4	4-7	\$82,448.03
Community Development	--	--

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

**Departmental Reports:**

Department reports for the month of August 2008 were presented by John Sheffer for Scott Hultquist, Eden Emergency Squad; Chris Colvin, Eden Fire Chief; Councilwoman Pew for Andrew Breier, East Eden Fire Chief; Patrick Howard, Eden Police Chief; Supervisor Nellis for Ray Zabron, Dog Control Officer; Ronald Maggs, Superintendent of Highways; Dana Braun for Andrew Reilly, Town Engineer; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Scott Henry, Zoning Code Enforcement Officer; Susan Brass, Recreation Director. All reports are on file in the Town Clerk’s office.

Chris Colvin, Eden Fire Chief requested adding David Skalski to the active roster of the Eden Fire Department, pending a physical. The background check was completed when Mr. Skalski was a member previously, but resigned due to a work schedule.

**MOTION** was made by Councilwoman Pew to add David Skalski to the active roster of the Eden Fire Department, pending a physical; seconded by Councilman Vacco; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**New and Unfinished Business:**

**1. Speed Limit Committee – Report and Presentation of Speed Reduction Report**

Dana Braun, Engineer, Wendel Duchscherer and Ron Maggs, Highway Superintendent gave a presentation after an eight (8) month study conducted by the Speed Limit Committee. A document was presented to the Town Board as the Roadway and Speed Plan establishes a comprehensive review of the current speed limits within the Town of Eden boundaries. It was noted that the New York State Department of Transportation (NYSDOT) controls speed limits for all roads in the Town of Eden. This document is intended to provide guidance for the Town of Eden when reviewing citizen requests for changes to existing speed limits.

After much discussion it was decided by the Town Board that a “Draft” copy of this report would be available in the Town Clerk’s office for review. The Town Board will not take action at this time, but will review the report and any questions may be directed to the Supervisor’s office.

Councilwoman Pew publicly thanked the committee for all time spent compiling the report and Dana Braun publicly thanked the Highway Department and Police Department for the extensive help and very complete records.

**2. Public Improvement Permit Application – Tim Horton’s**

Supervisor Nellis requested approval of the Public Improvement Construction Permit Application for Tim Horton’s Restaurant for removal of existing catch basin structure, installation of new storm manhole, connection of new storm pipe to structure and reconnect existing storm sewer to new manhole structure. The applications were approved by Drew C. Reilly, Town Engineer, Ron Maggs, Highway Superintendent, Scott Henry, Code Enforcement Officer and Chris Colvin, Eden Fire Chief.

William Trask, Town Attorney read the following correspondence from Drew C. Reilly, Town Engineer regarding the Performance and Maintenance Bond:

“Wendel Duchscherer has reviewed the PIP application submitted by the applicant for the replacement of a catch basin. After review of the fees and comparison to general industry costs, we concur that the estimate of \$2,000 is appropriate for the work to be completed.

Based on this figure of \$2000, we recommend that a \$2,000 Certified Check or bond for performance security and either a certified check and a cash or bond in the amount of \$200 (10% of the \$2000) for maintenance for a 1-year period be paid by the applicant. The money supplied would be adequate for the Town to finalize any improvements that were not completed to ensure the public health, safety and welfare.”

**MOTION** was made by Supervisor Nellis to approve the Public Improvement Permit Application and the Performance and Maintenance Bond as presented by Drew C. Reilly, Town Engineer; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**3. Scheduling of Public Hearing – Community Development Block Grant – Project Suggestions**

Supervisor Nellis requested setting a Public Hearing for October 8, 2008 at 8:00 p.m. to discuss project suggestions for the Community Development Block Grant.

**MOTION** was made by Councilman Vacco to set the Public Hearing for October 8, 2008 at 8:00 p.m. to discuss project suggestions for the Community Development Block Grant; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

**4. Resolution – STOP-DWI Contract**

Supervisor Nellis read the following resolution:

**TOWN OF EDEN RESOLUTION  
TO ENTER INTO A CONTRACT WITH  
ERIE COUNTY STOP-DWI PROGRAM**

**WHEREAS**, Erie County has established a special traffic options program for driving while intoxicated; the STOP-DWI PROGRAM; and

**WHEREAS**, this program, in coordination with the County, Towns, Cities and Villages, is an effort to reduce alcohol-related traffic injuries and fatalities; and

**WHEREAS**, the Town of Eden has applied or will apply to the Erie County STOP-DWI Coordinator for the funding of certain alcohol traffic safety law enforcement activities for the period January 1, 2008 to December 31, 2010;

**NOW, THEREFORE BE IT RESOLVED** that the Town of Eden enter into the mutually agreed upon contract between the County of Erie and the Town of Eden for the STOP-DWI PROGRAM and that Supervisor Glenn R. Nellis be authorized to sign this contract covering the period January 1, 2008 through December 31, 2010.

**MOTION** was made by Councilwoman Pew to adopt the resolution as presented pending final review of William Trask, Town Attorney; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**5. Scheduling Bid Opening for Sale of 1983 American LaFrance Fire Truck**

Councilman Vacco requested approval to place the 1983 American LaFrance Fire Truck on E-Bay, Craig’s List and sealed bids, with a bid opening date of October 6, 2008 at 2:00 p.m. in the Town Clerk’s office.

**MOTION** was made by Councilman Ventry to place the 1983 American LaFrance Fire Truck on E-Bay, Craig’s List and set a bid opening date of October 6, 2008 at 2:00 pm. in the Town Clerk’s office; seconded by Councilman Vacco; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**6. Highway Equipment – Intermunicipal Agreement**

Ron Maggs, Highway Superintendent stated that the inter-municipal agreement is for a Street Sweeper and a Hydro-Seeder between five (5) different communities and at this time Mr. Maggs is seeking approval to authorize Supervisor Nellis to sign the agreement to allow the Town of Boston to apply for a grant to purchase the equipment.

William Trask, Town Attorney requested additional information regarding title to equipment, training of employees of proper use and sharing of maintenance costs.

After much discussion, the following motion was offered:

**MOTION** was made by Councilwoman Pew to authorize Supervisor Nellis to sign the agreement pending review by William Trask, Town Attorney; seconded by Councilman Vacco; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**7. Update – Water Projects**

Supervisor Nellis read correspondence from Stephen Waldvogel, Project Engineer for CRA Infrastructure and Engineering regarding the status update on water line projects. Mr. Waldvogel stated that the preliminary pipeline design for the Shadagee Road/Route 62 Improvements project is nearing completion. The pump station design cannot proceed substantially until an agreement is met with Erie County Water Authority.

September 10, 2008

The new Water District No. 5 is under review due to differences between the public assessment data and the Town's assessment data. CRA now has a complete listing of parcels (from the Town) and must now match the list of parcels with the County Tax maps to establish a revised district boundary. After that, a new legal boundary description can be prepared. A final review with the Town Assessor and the revised average annual homeowner costs can then be determined.

**Supervisor's Report:**

- Southtowns Energy Fair, Saturday, September 20, 2008 from 10:00 a.m. to 4 p.m. at the Brant Fire Hall. Information and demonstrations on Energy Conservation, Solar, Wind and Renewable Energy.
- University of Buffalo completed a study through the regional knowledge network with statistics of the Town of Eden.

**Hearing of Visitors:**

Carol Zanelotti, 7157 Combs Drive

**Adjournment:**

**MOTION** was made by Councilman Vacco 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 9:00 P.M.

**Executive Session:**

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

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk