

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
OCTOBER 13, 1999
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

GLENN R. NELLIS	-	SUPERVISOR
EDWARD C. KRYCIA, JR.	-	COUNCILMAN (Deputy Supervisor)
MARY LOU PEW	-	COUNCILWOMAN
GEORGE F. ZITTEL	-	COUNCILMAN

DEPARTMENT HEADS PRESENT:

Andrew C. Reilly of Wendel	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Patrick M. Howard	-	Chief of Police
Paul Shephard	-	Eden Emergency Squad
William H. Laing	-	Eden Fire Chief
Kevin R. Schoenthal	-	East Eden Fire Chief
Susan Brass	-	Recreation Director
R.Ferris Randall	-	Chairman Board of Assessors

ABSENT:

Scott T. Henry	-	Zoning Code Enforcement Officer
----------------	---	---------------------------------

OTHERS PRESENT:

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk
DianaRae Walker	-	Deputy Town Clerk
Anna Knack	-	Administrative Assistant

Call to Order:

Supervisor Nellis called the Regular Meeting of the Eden Town Board to order at 7:32 P.M.

Pledge of Allegiance:

Supervisor Nellis led the assembly in the Pledge of Allegiance to the flag followed by a moment of silence. He then welcomed everyone to the meeting and noted that the Master Plan Committee met at 6:00 P.M. tonight and apologized for beginning a few minutes late.

Before proceeding with the agenda, Supervisor Nellis read a letter received from the Eden Emergency Services, William Laing, Eden Fire Chief; Kevin Schoenthal, East Eden Fire Chief; Paul Shephard, Eden Emergency Squad; Patrick Howard, Eden Chief of Police; Ronald Maggs, Superintendent of Highways and Joe Flynn, Auxiliary Police recognizing Councilwoman Pew for her efforts in enhancing communications with the Town Hall and supporting services. She has developed, designed and integrated web pages for all the Town agencies and the Eden Emergency Services nominated Councilwoman Pew for the “Town of Eden Employee Award”.

Supervisor Nellis presented Councilwoman Pew with a “Certificate of Award” for her efforts and support as stated by the Eden Emergency Services.

Approval of Minutes:

Supervisor Nellis asked if there were any additions or corrections for the Minutes of September 8, 1999.

MOTION was made by Councilman Zittel to approve the Minutes of September 8, 1999 as presented; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections for the Minutes of September 22, 1999.

MOTION was made by Councilman Krycia to approve the Minutes of September 22, 1999 as presented; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

Supervisor Nellis stated that two petitions were received for public water. The first was received from residents of Gowanda State Road (Rt. 62) south from Sandrock Road to the railroad viaduct. The second was from residents of Jennings Road, between Kulp Road and Yochum Road. They were forwarded to John Reid of R & D Engineering for his review.

Budget Transfers:

Supervisor Nellis stated that there were three budget transfers. The first was from SW599 (SW5031) to SW960 (SW8320.4) a transfer for the West Church Street project in the amount of \$59,961.30. The second was from A599 (A5031) to A960 (P7140.4) for payment to North Boston Construction for work completed on Gorcica Field in the amount of

\$45,153.00. The third was from SF599 (SF5031) to SF960 (SF3410.3) for the new fire truck in the amount of \$267,800.00. Supervisor Nellis stated that all three projects were approved by permissive referendum. The budget transfers are on file in the Town Clerk's office.

MOTION was made by Councilman Zittel to approve the three budget transfers as presented; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Audit Bills:

Supervisor Nellis asked if there were any questions on the “Audit of Bills” which are on file in the Town Clerk's office. There were none.

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	502 – 567	\$113,088.66
Highway Dept. Fund	274 – 306	\$70,339.49
Fire Dept. Fund	217 – 237	\$4,542.13
Recreation Dept. Fund	211 – 240	\$3,739.82
Refuse and Garbage Fund	20 – 24	\$36,666.31
Street Lights Fund	14	\$6,044.30
Water Fund	23 – 27	\$16,800.50
Trust & Agency Fund	15 – 17	\$3,228.38
Capital Fund	10 – 12	\$70,435.78
Community Development	1	\$36,468.00

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

Departmental Reports:

Department reports for the month of October 1999 were presented by Paul Shephard, Eden Emergency Squad; William Laing, Eden Fire Chief; Kevin Schoenthal, East Eden Fire Chief; Patrick Howard, Eden Police Chief; Ronald Maggs, Superintendent of Highways; Andrew Reilly, Town Engineer; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Supervisor Nellis for Scott Henry, Zoning Code Enforcement Officer; Susan Brass, Recreation Director; R.Ferris Randall, Chairman Board of Assessors. All reports are on file in the Town Clerk's office.

Paul Shephard, Eden Emergency Squad also reported that some preventive maintenance was done on radios that were in the basement using monies that were allocated last year. Also installed were two auxiliary power supplies that would keep the police console running, a

computer, the phone system in the Town Hall and a radio in the basement running in case of a power outage longer than 5-15 minutes giving plenty of time for the generator to “kick-in”.

William Laing, Eden Fire Chief requested that Emory Ford II be removed from the active roster of the Eden Fire Company.

MOTION was made by Councilman Zittel to remove Emory Ford II from the Eden Fire Company’s active roster; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Chief Laing also requested to add Robert Ellis and Luigi Palmieri to the Eden Fire Company’s active roster.

MOTION was made by Councilman Zittel to add Robert Ellis and Luigi Palmieri to the Eden Fire Company’s active roster; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Chief Laing also expressed that the Fire Prevention Committee’s programs for all the grade schools and daycare centers were very successful. They also sponsored an open house at the Eden Fire Hall during “Fire Prevention Week”.

Kevin Schoenthal, East Eden Fire Chief also noted that the East Eden Fire Department were holding a Halloween Party October 30, 1999 at 1:00 P.M. open to all Eden children. Chief Schoenthal also noted that they were holding their annual dinner dance October 16, 1999.

Patrick Howard, Eden Chief of Police also requested utilization of the Reserve Police to work Halloween weekend using their own vehicles and to be reimbursed for mileage.

MOTION was made by Councilman Zittel to follow years past practice to utilize the Reserve Police to work Halloween weekend using their own vehicles and for them to be reimbursed for mileage; seconded by Councilwoman Pew; All - “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Ronald Maggs, Superintendent of Highways also noted that the front-end loader arrived today. Mr. Maggs also thanked Assemblyman Dick Smith for the funds that were received by the town this year for some of the projects that were done.

Mr. Maggs also requested three transfers to be approved, they were as follows;

- From D2770 to D5110.4 in the amount of \$2,507.84 for “residential pipe projects”
- From D5120.2 to D5110.4 in the amount of \$5,000.00
- From D5120.4 to D5110.4 in the amount of \$5,000.00 for the bridge account culvert replacements which is a typical transfer at this time of year.

MOTION was made by Councilwoman Pew to approve the three transfers as requested by Ronald Maggs, Superintendent of Highways; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Andrew Reilly, Town Engineer asked if the public improvement applications, bonds and insurances were turned in by Schreiber & Winkelman for Oakhill Phase 3 which are required prior to the pre-construction meeting. Anna Knack stated not to date.

Mr. Reilly also reported that the rezoning request by Mr. Bossi for the Tim-Tam Lake Condominiums was sent back to the Planning Board because the Town of Evans has a concern regarding the access. The Planning Board requested public input and additional information from the applicant if they are to modify their recommendation regarding the access.

After Susan Brass, Recreation Director read her report, Councilman Zittel commented and expressed “thanks” for the work done by Mrs. Brass and the Recreation Department on the Gorcica Field Project. Councilman Zittel noted that the grass has grown and the fields have been mowed.

Supervisor Nellis noted that it was 8:00 P.M. and he asked for a Motion to close the Regular Session of the Eden Town Board for the scheduled 8:00 P.M. Public Hearing for Proposed Local Law No. 1999-2, Drainage Facilities Law.

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

Supervisor Nellis then closed the Regular Meeting of the Eden Town Board at 8:01 P.M

MOTION was made by Councilman Zittel to open the Public Hearing for the Proposed Local Law No. 1999-2, Drainage Facilities Law; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain/ - None; Motion carried.

Supervisor Nellis opened the Public Hearing at 8:01 P.M.

PUBLIC HEARING 8:00 P.M.

Proposed Local Law No. 1999-2, Drainage Facilities Law.

Supervisor Nellis explained that the public hearing is to get any opinions, advice or observations from individuals in the community. Supervisor Nellis explained that William Trask, Town Attorney based upon revisions received from the Drainage Committee and the Conservation Board, drafted Local Law No. 1999-2. Input was also received from Scott Henry, Zoning Code Enforcement Officer. Mr. Trask explained that "Local Law No. 1999-2" gives the Town an enforcement mechanism to ensure the passage and direction of surface runoff or storm water in the Town. It also gives the Eden Building Inspector and /or Eden Police Officer authority to issue appearance tickets in connection with violations of “Local Law No. 1999-2”. A copy of the draft for “Local Law No. 1999-2” is on file in the Town Clerk’s office.

Supervisor Nellis asked if there were any comments from residents present, and there were none.

MOTION was made by Councilman Zittel to close the Public Hearing for Proposed Local Law No. 1999-2; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

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

Supervisor Nellis re-opened the Regular Meeting of the Eden Town Board at 8:06 P.M. Departmental reports continued with R.Ferris Randall, Chairman Board of Assessors who explained that he had just returned from a seminar in which he learned that there would be change in the “STAR” program. Instead of waiting till June residents who turn 65 this December would be able to qualify for the “STAR” program next year. Mr. Randall also explained that there would be a change in the assessments on properties owned by utilities that pay a large amount of taxes in town. The utility companies’ assessments are higher then anyone else in town and due to the deregulation of utilities the town resident’s assessments could begin to decrease over the next few years.

New and Unfinished Business:

1.) Preliminary Budget – Town of Eden 2000

Supervisor Nellis stated that he would like to establish a date for the special public hearing on the proposed budget. Supervisor Nellis noted that the public hearing needed to take place before the first Thursday of November for the budget needs to be approved by the Secretary of State.

Supervisor Nellis pointed out the entire Town Board was involved with the budgetary review. The Town Board agreed on a budgetary strategy for example; to take care of problems as they occurred and not let them build up over the years. The Town Board also attempted to establish a realistic estimate of revenue from not only local property taxes but from other types of tax income received by the Town (sales, mortgage and court fees).

Supervisor Nellis continued to review the proposed budget, which is on file, and copies could be attained in the Town Clerk’s office.

Supervisor Nellis then asked if there were any comments from the members of the Town Board. Councilman Zittel felt that Supervisor Nellis covered the preliminary budget well. Supervisor Nellis then asked for a Motion to set the Public Hearing for final approval for the Town of Eden Budget – 2000 on November 3, 1999 at 7:30 P.M. being the only item on the agenda.

MOTION was made by Councilman Krycia to schedule the public hearing for the Town of Eden Budget – 2000 for Wednesday November 3, 1999 at 7:30 P.M.; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

2.) Master Plan Update

Supervisor Nellis noted that on October 21, 1999 at 7:30P.M. a public meeting would be held which would be the second of four public meetings for the Eden Mater Plan. The meeting would include a status report and feed back from the town planner Andrew Reilly or what was heard as issues at the September meeting and also the updating of the data. The session would be open for questions and answers. The next meeting is scheduled for December 9, 1999 at 7:00 P.M. to review the first written goals and objectives for the Town Master Plan and to receive input.

3.) Report on Water Projects

Supervisor Nellis turned to John Reid of R & D Engineering. Mr. Reid stated that 60% of signatures from Paxon Road and Wepax Road were collected for the proposed Water District #4. He stated that volunteers are continuing to collect signatures to bring the percentage up to have a better chance for approval. Mr. Reid also stated that the interest rates have dropped for Rural Development, which is good for the proposed Water District #4 and Water District #3A. The rates have gone from 4.75% to 4.38%. Mr Reid also stated that he has received verbal approval to go ahead with District #3A (Ferrier Road extended) and that residents will be contacted so they can go ahead and contact their contractors to lay water piping from their homes to the road.

4.) Results of Surplus Equipment Bid – 1985 Dodge Pickup

Supervisor Nellis stated that four bids were received from the following:

- | | | |
|----|------------------|----------|
| 1. | Bradley Szal | \$175.00 |
| 2. | Michael McCarthy | \$150.00 |
| 3. | William Emerling | \$400.00 |
| 4. | Ed Kaczanowski | \$101.00 |

Based on the results Supervisor Nellis recommend that the Town Board approve the sale of the 1985 Dodge Pickup Truck to William Emerling for the amount of \$400.00.

MOTION was made by Supervisor Nellis to approve the bid for \$400.00 for the Surplus 1985 Dodge Pickup Truck by William Emerling; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5.) Resolution authorizing Supervisor Nellis to sign the 1999 STOP-DWI Contract

Supervisor Nellis explained that every year the Town signs a contract with the County of Erie to fight drunk driving in Erie County. Supervisor Nellis then asked for authorization to sign the contract for the 1999 STOP-DWI Contract between the Town of Eden and the County of Erie.

MOTION was made by Councilman Krycia to authorize Supervisor Nellis to sign the contract for the 1999 STOP-DWI Contract between the Town of Eden and the County of Erie; seconded by Councilwoman Pew. Councilman Zittel asked for clarification that this is a \$10,000.00 grant; Anna Knack confirmed that it was a \$10,000.00 plus grant. Supervisor Nellis asked if there were any other questions or comments, there were none so the Motion was put to vote; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

7.) Ryther Creek

Supervisor Nellis stated the Town had amended the previous amount of authorization to increase the dollar amount to \$100,525.07, however there is a \$311.00 discrepancy. Supervisor Nellis expressed that the Town Board needed to once again amend the Community Development Block Grant for the 1999 Ryther Creek Drainage Project; Supervisor Nellis read the following resolution;

**COMMUNITY DEVELOPMENT BLOCK GRANT
SECOND CONTRACT AMENDMENT**

WHEREAS, the Town of Eden has entered into a July 28, 1999 agreement, as amended on September 9, 1999, with the County of Erie for the completion of the 1999 Rythus Creek Drainage Project,

NOW, THEREFORE BE IT,

RESOLVED, that the Community Development Block Grant award for the 1999 Rythus Creek Drainage Project has been amended from \$100,525.07 to an amount not to exceed \$100,836.07.

MOTION was made by Councilman Zittel to make the change as read by Supervisor Nellis; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis stated that the corrected paper work would be sent to the County.

Supervisor Nellis also read a letter from Charles Dalrymple, Clerk of Works on the Ryther Creek Project that stated a great job was done on the project especially with C & S Engineering's involvement. Supervisor Nellis asked Ronald Maggs, Superintendent of Highways if he felt that everything had been completed and Mr. Maggs felt that it was.

With those comments, Supervisor Nellis asked for approval of two items. One would be the final 10% payment of \$6,078.00 to Schreiber & Winkelman for their work on the Ryther Creek Project.

MOTION was made by Councilman Zittel to approve the final payment to Schreiber & Winkelman in the amount of \$6,078.00 which is the last 10% for work completed on the Ryther Creek Project; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis stated that the second item was for Charles Dalrymple's services as Clerk of the Works on the Ryther Creek Project for the amount of \$2,000.00.

MOTION was made by Councilwoman Pew to pay Charles Dalrymple \$2,000.00 for his services as Clerk of the Works on the Ryther Creek Project; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis noted that it was 8:32 P.M. and he asked for a Motion to close the Regular Meeting of the Eden Town Board for the Public Hearing to suggest projects for the Community Development Block Grant Program.

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

Supervisor Nellis closed the Regular Session of the Eden Town Board at 8:32 P.M.

MOTION was made by Councilman Krycia to open the Public Hearing to suggest projects for the Community Development Block Grant Program; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis opened the Public Hearing at 8:32 P.M.

**PUBLIC HEARING
8:30 P.M.**

To Suggest Projects for the Community Development Block Grant Program

Supervisor Nellis explained the public hearing was to hear any comments from Town citizens. Supervisor Nellis went on to explain that the Community Development Block Grant Program is federal money administered by the County of Erie for various towns in the county. Each Town typically receives a grant every three years. The nature of the grant

proposal is important since a review committee rates the grants. Last year the Town of Eden received the maximum amount of \$90,000.00 that was used for a portion of Ryther Creek.

Supervisor Nellis stated the area that is eligible in town for a project is west of Route 62 running from Sandrock Road to Shadagee Road based on statistics from the 1990 census data.

Supervisor Nellis explained that tonight the Town Board is to entertain any thoughts or ideas that the town could explore and consider for the grant program. Supervisor Nellis noted that the Drainage Committee expressed the continuation of the cleaning of Ryther Creek.

Ronald Maggs stated there is still significant work to be done on Ryther Creek and felt that it should be considered.

Supervisor Nellis also noted the Town is currently going through a Flood Mitigation Plan at this time and maybe there is something there to consider.

There were no further comments from the audience and/or the Town Board.

MOTION was made by Councilman Zittel to close the Public Hearing; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Councilman Krycia to re-open the Regular Session of the Eden Town Board; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis re-opened the Regular Session of the Eden Town Board at 8:38 P.M.

6.) Supervisor’s Report

Supervisor Nellis reported that he sent a letter on October 4, 1999, at the request of Councilwoman Kathleen Hochul of the Town of Hamburg to the State Environmental Protection Fund, indicating the Town of Eden’s support for the Town of Hamburg’s request for the Wanakah Water Works Project. The Town of Hamburg is in the process of making the water works into a “Tourist Information Center” along Route 5.

Supervisor Nellis then reported on the Town summer “Sidewalk Project” which included areas on East Church Street, Main Street and Welch Lane. Supervisor Nellis noted that previously approved for the project was \$5,495.00 to JRT Concrete. Supervisor Nellis requested permission to spend another \$1,850.00 to repair the area in front of the “old Roeller hotel” in which the Town of Eden is responsible for 800 of the 1200 square feet in need of repair. Supervisor Nellis stated that the total cost of the area is \$7,400.00 and that the business owners were paying \$5,550.00.

MOTION was made by Supervisor Nellis for authorization to spend another \$1,850.00 on the Sidewalk Project as explained; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis also reported that “Project Impact” would be meeting October 14, 1999 at 12:00 P.M. at the Eden Emergency Squad building. This is a federal project aimed at making communities disaster resistant. The meeting will review the State hazard assessment report done on the Town of Eden. The Town of Eden is one of five communities in New York

State of the 1400 communities in the state that were recommended by the State Emergency Management Office for federal funding.

Hearing of Visitors:

There were none.

Adjournment:

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 8:48 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk