

MINUTES

**WORK SESSION MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
OCTOBER 27, 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

OTHERS PRESENT:

Mary Jo Hultquist - Town Clerk
DianaRae Walker - Deputy Town Clerk
Anna M. Knack - Administrative Assistant

Call To Order:

Supervisor Nellis called the Work Session of the Eden Town Board to order at 7:35 P.M.

Pledge of Allegiance:

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

Supervisor Nellis welcomed everyone to the Work Session of the Eden Town Board and continued by asking to have two items added to the agenda. One being approval of Recreation Winter Program Supervisors that would be retroactive to September, the second being a resolution on “CHIPS”, state money for roadways. Supervisor Nellis also noted that a request for an Executive Session at the end of the Work Session for personnel be held.

Budget Transfers:

There were none.

New and Unfinished Business:

- 1.) Presentation and Discussion for Approval:
 - a.) Natural Resource Inventory
 - b.) Open Space Index

Supervisor Nellis explained that the Conservation Board has worked diligently on the Natural Resource Inventory (NRI) and the Open Space Index (OSI) for the Town of Eden. The Conservation Board has over the past five years worked together with John Whitney of the U.S. Department of Agriculture, Natural Resource Conservation Service, Paul Rutledge, Consultant Ecologist; Eric Gillert, Urban Planner and Nathan Zieziula, Planning Intern to draft the NRI and OSI. Supervisor Nellis turned to Frank Mantione, Chairman of the Eden Conservation Advisory Board for his presentation on the NRI and OSI.

Mr. Mantione began his presentation with a time line on how the Eden Conservation Board in February 1995 identified the need to complete the OSI as per New York State Municipal Law Article 12-F. In January 1996 the Town Board approved \$5,400.00 of funding to complete the OSI and that \$3,871.81 was spent for both the OSI and NRI. Mr. Mantione explained the break down of the monies spent for the professional consultants on the projects. Paul Rutledge, \$2,500.00; Eric Gillert, \$738.21; Nathan Zieziula, \$387.00 and \$246.60 was spent on the printing. Mr. Mantione also took a moment to “thank” the following Eden Conservation Advisory Board members who were instrumental in writing the documents being presented to the Town Board; Lamont Beers, Traci Clever, Kathleen Hughes, Kathy Swank and Peter Putnam. (Frank Mantione also contributed to the writings of the documents.)

It was then in April 1996 that goals for the OSI were adopted which included a map to describe the natural resources, that the NRI and OSI should be consistent with the Comprehensive Plan, to include map data in the Geographic Information System (GIS) system and to serve as basis for the Comprehensive Plan. In May 1996 the Conservation Advisory Board met with AmeriCorps Volunteers to arrange for digitized natural resource maps. It was through the rest of 1996 to May 1998 that work on Landuse/Land Cover map and walkovers done to verify Landuse/Land Cover data was completed. John Whitney and volunteers from the U.S. Department of Agriculture, Natural Resource Conservation Service created the digitized maps for the NRI and OSI while the Eden Conservation Board completed narrative work on the NRI and Paul Rutledge completed the narrative work on the OSI. It was then when drafts of the Landuse/Land Cover maps were presented to the Town.

In January 1999 Nathan Zieziula began digitizing a Landuse/Land Cover Map and Open Space Map for the OSI and then completed the Open Space Inventory for the OSI. In April 1999 the first draft of the NRI and OSI was completed and distributed to the Town Board, the public and all who contributed to the projects.

Mr. Mantione then presented the first draft at the June 23, 1999 Work Session of the Eden Town Board. Copies were made available to the public for input. The second draft was sent out after corrections and printing in October 1999.

Mr. Mantione then went on to describe each of the projects completed. He began with the Natural Resource Inventory (NRI). Mr. Mantione stated that the project goals for the NRI was to identify the natural resources that should be protected by collecting relevant data such as: physical geography, geology, soils, surface and groundwater, land use, climate vegetation and wildlife. The NRI consists of narrative data, tables and maps which describe the natural resources being inventoried.

The NRI was completed concurrent with the Open Space Index (OSI) which adds to the consistency of both documents and gives an overview of the Town’s natural resources and open spaces.

Mr. Mantione next described the project goals of the Open Space Index (OSI) to map and inventory the open land in the Town of Eden. He explained the OSI flows from information contained in the NRI and provides information for an Open Space Conservation Plan. He stated that the Open Space Map identifies open areas five acres or larger by current land use and the Open Space Inventory lists and describes these areas by location, size, land use and zoning.

Mr. Mantione concluded his presentation stating that tonight both the NRI and OSI were being submitted for acceptance by the Town Board. Mr. Mantione's presentation handouts are on file in the Town Clerk's office.

There was some discussion with questions from the Town Board members. Councilman Zittel asked, "Why a "Board" is mandated to do this type of project and if it was a "Council" why this type of project is not required. Mr. Mantione explained that for a "Council" to become a "Board" they would have to do this project. Mr. Mantione went on to explain that by being a "Board" it enables the town to be eligible for State Aid for various projects of the Conservation Board. He noted that the documents that were presented tonight, tells the Department of Environmental Conservation that the Town of Eden is serious in preserving the Town of Eden. Mr. Mantione feels that the Town of Eden is worth preserving and the NRI and OSI are the tools to utilize.

Mr. Mantione also noted that the documents provide information that if the Town decided to create a "Conservation Acquisition Plan" it could "dove tail" with the Master Plan.

Supervisor Nellis questioned on page 6 of the OSI booklet "Why are "Agricultural Land and Natural Land" considered separately and what is meant by that?" Mr. Mantione stated that when "agricultural land and/or natural land" are not developed, that there could be different ways to look at and evaluate what to preserve and what not to and the documents could assist in the decision.

Councilman Krycia brought to the attention of Mr. Mantione that "figure 19" is referenced several times but is not in the NRI document, however "figure 19" does not exist. Mr. Mantione explained that the study began as one and two-thirds through the project a need to separate the OSI and NRI became relevant and the maps were used for both documents. Mr. Mantione stated that a correction would need to be made to reference "figure 1" of the OSI document on page 1A. Mr. Mantione went on to say that corrections and changes would be an on going process that would be overseen by the Eden Conservation Board and worked as an "active document".

Councilman Krycia also pointed out that the NRI references five cemeteries and that only two are active when in fact at least three are. Again Mr. Mantione explained that corrections will need to be made and that this is an active document where updates will need to be done.

Supervisor Nellis also expressed that he felt "viewsapes" should be a section of interest noting that the view coming down East Church Street was not listed and it is a beautiful view. Mr. Mantione explained that there have been other suggestions of items that were not added to the documents and that these items could be worked on and added in an update of the documents.

Councilman Zittel expressed that he would like to see the documents with corrections adopted, and also the continuation of improvements to the documents so that they could be used.

Councilman Krycia asked about the "Western New York Land Conservancy Agricultural Lands Evaluation Form" in the back of the OSI document whether this was something that needed to be completed now or is it a form for future use. Mr. Mantione answered that it is a documents for future use on "land use".

At the end of the discussion Councilwoman Pew thanked Mr. Mantione on behalf of the Town Board for his persistent follow through and that a lot of work went into the documents and the outcome is a great planning tool for different areas of the Town Eden.

MOTION was made by Councilwoman Pew for adoption of the Town of Eden “Open Space Index” (OSI) and the adoption of the “Natural Resource Inventory” (NRI) prepared by the Eden Conservation Board and assisted by Paul Rutledge, Eric Gillert, John Whitney, Nathan Zieziula and Frank Mantione, Chairman of the Eden Conservation Board. Councilman Krycia as a liaison to the Eden Conservation Board when the study began seconded the Motion.

Councilman Zittel commented that the Eden Conservation Board has been very patient and that patience is still going to be looked upon. Even with all the knowledge about the documents, once in awhile things will be overlooked and things are not resourced the way they should. Councilman Zittel requested Mr. Mantione to encourage the Town Board to use the documents as often as possible and if not used as intended that the Eden Conservation Board remind the Town Board of its existence. Councilman Zittel also noted the Town Board should be able to call on the Eden Conservation Board for services on things that could be overlooked unintentionally.

Supervisor Nellis asked if there were any other comments, there were none. Upon being put to the vote, All – “Ayes”; Opposed? – None; Abstain? – None; **ADOPTION** of the Town of Eden “Open Space Index”(OSI) and of the “Natural Resource Inventory” (NRI) was approved.

2.) Discussion of Proposal to Establish Town Records Management Committee

Supervisor Nellis turned to Mary Jo Hultquist, Town Clerk to lead the discussion of the proposal to establish a Town Records Management Committee.

Mrs. Hultquist began the discussion by stating that Paula Thurston, Deputy Town Clerk was very instrumental in working the SARA grant for the “Records Management Inventory”. It was the first glimpse of what records were in the Town and after completing the grant it was realized that this was a project that needed to be an ongoing process in the Town of Eden. After speaking with Jim Tammaro the Regional Advisory Officer with New York State Archives and Records Administration, suggested that forming a committee would be a good idea and something that could be useful for the Town. The committee would be made up of the Town Clerk, a Town Board Member, Town Historian, Librarian and two citizens of the Town. The Records Advisory Board would meet only twice a year for example in January when Town employees are cleaning out their files. A MU-1 Schedule (Municipality Schedule) would be followed that is published by the State Archives and Records Administration that covers all Town records.

Mrs. Hultquist also stated that after completing the SARA Grant it was realized that there was a lot more work to be done because the current files of the Town are located in several locations through out the Town, in such places as the Highway garage, above the police dept in the vault of the Town Hall. It is the feeling of the Town Clerk to proceed and form the Records Advisory Board to ensure “good record keeping” in the Town.

Mrs. Hultquist also stated the Committee's responsibility would be to help organize and more effectively operate a records management program. The Board would support, implement and guide the program. They would develop and implement policies and procedures, define program goals and objectives. It would advise on major decisions concerning records management such as establishment of a records center or the implementation of microfilm program. Also they would promote public awareness and review all requests for the disposition of records according to the guidelines of the MU-1 Schedule.

Councilman Zittel asked would this proposal dovetail into working to get a bigger place to store records. Mrs. Hultquist stated that a needs assessment would need to be completed and if a building or other location were identified the Town could get a grant to have the location fire proofed and furnished to hold the Town records, the grant is available to the Town. Through grants 50% - 60% of other towns have established locations to store town records.

Paula Thurston, Deputy Town Clerk gave a detail description of a visit to another town's location for records. It had the proper shelving and temperature to preserve the records. It really gave herself and the Town Clerk a glimpse of what could be done in the Town of Eden. Mrs. Thurston noted that 829 square feet of records exist in the Town of Eden and half are stored in the vault of the Town Hall and the rest are scattered around the offices of the Town in boxes and file cabinets.

Councilman Krycia asked why the records could not be archived on computers as opposed to being pulled from old books and shelves. Mrs. Thurston explained that it is possible and it would require monies and training to do it. Mrs. Thurston stated that this is the first Town record inventory to have been completed. She went in to every office and that every office staff understood the need for retention.

Councilwoman Pew clarified that a grant would cover such items as new shelving, microfilming machine, fire proofing the room ceiling to floor and temperature control, however the grant would not cover the construction of a new building. Mrs. Hultquist suggested that an existing building such as the old Emergency Squad building could be looked at as a possible location to store records.

Supervisor Nellis asked Mrs. Hultquist how the structure of the committee was formed and why is it that the department heads are not listed. Mrs. Hultquist answered that she followed the guidelines of the New York State Archives and Records Administration. Mrs. Hultquist also explained that the department heads would be the first to establish a retention schedule for their departments using the guidelines of the MU-1 Schedule and they would have input before going to the committee.

Supervisor Nellis stated that the resolution seemed to narrow who in town would have the expertise to be a member of the committee.

Councilman Zittel asked if there would be a budget required for the committee and Mrs. Hultquist stated that the committee would be mainly working with grants and at this time she saw no need for a budget, each individual office would have a budget for supplies.

Councilwoman Pew asked if it would be a temporary advisory board. Mrs. Hultquist stated that it would be an ongoing board because of the need to maintain the Town records with the use of the retention schedule in each of the offices of the Town.

Councilwoman Pew expressed concern over why the Court office is not recommended to sit on the committee. Mrs. Thurston stated that the court records have a retention schedule of their own and even with that they are still part of the Town inventory, but it would be the discretion of the court office with state guidelines on the retention of the Town court records.

At the end of the discussion;

MOTION was made by Councilman Zittel to establish the Records Management Advisory Board under the Town Clerk's guidance to form the Advisory Board following the guidelines set by the New York State Archives and Records Administration, seconded by Councilman Krycia.

There was discussion that under Section #4 of the resolution that "minutes should be kept of all meetings and any actions taken" be added. Supervisor Nellis then read the following Resolution with the addition to Section #4 which is on file in the Town Clerk's office:

RECORDS MANAGEMENT RESOLUTION

WHEREAS, the Eden Town Clerk has previously undertaken a program for the establishment of a local government archives and records management system: and

WHEREAS, it is desirable to have a records management program in place on a continuing basis; and

WHEREAS, the objectives of the Eden Town Board are best achieved by the official adoption of a comprehensive records management program;

NOW, THEREFORE BE IT RESOLVED:

Section 1: Town Clerk: The Town Clerk or her designee shall be responsible for the records management program established by this resolution and subsequent amendments thereto. Said office will be responsible for administering the non-current and archival public records for the Town of Eden in accordance with local, state, and federal laws and guidelines. Said officer shall also be responsible for overseeing microfilming of Town records according to recognized standards and specification.

Section 2: Powers and Duties: The Town Clerk or her designee shall have all the necessary powers to carry out the efficient administration, determination of value, use, preservation, storage and disposition of value, use, archival public records kept, filed or received by the office and departments of the Town of Eden.

Town The Town Clerk or her designee shall establish guidelines for proper records management in any department or agency of government in accordance with local, state, and federal laws and guidelines.

The Town Clerk or her designee shall report annually to the Town Board on the powers and duties herein mentioned including, but not limited to, the cost/benefit ratio of programs implemented by the

Town Clerk or her designee.

Section 3: Sole Officer: The Town Clerk or her designee shall be the sole official designated in the “Public Officer’s Certification for Using Records Retention and Disposition Schedules” or its successor. She shall be the sole officer with authority over the disposition of Town records, after receiving approval of the respective Town Officer or Department Head who has custody of the records of his respective office or Department.

Section 4: Records Management Advisory Board: The Eden Town Board shall appoint a seven member Records Management Advisory Board based on the recommendations by the Town Clerk. The Records Management Advisory Board shall be composed of Town residents with Expertise or interest in the field of archives programs, or records management programs, or a related field. The function of this board shall be to advise and make suggestions to the Town Clerk or her designee on improvements to be made to the Eden Records Management Program. The Board shall meet at least twice a year and more so if needed.

One member of the Eden Town Board shall serve as a liaison of the Records Management Board.

The Town Clerk or her designee shall be responsible for calling all meetings with minutes and action taken of the Records Management Board, making progress reports concerning the Records Management Program to the Records Management Board, and following up on advise and/or suggestions offered by the Records Management Board.

Section 5: Construction. Inconsistent Laws: If any part of this Resolution, or its application to any persons or circumstances, is adjudged by a court to be invalid or ineffectual, such judgment shall not affect the remainder of the resolution or its application to any other person or circumstance. This resolution shall supersede all prior resolutions inconsistent with it to the extent of such inconsistency, but in all other respects shall be deemed supplemental to such resolutions. Minutes of all meeting with actions taken to be included.

Section 6: Effective Date: This resolution shall take effect immediately.

After Supervisor Nellis read the Resolution, Councilwoman Pew felt that legal council should review the Resolution.

Councilman Zittel then added to the **Motion** “with review and approval of legal council” the Resolution was put to vote.
All – “Ayes”; Opposed? – None; Abstain? – None; the **Resolution was Adopted**.

5.) Town Board Meeting Schedule – Month of November

Supervisor Nellis requested that the Town Board Meetings for the month of November be changed to November 17, 1999. On November 3, 1999 a special meeting is already scheduled for the preliminary budget of 2000, and since November 24, 1999 is the evening before Thanksgiving.

MOTION was made by Supervisor Nellis to change the Town Board November Regular Session to Wednesday November 17, 1999 at 7:30 P.M.; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3.) Schedule Public Hearing Date – Request from John Bossi to construct multi-family dwellings on Route 20. (Zoning Change & Special Use Permit)

Supervisor Nellis stated that the Town has received a legal description from John Bossi that was sent to Andrew Reilly, Town Engineer and William Trask, Town Attorney as required in scheduling a public hearing date. Supervisor Nellis requested that a public hearing be schedule for November 17, 1999 at 8:00 P.M. to consider Mr. Bossi’s request for a zoning change and a special use permit and it is Supervisor Nellis’s understanding that Mr. Bossi has been requested to forward to the Eden Planning Board a traffic study in addition to material already received. It was discussed at length that there would possibly be the need for two public hearings for Mr. Bossi, the first one being for the “Zoning Change” and then the second being the request for a “Special Use Permit”.

MOTION was made by Supervisor Nellis to schedule a public hearing for the request from John Bossi to construct a multi-family dwelling on Route 20 for November 17, 1999 at 8:00 P.M. regarding the “Zoning Change” and “Special Use Permit” and if the need to separate the two is required, a second public hearing would be scheduled at 8:15 P.M. upon advise from council; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4.) Winter Parking Hours – Schedule Public Hearing

Supervisor Nellis stated that Anna Knack thoroughly researched the issue of Winter Parking Hours and a request was received from Patrick Howard, Eden Chief of Police and Ronald Maggs, Superintendent of Highways to add in the Town Code a Local Law on the issue of Winter Parking. Supervisor Nellis requested to propose Local Law 1999-4 that would prohibit

parking on all public highways within the Town of Eden excluding the state highways from 2am to 7am, from November 1 to April 1. Supervisor Nellis then requested that a public hearing be schedule for November 17, 1999 at 8:30 P.M.

MOTION was made by Councilwoman Pew to schedule a public hearing on November 17, 1999 at 8:30 P.M. regarding Local Law 1999-4 that would prohibit parking on public highways within the boundaries of the Town of Eden, excluding State Highways, from 2:00 A.M. to 7:00 A.M. from November 1 to April 1; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6.) Correspondence from Rural Transit Service, Inc., RE: Van Program, 2000-2001 Community Development Block Grant Year (Letter of Support & Contract)

Supervisor Nellis stated that under the rules of the County Program on Community Development monies and the need to forward on to Erie County by November 15, 1999 the following **RESOLUTION** was read by Supervisor Nellis:

At a meeting of the Eden Town Board held on October 27, 1999, the Board authorized Glenn Nellis, Supervisor to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) program for the following projects upon approval of ECCDBG.

1. Acquisition of Access Property (Town Recreation Park)
2. Lower Ryther Creek Drainage Project (Continuation of last year’s grant)
3. Van Program (Rural Transit Service Inc.)

Councilman Zittel seconded the Resolution read by Supervisor Nellis; All – “Ayes”; Opposed? – None; Abstain? – None; the Resolution was approved.

Supervisor Nellis also requested authorization to sign the resolution to support the Rural Transit Service van program for the 2000 – 2001 CDBG year.

MOTION was made by Councilwoman Pew to authorize Supervisor Nellis to sign the resolution to support the Rural Transit Service van program for the 2000 – 2001 CDBG year; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8.) Request for permit to construct a pond at 3173 Hickox Road

Supervisor Nellis requested to refer the request of Al and Gail Raro to construct a pond at 3173 Hickox Road to the Eden Planning Board for review.

9.) Approval of Recreation Department Winter Program Supervisors

Supervisor Nellis read the request of Recreation Director, Susan Brass recommending staff appointments for the Recreation Department Winter Program Supervisors. The request is on file in the Town Clerk's office.

MOTION was made by Councilman Zittel to approve the appointments of the Recreation Department Winter Program Supervisors as recommended by the Recreation Board; seconded by Councilman Krycia with the understanding that these appointments were all budgeted by the Recreation Board; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

10.) Resolution on “CHIPS” Program

Supervisor Nellis proposed full funding for the “CHIPS” Program and after speaking with Ronald Maggs, Superintendent of Highways there is a concern that they in the past a situation has occurred where the governor had reduced the 50 million budgets for “CHIPS” money consolidated local government assistants. The Erie County Superintendents want to make the governor aware of their views and arguments.

Supervisor Nellis read the following **RESOLUTION**:

WHEREAS, the CHIPS program provides essential road repair funding for Erie County and its local governments, and

WHEREAS, without adequate CHIPS funding, planning road and bridge reconstruction will have to be deferred and in many cases canceled altogether,

NOW, THEREFORE BE IT RESOLVED, that the Eden Town Board requests Governor George Pataki to include full funding (1999 final budget figures) in State Budget 2000 – 2001 for the CHIPS program.

BE IT FURTHER RESOLVED that the Eden Town Clerk send a certified copy of this resolution to the Western New York State Legislative Delegation and the Governor.

The Resolution was seconded by Councilman Zittel, Supervisor Nellis noted that Assembly Smith felt that this resolution would be helpful for the need of monies, All – “Ayes”; Opposed? – None; Abstain? – None; Resolution was approved.

Supervisor's Report:

Supervisor Nellis stated that he had received from Patrick Howard, Chief of Police a letter recommending Shawn D. Bishop's classification be changed to Police Officer, First Grade plus seven. This action would be in accordance with the contract the Police Club negotiated and would bring him to the top of his pay scale. The letter is on file in the Town Clerk's office.

MOTION was made by Councilman Krycia that Shawn D. Bishop's classification be changed to Police Officer, First Grade plus seven retroactive to his anniversary date in July; seconded by Councilman Zittel; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis continued his report by stating he received a request for payment from Wendel Engineers in the amount of \$1,498.79 for services rendered for the Eden Master Plan.

MOTION was made by Councilman Zittel to approve payment to Wendel Engineers in the amount of \$1,498.79 for services rendered for the Eden Master Plan; seconded by Councilman Krycia; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis also reported that the Ferrier Road 3000 foot extension to District #3A would begin on Monday November 8, 1999.

Lastly Supervisor Nellis reported that he received an inquiry about the burning of leaves in the Town of Eden. An Ad will be placed in the Pennysaver reminding residents to be mindful of the winds towards neighbors and roadways. Supervisor Nellis also suggested that building a mulch pile or placing the leaves in low areas to avoid the possible breeding of mosquitoes. Also the highway department has a place where residents can bring their leaves by the highway department garage.

Councilman Zittel asked if it was policy or local law that allows the disposing of leaves. Supervisor Nellis stated that it is policy and the DEC has the responsibility to oversee abuses of leaves burning activities.

Hearing of Visitors:

There were none.

Adjournment:

MOTION was made by Councilwoman Pew to adjourn the Work Session of the Eden Town Board subject to the Executive Session; seconded by Councilman Zittel; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis adjourned the Work Session of the Eden Town Board at 9:10 P.M.

Supervisor Nellis adjourned the Executive Session of the Eden Town Board at 9:45 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk