

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
NOVEMBER 17, 1999  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

GLENN R. NELLIS	-	SUPERVISOR
EDWARD C. KRYCIA, JR.	-	COUNCILMAN (Deputy Supervisor)
MARY LOU PEW	-	COUNCILWOMAN
VINCENT V. VACCO	-	COUNCILMAN
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 – (Absent)
William H. Laing	-	Eden Fire Chief - (Absent)
Kevin R. Schoenthal	-	East Eden Fire Chief
Susan Brass	-	Recreation Director
R.Ferris Randall	-	Chairman Board of Assessors
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 7:38 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 meeting and begin by introducing a Resolution to the Town Board regarding the appointment of Vincent V. Vacco as Councilman

for the term through December 31, 1999 filling the vacancy left by Councilman Peter Ruh in June 1999.

Supervisor Nellis read the following **Resolution**:

**RESOLUTION OF THE EDEN TOWN BOARD**

**WHEREAS**, on November 2, 1999, Vince Vacco of 9655 Knoll Road, Eden, New York, was elected to a full four year term on the Eden Town Board, beginning January 1, 2000, and

**WHEREAS**, a vacancy currently exists on the Eden Town Board due to the resignation earlier this year of Councilman Peter Ruh, and

**WHEREAS**, the Town Board is authorized to fill the unexpired term of this vacancy Pursuant to Section 64, Subdivision 5 of the Town Law;

**NOW, THEREFORE, IT IS**

**RESOLVED**, that Vince Vacco of 9655 Knoll Road, Eden, New York is hereby appointed to fill the vacant, unexpired term of office of Eden Town Councilman effective immediately.

**MOTION** was made by Councilman Zittel to approve the appointment of Vincent V. Vacco as Councilman to the Eden Town Board to fill the vacant, unexpired term of office of Eden Town Councilman effective immediately for the term through December 31, 1999; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis then welcomed Vincent V. Vacco to the Eden Town Board and swore Mr. Vacco in as Councilman to the Eden Town Board appointing him for the term through December 31, 1999. Councilman Vacco then joined the rest of the Town Board members up front.

**Approval of Minutes:**

Supervisor Nellis asked if there were any additions or corrections related to the minutes of October 13, 1999, there were none.

**MOTION** was made by Councilman Zittel to approve the October 13, 1999 minutes of the Eden Town Board as presented; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis then asked if there were any additions or corrections related to the minutes of October 27, 1999, there were none.

**MOTION** was made by Councilman Zittel to approve the October 27, 1999 minutes of the Eden Town Board as presented; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Petitions:**

Supervisor Nellis noted that at the November 3, 1999 special meeting of the Eden Town Board a petition was presented by Ferrier Road residents beyond the extension of Water District #3A and it was given to John Reid of R & D Engineering for review.

Supervisor Nellis then asked if there were any other petitions and there were none.

**Budget Transfers:**

Supervisor Nellis stated that the Ronald Maggs, Superintendent of Highways requested the following budget transfers, from account D5142.4 to operating account D5110.4 the amount of \$5,000.00, from account D5130.4 to operating account D5110.4 the amount of \$2,500.00, from the revenue account D3089 to operating account D5110.4 for multi modal the amount of \$15,000.00 and from D2770 to operating account D5110.4 for pipe permits the amount of \$416.80 for a total of \$22,916.80. Mr. Maggs transfer request is on file in the Town Clerk’s office.

**MOTION** was made by Councilman Krycia to approve the budget transfers as stated by Supervisor Nellis; Councilman Zittel asked if these items were already budgeted, Mr. Maggs stated “yes” that it is standard end of the year budget transfers. Councilman Zittel then seconded the Motion; 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	568 - 685	\$38,676.07
Highway Dept. Fund	307 – 344	\$25,020.92
Fire Dept. Fund	238 – 273	\$11,515.20
Recreation Dept. Fund	241 - 253	\$2,243.68
Refuse and Garbage Fund	25 – 30	\$88,921.29
Street Lights Fund	14	\$3,744.35
Water Fund	28 – 29	\$3,974.00
Trust & Agency Fund	18 – 19	\$6,262.50

Capital Fund	13 - 14	\$29,597.55

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

**Departmental Reports:**

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

Susan Brass, Recreation Director requested the appointments of Laura Salzman, Nicole Fregelette and Jake Brass as life guards for winter adult swimming to fill in on an as needed basis at a pay rate of \$10.00 per hour.

**MOTION** was made by Councilman Zittel to appoint Laura Salzman, Nicole Fregelette and Jake Brass as life guards for winter adult swimming to fill in on an as needed basis at a pay rate of \$10.00 per hour as recommended by the Recreation Director, Susan Brass; seconded by Supervisor Nellis; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

R.Ferris Randall, Chairman Board of Assessors reported that several inquires have come into the Assessor’s office regarding the Basic STAR and Enhanced STAR Programs. Mr. Randall explained that for the Basic STAR residents they would not need to come in with a renewal form only those with a change of residence would need to fill out a new exemption form. The Enhanced STAR residents would need to file a new exemption form by June 1, 2000 and those will be mailed to the Enhanced STAR residents beginning in March 2000.

After Scott Henry, Zoning Code Enforcement Officer read his report Councilman Zittel asked if the number of permits high for this time of year. Mr. Henry stated that it is a spike from October. Mr. Randall added that the Assessors have recently been on the Road and have notice many new homes going up in the Town even though there have been complaints of high taxes in Eden.

Mary Jo Hultquist, Town Clerk also reported that as the appointed Affirmative Action Officer appointed by the Eden Town Board, Mrs. Hultquist attended a workshop conducted by Home Housing Opportunity Made Equal on November 16, 1999 at the West Seneca Town Hall. Mrs. Hultquist received from the meeting a manual from Municipal Fair Housing officers which highlights the laws regarding discrimination among renters and landlords and also a guide for landlords on choosing good tenants which includes a rental application and right to fair housing. The manual and guidebook for landlords are available for review in the Town Clerk’s office and Mrs. Hultquist also stated that she has phone numbers that offer assistant too.

Mrs. Hultquist then reported that the Town Clerk's office would be open Saturday November 20, 1999 from 9:00 A.M. to 12:00 P.M. for last minute hunters; deer season opens Monday November 22, 1999.

Mrs. Hultquist then reported she would be advertising in the December PennySaver with the Town Board agenda for new members of the Records Management Board.

Lastly Mrs. Hultquist publicly thanked Councilwoman Pew and the Eden Town Board for the new computers in the Town Clerk's office that are a great asset to the office.

William Trask, Town Attorney requested an Executive Session of the Board to report on management litigation. Supervisor Nellis also requested that personnel issues be added to the Executive Session agenda.

Supervisor Nellis then requested that four items be added to the Regular Eden Town Board Meeting agenda. They were;

7.) Resolution for the Justice Court Grant Resolution

8.) Reorganization of the Technology Committee

9.) Southern Erie Clinical Services Resolution

and possible resolution regarding Erie County Soil and Water Conservation office

10.) Computer Administrator – purchase of a "Block Hours"

After the Department Reports of the fire companies and police department were read, Councilwoman Pew asked that the department heads of the emergency services as discussed in the last "Disaster Preparedness" meeting, submit in writing as part of their monthly reports in December what they are doing in preparation for December 31, 1999 whether "Y2K" related or if a disaster should occur.

Supervisor Nellis noted that it was 8:02 P.M. and asked for a Motion to adjourn the Regular Meeting of the Eden Town Board.

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

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:02P.M.

**MOTION** was made by Councilman Krycia to open the public hearing regarding the request from John Bosse for a Zoning Change and Special Use Permit for the purpose of construction multiple family dwellings, Proposed Local Law 1999-3; seconded by Councilman Zittel; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis open the public hearing at 8:02 P.M.

## **PUBLIC HEARING**

**8:00 P.M.**

**Request from John Bosse for a Zoning Change and Special Use Permit for the purpose of constructing multiple family dwellings. Proposed Local Law 1999-3.**

Supervisor Nellis explained that the purpose of the public hearing was to hear any advise, thoughts, questions and answers from residents that they might have on the Zoning Change and Special Use Permit as requested by John Bosse. Supervisor Nellis also noted that since the Town of Eden shares a border with the Town of Evans that any Town of Evans residents are welcomed to speak to the Town Board.

Mary Jo Hultquist, Town Clerk read the public notice regarding the request for Zoning Change and Special Use Permit as requested by John Bosse.

Andrew Reilly, Town Engineer and also the Planning Officer for the Town of Eden explained that the Town of Eden currently is involved in a Master Plan process and by law the town is obligated to give Mr. Bosse's application full review. It also gives the Town an opportunity to look at the zoning in the Town. Mr. Reilly explained that tonight the Town Board needs input from the residents, and he also explained that the area being reviewed currently is zoned as "industrial".

Mr. Bosse presented the Town Board members a report containing the traffic study done and the driveway approach site distance evaluation. Mr. Bosse also distributed copies of maps of the area that the proposed multiple family dwellings are to be located. The audience had an opportunity to review the map.

Supervisor Nellis reviewed the Lake Tim-Tam proposal presented by Mr. Bosse that described that the dwellings were between Southwestern Boulevard, Versailles Plank Road and the lake behind St.Vincent Church and South Creek Road.

After the audience had a chance to review the map provided by Mr. Bosse, Supervisor Nellis stated that though the Town Board was not making a decision tonight they were looking for input from the residents.

William Carpenter of 3780 Yochum Road asked if the parcels shown on the map were all of those that Mr. Bosse owns and are being considered for rezoning and if not are there any plans for the remainder of the parcels. Mr. Bosse explained that the application for rezoning is for 17 acres only of the parcel to establish condominiums around the lake.

Councilwoman Pew inquired if any consideration had been given on a type of buffer between the industrial area and the area that he is proposing. Mr. Bosse stated "not at this time". Mr. Reilly stated that the Planning Board recommended a buffer and it is so noted in their recommendation to the Town Board.

Mrs. Michalski of 7194 Eden Townline Road, Derby stated that the area is currently zoned residential and when construction came to Route 20, the residents asked the Planning Board for buffers. Mrs. Michalski expressed that now they may be looking at condos and she felt the field is not consistent. She explained that now they look at cranes and car lots and when they moved to the area it was rural and they would like to keep it that way.

John Persinger of 7010 Versailles Plank Road, North Evans expressed concerns about fire protection. Mr. Persinger felt that the Town of Evans and the Town of Eden are good neighbors, however there is a need to look at the whole picture regarding fire protection, water and extra services. Mr. Persinger also felt that with approximately sixty families coming out of Versailles Plank Road would be very busy. Mr. Persinger asked the Town Board to remember they have good neighbors and to remember the friendship.

Andrew Reilly, Town Engineer expressed that Mr. Persinger brought up valuable points regarding driveway location. Mr. Reilly stated that the original plans called for the driveway to be on Route 20 and it was after review by the Planning Board, they felt maybe Versailles Plank Road would be better and then additional information was received by the Planning Board and

they considered moving it back to Route 20. However they felt they needed to get the public involved and hear from the people in the area to get input on which area would be best for the driveway. It was then at this time Mr. Bosse was asked to do a traffic study for what would be best. Mr. Reilly also explained that the Town Board would need to consider that the Town of Evans water, sewer and Fire Department would service the development and that the Town of Evans would need to be in agreement.

Lester Hutchison of 7005 Versailles Plank Road, North Evans his property is next to Mr. Bosse's and he explained that he understands that Mr. Bosse has the right to build his condominiums, however the area has water problems. In November he had to have the fire department pump out his basement and Mr. Bosse's property also was flooded.

Nick Mecca the Town of Evans fire chief explained that the area is an Eden fire protection area and there is a mutual agreement that has been worked out between the fire companies. Mr. Mecca also expressed that his street exits onto Townline Road and he looks at Contour Fence, steel and steel cranes and no longer can see the hills of East Eden. Mr. Mecca concern are the water problems that exist in the area and that residents are running two to three sump pumps in their basements. Mr. Mecca stated he didn't see any drainage facility in the plans only Tim Tam Lake and he asked the Town Board to be real cautious when making their decision on this project.

Maria Kolasinski of 7016 Versailles Plank Road expressed concern about the traffic on Versailles Plank Road. Mrs. Kolasinski felt that vehicles of all types go down too fast already and adding additional traffic is a potential accident waiting to happen.

Wilbert Smutz of 3094 East Church expressed his opinion that this project is in the furthest corner of Eden and Mr. Smutz felt that the condominiums would cause more stress on the Eden Emergency Squad.

Gerald Maggs of 2763 First Street stated that he is opposed to the rezoning from industrial to residential because he felt the Town of Eden is in need of economic development.

William Carpenter of 3780 Yochum Road explained that Mr. Maggs stated the position of the Economic Development Committee however the committee is not opposed to rezoning but they feel that it should be considered in the Master Plan. Mr. Carpenter felt that maybe through the Master Plan process that maybe another area of Eden maybe identified as an industrial area, but it is something that needs to be looked at, especially with the input received from residents.

Walter Henry of 7185 Sisson Highway stated that he is opposed to the project because it is a partial rezoning of the property.

At the end of the discussion Mrs. Hutchinson expressed her concern of the lost of wildlife there would be to the area if the condominiums were built.

Supervisor Nellis thanked the residents present for their comments and expressed that their comments have given the Town Board good reasons to pause and look at the Plan closely. Supervisor Nellis also asked the residents to follow up their comments with letters to the Town Board especially for those who were unable to attend the meeting.

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

Supervisor Nellis closed the public hearing at 8:40 P.M. Before the residents left the auditorium, Supervisor Nellis noted that Town officials have been in contact with each other and

that three letters were received from the Town of Evans' Planning Board and Superintendent of Highways. They are on file in the Town Clerk's office.

**MOTION** was made by Councilwoman Pew to open the public hearing for the proposed Local Law 1999-4, Prohibited Parking during Winter months, November 1 thru April 1; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis opened the public hearing at 8:45 P.M.

**Public Hearing  
8:30 P.M.**

**Proposed Local Law 1999-4, Prohibited Parking During Winter Months, November 1 thru April 1.**

Supervisor Nellis stated proposed local law 1999-4 is to prohibit parking during the winter months, November 1 thru April 1 want to consider putting this law on the books for the purpose of letting people know and to ensure that the roads are cleaned properly during the winter.

Chief Howard stated that the law was originally omitted from local law and the Police Department and Highway Department would like to see the dates changed from November 1 thru March 15 to November 1 thru April 1 to give the Town and County the time to clear the highways.

Ronald Maggs, Superintendent of Highways also noted that the new dates would coincide with the seasonal dates of the highway department. Mr. Maggs stated that the local law would prohibit parking on all 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.

There was no further discussion.

**MOTION** was made by Councilman Zittel to close the public hearing; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the public hearing at 8:49 P.M.

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

Supervisor Nellis re-opened the Regular Session of the Eden Town Board at 8:49 P.M.

6.) Community Alert Network (Presentation)

Councilwoman Pew introduced the presentation by explaining that a disaster could occur anytime or anywhere whether Y2K related or not. Councilwoman Pew went on to explain that



she asked Marcy Purdy, representative of Community Alert Network (CAN) System from Albany to present on how "CAN" works and how other communities have used it.

Ms. Purdy presented a slide presentation to the Town Board and the audience on what Community Alert Network System can do. Ms. Purdy explained each slide in detail describing how emergency notification by the "CAN" system, which includes automated dialing, could assist the Town in an emergency or disaster situation. Also used would be TV, radios, pagers, siren, and door-to-door notification depending on the type of emergency. The system would notify residents with detailed instructions and/or detail description of the incident. Ms. Purdy explained that the cost to the Town depends on size and any additional charges if the system is activated.

Ms. Purdy explained that the system is activated when "emergency response personnel" of the Town contacts "CAN" in an emergency or disaster situation, they would speak to an operator and the notification would then begin. When activated the system begins by contacting residents and businesses closest to the disaster and the calls spread out from there until the entire Town if necessary is contacted.

After Ms. Purdy's presentation, Councilman Zittel asked if "Community Network Alert" could handle multiple calls such as two emergencies at the same time. The answer was yes with "CAN" resources being split between the two emergencies. The system is voice activated, however a hang-up would confirm back as "message delivered". If the system were to be put in place in the Town of Eden it would take about 30 to 60 days to put in place. Any residents with unlisted telephone numbers would have the option to be added to the phone list with the understanding that "CAN" would not sell their phone lists as per the contract.

Ms. Purdy ended her presentation by stating that to purchase the system would be a one-year commitment and would be renewed on a year-to-year basis and the price is guaranteed for five years and the Town would be charged each time the system is activated at an approximate rate of \$.61 to \$1.04 per call and depending on how many calls are made. Councilman Pew asked if there was any training involved for emergency personnel and any training for the public. Ms. Purdy stated that "CAN" would help the Town get the word out to tell the public what "Community Alert Network" is and what it can do. Ms Purdy also noted that "CAN" would provide training for emergency personnel. Lastly Councilwoman Pew asked if any consideration would be made in a reduction in price if our community were identified as a "project impact" community. Ms. Purdy answered that it would be considered.

Supervisor Nellis then thanked Ms. Purdy for her presentation and the audience for their questions. The meeting continued with Departmental Reports.

Andrew Reilly, Town Engineer reported that Master Plan public hearings are scheduled for December 8, 1999 in East Eden Fire hall and December 9, 1999 at the Town Hall.

Supervisor Nellis also noted that part of the Master Plan meeting on December 9, 1999 would be for goals and objectives. Supervisor Nellis felt that the 2<sup>nd</sup> draft would be ready by December 3, 1999 and copies would be available in the Town Clerk's office for review.

**New and Unfinished Business:**

1.) Water Projects – New District No. 4 and District No. 3A

John Reid of R & D Engineering stated that District No. 3A is now being completed on Ferrier Road. He expects the testing to be completed on the lines this week. Mr. Reid also reported on Water District No. 4 and requested that the Town Board officially receive the petitions for Water District No. 4 and schedules the public hearing for December 8, 1999. Mr. Reid stated that over 80% of the petitions have been received to move forward with the project.

**MOTION** was made by Supervisor Nellis to accept the petitions for Water District No. 4 that were notarized and to set a public hearing for December 8, 1999 at 8:00 P.M. at the East Eden Fire Hall; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None;  
Motion carried.

Mr. Reid also reported on the other petitions received. Mr. Reid stated that there are four outstanding petitions not included in the petition for Shadagee Road. Mr. Reid reviewed the four proposed areas, which are “parcels on Gary Drive could be included in water District No. 4, Route 62 – South of Sandrock Road to Railroad viaduct, Jennings Road south to Kulp Road and Ferrier Road extension to Shadagee Road. The proposal is on file in the Town Clerk’s office.

Mr. Reid stated that he would be including Gary Drive on the grant application for Water District No. 4. Councilman Zittel asked if it would take a bigger tank to include Gary Drive. Mr. Reid stated that it doesn’t affect any of the engineering in the original proposal.

There was discussion on when possible funding would be received specifically for Ferrier Road. Mr. Reid stated he was unsure, best guess the following year, Mr. Reid however noted that since the rest of Ferrier Road is in the Agricultural District, it could slow the process down.

Mr. Reid also noted that he would have a letter from the County and State Health Department to support the application for Water District No. 4.

2.) Approval of funding for R & D Engineering (Pre-Application & Application for \_\_\_\_\_  
Water District No. 4.

Supervisor Nellis reviewed the funding for R & D Engineering services pertaining to the project fees, which is on file in the Town Clerk’s office. The Pre-application Phase is \$3,600.00, Map, Plan and Report is \$1,700.00 and the Final Application and follow-up is \$2,300.00.

**MOTION** was made by Supervisor Nellis to authorize him to sign the expenditure for Consolidated Water District No. 4 for the Pre-application Phase in the amount of \$3,600.00, the Map, Plan & Report in the amount of \$1,700.00 and the Final Application and follow-up in the amount of \$2,300.00; seconded by Councilman Zittel. Councilman Krycia clarified that the Motion is to authorize the Supervisor to pay the contract and the full amount is not being paid at this time. There was no further discussion. All – “Ayes”; Opposed? – None; Abstain? – None;  
Motion carried.

### 3.) Drainage Facility Law – Discussion for Approval

Supervisor Nellis stated that after receiving recommendations from the Planning Board, Drainage Committee, and Conservation Board all suggestions were incorporated into the proposed Drainage Facility Law. Supervisor Nellis also stated that a public hearing was also held and with that he asked the Town Board members to consider approving the Drainage Facility Law, Local Law No. 1999-2.

**MOTION** was made by Supervisor Nellis to adopt the Drainage Facility Law, Local Law No. 1999-2; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

### 4.) Federal Emergency Management Agency – Eden Designated Federal Project Impact Community

Supervisor Nellis stated that a letter dated November 4, 1999, has officially notified the Town that the Town of Eden has been selected and given Federal designation of being a “Project Impact” community. The letter is on file in the Town Clerk’s office. Supervisor Nellis also stated that the designation carries about \$60,000.00 in Federal monies to the Town, maybe more and also makes the Town eligible for reductions in cost for programs such as “CAN” that was presented tonight.

Supervisor Nellis noted the Town has been invited to a National Conference being held December 12, 1999 thru December 16, 1999. Supervisor Nellis also stated that the Disaster Committee would be meeting November 18, 1999 to look at the tentative budget associated with the Federal Agency regarding the expenditure of the monies.

Supervisor Nellis then requested authorization for up to five people to attend the National Conference in Washington D.C., December 12 – December 16. The monies received from the Federal Government would cover the cost of \$3,150.00, however Supervisor Nellis requested an advance at this time for the expense.

**MOTION** was made by Councilman Zittel to authorize the Supervisor the advance expenditure of \$3,150.00 for the National Conference being held in Washington D.C. December 12 – December 16 for “Project Impact” designated communities. The monies would be repaid by the Federal Government monies received by the Town as a designated “Project Impact” community; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

### 5.) Trevor Industries – Special Use Permit

Supervisor Nellis stated that a recommendation was received from the Planning Board regarding the request for an apartment above Trevor Industries at 8698 South Main Street, which is on file in the Town Clerk's office. The Planning Board recommended approval for a "special use permit" contingent upon meeting State-building codes. Supervisor Nellis then stated with the recommendation from the Eden Planning Board that a public hearing be scheduled for December 8, 1999 at 8:30 P.M.

**MOTION** was made by Councilwoman Pew based on the recommendation of the Eden Planning Board to hold a public hearing December 8, 1999 at 8:30 P.M. regarding the Special Use Permit for an apartment above Trevor Industries at 8698 South Main Street; seconded by Councilman Zittel; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

7.) Resolution for Justice Court Grant

Supervisor Nellis explained that a new Justice Court Assistance Program is available for the Town Court office that allows the Court office to update the Town of Eden's Court facilities. Supervisor Nellis stated that the court staff and judges have been busy filling out the application that needs to be in by December 1, 1999.

Supervisor Nellis then read the following **Resolution** required to move forward in sending the grant application.

**RESOLUTION OF THE TOWN OF EDEN, NY  
RE: JUSTICE COURT ASSISTANCE PROGRAM  
UNIFIED COURT SYSTEM OF THE STATE OF NEW YORK**

Supervisor Nellis, seconded by Councilman Zittel, as follows, offered a resolution:

**WHEREAS**, pursuant to Section 849-h of the Judiciary Law and Part 138 of the Rules of the Chief Administrator of the Courts, the State of New York Unified Court System is requesting proposals under its Justice Courts Assistance Program; and

**WHEREAS**, the Town of Eden operates an eligible Justice Court; and

**WHEREAS**, certain investments/updates in the Town of Eden's Court facilities, automation, equipment, furniture and supplies are necessary so as to enhance the Town of Eden Justice Court's ability to provide suitable and sufficient services; and

**WHEREAS**, Town of Eden Justice Court services would be greatly enhanced by certain investments/updates including, but not limited to, investments/updates in the Court facilities heating, ventilation and air cooling systems, Court furnishings, Court computer system, and the Court's law library/legal reference resources.

**NOW THEREFORE**, be it resolved that the Town of Eden and Supervisor Nellis, on its behalf, are hereby authorized and directed to file an application for grant funds from the State of New York Unified Court System under its Justice Courts Assistance Program in an amount not to exceed \$20,000.00 and shall be authorized to execute all related documents and take all related actions, and upon approval of said request, to enter into and execute a project agreement with the State of New York for such financial assistance to this municipality for the Justice Courts Assistance Program.

Councilman Vacco noted that the grant is to help the Town Court operate more efficiently; All – “Ayes”; Opposed? – None; Abstain? – None; the **Resolution** was approved.

#### 8.) Technology Committee

Councilwoman Pew reported that the present in house Technology Committee feels that they have fulfilled their purpose and recommends at this time to disband the in house Technology Committee. Councilwoman Pew then requested that the Town formulate a standing Technology Committee consisting of residents with knowledge or experience in such areas as fiber optics, telecommunication, wireless communication, environmental back ground, computer programming, radio/ radar communications and knowledge of regulations for FCC, FAA and NOA.

**MOTION** was made by Councilwoman Pew to formulate a “standing” Technology Committee; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

#### 9.) Southern Erie Clinical Services

Supervisor Nellis stated that surrounding communities have passed similar Resolutions to support the vital service provided by Southern Erie Clinical Services.

**MOTION** was made by Supervisor Nellis, to approve the adoption of the following Resolution:

**OPPOSITION TO ERIE COUNTY MEDICAL CENTER  
PROPOSED YEAR 2000 BUDGET  
CLOSURE OF SOUTHERN ERIE CLINICAL SERVICES**

**WHEREAS**, Erie County Medical Center has presented the Erie County Legislature with their year 2000 proposed budget, whereby the budget calls for the closure of Southern Erie Clinical Services.

**WHEREAS**, Southern Erie Clinical Services is located at 517 Sunset Drive, Hamburg, and has been in service in Hamburg since 1980.

**WHEREAS,** the Southern Erie Clinic has since 1981 served over 13,000 residents of our county, including two cities, four villages and sixteen towns,

**WHEREAS,** Southern Erie Clinic has impacted tens of thousands of family members in Erie County since its inception,

**WHEREAS,** additional new illegal drugs such as Ecstasy, Special K, and Rohypnol have entered into our county.

**WHEREAS,** millions of dollars are saved annually by the successful treatment of recovering addicts because of less robberies, deaths, incarcerations, welfare recipients, and more importantly productive lives renewed or started.

**WHEREAS,** Southern Erie Clinic Service to the Southtowns has had an immeasurable positive impact in our society here in Erie County.

**THEREFORE, BE IT RESOLVED,** that we strongly urge the Honorable body of the Erie County Legislature to continue to serve our area by maintaining a vital service provided to the southtowns and commit to having Southern Erie Clinic to serve the people of our county who as for help.

**BE IT FURTHER RESOLVED,** that the Supervisor request that a certified copy of this resolution be sent to each member of the Erie County Legislature.

Seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; the **Resolution** was adopted.

Supervisor Nellis noted that he had written a letter to the Erie County Soil and Water Conservation District Office, the budget has been slashed by the “out going” County Executive. Supervisor Nellis asked that a letter be sent to our County Legislator, Jeanne Chase regarding the cut from \$123,000.00 to \$88,000.00 by the Conservation Board.

#### 10.) Computer Administrator – Block Hours

Councilwoman Pew stated that a block of hours was budgeted for the Computer Administrator, Bill Bennis and Councilwoman Pew requested that 20 block hours be purchased for Bill Bennis from the \$51,000.00 budgeted.

**MOTION** was made by Councilwoman Pew to purchase a block of 20 hours for the Computer Administrator, Bill Benns; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Councilman Zittel went back to the Highway Superintendent’s recommendation on Local Law 1999-3, prohibited parking during the winter months.

**MOTION** was made by Councilman Zittel to approve Local Law 1999-3 that states “Parking is prohibited on all 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 Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried and Local Law 1999-3 was adopted.

### **Supervisor’s Report:**

Supervisor Nellis stated that he would like to set a public hearing for December 8, 1999 at 8:45 P.M. regarding the four renewable “Special Use Permits” for Norman Brenner (gravel pit) 3036 East Church Street, Cazenovia Recovery Systems, Inc. (Alcohol Rehab Center) at 7136 Sandrock Road, EdenKinderCare/St. John’s Church (daycare center) at 2871 East Church Street and Sprint Spectrum/Donald Mammoser (telecommunications tower) at 8635-8687 East Eden Road.

**MOTION** was made by Supervisor Nellis to schedule a public hearing for December 8, 1999 at 8:45 P.M. for the four renewable “Special Use Permits” as stated; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis lastly noted that a public hearing was held today in Buffalo regarding the State of the Region Report. The report is of 98 indicators taking a look at questions of several areas such as education services, government, health, public safety and the area economy. This is the first time that this type of report was put together and a copy of the report can be reviewed in the Supervisor’s office.

### **Hearing of Visitors:**

Ruth Szalasny of 3048 Belknap Road  
Frank Mantione of 2722 Kulp Road

### **Adjournment:**

**MOTION** was made by Councilman Vacco 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 10:10 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk