

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
APRIL 12, 2000
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
William H. Laing	-	Eden Fire Chief
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 (<i>Absent</i>)
Anna 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 March 8, 2000. There were none.

MOTION was made by Councilman Krycia to approve the Town Board Minutes of March 8, 2000 as presented; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis then asked if there were any additions or corrections to the Town Board Minutes of March 22, 2000. There were none.

MOTION was made by Councilwoman Pew to approve the Town Board Minutes of March 22, 2000 as presented; seconded by Councilman Zittel; All – “Ayes”, Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Recognition:

Supervisor Nellis recognized Joe Flynn in the audience. After acknowledging Mr. Flynn’s accomplishments with the Town of Eden, Supervisor Nellis awarded him with a plaque for “Town Employee” for the quarter ending March 31, 2000.

Supervisor Nellis then asked Ann Knack, Administrative Assistant to join the Town Board in the front of the auditorium. At that time Supervisor Nellis presented Mrs. Knack with a “Certificate of Achievement of Financial Reporting for 1998, the 12th such award. Jean Donohue, former Eden Town Bookkeeper was also instrumental in the success of this award that has been given to the Town of Eden.

Supervisor Nellis then asked Bill Sickau to join the Town Board in the front of the auditorium. At that time Supervisor Nellis presented Bill with a Flag that flew over the Capital in Washington, D.C. on July 4, 1999. It will replace the flag currently in need of replacement in front of the Town Hall.

Budget Transfers:

Supervisor Nellis stated that there were two “Budget Transfers”. The first from account Recreation Equipment Reserve to account A7140.4 Playgrounds and Recreation Centers Contractual for the purchase of equipment for Gorcica Field, approved by Town Board Resolution on August, 1996 for \$16,500.00 and the second from account Emergency Squad Equipment Reserve to account A4540.4 to purchase Generator/Light Tower for Eden Emergency Squad, approved by Permission Referendum Resolution on March 8, 2000 for \$10,000.00.

MOTION was made by Councilman Zittel to approve the above mentioned budget transfers; 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. Mary Jo Hultquist, Town Clerk made two corrections to the Abstract of Audited Vouchers on the General Fund. Voucher #174 and Voucher #179 were voided changing the total to \$55,775.13.

APRIL 2000

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	154 – 227	\$55,775.13
Highway Dept. Fund	63 - 94	\$41,604.88
Fire Dept. Fund	52 - 87	\$34,417.87
Recreation Dept. Fund	19 – 34	\$6,218.05
Refuse and Garbage Fund	4 – 7	\$59,380.59
Street Lights Fund	5 – 6	\$5,027.17
Water Fund	7 – 9	\$11,649.14
Trust & Agency Fund	-	\$0
Capital Fund	2	\$6898.09
Community Development	-	\$0

MOTION was made by Councilman Vacco 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 April 2000 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; and Susan Brass, Recreation Director. All reports are on file in the Town Clerk’s office.

Paul Shephard, Eden Emergency Squad reported that only one bid was received for the Generator/Light Tower (Item #11 under New and Unfinished Business) and recommended that it be awarded to “R.D. Murray – American LaFrance for \$27,625.00.

MOTION was made by Councilwoman Pew to award the bid to “R.D. Murray-American LaFrance for a Generator/Light Tower for \$27,625.00 seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Kevin Schoenthal requested the Town Board to approve Bradley Schwanz to be added to the active roster of East Eden Fire Department pending physical and arson investigative background check.

MOTION was made by Councilman Zittel to add Bradley Schwanz to the active roster of East Eden Fire Department seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Kevin Schoenthal requested the use of the East Eden Fire Hall on May 6, 2000 for the American Red Cross Blood Drive at 1:00 P.M. Permission granted.

Kevin Schoenthal requested permission of the Town Board to send 6 Firefighters and 3 Officers to the New York State Fire Expo at a cost of \$150.00 each.

MOTION was made by Councilman Zittel to approve 6 Firefighters and 3 Officers to attend the New York State Fire Expo at a cost of \$150.00 each, seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Councilman Vacco reported on floor repairs needed at East Eden Fire Hall. A bid was received for \$900.00 to make the necessary repairs. East Eden Fire Company is willing to pay for half or \$450.00.

MOTION was made by Councilman Vacco to repair the floor at East Eden Fire Department at a cost of \$900.00 with East Eden Fire Company paying \$450.00 seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested permission of the Town Board to attend Highway School in Ithaca, New York in June.

MOTION was made by Councilman Zittel seconded by Councilman Vacco that Ron Maggs be given permission to attend Ithaca conference; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested permission of the Town Board to assist as needed with the Erie County American Legion Convention in June.

MOTION was made by Councilwoman Pew seconded by Councilman Zittel to grant permission; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis noted that it was 8:00 P.M. and 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. 1-2000 regarding Mandatory Placement of numbers on all private dwellings and business structures in Eden.

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

Supervisor Nellis then closed the Regular Meeting of the Eden Town Board at 8:00 P.M.

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

Supervisor Nellis opened the Public Hearing at 8:00 P.M.

PUBLIC HEARING
8:00 P.M.
Proposed Local Law No. 1-2000
Mandatory placement of numbers on all private
Dwellings and business structures in Eden.

Supervisor Nellis explained that the public hearing is to get any opinions, advice or observations from individuals in the community. Supervisor Nellis then went on to explain the specific details of the proposed Local Law. Councilman Krycia read part of the proposed local law. Much discussion followed between the Town Board members.

Supervisor Nellis also explained that the obvious purpose is to make sure that our emergency service units can identify properties in times of emergency.

Supervisor Nellis asked if there were any comments from residents present and Ruth Szalasny of 3048 Belknap Road asked what the preferred placement of the numbers and Councilman Krycia responded next to the front door. Ron Maggs, Highway Superintendent commented that placement of the numbers on the mailboxes was sometime confusing as to where the house is compared to the mailbox.

Supervisor Nellis then asked if there were any other questions or comments, seeing none he asked for a motion to close the Public Hearing.

MOTION was made by Councilman Zittel to close the Public Hearing at 8:16 P.M. for Proposed Local Law No. 1-2000; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Councilman Zittel to re-open the Regular Meeting of the Eden Town Board at 8:16 P.M.; seconded by Councilman Krycia: All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis then re-opened the Regular Meeting of the Eden Town Board and continued the Departmental reports.

Andrew Reilly, Town Engineer reported on Oakhill Subdivision Phase IIIb and the possibility of a drainage district being formed for Oakhill within the next 3-6 months.

William J. Trask, Town Attorney requested the Town Board set a Public Hearing for Proposed Local Law No. 2-2000, A Local Law clarifying the eligibility criteria for the Partial Tax Exemption for Persons 65 Years of Age or Older.

MOTION was made by Councilman Zittel to set the Public Hearing for May 10, 2000 at 8:00 P.M. at the East Eden Fire Hall, seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

William J. Trask, Town Attorney also requested an Executive Session with the Town Board to discuss personnel matters.

Mary Jo Hultquist, Town Clerk requested permission of the Town Board to attend the New York State Town Clerk's Association Conference from April 30 through May 3, 2000.

MOTION was made by Councilwoman Pew seconded by Councilman Zittel; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis proceeded to read the report for Scott Henry, Building Inspector who was absent. Mr. Henry also included in his report that an updated address list and maps were completed and returned to the Census Bureau.

Sue Brass, Recreation Director read her report and thanked Ron Maggs and the Highway Department for all their assistance with projects so far this season. Mrs. Brass then asked the Town Board for their approval for the 2000 Seasonal Assignments.

MOTION was made by Councilman Krycia seconded by Councilman Zittel; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Sue Brass, Recreation Director also requested permission from the Town Board to purchase five (5) items for the Gorcica Field project with the money that was set aside by permissive referendum in August 1996 in accordance with the Town's procurement policy in the amount of \$16,500.00. This list of items is available in the Town Clerk's office.

MOTION was made by Councilman Zittel seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

On behalf of the Town Board, Councilwoman Pew thanked Jim and Sue Brass for all their help and dedication on the Gorcica Field project.

New and Unfinished Business:

Supervisor Nellis requested to add three (3) items to the Agenda:

13. Resolution for 2743 West Church Street
14. Resolution for Local HCRA 2000
15. Resolution for Boston Town Supervisor

1.) Update on Water District No. 4

John Reid from R & D Engineering reported that Rural Development has approved the environmental study for the district and agree with the findings that no significant environment effect exists. The next step would be Audit & Control ruling and notification of funding.

2.) Report on Seasonal Highway Work: Town, County, and State

Ron Maggs, Highway Superintendent listed the road work slated for the Town of Eden for the 2000 season.

Warren Riedel, 9280 Jennings Road inquired about the possibility of the shoulders on Jennings Road, in need of repair.

Councilman Vacco requested the Town Board to send a letter to the County regarding this situation.

3.) Flood Mitigation Study – Approval of partial payment to URS Greiner

Supervisor Nellis stated that they have all the questionnaires that residents have sent back, have met with the drainage committee and are working to get the study done by June 30, 2000. Supervisor Nellis requested the Town Board to approve partial payment of \$3,500.00

MOTION was made by Councilman Vacco seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4.) Appointments – Drainage Committee Members & Liaison

Supervisor Nellis named the liaison to the Drainage Committee as Frank Manitone, Chairman of the Conservation Advisory Board.

MOTION was made by Supervisor Nellis seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5.) Approval of Revised By-Laws for Conservation Board

Supervisor Nellis stated that they had received revisions of the By-Laws for the Conservation Board. Councilwoman Pew, Liaison for the Conservation Board, stated that there had been some minor changes and they thought should be brought to the attention of the

Town Board. It is a matter of formality for the Town Board members to go through and approve the changes.

MOTION was made by Councilwoman Pew seconded by Councilman Zittel to approve revisions in By-Laws for Conservation Board; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6.) Notice of Request from 4274 Keller Road for an On-premise NYS Liquor License

Supervisor Nellis explained that they had received notice that they are applying for an On-premise liquor license and at this time it is informational only. There is no action required.

7.) Update on Master Plan

Andrew Reilly, Town Engineer stated that the Master Plan is 80-90% completed. They have all the upfront data, maps, etc., that they have made revisions to over the last few months. They have a draft, findings and recommendations section, which the board, as the Master Plan Committee, is reviewing and sharing with others to get in-put.

He stated that he is working on the implementation section, which is the most important part. Once we have in-put from the committee that we are in the right direction, we will finalize the implementation section and have a draft Master Plan for public review. They will have some meetings with the Board and Committees before going to Public Hearings, making sure that the others have an understanding of the document.

Hopefully all the information will be available in June with the possibility of a public hearing at that time.

8.) Special Use Permit Request – 2 Family Dwelling – 8274 N. Main Street

Supervisor Nellis explained that at the Eden Planning Board meeting held on April 6, 2000 the recommendation was made to approve the special use permit contingent upon receiving a variance from the Zoning Board of Appeals. The Zoning Board of Appeals is meeting to schedule a date in May, 2000 for the request.

MOTION was made by Councilman Zittel to schedule a Public Hearing for May 10, 2000 at 8:15 P.M. at the East Eden Fire Hall, seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

9.) Resolution on Municipal Clerk

Supervisor Nellis read the following Resolution:

MOTION was made by Councilman Krycia to approve the adoption of the following resolution:

WHEREAS, the Office of the Municipal Clerk, a time honored and vital part of the local government exists throughout the world;

WHEREAS, the Office of the Municipal Clerk is the oldest among public servants, and

WHEREAS, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all,

WHEREAS, the Municipal Clerk is the information center on functions of local government and community,

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations.

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW THEREFORE

I, Glenn R. Nellis, Supervisor of the Town of Eden do recognize the week of April 30 through May 6, 2000 as Municipal Clerks Week and further extend appreciation to our Municipal Clerk, Mary Jo Hultquist, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Seconded by Councilwoman Pew; all "Ayes"; Motion carried

10.) Resolution on American Legion Convention

Supervisor read the following Resolution:

MOTION was made by Councilman Zittel to approve the adoption of the following resolution:

WHEREAS, the American Legion, a brotherhood of American war veterans, was founded in 1919 as an organization dedicated to the service of God and

Country; and

WHEREAS, the American Legion since its establishment has become one of the great safeguards of the American way of life; and

WHEREAS, Eden's own American Legion, Newell Faulkner Post 880, has worked diligently and effectively to further the worthy causes of the organization; and

WHEREAS, Newell Faulkner Post 880 contains in its membership many Eden residents who have brought honor to this town through their service to the Armed forces of this great nation; and

WHEREAS, this year Newell Faulkner Post 880 will be hosting the Erie County American Legion Annual Convention; and

WHEREAS, Post #880's leadership in bringing the County Convention to Eden's is greatly appreciated; and

WHEREAS, the Eden Town Board wishes to acknowledge this leadership in writing;

NOW, THEREFORE, I, Glenn R. Nellis as Town Supervisor and on behalf of the Eden Town Board designate June 2nd and 3rd as American Legion Days in the Town of Eden and welcome all Legionnaires to this convention with our heartfelt thanks for all you have done in defense of our Nation.

Seconded by Councilman Krycia; all "Ayes"; Motion carried

12.) Reschedule Itemized Fire Equipment Bid Opening to April 18, 2000 @ 4:30 P.M.

MOTION was made by Councilman Vacco, seconded by councilman Zittel; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

13.) 2743 West Church Street Resolution

Supervisor Nellis read the following Resolution:

MOTION was made by Councilman Vacco to approve the adoption of the following resolution:

WHEREAS, based upon an inspection and report of the Town Building Inspector, the Eden Town Board has determined that a garage located at 2743 W. Church Street is an unsafe building due to a collapsed roof, and

WHEREAS, it reasonably appears that the condition of the building constitutes a

clear and imminent danger to the public unless such roof is immediately repaired and secured,

NOW, THEREFORE, IT IS RESOLVED, that the Eden Town Board hereby invokes its authority under Section 90-14 of the Unsafe Buildings and Structures Law of the Town of Eden and authorizes the Building Inspector to take such action as may be necessary to expedite the repair of such building including issuance of a building permit to the owner, Jo Ann Maziarz, for such repair work without the requirement of a site survey, and it is further

RESOLVED, that if such building is not repaired within 90 days from the adoption of this resolution, the Building Inspector is authorized to let bids on an emergency basis for such repairs and to cause the cost of such repairs to be collected against the property on the next tax bill.

Seconded by Councilman Krycia; all "Ayes"; Motion carried.

14.) Local HCRA 2000 Family Health Plus Costs

Supervisor Nellis read the following Resolution:

MOTION was made by Councilman Krycia to approve the adoption of the following resolution:

**RESOLUTION OF THE TOWN OF EDEN
IN SUPPORT OF THE PROPOSED STATE ASSUMPTION OF LOCAL
HCRA 2000
FAMILY HEALTH PLUS COSTS**

WHEREAS, the Medicaid program is the largest and most volatile component of every county budget in New York State; and

WHEREAS, the Medicaid program represents a significant burden on the local real property taxpayer; and

WHEREAS, the Health Care Reform Act of 2000, or HCRA, dramatically changes New York's health care system by creating new comprehensive health care insurance programs for the uninsured while providing for the financing of New York's hospital system, the effect of which, according to the Governor's office, would be that up to one million people who are currently uninsured could be eligible for coverage under the initiative's finances as part of HCRA 2000, and

WHEREAS, HCRA 2000 has created the largest unfounded mandate to be passed to local governments in over a decade; and

WHEREAS, under HCRA 2000, county governments will be forced to pay for 25 percent of the cost of the “Family Health Plus” health insurance program and several other mental health and public initiatives funded through the Medicaid program; and

WHEREAS, it is estimated the counties and the City of New York will be required to Spend an additional \$340 million in new Medicaid costs over the next four calendar years; and

WHEREAS, since 1995-96 whole counties and the City of New York have benefited from Medicaid cost containment initiatives put in place and annually renewed as part of the state budget process; prior year Medicaid cost containment, while important to preserve, has not offset the total annual increase in Medicaid local share and since these initiatives are already in the “base” for county budgeting purposes, they do not offset the new Medicaid spending caused by the adoption of Family Health Plus; and

WHEREAS, the “savings” estimates use the local portion of the National Tobacco Settlement as an offset to the local costs associated with Family Health Plus, and while counties were named as party in the National Tobacco Settlement Agreement, they were to receive these funds as a way to reimburse the local taxpayers who have borne the growth of Medicaid over the past decade, not for more Medicaid costs; and

WHEREAS, the Senate Majority, Assembly Majority and Senate Minority have all introduced legislation that would hold counties harmless from the increased Medicaid costs of the Family Health Plus program;

NOW, THEREFORE, BE IT ...

RESOLVED, that the Town of Eden supports all efforts of the Senate and Assembly to assume the local costs associated with Family Health Plus and eliminate this onerous New unfounded mandate; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor George E. Pataki, Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver Assemblyman Arthur Eve, Assemblyman Brian M. Higgins, Assemblyman Sam Hoyt, Assemblyman Robin L. Schimminger, Assemblyman Richard A. Smith, Assemblyman Paul A. Tokasz, Assemblyman Daniel J. Burling, Assemblyman James P. Hayes, Assemblywoman Sandra Lee Wirth, Senator Mary Lou Rath, Senator William T. Stachowski, and Senator Dale M. Volker.

Seconded by Councilman Vacco; all “Ayes”; Motion carried

15.) Resolution Designating Boston Town Supervisor Lisa Rood to Act on Behalf of the Town of Eden in the Grant Application to the Quality Communities Demonstration

Program

Supervisor Nellis read the following Resolution:

MOTION was made by Supervisor Nellis to approve the adoption of the following resolution:

**RESOLUTION DESIGNATING BOSTON TOWN SUPERVISOR
LISA ROOD TO ACT ON BEHALF OF THE TOWN OF EDEN IN THE GRANT
APPLICATION TO THE QUALITY COMMUNITIES
DEMONSTRATION PROGRAM**

WHEREAS, the Supervisor of the Town of Boston has been authorized to submit a grant application to the Quality Communities Demonstration Program for purchase of a screening plant; and

WHEREAS, this grant application is intended to be a shared project which will benefit the Town of Boston, Eden, Concord and Colden; and

WHEREAS, the Town of Eden is eager to participate in this worthwhile program;

NOW, THEREFORE BE IT RESOLVED, that the Eden Town Board officially designates Boston Town Supervisor, Lisa Rood, to act on behalf of the Town of Eden in all matters related to any financial assistance offered as a result of the grant application request to the Quality Communities Demonstration Program.

Seconded by Councilman Zittel; all "Ayes"; Motion carried.

Supervisor's Report:

Supervisor Nellis scheduled the May 10, 2000 meeting at the East Eden Fire Hall.

Hearing of Visitors:

Ruth Szalasny of 3048 Belknap Road

Adjournment:

MOTION was made by Councilwoman Pew to adjourn the Regular Meeting of the Eden Town Board and go into Executive Session; seconded by Councilman Vacco; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:25 P.M.

Executive Session:

P.M. Supervisor Nellis adjourned the Executive Session of the Eden Town Board at 10:00

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk