

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
JULY 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 (<i>Absent</i>)
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 (<i>Absent</i>)
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 7:40 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 then recognized Legislator Jeanne Chase and asked her if there were any comments that she wished to make.

Legislator Chase reported that the County Legislators are working with the City Sewer Authority to see if there are ways to share cost in regards to the cost of sewage. Also they are looking at dumpsites and working with municipalities to find ways to reduce the cost of garbage and that hopefully in the future Legislator Chase will be able to share results with the Town of Eden. Legislator Chase also reported that they are considering the use of tobacco settlement to reduce the cost of Medicaid, a very aggressive program that they are working on. They are also looking at a 12% property tax cut and that she will continue to update the Town as the process moves along.

Approval of Minutes:

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of June 14, 2000. There were none.

MOTION was made by Councilman Zittel to approve the Town Board Minutes of June 14, 2000 as presented; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfers:

Supervisor Nellis reported that there was four budget transfers the first being from account A4489 (A510) to A960 (A8020.4B) in the amount of \$1,062.00 for FEMA grant (Project Impact conference held in New Jersey). From account A510 (A5031) to account A960 (A1410.4A) in the amount of \$6,000.00 for the Town Clerk’s renovations a transfer from the Capital Reserve Fund. There was a permissive referendum in February 9, 2000 Town Board Minutes where a Resolution was approved for Account A1620.4, however a separate account has been set up specifically for tracking the renovation expenses. The budget amendment should us this new account, A1410.4A, instead of A1620.4. From account A510 (A5031) to A960 (A7410.4) in the amount of \$4,960.00 for Library repairs a transfer from the Capital Reserve Fund. (See permissive referendum in May 24, 2000 Town Board Minutes.) From account A599 to A960 (A8020.4B) in the amount of \$60.00 for the balance of FEMA grant as of December 31, 1999, had received money and all of it was not spent for the National conference in December held in Washington D.C.

MOTION was made by Councilman Vacco to approve the Budget Transfers as presented by Supervisor Nellis; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Audit Bills:

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

JULY 2000

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	360 – 416	\$26,876.82
Highway Dept. Fund	164 – 187	\$40,660.73
Fire Dept. Fund	141 – 163	\$4,052.02
Recreation Dept. Fund	84 – 110	\$11,466.72
Refuse and Garbage Fund	14 – 16	\$13,702.14
Street Lights Fund	9	\$4,227.03
Water Fund	14	\$3,784.08
Trust & Agency Fund	2	\$450.00
Capital Fund	6	\$425.00
Community Development	-	\$0

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

Departmental Reports:

Department reports for the month of July 2000 were presented by Paul Shephard, Eden Emergency Squad; Michael Jacobs, First Assistant Chief for William Laing, Eden Fire Chief; Kevin Schoenthal, East Eden Fire Chief; Lieutenant Michael Felschow for Patrick Howard, Eden Police Chief; Ronald Maggs, Superintendent of Highways; Andrew Reilly, Town Engineer; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Scott Henry, Zoning Code Enforcement Officer; Susan Brass, Recreation Director. All reports are on file in the Town Clerk’s office.

After Paul Shephard, Eden Emergency Squad completed his report; the Town Board extended their appreciation to Cal Miller who was named “Member of the Month for June”. The top five members included Paul Shephard, Cal Miller, Fred Velott, Brent Hardy and Mike McCarthy. Appreciation was extended to all these members.

Michael Jacobs requested that David Skalski upon completion of an O.S.H.A physical and background check through the State of New York be named to the active roster of the Eden Fire Department.

MOTION was made by Councilman Zittel to add David Skalski to the active roster of the Eden Fire Department upon approval of an O.S.H.A. physical and background check; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Kevin Schoenthal, East Eden Fire Chief requested that the names of Joy Wyszowski and Charlie Wendel be added to the active roster of the East Eden Fire Department upon completion of an O.S.H.A. physical and a background check through the State of New York.

MOTION was made by Councilman Zittel to add the names of Joy Wyszowski and Charlie Wendel to the active roster of the East Eden Fire Department upon approval of an O.S.H.A. physical and background check; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Chief Schoenthal also requested that the name of Vicki Achtyl be removed from the East Eden Fire Department active roster.

MOTION was made by Councilman Zittel to remove the name of Vicki Achtyl from the East Eden Fire Department active roster; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Lastly Chief Schoenthal reported that East Eden Engine #5 was back in service and publicly thanked Chief Laing and the Eden Fire Department for their support while Engine #5 was out of service. Councilman Zittel asked Chief Schoenthal how many openings were left on the active roster of 55 members, Chief Schoenthal answered that there were three.

Michael Jacobs requested that Gordy Minier and Robert Strawbridge be removed from the Eden Fire Department active roster. Councilman Zittel asked Mr. Jacobs how many openings were on the active roster of 65 members, Mr. Jacobs answered that there were eight.

MOTION was made by Councilman Zittel to remove the names of Gordy Minier and Robert Strawbridge from the Eden Fire Department active roster; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

After Lt. Felschow of the Eden Police finished his report Councilman Vacco reported that thanks to Marty Szal the Eden Police Department was named in the top 10% of Erie County for having properly build the required interrogation room. Councilman Vacco noted that Mr. Szal followed the specifications that were given by Erie County.

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

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

MOTION was made by Councilman Krycia to open the Public Hearing for the Rezoning request from Joe Violanti – 2023 Derby Road from General Industrial to Rural Residential; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

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

8:00 P.M.

PUBLIC HEARING

Rezoning Request from Joe Violanti – 2023 Derby Road – From General Industrial to Rural Residential.

Supervisor Nellis explained the reason for the public hearing is to hear from individuals pertaining to any issues regarding the request of Mr. Violanti to rezone the property at 2023 Derby Road from General Industrial to Rural Residential for purposes of building a single family dwelling.

Supervisor Nellis reported that a letter has been received from the Planning Board stating their approval of the rezoning change and also received a letter from Erie County stating they had no recommendations and that the rezoning is of local concern.

Phil Muck of 2763 Oakland Drive in the confidential review that site now zoned General Industrial has wetlands in it and question whether someone could choose to build there. Also across the road there is the Evans Dump Site would the Town become liable for allowing this area to be a building site and should it be changed.

Supervisor Nellis stated that the industrial site at that corner which at one time was the site of the old town dump is not on the D.E.C. list and in fact is considered a dead non-toxic site. The buyer or proposed user of the property has the obligation to investigate property and the neighborhood to determine that is appropriate for the intended use. This is not the Town’s function in the rezoning process. The question in the rezoning is whether the proposed use is consistent with the Master Plan currently in place.

Wilbert Smutz of 3094 East Church Street stated that with the rumor of possible hazard waste would something need to be signed to relieve the town of any liability. Supervisor Nellis stated that the Town Board would ask the Town Attorney to respond to any question of liability to the Town pertaining to this rezoning request. Mr. Smutz then stated that if there were any negative aspects to the site would it have an affect on the Town Board’s decision. Supervisor Nellis stated that it probably would and that the Town Board would have to seriously look at it before considering the rezoning.

Ruth Szalasny of 3048 Belknap Road suggested to the Town Board that it should do everything possible to protect the Town against any possibly liabilities pertaining to the rezoning of the property.

Supervisor Nellis stated that the Town has had an environmental attorney review the whole situation having to do with the Evans dumpsite at the time there were concerns expressed

by residents along Derby Road and Ferrier Road. After the review and discussion with the DEC the Town did send out a letter to the citizens with the results.

Julie Violanti of 8571 North Main Street stated that the wetlands are not near the site it is down the road on the other side and the landfill is about two miles down Townline Road in the back part of the property that is owned by Jim Ball, they own the land around the landfill and they certainly would not build a home in landfill.

Before closing the public hearing Supervisor Nellis asked if there were any more comments or questions, there were none.

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

Supervisor Nellis closed the Public Hearing at 8:15 P.M.

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

Supervisor Nellis re-opened the Regular Session of the Eden Town Board at 8:15 P.M.

Supervisor Nellis thanked everyone for their input and noted that the Town Board would review the proposed rezoning over the next month and would be considered at the July 26, 2000 or August 9, 2000 Town Board meeting.

1.) Permission for Highway Department to Assist Corn Festival Committee as Appropriate

Departmental reports continued with Ronald Maggs, Superintendent of Highways who requested that at his discretion the permission for the Highway Department to help with the Eden Corn Festival as needed.

MOTION was made by Councilwoman Pew to designate Ronald Maggs, Superintendent of Highways to assist with the Eden Corn Festival as needed; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Mr. Maggs also requested that 1-Chipper, 1- 6’ Sweeper Head for the Ford Tractor and 1- Steam Jenny be declared a surplus item to be taken to the Hamburg Municipal Auction on October 14, 2000. These items are no longer needed by the Highway Department.

MOTION was made by Councilman Zittel to declare the three items stated by Ronald Maggs, Superintendent of Highways as surplus and be taken to the Hamburg Municipal Auction on October 14, 2000; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Andrew Reilly, Town Engineer reported that he has been continuing meetings with the Master Plan and has received some good input. Mr. Reilly also noted that information pertaining to the Economic Alternative Study would be presented at the July 20, 2000 public hearing regarding the Master Plan. Copies of the proposed Comprehensive Plan are available for review in the Town Clerk's office and the Eden Library.

New and Unfinished Business:

Supervisor Nellis requested that Item #8 – *Discussion: Eden Chamber of Commerce – Incentivizing New Business for Eden* will not take place tonight and that it be replaced with the *Appointment of Jane Clemens to the Historical Review Board*.

2.) Town Hall and Library Parking Lots Report

Supervisor Nellis stated that last month a report was received from Wendel pertaining to the Town Hall and Library Parking Lots for improvements. Supervisor Nellis turned to Andrew Reilly, Town Engineer to review the report, which is on file in the Town Clerk's office. Mr. Reilly reviewed the report by explaining the alternatives available for each parking lot and the cost associated with them. Mr. Reilly stated that similar jobs were used to make analysis and that Ronald Maggs, Superintendent of Highways also reviewed and worked with Wendel to prepare analysis. Mr. Maggs recommended that the project go to bid for the parking lots improvements for the Town Hall and Library.

MOTION was made by Councilman Zittel to direct Supervisor Nellis to bid out the parking lot improvements for the Town Hall and the Library; seconded by Councilman Vacco. There was discussion on exactly what the Town was going to bid out. Mr. Reilly recommended that for the Town Hall parking lot that alternatives "B" and "C" and on the Library parking lot alternatives "A" and "B". Supervisor Nellis recommended that the bid opening date be scheduled for August 4, 2000 at 11:00 A.M. in the Town Clerk's office.

After the brief discussion the **Motion** was put to vote to bid out the parking lot improvements for the Town Hall parking lot using alternatives "B" and "C" and for the Library parking lot alternatives "A" and "B" with a bid opening date of August 4, 2000 at 11:00 A.M. in the Town Clerk's office; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

3.) Property Equity Proposal

Supervisor Nellis reported that a meeting was held with the State Assessment people who are able to do the work as well as a private consultant. Supervisor Nellis noted that Mr. Randall stated that they did an excellent job with the presentation to the Assessors. Mr. Randall will go over the proposals at the next meeting.

4.) Water District No. 4 – Update

Supervisor Nellis reported that he had spoken with John Reid of R & D Engineering as well as Congress Quinn's office and Senator Schumer's office at length. Mr. Reid did meet with Dave Miller, Upstate New York Director of Rural Development who indicated that August 1st that all Federal monies not spent on projects will be going back to the Federal Government for redistribution. Supervisor Nellis stated that the Town and Mr. Reid are actively working with public officials to secure the money for the project.

5.) Approval for hiring Computer Consultant

Councilwoman Pew explained that in 1997 FEMA launched a campaign to help communities nation wide to become Disaster Resistant and Eden Was awarded one of those special designations. GIS be utilized as a tool for enhanced mitigation planning, emergency response and an educational program in a variety of ways. After further discussion with the Town's Emergency personnel and other committees there is a need to go forward and capitalizing on the Town's GIS system to bring in a professional GIS consultant.

MOTION was by Councilwoman Pew with her recommendation to utilize the professional services of Michael Courneen of True North Company to hire on retainer for \$10,400.00. The salary has been appropriated by the Project Impact partners within the budget and there is also money for the following year for his salary. Mr. Courneen's job would be updating the present GIS map and assisting in future grants, initial stages of the Eden Emergency Management Information System, assist in training in the updates and guidance in downloading some of the software. Mr. Coureen will strictly be a GIS consultant. This will be subject for review and approval by the Town Attorney for a Professional Services Contract.

Councilman Zittel seconded the Motion. There was further discussion pertaining whom the consultant would be available to and some of the other advantages that the Town would receive by having a GIS consultant. The consultant would be working about eight hours per week for one year. The Motion was then put to vote; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Councilwoman Pew thanked Project Impact partners, Eden Disaster Preparedness Committee and the Eden Emergency Services for all of their input pertaining to hiring a consultant.

6.) Mobile Park Annual License for Bley Road Trailer Park

Supervisor Nellis noted that public hearing was held July 14, 2000 pertaining to the Annual License and information was shared. Supervisor Nellis asked if the Town Board members were ready to vote.

First Assistant Chief, Michael Jacobs stated that the Eden Fire Department has a concern regarding the main thoroughfare through the trailer park. At present in the wintertime when

there is snow there is not enough room for emergency vehicles. Mr. Jacobs requested that the trailer park maintain a twelve-foot main thoroughfare through the trailer park. Mr. Jacobs requested that the vote be held until after the Emergency Service meeting with all departments on July 17, 2000.

After a brief discussion the Special Use Permit for the Bley Road Trailer Park was tabled and Supervisor Nellis noted that the Town Board would wait for a report from Eden Emergency Services.

7.) Unsafe Building – 2560 Sandrock Road

Supervisor Nellis stated that the Town Board received a letter in June from Scott Henry, Zoning Code Enforcement Officer pertaining to 2560 Sandrock Road of the condition of the building on the property that is poor condition and unsafe. The letter stated that on January 12, 1999 Mr. Henry sent a letter pertaining to the condition of the building to the owner. On February 25, 2000 Mr. Henry again sent a letter to the homeowner stating the condition of the building of being unsafe. Mr. Henry explained that the foundation, windows, doors and a dilapidated porch couldn't be repaired. Mr. Henry recommended to the Town Board that the building be demolished and removed. The homeowner has not responded to Mr. Henry's letters to date.

Supervisor Nellis referred to Town of Eden Code 90-8 that was adopted by the Town Board of the Town of Eden under Local Law 4-1997 which states that the Town Board shall consider the Zoning Code Enforcement Officer's report and by resolution determine if the report so warrants that the building is unsafe or dangerous and order its demolition and removal or repaired safely and to issue the owner the order.

MOTION was made by Supervisor Nellis to order as recommended by Scott Henry, Zoning Code Enforcement Officer to demolish or repair 2560 Sandrock Road due to an unsafe building; seconded by Councilman Zittel. There was discussion pertaining to the steps already taken by Scott Henry, Zoning Code Enforcement Officer where as the Town Board reviewed a copy of Local Law 4-1997 to clarify timeframe set forth by Local Law 4-1997. Supervisor Nellis then amended **Motion** to state that a public hearing be scheduled for August 9, 2000 at 8:00 P.M.; seconded by Councilman Zittel with addition stated by Supervisor Nellis; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

8.) Appointment of Jane Clemens to the Historical Review Board

Supervisor Nellis stated that a letter was received from the Historical Review Board recommending that Jane Clemens of 2900 Wolff Drive be appointed to the Historical Review Board.

MOTION was made by Supervisor Nellis to appoint Jane Clemens of 2900 Wolff Drive to the Historical Review Board as recommended by the Historical Review Board; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report

Supervisor Nellis reported that notice was received from the County stating that the bridge over the New York State Thruway on Derby Road would be closed effective July 10, 2000 for approximately eight weeks.

Supervisor Nellis also reported regarding the Petition received by the Town Board pertaining to a signal light at Rt. 62, Welch Lane and Schoolview Drive. The Town is in receipt of mitigation from Brian Robach Regional Director of the State D.O.T. indicating that the intersection was studied in March 1999 and that they will be updating the study once school is back in session in September.

Lastly Supervisor Nellis reported that brochures are available regarding the Eighteen Mile Creek watershed and streambed inventory assessment program in the Supervisor’s office.

Hearing of Visitors:

There were none.

Adjournment:

MOTION was made by Councilman Zittel 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 9:35 P.M.

Executive Session

Supervisor Nellis adjourned the Executive Session of the Eden Town Board at 10:15 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk

