

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
AUGUST 9, 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 (<i>Emergency</i>)
Patrick M. Howard	-	Chief of Police (<i>Emergency</i>)
Paul Shephard	-	Eden Emergency Squad
William H. Laing	-	Eden Fire Chief (<i>Emergency</i>)
Kevin R. Schoenthal	-	East Eden Fire Chief (<i>Emergency</i>)
Susan Brass	-	Recreation Director (<i>Emergency</i>)
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 (<i>Absent</i>)

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 that was able to make it despite the weather. The following department heads were not in attendance do to emergencies brought on

by the weather; Ronald Maggs, Superintendent of Highways; Patrick Howard, Chief of Police; William Laing, Eden Fire Chief and Kevin Schoenthal, East Eden Fire Chief.

Before proceeding to the agenda Supervisor Nellis took a moment to recognize two teams of young readers from the Eden Library, students in grades 6-9 who participated in the "Battle of the Books 2000" on Saturday August 5, 2000 sponsored by the Harold C. Brown Co., Inc. and made possible through the Library Foundation of Buffalo and Erie County. Supervisor Nellis stated that twenty teams from fourteen county libraries competed against each other to test their knowledge of six books they read over the summer.

Eden's "V" team was declared the 2000 Champion. Team members were Jessica Crabtree, Matt Harris, Catherine Jones, Chrissy Krolewicz, Lindset Ohmit and Claire Smith. Eden's second team came in sixth place; team members were Andrew Bennett, Katie Bennett, Maeve Huggins, Janelle Ploetz, Mary Schaefer and Ron Steinmetz. Susan Minekime, Eden Library Director was coach for both teams.

Supervisor Nellis extended the Town Board's Congratulations for a job well done by the two teams who represented the Eden Library.

Approval of Minutes:

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of July 12, 2000. There were none.

MOTION was made by Councilman Zittel to approve the Eden Town Board Minutes of July 12, 2000 as presented; seconded by Councilwoman Pew; 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 July 26, 2000. There were none.

MOTION was made by Councilman Vacco to approve the Eden Town Board Minutes of July 26, 2000 as presented; seconded by Councilman Krycia; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfers:

Supervisor Nellis stated that there were two budget transfers and they were as follows. From account A599 To account A960 (A8020.4A) for the balance of grant as of December 31, 1999 that should have been budgeted in 2000 in the amount of \$4,376.59 and from account A4489 (A510) to A960 (A8020.4B) for FEMA grant money received in the

amount of \$1,819.50. Supervisor Nellis explained that the monies are electronically placed in the Town of Eden's bank accounts. The report is on file in the Town Clerk's office.

MOTION was by Councilman Krycia to approve the Budget Transfers as stated by Supervisor Nellis; seconded by Councilman Zittel; 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.

AUGUST 2000

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	417 – 465	\$22,817.80
Highway Dept. Fund	188 – 208	\$62,136.23
Fire Dept. Fund	164 – 185	\$11,259.37
Recreation Dept. Fund	111 – 141	\$16,131.01
Refuse and Garbage Fund	17 – 20	\$34,076.99
Street Lights Fund	10 – 11	\$4,087.42
Water Fund	15	\$3,790.37
Trust & Agency Fund	-	\$0
Capital Fund	-	\$0
Community Development	-	\$0

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

Departmental Reports:

Department reports for the month of August 2000 were presented by Paul Shephard, Eden Emergency Squad; Scott Henry, Zoning Code Enforcement Officer.

Paul Shephard, Eden Emergency Squad also reported that the Squad has just purchased another automatic external defibrillator with money that was received by the Eden Teachers Association and that it will be put in circulation. Mr. Shephard also thanked Mr. Maggs for the use of his pick up truck while the rescue truck was having the light tower installed, Mr. Shephard noted that the rescue truck would be out of service for three weeks while the installation takes place.

Mr. Shephard then thanked Councilwoman Pew and Chief of Police; Patrick Howard for their help in getting a Global Positioning System (GPS system) that will be utilized on one of the ambulances.

Lastly Mr. Shephard reported that the Squad has just gone on line with the new State protocol, which the Squad is now carrying medications for allergic reactions and asthma. They are one of the first squads in New York State to be certified by the State to carry these medications. Mr. Shephard was then called away from the meeting and the Town Board members decided to dispense the Departmental Reports of those not in attendance due to the emergencies caused by the weather.

MOTION was made by Councilman Zittel to dispense the Departmental Reports of those not in attendance; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis noted that all reports are on file in the Town Clerk’s office.

7.) Discussion and Approval of Global Positioning System

Before Mr. Shephard left, Councilwoman Pew stated that the global positioning system that she would like to see installed in a emergency squad vehicle for disaster preparedness in the Town of Eden, would save time by identifying a medical response unit closest to the location of an incoming call via the Police station computer.

Councilwoman Pew further stated that the GPS would be a great asset along with GIS mapping for assisting new volunteers coming on board who are not familiar with all the roads in Eden. It would enable them to see where the location is of the incoming call is and also help locate the nearest hospital. Councilwoman Pew recommends the purchase of the GPS at a cost of \$2,310.00.

MOTION was made by Councilwoman Pew to purchase the Global Positioning System (GPS) at a cost of \$2,310.00 to be taken out of the Project Impact grant award money; seconded by Councilman Zittel who stated that he too strongly supported the purchase of the system, the money was sought through the Project Impact grant by the committee and that the committee has prioritized the expenditure of the money on the GPS. Councilwoman Pew also stated her thanks to the Eden Emergency Squad unit and the Police Department for their input pertaining to the purchase of the GPS. The Motion was then put to vote; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Continuing with Departmental Reports of those present, Andrew Reilly, Town Engineer reported that a public hearing was held on the Master Plan first draft and he has begun to amend and make changes that would be ready by the first week of September and that he recommends that a second public hearing be held September 27, 2000 at 7:30 P.M. The amended documents would be available to residents for review in the Town Clerk’s office and the Eden Library prior to the public hearing.

8:00 P.M.
Hearing
Unsafe Building – 2560 Sandrock Road, Eden

Supervisor Nellis explained that the Hearing is for Gert and Catherine Tschampel owners of the property at 2560 Sandrock Road to comment on the certified letter sent to them dated July 17, 2000 to order the building corrected or demolished. Supervisor Nellis asked if there was anyone in the audience either representing the owner of 2560 Sandrock Road. There was no one.

Supervisor Nellis referred to the next step to be taken which is Section 9 of Local Law No. 4 that a notice shall be sent stating that the securing and removal of such building shall commence within twenty days of the service of the Notice and shall be completed within sixty days of the commencement of repair or demolition, unless for good cause shown such time shall be extended by the Town Board.

2.) Property Assessment Update

Councilman Krycia stated that the Town is going ahead with a reevaluation of the Town and an update of the assessments and that he has had a conversation with Ferris Randall, Chairman of the Board of Assessors about how the Town is going to proceed with the project. Councilman Krycia stated that a proposal was received from TSL with an estimated cost of \$14,000.00 to do a Value Field Review and Informal Hearings. Mr. Randall has done some mathematics and felt that the Town of Eden Assessors could do the work for the same amount of money by installing the State Real Property Software, Version 4.

Councilman Krycia reviewed a letter from Mr. Randall that stated regarding the extra hours for the Assessors to do an update with a Value Field Review and Informal Hearings, which will include taking digital pictures of all residences, is as follows;

- Value Field Review of 3500 parcels, 80 work days at \$15.00 per hour x 8 hour days = \$120.00 per day x 80 = \$9,600.00
 - Informal Hearings 150 hours at \$15.00 per hour = \$2,400.00.
- Downloading pictures to software = ? (Mr. Ferris was unsure about the cost at this time.
 - State annual licensing fee of \$700.00
- One time charge for the Sybase Database Engine, which is required to serve up Version 4 at a cost of \$116.00 per station x 3 = \$348.00.
- At no cost the Town would be expected to join the New York State GIS Data Sharing Cooperative which would allow the municipality to avail itself not only of the 10 GIS layers of information which come with the RPS Version 4, but obtain access to over 900 other data coverage's.
- There are some minor costs such as mailings and printings with the possibility of printing in-house with the State overseeing. If not the State will charge 90 cents per parcel for mailings.
- The reimbursement to the Town by the State to do an Update is \$5.00 per parcel or \$17,500.00. By doing the Update the Town should qualify for the Annual Reassessment

Program, which would give the town \$5.00 per parcel for every year the town qualifies, or \$5.00 per parcel per year for five years or \$87,500.00.

Councilman Krycia also noted that the town recently received about \$6,000.00 for Maintenance Aid, and the town is to receive another \$6,000.00 at the end of July for extra help on the STAR applications where the town does not hire extra help to process the applications. Councilwoman Pew also noted pertaining to the New York State GIS Data Sharing Cooperative the town is presently a member and has been for three years. Mr. Randall's letter is on file in the Town Clerk's office.

After a brief discussion pertaining to the information stated by Councilman Krycia and Mr. Randall;

MOTION was made by Councilman Krycia to authorize expenditure of up to \$15,000.00 for the Assessment Update as outlined in the letter dated July 27, 2000 from R. Ferris Randall, Chairman Board of Assessors; seconded by Councilman Zittel. There was further discussion on what would happen with current pictures of properties that are on file. Mr. Randall stated that all properties would have updated pictures taken to complete the Assessment Update. The Motion was then put to vote; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis noted that the Town Board did pass a general resolution of support for the reassessment at the May 10, 2000 Town Board meeting.

Those present continued Departmental Reports, Scott Henry also reported that Transitional Training has begun to go to the International Codes and the target date of implementation is 2002 and his training is being held in September and October.

New and Unfinished Business:

1.) Bid Review – Eden Town Hall and Eden Library Parking Lots

Supervisor Nellis stated that there was three bids received pertaining to the Eden Town Hall and Eden Library parking lots from Thomann Asphalt Paving Corp., Amherst Paving Inc. and Tom Greenauer Dev., Inc. Supervisor Nellis reviewed the bids that were received, the bid report is on file in the Town Clerk's office.

After reviewing the bids Supervisor Nellis recommended that the bids be table and put on old business until September.

MOTION was made by Supervisor Nellis to table the bids for discussion and place on old business until September; seconded by Councilman Zittel; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

3.) Bley Road Mobile Home Park Permit

Supervisor Nellis stated that a public hearing was held July 12, 2000 and that per Town Law there is a need for a permit that is reviewed annually.

Supervisor Nellis reviewed a letter received from William Laing, Eden Fire Chief stating that at a July 17, 2000 meeting of the Eden Emergency Services Board that it was unanimously decided to request a 12ft. fire lane requirement be added to the Mobile Home Park Law of the Town of Eden. The intent is to provide year round access for emergency equipment to each and any structure or vehicle within the park.

MOTION was made by Councilman Zittel to table the permit process for the Bley Road Mobile Home Park Permit and refer to the Town Attorney for review; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4.) Flying of POW/MIA Flag

Supervisor Nellis stated that a letter dated July 20, 2000 was received with a request the flying of POW/MIA Flag. Supervisor Nellis then read the following Resolution:

MOTION was made by Councilwoman Pew to approve the adoption of the following resolution:

TOWN OF EDEN RESOLUTION

WHEREAS, the United States Congress has enacted various legislative acts which require the display of the POW/MIA flag; and

WHEREAS, the display of the POW/MIA flag now serves as (1) the symbol of the Nation’s concern and commitment to achieving the fullest possible accounting of Americans who, having been prisoners of war or missing in action, still remain unaccounted for, and (2) also as a symbol of the Nation’s commitment to achieving the fullest possible accounting for Americans who in the future may become prisoners of war, missing in action, or otherwise unaccounted for as a result of hostile action; and

WHEREAS, the Town Board of the Town of Eden has given due review and consideration of the policies and procedures set forth by the United States Congress,

NOW, THEREFORE BE IT RESOLVED, as follows:

1. Recognizing that we Americans owe a great deal to the men and women who now serve, and who have served in our Armed Forces; and
2. Remembering especially those members of our Armed Forces who gave their lives to keep America free; and
3. Acknowledging that there are many, many men and women of our Armed Forces who have never been accounted for properly; and
4. That the Town of Eden Town Board with reverence for our American American POW's and MIA's and their families, hereby designate Memorial Day and Veteran's Day as days when the MIA flag will be flown in an appropriate fashion with the American flag at the Town of Eden Town Hall.

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

5.) Request for Special Use Permit to Construct a Pond at R8849 East Eden Road

Supervisor Nellis stated that a request was received from Timothy Dinse requesting a Special Use Permit to build a pond on his property at R8849 East Eden Road, which is on file in the Town Clerk's office. Supervisor Nellis stated that the request would be referred to the Eden Planning Board for review.

6.) Notification of Renewal of Liquor License Request – East Eden Tavern

Supervisor Nellis stated that notification was received from James O'Connell, President of East Eden Tavern of the application for renewal of their liquor license. A copy of the letter is on file in the Town Clerk's office.

Supervisor's Report:

Supervisor Nellis reported that a report was received and a date set for those interested pertaining to the replacement of the East Church Street Bridge over Eighteen Mile Creek. The Hearing is set for August 16, 2000 from 6:30 P.M. – 8:30 P.M. and members of Erie County

Public Works and the engineering firm will be present to answer any questions pertaining to the replacement of the bridge.

Supervisor Nellis then reported that the Association of Erie County Governments will be meeting in Eden August 24, 2000 and members of the Town Board are invited.

Supervisor Nellis also reported pertaining to Water District #4 that he and John Reid of R & D Engineering have been in contact regarding the status of the returned monies from states that may free up monies to be redistributed to states with needs such as New York yet this Federal Fiscal year ending October 1st. We hope a decision in Washington will be made by the end of August. Supervisor Nellis also stated that both Congressman Quinn and Senator Schumer fully support the application submitted by the town for funding under the USDA Rural Development Agency. Letters have been received from both men. Securing the funds is being worked on a daily basis.

Hearing of Visitors:

Gerald Maggs of 2763 First Street
Robin Evenhouse of New Oregon Road

Adjournment:

MOTION was made by Councilman Krycia to adjourn the Regular Meeting of the Eden Town Board and go into Executive Session for personnel and litigation purposes; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:30 P.M.

Supervisor Nellis adjourned the Executive Session of the Eden Town Board at 10.00 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk