

MINUTES

**WORK SESSION MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
OCTOBER 18, 2000
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

GLENN R. NELLIS - SUPERVISOR
EDWARD C. KRYCIA, JR. - COUNCILMAN (Deputy Supervisor) (*Absent*)
MARY LOU PEW - COUNCILWOMAN
VINCENT V. VACCO - COUNCILMAN
GEORGE F. ZITTEL - COUNCILMAN

OTHERS PRESENT:

Mary Jo Hultquist - Town Clerk
DianaRae Walker - Deputy Town Clerk

Call To Order:

Supervisor Nellis called the Work Session of the Eden Town Board to order at 7:39 P.M.

Pledge of Allegiance:

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

Before going into the public hearing Supervisor Nellis noted that Councilman Krycia was out of town and unable to attend tonight's meeting.

MOTION was made by Councilman Vacco to close the Work Session of the Eden Town Board; seconded by Councilman Zittel; All - "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the Work Session of the Eden Town Board at 7:40 P.M.

MOTION was made by Councilman Zittel to open the Public Hearing to create Drainage District No. 1, Oakhill Subdivision, Phase III, Part B; seconded by Councilwoman Pew; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis opened the public hearing at 7:40 P.M.

7:30 P.M.

To Create Drainage District No. 1 – Oakhill Subdivision, Phase III, Part B

Supervisor Nellis noted that Donald Schreiber Jr. was present representing the developer of the Oakhill subdivision Schreiber & Winkleman, Inc.

Councilman Zittel expressed his enthusiasm about the creation of the first drainage district in the Town of Eden and felt that it will serve as a way to handle water problems in the future.

Mr. Schreiber explained that there would be a “detention basin” that will be owned by the property owner but funded by the eight owners in the subdivision and maintained by the Town.

Wilbert Smutz of 3094 East Church Street asked if the entire town would be divided into drainage districts. Supervisor Nellis explained that it would not be and this is being done as the subdivision is being developed. If the Town were to do anything it would need to go through the taxpayers for any type of approval and that it would go to a permissive referendum.

Councilwoman Pew asked Mr. Schreiber for clarification on the ownership of the detention basin. Mr. Schreiber explained that the owner who purchases the lot that it resides on would own the detention basin. The maintenance would be the Town’s responsibility and through property taxes the money would be reserved to maintain the detention basin. The homeowners will be given the maintenance schedule that has been discussed with the Town

Attorney and given to the Superintendent of Highways, Ronald Maggs.

Lorraine Kolb of 3033 Schoolview Drive asked by the agreement do they pay for the basin, how does it work. Supervisor Nellis explained that the water would drain to the detention basin and the owners would fund the drainage.

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

Supervisor Nellis closed the public hearing at 7:47 P.M.

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

Supervisor Nellis re-opened the Work Session of the Eden Town Board at 7:47P.M.

Supervisor Nellis requested to add the following items to the agenda:

- Budget Transfers
- Resolution to approve Oakhill Subdivision Drainage District No. 1
 - Community Block Grant Application
 - Request to construct a pond – Tom Preischel

Budget Transfers:

Supervisor Nellis reviewed the following budget transfers; from A2770 to A4540.4 in the amount of \$130.00 for Lifescan rebate that was received, from A3389.0 to A1410.4 in the amount of \$2,000.00, grant money that was received by the Town Clerk’s office, from A2372 to

A1440.4 in the amount of \$8,187.33 for master plan money received, from A2770 to A8020.4A in the amount of \$1,971.00 for refund for duplicate payment, from D2770 to D5110.4 in the amount of \$4,800.00 for the receipt of reimbursement for Eden Central School parking lot and from A4489 to A8020.4B in the amount of \$1,732.50 for project impact grant money received. Copies of the Transfers are on file in the Town Clerk's office.

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

New and Unfinished Business:

1.) Resolution to approve the Oakhill Subdivision Drainage District No. 1

Supervisor Nellis read the following **Resolution**:

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

**THE CREATION OF THE TOWN OF EDEN
DRAINAGE DISTRICT NO. 1**

WHEREAS, a map, plan and report relating to the establishment of a proposed Town of Eden Drainage District No. 1, prepared by Nussbaumer & Clarke, Inc., engineers of the State of New York, in a manner and in such detail as has been determined by this Town Board, has been duly filed with the Town Clerk, in accordance with the requirements of Article 23 of the Town Law; and

WHEREAS, an Order was duly adopted by this Town Board on September 27, 2000 reciting the filing of said map, plan and report, the improvements proposed, the boundaries of the proposed District, the proposed method of financing, the fact that the map, plan and report describing the same were on file in the Town Clerk's Office for public inspection, and stating all other matters required by law to be stated, and specifying October 18th, 2000 as the date, at 7:30 p.m. in the afternoon of said day as the time, and the Eden Town Hall, 2795 E. Church St., Eden, New York as the place where this Town Board would meet and consider said map, plan and report, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as required or authorized by law; and

WHEREAS, such Order was duly published and posted as required by law; and

WHEREAS, a hearing on said matter was duly held by said Town Board on October 18, 2000 at 7:30 p.m. in the afternoon of said day, and no person appearing in opposition to the petitioner appearing in favor of the petition; and

WHEREAS, pursuant to said petition, it is the intention of the petitioner, as sole owner of all the taxable property in said water district, to construct said drainage facilities solely at its own expense, now, after due deliberation, it is

RESOLVED AND DETERMINED:

- a. That the notice of hearing was published and posted as required by law, and is otherwise sufficient;
- b. That all property and property owners within the proposed district are benefited thereby;
- c. That all property and property owners benefited are included within the limits of the proposed district;
- d. That it is in the public interest to establish said district; and be it further

RESOLVED AND DETERMINED:

That the establishment of the proposed district as set forth in said map, plan and report be approved, that the improvements therein mentioned be constructed by the petitioner, and such district shall be know and designed as “Town of Eden Drainage District No. 1” and shall be bounded and described as set forth in Exhibit A attached hereto and made a part hereof, and be it further

RESOLVED AND DETERMINED:

That the proposed improvement, including costs of rights of way, construction costs, legal fees and all other expenses shall be paid by the petitioner, and be it further

RESOLVED AND DETERMINED:

That the Town Clerk be, and hereby is, authorized and directed to file a certificate of this resolution in the Office of the Clerk of the County of Erie, which is the County in which the said Town of Eden is located, and the Office of the State Department of Audit and Control, within ten days after the adoption of this Resolution, pursuant to Section 195 of the Town Law.

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

Supervisor Nellis stated that now that the Drainage District has been established, the next step would be to accept the public improvements to the Oakhill Phase III part B Subdivision.

MOTION was made by Supervisor Nellis to accept the public improvements to the Oakhill Phase III, Part B Subdivision as inspected and agreed to by the Town Engineer, Building

Inspector and Superintendent of Highways, subject to proper conveyance of Title to the improvements which will be subject to the approval of the Town Attorney; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

2.) Community Block Grant Application- Project Selections

Supervisor Nellis stated that a public hearing was held at the last Town Board meeting and comments were made by residents on March Road in regards to the extension of the Water District No.3A. Supervisor Nellis explained that the original extension onto March Road was voted down by the residents.

Supervisor Nellis also stated that he felt that the extension of sewer lines on Hemlock Road to Eden-Evans Center Road was the responsibility of Erie County.

Jean Grobe of 2080 Eden Evans Center Road stated that in 1971 there were discussions of a sewer line to be installed along Eden Evans Center Road and to date nothing has taken place and she has been paying a sewer tax for almost 30 years.

Supervisor Nellis reviewed other feed back from the master Plan and referred to Action 2-8: page 102, the sixth bullet of the Eden Master Plan that stated that the Town Board should seek assistance, advice and funding from the County, State, and Federal officials for improvement of pedestrian and bicycle access in the Hamlet. Based on that Supervisor Nellis recommended that sidewalks be submitted on Route 62 (east side) from Legion Drive to Surefine and on West Church Street (north side) from railroad to Evelyn Drive. The second project suggestion is Hemlock Road drainage from Route 62 to Railroad Street and the third would be for Rural Transit, the service that provides a handicap van for the use by 19 towns in the area and requires the approval of \$5,000.00 in support for this project.

MOTION was made by Supervisor Nellis that the Eden Town Board to authorize him, Supervisor Glenn R. Nellis to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) program for the following projects upon approval of ECCDBG.

1. Sidewalks – Rote 62 (east side of road from Legion drive to Surefine) and West Church Street (north side of road from railroad to Evelyn Drive) - \$90,000.00
2. Hemlock Road – Drainage Route 62 to railroad - \$30,000.00
3. Rural Transit

Before the Motion was put to vote Councilman Zittel asked could the ECCDBG grant only the one sidewalk project since the two mentioned one goes east and the other north.

Supervisor Nellis stated that they would look at the master plan and the chances are better that both areas could be completed. After the brief discussion the Motion was put to vote.

Seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3.) Request to construct a pond – Tom Preischel

Supervisor Nellis stated that the Town Board received a request form Tom Preischel requesting a Special Use Permit to construct a pond at 2961 Belknap Road. Supervisor Nellis recommended that the request be referred to the Eden Planning Board.

MOTION was made by Councilman Zittel to refer the request for a Special Use Permit to construct a pond at 2961 Belknap Road to the Eden Planning Board for their November 2nd meeting; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

Supervisor Nellis indicated that there is a meeting being held Tuesday, October 24, 2000 by Eden United for community needs to discuss the results of the survey that was distributed at the Eden Corn Festival to Eden residents on community needs. Partners of this are the Eden Schools, Western New York United Against Alcohol and Drugs Abuse and United Way of Buffalo and ErieCounty; the meeting is to establish where to go from here. Supervisor Nellis stated that one idea of a “Parent Support Center” would be discussed. There are about 20 Family Support Centers throughout Western New York.

Hearing of Visitors:

Lorraine Kolb of 3033 Schoolview Drive

Adjournment:

MOTION was made by Councilman Zittel to close the Work Session of the Eden Town Board; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the Work Session of the Eden Town Board at 8:18 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk