

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
NOVEMBER 8, 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 (<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

Call to Order:

Supervisor Nellis called the Regular Meeting of the Eden Town Board to order at 7:35 P.M.

Pledge of Allegiance:

Supervisor Nellis led the assembly in the Pledge of Allegiance to the flag followed by a moment of silence for those who have run for office and wish them the best as they work on behalf of the citizens of the Town of Eden.

Approval of Minutes:

Supervisor Nellis asked if there were any questions or corrections pertaining to the Town Board Minutes of October 11, 2000. There were none.

MOTION was made by Councilman Zittel to approve the Town Board Minutes of October 11, 2000 as presented; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis then asked if there were any questions or corrections pertaining to the Town Board Minutes of October 18, 2000. There were none.

MOTION was made by Councilman Vacco to approve the Town Board Minutes of October 18, 2000 as presented; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfers:

Supervisor Nellis read the Budget Amendments for November 2000. From account A2372 to account A1440.4 in the amount of \$666.99 for Master Plan money received, from account A2770 to A1410.4 in the amount of \$70.00 for rebate received for software, from account D2665 to D9950.9 in the amount of \$1,980.00 from the sale of highway equipment, from D2665 to A3120.4 in the amount of \$4.50 from the sale of police equipment, from account A3389.E to A7110.4A in the amount of \$3,000.00 for grant received for Gorcica, from account A2025 to A7150.4 in the amount of \$4,860.00 for additional funds received for ski program and from D2770 to D5110.4 in the amount of \$168.80 for Highway permits 26 and 27, money received for piping.

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

Supervisor Nellis read the Budget Transfers for November 2000. From account A1990.4 to A1355.4 in the amount of \$4,719.92 for computer equipment for the Assessors, from account A1990.4 to A1910.4 in the amount of \$6,848.05 for excess insurance costs, from account D5110.1 to D5110.4 in the amount of \$15,598.18 for the transfer of remaining summer personnel budget to contractual.

MOTION was made by Councilman Zittel to approve the Budget Transfers as stated by Supervisor Nellis; 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 stated that there was a correction on the General Fund, voucher number 607, Erie County Comptroller for the Emergency Squad; the amount should be \$5.14 changing the total amount to \$46,787.17.

NOVEMBER 2000

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	592 – 692	\$46,787.17
Highway Dept. Fund	271 – 289	\$27,068.77
Fire Dept. Fund	232 – 251	\$3,336.95
Recreation Dept. Fund	193 – 205	\$1,973.03
Refuse and Garbage Fund	26 – 31	\$35,650.05
Street Lights Fund	15 – 16	\$5,599.07
Water Fund	18	\$3,795.69
Trust & Agency Fund	-	\$0
Capital Fund	-	\$0
Community Development	-	\$0

MOTION was made by Councilwoman Pew 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 October 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; Scott Henry, Zoning Code Enforcement Officer; Susan Brass, Recreation Director. All reports are on file in the Town Clerk’s office.

After Paul Shephard completed his report Supervisor Nellis extended thanks to the five members of the Eden Emergency Squad who were the top five for duty hours in October. They were Ray McGinty, John Sheffer, Julie Boedo, Diane Wiltberger and Cindy Smith.

Chief Laing also reported that they have had an overheating problem with the pump on Engine 1. The problem is due to common operator error and that they have been in contact with the manufacturer who recommended the installation of a thermal relief valve. The relief valve would safeguard the pump by opening and cooling the pump before any damage is done. The price of the valve installed is \$954.00. Chief Laing noted that Engine 1 is scheduled for routine maintenance this month and requested that the installation of the relief valve be done. Chief Laing also stated that he would like to watch the budget for this year before actually having the relief valve installed, however would like approval if there were enough money in the budget for the installation.

Councilman Zittel commended the Eden Fire Department for all the effort that went forth, the live burn was well organized, well attended and a great job was done. Councilman Zittel also stated that he witnessed the overheating of the pump and recommended to the Town Board to invest the \$954.00 for the relief valve for Engine 1.

MOTION was made by Councilman Zittel to authorize Chief Laing to purchase and have installed the relief valve for Engine 1 in the amount of \$954.00 at the appropriate time; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

After Chief Schoenthal’s report he requested that Robert Ellis a transfer from the Eden Fire Department and Chris Podpora be added to East Eden Fire Department active roster upon completion of an O.S.H.A. physical and arson investigation.

MOTION was made by Councilman Zittel to add Robert Ellis and Chris Podpora to the active roster of the East Eden Fire Department upon the completion of an O.S.H.A. physical and arson investigation; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

After Chief Howard completed his report, he requested permission to purchase a new police vehicle off the New York State bid. The cost to the Town for a 2000 Chevrolet Impala would be \$19,500.00 plus \$450.00 to exchange equipment. The current marked patrol car has over 100,000 miles. Chief Howard also requested the authority to trade-in the unmarked car, which a State vendor has offered \$6,500.00 for the unmarked car.

MOTION was made by Councilman Vacco to accept the bid of \$19,500.00 for the purchase of a new police vehicle off the New York State bid, a 2000 Chevrolet Impala plus \$450.00 to exchange equipment; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Councilman Vacco to grant permission for Chief Howard to trade-in the unmarked car to a State vendor in the amount of \$6,500.00; seconded by Councilman Zittel; All- “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

After Ronald Maggs, Superintendent of Highways completed his report, Mr. Maggs read the following Resolution that was then moved by Councilman Zittel:

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

**RESOLUTION
RECIPROCAL SNOW PLOWING AGREEMENT
WITH THE TOWN OF NORTH COLLINS**

BE IT RESOLVED, that the Eden Town Board hereby agrees to enter into a mutual agreement with the Town of North Collins, whereby the Town of North Collins Highway Department will plow Clarksburg Road from the North Collins Town Line to the Eighteen Mile Creek Bridge. In exchange, the Eden Town Highway Department will plow the lower section of Belcher Road and Rocky Mountain Road.

Seconded by Councilwoman Pew; all “Ayes”; Motion carried

Mr. Maggs then requested that a Resolution was needed for the multi-modal assistance from Assemblyman Richard Smith where the Town Highway Department has requested \$7,000.00 of multi-modal to be used to cover the cost of 1,000 feet of drainage piping to be used by the Town Highway Department for roadside drainage on Hammond Drive and Woodside Drive.

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

**Resolution on Highway Related Money
From
Assemblyman Richard Smith**

WHEREAS, State Assemblyman Richard Smith has made it possible for municipalities in his District to request support for highway related projects.

WHEREAS, this multi-modal assistance from Assemblyman Smith is available only for municipalities in his Assembly District.

WHEREAS, assistance for updating roadside drainage is an eligible project.

NOW, THEREFORE, we request \$7,000 of multi-modal to be used to cover the cost of 1,000’ of drainage piping to be used by the Town Highway Department for roadside drainage on Hammond Drive and Woodside Drive, and

We further wish to thank Assembly Smith for this extra effort on his part to fund highway related projects.

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

Andrew Reilly, Town Engineer reported that he has assisted with the drainage grant application, the SEQR review and also attended the last Planning Board meeting. Mr. Reilly also reported that he has been assisting with the first year implementation of the Master Plan and has been working with the Town Attorney pertaining to issues regarding the Oakhill Subdivision.

MOTION was made by Councilwoman Pew to adjourn the Regular Session of the Eden Town Board to go into the 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 8:00P.M.

MOTION was made by Councilman Vacco to open the public hearing for the Proposed Budget 2001, Town of Eden; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis opened the Public Hearing for the Proposed Town of Eden 2001 Budget at 8;00 P.M.

8:00 P.M.
Proposed Budget 2001, Town of Eden

Supervisor Nellis stated that copies of the proposed budget have been available to the public

Supervisor Nellis stated that he and the Town Board members took a look at the expenditures facing the Town but also looked at the revenues that are coming in that tend to fluctuate throughout the year. Supervisor Nellis felt that it was a responsible and responsive budget because of the number of things that are in it and also an Action Budget because how it ties to the implementation of the Eden Master Plan. Supervisor Nellis again reviewed the highlights of the proposed budget for 2001 that were summarized at the October 11, 2000 Town Board meeting. Copies of the Town of Eden 2001 Proposed Budget are on file in the Town Clerk’s office.

Supervisor Nellis then asked if there were any comments or questions from those who were present in the audience. There were none.

MOTION was made by Councilman Zittel to close the public hearing; seconded by Councilwoman Pew. Before the Motion was put to vote, Anne Knack stated the need to amend the 2001 budget to include Drainage District No. 1, page 12 to the 2001 Town of Eden Budget which are contractual expenses for Drainage District No. 1 in the amount of \$2,000.00. Supervisor Nellis explained that at the October 18, 2000 Town Board meeting there

was a public hearing to create Drainage District No. 1 – Oakhill Subdivision, Phase III, Part B and approval given. Only the properties within this subdivision are taxed for this purpose. After the brief discussion the Motion was put to vote; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the public hearing at 8:12 P.M.

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

Supervisor Nellis re-opened the Regular Meeting of the Eden Town Board at 8:12P.M.

MOTION was made by Councilman Zittel to include the Contractual Expenses of \$2,000.00 for Drainage District No. 1 as page 12 to the 2001 Town of Eden proposed budget; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Departmental reports continued with William Trask, Town Attorney requesting for a brief executive session for litigation purposes.

Mary Jo Hultquist, Town Clerk also reported that the Town Clerk’s office has so far collected \$4,589,023.95 to date in school taxes. The cycle runs now through November 30, then they will be returned to Erie County to be paid until December. The unpaid taxes are then relieved on the 2001 Town and County tax bill that are due March 15, 2001. Lastly Mrs. Hultquist reported that there was a good turnout with the voter registration days that were held in October and that the Town Clerk’s office prepared for Election Day, with voting taking place at seven locations throughout Eden.

Councilwoman Pew inquired about the conditions of the town’s voting machines. Mrs. Hultquist replied that the Erie County Board of Elections routinely maintains the voting machines and they were set-up by them November 2nd and the voting machines were in good working order on Election Day.

Scott Henry, Zoning Code Enforcement Officer also reported that he had attended the State Code workshop for three days in September and three days in October and once more next year to get the town in position to enforce the new international code that are targeted to be effective January 2002.

After Susan Brass, Recreation Director completed her report; she requested the approval of the Recreation Adult Winter Program Supervisors at this time.

6.) Approval of Recreation Adult Winter Program Supervisors

Mrs. Brass stated that the Recreation Board recommended the following staff appointments:

- Don Williams of 9151 Jennings Road as Adult Volleyball Supervisor, Monday & Thursday nights, November through March at a pay rate of \$7.50 per hour.
- Laurel Salzman of 8123 Jennings Road as Adult Swimming Supervisor on Wednesday nights, November through March at a pay rate of \$10.00 per hour.

- Richard Cerne of 1945 Eden Evans Center Road as Adult Basketball Supervisor on Tuesday nights, November through March at a pay rate of \$7.50 per hour.

Mrs. Brass also noted that the above positions hourly rate has remained the same since 1997.

MOTION was made by Councilman Zittel to accept the staff appointments as stated by Susan Brass, Recreation Director; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis noted that Ferris Randall, Chairman Board of Assessors was not present, however Sharon Brockman, Assessor was present in the audience and Supervisor Nellis asked how the valuations of properties were going. Mrs. Brockman stated that everything was going well and that the Assessors have made it out to some properties.

Supervisor Nellis then asked for a Motion for approval of the proposed 2001 Budget the town has to have approval at least ten days after Election Day for submission.

MOTION was made by Councilman Vacco to approve the Town of Eden 2001 Budget as presented; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

New and Unfinished Business:

Supervisor Nellis made note that the Town Attorney requested an Executive Session for litigation, and that he also asked one for personnel reasons. Supervisor Nellis also added to item #1 and four additional resolutions and under item #5 to add item #5A for Economic Development.

1A.) Resolution of Thanks – Traffic Signal at Rt. 62 and Schoolview

Councilwoman Pew stated that she first would like to thank those who came forward with petitions and letters over the years to support the installation of a traffic light at Rt. 62 and Schoolview, Carol Schmittendorf, Steve McClean and others. Councilwoman Pew also thanked Senator Dale Volker, Assemblyman Richard Smith, County Legislator Jeanne Chase and the State Department of Transportation for their steadfast support pertaining to the traffic signal. Councilwoman Pew lastly thanked the Supervisor, Eden Town Board, Eden Police Department and the Eden School Board for their support. Councilwoman Pew briefly described the reasons why a traffic light at this intersection was needed and with the support of those mentioned Councilwoman Pew moved the following Resolution:

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

RESOLUTION ON THE

ROUTE 62 TRAFFIC LIGHT

WHEREAS, for over a decade, the need for a traffic light at the intersection of Welch Lane and Schoolview with Route 62 has increasingly been a concern to all town residents.

WHEREAS, the intersection has especially heavy traffic flow at the beginning and end of every school day, thus endangering students, parents and teachers alike.

WHEREAS, the same heavy flow of traffic occurs at morning and evening rush hours, thus endangering many town citizens.

WHEREAS, many senior citizens from Welch Village, as well as up and down Route 62 within the hamlet are equally endangered by this intersection daily.

NOW, THEREFORE BE IT RESOLVED, that the Town Board expresses a hearty “thank you” to personnel at the State Department of Transportation, especially regionally; and also especially to our State Senator Dale Volker, Assemblyman Richard Smith and County Legislator Jeanne Chase for their steadfast support on our behalf.

And finally, let the Town Board fully state our thanks to all the citizens of Eden for their decade long resolve to secure this traffic light for the safety of town citizens, and for their persistence, patience and sense of community.

Seconded by Councilman Vacco who also thanked the citizens that made the installation of the traffic signal come true. Supervisor Nellis also added thanks to Councilman Vacco for his participation on the last petition drive from the school. After the comments were completed the Resolution was put to vote; all “Ayes”; Motion carried

Councilwoman Pew noted that the State Department of Transportation stated that the installation maybe in the Spring of 2001. Councilwoman Pew also reported that a request has been made to have signs replaced at the underpass on Rt. 62 at the bridge where trucks have backed up because the current signs that state a 12 feet 9 inches clearance when actually it is 13 feet 9 inches. Councilwoman Pew stated that this is a potential hazard when the trucks think they need to back up. Because this area has a curve we have asked the State Department of Transportation to look closer at the underpass and have the signs changed to read the correct clearance.

MOTION was made by Councilman Zittel to close the Regular Meeting of the Eden Town Board for the public hearing regarding proposed Local Law – Removal of the APO District from the Town of Eden Zoning Law; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:30 P.M.

MOTION was made by Councilman Krycia to open the public hearing regarding the proposed Local Law – Removal of the APO District from the Town of Eden Zoning Law seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis opened the public hearing at 8:30P.M.

8:30 P.M.

Proposed Local Law – Removal of APO District from the Town of Eden Zoning Law

Supervisor Nellis stated that in November 1998 the town began to take a look at the Agricultural Preservation Overlay of the town, and felt that in terms of organizing and structuring things the town Master Plan should be passed first. Those interested in the APO have been patient and understanding. The town started on the Master Plan last summer and one of the items contained in the Master Plan under “Implementation”, on page 94 it states “Remove the APO District”. Supervisor Nellis asked if there were any comments regarding the removal of the APO District.

Walter Henry of 7185 Sisson Highway stated that he was in favor of removing the APO District.

Frank Mantione of the Eden Conservation Board asked if the Conservation Board could submit its position on the removal of the APO District, they would like to perhaps review it again at their next meeting and submit their comments to the Town Board.

Supervisor Nellis stated that the decision to remove the APO District was postponed at the suggestion of the Conservation Board and Economic Development Board until the Master Plan was approved. We felt that it should be looked at one more time because of the preservation of the best farmland in town.

Councilman Krycia stated that he felt that Mr. Mantione’s concerns are considered in the Master Plan and is working with the boards in preserving the town’s farmlands.

Ruth Szalasny of 3048 Belknap Road stated her supported for the removal of the APO District. Supervisor Nellis thanked everyone for their comments.

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 8:38 P.M.

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

Supervisor Nellis re-opened the Regular Meeting of the Eden Town Board at 8:38P.M.

1B.) Resolution for Frances Palmerton Day

Councilman Krycia stated that at the October 11, 2000 Supervisor Nellis noted that Frances Palmerton was resigning from the Eden Library Board effective December 31, 2000 and the Town Board felt that Mrs. Palmerton should be presented with something reflecting our great appreciation to her for her 36 years of volunteerism as a member of the Eden Library Board.

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

**FRANCES PALMERTON DAY
FRIDAY, DECEMBER 1, 2000
TOWN OF EDEN**

WHEREAS, Frances Palmerton has been among the most committee of volunteers in support of the work of the Eden Library for over 36 years; and

WHEREAS, she has provided leadership as President of the Library Board of Directors for 23 years including the excitement of building a new library facility, and twice overseeing the hiring of a new librarian; and

WHEREAS, she has actively represented the Eden Library on the Association of Contracting Library Trustees; and

WHEREAS, she has indeed been a taskmaster committed to assuring the residents of Eden a first rate library run by a first rate Board of Directors;

NOW, THEREFORE BE IT RESOLVED, that we honor Frances Palmerton for her leadership, inspiration and commitment to the Eden Library as well as in general to the Town of Eden; and

We further honor her volunteerism by designating Friday, December 1, 2000 as Frances Palmerton Day in the Town of Eden with a hearty "Thank You" for all she has done.

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

Supervisor Nellis indicated that on December 1, 2000, 6:00 P.M. - 8:00 P.M. there would be a reception for Frances Palmerton at the Eden Library and everyone is welcomed.

1C.) "Buy Eden" Resolution

Supervisor Nellis read the following Resolution that was moved by Councilwoman Pew.

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

“BUY EDEN” RESOLUTION

WHEREAS, the Retail and Services Committee of the Eden Chamber of Commerce, with the full endorsement of the Chamber Board of Directors, has embarked on a “Buy Eden” initiative; and

WHEREAS, the Eden Chamber has planned a series of town-wide events for 2000-2001 intended to stimulate consumer interest in Eden and to proactively encourage residents and businesses to exhibit a bias toward patronizing local merchants;

NOW, THEREFORE BE IT RESOLVED, that the Eden Town Board endorses this effort and encourages the residents of Eden to join this Chamber Initiative by “Buying Eden” whenever they can.

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

2.) Appointments and Reappointments – Economic Development Committee and Assessment Board of Review

Supervisor Nellis has received recommendation to from the Economic Development Committee to appoint two new individuals to the committee for a three-year term, Robin Evenhouse of Evenhouse Printing and Joe Desmond. Supervisor Nellis also stated that with the recommendation of the Assessment Board of Review the reappointment of Roger Brandt.

MOTION was made by Councilman Vacco to approve the appointments and reappointment as stated by Supervisor Nellis; seconded Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3.) Appoint Members to: Comprehensive Plan Implementation Committee and Hamlet Revitalization Committee

Supervisor Nellis named the following members to over see the implementation of the Master Plan and to appoint them to the Comprehensive Plan Implementation Committee:

Ed Krycia	(Chairman)
Mary Lou Pew	(Vice Chairman)
Dennis Brawdy	(Planning Board)
Kathy Hughes	(Conservation Advisory Board)
Bill Henry	(Agricultural Advisory Committee)
Gary Neureter	(Economic Development Committee)
Donald Schreiber, Jr.	(Economic Development Committee – Alternate)
Bill Carpenter	(Technology Committee)
Ron Maggs	(Drainage Committee)
Gerry Niefer	(Former Councilman-At-Large)

MOTION was made by Councilman Zittel to approve the appointments of the members to the Comprehensive Plan Implementation Committee as stated by Supervisor Nellis; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis noted that the committee would be meeting on a quarterly basis. Ruth Szalasny of 3048 Belknap Road asked if it was necessary to state the terms of office. Supervisor Nellis stated that the committee would establish the terms. Andrew Reilly, Town Engineer suggested a one-year term because as the town moves through the Master Plan there may be a need for someone with certain expertise. William Trask, Town Attorney stated that in the absence of any statement about terms a committee like this serves at the pleasure of the Town Board and the Town Board has the right to remove and replace members at anytime.

Supervisor Nellis then set up with the intent of focusing particularly on the hamlet between Shadagee Road and New Jerusalem for purposes of business opportunities in the town and to encourage growth in Eden. Supervisor Nellis then read the names of the following members to the Hamlet Revitalization Committee:

Eden Chamber of Commerce
 Rich
 Ventry
 Mike Bolo

Eden Planning Board
 Anthony Weiss
 Kevin O’Gorman (Alternate)

Eden Town Board
 Glenn Nellis

Eden Economic Development Committee
 Dick Minekime
 Joe Desmond

Community at Large

Curtis Neureuter
Ellen Bauer

Supervisor Nellis also stated that these meetings are public meetings and citizens are welcomed.

MOTION was made by Councilman Krycia to appoint the members of the Hamlet Revitalization Committee as stated by Supervisor Nellis; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4.) Approval of Combs Drive Drainage Project

Ronald Maggs, Superintendent of Highways recommended that the Drainage Project for Combs Drive be done. Mr. Maggs stated that the area has been on the Drainage Committee list of drainage projects to be completed and that with the most recent flooding problems that occurred in the area Combs Drive has been prioritized. Mr. Maggs stated that the project would cost \$2,980.00 from the drainage fund to be completed.

MOTION was made by Councilman Vacco to approve the Combs Drive Drainage Project at a cost of \$2,980.00 from the drainage fund; seconded by Councilman Zittel. Before being put to vote, Supervisor Nellis commented that the Drainage Committee has worked diligently on developing a list of projects around town. This project has been expedited because one of the private landowners was affected by the recent flooding and has put up \$4,000.00 towards the project allowing the town to complete the project. All the homes are affected on Combs Drive and along Route 75. William Henry Farms has given the town the conservation easements to get this project done. The total cost of the project would be 6,980.00. After Supervisor Nellis’ comment the Motion was put to vote; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5.) Resolution on Conservation Easement Law

MOTION was made by Supervisor Nellis that the Conservation Advisory Board be asked to draft a Local Conservation Law as recommended in the Comprehensive Master Plan; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Supervisor Nellis recommending that the Economic Development Committee to review for recommendation the previously discussed six point Business Development Plan for the Town of Eden; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

7.) Agreement with Niagara Mohawk – Town of Eden Holiday Decorations

Supervisor Nellis stated that William Trask, Town Attorney has reviewed a contract from Niagara Mohawk to attach street decorations to the electric poles.

MOTION was made by Supervisor Nellis to approve the contract with Niagara Mohawk allowing the Town of Eden to attach street decorations to the electric poles and other facilities in the Town of Eden; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8.) Acceptance – CGR Report – Economic Alternatives Study

Supervisor Nellis requested that item #8 be tabled until December 13, 2000 meeting under New and Unfinished Business because the final copy of the report has not been completed per Andrew Reilly, Town Engineer. Supervisor Nellis stated there were revisions needed before it could be accepted.

9.) Labor Contracts – Highway and Police Departments – Possible Approval

Councilman Vacco stated that he has met with the departments and went through the numbers. The Highway Department came to agreement on the contract and Councilman Vacco recommended its approval.

MOTION was made by Councilman Vacco to accept the two-year labor contract (2001-2002) for the Highway Department as presented; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis stated that pertaining to the Police Department contract, there is an agreement in the financial items, however there is some verbiage that both sides wish to discuss and clarify. It was Supervisor Nellis recommendation to vote on the Police Department’s contract at the December 13, 2000 meeting so that the verbiage can be clarified. Supervisor Nellis also noted that there would be no impact to the 2001 budget.

10.) Action – Proposed Local Law No. 4-2000 – Debris Removal from Subdivisions

Supervisor Nellis stated a Local Law clarifying the requirement for removing debris and waste material from subdivisions prior to acceptance of public improvements and issuance of building permits was discussed in a public hearing held October 11, 2000. Supervisor Nellis read the proposed Local Law No. 4-2000, copies are on file in the Town Clerk's office.

MOTION was made by Councilman Zittel to approve Local Law No. 4-2000 as read by Supervisor Nellis; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

11.) Special Use Permit for Timothy Dinse Pond

Supervisor Nellis stated the Special Use Permit was referred to the Zoning Board meeting that is scheduled for November 9, 2000. The Eden Planning Board has recommended approval, however it needs to go to the Zoning Board who have not had the opportunity to review the Special Use Permit that is subject to a variance at this time.

MOTION was made by Councilman Zittel to approve the Special Use Permit for Timothy Dinse pond subject to the variance being issued by the Zoning Board; seconded by Councilman Krycia. Councilman Vacco stated that he still had concerns on the positioning of the pond and concern for the neighbors and would feel more comfortable with the recommendation from the Zoning Board. Councilwoman Pew also stated that she too would feel more comfortable after the Zoning Board has approved the variance before voting on the Special Use Permit.

Town Attorney, William Trask recommended that the Town Board wait to hear from the Zoning Board before voting on the Special Use Permit for Timothy Dinse pond. Councilman Zittel withdrew the Motion as did Councilman Krycia's second pending Zoning Board approval and tabled the matter until December 13, 2000 and placed it on “Old Business”. The **Motion** was tabled.

There was further discussion where as Town Engineer, Andrew Reilly commented that Niagara County is working on coming up with new laws for new ponds in their area and suggested that maybe the Town of Eden might consider on doing the same thing for future ponds in Eden. The town could work with other communities who are or have gone through the process of adopting new laws pertaining to ponds.

12.) Scheduling of December 13th Town Board Meeting at the East Eden Fire Hall

Supervisor Nellis stated that the December 13, 2000 Town Board Meeting will be held at the East Eden Fire Hall. Supervisor Nellis also noted that the Town Board may not have a meeting on November 22, 2000 and will advise.

13.) Scheduling of Public Hearing – Renewal of Special Use Permits – December 13th

Supervisor Nellis stated that each year the Town Board reviews the renewal of Special Use Permits for Norman Brenner-Gravel Pit Operation at 3036 East Church Street, Cazenovia Recovery System at 9136 Sandrock Road, Eden KinderCare/St. John’s Church Day Care Center at 2871 East Church Street and Sprint Spectrum/Donald Mammoser at 8635-8657 East Eden Road-Telecommunications Tower. Supervisor Nellis recommended that a public hearing be scheduled for December 13, 2000 at 8:00P.M.

MOTION was made by Supervisor Nellis to schedule a public hearing regarding the renewal of Special Use Permits for December 13, 2000 at 8:00 P.M.; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis then asked if the Town Board was ready for the approval of the removal of the APO District as discussed in the public hearing. Supervisor Nellis then read the following Resolution that was moved by Councilman Krycia.

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

RESOLUTION ABOLISHING APO DISTRICT

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Eden Town Board has reviewed the proposed modifications to the Town of Eden Zoning Law, whereby the Agricultural Preservation Overlay (APO) will be abolished, and

WHEREAS, the abolishment of the APO will not adversely affect the natural resources of the state and/or the health, safety and welfare of the public, and is consistent with social and economical considerations.

NOW, THEREFORE BE IT RESOLVED that the Eden Town Board has determined that the abolishment of the APO district is not anticipated to result in any significant effect on the environment, and that a Negative Declaration (notice of determination of non-significance) is hereby issued, based on the following reasons:

1. The abolishment of the APO district is in accordance with the newly adopted 2015 Comprehensive Plan.
2. The modifications to the Zoning Code will have no direct physical impact on the natural, manmade, or environmental resources of the Town.
3. Impact of Agriculture: The abolishment of the APO allow all farms to be treated equally in the community. The changes do not affect any existing or proposed agricultural use on any properties.
4. The abolishment of the APO reduces the requirements for residential development in this area. This will have a limited affect on the growth

rate in this area since there are minimal development pressures and limited infrastructure. Other proposed zoning amendments recommended in the Zoning Comprehensive Plan will also help to protect farming operations and preserve farmland.

BE IT FURTHER RESOLVED that the Supervisor be authorized to sign the Environmental Assessment Form.

Seconded by Councilman Vacco. Before being put to vote, Town Engineer, Andrew Reilly stated that the abolishment of the APO District is a procedural change where as currently a Special Use Permit is required before a building permit can be issued in the APO District. It is an effort to treat all farms/farmers fairly and gain their support in agricultural protection programs. After the brief discussion the Motion was put to vote; all "Ayes"; Motion carried

Supervisor Nellis then read the Town of Eden Proposed Local Law No. 5-2000, a Local Law abolishing the Agricultural Preservation Overlay (APO) Zoning District in the Town of Eden Zoning Law, a copy is on file in the Town Clerk's office.

MOTION was made by Councilwoman Pew to approve Local Law No. 5-2000 abolishing the Agricultural Preservation Overlay (APO) Zoning District in the Town of Eden Zoning Law; seconded by Councilman Vacco. There was a brief discussion clarifying that the references to the APO District that are currently part of the text are being pulled out and the Transfer Development Right (TDR) remain in the text. After the brief discussion the Motion was put to vote; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor's Report:

Supervisor Nellis reported that on November 28, 2000 at 3:00 P.M. Federal Officials will be signing an agreement between the Federal Emergency Management Office and the Town of Eden in reference to Project Impact and Disaster Preparedness of our town. At 11:00 A.M. the Federal Officials will be in Buffalo for a regional gathering before coming to Eden.

Hearing of Visitors:

Ruth Szalasny of 3048 Belknap Road

Before adjourning the Town Board Meeting Chief Howard asked about the appointment of Charlie Dias to the Technology Committee. Councilwoman Pew stated that the Technology Committee had approved Mr. Dias' appointment and made the following Motion.

MOTION was made by Councilwoman Pew to appoint Charlie Dias to the Technology Committee; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Adjournment:

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:33P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board at 10:30 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk