

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
JANUARY 10, 2001
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 (*Absent*)

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 (*Absent*)
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 7:32 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 noted that Councilman Zittel was out of town for tonight's meeting. Supervisor Nellis also noted that it was published in the Penny Saver that the public hearings that were originally scheduled for tonight were rescheduled

for January 24, 2001 at the December 27, 2000 Town Board meeting, Right To Farm Law at 8:00 P.M. and Moratorium on Ponds at 8:30 P.M.

Approval of Minutes:

Supervisor Nellis asked if there were any additions or corrections to the Minutes of December 13, 2000, there were none.

MOTION was made by Councilman Krycia to approve the Town Board Minutes of December 13, 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 Minutes of December 27, 2000, there were none.

MOTION was made by Councilman Vacco to approve the Town Broad Minutes of December 27, 2000 as presented; seconded by Councilman Krycia; All – “Ayes; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfers:

There were none.

Audit Bills:

Supervisor Nellis asked if there were any questions on the “Audit of Bills” for January 2001 and for January 2001 “Payables”, which are on file in the Town Clerk’s office.

Councilman Vacco asked for clarification on Voucher #1, General Fund. Chief Howard explained it was for the service contract for the pagers for the Police Department. Councilman Vacco also stated that a memo was received from Mary Jo Hultquist, Town Clerk regarding the “P.O. Box” for the Town Hall mail, a copy of the memo is on file in the Town Clerk’s office. Supervisor Nellis read the memo and the memo stated the reasons for elimination of the P.O. Box and what necessary steps would need to be done if eliminated. The memo also noted that it cost the Town \$150.00 a year to keep the P.O. Box.

After a brief discussion with the Department Heads and the Town Board, the Town Board agreed to eliminate the “P.O. Box” for the Eden Town Hall and to delete Voucher #19 on the General Fund in the amount of \$75.00 changing the total of the General Fund to \$6,566.86.

January 2001

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	1 – 18	\$6,566.86
Highway Dept. Fund	1 – 4	\$504.33
Fire Dept. Fund	1 – 3	\$4,448.00
Recreation Dept. Fund	1	\$550.00
Refuse and Garbage Fund	-	\$0
Street Lights Fund	-	\$0
Water Fund	-	\$0
Trust & Agency Fund	-	\$0
Capital Fund	-	\$0
Community Development	-	\$0

January 2001
Payables

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	801 – 828	\$22,415.63
Highway Dept. Fund	325 – 328	\$4,817.83
Fire Dept. Fund	296 – 300	\$1,549.66
Recreation Dept. Fund	221 – 226	\$2,999.71
Refuse and Garbage Fund	-	\$0
Street Lights Fund	20	\$4839.89
Water Fund	20	\$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 with the elimination of Voucher #19 on the January 2001 General Fund; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Departmental Reports:

Department reports for the month of January 2001 were presented by Kathy Keller for 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.

Kevin Schoenthal, East Eden Fire Chief requested the approval of the East Eden Fire Department 2001 Officers.

East Eden Fire Department 2001 Officers

CHIEF	Kevin R. Schoenthal	PRESIDENT	Maury Dole
1ST ASST. CHIEF	Joe Armbruster	VICE PRESIDENT	Ed Blaszc
2ND ASST. CHIEF	Andrew Breier	TREASURER	Ken Foltyniak
CAPTAIN	Roy Armbruster	SECRETARY	John Blaszc
1ST LIEUTENANT	Chris Enser	TRUSTEES (3)	1. Jerome Schmitz
2ND LIEUTENANT	Joe Hoelscher		2. John McCarthy
			3. John Matwijkow

MOTION was made by Councilwoman Pew to approve the Officers of the East Eden Volunteer Fire Department for the year 2001; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Chief Schoenthal also requested the authorization for the Chief’s of the East Eden and Eden Fire Departments to be able to take the Fire Apparatus out of the District for functions such as training, parades, detail, etc. in the year 2001.

MOTION was made by Councilman Krycia to authorize the Chiefs of the Eden and East Eden Fire departments to take the Fire Apparatus out of the District for functions such as training, parades, detail, etc. in the year 2001; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Lastly, Chief Schoenthal requested the approval of the bid for \$1,800.00 to John McCarthy for the cleaning of the East Eden Firehall’s Community room.

MOTION was made by Councilman Vacco to accept the bid from John McCarthy for cleaning services at the East Eden Firehall’s Community room in the amount of \$1,800.00; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

William Laing, Eden Fire Chief requested approval of the Eden Fire Department 2001 Officers.

Eden Fire Department 2001 Officers

CHIEF	William Laing	PRESIDENT	Robert Stickney
1ST ASST. CHIEF	Michael Jacobs	VICE PRESIDENT	John Jacobs
2ND ASST. CHIEF	David Cole	TREASURERS	Maurice Griffin
CAPTAIN	Matthew Colvin		Charles Cole
1ST LIEUTENANT	William Henry	SECRETARY	John Gavin
2ND LIEUTENANT	Steven Skalski	TRUSTEES	Dave Doctor
SAFETY OFFICER	Clyde Colvin		Tom Schreiner
SAFETY OFFICER	Maurice Griffin		Kevin Budziszewski

MOTION was made by Councilman Krycia to approve the officers of the Eden Volunteer Fire Department for the year 2001; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Chief Laing also requested permission to start drawing specifications for a new service truck to replace the 1980 GMC Step Van. Chief Laing explained that it would take a year to draw specs and another year to build; the Fire Department is scheduled to replace this truck in 2002 at an approximate cost of \$225,000.00.

MOTION was made by Councilman Krycia to grant permission to Chief Laing to begin drawing specifications for a new service truck to replace the 1980 GMC Step Van; seconded by Councilwoman Pew. Supervisor Nellis stated that the Chiefs of both Fire Departments met with the Town Board prior to the December 13, 2000 Town Board meeting regarding the twenty-year schedule for replacing various fire trucks. It is in the budget to replace this truck and the Town does pay cash for the trucks. After the brief discussion the Motion was put to vote. All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Kathy Keller for Paul Shephard presented the monthly report for the Eden Emergency Squad. Ms. Keller stated that the following top six for duty hours in December were; Julie Boedo, Brent Hardy, Paul R. Shephard, John Sheffer, Art Buggenhagen and Ray McGinty. The member of the month for December was Julie Boedo. Supervisor Nellis extend the Town Boards appreciation to the members for their service.

After Chief Howard presented his report, Chief Howard recommended to the Town Board the appointment of Kim Soda for the position of Police Clerk/Dispatcher. Chief Howard stated that Ms. Soda met all the requirements of the position and felt that she would be an asset to the department in the full time position.

MOTION was made by Councilwoman Pew to appoint Kim Soda as Police Clerk/Dispatcher full time based on Chief Howard’s recommendation; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Chief Howard also requested to purchase a new Breathalyzer. The current Breathalyzer is an outdated unit and Chief Howard budgeted \$7,000.00 to purchase a new Breathalyzer. Chief Howard also stated that he has received an award of \$4,000.00 from the Government Traffic Safety Committee. Chief Howard noted that the Police Department would need to purchase the Breathalyzer and the Government Traffic Safety Committee would then reimburse the Police Department the \$4,000.00, which means that the Police Department would only be spending about \$3,000.00.

MOTION was made by Councilwoman Pew to approve the purchase of a Breathalyzer for the initial cost of \$6,9990.00 with reimbursement of \$4,000.00 from the Government Traffic Safety Committee; seconded by Councilman Krycia; All - "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Lastly Chief Howard requested that Maury Dole be reappointed as Co-Chairman of the Town of Eden Emergency Preparedness Committee for a 2-year term.

MOTION was made by Councilwoman Pew to re-appoint Maury Dole as Co-Chairman of the Town of Eden Emergency Preparedness Committee for a 2-year term; seconded by Councilman Krycia; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Ronald Maggs, Superintendent of Highways requested permission to help as needed with Eden's Winterfest.

MOTION was made by Councilwoman Pew to grant permission to the Superintendent of Highways, Ronald Maggs to help with Eden's Winterfest as needed; seconded by Councilman Krycia; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Mr. Maggs also requested the Town Board to sign the "Agreement to Spend Town Highway Funds"; a copy of the agreement is on file in the Town Clerk's office. Mr. Maggs explained that the sum of \$217,300.00 might be expended for general repairs upon 48.49 miles of Town highways. Mr. Maggs also stated that improvements on Hammond Drive, starting at East Church to Oakland Drive and Woodside Drive, starting at East Church to cul-de-sac would be done. Supervisor Nellis read the agreement to the audience.

MOTION was made by Councilman Krycia to accept the "Agreement to Spend Town Highways Funds" which is on file in the Town Clerk's office; seconded by Councilwoman Pew; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Mr. Maggs also requested permission to purchase a brush chipper from State Bid as per budgeted funds of \$15,000.00 coming from equipment reserve D9950.9, subject to a permissive referendum. Mr. Maggs also noted that the Highway Department did receive \$3,000.00 at the auction in October for the old unit.

MOTION was made by Councilwoman Pew to grant permission to purchase a brush chipper for \$14,895.00, funds from the equipment reserve D9950.9, subject to a permissive referendum;

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

Lastly Mr. Maggs reported that he has started research for the purchase of a new plow truck and also noted that the salt shortage for this winter is real. The Town Highway Department has been using a sand/salt mix and quantities are low everywhere. Mr. Maggs explained that there are options and that he would follow the State’s lead on what mix to use for the rest of the snow season. Prices are currently being honored, however supplies are low.

Andrew Reilly, Town Engineer reported that he had attended the Hamlet Revitalization meeting and the Planning Board meeting. At the Planning Board meeting it was recommended to hold a joint meeting with the Town of Evans on the Bosse project and Mr. Reilly recommends that a representative from the Town Board be present to scope out problems and issues. Mr.

Reilly stated that the meeting would be held Thursday, February 8, 2001.

Mr. Reilly also reported that he help prepare the small Drainage Plan for the Weller Subdivision and drafted a letter. Mr. Reilly also assisted on the sidewalk project for Route 62 by Shurfine. Supervisor Nellis then reported that the grant was denied for the sidewalk project. Lastly Mr. Reilly reported that he reviewed the Conservation Easement Law and that he would be attending the Drainage Committee’s meeting next week regarding the Storm Water Management Law. The Drainage Committee asked for Mr. Reilly’s assistant with this issue.

William Trask, Town Attorney thanked the Town Board for reappointing him as Town Attorney and requested an Executive Session on pending litigation.

After Scott Henry presented his report, Mr. Henry noted that there was a trend upward of total number of permits issued and minor subdivision in 2000, new home construction is down about six and the town lost about 4% in total values comparing year 2000 with 1999. Mr. Henry also reported next year he would be working with the new State building code. There may be a grace period of maybe 3 to 6 months where permits could be issued with plans that complied with either the old code or new codes.

Lastly Mr. Henry requested permission to attend the Niagara Frontier Building Officials Educational Conference on February 5th – 7th in Cheektowaga and the conference is budgeted for it is an annual event.

MOTION was made by Councilman Krycia to grant permission for Scott Henry, Code Enforcement Officer to attend the Niagara Frontier Building Officials Educational Conference on February 5th – 7th in Cheektowaga; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

After Susan Brass, Recreation Director presented her report Supervisor Nellis stated he had received a report that was presented by Sharon Sisti at Hilbert College pertaining to the Hamburg Youth Programs and asked that the Recreation Advisory Board look at it with relevance to Eden.

Mrs. Brass then requested approval of Robin Cook as Family Swim Supervisor, Laurel Salzman, Jennifer Migliore, Mary Bolo, Kristen Cook and Laura Evans as Family Swim Life Guards on Friday nights, January 19th through March 23rd at a pay rate of \$8.00 per hour.

MOTION was made by Councilman Krycia to appoint Robin Cook as Family Swim Supervisor, Laurel Salzman, Jennifer Migliore, Mary Bolo, Kristen Cook and Laura Evans as Family Swim Life Guards on Friday nights, January 19th through March 23rd at a pay rate of \$8.00 per hour as recommended by the Recreation Board; seconded by Supervisor Nellis; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

New and Unfinished Business:

1.) Update – Water District No. 4

John Reid of R & D Engineering reported that he had spoken with Rural Development and is expecting a Letter of Condition from them on the grant with the final numbers within two weeks. Mr. Reid also stated that contractors are busy and the project could extend into to next year, however it can be worked out in the bid to install a small pump that would delay the fire flow for a year. The pump stations and lines could be installed by the fall of this year but again there would be no fire flow for a year.

2.) Committee Appointments/Reappointments

Supervisor Nellis reviewed memos received from the following Boards:

- 1. Eden Historic Review Board
Reappointments: Deborah Schwert, Pamela Henrich
- 2. Eden Zoning Board
Reappointments: Lucille Kaminski as Chairman for a 5-year term
- 3. Comprehensive Plan Implementation Committee
Appoint: William Agle, Liaison from Zoning Board
- 4. Eden Planning Board
Reappointments: Dennis Brawdy as Vice-Chairman, Kevin O’Gorman
- 5. Eden Economic Development Committee
Reappointments: Gerald Maggs, Richard Minekime and Gary Neureuter
- 6. Eden Recreation Advisory Board
Reappointments: James Soule & Frank Nicotra

The memos stated the appointments and reappointments of the Boards; the memos are on file in the Town Clerk’s office.

MOTION was made by Councilwoman Pew to approve the appointments and reappointments as presented by Supervisor Nellis and recommended by the individual boards; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis also stated that a memo was received from the Eden Conservation Advisory Board stating that Traci Clever is not seeking reappointment to the Eden Conservation Advisory Board. Supervisor Nellis stated the Town Board’s appreciation of Ms. Clever’s past service.

MOTION was made by Councilwoman Pew to extend the Town Board’s appreciation of Ms. Clever’s service over the past several years as an active member of the Eden Conservation Board; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3.) Sprint Spectrum/Mammoser Telecommunications Tower –
Special Use Permit Renewal

Supervisor Nellis stated that Sprint Spectrum has filed the \$30.00 fee for the renewal, however they need certification of the structural safety and requested radio frequency. William Trask, Town Attorney stated that he has not received the two certifications required and suggested that the renewal of the Special Use Permit be tabled at this time and placed on New & Unfinished Business for the January 24, 2001 Town Board meeting.

4.) Economic Alternative Report – Center for Government Research

Andrew Reilly, Town Engineer stated that some changes were made in the summary of the report and he is waiting for the changes to be made. Mr. Reilly noted that the fundamentals of the report have remained the same. Supervisor Nellis stated that the report would be tabled until the February 14, 2001 Town Board meeting

6.) NYS Association of Towns – Annual Meeting – Authorization to Attend

Supervisor Nellis stated that the Annual Meeting is being held February 18th – 21st. Supervisor Nellis stated that Michael Cooper & Jayne Cohoon from the Court office Mark Agle & Dennis Brawdy of the Eden Planning Board is planning on attending and Councilman Vacco, Councilman Zittel and Supervisor Nellis. Supervisor Nellis asked that those who plan to attend be authorized for travel expenses.

MOTION was made by Councilwoman Pew to approve the travel expenses of those who plan to attend the NYS Association of Towns Annual Meeting; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis stated that the town needs to give certification for a delegate and requested that Councilman Vacco be appointed Voting Delegate for the Town of Eden and himself the alternative.

MOTION was made by Councilwoman Pew to appoint Councilman Vacco Voting Delegate for the Town of Eden for the NYS Association of Towns Annual Meeting and Supervisor Nellis as Alternate; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5.) NYS Association of Towns – Legislative Program

Supervisor Nellis read the 2001 Resolutions considered by the Resolutions Committee of the Association of Towns of the State of New York, which are on file in the Town Clerk’s.

MOTION was made by Councilman Krycia to support the eight 2001 Resolutions considered by the Resolutions Committee of the Association of Towns of the State of New York; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

Supervisor Nellis reported that 5 or 6 individuals would attend the Commerce Summit being held January 18, 2001 in Amherst from the Town of Eden.

Hearing of Visitors:

Ruth Szalasny of 3048 Belknap Road

Adjournment:

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 8:55P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board at 11:20
P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk