

**MINUTES**

**WORK SESSION MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
JANUARY 23, 2001  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

GLENN R. NELLIS - SUPERVISOR  
MARY LOU PEW - COUNCILWOMAN (*Deputy Supervisor*)  
GEORGE F. ZITTEL - COUNCILMAN (*Absent*)  
VINCENT V. VACCO - COUNCILMAN  
TIMOTHY J. WALKER - COUNCILMAN

**OTHERS PRESENT:**

Mary Jo Hultquist - Town Clerk  
Ann Knack - Administrative Assistant

**Call To Order:**

Supervisor Nellis called the Work Session 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.

**Budget Transfers:**

Supervisor Nellis read the following “Budget Transfers” to adjust for negative appropriation balances at year-end. From account A1990.4 to A1620.4 in the amount of \$899.32, to account A1440.4 in the amount of \$1,876.49, to account A7310.4 in the amount of \$2,675.81, to account A7150.1 in the amount of \$100.00, for a total of \$5,551.62.

**MOTION** was made by Councilwoman Pew to approve the “Budget Transfers”; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**New and Unfinished Business:**

1.) Red Bandana – Beer and Wine License Renewal Notification

Supervisor Nellis stated that a request was received from Betty Ovitt to renew their beer and wine license for 2002. This in informational only.

2.) Preischel Farm Pond – Belknap Road

Supervisor Nellis explained that he received correspondence regarding fencing for a farm pond. According to the Town Law regarding fencing, it is the judgment of the Town Board whether or not a fence is required. Much discussion followed regarding the possibility of fencing during the winter for snowmobiles that may be traveling in the area and not aware of the pond.

**MOTION** was made by Councilman Vacco stating that “No” fence was required; seconded by Supervisor Nellis; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Councilman Walker continued the discussion regarding the fencing and it was decided to suggest to Mr. Preischel to add some type of snow fencing during the winter months to alert snowmobiles in the area that a pond is there.

The **AMENDED MOTION** was made by Councilman Walker to recommend to Mr. Preischel that sufficient markings be placed around the pond during the winter months; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis read correspondence from Paul Laing, Eden Fire Chief, which letter is on file in the Town Clerk’s office. Mr. Laing explained that there are no fire hydrants on Bauer Road, Bley Road and Belknap Road. In the event of a large fire they would require large volumes of water. Mr. Laing would like to see the construction of a “Dry Hydrant System” in the pond being constructed on the Preischel Farm at 2963 Belknap Road. The system would require 500 feet of 8” PVC pipe and fittings. Mr. Preischel would construct this on non-town owned property. The maximum total cost of the project would not exceed \$6,000. This cost would be the responsibility of the town.

Supervisor Nellis stated that Ron Maggs, Highway Superintendent and Bill Henry, Eden Fire Department have been involved and included in the discussion. Mr. Maggs has given an estimate of \$2,000, however he is recommending authorizing a cost up to \$5,000.

**MOTION** was made by Councilman Vacco to authorize spending up to \$5,000.00 for pipe and fittings; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

The **AMENDED MOTION** was made by Councilman Walker to approve the spending of \$5,000.00 subject to Engineering and Legal review; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3.) Sprint/Spectrum Special Use Permit Renewal

Supervisor Nellis stated that he has received proof of proper paperwork for

covering demolition of the tower. It indicates that under this tower structure removal bond, \$43,500.00 has been bonded for purposes of demolition of tower.

**MOTION** was made by Supervisor Nellis to approve the Annual Special Use Permit for Sprint/Spectrum; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Discussion ensued with Councilman Walker questioning whether utilities would be disconnected or capped, not removed. Laurie, Attorney for Sprint/Spectrum stated that the utilities are underground and would stay.

Councilwoman Pew questioned whether or not anything was in place to monitor other carriers that attach to existing towers. It was suggested that the Town Attorney investigate that situation.

4.) Resolution – Water Funding

Supervisor Nellis read the following Resolution:

**RESOLUTION  
for the  
NEW YORK STATE ASSOCIATION OF TOWNS  
PROPOSED MODIFICATIONS TO RULES, REGULATIONS AND POLICIES  
OF THE  
NEW YORK DRINKING WATER STATE REVOLVING FUND**

**WHEREAS**, numerous rural townships in New York State are experiencing a Significant need to extend public water systems to residents suffering inadequate quantity and/or poor quality of drinking water from existing groundwater wells, and

**WHEREAS**, the only two (2) funding programs available to rural townships for the construction of water system extensions are the Federal Rural Utilities Services (RUS) Program of Rural Development/U.S. Department of Agriculture, and the New York Drinking Water State Revolving Fund (NYDWSRF), and

**WHEREAS**, the Federal RUS Program is insufficiently capitalized to be able to fund all of the projects submitted by rural towns for funding in any fiscal year, and

**WHEREAS,** the current rules, regulations and policies of the NYDWSRF program significantly limit the ability of many rural water extension projects to qualify for NYDWSRF funding, and often makes such funding unaffordable to residents due to the unique circumstances affecting towns in New York State,

**RESOLVED,** that the Association of Towns urges the Governor and Members of the State Legislature to modify the rules, regulations and policies of the NYDWSRF for town water extension projects to: 1) provide for “equal payment series” bond repayment; 2) decrease the Equivalent Dwelling Factor (EDU) assessment for 0.5 to 0.2 for vacant property parcels; 3) increase the point scoring capability of rural water extension projects relative to other projects funded under the program, and; 4) increase the debt repayment term to at least 30 years for rural water extensions.

**MOTION** was made by Councilman Vacco to support the Resolution; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5.) Resolution – NYS Local Government Record Management Grant

Councilwoman Pew explained the proposed Grant for “E” Government. The purpose of the grant is to enhance Eden’s website.

Councilman Walker read the following resolution:

**WHEREAS,** the Town of Eden desires to obtain grant funds available under the New York State Archives (NYSA) Local Government Record Management Improvement Fund/subcategory “E-Government” for the purpose of implementing the Eden Website Enhancement Project. This project goals are to provide a seamless transition of electronic records from the paper records for the Town Clerk/Records Management Office. It is furthermore believed that if the Town of Eden is to become an interactive electronically accessible municipality, the town must enhance their website to perform the following: 1) Creation of new website that incorporates the functions and electronic access of the municipal departments; 2) Creation of electronic on-line forms, applications & records; 3) Internet training for municipal personnel & the Volunteer Eden Technology Committee; 4) Develop a “user-friendly” search engine; 5) Provide Statistical Web-Site Reporting.

**NOW, THEREFORE BE IT RESOLVED,** that Supervisor Glenn R. Nellis is hereby authorized to execute the necessary grant documents to apply for funding to the New York State Education Department, State Archives and Records Administration.

**MOTION** was made by Councilman Walker to apply for the above-mentioned grant; seconded by Councilman Vacco; Ayes? – Supervisor Nellis, Councilman Vacco, Councilman Vacco; Opposed? – None; Abstain? – Councilwoman Pew; Motion carried.

It was stated by Supervisor Nellis that the Town Board, Town Attorney, and Jim Tamaro, NYS Archives have concluded that it is not a conflict of interest for Councilwoman Pew to be involved in this grant. It was also mentioned by Councilman Walker that Councilman Zittel was involved and present at a previous meeting and is in agreement.

6.) Authorization to Proceed Phase I Archeological Survey

Supervisor Nellis read the following resolution:

**WHEREAS,** the Town of Eden has received a Hazard Mitigation Grant form FEMA and SEMO for drainage work on Jennings Road; and

**WHEREAS,** a stipulation of that grant is that the Town do some additional engineering and investigation work including a Phase I Archeological Survey; and

**WHEREAS,** the Town has contacted UB Archeological Survey to provide a quotation to do the Archeological Survey;

**NOW, THEREFORE BE IT RESOLVED,** that the Supervisor is authorized to sign said contract/proposal from UB Archeological Survey once it is reviewed by Wendel Duchscherer, the Town Engineer, and by Bill Trask, the Town Attorney; and

**BE IT FURTHER RESOLVED,** that this contract not exceed \$4,000.00, the estimate in the work plan.

**MOTION** was made by Supervisor Nellis to authorize UB to do the Archeological Survey, not to exceed \$4,000.00; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Supervisor’s Report:**

Supervisor Nellis stated that the auditor, Gary Price from Fox & Company is here for the annual audit.

Supervisor Nellis stated that he has received a letter from Joel Giambra, Erie County Executive regarding County Government technical support and financial assistance. A discussion will be scheduled for needs and opportunities together with the Town of Evans, Village of Angola and the Town of Brant.

Supervisor Nellis has received the agreement on Jennings Road regarding Water District No. 4. He would like to schedule a meeting with the residents in that District for Monday, February 11, 2002 at 7:30 P.M.

Supervisor Nellis turned the discussion to Frank Mantione to explain a new program, CEM, Community Environmental Management Program. Eden has been chosen to be one of three towns to be in a pilot program. The first stage would be a survey of natural resources under threat. The process will take about a year to complete. The volunteer committee will be meeting again in about a month.

**Hearing of Visitors:**

There were none.

**Adjournment:**

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

Supervisor Nellis adjourned the Work Session Meeting of the Eden Town Board at 8:45 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk