

## MINUTES

**WORK SESSION MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
JANUARY 24, 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 ( <i>Absent</i> )

### **OTHERS PRESENT:**

William Trask	-	Town Attorney
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 7:35 P.M.

### **Pledge of Allegiance:**

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

Supervisor Nellis then welcomed everyone to the meeting and requested permission from the Town Board to add three items to the agenda. As “#1” – Water District No. 4 and the current “#1” – Appointments/Reappointments would become “#1A”. Retention of Connors & Vilaro as Council in the American Re-Fuel case would be “#5” and an Executive Session for litigation and personnel reasons be added to the agenda.

### **New and Unfinished Business:**

#### 1.) Water District No. 4 Update

John Reid of R & D Engineering spoke with regional director of rural development and a letter of conditions has been written. Setting the grant at \$700,000.00, Mr. Reid felt certain enough of the numbers that he completed a draft of the “Proposed Water System Improvements

Map, Plan and Report for Creation of Water District No. 4” which is on file in the Town Clerk’s office.

Mr. Reid explained that he is in the process of preparing the petition in which the residents of Proposed Water District No. 4 are going to need to sign once again to approve the increase of about \$29.00 a year. Mr. Reid explained the reason for the increase is that when the project was first looked at the dollar amount of the grant was more and the loan amount less. The revised dollar amount of the grant is lower and the amount of the loan is higher due to an increase of 1/4 % interest rate, a copy of the “revised financing plan” is on file in the Town Clerk’s office.

Mr. Reid also stated that for every house constructed in Water District No. 4 the amount would drop about \$3.00 a year for residents already in the district. Mr. Reid also noted that the first six lots of Gary Drive have also been included in the proposed water district.

Supervisor Nellis asked Mr. Reid what the State threshold was for approval from the State Comptroller’s office. Mr. Reid answered it was the full value of about \$500.00. Supervisor Nellis stated that since the Town of Eden is over the \$500.00, the town needs the State Comptroller approval. Mr. Reid also stated that the Town would need over 50% of the assessed value and that a higher percentage would be better.

Councilman Vacco asked if it was urgent to have the petition signed again. Mr. Reid again explained that a written letter of conditions has been done and that the town can proceed to hold a public meeting for the residents of Water District No. 4. Mr. Reid stated that he would have the final petition sent to the Town Attorney next week and after his approval the meeting could be held.

The Town Board briefly discussed when this meeting could take place and it was decided that Wednesday February 7, 2001 at 7:30 P.M. a presentation would be made to the residents of Water district No. 4 explaining the revised amounts and petitions would be available for signatures.

Lastly Mr. Reid stated that the residents could have water by the end of the year, however Water District No. 4 will not have “fire flow” until Spring 2002 because the storage tank will still need to be constructed and the contractors are currently booked with other projects.

Supervisor Nellis thanked Mr. Reid for the “terrific job” he has been doing by working with the District Office of Rural Development in Syracuse to see that this project happens.

#### 1A.) Appointments/Reappointments

Supervisor Nellis state that the Town board received recommendations from the Drainage Committee for the reappointments of the following members:

- |                       |                  |             |
|-----------------------|------------------|-------------|
| 1. Drainage Committee |                  |             |
| Reappointments:       | Bill Feasley     | 3-year term |
|                       | Gerry Maggs      | 3-year term |
|                       | Juanita Majewski | 3-year term |

**MOTION** was made by Councilman Krycia to approve the reappointments as stated by Supervisor Nellis; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

2.) Information of Grant Proposals:    1) GIS Implementation Grant  
2) Records Management Grant

Councilwoman Pew reported that the Town Board has been looking at seeking funds for two separate grants that fall under the same category, however they don't compete with each other.

Councilwoman Pew explained that the “GIS Implementation Grant” would show how to utilize and implement GIS data to prepare and protect the town during a disaster. Also would be able to utilize many factors of the Eden Master Plan and implement them. Councilwoman Pew explained that there are no matching funds requirements and that she is looking for a Resolution of support from the Town Board that would then be put into the grant application package.

Councilwoman Pew read and moved 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/sub category of Records Creation and Systems Design, Phase II GIS Implementation Grant Program,

**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.

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

Mary Jo Hultquist, Town Clerk reported on the Records Management Grant stating that the Town is in need of a storage area to support the proper storage of the Town's current inactive records. Currently the Town's inactive records are stored in several locations throughout the Town and in some case not properly protected from damage. By applying for the Records Management Grant, the Town could receive up to \$75,000.00 to renovate an area in the old Emergency Squad Building to keep the Town's inactive records in one area. Mrs. Hultquist stated that in the grant application, the Town is proposing the use of two of the three bays of the building and to have that area renovated with fire rated walls and doors with shelving units to properly store and protect the Town's inactive records.

Mrs. Hultquist then read the following **RESOLUTION**, which was moved by Councilwoman Pew:

WHEREAS, the Town of Eden desires to obtain grant funds available under the Local Government Records Management Improvement Fund for the establishment of an inactive records facility.

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

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

### 3.) Drainage Committee Secretary

Supervisor Nellis stated that for the past year the Drainage Committee has had no support and with the increase of drainage projects in town are requesting the ability to appoint a secretary at a rate of \$25.00 per meeting, which are once a month. Supervisor Nellis noted that it would be about \$300.00 for the year.

**MOTION** was made by Supervisor Nellis with the recommendation of the Drainage Committee to appoint a secretary at a rate of \$25.00 per meeting; seconded by Councilman Krycia who added that the secretary would be funded out of the Drainage Committee’s budget; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

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

Supervisor Nellis closed the Work Session of the Eden Town Board at 8:02 P.M.

**MOTION** was made by Councilman Krycia to open the public hearing pertaining to the “Right-to-Farm Law proposal”; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis opened the public hearing at 8:02 P.M.

**8:00 P.M.**  
**Public Hearing**  
**Right-to-Farm Law Proposal**

Supervisor Nellis explained the purpose of the public hearing is to receive comments from citizens having to do with the Right-to-Farm Law proposal being considered by the Town. The Right-to-Farm Law is part of the implementation proposal contained in the Eden Master Plan that was approved in October 2000 by the Town Board. Copies of the proposed law were available in the Town Clerk's office for public review. The proposed law is similar to, as it stands currently, to the Town of Marilla and the Erie County Legislator's.

Supervisor Nellis stated that the intent of the Right-to-Farm Law proposal is to provide a local law and within the law some opportunity for a resolution when there is a disagreement. Supervisor Nellis also stated that the proposed law would provide notice to prospective purchasers and occupants moving into Eden that Eden is an active agricultural community.

Comments and concerns were heard from the following citizens:

Wilbert Smutz of 3094 East Church Street  
Cheryl Sickau of 2611 West Church Street  
Walter Henry of 7185 Sisson Highway  
William Carpenter of 3780 Yochum Road  
Gerald Mammoser of 3910 Hardt Road  
Richard Szalasny of 3048 Belknap Road  
Herbert Stocksclaeder of 2497 Bauer Road  
Ruth Szalasny of 3048 Belknap Road  
Kevin O'Gorman of 9430 Sandrock Road  
Steve Piwowar of 8257 East Eden Road (letter read by Supervisor Nellis)

William Trask, Town Attorney also provided responses to some of the concerns brought up by residents as well as Town Board members. After all comments were heard Supervisor Nellis thanked those who commented and stated that the Town Board would consider the remarks made and also stated that anyone with further input may put it in writing and mail it to the attention of the Town Board. Furthermore all comments would be considered in the revision of the proposed Right-to-Farm Law.

**MOTION** was made by Councilwoman Pew to close the public hearing for the "Right-to Farm Law proposal; seconded by Councilman Vacco; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the public hearing at 8:40 P.M.

**MOTION** was made by Councilman Krycia to open the public hearing for the "Moratorium on Ponds Law – proposal"; seconded by Councilman Vacco; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis open the public hearing for the "Moratorium on Ponds Law – Proposal at 8:40 P.M.

**8:30 P.M**  
**Public Hearing**  
**Moratorium on Ponds Law - Proposal**

Supervisor Nellis began the public hearing by reading “Proposed Local Law No. 2” imposing a temporary moratorium on the issuance of applications and the granting of permits, licenses or approvals for the siting, location, construction or development of ponds for the nonagricultural purposes in the Town of Eden. Copies are on file in the Town Clerk’s office. Comments and concerns were heard from the following citizens:

Herbert Stocksclaeder of 2497 Bauer Road  
William Carpenter of 3780 Yochum Road  
Ruth Szalasny of Belknap Road

During the public hearing Town Board members Councilwoman Pew and Councilman Krycia expressed their reasoning for the moratorium as the need to have a law that addresses ponds in a consistent manner. Councilman Krycia felt there is a need for guidelines to allow the Town to effectively review requests for construction of ponds in the Town. Councilwoman Pew stated the objective is to involve various boards in the moratorium to review concerns and issues raised by such improvements.

Supervisor Nellis state that there are other towns concerned about the number of ponds being constructed and the impacts of ponds on the water table and area water problems. It was recommended by the Town Planner to spend time speaking with other towns that also are looking at the issue of ponds and having some guidelines.

Mr. Trask noted that the six months for the moratorium is the maximum and that the study could be completed earlier.

Supervisor Nellis also stated that the intent is not to penalize citizens who wish to construct ponds but to have time to meet with other town officials and receive feed back from various Town boards.

Once again Supervisor Nellis stated that anyone wishing to send in written comments might do so.

**MOTION** was made by Councilwoman Pew to close the public hearing regarding the “Moratorium of Ponds Law – proposal”; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the public hearing at 9:00 P.M.

**MOTION** was made by Councilman Krycia 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 9:00A.M.

### **Additional Appointments/Reappointments**

Supervisor Nellis stated that it was brought to his attention that there was a reappointment and an appointment to the Agricultural Advisory Board they were as follows:

- William Henry 2-year term
- Karyn Agle to fill the un-expire term of Robert Feasley, which expires December 31, 2001

**MOTION** was made by Councilwoman Pew to reappoint William Henry to a 2-year term on the Agricultural Advisory Committee and to appoint Karyn Agle to the un-expire term of Robert Feasley that expires December 31, 2001; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

#### 4.) Resolution – Approving Amendment No. 1: 2000 – 2005 Snow Removal Contract with Erie County

Supervisor Nellis read the following **RESOLUTION**, which was moved by Councilman Vacco:

#### **Resolution Accepting Amendment Number 1 to 2000-2005 Snow Removal Contract between Town of Eden and County of Erie**

**WHEREAS**, Amendment Number 1 to the 2000-2005 Snow Removal Contract defines the work “remove” as it pertains to snow removal and spells out the method of compensation for work that may require a higher level of removal by Town forces;

**NOW, THEREFORE BE IT RESOLVED**, that Eden Supervisor Glenn R. Nellis is authorized to accept and execute said Memorandum of Understanding – Amendment Number 1 to the 2000-2005 Snow Removal Contract on behalf of the Town of Eden.

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

## 5.) Retention of Connors and Vilaro

Supervisor Nellis stated that our contract for disposal of solid waste with American Re-Fuel have gone through the court process asking for relief from the contract, the firm of Connors and Vilaro is pursuing an Appeal on a recent court decision.

Supervisor Nellis read the following:

“In Conjunction with the Village of Hamburg, I hereby move that the Town of Eden retain the firm of Connors and Vilaro to pursue an Appeal to the recent court decision regarding the Town’s suit against American Re-Fuel.” which was then moved by Councilman Krycia; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; **Motion** carried.

### **Supervisor’s Report:**

Supervisor Nellis congratulated Councilwoman Pew on her participation at the recent summit held in the Town of Amherst on E-Commerce and that the next meeting is to be held in the Town of Eden at the end of March.

### **Hearing of Visitors:**

There were none.

### **Adjournment:**

**MOTION** was made by Councilman Krycia to adjourn the Work Session of the Eden Town Board and go into Executive Session; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis adjourned the Work Session of the Eden Town Board at 9:10P.M.

### **Executive Session:**

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



Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk