

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
FEBRUARY 14, 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>)

DEPARTMENT HEADS PRESENT:

Andrew C. Reilly of Wendel	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways (<i>Absent</i>)
Patrick M. Howard	-	Chief of Police
Paul Shephard	-	Eden Emergency Squad (<i>Absent</i>)
William H. Laing	-	Eden Fire Chief
Kevin R. Schoenthal	-	East Eden Fire Chief (<i>Absent</i>)
Susan Brass	-	Recreation Director
R.Ferris Randall	-	Chairman Board of Assessors
Scott T. Henry	-	Zoning Code Enforcement Officer

OTHERS PRESENT:

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk
DianaRae Walker	-	Deputy Town Clerk
Anna Knack	-	Administrative Assistant

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 in memory of loved ones.

Award Presentation:

Supervisor Nellis and the Town Board members presented to Matt Colvin, Captain of the Eden Fire Department a certificate of award for his dedication and services in the Eden Fire Department. Supervisor Nellis read a letter of recommendation from William Laing, Eden Fire Chief.

Then Supervisor Nellis and the Town Board members presented to Cal Miller a certificate of award for his dedication of lifetime activities throughout the Town. Supervisor Nellis stated that Cal Miller performs various tasks on a voluntarily basis for residents in the Town of Eden and he read a letter stating some of those tasks.

Approval of Minutes:

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of January 10, 2001. There were none.

MOTION was made by Councilman Krycia to approve the Town Board Minutes of January 10, 2001 as presented; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis then asked if there were any additions or corrections to the Town Board Minutes of January 24, 2001. There were none.

MOTION was made by Councilman Krycia to approve the Town Board Minutes of January 24, 2001 as presented; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

Supervisor Nellis stated that a petition was received from residents residing on New Jerusalem Road requesting consideration of public water. Supervisor Nellis stated that copies have been given to the members of the Town Board and currently there are no immediate plans in the future of a water project. The petition will be placed on file and made a matter of record.

Budget Transfers:

There were none.

Audit Bills:

Supervisor Nellis asked if there were any questions or corrections on the “Audit of Bills” which are on file in the Town Clerk’s office. There were none.

February 2001

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	19 – 95	\$51,276.61
Highway Dept. Fund	5 – 34	\$187,261.64
Fire Dept. Fund	4 – 27	\$17,204.71
Recreation Dept. Fund	2 – 11	\$3,464.99
Refuse and Garbage Fund	1 – 2	\$30,909.59
Street Lights Fund	1	\$5,046.61
Water Fund	1	\$3,795.69
Trust & Agency Fund	-	\$0
Capital Fund	-	\$0
Community Development	-	\$0

February 2001
Payables

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	829 – 836	\$10,396.31
Highway Dept. Fund	329 – 330	\$426.30
Fire Dept. Fund	301 – 305	\$1,253.28
Recreation Dept. Fund	227 – 228	\$606.88
Refuse and Garbage Fund	35 – 37	\$9,813.74
Street Lights Fund	21	\$112.11
Water Fund	-	\$0
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 Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Departmental Reports:

Department reports for the month of February 2001 were presented by Kathy Keller for Paul Shephard, Eden Emergency Squad; William Laing, Eden Fire Chief; Councilman Krycia for Kevin Schoenthal, East Eden Fire Chief; Patrick Howard, Eden Police Chief; Supervisor Nellis for 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; R.Ferris Randall, Chairman Board of Assessors. All reports are on file in the Town Clerk's office.

Kathy Keller presented the monthly report for Paul Shephard, Eden Emergency Squad and stated that Julie Boedo, Brent Hardy, Paul Shepherd, John Sheffer, Art Bugenhagen and Ray McGinty were the top six for duty hours in January. The member of the month for January was Art Bugenhagen. Supervisor Nellis extended the Town Boards appreciation for their service.

Andrew Reilly, Town Engineer reported that he is waiting for information pertaining to Weller Phase II PIP application before making a full recommendation to the Town Board. Secondly, Mr. Reilly reported that he has received the final copy of the CGR Report for the "Fiscal Impact of Land Development Alternatives Report". Mr. Reilly stated that he has reviewed the report.

Mr. Reilly explained that the report is on different scenarios on how different rates of land development would affect tax dollars. Mr. Reilly stated that the report would be available for review at the Eden Library, Supervisor office and the Town Clerk's office. Lastly, Mr. Reilly recommended that the Town accept the report as a study as summarized in the Master Plan.

MOTION was made by Councilman Krycia to accept the "Fiscal Impact of Land Development Alternatives Report" as submitted; seconded by Councilman Vacco; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

William Trask, Town Attorney reported that he has received notice that Water District No. 4 has been approved by the State Comptroller's office, and that for Gary Drive the extension, a separate application would be submitted as Extension Water District No. 4A.

Supervisor Nellis read Ronald Maggs, Superintendent of Highways report and stated that Mr. Maggs requested that a bid opening date be scheduled for Motor Fuels and Related Services on March 12, 2001 at 10:00 A.M. in the Town Clerk's office. The report stated, "This annual bid includes no lead, diesel, kerosene and related services for a one-year period from April 1, 2001 through March 31, 2002. These pumps are used by Highway, Fire, Emergency Squad, Recreation, Police, Dog Control, Building Inspector, Senior Citizens, Eden Central School and Rural Van."

MOTION was made by Councilman Vacco to schedule a bid opening date of March 12, 2001 at 10:00 A.M. in the Town Clerk's office for Motor Fuels and Related Services; seconded by Councilman Krycia; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Mary Jo Hultquist, Town Clerk after completing her report also reported that the 2001 Town & County Tax Bills were mailed out Tuesday, February 13, 2001. The grant application for the records storage room was mailed out on time and that the total amount requested was \$30,745.00. Notification will be made in late June.

Mrs. Hultquist also requested permission to attend the New York State Town Clerk's Association Conference April 22-25, 2001, the registration form needs to be completed and the money is budgeted to attend.

MOTION was made by Councilman Krycia to grant permission for the Town Clerk, Mary Jo Hultquist to attend the New York State Town Clerk's Association Conference April 22-25, 2001; seconded by Councilwoman Pew; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Mr. Henry also reported for information only that the governor has set aside three million dollars to be allotted state wide for expenses made for the enforcement of state code for the periods of April 1, 2000 to March 31, 2001. Mr. Henry will be making application to the department of state to reverse such items as the recent educational seminar that Mr. Henry attended and some software updates for building codes. It will be done on a prorated basis.

After Susan Brass, Recreation Director completed her report; Supervisor Nellis stated that there was a need to change job titles to stay compatible with Erie County Civil Service Department. Supervisor Nellis ask the Town Board to change the job title to create five part time lifeguard positions from seasonal lifeguards.

MOTION was made by Councilman Vacco to change the seasonal job title of lifeguards to five part-time lifeguard positions; seconded by Councilwoman Pew; All – "Aye"; Opposed? – None; Abstain? – None; Motion carried.

Ferris Randall, Chairman Board of Assessors reported that May 1st is the new due date for when exemptions are due.

Before going onto "New and Unfinished Business", Councilwoman Pew reported that the Town of Eden would be hosting the next E-Government Summit meeting on March 29, 2001 from 7:00 P.M. to 9:00 P.M. in the Eden Town Hall auditorium. The last meeting was held in Amherst where the representatives from Erie County municipalities came together to generate ideas on how to use technologies and to improve communications with each other. Councilwoman Pew stated that everyone is welcomed to attend.

New and Unfinished Business:

1.) Update – Water District No. 4 – Construction in 2001

Supervisor Nellis stated that John Reid was unable to attend tonight's meeting for he was in attendance at the meeting held February 7, 2001 with residents that are in the proposed Water District No. 4. Mr. Reid went over the financial plan with the residents and answered questions. The petition that was signed from Gary Drive will be submitted as an add-on to the grant proposal.

Supervisor Nellis stated that there were two updates since last Wednesday meeting and they were will be meeting with Rural Development representatives tomorrow morning at 11:00

A.M. to read conditions under which the Town will receive the \$700,000.00 grant. The second item was that conversations have been taking place with Erie County Water Authority pertaining to the management of the district. Supervisor Nellis lastly stated that the town is on schedule and that construction would start in June 2001 with the hope of water flow to residents by year-end and fire flow in 2002.

2.) Moratorium on Ponds

Supervisor Nellis stated that he would like to amend the proposed law suggested that the period of the moratorium be four months instead of six months. Supervisor Nellis then read Proposed Local Law No. 1, which is on file in the Town Clerk's office with the change of the period of the moratorium from six months to four months.

MOTION was made by Councilman Krycia, that Proposed Local Law No. 1 of the year 2001 be adopted; seconded by Councilman Vacco. Before being put to vote, Councilwoman Pew stated that the Town Board did receive recommendations from the Eden Planning Board and Zoning Board of Appeals in agreement of the proposed local law imposing a temporary moratorium on the issuance of applications and the granting of permits for ponds with the exception of an agricultural use. All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3.) Right-To-Farm-Law

Supervisor Nellis stated that a public hearing was held at the January 24, 2001 Town Board meeting and several points were made regarding Section #5 and Section #6 of the Proposed Local Law Establishing Right-to-Farm Legislation. The Economic Development Committee and other committees were also concerned about Section #5 and Section #6. Based on that, conversations have taken place with the Town Attorney, William Trask and a draft was made with changes to Section #5 and Section #6.

William Trask, Town Attorney stated that section #5 was completely rewritten to take out what was pointed out correctly as already existing at a State and County level. Section #6 was also rewritten to give more specific timetables and procedures for the resolutions of possible disputes. It was Mr. Trask's feeling that another public hearing be held regarding the redrafted law giving the public a chance to review the new language and the Town Board time to receive comments on the new language.

Supervisor Nellis then recommended that a public hearing be scheduled for March 14, 2001 at 8:00 P.M.

MOTION was made by Councilwoman Pew to schedule a public hearing on March 14, 2001 at 8:00 P.M. for the redrafted Proposed Local Law Establishing Right-to-Farm Legislation; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

There was a brief discussion after the motion was put to vote. The Town Board heard comments from Steve Piwowar of 8257 East Eden Road.

4.) Criteria for Considering Drainage Projects

Supervisor Nellis summarized a memo received from the Drainage Committee of criteria to be accepted as determinants for prioritizing projects. A copy of the memo is on file in the Town Clerk's office.

The criteria was as follows:

1. Impacts on public infrastructure
2. Number of properties to benefits from projects
3. Will there be a contribution from affected property owners
4. Project cost/availability of funding
5. Period of elapsed time since town was formally notified of problem
6. Based on discussions, it was evident the criteria recommended were the same considerations followed in the past

MOTION was made by Councilwoman Pew to accept the criteria established by the Drainage Committee to select drainage projects; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5.) Appointments/Reappointments

Supervisor Nellis stated that there were none.

6.) Report – Comprehensive Planning Implementation Committee

Councilman Krycia reported that the first meeting was held February 8, 2001 and summarized the implementation actions that the committee would be involved with in 2001, some of which have already begun.

7.) Contract Approval – Wendel Duchscherer for work with CPIC and Hamlet Revitalization Committees and for Review and Revision of Zoning and Subdivision Codes

The actions are outlined in a proposal received from Wendel Duchscherer, which is on file in the Town Clerk's office. Supervisor Nellis state that Wendel Duchscherer has submitted a consultation fee in the amount of \$15,800.00, which would cover the following areas:

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| 1. Amend Zoning Law | \$4,800 |
| 2. Amend Subdivision Law | \$3,400 |
| 3. Hamlet Plan Assistance | \$2,600 |
| 4. Meetings & Preparation (8 total) | \$3,500 |
| 5. SEQR, Public Hearing, Final Revisions | \$1,500 |

MOTION was made by Councilman Krycia to accept the Comprehensive Plan Implementation Proposal for retained service from Wendel Duchscherer in the amount of \$15,800.00; seconded by Councilwoman Pew. Before being put to vote, Supervisor Nellis noted that the County would be providing monies to support the implementation and Councilman Krycia also noted that the Town did budget for this as part of the implementation process. The Motion was then put to vote; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8.) Approval of Recreation Crew Chief

Supervisor Nellis stated that 19 applications were received and were interviewed by members of the Recreation Board and Town Board. After the initial interviews three individuals were called back for a second interview and it was from this group Scot David Christiansen of 2360 New Jerusalem Road was selected as the Recreation Crew Chief. The position is a full-time position at \$14.00 per hour and effective March 5, 2001. Mr. Christiansen will be on a one-year probation.

MOTION was made by Supervisor Nellis to approve the hiring of Scot David Christiansen as the Recreation Crew Chief at \$14.00 per hour effective March 5, 2001; seconded by Councilman Vacco; There was a brief discussion before the Motion was put to vote. Ruth Szalasny of 3048 Belknap Road asked, “How many hours a week would the job have?” Supervisor Nellis stated that the position would be a 40-hour workweek with the possibility of more hours during the summer months. Michael Jacobs of 2827 Roswell Parkway asked if there was a description of the job so that Mr. Christiansen understands what is expected of him. Supervisor Nellis stated that there is a description that does include that during the winter months Mr. Christiansen would undertake some general town work such as snow removal of town sidewalks. Lastly Councilman Vacco thanked the committee for their time and effort in selecting a Crew Chief. Supervisor Nellis also added that letters would be sent to those who interviewed.

The Motion was then put to vote; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

9.) Referral of Request for Special Use Permit from John Henrich

Supervisor Nellis state that he had received communication from Pamela M. Henrich and Christian J. Henrich of 9952 Tice Road requesting a Special Use Permit for a landing area on

their properties at 9952 Tice Road under “Section 225-32-C, Airports and Heliports”, which is on file in the Town Clerk’s office.

MOTION was made by Supervisor Nellis to refer the request to the Eden Planning Board for review and recommendation back to the Town Board; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

10A.) Pond Request – Michael Hunter: 2315 Shadagee Road

Supervisor Nellis stated that the Town must consider any pond requests received in writing previous to the passage of the Moratorium on Ponds, which was adopted earlier in tonight’s meeting. On February 7, 2001 a letter was received from Michael Hunter requesting permission to construct a pond at 2315 Shadagee Road.

MOTION was made by Councilman Krycia to refer Michael Hunter’s request to the Eden Planning Board for review; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

10B.) Approval of Special Use Permit - Brent Hardy: 2212 Eden Evans Center Road

Supervisor Nellis stated that in a previous action the Town Board referred to the Eden Planning Board a request from Brent Hardy to construct a pond at 2212 Eden Evans Center Road. Supervisor Nellis stated that the Eden Planning has recommended to the Town Board to approve the Special Use Permit to Brent Hardy. Supervisor Nellis requested that a public hearing be scheduled for March 14, 2001 at 8:30 P.M.

MOTION was made by Councilwoman Pew to schedule a public hearing regarding the Special Use Permit to Brent Hardy to construct a pond at 2212 Eden Evans Center Road for March 14, 2001 at 8:30 P.M.; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

11.) Set Public Hearing Date for Local Law Establishing an Industrial/Commercial Incentive Board

Supervisor Nellis stated that this came about as a result of a recommendation from the Economic Development Committee having to do with Real Property Tax Law Section 485-b provided by the State authorizing communities to establish a temporary board, the “Industrial/Commercial Incentive Board”. The board would review the policy options given by the State and recommend them back to the Town Board. Mr. Trask stated that 485-b allows business investment exemptions to be granted town wide in the absence of the

Industrial/Commercial Incentive Board being created and reporting to the Town Board some restrictions on where those business investment exemptions should be allowed within the town. The Industrial/Commercial Incentive Board can define specific geographic areas within town where these exemptions would be available. They could modify the schedule of exemptions from what state law generally permits town wide. It is an important planning tool that is available to study and report back to the Town Board. Once the Industrial/Commercial Incentive Board presents their report to the Town Board, the Industrial/Commercial Incentive Board is dissolved.

MOTION was made by Supervisor Nellis to schedule a public hearing for purpose of a Local Law to establish the Industrial/Commercial Incentive Board on March 14, 2001 at 8:45 P.M.; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

12.) Resolution – Authorizing the Supervisor to sign the 2001 STOP-DWI Contract

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:

**TOWN OF EDEN RESOLUTION
TO ENTER INTO CONTRACT WITH
ERIE COUNTY STOP-DWI PROGRAM**

WHEREAS, Erie County has established a special traffic options program for driving while intoxicated; the STOP-DWI PROGRAM; and

WHEREAS, this program in coordination with the County, Towns, Cities & Villages is an effort to reduce alcohol-related traffic injuries and fatalities; and

WHEREAS, the Town of Eden has applied to the Erie County STOP-DWI Coordinator for the funding of certain alcohol traffic safety law enforcement activities for the period January 1, 2001 to December 31, 2001;

NOW, THEREFORE BE IT RESOLVED: that the Town of Eden enter into the mutually agreed upon contract between the County of Erie and the Town of Eden for the 2001 STOP-DWI PROGRAM.

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

13.) Resolution Declaring Positive Declaration on the J.B. Land Development's Proposed apartment/condo, commercial/office space and single-family dwelling development.

Andrew Reilly, Town Engineer recommended that the resolution be tabled so that the Town Board may review some information that J.B. Land Development still needs to provide. The resolution was then tabled.

14.) 2001 Statewide Mitigation Coordinators' Conference, April 3rd and 4th Authorization to attend

Supervisor Nellis tabled item #14 so that the Drainage Committee could meet on February 15, 2001 to select the attendee.

Supervisor's Report:

Supervisor Nellis reported that the Town audit done by Fox was underway. Supervisor Nellis also reported that the State and Federal Government formally approved the Flood Mitigation Plan Report done by URS Greiner.

Supervisor Nellis also reported that in preliminary stages is a proposal for recreation area of land already partially dedicated to the Town in the extension of the Weller and Sonnybrook subdivision.

Lastly Supervisor Nellis asked with permission of the Town Board to have Ron Coan of Erie County Industrial Development Agency to give a presentation on setting up the Economic Development Alliance of the County at the March 28, 2001 Town Board Work Session.

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:13P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk