

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
EAST EDEN FIRE HALL
8097 EAST EDEN ROAD
EDEN, NEW YORK
JUNE 13, 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

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 (Absent)
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 7:39 P.M.

Pledge of Allegiance:

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

Approval of Minutes:

Supervisor Nellis asked if there were any additions or corrections pertaining to the Town Board Minutes of May 9, 2001. There were none.

MOTION was made by Councilman Zittel to approve the Eden Town Board Minutes of May 9, 2001 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 pertaining to the Town Board Minutes of May 23, 2001. There were none.

MOTION was made by Councilman Zittel to approve the Eden Town Board Minutes of May 23, 2001 as presented; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfers:

Supervisor Nellis stated that there was one Budget Transfer from account A1990.4 to account A1010.4 for excess Town Board travel expenses for the New York State Association of County Governments in the amount of \$813.93. A copy is on file in the Town Clerk’s office.

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

Budget Amendments:

Supervisor Nellis stated that there were three Budget Amendments, from account A2025 to account A7150.1 money received for Water Aerobic classes in the amount of \$830.00. From account SF2680 to account SF3410.2 for fire damaged equipment insurance recovery in the amount of \$1,419.00 and from account A599 to account A3120.2A a carry over of drug asset money in the amount of \$2,246.09. A copy is on file in the Town Clerk’s office.

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.

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, Town Clerk stated that there were two corrections. One was on the General Fund, page 1, voucher #297; the amount should be \$120.37, which changes the total amount for the General Fund from \$51,803.98 to \$51,678.14. The second was on the Highway Department Fund, voucher #181, the amount should be \$47.50, which changes the total amount for the Highway Department Fund from \$18,215.67 to \$18,215.17.

JUNE 2001

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	295 – 359	\$51,678.14
Highway Dept. Fund	151 – 181	\$18,215.17
Fire Dept. Fund	95 – 126	\$20,972.20
Recreation Dept. Fund	52 – 76	\$9,359.89
Refuse and Garbage Fund	11 – 16	\$85,013.44
Street Lights Fund	6 – 8	\$7,841.62
Water Fund	8 – 9	\$3,807.30
Trust & Agency Fund	-	\$0
Capital Fund	-	\$0
Community Development	-	\$0

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

Departmental Reports:

Department reports for the month of June 2001 were presented by Paul Shephard, Eden Emergency Squad; Michael Jacobs, 1st Assistant Chief for 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, Eden Emergency Squad completed his report; Councilman Zittel thanked the volunteers for the hours that they have put in. The top five for duty hours in May were Julie Boedo, Cheri Dias, Brent Hardy, Ray McGinty and Cindy Smith. The member of the month of May was Brent Hardy.

Michael Jacobs, Eden Fire 1st Assistant Chief after completing the report for Chief William Laing, Mr. Jacobs requested that Ray Fraser be removed from the active roster of the Eden Fire Department, Mr. Fraser has been a member for 23 years.

MOTION was made by Councilman Zittel to remove Ray Fraser from the active roster of the Eden Fire Department; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

After the motion was put to vote, Supervisor Nellis expressed the Town Board’s appreciation for all the time that Ray Fraser put in over the past 23 years. Supervisor Nellis then asked Mr. Jacobs why the man-hours seemed to be high. Mr. Jacobs replied that after a call the members return to the firehouse and have to clean and put away the equipment so it is in the right place the next time it is needed and ready to use.

Before Kevin Schoenthal, East Eden Fire Chief read his report; Supervisor Nellis thanked him for hosting the Town Board meeting at the East Eden Fire Hall.

After Chief Schoenthal completed his report, he requested to add the name of Greg Waszak of 8481 East Eden Road to the East Eden Fire Department active roster upon completion of an O.S.H.A physical and arson background check.

MOTION was made by Councilman Zittel to add the name of Greg Waszak to the East Eden Fire Department active roster upon completion of an O.S.H.A. physical and arson background check; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Ronald Maggs, Superintendent of Highways gave an update on the Town Hall Parking Lot. Mr. Maggs reported that the weather was good when the work was started, however the rains backed up the project and the paving began today and tomorrow the topper was being placed on it. Mr. Maggs also reported that road work in the Town has begun.

Lastly Mr. Maggs reported that he received a letter from Governor Pataki’s office regarding the Highway related money from Assemblyman Richard Smith to assist with 1000’ of drainage piping for roadside drainage on Hammond Drive and Woodside Drive. Mr. Maggs explained that at the November 8, 2000 Town Board meeting a resolution was made for the request of \$7,000.00 of multi-modal to be used to cover the cost of the project, however the Town of Eden has received \$5,000.00 of the \$7,000.00 requested.

Councilman Zittel inquired about the cost of road materials and how are prices coming in. Mr. Maggs replied that the prices haven’t gone up lately, but have stabilized and he is planning to begin the drainage work on Hammond Drive and Woodside Drive in the fall of this year.

Andrew Reilly, Town Engineer reported that he had attended the Planning Board meeting and also worked on the draft Bosse rezoning document. Mr. Reilly also reported that he had done work on the proposed airstrip and the proposed Pond Law. Mr. Reilly also worked on the SEMO grant; he reported that FEMA was here in town today touring the locations that were proposed. Mr. Reilly also reported on Weller/Schreiber project. The pressure work on the water line installation has been completed and Mr. Schreiber submitted the amended drainage design this week. There were problems with the initial drainage report and Mr. Reilly asked for additional information. The concept work is a proposed retention pond and would be resubmitted before a permit is granted.

William Trask, Town Attorney had no public report, however Mr. Trask requested a brief Executive Session to discuss a matter of pending litigation.

After Mary Jo Hultquist, Town Clerk completed her report; Supervisor Nellis noted that it was 8:00 P.M.

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

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:00P.M.

MOTION was made by Councilman Krycia to open the Public Hearing regarding “Proposed Local Law No. 4-2001 – Pond Law”; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis opened the Public Hearing at 8:00 P.M.

8:00 P.M.
Public Hearing
Proposed Local Law No. 4-2001-Pond Law

Supervisor Nellis explained that at the February 14, 2001 Town Board meeting a Moratorium on Ponds was adopted for a period of four months. It was to regulate siting, design and construction of ponds in the town and to review what other town practices were and detailed input was received from the Drainage Committee and Conservation Advisory Board. That info was shared during work sessions with the Town Attorney and Town Engineer. The draft of Proposed Local Law No. 4-2001 has been available in the Town Clerk’s office.

Supervisor Nellis then asked if there were any questions regarding Proposed Local Law No. 4-2001. There were none so Supervisor Nellis took a moment to and read the definition of Pond as “Any man-made body of water, (other than a store-bought, pre-fab type of decorative reservoir of basin), with a surface area greater than 100 square feet and/or a depth of more than 18 inches”.

Councilman Zittel expressed his appreciation of how Proposed Local Law No. 4-2001 would guide the Town Board to make a decision on a pond; he felt it was an easier process.

Walter Henry of 7185 Sisson Highway asked for clarification under (B. Regulations, #2,d, which states “No pond may interfere with or impede the natural flow of water nor adversely impact any flood plain or wetland area.), which Supervisor Nellis read. Mr. Henry asked if there’s a waterway that he would like to dam off what constitutes an adverse impact on the flow? Councilman Zittel commented that in the Agricultural District there would be staff support from Erie County Soil and Conservation and John Whitney would be able to answer those questions. Mr. Whitney is supporting this and he felt that it is a process that should be followed. Mr. Trask added that everything would be taken on a case-by-case basis and it is up to the Planning board as part of a site plan review process to consider whether this particular existing flow would alter in some way and whether it is an adverse alteration or a beneficial alteration. This clause is to protect area wide drainage systems from being adversely impacted.

There were no further 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 8:10 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 8:10P.M

Departmental Reports resumed with Scott Henry, Zoning Code Enforcement Officer. After Susan Brass, Recreational Director completed her report; Mrs. Brass requested that if the Town Board could go to “Item #6, Recreation Appointments – Adjustment/Replacements”.

6.) Recreation Appointments – Adjustments/Replacements

Mrs. Brass stated that the Recreation Advisory Board is recommending the following staff appointments due to the refusal to accept or departure from employment of personnel already approved:

Playgrounds

Kaitlyn Kester, from ½ day to full day.

Diana Buziak (first alternate) to replace Kelly Thiel

Town Pool

Jennifer Migliore, from 15 hours a week as a Lifeguard to full time, replacing Jason Gilbert at \$6.00 an hour.

Casey Sickau (first alternate) to replace Jennifer Migliore, 15 hours a week Lifeguard at \$5.50 an hour.

Mrs. Brass also noted that these are not new or additional positions, simply replacements for already approved staff that have since declined or resigned the position offered. A copy of Mrs. Brass’ request is on file in the Town Clerk’s office.

MOTION was made by Councilman Zittel to accept the above reappointments as recommended by the Recreation Advisory Board; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Mrs. Brass lastly reported that Gorcica Field dedication ceremony would be taking place Tuesday, June 26, 2001 at 11:00 A.M. Supervisor Nellis stated that it has been asked why

Tuesday, June 26th at 11:00 A.M., Mrs. Brass replied that the town summer programs begin June 25th and it was felt that it was important to involve the children of East Eden and Eden in the dedication process, after all this project is for the Children of Eden.

James Brass also added that the base has been formed for the shelter's concrete pad and would be completed late this week or early next. Mr. Brass stated that Ed Gwitt has offered to donate some trees. The soccer goals are being assembled at this time. Mr. Brass lastly reported that there have been offers to donate the fencing for the baseball field, however those donations have not come through which has been delaying the baseball field.

Councilman Zittel commented on all the time that has been spent and decisions made on this project. He felt that the field is an asset to East Eden and thanked the Recreation Advisory Board for work done and for the volunteers who also assisted. Supervisor Nellis also added thanks for the cooperation of the Highway Department working with the Recreation Department to get the project completed.

After the Departmental Reports were completed, Supervisor Nellis added three items to the agenda. They were as follows:

- 8.) Commercial Industrial Incentive – schedule Public Hearing
- 9.) TJ Enterprises/ East Eden Tavern
- 10.) Schedule public hearing to amend the “Fee Schedule”

New and Unfinished Business:

1.) Water District No. 4

Supervisor Nellis turned to John Reid of R & D Engineering to give an update on Water District No. 4. Mr. Reid reported that he has met with the County Highway Department regarding Jennings Road work to coordinate the project. Mr. Reid also reported that he has delivered a map of proposed systems to the Fire Department for their input on hydrants and valves.

Mr. Reid also reported regarding the pump station site. The Erie County Water Authority has recommended that the pump station be relocated to the Paxon Road and Sandrock Road location with the water coming out of the Church Street tank. This is not feasible. There is a plan to go back down Jennings Road extension, however the elevation is too low. Mr. Reid will keep the Town Board informed on the different requirements. Mr. Reid explained that this does not change the pressure zone and he would continue to speak with the Erie County Water Authority.

Mr. Reid also reported that he has received a letter from the State Environmental Conservation that stated to Mr. Reid that the town already has a Water District No. 4 on the books so there may be a need to change the number of the district.

Councilman Zittel inquired whether the project was still on schedule. Mr. Reid replied that it is.

Lastly, Mr. Reid reported that he had received a call from a resident on Ferrier Road who was out of water. Supervisor Nellis explained that a petition has already been received and some preliminary work has been done. Mr. Reid also stated that the reason that part of Ferrier Road was not part of Water District No. 4 was because of the two ways of taxation that went along with the assessment as well as Ferrier Road is a natural extension of District #3A.

Supervisor Nellis asked if Mr. Reid wanted to comment on the Water Consortium proposal that was adopted May 9, 2001. Mr. Reid reported the County has approved about \$200,000.00 for initial work on water flow and the Erie County Water Authority is not involved at this time. It has been a gray area and Senator Volker may try to shift some monies into the Consortium.

2.) Decision – Henrich Airstrip – Tice Road

Supervisor Nellis stated that the application has been a subject of a very public process. First it was sent to the Planning Board who then made their recommendations to the Town Board. Public comments were solicited and information has been received from individuals up to the last couple of days. Mr. Reilly, Town Engineer and Mr. Trask, Town Attorney have been consulted during various stages of the process. Also Town officials had taken a tour of the strip area.

Supervisor Nellis stated that it is the obligation of the Town Board as elected representatives of the town to bring closure to the process. It is clear that all reasonable and available information has been obtained and considered by the Town Board to make a determination on the merits of the application and consider the requirements of Town Law and in the best interest of all those concerned.

Supervisor Nellis then asked the Town Board members if they were ready to make a decision. They were. Councilman Zittel expressed that he felt confident that all the information has been gathered together; Councilman Krycia, Councilwoman Pew and Councilman Vacco were all in agreement with Councilman Zittel.

Supervisor Nellis stated that the process requires a two-step vote and Supervisor Nellis read the draft SEQR resolution:

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

WHEREAS, the Town of Eden has received a special use permit application from Pamela M. Henrich and Christian J. Henrich for the operation of a landing strip at 9952 and R9952 Tice Road, and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQR) of the Environmental Conservation Law, the Town of Eden has reviewed this project, and

WHEREAS, the Town Board after carefully considering all “Criteria” for Determination of Significance listed in the SEQR regulations (6NYCRR617.7), has concluded that the project 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 economic considerations

NOW, THEREFORE BE IT RESOLVED, that the Eden Town Board has determined that the proposed action will not have significant effect on the environment, and hereby issues the attached Negative Declaration, thus not requiring a Draft Environmental Impact Statement

BE IT FURTHER RESOLVED, that the Supervisor be authorized to sign the SEQR form, and that the SEQR documentation be kept on file at the Town Hall.

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

Supervisor Nellis then read the following:

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

WHEREAS, the Town of Eden has received a special use permit application from Pamela M. Henrich and Christian J. Henrich for the operation of a landing strip at 9952 and R9952 Tice Road, and

WHEREAS, the Eden Town Board has referred the application to the Planning Board for their input, and have held a public hearing, and

WHEREAS, the Eden Town Board has issued a Negative Declaration in accordance with the State Environmental Quality Review Act – SEQR, and

WHEREAS, the Town Board has completed a thorough review of this application, listened to public input, visited the site, and received a positive recommendation from the Planning Board,

NOW, THEREFORE BE IT RESOLVED, that the Eden Town Board hereby issues a special use permit in accordance with S225-46 of the “Eden Code”, to the applicants for the operation of a Landing Strip at the proposed site for the following reasons, and with the following conditions.

Reasons supporting this decision:

1. There are no specific issues in the Eden Comprehensive Plan that would prohibit such a use.
2. The Town by this action does not encourage or set any precedent to approve other similar projects at other locations. This project is “technically” a landing area and not an airport, which would not be allowed in this area.
3. The size of property(ies), 75 acres, and its isolation will minimize the potential impacts to surrounding properties and the neighborhood.

4. The minimal usage of the airstrip/runway by only the property owners will help to ensure minimal impacts to the area.

5. The conditions placed on the permit will help ensure the public health, safety and welfare of the residents of the neighborhood.

Conditions of Special Use Permit:

1. The permit shall be an annual renewable permit. At each renewal time, if conditions are not being met or if impacts (complaints from neighbors) are greater than anticipated, the permit may not be renewed.

2. All take-offs will be in a northeast to southwest direction and all landings will be in a southwest to northeast direction. This will minimize noise and prevent any existing homes from being in the flight path.

3. The Airstrip will be used only for personal and recreational purposes of the applicants and their immediate family and will not be used for any commercial purposes or other planes not owned by the Henrich's.

4. Aircraft are prohibited from taxiing on the ground any closer than 200 feet from the boundary line of any adjacent property owner.

5. The Airstrip is to be used only during daylight hours.

6. Aircraft using the Airstrip must avoid flying over houses on Tice Road at elevations of less than 1000 feet.

7. The Airstrip must be maintained as a grass landing area only.

8. The Special Use Permit is granted only to the applicants and is non-transferable to future owners of the property.

9. Due to the natural barriers and buffers (including woods and vegetation) perimeter fencing of the Airstrip will not be required.

10. The parcel commonly known as 9952 Tice Road (owned by Pamela Henrich) and the parcel commonly known as R9952 Tice Road (owned by Christian Henrich) must be combined into one record parcel. Applicants to provide proof that this has been completed prior to issuance of Special Use Permit.

Seconded by Councilman Vacco.

Before being put to vote, Councilman Vacco asked if Mr. Henrich would provide the registration numbers of the planes to the Town Board. Mr. Henrich acknowledged the request. The Motion was then put to vote; all "Ayes"; Motion carried.

Supervisor Nellis extended the appreciation of the Town Board and to those concerned who gave their input received by the Town Board enabling them to make a decision that was also based on the law of the Town.

MOTION was made by Councilman Krycia to close the Regular Meeting of the Eden Town Board for the 8:30 P.M. public hearing; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

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

MOTION was made by Councilman Zittel to open the public hearing regarding Proposed Local Law No. 5-2001-Conservation Easement Law; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8:30 P.M.
Public Hearing
Proposed Local Law 5-2001 - Conservation Easement Law

Supervisor Nellis stated that the Conservation Board has worked hard and long on the Conservation Easement Law, they went through nine different drafts. All the input that people provided assisted in the final draft and Supervisor Nellis thanked everyone involved for their input.

William Trask, Town Attorney indicated that Frank Mantione, Chairman of the Conservation Board, deserved a lot of credit for walking everyone through the steps of the various drafts. He felt that the final draft is a very workable variation on 247 of the General Municipal Law, which recognizes the rights of municipalities to obtain open space rights and land to protect green spaces and open spaces in communities and the quid pro quo for this that is recognized by some abatement in tax value if the owner is not able to use the property to the full extent of how they might otherwise use it. It puts a little more on the shoulders of the Conservation Advisory Board and the Board of Assessors who Mr. Trask felt are up to the task. He felt it is going to be an as we go process for the end goal is noble for the town and should be monitored on a year-to-year basis with an annual inventory and report given to the Board of Assessors and the Town Board so that feedback is received on the tax impact of this law.

Councilwoman Pew thanked Frank Mantione, the Conservation Advisory Board and Darlene Vogel for all the hard work that was put in to drafting this workable law for the Town of Eden.

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 8:35 P.M.

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

Supervisor Nellis re-opened the Regular Meeting of the Eden Town Board at 8:35P.M.

3.) Status Report on Industrial Commercial Incentive Board

Councilman Krycia reported that they have assembled the first draft and discussed some changes in the verbiage and would be finalized for a public hearing July 11, 2001. Copies of the Proposed Local Law would be available June 28, 2001 for review by residents. It offers some incentives for commercial expansion in town.

Supervisor Nellis then requested the approval to schedule a public hearing for July 11, 2001 at 8:30 P.M. for the Proposed Industrial Commercial Incentive Tax Abatement Law.

MOTION was made by Councilman Vacco to schedule a public hearing for the Proposed Industrial Commercial Incentive Tax Abatement Law for July 11, 2001 at 8:30 P.M.; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4.) Bid Recommendation – Town Highway Equipment – On Ton Cab & Chassis

Superintendent of Highways, Ronald Maggs reported that two bids were received they were as follows:

Bidders	Amount
Emerling Ford-Mercury, Inc.	\$23,421.00
Emerling Chevrolet Inc.	\$22,986.00

Mr. Maggs recommended that the bid be awarded to Emerling Chevrolet Inc. in the amount of \$22,986.00.

MOTION was made by Councilman Zittel to award the One Ton Cab & Chassis bid recommended by Ronald Maggs, Superintendent of Highways to Emerling Chevrolet Inc. in the amount of \$22,986.00; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

After the bid was awarded, Mr. Maggs stated that the Highway Department would be bidding for a dump body next.

5.) Status Report: Hamlet Revitalization Committee
Comprehensive Planning Implementation Committee

Councilman Krycia reported on the Comprehensive Planning Implementation Committee. Councilman Krycia stated that they had a good session on May 31, 2001. They went through the items that have been implemented or are in the process of being implemented, the Conservation Easement Law, the Storm Water Law which is in progress and sidewalks on Route 62 that are in the design stages for installation next year. The committee covered material that has been received in the board session on the Economic Development Alliance and the Eden Chamber of Commerce has been informed about the work of the Hamlet Revitalization Committee. The committee also had some input items on Zoning Law updates, and is also looking at Agricultural District amendments for uses other than strictly agricultural on existing farms. They discussed stream corridor overlays and road overlays and open space natural resource inventory that would be absorbed into town law to be considered before building anything. Lastly they are looking at the sub-division law updates and discussing rural development. The committee will be working to put something together for implementation under the Master Plan in subsequent sessions. Their next meeting will be July 19, 2001.

Supervisor Nellis reported on the Eden Hamlet Revitalization Committee whom met June 7, 2001. Supervisor Nellis stated that Mike Bolo summarized the business survey that is currently in process and about 30% of the business have responded. Supervisor Nellis requested that Mike Bolo to give a presentation on the businesses to the Town Board at its June 27th working session.

Supervisor Nellis also reported that the Erie County Planning Department would be allowing façade improvements as an eligible item for funding under its Community Development Block Grant program this Fall. Supervisor Nellis stated that as one of the first towns in updating their Master Plan, we expect other towns' will be calling us and asking for our support on façade improvements.

Supervisor Nellis stated that parking in the hamlet was also discussed. The Economic Development Committee is working on parking within the hamlet and is looking at a couple of possibilities such as striping on-street parking space.

Supervisor Nellis also discussed the issue of proposed changes to General Business (GB) and Office Business (OB) zones in order to allow apartments as a use by right within the hamlet area. Also discussed was the proposed Overlay zone for the hamlet area. The Committee reviewed the characteristics of the four sub-areas within the hamlet. The Committee is in agreement about the boundaries and descriptions of these sub-areas. At the next meeting

discussions will continue regarding parking regulations, signage, landscaping standards, architectural standards, pedestrian friendliness of the town and to encourage redevelopment, reuse of vacant storefronts. Supervisor Nellis stated the next meeting is scheduled for July 12, 2001 at 6:00 P.M.

7.) Nextel

Supervisor Nellis stated that Nextel has met with Eden Planning Board and members of the Technology Committee and requested that a public hearing be scheduled for July 11, 2001 at 8:00 P.M. to consider a proposal by Nextel.

MOTION was made by Councilman Zittel to schedule a public hearing for July 11, 2001 at 8:00 P.M. to consider a proposal by Nextel. Before the Motion was put to vote discussion ensued with Town Engineer, Andrew Reilly stating that the Eden Planning Board has not recommended one way or another on the tower. The Eden Planning Board would like the public hearing to receive public input before making a recommendation to the Town Board. There was further discussion between Town Attorney, William Trask and Mr. Reilly regarding the process of the Eden Planning Board recommendation to the Town Board. Mr. Reilly stated that the Eden Planning Board would like a joint public hearing held. Lastly Supervisor Nellis stated that copies of Nextel's drawings would be available for review in the Town Clerk's office. The Motion was then put to vote; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

8.) Industrial Commercial Incentive – schedule public hearing

This item was previously discussed and scheduled under item #3.

9.) T.J. Enterprises/East Eden Tavern

Supervisor Nellis stated that T.J Enterprises of Buffalo is in the process of filing an application to the State Liquor Authority for a liquor license for the East Eden Tavern located at 8163 East Eden Road. They have requested that Supervisor Nellis write a letter on their behalf to the liquor authority to expedite the waiting period. Supervisor Nellis asked the Town Board if anyone objected. The members of the Board felt it was helping a business and expressed their approval for Supervisor Nellis to send the letter.

10.) Schedule Public Hearing to Amend Fee Schedule

Supervisor Nellis requested scheduling a public hearing for purposes of amending the Town's Fee Schedule on July 11, 2001 at 8:45P.M.

MOTION was made by Councilman Zittel to schedule a public hearing for July 11, 2001 at 8:45 P.M. for purpose of amending the Town's Fee Schedule; seconded by Councilwoman Pew; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked the Board Members if they wanted to consider "Proposed Local Law No. 4-2001- Pond Law" or the "Proposed Local Law No. 5-2001 – Conservation Easement Law" tonight. Councilman Zittel stated his favor to move ahead to adopt both local laws. Councilman Vacco agreed.

Proposed Local Law No. 4-2001 – Pond Law

Supervisor Nellis read the following Resolution, which was moved by Councilman Krycia:

SEORA NEGATIVE DECLARATION
LOCAL LAW NO. 4-2001
POND LAW

WHEREAS, in compliance with Part 617 of the Implementing Regulations pertaining to Article 8 (State Environmental Quality Review Act – SEORA) of the Environmental Conservation Law, the Eden Town Board has reviewed the proposed Pond Law; and

WHEREAS, the new Pond Law will not adversely affect the natural resources of the State and/or health, safety, and welfare of the public, and is consistent with social and economic considerations;

NOW, THEREFORE BE IT RESOLVED that the Town of Eden has determined that the proposed new Pond Law is not anticipated to result in any significant effect on the environment and that a Negative Declaration (Notice of Determinations of Non-Significance) is hereby issued.

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

MOTION was made by Supervisor Nellis to adopt Local Law No. 4 other wise know as the "Pond Law of Eden"; seconded by Councilman Krycia; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Proposed Local Law No. 5-2001 – Conservation Easement Law

After a brief discussion;

MOTION was made by Councilman Zittel to table “Proposed Local Law No. 5-2001 – Conservation Easement Law” to “Old Business”; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

Supervisor Nellis reported that a letter was received from Robert Catalino, Town of Evans Supervisor regarding the set-up of a joint committee with the Town of Evans and Town of Eden to consider Economic Development issues along their common border. The Town of Evans has the entrance to the New York State Thruway and the Town of Eden has a strip of Route 20. Supervisor Nellis stated that the Town of Evans provides many of the services in that area, giving us reason to have a joint committee. Mr. Catalino stated in his letter that Councilman Gifford Swyers and Sandy Brant, Planning Division Chairman to represent the Town of Evans. Supervisor Nellis requested that Councilman Krycia and Mark Agle, Eden Planning Board Chairman or designee represent the Town of Eden to consider the common issues.

MOTION was made by Councilman Zittel to have the joint committee with the Town of Evans to consider issues along the common border of the two towns; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis also reported on the Schoolview traffic light that some work would begin next week beginning with some power lines. They are working on the pole position and Supervisor Nellis is hoping the light will be completed by the time school resumes in the fall, however there is a back order on the poles. Councilman Zittel inquired whether there will be site plans to be shared with the community. Mr. Maggs stated that the Department of Transportation will put the light in and there are no plans to realign the intersection at this time.

Hearing of Visitors:

There were none.

Adjournment:

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:11P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board at 10:15
P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk