

MINUTES

**WORK SESSION MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
JUNE 27, 2001
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

GLENN R. NELLIS	-	SUPERVISOR
EDWARD C. KRYCIA, JR.	-	COUNCILMAN (Deputy Supervisor)(Absent)
MARY LOU PEW	-	COUNCILWOMAN (Arrived Late)
VINCENT V. VACCO	-	COUNCILMAN
GEORGE F. ZITTEL	-	COUNCILMAN

OTHERS PRESENT:

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 requested to add three items on the agenda they were as follows:

- 3.) Recreation Additional Appointments
- 4.) Authorization for Supervisor Nellis to sign agreement with Erie County for West Nile Virus spraying
- 5.) Special Use Permit referral to Eden Planning Board

New and Unfinished Business:

1.) Conservation Easement Law – Motion to Approve

Supervisor Nellis reviewed the process in which the Conservation Easement Law was developed and that Town Engineer, Andrew Reilly, prepared the Short Environmental Assessment Form. Copies are on file in the Town Clerk's office. Supervisor Nellis also thanked

Frank Mantione, Chairman of the Eden Conservation Board and its members for the hard work they did preparing the Conservation Easement Law. Supervisor Nellis then read the Negative Declaration.

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

**Negative Declaration – Conservation Easement Law
Town of Eden Local Law – No. 5-2001**

Whereas, the Town of Eden has proposed a Conservation Easement Law in accordance with the recommendations of the 2015 Comprehensive Plan; and

Whereas, the Town of Eden has reviewed this Law pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQR) of the Environmental Conservation Law; and

Whereas, the Eden Town Board has determined that this proposed action will not have a significant effect on the environment for the following reasons:

- The Law will result in no physical alteration of property.
- It will help in preserving the rural character of the community.
- It will provide a means to help protect important resources in the community.
- The Law is in accordance with the Town’s Comprehensive Plan and does not encourage development.

Now, Therefore Be It Resolved, that the Eden Town Board concludes 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, and hereby issues a Negative Declaration. In reaching this decision, the Eden Town Board carefully considered all criteria for Determination of Significance listed in the SEQR regulations (6NYCRR 617.7).

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

Supervisor Nellis then asked for a Motion to adopt Local Law 5-2001, the Conservation Easement Law.

MOTION was made by Councilman Zittel to adopt Conservation Easement Law 5-2001; seconded by Councilman Vacco; “Ayes” – Supervisor Nellis, Councilman Vacco and Councilman Zittel; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis recognized Legislator Jeanne Chase in the audience and asked Legislator Chase to come forward. Legislator Chase then proceeded to state that County funds became available to support Eden 1st Night (Celebrate Eden). It is a family oriented program

giving the opportunity for a drug and alcohol free New Year Eve party so that people don't have to travel.

Legislator Chase presented Karen Smith, Chairman for Eden 1st Night with a check in the amount of \$1,014.00. Mrs. Smith thanked Legislator Chase for her support in obtaining the monies to support Eden 1st Night.

Supervisor Nellis also thanked Legislator Chase for her participation in the dedication of Gorcica Field on Tuesday, June 26, 2001. Councilman Zittel then thanked the Recreation Advisory Board and the others good support efforts put towards Gorcica Field. Councilman Zittel also suggested that a dedication plaque be done to recognize those who dedicated their time and efforts working on the project. All Town Board members agreed it was a good idea.

3.) Recreation Additional Appointments

Supervisor Nellis read a letter from Recreation Director, Susan Brass requesting the following staff appointments to supplement their existing staff. A copy of the letter is on file in the Town Clerk's office.

Playgrounds

Michael Herman, ½ day (not to exceed 15 hours a week) to fill in as needed.

Brianna Harris, ½ day (not to exceed 15 hours a week) to fill in as needed.

Town Pool

Jennifer Livingston, from 15 hours a week as a CIT Lifeguard to full time, replacing Lindsay Baldasarro at \$6.00 an hour.

Amber DeCarlo, (second alternate) to replace Jennifer Livingston, 15 hours a week CIT Lifeguard at \$5.50 an hour.

MOTION was made by Councilman Vacco to approve the appointments stated by Supervisor Nellis and recommended by the Eden Recreation Advisory Board; seconded by Zittel; "Ayes" – Supervisor Nellis, Councilman Vacco and Councilman Zittel; Opposed? – None; Abstain? – None; Motion carried.

4.) Authorization for Supervisor Nellis to sign agreement with Erie County for West Nile Virus spraying

Supervisor Nellis read a letter received from the Health Department Senior Medical Care Administrator, which stated the request of an agreement between the County of Erie and the Town of Eden. Supervisor Nellis read the following Resolution, which was then moved by Councilman Zittel:

WHEREAS, the MUNICIPALITY agrees to assist COUNTY in seasonal mosquito control by assisting in the application of methoprene, a larvicide provided by COUNTY, and

WHEREAS, the Erie County Legislature has appropriated funding to the Department of Health for the purpose of enabling it to carry on and provide such service solely within the County.

NOW, THEREFORE, IT IS MUTUALLY AGREED BY AND BETWEEN THE PARTIES:

1. MUNICIPALITY agrees to:
 - a. Apply altocid 150 briquettes to storm sewer catch basins solely within their municipality, by certified pesticide technicians and/or certified pesticide applicators in compliance with DEC requirements (Exhibit A) and product label directions.
 - b. Complete and transmit original forms from the DEC to the County, and maintain an office copy to be available for inspection upon request, all as required under DEC guidelines.
2. County agrees to:
 - a. Supply altocid 150-day briquettes, brochures and product label information for use by the MUNICIPALITY.
 - b. Provide instruction material to each certified pesticide technician and certified pesticide applicator as designated by the MUNICIPALITY.
 - c. Provide on-site instruction for proper application of product and proper record keeping procedures pursuant to DEC regulations.
 - d. Provide off-site supervision to certified pesticide technicians and certified pesticide applicators (Exhibits A & B). Erie County Department of Health employees who are certified pesticide applicators will respond to inquiries, via telephone within 30 minutes of a request from MUNICIPALITY.
 - e. Following receipt of reports from MUNICIPALITY, COUNTY to submit all reports as required to the DEC.

THIS INTER-GOVERNMENTAL AGREEMENT is made and executed pursuant to Erie County Resolution Comm. 12E-40, dated May 24, 2001.

Before being put to vote, Councilman Zittel inquired who is going to hire and find the applicators. Supervisor Nellis replied that the Town would hire and it would need to be someone who is certified to apply pesticides. Councilman Vacco also inquired where the funding would

be coming from. Supervisor Nellis replied that it still needs to be clarified and would not sign the agreement until several questions were answered. He would report back to the Town Board with information. The Motion was then put to vote; seconded by Councilman Vacco; all “Ayes”; Motion carried

5.) Special Use Permit referral to Eden Planning Board

Supervisor Nellis stated that a request for a Special Use Permit was received from Karen Sawicki, President of “Curves for Women”. Mrs. Sawicki plans to establish a health facility for women in the Town of Eden. She has prepared a building permit to complete renovations of a portion of a building owned by Trevor Industries, 8698 South Main Street. The space is located on the northwest of the building and approximately 1340 square feet. The entrance of the facility would be on Hemlock Road and Curves for Women has executed a lease for the space in the hope to have the renovations completed by early August.

MOTION was made by Councilman Zittel to refer the Special Use Permit request from Karen Sawicki, President of “Curves for Women” to the Eden Planning Board for their review and recommendations back to the Town Board; seconded by Councilman Vacco. Before being put to vote, there was a brief discussion suggesting having the Eden Planning Board to expedite the process of the Special Use Permit. The Motion was then put to vote; “Ayes” – Supervisor Nellis, Councilman Vacco and Councilman Zittel; Opposed? – None; Abstain? – None; Motion carried.

After the Motion was approved, Supervisor Nellis stated that Ms. Zuwicki would be turning in the plans to the Building Inspector and then suggested that possibly July 25, 2001 a public hearing could be held on the Special Use Permit. Councilman Zittel suggested that it should be tentatively schedule at this time until the Eden Planning Board has had an opportunity to review the request.

Councilwoman Pew arrived at 7:55 P.M.

2.) Presentation by Mike Bolo, Peak Performance – Eden Business Survey Results

Supervisor Nellis introduced Mike Bolo who is the Vice-President of the Eden Chamber of Commerce and also President of Peak Performance and has worked with the Town and the Economic Development Alliance (EDA) of the Erie County Development Agency doing a survey of Eden Businesses. Mr. Bolo has also spoke with business owners on various topics noting their concerns and areas of opportunity in the town.

Mr. Bolo reviewed a packet, which he prepared on the “Survey of Eden Businesses”, which showed the results of the survey, conclusions and recommendations. Copies are on file in the Town Clerk’s office.

The topics that were covered were as follows:

- Contentment with Eden*
- Eden’s Infrastructure*
- Taxes*
- Support for Local Businesses*
- Zoning & Building Code/Enforcement*
- Need for a Facelift*
- Staffing & Sources of Revenue*

A total of 71 businesses completed the questionnaire and the results showed they are satisfied with a majority of how the town is handling the support and growth of businesses in Eden. There are areas of opportunity that were discussed throughout the presentation and it is those items that would be addressed as a result of the survey.

Supervisor’s Report:

Supervisor Nellis reported that the dedication of Gorcica Field was held on June 26, 2001 and that kids are currently using the facility.

Supervisor Nellis also reported that the Erie County Water Authority’s annual meeting is on July 18, 2001 at 3:00 P.M. for purposes of a presentation on Environmental Funds of money potentially available for water projects. To be discussed is clean water in the State of New York and various programs available and there will also be a presentation by the Commissioner of Erie County Water Authority to be held at the Sturgeon Point Road facility.

Hearing of Visitors:

Mary Jane Bolo of 9998 Clarksburg Road
Charles Gojmerac of 8905 Jennings Road
Robert Heferle of 2370 March Road

Adjournment:

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

Supervisor Nellis adjourned the Work Session of the Eden Town Board at 9:15P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk