

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
SEPTEMBER 12, 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 ( <i>Absent</i> )
Ronald C. Maggs	-	Superintendent of Highways
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
Susan Brass	-	Recreation Director
R.Ferris Randall	-	Chairman Board of Assessors ( <i>Absent</i> )
Scott T. Henry	-	Zoning Code Enforcement Officer

**OTHERS PRESENT:**

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

**Call to Order:**

Supervisor Nellis called the Regular Meeting of the Eden Town Board to order at 7:38 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 and respect to those who lost their lives and to their families and the United States of America.

Supervisor Nellis then noted that Councilman Zittel was out of town.

**New and Unfinished Business:**

1.) Recognition of Eden Students – “Battle of the Books”

Councilman Krycia made a presentation to Sue Minekime, Eden Library Director and the students involved in the “Battle of the Books” who for the second year in a row has taken “First Place”. They were as follows:

<b><u>TEAM No. 1</u></b>		<b><u>TEAM No. 2</u></b>	
<i>Jesse Crabtree</i>	<i>Matt Harris</i>	<i>Katie Bennett</i>	<i>Kelly Bianchi</i>
<i>Maeve Huggins</i>	<i>Janelle Ploetz</i>	<i>Josh Carpenter</i>	<i>Catherine Jones</i>
<i>Claire Smith</i>	<i>Eric Wojtanik</i>	<i>John Jones</i>	<i>Chrissy Krolewicz</i>
<i>Scott Wojtanik</i>		<i>Kelly Martin</i>	<i>Evan Warner</i>
		<i>David Youches</i>	

Councilman Krycia then read a Proclamation signed by Supervisor Nellis that describes the “Battle of the Books”, a copy is on file in the Town Clerk’s office.

**Approval of Minutes:**

Supervisor Nellis asked if there were any corrections, additions or comments regarding the Town Board Minutes of August 8, 2001. There were none.

**MOTION** was made by Councilman Krycia to approve the Town Board Minutes of August 8, 2001 as presented; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis then asked if there were any corrections, additions or comments regarding the Town Board Minutes of August 15, 2001. There were none.

**MOTION** was made by Councilwoman Pew to approve the Town Board Minutes of August 15, 2001 as presented; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Petitions:**

There were none.

**Budget Amendments:**

Supervisor Nellis stated that there were two Budget Amendments, from account SF2680 to SF3410.4 to apply part of insurance recovery to attorney bill in the amount of \$5,909.00 and from account D2770 to D5142.4 for reimbursement from Eden Central Schools for salt materials in the amount of \$1,299.18.

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

**Audit Bills:**

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

**September 2001**

<b>DESCRIPTION</b>	<b>VOUCHER NUMBERS</b>	<b>AMOUNT</b>
General Fund	467 – 537	\$35,593.45
Highway Dept. Fund	239 – 273	\$109,259.69
Fire Dept. Fund	176 – 198	\$15,268.39
Recreation Dept. Fund	126 – 157	\$5,546.23
Refuse and Garbage Fund	22 – 24	\$34,638.99
Street Lights Fund	13 – 14	\$3,733.42
Water Fund	13	\$3,807.30
Trust & Agency Fund	1 - 2	\$1972.94

Capital Fund	-	\$0
Community Development	-	\$0

**MOTION** was made by Councilwoman Pew 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 September 2001 were presented by Lisa Greeley for Paul Shephard, Eden Emergency Squad; William Laing, Eden Fire Chief; Kevin Schoenthal, East Eden Fire Chief; Patrick Howard, Eden Police Chief; Ronald Maggs, Superintendent of Highways; Ellen Parker for 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.

Lisa Greeley, Eden Emergency Squad presented the monthly report for Paul Shephard. Supervisor Nellis thanked Ms. Greeley and also stated the Town Board’s thanks and appreciations to the “Top Five” duty hours for the month of August. They were as follows: Cheri Dias, Julie Boedo, Paul Shephard, Cindy Smith and Ray McGinty. Councilwoman Pew added “thanks” to Charlie Dias for updating the EMS web site.

Chief Laing, Eden Fire Chief presented his report and then requested that Paul Paolucci and Christopher Bardsley be added to the active roster of the Eden Fire Department pending OSHA physical and Arson background check.

**MOTION** was made by Councilwoman Pew to add Paul Paolucci and Christopher Bardsley to the active roster of the Eden Fire Department pending OSHA physical and Arson background check; seconded by Councilman Krycia; All – ‘Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Chief Laing then requested that Joseph Skalski be removed from the active roster of the Eden Fire Department.

**MOTION** was made by Councilwoman Pew to remove Joseph Skalski from the active roster of the Eden Fire Department; seconded by Councilman Krycia; All – “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

Chief Laing also reported that the Eden Fire Department would be doing live burn training at 3343 Hickox Road on September 18, 2001 and October 6, 2001. Chief Laing then reported that the Fire Department would be in the Eden Schools for Fire Prevention Week, October 8 – 12, 2001 educating the children on fire prevention and would be having an Open House on Saturday October 13, 2001 from 12:00PM to 5:00 PM at the Eden Fire Hall.

Lastly, Chief Laing reported that the Eden Fire District has been awarded a Federal Grant in the amount of \$30,708.00 from the Federal Emergency Management Agency under their Assistance to Firefighter's Grant Program. The grant was awarded to assist in implementing a new wellness and fitness program for the Eden and East Eden Fire Departments as well as all the emergency personnel of our town.

Ronald Maggs, Superintendent of Highways reported that the Highway Department was winding down on the ditch work. Mr. Maggs also reported that the Municipal Auction would be October 4, 2001 at the Hamburg Fairgrounds and requested that the following be declared surplus to take to the auction:

- 1975 Brockway Single Axle Dump Truck
- 10' Dump Body

**MOTION** was made by Councilwoman Pew to declare surplus a 1975 Brockway Single Axle Dump Truck and a 10' Dump Body to be taken to the Municipal Auction Saturday October 4, 2001 at the Hamburg Fairgrounds; seconded by Councilman Vacco; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Before going into public hearing, Supervisor Nellis reported that the traffic light at Schoolview, Welch Lane and Route 62 was being worked on and should be installed shortly.

**MOTION** was made by Councilwoman Pew to close the Regular Meeting of the Eden Town Board for public hearing; seconded by Councilman Vacco; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:01P.M.

**MOTION** was made by Councilman Krycia to open the public hearing for the Order establishing Extension 4A (Gary Drive) to Water District No. 4; seconded by Councilwoman Pew; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis opened the public hearing at 8:01 P.M.

**8:00 P.M.**  
**Public Hearing**  
**Order establishing Extension 4A (Gary Drive) to Water District No. 4**

Supervisor Nellis explained the purpose of the public hearing was to listen to any concerns or questions that citizens have. Supervisor Nellis then turned to John Reid of R & D Engineering.

Mr. Reid explained that Extension No. 4A would share the funding of the original funding and would have the same cost as Water District No. 4 per parcel.

Donna Lee of 3302 Gary Drive asked when would work begin on the water district. Mr. Reid replied that work would begin in the Fall and the tank would be installed in the Spring. There were no further comments.

**MOTION** was made by Councilman Krycia to close the public hearing; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the public hearing at 8:05 P.M.

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

Supervisor Nellis reopened the Regular Meeting of the Eden Town Board at 8:05P.M.

Before continuing with Departmental Reports, Supervisor Nellis explained to the students in the audience the process in which the Town Board must do when going in and out of a public hearing and the regular meeting.

Supervisor Nellis then stated that Ellen Parker of Wendel Duchscherer was representing Andrew Reilly, Town Engineer who was not present. Supervisor Nellis then read Mr. Reilly’s monthly report.

Town Attorney, William Trask had nothing to report, however he recognized the Town of Eden’s opportunities for the youth of the town. Mr. Trask felt that the community leaders and volunteers deserve recognition and thanks for their participation.

After Mary Jo Hultquist, Town Clerk completed her report, Councilwoman Pew inquired if there was an increase of Conservation License compared to last year. Mrs. Hultquist replied yes and stated that with the Town Clerks System, her office is able to print the licenses on the computer and people passing through town are aware that her office has their information and can come in and get a license quickly.

After Scott Henry, Code Enforcement Officer completed his report; Councilwoman Pew asked how are fees calculated for building permits. Mr. Henry replied that the fees are calculated according to the Standard Schedule of Fees.

After Susan Brass, Recreation Director completed her regular report, Mrs. Brass added that because of the devastation and the tragedy that the United States has suffered there has been a request of the Recreation Department to put up the flags in Town and in East Eden. All agreed this was an excellent idea.

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

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:15P.M.

**MOTION** was made by Councilman Vacco to open the public hearing for “Amendments to the Code of the Town of Eden to Provide for the creation of the Rt. 62 hamlet Overlay District;

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

Supervisor Nellis opened the public hearing at 8:15 P.M.

**8:15 P.M.**  
**Public Hearing**

**Amendments to the Code of the Town of Eden to provide for the creation of the Route 62 Hamlet Overlay District**

Supervisor Nellis asked Ellen Parker of Wendel Duchscherer to give a summary about the Route 62 Hamlet Overlay District.

Ms. Parker stated that part of the Comprehensive Plan for the Town of Eden recommended some revitalization of the hamlet to improve the appearance and to assist in promoting development. The Hamlet Revitalization Committee was formed and together they identified the boundaries of the hamlet and in doing so they identified four different areas within the central business district on main street area that are different in character. In order to regulate how development would occur in those areas an overlay district was created. The underline zoning of the area would remain unchanged and additional features for such things as parking or signage are addressed for the four different areas. Ms. Parker reviewed a map of the Eden Hamlet showing the four areas of the hamlet, which are on display in the Town Clerk’s office for residents to review. Ms. Parker explained that the rules of one area such as the Industrial area would be different than the rules in the four corners area. The four areas would have their own rules. The regulations would only take place under new development and site plan reviews for existing businesses would be subject to change anything unless there was actual redevelopment. The intent is to make the hamlet area healthy. Ms. Parker also noted that the Route 62 Hamlet Overlay does not change usage of the districts, it only changes how a parking lot may be landscaped or what kind of signage could be used.

Joseph Klug of 7700 Bley Road asked what the salmon color top area on the map represented. Ms. Parker replied that it is a transitional area coming into the hamlet. It is where Shurfine and the other larger users are and where larger businesses would come into town.

Copies of the proposed district regulations will be available in the Town Clerk’s office along with the maps Ms. Parker presented. Councilwoman Pew added that this proposal is part of the Town of Eden Master Plan with input from the public and that those who participated in the development of the regulations were from all walks of life.

**MOTION** was made by Councilman Vacco to close the public hearing; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the public hearing at 8:25 P.M.

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

Supervisor Nellis reopened the Regular Meeting of the Eden Town Board at 8:25P.M.

**New and Unfinished Business (continued):**

Supervisor Nellis asked that three items be added to the agenda, they were as follows:

11. Community Development Grant Hearing
12. Support for Eden Library Grant
13. Schreiber Project – Weller Tract II, Phase 2

Supervisor Nellis also requested permission to begin with items 4, 5 & 6, since we have only a short time between public hearings. These items were:

- 4.) Renewal of Liquor License at 8716 S. Main Street, Eden Bowling Center
- 5.) Renewal of Liquor License at 2404 Sandrock Road, Eden-North Collins Gun Club
- 6.) Renewal of Liquor License at 8159 N. Main Street, Katherine’s Restaurant

Supervisor Nellis stated that requests were received to renew liquor licenses for Eden Bowling Center at 8716 S. Main Street, Eden-North Collins Gun Club at 2404 Sandrock Road and Katherine’s Restaurant at 8159 N. Main Street. Copies of requests are on file in the Town Clerk’s office.

- 7.) Report on routine visit from David Slusarz, Chief Examiner of Municipal Affairs, State Comptroller’s Office

Supervisor Nellis stated that a month ago the town had an informal audit conducted by the State Comptroller’s Office that included review of books, this audit occurs every third or fourth year.

Supervisor Nellis reviewed a letter received from David Slusarz, Chief Examiner that stated that a survey was conducted in May 2001 to assess the financial operations of the Town of Eden. The survey was limited to interviews with town personnel, observations, and inspection of financial records and reports. During the survey nothing came to his attention indicating the town was in need of further services from the State Comptroller’s Office.



**MOTION** was made by Councilman Krycia to close the Regular Meeting of the Eden Town Board and go into public hearing; seconded by Councilman Vacco; 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 Krycia to open the public hearing to consider the adoption of a Stormwater Management and Erosion Control Law; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis opened the public hearing at 8:30 P.M.

**8:30 P.M.**  
**Public Hearing**

**To consider the adoption of a Stormwater Management and Erosion Control Law**

Supervisor Nellis stated that this law is a recommendation that grew out of the Master Plan and Supervisor Nellis then thanked the Drainage Committee members for all the hard work they put into the draft of the Stormwater Management and Erosion Control Law. Supervisor Nellis then asked if there were any comments or questions that individuals would like to ask.

Councilwoman Pew inquired if the definition of “maintenance” had been defined. William Trask, Town Attorney replied that it is not defined in the definition section of the law. Mr. Trask felt that it is understood that maintenance is dependent upon the type of drainage facility that you are talking about. Mr. Trask also stated that maintenance depends on the individual situation on a case-by-case basis and felt that in the approval process that there is no reason why maintenance cannot be addressed at the point when the permit or approval is issued. Mr. Trask also felt that the lack of a definition in the law is not a fatal defect in the law. He felt it could be addressed on a case-by-case basis.

Scott Henry, Zoning Code Enforcement Officer and also a member of the Drainage Committee, explained that the law is consistent with the recommendation from Wendel Duchscherer made in the 2015 Comprehensive Plan and falls under action seven. Mr. Henry went on to explain that in October 2000 the Town Board asked the Drainage Committee to look at formulating a “Stormwater Management and Erosion Control Law”. They solicited from General Code Publisher a variety of sample ordinances and received a state model that they worked from. A sub-committee was formed and over the course of many months the law was re-defined. The intent is to reduce the impact of erosion, sedimentation and discharge of storm water as property is developed. Exemptions would include the development of single family or two family homes in existing subdivisions, agricultural activities and the excavation of ponds and maintenance or alteration of existing structures. The law is geared for projects, which would fall under major or even minor subdivision review and also commercial and industrial development.

Councilwoman Pew asked Mr. Henry for clarification of page 4 under Section Seven, b, 1 which states “Initiate any land clearing, land grading, earth moving or development activities without first preparing a stormwater management and erosion control plan and obtaining approval of said plan from the town.” Mr. Henry explained that the site plan would be the responsibility of either the property owner or the developer.

Councilman Vacco asked who helps a property owner figure out a situation and prepare site plan. Mr. Henry replied that the site plan would need to be prepared by someone with expertise in the field. There were no further comments.

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

Supervisor Nellis reopened the Regular Session of the Eden Town Board at 8:40P.M.

#### 9.) Resolution on 1-800 MHz System in support of County Government

Supervisor Nellis stated that the town was asked by the County to pass a resolution to support a new 800 MHz public safety communication system. It has been reviewed and discussed and Eden Emergency Services have some concerns and questions and it was suggested that the resolution be tabled at this time to “Old Business”.

#### 2.) Water District No. 4 Report

John Reid of R & D Engineering reported that the schedule of the total district is somewhat delayed by the Erie County Water Authority asking for additional information. There have been questions on the existing system and Mr. Reid stated that he is trying to turn the information around as soon as possible. There needs to be an approval of the installation of the district facilities as soon as possible. The goal was to get the water to residents by the end of the year, however it may not be until just after the New Year. Mr. Reid stated that he and the Supervisor would be meeting with the Erie County Water Authority soon to resolve issues in the consolidated district and Mr. Reid felt that any problems could be worked out and he would keep everyone informed.

Mr. Reid also reported that the “Feasibility Study” is completed on the extension and would have information at the workshop. Mr. Reid also stated that there are two pressure zones within the hamlet area and there will now be a third pressure zone that has a low pressure and

there is a need to get the water to the district in an efficient manner. This needs to be done so that if there are any improvements they will not be impacted by future development. The final hurdle is Extension 4A that will allow the additional borrowing. Mr. Trask noted that tonight the Town Board would be adopting the order establishing Extension 4A and then a certified copy of the order would be filed with a formal application to the State.

Councilman Vacco asked Mr. Reid whether this is a normal process of the Erie County Water Authority to go through. Mr. Reid replied no but with the creation of Southtowns consortium and agreement to do a Southtowns water study issues of long-term development of the water system have come up. Also the residents in Water District No. 4 don't want to have to wait until the consortium is finished with a study, which is about four to six months away.

Councilwoman Pew asked about the different pressure zones. Doesn't the Water Authority consider early on in the study the possibility of new development? Mr. Reid replied that the information that was available at the time was used.

Councilman Vacco stated that residents have asked him if they could run their lines before the snow falls. Mr. Reid replied that he and the Supervisor are working with the Erie County Water Authority to begin, however it needs to be approved by the Erie County Water Authority.

Robert Liljequist of 3040 Paxon Road asked if the application to establish Extension 4A is not approved would it affect the start of Water District No. 4? Mr. Trask stated there is an expectation to get the application through Audit and Control in Albany on a fast track. If it does not we would have to go to Bond Council and find out what it means and their financing is a part of the package. Mr. Reid also stated he feels that the town can bid the whole thing at once and that would possibly give the town another forty-five days to get the approval on Extension 4A.

Gail Wheeler of 3171 Paxon Road asked Mr. Reid what side would the water lines go down. Mr. Reid replied that there are copies of the design in the Supervisor's office and they would not be changing.

Frank Mantione of 2722 Kulp Road stated that there was an item in the Master Plan, which suggested that there would be an education program for those who would be receiving water. Mr. Mantione stated he has heard that there maybe an adverse effect on the septic system. Mr. Reid replied that it has occurred but on very small lot sizes and bad soil. In the hamlet areas he also has seen it happen but generally because the system is not built in the right place.

Mr. Mantione also stated that the Erie County Environmental Planning would be giving a workshop for residents so they have an opportunity to understand and give a free inspection of the septic system.

Wilbert Smutz of 3094 East Church Street asked for clarification on the pressure zone. Mr. Reid replied that the Church Street station overflow elevation is higher than the Violet Parkway station. These two stations are operating smoothly.

Supervisor Nellis stated that the towns of the Southtowns have joined together, have met, and an action has been taken that is to bring a group of towns together to study the future needs for water and water. There is more interest in looking at the issue in the long term due to the expense of pumping water down to the Southtowns.

Councilman Krycia read and moved the following Resolution:

### 3.) Report of Comprehensive Plan Implementation Committee- CPIC

Councilman Krycia reported that the committee was formed as part of the implementation of the Master Plan it is a three to five year program.

For those of you who have followed the work that has been in the Master Plan there have been a lot of items implemented such as those that were done tonight. In addition to this the committee has worked on various zoning law updates and subdivision law updates. At this time the CPIC would like to schedule a public hearing for zoning law updates, changes for agricultural district amendment, creekside open space overlay, mandate references to open space and natural resource inventory. Then road overlays were considered but there were no other overlay recommendations from the Hamlet Revitalization Committee except for the Route 62 Hamlet Overlay District.

Councilman Krycia then reported that the CPIC would like to also schedule a public hearing for changes to the cluster development law. They have made new road frontage recommendations and the law in general will make it more users friendly. They also would like to adopt a law providing rural development guidelines working them into subdivision laws. There was some discussion on the historical structures and it was decided that the Historic Preservation Law was good as it stood and didn't need changes. CPIC is continuing work on restricted density, poor soils areas. Lastly a law to allow Office Business in the General Business area to allow accessory apartments by right, there no longer would be a need to apply for a special permit.

After Councilman Krycia completed his report, Supervisor Nellis suggested that a public hearing be held October 10, 2001 at 8:00 P.M. for Zoning Law & Subdivision updates as recommended by the Comprehensive Plan Implementation Committee. Supervisor Nellis also noted that Councilman Krycia mentioned minor changes to the Eden Town Code is proposed by Scott Henry, Zoning Code Enforcement Officer and reviewed by Andrew Reilly, Town Engineer and Ellen Parker of Wendel Duchscherer. Supervisor Nellis then suggested that a public hearing be scheduled on October 10, 2001 at 8:15 P.M. regarding proposed minor changes to the Eden Town Code.

Councilwoman Pew suggested that copies of the changes be given to the Zoning Board of Appeals and the Eden Planning Board for their review before the public hearings. Supervisor Nellis stated that his office would make sure that all chairman of appropriate committees receive copies.

**MOTION** was made by Councilman Krycia to schedule a public hearing on October 10, 2001 at 8:00 P.M. regarding Zoning Law and Subdivision updates and a second public hearing on October 10, 2001 at 8:15 P.M. regarding proposed minor changes to the Eden Town Code; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

#### 8.) Budget Saving Proposals: \*Telephones \*Electricity

Supervisor Nellis stated that BridgeCom preformed a study on the phone system, assessed and compared to Verizon. BridgeCom prepared a report that stated after reviewing a month's worth of Verizon invoices, the Town should see a 20% savings over a one-year period, or \$2,851.55. If the Town stays with BridgeCom for 2 years, the savings should increase to about 24%, or \$3,411.49. Supervisor Nellis also stated that BridgeCom's customers currently using BridgeCom's services include the Town of Lockport, Village of Williamsville, and Town of Allen.

Supervisor Nellis recommended we hire BridgeCom to take over phone service in the Town. Councilman Vacco asked if new equipment or lines would be required. Supervisor Nellis replied that there would be no need. Councilwoman Pew asked if there would be a charge to switch back. Ann Knack, Administrative Assistant replied “No”. Councilwoman Pew also asked about long distance cost to the Town. Mrs. Knack replied that the Town's long distance is through AT&T and that the proposal does not affect the long distance. The proposal is strictly for line coverage and that BridgeCom through Verizon can get the Town quicker service. The contract will be on a month-to-month basis. Copies of the proposal are on file in the Town Clerk's office.

**MOTION** was made by Supervisor Nellis to hire BridgeCom as the Town's local telephone carrier; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis then reported that the Office of the Commissioner of Public Works advised the town that the Electric Cost Savings Report showed that the Town of Eden would have paid approximately \$3,000 (or 12.6%) less on the Niagara Mohawk accounts had the town joined the County's program last year using current utility accounting practices. Supervisor Nellis noted that the Town has a working relationship with the County for the last couple of years on gas. Supervisor Nellis stated that the Inter-Municipal Agreement for Electric is similar to the gas agreement that was signed last year with the County. Wilbert Smutz of 3094 East Church Street asked if the Town would have to pay anything upfront. Supervisor Nellis answered no.

Supervisor Nellis then requested the authorization to sign the agreement with Erie County with review by the Town Attorney.

**MOTION** was made by Councilman Krycia to authorize Supervisor Glenn R. Nellis to sign the Niagara Mohawk-Electric Cost Savings agreement with the County of Erie subject to review by the Town Attorney; seconded by Councilman Vacco; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

10.) Correspondence from WNY Development Disabilities Service Office, RE: Group Home Site at 2918 George Street, Eden

Supervisor Nellis stated that he received by certified mail was a letter from Thomas M. Zielinski, Director of the Western New York Development Disabilities Services Office indicating they would like to establish a community residence for people with developmental disabilities at 2918 George Street in Eden. Supervisor Nellis stated that the Town has forty days to respond to the letter and to respond in one of three ways:

1. Approve the site recommended by the sponsoring agency;
2. Suggest one or more suitable alternative sites within its jurisdiction which could accommodate such a facility; or
3. Object to the establishment of a facility of the kind described by the sponsoring agency because of their being too many similar homes.

**MOTION** was made by Supervisor Nellis to hold a public informational discussion at 7:30 P.M. at the September 26, 2001 Town Board meeting; seconded by Councilwoman Pew; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

11.) Community Development Grant

Supervisor Nellis stated that he would attending a briefing on September 27, 2001 in Akron regarding the Community Development Grant and suggested that a public hearing be held October 10, 2001 at 8:30 P.M. to hear suggestions from the community regarding what project the Town should apply for in the grant. Supervisor Nellis noted that the Hamlet Revitalization Committee has been looking for façade money in the hamlet. It is also his understating that the Town is still held to the 1990 Census. He is asking for clarification regarding that issue.

**MOTION** was made by Supervisor Nellis to schedule a public hearing on October 10, 2001 at 8:30 P.M. regarding suggestions for the Community Grant; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

#### 12.) Support for Eden Library Grant

Councilman Krycia stated that there is an Erie County Educational Technology Initiative for improvements. The Library Board has been working on it for sometime and is looking into getting new computers, additional equipment and updating their infrastructure. Councilman Krycia also added that the Library is looking to re-lamp the library and replace the ballast. The Library Board has been looking at replacing the lamps and then the County made this grant available. The amount would be \$7,853.00 and the County is committing to 42%. The library is not looking for full funding from the Town who supports the maintenance of the Library, however they are looking for the Town to fund about \$3,000.00. Councilman Krycia stated that the grant is worth \$17,700.00.

**MOTION** was made by Councilman Krycia to provide matching funds for the Eden Library Erie County Educational Technology Initiative Grant application in the amount of \$3,000.00 to be taken from the General Account Fund; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Sue Minekime, Eden Librarian thanked the Town Board and Councilman Krycia for all their support and the balance of funds would come from the Book sale to be held the third week of October.

#### 13.) Schreiber Project – Weller Track II, Phase 2

Supervisor Nellis read a letter received from Andrew Reilly, Town Engineer that stated that Schreiber & Winkelman have obtained a Public Improvement Permit for the construction of waterlines, storm drainage and roadways for the Weller Track II, Phase 2 project. Mr. Reilly’s letter also stated that a final walk through was completed on September 10, 2001 and

recommended that the PIP be approved with the four stipulations that are stated in Mr. Reilly's letter that is on file in the Town Clerk's office.

Supervisor Nellis also stated that a letter was received from Ronald Maggs, Superintendent of Highways that stated the acceptance for dedication of the extension of the roads and drainage systems of Cobblestone Court and Cherry Lane.

**MOTION** was made by Supervisor Nellis upon approval by the Town Attorney of the necessary documentation. The Town does accept the dedication of the PIP for Weller Tract II, Phase 2, being the roadways and the drainage facilities and authorizes the filing of all deeds and easements; seconded by Councilman Krycia; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

### **Supervisor's Report:**

Supervisor Nellis reported that the he has requested that the Department of Transportation become a partner in the Town's Streetscapes down along Route 62. Michael Christner has been in touch with the Supervisor and they are looking for the Town to give them some guidance. A meeting date has not been set to date.

### **Hearing of Visitors:**

Michael Bolo of 9998 Clarksburg Road

### **Adjournment:**

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 10.08 P.M.

### **Executive Session:**

Supervisor Nellis adjourned the Executive Session of the Eden Town Board at 10:38 P.M.



Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk