

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
OCTOBER 10, 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 (<i>Absent</i>)
William H. Laing	-	Eden Fire Chief (<i>Absent</i>)
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

Call to Order:

Supervisor Nellis called the Regular Meeting of the Eden Town Board to order at 7:37 P.M.

Pledge of Allegiance:

Supervisor Nellis led the assembly in the Pledge of Allegiance to the flag followed by a moment of silence for the attacks on America September 11, 2001 and for two local firefighters who were injured today while fighting a fire reminding us of the risks that members of our Emergency Services take any time they are on duty.

Supervisor Nellis then welcomed everyone to the meeting and indicated that both of the firemen, Chuck Schmitz and Mark Zittel were out of the hospital and doing well.

Approval of Minutes:

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of September 12, 2001. There were none.

MOTION was made by Councilman Zittel to approve the Town Board Minutes of September 12, 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 to the Town Board Minutes of September 26, 2001. There were none.

MOTION was made by Councilman Krycia to approve the Town Board Minutes of September 26, 2001 as presented; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Amendments:

Supervisor Nellis stated that there were two “Budget Amendments”. From revenue account A2372 to appropriation account A1440.4 for money received from the County in support of the Town’s Master Plan in the amount of \$1,003.07 and from account D2680 to account A5110.1 for compensation reimbursement for Highway worker Eugene Stegmeier in the amount of 1,280.00.

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

Budget Transfers:

Supervisor Nellis stated that there was one “Budget Transfer” from account A7110.4 to account A909 for Recreation reimbursement of fund balance for equipment in the amount of \$8,000.00.

MOTION was made by Councilman Krycia to approve the Budget Transfers 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, additions or corrections on the “Audit of Bills” which are on file in the Town Clerk’s office. Mary Jo Hultquist, Town Clerk stated that there was a correction on the General Fund. Voucher number 569 for Niagara Mohawk under “traffic signal” should be “flag pole” and the appropriation account changed from A3310.4 to A1620.4. Mrs. Hultquist also stated that there was a correction on the Highway Fund, voucher number 296, the amount should be \$190.84 changing the total amount to \$43,451.50.

October 2001

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	538 – 597	\$43,006.02
Highway Dept. Fund	274 – 298	\$43,451.50
Fire Dept. Fund	199 – 224	\$9,969.95
Recreation Dept. Fund	158 – 171	\$2,247.88
Refuse and Garbage Fund	25 – 26	\$53,672.07
Street Lights Fund	15 – 16	\$3,972.60
Water Fund	14 – 15	\$3,905.66
Trust & Agency Fund	3	\$1,014.00
Capital Fund	-	\$0
Community Development	-	\$0

MOTION was made by Councilman Zittel to approve the Audit of Bills as presented with the corrections that were stated by Mary Jo Hultquist, Town Clerk; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Departmental Reports:

Department reports for the month of October 2001 were presented by Kathie Keller for Paul Shephard, Eden Emergency Squad; Michael Jacobs 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 Scott Henry, Zoning Code Enforcement Officer completed his report; Councilwoman Pew asked if the “notices of violations” that Mr. Henry receives are for the same violation. Mr. Henry replied that there are three or four different violations that are constantly cited.

After Kevin Schoenthal, East Eden Fire Chief completed his report; Chief Schoenthal requested that the name of Greg Waszak be removed from the East Eden Fire Department active roster.

MOTION was made by Councilman Zittel to remove the name of Greg Waszak from the East Eden Fire Department active roster; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Chief Schoenthal also reported that the East Eden Fire Department would be holding their annual Fire prevention/Halloween party on Saturday October 27, 2001 at 1:00 P.M. and that it is open to all children of the Town of Eden. Lastly, Chief Schoenthal reported the East Eden Fire Department along with the Hamburg Fire Department would be conducting a “Boot Drive” on Saturday October 13th starting at 8:00 A.M. and that the money would be donated to the New York City firefighters.

Andrew Reilly, Town Engineer reported that he has begun to work on the Industrial Park Feasibility study that was authorized last month and there will be a walk through Friday October 12, 2001. Mr. Reilly also reported that he had attended the Planning Board meeting this past week and that he would be meeting with the New York State Department of Transportation regarding “streetscapes” issues in the future. Lastly Mr. Reilly reported that he would be doing some work on the minor subdivision and meeting with the Planning Board.

Ronald Maggs, Superintendent of Highways reported that the Highway Department has done some work on the Library parking lot and had to make some changes that were approved and that it was ready for black top. Mr. Maggs also reported that renovations have begun on the blue building at the Highway garage getting it ready for a heated cemented floor.

Lastly Mr. Maggs requested the following Budget Transfers; from account D2770 to D5110.4 from Piping Permits in the amount of \$4,858.33, from D5120.2 to D5142.4 in the amount of \$5,000.00 and from D5130.4 to D5130.2 in the amount of \$282.95.

MOTION was made by Councilman Zittel to approve the Budget Transfers as stated by Superintendent of Highways, Ronald Maggs; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis noted that the Board of Directors for the Library did donate some of the money for the parking lot.

After Patrick Howard, Eden Police Chief completed his report; he recommended the appointment of David A. Hock as a part time police officer to fill the vacancy left by Robert Ellis who found it necessary to resign from his position. Chief Howard stated that Mr. Hock resides in Eden and is amply qualified. Mr. Hock received his BMP certification at the Rural Police Training Institute at Genesee Community College and comes well recommended from several other police agencies for which he has worked.

MOTION was made by Councilman Zittel to accept the resignation of Robert Ellis; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Councilman Vacco to appoint David A. Hock as a part time police officer to the Eden Police Department as recommended by Chief Howard to fill the vacancy left by Robert Ellis; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Chief Howard also requested permission for the Reserve Police to be able to car patrol on October 30th and 31st (Halloween) in their own vehicles and to be reimbursed for their mileage.

MOTION was made by Councilman Zittel to grant permission for the Reserve Police to car patrol on October 30th and 31st (Halloween) in their own vehicles and be reimbursed for their mileage; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Lastly Chief Howard reported that the Police Department received notification that the technology grant the Police Department applied for has been approved. A computer and server have been purchased and installed this week and would be tying into the phone lines. Chief Howard thanked Councilwoman Pew for her support in receiving the grant.

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

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:02P.M.

MOTION was made by Councilman Vacco to open the public hearing to consider proposed local laws, which amend the Code of the Town of Eden, including the Fee Schedule; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

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

**8:00 P.M. & 8:15 P.M.
Public Hearing**

**To consider proposed local laws which would amend the Code of the Town of Eden,
including the Fee Schedule**

Supervisor Nellis stated that copies of the proposed changes to the code were available for review in the Town Clerk’s office. Supervisor Nellis then turned to Andrew Reilly, Town Engineer and Planner who then briefly described the proposed changes to the Town of Eden Code that were recommended by the Hamlet Revitalization Committee. Mr. Reilly explained

that the Town recently adopted a Comprehensive Plan in 2000, which is a plan that guides the town into the future. Proposed changes in Local Laws were recommended in the Comprehensive Plan. The Town Board also formed a Comprehensive Plan Implementation Committee and a Hamlet Revitalization Committee that focused on the hamlet area and the business district and how to improve both.

Mr. Reilly went on to explain that last month a public hearing was held on a recommendation from the Hamlet Revitalization Committee to add a "Hamlet Overlay District". Part of that recommendation was also to change the Office Business and General Business Districts to allow by right accessory uses of apartments. The Code Review Committee recommended changes to the Agricultural District Amendments regarding "Small Business Agricultural Accessory Uses" which by special use permit would allow farmers to operate small businesses on their property. Also reviewed was the "Creekside Open Space Overlay" that would restrict uses along these corridors that contribute to both community character and property values. The proposed law does have exemptions pertaining to activities that in some cases requiring a permit.

Mr. Reilly also noted the changes under "Subdivision Regulations" and "Site Plan Regulations" that would be required when new subdivisions are being planned. Mr. Reilly also stated that addition of "Cluster Development" that pertains to road frontage clusters that would help preserve the rural character of the Town and important environmental and scenic features. Mr. Reilly lastly stated the Comprehensive Implementation Committee also received recommendations from the Building Inspector on ideas of changes to "building code". Mr.

Reilly then turned to Scott Henry, Zoning Code Enforcement Officer.

Mr. Henry went on to explain that the Town is not able to change State codes, however Mr. Henry has been tracking inconsistencies and omissions in the code and responding to some feedback received over the years. Among the changes that are proposed in the code are proposed changes to the definitions in the zoning code to be more consistent with building codes. Some deal with parking spaces and a large section dealing with home occupation and residential, professional office uses. They are addressing any inconsistencies between the enclosure and the fencing requirements for a swimming pool. There is a proposed amendment to the code, which would waive the requirement for a building permit for small non-commercial structures not exceeding 150 square feet and not intended as quarters for living, sleeping, eating or cooking. Mr. Henry stated a lot of applications are processed for sheds that are about 8' x 10' in size. This would not change any applicable part of the code for the siting of the structure or any other development issues that apply to a building like that. It just means a resident wouldn't have to apply for a building permit, but regulations still exist such as how far from a property line and how tall the structure can be.

Mr. Henry stated that another change proposed is that no such survey or plot plan is required where there is no proposed extension or increase in either the height or footprint of the existing structure. Mr. Henry then stated that there is an amendment to the schedule of fees for accessory structures. We are changing the structure of the fee where presently there is a charged of \$10.00 plus \$.25 per \$100.00 est. cost. It is changing to a flat fee of \$35.00.

Mr. Reilly added that under the Standard Schedule of Fees under "Tower Special Permit" the charge would be changed from \$1,500.00 to \$5,000.00 because of the work involved in processing a "Tower Special Permit" application.

Councilwoman Pew asked could a resident construct a shed on the property line. Mr. Henry stated yes they could however it would not meet the zoning code requirements. That

scenario exists any time you have an application come in and review it based on that information. Regulations would be available in Mr. Henry's office for residents to follow. Councilman Vacco asked what about a resident who wishes to construct multiple sheds. Mr. Henry replied that currently there is no limit, however the shed would need to fit the size of the lot.

After Mr. Reilly and Mr. Henry completed their reports, Supervisor Nellis asked if there were any questions or concerns from residents that were present.

Ruth Szalasny of 3048 Belknap Road asked as owners of eight acres in the Agricultural District would they be allowed to have a business? Mr. Reilly replied the Agricultural District has nothing to do with the State Agricultural District. Mr. Reilly stated that there are two agricultural districts in the Town of Eden, there is a State designated area and then there is a local Zoning District. This law relates to the agricultural zone within the town, it does not affect the State Agricultural district. In the zoning district of this law if you have twenty acres you would be allowed to operate a small business, anything less than twenty you would not be able to. The property would need to be large enough so that the business does not impact surrounding neighbors.

Phil Muck of 2763 Oakland Drive stated that he opposed the changes stating that the town may be "opening Pandora's box". Someone could decide to start a truck repair business and before you know it there is a junkyard. Mr. Muck inquired what are the exclusions for a business like this just because someone has twenty acres that is a working farm. He felt it needs to be looked at very carefully and how it is policed and how to decided who could do what on their property. Mr. Reilly stated that this was one of the most controversial laws that was discussed and felt that coming to the public for input was needed.

Wilbert Smutz of 3094 East Church Street asked why would the town consider allowing a small business in an agricultural district where a grotesque structure could be erected on every twenty acres in town. Mr. Reilly replied that the idea was "small businesses" like the farmers used to do and it will be reviewed again to tighten up the law or if not comfortable with the law to not go forward with it.

Ruth Szalasny asked where this suggestion originated? Councilman Zittel replied from the Comprehensive Plan on how to preserve the agricultural areas in town because of the rate that farmland is being lost to development. Without any alternatives to farmers more farmland would become available for development. Alternative uses would keep farms around longer and preserve the farms. Councilman Zittel felt that at the meetings he attended, residents did not want to see farmland turn into subdivisions scattered throughout the town. One thought was to give some possible alternative uses that could co-exist with agriculture to keep it around longer.

Mrs. Szalasny asked could a Business District be in an Agricultural District? Mr. Reilly stated that an example is in the Town of Aurora 90% is zoned agricultural but there are various uses of the district because they like to see uses of the land.

Mr. Henry gave the following memo to the Town Board.

"The proposal for small business agricultural accessory uses, though somewhat of a misnomer, would permit a non-agricultural related business in a building not to exceed 5000 sq. ft., or a building roughly the size of the Eden Library, as a use by Special Permit.

1. Please consider the following definition for the Agricultural zoning district, to which no change is proposed:

- i. A Agricultural - A district restricting development to uses and intensities compatible with the agricultural utility of land.
2. The Special Use Permit is a device that enables a use of land that is in concept appropriate in light of municipal planning objectives. Are non-agricultural uses such as an apartment, sandblasting operations, used car sales, a trucking business or small grocery store consistent with the planning objectives of the town for this particular zone?
3. Under the present zoning code, those uses allowed in each zoning district by Special Permit are specifically listed. No such specific list is proposed under this amendment. Is this intentionally open-ended?
4. Under the proposal, land owners in the agricultural zoning district who are not in agribusiness and who desire to use their land for non-agricultural commercial or industrial type uses would likely be faced with the nearly impossible feat of acquiring a use variance, requiring them to show by financial evidence that they cannot realize a reasonable return for any use permitted in the zone. Are these zoning exceptions in the form of special permits intended to create this obvious advantage to one group of landowners?
5. With in 2015 Comprehensive Plan, section 5.5 of the Findings and Recommendations, specifically for Agricultural Development and Farmland Preservation, are the following recommendations: to not expand sewer or water infrastructure or allow tie-ins to new development, to “amend the existing Agricultural Zoning District to allow more small agricultural related commercial uses” and possibly “create a new Agricultural Zoning District that would allow only Agriculture and Agricultural related operations, severely limiting residential uses”. There is an expressed concern that “farms outside the valley could be the farms under the greatest risk of development, conversion, or loss of farming operation”. With 50-60 operating farms, how will the introduction of commercial or industrial type uses unrelated to agriculture, and without adequate sewer and water, further the identified goal of agricultural development and farmland preservation?”

Before closing the public hearing, Supervisor Nellis stated that if there were no further comments tonight residents were encouraged to submit written comments and concerns to the Supervisor’s office and the Town Board would consider them.

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 8:30 P.M.

MOTION was made by Councilwoman Pew to open the public hearing to consider projects for application for Community Development Block Grant funding; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis opened the public hearing to consider projects for application for Community Development Block Grant funding at 8:30 P.M.

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

To Consider projects for application for Community Development Block Grant Funding

Supervisor Nellis stated that the Town of Eden is part of a Consortium, the Erie County Community Development Block Grant. Many towns are apart of the Consortium and we apply to a Consortium Committee that reviews the grants following a points system that has been put together by the Federal Government. The Town needs to apply by November 5, 2001 to the County. Supervisor Nellis stated that there is one side of town that is eligible since they continue to use 1990 census because of the detail of the income level in the town. It is also based on an area being eligible with a certain percentage of households, which are low and moderate income. The area is west of Route 62 from Shadagee Road to New Jerusalem Road. The typical maximum grant is \$90,000.00. The last one received by the Town was three years ago to clean out Ryther Creek from Route 62 to the Hemlock Road area.

Supervisor Nellis stated that the Rural Van Program asked that the Town put them on our list of requested priority projects. Under Economic Development we are also asking for consideration for façade money to be used in the Hamlet. Seven businesses in Town have requested we seek facade money. Supervisor Nellis then turned to the audience for suggestions.

Ruth Szalansy of 3048 Belknap Road suggested if there could be a pot of money to demolish buildings that have become eyesores. Supervisor Nellis replied that that is one possibility.

Gerald Maggs of 2763 First Street suggested a public owned entrance to Swartz Field. There is Town property back there and currently there is access through the generosity of businesses in the area. Maybe it could be possible to purchase property to have access to the field. Supervisor Nellis stated that the Town has already applied for that and was turned down, however it could be revisited.

Ronald Maggs of 2168 Hemlock Road supported Mr. Gerald Maggs suggestion and stated that the first time the idea was presented it may have been turned down because the Town had received money the previous year.

William Sickau of 2611 West Church Street suggested a parking area on Evelyn Drive and Beverly Drive for Minikime Field. Supervisor Nellis added fixing the backstop and possibly the swings too.

Councilman Krycia stated with the Swartz Field access there has been talk about possibly making it a public parking lot or expanding the current parking.

Councilwoman Pew added that possibly consider it with the Boys and Girls Club or Community Center.

Councilman Zittel lastly stated that along with any of the current suggested projects, drainage is always something to use as a backup.

There was no further discussion.

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 8:42 P.M.

MOTION was made by Councilman Krycia 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 8:42P.M. Supervisor Nellis then thanked everyone for their comments and that the Town Board would do an assessment on the suggestions.

Departmental reports continued with Kathy Keller for Paul Shephard, Eden Emergency Squad who also reported the top five for duty hours for September were as follows: Julie Boedo, John Scheffer, Cheri Dias, Bill Roach and Brent Hardy. The member of the month was John Scheffer. Supervisor Nellis extended the Town Board’s appreciation for the time put in.

Michael Jacobs gave the monthly report for William Laing, Eden Fire Chief. Mr. Jacobs reported that the live burn scheduled for October 6th has been rescheduled for October 20, 2001 at 3343 Hickox Road. Mr. Jacobs also reported that on October 13, 2001 the Eden Fire Department would be holding an open house from 12:00 P.M. to 4:00 P.M. in conjunction with “Fire Prevention Week”.

Lastly Mr. Jacobs reported that the Eden Fire Department raised over \$14,000.00 in their “boot drive” for the widows and children of the New York City Firefighters who lost their lives in the line of duty on September 11, 2001 at the World Trade Center disaster. Mr. Jacobs extended the department’s “Thanks!” to the Town of Eden and those who were passing through and donated money.

Councilwoman Pew noted that three members of the Eden Emergency Squad were asked to go and assist in rescue and recovery efforts at “ground zero” in New York City. Councilwoman Pew then asked Mrs. Keller if she could give a brief report regarding the three members experience while in New York City.

Mrs. Keller reported that the three members Julie Boedo, John Scheffer and Bill Roach followed nineteen other ambulances from Erie County. Before the three members left, it was discussed what could they take with them. Since there was already so much water, food and gloves, it was decided that they would take 100 pounds of dog biscuits for the search and rescue dogs. When they arrived they went through some strict security to enter the area. They described the area and the activities that were going on as very unbelievable.

Councilwoman Pew stated that on behalf of the Town Board and the audience to thank all those who are a part of our Emergency Services for the hours and hard work they do. Our gratitude could never be enough.

Supervisor Nellis thanked the Department Heads for their reports. Supervisor Nellis then requested the addition of two items to the agenda. They were as follows:

- 9.) Stormwater Management and Erosion Control Law
- 10.) Niagara Mohawk – New lighting on Cherry Lane

Supervisor Nellis stated that regarding the Stormwater Management Erosion Control Law, that changes were made and that there was a need for a second public hearing.

New and Unfinished Business:

1.) 2002 Budget Presentation

Supervisor Nellis stated that copies of the proposed 2002 preliminary budget would be available in the Town Clerk's office and the Supervisor's office. A preliminary hearing will be held November 14, 2001 at 8:00 P.M. Supervisor Nellis then thanked the Town Board and Department Heads for all the work that was put into the preliminary 2002 budget.

Supervisor Nellis stated that there are two sides to every budget. The first is "Revenues" and the other is "Expenditures". Because of the events of September 11, 2001 and the Economy before then, questions of revenues for 2002 has been more of a guess. Supervisor Nellis stated that in the past the town received some County projections of figures based upon 1% increases to 2% decreases. If you look at those figures and consider them, also looking at revenue from this year and then prepare projections. It has made it troublesome because projections were higher then seems to make sense.

Supervisor Nellis then reviewed the 2002 Preliminary Budget by beginning with the General Fund that will have an increase in the tax rate per thousand from \$1.39 to \$1.44, which is a \$.05 increase. For the Highway Fund will have an increase from \$2.33per thousand to \$2.53 per thousand, which is a \$.15 increase due to the cost of fuel and black top materials. Light will have a \$.02 decrease from \$.18 per thousand to \$.16 per thousand and for the Fire Fund remains at \$.58. The total per thousand will increase from \$4.53 to \$4.71 per thousand with a \$.18 increase or 3.97% increase over 2001.

Supervisor Nellis stated that the Town seems to be on cycle, our insurance figures are going up and worker's compensation is going up. Because of our concern of the budget and to feel totally comfortable with the revenue figures the Town Board is putting a freeze on all expenditures by the Town as of this Town Board meeting. Any expenditure that needs to be made will have to be approved by the Supervisor's office and the Town Board for the remainder of the current budget year and into January 2002.

Councilwoman Pew commented the she felt it was important to be cautious and by taking immediate proactive steps to strengthen our expense control. Councilman Vacco added that it was a hard thing to estimate since we have not lived through what is currently happening in our nation today. We do not know what is ahead and Councilman Vacco supports the decision made to freeze expenditures.

Councilman Krycia stated that last year the Town had a real nice budget because of the strong economy. When that base weakens there is a need to increase and Councilman Krycia noted that last year the rate was \$4.71 per thousand and after a little research, Councilman

Krycia found that in 1996 the rate was \$4.76 per thousand and the 2002 rate is still lower than five years ago.

Supervisor Nellis stated that copies would be available in the Town Clerk's office and to set the public hearing for November 14, 2001 at 8:00 P.M. regarding the 2002 Preliminary Budget.

MOTION was made by Councilman Krycia to hold the budget hearing regarding the 2002 Preliminary Budget on November 14, 2001 at 8:00 P.M.; seconded by Councilwoman Pew; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

2.) Water District

John Reid of R & D Engineering reported that things are progressing and requested that on October 24, 2001 they go over the tentative schedule for the bid projects.

Ronald Steinmetz of 9443 Jennings Road stated that he was told that a pump station was needed to get water to his residence. He collected his own survey data that he passed on to Mr. Reid. Mr. Steinmetz received some information in return and has since tried to contact Mr. Reid about water pressure and if it would work without a pump station. In Mr. Steinmetz opinion he found out that a pump station would not be necessary to have water go to his residence. Mr. Reid replied that it is a gray area and he felt that he would not have answers until the tank is in and water there. Mr. Steinmetz stated that it appears that it would work and there would be enough pressure to get to his house and he would do what ever is necessary to get water to his residency.

Mr. Reid stated that studies are still being discussed regarding the overflow elevation tank and the operation of the tank. If there is left over monies then maybe an extension could be done.

3.) 1-800-MHZ System Resolution

Supervisor Nellis stated that it was his understanding from Emergency Services and with a letter that was received from Kevin Schoenthal that everyone was comfortable after meeting with Mike Walters regarding the "1-800- MHZ System". Chief Schoenthal's letter is on file in the Town Clerk's office.

Councilwoman Pew stated that she still had some reservations about the system and asked Chief Howard if he was comfortable with this system. Chief Howard replied that he is not comfortable with the system, however he supported what was being asked of the Town now to adopt a resolution to return the monies to Erie County.

Councilman Krycia read and moved to approve the adoption of the following **RESOLUTION**:

WHEREAS, reliable communications is a critical component in the delivery of Police and Emergency Services and,

WHEREAS, some components of the existing public safety communications system in Erie County are aged and fail to meet the current needs of public safety service providers and,

WHEREAS, following extensive study and system design by a broad base of public safety users and technical experts, a recommendation has been made to construct a new public safety communications system in Erie County, and

WHEREAS, the proposed 800 MHz system will provide state of the art communications for police, fire and EMS personnel, thus enhancing their communications capability on a daily basis, and during potential or actual disasters and,

WHEREAS, earlier this year proposals were introduced in both the New York State Assembly and Senate on sharing of funds generated by the Wireless Surcharge Fund with counties throughout New York State and,

WHEREAS, if enacted this new source of funds from the Wireless Surcharge Fund could generate between \$2-3 million dollars to Erie County and,

WHEREAS, County Executive Giambra has committed that any revenues made available from the Wireless Surcharge Fund will be dedicated to upgrading the public safety communications network in Erie County, therefore

BE IT RESOLVED, that this honorable body fully supports the proposed legislation that would distribute the Wireless Surcharge revenues to counties throughout New York State, and

THEREFORE, we are calling on the Western New York Representative to support the proposed legislation regarding the distribution of Wireless Surcharge dollars.

Seconded by Councilman Vacco; All – “Ayes”; Motion carried.

4.) Adoption of Standard Work Day Schedule for Elected and Appointed Positions

Supervisor Nellis stated that at the request of the NYS Retirement System, the Town needs to establish a normal workday, in hours, for reportable elected and appointed positions. Supervisor Nellis reviewed a memo received from Ann Knack where she recommended a schedule to be followed by the Board. A copy of the memo is on file in the Town Clerk’s office.

Ronald Maggs, Superintendent of Highways asked what the schedule was for? Supervisor Nellis replied that it is for the elected and appointed positions to receive credit for retirement.

Supervisor Nellis then stated that based on the analysis completed by Mrs. Knack, who spoke with the Department Heads, he recommends that the Town Board adopt the Standard Work Day Schedule for elected and appointed positions.

MOTION was made by Supervisor Nellis to adopt the Standard Work Day Schedule for elected and appointed positions as recommended by Ann Knack; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5.) Civil Service Appointment

Supervisor Nellis stated that when Laura Krolewicz, Bookkeeper replaced Jean Donohue, the Erie County Department of Personnel informed the Town that this position must be made Civil Service because the work week for this position exceeds 19 hours. The civil service exam was scheduled on May 19, 2001 and the results have been received. Ms. Krolewicz was the only Edenresident who took the exam and she scored extremely well receiving a mark of 95%. The Town Board must now reappoint Ms. Krolewicz to the position of permanent full-time bookkeeper at the yearly salary of \$23,175.00. A copy of the memo from Ann Knack is on file in the Town Clerk’s office.

MOTION was made by Councilwoman Pew to appoint Laura Krolewicz to the position of permanent full-time bookkeeper at the yearly salary of \$23,175.00; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6.) Scheduling of Public Input Session – November 14, 2001 at 8:30 P.M. – Renewal of BFI Solid Waste

Supervisor Nellis recommended that a public hearing be scheduled for November 14, 2001 at 8:30 P.M. regarding the renewal of the BFI Solid Waste contract that will be expiring in March 2002 and would like to receive input from residents.

MOTION was made by Councilman Zittel to schedule a public hearing regarding the renewal of the BFI solid waste contract on November 14, 2001 at 8:30 P.M.; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

7.) Community Environment Management (CEM) Program – Presentation for November 28, 2001

Supervisor Nellis stated that the Erie County Soil Conservation has approached the Town through Frank Mantione, Chairman of the Eden Conservation Board regarding material that they would like to present to the Town. After reviewing the material Mr. Mantione recommended that a presentation be given by CEM on November 28, 2001.

8.) Establishing a Community Residential Facility – 2918 George Street

Supervisor Nellis stated that a public hearing was held and under the rules given by the DDSO that within 40 days the Town would need to respond. The rules were as follow:

1. Approve the site recommended by the sponsoring agency
2. Suggest one or more suitable 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, to do so, would result in such a concentration of community residential facilities for the mentally retarded/developmentally disabled in the municipality or in the area in proximity to the site selected or a combination of such facilities licensed by other agencies of state government that the nature and facilities licensed by other agencies of state government that the nature and character of the areas within the municipality would be substantially altered

Councilman Zittel inquired whether any more written comments were received. Supervisor Nellis replied that there had not been any further comments received.

MOTION was made by Councilman Zittel to accept the recommendation of the DDSO to approve the site recommended by the sponsoring agency; seconded by Councilman Vacco; “Ayes” – Supervisor Nellis, Councilman Krycia, Councilman Vacco and Councilman Zittel; Motion carried.

9.) Stormwater Management and Erosion Control Law

Supervisor Nellis stated that after Town Attorney, William Trask reviewed the draft of the Stormwater Management and Erosion Law and a few changes were made and requested that public hearing be held. Supervisor Nellis recommended that a public hearing be scheduled for November 14, 2001 at 8:45 P.M.

MOTION was made by Councilman Vacco to schedule a public hearing for the revised Stormwater Management and Erosion Law; “Ayes” – Supervisor Nellis. Councilman Krycia, Councilman Vacco and Councilman Zittel; Opposed? – None; Abstain? – None; Motion carried.

10.) Niagara Mohawk – Proposal for new lighting on Cherry Lane

Councilman Vacco reviewed the proposal for new lighting on Cherry Lane that would be reviewed by the Lighting Committee. A copy of the proposal is on file in the Town Clerk’s office. Councilman Zittel moved the proposal with the provision that the Lighting Committee has reviewed the location to ensure it will be on the corner, seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

Supervisor Nellis reported that Mr. Reilly covered everything in reference to the tour of the Light Industrial Area. Supervisor Nellis also reported that on November 8, 2001 he would tentatively be meeting with the New York State Landscape Department of Transportation architect regarding the landscape right of way on Route 62, which is a State highway, from Shadagee Road to New Jerusalem Road.

Hearing of Visitors:

Phillip Muck of 2763 Oakland Drive
Ruth Szalasny of 3048 Belknap Road

Adjournment:

Supervisor Nellis stated that there would be no Executive Session held tonight.

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:40P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk