

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
NOVEMBER 14, 2001  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

GLENN R. NELLIS	-	SUPERVISOR
EDWARD C. KRYCIA, JR.	-	COUNCILMAN (Deputy Supervisor)
MARY LOU PEW	-	COUNCILWOMAN
VINCENT V. VACCO	-	COUNCILMAN ( <i>Absent due to illness</i> )
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 ( <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
Ann Knack	-	Administrative Assistant

**Call to Order:**

Supervisor Nellis called the Regular Meeting of the Eden Town Board to order at 7:45 P.M.

**Pledge of Allegiance:**

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

**Recognition of Marty Szal – Retirement:**

Supervisor Nellis presented Mr. Szal with a plaque for his 33 years of service with the Town of Eden and Best Wishes for a long and healthy retirement.

**Approval of Minutes:**

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

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

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

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

**Petitions:**

There were none.

**Budget Transfers:**

Supervisor Nellis stated that there were two “Budget Transfers” from account D2770 to account D5110.4 for Pipe Permit #24 in the amount of \$69.76 and from account D5120.4 to account D5142.4 for winter materials in the amount of \$5,000.00.

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

**Budget Amendments:**

Supervisor Nellis stated that there were 12 “Budget Amendments” from account A2025 to account A7150.1 for fees collected for water aerobics in the amount of \$710.00, from account D2770 to account D5110.4 for the Blue Building reimbursement in the amount of \$5,269.63, from account D2680 to account D5110.1 for Disability Insurance recovery in the amount of \$1,190.00, from account A3825 to account A1680.2G for 50% of the GIS Grant

received in the amount of \$25,191.00, from account A3823 to account A1460.4 for 50% of SARA Grant received in the amount of \$11,133.00, from account D2680 to account D5110.1 for Disability Insurance recovery in the amount of \$1,280.00, from account A4489 to account A8020.4B for FEMA Grant received in the amount of \$2,600.00, from account A4489 to account A440 for FEMA Grant received in the amount of \$2,023.75, from account A2770 to account A7410.4 for Library retribution to parking lot for \$2,500.00, from account D2770 to account D5110.4 for General reimbursement to Highway for parking lot work in the amount of \$6,500.00, from account A2770 to account A1620.4 for refund for closed account in the amount of \$21.56 and lastly from account A2626 to account A3120.2A for Drug asset money received in the amount of \$500.00.

**MOTION** was made by Councilman Zittel 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 to 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 612 for Duffett Plumbing & Heating the appropriation account should be changed from A3120.4 to A1620.4. On the Recreation Fund, voucher number 173, the appropriation account should be changed from A7130.4 to A7310.4 and lastly on the Refuse and Garbage Fund, the total amount should be changed from \$83,994.89 to \$96,565.54.

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	598-713	\$ 46,424.11
Highway Dept. Fund	299-338	\$ 81,571.51
Fire Dept. Fund	225-251	\$ 7,253.55
Recreation Dept. Fund	172-184	\$ 2,176.37
Refuse and Garbage Fund	27-31	\$96,565.54
Street Lights Fund	17-18	\$ 4,323.49
Water Fund	16	\$ 4,403.10
Trust & Agency Fund	4	\$ 700.00
Capital Fund	-	-

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

### **Departmental Reports:**

Department reports for the month of October 1999 were presented by Paul Shephard, Eden Emergency Squad; Mike 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; and Susan Brass, Recreation Director. All reports are on file in the Town Clerk’s office.

After Ron Maggs, Superintendent of Highways, completed his report he requested that the Town Board approve a Resolution for a snowplowing agreement with the Town of North Collins.

**BE IT RESOLVED** that the Eden Town Board hereby agrees to enter into a mutual agreement with the Town of North Collins, whereby the Town of North Collins Highway Department will plow Clarksburg Road from the North Collins Town Line to the Eighteen Mile Creek Bridge. In exchange, the Eden Town Highway Department will plow the lower section of Belcher Road and Rocky Mountain Road.

**MOTION** was made by Councilman Zittel to approve the Resolution; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; motion carried.

Andrew Reilly, Town Engineer reported that he reviewed a minor subdivision, and that there is a potential for a proposed subdivision that would be in the Town of Eden and the Town of Hamburg (Northcreek Road). Mr. Reilly stated that he would work with Scott Henry, Building Inspector if the need arises.

Mary Jo Hultquist, Town Clerk reported that she has accepted the resignation of DianaRae Walker, Deputy Town Clerk effective November 9, 2001.

**MOTION** was made by Supervisor Nellis to accept the resignation of DianaRae Walker, Deputy Town Clerk effective November 9, 2001; seconded by Councilman Zittel; All “Ayes”; - Opposed? – None; Abstain? – None; motion carried.

Susan Brass, Recreation Director asked the Town Board for approval for the Adult Winter Program Supervisors. The Recreation Board is recommending the following staff appointments:

Don Williams of 9151 Jennings Road as Adult Volleyball Supervisor, Monday & Thursday nights beginning in November and through March at a pay rate of \$7.75/hour.

Jennifer Migliore of 8799 Carriage Crossing as Adult Swimming Supervisor on Wednesday nights beginning in November and through March at a pay rate of \$10.00/hour.

Richard Cerne of 1945 Eden Evans Center Road as Adult Basketball Supervisor on Tuesday nights beginning in November and through March at a pay rate of \$7.75/hour.

**MOTION** was made by Councilman Krycia to recommend the staff appointments as presented by Susan Brass, Recreation Direction; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; motion carried.

Supervisor Nellis thanked the Department Heads for their reports. Supervisor Nellis then requested the addition of one item to New and Unfinished Business:

9.) Special Use Permits – set Public Hearing date for Annual Renewals

**New and Unfinished Business:**

1.) Water District No. 4 Report

John Reid of R & D Engineering reported that the storage tank is coming up for approval. The County Highway Department will allow us to do open-cut crossing on Jennings Road but the project part on Jennings Road must be completed by July 15, 2001 and it will restrict traffic in the area.

Supervisor Nellis stated that Water District No. 4 will not be happening this calendar year. They are trying to keep things on schedule.

Councilman Zittel stated that he appreciates the understanding and patience of the recipients and to let them know that it will happen.

Frank Mantione of 2722 Kulp Road asked if people in need of water will have to buy it or go another summer without it.

John Reid responded that it should be done by early summer. They will bid it out in early winter and hopefully get the contractors in place.

2.) Proposed Changes in Local Laws and Fee Schedule

Councilman Krycia read the following resolution:

**WHEREAS,** the Town of Eden has proposed to amend the Code of the Town of Eden, Chapter 225 entitled “Zoning”, Chapter 184 entitled “Subdivision of Land”, Chapter 110 entitled “Fire Protection and Building Construction”, Chapter 188 “Swimming Pools”, and the Schedule of Fees, and

**WHEREAS,** in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review – SEQR) of the Environmental Conservation Law, the Eden Town Board has reviewed the proposed code amendments, and

**WHEREAS,** these code amendments will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public, and are consistent with social and economic considerations,

**THEREFORE, BE IT RESOLVED,** that the Eden Town Board has determined that the proposed code amendments are not anticipated to result in any significant effect on the environment, and that a Negative Declaration (notice of determination of non-significance) is hereby issued, based on the following reasons:

1. The proposed code amendments are in accordance with the Town’s adopted Comprehensive Plan (Implementation items called out for in the Plan).
2. Many of the amendments help to protect the environment including legislation protecting the natural resources of the Town.
3. Many of the Code modifications simply clarify interpretation issues, improve definitions and correct minor problems with the Code.
4. Some modifications affect procedures that are not subject to SEQR.

**BE IF FURTHER RESOLVED,** that the Supervisor be authorized to sign the environmental assessment form.

**MOTION** was made by Councilman Krycia to adopt the above resolution; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; motion carried.

Councilman Krycia read the following resolution:

**WHEREAS,** the Town of Eden has proposed to amend the Code of the Town of Eden, Chapter 225 entitled “Zoning”, Chapter 184 entitled “Subdivision of Land”, Chapter 110 entitled “Fire Protection and Building Construction”, Chapter 188 entitled “Swimming Pools”, and the Schedule of Fees, and,

**WHEREAS,** the code amendments were recommended in the Town’s adopted Comprehensive Plan, and the code revision was promulgated and recommended to the Town Board by the Town’s Hamlet Revitalization Committee, and Comprehensive Plan Implementation Committee, and

**WHEREAS,** the Town Board has held the appropriate public hearing and has determined that the project will not have a significant effect on the environment and has issued a Negative Declaration under the State Environmental Quality Review Act (SEQR),

**NOW, THEREFORE BE IT RESOLVED**, that the code of the Town of Eden be amended as follows:

On file in Town Clerk's office.

**MOTION** was made by Councilman Krycia to approve the resolution; seconded by Councilman Zittel; All "Ayes"; Opposed? – None; Abstain? – None; motion carried.

3.) Resignation of Leon Gawlick from the Drainage Committee

Supervisor Nellis read the resignation for Leon Gawlick from the Drainage Committee.

**MOTION** was made by Councilwoman Pew to accept the resignation of Leon Gawlick from the Drainage Committee; seconded by Councilman Zittel; All "Ayes"; Opposed? – None; Abstain? – None; motion carried.

4.) Appointment – Jack Cuddihy to the Conservation Advisory Board

Supervisor Nellis recommended to the Town Board to appoint Jack Cuddihy to the Conservation Advisory Board for a term beginning 01/01/2001 – 12/31/2002. Also, to appoint Megan Kester as an Ex officio member to the Conservation Advisory Board. Megan is currently a student at Eden Central interested in the work of the committee.

**MOTION** was made by Councilman Zittel to approve the above mentioned appointments; seconded by Councilwoman Pew: All "Ayes"; Opposed? – None; Abstain? – None; motion carried.

Supervisor Nellis also recommended the re-appointment to the Assessment Board of Review of William Henry to a 5-year term.

**MOTION** was made by Councilwoman Pew to approve the appointment of William Henry to the Assessment Review Board; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; motion carried.

5.) Status Report on Possible Gas Line through Eden

Supervisor Nellis reported that he attended a meeting on November 12, 2001 with Councilwoman Pew and representatives from National Fuel, to consider the possibility of a Gas Line through Eden. It is a 30" pipeline that would connect to a pipe that will be bored under the waters of Lake Erie coming from Canada. It would wander through Hamburg coming

to Eden by Hickox Road. It would go across Route 62, across Eckhardt Road, North Boston Road around Tennessee Gas and connect to the National Fuel pipeline south of Mary Drive. Supervisor Nellis has a list of names of the individuals from National Fuel if anyone has questions of them. A point of discussion and concern is that the pipeline runs through agriculture land with the main concern being the impact on soils.

Walter Henry stated that when the project is completed, you can farm over it, but you won't know if it is restored to its original state. Mr. Henry suggested that they go on a route that takes it across the ends of the fields and not through the middle.

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

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

**MOTION** was made by Councilman Krycia to open the Public Input Session to consider the renewal of BFI Contract; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; motion carried.

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

**8:30 P.M.**  
**Public Input Session**  
**Renewal of BFI Contract**

Supervisor Nellis introduced Mr. Joseph Scaffidi, General Manager for BFI who went on to explain that the current contract expires in March 2002. There has been no increase to the Town of Eden since 1997. The company currently collects garbage in Eden on Mondays and Thursdays. He suggested that the town could save money by moving the collection to Thursdays only. He also suggested the town consider changing its twice-a-year large trash collection to once a week, every week. Under that proposal, BFI would collect one large item a week from each residence for the entire year, letting residents put out 52 items a year instead of the current eight items twice a year.

Discussion continued with several residents asking questions and making suggestions to increase the awareness and importance of recycling.

**8:45 P.M.**  
**Public Hearing**  
**Stormwater Management and Erosion Control Law**



Supervisor Nellis stated that copies of the 5<sup>th</sup> Draft of the proposed Local Law have been available for review in the Town Clerk's office. Supervisor Nellis then asked if there were any further questions. There were none.

**MOTION** was made by Councilwoman Pew to close the Public Hearing; seconded by Councilman Zittel; All – “Ayes”; - Opposed? – None; Abstain? – None; motion carried.

Supervisor Nellis closed the Public Hearing at 9:05 P.M.

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

Supervisor Nellis reopened the Regular Meeting of the Eden Town Board at 9:05 P.M.

**Appointments:**

Supervisor Nellis received a request from Michael Cooper and Colin Campbell, Town of Eden Justices, to appoint Cheryl Henry part-time Court Clerk replacing Paula Thurston at a rate of pay of \$8.00 per hour, not to exceed 10 hours per week effective November 19, 2001.

**MOTION** was made by Councilwoman Pew to appoint Cheryl Henry part-time Court Clerk at \$8.00 per hour effective November 19, 2001; seconded by Councilman Zittel; All – “Ayes” – Opposed? – None; Abstain? – None; motion carried.

6.) Follow-up on Special Use Permit Request – Brent Hardy – Pond at 2212 Eden/Evans Center Road

Supervisor Nellis read a letter received from James Kroka, Water Quality Technician from Erie County Soil & Water Conservation District, which is on file in the Town Clerk's office.

Attorney William Trask stated that all the recommendations have been satisfied.

**MOTION** was made by Councilman Zittel to approve the Special Use Permit for Brent Hardy; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; motion carried.

7.) Discussion and Approval of Stormwater Management and Erosion Control Law

Supervisor Nellis turned to Andrew Reilly for his recommendation. Mr. Reilly suggestion it be tabled until the November 28, 2001 meeting so the proper resolutions can be written.

8.) Agreement – Niagara Mohawk – Holiday Lighting

Supervisor Nellis read an agreement received from Niagara Mohawk for Holiday Decoration Attachments to Niagara Mohawk Poles for this Holiday season, which is on file in the Town Clerk's office.

**MOTION** was made by Supervisor Nellis to sign the agreement with Niagara Mohawk for the Holiday Lighting; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; motion carried.

9.) Schedule Public Hearing for Annual Special Use Permit Renewals

Supervisor Nellis stated that the Annual Special Use Permit Renewals would be Held on December 12, 2001 at 8:00 P.M. at the Eden Town Hall.

**MOTION** was made by Supervisor Nellis to schedule the Special Use Permit Public Hearing; seconded by Councilwoman Pew; All – “Ayes”; - Opposed? – None; Abstain? – None; motion carried.

Councilman Krycia has recently received concerns from residents to reduce the speed limit on East Eden Road from 55 mph to 35 mph. Councilwoman Pew was also concerned about the speed limit on Schoolview Road. A letter will be sent to the State Department of Transportation.

**MOTION** was made by Councilman Krycia to send a letter to State Department of Transportation; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; motion carried.

**Supervisor's Report:**

Supervisor Nellis stated that the Landscape Architect will be returning next week. He received a letter from the Regional Director, Brian Rowbuck from the State Department of Transportation regarding Streetscape along Route 62. The Chamber of Commerce has been invited to join in this meeting.

**Hearing of Visitors:**

Edward Walker – 8614 South Main Street  
Wilbert Smutz – 3094 East Church Street

**Adjournment:**

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:45 P.M.

**Executive Session:**

Supervisor Nellis adjourned the Executive Session of the Eden Town Board at 10:30 P.M

Respectfully submitted by,

Mary Jo Hultquist, Town Clerk