

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
DECEMBER 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

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
Kevin R. Schoenthal	-	East Eden Fire Chief
Susan Brass	-	Recreation Director
R.Ferris Randall	-	Chairman Board of Assessors
Scott T. Henry	-	Zoning Code Enforcement Officer (<i>Absent</i>)

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 7:40 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:

Supervisor Nellis presented R. Ferris Randall with a plaque in recognition of his years of service as Assessor for the Town of Eden.

Supervisor Nellis presented Councilman Ed Krycia with a plaque in recognition of his years as Councilman and Deputy Supervisor of the Eden Town Board.

Approval of Minutes:

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of November 7, 2001. There were none.

MOTION was made by Councilman Zittel to approve the Town Board Minutes of November 7, 2001 as presented; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any addition or corrections to the Town Board Minutes of November 14, 2001. There were none.

MOTION was made by Councilman Krycia to approve the Town Board Minutes of November 14, 2001 as presented; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of November 28, 2001. There were none.

MOTION was made by Councilman Zittel to approve the Town Board Minutes of November 28, 2001 as presented; seconded by Councilman Vacco; 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 D5110.4 for Pipe Permit #25 in the amount of \$232.50, from account D5110.1 to D5110.4 for Road Materials in the amount of \$4,000.00, from account D5110.1 to D5142.4 for Winter Materials in the amount of \$1,400.00 and from account D5110.1 to D5130.4 for Shop Supplies in the amount of \$4,000.00.

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 5 “Budget Amendments” from account A2025 to account A7150.4 for the Ski Club Program in the amount of \$23,490.00, from account 2626 to account A3120.2A for the Bulletproof Vest Program in the amount of \$362.17, from account SF909 to account SF3410.4 for Workmen’s Compensation expenses in the amount of \$8,000.00, from account A3960 to account A8020.4B for FEMA-SEMO grant in the amount of \$126.50 and from account A2770 to account A4540.4 for Refund of overpayment in the amount of \$94.40.

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

Audit Bills:

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

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	714-778	\$68,734.38
Highway Dept. Fund	339-361	\$22,317.42
Fire Dept. Fund	252-269	\$10,102.00
Recreation Dept. Fund	185-194	\$18,982.74
Refuse and Garbage Fund	32	\$21,157.63
Street Lights Fund	19-20	\$4,664.11
Water Fund	17-19	\$31,467.30
Trust & Agency Fund	--	
Capital Fund	--	
Community Development	--	

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

Departmental Reports:

Department reports for the month of October 1999 were presented by Councilman Zittel 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; Andrew Reilly, Town Engineer; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Supervisor Nellis for Scott Henry, Zoning Code Enforcement Officer; Susan Brass, Recreation Director; R.Ferris Randall, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

William Laing, Eden Fire Chief asked the Town Board to add the name of Jay Epolito to their active roster pending the OSHA physical and arson background check.

MOTION was made by Councilman Zittel to add the name of Jay Epolito to the active roster; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; motion carried.

Supervisor Nellis, on behalf of the entire Town Board, thanked William Laing for his three years serving as Chief of the Eden Fire Department.

Ron Maggs, Highway Superintendent asked the Town Board permission to help as needed for Celebrate Eden, the New Year’s Eve Celebration.

MOTION was made by Councilwoman Pew to give permission to Ron Maggs to help with Celebrate Eden; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; motion carried.

Ron Maggs, Highway Superintendent publicly thanked the Town Board and Senator Dale Volker for his financial support of \$20,000.00 with the remodeling of the Blue Storage Building. Councilman Zittel suggested that a thank-you letter be sent on their behalf.

Andrew Reilly, Town Engineer reported that he has completed the SEQR form for the Stormwater Management and Erosion Control Law and some additional paperwork for the Route 62 overlay. Mr. Reilly also stated that preliminary plans have been delivered to Supervisor Nellis for the “Old” Emergency Squad Building project and a report for the Industrial Park feasibility study.

MOTION was made by Councilman Krycia 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 8:00 P.M.

MOTION was made by Councilman Vacco to open the Public Hearing for the purpose of the Renewal of Special Use Permits; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; motion carried.

8:00 P.M.
Public Hearing

Renewal of Special Use Permits

1. **Norman Brenner Gravel Pit**
2. **Cazenovia Recovery Resources**
3. **St. John’s Church/EdenKinder Care**

4. **Sprint Spectrum Telecommunications Tower-Mammoser Property**

Supervisor Nellis explained the purpose of the Public Hearing and asked if there were any observations or comments from the public. There were none.

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

Supervisor Nellis closed the Public Hearing at 8:05 P.M.

MOTION was made by Councilman Vacco to open 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 8:05 P.M. with the continuation of Departmental Reports.

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

- 4.) Approval of e-mail and internet access for Court
- 5.) Nextel Tower
- 6.) Resolution – Purchase of Used pick-up Truck for Dog Warden
- 7.) Action of Public Hearing

New and Unfinished Business:

- 1.) Water Consortium and Water District No. 4 Report

Supervisor Nellis stated that a Water Consortium has been established with 14 towns from Elma and southward thanks to the County Executive, Joel Giambra. Erie County Water Authority is doing an analysis of existing pressures and the need for water in those areas.

Supervisor Nellis stated that John Reid was unavailable for the meeting tonight, although Water District #4 has been broken loose and the Water Authority is working on the size of the tank and other operational issues. A meeting for the residents in that district will be scheduled for mid-January for an update and a question/answer period with John Reid.

- 2.) Approval of Annual Report for Eden Conservation Advisory Board

Supervisor Nellis stated that he has received the Annual Report from the Eden Conservation Advisory Board that is submitted in accordance with Article 12-F of the General Municipal Law for the Town Board’s approval and submission to the New York State Commissioner of Environmental Conservation.

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

Councilwoman Pew also publicly thanked Frank Mantione, Chairperson of the ECAB and the entire Board for their work on the ECAB.

3.) Revision of Payment in Lieu of Taxes for 9126 Sandrock Road

Supervisor Nellis offered the following resolution:

**RESOLUTION AUTHORIZING PAYMENT IN LIEU OF TAXES
EQUAL TO FULL VALUE ASSESSMENT FOR
9126 SANDROCK ROAD**

WHEREAS, in 1997 the Eden Town Board accepted the offer from Friends of Cazenovia Manor to pay the amount of \$1,500.00 as payment in lieu of taxes for their transition house located at 9126 Sandrock Road; and

WHEREAS, the \$1,500.00 annual payment actually exceeds the normal payment in lieu of taxes equal to full value assessment for this property; and

WHEREAS, Friends of Cazenovia Manor, Inc., now know as Cazenovia Recovery Systems, Inc., has asked the Town to consider changing the payment in lieu of taxes from \$1,500.00 to Full Value Assessment;

NOW, THEREFORE BE IT RESOLVED, that the Eden Town Board authorizes Cazenovia Recovery Systems, Inc. to make payment in lieu of taxes equal to the Town taxes based on full value assessment for their property at 9126 Sandrock Road, effective with their 2002 Town and County Tax Bill.

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

4.) Approval of e-mail and internet service for Town of Eden Court

Councilwoman Pew stated that the Technology Committee has reviewed the conditions that were specified by the Eden Town Court and find that the contract with A T & T Internet Services for 50 hours at \$11.70 per month is a good contract with changes to be made on a month-to-month basis as needed.

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

5.) Nextel Tower Permit - 8174 North Main Street – Special Use Approval

Supervisor Nellis stated that he has received correspondence from Gerry Brophy from Nextel fulfilling requirements of an agreement between Nextel and ECIDA regarding the right to cross railroad property as a condition of their Special Use Permit. A copy of the agreement signed by the ECIDA, Anne Weidner and Nextel Partners allowing their use of the railroad for access and utility purposes and providing for crossing signs and a gate.

Mr. Brophy also supplied Scott Henry with a stamped Performance Bond (Removal Bond) in the amount of \$15,000 and a \$150.00 check for the Building Permit.

6.) Resolution – Purchase of Used Pickup Truck for Dog Warden

Supervisor Nellis offered the following resolution:

**RESOLUTION AUTHORIZING THE PURCHASE
OF A USED PICKUP TRUCK FOR THE
DOG CONTROL OFFICER**

WHEREAS, due to its poor mechanical and operating condition, there is an immediate need to replace the 1992 Ford F150 Pickup Truck currently used by the Dog Control Officer; and

WHEREAS, a good used 1993 Ford F150 Pickup Truck has been located which is available for purchase by the Town;

NOW, THEREFORE BE IT RESOLVED that the Town of Eden is authorized to purchase one used 1993 Ford F150 Pickup Truck from Expressway Auto Sales, 164 West Ferry Street, Buffalo, New York at a cost of \$4,500.00, less \$300 Trade-in for the 1992 Ford F150 Pickup Truck, for a total cost of \$4,200.00

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

7.) Action on Public Hearing

Supervisor Nellis stated that Sprint Spectrum Telecommunications Tower has not responded to the renewal of their Special Use Permit, but he would entertain a motion regarding the other three renewals.

MOTION was made by Councilman Vacco to approve the Special Use Permits for Norman Brenner’s Gravel Pit, Cazenovia Recovery Resources and St. John’s Church/Eden Kinder Care

and to continue with the existing conditions; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; motion carried.

Supervisor’s Report:

Supervisor Nellis stated that Hazard Material Program in connection with FEMA and the State offices has approved a grant in the amount of \$20,751 for reverting water from the hill on Jennings Road going to Weller subdivision.

The Traffic Signal at Schoolview and Route 62 will be operational on Thursday, December 13, 2001 at 9:15 A.M.

Hearing of Visitors:

There were none.

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 8:45 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board at 9:30 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk