

MINUTES

REGULAR MEETING – EDEN TOWN BOARD

2795 EAST CHURCH STREET

EDEN, NEW YORK

APRIL 10, 2002

7:30 P.M.

TOWN BOARD MEMBERS PRESENT:

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN (<i>Deputy Supervisor</i>)
GEORGE F. ZITTEL	-	COUNCILMAN
VINCENT V. VACCO	-	COUNCILMAN
TIMOTHY J. WALKER	-	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>)
Paul Laing, Jr.	-	Eden Fire Chief
Kevin R. Schoenthal	-	East Eden Fire Chief
Susan Brass	-	Recreation Director
Mary Murray	-	Chairman Board of Assessors
Scott T. Henry	-	Zoning Code Enforcement Officer (<i>Absent</i>)

OTHERS PRESENT:

William Trask	-	Town Attorney
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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 7:35 P.M.

Pledge of Allegiance:

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

Approval of Minutes:

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of March 13, 2002. There were none.

MOTION was made by Councilman Vacco to approve the Town Board Minutes of March 13, 2002 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 March 21, 2002. There were none.

MOTION was made by Councilwoman Pew to approve the Town Board Minutes of March 21, 2002 as presented; seconded by Councilman Zittel; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfers:

There were none.

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	161-227	\$44,394.54
Highway Dept. Fund	74-101	\$38,578.40
Fire Dept. Fund	59-85	\$33,782.59
Recreation Dept. Fund	27-39	\$1,068.35
Refuse and Garbage Fund	--	--
Street Lights Fund	5-8	\$7,724.31
Water Fund	5	\$4,019.02
Trust & Agency Fund	--	--
Capital Fund	3-4	\$1,667.89
Community Development	--	--

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

Departmental Reports:

Department reports for the month of March 2002 were presented by Paul Shephard, Eden Emergency Squad (absent); Paul 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 (absent, read by Supervisor Nellis); Susan Brass, Recreation Director; Mary Murray, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Mary Jo Hultquist, Town Clerk stated that she would be attending the New York State Town Clerk’s Association Conference from April 21-24, 2002.

MOTION was made by Councilman Zittel to allow Mary Jo Hultquist to attend the NYSTCA Conference from April 21-24, 2002; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Mary Jo Hultquist, Town Clerk then asked the Town Board to consider the following resolution:

RESOLUTION AGAINST THE PROPOSED INCREASE IN THE LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND

WHEREAS, The Governor has proposed to remove certain offices overseeing Cultural Education from the New York State Education Department, incorporating these in an entirely new Institute for Cultural Education; and

WHEREAS, in order to fund this Institute; including the State Archives, State Library, State Museum and State Office for Public Broadcasting, New York State will need to raise millions of dollars in capital investment and plans to do this by quadrupling the present five dollars collected by all County Clerks and Register of the City of New York on all recorded, indexed and entered documents to twenty dollars, effective July 1, 2002; and

WHEREAS, the Local Government Records Management Improvement Fund was created in 1989 to support grants and technical assistance to local governments to improve and enhance the management of their records and information; and

WHEREAS, said fee increase would provide no improvement in service for the taxpayers paying the fee, nor any additional benefits to the local governments that must collect said fee increase; and

WHEREAS, no demonstrated benefit has been identified in the relocation of these functions to the proposed Institute, in contrast to the highly effective and beneficial relationship that local governments now enjoy with the New York State Education Department;

NOW, THEREFORE BE IT RESOLVED, by the Eden Town Board that this body stands firmly opposed to this proposal; and

BE IT FURTHER RESOLVED, that a copy of this resolution be delivered to the Governor, the New York State Legislature and all other deemed necessary and proper, and we urge them to likewise oppose this proposal.

MOTION was made by Councilman Walker to adopt the resolution; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Kevin Schoenthal, East Eden Fire Chief asked permission of the Town Board to allow the Eden and East Eden Fire Department to advertise and mail out bid specs for the 2002 Fire Bid for Various Fire Equipment Supplies to be held on May 3, 2002 at 4:00 P.M. in the Town Clerk's Office.

MOTION was made by Councilman Zittel to allow the Fire Departments to advertise and mail bid specs for the 2002 Fire Bid on May 3, 2002 at 4:00 P.M. in the Town Clerk's Office; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Kevin Schoenthal, East Eden Fire Chief asked permission of the Town Board for the approval to send four (4) East Eden firefighters to Syracuse, NY on June 5-7, 2002 for Hands on Training at a cost of \$125.00/firefighter, which amount was in the 2002 budget with a total cost of \$600.00.

MOTION was made by Councilman Zittel to approve the request to send four (4) firefighters to Syracuse, NY for training; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Paul Laing, Eden Fire Chief requested permission of the Town Board to send two (2) firefighters, Chris Colvin and Jack Rigley for training to the Niagara Mohawk School on April 27 & April 28, 2002, which is a budgeted request.

MOTION was made by Councilman Walker to approve the request to send two (2) firefighters to the Niagara Mohawk School for training; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Paul Laing, Eden Fire Chief stated that the Eden Fire Department received a grant in the amount of \$10,000.00 from Erie County Legislator Jeanne Z. Chase for the Wellness and Fitness Program. Chief Laing personally thanked Legislator Chase.

Paul Laing, Eden Fire Chief asked the Town Board to remove the name of Gilbert Winter from active status on the Fire Department.

MOTION was made by Councilman Zittel to remove the name of Gilbert Winter from active status on the Fire Department; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Paul Laing, Eden Fire Chief asked permission from the Town Board for Glenn Scott, an Eden Firefighter to join the Southtowns Haz-Mat Team. Chief Laing read the following Resolution:

RESOLVED that this body extends insurance coverage under the New York State Volunteer Firemen’s Medical Insurance for this individual while he is participating in training sessions with the Southtowns Hazardous Material Team.

MOTION was made by Councilman Zittel to accept the above Resolution on the condition that the Town of Eden confirms the insurance coverage; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

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

MOTION was made by Councilman Zittel to open the public hearing to consider the request from Dennis & Joanne Brawdy for a Special Use Permit to allow a migratory farm workers trailer on their property at 3260 North Boston Road; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis opened the public hearing at 8:00 P.M.

8:00 P.M.

Public Hearing

To consider the request from Dennis & Joanne Brawdy for a Special Use Permit to allow a migratory farm workers trailer on their property at 3260 North Boston Rd.

Supervisor Nellis explained the purpose of the public hearing was to listen to any concerns or questions that citizens have.

The following persons spoke in favor of the Special Use Permit:

David Zittel	225 North Boston Road – as a resident and also as the Chairman of the Agricultural Advisory Committee
Joe Klug	7700 Bley Road
William Agle	7780 Gowanda State Road
Mark Henry	3270 Webster Road
Ken Partridge	7611 Eden Valley Road

The following persons spoke and asked questions about the Special Use Permit:

Ruth Szalasny	3048 Belknap Road
Phil Muck	2763 Oakland Drive
Eleanor Will	3301 North Boston Road

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:40 P.M.

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

Supervisor closed the public hearing at 8:40 P.M.

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

Supervisor Nellis opened the Regular Meeting of the Eden Town Board at 8:40 P.M.

MOTION was made by Councilman Walker to approve the Special Use Permit for Dennis & Joanne Brawdy to allow a migratory farm workers trailer on their property at 3260 North Boston Road based on the recommendation of the Planning Board, the Agricultural Advisory Committee, subject to annual renewal and pre-resolution on a Negative Declaration and SEQR; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

New and Unfinished Business:

1.) Recreation Appointments

Supervisor Nellis read the staff appointments for the upcoming Spring and Summer Season as recommended by Sue Brass Recreation Director, which are on file in the Town Clerk's Office.

MOTION was made by Councilman Walker to accept the staff appointments for the upcoming Spring and Summer Season as recommended by Recreation Director Sue Brass and read by Supervisor Nellis; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

2.) Water District No. 4 – Update

Supervisor Nellis stated that he would ask Attorney Trask to summarize the various activities that were involved to get to the place we are today. Attorney Trask stated that the ball is in the court of the Erie County Water Authority, which will be supplying the water to the district. The Water Authority has to give it's final approval to the water supply for the district before we can take this to the next step, which is bidding and getting contractors on line. Based upon conversations with the Erie County Water Authority today, the Town of Eden should be on the agenda for their April 25, 2002 meeting. Hopefully we will have final approval at that time. There were some last minute regionalism issues and water pressure issues that came up which accounts for the current timing being what it is. R & D Engineering is getting some additional information to Erie County Water Authority so that they can make this final review for this.

The following residents that will be included in Water District No. 4 had questions:

John Cardarelli	9454 Sandrock Road
Thomas Thurston	3299 Wepax Road
Susan Roseman	2985 Paxon Road
Joe Klug	7700 Bley Road (not in district)

Attorney Trask and John Reid, R & D Engineering answered the questions of the residents. Attorney Trask suggested that the residents send letters to the Erie County Water Authority asking for their approval of the water supply.

Supervisor Nellis stated that the Town of Eden remains in contact with Erie County Legislator, Jeanne Chase and Erie County Executive, Joel Giambra so a letter to their office may be appropriate as well.

John Reid, R & D Engineering stated that after the bid process there is a waiting period of 45 days. The project on Jennings Road is on track and will happen this year.

3.) Year-end Financial Statements

Supervisor Nellis stated that the Annual Audit has been received from the auditors at Fox and Co. and are available for review during normal business hours.

4.) Resolution

Supervisor Nellis read the following resolution:

WHEREAS, local supermarkets have changed the packaging requirements for locally produced sweet corn and therefore requires corn to be cooled by a special process; and

WHEREAS, this capability does not currently exist in the Erie County Southtowns growing area; and

WHEREAS, the cost of the cooler is approximately \$200,000.00 of which up to \$50,000.00 in cash and cost of installation will be provided by the Eden Valley Growers Farm Cooperative;

NOW, THEREFORE we ask Erie County Executive Joel Giambra and subsequently the County Legislator to consider providing up to \$150,000.00 towards the purchase of the corn cooler consistent with the Erie County Guiding Principles Document and the Master Plan of the Town of Eden.

MOTION was made by Supervisor Nellis to approve the resolution; seconded by Councilman Zittel; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Councilwoman Pew publicly thanked Bob Stickney and his Son, Bill Stickney for their help in supplying the Town of Eden with photo ID's in the event of a disaster.

Supervisor's Report:

Supervisor Nellis stated that Crescent Mfg. would be staying in the Town of Eden. The ECIDA will be helping Crescent purchase the building and acreage. Several committees were involved in the process including Mike Bolo and the Economic Development Committee.

Supervisor Nellis stated that volunteers from Cazenovia Recovery started work at the new site for the Boys/Girls Club that will be opening in September of this year. Plans are under way for an open house on June 8, 2002.

Hearing of Visitors:

Gerald Maggs, 2763 First 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 9:20 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board at 10:00 P.M.

Respectfully submitted by,

Mary Jo Hultquist, Town Clerk