

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
AUGUST 14, 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
----------------------------	---	---------------

DEPARTMENT HEADS ABSENT/EXCUSED:

Ronald C. Maggs	-	Superintendent of Highways
Patrick M. Howard	-	Chief of Police
Paul Shephard	-	Eden Emergency Squad
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

OTHERS PRESENT:

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk
Anna M. Knack	-	Administrative Assistant
John Reid	-	R & D Engineering

Call to Order:

Supervisor Nellis called the Regular Meeting of the Eden Town Board to order at 7:30 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 July 12, 2002. Supervisor Nellis made a correction on page 30 to omit "in the amount of \$140,000.00".

MOTION was made by Councilman Zittel to approve the Town Board Minutes of July 12, 2002 with the correction as stated above; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes July 24, 2002. There were none.

MOTION was made by Councilman Walker to approve the Town Board Minutes of July 24, 2002 as presented; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfers:

There were none.

Budget Amendments:

Supervisor Nellis read the following "Budget Amendments", from Account A2115 to A1440.4 for Lake Tim Tam in the amount of \$5,000.00, from Account A2001 to A7140.4 for Recreation Fantasy Island Trip in the amount of \$686.55, from Account A1990.4 to A1220.4 for Supervisor – additional expenses in the amount of \$500.00, from Account A1990.4 to A1420.4 for Legal – additional expenses in the amount of \$500.00, from Account A1990.4 to A1440.4 for Engineering – additional expenses in the amount of \$2,500.00.

MOTION was made by Councilman Walker to approve the "Budget Amendments"; seconded by Councilman Vacco; 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	417-505	\$107,957.74
Highway Dept. Fund	192-218	\$92,879.96
Fire Dept. Fund	156-179	\$23,766.17
Recreation Dept. Fund	95-121	\$9,946.33
Refuse and Garbage Fund	14-19	\$70,292.61
Street Lights Fund	19-21	\$3,416.20
Water Fund	10	\$4,019.02
Trust & Agency Fund	--	--
Capital Fund	9-10	\$4,042.30
Community Development	--	--

MOTION was made by Councilman Walker 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 July, 2002 were presented to the Town Board, but not read by Paul Shephard, Eden Emergency Squad; 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; Susan Brass, Recreation Director; Mary Murray, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

New and Unfinished Business:

1.) Water District No. 4 Update – Scheduling of Public Hearing required by NYS Audit and Control

John Reid, R & D Engineering reported that U.S. Congress and Rural Development has come through with additional funding, \$290,700.00 grant and \$84,300.00 loan. Funding is in place and the cost to the homeowners is very close to the amount that was originally thought. The low bidder on the water main pulled out, not wanting to work in the winter. Mr. Reid will work with Bill Trask, Town Attorney to determine the second lowest bid. The low bidder on the pump station and tank has given a 60-day extension on that project. The Erie County Highway Department is suggesting boring under Jennings Road for the pipe installation. Supervisor Nellis and Councilman Walker will contact Jeanne Chase, Erie County Legislator to assist with funding from Erie County.

Bill Trask, Town Attorney suggested setting a Public Hearing for September 11, 2002 @ 8:00 P.M. to approve modification of the plan for Water District No. 4 and to approve the increase in maximum cost of improvements.

MOTION was made by Councilman Zittel to set a Public Hearing for September 11, 2002 @ 8:00 P.M.; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Councilwoman Pew to close the Regular Meeting of the Eden Town Board for Public Scoping Session; 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 Scoping Session to consider the Bosse Property – Rezoning Petition along Southwestern Boulevard; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis opened the Scoping Session at 8:00 P.M.

8:00 P.M.

Public Scoping Session

To consider Bosse Property Rezoning Petition along Southwestern Boulevard

Supervisor Nellis explained the purpose of the Public Scoping Session was to listen to any concerns or questions that citizens have.

Drew Reilly, Town Engineer explained that this Scoping Session is a result of a Positive Declaration under the State Environmental Quality Review Act (SEQRA) issued by the Eden Town Board on March 14, 2001. The applicant has proposed rezoning property and developing 60± multiple-family housing units, 40,000± square feet of commercial/office space and single family home lots.

The applicant has supplied a Draft Scoping document, and the Town is prepared to review this document at their meeting and receive public comment. A copy of the Draft Scope can be obtained at the Eden Town Hall in the Town Clerk’s office.

Mr. Reilly continued to explain the Preliminary Scoping Issues, which are on file in the Town Clerk’s office.

A report was received from Mark Agle, Eden Planning Board Chairman, which is on file in the Town Clerk’s office, addressing the items of Fire Protection/Public Health & Safety, Transportation and Character of Area.

A report was received from Sandra L. Brant, Chairman of the Evans Planning Board, which is on file in the Town Clerk's office, addressing the items of Character of Area and Recreational Facilities. The Evans Town Board and Planning Board appreciate having such opportunities to collaborate with the Town of Eden.

Much discussion ensued between the Town Board and residents attending the Town Board Meeting along with Mr. John Bosse.

The discussion included the possibility of the units being used as single-family units or for senior citizens and the differences that would be created.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Scoping Session at 8:30 P.M.

Supervisor Nellis opened the Public Hearing at 8:30 P.M.

8:30 P.M.

**To Consider Proposed Local Laws No. 4 and 5
Amendments to the Town of Eden Code**

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

Local Law #4-2002 is a Local Law allowing Municipal Buildings and Uses in the OB Office Business Zoning District. This law is being enacted by the Town Board to allow for a town shelter to be built on Swartz field. A recommendation was made by the Planning Board to adopt the law as proposed.

Local Law #5-2002 to amend the code, specifically Section 225.19 PI Planned Industrial District adding new or used automobile, farm equipment, boat and trailer sales, rental, repair and services. A recommendation was made by the Planning Board to adopt the law as proposed.

Drew Reilly, Town Engineer stated that Local Law #4-2002 is to allow government uses in this district in order for a building permit to be issued.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:42 P.M.

MOTION was made by Councilman Walker to close the public hearing; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

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

2.) Jennings Road Flood Mitigation Project – Scheduling of Bid Opening Date

Drew Reilly, Town Engineer stated that everything is in place to go to bid except for some survey work. At this time Mr. Reilly needs authorization to go to bid when the Supervisor and the Town Engineer are satisfied that the surveying work is completed.

MOTION was made by Councilman Walker to authorize going to bid when the Supervisor and the Town Engineer are satisfied that the surveying work is completed; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Drew Reilly, Town Engineer stated that the Route 62 project, Phase #1A is back on again but an archeological study is needed before going forward. Mr. Reilly needs authorization from the Town Board for payment of the archeological study. A proposal from Archeological Resources in the amount of \$2,539.06 is needed to cover the cost of the study. This will be paid for by the grant.

MOTION was made by Councilman Zittel to authorize the amount of \$2,539.06 to cover the cost of the archeology study; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3.) Award of Garbage Contract

Councilman Walker stated that a bid opening was held on Thursday, August 1, 2002 at 2:00 p.m. in the Town Clerk’s office with 4 bids received, which are on file in the Town Clerk’s office. The Town Board met on August 7, 2002 to review the bids. Councilman Walker and Vacco agreed to recommend to the Town Board to award the Garbage Contract to BFI as the lowest responsible bidder at \$357,892.86 to begin September 4, 2002.

MOTION was made by Councilman Zittel to award the Garbage Contract to BFI subject to receipt of satisfactory proof of insurance and performance bond; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4.) State Department of Transportation Report on “Streetscape”

Supervisor Nellis stated that the report on “Streetscape” is not complete at this time and will be re-scheduled for the August 28, 2002 Work Session Meeting.

5.) Authorization of Town Supervisor to sign Legal Services Agreement – Water District No. 4

Supervisor Nellis stated that there is a Legal Services Agreement for Water District No. 4 that is needed for Bond Council.

MOTION was made by Councilwoman Pew for Supervisor Nellis to sign the Legal Services Agreement for Water District No. 4 for Bond Council; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6.) Affirmative Action Officer – Erie County

Supervisor Nellis stated that Erie County required the name of the Affirmative Action Officer for the Community Development Block Grant. Mary Jo Hultquist, Town Clerk was named Affirmative Action Officer at the Re-organizational Meeting held in January, 2002.

7.) Bid Results – Recreation Equipment/Construction Materials

Supervisor Nellis stated that the bid took place on Tuesday, August 13, 2002 @ 11:00 a.m. in the Town Clerk’s office and will be reviewed by the Recreation Committee and Environment & Planning with results reported at the August 28, 2002 Work Session Meeting of the Eden Town Board.

8.) New Boiler System – Eden Fire Department – Scheduling of Bid Opening Dates

Supervisor Nellis requested scheduling a bid opening date for the New Boiler System for the Eden Fire Department. Attorney Trask has reviewed the specifications and made comments to Ann Knack, Administrative Assistant.

MOTION was made by Councilman Zittel to schedule the bid opening date for September 5, 2002 at 4:00 p.m. for the New Boiler System in the Town Clerk’s office; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

9.) Appointment – Eden Planning Board & Eden Zoning Board

Supervisor Nellis received notification from the Planning Board recommending the appointment of Gerald Schwab to fill the vacancy of the late Warren Wittek, which term would expire 12/31/2004.

MOTION was made by Councilman Vacco to accept the appointment of Gerald Schwab; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis received notification from the Zoning Board recommending the appointment of Margaret Connors-Pentasuglio to fill the vacancy of C. William Carpenter, which term would expire 12/31/2006.

MOTION was made by Councilman Walker to accept the appointment of Margaret Connors-Pentasuglio; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Discussion followed between the Town Board and the Town Attorney regarding the request of the Planning Board and the Zoning Board to consider appointing alternate members for both boards. Bill Trask, Town Attorney will review the request.

10.) Discussion – Proposed Local Law No. 3-2002 – Parking Amendments

Supervisor Nellis received recommendation from the Planning Board to adopt Local Law #3-2002 as revised. Drew Reilly, Town Engineer reported that the revisions have been as recommended by Scott Henry, Building Inspector.

MOTION was made by Councilman Zittel to adopt Local Law #3-2002; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

11.) Recommendations – Eden Planning Board, Re: Proposed Local Laws 4 & 5 and Recreational Access to Swartz Field

Supervisor Nellis reported that the Planning Board has made recommendation to Adopt Local Laws #3 & 4-2002.

MOTION was made by Councilman Vacco to adopt Local Law #4-2002; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Discussion followed regarding Local Law #5-2002 and it was decided to take action on that local law at the August 28, 2002 Work Session Meeting.

Supervisor’s Report:

Supervisor Nellis reported the following:

1. The Association of Governments will be meeting Thursday, August 22, 2002 at 6:00 p.m. at the Eden VFW. The New York Energy SMART program is on the agenda.
2. Background information has been sent on the Erie Niagara Regional Partnership.
3. Boys/Girls Club is sponsoring a “Kiss the Pig” contest, which includes Councilman Vince Vacco, Police Chief Pat Howard and Building Inspector Scott Henry.
4. Budget forms have been delivered to Department Heads with session being scheduled for September.
5. Two grant proposals have gone out, Main Street (Streetscape) and Federal Disaster Declaration.

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 Walker; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:25 P.M.

Executive Session:

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

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk