

**MINUTES**

**WORK SESSION MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
SEPTEMBER 25, 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

**OTHERS PRESENT:**

Paula Thurston	-	Deputy Town Clerk
Anna M. Knack	-	Administrative Assistant
John Reid	-	R & D Engineering

**Call To Order:**

Supervisor Nellis called the Work Session 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.

**New and Unfinished Business:**

1.) **Presentation by NYS Department of Transportation on Route 62 “Streetscape” Plan.**

Supervisor Nellis introduced Kim Richardson, Landscape Architect from the New York State Department of Transportation. Ms. Richardson gave a presentation on the preliminary proposed “Streetscape” Plan for Route 62 in Eden. The plan includes tree plantings, benches, bike racks, shrubs, trash receptacles and perennial plantings along targeted areas of Main Street. A discussion continued with the residents in attendance asking questions and making suggestions about the plan.

2.) **Set Public Hearing for October 23<sup>rd</sup> – Community Development Block Grant Funds.**

Supervisor Nellis stated that a public hearing date needed to be set for discussion of Community Development Block Grant Funds for the upcoming year. The amount per year is \$90,000.00 and it is typically awarded every third year. It has to be in the eligible area defined by the 1990 census, which is west of Route 62 with a low or moderate income.

**MOTION** was made by Supervisor Nellis to set the public hearing from October 23, 2002 at 8:00 p.m. to consider Community Development Block Grant Funds; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None. Motion carried.

3.) **Authorize the Town Supervisor to sign a renewal three-year HUD HUD Cooperation Agreement with Erie County.**

Supervisor Nellis asked for authorization of the Town Board to sign a renewal three-year HUD Cooperation Agreement with Erie County.

**MOTION** was made by Councilman Walker to authorize Supervisor Nellis to sign a renewal three-year HUD Cooperation Agreement with Erie County for the Community Development Block Grant Program; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4.) **Jennings Road Concerns**

Supervisor Nellis stated that he received a letter from Leon Gawlick, which is on file in the Town Clerk’s office, regarding his concerns over the speed limit on Jennings Road. In addition to a lower maximum speed limit, perhaps a regular traffic signal could replace the stop and go signal presently located at East Church and Jennings Road.

Supervisor Nellis stated that he has previously received signed petitions on the questions of the speed limit on Jennings Road. Erie County Legislator Jeanne Chase and representatives from Erie County Highway Department are looking initially at a couple of possibilities, putting up speed signs of 50 m.p.h. from East Church to Jennings Road. Also, to take a look at the existing blinking light at the intersection of Jennings Road and East Church Street to see what can be done to slow traffic down. A suggestion was also made to consider “Rumble Strips” and a 4-way stop.

**MOTION** was made by Councilman Walker to recommend to NYS a speed limit of 45 m.p.h. from Route 62 to East Church Street; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5.) **Authorization for Conservation Advisory Board Member(s) to attend  
The NYS Association of Conservation Commissions.**

Supervisor Nellis read correspondence from Frank Mantione, Chairman of Eden Conservation Advisory Board regarding a request for funds to attend an annual New York State Association of Conservation Conference on the Environment in Corning, New York on October 4, 5 and 6<sup>th</sup>, 2002. The Town of Eden is to receive a project award for completing the natural resources/open space inventory and the conservation Board would like to send a representative to receive this award. Mr. Mantione is requesting that the Town Board authorize the expenditure of \$400 per person to defray expenses. Currently funds are in the ECAB budget to cover this expense.

**MOTION** was made by Councilman Walker to allow Mr. Mantione to attend the NYS Conference at a cost of \$400.00; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6.) **Water District No. 4 – Tank Construction – Contract No. 9T**

Supervisor Nellis reported that the Town of Eden received 3 bids on the Tank Construction for Water District No. 4, which is a 283,000-gallon tank. Bids were received from Fisher Tank Company in the amount of \$375,350.00, CB & I Constructors, Inc. in the amount of \$386,000.00 and Advance Tank and Construction Co. in the amount of \$396,580.00.

Supervisor Nellis then read a letter from Daniel J. Kolkman, Construction Manager from R & D Engineering recommending award of Contract No. 9T, Tank Construction to Fisher Tank Construction in the Total Bid Amount of \$375, 350.00, contingent upon the availability of project funding and review by USDA-Rural Development and the Town’s attorney.

**MOTION** was made by Councilman Walker upon recommendation of R & D Engineering to award the Contract No. 9T-Tank Construction to Fisher Tank Construction in the Total Bid Amount of \$375,350.00 subject to availability of project funding and review by USDA-Rural Development and the Town’s attorney; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

7.) **Recreation – Approval for payment**

Supervisor Nellis read a request from the Recreation Board to approve payment to Miracle Playground Equipment in the amount of \$28,066.00 for playground equipment and to Armor Fence Company in the amount of \$17,000.00 from the Community Block Grant for the Swartz/Minekime project.

**MOTION** was made by Councilman Walker to approve the above-mentioned payment to Miracle Playground Equipment in the amount of \$28,066.00 and Armor Fence Company in the amount of \$17,000.00; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8.) **RESOLUTION – AMERICAN RE-FUEL**

Supervisor Nellis read the following resolution:

**WHEREAS**, on or about January 23, 1991, the Town of Eden entered into a Contract with Occidental Chemical Corporation for disposal of municipal solid waste; and

**WHEREAS**, on or about May 5, 1993, Occidental assigned all of its rights and obligations under the said Contract to American Ref-Fuel Company of Niagara L. P.; and

**WHEREAS**, following the said assignment, a dispute arose between Eden and American Ref-Fuel as to the proper price-per-ton applicable to the said contract, with Eden questioning the validity of certain Environmental Pass-Through charges; and

**WHEREAS**, on or about June 1, 1995, Eden unilaterally determined not to pay any increases in the price-per-ton invoiced periodically by American Ref-Fuel, resulting in a claim by American Ref-Fuel against Eden for the difference between their invoiced amount and the amount actually paid by Eden since June 1995; and

**WHEREAS**, the said Contract between Eden and American Ref-Fuel was terminated as of September 5, 2002 pursuant to a five-year notice of termination duly issued by Eden; and

**WHEREAS**, as a result of negotiations, the parties have agreed to settle their differences whereby American Ref-Fuel will drop any claim for EPT charges and Eden will agree to pay for valid Consumer Price Index increases during the period at issue in complete and final settlement of all claims herein; and

**WHEREAS**, these terms of settlement have been reviewed and recommended by the Town Attorney.

**NOW, THEREFORE**, the Town Board of the Town of Eden hereby approves the terms of the settlement with American Ref-Fuel and, pursuant hereto, hereby authorizes the payment of \$30,367.84 to American Ref-Fuel in full and complete satisfaction of all claims, obligations and liabilities under said Contract and authorizes the Supervisor to execute and exchange General Releases with American Ref-Fuel in such form and content as may be approved by the Town Attorney.

**MOTION** was made by Councilman Walker to approve the resolution; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Supervisor’s Report:**

Supervisor Nellis stated the Fall Bulk Item Trash Pick-Up is scheduled for the week of October 14, 2002.

Supervisor Nellis also received a Petition in mail to lower the speed limit on New Oregon Road from 45 mph to 35 mph.

**Hearing of Visitors:**

Gerald Maggs, 2763 First Street  
Ruth Szalasny, 3048 Belknap Road

**Adjournment:**

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

Supervisor Nellis adjourned the Work Session of the Eden Town Board at 9:00 P.M.

**Executive Session:**

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

Respectfully submitted by,

Paula Thurston  
Deputy Town Clerk