

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
EAST EDEN FIRE HALL
8097 EAST EDEN ROAD
EDEN, NEW YORK
OCTOBER 9, 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
Paul Laing, Jr.	-	Eden Fire Chief
Kevin R. Schoenthal	-	East Eden Fire Chief
Susan Brass	-	Recreation Director
Mary Murray	-	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
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 September 3, 2002; there were none.

MOTION was made by Councilman Walker to approve the Town Board Minutes of September 3, 2002 as presented: 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 of September 11, 2002; there were none.

MOTION was made by Councilman Walker to approve the Town Board Minutes of September 11, 2002 as presented; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked is there were any additions or corrections to the Town Board Minutes of September 25, 2002; Councilwoman Pew made corrections to Item #4, speed limit on Jennings Road, so noted.

MOTION was made by Councilman Walker to approve the Town Board Minutes of September 25, 2002 with corrections; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

Diane Biela, 9723 New Oregon Road

Budget Transfers:

There were none.

Budget Amendments:

Supervisor Nellis read the following “Budget Amendments”, from Account A4489 to A440 for Project Impact Grant in the amount of \$192.00, from Account A4489 to A8020.4B for Project Impact Grant in the amount of \$43,934.84, from Account A2770 to A3620.4 for reimbursement for code books in the amount of \$120.00 and from Account A3825 to A1680.2G for GIS Grant received in the amount of \$12,111.00.

MOTION was made by Councilwoman Pew to approve the “Budget Amendments”; seconded by Councilman Walker; 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	568-634	\$66,555.14
Highway Dept. Fund	243-272	\$66,884.54
Fire Dept. Fund	199-231	\$20,145.02
Recreation Dept. Fund	144-158	\$3,798.57
Refuse and Garbage Fund	22	\$11,907.91
Street Lights Fund	25-27	\$3,563.39
Water Fund	13-16	\$6,096.03
Trust & Agency Fund	--	--
Capital Fund	15-20	\$12,708.61
Community Development	1-2	\$45,066.00

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

Departmental Reports:

Department reports for the month of September 2002 were presented 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; Sharon Brockman for Mary Murray, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Kevin Schoenthal, East Eden Fire Chief reported that the East Eden Fire Department would be holding their annual Fire Prevention/Halloween party on October 26th at 1:00 p.m. and that it is open to all the children of the Town of Eden

Paul Shephard, Eden Emergency Squad asked permission of the Town Board to allow 2 members of the Eden Emergency Squad to attend the annual EMS State Conference.

MOTION was made by Councilman Zittel granting permission for 2 members to attend the annual EMS State Conference; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Pat Howard, Chief of Police requested permission for the Reserve Police to be able to car patrol on October 31st (Halloween) in their own vehicles and be reimbursed for their mileage.

MOTION was made by Councilwoman Pew to grant permission for the Reserve Police to car patrol on October 31st (Halloween) in their own vehicles and be reimbursed for their mileage; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested the following Budget Transfer from Account D2770 to D5110.4 for Piping Permits in the amount of \$4,710.56.

MOTION was made by Councilwoman Pew to approve the Budget Transfer as stated by Ron Maggs, Highway Superintendent; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Lastly, Mr. Maggs reported that the Highway Department would be able to pave the parking lot this year. Mr. Maggs has calculated the cost not to exceed \$7,000. This would conclude the project that was begun last year with the expansion and repairs to the parking lot. Some discussion ensued and it was decided that the cost should not exceed \$6,500.

MOTION was made by Councilman Zittel to grant permission to the Highway Department to pave the parking lot at the Eden Library not to exceed the cost of \$6,500; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

John Reid, R & D Engineering reported that all contracts for the pump station and water main had been executed and sent to Rural Development. A pre-construction conference will be scheduled, the state engineer will be setting the date. The Health Department does not have to inspect the local connection, from right-of-way to homeowner. A letter will be sent to homeowners with instructions for installation from the water authority. The pump station contract is ready to go.

Supervisor Nellis read the following Resolution:

**TOWN OF EDEN WATER DISTRICT NO. 4 WATER OR
WASTE SYSTEM GRANT AGREEMENT**

I hereby move that Supervisor Glenn R Nellis be authorized to sign the Water or Waste System Grant Agreement, in the amount of \$290,700, for Town of Eden Water District No. 4 between the Town of Eden and the Rural Utilities Services, Department of Agriculture and that the Seal of the Town of Eden be affixed thereto by Eden Town Clerk, Mary Jo Hultquist.

MOTION was made by Councilman Walker to authorize Supervisor Glenn R. Nellis to sign said agreement in the amount of \$290,700.00; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis read the following Resolution:

LOAN RESOLUTION – TOWN OF EDEN WATER DISTRICT NO. 4

I hereby move that the Eden Town Board adopt the Loan Resolution for Water District No.4 in the amount of \$84,300.00 as presented by the Rural Utilities Service, Department of Agriculture, and that Supervisor Glenn R. Nellis be authorized to sign said Loan Resolution for Water District No. 4.

MOTION was made by Councilman Walker to authorize Supervisor Glenn R. Nellis to sign said Loan Resolution for Water District No. 4 in the amount of \$84,300.00; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis read the following Resolution:

RESOLUTION AUTHORIZING SUPERVISOR GLENN R. NELLIS TO SIGN ALL CONTRACTS ASSOCIATED WITH THE TOWN OF EDEN WATER DISTRICT NO. 4 CONSTRUCTION PROJECT

I hereby move that Supervisor Glenn R. Nellis be authorized to sign all the necessary contracts for the Water District No. 4 Construction Project which includes: Contract 9A- Janik Paving & Construction for installation of the line, Contract 9PE, Weydman Electric, Inc., for Pump Station Construction, Contract 9PG, STC Construction for Pump Station Construction and Contract 9T, Fisher Tank Company for Construction of the Water Tank, subject to the review and approval of Attorney Bill Trask, and that Town Clerk, Mary Jo Hultquist be authorized to affix the Seal of the Town of Eden on said contracts.

MOTION was made by Councilman Walker to authorize Supervisor Glenn R. Nellis to sign all the necessary contracts subject to the review and approval of Attorney Bill Trask and that Town Clerk Mary Jo Hultquist be authorized to affix the Seal of the Town of Eden on said contracts; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis read the following Resolution:

2001-2002 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT INDUSTRIAL PARK PROJECT

WHEREAS, in accordance with the Town of Eden’s newly adopted Comprehensive Master Plan, the Town is eager to develop an Industrial Park site; and

WHEREAS, the Town of Eden has applied for and been awarded a \$40,000.00 Community Development Block Grant to assist in the planning and design of an Industrial Park in an area now occupied by Crescent Manufacturing;

NOW, THEREFORE BE IT RESOLVED that Supervisor Glenn R. Nellis be authorized to execute the 2001-2002 Community Development Grant Agreement between the County of Erie and Town of Eden in the amount of \$40,000.00 for the Industrial Park Planning/Design Project.

MOTION was made by Councilman Walker to authorize Supervisor Glenn R. Nellis to execute the 2001-2002 Community Development Block Grant Agreement between the County of Erie and Town of Eden in the amount of \$40,000.00 for the Industrial Park Planning/Design Project; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

New and Unfinished Business:

1.) Preliminary Budget – 2003 – Schedule Public Hearing

Supervisor Nellis stated that copies of the proposed 2003 preliminary budget would be available in the Town Clerk’s office during normal business hours. A preliminary hearing will be held on October 30, 2002 at 7:30 p.m. at the Eden Town Hall. Supervisor Nellis then thanked the Town Board and Department Heads for all the work that was put into the preliminary 2003 budget.

Supervisor Nellis gave an overview of the proposed 2003 budget and said that there were a couple of factors that would cause the increase in the budget. They are retirement costs, which would increase from \$20,000.00 to \$40,500.00, workman’s compensation, which would increase from \$68,000.00 to \$128,200.00 and health insurance, which would increase from \$126,500.00 to \$155,000.00.

The General Fund will have an increase in the tax rate per thousand from \$1.44 to \$1.53, which is a \$.09 increase; the Highway Fund will have an increase from \$2.53 to \$2.62, which is a \$.09 increase; Street Light will have a decrease from \$.16 to \$.15 and Fire will have an increase from \$.58 to \$.72, which is a \$.14 increase, which will enable the Town of Eden to maintain the reserve account for long-range plan for replacement of equipment. The total per thousand will increase from \$4.71 to \$5.02, which is a \$.31 increase overall or 6.5% increase of the 2002 budget. The Refuse and Garbage District will show a decrease from \$147.00 per billable unit to \$122.00 per billable unit, which is a 17% decrease.

The average home in Eden is assessed at \$100,000.00 and with the increase in the 2003 budget it would be approximately a 1.27% increase in the tax amount. Another example given by Supervisor Nellis was that of a home assessed at \$150,000.00 would see an increase of \$21.50.

2.) Approval of Agreement with Tennessee Gas Pipeline

Supervisor Nellis read correspondence from John P. Gaughan, from Hiscock,

Barclay, Saperston & Day that is representing Tennessee Gas Pipeline. The letter states that "TGP" proposed to settle the outstanding tax assessment challenges by accepting an equalized assessment of \$779,500 on the 2002 tax roll for the subject property and continue to use SORPS values going forward. This proposed fair market value coincides with the value opined by the Office of Real Property Services for the subject property. In exchange for this reduction, TGP will forego refunds and interest for the past year challenges.

Supervisor Nellis stated that Mary Murray, Head Assessor along with Sharon Brockman and Robert Pietrocarlo recommend approval to accept the settlement to reduce the assessment as well as Bill Trask, Town Attorney.

MOTION was made by Supervisor Nellis to accept the settlement from Tennessee Gas Pipeline to reduce the assessment and to authorize the Town Supervisor and Town Attorney to sign any documents necessary to enter into this settlement; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – Councilman Walker; Motion carried.

3.) Bid Opening – Jennings Road Drainage Project

Supervisor Nellis stated that a bid opening for the Jennings Road Drainage Project Will be held on October 16, 2002 at 11:00 a.m. in the Town Clerk's Office.

4.) Draft of Proposed Local Law to allow appointment of Voting Alternates on the Planning and Zoning Boards.

Bill Trask, Town Attorney stated that approximately two months ago the Supervisor and other town officials mentioned that there is a concern among the Planning Board and the Zoning Board of Appeals about not having sufficient members available to have a quorum present to do business at their monthly meetings. As a result of some research we have discovered that there is an option available. Through legislative process for the Town Board to adopt Local Law, which would allow the appointment of alternate members of those two bodies, which would make them available, not only for conflict of interest votes which the State Legislation allows, also in the event there is a shortage in quorum.

Attorney Trask stated that the Town Board would like to proceed with a proposal of such legislation and set a public hearing upon that legislation to allow the appointment of alternate members of the Planning and Zoning Boards for purposes of either conflict of interest situations or to ensure a quorum available at meetings.

MOTION was made by Supervisor Nellis to set a Public Hearing for November 13, 2002 at 8:00 p.m. to discuss the above-mentioned Local Law regarding the appointment of up to 3 Alternates on the Planning and Zoning Boards; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

5.) New York State Association of Conservation Commissions- Project Award to Town of Eden for Completion of Natural Resources and Open Space Inventory

Supervisor Nellis recognized Frank Mantione, Chairman of Conservation Advisory Board. Mr. Mantione presented Supervisor Nellis and the Town Board with the Project Award for Completion of Natural Resources and Open Space Inventory. Councilwoman Mary Lou Pew read the inscription on the plaque. Mr. Mantione was happy to accept the award on behalf of the Conservation Board and the Town of Eden and stated that it was a homegrown effort.

6.) Correspondence from Northeast Southtowns Waste Management Board, Re: Town of Eden's definition of "Recyclable Materials"

Supervisor Nellis stated that he received correspondence from Gerald Knoll, Chairman of NEST. The Town of Eden was required by the State of New York to submit a master plan for Waste Management in our county to the New York State Department of Environmental Conservation (NYSDEC). The description of recyclable materials in your law differs slightly from the program information submitted by your municipality. Specifically, your local laws or ordinances should be updated to include either "mixed" or "other" paper as officially adopted recyclable materials.

Bill Trask, Town Attorney stated that a public hearing to amend the Mandatory Recycling Law of the Town of Eden be set to change the definition.

MOTION was made by Supervisor Nellis to set the public hearing to amend the Local Law of "Recyclable Materials" on October 30, 2002 at 8:00 p.m.; seconded by Councilman Walker; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

7.) Resolution – Recreation Permissive Referendum

Supervisor Nellis read the following resolution:

RESOLUTION AUTHORIZING SUPERVISOR GLENN R. NELLIS TO EXPEND FUNDS FROM THE RECREATION EQUIPMENT RESERVE FUND OF THE TOWN OF EDEN, SUBJECT TO PERMISSIVE REFERENDUM

The Town Board of the Town of Eden, duly convened in regular session, does hereby resolve pursuant to the provisions of Section 6-C of the General Municipal Law of the State of New York that the Town Supervisor of the Town of Eden be and is hereby authorized and directed to transfer from the Recreation Equipment Reserve Fund of the Town of Eden to the Parks & Grounds Maintenance Contractual Line, Account Number 7110.4, a sum not to exceed \$21,000.00 from said Reserve Fund to purchase a Ford F-350, 4x4 Truck.

This resolution shall be subject to a permissive referendum, as permitted by law.

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

Supervisor’s Report:

Supervisor Nellis stated that Jeanne Chase, County Legislator, County Highway Department and the State of New York have responded with some alternatives for the safety on Jennings Road.

The Economic Development Group met this morning. It is a bi-county group of which Mr. Nellis is a member.

The bridge on East Church is on schedule with an opening of November 22, 2002.

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:15 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk

