

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
DECEMBER 11, 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 (<i>Absent</i>)
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 (<i>Absent</i>)

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.

Supervisor Nellis reviewed the December Town Board Meeting schedule with the Town Board and scheduled the final/re-organizational meeting for Monday, December 30, 2002 at 7:30 p.m. at the Eden Town Hall.

Approval of Minutes:

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

MOTION was made by Councilman Zittel to approve the Town Board Minutes of November 13, 2002 as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfers:

Supervisor Nellis read the following “Budget Transfers”, from Account Sick Bank to D5110.1 for Battleson accumulated time in the amount of \$3,649.00, from Account Sick Bank to D5142.1 for Greeley accumulated time in the amount of \$29,334.40 and from Recreation Equipment Reserve Account to A7110.4 for Ford Truck purchase in the amount of \$20,193.00.

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

Budget Amendments:

Supervisor Nellis read the following “Budget Amendments”, from Revenue Account D2665 to Highway Equipment Reserve Account for Sale of 1977 Dodge truck at auction in the amount of \$270.00, from Revenue Account A2770 to A3620.4 for Codebook in the amount of \$40.00, from Revenue Account Highway Fund Balance to D9040.8 for Worker’s Compensation in the amount of \$23,903.00, from Revenue Account General Fund Balance to A3120.1 for Police payroll in the amount of \$22,000.00, from Revenue Account General Fund Balance to A9040.8 for Worker’s Compensation in the amount of \$5,380.00, and from Revenue Account Fire Fund Balance to SF3410.4 for December abstract in the amount of \$16,000.00.

MOTION was made by Councilman Walker to approve the “Budget Amendments”; 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
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General Fund	736-802	\$63,520.38
Highway Dept. Fund	304-328	\$21,578.42
Fire Dept. Fund	262-289	\$16,796.30
Recreation Dept. Fund	177-192	\$18,709.18
Refuse and Garbage Fund	28-29	\$26,702.12
Street Lights Fund	30-32	\$4,847.59
Water Fund	20-21	\$1,058.92
Trust & Agency Fund	--	--
Capital Fund	25-28	\$37,803.09
Community Development	4-6	\$2,279.95

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

Departmental Reports:

Department reports for the month of November 2002 were presented by Paul Shephard, Eden Emergency Squad; Paul Laing, Eden Fire Chief; Kevin Schoenthal, East Eden Fire Chief; Councilwoman Pew for 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. All reports are on file in the Town Clerk’s office.

Paul Laing, Eden Fire Chief asked the Town Board to add Aaron D. Machowiak to their active roster pending the OSHA physical and arson background check.

MOTION was made by Councilman Zittel to add the name of Aaron D. Machowiak to the active roster pending the requirements; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Paul Laing, Eden Fire Chief reported with regret that Mr. William DeBuhr passed away. Mr. DeBuhr was a life member, past President and past Fire Chief of the Eden Fire Department with 57 years of service.

New and Unfinished Business:

1.) Approval of Proposed Local Law No.-8-2002, Providing for the use of alternate members on both the Town of Eden Planning Board and Zoning Board of Appeals.

Supervisor Nellis explained the purpose of proposed Local Law #8-2002.

MOTION was made by Councilman Zittel to approve Local Law #8-2002; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Councilman Walker to close the Regular Meeting of the Eden Town Board; seconded by Councilwoman Pew; 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 Walker to open the Public Hearing to consider Proposed Local Law #9-2002; 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
Proposed Local Law #9-2002
To allow for a Site Plan Waiver

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

Supervisor Nellis then opened up the discussion to all in attendance. There were no comments or questions during the Public Hearing except for Councilman Zittel as liaison for the Planning Board stating that they are in support of the Local Law.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:15 P.M.

Supervisor Nellis opened the Public Hearing at 8:15 P.M.

8:15 P.M.
Public Hearing
Proposed Local Law #10-2002
To amend the Town’s Standard Schedule of Fees

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

Supervisor Nellis stated that the Site Plan Review fee would be changed to \$150.00, he then opened up the discussion to all in attendance. There were no comments or questions during the Public Hearing except for Councilman Walker questioning the current fee for a Site Plan Review. Ann Knack, Administrative Assistant stated that the current fees are a minimum of \$400.00.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:18 P.M.

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

Supervisor Nellis reopened the Regular Meeting of the Eden Town Board at 8:18 P.M. with the continuation of New and Unfinished Business.

MOTION was made by Councilman Walker to adopt Proposed Local Law #9-2002, To allow for a Site Plan Waiver and Proposed Local Law #10-2002, To Amend the Town’s Standard Schedule of Fees; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

2.) Appointment of Alternate Members to the Planning Board and Zoning Board of Appeals; Andrew Romanowski – Planning Board, C. William Carpenter – Zoning Board of Appeals, Kristen Kent – Zoning Board of Appeals.

Supervisor Nellis stated that the following names have been presented to the Town Board for approval as Alternate Members to the Planning Board and Zoning Board of Appeals:

Andrew Romanowski -	Planning Board
C. William Carpenter -	Zoning Board of Appeals, 1 st Alternate
Kristen Kent -	Zoning Board of Appeals, 2 nd Alternate

MOTION was made by Councilwoman Pew to approve the appointment of alternate members to the Planning Board and the Zoning Board of Appeals as presented; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3.) Approval of Non-residential gas service application for the Water District No. 4 Pump Station.

Supervisor Nellis stated that correspondence has been received from R & D Engineering regarding an Application for Non-Residential Gas Service for Water District No. 4, Pump Station Construction, Contract No. 9PG. Supervisor Nellis is required to sign the application.

MOTION was made by Councilman Walker to allow Supervisor Nellis to sign the application for Non-Residential Gas Service for Water District No. 4, Pump Station Construction, Contract No. 9PG; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4.) Approval of Agreement with Tennessee Gas Pipeline – Pump Station Project.

Supervisor Nellis stated that correspondence has been received from R & D Engineering regarding the Letter Agreement from Tennessee Gas Pipeline Company regarding the Pump Station Project for Water District No. 4. John Reid, R & D Engineering stated that Erie County Highway has requested that Janik Construction look at the site plan in regards to the driveway and the possibility of moving it a distance of 40 feet. This was informational only. Supervisor Nellis stated that this pump station is located on the corner of East Church Street and Jennings Road. A signature from Supervisor Nellis is needed for the easement.

MOTION was made by Councilman Zittel to authorize Supervisor Nellis to sign an agreement with Tennessee Gas Pipeline Company regarding the Pump Station Project for Water District No. 4; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain; Councilman Walker; Motion carried.

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

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:30 P.M.

MOTION was made by Councilman Walker to open the Public Hearing; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

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

8:30 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**
5. **Nextel Partners – Telecommunications Tower**
6. **Henrich – Airstrip**
7. **Brawdy – Migrant Workers Trailer**

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

Comments were received from the Town Board members regarding the compliances on the Special Use Permits. Attorney Trask stated that administratively, all applicants have paid their Special Use Permit Renewal Fee except #6 Henrich. Any approval should be subject to receipt of that fee. The actual Special Use Permits do not expire until December 31, 2002.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing

MOTION was made by Councilman Walker to close the Public Hearing of the Eden Town Board at 8:45 P.M.

MOTION was made by Councilman Vacco to open the Regular Meeting of the Eden Town Board at 8:45 P.M.

Supervisor Nellis reopened the Regular Meeting of the Eden Town Board at 8:45 P.M.

Discussion continued as to the conditions of the Special Use Permits and it was decided that all existing conditions remained the same and were approved at last years Public Hearing.

MOTION was made by Councilwoman Pew to renew all Special Use Permits subject to conditions that have been in effect for these permits as of last years approval or as stated in this record and subject to receipt of permit fee from applicant Henrich; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5.) Approval of Change Order No. 2 – Janik Paving & Construction, Inc. – Water District No. 4 Project.

Supervisor Nellis stated that Change Order No. 2 from Janik Paving & Construction would be for two road boars that have to be installed on Jennings Road. The two locations are Gary Drive and Wepax Road. It is a warranted change order required by Erie County in the amount of \$35,000.00. Discussion ensued regarding the payment and it was discussed with County Legislator Jeanne Chase for reimbursement from Erie County. The change order also needs to be approved by Rural Development and no action will take place until the Town Board approves Change Order No.2 .

MOTION was made by Councilwoman Pew to approve Change Order No. 2; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6.) Approval of Resolution to enter into the STOP-DWI Contract with the County of Erie for 2002.

MOTION was made by Supervisor Nellis to approve the adoption of the following resolution:

**TOWN OF EDEN RESOLUTION
TO ENTER INTO A CONTRACT WITH
ERIE COUNTY STOP-DWI PROGRAM**

WHEREAS, Erie County has established a special traffic options program for driving while intoxicated; the STOP-DWI PROGRAM; and

WHEREAS, this program in coordination with the County, Towns, Cities & Villages is an effort to reduce alcohol-related traffic injuries and fatalities; and

WHEREAS, the Town of Eden has applied to the Erie County STOP-DWI Coordinator for the funding of certain alcohol traffic safety law enforcement activities for the period January 1, 2002 to December 31, 2002;

NOW, THEREFORE BE IT RESOLVED: that the Town of Eden enter into the mutually agreed upon contract between the County of Erie and the Town of Eden for the 2002 STOP-DWI PROGRAM.

Seconded by Councilman Vacco; all “Ayes”; Motion carried

7.) Approval of Motion authorizing the Budget Officer to approve any year-end budget transfers necessary to maintain department budget balances.

Supervisor Nellis read a memo from Laura Brenner, Town of Eden Bookkeeper regarding year-end payment process between appropriation accounts. It was suggested by the auditors that the Town Board approve a motion allowing the process to be enacted.

MOTION was made by Councilman Walker to approve the year-end payment process within budget lines and limited to the same budgetary line; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8.) New Position Duties – Senior Clerk (Competitive Class)

Supervisor Nellis received approval from William R. Barto, Erie Count Personnel Specialist regarding (1) Senior Clerk (Competitive Class) position. This is a new position established in the Town of Eden for the Town Highway Department. Cindy Kugler, part-time Highway clerk, will likely fill the new Senior Clerk position within the department, although the person hired does need to be taken from the Civil Service list. Our union standing is that Cindy Kugler is on the list. It will be a full-time position with 60% of the time being spent at the Highway Department and 40% of the time being spent with the GIS/Technology Department.

MOTION was made by Councilman Walker to approve the full-time position of Senior Clerk (Competitive Class); seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

Supervisor Nellis stated that he will be attending a Water Consortium Meeting on December 17, 2002 at the Town of Aurora.

Supervisor Nellis stated that he met with the residents on Wepax Road. Jeanne Chase, Erie County Legislator, Joseph Macieiejewski, Director of Budget Management & Finance from ErieCounty was in attendance.

Supervisor Nellis stated that the New York State Department of Transportation award was approved verbally for the beautification of Route 62.

Supervisor Nellis stated that a pre-construction meeting was held on December 4, 2002 for the Water Tower for Water District No. 4. On December 18, 2002 the first progress report will be given with R & D Engineering and Janik Construction representatives in attendance.

Supervisor Nellis stated that the Kazoo Company has been sold to two not-for-profit organizations, Claddagh Commission, Inc. and Suburban Adult Services, Inc. The gift shop employees will stay but the manufacturing of kazoos will basically be ending with only limited production being allowed.

Supervisor Nellis stated that Jeanne Chase, Erie County Legislator will be establishing an Advisory Board for the 18-Mile Creek with regard to grants taking care of soil erosion on the stream-bed.

Hearing of Visitors:

Gerald Maggs, 2763 First Street
Ron Maggs, 2168 Hemlock Road
Mike Bolo, 9998 Clarksburg Road

Adjournment:

MOTION was made by Councilman Walker to adjourn the Regular Meeting of the Eden Town Board; seconded by Councilman Vacco; 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 Meeting at 10:00 P.M.

Respectfully submitted by,

Mary Jo Hultquist

Town Clerk