

## MINUTES

**WORK SESSION MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
FEBRUARY 26, 2003  
7:30 P.M.**

### **TOWN BOARD MEMBERS PRESENT:**

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN ( <i>Deputy Supervisor</i> )
GEORGE F. ZITTEL	-	COUNCILMAN ( <i>Absent</i> )
VINCENT V. VACCO	-	COUNCILMAN
TIMOTHY J. WALKER	-	COUNCILMAN

### **OTHERS PRESENT:**

Mary Jo Hultquist	-	Town Clerk
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.

### **Audit Bills:**

Supervisor Nellis stated that a voucher came in from Janik Paving in the amount of \$144,911.47 for Water District #4 which has been approved by John Reid, R & D Engineering and needs approval for payment.

**MOTION** was made by Councilman Walker to approve payment of \$144,911.47 to Janik Paving with the recommendation of John Reid, R & D Engineering; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

### **New and Unfinished Business:**

#### **1.) Approval of SEMO Contract for the Pre-Disaster Mitigation Planning Grant**

Supervisor Nellis stated that he received correspondence from Rad Anderson, Deputy Chief of Mitigation Programs for the New York State Emergency Management Office in Albany. SEMO requires that grant recipients enter into an agreement with the State that

details the requirements and timeline to be adhered to in order to receive grant funding. Supervisor Nellis is looking for approval to sign the Agreement.

**MOTION** was made by Councilwoman Pew to authorize Supervisor Nellis to sign the SEMO contract for the All-Hazard Planning Grant; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**2.) Discussion and possible approval of Business District Enhancement Area Resolution**

Supervisor Nellis read the following resolution:

**TOWN OF EDEN BUSINESS ENHANCEMENT DISTRICT RESOLUTION**

**WHEREAS,** the Town Board of the Town of Eden wishes to continue its support for the Enhancement and Redevelopment of commercial properties in the Town, and

**WHEREAS,** as part of such redevelopment effort, the Town Board has determined that providing financial and tax incentive to business and to the owners of commercial property occupied by business for the renovation and expansion of their properties, will stimulate such desirable development, expansion, and retention of such businesses, and

**WHEREAS,** the Erie County Industrial Development Agency (herein after called the “ECIDA”) is a public benefit corporation constituted for the purpose of assisting and development, expansion and retention of businesses in the County of Erie by providing certain financial and tax incentives to eligible businesses, and

**WHEREAS,** The New York General Municipal Law 862 provides that, in order for the ECIDA to assist businesses engaged in sales of goods and services, the ECIDA must find that such goods and services would not be reasonable assessable to residents of the Town of Eden without ECIDA assistance, and

**WHEREAS,** the Town of Eden wishes to support the ECIDA in making such findings in said redevelopment areas

**NOW, THEREFORE BE IT RESOLVED,** that the Town of Eden herby designates the attached Business Enhancement districts in the Town of Eden, or areas identified in a future

amendment to this RESOLUTION and meeting proper zoning requirements, to be “Redeveloped Areas” and be it further

**RESOLVED**, that the Town of Eden Board hereby requests that the ECIDA assume a primary role in assisting the redevelopment, expansion and retention of businesses in said redevelopment areas and be it further

**RESOLVED**, that the Town of Eden Board finds that the goods and services provided by businesses are crucial to the continued viability of neighborhoods in said redevelopment areas, and that the continued vitality of said neighborhoods is, in turn, important to the continued health, safety and welfare of the Town, and that, therefore, if such retail businesses would not otherwise be reasonably accessible to the residents of said neighborhoods of the Town of Eden and be it further

**RESOLVED**, that the Town of Eden Board hereby requests that the ECIDA take all steps necessary to assist redevelopment, expansion and retention of retail business in said Redevelopment Areas, and be it further

**RESOLVED**, that the Town of Eden Board further requests that the Supervisor, as the Chief Executive Officer of the Town of Eden, cooperate with the ECIDA in assisting the redevelopment, expansion and retention of businesses in said Redevelopment Areas.

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

Ed Krycia, Chairman of the Economical Development Committee stated that the Committee was fully in favor of the Resolution.

**3.) Resolution on Maintenance Contract for Route 62 Landscape Improvements**

Supervisor Nellis read the following Resolution:

**TOWN OF EDEN  
RESOLUTION FOR MAINTENANCE OF  
LANDSCAPE IMPROVEMENTS ON MAIN STREET (NY 62)  
PIN 5806.27**

**WHEREAS**, the New York State Department of Transportation proposes the construction of Streetscape Improvements on Main Street (NY62) between Shadagee Road and Park Street in the Town of Eden; and

**WHEREAS,** the State will include as part of the Streetscape Improvements work tree removals, replacement tree plantings, planting of shrubs, placement of benches, trash receptacles, flower planters and bicycle racks; and

**WHEREAS,** the State will provide for the improvement of the above-mentioned work as shown on the contract documents relating to this project (PIN 5806.27);

**NOW, THEREFORE BE IT RESOLVED** that the Town of Eden approves the Streetscape Improvements and the above mentioned work performed on the project and shown on the contract documents relating to the project and that the Town of Eden will maintain or cause to be maintained the Streetscape Improvements performed as above stated and as shown on the contract documents; and

**BE IT FURTHER RESOLVED** that the Clerk of the Town of Eden is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

**MOTION** was made by Councilwoman Pew to approve the above-mentioned Resolution; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Discussion: The tree removal was discussed and there are 3 trees to come down which will be replaced. Councilman Walker discussed the maintenance of the project. It is stated in the Resolution that the Town of Eden will maintain or cause to be maintained the Streetscape Improvements performed as above stated and as shown on the contract documents. Supervisor Nellis stated that the Town of Eden would maintain it.

**4.) Setting of Public Hearing for the Gary Drive Water Improvement District – Extension 4A**

John Reid, R & D Engineering presented a Map, Plan and Report for the Creation of Gary Drive/Water Improvement Area 4, which is being reviewed by Richard Alessi, Bond Council. The purpose of the plan is to create a legal bond with the 6 residents on Gary Drive. The plan does include some additional funding with a potential payment from the County of Erie, which would decrease the amount of money from the residents. The next step in the project is to set a public hearing to discuss the project further.

**MOTION** was made by Councilwoman Pew to set a Public Hearing for the Gary Drive/Water Improvement Area 4 for March 26, 2003 at 8:00 P.M. at the Eden Town Hall; seconded by Councilman Walker; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**5.) Resolution on Partial Real Property Exemption for Firefighters and Emergency Squad Members**

Supervisor Nellis read in part a Resolution on Partial Real Property Exemptions for Firefighters and Emergency Squad Members, which was modeled after a similar law enacted in the Town of Boston. Before approval, a Public Hearing would need to be scheduled. Much discussion followed about the amount of the exemption and how many parcels would be included. With the current town tax rate at \$5.15 per thousand, the exemption amounts to approximately \$13.00. The number of parcels is unknown at this time.

Councilman Vacco suggested adding the Reserve Police to the Resolution and also suggested that Bill Trask, Town Attorney review the Resolution before the Public Hearing.

Councilman Walker stated that it would be a nominal gesture to people who volunteer hundreds of hours.

**MOTION** was made by Councilwoman Pew to schedule a Public Hearing for March 26, 2003 at 8:15 P.M. at the Eden Town Hall for purposes of discussing the Resolution, which is Proposed Local Law #4-2003; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**6.) Resolution – Bethlehem Retirees**

Supervisor Nellis read in part a Resolution from Kathleen Hochul, Councilwoman from the Town of Hamburg, that calls on the federal government to devise a fund to assist retired Bethlehem Steel workers with health benefits and prescription drug coverage. Supervisor Nellis added to the Resolution that the federal government has to find a way to make sure this corporate renegeing does not occur again. After much discussion the Town Board brought this Resolution to a vote.

**WHEREAS**, the acquisition of Bethlehem Steel by the International Steel Group (ISG) will result in the termination of health and life insurance benefits for approximately 95,000 workers nationwide; and

**WHEREAS**, this loss of benefits will be devastating to the 12,000 local retirees and their beneficiaries who have toiled for years under harsh conditions to build the industrial base of Western New York; and

**WHEREAS**, an estimated 3,000 to 4,000 Bethlehem retirees who reside in the Town of Hamburg, will be forced to endure severe economic and physical hardships as they seek to find affordable coverage for health care and prescription drug benefits; and

**WHEREAS**, it is the responsibility of the federal government to protect workers and retirees who have been victimized by unfair trade practices in the foreign steel industry; and

**WHEREAS**, in May 2002, the U.S. Senate failed to act on an amendment to the Trade Adjustment Act, as part of the Senate Trade Promotion Authority bill, which would have

provided at least partial coverage of health care benefits for steelworker victims of unfair trade practices,

**WHEREAS,** the federal government has to find a way to make sure this corporate renegeing does not occur again,

**NOW, THEREFORE BE IT RESOLVED,** that the Town Board of the Town of Eden supports the establishment of a federal fund dedicated to providing health care benefits and prescription drug coverage for steelworker retirees and their beneficiaries who lose coverage as a result of bankruptcy proceedings, sale of corporate assets, unfair trade practices, or foreign competition.

**MOTION** was made by Councilwoman Pew to adopt the above Resolution; seconded by Councilman Walker subject to approval of Bill Trask, Town Attorney; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

#### **7.) Ricey Property – 2510 Shadagee Road**

Supervisor Nellis referred to correspondence received from Scott Henry, Building Inspector regarding the Ricey Property at 2510 Shadagee Road. A series of complaints have been received by the Eden Police Department, including one from the Erie County Highway Department. The buildings, which are close to the road, pose a potential danger. After much discussion it was decided that this item be added to the agenda for the Town Board Meeting on March 12, 2003, which would give the Town Board a chance to review all reports and findings.

#### **8.) DECALS Resolution**

Supervisor Nellis read the following Resolution:

**RESOLUTION** urging the Legislature of the State of New York to **INCREASE** the fee retained by municipalities for issuing hunting and fishing licenses under the Department of Environmental Conservation Automated Licensing Services (DECALS) program

**WHEREAS,** the issuance of hunting and fishing licenses/stamps by local governments is a valuable and necessary service to the state; and

**WHEREAS,** Town Clerks must be aware of and carefully follow the mandates of the Environmental Conservation Law and the New York State Department of Environmental Conservation in connection with the issuance of licenses and/or stamps; and

**WHEREAS,** Towns face considerable liability for any failure to properly issue and record such licenses, for failure to properly file the required reports, and for failure to comply with all other requirements of the new legislation; and

**WHEREAS,** Towns must maintain separate telephone line, equipment and space as a condition of participation in the DECALS program; and

**WHEREAS,** the state only pays for the installation of such required additional telephone line, but not for the added monthly cost of maintaining such line; and

**WHEREAS,** Towns participating in the DECLAS program must now also issue free Deer Management Permits, for which no percentage or fee is returned to the Town at all; and

**WHEREAS,** Towns currently receive no more than 5.5% of the fee for issuance of resident licenses and 1.1% for issuing non-resident licenses in compliance with the law and all procedural requirements; and

**NOW, THEREFORE, BE IT RESOLVED,** that the New York State Town Clerks Association, representing the clerks of nearly all of the 932 towns of the State, pause in its deliberations at its December 1, 2002, Regional Meeting to urge in a unified voice that the Legislature of the State of New York pass, and the Governor sign into law, legislation to increase compensation to local governments representing the state with those citizens purchasing licenses under the DECALS program by:

1. Increasing the percentage retained for license issuance from 5.5% to 15% (for resident licenses) and from 1.1% to 3.0% (for non-resident licenses), such increase to help defer the cost of the monthly telephone line service charge incurred by the Towns
2. Paying a percentage on combination licenses and permits issued
3. Paying \$1.00 to the municipality for each deer management permit issued for free by the Towns
4. Establishing a 10% commission reimbursement to the Towns to cover the loss of revenue directly resulting from the DECALS issuance of sporting licenses to town residents
5. Establishing an ombudsman and information agency or office within the NYS Department of Environmental Conservation as a resource for residents to go with questions or problems relating to DECALS-issued licenses; and

**BE IT FURTHER RESOLVED,** that a copy of this Resolution be transmitted to the Governor, the Attorney General, the Temporary President of the Senate, the Speaker of the Assembly, the Majority Leader of the Assembly, the Minority Leader of the Senate, the Minority Leader of the Assembly, and the Chairpersons and members of the Senate and Assembly Environmental Conservation Committees.

**MOTION** was made by Supervisor Nellis approving the above-mentioned Resolution; seconded by Councilman Walker; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**9.) Storm Water Phase II – Notice of Intent**

Supervisor Nellis read a Notice of Intent that must be filed by March 10, 2003 for Storm Water Phase II. The Drainage Committee has made recommendation. Supervisor Nellis needs authorization to sign and file this notice.

**MOTION** was made by Councilwoman Pew to authorize Supervisor Nellis to sign the Notice of Intent; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**10.) Polling Place- St. John’s United Church of Christ**

Supervisor Nellis read correspondence from St. John’s United Church of Christ regarding the polling place and storage of election machines. Mary Jo Hultquist, Town Clerk explained that St. John’s Church has been a polling place for the past several years and the Church was compensated with \$150.00 per year. At this time they are asking for \$500.00 a year to cover expenses and store the machines. There are several requirements that need to be met in order to use the space for a polling place.

**MOTION** was made by Supervisor Nellis to pay St. John’s United Church of Christ \$500.00 per year; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Note: It was suggested by Councilman Walker to contact Bill Trask, Town Attorney to draw up a contract to be signed by the Town of Eden and St. John’s United Church of Christ.

**Supervisor’s Report:**

Supervisor Nellis stated that he has received a work outline for the Hemlock Road drainage project that would include Hemlock Road, Park Street, Homer Avenue and behind the ASA Warren house. Andrew Reilly, Town Engineer will review the outline and report at the Town Board Meeting on March 12, 2003.

**Hearing of Visitors:**

John Wittmeyer, 9150 East Eden Road  
Richard Miller, 2640 Sunset Drive  
Ruth Szalasny, 3048 Belknap Road

Frank Pagano, owner of the new Dollar General Store publicly thanked Supervisor Nellis and Mike Bolo for all their help. The store is scheduled to open by September 1, 2003.

Various Board members extended a warm welcome to Mr. Pagano and to Dollar General.

**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 Meeting of the Eden Town Board at 9:10 P.M.

**Executive Session:**

Supervisor Nellis adjourned the Executive Session of the Eden Town Board at 9:45 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk