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**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
MARCH 12, 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

**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 ( <i>Absent</i> )
Paul Laing, Jr.	-	Eden Fire Chief
Kevin R. Schoenthal	-	East Eden Fire Chief ( <i>Absent</i> )
Susan Brass	-	Recreation Director
Mary Bailey	-	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 February 12, 2003; There were none.

**MOTION** was made by Councilman Walker to approve the Town Board Minutes of February 12, 2003 as presented: seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of February 26, 2003; There were none.

**MOTION** was made by Councilman Vacco to approve the Town Board Minutes of February 26, 2003 as presented; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Petitions:**

There were none.

**Budget Transfers:**

Supervisor Nellis read the following “Budget Transfers” from account SF3410.4 to SF9710.7 in the amount of \$5.83 for additional interest for final payoff of loan and from Fire Equipment Reserve Account to SF3410.2 for Chassis for new fire truck in the amount of \$64,120.00.

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

**Budget Amendments:**

Supervisor Nellis read the following “Budget Amendments” from Account A1589 to A3120.2 in the amount of \$865.00 for Step Grant money, from Account A2763 to A8020.4C in the amount of \$5,159.56 for Industrial Park grant money received and Account A2770 to A1220.4 in the amount of \$115.00 for refund for unused airline ticket.

**MOTION** was made by Councilman Walker to approve the “Budget Amendments”; seconded by Councilwoman Pew; 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	95-160	\$91,965.09
Highway Dept. Fund	32-58	\$39,564.10
Fire Dept. Fund	30-47	\$71,351.08
Recreation Dept. Fund	12-28	\$4,906.17
Refuse and Garbage Fund	2-4	\$4,230.23
Street Lights Fund	2	\$26,409.31
Water Fund	2-4	\$4,570.68
Trust & Agency Fund	--	--
Capital Fund	5-8	\$174,493.62
Community Development	--	--

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

### **Departmental Reports:**

Department reports for the month of February 2002 were presented by Paul Laing for Paul Shephard, Eden Emergency Squad; Paul Laing, Eden Fire Chief; Paul Laing for 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 Bailey, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Sharon Brockman, Assessor read correspondence from Mary Bailey, Head Assessor requesting overtime for Joan Doctor for up to 40 hours for the year to use as needed.

**MOTION** was made by Councilman Walker to grant up to 40 hours for the year for Joan Doctor to use as needed; seconded by Councilman Vacco; 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 hearing; 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 Councilwoman Pew to open the Public Hearing to consider Proposed Local Law No. 1-2003 which amends certain existing laws relative to building and zoning enforcement; seconded by Councilman Vacco; 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 No. 1-2003**  
**Which amends certain existing laws relative to building and zoning enforcement**

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

Scott Henry, Building Inspector and Code Enforcement Officer explained the variety of changes to the code. Bill Trask, Town Attorney stated that the State of New York has a new building code and our code is inconsistent with some of the changes. Scott Henry brought the inconsistencies to our attention. The new code will give Scott Henry greater interpretation to determine uses to the code.

The following persons spoke and asked questions about the Proposed Local Law:

Dawn Bauer	2630 West Church Street
Charles Battaglia	2945 Hillbrook Drive

Discussion continued between the citizens and members of the Town Board.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:28 P.M.

**8:30 P.M.**  
**Public Hearing**  
**Proposed Local No. 2-2003**  
**To impose a moratorium on Telecommunication Facilities and**  
**Proposed Local No. 3-2003**  
**To impose a moratorium on Wind Energy Conversion Systems**

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

Supervisor Nellis read a memo from Mark Agle, Chairman of the Eden Planning Board, which is on file in the Town Clerk's office.

The following persons spoke and ask questions about the Proposed Local Laws:

Dawn Bauer	2630 West Church Street
Jim Poppenberg	3104 East Church Street
Janice Wrightman	2341 Sandrock Road

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:45 P.M.

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

Supervisor Nellis closed the Public Hearing at 8:45 P.M.

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

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

**Departmental Reports: (continued)**

Paul Laing, Eden Fire Chief asked the Town Board to remove the name of Steven Skalski from the active roster. Mr. Skalski held the position of Captain and has relocated.

**MOTION** was made by Councilwoman Pew to remove Steve Skalski from the active roster with regrets; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Paul Laing, Eden Fire Chief asked the Town Board to approve Chris Colvin as the new Captain of the Eden Fire Department.

**MOTION** was made by Councilwoman Pew to approve Chris Colvin as the Captain of the Eden Fire Department; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Paul Laing, Eden Fire Chief requested approval to apply for the 2003 FEMA Fire Grant, that requires 10% matching money from the Town. If awarded the grant money could be used to purchase Turn-Out gear and Air-Pac leasing. The application deadline is April 9, 2003.

**MOTION** was made by Councilwoman Pew to approve the application for the 2003 FEMA Fire Grant, requiring 10% matching money from the Town of Eden; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**\*\* Note:** At this time in the Town Board Meeting, Supervisor Nellis stated that he would like to move “Hearing of Visitors” to hear from the many people assembled at the Eden Town Hall.

Supervisor Nellis stated that several Eden residents and several members of the Eden North Collins Rod & Gun Club were present at the Eden Town Hall and at this time they were given an opportunity to voice their concerns.

The following residents voiced their concerns:

Jennifer Schwert, 9833 Tice Road  
Steven Nassivera, 9833 Tice Road

Cheryl Piffel, 9765 Tice Road  
Walter Piffel, 9765 Tice Road

The following members of the Eden North Collins Rod & Gun Club voiced their concerns:

Daniel Chiacchia, Attorney  
Jim Latona, 2433 Hemlock Road  
Anthony Alessi, North Collins

Bill Trask, Town Attorney stated that the Town Board is not legally required to act and that this is a private dispute between neighbors. All persons desiring to be heard were heard and the discussions will continue privately between residents and members of the Eden North Collins Rod & Gun Club.

**New and Unfinished Business:**

**1.) Resolution authorizing Drainage Improvements along Route 62 (Hemlock Road Drainage Project)**

Supervisor Nellis stated that a “Scope of Work” document had been received from Wendel Duchscherer. The proposed project will result in a design fee of approximately \$30,000.00. A note was made that \$5,000.00 of this fee is money spent to date on the project. Attorney Trask and Supervisor Nellis will review in-kind services to be completed by the Town of Eden. Ron Maggs, Highway Superintendent will be assisting with construction on town roads as some easements may be involved. Supervisor Nellis is requesting authorization from the Town Board to review and sign the contract.

**MOTION** was made by Councilwoman Pew to authorize Supervisor Nellis to review and sign the engineering contracts for Route 62 Drainage Improvements; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis stated that additional correspondence had been received from Rad Anderson, Deputy Chief of Mitigation Programs for the New York State Emergency Management Office in Albany regarding legal agreements between SEMO and the Town of Eden. Supervisor Nellis is requesting authorization from the Town Board to review and the sign the contract.

**MOTION** was made by Councilwoman Pew to authorize Supervisor Nellis to review along with Attorney Trask, and sign the contracts with SEMO on the Hemlock Road Drainage Project; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**2.) Coordinating the Town’s Stormwater Management Program**

Supervisor Nellis stated that the Drainage Committee recommended and the Town Board adopted a law for the Town’s Stormwater Management Program. A detailed plan of the

Town must be completed for the Federal Government by 2008. The Drainage Committee will be the lead committee for the Town of Eden on this project.

**3.) Condition of Structure – 2459 Shadagee Road, Eden**

Supervisor Nellis read correspondence from Scott Henry, Building Inspector and Code Enforcement Officer, which contained a report that the structure is unsafe. There has been no correspondence from the resident. Discussion continued with several suggestions being offered. Attorney Trask advised the Town Board to adopt an order that the structure is unsafe. A letter, to be sent certified mail to the property owner, would give instructions on requesting a hearing. If they request a hearing they can present their case and then a further determination could be issued to either repair or demolish. The Town Board could put the cost of the demolition on the Town & County tax bill.

**4.) Approval of Motor Fuels and Related Services Bid**

Ron Maggs, Highway Superintendent stated that a bid for Motor Fuels and Related Services had been held on Friday, March 10, 2003 at 10:00 A.M. in the Town Clerk's office. Two bids were received with the following results:

Bidders	No-lead gas	Diesel Fuel	Kerosene	Hourly rate
R.O.Proper	1.2006	1.3872	1.6975	54.00/hr.
Page-Harms	1.1349	1.3592	1.582	0.00/hr.

Ron Maggs, Highway Superintendent recommended awarding the bid to the lowest bidder, Page-Harms.

**MOTION** was made by Supervisor Nellis to award the Motor Fuels and Related Services bid to Page-Harms, the lowest bidder; seconded by Councilman Walker; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**5.) Appointments/Reappointments**

Supervisor Nellis recommended the following Appointments:

Laurie Riker - Economic Development Committee 3-Year Term

**MOTION** was made by Supervisor Nellis to add Laurie Riker to the Economic Development Committee for a 3-year term; seconded by Councilman Walker; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**6.) Municipal Clerk's Resolution**

Supervisor Nellis read the following Resolution:

**WHEREAS,** in the course of the evolving development of this Empire State, when the ingredients of shared concern and responsive endeavor combine in a symmetry of commitment, there have emerged certain public servants who warrant special recognition; and

**WHEREAS,** it is the sense of this Assembly Body to commend those public servants who demonstrate such magnanimous conduct and bearing, and who give positive definition to the profile of New York State; and

**WHEREAS,** the Office of the Municipal Clerk, a time-honored and vital part of local government, exists throughout the world; and

**WHEREAS,** the Office of the Municipal Clerk is the oldest among public service positions; and

**WHEREAS,** the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

**WHEREAS,** Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

**WHEREAS,** the Municipal Clerk serves as the information center on functions of local government and the community; and

**WHEREAS,** Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and annual meetings of their state, county, national and international professional organizations; and

**WHEREAS,** it is not appropriate that this Assembled Body recognize the accomplishments of Municipal Clerks for the vital service they perform and for their exemplary dedication to the communities they represent; now therefore, be it

**RESOLVED,** that this Legislative Body pause in its deliberations to memorialize Governor George E. Pataki to proclaim the week of April 27 – May 3, 2003, as Municipal Clerks Week in the State of New York; and be it further

**RESOLVED,** that a copy of this Resolution, suitably engrossed, be transmitted to the Erie County Clerks Association.

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



**Supervisor's Report:**

Supervisor Nellis stated that the semi-annual Hazard Mitigation Conference will be held on April 8 and 9, 2003 in Saratoga Springs. The deadline to make application to attend the conference is March 15, 2003. Robert Stickney and Maurice Dole, Co-Chairman of the Disaster Preparedness Committee would like to attend.

**MOTION** was made by Councilwoman Pew to approve the attendance to the conference by Mr. Stickney and Mr. Dole to be held in Saratoga Springs on April 8 and 9, 2003; seconded by Councilman Walker; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**Hearing of Visitors:**

Held earlier in the meeting.

**Adjournment:**

**MOTION** was made by Councilman Walker 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 10:20 P.M.

**Executive Session:**

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 11:00 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk