

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
JULY 9, 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
VINCENT V. VACCO	-	COUNCILMAN ( <i>Absent</i> )
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 ( <i>Absent</i> )
Kevin R. Schoenthal	-	East Eden Fire Chief ( <i>Absent</i> )
Susan Brass	-	Recreation Director
Mary Bailey	-	Chairman Board of Assessors
Scott T. Henry	-	Zoning Code Enforcement Officer ( <i>Absent</i> )

**OTHERS PRESENT:**

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk

**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 June 11, 2003; there were none.

**MOTION** was made by Councilman Walker to approve the Town Board Minutes of June 11, 2003 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 June 25, 2003; there were none.

**MOTION** was made by Councilman Walker to approve the Town Board Minutes of June 25, 2003 as presented; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Petitions:**

There were none.

**Budget Transfers:**

There were none.

**Budget Amendments:**

Supervisor Nellis read the following “Budget Amendments” from Account A2555 to A3620.4 for refund of fee collected from St. John’s in the amount of \$150.00, from Account A2763 to A8020.4C for Industrial Park money received in the amount of \$75.00 and from Account A2110 to A3620.4 for refund of zoning hearing fee (Thompson) in the amount of \$100.00.

**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	364-406	\$26,721.41
Highway Dept. Fund	166-189	\$39,765.33
Fire Dept. Fund	130-149	\$7,097.44
Recreation Dept. Fund	85-102	\$2,142.05
Refuse and Garbage Fund	9	\$26,409.31
Street Lights Fund	14-15	\$2,927.30

Water Fund	9	\$4,019.20
Trust & Agency Fund	--	--
Capital Fund	25-30	\$120,473.84
Community Development	--	--

**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 June 2003 were presented by Patrick Howard, Eden Police Chief; Ronald Maggs, Superintendent of Highways; Andrew Reilly, Town Engineer; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Susan Brass, Recreation Director; Mary Bailey, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Ron Maggs, Highway Superintendent asked permission of the Town Board to assist as needed with the 2003 Eden Corn Festival.

**MOTION** was made by Councilman Walker to allow Ron Maggs, Highway Superintendent to help as needed with the 2003 Corn Festival; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Andrew Reilly, Town Engineer presented Supervisor Nellis with a “Distinguished Leadership Award” from the American Planning Association. Supervisor Nellis accepted the award on behalf of the Town Board members and all the committees that helped make the award achievable.

**New and Unfinished Business:**

**1.) Highway Contract Revision Ratification**

Supervisor Nellis stated that the Highway Contract that was presented includes a 4-day – 10-hour workweek through the months of July and August. The request was made as a cost savings measure to complete projects during a 10-hour day that may have previously required overtime. The provisions were made only under the Highway contract, not any other department in the Town of Eden.

**MOTION** was made by Councilman Walker to approve the Highway Contract Revision Ratification; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**2.) Acceptance of Geographic Information System (GIS) Grant**

Councilwoman Pew stated that a grant in the amount of \$34,045. has been awarded from the New York State Archives Local Government Records Management Improvement Fund. The grant money will be used to expand e-government and transact business over the web site, print electronic permits and applications on-line. The different town departments will have information on-line along with GIS mapping.

**MOTION** was made by Supervisor Nellis to accept the grant in the amount of \$34,045.; seconded by Councilman Walker; “Ayes” – Supervisor Nellis, Councilman Walker, Councilman Zittel; Opposed? – None; Abstain? – Councilwoman Pew; Motion carried.

### **3.) Acceptance of Small Business Revolving Loan Fund**

Supervisor Nellis stated that he has received correspondence from W. David Schermerhorn, Program Director for Rural Business-Cooperative Service from U.S. Department of Agriculture Rural Development. A Rural Business Enterprise Grant has been awarded to the Town of Eden in the amount of \$98,000.00. This money will be used as a “Revolving Loan Fund” for Small Business owners in the Town of Eden and the repayment of the funds goes back to the town.

**MOTION** was made by Councilman Walker to accept the grant from USDA-Rural Development in the amount of \$98,000.00; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

### **4.) Approval of Revolving Loan Fund – Loan Committee**

Supervisor Nellis stated that the following residents of Eden have agreed to serve on the Revolving Fund Loan Committee:

Louis Ursitti – Retired Senior Loan Officer with HSBC Bank for over 30 years.  
William Zittel – Active Major Produce Farmer with 15 years business experience.  
Gary Eye – Private Accountant for over 25 years.  
David Clemens – An Attorney with 30 years experience.  
William Laing – Laing Funeral Home – 15 years as a businessman.  
Ann Knack – Administrative Assistant, Town of Eden – 25 years in Town Government.  
Ruth Bucki – President, Randall Agency Inc. – 20 years experience as businesswoman.  
Gary Neureuter – Retired with 30 years as a Commercial Bank Officer of HSBC Bank.  
Glenn Nellis – An elected Town Supervisor for 6 years.

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

Supervisor Nellis publicly thanked Gary Neureuter and Bill Carpenter for their help in getting this project started along with Ed Krycia and the Economic Development Committee and resident Mike Bolo for his support.

**5.) Vote on New Signage Law (Proposed Local Law No. 5-2003)**

Supervisor Nellis stated that a Public Hearing had been held on June 25, 2003 for the purpose of hearing comments and concerns regarding Proposed Local Law No. 5-2003 which would stream-line the process of the current Sign Law in the code book and change some of the language.

**MOTION** was made by Councilwoman Pew to approve Local Law No. 5-2003, Sign Law; seconded by Councilman Walker; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Councilman Walker referred some minor changes to Attorney Trask that will be corrected before filing with the Department of State.

**6.) Parking Lot Sealing Quotes – Approval**

Supervisor Nellis stated that he received a memo from the Highway Department regarding the sealing of the Town Hall parking lot. Three local companies were solicited and only one bid was returned from Palmieri Paving & Sealing in the amount of \$2,975.00.

**MOTION** was made by Councilman Walker to accept the quote from Palmieri Paving & Sealing in the amount of \$2,975.00 for sealing of the Town Hall parking lot; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**7.) Resolution on County Sales Tax**

Supervisor Nellis read the following Resolution:

**WHEREAS**, the financial problems being experienced by the City of Buffalo are of great concern for all communities in Erie County; and

**WHEREAS**, it is the concern of many municipal officials that these problems will seriously effect other towns, cities and villages in Erie County if they are not resolved, and

**WHEREAS**, in order to prosper in the long run, city government must also restructure itself, and **WHEREAS**, the City of Buffalo has not demonstrated either an ability to restructure itself or to live within its means, and

**WHEREAS**, in order to improve the rapidly deteriorating quality of life in the City of Buffalo, the tax burden needs to be lowered and efficiency of city services improved, and

**WHEREAS**, there is a proposal to contribute a share of the county's extra one percent sales tax to the City in order to promote the City's fiscal health, and

**WHEREAS**, any sharing of the County's extra 1% would ultimately result in an additional tax burden to the property owners of the Town of Eden, and

**WHEREAS**, elected officials in the Town of Eden are obligated to consider our Town's fiscal health prior to providing assistance to other communities, and

**NOW, THEREFORE BE IT RESOLVED** that the Town of Eden can not in good conscience recommend at this time additional financial assistance to any community, including the City of Buffalo, that has not shown an ability to manage its' own finances in a responsible way, and **RESOLVED** that copies of this resolution be submitted to the Association of Erie County Governments, the County Executive and the Erie County Legislature.

Much discussion followed the reading of the Resolution and it was determined by the Town Board to table this request.

**MOTION** was made by Councilman Zittel to table the above-mentioned Resolution to give the Town Board an opportunity to review; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

### **Supervisor's Report:**

Supervisor Nellis stated that he has received correspondence from John Cappellino from the ECIDA regarding railroad crossings at Bley Road and Shadagee Road. The crossings have been inspected and repair work will be done as necessary.

Supervisor Nellis stated that he has received correspondence from Wesley Dust, Chief Engineer for the Erie County Water Authority stating that the Authority will not operate Water District No. 4 until it is completed in its entirety, including the Water Storage Tank. Operation of this district without the water storage tank in service will put an undue burden on existing customers up-stream from this district. Also, the Jennings Road Pump Station will not be allowed to be put into service until they received Health Department approval on the completed tank. Supervisor Nellis stated that the expectation would be that the lines will be connected sometime in September.

Supervisor Nellis stated that Erie County would be holding an "Electronics Recycling Day" on Saturday, September 27, 2003 from 9:00 A.M. to 2:00 P.M. at the Praxair Inc. – South Lot, Woodward Avenue, Tonawanda, New York. More information will be available closer to the date of the event.

Supervisor Nellis stated that he received a memo dated July 7, 2003 from Scott Henry, Chairman of the Drainage Committee advising that effective immediately he will be resigning his position as Chairman of the Drainage Committee.

### **Hearing of Visitors:**

Mike Bolo – 9998 Clarksburg Road

### **Adjournment:**

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 8:50 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