

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
EAST EDEN FIRE HALL  
8097 EAST EDEN ROAD  
EDEN, NEW YORK  
OCTOBER 8, 2003  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

GLENN R. NELLIS	-	SUPERVISOR ( <i>Absent</i> )
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 ( <i>Absent</i> )
Paul Laing, Jr.	-	Eden Fire Chief
Kevin R. Schoenthal	-	East Eden Fire Chief
Susan Brass	-	Recreation Director ( <i>Absent</i> )
Mary Bailey	-	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:**

Deputy Supervisor Pew called the Regular Meeting of the Eden Town Board to order at 7:30 P.M.

**Pledge of Allegiance:**

Deputy Supervisor Pew led the assembly in the Pledge of Allegiance to the flag followed by a moment of silence for the recovery of Seth Howard who was involved in an automobile accident.

**Approval of Minutes:**

Deputy Supervisor Pew asked if there were any additions or corrections to the Town Board Minutes of September 10, 2003; there were none.

**MOTION** was made by Councilman Walker to approve the Town Board Minutes of September 10, 2003 as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Deputy Supervisor Pew asked if there were any additions or corrections to the Town Board Minutes of September 24, 2003; there were none.

**MOTION** was made by Councilman Walker to approve the Town Board Minutes of September 24, 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:**

Deputy Supervisor Pew read the following “Budget Amendments” from Account A2770 to A1680.4 in the amount of \$3,100.00 for Refund of misapplied payment (True North/USPS), from Account Fire Equipment Reserve to SF3410.2 in the amount of \$215,645.00 for the remainder of fire truck bill and from Account H4089 to H8320.4 in the amount of \$35,103.86 for Federal grant money received for water project.

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

**Audit Bills:**

Deputy Supervisor Pew asked if there were any questions on the “Audit of Bills” which are on file in the Town Clerk’s office. There were two additions to the Fire Abstract of Audited Vouchers in the amount of \$9,132.45.

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	524-571	\$37,195.91

Highway Dept. Fund	245-269	\$72,402.61
Fire Dept. Fund	193-214	\$229,126.25
Recreation Dept. Fund	156-168	\$4,213.23
Refuse and Garbage Fund	14	\$403.80
Street Lights Fund	23-24	\$3,307.50
Water Fund	13	\$4,019.02
Trust & Agency Fund	--	--
Capital Fund	44-52	\$60,998.31
Community Development	2-4	\$2,530.65

**MOTION** was made by Councilman Walker 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, 2003 were presented by Councilman Walker for 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; Councilman Walker for Scott Henry, Zoning Code Enforcement Officer; Councilman Walker for Susan Brass, Recreation Director; Councilman Walker for Mary Bailey, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Paul Laing, Eden Fire Chief stated that the Eden Fire Department will be having an Open House on Saturday, October 11, 2003 from 12:00 noon to 4:00 P.M. in conjunction with Fire Prevention Week and to celebrate their 80<sup>th</sup> Year.

Paul Laing, Eden Fire Chief set a bid opening date to sell the GMC Van Fire Truck with a minimum bid price of \$5,000.00 for October 30, 2003 at 1:00 P.M. in the Town Clerk’s office.

**MOTION** was made by Councilman Zittel to set the bid opening date for the GMC Van Fire Truck for October 30, 2003 at 1:00 P.M. in the Town Clerk’s office; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Kevin Schoenthal, East Eden Fire Chief stated that the East Eden Fire Department will be holding their annual Halloween Party on Saturday, October 25, 2003 at 1:00 P.M. and all Edenchildren are welcome to attend. Chief Schoenthal also congratulated Eden Fire Department on the award of their grant.

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

Deputy Supervisor Pew closed the Regular Meeting of the Eden Town Board at 8:00 P.M.

**MOTION** was made by Councilman Zittel to open the Public Hearing for Proposed Local Laws #7 and #8 – to extend the current moratoriums on Telecommunication legislation and Wind Energy Conversion Systems; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Deputy Supervisor Pew opened the Public Hearing at 8:00 P.M.

**8:00 P.M.**  
**Public Hearing**  
**Proposed Local Laws #7 & #8**  
**To extend the current moratoriums on Telecommunications legislation and**  
**Wind Energy Conversion Systems**

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

There were no comments from citizens present.

All persons desiring to be heard, having been heard, Deputy Supervisor Pew closed the Public Hearing at 8:02 P.M.

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

**New and Unfinished Business:**

1. **Preliminary Budget – 2004 – Schedule Public Hearing**

Deputy Supervisor Pew stated that copies of the proposed 2004 preliminary

Budget would be available in the Town Clerk's office during normal business hours. A preliminary hearing will be held on November 5, 2003 at 7:30 P.M. at the Eden Town Hall.

The General Fund will have an increase in the tax rate per thousand from \$1.61 to \$2.03; the Highway Fund will have an increase from \$2.67 to \$2.77; Street Light Fund will remain the same at \$.15 and Fire Fund will have an increase from \$.72 to \$.76. The Refuse and Garbage will show a decrease from \$122.00 to \$107.00 per billable unit.

The total preliminary operating budget is \$2,306,942.87.

**MOTION** was made by Councilman Zittel to schedule the public hearing for the preliminary 2004 Budget for November 5, 2003 at 7:30 P.M. at the Eden Town Hall; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

2. **Engineering Services Proposal – Map, Plan & Report**

Deputy Supervisor Pew stated that correspondence was received from Bryan T. Smith, P.E., Senior Vice President of R & D Engineering regarding the Engineering Services Proposal which is on file in the Town Clerk's office. Mr. John Reid, from R & D Engineering explained the proposal and that the same proposal was given to the Town of Boston. Discussion ensued between the Town Board and John Reid from R & D Engineering.

**MOTION** was made by Councilman Walker to accept and proceed with the services described in the terms described in the Engineering Services Proposal for the lump sum fee of \$3,000 as presented and with the approval of Bill Trask, Town Attorney; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

John Reid, R & D Engineering then fielded questions from residents in the Water District #4 area.

3. **Resolution – Authorizing the Highway Superintendent to purchase a new truck with funds from the Highway Equipment Reserve Fund**

Councilman Walker read the Resolution authorizing Supervisor Glenn R. Nellis to expend funds from the Highway Capital (Equipment) Reserve Fund of the Town of Eden, subject to permissive referendum, a sum not to exceed \$25,000.00 from said Reserve Fund to purchase a One Ton Dump Truck.

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

Ron Maggs, Highway Superintendent requested the Town Board to set a bid opening date for a New One Ton Dump Truck for Thursday, November 6, 2003 at 10:00 A.M. in the Eden Town Clerk’s office.

**MOTION** was made by Councilman Walker to approve the bid opening date of November 6, 2003 at 10:00 A.M. in the Town Clerk’s office; seconded by Councilman Zittel; 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 Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Deputy Supervisor Pew 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 to consider possible projects/programs/needs for this year’s grant application.

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

**8:30 P.M.**

**Community Development Block Grant Application**

**To consider possible project/programs/needs for this year’s grant application**

Deputy Supervisor Pew explained the purpose of the Public Hearing was to listen to any concerns or questions that citizens have. Deputy Supervisor Pew then explained the projects that were submitted last year and the grants that were received. The Town Board is considering several plans, including an entranceway to Swartz Field, sidewalk repair on E. Church Street and a new senior citizens van.

Deputy Supervisor Pew then opened up the discussion to all in attendance.

Mr. & Mrs. Richard Szalasny stated that they had a presentation for a possible project for the Community Development Block Grant. Mrs. Szalasny proceeded with her presentation to build a Greek revival-type building on the town-owned land by the

ASA Warren property to be used by the Town Historian for an office and to house historical records.

All persons desiring to be heard, having been heard, Deputy Supervisor Pew closed the Public Hearing at 8:40 P.M.

**MOTION** was made by Councilman Zittel to close the public hearing; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

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

4. **Resolution declaring the 1981 GMC Step Van Surplus Fire Equipment and authorizing its sale**

Paul Laing, Eden Fire Chief made a recommendation to the Town Board to declare the 1981 GMC Step Van Surplus Fire Equipment and authorize the sale of said equipment.

**MOTION** was made by Councilman Zittel to declare the 1981 GMC Step Van Surplus Fire Equipment; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5. **Letter of Resignation – Historic Review Board**

Deputy Supervisor Pew stated that the Town Board received correspondence from Deb Schwert announcing her resignation from the Historic Review Board.

**MOTION** was made by Councilman Walker to accept with regret the resignation of Deb Schwert from the Historic Review Board; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6. **Letter of Resignation and recommendation of Appointment to the Conservation Advisory Board**

Deputy Supervisor Pew stated that the Town Board received correspondence from Frank Mantione, Conservation Board Chairman announcing the resignation of Mrs. Kathleen Hughes effective August 16, 2003.

**MOTION** was made by Councilman Walker to accept with regret the resignation of Mrs. Kathleen Hughes from the Conservation Advisory Board; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Mr. Frank Mantione, Conservation Board Chairman recommended the Town Board appoint Mr. Donald J. Suchan to the Conservation Advisory Board to fill the remainder of Mrs. Hughes un-expired term.

**MOTION** was made by Councilman Walker to appoint Mr. Donald J. Suchan to the Conservation Advisory Board to fill the remainder of Mrs. Hughes un-expired term which will expire 12/31/2004; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

7. **Water District #4 – Change Order #1**

Deputy Supervisor Pew stated that the Town Board received correspondence from R & D Engineering regarding Change Order No. 1 for Water District No. 4 for Weydman Electric, Inc. A change order for Weydman Electric in the amount of \$9,404.60 for additional underground service at the Jennings Road Pump Station and additional overhead service at the Kulp Road Tank Site, a voucher for Weydman Electric in the amount of \$21,264.41 and a voucher for Fisher Tank Co. in the amount of \$23,750.00.

**MOTION** was made by Councilman Walker to approve Change Order No. 1 for Water District No. 4; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8. **Window Washing – Eden Town Hall**

Deputy Supervisor Pew stated that Michael Hudson, an Eden resident had made a request to wash the windows at the Eden Town Hall for a price of \$253.00. Mr. Hudson’s insurance is in order.

**MOTION** was made by Councilman Walker to approve \$253.00 for Michael Hudson to wash the windows at the Eden Town Hall; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.



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

Deputy Supervisor Pew stated that Erie County Highway has a deadline of December 5, 2003 to complete the bridge replacement in the Town of Boston.

Councilman Walker stated that he received a request from Paul Shephard, Eden Emergency Squad Director, for permission to send 2 (two) members of the Eden Emergency Squad to the NYS EMS Conference. This is an item that was included in the 2003 budget.

**MOTION** was made by Councilman Zittel to send 2 (two) members of the Eden Emergency Squad to the NYS EMS Conference; seconded by Councilman Walker; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

### **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 Councilman Walker; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Deputy Supervisor Pew adjourned the Regular Meeting of the Eden Town Board at 8:55 P.M.

### **Executive Session:**

Deputy Supervisor Pew adjourned the Executive Session of the Eden Town Board Meeting at 9:30 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk