

MINUTES

REGULAR MEETING – EDEN TOWN BOARD

2795 EAST CHURCH STREET

EDEN, NEW YORK

DECEMBER 10, 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
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
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
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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.

Presentations:

Supervisor Nellis read the following proclamation:

**A PROCLAMATION
HONORING COUNCILMAN GEORGE ZITTEL**

WHEREAS, George Zittel has served for over 16 years as Councilman for The Town of Eden; and

WHEREAS, he has provided leadership on many important issues during these years of service; and

WHEREAS, he has conducted himself with integrity and thoughtfulness, not given to partisan decision making, but doing what he felt was best for the people of Eden; and

WHEREAS, his interest in and service to the Eden Volunteer Fire Department and as Town Board liaison to both the Eden and East Eden Fire Departments has been exemplary; and

WHEREAS, his interest in agricultural issues has always been keen but even-handed in considering issues at hand; and

WHEREAS, his experience and counsel on all issues will be greatly missed by the Town Board and the people of the Town of Eden;

NOW, BE IT RESOLVED that we, the Town Board of Eden, tip our hats to Councilman George Zittel for a job “well done”. He has been A Councilman’s Councilman, a model for all of us to emulate; and

BE IT FURTHER RESOLVED that we, the Eden Town Board, designate Wednesday, December 10, 2003 as “George Zittel Day” in our Community with deepest thanks for the job he has done.

Councilwoman Pew read the following Certificate of Recognition:

WHEREAS, Glenn R. Nellis has served the community well for many years in many capacities; and

WHEREAS, his position as Eden Town Supervisor and his whole-hearted participation in many charitable, civic and church functions have earned for him the respect of a host of area residents; and

WHEREAS, he has served faithfully as a member of the Eden Town Board since 1998 and has played a vital role in the important work of the Eden Town Board; and

WHEREAS, Glenn R. Nellis has been recognized for his support and implementation of the Town of Eden Master Plan and has received both the Elected Leader-Distinguished Leadership Award and the Western New York District Award from the New York Upstate Chapter of the American Planning Association; and

WHEREAS, Glenn R. Nellis continues to be an influence for good in the growth and progress of our community;

NOW, THEREFORE, WE, COUNCILMEN OF THE EDEN TOWN BOARD, hereby tender to Glenn R. Nellis this Certificate of Public Recognition, extending our deep appreciation for his distinguished service, especially in the area of planning and we wish him continued success in all future endeavors for the benefit of the citizens of Eden.

Approval of Minutes:

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of November 5, 2003; there were none.

MOTION was made by Councilman Walker to approve the Town Board Minutes of November 5, 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 November 12, 2003; there were none.

MOTION was made by Councilman Zittel to approve the Town Board Minutes of November 12, 2003 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 A7140.1 to A7110.1 for additional 2003 expenditures in the amount of \$1,750.00, from Account A7310.1 to A7110.1 for additional 2003 expenditures in the amount of \$1,453.00, from Account A7310.4 to A7110.1 for additional 2003 expenditures in the amount of \$1,400.00, from Account A7110.4 to A7110.1 for additional 2003 expenditures in the amount of \$258.00, from Account A9015.8 to A1910.4 for additional 2003 expenditures in the amount of \$2,115.00, from Account A9015.8 to A3989.4 for additional 2003 expenditures in the amount of \$240.00, from Account A9015.8 to A6772.4 for additional 2003 expenditures in the amount of \$350.00 and from Account D2770 to D5110.4 for Piping Material fees in the amount of \$794.85.

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

Budget Amendments:

Supervisor Nellis read the following “Budget Amendments” from Account D2680 to D5110.1 for Reimbursement from Worker’s Compensation for Mr. Barton in the amount of \$1,920.00.

MOTION was made by Councilman Vacco to approve the “Budget Amendment” as presented; 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
General Fund	682-749	\$88,710.54
Highway Dept. Fund	305-339	\$49,416.37
Fire Dept. Fund	245-268	\$12,412.35
Recreation Dept. Fund	187-195	\$1,914.92
Refuse and Garbage Fund	18-20	\$38,654.61
Street Lights Fund	28-30	\$4,320.04
Water Fund	16-19	\$6,701.58
Trust & Agency Fund	--	--
Capital Fund	65-67	\$26,728.97
Community Development	--	

MOTION was made by Councilman Walker 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 2003 were presented by 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; Supervisor Nellis for Scott Henry, Zoning Code Enforcement Officer; Supervisor Nellis for Susan Brass, Recreation Director; Supervisor Nellis for Sharon Brockman and Robert Pietrocarlo from the Assessors office. All reports are on file in the Town Clerk's office.

Paul Laing, Eden Fire Chief requested adding the name of James Schwanz to the active roster of the Eden Fire Department pending his physical and arson check.

MOTION was made by Councilman Zittel to add the name of James Schwanz to the active roster of the Eden Fire Department; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain: None; Motion carried.

New and Unfinished Business:

1. **Approval of Resolution to enter into the STOP-DWI Contract with the County of Erie for 2003**

Supervisor Nellis read the following resolution:

TOWN OF EDEN RESOLUTION TO ENTER INTO 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, 2003 to December 31, 2003;

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 2003 STOP-DWI PROGRAM.

MOTION was made by Councilman Zittel to approve the STOP-DWI Program Resolution; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

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

Supervisor Nellis explained the year-end process and asked for a motion giving him authorization to proceed.

MOTION was made by Councilman Walker allowing Supervisor Nellis as the Budget Officer authorization to proceed with any year-end budget transfers necessary to maintain department budget balances; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3. **Award of bid on the sale of the 3 Point Hitch Boom Mower declared surplus highway equipment**

Ron Maggs, Highway Superintendent presented the bid results to the Town Board and made his recommendation to award the bid of the 3 Point Hitch Boom Mower to Buffalo Southern Railroad, Inc. in the amount of \$1,251.88.

MOTION was made by Councilman Walker to approve the recommendation of Ron Maggs, Highway Superintendent to award the bid to Buffalo Southern Railroad, Inc. in the amount of \$1,251.88; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4. **Appointments/Reappointments – David Yingling, Recreation Board – Barbara Neureuter, Assessment Board of Review – Michael Bolo, Economic Development Committee**

Supervisor Nellis read the following recommendations for Appointments/
Reappointments:

David Yingling – Recreation Board – 5-year term

Barbara Neureuter – Assessment Board of Review – 5-year term

Michael Bolo – Economic Development Committee – 3-year term

MOTION was made by Councilwoman Pew to accept the above-mentioned recommendations for appointments/reappointments; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5. **Memo from Frank Mantione, Chairman of Conservation Board, Re: Review of Applications for Development of Open Space**

Supervisor Nellis received correspondence from Frank Mantione, Chairman of the Eden Conservation Advisory Board regarding the review of applications for development of open space areas as listed in the Open Space Index (9/99). The memo continued to quote the General Municipal Law Article 12-F, subsection 239-y entitled “Designation of council as conservation board” paragraph 3a states that the Conservation Board should “Review each application received by the legislative body or by the building department, zoning board, planning board, board of appeals or other administrative body, which seeks approval for the use or development of any open area listed in the open space index”.

Paragraph 3a goes on to say that the Conservation Board has 45 days from the receipt of such application to submit a written report to the referral body and that the report shall evaluate the proposed use or development of the open area in terms of open area planning objectives.

In addition, the report “shall make recommendations as to the most appropriate use or development of the open area and may include preferable alternative use proposals consistent with open area conservation”.

The Town of Eden adopted an Open Space Index (9/99), wherein 85 open space areas were mapped and inventoried by number of acres, land use, grid location, zoning and general location.

With that, the Conservation Advisory Board is requesting that the Town of Eden comply with the requirements of the General Municipal Law Article 12-F subsection 239-y paragraph 3a by permitting the Conservation Board to review any application for use or development in the aforementioned 84 open areas listed in the Open Space Index (9/99).

Much discussion ensued between the Town Board, the Town Attorney and residents present. Some of the concerns discussed were whether or not the review would slow the process of approving an application, whether meetings of the Conservation Board would need to be advertised and open to the public in conjunction with the Open Meetings Law, that the Open Space Inventory is part of the Master Plan already and whether or not it would be an additional financial burden on applicants.

Mr. Mantione will respond to the Town Board before the regularly scheduled meeting of the Eden Town Board in January 2004.

MOTION was made by Councilman Vacco to close the Regular Meeting of the Eden Town Board; seconded by Councilman Zittel; 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 Vacco to open the Public Hearing for the purpose of the Renewal of Special Use Permits; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

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

**PUBLIC HEARING
8:30 P.M.**

The purpose of the Public Hearing is the Renewal of the following Special Use Permits:

- 1. Norman Brenner Gravel Pit**
- 2. Cazenovia Recovery Resources**
- 3. St. John's Church/Eden Kinder Care**
- 4. Sprint Spectrum Telecommunications Tower – Mammoser Property**
- 5. Nextel Partners; Telecommunications Tower**
- 6. Henrich Airstrip**
- 7. Brawdy – Migrant Workers Trailer**

Supervisor Nellis then stated that the purpose of the public hearing is to listen to any concerns or questions that citizens have.

The following residents made comments:

Paul Shephard – 3196 East Church Street

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:37 P.M.

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

Supervisor Nellis closed the Public Hearing at 8:37 P.M.

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

Supervisor Nellis opened the Regular Meeting of the Eden Town Board at 8:37 P.M.

MOTION was made by Councilman Walker to approve the renewal of the Special Use Permits as listed above with the condition that all fees have been received by the Town Clerk; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6. Status Report – Water Projects

John Reid, R & D Engineering stated that over 50% of the residents in Water District No. 4 is complete. The residents are now contacting Erie County Water Authority to connect to the meter. The hydrants are active and the Fire Department will be contacted soon.

6. Status Report – Weller/Merrill Drainage Project

Andrew Reilly, Town Engineer delivered a “Draft” report regarding the Weller/Merrill Drainage Project to the Town Board and Town Attorney for their review. A status report for the residents in that area should be completed for the January 2004 Town Board meeting

7. Dates of Year-End Meeting and January Re-organizational Meeting

Supervisor Nellis announced the following dates:

Monday, December 29, 2003 @ 6:00 P.M. – final year-end meeting

Thursday, January 8, 2004 @ 7:30 P.M. – Re-organizational meeting

8. Award of Baseball Bid for Baseball Equipment

Supervisor Nellis read correspondence from Susan Brass, Recreation Director

regarding the award of Bid for Baseball Equipment recommending the bid be awarded to the sole bidder – Anaconda Sports in the amount of \$1,642.72, which is below the budgeted amount of \$2,000.00. A total of three bids had been sent out and only Anaconda Sports returned a quote.

MOTION was made by Councilman Walker to award the bid to Anaconda Sport in the amount of \$1,642.72 for baseball equipment; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

9. Renovation of Auditorium Wallpaper

Councilman Zittel read correspondence regarding updating the wallpaper in the Town of Eden auditorium. A quote has been received in the amount of \$1400.00 to purchase the wallpaper and for the installation. Much discussion ensued and it was decided to consider other options and report back to the Town Board.

10. Part-time Court Clerk Vacancy

Supervisor Nellis read correspondence from Michael G. Cooper, Eden Town Justice, regarding a vacancy in the Court office. Mr. Cooper recommended the appointment of Mrs. Joyce Guziec to the part-time position. The appointment would entail approximately 20 hours per month at a rate comparable to other part-time Court staff.

MOTION was made by Councilman Walker to appoint Mrs. Joyce Guziec to the position of Part-time Court Clerk; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

Supervisor Nellis stated that the swearing-in ceremony for newly elected positions would be held at the Eden Town Hall on January 1, 2004 at 2:00 P.M.

Hearing of Visitors:

Ruth Szalasny – 3048 Belknap 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 9:10 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