

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
JANUARY 14, 2004  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

|                    |   |   |
|--------------------|---|---|
| GLENN R. NELLIS    | - | SUPERVISOR                                |
| MARY LOU PEW       | - | COUNCILWOMAN ( <i>Deputy Supervisor</i> ) |
| EDWARD KRYCIA, JR. | - | 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                 |
| Kathy Keller               | - | Eden Emergency Squad            |
| Paul Laing, Jr.            | - | Eden Fire Chief                 |
| Kevin R. Schoenthal        | - | East Eden Fire Chief            |
| Susan Brass                | - | Recreation Director             |
| Robert Pietrocarlo         | - | Chairman Board of Assessors     |
| Scott T. Henry             | - | Zoning Code Enforcement Officer |

**OTHERS PRESENT:**

|                   |   |                          |
|-------------------|---|--------------------------|
| William Trask     | - | Town Attorney            |
| Mary Jo Hultquist | - | Town Clerk               |
| Anna M. Knack     | - | Administrative Assistant |

**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 December 10, 2003; there were none.

**MOTION** was made by Councilman Walker to approve the Town Board Minutes of December 10, 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 December 29, 2003; there were none.

**MOTION** was made by Councilman Walker to approve the Town Board Minutes of December 29, 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 January 8, 2004; Councilwoman Pew stated that on the vote for Designation of Deputy Supervisor, adjust her vote to “Abstain”.

**MOTION** was made by Councilman Walker to approve the Town Board Minutes of January 8, 2004 with the correction by Councilwoman Pew; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Petitions:**

There were none.

**Budget Transfers:**

There were none.

**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            | 1-29            | \$51,443.97 |
| Highway Dept. Fund      | 1-10            | \$20,260.71 |
| Fire Dept. Fund         | 1-3             | \$5,178.60  |
| Recreation Dept. Fund   | 1-3             | \$1,790.83  |
| Refuse and Garbage Fund | 1               | \$26,409.31 |
| Street Lights Fund      | --              | --          |
| Water Fund              | --              | --          |
| Trust & Agency Fund     | --              | --          |
| Capital Fund            | --              | --          |

|                       |   |            |
|-----------------------|---|------------|
| Community Development | 1 | \$4,814.00 |
|-----------------------|---|------------|

**2003 PAYABLES**

|                       |         |             |
|-----------------------|---------|-------------|
| General Fund          | 805-819 | \$12,643.31 |
| Highway Dept. Fund    | 369-374 | \$2,546.47  |
| Fire Dept. Fund       | 296-308 | \$1,235.12  |
| Recreation Fund       | 207-210 | \$263.00    |
| Refuse & Garbage Fund | --      | --          |
| Street Lights         | 32-33   | \$4,430.60  |
| Water Fund            | 22-23   | \$4,111.28  |
| Capital               | --      | --          |

**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.

**Encumbrances:**

Supervisor Nellis read the following 2003 encumbrances for Reserve Police to Northeastern Uniforms (Officers Flynn & Blaszc) in the amount of \$270.45 and Saia Communications, Inc. for pagers in the amount of \$637.16.

**MOTION** was made by Councilwoman Pew to accept the 2003 encumbrances totaling \$907.61; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Departmental Reports:**

Department reports for the month of December, 2003 were presented by Kathy Keller, 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; Scott Henry, Zoning Code Enforcement Officer; Susan Brass, Recreation Director; Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Paul Laing, Eden Fire Chief requested the approval of the Officers for 2004.

- |   |                              |
|---|------------------------------|
| Paul Laing, Chief                           | President, John Jacobs       |
| David Cole, 1 <sup>st</sup> Asst. Chief     | Vice President, Randy Lauber |
| Matthew Colvin, 2 <sup>nd</sup> Asst. Chief | Treasurer, Thomas Schreiner  |
| Chris Colvin, Captain                       | Secretary, John Gavin        |
| Richard Greeley, 1 <sup>st</sup> . Lt.      | Trustees, William Sickau,    |
| David Rice, 2 <sup>nd</sup> . Lt.           | Tammy Stressing              |
| Clyde Colvin, Safety Officer                | Mark Zittel                  |
| Daniel Howles, Safety Officer               |                              |

Ronald Salzman, Safety Officer

**MOTION** was made by Councilwoman Pew to approve the 2004 Officers of the Eden Fire Department; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Paul Laing, Eden Fire Chief, requested permission for the Eden and East Eden Fire Departments to take fire equipment out of the fire district for mutual aid, repairs, training, funerals, and parades at the discretion of the chief or officer in charge.

**MOTION** was made by Councilwoman Pew to grant permission to the Eden and East Eden Fire Departments to take fire equipment out of the fire district at the discretion of the chief or officer in charge; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Paul Laing, Eden Fire Chief requested adding the name of Alfredo Carios, Jr. to the active roster, pending physical exam and arson check.

**MOTION** was made by Councilwoman Pew to add the name of Alfredo Carios, Jr. to the active roster, pending physical exam and arson check; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Kevin Schoenthal, East Eden Fire Chief requested removing the name of George Schwanz from the East Eden active roster after 26 years of service to the department.

**MOTION** was made by Councilwoman Pew to remove the name of George Schwanz from the active roster, with a letter of thanks from the Town of Eden; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Kevin Schoenthal, East Eden Fire Chief requesting adding the name of Marie Armstrong to the active roster of the East Eden Fire Department pending physical exam and arson check.

**MOTION** was made by Councilwoman Pew to add the name of Marie Armstrong to the active roster pending physical exam and arson check; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Kevin Schoenthal, East Eden Fire Chief requested approval on the cleaning of the fire hall with a bid of \$1,797.00 submitted by John McCarthy.

**MOTION** was made by Councilwoman Pew to approve the hall cleaning bid of \$1,797.00; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Kevin Schoenthal, East Eden Fire Chief requested approval of the Officers for 2004.

|   |                           |
|---|---------------------------|
| Kevin Schoenthal, Chief                     | President, John McCarthy  |
| Joe Armbruster, 1 <sup>st</sup> Asst. Chief | Vice-President, Ed Blaszc |
| Andrew Breier, 2 <sup>nd</sup> Asst. Chief  | Secretary, John Blaszc    |
| Roy Armbruster, Captain                     | Treasurer, Ken Foltyniak  |
| Chris Enser, 1 <sup>st</sup> Lt.            | Trustees, Daniel Buck     |
| Scott Hunter, 2 <sup>nd</sup> Lt.           | John Matwijkow            |
| Rick Kirst, Safety Officer                  | Jerome Schmitz            |
| Chris Brind'Amour, Safety Officer           |                           |

**MOTION** was made by Councilwoman Pew to approve the 2004 Officers of the East Eden Fire Department; seconded by Councilman Walker; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent asked permission of the Town Board to approve and sign the annual "Agreement to Spend" Town Highway Funds in 2004 in the amount of \$238,100.00 for the general repair and improvement of highways, which will be filed in the Town Clerk's office.

**MOTION** was made by Councilman Walker to approve and sign the "Agreement to Spend" Town Highway Funds in 2004 in the amount of \$238,100.00 for the general repair and improvement of highway; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent asked permission of the Town Board to help as needed with Eden's Winter Fest, which will be held February 13, 14 and 15, 2004.

**MOTION** was made by Councilman Walker to allow Ron Maggs, Highway Superintendent to help as needed with Eden's Winter Fest, on February 13, 14 and 15, 2004; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**New and Unfinished Business:**

1. **Set Date for Public Hearing – Draft Code Revisions – Telecommunications and Wind Energy Conversion Systems.**

Supervisor Nellis stated that a Public Hearing be set for February 11, 2004 at 8:00 P.M. and 8:30 P.M. for the Draft Code Revisions for the Telecommunications Facilities and Wind Energy Conversion Systems.

**MOTION** was made by Councilwoman Pew to set a Public Hearing for February 11, 2004 at 8:00 and 8:30 P.M. for the Draft Code Revisions for the Telecommunications Facilities and Wind Energy Conversion Systems; seconded by Councilman Walker; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**2. Bulk Water Schedule Contract with Erie County Water Authority for Wepax Road**

Supervisor Nellis received correspondence from Mark J. Fuzak, Counsel for Erie County Water Authority regarding Wepax Road Bulk Sale Agreement, which included a draft proposed Bulk Sale Agreement between Erie County Water Authority and the Town of Eden for Water District No. 4, Wepax Road area. Prior to the execution of the agreement, both the Town Board of Eden and the Board of Commissioners of the Erie County Water Authority will be required to pass a resolution authorizing execution of the Agreement.

William Trask, Town Attorney has reviewed the Bulk Sale Agreement and advised the Town Board to give authorization to Supervisor Nellis to sign the agreement pending Mr. Trask's approval.

**MOTION** was made by Councilman Walker to authorize Supervisor Nellis to sign the agreement pending the approval of Attorney Trask; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**3. Special Counsel Retainer – Assessment Case**

Supervisor Nellis received correspondence from Mark McNamara of Hiscock & Barclay, LLP, Attorneys At Law regarding representation as trial counsel in the tax assessment case pending in NYS Supreme Court between Main Street Properties vs. the Town of Eden, its Board of Assessment Review and its Assessor. William Trask, Town Attorney was involved in the sale of the above-mentioned property and has a "Conflict of Interest" representing the Town of Eden. Mr. Trask recommended Mr. McNamara to represent the Town of Eden.

**MOTION** was made by Councilwoman Pew to approve the Retainer Agreement from Mr. Mark McNamara for the Assessment Case; seconded by Supervisor Nellis; Ayes; Nellis, Krycia, Pew, Vacco; Opposed? – None; Abstain? – Walker (as an Attorney with Hiscock & Barclay, LLP); Motion carried.

**4. Set Date for Public Hearing – Local Law Amendment on Residential Dwellings in the General Business District.**

Supervisor Nellis received correspondence from Mark Agle, Chairman of the Eden Planning Board regarding the proposed Local Law Amending the Town of Eden's zoning code to allow Residential Dwellings within the General Business District subject to Special Use Permit of the Eden Town Board. It is the recommendation of the Planning Board that the Town Board favorably consider adopting the proposed Local Law. With that information, Supervisor Nellis recommended setting a Public Hearing for February 11, 2004 at 8:30 P.M.

**MOTION** was made by Councilman Walker to set a Public Hearing for February 11, 2004 at 8:30 P.M. for the purpose of Proposed Local Law 1-2004 amending the Town of Eden's zoning code to allow Residential Dwellings within the General Business District subject to Special Use Permit of the Eden Town Board; seconded by Councilwoman Pew; All "Ayes; Opposed? – None; Abstain? – None; Motion carried.

**5. Upgrade of Telephone System – Eden Town Hall**

Supervisor Nellis received correspondence from Patrick M. Howard, Chief of Police regarding the current telephone system and possible upgrade. The current telephone system was installed approximately 18 years ago and does not allow caller ID and up-to-date capabilities. Chief Howard feels that caller ID is a necessary tool for the Police Department. The total cost for the updated system is \$7,700.00 plus applicable taxes.

**MOTION** was made by Councilwoman Pew to approve the upgrade of the Telephone System in the Town Hall not to exceed \$7,700.00; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**6. Polling Place Consolidation**

Supervisor Nellis read correspondence from Mary Jo Hultquist, Town Clerk regarding polling place consolidation for the Presidential Primary to be held on March 2, 2004. Consolidation is standard practice for a primary election, which results in a cost savings to the Town of Eden. Commissioners Ralph Mohr and Laurence Adamczyk from the Erie County Board of Elections will be notified.

**MOTION** was made by Councilman Krycia to approve the consolidation for the Presidential Primary to be held on March 2, 2004; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**7. Correspondence: Association of Towns – Annual Meeting/Certificate of Designation**

Supervisor Nellis stated that the 2004 Training School and Annual Meeting of The Association of Towns will be held at the Hilton New York & Towers, New York City February 15-18, 2004. This is a training session for town officials. The following individuals are planning on attending this conference: Supervisor Nellis, Councilman Krycia, Councilman Vacco, Town Justice Michael Cooper, (2) members of the Planning Board and (1) member of the Zoning Board of Appeals.

Supervisor Nellis stated that the Town Board must designate a Voting Delegate and an Alternated Voting Delegate to attend the Annual Business Session of the Association of Towns of the State of New York.

**MOTION** was made by Councilman Walker to designate Glenn R. Nellis, Supervisor as Voting Delegate and Vincent V. Vacco, Councilman as an Alternate Voting Delegate; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**8. Repairs to East Eden Fire Engine No. 4**

Supervisor Nellis read correspondence from Kevin Schoenthal, East Eden Fire

Chief, regarding repairs to East Eden Fire Engine No. 4 in the amount of \$2,268.30. This amount was included in the 2004 budget.

**MOTION** was made by Councilman Walker to approve the expenditure of \$2,268.30 for repairs to East Eden Fire Engine No. 4; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

9. **Appointments/Reappointments**

Supervisor stated that he has received the following appointments:

|                   |                     |             |
|-------------------|---------------------|-------------|
| Kevin O’Gorman    | Planning Board      | 7-year term |
| Andrew Romanowski | Planning Board Alt. | 1-year term |
| Gary Neureuter    | Econ. Develop.      | 3-year term |
| Lori Riker        | Econ. Develop.      | 3-year term |

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

**Supervisor’s Report:**

Supervisor Nellis reported that the Erie County Sewer Authority is proceeding with plans to establish a Sewer District on the west side of Route 62 from the driveway in front of Katherine’s to Shadagee Road. Supervisor Nellis will be talking to residents in that area.

Supervisor Nellis stated that the Economic Development Committee together with the Eden Chamber of Commerce will be hosting workshops regarding Business Planning, which is open to all local businesses to be held on January 27, 2004 and February 3, 2004 at the Eden Fire Hall at 7:30 P.M.

**Hearing of Visitors:**

Gerald Arendt, 3271 Wepax Road  
Ruth Szalasny, 3048 Belknap Road

**Adjournment:**

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:20 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