

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
FEBRUARY 11, 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
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 January 14, 2004; there were none.

MOTION was made by Councilman Walker to approve the Town Board Minutes of January 14, 2004 as presented: seconded by Councilwoman Pew; 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	30-92	\$43,209.83
Highway Dept. Fund	11-30	\$46,530.12
Fire Dept. Fund	4-25	\$17,364.01
Recreation Dept. Fund	4-8	\$3,632.13
Refuse and Garbage Fund	--	--
Street Lights Fund	1-2	\$3,583.48
Water Fund	1-3	\$13,303.09
Trust & Agency Fund	--	--
Capital Fund	1-3	\$70,239.76
Community Development	--	--

2003 PAYABLES

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	820-828	\$7,802.93
Highway Fund	375-377	\$1,423.04
Fire Fund	309-313	\$2,422.97
Recreation Fund	211-213	\$229.35
Street Lights Fund	34	\$1,182.23
Water Fund	24	\$617.78

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 January 2004 were presented by 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.

Robert Pietrocarlo, Head Assessor asked permission of the Town Board to add an additional 40 hours for clerical work until the end of the year.

MOTION was made by Councilman Walker to allow an additional 40 hours for clerical work until the end of the year; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Paul Laing, Eden Fire Chief requested the Town Board remove the names of Paul Shephard and Jay Senozetnik from the active roster of the Eden Fire Department.

MOTION was made by Councilwoman Pew to remove the above-mentioned names from the active roster of the Eden Fire Department; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Paul Laing, Eden Fire Chief requested approval for \$2,410.00 for five (5) members of the Eden Fire Department to attend the Fire Department Instructors Conference (FDIC) in Indianapolis, Indiana on April 26, 2004 through May 1, 2004. The Fire Department budgeted \$1,000.00 for this expense in the 2004 budget. **MOTION** was made by Councilwoman Pew to approve the amount of \$2,410.00 for five (5) members of the Eden Fire Department to attend the Fire Department Instructions Conference from April 26 – May 1, 2004; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested the Town Board to set a bid opening date for Motor Fuels and Related Services for Wednesday, March 3, 2004 at 10:00 A.M. in the Town Clerk’s office. The annual bid includes no lead,

diesel, kerosene and related services for a one-year period from April 1, 2004 through March 31, 2005.

MOTION was made by Supervisor Nellis to set the bid opening date for March 3, 2004 at 10:00 A.M. in the Town Clerk's office; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

New and Unfinished Business:

1. **Approval of East Eden No. 4 – Additional Expense for Repairs**

Supervisor Nellis read correspondence from Kevin Schoenthal, East Eden Fire Chief, regarding additional expenses for repairs to East Eden #4, due to the increase labor and parts an additional cost of approximately \$1,000.00 to \$1,200.00 will occur.

MOTION was made by Councilman Krycia to approve additional expenses up to \$1,200.00 for repairs to East Eden #4; seconded by Councilman Walker; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Councilman Krycia to close the Regular Meeting of the Eden Town Board for public hearing; seconded by Councilman Walker; 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 Councilman Krycia to open the Public Hearing for Proposed Local Law – Telecommunication Facilities; seconded by Councilman Walker; 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 – Telecommunications Facilities

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

Andrew Reilly, Town Engineer explained that the purpose of the local law was to look at other communities and compare to our local law and make

improvements. The Planning Board has made minor amendments that are included in the Draft Revision dated February 5, 2004, that was available in the Town Clerk's office for review prior to the public hearing.

Much discussion ensued between the Town Board and comments were received from the following residents in attendance.

Wilbert Smutz 3094 East Church Street
Ruth Szalasny 3048 Belknap Road
Robert Stickney 2718 Lourdes Drive

8:15 P.M.
Public Hearing
Proposed Local Law – Wind Energy Conversion Systems

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

There were no comments from the residents present.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:30 P.M.

8:30 P.M.
Public Hearing
**Proposed Local Law – To allow residential use within the
General Business Zone by Special Use Permit
Of the Town Board**

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

There were no comments from the residents present.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:33 P.M.

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

Supervisor Nellis closed the Public Hearing at 8:33 P.M.

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

Supervisor Nellis opened the Regular Meeting of the Eden Town Board at 8:33 P.M.

2. **Advisory Board Reappointment**

Supervisor Nellis requested the reappointment of Frank Mantione as Chairman to the Conservation Advisory Board for a two-year term.

MOTION was made by Councilman Walker to reappoint Frank Mantione as Chairman to the Conservation Advisory Board for a two-year term; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3. **Status Report – Updated Phone System**

Supervisor Nellis read correspondence from Ann Knack, Administrative Assistant regarding the update of the phone system in the Town Hall. The Town Board had previously approved spending \$7,700 to upgrade our current system and to allow the Eden Police Department the capability of caller ID. According to the Procurement Policy it was determined that written estimates from at least three agencies was necessary. At that time the Eden Police Department received prices for a comparable phone system upgrade from 4 other agencies, which are available at the Town Clerk’s office. ICS Telecom revised their original bid, after bidding originally on 16 working telephones and not the actual count of 19, coming in at \$8,000.00.

MOTION was made by Councilman Walker to approve \$8,000.00 to ICS Telecom for the updated phone system in the Town Hall; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4. **Status Report – Update of Town of Eden Code Book**

Supervisor Nellis stated that the update of the Town of Eden Code Book is

proceeding appropriately with information sent to General Code Publishers. There were a number of additions adding to the cost of approximately \$9,000.00. In the future, additions to the Code Book will be sent on an annual basis.

5. **Resolution – Transfer of funds from Refuse and Garbage Reserve to Refuse and Garbage Fund Balance**

Supervisor Nellis read the following resolution:

I hereby move to transfer the sum of \$48,520.00 from the Refuse and Garbage Capital Equipment Reserve Fund to the Refuse and Garbage Fund Balance to be applied against the Town's 2004 Refuse and Garbage Budget.

Seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain; None; Motion carried.

6. **Introduction of new R & D Engineering Representative and Status Report on Map, Plan and Report – Shadagee Road Project and Violet Street Pump Station.**

Supervisor Nellis introduced Stephen Waldvogel from R & D Engineering, Inc.

Mr. Waldvogel stated that 8 municipalities, forming a consortium, would be included in a hydraulic study. R & D Engineering will be working with Wendel Engineers on the project along with Erie County Water Authority. A start-up meeting is scheduled for February 23, 2004. The consortium will benefit the Shadagee Road project. A completion date of early March is expected on the Violet Street Pump Station.

7. **Quote from Duffett Plumbing – Work at Eden Library**

Supervisor Nellis received correspondence from Duffett Plumbing and Heating, Inc., regarding a quote to rerun the drain lines coming from the sump pumps in the basement of the library. The total cost of the project is \$902.00.

MOTION was made by Councilman Krycia to approve the payment of \$902.00 to Duffett Plumbing to rerun the drain lines in the basement of the Eden Library; seconded by Councilman Walker; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Councilman Krycia to adopt Local Law #1-2004 (proposed Local Law #3-2004); seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor's Report:

- Supervisor Nellis stated that a check in the amount of \$500.00 was received from the Historic Society after a review of their books.
- A meeting will be held on 2/24/2004 at the Library on Grand Island to review framework for Economic Development of Erie/Niagara County.
- An Association of Town Government meeting will be held on 2/26/04 at Michael's in Hamburg with Charlie Webb from the ECIDA speaking. Dinner reservations are required.
- Jeanne Chase, Erie County Legislator has opened her new office at 8566 N. Main Street, Eden, NY and her telephone number is 992-4271.

Hearing of Visitors:

Ruth Szalasny, 3048 Belknap Road

Adjournment:

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:30 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