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**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
MARCH 10, 2004  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

GLENN R. NELLIS - SUPERVISOR  
MARY LOU PEW - COUNCILWOMAN (*Deputy Supervisor*)  
EDWARD KRYCIA, JR - COUNCILMAN  
VINCENT V. VACCO - COUNCILMAN  
TIMOTHY J. WALKER - COUNCILMAN

**DEPARTMENT HEADS PRESENT:**

Andrew C. Reilly of Wendel - Town Engineer  
Patrick M. Howard - Chief of Police  
Paul Laing, Jr. - Eden Fire Chief  
Susan Brass - Recreation Director  
Robert Pietrocarlo - Chairman Board of Assessors

**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.

**Presentation:**

Supervisor Nellis introduced Melissa Keller an Eden resident who presented a flag representing the Town of Eden to the Town Board, which she made as a project for a badge for Girl Scouts. The Town Board accepted the flag and documented the presentation with a photo. The flag will be displayed in the showcase in the Eden Town Hall.

**Approval of Minutes:**

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of February 11, 2004; there were none.

**MOTION** was made by Councilman Walker to approve the Town Board Minutes of February 11, 2004 as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of February 25, 2004; there were none.

**MOTION** was made by Councilman Walker to approve the Town Board Minutes of February 25, 2004 as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Petitions:**

There were none.

**Budget Transfers:**

Supervisor Nellis read the “Budget Transfers” from Account A1990.4 to Account A7610.4 for Senior Citizen bus trip (12/03/2003) in the amount of \$502.00.

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

**Budget Amendments:**

Supervisor Nellis read the “Budget Amendments” from Account A599 to Account A1680.4A for Appropriate SARA Grant received in 2003 in the amount of \$17,022.00 and from Account A599 to Account A1620.2 for new phone system in the amount of \$8,000.00.

**MOTION** was made by Councilman Walker to approve the “Budget Amendments” as presented; seconded by Councilman Vacco; 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	93-186	\$67,038.67
Highway Dept. Fund	31-58	\$36,301.50
Fire Dept. Fund	26-59	\$20,870.79
Recreation Dept. Fund	9-21	\$5,395.35
Refuse and Garbage Fund	2	\$28,191.51
Street Lights Fund	3-5	\$4,644.71
Water Fund	4-7	\$5,827.01
Trust & Agency Fund	--	--
Capital Fund	4-5	\$26,305.00
Community Development	2	\$182.24

**MOTION** was made by Councilwoman Pew to approve the Audit of Bills as presented; seconded by Councilman Walker; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Departmental Reports:**

Department reports for the month of February 2004 were presented by Paul Laing, Eden Fire Chief; Councilman Vacco for Kevin Schoenthal, East Eden Fire Chief; Patrick Howard, Eden Police Chief; Andrew Reilly, Town Engineer; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Supervisor Nellis for 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 permission to apply for the 2004 FEMA Fire Act Grant Program. The total grant is not to exceed \$50,000.00, which means if awarded the Town of Eden’s obligation would not exceed \$5,000.00 (or 10%) and could be a budgeted expense for the 2005 budget. They are applying for fire rescue tools to compliment their R-I-T team (a complete set of air bags and a portable cutter and spreader rescue tool).

**MOTION** was made by Councilwoman Pew to grant permission to Paul Laing, Eden Fire Chief to go forward with the grant application for the 2004 FEMA Fire Act Grant Program, which if granted the Town of Eden’s obligation would not exceed \$5,000.00 or 10% of the awarded grant; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Paul Laing, Eden Fire Chief requested the Town Board to add the name of Marshel Mohr to their active roster, pending the necessary background checks.

**MOTION** was made by Councilwoman Pew to add the name of Marshel Mohr to the active roster of the Eden Fire Department, pending the necessary background checks; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Councilwoman Pew publicly thanked the Emergency services that responded to the recent accident that involved one of the Eden Fire Department members.

Councilman Vacco, reporting for Kevin Schoenthal, East Eden Fire Chief requested the Town Board to remove the name of Rick Armbruster from the active roster of the East Eden Fire Department.

**MOTION** was made by Councilman Walker to remove the name of Rick Armbruster from the active roster of the East Eden Fire Department; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Councilman Vacco stated that Kevin Schoenthal, East Eden Fire Chief has extended an invitation to the Eden Town Board to hold the April or May Town Board meeting at the East Eden Fire Hall. After discussion by the Town Board it was decided to hold the May 12<sup>th</sup> meeting there.

**MOTION** was made by Councilman Walker to hold the May 12, 2004 Town Board meeting at the East Eden Fire Hall; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Pat Howard, Police Chief requested that the Town Board reappoint Robert Stickney to another two-year term as the Emergency Disaster Coordinator.

**MOTION** was made by Councilwoman Pew to appoint Robert Stickney to a two-year term as the Emergency Disaster Coordinator; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Pat Howard, Police Chief also reported that 2 part-time Police Officers, Mike Dau and Nick Blaszczyk had completed training at Genesee Community College. At the graduation the two officers received awards.

### **New and Unfinished Business:**

#### **1. Approval of Motor Fuels and Related Services Bid**

Supervisor Nellis stated the one bid had been received from Page-Harms Oil Co., Inc., at the bid opening held at the Town Clerk’s office on March 3, 2004 at 10:00 A.M. Ron Maggs, Highway Superintendent recommended awarding the bid to Page-Harms Oil Co., Inc., being the sole bidder.

**MOTION** was made by Councilman Walker to award the bid to Page-Harms Oil Co., Inc.; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

2. **Correspondence from Donald Nowak Re: Special Use Permit for Trailer Display Sales/Rentals at 8259 North Main Street “Eden Valley Trailer”**

Supervisor Nellis read correspondence from Donald S. Nowak regarding a Special Use Permit for a tenant known as “Eden Valley Trailers” who will be renting a portion of his property at 8259 Main Street, Eden, NY. The request for the Special Use Permit will be for the purpose of the display and sales of trailers. After discussion, the Town Board decided to refer the request to the Eden Planning Board for their consideration.

**MOTION** was made by Supervisor Nellis to refer the request for a Special Use Permit for the purpose of the display and sale of trailers to the Eden Planning Board; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3. **Map, Plan & Report – R & D Engineering – Violet Street Pump Station**

Supervisor Nellis introduced Stephen Waldvogel, Project Engineer from R & D Engineering who was prepared to give a presentation on the Proposed Water System Improvements. A Map, Plan and Report for the Violet Street Pump Station was available for this presentation and a copy the report is available in the Town Clerk’s office for review.

Mr. Waldvogel’s presentation included the background and purpose for the Pump Station, which would supplement supply to the area and mitigate the pressure problems that exist after the formation of Water District No. 4. The Erie County Water Authority issued approval of Water District No. 4 contingent upon the Town’s agreement to build a new pump station that would supplement supply to the area. The Town resolved to build such a pump station and ultimately Water District No. 4 was constructed. This Map, Plan and Report, provides the required information to obtain funding for the pump station.

The proposed water system improvements include the construction of a pump station near the Violet Street tank, and several hundred feet of water lines to make connection to and from the pump station. The construction of the proposed improvements is contingent upon the use of local water reserves and a loan from the Rural Development, Rural Utilities Services, Water and Wastewater Program and the U.S. Department of Agriculture (Rural Development).

A preliminary cost estimate was developed for the construction of the proposed pump station. The costs are based on the Town of Eden contracting the services of a Professional Engineer to design the station and a private contractor to supply and install all necessary materials, equipment, components, and appurtenances. The contractor will be obtained through competitive bidding, as directed by General Municipal Law. The estimated cost for the proposed water system improvement is \$578,000.00. The proposed improvement is contingent upon the receipt of local reserves in the amount of \$125,000.00, and a Rural Development loan in the amount of \$453,000.00. Local reserves and property owners within the water districts of the Town of Eden will ultimately finance the cost.

Further discussion on the financing continued and it was decided to consider the following motions:

**MOTION** was made by Councilman Walker to accept the Map, Plan and Report as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**MOTION** was made by Councilman Walker to authorize Bond Council to prepare an order calling for a Public Hearing on increase in district improvements; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None: Motion carried.

Supervisor Nellis offered the following resolution:

**Transfer of Bond Anticipation Note interest funds from the Water District No. 4  
Capital Improvement Project to the  
Consolidated Water District Fund Balance**

**WHEREAS**, the borrowing of funds in the form of Bond Anticipation Notes for construction of Water District No. 4 has yielded to date \$4,921.65 in interest; and

**WHEREAS**, the interest made on the BAN borrowing may only be applied to the principal and/or interest payments for Water District No. 4;

**NOW, THEREFORE BE IT RESOLVED** that the Eden Town Board hereby moves to transfer the sum of \$4,921.65 plus any additional accumulated interest earned through March 31, 2004 from the Capital Fund to the Consolidated Water District Fund Balance; and

**BE IT FURTHER RESOLVED** that this money will be applied against the Water District No. 4 Bond Interest payment due in 2005, thereby decreasing the amount needed to be raised by tax for this payment in the 2005 Water district Budget.

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

4. **Resolution – Authorizing the signing of a \$3,000 Legislative Grant for Resist Abuse Defensively (RAD) Classes in the Eden school system**

Pat Howard, Eden Police Chief received a contract between the County of Erie and the Town of Eden Police Department with an appropriated sum of \$3,000.00 to purchase equipment and use as start up funds for “RAD” classes available at the high school and to all residents in Eden, made possible through funds from the Erie County Legislature. Glenn R. Nellis, Supervisor and Pat Howard, Eden Police Chief will sign the contract.

**MOTION** was made by Councilwoman Pew to approve the signing of a \$3,000.00 Legislative Grant for “RAD”; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5. **Conservation Committee/Council**

Supervisor Nellis read the following resolution:

**TOWN OF EDEN RESOLUTION  
AUTHORIZING THE FORMATION OF A  
CONSERVATION ADVISORY COUNCIL**

**WHEREAS**, the local legislative body of any city, town or village may create a Conservation Advisory Council; and

**WHEREAS**, the Eden Town Board is desirous to create such a Council for the purpose of advising the Town Board in the development, management and protection of its natural resources as well as perform other functions associated with the Town’s conservation as may be instructed by the Town Board.

**NOW, THEREFORE BE IT RESOLVED** in accordance with General Municipal Law, Article 12-F Conservation Advisory Councils and Conservations Boards, Section 239-x Creation of Conservation Advisory Council, the Eden Town Board hereby creates a Conservation Advisory Council to advise in the development, management and protection of its natural resources; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to Erin M. Crotty, Commissioner of the New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233.

**MOTION** was made by Supervisor Nellis to approve the resolution; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6. **Proposed Wind Energy Conversion Systems Law & Proposed Telecommunications Facilities Law – Further Discussion**

William Trask, Town Attorney advised the Town Board to prepare the necessary documentation for the Proposed Wind Energy Conversion Systems and Telecommunications Facilities Laws and have the final revisions available before the April 14, 2004 Town Board meeting, and to set a public hearing for that date.

**MOTION** was made by Supervisor Nellis to set a Public Hearing for April 14, 2004 at 8:00 P.M. for the Proposed Telecommunications Facilities Law and 8:05 P.M. for the Proposed Wind Energy Conversion Systems Law; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

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

Supervisor Nellis reported that the Town of Eden has received the GFOA award for meeting criteria for 2002.

Supervisor Nellis noted the following meetings:

- 3/25/2004 - Town of Clarence for the Association of Erie County Government regarding senior services.
- 3/31/2004 – Erie County Sewer Authority regarding the extension of sewer on Main Street in the Town of Eden.

### **Hearing of Visitors:**

Robin Evenhouse, Evenhouse Printing

- Ms. Evenhouse addressed her concerns and that of other businesses on Main Street regarding the potential parking problems that may arise with the opening of an additional business on Main Street.

**MOTION** was made by Councilman Walker to request the Town of Eden Planning Board to work the Town Board with their recommendation on the potential parking problems; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Ruth Szalasny, 3048 Belknap Road  
Wilbert Smutz, 3094 East Church Street

### **Adjournment:**

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 10:00 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk