

---

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
EAST EDEN FIRE HALL  
8097 EAST EDEN ROAD  
EDEN, NEW YORK  
MAY 12, 2004  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

GLENN R. NELLIS	-	SUPERVISOR ( <i>Absent</i> )
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
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:**

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.

**Approval of Minutes:**

Deputy Supervisor Pew asked if there were any additions or corrections to the Town Board Minutes of April 12, 2004; there were none.

**MOTION** was made by Councilman Walker to approve the Town Board Minutes of April 12, 2004 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 April 28, 2004; there were none.

**MOTION** was made by Councilman Walker to approve the Town Board Minutes of April 28, 2004 as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Petitions:**

There were none.

**Budget Transfers:**

Deputy Supervisor Pew read the following “Budget Transfer” from Account A1990.4 to A7410.4 for sump pump repairs at the Library in the amount of \$1,000.00.

**MOTION** was made by Councilman Walker to approve the “Budget Transfer” in the amount of \$1000.00; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Budget Amendments:**

Deputy Supervisor Pew read the following “Budget Amendments” from Account SF4489 to SF3410.4A for FEMA grant received in the amount of \$79,887.00.

**MOTION** was made by Councilman Walker to approve the “Budget Amendment” in the amount of \$79,887.00; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Audit Bills:**

Deputy Supervisor Pew asked if there were any changes or additions to the “Audit of Bills” which are on file in the Town Clerk’s office. There were none.

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
-------------	-----------------	--------

General Fund	263-317	\$69,276.32
Highway Dept. Fund	89-118	\$30,520.57
Fire Dept. Fund	88-123	\$106,248.59
Recreation Dept. Fund	33-50	\$6,513.33
Refuse and Garbage Fund	5	\$1,320.36
Street Lights Fund	8-10	\$4,761.32
Water Fund	12-16	\$5,528.34
Trust & Agency Fund	--	--
Capital Fund	7	\$1,500.00
Community Development	--	--

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

### **Departmental Reports:**

Department reports for the month of April 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; Mary Lou Pew for Scott Henry, Zoning Code Enforcement Officer; Vincent Vacco for Susan Brass, Recreation Director; Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Paul Laing, Jr., Eden Fire Chief requested the Town Board add the name of Linda Wagner of 8513 N. Main Street to the active roster, pending physical and background checks.

**MOTION** was made by Councilman Walker to add the name of Linda Wagner to the active roster of the Eden Fire Department, pending physical and background checks; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Patrick Howard, Police Chief reported that part-time Police Officer Ray Zabron was injured off the job and would be unavailable for 4-6 months. Mr. Howard asked permission to create a part-time position, 18 hours per week in Mr. Zabron’s absence.

**MOTION** was made by Councilman Walker to create an 18 hour part-time position, which will not increase the 2004 budget, at the request of Police Chief Howard in the

absence of part-time Office Zabron; seconded by Councilman Vacco; All “Ayes”; Opposed?- None; Abstain? – None; Motion carried.

Councilman Vacco read correspondence from Susan Brass, Recreation Director regarding chemicals for the 2004 season at the Eden Town Pool. Mrs. Brass reported that three informal written bid requests were sent to prospective bidders and only one was returned. Fisher Pools, Inc. of 247 Lake Street, Hamburg, New York 14075 was determined to be the sole and lowest responsible bidder at an amount of \$2,201.30.

**MOTION** was made by Councilman Vacco to award to Fisher Pools, Inc. in the amount of \$2,201.30; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

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

1. **Presentation of Resolution to Dolphin Swimming Team**

- Deputy Supervisor Pew made a presentation of the resolution to the Eden Dolphin Swim Team. Present to accept the resolution were Dave Evans, Barbie Sickau, Margaret Braymiller, Molly Braymiller and Anna Braymiller. Within the resolution was a declaration marking Thursday, May 13, 2004 “Eden Dolphins Day” in the Town of Eden.

2. **Bond Resolution – Violet Street Pump Station**

- Deputy Supervisor Pew moved this item to “Old Business”.

Steve Waldvogel, Project Engineer for R & D Engineering stated that the SEQR process was initiated last month and last week formal notification was received from the New York State office of Recreation, Parks and Historic Preservation that a Phase 1 site survey may be required for the Violet Street Pump Station site, unless we can prove previous disturbance. At the present time it appears that a Phase 1 survey will be required by SHPO (State Historic Preservation Office). Given that information, a single quote was received from an Archeological firm in the amount of \$3649.00. An authorization from the Town Board for R & D Engineering to sub-contract with an archeological firm to complete the site survey in an amount not to exceed \$3,649.00 contingent upon SHPO (State Historic Preservation Office) not waiving the requirement, is needed at this time.

**MOTION** was made by Deputy Supervisor Pew to authorize R & D Engineering to sub-contract work for a Phase 1 Archeological Survey for an amount not to exceed \$3,650.00 contingent upon New York SHPO (State Historic Preservation Office) not granting the Town of Eden a waiver of the Phase 1 survey requirement for the Violet Street Pump Station Project within the next 7 days; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3. **Annual Permission for Highway Superintendent to assist Eden Corn Festival**

- Deputy Supervisor Pew read correspondence from William Faircloth, President of Eden Corn Festival requesting permission to seek assistance from the Eden Highway Department for this year’s event.

**MOTION** was made by Councilman Walker to grant permission to the Eden Highway Department to assist with the Eden Corn Festival at the discretion of Ron Maggs, Highway Superintendent; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4. **Approval of Itemized Fire Equipment – Bid Opening May 7<sup>th</sup>**

- Paul Laing, Jr., Eden Fire Chief and Kevin Schoenthal, East Eden Fire Chief made recommendations to the Town Board regarding the itemized fire bid for 2004. The total award for the Eden Fire Department is \$9,577.50 and the total award for the East Eden Fire Department is \$12,479.50, which bids are available for review at the Eden Town Clerk’s office.

**MOTION** was made by Councilman Walker to accept the recommendation from the Chiefs’ of the Eden and East Fire Departments in the amount of \$9,577.50 and \$12,479.50 respectively; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5. **Accept Bid for 1988 Ford Super Duty Dump Truck – Sale of Surplus Equipment**

- Deputy Supervisor Pew read correspondence from Ron Maggs, Highway Superintendent regarding his recommendation to award the bid for the 1988 Super Duty Dump Truck to the sole bidder Roy Armbruster in the amount of \$600.00

**MOTION** was made by Councilman Walker to award the bid for the 1988 Super Duty Dump Truck to the sole bidder, Roy Armbruster in the amount of \$600.00 on the recommendation of Ron Maggs, Highway Superintendent; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6. **SEQR on Windmill Law**

Councilman Walker read the following resolution:

**State Environmental quality Review (SEQR)**  
**Windmill Energy Conversion Systems**  
**(WECS) Law**

**WHEREAS**, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQR) of the Environmental Conservation Law, the Eden Town Board has reviewed the proposed modifications to the Code of the Town of Eden, Chapter 217, Wind Energy Conversion Systems, and

**WHEREAS**, the code modifications will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and are consistent with social and economic considerations;

**THEREFORE, BE IT RESOLVED** that the Town of Eden has determined that the proposed modifications to the Chapter 217, Wind Energy Conversion Systems, are not anticipated to result in any significant effect on the environment, and that a Negative Declaration (Notice of Determination of Non-Significance) is hereby issued based on the following reasons:

1. The modifications are in conformance with the adopted Town of Eden Comprehensive Plan.
2. The modifications to Chapter 217 – Wind Energy Conversion Systems will have no direct physical impact on the natural, manmade or environmental resources of the Town.
3. The intent of those modifications is to protect the environment by promoting sound environmental planning and providing improved design guidelines for Wind Energy Conversion Systems.

**BE IT FURTHER RESOLVED** that the Supervisor be authorized to sign the Environmental Assessment Form.

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

7. **Appointment to the Off Road Drainage Committee**

Deputy Supervisor Pew read correspondence from Ron Maggs, Highway

Superintendent recommending the appointment of Mike Damasiewicz to the Off Road Drainage Committee as there was a vacancy.

**MOTION** was made by Councilman Walker to appoint Mike Damasiewicz to the Off Road Drainage Committee at the recommendation of Ron Maggs, Highway Superintendent; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Hearing of Visitors:**

Maureen Hubbard, 2044 Derby Road  
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.

Deputy Supervisor Pew adjourned the Regular Meeting of the Eden Town Board at 8:41 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