

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
EAST EDEN FIRE HALL
8097 EAST EDEN ROAD
EDEN, NEW YORK
OCTOBER 13, 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 Shephard	-	Eden Emergency Squad
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:

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 September 8, 2004; there were none.

MOTION was made by Councilman Walker to approve the Town Board Minutes of September 8, 2004 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 September 22, 2004; there were none.

MOTION was made by Councilman Walker to approve the Town Board Minutes of September 22, 2004 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 September 29, 2004; there were none.

MOTION was made by Councilman Vacco to approve the Town Board Minutes of September 29, 2004 as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

Paula Fiorello, 3545 North Boston Road presented Supervisor Nellis and the Town Board a petition with 62 signatures, which calls for the current 55 mph speed limit on North Boston Road to be lowered to 45 mph. Erie County and the Town of Eden split the road, with the portion of the roadway that residents would like to see changed in the town. From Eden Valley Road to East Eden Road, the speed limit is 55 mph. The town board stated they would submit the petition to the State Department of Transportation to conduct a study.

MOTION was made by Councilman Walker to submit the petition to the State Department of Transportation to conduct a study necessary for the current 55 mph speed limit be lowered to 45 mph on North Boston Road that is within the town of Eden and also to conduct an inventory of what the other speed limits are on roads within the town of Eden to look forward to address other areas within the town; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Paula Fiorello, 3545 North Boston Road then presented Supervisor Nellis and the Town Board a petition with 59 signatures requesting the town to stripe town roads. Currently only county roads in Eden are striped.

Budget Transfers:

Supervisor Nellis read the following “Budget Transfers” from Account A7140.4 to A7140.1 for payroll costs in the amount of \$2,100.00, from Account A1990.4 to A1420.4 for additional legal fees in the amount of \$3,000.00 and from Account A1990.4 to A1910.4 for additional insurance costs in the amount of \$2,610.11.

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

Budget Transfers (Highway):

Supervisor Nellis read the following “Budget Transfers” exclusively from Eden Highway Department from Account D2770 to D5110.4 for Pipe permits #21-32 in the amount of \$3,103.70, from Account D2770 to D5110.4 for work Highway did for Drainage Committee – Ditch at the end of Randall Place (cleaned ditch from end of road into Town green space – approximately 700’) in the amount of \$1,342.56, from Account D5120.2 to D5110.4 for road materials in the amount of \$5,000.00 and from Account D5120.4 to D5110.4 for road materials in the amount of \$5,000.00.

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

Audit Bills:

Supervisor Nellis 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	585-658	\$86,336.20
Highway Dept. Fund	236-262	\$119,823.50
Fire Dept. Fund	199-224	\$12,583.77
Recreation Dept. Fund	143-155	\$4,394.74
Refuse and Garbage Fund	12-14	\$66,866.23
Street Lights Fund	23-25	\$3,951.40
Water Fund	29-32	\$4,884.33
Trust & Agency Fund	--	--
Capital Fund	18	\$5,134.75
Community Development	--	--

MOTION was made by Councilwoman Pew to approve the Audit of Bills as presented; seconded by Councilman Vacco; “Ayes”; Nellis, Pew, Krycia, Vacco; Opposed? – None; Abstain? – Walker (voucher #615 only); Motion carried.

Departmental Reports:

Department reports for the month of September 2004 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; Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk's office.

Laing, Eden Fire Chief requested that the Supervisor enter into a contract between Ford

Paul Laing, Eden Fire Chief requested authorization for emergency repairs on Engine #2 in the amount of \$1,800.00 by RD Murray of Hamburg.

MOTION was made by Councilwoman Pew to approve payment for repairs to Engine #2 not to exceed \$1,800.00, which funds are available in the budget; seconded by Councilman Walker; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Paul Laing, Eden Fire Chief requested the Town Board to remove Shawn Bishop from the active roster and to thank him for the 7 years he served.

MOTION was made by Councilwoman Pew to remove Shawn Bishop from the active roster with regret; seconded by Councilman Vacco; "Ayes"; Nellis, Pew, Krycia, Vacco; Opposed? – Walker; Abstain? – None; Motion carried.

Paul Laing, Eden Fire Chief requested the Town Board to add the name of Douglas M. Scheu of 8862 Woodside Drive to the active roster, pending physical examination and arson background check.

MOTION was made by Councilwoman Pew to add the name of Douglas M. Scheu of 8862 Woodside Drive to the active roster; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested approval of the following resolution:

BE IT RESOLVED that the Eden Town Board hereby agrees to enter into a mutual agreement with the Town of North Collins, whereby the Town of North Collins Highway Department will plow Clarksburg Road from the North Collins Town Line to the Eighteen Mile Creek Bridge. In exchange, the Eden Town Highway Department will plow the lower section of Belcher Road and Rocky Mountain Road.

MOTION was made by Councilman Walker to approve the Resolution subject to approval by Town Attorney; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

New and Unfinished Business:

1. **"Giant Tree of Eden" – Contest Winners**

Supervisor Nellis recognized Robert Stievater and Frank Mantonie in attendance

to present awards for the “Giant Tree Contest” winners. There were 28 submissions, 48 trees and 19 species. The first place winner was Maureen & Ray Zabron with a Locust tree measuring 216” (18’-0”). All winners received a framed certificate, which will be posted in the Town Hall for viewing. The Town Board thanked Mr. Stievater, Mr. Mantione and Mr. Cuddihy for their assistance with the contest.

2. Preliminary Budget – 2005 – Schedule Public Hearing

Supervisor Nellis stated that a Public Hearing is needed to present the Preliminary Budget for 2005, recommending November 10, 2004 at 8:00 P.M. Supervisor Nellis stated the preliminary numbers show an estimated 3.4% increase from last year, with the overall tax increase to be \$0.18 per \$1,000.00 per assessed value, or a house assessed at \$100,000.00 would pay \$5.89 next year, up from \$5.71. Copies of the Preliminary Budget will be available in the Town Clerk’s office and the Eden Library.

MOTION was made by Councilman Walker to set the Public Hearing for the Preliminary 2005 Budget for November 10, 2004 at 8:00 P.M.; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3. Acceptance of Fire Vehicle

Paul Laing, Eden Fire Chief requested that the Supervisor enter into a contract between Ford Motor Company and the Eden Fire Department #1 for the purchase of a 2005 Ford Expedition. This vehicle will be paid for by the Eden Fire Department in three annual payments of \$10,128.30, through the Municipal Finance Plan. The vehicle will be an emergency response vehicle to be driven by the Chief.

MOTION was made by Councilman Krycia to approve Supervisor Nellis, as Chief Fiscal Officer, authorization to enter into the above-mentioned contract pending review by legal counsel; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4. Agreement with Village of Farnham for Wepax Road

Supervisor Nellis stated that this is an Inter-Municipal Maintenance Agreement, which was drafted and reviewed by Attorney Trask. The Town Board will provide a schedule of compensation for the Village of Farnham for the services that they are providing. The Village of Farnham has an experienced and existing water department with a foreman, who is a full-time employee that is familiar with municipal water services, which the Town of Eden does not. This agreement contracts the services of the Village of Farnham’s water maintenance personnel to assist in reading meters and having meters installed due to the fact that Wepax Road is considered County property and Erie County Water Authority will not maintain.

MOTION was made by Councilman Walker to accept the agreement as presented subject to the compensation for the services that the Village of Farnham will be providing; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis also stated that approval was needed for the Village of Farnham for the digging of meter pits on Wepax Road.

MOTION was made by Councilman Walker to give approval to the Village of Farnham for the digging of meter pits on Wepax Road; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5. **Community Development Block Grant Application Resolution**

Supervisor Nellis read the following resolution:

At a meeting of the Town of Eden held on October 13, 2004, the Town Board authorized Glenn R. Nellis, Supervisor to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDGB) program for the following projects:

1. Sidewalk work – Central Business District
2. Rural Transit Service

MOTION was made by Councilman Krycia to authorize Glenn R. Nellis, Supervisor to submit the 2005-2006 Community Development Block Grant Application as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6. **Letter from Eden Central School – Appreciate of Eden Highway Department**

Supervisor Nellis read a letter dated September 15, 2004 from David P. Martin, Superintendent of Building and Grounds and Robert E. Zimmerman, Superintendent of Schools, which is on file in the Town Clerk’s office, thanking the Town Board and the Eden Highway Department for all of the work that was accomplished this summer in order to repair and maintain the roads in the District, specifically the drainage and highway surfacing that was completed on Schoolview Drive.

7. **Report from Code Enforcement Officer – Status of Certificates of Occupancy**

Scott Henry, Code Enforcement Officer submitted a report to Supervisor Nellis and the Town Board that was requested at a Town Board Meeting held on September 8, 2004. Supervisor Nellis recommended to the Town Board to move this item to “Old Business” for discussion at a future Town Board meeting.

MOTION was made by Councilman Walker to move to “Old Business” the report from the code Enforcement Officer, Scott Henry regarding the Status of Certificates of Occupancy; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8. **Approval to cease utilization of Cleartel Communication**

Councilwoman Pew requested Town Board approval to cease utilization of Cleartel Communication as our Internet and Web Service Provider effective immediately, seeking reimbursement from October 1 – October 24, 2004 as we have not been able to utilize their services at all.

MOTION was made by Councilman Walker, based on the recommendation of Councilwoman Pew, to terminate the service of Cleartel Communication as our Internet and Web Service Provider effective immediately and seek reimbursement to that portion that we are entitled; seconded by Councilman Vacco; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

Supervisor’s Report:

Supervisor Nellis reported that pending the final inspection of Water District #4, it would be turned over to Erie County Water Authority

Supervisor Nellis reported that Erie County Sheriff’s Department would be meeting to discuss road patrol in Erie County.

Supervisor Nellis also reported that the Erie County Supervisor’s would be meeting on Saturday, October 16, 2004 with County Executive Joel Giambra and extended an invitation to anyone wishing to attend.

Hearing of Visitors:

Ruth Szalasny, 3048 Belknap Road, Eden, NY
Phillip Muck, 2763 Oakland Drive, Eden, NY

Adjournment:

MOTION was made by Councilman Krycia 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 9:50 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 11:00 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk