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**MINUTES**

**WORK SESSION MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
MARCH 23, 2005  
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

**OTHERS PRESENT:**

Mary Jo Hultquist	-	Town Clerk
Anna M. Knack	-	Administrative Assistant

**Call To Order:**

Supervisor Nellis called the Work Session of the Eden Town Board to order at 7:40 P.M.

**Pledge of Allegiance:**

Supervisor Nellis led the assembly in the Pledge of Allegiance to the flag followed by a moment of silence.

**New and Unfinished Business:**

**1. BMG – Benefits Management Group – Update**

Ann Knack, Administrative Assistant stated that the update had not been received, but she recently received renewal rates with our current health care provider and that information was forwarded to BMG, which is the information that they were waiting for and they assured

Mrs. Knack that information would be mailed by the end of this month. This agenda item was moved to “Old Business” to be discussed at a future Town Board meeting.

**2. Property Tax Reform Task Force**

Supervisor Nellis read the following resolution that was received from G. Jeffrey Haber, Executive Director of the Association of Towns of the State of New York:

**RESOLVED**, that the following recommendations be submitted to New York Senator William Stachowski and Joseph Bruno, New York State Assembly Representative Jack Quinn, Jr. and Sheldon Silver, and Governor George Pataki, with a letter on behalf of the citizens of the Town of Eden urging their immediate attention.

**WHEREAS**, the residents of the Town of Eden have collectively considered the local issues of greatest concern to them and identified high property taxes as one of the highest priority among them; and

**WHEREAS**, funding for local government services, including public education, is provided primarily through a tax on the estimated value of property; and

**WHEREAS**, the welfare of Eden homeowners is jeopardized by the rapid increase in the costs of public education and the inability of many homeowners to pay these increased costs; and

**WHEREAS**, the increasing burden of public education on taxpayers also impacts on the ability to raise other taxes to provide services and to fund Town-specific and local initiatives important to the well being of the community.

**THEREFORE**, the Town Board of the Town of Eden appeals to New York State public officials to implement new measures for financing public education, including the following suggested actions:

1. Ensure equity in a formula for funding public education based on the taxpayers' ability to pay.
2. Decrease the revenue raised from tax sources based on the value of dwellings.
3. Refrain from imposing state mandated requirements upon school systems without corresponding state funding.
4. Adjust the formulas on revenues earmarked as aid to education from state lottery and other future gaming activities so that the annual percentage is substantially increased from current levels.
5. Maintain the enhanced STAR exemption for the town's neediest citizens, but also increase the STAR exemption for senior citizens specifically at all income levels.
6. Regain lost tax revenue from the above actions through income tax.

**RESOLVED** that certified copies of this resolution be sent to Governor Pataki, Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver, Senator William Stachowski and Assemblyman Jack Quinn, Jr.

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

### 3. **Baseball Backstop at Swartz Field**

Councilman Vacco read correspondence from Susan Brass, Recreation Director

regarding the backstop/fencing at Swartz Field. A shelter was constructed last year and the backstop is no longer needed. It was decided to declare the backstop surplus equipment and to offer the backstop to Eden Central School Baseball Association.

**MOTION** was made by Councilman Vacco to declare the backstop surplus equipment and offer it to the Eden Central School Baseball Association; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

Councilwoman Pew asked Councilman Vacco to notify the Town Board of the outcome, if it is put in storage and then if the need arises to use it again, where it is stored.

4. **Resolution – Bar Association of Erie County Re: Erie County Clerk’s Office**

Councilman Walker stated that the Erie County Bar Association is requesting that all members contact their Erie County Legislators regarding the 68% of full time employees in the office of the Erie County Clerk being eliminated as a result of significant budgetary cutbacks. Yet, there is \$1.1 million in appropriations that are vital to ensure that Constitutional and State mandated duties imposed upon the County Clerk could be officially discharged. The inability to timely file and/or docket judgments is a serious problem. Delays and increased costs associated with closing real estate transactions, securing or modifying pistol permits, and in addition to the timely filing of interim applications by Order to show Cause or Notice of Motion are significant problems that impact our legal community.

Councilman Walker e-mailed all Erie County Legislators on behalf of the Town Board, due to time restraints.

5. **FEMA Grant Possibilities – Emergency Services Department**

Supervisor Nellis stated that East Eden Fire Department is requesting \$60,000 in grant funding from FEMA with a matching amount of 5%, or \$3,000 to the Town of Eden, and the Emergency Squad is asking for \$50,000 - \$60,000 for turn-out gear, AED Defibrillators and Air Bags for the rescue truck with a matching amount of 5% or \$3,000 from the Town of Eden.

**MOTION** was made by Supervisor Nellis to approve the FEMA grant applications for the East Eden Fire Department and the Eden Emergency Squad in the amount of \$60,000 respectively with a matching total amount of \$6,000, if granted; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

At the March 9, 2005 Town Board Meeting the Town Board authorized the Eden Fire Department to apply for a FEMA grant with a match from the Town of Eden at 10%. The qualifications for either 5% or 10% are based on population rather than a monetary amount. Populations under 20,000 are 5% and over 20,000 are 10%.

**MOTION** was made by Councilman Walker to amend the motion made at the March 9, 2005 meeting, and to approve the 5% match not to exceed \$20,000; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

6. **Liquor License Application – 8557 N. Main Street**

Supervisor Nellis read correspondence from Patrick M. O'Brien notifying the Town Board that "O'Brien's Pub, Inc." located on 8557 North Main Street, Eden, NY is applying for an "On-Premises" Liquor License with the State of New York, which requires a 30-day notice. Mr. O'Brien is requesting a waiver for the 30-day requirement from the Town Board. Supervisor Nellis suggested that the Town Board consider this and that the Planning Board is aware of the situation, so that the 30-day requirement could be waived.

**MOTION** was made by Councilman Walker to waive the 30-day requirement based on the information presented; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

7. **Request for Zoning Change – East Eden Road**

Supervisor Nellis read correspondence from Mark A. Mohr, current owner of the East Eden Tavern, 8163 East Eden Road, Eden, New York. The zoning is Small Business, and Mr. Mohr would like to ask if the Town would consider changing the zoning that would permit him to convert the building into a housing unit.

After much discussion, this item will be referred to the Planning Board for their recommendation.

8. **Set Bid Opening – Eden & East Eden Fire Department**

Councilwoman Pew read a memo received from David A. Cole, Chief of Eden Fire Department requesting permission to advertise the RFP's (Request for Proposal) for itemized Fire Equipment with the bid opening date of May 6, 2005 at 4:00 P.M. in the Town Clerk's office.

**MOTION** was made by Councilwoman Pew to approve the bid opening on May 6, 2005 at 4:00 P.M. in the Town Clerk's office; seconded by Councilman Walker; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

9. **Recreation Department – Approve summer employment**

Councilman Vacco and Councilman Walker, liaisons to the Recreation Department, presented the Recreation Board recommendations for 2005 Summer Employee Hiring. The Eden Recreation Advisory Board has reviewed all 2005 summer employment applicants and is presenting a list of summer staff appointments for the 2005 season with names/salary.

**MOTION** was made by Councilman Vacco to approve the 2005 summer employee appointments as recommended by the Recreation Advisory Board and presented; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**10. Patrick Howard, Chief of Police – remove/replace part-time Dispatcher**

Supervisor Nellis read correspondence from Patrick Howard, Chief of Police to remove Donald Crowe as a part-time paid dispatcher and replace him with David V. Pew, son of Councilwoman Pew.

**MOTION** was made by Councilman Walker to accept the recommendation as presented, to remove Donald Crowe as a part-time paid dispatcher and replace him with David V. Pew,.; seconded by Councilman Vacco; “Ayes”; Nellis, Krycia, Vacco, Walker; Opposed? – None; Abstain? – Pew; Motion carried.

**Note:** Councilman Walker stated that a press release regarding Assemblyman Quinn’s proposed bill, working with the Board of Education, which was prompted by the situation in the Town of Eden regarding the proximity of Porno shops and schools, will be moving ahead.

**Note:** Councilman Vacco addressed the voucher that was questioned by Councilwoman Pew regarding the \$431.00 gas bill for the Recreation department. That bill was for half-year bill for heat at the pool. Councilman Walker then explained that the Recreation budget is mostly for the maintenance department of the Recreation department.

**Supervisor’s Report:**

Supervisor Nellis received a letter dated March 11, 2005 and as of January 19, 2005 the full monitoring device in the pump station was in place and Erie County Water Authority has begun receiving accurate readings. Finally confirming that Erie County Water Authority has taken over Water District #4.

Supervisor Nellis also noted that Erie County Parks and Recreation Department will be conducting the Empire State Senior Games on June 7 – June 12, 2005 in Cortland.

**Hearing of Visitors:**

There were none.

**Note:** The Town Board would like to offer their condolences to the families of Dick Szalasny, Earl Schmittendorf and John Schiedel.

**Adjournment:**

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

Supervisor Nellis adjourned the Work Session Meeting of the Eden Town Board at 8:28  
P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk