

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
EAST EDEN FIRE HALL
8097 EAST EDEN ROAD
EDEN, NEW YORK
MAY 11, 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 |

DEPARTMENT HEADS PRESENT:

| | | |
|----------------------------|---|-----------------------------|
| Andrew C. Reilly of Wendel | - | Town Engineer |
| Patrick M. Howard | - | Chief of Police |
| David A. Cole | - | 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 April 13, 2005; there were none.

MOTION was made by Councilman Walker to approve the Town Board Minutes of April 13, 2005 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 April 27, 2005; there were none.

MOTION was made by Councilman Walker to approve the Town Board Minutes of April 27, 2005 as presented; seconded by Councilman Vacco; “Ayes”; Nellis, Krycia, Vacco, Walker; Opposed? – None; Abstain? – Pew; Motion carried.

Petitions:

There were none.

Budget Transfers:

There were none.

Budget Amendments:

Supervisor Nellis read the following “Budget Amendments” from Account D2655 to D5130.2 from sale of surplus backhoe in the amount of \$28,300.and from Account A3089 to A1640.4A for Grant money received for Highway blue building in the amount of \$25,080.

MOTION was made by Councilwoman Pew to approve the “Budget Amendments” as presented; seconded by Councilman Walker; 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 | 210-266 | \$37,104.23 |
| Highway Dept. Fund | 97-123 | \$62,054.96 |
| Fire Dept. Fund | 85-114 | \$10,750.24 |
| Recreation Dept. Fund | 34-50 | \$4,033.80 |
| Refuse and Garbage Fund | 10-12 | \$39,814.19 |
| Street Lights Fund | 8-10 | \$4,200.50 |
| Water Fund | 11-13 | \$5,610.98 |
| Trust & Agency Fund | -- | -- |
| Capital Fund | 7 | \$1,131.00 |
| Community Development | -- | -- |

MOTION was made by Councilman Walker to approve the Audit of Bills as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – Councilwoman Pew (voucher #254 only); Motion carried.

Departmental Reports:

Department reports for the month of April, 2005 were presented by Supervisor Nellis for Paul Shephard, Eden Emergency Squad; David Cole, Eden Fire Chief; Kevin Schoenthal, East Eden Fire Chief; Patrick Howard, Eden Police Chief; Supervisor Nellis for 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.

David Cole, Eden Fire Chief requested the Town Board to remove Doug Scheu from the fire departments active roster.

MOTION was made by Councilman Walker to remove Doug Scheu from the active roster of the Eden Fire Department; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

New and Unfinished Business:

Set Public Information Meeting – Storm Water Phase II Draft Annual Report

Andrew Reilly, Town Engineer stated that it is a requirement to hold an annual Public Information Meeting to report the Storm Water Regulations and Rules to the public with copies of the report available prior to the meeting in the Town Clerk’s office.

MOTION was made by Supervisor Nellis to set a Public Information Meeting for May 25, 2005 at 7:45 P.M.; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Resolution for “on-going” County Support for Fire Training

Supervisor Nellis read the following resolution:

**TOWN OF EDEN RESOLUTION
IN SUPPORT OF LONG-TERM FIRE TRAINING FACILITIES**

WHEREAS, the Town of Eden and East Eden Fire Departments are a cornerstone of safety to Eden residents; and

WHEREAS, these men and women who volunteer as fire fighters place their lives at risk and their financial income in jeopardy to help save others on a 24/7 basis; and

WHEREAS, there is a fundamental need to train competent fire fighting men and women to provide for protection for their own lives as well as to have these volunteers gain the skills necessary to help others in very dangerous situations; and

WHEREAS, the County of Erie has closed its fire training tower located in the Town of Cheektowaga thereby denying vital training experience to the Eden and East Eden Fire Departments as well as volunteer fire companies throughout the County of Erie; and

WHEREAS, the on-going training of firemen is important to the recruiting of new volunteers and therefore vital to the maintenance of an effective fire fighting capability in our town to the benefit of all citizens;

NOW, THEREFORE BE IT RESOLVED, that the Eden Town Board urges the County Executive and County Legislature to give priority to their responsibility for the safety of our citizens through restoration of funds for fire fighting training in Erie County; and

BE IT FURTHER RESOLVED, that we support the effort to secure funding from other sources to meet the immediate need for training of firemen in Erie County; and

FINALLY, that copies of this resolution be forwarded to the County Executive, Chairman of the County Legislature, Sam Chiavetta, Jr., President of the Association of Erie County Governments, Assembly Majority Leader Paul Tokasz, Senator Dale Volker, Assemblymen Robin Schimminger and Jack Quinn.

MOTION was made by Supervisor Nellis to approve the resolution as presented; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Approval of Itemized Fire Equipment – Bid Opening May 6th

David Cole, Eden Fire Chief and Kevin Schoenthal, East Eden Fire Chief made recommendation to the Town Board regarding the itemized Fire Bid for 2005. The total award for the Eden Fire Department is \$11,555.80, and the total award for the East Eden Fire Department is \$12,237.10, which bids are available for review in the Eden Town Clerk’s office.

MOTION was made by Councilwoman Pew to accept the recommendation from the Chiefs’ of the Eden and East Eden Fire Departments in the amount of \$11,555.80 and \$12,237.10 respectively; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Approval of Bid for the 2006 Cab and Chassis for the Highway Department

Supervisor Nellis read correspondence from Ron Maggs, Highway

Superintendent regarding his recommendation to award the bid for new unused 2006 or newer cab and chassis w/tandem axle in the amount of \$80,700 to Buffalo Truck Center, Inc., being the only bidder.

MOTION was made by Supervisor Nellis to award the bid to Buffalo Truck Center, Inc. in the amount of \$80,700; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis read correspondence from Ron Maggs, Highway Superintendent regarding a bid opening date for Wednesday, June 1, 2005 at 10:00 A.M. for One New and Unused Dump Body and Patrol Wing (for the 2006 Cab and Chassis with Tandem Axle.

MOTION was made by Supervisor Nellis to approve the bid opening for Wednesday, June 1, 2005 at 10:00 A.M. in the Town Clerk’s office for One New and Unused Dump Body and Patrol Wing (for the 2006 Cab and Chassis with Tandem Axle; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Michael Corneen – Services – GIS Consultation – Approval of Contract

Councilwoman Pew stated that this item would be moved to “Old Business” to be reviewed and discussed at a future Town Board Meeting.

Resolution of Support for Niagara Air Reserve Station – Possible Financial Support?

Councilman Walker read the following resolution:

WHEREAS, the Niagara Military Affairs Council (NIMAC), an all volunteer citizens group fighting the battle to keep the Niagara Air Reserve Station open, has asked us to support their efforts; and

WHEREAS, the Niagara Air Station has more than 3,000 full and part-time employees with almost half of the guard and reservists living in Erie County; and

WHEREAS, the economic impact of this base on Western New York is estimated to be well in excess of \$133 million annually; and

WHEREAS, the location of this base, closest to our international border with Canada, places a unique value on this base as part of our Homeland Security;

NOW, THEREFORE BE IT RESOLVED that the Eden Town Board go on record as supporting the efforts of the Niagara Military Affairs Council and all other volunteers to prevent the closing of the Niagara Air Reserve Station as crucial to the area’s economy and the Homeland Security of Western New York; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to U.S. Senators Schumer and Clinton as well as Congressmen Higgins, Reynolds and Slaughter and the Niagara Military Affairs Council.

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

Discussion and Financial Action on Immaculate Conception (ICC) Baseball Field

Supervisor Nellis read correspondence from Susan Brass, Recreation Director regarding the baseball field backstop at Immaculate Conception Church, which is on file in the Town Clerk’s office. The recommendation from the Recreation Advisory Board is to allow Armor Fence to relocate the backstop and sideline fence behind ICC Church for a total price of \$4,369.00, which is available in the 2005 Recreation budget.

MOTION was made by Councilman Walker to approve the expenditure of \$4,369. to Armor Fence to relocate the backstop and sideline fence behind ICC Church; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Resolution – Adoption of the National Incident Management System (NIMS) as the Town of Eden standard for incident management

Supervisor Nellis read the following resolution:

WHEREAS, the President of the United States, in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System which would provide a consistent nationwide approach for Federal, State, local and tribal governments to work together more effectively and efficiently to prepare to, prevent, respond to and recover from domestic incidents, regardless of cause, size of complexity; and

WHEREAS, the collective input and guidance from all Federal, State, local and tribal homeland security partners has been, and will continue to be, vital to the effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary and desirable that all Federal, State, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, HSPD-5 requires Federal departments and agencies to make adoption of the NIMS by State, tribal and local organizations a condition for Federal preparedness assistance beginning in fiscal year 2005; and

WHEREAS, to facilitate the most efficient and effective incident management, it is critical that Federal, State, local and tribal organizations utilize standardized terminology, standardized organizational structure, interoperable communications, consolidate action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning,

training and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the State's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management training processes; and

WHEREAS, the Incident Command System components on NIMS are already an integral part of various incident management activities throughout the State, including current emergency management training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System,

NOW, THEREFORE BE IT RESOLVED that the Eden Town Board, by virtue of the authority vested in it under the laws of the State of New York, does hereby establish the National Incident Management System (NIMS) as the Town of Eden standard for incident management

MOTION was made by Supervisor Nellis to approve the resolution as presented; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Resolution – Opposing the Absorption of the Eden Police Department by the Erie County Sheriff's Department

Councilwoman Pew read the following resolution:

WHEREAS, the Town of Eden Police Department was formed in 1973 and has served our residents for over 30 years in a highly professional manner; and

WHEREAS, this department has been recognized for its leadership in public safety programs and for its excellent response time in protecting the property and health and welfare of our residents; and

WHEREAS, the Eden Police Department coordinates the responses of our police officers, emergency and rescue personnel, volunteer firefighters and animal control officer in response to all calls for assistance from our residents; and

WHEREAS, town residents are highly supportive of the Eden Police Department and clearly wish to maintain local response and local control of these vital services; and

WHEREAS, Erie County Executive Joel A. Giambra has called for a regional police department that would eliminate local police departments at a time when the County has serious financial issues and has reduced public safety programs that have assisted and supported town and village law enforcement agencies for many years;

NOW, THEREFORE BE IT RESOLVED that the Town of Eden Board joins with the Supervisors and members of the Amherst, Cheektowaga and Lancaster Town Boards in rejecting the proposal of Erie County Executive Giambra and reaffirming their commitment to local support and control of police departments and public safety programs in their communities; and

BE IT FURTHER RESOLVED, that these Boards also call upon the Erie County Executive and Legislature to fully restore the programs of Central Police Services.

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

Schedule Public Hearing for Proposed Local Law No. 3-2005

Supervisor Nellis stated that this item would be moved to “Old Business” to be reviewed and discussed at a future Town Board meeting.

Code Review Committee – Resignation

Supervisor Nellis received a resignation from Gerald Neifer, member of the Code Review Committee effective May 9, 2005, as part of the year is spent in Florida. The resignation was accepted and filed with appreciation for Mr. Neifer and the time served on that committee.

Re-appointment Conservation Board

Supervisor Nellis read correspondence from Larry Rubin, Commissioner of the County Department of Environmental and Planning regarding the re-appointment of Lamont Beers’ term on the Erie County Management Council will expire on May 31, 2005. Frank Mantione, Chairman of the Eden Conservation Advisory Board recommends that the Eden Town Board re-appoint Mr. Beers to the board.

MOTION was made by Councilman Walker to re-appoint Lamont Beers to the Erie County Management Council; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Off-Road Drainage recommendation

Supervisor Nellis read correspondence from Ron Maggs, Off Road Drainage Committee recommending the hiring of the Eden Highway Department to do clearing of downed trees along Ryther Creek from Hammond Drive to Hemlock Road by hand at a cost not to exceed \$1,000.

MOTION was made by Councilwoman Pew to hire the Eden Highway Department to clear downed trees along Ryther Creek at a cost not to exceed \$1,000.; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

Supervisor Nellis presented a 3-month appropriation and revenue report to the Town Board, said report would be filed on a quarterly basis.

A one-day only backyard compost bin sale will be conducted in the Town Hall parking lot on May 19, 2005 from 1:00 P.M. to 5:00 P.M.

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 9:00 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 10:30 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk