

MINUTES
REGULAR MEETING –EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
SEPTEMBER 14, 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 (<i>Arrived 7:50 P.M.</i>)

DEPARTMENT HEADS PRESENT:

Andrew C. Reilly of Wendel	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Patrick M. Howard	-	Chief of Police
David A. Cole	-	Eden Fire Chief
Kevin R. Schoenthal	-	East Eden Fire Chief
Robert Pietrocario	-	Chairman Board of Assessors
Susan Brass	-	Recreation Director

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 7:40 P.M.

Pledge of Allegiance:

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

Approval of Minutes:

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of August 10, 2005; there were none.

MOTION was made by Councilman Vacco to approve the Town Board Minutes of August 10, 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 August 24, 2005; there were none.

MOTION was made by Councilman Vacco to approve the Town Board Minutes of August 24, 2005 as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfers:

Supervisor Nellis read the following “Budget Transfers” from SW909 Water District Fund Balance to SW8320.4S Southtowns Water Project for the Town’s share of the local project cost in the amount of \$1,000.00.

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

Budget Amendments:

Supervisor Nellis read the following “Budget Amendments” from A2001 to A7140.4 for money received for Summer Concert Series in the amount of \$1,200.00, from Account A2001 to A7140.4 for reimbursement for Darien Lake Trip in the amount of \$859.00, from Account A2001 to A7310.1 for reimbursement for Umpire Salaries in the amount of \$1,600.00 and from Account SW2763 to SW8320.4S for County Grant – Southtowns Water Project in the amount of \$12,000.00.

MOTION was made by Councilwoman Pew to approve the “Budget Amendments” as presented; 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
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General Fund	467-528	\$34,162.04
Highway Dept. Fund	229-267	\$213,169.45
Fire Dept. Fund	190-211	\$7,087.37
Recreation Dept. Fund	122-140	\$4,437.87
Refuse and Garbage Fund	20-22	\$43,486.48
Street Lights Fund	20-22	\$3,525.89
Water Fund	16-18	\$1,861.47
Trust & Agency Fund	--	--
Capital Fund	11	\$1,580.85
Community Development	--	--

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

Departmental Reports:

Department reports for the month of August, 2005 were presented by Councilwoman Pew for Paul Shephard, Eden Emergency Squad; David Cole, Eden Fire Chief; Kevin Schoenthal, East Eden Fire Chief; Patrick Howard, Eden Police Chief; Ray Zabron, Dog Control Officer; 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; Susan Brass, Recreation Director; Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Kevin Schoenthal, East Eden Fire Chief requested the Town Board remove the name of John Wilder from the active roster of the East Eden Fire Department.

MOTION was made by Councilwoman Pew to remove the name of John Wilder from the active roster of the East Eden Fire Department; seconded by Councilman Vacco; All “Ayes”; Opposed?- None; Abstain? – None; Motion carried.

Kevin Schoenthal, East Eden Fire Chief requested the Town Board to add the name of Joe Hoelscher to the active roster of the East Eden Fire Department pending OSHA physical.

MOTION was made by Councilwoman Pew to add the name of Joe Hoelscher to the active roster of the East Eden Fire Department pending OSHA physical; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Patrick Howard, Chief of Police requested the Town Board to appoint Mike Felschow, who recently retired after 31 years as Lieutenant of the Eden Police Department, to part-time Police Officer.

MOTION was made by Councilman Vacco to appoint Mike Felschow as part-time Police Officer; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested the following transfers from D2770 to D5110.4 in the amount of \$7,161.52 and from D5110.1 to D5130.2 in the amount of \$7,800.

MOTION was made by Councilman Walker to approve the highway transfers as presented by Mr. Maggs, Highway Superintendent; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

New and Unfinished Business:

1. Liquor License Renewal Notification – Katherine’s Restaurant

Supervisor Nellis stated that a notification from Katherine Ochal, Owner of Katherine’s Restaurant had submitted renewal for license through New York State Liquor Authority. This information has been accepted and filed.

2. Special Use Permit Request – Dog Boarding & Grooming

Supervisor Nellis stated that a request had been made by Ann Knack, Administrative Assistant, to find out information on the Rivendell Kennels cited by James Gorecki as a kennel he owned and operated in Fulton, New York. There was no information available at the time of the inquiry.

Councilman Krycia stated that Mark Agle, Chairman of the Eden Planning Board stated that the consensus of the Planning Board is that first and foremost, this size of the parcel is not conforming to the requirements, as well as the surrounding residential nature of the area, they cannot recommend the issuance of a Special Use Permit.

After much discussion, Attorney Trask questioned the track of the process, which he felt should have started at the Code Enforcement Officer’s department, then denied at that stage instead of going in front of the Planning Board. Drew Reilly stated that Scott Henry, Code Enforcement Officer, referred it as a Special Use Permit, which would then proceed to the Planning Board.

Councilman Walker stated that the letter was originally directed to the Town Board and the Town Board recommended that the information be sent to the Planning Board, with Scott Henry, Code Enforcement Officer not involved at that time.

MOTION was made by Councilman Walker to refer this information back to Scott Henry, Code Enforcement Officer to send a letter to Mr. Gorecki consistent with the decision of the Eden Planning Board; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3. Response to Lowering of Speed Limit Request on North Boston Road

Supervisor Nellis made reference to a letter received August 26, 2005 from James J. Barnack, Regional Traffic Engineer for the State of New York Department of Transportation regarding the results of their recent traffic engineering study on North Boston Road in the Towns of Eden and Boston. The study was reviewed and conducted another field review. The study verified that while North Boston Road is continuous through both the Towns of Eden and Boston, the condition of the section within each town differs in both condition and geometry; thereby causing drivers to act differently within each section. This was evidenced in not just their observations, but in the radar data that was collected which showed that the prevailing speeds are substantially different in each section.

Therefore, they maintain that a reduction in the speed limit on the portion of North Boston Road in the Town of Eden is not needed at this time.

After much discussion, it was recommended that a report from the Eden Police Department with a concentration on the accidents, including any fatalities, for the last 10 years be presented the New York State Department of Transportation for consideration of the reduction of the speed limit on North Boston Road in the Town of Eden.

MOTION was made by Councilman Walker to send the findings of the Eden Police Department's report to the New York State Department of Transportation for their reconsideration of the reduction of speed on North Boston Road, in the Town of Eden; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

4. Update – Water Projects

Supervisor Nellis read correspondence from Steve Waldvogel, CRA Infrastructure & Engineering, Inc. regarding the 2 ongoing water projects for the Town of Eden , which are as follows:

Violet Parkway Pump Station (progress report)

- Pre-construction meeting held on September 2, 2005
- Site cleared September 12, 2005
- A majority of Contractor's submittals received and reviewed
- Full time construction beginning with excavation – scheduled to begin September 19, 2005
- Based on the current construction schedule the pump station is expected to be operational by the end of the year.

Southwest Erie County Regional Water Plan (update)

- Positive & productive meeting with Senator Dale Volker on August 29, 2005
- Letter of support from the Senator to NYS Corrections dated September 7, 2005
- Awaiting Corrections response or counter offer
- The plan is to get Corrections contribution in next year's State Budget

- Once Corrections contribution is known district formation can begin
- The current schedule calls for district formation by the end of this year if possible

5. Community Development Block Grant – Scheduling of Public Hearing

Supervisor Nellis requested that the Town Board consider setting a Public Hearing for October 12, 2005 at 8:00 P.M. for the purpose of applying for a Community Development Block Grant.

MOTION was made by Councilman Walker to set a Public Hearing for October 12, 2005 at 8:00 P.M. for the purpose of applying for a Community Development Block Grant; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6. Review of Proposed Local Law No. 2005-6

Councilwoman Pew stated that after receiving comments from the Planning Board regarding their recommendation for the proposed changes to the code, the information be referred back to the Code Review Committee for their consideration.

MOTION was made by Councilman Walker, based on the recommendations of the Planning Board, that the changes to the code be referred back to the Code Review Committee for further review; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

7. Extension of Garbage Contract

Supervisor Nellis stated that he and Attorney Trask have met with Joe Scaffidi, District Manager of BFI to discuss a need for a temporary extension to the Town of Eden’s current contract, which expired last week. Mr. Scaffidi agreed to extend its Solid Waste Collection and Disposal Contract with the Town of Eden on the same terms and conditions until December 31, 2005.

MOTION was made by Supervisor Nellis to authorize this extension based on the agreement with Joe Scaffidi, District Manger of BFI to extend the current contract on the same terms and conditions until December 31, 2005; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8. “Adopt a Highway”

Supervisor Nellis stated that Frank Mantione and members of the Conservation Board requested the Town Board to authorize participation in the “Adopt a Highway” program for the area from Henry’s Corner to approximately 8374 Sisson Highway. It had been previously discussed at a Town Board meeting and the issue of insurance coverage had been

discussed. After checking with the insurance agent, it was determined that all volunteer boards that are part of Town government are covered under the Town of Eden's insurance policy.

MOTION was made by Councilman Walker to authorize the Conservation Board to participate in the "Adopt a Highway" program and if it goes beyond the appointed members of the Conservation Board that the names and addresses of the participants be provided to the town ahead of time and given to the insurance agency to be sure that they are also covered; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

9. Municipal Insurance Program

Supervisor Nellis stated that the Municipal Insurance program is up this year and requested that the current insurance agency, ENB Insurance Agency, Inc. review the policy and ask another company to make comparisons, which has not been received to date. A full report was supplied from ENB, which includes a reduction for a total premium of \$95,891.95, compared to last years total of \$103,221.23. Councilman Walker asked if it is definite that the other company would not be bidding. Ann Knack stated that she has been in contact with them and at this time they will not be submitting anything this year, but they would like to be included in next years process.

MOTION was made by Councilman Vacco to renew the Municipal Insurance Program with ENB Insurance Agency, Inc. for a total premium of \$95,891.95; seconded by Councilman Walker; All "Ayes"; Opposed? – None; Abstain? - None; Motion carried.

10. Lightning Strike Damage

Supervisor Nellis stated that an insurance claim is being processed approving the original quote from DFT to replace the fire control panels for the Town Hall, Fire Hall and Emergency Squad building up to the current code. The concern is that this is to be considered an emergency due to the fact that none of the buildings have working fire alarms in place. Due to the fact that all the equipment is antiquated, replacement is an emergency situation.

MOTION was made by Councilman Walker to deem the purchase of the equipment an emergency purchase such that we need not comply with all the normal requirements of the procurement policy and that the company agrees to install the equipment as soon as possible; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor's Report:

Supervisor Nellis stated that the Quality Community Program has received a \$37,000 grant for the coalition involving the Towns of Evans, which will be the lead agency, Brant, North Collins, Eden, and the Villages of Farnham, Angola and North Collins. An inventory of assets of various towns/villages will be completed for purposes of plans and attractions regarding to tourism within the towns/villages.

The Eden Valley Bridge will remain a one-way situation through the fall.

Hearing of Visitors:

Joe Klug, 7700 Bley Road

Adjournment:

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:10 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk