

November 9, 2005

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
NOVEMBER 9, 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 (<i>Arrived at 7:40</i>)
VINCENT V. VACCO	-	COUNCILMAN
TIMOTHY J. WALKER	-	COUNCILMAN (<i>Absent</i>)

DEPARTMENT HEADS PRESENT:

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 Pietrocarlo	-	Chairman Board of Assessors

OTHERS PRESENT:

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk

Call to Order:

Supervisor Nellis called the Regular Meeting of the Eden Town Board to order at 7:35 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 October 12, 2005; Mary Jo Hultquist, Town Clerk made a correction regarding "Budget Transfers" for the Local Project Cost (\$125.00), should be \$125,000.00.

MOTION was made by Councilwoman Pew to approve the Town Board Minutes of October 12, 2005 with the correction; 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 October 26, 2005; there were none.

MOTION was made by Councilman Vacco to approve the Town Board Minutes of October 26, 2005 as presented; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfers:

Supervisor Nellis read the following “Budget Transfers” from Account A1990.4 Contingent to Account A1620.4 Town Hall for Construction of Swartz Field Approach in the amount of \$4,150.00 and from Account A1990.4 Contingent to A6772.4 Programs for Aging for Car Winterization and Gasoline for remainder of year in the amount of \$225.00.

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

Budget Amendments:

There were none.

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	595-698	\$91,101.40
Highway Dept. Fund	291-318	\$84,739.37
Fire Dept. Fund	234-259	\$13,438.64
Recreation Dept. Fund	157-173	\$6,391.50
Refuse and Garbage Fund	23-27	\$71,961.50
Street Lights Fund	26-28	\$3,776.44
Water Fund	22-23	\$5,616.49
Trust & Agency Fund	--	--
Capital Fund	14-17	\$14,039.72
Community Development	--	--

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

Departmental Reports:

Department reports for the month of October, 2005 were presented by 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; 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 A. Cole, Eden Fire Chief requested the Town Board remove John Jacobs from the active roll. John has served the department for 28 years and has taken his Life Member Inactive status. He was Vice-President in 1999, 2000 and 2001. He served as President of the department in 2002, 2003 and 2004. He was a member of the Fire Police for 13 years and was Fire Police Captain for 6 years.

MOTION was made by Councilwoman Pew to remove John Jacobs from the active roll with thanks and regrets from the Town Board; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested approval for the following “Transfer of Funds” from Account D2770 to D5110.4 in the amount of \$866.60 (pipe permits #12-14), from Account D2770 to D5110.4 in the amount of \$6,000, and from Account D5110.1 to D5130.4 in the amount of \$5,000.

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

Ron Maggs, Highway Superintendent requested Town Board 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 Krycia to approve the resolution as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

New and Unfinished Business:

1. Resolution on Community Development Block Grant Program

Supervisor Nellis read the following resolution:

**TOWN OF EDEN RESOLUTION
OPPOSING ANY CHANGE TO THE EXISTING ADMINISTRATIVE
STRUCTURE OF THE ERIE COUNTY COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM**

RESOLVED, that the Erie County Community Development Block Grant Consortium opposes any changes to the existing administrative structure of the Erie County CDBG program; and be it further

RESOLVED, that the governing bodies of each Consortium municipality shall be informed of said opposition and encouraged to take appropriate action supporting said opposition; and be it further

RESOLVED, that copies of this resolution shall be forwarded to the Erie County Legislature for their information when considering any action necessary to approve any Sub-Recipient Agreement between Erie County and the ECIDA or similar organization; and be it further

RESOLVED, that copies of this resolution be forwarded to the chief elected officials of all Consortium municipalities, the Erie County Legislature, the Erie County Executive, the Commissioner of the Department of Environment and Planning, the Erie County Attorney, the Director of the Erie County Industrial Development Agency, and the President of the Buffalo Niagara Partnership.

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

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

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:05 P.M.

MOTION was made by Councilman Vacco to open the Public Hearing; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis opened the Public Hearing at 8:05 P.M.

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**PUBLIC HEARING
8:00 P.M.**

The purpose of the Public Hearing is to review the Proposed Budget of the Town of Eden for the year 2006. The proposed tax rates for 2006 are:

General	-	\$2.11 per thousand
Highway	-	\$3.02 per thousand
Light	-	\$.16 per thousand
Fire Protection	-	<u>\$.76 per thousand</u>
Total	-	\$6.05 per thousand

Net Increase of \$ 0.14, a home assessed at \$100,000 would show a net increase of \$14.00 on their tax bill for the above items.

The Garbage rate for 2006 is \$121.00 per unit, an increase of \$6.00 per unit.

Water Rates

The Consolidated Water District will remain the same as 2005 at \$.38 per thousand.

Supervisor Nellis stated that copies of the Proposed 2006 Budget had been made available in the Town Clerk's office and at the meeting tonight.

Supervisor Nellis then opened up the Public Hearing to residents present for their questions or comments.

The following residents made comments regarding the proposed budget:

Steven Piwowar, 8257 East Eden Road, spoke against the 2006 budget, specifically the 3 percent raise.

Ruth Szalasny, 3048 Belknap Road, questioned the monthly expenses for Croops Mill on Bley. Supervisor Nellis stated that approximately \$36.00 per month is paid out of the General Fund. Mrs. Szalasny suggested the Town Board take a 2 percent raise and use the savings to help offset the \$15,000 contribution the town is making to keep Eden Library open.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:20 P.M.

MOTION was made by Councilman Vacco to close the public hearing; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Councilman Vacco to open the Regular Meeting of the Eden Town Board; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

2. Approval of 2006 Town Budget

Supervisor Nellis stated that a motion would be in order to approve the 2006 Budget of the Town of Eden.

MOTION was made by Councilman Krycia to approve the 2006 Budget of the Town of Eden; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

3. Status Report Water Projects

Steve Waldvogel, Project Engineer stated that the Violet Parkway pump station is

well underway, with the building complete and moving forward with the hope that the pump station will be operational this year. The regional water project is still in progress, meeting with the Department of Corrections and the Senators office. There is no written commitment as of yet.

4. Contract with Wendel on Structural Evaluation of East Eden Fire Company Building

Supervisor Nellis made reference to a letter received from Brian P. Brady, A/A, Wendel Duchscherer regarding improvements to the East Eden Fire Hall. Wendel Duchscherer proposes to complete the scope of services outlined for a lump sum fee of \$1,500.00, and would be prepared to complete their effort in three weeks time.

MOTION was made by Supervisor Nellis to approve the payment of \$1,500.00 to Wendel Duchscherer for consulting services in conjunction with the review of improvements to the East Eden Fire Hall; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5. Southtowns Community Enhancement Coalition Incorporation Cost

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

6. Scheduling of Public Hearing- Renewal of Annual Special Use Permits

Supervisor Nellis requested the Town Board to schedule a Public Hearing for the purpose of the Renewal of Annual Special Use Permits for the following:

- | | |
|---------------------------------------|---------------------------|
| 1. Cazenovia Recovery Systems, Inc. | 6. Pamela Henrich |
| 2. Sprint Spectrum/Donald Mammoser | 7. Dennis & Joanne Brawdy |
| 3. Eden Kinder Care/St. John’s Church | 8. Schreiber 7 Winkelman |
| 4. Norman & Jean Brenner | 9. Richard Minekime |
| 5. Nextel Partners, Inc. | |

MOTION was made by Councilwoman Pew to set the Public Hearing for the purpose of the Renewal of Annual Special Use Permits for the above-mentioned for Wednesday, December 7, 2005 at 8:00 P.M.; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

7. Rail Fence

Ron Maggs, Highway Superintendent stated that three bids had been received for the fence for the new entrance to Swartz Field, which would include 200 feet of 6 foot privacy fence and 200 feet of split rail fence. Bids were received from the following:

- | | |
|---|-------------|
| 1. Active Fence, S5295 Bayview Road, Hamburg, NY | \$ 5,250.00 |
| 2. Armor Fence, P.O. Box 745, Orchard Park, NY | \$ 6,400.00 |
| 3. Classis Fence, 2020 Niagara Falls Blvd., Amherst, NY | \$19,314.00 |

It was the recommendation of Mr. Maggs to accept the low bid from Active Fence at \$5,250.

MOTION was made by Supervisor Nellis to accept the low bid from Active Fence at \$5,250; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

- ❖ Route 62 bridge to be open by mid-November.
- ❖ Town officials had met again Wednesday with the Niagara Frontier Transportation Authority to press for a bus route along Route 62 from

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Hamburg to Gowanda, stating that rider ship would be higher than on some other routes that presently exist.

- ❖ A retirement reception would be held on December 2, 2005 from 6:00 P.M. to 8:30 P.M. for Sue Minekime and Cheryl Colvin.

Hearing of Visitors:

Mike Bolo, 9998 Clarksburg Road
Wilbert Smutz, 3094 East Church Street
Ruth Szalasny, 3048 Belknap Road
Phil Muck, 2763 Oakland Drive

Adjournment:

MOTION was made by Councilman Krycia 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 8:45 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 9:45 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk