

MINUTES

REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
DECEMBER 7, 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 7:50 P.M.</i>)
VINCENT V. VACCO	-	COUNCILMAN
TIMOTHY J. WALKER	-	COUNCILMAN (<i>Absent</i>)

DEPARTMENT HEADS PRESENT:

Rob Klavoon 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 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 7:40 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 November 9, 2005; there were none.

MOTION was made by Councilman Vacco to approve the Town Board Minutes of November 9, 2005 as presented; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

Ruth Szalasny, 3048 Belknap Road. Mrs. Szalasny suggested that the Town Board set in motion plans to set a Public Hearing for a Local Law regarding Level 3 sex offenders. Mrs. Szalasny stated that Marc A. Cappolla, Buffalo City Council Leader sponsored a bill, now a law, preventing registered sex offenders, convicted of abusing children, from living in close proximity to schools, parks, playgrounds, libraries or day care centers. In Amherst, Shelly Schratz, Council Member, supported a bill, now a law, with even stronger protection. Sam Hoyt, Assemblyman, is forwarding a bill to the State Legislature attempting to obtain effective protection and legislation. Mrs. Szalasny stated that copies of the bills and laws are forthcoming and could be shared with the Town Board and the Town Attorney.

Supervisor Nellis explained that steps need to be taken before a Public Hearing can be set. It would be inappropriate to discuss it tonight until the Town Board and Town Attorney has time to review the proposed law and copies made available to the public before setting the Public Hearing.

Budget Transfers:

Supervisor Nellis read the following “Budget Transfers” for the Highway Department from D5110.1 to D5110.4 in the amount of \$6,100, from D5110.1 to D5142.4A in the amount of \$400., from D5142.1 to D5142.4 in the amount of \$10,000., and from D5142.1 to D5130.4 in the amount of \$4,000.

MOTION was made by Councilwoman Pew to approve the “Budget Transfers” as presented; seconded by Councilman Vacco; 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	699-762	\$31,169.58
Highway Dept. Fund	319-342	\$26,519.49
Fire Dept. Fund	260-279	\$14,384.32

Recreation Dept. Fund	174-179	\$30,836.75
Refuse and Garbage Fund	--	--
Street Lights Fund	29-31	\$4,326.69
Water Fund	24	\$5,042.07
Trust & Agency Fund	--	--
Capital Fund	18-19	\$70,582.00
Community Development	1	\$6,904.06

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 November 2005 were presented by David Cole, Eden Fire Chief; Kevin Schoenthal, East Eden Fire Chief; Patrick Howard, Eden Police Chief; Patrick Howard for Ray Zabron, Dog Control Officer; Ronald Maggs, Superintendent of Highways; Rob Klavoon for Andrew Reilly, Town Engineer; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Supervisor Nellis for Scott Henry, Zoning Code Enforcement Officer; Councilman Vacco for 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 Marie Armstrong from the East Eden Fire Department active roster.

MOTION was made by Councilwoman Pew to remove Marie Armstrong 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 remove the name of Chris Brinda’mour from the East Eden Fire Department. Chris has twenty plus years within the department and has held numerous firematic offices including Chief. At this time Chris is taking his Life Membership.

MOTION was made by Councilwoman Pew to remove Chris Brinda’mour from the active roster of the East Eden Fire Department with regret and congratulations on his Life Membership; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Kevin Schoenthal, East Eden Fire Chief requested the Town Board to add the names of Louis Kaminski, Ben Hornquist and David Corbin to the active roster of East Eden Fire Department pending completion of an OSHA physical and arson background check.

MOTION was made by Councilwoman Pew to add the names of Louis Kaminski, Ben Hornquist and David Corbin to the active roster of East Eden Fire Department pending OHSA physical and

arson background check; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain?- None; Motion carried.

Supervisor Nellis publicly thanked Ron Maggs, Highway Superintendent and the Highway Department staff for their help with a number of projects during the year, specifically the Municipal Parking Lot and the entrance to Swartz Field resulting in cost-savings for the Town of Eden.

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

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:00 P.M.

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

Supervisor Nellis opened the Public Hearing at 8:00 P.M.

8:00 P.M.

Public Hearing

Renewal of Special Use Permits

1. Norman Brenner Gravel Pit 2. Cazenovia Recovery Resources 3. St. John’s Church/Eden Kinder Care 4. Sprint Spectrum Telecommunications Tower – Mammoser Property 5. Nextel Partners – Telecommunications Tower 6. Henrich – Airstrip 7. Brawdy – Migrant Workers Trailer 8. Schreiber- Mini Self-Storage Facility 9. Minekime – Caretaker/Watchman Dwelling Unit

Supervisor Nellis explained the purpose of the public hearing was to listen to any concerns or questions that citizens have.

The following persons spoke and asked questions regarding the renewal of Special Use Permits:

Joyce Harms 2677 West Church Street
Richard Minekime 7947 Jennings Road

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:10 P.M.

MOTION was made by Councilwoman Pew to close the public hearing; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

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

New and Unfinished Business:

Approval of Motion authorizing the Budget Officer to approve any year-end budget transfers necessary to maintain department budget balances.

Supervisor Nellis requested the Town Board authorize him as Budget Officer to approve any year-end budget transfers necessary to maintain department budget balances.

MOTION was made by Councilman Vacco to authorize Supervisor Nellis, as Budget Officer, to approve any year-end budget transfers necessary to maintain department budget balances; seconded by Councilman Krycia; All "Ayes"; Opposed?- None; Abstain? – None; Motion carried.

Scheduling of Year-End Meeting and Reorganizational Meeting

Supervisor Nellis requested the Town Board to schedule the year-end meeting for December 28, 2005 at 7:30 P.M. and Re-organizational Meeting for January 4, 2006 at 7:30 P.M.

MOTION was made by Councilman Vacco to set the year-end meeting for December 28, 2005 at 7:30 P.M. and Re-organizational Meeting for January 4, 2006 at 7:30 P.M. as stated; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain?- None; Motion carried.

Award/Approval of New Garbage Contract

Supervisor Nellis stated that a second bid opening had been held on November 21, 2005 at 2:00 P.M. in the Town Clerk's office. Two bids were presented with the following results:

Allied Waste (BFI)	\$ 514,026.24
Waste Management	\$ 553,096.00

Discussion ensued regarding the specifics of the bids received and if granted Allied Waste (BFI) would change the schedule of pick-up to everyday forming (5) five districts within the Town of Eden. The other change would be (1) one "Bulk Item" every week, instead of "Big Trash Pick-up", which previously occurred quarterly. They would continue to allow 3 garbage cans with a limit of 5 additional bags per week, purchased at the Town Clerk's office at a cost of \$1.50/bag. They will be encouraging recycling to eliminate the need to purchase additional bags. The 3 can limit will be enforced. There will be a period of adjustment with education and information to the public by way of advertising through the Penny Saver and flyers, with an approximate start date of February 1, 2006.

Supervisor Nellis stated that an increase in garbage pick-up in 2007 is imminent with an increase from \$121.00/unit in 2006 to \$174.00/unit in 2007, which is consistent with local industry.

The Town Board and Bill Trask, Town Attorney has reviewed both bids received and the recommendation is to award the bid to the low bidder, Allied Waste (BFI) at a bid price of \$514,026.24, a contract for a period of (3) three years with an option to renew.

MOTION was made by Supervisor Nellis to award the Refuse & Recycling Bid to Allied Waste (BFI) with a bid of \$514,026.24; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain?- None; Motion carried.

Resolution on Southtowns Community Enhancement Coalition Grant Request

Supervisor Nellis read the following resolution:

WHEREAS, the Town Board of the Town of Eden fully supports initiatives to enhance area wide environmental protection, economic prosperity and community well being; and

WHEREAS, the communities in Southwestern Erie County realize the need to create a plan to promote the various resources and assets in the area; and

WHEREAS, the Towns of Eden, Brant, Evans and North Collins as well as the Villages of Angola, North Collins and Farnham has expressed a willingness to promote tourism to enhance the environment, economic prosperity and community well being of these municipalities; and

WHEREAS, the seven communities are in the process of completing an inventory of their collective assets for tourism development, and

WHEREAS, it is necessary to develop a Tourism Strategy to promote tourism assets, economic prosperity and sustainable community growth.

NOW, BE IT RESOLVED that Glenn R. Nellis, Supervisor of the Town of Eden is hereby authorized and directed to support an application filed by the Town of Evans on our behalf to the 2005-06 New York State Quality Communities Program to obtain financial assistance to develop “Phase Two” of our Tourism Development Plan – a plan and implementation strategy which will enhance the environment, economic prosperity and community well being of the Town of Eden and upon approval of said grant request, will enter into an agreement with New York State as well as the collaborating communities to develop said plans for identifying and promoting assets of our region; and

BE IT FURTHER RESOLVED that this Town Board endorses the commitment of the communities identified in this resolution to continue to meet on a regular basis for the purpose of discussing other ways that we can work together for the betterment of our shared region.

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

Water Projects Update

Steve Waldvogel, Project Engineer stated that the Violet Parkway Pump Station construction is moving forward with the pump delivery in mid-January and completion date sometime in February, 2006, which is on schedule.

The regional project, meeting with the Office of General Services (OGS) and the Department of Corrections twice, once in Buffalo and Albany making significant progress. Based on those meetings we have a much clearer understanding now of the approach that corrections prefers and are in the process of revising our cost allocation formulas with the idea of getting back to them next week and hopefully receiving some form of commitment from them in the near future. They have indicated that they are willing to consider modifying the original capacity of the line and storage tanks to reduce the cost of such. The total project cost, as originally estimated, will likely come down as they have agreed to a reduction in capacity.

Resolution on County Mitigation Plan

Supervisor Nellis read the following resolution:

WHEREAS, Erie County, with the assistance of the Town of Eden, has gathered information and prepared the Erie County All-Hazard Mitigation Plan; and

WHEREAS, the Erie County All-Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Town of Eden is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the Eden Town Board has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW, THEREFORE, BE IT RESOLVED by the Eden Town Board that the Town of Eden adopts the Erie County All-Hazard Mitigation Plan as this jurisdiction's All-Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

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

Approval of Ski Program Transportation – Eden Recreation

Supervisor Nellis read correspondence from Susan Brass, Recreation Director regarding the award of bid for ski transportation. Two bids were received from Laidlaw Transit and Fisher Bus Service. The Recreation Board is recommending the award for ski transportation be awarded to Laidlaw Transit for \$240.00 per bus per trip and \$190.00 per van per trip.

MOTION was made by Councilman Vacco to award the bid to Laidlaw Transit based on the recommendation of the Recreation Board; seconded by Councilman Krycia; "Ayes"; Nellis, Krycia, Vacco; Opposed? – None; Abstain? – Pew; Motion carried.

Reappointment of Roger Brandt to the Assessment Board of Review

Supervisor Nellis received recommendation to reappoint Roger Brandt to the Assessment Board of Review to a 5-year term, effective 10/1/2005 to 9/30/2010.

MOTION was made by Councilwoman Pew to re-appoint Roger Brandt to a 5-year term to the Assessment Board of Review; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Set Public Hearing for a Special Use Permit to open a Coin Operated Laundromat Business

Supervisor Nellis received correspondence from Donald C. Schreiber, Jr. regarding a Special Use Permit to open a coin operated Laundromat business at the Eden self-storage plaza at 8750 South Main Street, Suite 103.

Supervisor Nellis stated that this request be referred to the Planning Board to review at their meeting on January 5, 2006 and to schedule a Public Hearing for January 11, 2006 at 8:00 P.M.

MOTION was made by Councilwoman Pew to refer this request to the Planning Board to review at their meeting on January 5, 2006 and to schedule a Public Hearing for January 11, 2006 at 8:00 P.M.; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Off-Road Drainage

Supervisor Nellis read correspondence from Ron Maggs, Off-Road Drainage Committee Chairperson recommending that the Town Board approve Project 2005-7, to clean the ditch along railroad tracks from West church to George Street with a cost not to exceed \$10,000. This will benefit Swartz Field drainage and allow the Highway Department to put drainage along West Pleasant Avenue and George Street.

MOTION was made by Councilman Vacco to approve the recommendation as presented; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain?- None; Motion carried.

Supervisor's Report:

No report.

Hearing of Visitors:

There were none.

Adjournment:

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 8:50 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