

## MINUTES

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
JANUARY 11, 2006  
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
RICHARD S. VENTRY	-	COUNCILMAN

**DEPARTMENT HEADS PRESENT:**

Andrew C. Reilly of Wendel	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Patrick M. Howard	-	Chief of Police
Paul Shephard	-	Eden Emergency Squad
David A. Cole	-	Eden Fire Chief
Kevin R. Schoenthal	-	East Eden Fire Chief
Robert Pietrocarlo	-	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 December 7, 2005; there were none.

**MOTION** was made by Councilwoman Pew to approve the Town Board Minutes of December 7, 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 December 28, 2005; there were none.

**MOTION** was made by Councilman Vacco to approve the Town Board Minutes of December 28, 2005 as presented; seconded by Councilman Krycia; “Ayes”? Nellis, Krycia, Vacco, Ventry; - Opposed? – None; Abstain? – Pew; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of January 4, 2006; there were none.

**MOTION** was made by Councilman Krycia to approve the Town Board Minutes of January 4, 2006 as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Petitions:**

Phillip Muck, 2763 Oakland Drive, Eden, New York, read the following petition:

“On January 4, 2006 Governor Pataki in his State of the State address said that “under the current law on January 20, 2006, level 1 and level 2 sex offenders who have been in the New York State Sex Offenders Registry for ten years will no longer be listed and in 2009 level 3 sex offenders would have the ability to petition to have their name taken off the list.”

The Governors legislative proposal to strengthen Megan’s Law would address this problem and others regarding sex offenders.

It appears that some downstate legislators are not likely to support Governor Pataki, thus creating a vacuum.

Do we wait for the state legislature that may not act soon enough to protect our children?

This petitioner is asking that the Eden Town Board not wait and plan on having a local law in effect within two months from today.”

**Budget Transfers:**

There were none.

**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	1-21	\$29,445.44
Highway Dept. Fund	1-2	\$2,000.00
Fire Dept. Fund	1-5	\$5,235.42
Recreation Dept. Fund	--	--
Refuse and Garbage Fund	1	\$42,835.52
Street Lights Fund	--	--
Water Fund	--	--
Trust & Agency Fund	--	--
Capital Fund	--	--
Community Development	--	--

**2005 PAYABLES**

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	819-843	\$20,058.12
Highway Dept. Fund	365-370	\$19,711.32
Fire Dept. Fund	308-318	\$3,032.36
Recreation Dept. Fund	188-190	\$239.67
Refuse and Garbage Fund	--	--
Street Lights Fund	34-35	\$4,410.94
Water Fund	25-28	\$5,167.52
Trust & Agency Fund	--	--
Capital Fund	--	--
Community Development	--	--

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

**Departmental Reports:**

Department reports for the month of December, 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; 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 approval of the following Officers for 2006:

David A. Cole, Chief	President, Randy Lauber
Matthew Colvin, 1 <sup>st</sup> Asst. Chief	Vice President, Glenn Scott
Chris Colvin, 2 <sup>nd</sup> Asst. Chief	Secretary, John Gavin
Richard Greeley, Captain	Treasurer, Tom Schreiner
David Rice, 1 <sup>st</sup> Lieut.	Trustees, Chuck Schmitz
Jack Rigley, 2 <sup>nd</sup> Lieut.	Steve Kryszak
Clyde Colvin, Safety Officer	Andy Huber
Daniel Howles, Safety Officer	
Ronald Salzman, Safety Officer	

**MOTION** was made by Councilwoman Pew to approve the Eden Fire Department Officers for 2006 as presented; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

David A. Cole, Eden Fire Chief and Kevin Schoenthal, East Eden Fire Chief requested permission to take Eden and East Eden fire equipment out of the fire districts for mutual aid, repairs, training, funerals and parades at the discretion of the Chief or officer in charge.

**MOTION** was made by Councilwoman Pew to grant permission to take fire equipment out of the Eden and East Eden fire districts for mutual aid, repairs, training, funerals and parades at the discretion of the Chief or officer in charge; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

David A. Cole, Eden Fire Chief requested the Town Board to remove the name of Kevin Budziszewski (ten-year member) and Linda Wagner (two-year member) from the active roster.

**MOTION** was made by Councilwoman Pew to remove the names of Kevin Budziszewski (ten year member) and Linda Wagner (two year member) from the active roster of the Eden Fire Department with regrets and thanks for their service; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

David A. Cole, Eden Fire Chief requested the Town Board to add the names of John Agle, 7915 Gowanda State Road and Kevin Condon, 9001 Notre Dame Drive to the active roster of the Eden Fire Department, pending physical exam and background checks.

**MOTION** was made by Councilman Krycia to add the names of John Agle, 7915 Gowanda State Road and Kevin Condon, 9001 Notre Dame Drive to the active roster of the Eden Fire Department, pending physical exam and background checks; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Kevin Schoenthal, East Eden Fire Chief requested approval of the following officers for 2006:

Kevin Schoenthal, Chief	President, John McCarthy
Joe Armbruster, 1 <sup>st</sup> Asst. Chief	Vice President, Ed Blaszczyk
Andrew Breier, 2 <sup>nd</sup> Asst. Chief	Secretary, Joy Wendel
Roy Armbruster, Captain	Treasurer, Ken Foltyniak
Chris Enser, 1 <sup>st</sup> Lieut.	Trustees, Daniel Buck
Kevin Durski, 2 <sup>nd</sup> Lieut.	John Matwijkow
Rick Kirst, Safety Officer	Jerome Schmitz
Maurice Dole, Safety Officer	Sergeant of Arms, Rick Kirst
David Schreiber, Comm. Officer	

**MOTION** was made by Councilwoman Pew to approve the East Eden Fire Department Officers for 2006; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Kevin Schoenthal, East Eden Fire Chief requested approval of the hall cleaning bid in the amount of \$1,797.00 for John McCarthy, Ken Franz and Don Dzubella.

**MOTION** was made by Councilwoman Pew to approve the hall cleaning bid in the amount of \$1,797 for John McCarthy, Ken Franz and Don Dzubella; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**MOTION** was made by Councilwoman Pew to close the Regular Meeting of the Eden Town Board; 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 Councilwoman Pew to open the Public Hearing for the request for Special Use Permit from Schreiber & Winkelman to operate a coin-operated Laundromat at their Self-Storage Plaza located at 8750 S. Main Street, Eden, New York; 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**

**Request for Special Use Permit from Schreiber & Winkelman to operate a Coin-operated Laundromat at their Self-Storage Plaza located at 8750 South Main Street, Eden, New York**

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

Supervisor Nellis read the following letter from Mark G. Agle, Chairman of the Eden Planning Board:

“At the regularly scheduled January 5, 2006 meeting of the Planning Board, your request to review and submit a recommendation regarding a Special Use Permit for the operation of an 18-machine Laundromat located at 8750 South Main Street, Suite #103. Upon review, the consensus of the Planning Board is to recommend that the Town Board approve the request. The previously submitted and approved site-plan did not indicate lighting or signage for this purpose. Therefore, Mr. Schreiber was instructed to install directional head lighting and to work with Mr. Henry in regards to the signage requirements. The existing approved site-plan is suitable for this use in all other regard including parking and meets all other code requirements.

Mr. Schreiber’s request to waive annual renewal of the permit was not discussed and the Planning Board defers that decision to the Town Board.”

The following persons spoke and asked questions regarding the Special Use Permit:

Ruth Szalasny, 3048 Belknap Road, congratulated the Schreiber’s for knowing the needs of the community and filling a need.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:08 P.M.

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

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

### **Department Reports: (Continued)**

Ron Maggs, Highway Superintendent requested the Town Board approve the “Agreement to Spend” with general repairs in the amount of \$264,200.00 for 48.72 miles of town highway, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewal thereof.

The improvements of the following town highways; on Violet Parkway starting at Florence Avenue and ending at dead end, a distance of .38 miles; Second Street starting at Route 62 and ending at Hammond Drive, a distance of .35 miles; and Homer Avenue starting at Second Street and ending at Park Street.

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

Ron Maggs, Highway Superintendent asked permission of the Town Board to help as needed with Eden’s Winter Fest.

**MOTION** was made by Councilwoman Pew to grant permission to Ron Maggs, Highway Superintendent to help as needed with Eden’s Winter Fest; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

### **New and Unfinished Business:**

1. **Possible setting of Public Hearing on Child Protection Legislation**

- Supervisor Nellis stated that a petition was received at this meeting from Phillip Muck regarding enacting sexual predator legislation in the Town of Eden.

William Trask, Town Attorney stated that “Megan’s Law” is scheduled to expire on January 21, 2006. One of the key concerns at this moment, with the ten-year anniversary coming up, come January 21, 2006 some registered sex offenders who are registered for a 10-year period, because they are a level 1 or level 2 sex offenders, if the State Legislature does not act to change the current law, starting January 21,2006 level 1 and level 2 sex offenders will drop off the registration and there will be no monitoring of there whereabouts.

There is some urgency for this action at the State Legislature and for Governor Pataki to sign this legislation. There are a number of other proposals that are also currently passing through the Legislature, one of which directly addresses the residency restrictions and employment restrictions issue that is of keen interest to everyone here because it would amend Megan’s Law to include a restriction on residency on level 3 sex offenders within a certain distance of schools and day care facilities or the employment of those individuals at those facilities as well. These are part of a package to update Megan’s Law, which is currently making its way through the legislature.

There have been efforts at local levels across the state, starting in Binghamton in Broome County last year, now in Erie County. The City of Buffalo, the Town of Amherst and the Town of Cheektowaga have proposals to enact residency restrictions targeted at registered sex offenders. The Town of Brant adopted this resolution on January 10, 2006.

Attorney Trask recommends that the Town Board adopt a resolution immediately urging the Senate, the Assembly and Governor Pataki to immediately implement an extension of the registration period for those registered sex offenders whose ten-year limit is coming up and a uniform state-wide restrictions on residency for level 3 sex offenders in proximity to areas frequented by children.

Councilwoman Pew read the following resolution:

#### **RESOLUTION URGING AMENDMENTS TO MEGAN’S LAW**

**WHEREAS,** in response to the documented problem of high rates of recidivism among certain types of sex offenders, the New York State “Sex Offender Registration Act”, commonly known as “Megan’s Law”, was enacted and originally went into effect on January 21, 1996, and

**WHEREAS,** Megan’s Law currently provides for convicted sex offenders to meet certain registration requirements with state officials, including updates of their

residence addresses, thus providing valuable information for parents and law enforcement officials, and

**WHEREAS**, the registration of some Level 1 and Level 2 sex offenders will expire on January 21, 2006 without immediate action by the New York State Legislature and Governor Pataki, and

**WHEREAS**, some communities have begun enacting local laws and ordinances which attempt to restrict the residency and employment of sex offenders near areas frequented by children and

**WHEREAS**, the enforcement of these local enactments is problematic due to existing limits on information available under Megan's Law, and

**WHEREAS**, the restrictions enacted by these communities vary widely in their scope and effect and may be vulnerable to legal challenge because of Megan's Law and proposed legislation pending in the State Legislature, which would adopt similar restrictions statewide.

**NOW, THEREFORE IT IS RESOLVED** that the Town Board of the Town of Eden does hereby declare its support for immediate enactment of legislation which would extend the current registration of all sex offenders, and it is further

**RESOLVED** that the Town Board of the Town of Eden does hereby urge the State Legislature and Governor Pataki to promptly enact and sign into law uniform, statewide restrictions on the residency and employment of sex offenders near facilities and area frequented by children, and it is further

**RESOLVED** that copies of this Resolution be immediately sent to Senator William Stachowski, Senator Dale Volker, Assemblyman Jack Quinn, Governor George Pataki and the Association of Towns.

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

2. **Review and Possible Approval of Bids to repair East Eden Fire Truck**

- Councilwoman Pew read (2) quotes from Kevin Schoenthal, East Eden Fire Chief regarding repairs to apparatus. The following items were discussed: Item 1; the door on Engine #4 needs to be repainted around the door handle, the lowest

quote is from Eden Collision for around \$865.34. Item #2; Engine #3 was in for it's annual inspection and it was discovered that it has a leak in the lower section of the tank. There are three options to consider, but keep in mind that this piece of apparatus is scheduled to be replaced in 2008.

After much discussion, the Town Board decided to act on each item separately.

Item #1

**MOTION** was made by Councilwoman Pew to approve the quote from Eden Collision at \$865.34 for parts and labor; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Item #2

**MOTION** was made by Councilman Vacco to table Item #2 until the January 25, 2006 Town Board meeting to obtain more information; seconded by Councilman Krycia; "Ayes"; Nellis, Krycia, Vacco, Ventry; - Opposed? – Pew; Abstain? – None; Motion carried.

3. **Approval of Family Swim Lifeguards – Eden Recreation**

- Susan Brass, Recreation Director read the following recommendations regarding the approval of Family Swim Lifeguards. The Recreation Board is recommending the following staff appointments:

Samantha Eckert, Program Supervisor at a pay rate of \$10.00/hour  
Chris Miller, Life Guard at a pay rate o \$8.00/hour  
Danielle DeCarlo, Life Guard at a pay rate of \$8.00/hour  
Rachel Phillips, Life Guard at a pay rate of \$8.00/hour  
Kaitlin Benedict, Life Guard at a pay rate of \$8.00/hour  
Andrew Gorcica, Life Guard at a pay rate of \$8.00/hour

**MOTION** was made by Councilwoman Pew to approve the staff appointments for Family Swim Lifeguards as presented; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

4. **Water Project Updates**

- Supervisor Nellis read the following report from Steven Waldvogel, CRA

Infrastructure & Engineering, Inc. regarding the two ongoing water projects:

### Violet Parkway Pump Station

Construction continues and appears to be on schedule. The interconnection on Hammond Drive will be performed on Thursday, January 12, 2006 at 11:00 P.M. and will last approximately four to five hours. The reason for the late shutdown is because a significant amount of customers are being affected and the Erie County Water Authority wanted to do the work while residents would be using their water the least, therefore, affecting them less. All customers/ residents, including the Fire Department and Police Department, will be notified of the shutdown by our site inspector John Falbo.

The Contractor has assured us that the station will be completed by mid-February as required (with the exception of final restoration to be done in the spring). If the Erie County Water Authority approves all of the work we anticipate the station to be operational within the next month or so.

### Southwest Erie County Regional Water Project

CRA traveled to Albany in early December to meet with the Office of Government Services and Department of Corrections engineers. Discussion ensued in detail regarding the cost allocation methods of the project.

In addition to the discussion with DOC, CRA has prepared a grant application on behalf of the 6 participating communities aimed at funding some of the upcoming preparatory work necessary before the project can get funded, what be designed and constructed. The grant is competitive and we are not sure and the likelihood of success is. There is only \$2.55M available across the state several other local projects are applying. Our project appears to meet all of the grant criteria which is aimed at inter-municipal projects that will improve financial efficiencies. The grant application is seeking funding for the following

Items to be completed in the next 6-12 months:

- Finalize the Map, Plan and Report
- Water District Formation Proceedings
- Develop an draft inter-municipal agreement among communities

- Prepare the final EFC submittal
- Coordinate a submittal to the NYS Controllars Office
- Develop and Memorandum of Understanding/ Agreement with the DOC
- The SEQRA process
- Preliminary Engineering
- General Legal Services

5. **Annual Association of Towns Meeting – Voting Delegate and Authorization to Attend**

Supervisor Nellis stated that the 2006 Training School and Annual Meeting of the Association of Towns of the State of New York will be held at the Hilton New York & Towers, New York City, February 19-22, 2006. This is a training session for town officials with the following officials requesting approval to attend: Glenn R. Nellis, Supervisor, Edward Krycia, Jr., Councilman, Richard S. Ventry, Councilman, Mark Agle, Planning Board Chairman, Dennis Brawdy, Planning Board member and Michael Cooper, Town Justice.

**MOTION** was made by Councilwoman Pew to approve attendance to the 2006 Training School, which will include two (2) nights stay accommodations, registration and transportation, as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis stated that the Town Board must designate a Voting Delegate and an Alternate Voting Delegate to attend the Annual Business Session of the Association of Towns of the State of New York.

**MOTION** was made by Councilwoman Pew to designate Glenn R. Nellis, Supervisor as Voting Delegate and Richard S. Ventry, Councilman as Alternate Voting Delegate; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6. **2937 Maple Avenue**

Supervisor Nellis stated that Mrs. Marion Klein, 2931 Maple Avenue had requested information regarding the status of the property at 2937 Maple Avenue, a fire damaged residence owned by Leon O. Renn. And on the recommendation of Supervisor Nellis, Scott Henry, Code Enforcement Officer inspected the condition of the structure. A follow-up letter was sent to Supervisor Nellis and the Eden Town Board on November 28, 2005 from Scott Henry, Code Enforcement Officer regarding the condition of the structure at 2937 Maple Avenue owned by Mr. Leon Renn.

The following recommendation was received from Mr. Henry:

“For the structure be either repaired, or demolished and removed for the following reasons:

- It may become dangerous or unsafe to the general public by reason of deterioration and lack of safeguards against damage by exposure to the elements;
- It is unfit for the purposes for which it may be lawfully used.

Therefore, pursuant to §90-8, please consider this report and by resolution, determine if in your opinion the report so warrants that said structure or building is unsafe or dangerous and order its demolition and removal or repair if the same can be safely repaired, and further order that a notice be served upon the persons and in the manner provided in the code.”

Glenn R. Nellis, Supervisor read the following **“ORDER AND NOTICE TO REMOVE OR REPAIR UNSAFE BUILDINGS:”**

**TO: Leon O. Renn**

**PLEASE TAKE NOTICE** that the Building Inspector of the Town of Eden, Erie County, State of New York, has filed a written report with the Town Board of the Town of Eden, pursuant to the provisions of the Town of Eden Unsafe Buildings and Structures Law regarding a residential structure situated on premises reputedly owned by you located at 2937 Maple Avenue, Town of Eden, designated by Tax Map Parcel No. 238.08-1-15.1 and further described on Schedule “A” attached hereto and made a part hereof, deeming the same to be unsafe to the public in that the structure is unfit for habitation due to fire damage and is in imminent danger of deterioration due to exposure of framing of said structure to the elements.

The Town Board of the Town of Eden, after considering said report, and pursuant to the provisions of said Local Law, by resolution duly adopted at its meeting held on January 11, 2006, deemed that in the opinion of the Town Board, the said structure is unsafe and dangerous and made the following Order:

1. That the unsafe residential structure at 2937 Maple Avenue in the Town of Eden be immediately repaired to prevent further deterioration and to make the structure habitable, which work must be commenced within twenty (20) days of the service of this notice and shall be completed in sixty (60) days

of the commencement of said work, unless for good cause shown such time shall be extended by the Town Board, and

**PLEASE TAKE FURTHER NOTICE** that the Town Board of the Town of Eden will conduct a public hearing on January 25, 2006 at 8:00 P.M. at the Eden Town Hall, 2795 East Church Street, Eden, New York, 14057, at which time you will be given an opportunity to be heard by the Town Board on the issue of why the said Order for Demolition and Repair should not be executed, and

**PLEASE TAKE FURTHER NOTICE** that in the event of any neglect or refusal

To comply with the order of the Town Board as detailed in this notice, the Town Board is authorized to provide for the securing of the ordered work and to assess all expenses thereof against you and the property on which the said structure are located and, if necessary, to institute a special proceeding to collect the costs of said work, including, but not limited to, actual legal, engineering, repair and/or demolition costs incurred by the Town or by assessing the said costs against the land and/or improvements being taxed on the particular tax parcel on which the said structure is located, and in addition to any other remedies, you may be liable for a fine of Two Hundred Fifty Dollars (\$250.00) for each week that you remain in violation of the said Local Law.

**MOTION** was made by Supervisor Nellis to proceed with the **Order and Notice to Remove or Repair** Unsafe Buildings at 2937 Maple Avenue; seconded by Councilman Vacco.

**Discussion:** Councilwoman Pew stated that in the first paragraph of the Order and Notice to Remove or Repair Unsafe Buildings it states that the Building Inspector of the Town of Eden has filed a written report with the Town Board, what is the date of the report?

Attorney Trask stated that the written report is dated November 28, 2005.

Councilwoman Pew asked if that date could be included in the "Order" and Mr. Trask indicated that he would include that date.

Councilwoman Pew asked what kind of notification was given to homeowner prior to this "Order"? Is there any other notification? Mrs. Pew is not questioning the validity, just the procedures or process.

Attorney Trask stated that Mrs. Pew would have to ask the Building Inspector if any contact was made with the owner prior to investigating and reporting.

Attorney Trask stated that the Town Board has the authority to act on this tonight or to hold off to see if prior notification has been given to the homeowner. There is no requirement and given what the Building Inspectors report says, the property seems to be pretty secure.

Mr. Lawrence Howie, 2921 Maple Avenue stated that this has gone on since July and it is not secure with constant debris, order, and rodents. Something needs to be done to clear the situation.

Mrs. Marion Klein, 2931 Maple Avenue stated that living next door to the structure that even since November it has continued to deteriorate, the tarp is just hanging on, flapping constantly. Mrs. Klein is concerned that the tarp is going to let loose. It is continually getting worse.

Mr. Howie stated that a dumpster is sitting in the front of the house for six months, empty. Would you like to have a dumpster in the front of your house?

After much discussion between the Town Board and residents Councilman Krycia stated that the "Order" is just giving the homeowner of the structure in question an opportunity to speak to the "Order" and then a decision will be made.

Supervisor Nellis stated that there is a motion on the floor, with a second.

**Vote:** "Ayes"? – Nellis, Krycia, Vacco, Ventry; Opposed? – None; Abstain? – Pew; Motion carried.

#### 7. Appointments to Police Department/Economic Development Committee

- Supervisor Nellis received correspondence from Patrick Howard, Police Chief to recommend the appoint John H. McCarthy to the position of Lieutenant of the Eden Police Department.

**MOTION** was made by Councilwoman Pew to accept the recommendation from Patrick Howard, Police Chief to appoint John H. McCarthy to the position of Lieutenant of the Eden Police Department; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis received correspondence from Edward Krycia, Jr. to appoint Don Schreiber, Jr. to the Economic Development Committee for a 2-year term.

**MOTION** was made by Councilman Krycia to appoint Don Schreiber, Jr. to the Economic Development Committee for a 2-year term commencing January 1, 2006 to December 31, 2008; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8. **Action on Special Use Permit**

- Supervisor Nellis requested the decision to grant a Special Use Permit to Schreiber and Winkelman to operate a coin-operated Laundromat business at their Self-Storage plaza located at 8750 South Main Street, Eden, New York.

**MOTION** was made by Councilman Krycia to approve the Special Use Permit to Schreiber and Winkelman to operate a coin-operated Laundromat business at their Self-Storage plaza located at 8750 South Main Street, Eden, New York; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried

With the issue of an annual renewal of the Special Use Permit the following motion was offered:

**MOTION** was made by Councilwoman Pew to waive the annual renewal of the Special Use Permit; seconded by Councilman Ventry; “Ayes”; Krycia, Pew, Vacco, Ventry; Opposed? – Nellis; Abstain? – None; Motion carried.

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**Supervisor’s Report:**

- Acknowledged Lisa Rood, former Boston Town Supervisor in attendance.
- Wednesday, February 1, 2006 at 5:30 – 7:00 P.M. at the Eden Town Hall or Friday, February 3, 2006 at the Evans Town Hall from 9:00 – 10:30 A.M. the Southtowns Community Enhancement Coalition, in partnership with the University at Buffalo Institute for Local Governance and Regional Growth, commences a collaborative tourism planning effort with two public forums.
- Rural Transit Service awarded \$226,000.00, which is supported by the Town of Eden.

**Hearing of Visitors:**

Mike Bolo, 9998 Clarksburg Road

**Adjournment:**

**MOTION** was made by Councilman Vacco 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 9:35 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