
MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
FEBRUARY 8, 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
Scott Henry	-	Zoning Code Enforcement Officer

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.

Presentation:

Supervisor Nellis read the following Proclamation and presented it to Mary Jo Hultquist, Town Clerk:

WHEREAS, Mary Jo Hultquist has served the Town of Eden well as its Town Clerk for the past seven years, having also served as Deputy Town Clerk from 1991 through 1998; and

WHEREAS, on February 7, 2006 Mary Jo Hultquist was named “Town Clerk of the Year” by the Erie County Town Clerk’s Association; and

WHEREAS, the Eden Town Board wishes to acknowledge this prestigious honor bestowed upon her;

NOW, THEREFORE BE IT RESOLVED that the Eden Town Board does hereby convey to Mary Jo Hultquist our heart-felt appreciation for her work as Eden Town Clerk and congratulates her for being recognized by the Erie County Town Clerk’s Association as “Town Clerk of the Year”.

Approval of Minutes:

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of January 11, 2006; there were none.

MOTION was made by Councilman Vacco to approve the Town Board Minutes of January 11, 2006 as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of January 25, 2006; there were none.

MOTION was made by Councilman Vacco to approve the Town Board Minutes of January 25, 2006 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 Account SF2680 to SF3410.4 for an accident of 12/9/05 in the amount of \$15,758.71 and from Account SF2680 to SF3410.4 for an accident of 12/23/05 in the amount of \$6,507.84.

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. Voucher Number 371 on the Highway Abstract was voided as well as Voucher Number 3 on Highway Abstract – Payable.

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	22-89	\$281,857.34
Highway Dept. Fund	4-42	\$84,198.36
Fire Dept. Fund	6-22	\$4,078.16
Recreation Dept. Fund	1-7	\$5,016.93
Refuse and Garbage Fund	2-4	\$43,222.57
Street Lights Fund	1	\$3,573.00
Water Fund	1	\$5,042.00
Trust & Agency Fund	--	--
Capital Fund	1	\$48,295.00
Community Development	1-2	\$52,963.40

2005 PAYABLES

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	844-861	\$11,960.10
Highway Dept. Fund	372-374	\$1,108.17
Fire Dept. Fund	319-331	\$7,211.96
Recreation Dept. Fund	191-199	\$1,424.47
Street Lights Fund	36-38	\$2,736.71
Water Fund	29	\$414.66

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

Departmental Reports:

Department reports for the month of January, 2006 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.

Dave Cole, Eden Fire Chief requested the Town Board remove the name of Jeff Perry (one year member) from the active roster of the Eden Fire Department.

MOTION was made by Councilwoman Pew to remove the name of Jeff Perry from the active roster of the Eden Fire Department; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Dave Cole, Eden Fire Chief requested approval to reinstate Robert Stickney as Co-Disaster Coordinator for the Town of Eden for a two-year term as recommended and approved by the Emergency Services Committee at their January 23, 2006 meeting.

MOTION was made by Councilwoman Pew to reinstate Robert Stickney as Co-Disaster Coordinator for the Town of Eden for a two-year term; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Kevin Schoenthal, East Eden Fire Chief requested the Town Board to remove the name of Keith Sutton from the active roster of the East Eden Fire Department.

MOTION was made by Councilwoman Pew to remove Keith Sutton from the active roster of the East Eden Fire Department; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Kevin Schoenthal, East Eden Fire Chief requested that the March 8, 2006 Town Board meeting be held at the East Eden Fire Hall. The Town Board agreed to hold the March 8, 2006 at the East Eden Fire Hall.

Ron Maggs, Highway Superintendent requested a bid opening date of March 2, 2006 at 10:00 A.M. in the Town Clerk's Office for Motor Fuels and Related Services.

MOTION was made by Supervisor Nellis to set the bid opening date of March 2, 2006 at 10:00 A.M. in the Town Clerk's office for Motor Fuels and Related Services; 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 8:00 P.M.

MOTION was made by Councilman Vacco to open the Town Board Hearing regarding the Unsafe Building at 2937 Maple Avenue; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

8:00 P.M.
TOWN BOARD HEARING
UNSAFE BUILDING AT 2937 MAPLE AVENUE

The following *Order and Notice To Remove or Repair Unsafe Buildings* was delivered to Nadine Kelley at 203 Burmon Drive, Orchard Park, New York 14127 regarding

Leon O. Renn, 2937 Maple Avenue, Eden, New York 14057:

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.

The following persons spoke on behalf of Mr. Renn:

Jules J. Ravo, Attorney, on behalf of Central Adjustment Bureau
Nadine Kelley, daughter of Mr. Renn
Mr. Larry Gable, Claims Adjuster

The following persons spoke about the condition of the property:

Mr. & Mrs. Raymond Klein, 2931 Maple Avenue, neighbor
Mr. Lawrence Howie, 2921 Maple Avenue, neighbor
Mr. Paul Greiner, 2887 Maple Avenue, neighbor
Mrs. Ruth Szalasny, 3048 Belknap Road

Attorney Ravo, retained by Mrs. Kelley for her Father, Mr. Leon Renn, stated that he was present to discuss the property at 2937 Maple Avenue, Eden, New York. Mr. Ravo stated that the family is facing insurance issues and would like to ask the Town Board for 75 days to resolve the insurance issues, with a conditional provision to approach Attorney Trask or the Town Board for any additional time, if needed.

Neighbors of the house at 2937 Maple Avenue complained to the Town Board that the structure has been left in its damaged state for seven months with tarps flapping in the wind and the basement filled with water.

Much discussion ensued between the Town Board members, neighbors and representatives of Mr. Renn's family.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Town Board Hearing at 9:00 P.M.

MOTION was made by Councilwoman Pew to close the Town Board Hearing, on the advice of William Trask, Town Attorney and go into Executive Session at 9:00 P.M.; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the Town Board Hearing at 9:00 P.M. to go into Executive Session.

MOTION was made by Councilwoman Pew to return to the Regular Meeting of the Eden Town Board at 9:30 P.M.; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

The Town Board reconvened the Regular Meeting of the Town Board at 9:30 P.M. with the following decision:

SUPPLEMENTAL ORDER AND NOTICE
TO REMOVE OR REPAIR UNSAFE BUILDINGS

**IN THE MATTER OF PROCEEDINGS TO
REMOVE OR REPAIR UNSAFE BUILDINGS AND
STRUCTURES ON PREMISES REPUTEDLY
OWNED BY: LEON O. RENN**

Re: 2937 Maple Avenue, Town of Eden, Tax Map Parcel No. 238-08-1-15.1

To: LEON O. RENN, c/o Jules Ravo, Esq.

A PUBLIC HEARING having been held in this proceeding before the Eden Town Board at its meeting on February 8, 2006 at 8:00 p.m., and

UPON HEARING, from Jules Ravo, Esq., representing the property owner Leon O. Renn it is hereby

ORDERED, that the property owner, Leon O. Renn, will be given until March 20, 2006 to complete all repairs necessary to make the subject structure habitable or to demolish the subject structure, subject to the following conditions:

FIRST, the property owner must grant Town of Eden Code Enforcement Officer, Scott Henry, access to the property for the purpose of undertaking an updated inspection of the property. This access must be given to Mr. Henry no later than Friday, February 10, 2006, during the Code Enforcement Officer's regular business hours.

SECOND, Mr. Henry is directed to make a report to the Eden Town Board within 24 hours of his inspection, giving the results of his inspection and his recommendation.

THIRD, if Mr. Henry's report contains a determination that the property represents a clear and imminent danger to the life, safety or health of any person or property requiring emergency demolition (per Section 90-14 of the Eden Town Code), the property owner, through his attorney, shall be immediately notified of this determination and the Eden Town Board will take immediate steps to secure the site and shall proceed to have the structure demolished within two (2) weeks from the date of Mr. Henry's report.

FOURTH, if Mr. Henry's report contains a determination that the structure does not require emergency demolition, the property owner shall be given until March 20, 2006 to complete all repairs necessary to make the subject structure habitable or to demolish the subject structure and the Town Attorney shall be given written status reports (on the efforts being taken to repair or demolish) from the property owner or his attorney every two (2) weeks starting two (2) weeks from the date of this Supplemental Order.

FIFTH, if the property owner shall fail to complete the repair or demolition of the structure by March 20, 2006, the Town Board is authorized to provide for the securing of the demolition and to assess all expenses thereof against the owner and/or the property 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.

SIXTH, in addition to any other remedies, the property owner may be liable for a fine of Two Hundred Fifty Dollars (\$250.00) for each week that the property remains in violation of the said Local Law.

By order of the Town Board of the Town of Eden.

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

New and Unfinished Business:

1. **Update on Water Projects – Violet Parkway Pump Station and Southwest Erie County Regional Water Project**

Steven Waldvogel, CRA Engineering stated that the Violet Parkway Pump Station is nearing completion. The building is done, the piping is done with the one exception that the pump and instrumentation has not yet been delivered. There has been a delay from the manufacturer, which is not the responsibility of the Town of Eden, but the pump station cannot be completed until these pumps are delivered and installed. They were ordered over three (3) months ago and it appears that due to national issues the manufacturer, Gould, has been slow to deliver these pumps. The contractor is essentially done with the work, but is waiting for this equipment to be delivered. The project will probably be another month, the end of March before everything is done.

Supervisor Nellis stated that a deadline of February 17, 2006 exists and if the pumps are not delivered by that time and the contractor is not completed by that time, the Town of Eden may consider taking some form of action, after review by the Town Attorney.

Supervisor Nellis requested that Mr. Trask, Town Attorney review the paperwork and report back to the Town Board.

A revised plan has been submitted for the Southwest Erie County Regional Water Project to the Department of Corrections and the Office of General Services and the staff indicated that they liked the revisions to the plan and that it rests with the Department of Corrections Commissioner. Mr. Waldvogel stated that they have been pursuing it with the elected officials at this point.

Supervisor Nellis stated that he spoke to Senator Volker's office a couple of days ago and they are aware of our impatience and desire to move forward and they in turn have made inquiries to the Commissioners.

Mr. Waldvogel stated that on behalf of the Town of Eden and the five (5) other communities involved in this project we have submitted a grant application in early January to help fund the next phases of this regional project as it goes forward. This grant is a first-time grant run by the Department of State, with the total funds available not that great across the state, but at Supervisor Nellis' request they put the application together and hope that it is successful.

2. **Reappointments – Historic Review Board**

Supervisor Nellis received the following reappointment recommendations from The Historic Review Board: Tim Schnauffer, Chairman; Carla Salzman; and Barbara Brandt. These reappointments would be two-year terms.

MOTION was made by Councilman Krycia to reappoint Tim Schnauffer, Chairman, Carla Salzman and Barbara Brandt to two-year terms on the Historic Review Board; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

3. **Award – Certificate of Achievement for Excellence in Financial Reporting**

Supervisor Nellis stated that a Certificate of Achievement for Excellence in Financial Reporting had been awarded to the Town of Eden for the 15th straight year. Supervisor Nellis recognized Ann Knack, Administrative Assistant for her consistent achievement and hard work.

4. **Resolution – Memorandum of Agreement Creating the WYN Storm water Coalition**

Supervisor Nellis stated that a Memorandum of Agreement had been adopted at the January 11, 2006 Town Board meeting and that a few minor changes have been made to the original document. At this time Supervisor Nellis is requesting the Town Board authorize him to sign the Memorandum of Agreement and to expend \$2,500 to the membership of the Coalition, which amount is in the 2006 budget.

MOTION was made by Councilman Vacco to add the revisions to the Memorandum of Agreement, to authorize Supervisor Nellis to sign the Memorandum and to expend \$2,500 for the membership of the Coalition; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

5. **Resolution – Urging that No Minimum Amount be required for Partial Payment of Property Taxes**

Supervisor Nellis read the following resolution:

WHEREAS, the Erie County Legislature unanimously approved a request for Home Rule Legislation from New York State that allows municipalities to accept partial payment in any amount for payment of property taxes, and

WHEREAS, the New York State Legislature is reviewing the request and formulating the necessary bills to be returned to the County of Erie for Home Rule approval; and

WHEREAS, the legislation is vital to all residents and taxpayers of Erie County and the Town of Eden, particularly the senior citizens and impoverished; and

WHEREAS, the Town Board of the Town of Eden deems it imperative that this legislation is acted upon as soon as possible to maximize the benefits to the affected parties.

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Eden hereby approves that the Erie County Legislature acts on said Home Rule as soon as bill numbers are available, even if special session is required, to ensure that partial payments be accepted during this tax cycle; and

BE IT FURTHER RESOLVED the Town Board of the Town of Eden hereby authorizes acceptance of partial payments in any amount pursuant to the aforementioned legislation; and

BE IT FURTHER RESOLVED that upon enactment by the New York State Legislature, the Erie County Legislature and signed by Governor Pataki, the Town Board of the Town of Eden does hereby authorize partial payments to be made in any amount beginning with the 2006 Town and County Tax Collection.

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

Supervisor Nellis stated that on the agenda for the next Town Board meeting a report by Scott Henry, Code Enforcement Officer regarding changes to the State Law with increased costs to the Town of Eden.

Supervisor's Report:

- Received a letter from Assemblyman Paul Toczcz regarding an agreement between the Erie County Legislature and the County Executive regarding sharing a portion of 1% sales tax with cities, towns and villages in Erie County. There is no change in the law for 2006 but there will be a change in 2007.
- Eden Planning Board changing their monthly meetings from the first Thursday of the month to the fourth Tuesday of the month starting with the meeting on February 28, 2006.
- Eden Winter fest will be held February 10-12, 2006, this weekend.

Hearing of Visitors:

Raymond Klein, 2931 Maple Avenue

Adjournment:

MOTION was made by Councilwoman Pew 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 10:00 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 11:30 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk