

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
EAST EDEN FIRE HALL  
8097 EAST EDEN ROAD  
EDEN, NEW YORK  
MARCH 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:**

Robert Klavoon 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

**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.

**Approval of Minutes:**

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of February 8, 2006; there were none.

**MOTION** was made by Councilman Krycia to approve the Town Board Minutes of February 8, 2006 as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Petitions:**

There were none.

**Budget Transfers:**

Supervisor Nellis read the following “Budget Transfers” from Account A909 to A3120.4 for radio repair – June 2005 Lightning Strike in the amount of \$3,411.00, from Account A909 to A6989.4 for refund of Façade Loan/Application Fee dated 8/22/05 in the amount of \$250.00 and from Account SF2680 to SF3410.4 for the accident of 12/9/05 in the amount of \$23,266.55.

**MOTION** was made by Councilwoman Pew to accept 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	90-161	\$49,053.01
Highway Dept. Fund	43-78	\$52,381.55
Fire Dept. Fund	23-51	\$40,063.05
Recreation Dept. Fund	8-21	\$6,569.04
Refuse and Garbage Fund	5	\$42,835.52
Street Lights Fund	2-3	\$3,787.73
Water Fund	2-4	\$5,454.47
Trust & Agency Fund	--	--
Capital Fund	2	\$51,300.00
Community Development	--	--

**2005 PAYABLES**

General Fund	862-865	\$1,327.64
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**MOTION** was made by Councilwoman Pew to approve the Audit of Bills as presented; seconded by Councilman Krycia; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

### **Departmental Reports:**

Department reports for the month of February, 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; Chief Howard for Ray Zabron, Dog Control Officer; Ronald Maggs, Superintendent of Highways; Robert Klavoon for 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 the Town Board add the name of Sixto “Butch” Barrera of 2021 Ferrier Road to the active roster pending physical exam and background check.

**MOTION** was made by Councilwoman Pew to add the name of Sixto “Butch” Barrera of 2021 Ferrier Road to the active roster of the Eden Fire Department pending physical exam and background check; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

David A. Cole, Eden Fire Chief requested approval to apply for the 2006 FEMA Grant that requires 10% matching funds from the Town of Eden. Application for the Assistance to Firefighters Grant program will be available starting March 6, 2006 ending April 7, 2006.

**MOTION** was made by Councilwoman Pew to approve Eden Fire Department to apply for the 2006 FEMA Grant that requires 10% matching funds from the Town of Eden; 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 David Corbin from the active roster of the East Eden Fire Department.

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

Mary Jo Hultquist, Town Clerk reported that Governor Pataki had signed Bill #9529 on February 24, 2006 stating that any amount may be accepted for partial payments starting immediately. The resolution had been adopted by the Eden Town Board on February 8, 2006 pending the signing of the bill by the Governor.

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

#### **1. Reappointment/Recreation Advisory Board**

Supervisor Nellis read correspondence from Susan Brass, Recreation Director regarding reappointment to the Recreation Advisory Board. It was the unanimous consensus of the Recreation Board that Mr. Frank Nicotra and Mr. Michael Best be recommended for appointment to the Board for another 5-year term.

**MOTION** was made by Councilman Krycia to approve the reappointment of Mr. Frank Nicotra and Mr. Michael Best to another 5-year term; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

#### **2. Reappointment of Chairman – Conservation Board**

Supervisor Nellis received correspondence from the Eden Conservation Board regarding reappointment of Chairman of the Eden Conservation Board. It was the recommendation of the Conservation Board to reappoint Frank F. Mantione as Chairman for another year.

**MOTION** was made by Councilman Krycia to reappoint Frank F. Mantione as Chairman of the Eden Conservation Board for another year; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

#### **3. Update on Water Projects**

Supervisor Nellis stated that the pumps have been delivered and installed at the Violet Parkway Pump Station with the Erie County Water Authority and the Health Department conducting testing and flushing. The Pump Station will provide a back up to the existing tower on Jennings Road.

The Southwest Erie County Regional Water Project is status quo.

#### **4. Bid Results – Motor Fuels and Related Services**

Ron Maggs, Highway Superintendent stated that the bid opening had been held on Thursday, March 2, 2006 at 10:00 A.M. in the Town Clerk's office and one (1) bid was received from Page Harms Oil Co., Inc. Mr. Maggs recommendation to the Town Board is to award the bid to Page Harms Oil Co. Inc.

**MOTION** was made by Councilman Vacco to accept the recommendation of Ron Maggs, Highway Superintendent and award the bid to Page Harms Oil Co. Inc.; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

5. **Energy Audit Program – Eden Town Hall**

Supervisor Nellis stated that an Energy Audit had been held at the Eden Town Hall, conducted by The New York State Energy Research on January 12, 2006 which resulted in a report prepared by NYSERDA, which is on file in the Supervisor's office. The report summarized savings to the Town of Eden by categories of yearly savings, estimated investment and the payback period.

After much discussion, Supervisor Nellis read the following resolution:

**RESOLUTION AUTHORIZING SUPERVISOR GLENN R. NELLIS TO EXPEND FUNDS FROM THE GENERAL MAINTENANCE RESERVE FUND OF THE TOWN OF EDEN, SUBJECT TO PERMISSIVE REFERENDUM**

The Town Board of the Town of Eden, duly convened in regular session, does hereby resolve pursuant to the provisions of Section 6-c of the General Municipal Law of the State of New York that the Town Supervisor of the Town of Eden be and is hereby authorized and directed to transfer from the General Maintenance Reserve Fund of the Town of Eden to the Town Hall Contractual Line, Account Number A1620.4, a sum not to exceed \$17,000 from said Reserve Fund to make certain energy conservation improvements as recommended by the New York State Energy Smart Energy Audit Program.

This resolution shall be subject to a permissive referendum, as permitted by law.

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

6. **Changes in State Building Code**

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

7. **Status Report – Unsafe Building at 2937 Maple Avenue**

William Trask, Town Attorney stated that at the February 8, 2006 Town Board Meeting, Scott Henry, Code Enforcement Officer was instructed by the Town Board to inspect the property at 2937 Maple Avenue and his findings were submitted in a report stating that the building was in no imminent danger at the present time. Attorney Trask has received two (2) written reports from the Attorney for the homeowner. The owners are still in the process with the fire loss claim with some progress. The owners have contacted a demolition contractor who is prepared to get permits necessary to complete the demolition and Attorney Trask stated that there is a chance that everything should be settled by March 20, 2006, but that the original order states that the homeowner has until April 8, 2006 to repair or demolish the property.

8. **Monitoring the Marshes of the Eighteen Mile Creek Watershed – Volunteers Wanted**

Supervisor Nellis stated that this program is being held at the 4-H Training Center at the Niagara County fairgrounds, north of Lockport, not in Erie County. Frank Mantione, Chairman of the Conservation Board stated that he would try to attend the orientation and training session, which may benefit monitoring of the Eighteen Mile Creek in Eden.

9. **Report on National Incident Management System – Testing and Training Requirements**

Robert Stickney, Disaster Coordinator stated that the Town Board adopted a resolution in May, 2005 establishing the National Incident Management System (NIMS) as the Town of Eden standard for incident management. Mr. Stickney stated that the National Incident Management System-related training is one of the important elements that state, tribal and local entities must complete during Fiscal Year (October 1, 2005 – September 30, 2006) to become fully compliant with the NIMS. Jurisdictions are required to meet the FY06 NIMS requirements as a condition of receiving federal preparedness funding assistance in FY 2007.

Mr. Stickney stated that all emergency personnel must complete the course by August 15, 2006, but that he would prefer to have all courses completed by July

15, 2006. There is a 12-hour course provided by Erie County, a schedule has not yet been provided, or it is available on-line.

Councilwoman Pew thanked Mr. Stickney for bringing the information to the Town Board.

### **Supervisor's Report:**

Supervisor Nellis stated that Adelphia has requested the renewal of the cable franchise. Councilwoman Pew, Chairman of the Technology Committee has agreed to review the franchise with the guidance of the Technology Committee and the Town Attorney.

Supervisor Nellis also stated that NFTA has been very receptive as talks continue to have bus service from Hamburg, through Eden, North Collins, and Collins and to the Corrections Facility in Collins. County Legislator Bob Reynolds and a representative from Congressman Higgins office have been involved in the discussions.

### **Hearing of Visitors:**

Ruth Szalasny, 3048 Belknap Road  
Steve Pivowar – 8257 East Eden Road  
Glenn Rice – 8176 East Eden Road  
Lawrence Howie – 2921 Maple Avenue

### **Adjournment:**

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 8:48 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk