
MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
APRIL 12, 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 7:30 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 March 8, 2006; there were none.

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

Petitions:

There were none.

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	162-234	\$52,728.78
Highway Dept. Fund	79-111	\$29,919.78
Fire Dept. Fund	52-85	\$41,642.07
Recreation Dept. Fund	22-33	\$2,152.99
Refuse and Garbage Fund	6-8	\$43,306.82
Street Lights Fund	4-6	\$5,271.46
Water Fund	5-6	\$5,052.27
Trust & Agency Fund	--	--
Capital Fund	--	--
Community Development	1	\$1,929.15

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 March 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; Susan Brass, Recreation Director; Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk's office.

David Cole, Eden Fire Chief requested permission for Eden and East Eden Fire Departments to advertise the RFP's for Itemized Fire Equipment with the bid opening date of Friday, May 5, 2006 at 4:00 P.M. in the Town Clerk's Office

MOTION was made by Councilwoman Pew to allow the Eden and East Eden Fire Departments to set a bid opening date of May 5, 2006 at 4:00 P.M. in the Town Clerk's office for Itemized Fire Equipment; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Kevin Schoenthal, East Eden Fire Chief requested permission to form a truck committee for the scheduled replacement in 2008.

MOTION was made by Councilman Vacco to grant permission for East Eden Fire Department to form a truck committee for the scheduled replacement in 2008; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested permission to attend Highway School June 5-7, 2006 in Ithaca, New York.

MOTION was made by Councilman Vacco to allow Ron Maggs, Highway Superintendent to attend Highway School on June 5-7, 2006 in Ithaca, New York; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested permission to declare a 1970 FWD chassy HiHo surplus, Vin #A20021 and list as auction item on Ebay.

MOTION was made by Councilwoman Pew to grant permission to Ron Maggs, Highway Superintendent to declare a 1970 FWD chassy HiHo surplus, Vin #A20021 and list as auction item on Ebay; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, acting as Chairperson of the Off-Road Drainage Committee recommended that the Town Board approve the appointment of Lawrence Howie to the committee for a 3-year term.

MOTION was made by Councilman Vacco to appoint Lawrence Howie to a 3-year term on the Off-Road Drainage Committee; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Mary Jo Hultquist, Town Clerk requested permission to attend the NYS Town Clerk’s Conference, April 23-26, 2006 in Saratoga Springs, New York.

MOTION was made by Councilman Vacco to allow Mary Jo Hultquist, Town Clerk to attend the NYS Town Clerk’s Conference in Saratoga Springs, New York on April 23-26, 2006; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

New and Unfinished Business:

1. Water Projects Update

Supervisor Nellis received correspondence from Daniel Kolkmann, Construction Manager, CRA Infrastructure & Engineering, Inc. regarding the Violet Parkway Pump Station. All piping has been satisfactorily pressure tested and disinfected. Results of the same will be issued to the Erie County Water Authority today, April 12, 2006. The pumps and all controls are installed. Outstanding work includes the site parameter fencing, gas service installation and miscellaneous adjustment to items already installed, with completion in approximately 2 weeks.

Steve Waldvogel, CRA Infrastructure & Engineering, Inc. reported that recent discussions with Sen. Volker’s office indicated a meeting to be held in Albany with the Commissioner of Corrections soon. Recent discussions with OGS indicated that the technical plan and proposed cost sharing formula are with the Department of Corrections and OGS is also awaiting Correction’s decision. Recent discussion with the Erie County Department of Health indicates continued strong support of the regional approach. To date, we have not heard back with regard to the grant application submitted in January.

2. Request from Verizon Telecommunications – Special Use Permit

Supervisor Nellis received a request from Robert Burgdorf, Attorney from Nixon Peabody, LLP Attorneys At Law regarding a Special Use Permit from Verizon Wireless to construct a 195' wireless telecommunications facility at 8544 N. Main Street in the Town of Eden, New York.

Supervisor Nellis suggested that the Town Board consider referring this request to the Planning Board for their next meeting on April 25, 2006 and then to the Zoning Board of Appeals for their consideration.

MOTION was made by Councilman Krycia to refer the request to construct a 195' wireless telecommunications facility at 8544 N. Main Street to the planning for discussion at their next meeting on April 25, 2006; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

3. **Request from Professional Tree Cutting and Landscaping – Special Use Permit**

Supervisor Nellis received correspondence from Brian J. Leonard, Owner of Professional Tree Cutting & Landscaping regarding a Special Use Permit to set up his business in the back portion of Don Nowak's building at 8259 North Main Street.

Supervisor Nellis suggested that the Town Board refer this item to the Planning Board for their review at their meeting on April 25, 2006 and to set a Public Hearing.

Andrew Reilly, Town Engineer stated that Mr. Leonard had been present at the Planning Board Meeting with his proposal but did not have the documentation needed at that time.

After much discussion the Town Board decided to not set a Public Hearing at this time but to refer this item back to the Planning Board for their recommendation.

4. **National Incident Management Systems briefing by Bob Stickney, Co-Chair, Disaster Preparedness**

Bob Stickney, Co-Chair of the Disaster Preparedness Committee reported that anyone in the Town of Eden that collects a paycheck has to complete the course by June 15, 2006. The suggestion was to complete course 700 then 100. Mr. Stickney is working with emergency services in the town and the Fire Department is 90% completed.

5. **Summer Recreation Appointments**

Supervisor Nellis read correspondence from Susan Brass, Recreation Director regarding the 2006 Summer Employee hiring. The Eden Recreation Advisory Board has reviewed all 2006 summer employment applications and is recommending that the applicants listed on the 2006 Summer Staff Assignments, which is on file in the Town Clerk's Office, be appointed at the salaries and position listed, with one correction, to add Laura Pruchnicki at \$6.25/hour at Flower Field. All appointments are within the 2006 approved budget.

MOTION was made by Councilman Vacco to approve the 2006 Summer Employees as recommended by the Recreation Advisory Board; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

6. **Resolution on Motorcycle Safety and Awareness Month**

Supervisor Nellis read the following resolution:

**A PROCLAMATION
"MOTORCYCLE SAFETY AND AWARENESS MONTH"**

WHEREAS, motorcycle safety awareness is of critical importance to both riders and other potential victims; and

WHEREAS, Erie County experiences several mishaps each year involving motorcycles, more than half ending in fatalities; and

WHEREAS, no single cause is to blame; and

WHEREAS, motorcycle safety awareness has been identified by Governor George Pataki, as well as other government officials, as a priority in traffic safety;

NOW, THEREFORE, we, the members of the Town Board of the Town of Eden, declare the month of May, 2006 as "Motorcycle Safety and Awareness Month" in our municipality; and

FURTHERMORE, we take note of the Saturday, May 6th assembly of area bikers sponsored by the Buffalo-Erie County Chapter, American Bikers Aimed Toward Education (ABATE) at the Woodlawn State Park, Route 5, Woodlawn at 12 Noon; and

FINALLY, we resolve that a copy of this proclamation be sent to Mr. Frank Martorana, Legislative Coordinator ABATE, Buffalo/Erie Chapter.

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

7. **Resolution on Municipal Clerk’s Week – April 30 through May 6**

Supervisor Nellis read the following proclamation:

**MUNICIPAL CLERK’S WEEK
APRIL 30 THROUGH May 6, 2006**

WHEREAS, the office of the Municipal Clerk, a time honored and vital part of the local government exists throughout the world,

WHEREAS, the Office of the Municipal clerk is the oldest among public servants, and

WHEREAS, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

WHEREAS, the Municipal Clerk is the information center on functions of local government and community.

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations.

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE I, Glenn R. Nellis, Supervisor of the Town of Eden do recognize the week of April 30 through May 6, 2006 as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Mary Jo Hultquist, and to all

Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

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

Presentation:

Robert Reynolds, Jr. Erie County Legislator presented a Proclamation to Mary Jo Hultquist on behalf of the Erie County Legislators as Erie County Town Clerk of the Year 2006.

8. **Update – Unsafe Building at 2937 Maple Avenue**

William Trask, Town Attorney reported that regular communication has been received from Mr. Renn’s Attorney, they have made progress on processing the claim, which has been the big issue. The last report, which was received yesterday, April 11, 2006 indicated that the removal of the personal property would now begin and the demolition would proceed. The demolition contractor has been retained, the application for the demolition permit has been submitted and Mr. Trask believed that the permit may have been issued but they will wait until the personal property has been removed from the structure before beginning demolition. The demolition could begin as early as tomorrow, April 13, 2006.

The following persons spoke with concerns regarding the time frame of the demolition permit and the condition of the structure:

Mr. Lawrence Howie, 2921 Maple Avenue
Mr. Raymond Klein, 2931 Maple Avenue
Mrs. Marian Klein, 2931 Maple Avenue
Mr. Paul Greiner, 2887 Maple Avenue
Mr. Joe Klug, 7700 Bley Road
Mrs. Ruth Szalasny, 3048 Belknap Road

After much discussion the Town Board made the following motion:

MOTION was made by Supervisor Nellis to start the process of seeking bids for the demolition of the structure at 2937 Maple Avenue; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

9. **Approval of Restoration of 1974-1978 Town Board Minute Book**

Supervisor Nellis read correspondence from Mary Jo Hultquist, Town Clerk regarding the restoration of the 1974-1978 Town Board Minute Book in the amount of \$1,175.00. This program, to restore record books, was begun by former Town Clerk Mary Louise Schwanz and the funds have been included in the 2006 Town Clerk's budget.

MOTION was made by Councilman Vacco to approve the restoration of the 1974-1978 Town Board Minute Book in the amount of \$1,175.00; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

10. **Approval of Energy Savings work at the Eden Town Hall**

Supervisor Nellis stated that 3 bids had been received for installing insulation into the attic at the Town Hall, which bid proposals are on file in the Town Clerk's office. The low bid was received from Elite Property Maintenance in the amount of \$1,569.00.

MOTION was made by Supervisor Nellis to authorize up to \$1,600.00 for the installation of insulation into the attic at the Town Hall and award the bid to Elite Property Maintenance and to name Scot Christiansen as Clerk of the Works to oversee the installation; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

11. **Proposed Local Law – Sex Offender Law**

William Trask, Town Attorney stated that this has to do with a follow-up to a resolution adopted a few months ago by the Town Board, which encouraged the adoption of some uniform statewide legislation that would impose residency restrictions on registered sex offenders. The last information from Albany indicates that a uniformed standard will not be passed anytime soon. Local Town Boards are adopting proposed legislation. This evening the Eden Town Board is looking to set a Public Hearing for the Proposed Local Law 2-2006 on May 10, 2006 at 8:00 P.M. Copies of the proposed local law will be available when the legal notice is published in "The Sun", which would be approximately 10 days before the public hearing.

MOTION was made by Councilwoman Pew to set a Public Hearing for Proposed Local Law 2-2006 on May 10, 2006 at 8:00 P.M.; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

12. **Resolution – Toll Booths**

Supervisor Nellis read the following resolution:

**RESOLUTION SUPPORTING REMOVAL
OF NYS THRUWAY TOLLS**

WHEREAS, recent attention has been focused on the removal of the tolls along the I-190 in Buffalo; and

WHEREAS, the Ogden St. toll barrier amount to a \$.75 per day commuter tax for Eden residents who would benefit significantly from the removal of tolls on the I-190; and

WHEREAS, for many Southtowns' commuters, the Ogden St. barrier is the second toll that is paid each day, the first being extracted at the Lackawanna Toll Barrier; and

WHEREAS, while the Town Board wholeheartedly supports and advocates for the removal of the I-190, the relocation of the Lackawanna Toll Barrier to a location further West of Exit 56 (Blasdell), Exit 57 (Hamburg) and Exit 57A (Eden/Angola) outside the commuting range of Buffalo, remains a high priority; and

WHEREAS, a study requested by the Town of Hamburg and released in February, 2004 establishes that the relocation of the tolls further West, would not only be revenue neutral, but in fact would result in "an increase in net revenues of \$500,000 annually and upwards of \$1.3 million by the year 2025, and that these figures are substantially understated since they were calculated prior to the toll increase of May, 2005;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Eden gives its full support for the removal of the tolls on the I-190, the implementation of the Lackawanna Toll Barrier study and the removal West of the Thruway tolls; and

BE IT FURTHER RESOLVED, that in order to create parity with other first-ring suburbs of Western New York that don't have an additional toll barrier, the Town

Board calls for the waiving of tolls for motorists who present toll tickets at Lackawanna from Exits 57A, Exit 57 and Exit 56 and for Lackawanna tickets presented at Exit 57A, Exit 57 and Exit 56 during such time until the Lackawanna Toll Barrier is relocated further West; and

BE IT FURTHER RESOLVED that certified copies of this resolution be sent to NYS Governor Pataki, NYS Thruway Chairman John Buono, Attorney General Eliot Spitzer, Congressman Brian Higgins, the WNY Legislative Delegation, Erie County Clerk David Swarts and the Erie County Legislature.

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

13. Southtowns Coalition

Supervisor Nellis, Chairman of the Southtowns Coalition stated that the coalition is conducting an inventory of assets and identifying strategies. Mr. Nellis, on behalf of the coalition, is asking the Town Board to consider dedicating \$300.00 seed money to get the project started. All 4 Towns in the coalition are being asked for \$300.00 and the 3 Villages are being asked for \$100.00.

MOTION was made by Councilman Vacco to approve the \$300.00 seed money to get the project started; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

No report was given.

Note: Erie County Legislator Bob Reynolds gave a brief report, which included the listing of the address of his Hamburg office at 3 Buffalo Street, Hamburg, New York and a telephone number of 649-2640.

Hearing of Visitors:

Joe Klug, 7700 Bley Road
Ray Klein, 2931 Maple Avenue
Ruth Szalasny, 3048 Belknap Road

Marion Klein, 2931 Maple Avenue

Adjournment:

MOTION was made by Councilwoman Pew 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 9:10 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