

**MINUTES**

**WORK SESSION MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
APRIL 26, 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

**OTHERS PRESENT:**

Heather Ohmit	-	Deputy Town Clerk
Anna M. Knack	-	Administrative Assistant

**Call To Order:**

Supervisor Nellis called the Work Session 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.

**New and Unfinished Business:**

- 1. Correspondence from Pietrocarlo's Wine & Liquor Store, Re: Renewal of Liquor License**

Supervisor Nellis read correspondence from Pietrocarlo's Wine & Liquor Store at 8517 North Main Street regarding the renewal of the liquor license which correspondence was accepted and filed.

- 2. Appointment – Historic Review Board**

Supervisor Nellis read correspondence from the Eden Historic Review Board recommending Mr. Lester Schummer be appointed to fill one of the vacancies on the Historic Review Board.

**MOTION** was made by Supervisor Nellis to appoint Mr. Schummer to the Historic Review Board for a 3-year term; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**3. Presentation on Changes in Minimum Standards for Administering and Enforcement of Building Code**

Scott Henry, Code Enforcement Officer made reference of a memo to the Town Board dated February 2, 2006 that relates to the changes adopted by the state and to be come effective January 1, 2007, which is on file in the Town Clerk’s office, which gives each town, village and city a chance to modify their own codes to be consistent with the new requirements. The specific regulation is 19NYCRR (New York Code Rules & Regulations) Part 1203.

Mr. Henry stated that pursuant to state law, the town of Eden is charged with providing, through local law, for the administration and enforcement of the Uniform Code. Existing town of Eden Chapter 110 was modeled after the current “old” 19NYCRR Part 1203. Mr. Henry stated that the existing Town Code Chapter 110 must be revised to incorporate those changes necessary to meet the minimum requirements of, and be consistent with, the new Part 1203 before the end of the year 2006. While the old and new are quite similar, the Town Board should take special note that an increased burden will be placed on the town, and the building department, in order to comply with some of the provisions; specifically the requirements for “Notification regarding fire or explosion”, “Operating permits”, “Fire safety inspections” and “Program review and reporting”.

Mr. Henry suggested going through and highlight the changes, the things the town needs to do to incorporate and modify our code to be consistent with these new regulations. The majority of the changes occurred in Part 1203.3, with minor changes. A new section of the code “Operating permits”, which means we have to now create an application and log this information into the system and do inspections and issue certificates for specific conditions or circumstances or operations that are already existing in town. Another section relating to fire safety and property maintenance inspections of all multiple dwellings and all nonresidential occupancies not to exceed three years. That is not done at this time. Part 1203.4 Program review and reporting. (a) every city, village, town and county shall submit annually to the Secretary of State, on a form prescribed by the Secretary, a report of its activities

relative to administration and enforcement of the Uniform Code. That is not done at this time.

All of the additional provisions will place an increased burden on the town and the building department in order to comply with some of the new provisions. An inspection checklist will be needed to keep accurate records of the new provisions.

Discussion ensued regarding the time limitations that will be incurred with the changes and the additional work load and what, if any, will be the penalties if we don't meet their requirements of the reporting. It is unknown of their response at this time. Discussion will continue, as information is available regarding compliance with the changes to the code with discussion with Attorney Trask.

**4. Correspondence from Erie County Water Authority, Re: Estimate and Plan for Repair of the Water Main at Hemlock Road and Depot Street**

Supervisor Nellis read correspondence from S. Alan Strycharz, Civil Engineer from Erie County Water Authority regarding water main repair at Hemlock Road and Depot Street. The total estimated cost for materials and labor is \$31,500.00. Prior to commencement of any work, approvals from the Erie County Industrial Development Agency are required. A work schedule is not available at this time.

**5. Community Proclamations**

Supervisor Nellis read the following proclamation:

**WHEREAS**, May 2, 2006 will mark the 25<sup>th</sup> Anniversary of the Ordination of Reverend Walter Grabowski; and

**WHEREAS**, Reverend Walter Grabowski has dedicated the past 25 year of his life to the service of God and his fellow man; and

**WHEREAS**, Father Walter has given guidance and spiritual inspiration to his parishioners and many others for this many years; and

**WHEREAS**, since the year 2000, Father Walter has shepherded the parishioners of Immaculate Conception Church, earning their respect and admiration by his wholehearted leadership and dedicated participation in many church projects; and

**WHEREAS**, on April 30<sup>th</sup> parishioners and friends of Father Walter will gather together at Immaculate Conception Church to give thanks and to celebrate this special Silver Anniversary;

**NOW, THEREFORE**, the Eden Town Board wholeheartedly congratulates Reverend Walter Grabowski on the occasion of his 25<sup>th</sup> Anniversary of Ordination and extends to him our best wishes for many more happy, production and blessed years in his divine call to a priestly life.

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

Supervisor Nellis read the following Resolution:

**RETIREMENT RESOLUTION RECOGNIZING  
The Reverend Richard Caldwell and  
Mrs. Diane Caldwell**

**WHEREAS**, the Reverend Richard Caldwell has for over 30 years provided ecumenical leadership to various ventures in this community; and

**WHEREAS**, he has served with distinction and good will towards all in his ministry in the greater community of Eden; and

**WHEREAS**, he has led by example as Coordinator and member of the Ecumenical Clergy of our community for years and Director and Volunteer of the Boys and Girls Club of Eden; and

**WHEREAS**, he has encouraged the congregation of Eden United Methodist Church to provide space for the much needed Eden Ecumenical Food Pantry as well as provided sponsorship and space for Cub and Boy Scout Troop 603, again showing a commitment to serve and to lead by example;

**NOW, THEREFORE**, the Eden Town Board wholeheartedly congratulates the Reverend Richard Caldwell on his retirement from the Eden Methodist Church by giving our thanks and deep appreciation from the entire community of Eden for his many years of service, leadership and commitment to the community called Eden; and

**BE IT FURTHER RESOLVED** that we recognize Reverend Caldwell's wife, Diane, for her services as well over these many years to this community. Thank you Diane!; and

**FINALLY, LET IT BE RESOLVED** that by unanimous vote, the Eden Town Board designates Saturday, May 6<sup>th</sup> as "The Reverend Richard and Diane Caldwell Day" in the Town of Eden with a well-done and deep thanks for all you have done on this community's behalf.

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

#### 6. **Community Preservation Act**

Supervisor Nellis read correspondence from Frank Mantione, Chairman of the Eden Conservation Board regarding a Resolution - Community Preservation Act.

Councilwoman Pew read the following memo:

Enclosed is material concerning the Community Preservation Act (A6450, DiNapoli/S.3153, Marcellino).

The Community Preservation Act would allow towns to put a referendum before voters giving the town authority to create a Community Preservation Fund using a real estate transfer fee of not more than 2 percent of the purchase price above the median home value in that county.

The monies would support the preservation of natural areas or working farms identified in a town plan.

In 1998 after intense lobbying efforts, several towns on Long Island received permission from the New York Legislature and Governor Pataki to create a 2 percent Real Estate Transfer Tax. Residents in each town voted for the program by a wide margin. Since it was established by referendum in November 1998, the five Community Preservation Funds have generated over \$150 million for land protection.

At this time the proposed legislation has passed the Assembly and will go on to the Senate. The Conservation Board respectfully requests that the Town of Eden pass a resolution supporting this legislation and that a copy of this resolution be sent to our elected representatives in Albany and Washington.

Thank you for your support of the Community Preservation Act.

Mr. Mantione stated that he has been following this legislation with the help of the Preservation League of New York State and the Environmental Advocates of New York State. At the present time, the bill has passed the Assembly by a vote of 134. A Community Preservation Fund (CPF) is a dedicated perpetual environmental fund that can be used to preserve open space, protect drinking water and surface water quality, and to create community parks. A CPF allows towns to apply for matching funds from the state, county, and federal governments to purchase areas of significant value to the town. It also requires an advisory committee to oversee the purchases. There have been 2 laws enacted by the New York State Legislature, allowing only SIX towns in NYS to have a CPF.

Frank Mantione states that this gives the town the opportunity to adopt the resolution, if they want to.

Discussion continued between the Town Board members and the residents present, whether this is a tax or not. The transfer fee collected would be on the buyer of the property.

Supervisor Nellis stated that at this time Mr. Mantione is looking for the Town Board to adopt the resolution encouraging the legislation being passed by the State Senate that would amend the tax law to authorize towns to impose a real estate transfer fee of up to 2 percent, with revenues to be deposited in a dedicated Community Preservation Fund, as recommended by the Eden Conservation Board.

Supervisor Nellis read the following resolution:

**WHEREAS,** the Town of Eden recognizes the value of maintaining the qualities that make our Town unique and beautiful, including public spaces, natural land, and special places; and

**WHEREAS,** the Community Preservation Act will provide an optional tool for maintaining open land to provide parks and recreational opportunities, protect water quality, preserve wildlife habitat, and protect natural views; and

**WHEREAS,** the Community Preservation Act will help the Town enter into voluntary conservation agreements with farmers to keep agriculture alive in our community, preserve valuable farmland, and provide a local source of healthy food; and

**WHEREAS**, the Community Preservation Act can help the Town preserve historic landmarks in our community so as to educate future generations about our community's past; and

**WHEREAS**, the Community Preservation Act would allow municipalities, at their option, to plan for the future and provide the resources needed to purchase land for walking or biking trails, parks, and open space; and

**WHEREAS**, the Community Preservation Act is proposed legislation that would amend the tax law to authorize towns to impose a real estate transfer fee of up to 2 percent, with revenues to be deposited in a dedicated Community Preservation Fund; and

**WHEREAS**, the Town of Eden wishes to have the opportunity to create a Community Preservation Plan and offer a referendum to the voters to create a Community Preservation Fund to implement said Plan; and

**WHEREAS**, the Community Preservation Act would require the Town, if it chose to pursue this option, to complete a local Community Preservation Plan, pass local legislation and hold a local voter referendum; and

**NOW, THEREFORE BE IT RESOLVED**, that the Town fully supports the Community Preservation Act (S.3153/A.6450); and

**BE IT FURTHER RESOLVED** that a copy of this Resolution be sent to Governor George E. Pataki, State Senator Joseph Bruno, State Senator William Stachowski, State Assembly Speaker Sheldon Silver, and State Assembly member Jack Quinn, as well as Senators Schumer and Clinton and Congress member Brian Higgins.

After more discussion, the following motion was offered:

**MOTION** was made by Supervisor Nellis to adopt the resolution as presented; seconded by Councilman Krycia; "Ayes"? – Nellis, Krycia; Abstain? – None; Opposed? – Vacco, Pew, Ventry; **Motion declined.**

**7. Approval of HRA – contract related to our health insurance**

Supervisor Nellis stated that this item would be moved to "Old Business" to be reviewed and discussed at a future town board meeting.

8. **Sidewalks**

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 \$15,000 from said Reserve Fund for the purpose of replacing sidewalks on Each Church Street.

Supervisor Nellis stated that the area of sidewalks to be replaced would be from the Town Hall to Hammond Drive on the south side of the street and on the north side of the street from the parking lot to the cemetery, also the HSBC frontage and the Town Hall frontage. The cost is unknown, but the town is committed to work on the sidewalks with grant money. HSBC may be contributed to the cost as well.

**MOTION** was made by Councilwoman Pew to authorize Supervisor Nellis to expend \$15,000 from the General Maintenance Reserve Fund, subject to Permissive Referendum; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Supervisor Report:**

No report.

**Hearing of Visitors:**

Ray Klein, 2931 Maple Avenue  
Joe Klug, 7700 Bley Road

**Adjournment:**



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

Supervisor Nellis adjourned the Work Session Meeting of the Eden Town Board at 9:30 P.M.

**Executive Session:**

Supervisor Nellis adjourned the Executive Session of the Eden Town Board at 10:30 P.M.

Respectfully submitted by,

Heather Ohmit  
Deputy Town Clerk