

May 10, 2006

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
MAY 10, 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
Chris Colvin	-	Eden Assistant Fire Chief
Kevin R. Schoenthal	-	East Eden Fire Chief
Robert Pietrocarlo	-	Chairman Board of Assessors

**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 7:35 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 April 12, 2006; there were none.

**MOTION** was made by Councilman Ventry to approve the Town Board Minutes of April 12, 2006 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 April 26, 2006; there were none.

**MOTION** was made by Councilman Vacco to approve the Town Board Minutes of April 26, 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 Transfer” from Account A909 to A6410.4 for Southtowns Coalition Project – Seed Money in the amount of \$300.00.

**MOTION** was made by Councilwoman Pew to approve the “Budget Transfer” 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	235-297	\$63,780.00
Highway Dept. Fund	113-141	\$19,682.82
Fire Dept. Fund	86-109	\$6,794.77
Recreation Dept. Fund	34-47	\$3,266.86
Refuse and Garbage Fund	9-11	\$44,094.37
Street Lights Fund	7-9	\$4,922.30
Water Fund	7-10	\$5,594.49
Trust & Agency Fund	--	--
Capital Fund	--	--
Community Development	4	\$9,790.00

**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 April 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; 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.

Chris Colvin, Assistant Fire Chief requested the removal of Brian Henry, a 4-year member, from the active roster of the Eden Fire Department.

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

Pat Howard, Chief of Police requested permission to use the Town Hall parking lot for the Bike Rodeo to be held on Saturday, June 3, 2006.

**MOTION** was made by Supervisor Nellis to allow the use of the Town Hall parking lot for the Bike Rodeo on Saturday, June 3, 2006; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis read the following Resolution:

**RESOLUTION  
REQUESTING MULTI-MODAL FUNDS FOR  
EDEN HIGHWAY DEPARTMENT**

**WHEREAS,** the Eden Highway Department has for several years been slowly doing, where time allowed, capital improvements to the Town's transportation facilities; and

**WHEREAS,** we are finding a real need for a cold storage building to protect from the weather some vehicles and equipment we currently must leave outside; and

**WHEREAS,** the Town's Recreation Department has been growing and requiring additional storage areas now provided by the Highway Department; and

**WHEREAS,** the Town's participation in Disaster Preparedness and Homeland Security requires safe storage for additional equipment and many generators including three trailer-mounted generators; and

**WHEREAS,** such storage can be satisfied by building an 80' x 30' pole barn with one open side;

**NOW, THEREFORE, BE IT RESOLVED** that we are requesting from State Multi-Modal funding \$30,000 to cover the cost of expected materials for this building with the Highway Department's talented staff able to supply all labor in-house; and

**FINALLY, BE IT RESOLVED** that a copy of this resolution be forwarded to State Senator William Stachowski and State Assemblyman Jack Quinn.

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

Ron Maggs, Highway Superintendent, acting as Chairperson of the Off-Road Drainage Committee recommended the Town Board approve the following projects:

1. Project 2006-01; recommend to clean ditch starting in ICC Cemetery and ending at Roswell Parkway at a cost not to exceed \$2,500.

**MOTION** was made by Councilman Krycia to approve Project 2006-01 as recommended by Ron Maggs, Chairperson of the Off-Road Drainage Committee; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

2. Project 2006-02; recommend to clean ditch off Yochum Road near Jennings to eliminate flooding of Yochum Road, at a cost not to exceed \$1,000, work to be done by Eden Highway Department.

**MOTION** was made by Councilman Vacco to approve Project 2006-02 as recommended by Ron Maggs, Chairperson of the Off-Road Drainage Committee; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**New and Unfinished Business:**

**1. Water Project Update**

Steve Waldvogel, CRA Infrastructure & Engineering, Inc. reported that the fence had been installed at the Violet Parkway Pump Station, which has raised some concerns for the residents in the area. During the design, the New York State Health Department required this specific fence, an 8' fence with 3 (three) strands of barbed wire to be installed. This fence, from the Bio-Terrorism Preparedness Act, which required all water

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systems to undergo a vulnerability assessment and from that, very strong recommendations were made at the federal level to harden the first line of defense for all water facilities including fencing used. So, the health department has taken the task that before they grant approval for new water facilities, this type of fencing is required. Mr. Waldvogel stated that he visited the site today and agrees that it doesn't look that great, but they had to comply with the health department and he is not overly optimistic that anything can be done to completely remove the fence. There may certain things that can be done to improve the aesthetics of this fence and the Town Board is very likely interested in pursuing that in any way they can and they would be happy to work with them.

Supervisor Nellis recognized Mr. & Mrs. Richard Borowiak, 8846 Violet Parkway and Mr. & Mrs. Nancy Blaschak, 8822 Violet Parkway. They had many concerns that the pumping station has made a significant alteration of the neighborhood. A huge building has been erected that towers over their homes. It is a cinder block building. There was little or no consideration of the placement of the pumping station. The value of their property has been greatly decreased by the look and size of the pumping station. They want the fence to come down. The fence comes out to the edge of the road. Where is the snow going to go. The snowplows, garbage trucks and school buses had been using that area as a turn-around, now where will they turn around?

Steve Waldvogel stated that the design of this whole facility and area was subject to several reviews of various agencies all, which had their input, and comment in order to gain approval of it and each agency had its own objective or requirements. Every effort will be made with regards to the esthetics.

Supervisor Nellis stated that the entire Town Board echoed the same desire to make the improvements that will be allowed and will work with the other agencies.

Mrs. Blaschak stated that she was aware of the project and is grateful for the pumping station, but without knowing the details of the design they did not anticipate the outcome. No one was paying attention to the way it looks. They all urged the Town Board members to drive up there and take a look at the fencing.

In another matter, Mr. Waldvogel stated that they have traveled to Albany twice in a couple of weeks to meet with the Department of Corrections, OGS, Senator Volker and Assemblyman Quinn. They anticipate their decision by the end of May, which will determine whether they are willing to work the 6 communities or go out on their own. If so, the 6 communities will need to look into a local plan.

**MOTION** was made by Councilwoman Pew to close the Regular Meeting of the Eden Town Board for public hearing; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:20 P.M.

**MOTION** was made by Councilwoman Pew to open the Public Hearing to consider adoption of Proposed Local Law No. 2-2006, being which establishes restrictions on residency of registered sex offenders in the Town of Eden; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis opened the Public Hearing at 8:20 P.M.

**8:20 P.M.**  
**Public Hearing**  
**Proposed Local Law No. 2-2006**  
**To consider adoption of proposed local law which establishes restrictions on**  
**residency of registered sex offenders in the Town of Eden**

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

The following persons spoke and asked questions about the Proposed Local Law:

Ruth Szalasny            3048 Belknap Road

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:25 P.M.

**MOTION** was made by Councilwoman Pew to close the Public Hearing; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the public hearing at 8:25 P.M.

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

**NOTE:** Supervisor Nellis stated for the record that any resident might forward comments to the Supervisor’s office regarding the proposed local law.

**2. Bus Route for Route 62 – Tentative Start Date – September, 2006 Update**

Ann Knack, Administrative Assistant stated that she was present for the meeting at the Eden Town Hall on Friday, May 5, 2006. Erie County Legislator Robert Reynolds, who conducted the meeting, credited the NFTA, Congressman Brian Higgins and the Rt. 62 Bus Coalition. Supervisor Nellis stated that there had not been bus service on Rt. 62 in Eden since Blue Bird Coach Lines provided one about 20 years ago, preceded by Greyhound.

The next step in moving forward is to conduct a survey of individuals living along Route 62 between McKinley Mall and Gowanda. There are two surveys available, one for residents and one for businesses, governments and schools. They need to find out from businesses, schools and governments whether their employees and students will use the bus service and how often. The residents survey asks how often people plan to use the service and where they would prefer the bus to stop. Copies of the surveys will be available at the Town Clerk’s office, the Eden Library and in the Eden Penny Saver. Bob Gowan from the NFTA was present at the meeting and is committed to a 1-year pilot program to begin September, 2006.

Mr. Wilbert Smutz asked if there was going to be a “Park & Ride”? Mr. Bolo stated that the point was raised at the meeting and NFTA is very receptive to guidance and upgrades as rider ship warrants.

**3. Local Law on State Code – Setting of Public Hearing**

Attorney Trask recommended that the Town Board move this item to “Old Business” to be reviewed by the Planning Board and the Code Review Committee.

**4. Health Reimbursement Contract Approval**

Supervisor Nellis recommended that the Town Board move this item to “Old Business” to be further reviewed.

**5. Results of Itemized Fire Equipment Bids**

Chris Colvin, Assistant Fire Chief for David Cole, Eden Fire Chief and Kevin Schoenthal, East Eden Fire Chief requested the Town Board’s approval for the 2006 Itemized Fire Equipment Bids. The Eden Fire Department is requesting \$12,564.25, which is \$64.25 over the budgeted amount and that amount would come out of the contractual budget. The East Eden Fire Department is requesting \$12,411.05. Copies of the bid results are available in the Town Clerk’s office.

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**MOTION** was made by Councilman Vacco to approve \$12,564.25 for the 2006 Itemized Fire Equipment Bid for the Eden Fire Department, with \$64.25 coming out of the contractual budget; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**MOTION** was made by Councilwoman Pew to approve the \$12,411.05 for the 2006 Itemized Fire Equipment Bid for the East Eden Fire Department; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Supervisor’s Report:**

- Thank you received from Father Walter Grabowski, Immaculate Conception Church in regards to the proclamation from the Town Board on his 25<sup>th</sup> Anniversary.
- In contact with the property owner near the NAPA store in regards with filling in the pond.

**Hearing of Visitors:**

There were none.

**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 8:40 P.M.

**Executive Session:**

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 10:00 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk