
MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
JUNE 14, 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:

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
Susan Brass	-	Recreation Director

OTHERS PRESENT:

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 May 10, 2006; there were none.

MOTION was made by Councilman Vacco to approve the Town Board Minutes of May 10, 2006 as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

Supervisor Nellis stated that the Town of Eden recently received a petition for a potential waterline extension along N. Boston Road (approximately 20 properties, 15 developed); some in Eden and some in Boston. Steven Waldvogel, CRA, has completed a preliminary cost estimate of the project and the project (as a standalone project) appears to be cost prohibitive with annual fees estimated in excess of \$1800. The project could be completed more economically as part of a town wide or regional water project.

Budget Transfers:

Supervisor Nellis read the following “Budget Transfers” from Account D2770 to D5130.4 for Town of Boston – shared maintenance of equipment in the amount of \$60.00, from Account D2770 to D5130.4 for Town of Colden – shared maintenance of equipment in the amount of \$60.00 and from Account D2770 to D5130.4 for Town of Concord – shared maintenance of equipment in the amount of \$209.77.

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.

Supervisor Nellis read the following “Highway Transfer of Funds” from D2770 to D5130.4 in the amount of \$6,319.68 for pipe permits #1-#9.

MOTION was made by Councilwoman Pew to approve the “Highway Transfer of Funds” as presented; seconded by Councilman Ventry; 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	298-369	\$61,144.25
Highway Dept. Fund	142-189	\$64,338.45

Fire Dept. Fund	110-139	\$16,081.15
Recreation Dept. Fund	48-69	\$5,683.62
Refuse and Garbage Fund	12-13	\$44,390.40
Street Lights Fund	10-13	\$4,756.05
Water Fund	11-13	\$5,177.19
Trust & Agency Fund	--	--
Capital Fund	--	--
Community Development	--	--

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 May, 2006 were presented by Paul Shephard, Eden Emergency Squad; Kevin Schoenthal for David Cole, Eden Fire Chief; Kevin Schoenthal, East Eden Fire Chief; Patrick Howard, Eden Police Chief; Patrick Howard for Ray Zabron, Dog Control Officer; Ronald Maggs, Superintendent of Highways; Mary Jo Hultquist, Town Clerk; Supervisor Nellis for Scott Henry, Zoning Code Enforcement Officer (which report will be filed later in the week); Susan Brass, Recreation Director; Councilwoman Pew for Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Kevin Schoenthal, East Eden Fire Chief reported for David Cole that during the months of June and July the Eden Fire Department will be conducting several training sessions at 2145 New Jerusalem Road on a house that was made available for their use by Mr. Daniel Howard.

Ron Maggs, Off Road Drainage Committee Chairperson recommended that the Town Board approve the projects that the committee has agreed upon as follows:

1. Project 006-03: Recommend working in conjunction with Erie County Highway to resolve some flooding issues on North Boston Road (between Hickman and Eden Valley Road) at a cost not to exceed \$3,000. Erie County Highway has offered to supply all the materials needed and in turn we will pay for labor costs. This area has had numerous flooding issues that have been a safety issue.
2. Project 2006-04: Recommend to hire Eden Highway Department to hand clear downed trees from various parts of Ryther Creek, at a cost not to exceed \$500.

MOTION was made by Councilman Vacco to approve the 2 (two) projects as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Susan Brass, Recreation Director stated that the Recreation Department had received a \$500. donation from Tennessee Gas, a division of El Paso Gas. The Town Board expressed their thanks for the donation.

New and Unfinished Business:

1. **Town Pool – Chemicals**

Susan Brass, Recreation Director reported that an estimate had been received from David Friedrich, President of William L. Watson Co. regarding the purchase and installation of a Chlorine Tablet Feeder System at a cost of \$2,595.90. The new chlorinator system combines the feeder design and the slow-release characteristics of tablets enables consistent and uniform chlorine delivery.

MOTION was made by Supervisor Nellis to approve the purchase of the Chlorine Tablet Feeder System at a cost of \$2,595.90; seconded by Councilman Krycia; “Ayes”? – Nellis, Krycia, Vacco, Ventry; Opposed? – None; Abstain? – Pew; Motion carried.

2. **Recreation Staff Appointments – Town Hall Resignation/Appointment**

The Recreation Advisory Board is recommending the following staff Appointment(s) due to the departure from employment of personnel already approved:

Playgrounds

Christine Krolewics, from ½ day to full day

Christina Clark to replace Alyssa Monfuletho at \$6.75 an hour

Meghan Koester to replace Laura Agle at \$6.75 an hour

Town Pool

Samantha Eckert, from Lifeguard to Instructor replacing Laura Evans at \$7.75 an hour

Danielle DeCarlo, from CIT to Lifeguard replacing Jillian Brown at \$7.00 an hour

Rachelle Phillips, from CIT to Lifeguard replacing Sam Eckert at \$7.00 an hour

Krystal Boedo to replace Katie Ryan as Head Guard at \$7.75 an hour.

Please note that these are not new or additional positions, simply replacements for already approved staff that have since declined or resigned the position offered.

MOTION was made by Councilman Krycia to approve the staff appointments as recommended by the Recreation Advisory Board; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis stated that the Town of Eden 2006 Summer Concert Series has been announced with \$1,200. received from local business sponsors. A complete listing is posted on the Recreation Department bulletin board in the Town Hall.

Supervisor Nellis announced the resignation from Catherine A. Swiech, part-time clerical position in the Supervisor’s Office and Building Department effective May 26, 2006.

Supervisor Nellis made the recommendation to the Town Board to appoint Connie Logan, 2365 Hemlock Road to replace Catherine A. Swiech as part-time clerical position in the Supervisor’s Office and Building Department effective June 15, 2006 at a rate of \$9.63/hour.

MOTION was made by Supervisor Nellis to appoint Connie Logan, 2365 Hemlock to the part-time clerical position in the Supervisor’s Office and Building Department effective June 15, 2006 at a rate of pay of \$9.63/hour; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3. **Labor Contracts**

Supervisor Nellis stated that the labor contract with the Police Club had been reached with most of the discussions being health care.

Discussion: Councilwoman Pew commented that when negotiating with the Highway Department, the verbage of the health insurance be placed verbatim so that there is no discrepancy and they are equally the same.

MOTION was made by Councilman Vacco to accept the labor contract with the Police Club as presented; seconded by Councilman Krycia; “Ayes”? – Nellis, Krycia, Pew, Vacco; Opposed? – None; Abstain? – Ventry; Motion carried.

4. **Health Reimbursement Account – Contract**

Supervisor Nellis stated that Town Board approval of EBS Benefit Solutions

Contract is requested to authorize Supervisor Nellis to sign the contract upon final approval of William Trask, Town Attorney.

MOTION was made by Councilman Krycia to authorize Supervisor Nellis to sign the contract with EBS Benefit Solutions upon the approval of William Trask, Town Attorney; seconded by Councilman Vacco; “Ayes”; Nellis, Krycia, Vacco, Ventry; Opposed? – None; Abstain? - Pew; Motion carried.

5. **Easement between ECIDA and the Town of Eden for waterline replacement at RR Tracks at Hemlock**

Supervisor Nellis stated that the Town Board would table this item to “Old Business” to be reviewed and discussed at a future Town Board Meeting.

6. **Public Meeting on Annual Report on Stormwater Year III**

Supervisor Nellis stated that the Annual Report on Stormwater Year III has been available at the Town Clerk’s office for review during regular business hours. A requirement is that the report is on file for review and discussed at public meeting for public comments. No comments were received at the public meeting.

7. **Proposed Sexual Predator Law**

Supervisor Nellis requested approval of the Town Board for Proposed Local Law No. 1-2006, Sex Offender Residency Restriction, with copies of the proposed local law being available in the Town Clerk’s office for review during regular business hours.

Supervisor Nellis requested the addition of two items being added to Section 1: C. Residency Restrictions/Restricted Zones as follows:

- 9. Public Swimming Pools
- 10. Group Family Providers and 11. Family Care Providers

MOTION was made by Councilman Vacco to approve the additions to proposed Local Law 2-2006 as presented by Supervisor Nellis; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Councilwoman Pew to declare a negative declaration under SEQR with regards to the proposed Sex Offender Residency Restriction Law, as it has

been determined that this law will not impact the environment, and that the Town of Eden be designated Lead Agency; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis requested approval of Proposed Local Law #2-2006 (which will be filed as Local Law #1-2006).

MOTION was made by Councilman Vacco to approve Local Law #1-2006 as presented; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8. **Retirement Resolution – Kathy Kelkenberg**

Supervisor Nellis read the following resolution:

**A RETIREMENT RESOLUTION
HONORING KATHY KELKENBERG**

WHEREAS, Kathy Kelkenberg is retiring after 33 years in the Eden Central School District; and

WHEREAS, she has served as Physical Education Teacher, Guidance Counselor, Director of Guidance and Coach of numerous women’s sports teams; and

WHEREAS, she was the first female in Section VI to hold the position of Athletic Director; and

WHEREAS, she has also been active in our community, specifically working closely with the Boys and Girls Club on their prevention program for youngsters with special needs;

NOW, BE IT RESOLVED that the Eden Town Board congratulates Kathy Kelkenberg for her many years of outstanding service to Eden Central as well as her contributions to the Community of Eden; and

FINALLY, LET IT BE RESOLVED that by this action, the Eden Town Board designates June 29, 2006 as “Kathy Kelkenberg Day” in the Town of Eden with our expressed appreciation and recognition for all she has done in this community.

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

9. **Approval of Town Highway Assistance on School Playground**

Supervisor Nellis read correspondence from Mrs. Debbie Asboth, Eden Playground Committee requesting Town Board approval of the Eden Highway Department’s assistance with the building of the community playground this August, 2006.

MOTION was made by Councilwoman Pew to approve the Eden Highway Department’s assistance with the building of the community playground, at the discretion Ron Maggs, Highway Superintendent, this August, 2006; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis read correspondence from Bob Reed, Chairman of the 2006 Eden Corn Festival requesting the Highway Superintendent and Highway Staff assistance with the Corn Festival as in years past. Ron Maggs, Highway Superintendent stated that the assistance is only within the Highway right-of-way.

MOTION was made by Councilwoman Pew to approve the Highway Superintendent and Highway Staff to assist the Eden Corn Festival at the discretion of Ron Maggs, Highway Superintendent; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

10. **Resolution – in opposition of Erie County Legislature’s (4) Four Year Plan for Erie County**

Supervisor Nellis read the following resolution:

**TOWN OF EDEN RESOLUTION
IN OPPOSITION OF ERIE COUNTY LEGISLATURE’S
(4) YEAR PLAN FOR ERIE COUNTY**

WHEREAS, the Erie County Legislature is proposing a four (4) year financial plan that would:

1. Transfer County roads to local control
2. Increase sales tax
3. Increase County property tax
4. Eliminate Sheriff Road Patrols and potentially other enforcement services;
and

WHEREAS, such actions would cause an undue hardship on the Town of Eden creating a tax level which would severely impact our residents, particularly those on fixed incomes and those with families; and

WHEREAS, the Town of Eden wishes to take a stand in protest to these proposed recommendations by the Erie County Legislature;

NOW, THEREFORE BE IT RESOLVED that the Eden Town Board objects to the aforementioned proposals. These proposals, if enacted, would cause a serious hardship for the people of the Town of Eden; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Erie County Executive Joel Giambra and all Erie County Legislators.

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

Supervisor’s Report:

- Received a report from Steven Waldvogel, CRA stating that construction on the pump station is substantially complete pending final ECWA approval. A meeting was held at the site to discuss/understand residents concerns about the fencing and aesthetics. A conceptual plan for landscaping and fencing was developed and delivered to residents for review. Upon general acceptance of the residents and approval by the Town Board a quote will be solicited for the work. At this time there appears to be sufficient monies remaining to cover the cost of the additional work & materials. Department Of Correction’s decision is anticipated within 1-2 weeks regarding the Regional Water Project with special thanks going to Senator Volker, Senator Stachowski and Assemblyman Quinn for all their help.
- Aaron Williams, 3166 Cherry Lane achieved the rank of Eagle Scout as a member of Troop 611. Congratulations from the Town Board.
- Community Concern of Western New York asking for volunteers to become a member of Board of Directors. Headquartered in Evans.
- Household Hazardous Waste Day on Saturday, June 17, 2006 from 9 a.m. to 2 p.m. at the Erie Community College South Campus.
- Sidewalks – starting Monday 6/19/06 from the HSBC Bank to Hammond Drive and Welch Drive, thanks to Welch Village support.

- Route 62 bus survey – received 360 surveys. Legislator Bob Reynolds will be holding a meeting on Friday 6/16/06 at 2 p.m. in Hamburg.
- All paperwork is completed for a revolving loan for the Chinese Restaurant.
- Annual Bike Rodeo sponsored by the Eden Police Department and Eden American Legion will take place on Saturday June 17th beginning promptly at 10 a.m. in the Eden Town Hall parking lot.

Hearing of Visitors:

Timothy Walker, 3011 East Pleasant Avenue

Adjournment:

MOTION was made by Councilman Vacco 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 8:45 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk