

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
JULY 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
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 June 14, 2006; there were none.

MOTION was made by Councilman Vacco to approve the Town Board Minutes of June 12, 2006 as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of June 28, 2006; there were none.

MOTION was made by Councilman Vacco to approve the Town Board Minutes of June 28, 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 Transfers” from Account A2001 to A7310.1 for Recreation Department Track Program in the amount of \$430.00, from Account A2001 to A7310.4 for Recreation Department Track Program in the amount of \$120.00 and from Account A2070 to A7140.4 for Playground Equipment in the amount of \$500.00.

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.

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	370-423	\$39,376.02
Highway Dept. Fund	190-216	\$41,137.99
Fire Dept. Fund	140-162	\$6,452.41
Recreation Dept. Fund	70-95	\$5,209.28
Refuse and Garbage Fund	14-15	\$3,606.25
Street Lights Fund	14-15	\$898.09

Water Fund	14	\$5,042.07
Trust & Agency Fund	--	--
Capital Fund	3-4	\$101,175.00
Community Development	--	--

MOTION was made by Councilwoman Pew to approve the Audit of Bills as presented; seconded by Councilman Ventry; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

Departmental Reports:

Department reports for the month of June 2006 were presented by David Cole for 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.

William Trask, Town Attorney stated for the record that Tim Walker, former Councilman, has been appointed by Governor Pataki to the very prestigious position of Supreme Court Justice, 8thJudicial District, which has been a long time dream of Mr. Walker and a great honor to the community to have someone as a resident appointed to that position.

Supervisor Nellis thanked Ron Maggs, Highway Superintendent for his overseeing the sidewalk project from HSBC bank to Hammond Drive.

Supervisor Nellis read a memo from Patrick Howard, Chief of Police requesting the Town Board to make two additional part-time police positions as the full-time police officers have had to cover shifts that part-time officers would have normally covered.

This results in expenditure in the form of overtime. Mr. Howard advised the Town Board that there are no additional monies required for these positions.

After much discussion the following Motion was offered:

MOTION was made by Councilman Krycia to authorize the creation of two part-time Police Officers pending approval of Erie County civil service appointment; seconded

by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Chief of Police Patrick Howard then requested the Town Board appoint Ré Biastre, 2926 Woodspirit and Charles Privitera, 8233 Jennings Road as part-time Police Officers.

MOTION was made by Councilwoman Pew to appoint Ré Biastre and Charles Privitera as part-time Police Officers pending approval of Erie County civil service; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

David Cole, Eden Fire Chief reported that the Fire Department received a grant under the Federal Title IV-Volunteer Fire Assistance Program from the New York State Department of Environmental Conservation, which is a part of the Division of Forest Protection and Fire Safety for \$1000.00. They will be purchasing forestry firefighting equipment, nozzles, and hoses for their pumper. Funds will come from their departments’ equipment fund, which requires 100% matching funds. They are asking for permission to receive this grant.

MOTION was made by Supervisor Nellis to extend their permission to receive the grant; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

New and Unfinished Business:

1. Water Projects Update

- Steven Waldvogel, Engineer from CRA stated that the pump station construction has been completed for several weeks with the exception of the fencing issue, which Supervisor Nellis and Steven met with the residents and are working on a plan to try to satisfy their concerns. Start-up was scheduled with Erie County Water Authority and then postponed, but it is expected to be very soon.

A formal response has been received from David A. Williams, Director of the Division of Facilities Planning and Development of the State of New York Department of Correctional Services regarding the regional plan and they do not plan to participate at this time, unfortunately. Supervisor Nellis has requested Steven to put together some preliminary concepts about how Eden would address its own needs

quickly and independently, although the other communities involved may want to participate in the future.

2. **Labor Contract**

- Supervisor Nellis is recommending approval of the 2006-2007 Highway contract.

MOTION was made by Supervisor Nellis to approve the 2007-2007 Highway contract; seconded by Councilman Vacco.

Discussion:

Councilwoman Pew commented that the verbage for the health insurance for the Highway Contract and the Police Contract be identical in both contracts.

- Councilman Krycia stated that a lot of time was spent on the health insurance issues and it was big improvement over what was in place before. Mr. Krycia apologized and stated that it could have been even better. He stated that it was a tough negotiation.

Supervisor Nellis expressed his thanks to all parties involved, committees, Town Board members and the Highway Superintendent for their input.

Vote:	Supervisor Nellis	- Aye
	Councilman Krycia	- Aye
	Councilman Vacco	- Aye
	Councilwoman Pew	- Opposed
	Councilman Ventry	- Abstain

Motion carried.

3. **Approval given for our 3rd Year Plan for Stormwater Run-off (Informational)**

- Supervisor Nellis read correspondence from Daniel J. Seider, P.E. of Wendel Duchscherer regarding the Town of Eden Stormwater Management Program annual report and municipal compliance certification, submitting two completed copies. The Town of Eden has met the Year 3 requirement of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems. This is informational at this time.

4. **Resolution Proclaiming Corn E Clowns Week of August 1-7**

Supervisor Nellis read and presented the following proclamation to Connie “Punkin” Morrow, President of Corn E Clowns and Rosie “Mugslie Farkle” Piazza, Vice-President of Corn E Clowns.

WHEREAS, the tradition of the clown can be traced from ancient Egypt to the Greco-Roman world, to the royal jesters of Europe, and finally to Emmet Kelly, Lou Jacobs and Red Skelton; and

WHEREAS, clowns have long been known as ambassadors of joy and good will, and bring happiness to both young and old, sick and well, happy and sad; and

WHEREAS, the work of the clown goes far beyond the circuses, parties, picnics and shows and extends to the nursing homes, hospitals, charities and benefits for the less fortunate; and

WHEREAS, the Corn E Clowns of Erie County, World Clown Association and Clowns of America have joined together to commemorate International Clown Week; and

WHEREAS, the men and women who dedicate their lives to the tradition should be recognized for the outstanding and meaningful contributions they make in our great state of New York; and therefore be it

RESOLVED, that International Clown Week of August 1-7, 2006 is proclaimed in the Town of Eden and by this proclamation we call public attention to the charitable activities of the Corn E Clown Alley of Erie County and the wholesome entertainment they provide throughout all of Western New York State and Erie County.

Supervisor’s Report:

- Supervisor Nellis will be attending a meeting on economic growth, Thursday, July 13, 2006 at 10:00 A.M.
- Supervisor Nellis will be attending a Haz Mat meeting in the Town of Evans, Friday, July 14, 2006 at 8:00 A.M. at Sturgeon Point Marina.
- O’Brien’s Pub is now open for business.
- The following businesses have taken part in the county funded façade program; John Roberts Salon, Pietrocarlo’s Liquor Store, Chinese Restaurant and Eden Tractor.

- County Legislator Bob Reynolds will be conducted a meeting on July 21, 2006 regarding Sheriff's road patrol and other issues facing County Legislators.
- Supported a grant application submitted by People Inc. for affordable and safe housing for seniors.

Hearing of Visitors:

Mike Bolo, 9998 Clarksburg Road

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 8:30 P.M.

Executive Session:

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

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk