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**MINUTES**

**WORK SESSION MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
JULY 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:**

Janice L. King	-	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.

**Petition:**

Karen Pruchnicki presented a petition to the Town Board with 31 signatures regarding a speed limit reduction to 45 MPH on Eden Evans Center Road. Supervisor Nellis stated that the Town Board would forward a copy to the Department of State for their consideration.

**New and Unfinished Business:**

**1. Hemlock Road Waterline Repair**

Supervisor Nellis stated that this is an agreement with Erie County Water Authority and that no written notice had been received. If an agreement is received this item will be added to a future town board meeting.

**2. Appointment – Part-time Secretary**

Supervisor Nellis stated that this a part-time position for the Supervisor Office, the Building Inspectors office, and secretary to the Planning Board. Supervisor Nellis requested a motion to appoint Dawn Palma, replacing Cathy Swiech retroactive to Monday July 24, 2006 at a rate of \$9.63 per hour.

**MOTION** was made by Councilwoman Pew to appoint Dawn Palma retroactive to July 24, 2006 at a rate of \$9.63 per hour; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

### 3. **Resolution approving creation of new position**

Supervisor Nellis stated that this item was discussed at a previous Town Board meeting regarding the creation of 2 new part-time Police Officers as recommended by Pat Howard, Chief of Police. The documentation had been sent to Erie County Personnel and accepted. A resolution is now in order to adopt the positions as approved by Erie County.

**MOTION** was made by Councilman Krycia to approve the resolution creating the 2 part-time Police Officers; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

### 4. **Resolution adopting the HRA Government Plan for eligible employees**

Supervisor Nellis stated that a 19- page formal, legal resolution had been received regarding adopting the Health Reimbursement Account, HRA, Government Plan for eligible employees. This document has been shared with the Joel Giambra, County Executive. A formal resolution will need to be adopted pending final review and approval by Bill Trask, Town Attorney. Supervisor Nellis explained that this plan is for eligible employees of the town.

**MOTION** was made by Supervisor Nellis to adopt the Health Reimbursement Account for eligible employees in the Town of Eden pending approval of Bill Trask, Town Attorney; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

### 5. **Wepax Road Water Rates**

Supervisor Nellis turned to Anna Knack, Administrative Assistant to explain the deficit. The water rate, since the inception of this water district, had been a \$26.00 minimum charge for the first 6000 gallons of water. After that per 1000 gallons of water the rate has been \$2.56. Unfortunately it is necessary to increase the rate to \$30.00 minimum charge for the first 6000 gallons of water with an additional charge of \$3.00 per 1000 gallons of water.. The Town of Eden is responsible to pay money to the Village of Farnham to read the meters, the Erie County Health Department for the necessary testing and the Erie County Water Authority for water usage. It was determined that, after the fact, Wepax Road had to be handled differently than we are accustomed to due to the necessary tests that need to be done. That part of the water district was running a deficit and it is not fair to the taxpayers of Eden to bare the burden,

unfortunately it has to be shared with the residents of Wepax Road. This increase will take effect August 1, 2006. A meter reading was done last week and the bills have gone out at the old rate and are payable at the Town Clerk's office by August 31, 2006, this way a whole quarter will be at the new rate. A copy of this rate increase will be mailed to the 16 water users on Wepax Road explaining the situation.

**MOTION** was made by Supervisor Nellis to increase the water rates on Wepax Road as presented; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

6. **Resolution in support of terminating the current 1977 Sales Tax Revenue Distribution Agreement**

Supervisor Nellis read the following resolution:

**WHEREAS**, on December 30, 1977, the County of Erie, the City of Buffalo, the City of Lackawanna and the City of Tonawanda entered into an Agreement in regard to the sales tax revenues distribution; and

**WHEREAS**, the Agreement provided a disposition of 25.6858 per cent to the cities and the areas outside the cities in proportion to their respective populations as determined in accordance with the latest decennial federal census; and

**WHEREAS**, the population of Erie County has shifted in the last three decades and the current formula for sales tax distribution is no longer equitable; and

**WHEREAS**, section 3 of the Agreement dated December 30, 1977 provides that any time subsequent to November 30, 1982, each party to the agreement shall have the right to terminate said Agreement by giving one (1) year's prior written notice, served upon each of the parties;

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Eden supports the terminating of the current 1977 Sales Tax Revenue Distribution Agreement; and

**BE IT FURTHER RESOLVED** that the Town of Eden further supports the right of the Erie County Legislature to adopt a resolution to terminate said agreement; and

**BE IT FURTHER RESOLVED** that any new Agreement shall provide for a fair and more equitable distribution of the sales tax to the cities, towns and villages in proportion to their respective populations, determined in accordance with the latest decennial federal census as the fair and equitable allocation; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to each member of the Erie County Legislature, Erie County Executive Joel Giambra, the Mayors of the City of Buffalo, City of Lackawanna, City of Tonawanda, Town Supervisors and Village Mayors of Erie County.

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

**7. Set public hearing date for August 16, 2006**

Supervisor Nellis stated that based on the recommendation of the Planning Board that the Town Board set a public hearing for August 16, 2006 to consider a Special Use Permit for Multi Industries, Inc. at 8800 South Main Street. This will be a distribution center for floor covering/rugs for Wal-Mart, Target, etc. Mark Agle, Chairman of the Planning Board, Scott Henry, Code Enforcement Officer and Drew Reilly, Town Engineer all agreed that a new site plan would be necessary and that this information will be communicated to the owner of the property. Due to the notification of residents in the area and the meeting date of the Planning Board on August 22, 2006 to consider the new site plan, the Town Board will meet on August 16, 2006 and hold the Public Hearing on at 8:00 P.M. to consider the Special Use Permit.

**MOTION** was made by Councilwoman Pew to schedule the Public Hearing for August 16, 2006 at 8:00 P.M. for a Special Use Permit for Multi Industries, Inc. at 8800 South Main Street; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Supervisor’s Report:**

- Meeting August 4, 2006 in Hamburg at Bob Reynolds office with the NFTA for the start of the bus service on September 5, 2006.
- Received a letter of support from the Mayor of North Collins to the Town of Eden Highway Department for their help with the flooding situation.

**Note:** The regular Town Board meeting will be held on August 16, 2006 instead of August 9, 2006.

**Hearing of Visitors:**

Mike Bolo, 9998 Clarksburg 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 8:10 P.M.

**Executive Session:**

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

Respectfully submitted by,

Janice L. King  
Deputy Town Clerk