

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
AUGUST 16, 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
David A. Cole	-	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 7:40 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 July 12, 2006; there were none.

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

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of July 26, 2006; there were none.

MOTION was made by Councilman Vacco to approve the Town Board Minutes of July 26, 2006 as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none received at the Town Board meeting, although Supervisor Nellis received a letter from Herbert Stocksclaeder, Sr., 2497 Bauer Road reporting excessive speed on Bauer Road.

Budget Transfers:

Supervisor Nellis read the following “Budget Transfers” from Account T37 to Account A7140.4 for new playground equipment in the amount of \$8,660.00, from Account A1990.4 to A1920.4 for GFOA Membership Fee in the amount of \$155.00, from Account A1990.4 to A3620.4 for Building Permit Refund in the amount of \$35.00 and from Account A1990.4 to A3989.4 for NIMS Course Study-Printing of Booklets in the amount of \$2,654.00.

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	424-501	\$51,732.89
Highway Dept. Fund	217-246	\$134,046.89
Fire Dept. Fund	163-185	\$17,899.83
Recreation Dept. Fund	96-135	\$11,236.80
Refuse and Garbage Fund	16-17	\$86,399.04

Street Lights Fund	16-19	\$7,526.74
Water Fund	15-20	\$6,872.45
Trust & Agency Fund	--	--
Capital Fund	5	\$43,557.50
Community Development	5	\$6,990.00

MOTION was made by Councilman Vacco 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 July 2006 were presented by David Cole, Eden Fire Chief; Ronald Maggs, Superintendent of Highways; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Robert Pietrocarlo, Assessor stated that Version 4 has been installed by the State Office of Real Property Services on their new computer and is asking permission to purchase the 3 remaining computers that were approved at the December 2005 Town Board meeting, with funds being encumbered.

Discussion ensued regarding the approval of the purchase at the December 2005 Town Board meeting and it was decided to review that information and table this item to the August 23, 2006 Town Board meeting.

David A. Cole, Eden Fire Chief stated that the Eden Fire Department has become a member of the Town of Hamburg Fire Chief’s Association with voting privileges as of July 31, 2006.

Ron Maggs, Highway Superintendent requested permission to help the American Legion with oil and stoning their parking lot, at the convenience of the Highway Department.

MOTION was made by Councilman Vacco to allow the Highway Department to help the American Legion with oil and stoning of their parking lot; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested up to \$35,000.00 from the Equipment Reserve Account D9950.9 for the purchase of a new wheel loader from state bid, subject to Permissive Referendum.

MOTION was made by Councilman Vacco to approve up to \$35,00.00 from the Equipment Reserve Account D9950.9 for the purchase of a new wheel loader from state bid, subject to Permissive Referendum; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

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

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:00 P.M.

MOTION was made by Councilman Vacco to open the Public Hearing for the request from Multy Industries, Inc. for a Special Use Permit to operate a Warehouse/Distribution Facility from 8800 S. Main Street; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis opened the Public Hearing at 8:00 P.M.

8:00 P.M.
Public Hearing
Request from Multy Industries, Inc. for a
Special Use Permit to operate a Warehouse/Distribution Facility from
8800 S. Main Street

Supervisor Nellis explained the purpose of the public hearing was to listen to any concerns or questions that citizens have. Supervisor Nellis stated that a memo had been received from Andrew Reilly, Town Engineer, and a review of Scott Henry, Code Enforcement Officer and Mark Agle, Chairman of the Planning Board. They all agreed that the Planning Board, at their August 22, 2006 meeting, will review the proposed site plan and that the Town Board would require a Special Use Permit.

The following persons spoke and asked questions regarding the request from Multy Industries at 8800 S. Main Street:

Carrie Inserra, 8737 West Avenue asked what the hours of operation will be and the expected noise level. Carlos DeMatos, Manager, explained that it will be a 2-shift operation and there will be no machines running. A low disruption is expected with truck traffic in and out.

Dave Cole, 8732 West Avenue asked what type of items would be used or stored in the warehouse. Carlos DeMatos, Manager, stated that Multy Industries is a supplier of flooring covering products, which would include textile mats and runners, which are made of vinyl and rubber products. They supply this product for Home Depot, Lowes, Walmart and Target stores. Mr. Cole, speaking now as the Eden Fire Chief expressed his concerns regarding the codes for fire protection. Carlos DeMatos stated that the Fire Department would be welcome to do a walk through before starting operation.

Robert Stickney, 2718 Lourdes Drive stated that he didn't want to see the property go back to the way it was with the previous owner and that they should abide by all the codes.

Carl Modica, 2637 Hemlock and a Board of Directors member of the Eden Chamber of Commerce stated that at a recent meeting of the Chamber of Commerce a concern was discussed about the truck traffic at the corner of West Church Street and Route 62. Supervisor Nellis stated that under the site plan review it will be looked at and a request of the State Department of Transportation to also review the 4-corners intersection.

Kathleen Davison, 2636 Hemlock Road asked about the possibility of tractor trailer trucks coming up Hemlock Road, security lighting shining into homes on Hemlock Road and why is a Special Use Permit required. Attorney Trask stated that whenever there is a change in use there is some permitting that probably will be required and that the Special Use Permit is one of those things along with a site plan review.

Richard Minekime, 7947 Old Jennings Road asked about the anticipated time schedule, not knowing what improvements will be needed. Carlos DeMatos stated that they would like to move into Eden as soon as possible but the anticipated date is the end of August. Supervisor Nellis reviewed the calendar of events starting with the public hearing tonight, the Planning Board meeting on August 22, 2006 and the Town Board meeting on August 23, 2006. Attorney Trask stated that it would be hard to speculate, depending on the recommendations of the Planning Board. The Town Board needs their input because they will make specific recommendations and conditions for the site plan itself and conditions regarding the Special Use Permit. Then the Town Board can either accept or modify or not accept their recommendations as it sees fit. There is some flexibility available.

Wilbert Smutz, 3094 East Church Street, asked if they agree with what is required, could they move in with a letter of intent? Attorney Trask stated there is

some flexibility in the approval and permitting process. Everyone is working towards the same end and also making sure the review is done properly and that the community is protected.

Attorney Trask explained the Special Use Permit process and that it is subject to annual renewal, which gives the Town Board an opportunity to receive additional input from the community as well as from the property owner and the business about how the current conditions on the permit have worked and if there needs to be any changes.

Mike Bolo, 9998 Clarksburg Road, stated that this is a wonderful opportunity for an appropriate use of that large building. What is coming in is an established warehouse distribution operation with no processing, no chemicals, clean, quiet but it will require a lot of trucks. It is an opportunity for at least 25 new jobs possibly growing to 50.

Dan Barry, Buffalo/Niagara Enterprise reiterated Mr. Bolo's comments and offered further assistance to the company in coordinating programs of creating jobs in Buffalo and Eden rather than Atlanta.

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.

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.

New and Unfinished Business:

1. **Town Agreement with Erie County Water Authority – Hemlock Road Waterline Replacement under Railroad tracks**

- Attorney Trask stated that the easement agreement has been reviewed and the Insurance that the ECIDA is seeking for the railroad right-of-way is in place and we are waiting for confirmation of that. At this time the Town Board authorize the Supervisor to enter into this agreement with Erie County Water Authority subject to the final review of Mr. Trask, Town Attorney.

MOTION was made by Councilman Vacco to authorize Supervisor Nellis to enter into an agreement with Erie County Water Authority for the waterline replacement on Hemlock Road, under the railroad tracks, subject to final review of William Trask, Town Attorney; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

2. **Erie County Fair Bureau – Support of Agriculture**

- Paul Zittel of Zittel Farms made a presentation to the entire Town Board in recognition of their support of agriculture and specifically for adopting the “Right to Farm” law on March 14, 2001.

3. **Notification of Liquor License – 4 Corners’ Café**

- Supervisor Nellis received correspondence from Donald R. Stuhr, Four Corners Café, renewing his liquor license for the coming year.

4. **Certificates of Achievement for Safety Record to: Town of Eden Fire District and Eden Emergency and Rescue Squad**

- Supervisor Nellis received certificates of Achievement for Safety Record from Lovell Safety Management Co., L.L.C. in recognition of the Town of Eden Fire District and Town of Eden Emergency & Reserve Squad for having no reportable Workers’ Compensation Claims for the 7/1/04 – 7//05 policy year.

5. **Letter of Retirement – Clerk to the Eden Assessors**

- Supervisor Nellis received a letter of retirement from Joan Doctor, Clerk to the Town Assessors office. Mrs. Doctor served in this capacity for 17 years.

MOTION was made by Supervisor Nellis thanking Joan Doctor for her 17 years of service as Clerk to the Eden Assessors and to wish her many enjoyable years in her retirement; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6. **Water Projects Update – Approval of Change Order No. 1 for Violet Street Pump Station**

- Stephen Waldvogel, CRA Infrastructure & Engineering, Inc. stated the following
Change Order No.1 for a total of \$19,426.95:

Description of Change(s):

1. Furnish and Install two (2) PLC Controllers in the two-pump starters.
2. Furnish and Install Security Card Access system.
3. Additional Utility Costs over and above allowance item.

Reason for Change(s):

1. and 2. Original Contract review of specifications did not include additional control and security systems required per ECWA standards.
2. Adjustment of Contract allowance Item No. 2 for actual cost associated with Power Company service installation work.

MOTION was made by Councilman Vacco to accept Change Order No. 1 in the amount of \$19,426.95 for Violet Parkway Pump Station and authorize Supervisor Nellis to sign the order; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

7. **Resolution – Hamburg Dispatch**

- Supervisor Nellis read the following resolution:

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**RESOLUTION
EDEN TOWN BOARD**

WHEREAS, deep concern has been expressed by various emergency services about the proposed offer by Erie County to take over dispatching of Police, Fire and EMS services for the Town of Hamburg and adjacent communities such as the Town of Eden; and

WHEREAS, initially it would seem that the cost of County services will be less than the cost of the existing Hamburg dispatcher; and

WHEREAS, on-going concern has been expressed about the ability of the County dispatching setup to respond quickly and clearly to the needs of citizens in suburban/rural communities currently served by Hamburg Dispatching; and

NOW, BE IT RESOLVED that the existing Hamburg dispatching service be maintained by the Town of Hamburg as a service critical to the needs of our collective citizens, putting service to their needs above strictly dollars saved especially without adequate assurance of the response capabilities of the County dispatching services; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to members of the Hamburg Town Board, Hamburg Dispatchers Offices, County Legislator Reynolds, County Executive Giambra and others as deemed appropriate.

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

8. **Resolution – STOP-DWI Program**

- Supervisor Nellis read the following resolution:

**TOWN OF EDEN RESOLUTION
TO ENTER INTO A CONTRACT WITH
ERIE COUNTY STOP-DWI PROGRAM**

WHEREAS, Erie County has established a special traffic options program for driving while intoxicated; the STOP-DWI PROGRAM; and

WHEREAS, this program in coordination with the County, Towns, Cities & Villages is an effort to reduce alcohol-related traffic injuries and fatalities; and

WHEREAS, the Town of Eden has applied to the Erie County STOP-DWI Coordinator for the funding of certain alcohol traffic safety law enforcement activities for the period January 1, 2005 to December 31, 2007;

NOW, THEREFORE BE IT RESOLVED that the Town of Eden enter into the mutually agreed upon contract between the County of Erie and the Town of Eden for the 2005-2007 STOP-DWI PROGRAM.

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

9. **Recommendation – New Police Car**

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Councilwoman Pew read correspondence from Patrick Howard, Chief of Police regarding the purchase of a new police car. After much discussion it was agreed to table this item to be reviewed and discussed at a future Town Board meeting.

Supervisor's Report:

- Association of County Government meeting at O'Brien's Pub on August 26, 2006
- Eden Valley Bridge work completed
- A session to be held with Steve Walters, Hamburg Supervisor and Mary Travers-Murphy, Orchard Park Supervisor regarding reduced fees for neighboring town residents at the Hamburg Golf Course

Hearing of Visitors:

There were none.

Adjournment:

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:00 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 11:00 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk