

---

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
SEPTEMBER 13, 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 August 16, 2006; there were none.

**MOTION** was made by Councilman Vacco to approve the Town Board Minutes of August 16, 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 August 23, 2006; there were none.

**MOTION** was made by Councilman Krycia to approve the Town Board Minutes of August 23, 2006 as presented; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Petitions:**

There were none.

**Budget Transfers:**

Supervisor Nellis read the following “Budget Transfers” from Account D2770 to D5110.4 for Pipe Permits #10-#13 in the amount of \$4,401.10 and from Account D5130.2 to D5130.4 to pay bills in the amount of \$9,563.90.

**MOTION** was made by Councilwoman Pew to approve the “Budget Transfers” 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. A change in the “Recreation Fund”, Voucher #156, in the amount of \$127.69, for a total of \$18,951.58.

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	502-566	\$36,710.83
Highway Dept. Fund	247-278	\$82,097.74
Fire Dept. Fund	186-200	\$7,955.19

Recreation Dept. Fund	136-156	\$18,951.58
Refuse and Garbage Fund	18-20	\$43,366.27
Street Lights Fund	20-22	\$4,162.06
Water Fund	21-24	\$6,821.91
Trust & Agency Fund	--	--
Capital Fund	6	\$10,465.00
Community Development	--	--

**MOTION** was made by Councilwoman Pew to approve the Audit of Bills as presented, with the above change noted; seconded by Councilman Vacco; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

### **Departmental Reports:**

Department reports for the month of August, 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.

Kevin Schoenthal, East Eden Fire Chief requested the Town Board remove Carl Robinson and Heidi Schreiber from the East Eden active roster.

**MOTION** was made by Councilwoman Pew to remove Carl Robinson and Heidi Schreiber from the East Eden active roster; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Kevin Schoenthal, East Eden Fire Chief read the following memo to the Town Board:  
 “On Monday, September 11, 2006 the East Eden Fire Department responded to a mutual fire with the Eden Fire Department. At this incident our engine #3 primer pump malfunctioned and burned both the motor and the pump. This motor is used to assist with drafting from remote water resources. At this time it is not in operation. William Shoemaker Associates has one of these primer pumps/motor in stock, at a cost of \$948.50. We would only need to purchase the part as our Captain Roy Armbruster has removed the old one and has stated that he can reinstall the new one. As you know our Engine #4 is still out of service pending notification from RD Murray for when the part will be in which we estimate the end of this week or beginning of next. Thanks for your assistance in this matter.”

**MOTION** was made by Councilwoman Pew to authorize the purchase of a new 12-Volt Motor with Primer Pump Assembly Attached Complete at a total cost of \$948.50 by the East Eden Fire Department for Engine #3; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Susan Brass, Recreation Director reported that the parking lot at Swartz Field has been completed and the entrance/parking area at Gorcica has been improved. She publicly thanked Ron Maggs and the Highway Department for all their help and assistance and Supervisor Nellis added his thanks as well as the entire Town Board.

**New and Unfinished Business:**

**1. Schedule Public Hearing for “Restore New York” Grant Proposal – September 27<sup>th</sup>.**

Supervisor Nellis requested the Town Board to set a Public Hearing for September 27, 2006 at 8:00 P.M. for the purpose of considering improvement suggestions for the Eden Industrial Park site located at 8800 South Main Street for a “Restore New York” Grant Application for all interested parties to attend and be heard.

Andrew Reilly, Town Engineer stated that a grant is available with the application due Friday, September 15, 2006. The cost to the Town of Eden is the \$250.00 application fee. The County would pay for the improvement design. The Eden Highway Department will be asked to do the construction inspection as in-kind service.

David Cole, Eden Fire Chief requested an opportunity for input regarding the placement of fire hydrants.

**MOTION** was made by Councilman Krycia to set the Public Hearing for September 27, 2006 at 8:00 P.M. for “Restore New York” grant proposal; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**2. Schedule Public Haring for suggested uses Community Development Block Grant – October 11<sup>th</sup>.**

Supervisor Nellis requested the Town Board schedule a Public Hearing for October 11, 2006 at 8:00 P.M. for the purpose of obtaining suggestions for the annual Community Development Block Grant. Up to \$90,000.00 is available for low/moderate income areas in the Town of Eden. Last year a grant was received for sidewalk repair and the municipal parking lot.

**MOTION** was made by Councilman Ventry to schedule a Public Hearing for October 11, 2006 at 8:00 P.M. to consider suggestions for the Community Development Block Grant; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**3. Review and Approval of Final Change Order – Violet Street Pump Station**

Stephen Waldvogel, CRA Infrastructure & Engineering, Inc. stated that a change order within the original project cost for the final construction for STC Construction, Inc. relative to 3 (three) items, the interconnection on Hammond Drive, the final beautification at the site and for disinfections and testing of the water lines at the site. The total cost of the change order is \$30,904.00. With the approval of this change order, the finalization of the document to Rural Development will be complete.

**MOTION** was made by Councilman Vacco to approve the final change order for the Violet Street Pump Station in the amount of \$30,904.00; seconded by Councilman Krycia; “Ayes”; Nellis, Krycia, Vacco, Ventry; Opposed? – Pew; Abstain? – None; Motion carried.

William Trask, Town Attorney read the following resolution:

**WHEREAS**, the Town of Eden has previously undertaken the construction of the Violet Street Pump Station as a substantial improvement to water service within the Town of Eden, and

**WHEREAS**, on or about June 9, 2004, the Eden Town Board adopted a Bond Resolution relative to said project, and

**WHEREAS**, the new pump station facility will be operated by the Erie County Water Authority, a N.Y.S. certified operator, and

**WHEREAS**, on September 13, 2006, the Engineers for the Town of Eden on said project, CRA Infrastructure & Engineering, Inc. issued Certificates of Substantial Completion for both the General Contract (Contract No. 10-PG) and the Electrical Contract (Contract No. 10-PE) portions of the project,

**NOW, THEREFORE IT IS HEREBY RESOLVED**, that the Eden Town Board, on recommendation of its project engineer, CRA Infrastructure & Engineering, Inc., does hereby accept these portions of the project as substantially completed, and it is further

**RESOLVED**, that Supervisor Glenn R. Nellis is hereby authorized to execute all change orders, amendments, and all other documents necessary to close on the financing from USDA Rural Development for this project.

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

4. **Review and Approval of Amendment to Engineering Contract – Violet Street Pump Station.**

Stephen Waldvogel, CRA Infrastructure & Engineering, Inc. referred to a letter dated September 7, 2006 to Supervisor Nellis from Bryan T. Smith, P.E., CRA Infrastructure & Engineering, Inc. regarding the Violet Street Pump Station Engineering Services Agreements for the Extension of Construction Administration and Resident Inspection Services. CRA is committed to completing the project within the original approved project budget of \$578,000 and the requested construction related amendment is projected within the original budget. The specific construction related services of the Engineering Agreement that they requested the town to consider amending include:

- Resident Inspection Services:

Resident inspection fees were originally estimated based on 5 man-months of inspection (based on 40 hours per week). In actuality, the level of inspection effort provided has exceeded the original estimate. Therefore, we are requesting that the Town Board approve an increase in the upset limit for inspection services of \$19,800.

▪ Construction Administrative Services:

Construction administration services were also estimated on a 5-month schedule. Our construction manager is working diligently to mitigate administrative increases and will make every effort to close out the project at the lowest cost possible. We are requesting an increase in the upset limit for construction administration of \$1,375.

After much discussion, the following motion was offered:

**MOTION** was made by Councilman Vacco to approve the amendment to the engineering contract in the amount of \$21,175. for resident inspection services and construction administrative services; seconded by Councilman Ventry; “Ayes”; Nellis, Krycia, Vacco, Ventry; Opposed? – Pew; Abstain? – None; Motion carried.

5. **Request to Renew Liquor License from Katherine’s Restaurant – Informational.**

Supervisor Nellis read correspondence from Katherine Ochal, Owner of Katherine’s Restaurant, which is informational only.

6. **Bid Results – New Police Car**

Supervisor Nellis read the bid results for the New 2007 Four-door SUV 4x4 Police Vehicle with V8 engine. The following bids were received:

West Herr Ford	\$27,058. – less trade in \$6,800 = \$20,258.
DeLacy Ford	\$28,278. – less trade in \$6,100 = \$22,178.

Patrick Howard, Chief of Police recommended to the Town Board to accept the low bid from West Herr Ford at \$20,258.

**MOTION** was made by Councilman Vacco to accept the bid from West Herr Ford for the purchase of a New 2007 four-door SUV 4x4 Police Vehicle with V8 engine at a cost of \$20,258.; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

7. **Correspondence on Need for sidewalk on East Church Street**

Supervisor Nellis read correspondence from Roger Tredo regarding the dire need for a sidewalk on East Church Street illustrated by the fatality of a 35-year old woman. Supervisor Nellis stated that he has met with County Legislator Reynolds regarding the possibility of a walking path that would be available to bikers and walkers as well.

8. **Request for Modifying Speed Limit on Bauer Road**

Supervisor Nellis read correspondence from Herbert Stocksclaeder requesting to have a dangerous condition modified on Bauer Road to lower the speed limit. Supervisor Nellis also received a call from a 60-year resident expressing opposition to the modification. This information has been shared with County personnel and a formal motion must be submitted to the NYS Department of Transportation.

**MOTION** was made by Councilman Krycia to forward the request to modify the speed limit on Bauer Road to NYS Department of Transportation; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

9. **Correspondence from People, Inc., Re: Individual Residential Alternative (Group Home) at 8855 Woodside Drive (Informational)**

Supervisor Nellis read correspondence received on August 22, 2006 from James M. Boles, President & CEO of People, Inc. as provided in Section 41.34 of the Mental Health Hygiene Law, regarding interest and intent of People Inc., to establish an Individual Residential Alternative (IRA) for developmentally disabled adults in the Town of Eden, specifically a home at 8855 Woodside Drive that would be suitable for use as a group home. Supervisor Nellis reported that a public meeting will be held at the Eden Town Hall on Monday, September 25, 2006 at 7:00 P.M. Supervisor Nellis stated that the Town of Eden has a very limited role in this decision.

Frank Novak, 8797 Woodside requested a copy of the fact sheet and asked if there is a State Law that pre-empts the Mental Health Hygiene Law. Attorney Trask explained the Mental Health Hygiene Law and suggested that Mr. Novak attend the public meeting and address his concerns at that time.

10. **Correspondence from Erie County Water Authority on Standard Specifications for Lease Managed Projects (Informational)**

Supervisor Nellis read correspondence from Wesley C. Dust, P.E. for the Erie County Water Authority regarding revised standard specifications and details. All projects currently under construction shall comply with the previous Water Authority standards. All other projects are to comply with the current updated standards. Copies of the changes are available on request at the Supervisor’s office.

11. **Proposed Local Law – Administration and Enforcement of the NYS Uniform Fire Prevention and Building Code.**

Supervisor Nellis stated that the New 19NYCRR Part 1203, adopted by the State

and to become effective January 1, 2007. Attorney Trask stated that a 16-page document has been received from Scott Henry, Code Enforcement Officer, which will require review by the Town Board and then a Public Hearing to consider the Local Law with the changes. Attorney Trask suggested a 30-day review of the document before setting a Public Hearing.

**12. Recent Grants awarded to Eden - \$571,000 – Southtowns Water Project (Eden Lead Agency) and \$24,000 – State Quality Communities Program – Southtowns Community Enhancement Coalition.**

Supervisor Nellis read correspondence from Christopher Jacobs, Secretary of State regarding the 2005-2006 Shared Municipal Services Incentive Grant Program for the Southwest Erie County Regional Water Project. An application to the Department of State for funding under the Shared Municipal Services Incentive Grant Program was submitted and the application was successful. Southwest Erie County Regional Water Project will receive funding in the amount of \$571,000. The next step is to prepare a contract. A Department of State colleague from the Division of Local Government will contact the Supervisor's office to make arrangements to develop and sign this document.

Supervisor Nellis also stated that a grant in the amount of \$24,000. has been received for the Southtowns Community Enhancement Coalition, with the Town of Evans the Lead Agency. This grant will be used to finalize a study done by the Coalition on tourism development.

**13. Authorization to sign agreement – Eden Emergency Squad**

Attorney Trask stated that the Town Board gives Supervisor Nellis authority to Execute Agency Pilot Re-Certification Training Agreement between Professional Education Consultants PEC and the Town of Eden on behalf of the Eden Emergency Squad. Essentially they are going to provide some certification to our EMS members and the cost is set at \$10.00 per hour per participant. This training agreement was initiated by Paul Shephard, Director, Eden Emergency Squad and Scott Hultquist, Eden Emergency Squad ILS Captain, to allow the members of the emergency squad an opportunity to update their certifications at a central source and they are very keen on getting this into place.

**MOTION** was made by Councilwoman Pew to authorize Supervisor Nellis to sign the above-mentioned agreement; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**14. SEQR – Eden Industrial Park**

Supervisor Nellis read the following resolution:

**WHEREAS**, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQR) of the Environmental Conservation Law, the Eden Town Board has reviewed the proposed construction of an industrial access road and associated appurtenances for the "old" Crescent Industries site, and



**WHEREAS,** the design consultants working with Erie County and Town representatives have completed a design of this road and received input on the required permits for the project, and

**WHEREAS,** the proposed access road and associated appurtenances will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public, and is consistent with social and economic considerations.

**NOW, THEREFORE, BE IT RESOLVED,** that the Town of Eden has determined that the proposed access road is not anticipated to result in any significant effect on the environment, and that a Negative Declaration (Notice of Determination of Non-Significance) is hereby issued, based on the following reasons:

1. The project is in accordance with the Town's adopted Comprehensive Plan, which calls for improvements in this area to assist with future industrial development and retention of existing businesses.
2. The project is an improvement to an existing driveway to the "old" Crescent Manufacturing building, and will result in only minor impacts to the presently "disturbed" site.
3. The improvements associated with the road meet permitting requirements of various local and State agencies, and will result in an improvement to the sewer system.
4. Any future development projects in this area will be subject to Site Plan review and the SEQR process.

**BE IT FURTHER RESOLVED,** that the Supervisor be authorized to sign the Environmental Assessment Form.

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

**Supervisor's Report:**

- Bus service is up and running with schedules available at the Town Hall.
- Formal audit has been received and on file in the Town Clerk's office for review.
  - Budget sessions are occurring at this time.

**Hearing of Visitors:**

Herbert Stocksclaeder, 2497 Bauer Road  
Wilbert Smutz, 3094 East Church Street  
Ruth Szalasny, 3048 Belknap Road  
Bob Stickney, 2718 Lourdes Drive  
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 Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:10 P.M.

**Executive Session:**

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 10:15 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk