

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
OCTOBER 11, 2006  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

GLENN R. NELLIS	-	SUPERVISOR (Absent)
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
Andrew J. Breier	-	Asst. East Eden Fire Chief
Susan Brass	-	Recreation Director

**OTHERS PRESENT:**

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk
Anna M. Knack	-	Administrative Assistant

**Call to Order:**

Deputy Supervisor Pew called the Regular Meeting of the Eden Town Board to order at 7:30 P.M.

**Pledge of Allegiance:**

Deputy Supervisor Pew led the assembly in the Pledge of Allegiance to the flag followed by a moment of silence.

**Approval of Minutes:**

Deputy Supervisor Pew asked if there were any additions or corrections to the Town Board Minutes of September 13, 2006; there were none.

**MOTION** was made by Councilman Vacco to approve the Town Board Minutes of September 13, 2006 as presented; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Deputy Supervisor Pew asked if there were any additions or corrections to the Town Board Minutes of September 27, 2006; there were none.

**MOTION** was made by Councilman Vacco to approve the Town Board Minutes of September 27, 2006 as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Petitions:**

There were none.

**Budget Transfers:**

Deputy Supervisor Pew read the following “Budget Transfers” from Account D2770 to D5110.4 for payment from recreation for chipping parking lot at Swartz field in the amount of \$6,160.50 and from Account D2770 to D5110.4 for payment from recreation for grading and supplying stone for Gorcica Field driveway/lot in the amount of \$5,979.86.

**MOTION** was made by Councilman Vacco 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:**

Deputy Supervisor Pew 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	567-624	\$61,365.74
Highway Dept. Fund	279-306	\$75,509.32
Fire Dept. Fund	301-323	\$11,454.97
Recreation Dept. Fund	157-168	\$8,285.64
Refuse and Garbage Fund	21	\$43,199.52

Street Lights Fund	23-24	\$3,750.70
Water Fund	25	\$5,055.47
Trust & Agency Fund	--	--
Capital Fund	7-12	\$88,457.84
Community Development	--	--

**MOTION** was made by Councilman Ventry 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 September 2006 were presented by David Cole, Eden Fire Chief; Andrew Breier, Assistant Fire Chief for 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; Susan Brass, Recreation Director; All reports are on file in the Town Clerk’s office.

David A. Cole, Eden Fire Chief reported on the following quotes received for new garage doors for the Eden Fire Hall, as requested by Supervisor Nellis:

Hamburg Overhead Door	\$16,146.00
Wayne Door	\$17,500.00
Lighthart Garage Door Sales	\$17,995.00

After much discussion it was decided to offer the following motion:

**MOTION** was made by Councilman Krycia to select the low quote from Hamburg Overhead Door in the amount of \$16,146.00; seconded by Councilman Ventry.

Discussion: Attorney Trask stated that all quotes exceed the competitive bidding limit of \$10,000.00 and the usual bidding process needs to be followed. Specifications will be drawn up and a “Bid Opening” will be scheduled in the future.

The Motion was withdrawn.

David A. Cole, Eden Fire Chief updated the Town Board on the situation of the Town of Hamburg 911 Dispatch Center and a final decision will be made on November 6, 2006. The Eden Fire Department will be canvassing the area door-to-door the weekends of October 14 and 21, 2006.

Andrew J. Breier, Assistant Fire Chief for East Eden Fire Department reported on October 28, 2006 at 1:00 P.M. the East Eden Fire Department would hold its annual Halloween and Fire Prevention Day.

**New and Unfinished Business:**

1. **Introduction of Preliminary Budget – Scheduling of Public Hearing**

- Deputy Supervisor Pew stated that the Preliminary Budget had been prepared with the following summary:

General Fund	\$	2.03
Highway Fund	\$	3.21
Light Fund	\$	.16
Fire Fund	\$	.76
Refuse		\$173.00

The overall tax increase is \$.11 per thousand. It was also noted that there would be no increase in pay for Elected Officials, but all other town employees will receive a 3% increase. Deputy Supervisor Pew requested the Town Board to set a Public Hearing for November 8, 2006 at 8:00 P.M. for the Preliminary Budget and that copies would be available in the Town Clerk’s office for review prior to the Public Hearing.

**MOTION** was made by Councilwoman Pew to schedule the Public Hearing for the Preliminary Budget for November 8, 2006 at 8:00 P.M.; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

2. **Approval of Resolution supporting Rural Transit Service, Inc. – Van Program**

- Deputy Supervisor Pew read a resolution authorizing the Town of Eden to apply for funding to support the Rural Transit Service, Inc. Van Program for the years 2007-2008.

**MOTION** was made by Councilman Vacco to authorize the Town of Eden to apply for funding to support the Rural Transit Service Van Program for the years 2007-2008; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3. **Schedule public hearing – Proposed Local Law for the Administration and Enforcement of the NYS Uniform Fire Prevention and Building Code**

- Deputy Supervisor Pew stated that copies of the Proposed Local Law have been

made available to Town Board members, Planning Board members and the Code Review Committee for their review. At this time, a public hearing should be set to discuss the changes.

**MOTION** was made by Councilwoman Pew to set a Public Hearing for Proposed Local Law for the Administration and Enforcement of the NYS Uniform Fire Prevention and Building Code on November 8, 2006 at 8:30 P.M.; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Discussion: Attorney Trask suggested that any comments that any Town Board members or Planning Board members have should be e-mailed to him prior to the meeting. The final draft of the Proposed Local Law needs to be available to the public prior to the public hearing.

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

Deputy Supervisor Pew 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 “Project suggestions for Community Development Block Grant Application”; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

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

**8:00 P.M.**

**Public Hearing**

**Project suggestions for Community Development Block Grant Application**

Deputy Supervisor Pew explained the purpose of the public hearing is to listen to any concerns or questions that citizens have. Deputy Supervisor Pew stated that up to \$90,000.00 is available and previous projects have included sidewalks/parking lots in areas in the Town of Eden that fall within the income limitations.

The following persons spoke:

Ron Maggs, 2168 Hemlock Road suggested upgrading water lines along Route 62 and/or improvements in sidewalks.

Mike Bolo, 9998 Clarksburg Road suggested a walking/bike path in light of the recent fatality.

All persons desiring to be heard, having been heard, Deputy Supervisor Pew closed the Public Hearing at 8:07 P.M.

**MOTION** was made by Councilman Krycia to close the Public Hearing; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**MOTION** was made by Councilman Krycia to open the Regular Meeting of the Eden Town Board; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4. **Resolution in Support of Shared Municipal Incentive Program Grant Proposal (Evans Lead Agency) as part of the Southtowns Coalition**

- Councilman Krycia read the following resolution:

**SHARED MUNICIPAL SERVICES INCENTIVE GRANT PROGRAM**

**WHEREAS,** the communities in Southwestern Erie County realize the need to identify and promote the various resources and assets of the area; and

**WHEREAS,** the Towns of Eden, Brant, Evans and North Collins as well as the Villages of Angola, North Collins and Farnham have come together to form the Southtowns Community Enhancement Coalition; and

**WHEREAS,** the seven communities have expressed a willingness to promote tourism through Inter-municipal initiatives to enhance the environment, economic prosperity and community well being of these municipalities; and

**WHEREAS,** the Southtowns Community Enhancement Coalition is in the process of completing a Southtowns Tourism Development Plan, which includes an inventory of their collective assets for tourism development and a Tourism Strategy to promote tourism assets, economic prosperity and sustainable community growth; and

**WHEREAS,** the seven communities have reached a critical juncture in this project and desire to formalize their relationship by incorporation and application to the IRS for tax exemption status under section 501 C 3; and

**WHEREAS**, incorporation and registration as a not-for-profit entity will allow the Southtowns Community Enhancement Coalition to advance Inter-municipal, public, private and not-for-profit partnerships, which will support the implementation of the Southtowns Tourism Development Plan;

**NOW, BE IT RESOLVED** that Glenn R. Nellis, Supervisor of the Town of Eden is hereby authorized and directed to support an application filed by the Town of Evans on our behalf to the 2006-07 New York State Department of State – Shared Municipal Services Incentive Grant Program to obtain financial assistance, not to exceed \$30,000 (local cash match of \$3,000), to develop the Southtowns Community Enhancement Coalition Incorporation – an organization responsible for planning and implementation of strategies which will enhance the environment, economic prosperity and community well being of the Town of Eden and upon approval of said grant request, will enter into an agreement with New York State as well as the collaborating communities to begin the process of incorporating the Southtowns Community Enhancement Coalition; and

**BE IT FURTHER RESOLVED** that this Town Board endorses the commitment of the communities identified in this resolution to continue to meet on a regular basis for the purpose of discussing other ways that we can work together for the betterment of our shared region.

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

5. **Resolution in support of Shared Municipal Incentive Program Grant (Boston Lead Agency) as part of joint Municipal Highway equipment request**

- Councilman Vacco read the following resolution:

**TOWN OF EDEN  
SHARED MUNICIPAL SERVICES INCENTIVE GRANT RESOLUTION  
FOR SHARED HIGHWAY SERVICES INCENTIVE AWARD**

**WHEREAS**, the Town of Eden, in collaboration with the Towns of Boston, Colden, Collins, Concord and North Collins seeks grant monies in an amount not to exceed \$700,000 to purchase highway equipment that will be jointly owned by the six municipalities;

**WHEREAS,** the Town of Eden, in collaboration with the Towns of Boston, Colden, Collins, Concord and North Collins, seeks to jointly purchase the following equipment: a skid steer, paver, street sweeper, excavator and trailer;

**WHEREAS,** the Town of Eden and its partners, the Towns of Boston, Colden, Collins, Concord and North Collins, are committed to reducing the cost of municipal services, while remaining committed to providing existing levels of highway services in all six municipalities;

**WHEREAS,** the Town of Eden and its partners, the Towns of Boston, Colden, Collins, Concord and North Collins, are seeking capital funds to make the purchase of this equipment and agree to share the cost, maintenance and use of expensive, specialized highway equipment to achieve municipal cost savings and property tax relief;

**WHEREAS,** the Town of Eden and its partners, the Towns of Boston, Colden, Collins, Concord and North Collins, will enter into an inter-municipal agreement upon announcement of a grant award for agreed upon procedures for the use, maintenance and storage of the shared equipment;

**WHEREAS,** the Town of Eden and its partners, the Towns of Boston, Colden, Collins, Concord and North Collins, will share in the decision-making processes related to the purchase, maintenance and usage schedule for the said equipment;

**WHEREAS,** the Town of Eden supports the creation of joint highway equipment purchases because the Town of Eden could not afford to make these purchases independently;

**WHEREAS,** the Town of Boston will serve as the lead agency for the purposes of securing and administering this grant; and

**WHEREAS,** the Towns of Boston, Colden, Collins, Concord, Eden and North Collins, will each contribute equal amounts of cash funds to provide the 10% cash match required by this grant program in this category, in an amount not to exceed \$12,000 from the Highway Equipment Account;

**NOW, THEREFORE BE IT RESOLVED** that the Eden Town Board authorizes Town Supervisor William Eagan as the Lead Applicant Contact Person to represent the Town of Eden in this program and execute all financial and administrative processes related to the 2006-2007 Shared Municipal Services Incentive Grant with



the Towns of Boston, Colden, Collins, Concord, Eden and North Collins and New York State Department of State to purchase jointly owned highway equipment.

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

Deputy Supervisor Pew requested a brief executive session at 8:16 P.M.

**MOTION** was made by Councilman Vacco to adjourn for a brief executive session at 8:16 P.M.; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**MOTION** was made by Councilman Krycia to return to the Regular Meeting of the Eden Town Board at 8:32 P.M.; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6. **Public Notice – Erie County Ag. District**

- Deputy Supervisor Pew read the following Public Notice:

30-Day Open Enrollment Period  
for inclusion into an  
Erie County Agricultural District

The Legislature of the County of Erie, State of New York has designated November 1 to November 30 as the annual thirty-day time period within which a land owner may request predominantly viable agricultural land for inclusion to a certified agricultural district in accordance with Sec. 303-b of NYS Agricultural and Markets Law.

Land owners may obtain a copy of a form to be filled out accordingly at their Town Clerk’s office or through Planner John S. Opalka, Erie County Department of Environment and Planning, 95 Franklin Street, Buffalo, New York 14202 or by calling 858-6229.

**NOTE:** Attorney Trask asked that the Town Board authorizes Supervisor Nellis, Ron Maggs, Highway Superintendent and Attorney Trask to execute a stipulation, which has been drawn up regarding disciplinary action to be taken against a highway department employee in accordance with a report that was given to the Town Board in executive session.

**MOTION** was made by Councilman Vacco authorizing Supervisor Nellis, Ron Maggs, Highway Superintendent and Attorney Trask to sign the stipulation; seconded by Councilman Krycia; “Ayes”; Pew, Krycia, Vacco; Opposed? – Ventry; Abstain? – None; Motion carried.

**Supervisor’s Report:**

No report given.

**Hearing of Visitors:**

There were none.

**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.

Deputy Supervisor Pew adjourned the Regular Meeting of the Eden Town Board at 8:35 P.M.

**Executive Session:**

Deputy Supervisor Pew adjourned the Executive Session of the Eden Town Board Meeting at 9:30 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk