

## MINUTES

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
NOVEMBER 8, 2006  
7:30 P.M.**

### **TOWN BOARD MEMBERS PRESENT:**

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN ( <i>Arrived at 7:40 p.m.</i> )
EDWARD KRYCIA, JR	-	COUNCILMAN
VINCENT V. VACCO	-	COUNCILMAN
RICHARD S. VENTRY	-	COUNCILMAN ( <i>Absent</i> )

### **DEPARTMENT HEADS PRESENT:**

Andrew C. Reilly of Wendel	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Patrick M. Howard	-	Chief of Police
Scott Hultquist	-	Eden Emergency Squad
David A. Cole	-	Eden Fire Chief
Rick Kirst	-	East Eden Fire Chief
Robert Pietrocarlo	-	Chairman Board of Assessors
Scott Henry	-	Zoning Code Enforcement Officer

### **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 October 11, 2006; there were none.

**MOTION** was made by Councilman Vacco to approve the Town Board Minutes of October 11, 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 October 25, 2006; there were none.

**MOTION** was made by Councilman Krycia to approve the Town Board Minutes of October 25, 2006 as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Petitions:**

There were none.

**Budget Transfers:**

Supervisor Nellis read the following “Budget Transfer” from Account SR8787 to SR8160.4 for the increase in Cost of Garbage Service in the amount of \$117,000.00.

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

Supervisor Nellis read the following “Highway Budget Transfers” from Account D2770 to D5110.4 for pipe permits 14-15 in the amount of \$651.20; Account D5110.1 to D5110.4 from payroll for materials in the amount of \$4,382.18; from Account D5120.2 to D5110.4 for summer materials in the amount of \$5,000.00; and from Account D5120.4 to D5130.4 for equipment maintenance in the amount of \$5,000.00.

**MOTION** was made by Councilman Krycia to approve the “Highway 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
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General Fund	625-704	\$50,110.83
Highway Dept. Fund	307-329	\$18,288.88
Fire Dept. Fund	324-350	\$14,821.50
Recreation Dept. Fund	169-181	\$3,098.86
Refuse and Garbage Fund	22-24	44,234.99
Street Lights Fund	25-28	\$5,591.34
Water Fund	26-28	\$5,530.11
Trust & Agency Fund	--	--
Capital Fund	--	--
Community Development	--	--

**MOTION** was made by Councilman Vacco 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 October 2006 were presented by Scott Hultquist Eden Emergency Squad; David Cole, Eden Fire Chief; Rick Kirst, 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; Supervisor Nellis for Susan Brass, Recreation Director; Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Rick Kirst, representing East Eden Fire Hall requested the Town Board remove Joe Hoelscher from the active roster of the East Eden Fire Department and reinstate Marie Armstrong to the active roster of the East Eden Fire Department and to the Town of Eden insurance.

**MOTION** was made by Councilwoman Pew to remove Joe Hoelscher from the active roster and reinstate Marie Armstrong to the East Eden Fire Department and Town of Eden insurance; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

David A. Cole, Eden Fire Chief reported that the Town of Hamburg 911 Dispatch Center had passed the budget. Mr. Cole also reported that the Eden Fire Department responded during the October 13<sup>th</sup> storm on October 13<sup>th</sup> to the Town of Hamburg, October 14<sup>th</sup> to Newton Abbott Fire Company and October 18<sup>th</sup> through the Erie County Mutual Aid Plan to Depew for coverage.

Ron Maggs, Highway Superintendent requested the Town Board approve the following resolution:

**BE IT RESOLVED** that the Eden Town Board hereby agrees to enter into a mutual agreement with the Town of North Collins, whereby the Town of North Collins Highway Department will plow Clarksburg Road from the North Collins Town Line to the Eighteen Mile Creek Bridge. In exchange, the Eden Town Highway Department will plow the lower section of Belcher Road and Rocky Mountain Road.

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

**New and Unfinished Business:**

1. **Planning Board Recommendation – Request for Special Use Permit – Dog Kennel at 8797 E. Eden Road**

- Supervisor Nellis read correspondence from Mark Agle, Chairman of Eden Planning Board regarding the request for the Special Use Permit for proposed Dog Kennel at 8797 East Eden Road, which states that upon review of the information submitted by Mr. James Gorecki as to the proposed dog kennel/grooming facility, the Planning Board has determined that the lot in question does not have sufficient frontage to accommodate such use as submitted. Therefore, it is the recommendation of the Planning Board at this time NOT to consider the issuance of a Special Use Permit.

Note, however, that this property does widen substantially as it extends back some 35+ acres. It has been confirmed that Mr. Gorecki will in fact be submitting new plans for the next Planning Board Meeting placing the kennel/grooming facilities farther back on the lot.

The Town Board took no action until further review of the Planning Board.

2. **Correspondence from NYSDOT, Re: Lowering of Speed Limit of Eden Evans Center Road**

- Supervisor Nellis read correspondence from James J. Barnack, Regional Transportation System Operations Engineer regarding a reduced speed limit on Eden-Evans Center Road in the Town of Eden, which states based on the data collected and their speed zone evaluation criteria, a 45 MPH speed limit will be established for

Eden-Evans Center Road from Town Line Road to Derby Road. All signs necessary to post the speed zone shall be erected by Erie County.

**MOTION** was made by Councilwoman Pew to close the Regular Meeting of the Eden Town Board; seconded by Councilman Krycia; 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 Councilwoman Pew to open the Public Hearing for the Town of Eden Proposed Budget for the year 2007; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

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

**PUBLIC HEARING  
8:00 P.M.**

**The purpose of the Public Hearing is to review the Proposed Budget of the Town of Eden for the year 2007. The proposed tax rates for 2007 are:**

<b>General</b>	-	<b>\$2.03 per thousand</b>
<b>Highway</b>	-	<b>\$3.21 per thousand</b>
<b>Light</b>	-	<b>\$ .16 per thousand</b>
<b>Fire</b>	-	<b><u>\$.76 per thousand</u></b>
<b>Total</b>	-	<b>\$6.16 per thousand</b>

**Net increase of \$0.11, a home assessed at \$100,000 would show a net increase of \$11.00 on their tax bill for the above items.**

**The Garbage rate for 2007 is \$173.00 per unit, up from \$121.00 in 2006.**

Supervisor Nellis stated that copies of the Proposed 2007 Budget had been made available in the Town Clerk’s office and at the meeting tonight.

Supervisor Nellis then opened up the Public Hearing to residents present for their questions or concerns.

The following residents made comments regarding the proposed budget:

Wilbert Smutz, 3094 East Church Street questioned the reserve fund balance. Supervisor Nellis/Ann Knack stated that 12-14% of the total budget is recommended by the State Comptroller and that the Town of Eden fund balance was currently within that range.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:05 P.M.

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

### 3. Approval of Adult Recreation Winter Program Supervisors

- Councilman Vacco read the recommendations from Susan Brass, Recreation Director for the Approval of Adult Winter Program Supervisors for the following staff appointments:

Don Williams of 9151 Jennings Road as Adult Volleyball Supervisor at a pay rate of \$8.50 per hour; Danielle DeCarlo of Eden as Adult Swimming Supervisor at a pay rate of \$10.00 per hour; Andrew Gorcica of Eden as Adult Swimming Supervisor at a pay rate of \$10.00 per hour; Andrew as Assistant Swim Coach of the Eden Dolphins Swim Club at a pay rate of \$8.00 per hour; Chris Nellis of Eden as Head Swim Coach of the Eden Dolphins Swim Club at a pay rate of \$17.00 per hour; Karin Michel of Hamburg as Assistant Swim Coach of the Eden Dolphins Swim Club at a pay rate of \$14.00 per hour; Rachel Phillips of Eden as Assistant Swim Coach of the Eden Dolphin Swim Club at a pay rate of \$8.00 per hour; Bill McDonagh of Hamburg as Assistant Swim Coach of the Eden Dolphin Swim Club at a pay rate of \$15.00 per hour; Nick Sam of Eden as Adult Basketball Supervisor at a pay rate of \$8.50 per hour and Chris Miller of Eden as Assistant Swim Club Coach of the Eden Dolphin Swim Club at a pay rate of \$8.00 per hour.

**MOTION** was made by Councilman Vacco to approve the appointments as presented by Susan Brass, Recreation Director and the Recreation Board and that the Dolphin Swim Club Coaches appointments be made retroactive to September 25, 2006; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4. **Proposed New Auditors for Town of Eden – Drescher & Malecki**

- Supervisor Nellis read correspondence from Wayne W. Drescher, Partner Regarding the opportunity to provide professional audit services to the Town of Eden. The Certified Public Accountants from Drescher & Malecki, LLP are proposing to perform audit services for the fiscal year ending December 31, 2006 for \$15,500.00. After much discussion the Town Board offered the following motion.

**MOTION** was made by Supervisor Nellis to approve the proposal from Drescher & Malecki, LLP to perform audit services for the fiscal year ending December 31, 2006 for \$15,500.00; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5. **Approval of 2007 Town Budget**

- Supervisor Nellis recommended, prior to approval, the following amendments to the Town of Eden Budget for 2007:

Page 1 - Independent Auditing Contractual Expenses from \$13,000. - \$15,500.

Page 2 - Other Public Safety Contractual Expenses from \$1,500. - \$4,000.

Page 4 - Interfund Transfers, to eliminate Buildings Maintenance Reserve in the amount of \$5,000.

**MOTION** was made by Councilman Krycia to approve the 2007 Budget of the Town of Eden with the above-mentioned amendments; seconded by Councilman Vacco; “Ayes”; Nellis, Krycia, Vacco; Opposed? – Pew; Abstain? – None; Motion carried.

6. **Appointment of New Bookkeeper**

- Supervisor Nellis read correspondence from Ann Knack, Administrative Assistant regarding the appointment of the New Bookkeeper, Lisa Winter, full-time, provisional, effective October 30, 2006 with a salary of \$27,000 per year to be pro-rated for the remainder of this year.

**MOTION** was made by Councilwoman Pew to appoint Lisa Winter to the position of full-time Bookkeeper effective October 30, 2006 with a salary of \$27,000 per year to be pro-rated for the remainder of this year; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

7. **Public Notice – Erie County Agricultural District- 30-Day Open Enrollment Period for inclusion into an Ag District**

- Supervisor Nellis 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.

Landowners 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, NY 14202 or by calling 858-6229.

8. **Scheduling of Public Hearing – Renewal of Annual Special Use Permits**

- Supervisor Nellis requested the Town Board to schedule a Public Hearing for the purpose of the Renewal of the Annual Special Use Permits for the following:

- |   |                     |
|---|---------------------|
| 1. Cazenovia Recovery Systems, Inc.             | 6. Pamela Henrich   |
| 2. Sprint Spectrum/Donald Mammoser Brawdy       | 7. Dennis & Joanne  |
| 3. Eden Kinder Care/St. John's Church Winkelman | 8. Schreiber &      |
| 4. Norman & Jean Brenner                        | 9. Richard Minekime |
| 5. Nextel Partners, Inc.                        |                     |

**MOTION** was made by Councilman Krycia to set the Public Hearing for the purpose of the Renewal of Annual Special Use Permits for the above-mentioned for



Wednesday, December 13, 2006 at 8:00 P.M.; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

9. **Violet Street Pump Station – final report**

- Steven Waldvogel, CRA Infrastructure stated that in early October the Rural Development loan was closed and they have accepted the station and the Erie County Water Authority is operating and maintaining the station. The fence has been reconfigured based on the suggestions of the residents in the area and final landscaping will be completed next week.

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

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:30 P.M.

**MOTION** was made by Councilman Vacco to open the Public Hearing for the purpose of Proposed Local Law No. 2-2006 the Administration & Enforcement - NYS Uniform Fire Prevention and Building Code; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis opened the Public Hearing at 8:30 P.M.

**8:30 P.M.**  
**Public Hearing**  
**Proposed Local Law No. 2-2006**  
**Administration & Enforcement –**  
**NYS Uniform Fire Prevention and Building Code**

Supervisor Nellis stated that copies of the proposed Local Law have been available at the Town Clerk’s office prior to the public hearing and available at the meeting tonight and shared with other communities for their comments.

Scott Henry stated that pursuant to state law, the town of Eden is charged with providing, through local law, for the administration and enforcement of the Uniform Code. Existing town of Eden Chapter 110 was modeled after the current “old” 19NYCRR Part 1203. Mr. Henry stated that the existing Town Code Chapter 110 must be revised to incorporate those changes necessary to meet the minimum requirements of, and be consistent with, the new Part 1203 before the end of the year

2006. While the old and new are quite similar, the Town Board should take special note that an increased burden will be placed on the town, and the building department, in order to comply with some of the provisions.

Mr. Henry stated that a new section of the code “Operating permits”, which means that we have to now create an application and log this information into the system and do inspections and issue certificates for specific conditions or circumstances or operations that are already existing in town. Another section relating to fire safety and property maintenance inspections of all multiple dwellings and all nonresidential occupancies not to exceed three year. That is not done at this time.

All the additional provisions will place an increased burden on the town and the building department in order to comply with some of the new provisions. An inspection checklist will be needed to keep accurate records of the new provisions.

Supervisor Nellis read correspondence from Mark Agle, Chairman of the Planning Board with their recommendations, which are:

Section 10. OPERATING PERMITS. The Planning Board recommends the implementation of ALTERNATIVE 1 (e) as printed.

Section 11. FIRE SAFETY & PROPERTY MAINTENANCE INSPECTIONS. The Planning Board recommends that the Town Board seek the input of the Code Enforcement Officer as to this section and that the Planning Board will in fact support the final decision of the Code Enforcement Officer.

Much discussion ensued regarding the consequences if the changes to the program requirements are not adopted by January 1, 2007 and Attorney Trask will be checking into that issue and reporting back to the Town Board.

Supervisor Nellis suggested that all committees and boards review the proposed Local Law and report back to Attorney Trask and Scott Henry, Code Enforcement Officer before the December 13, 2006 Town Board meeting at which time a new “draft” proposed Local Law could be submitted for review.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 9:07 P.M.

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

**Supervisor’s Report:**

Supervisor Nellis stated that the Town has received claim forms for FEMA for any resident with storm-related damage.

**Hearing of Visitors:**

Ruth Szalasny, 3048 Belknap 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 9:07 P.M.

**Executive Session:**

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 10:00 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk