

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
DECEMBER 27, 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:**

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.

**Budget Transfers:**

Supervisor Nellis read the following “Budget Transfer” from Account A1990.4 to A1620.4 for Payables/Utilities in the amount of \$3,500.00, from Account A1990.4 to A1640.4 for Payables/Utilities in the amount of \$3,200.00, from Account A1990.4 to Account A3020.4 for Insurance Recovery in the amount of \$2,885.00, from Account A1990.4 to Account A3120.4 for Police Contractual Payables/Encumbrances in the amount of \$700.00, from Account A1990.4 to Account A8020.4 for Planning Contractual in the amount of \$605.00, from Account A1990.4 to Account A3120.1 for Police Personnel in the amount of \$4,000.00, from Account A909 to Account A3120.1 for Police Personnel in the amount of \$8,000.00, from Account A2680 to A3120.4 for Insurance Recovery Police Car Damage in the amount of \$6,452.15, from Account A8010.4 to A8010.1 for Zoning Chair Stipend in the amount of \$500.00, from Account A9015.8 to A9040.8 for General Workers Compensation in the amount of \$1,805.00, from A9060.8 to A9089.4 for Other Employee Benefits in the amount of \$1,650.00, from Account D9015.8 to D9040.8 for Highway Workers Compensation in the amount of \$6,737.28, from Account D5142.1 to D5110.4 for Drainage Materials in the amount of \$4,500.00, from Account D2770 to

D5110.4 for Payables/Encumbrances in the amount of \$7,967.52, from Account D5142.1 to D5130.4 for Highway Bills in the amount of \$2,500.00, from Account D9060.8 to D9089.4 for Other Employee Benefits in the amount of \$1,400.00, from Account A7140.4 to A7110.4 for Gorcica Encumbrance in the amount of \$910.00, from Account A7140.1 to A7110.4 for Gorcica Encumbrance in the amount of \$1,365.00, from A7150.1 to A7110.4 for Gorcica Encumbrance in the amount of \$1,570.00, from A7150.4 to A7110.4 for Gorcica Encumbrance in the amount of \$4,200.00, from A7310.1 to A7110.4 for Gorcica encumbrance in the amount of \$1,158.00, from Account A7310.4 to A7110.4 for Gorcica encumbrance in the amount of \$311.00, from SF3410.2 to SF3410.4 for Fire Bills/Payables in the amount of \$4,000.00, and from SF3410.2 to SF3410.4 for new fire doors in the amount of \$9,500.00.

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

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**Encumbrances:**

Supervisor Nellis read the following “Encumbrances”:

Description	Department	Account	Amount	Estimated
Office supplies	Town Clerk	A1410.4	\$197.34	
West Herr	Police Dept.Car	A3120.2		\$29,700.00
Sewing Technology	Police Dept. Clothing Allowance	A3120.4	\$164.76	
Eden Collision	Dog Control	A3510.4		\$60.00
Dog Census	Dog Control	A3510.4		\$1,200.00
N.E. Uniforms	Code Enforcement	A3620.4		\$50.00
4 <sup>th</sup> Qtr. Utilities	Library	A7410.4		\$6,000.00
Stabilization	Drainage	A8540.4	\$10,000.00	
Hwy. Bldg. Survey	Highway	D5110.4		\$2,800.00
Yochum Rd. Survey	Highway	D5110.4		\$5,000.00
Gorcica Drive & Parking Lot	Recreation	A7110.4		\$7,375.00

Basketball Court at Legion	Recreation	A7110.4		\$7,639.00
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**MOTION** was made by Councilman Krycia to accept the “Encumbrances” as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**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	782-810	\$42,496.76
Highway Dept. Fund	359-374A	\$25,195.87
Fire Dept. Fund	385-391	\$3,251.10
Recreation Dept. Fund	197-199	\$213.46
Refuse and Garbage Fund	--	--
Street Lights Fund	32	\$29.98
Water Fund	--	--
Trust & Agency Fund	--	--
Capital Fund	--	--
Community Development	--	--

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

**New & Unfinished Business:**

**1. Renewal of Yearly Special Use Permits**

Supervisor Nellis stated that three (3) of the annual Special Use Permits, specifically, Brawdy – Migrant Trailer, Sprint Spectrum – Mammoser – Telecommunications Tower and St. John’s Church/Eden Kindercare will be extended for 60 days to finalize paperwork and review contracts.

**MOTION** was made by Supervisor Nellis to approve the extension of the Special Use Permits for Brawdy-Migrant Trailer, Sprint Spectrum-Mammoser-Telecommunications Tower and St. John’s Church/Eden Kindercare for 60 days to finalize paperwork and review contracts; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

The following Special Use Permits were approved as follows:

1. Norman Brenner Gravel Pit – existing conditions to remain in effect. Owner must keep current a NYS Dept. of Conservation Mining Permit with a copy on file in the Town Clerk’s office.

**MOTION** was made by Councilman Krycia to approve the Special Use Permit for Norman Brenner Gravel Pit; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

2. Cazenovia Recovery Resources – conditions of the 1992 Special Use Permit to remain in effect, also the amendments to those conditions which include maximum capacity not to exceed 21 residents and Cazenovia Recovery will continue to make payment in lieu of taxes to the Town of Eden equal to full value assessment.

**MOTION** was made by Councilman Vacco to approve the Special Use Permit for Cazenovia Recovery Resources; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3. Nextel Partners, Inc. – Tower Co. (new owner) – must keep their Bond current.

**MOTION** was made by Councilman Vacco to approve the Special Use Permit for Tower Co. with the condition of any sale in future to be reported to the Town Board; seconded by Councilman Ventry; “Ayes”; Nellis, Krycia, Vacco, Ventry; Opposed? – None; Abstain? – Pew; Motion carried.

4. Pamela Henrich – Airstrip – must keep all conditions of original permit.

**MOTION** was made by Councilman Krycia to approve the Special Use Permit for Pamela Henrich – Airstrip; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5. Schreiber & Winkelman, Inc. – Self-Storage Facility and Contractors Plaza – must keep all conditions current.

**MOTION** was made by Councilman Krycia to approve the Special Use Permit for Schreiber & Winkelman, Inc. for the Self-Storage Facility and Contractors Plaza; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6. Schreiber & Winkelman, Inc. – Coin-Operated Laundromat – only condition is that they must renew permit every year.

**MOTION** was made by Councilman Krycia to approve the Special Use Permit for Schreiber & Winkelman, Inc. for the Coin-Operated Laundromat; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

7. Richard Minekime – Caretaker unit at 2679 Hemlock Road – must continue with all conditions of original permit.

**MOTION** was made by Councilman Krycia to approve the Special Use Permit for Richard Minekime for the Caretaker Unit at 2679 Hemlock Road; seconded by Councilman Vacco; “Ayes”; Nellis, Krycia, Vacco, Ventry; Opposed? – Pew; Abstain? – None; Motion carried.

**2. Planned Amendment EBS Benefit Program/Retirees**

Supervisor Nellis explained that this would authorize retirees to tap their account without penalty.

**MOTION** was made by Supervisor Nellis to authorize the Planned Amendment to allow retirees to tap their account without penalty; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Supervisor’s Report:**

Supervisor Nellis reported that the Southtowns Community Enhancement Coalition received a grant to continue tourism in the amount of \$25,000.00 as part of a shared municipal incentive program.

**Hearing of Visitors:**

Eric Ohmit, 8616 Woodside Drive, stated that the extension given to St. John’s Church Eden/Kindercare, as explained at the Planning Board meeting held on December 19, 2006, was for the approval of 70 children to bring them into compliance or the permit would be revoked. If it is found that they have an enrollment of 85 children they must apply all over again, with a site-plan, review by Planning Board and a public hearing.

**Adjournment:**

**MOTION** was made by Councilman Krycia 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 8:10 P.M.

**MOTION** was made by Councilman Krycia to open the 2007 Reorganization Meeting of the Eden Town Board; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**REORGANIZATIONAL MEETING**  
**FOR THE YEAR 2007**  
**TOWN OF EDEN**

Supervisor Nellis began the Re-organizational Meeting by reading the following items:

1. Regular meetings of the Eden Town Board will be held on the second Wednesday of each month starting at 7:30 P.M. Additional meetings will be held on the fourth Wednesday of each month as needed.
2. The official newspaper of the Town of Eden will be "The Sun" located in Hamburg, New York.
3. Surety Bonds will be carried as follows:  
  
\$490,000.00 – Tax Collector  
\$40,000.00 Supervisor  
\$24,000.00 – All Others
4. Mileage reimbursement will be \$.34 per mile while using personal vehicles on Town business, authorized in advance.
5. Copies of adopted minutes will be on file at the Eden Library and the Town Clerk's office.
6. Appoint HSBC, M & T, Evans National & Bank of America and other institutions as deemed appropriate by the Board, as banks for deposits, checking and investments.

**MOTION** was made by Supervisor Nellis to accept and approve Items Nos. 1 thru 6 as presented; seconded by Councilman Krycia; "Ayes"? Nellis, Krycia, Vacco, Ventry; Opposed? – None; Abstain? – Pew; Motion carried.

Supervisor Nellis then read the Salaries of Elected Officials as follows:

**Salaries of Elected Officials:**

1. Town Board Members \$8,539.00 yearly to be paid monthly.
2. Justices Michael Cooper and Colin Campbell at \$12,786.00 each yearly to be paid monthly.
3. Supervisor Glenn R. Nellis at \$31,416.00 yearly to be paid bi-weekly.
4. The Head Assessor will receive \$15,219.00 yearly, to be paid monthly and the other two assessors \$11,841.00 each yearly, to be paid monthly.
5. Town Clerk, Mary Jo Hultquist \$29,811.00 yearly, to be paid bi-weekly.
6. Highway Superintendent, Ronald Maggs at \$57,032.00 yearly, to be paid bi-weekly.

**MOTION** was made by Supervisor Nellis to approve the above salaries; seconded by Councilwoman Pew; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Councilwoman Pew then read the Appointments and Salaries as follows:

**Appointments and Salaries:**

Appoint Jayne Cohoon full-time Court Clerk at \$29,694.00 yearly to be paid bi-weekly.

Appoint Bettyann Neifer part-time Court Clerk at \$12.41/hr. for up to 300 hours per year.

Appoint Joyce Guziec part-time Court Clerk at \$9.92/hr. for 20 hours per month.

The salary of the full-time Code Enforcement Officer will be \$50,848.00 yearly, to be paid bi-weekly.

Appoint William Laing Fire Inspector for structural fires at \$67.53 per occurrence.

Appoint Dawn Palma part-time secretary to the Building Inspector for five (5) hours per week at \$9.92/hr. to be paid bi-weekly.

**MOTION** was by Councilwoman Pew to approve the above appointments; seconded by Councilman Krycia; All “Ayes” - Opposed? – None; Abstain? – None; Motion carried.

Appoint Cynthia Allen part-time secretary to the Assessors for 19 hours per week at the rate of \$9.00/hr., to be paid bi-weekly.

The Chairman of the Zoning Board of Appeals is to be paid \$500.00 yearly.

The Chairman of the Assessment Board of Review is to be paid \$125.00 yearly and the other members of the Assessment Board to be compensated \$85.00 each yearly. A secretary, if needed, will be compensated \$200.00 per year.

Deputy Town Clerk Janice King will be paid \$10.21 per hour and Deputy Town Clerk Heather Ohmit will be paid \$9.92 per hour. The Town Clerk’s office shall not exceed a total of 1,450 Deputy Clerk hours or \$14,630.00 for the year.

Appoint Mary Jo Hultquist, Registrar, at a rate of \$2,961.00 yearly, to be paid monthly.

Appoint William Sickau part-time custodian at 40 hours per month at \$11.55/hr. to be paid monthly.

Appoint Katherine Czaster as Senior Citizen Transportation Coordinator at \$7.88/hr. for 19 hours per week, to be paid bi-weekly.

Appoint Raymond Zabron, part-time Dog Control Officer, at an annual salary of \$11,973.00, to be paid monthly.

Appoint Maureen Zabron, part-time Dog Control Officer's secretary at an annual salary of \$2,550.00, to be paid monthly.

Appoint Susan Brass, Recreation Director at \$17,985.00 yearly, to be paid monthly.

Appoint Scot Christiansen, Recreation Working Crew Chief, at \$16.73/hr., to be paid bi-weekly.

Appoint Cynthia Kugler, secretary to the Highway Superintendent at \$11.26 per hour for 24 hours per week, to be paid bi-weekly, and GIS Clerk at \$11.26 per hour for 16 hours per week, to be paid bi-weekly.

Appoint Melissa Zittel, Town Prosecutor, at annual salary of \$5,055.00, to be paid monthly.

Appoint Shaw & Shaw (William Trask, Town Attorney) to provide legal services for the Town at an annual compensation of \$26,400.00, to be paid monthly.

Reappoint Wendel Duchscherer as Town Engineer at an annual retainer of \$6,600.00, to be paid monthly.

The full-time Police Dispatcher will be compensated \$29,914.00 for the year, to be paid bi-weekly.

Part-time Police Officers will be paid \$14.00 per hour, not to exceed a total expenditure of \$38,752.00 for the year.

Part-time dispatchers will be paid \$8.92 per hour with the exception of Jane Henry who will be compensated \$11.21 per hour. Total dispatching allotment shall not to exceed the budgeted authorization of \$30,122.00 per year.

Appoint Thomas Jones, Robert Brueggeman, Teresa Blaszczyk, Julie Boedo, Seth Howard, Darci Hultquist and Jane Henry part-time Police Dispatchers; Joseph Flynn, Mike Felschow, Michael Dau, Ray Zabron, David Hock, Re Biastre, Seth Howard, Charles Privitera, Michael McCarthy and Jason Schiedel part-time Police Officers, not to exceed sixteen (16) hours per week each.

**MOTION** was made by Councilwoman Pew to approve the above appointments and salaries; seconded by – None.

The **MOTION** failed for lack of a second.

**MOTION** was made by Councilman Krycia to approve the above appointments and salaries as stated, removing the appointments of part-time Police Dispatchers and part-time Police Officers pending further clarification; seconded by Councilman Vacco; "Ayes"; Nellis, Krycia, Vacco, Ventry; Abstain? – None; Opposed? – Pew; Motion carried.

Councilwoman Pew read the following appointments:



Appoint Dawn Palma, Planning Board Secretary at \$80.00 per occasion.

Appoint Stacey Callinan secretary to the Historic Review Board to be compensated \$69.18 per meeting and Zoning Board secretary at the rate of \$71.84 per hearing plus \$10.88/hr. for reconvened hearings.

Appoint Police Chief Patrick Howard the inspection official for games of chance at no pay.

Appoint Police Chief Howard, Bingo Inspector at no pay.

Appoint the Town Clerk as Affirmative Action Officer at no pay.

The Eden and East Eden Fire Chiefs will receive an annual stipend of \$1,200.00 each.

The Director of Operations for the Eden Emergency and Rescue Squad will receive an annual stipend of \$1,200.00.

**MOTION** was by Councilwoman Pew to approve the above appointments and salaries; seconded by Councilman Ventry; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Appointments of the Supervisor:**

Supervisor Nellis read the following appointments:

Appoint Anne Mae Knack, Administrative Assistant and Confidential Secretary to the Supervisor at \$41,762.00 yearly, to be paid bi-weekly.

Appoint Lisa Winter, Bookkeeper at \$27,000.00 yearly, to be paid bi-weekly.

Appoint Dawn Palma, part-time secretary to the Supervisor at \$9.92 per hour for 14 hours per week, to be paid bi-weekly.

Appoint Dorothea Meyer, Town Historian at \$1,922.00 for the year.

Appoint Glenn Nellis, Director of Civil Defense, at no salary.

Appoint Joseph Flynn, Captain of the Reserve Police, at no salary.

**MOTION** was made by Supervisor Nellis to approve the appointments and salaries as stated; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis read the following appointments:

Appoint Mary Lou Pew Deputy Town Supervisor at no additional salary.

Appoint Robert Pietrocarlo Head Assessor.

**MOTION** was made by Supervisor Nellis to approve the appointments; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis made the following appointments as Town Board Liaisons to the various Town Boards/Committees:

Mary Lou Pew & Ed Krycia, Jr.	Code Review Committee
Vincent V. Vacco & Rich Ventry	Recreation Advisory Board
Edward Krycia, Jr.	Eden Chamber of Commerce
Glenn R. Nellis	Historic Preservation Board
Edward Krycia, Jr. & Rich Ventry	Economic Development Committee
Edward Krycia, Jr.	Conservation Advisory Board
Mary Lou Pew	Zoning Board of Appeals
Edward Krycia, Jr.	Library Board
Mary Lou Pew	Emergency Squad
Vincent V. Vacco	Street Lights
Edward Krycia, Jr. & Rich Ventry	Planning Board
Mary Lou Pew & Vincent V. Vacco	Fire Departments
Rich Ventry	Assessment Board of Review
Edward Krycia & Vincent V. Vacco	Agricultural Advisory Board
Vincent V. Vacco	Drainage Committee
Mary Lou Pew	Technology Committee
Mary Lou Pew	Emergency Preparedness Committee
Edward Krycia, Jr. & Mary Lou Pew	Comprehensive Plan Implementation Committee
Edward Krycia, Jr. & Mary Lou Pew	Hamlet Revitalization Committee
Glenn R. Nellis	Association of Erie County Governments
Glenn R. Nellis	NEST- Solid Waste
Glenn R. Nellis	Southtowns Water Consortium
Glenn R. Nellis	Erie County Sewer District No. 3
Glenn R. Nellis	Community Development Block Grant
Glenn R. Nellis	Rural Transit Service Advisory Board
Glenn R. Nellis & Rich Ventry	Southtowns Community Enhancement Coalition

**MOTION** was made by Supervisor Nellis to approve the appointments of Town Board Liaisons; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

#### **Advisory Board Appointments/Reappointments:**

Supervisor Nellis stated all Committee/Board members whose terms were due to expire December 31, 2006 were notified and requested to fill out a new application if they wished to be

considered for reappointment. Board Chairs were also asked to supply a recommendation for reappointment and appointments to their various boards. Based on the recommendations received to date:

Reappoint Lamont Beers, Jack Cuddihy, Linda Steele and Donald Suchan to two-year terms on the Conservation Advisory Board.

Reappoint Gary Neureuter to a three-year term on the Economic Development Committee.

Reappoint Patricia Smith to a five-year term on the Eden Library Board.

Reappoint Margaret Pentasuglia to a five-year term on the Zoning Board of Appeals.

**MOTION** was made by Supervisor Nellis to approve the Advisory Board reappointments/appointments; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Renewal of Independent Service Provider Contracts:

**MOTION** was made by Supervisor Nellis to renew a one-year contract with Michael Bolo (Peak Performance) as an Independent Economic Development Specialist Provider for the Town of Eden for the year 2006 at an annual stipend of \$4,800, to be compensated \$400 monthly upon receipt of a statement of services rendered for that month. Seconded by Councilman Krycia; “Ayes”? Nellis, Krycia, Vacco, Ventry; Opposed? – Pew; Abstain? – None; Motion carried.

**MOTION** was made by Councilwoman Pew to renew a one-year contract with Charles Dias as an Independent Computer Technology Service Provider for the Town of Eden for the year 2006 at an annual stipend of \$4,800, to be compensated \$400 monthly upon receipt of statement for services rendered for that month. Seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Reaffirmation of the Town’s Procurement and Investment Policies:

**MOTION** was made by Supervisor Nellis to reaffirm the Procurement Policy adopted August 14, 1996, unchanged and to reaffirm the Investment Policies and Guidelines of the Town of Eden, both are on file in the Town Clerk’s office; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Reaffirm daily meal allowance for annual Association of Towns Meeting held in New York City at \$40.00 a day and limit hotel stay to two nights only for this annual meeting.

**MOTION** was made by Supervisor Nellis to reaffirm the daily meal allowance for annual Association of Towns Meeting held in New York City at \$40.00 a day and limit the hotel stay to two nights only, or 3 nights at the discretion of the Town Board; seconded by Councilman Krycia; “Ayes”? – Nellis, Krycia, Vacco; Opposed? – Pew, Ventry; Abstain? – None; Motion carried

**Adjournment:**

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

Supervisor Nellis adjourned the Re-organizational Meeting of the Eden Town Board at 8:40 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk