

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
JANUARY 10, 2007
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
Patrick M. Howard	-	Chief of Police
Scott Murray	-	Eden Emergency Squad
David A. Cole	-	Eden Fire Chief
Andrew Breier	-	East Eden Fire Chief
Robert Pietrocarlo	-	Chairman Board of Assessors
Susan Brass	-	Recreation Director
Ray Zabron	-	Dog Control 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 7:50 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 December 13, 2006; there were none.

MOTION was made by Councilman Vacco to approve the Town Board Minutes of December 13, 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 December 27, 2006; there were none.

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

Comment on the minutes of the December 27, 2006 Town Board Meeting regarding the appointment of Deputy Supervisor Mary Lou Pew:

Councilmen Ventry and Vacco stated, for the record, they do not believe that the appointment of the Deputy Supervisor needs a motion from the entire Town Board, because it is an appointment of the Supervisor.

Councilman Krycia stated that the appointment of Deputy Supervisor is an appointment made by the Supervisor unless it is not made within 5 days, then the Town Board has the authority to appoint the Deputy Supervisor.

Petitions:

There were none.

Budget Transfers:

There were none.

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	1-17	\$16,505.08
Highway Dept. Fund	1-2	\$675.32
Fire Dept. Fund	1-4	2,059.60
Recreation Dept. Fund	1-3	\$966.81

Refuse and Garbage Fund	--	--
Street Lights Fund	1	\$4,011.06
Water Fund	--	--
Trust & Agency Fund	--	--
Capital Fund	--	--
Community Development	--	--

2006 Payables

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	811-816	\$2,071.16
Highway Dept. Fund	375-389	\$16,740.33
Fire Dept. Fund	392-396	\$555.26
Recreation Dept. Fund	200-202	\$312.22
Refuse and Garbage Fund	--	--
Street Lights Fund	33	\$807.55
Water Fund	29	5,055.47
Trust & Agency Fund	--	--
Capital Fund	--	--
Community Development	--	--

MOTION was made by Councilwoman Pew 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 December 2006 were presented by Scott Murray, Eden Emergency Squad; David Cole, Eden Fire Chief; Andrew Breier, East Eden Fire Chief; Patrick Howard, Eden Police Chief; Ray Zabron, Dog Control Officer; Ronald Maggs, Superintendent of Highways; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Supervisor Nellis for 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.

Scott Murray, President of Eden Emergency Squad requested the approval of the following Officers for 2007 for the Eden Emergency and Rescue Squad:

President:	Scott Murray	Lieutenants:
Vice President:	Mary Lou Bugenhagen Rescue:	Ken Franz

Secretary: McCarthy	Ginger McGinty	ILS:	M.
Treasurer Navel	Ray McGinty	EMS:	Keri
Co-Secretary: Trinkley	Frances McCabe	Comm.:	Pat
Co-Treasurer: Dzubella	Gary Knisely	Vehicle:	Don
Director of Operations: Deputy Director: Dzubella	Scott Hultquist Kathy Keller	Supply: Trustees:	Allen Reith Don
Rescue Captain: Putnam	John Sheffer		Pete
ILS Captain: Hardy	Julie Boedo		Brent
EMS Captain: Osuch	J.R.		

MOTION was made by Councilwoman Pew to approve the Eden Emergency and Rescue Squad Officers for 2007 as presented; seconded by Councilman Ventry; All “Ayes”; Opposed?- None; Abstain? – None; Motion carried.

Andrew Breier, East Eden Fire Chief requested the approval of the following Officers for 2007 for the East Eden Fire Company:

Andrew Breier, Chief
 Joe Armbruster, 1st Assistant Chief
 Roy Armbruster, 2nd Assistant Chief
 Chris Enser, Captain
 Scott Hunter, 1st Lieutenant
 Dan Buck, 2nd Lieutenant
 Rick Kirst, Safety Officer

MOTION was made by Councilwoman Pew to approve the East Eden Fire Company Officers for 2007 as presented: seconded by Councilman Krycia; All “Ayes”; Opposed?- None; Abstain? – None; Motion carried.

Andrew Breier, East Eden Fire Chief requested approval to update the Multi-Gas Detector at a cost of \$785.00.

MOTION was made by Councilman Ventry to approve the update of the Multi-Gas Detector at a cost of \$785.00; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Andrew Breier, East Eden Fire Chief requested approval to authorize the East Eden Fire Company to form a truck committee to review specs for Engine #3, which is scheduled for replacement in 2008.

MOTION was made by Councilman Krycia to authorize the East Eden Fire Company to form a truck committee to review specs for Engine #3, which is scheduled for replacement in 2008; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Councilwoman Pew to close the Regular Meeting of the Eden Town Board; seconded by Councilman Kryica; 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 request for a Special Use Permit from James Gorecki to construct and operate a commercial dog grooming and boarding facility at 8797 East Eden Road; seconded by Councilman Krycia; 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 for Special Use Permit from James Gorecki to construct and operate a Dog grooming and boarding facility at 8797 East Eden Road

Supervisor Nellis then explained the purpose of the public hearing is to listen to any concerns or questions that citizens have.

The following persons spoke:

Ray Zabron, resident and Eden Dog Control Officer, 9874 Jennings Road asked if there would be any breeding done and if so what type of breeding at the facility. Mr. Greg Gorecki, 3502 Schintzius Road, representing Mr. James Gorecki stated that there would be no breeding at the facility.

Mr. Henry Kozak, 8900 East Eden Road a resident of 7 years stated that the area is strictly farm country and it is turning into businesses. They don't need another business in that area. Mr. Kozak stated that at the corner of Schintzius and Schuster Road is turning into a junkyard with several unlicensed vehicles.

Ray Zabron, 9874 Jennings Road asked what they were going to do about noise abatement and how far back from any structure would the facility be located. Mr. James Gorecki stated that it would be approximately 1100-1300 feet back and the dogs would only bark when provoked.

Supervisor Nellis stated that these comments and any other comments that residents would like to make by mailing them to the Supervisor's office would be referred to the Planning Board, which is meeting on January 30, 2007 at 7:00 P.M. for their recommendation.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:10 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.

Department Reports: (Continued)

David A. Cole, Eden Fire Chief requested the Town Board remove from the active roster the names of Butch Barrera (one-year member) and Kristen Yager (three-year member).

MOTION was made by Councilwoman Pew to remove the names of Butch Barrera and Kristen Yager from the active roster of the Eden Fire Department; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

David A. Cole, Eden Fire Chief requested the approval of the following Officers for 2007:

David A. Cole	Chief	Randy Lauber	President
Chris Colvin	1 st Assist. Chief	Vicky Sickau	Vice President

Richard Greeley	2 nd Assis. Chief	Jack Gavin	Secretary
David Rice	Captain	Tom Schreiner	Treasurer
Jack Rigley	1 st Lieutenant	Steve Krysak	Trustee
Glenn Scott	2 nd Lieutenant	Andy Huber	Trustee
Clyde Colvin	Safety Officer	Kevin Condon	Trustee
Daniel Howles	Safety Officer		
Ronald Salzman	Safety Officer		

MOTION was made by Councilwoman Pew to approve the Officers for 2007 for the Eden Fire Department as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

David A. Cole, Eden Fire Chief and Andrew J. Breier requested permission to take fire equipment out of the fire district for mutual aid, repairs, training, funerals and parades at the discretion of the Chief or Officer in charge.

MOTION was made by Councilman Vacco to grant permission to take fire equipment out of the Eden and East Eden Fire District for mutual aid, repairs, training, funerals and parades at the discretion of the Chief or Officer in charge; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Robert Pietrocarlo, Chairman of the Board of Assessors requested a maximum of an additional 40 hours for clerical work until the end of the year. This is needed due to the exemptions being due May 1, 2007 and other occasions when the extra hours would be crucial to complete pending requests. Councilwoman Pew asked if the 40 additional hours were part of the 2007 budget and Mr. Pietrocarlo stated that was correct.

MOTION was made by Councilwoman Pew to authorize an additional 40 hours to be used at the discretion of Robert Pietrocarlo, Chairman of the Board of Assessors; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested the Town Board approve the “Agreement to Spend” with general repairs in the amount of \$285,500.00 for 48.72 miles of Town Highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewal thereof.

The improvements of the following town highways; on Homer Avenue starting at Second Street and ending at Park Street, a distance of .13 miles; Second

Street starting at U.S. Rt. 62 and ending at Hammond Drive, a distance of .35 miles; and Violet Parkway starting at Florence Avenue and ending at Dead End, a distance of .38 miles.

MOTION was made by Councilman Krycia to approve the “Amendment to Spend” as presented with a copy to be filed in the Town Clerk’s office; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent asked permission to help as needed with Eden’s Winterfest.

MOTION was made by Councilwoman Pew to grant permission to Ron Maggs, Highway Superintendent to help as needed with Eden’s Winterfest; seconded by councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

New and Unfinished Business:

1. **New York State Dept. of Transportation Report on Adjustments at the Intersection of Rt. 62 and East/West Church Streets (Informational)**

Supervisor Nellis read correspondence dated December 29, 2006 from Angelo Borgese, P.E., Regional Traffic Operations, State of New York, Department of Transportation regarding concerns with vehicle and pedestrian safety at the intersection of NYS Route 62 and East/West Church Streets in the town of Eden.

Based on the review, the Department of Transportation will relocate the stop bars on the northbound (Route 62), and eastbound legs (W. Church Street) of the intersection to allow a larger turning radius for tractor-trailers. In addition, they will also install “No Turn on Red” and “Stop Here on Red” signs on these approaches. They will also install an additional detector loop on the eastbound approach to the intersection.

In regards to the issue of restricting parking on the north side of East Church Street, we will install “cross-hatching” pavement markings to coincide with the “No Parking Here to Corner” regulation already in place on this approach.

The maintenance crews of the Department of Transportation will install the necessary signs and pavement markings at their earliest opportunity as scheduling permits.

2. **Reappointments – Advisory Committees/Boards**

Supervisor Nellis recommended the following reappointments:

Off-Road Drainage Committee:	William Feasley and Juanita Majewski to 3-year terms
Planning Board: Chairman	Mark Agle – 7-year term and also Andrew Romanowski – Alternate for a 1-year term
Recreation Board:	Sandra Schrauth – 5-year term

MOTION was made by Supervisor Nellis to approve the reappointments as presented; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None;

3. **Approval of Family Swim Lifeguards – Eden Recreation**

Susan Brass, Recreation Director read the following recommendations regarding the approval of Family Swim Lifeguards. The Recreation Board is recommending the following staff appointments:

Andrew Gorcica, Program Supervisor at a pay rate of \$10.00 per hour.
Chris Miller, Life Guard at a pay rate of \$8.00 per hour.
Danielle DeCarlo, Life Guard at a pay rate of \$8.00 per hour.
Rachel Phillips, Life Guard at a pay rate of \$8.00 per hour.
Kyle Sickau, Life Guard at a pay rate of \$8.00 per hour.
Neil Kerwin, Life guard at a pay rate of \$8.00 per hour.
Mason Neureuter, Life Guard at a pay rate of \$8.00 per hour.

Please note, all Life Guards have current certification.

MOTION was made by Councilwoman Pew to approve the staff appointments for Family Swim Lifeguards as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4. **East Eden Fire Company – cost of repairs for Thermal Imaging Camera**

Supervisor Nellis read correspondence from Andrew Breier, East Eden Fire Chief regarding the cost of repairs for the Thermal Imaging Camera. A quote was received from Churchville Fire Equipment Corp. in the amount of \$3,500.00 to repair the Thermal Imaging Camera, which would include upgrading the core technology of the camera to a model E5200 that basically would be a new camera with a 1-year

warranty. The cost of a new Thermal Imaging Camera is approximately \$10,000 - \$12,000.

MOTION was made by Councilman Vacco to approve the cost of repairs for the Thermal Imaging Camera in the amount of \$3,500.00; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5. **Annual Association of Towns Meeting – Voting Delegate and Authorization to Attend**

Supervisor Nellis stated that the 2007 Training School and Annual meeting of the Association of Towns of the State of New York will be held at the Hilton New York & Towers, New York City, February 18-21, 2007. This is a training session for town officials with the following officials requesting approval to attend: Michael Cooper, Town Justice, Mark Agle, Planning Board Chairman, requesting three (3) nights stay accommodations, and Glenn R. Nellis, Supervisor, Vince Vacco, Councilman and Rich Ventry, Councilman requesting two (2) nights stay accommodations.

MOTION was made by Councilman Vacco to approve attendance to the 2007 Training School, which will include two (2) night stay accommodations for the Town Board Members listed above and three (3) night stay accommodations for Michael Cooper and Mark Agle; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis stated that the Town board must designate a Voting Delegate and an Alternate Voting Delegate to attend the Annual Business Session of the Association of Towns of the State of New York.

MOTION was made by Councilman Krycia to designate Vince Vacco, Councilman as voting Delegate and Glenn R. Nellis, Supervisor as Alternate Voting Delegate; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6. **Notification of Renewal of Liquor License – Eden VFW Memorial Post 8265**

Supervisor Nellis read correspondence dated December 29, 2006 from Dan Ortel, President of Eden Memorial Post 8265, VFW seeking the renewal of its Liquor License from the New York State Liquor Authority for a two-year period to become effective February 1, 2007. This is informational in nature.

7. **Solid Waste Management in Rural Communities**

Supervisor Nellis stated that Ted Osborne, Erie County Environment & Planning will be presenting a program at the January 24, 2007 Town Board meeting.

8. **Special Use Permits**

Supervisor Nellis stated that he had communication from Eden KinderCare regarding the renewal of their Special Use Permit. Supervisor Nellis read the following correspondence:

“Eden KinderCare has a special use permit with the town for 70 children. We are licensed by the state for 85 children. We do not have 85 children attending at this time. We have no more than 70 at one time. We would like to apply for our special use permit to have 85 children so that it matches are state license. We would then be able to take 85 children. Signed, Tammy Winter”.

Supervisor Nellis requested that this be referred to the Planning Board for their review and recommendation.

Attorney Trask asked if Eden KinderCare has formally applied and paid for any application fees, which would cover the cost of processing what is in effect an amendment to their Special Use Permit.

Ann Knack, Administrative Assistant stated that this letter is their formal application and they do not pay anything until they receive a letter from the Supervisors’ office requesting fees for processing the amendment for the Special Use Permit.

MOTION was made by Councilwoman Pew to set a Public Hearing for February 14, 2007 at 8:00 P.M. for the amendment to the Special Use Permit for Eden KinderCare; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

No communication or payment has been received from Dennis Brawdy, no action taken.

Global Signal/Sprint Spectrum, the following 11 original conditions were reviewed by the Town Board:

1. Free use of the Tower by the Town for municipal purposes, including emergency services (fire, police, etc.).
2. Good faith, best efforts to allow co-location of other telecommunications carriers' facilities.
3. Global Signal/Sprint Spectrum agrees that neither it, nor any other entity which it owns or by which it is owned, shall apply for any additional communication facilities site in the Town of Eden as part of global Signal/Sprint's initial system design. Sprint has represented to the Town that the initial system design represented by the subject tower is expected to be adequate for up to a period of seven years.

Notwithstanding the foregoing, the town recognizes Global Signal's/Sprint's need to have reasonable compliance with the conditions of its license, as issued by the Federal Communications Commission and, subject to Town approval and processing under any then-applicable laws or regulations, Global Signal/Sprint may apply for an additional site or sites within a period of seven years from the issuance of this approval, but only upon a showing by clear and substantial evidence that the subject site cannot be modified or adapted to meet Global Signal's/Sprint's licensing needs.

4. Global Signal/Sprint agrees that it will lower the height of the tower if, in the future, this height is no longer needed to meet its licensing requirements and subject to the reasonable requirements of co-locators using the subject tower at the time of site re-evaluations.
5. The Tower and all appurtenant facilities to be maintained in good order and repair. Global Signal/Sprint to maintain records of all maintenance; such records to be available to the Town upon request.
6. Every two years, Global Signal/Sprint to provide a certification of structural safety from a licensed NYS professional engineer.
7. Every two years, Global Signal/Sprint to provide a certification that the radio frequency emissions do not exceed allowable federal or state limits.
8. Tower to be removed at Global Signal's/Sprint's sole cost if the facility becomes obsolete or fails to be used for its intended purpose for 12 consecutive months. Global Signal/Sprint to provide a bond running to the Town sufficient to cover the costs of demolition and removal and the sufficiency of the bond shall be confirmed at least every 5 years by an analysis and report to be provided by a NYS licensed Professional Engineer, at Global Signal's/Sprint's sole cost.
9. Aside from normal maintenance, there is to be no modification to the Tower or any of the appurtenant facilities without the prior approval of the Town through a validly issued amendment to the Special Permit.
10. The Special Permit shall be non-transferable and non-assignable without Town approval in the form of a validly issued amendment to the Special Permit, except for transfers to an entity, which owns or is owned by Global Signal/Sprint. Prior to any such transfer or assignment, the Town must be notified, in writing, of Global Signal's/Sprint's intended assignment or transfer and may, in the case of a transfer to a related entity, require proof

that the new entity meets the above-stated qualifications. Prior to any transfer or assignment, the Town must be provided with such information as reasonably required by the Town to identify principals and contact persons for the new entity and to otherwise satisfy the Town that the new entity will comply with all of the conditions and requirements of the Special Permit.

11. The Town to be involved in any decision involving lighting requirements and may require Global Signal/Sprint to provide shields to minimize visibility of lighting on the ground, subject to any decisions which are under the exclusive control or jurisdiction of the Federal Aviation Administration.

In addition to the above 11 conditions of approval, the Eden Town Board also adopted the following 4 conditions as part of the Special Use Permit process:

1. In accordance with condition #8 above, Global Signal/Sprint to provide the Town with a new removal/demolition estimate certified by a licensed Professional Engineer.
2. Global Signal/Sprint to deliver a removal bond to cover the estimated cost, per the new estimate within 30 days from the date of this approval.
3. Global Signal/Sprint is to complete the repair of the damaged members (noted in their structural engineer report); this work to be completed by June 30, 2007.
4. Global Signal/Sprint to finalize approval for free placement of emergency services antenna to be sited on the tower by the County of Erie under the auspices of the Town of Eden; this approval from Global Signal/Sprint is to be finalized by February 28, 2007.

MOTION was made by Supervisor Nellis to approve the Special Use Permit for Global Signal/Sprint with the 11 original conditions and the additional 4 conditions as above-mentioned; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

- Work has begun on Hemlock Road with the water line under the Railroad tracks. A 12” line as opposed to a 6” line will be put in place. Erie County Water Authority did the design. The completion time is 1-2 weeks. Supervisor Nellis thanked Ron Maggs, Highway Superintendent for his help with the project.
- The Conservation Board will be meeting on January 23, 2007 to review the Farm Protection Plan.

Hearing of Visitors:

Erie Ohmit, 8616 Woodside Drive asked if an application was received from Eden KinderCare regarding the increase from 70 to 85. Attorney Trask stated that the

letter was the application. Mr. Ohmit asked if the site plan would be reviewed by the Planning Board at the January 30, 2007 meeting. Attorney Trask stated that if a site plan was a requirement originally, it would be reviewed at that time.

Adjournment:

MOTION was made by Councilwoman Pew to adjourn the Regular Meeting of the Eden Town Board; seconded by Councilman Ventry; 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 10:00 P.M.

Respectfully submitted by,

Mary Jo Hultquist, Town Clerk