
MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
FEBRUARY 14, 2007
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

GLENN R. NELLIS - SUPERVISOR
MARY LOU PEW - COUNCILWOMAN (*Deputy Supervisor*)
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
Scott Hultquist - Eden Emergency Squad
David A. Cole - Eden Fire Chief
Andrew Breier - East Eden Fire Chief
Robert Pietrocarlo - Chairman Board of Assessors

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 January 10, 2007; there were none.

MOTION was made by Councilwoman Pew to approve the Town Board Minutes of January 10, 2007 as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of January 24, 2007; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of January 24, 2007 as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfers:

Supervisor Nellis read the following “Year End Budget Transfers” to close out December 31, 2006, from Account A1450.1 to A1220.1 for Supervisor Personal in the amount of \$11.00, from Account A1450.1 to A1620.4 for Town Hall Contractual-Payables in the amount of \$6,157.58, from Account A1450.1 to A1680.1 for Central Data Processing Personal in the amount of \$174.64, from Account A2680 to A3020.4 for Public Safety Communication-Transfer Insurance Proceeds in the amount of \$1,556.22, from Account A1450.1 to A3020.4 for Public Safety Communication in the amount of \$346.28, from A1450.1 to A3510.1 for Control of Dogs-Personal in the amount of \$75.00, from A1450.1 to A340.4 for Civil Defense in the amount of \$420.12, from Account A6989.4 to A4540.4 for Emergency Squad in the amount of \$6,523.04, from Account A1450.1 to A7110.4 for Parks & Grounds Personal in the amount of \$4.92, from Account A7310.4 to A7110.4 for Basketball Court Encumbrance in the amount of \$2,300.00, from Account A7150.4 to A7110.4 for Basketball Court Encumbrance in the amount of \$140.00, from Account A7150.4 to A7150.1 for Spec Rec Facilities-Personal in the amount of \$325.00, from Account A7150.4 to a7140.1 for Playground Rec Ctr in the amount of \$5.00, from Account A9045.8 to A9040.8 for Workmens comp in the amount of \$108.79, from Account A9045.8 to A9089.4 for Other Emp. Benefits in the amount of \$57.93 and from Account D5110.1 to D5130.4 for Machinery in the amount of \$3,544.39.

MOTION was made by Councilman Krycia to approve the “Year End Budget Transfers” to close out December 31, 2006 as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis stated as an Amendment, as a result of the USDA Revolving Loan Program the following Revenue (A4910 Community Development Act) needs to be increased to

\$10,000.00 and expense (A8668.4 Rehabilitation Loans & Grants) needs to be created for \$10,000.00 as they were not a part of the original 2006 budget.

MOTION was made by Supervisor Nellis to approve the amendment as presented; seconded by Councilwoman Pew; 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. Councilwoman Pew questioned Voucher #48 for Scott Henry (only the coat portion) and Voucher #56 for Nextel, which is a monthly charge for a cell phone for Scott Henry.

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	18-91	\$242,467.05
Highway Dept. Fund	3-34	\$83,626.11
Fire Dept. Fund	5-34	\$17,208.40
Recreation Dept. Fund	4-15	\$5,159.85
Refuse and Garbage Fund	1	\$88,559.02
Street Lights Fund	2-3	\$7,844.38
Water Fund	1-3	\$5,372.60
Trust & Agency Fund	--	--
Capital Fund	--	--
Community Development	--	--

2006 PAYABLES

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	817-846	\$22,179.60
Highway Dept. Fund	390-391	\$558.13
Fire Dept. Fund	397-403	\$2,270.40
Recreation Dept. Fund	203-205	\$150.83
Refuse and Garbage Fund	--	--
Street Lights Fund	34	\$30.50
Water Fund	30	\$371.51
Trust & Agency Fund	--	--
Capital Fund	--	--
Community Development	--	--

MOTION was made by Councilwoman Pew to approve the Audit of Bills as presented, not to include Voucher #48, the coat portion of that expense and Voucher #56 for Nextel; seconded by Councilman Krycia; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

Departmental Reports:

Department reports for the month of January 2007 were presented by Scott Hultquist, 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; 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.

David A. Cole, Eden Fire Chief received word from Senator Charles Schumer's office that the Eden Fire Department will receive \$22,823.00 from the Assistant to Firefighters Grant Program that was applied for last April. Total amount of the grant is for \$24,024.00, with the Town of Eden paying 5% or \$1,201.00.

MOTION was made by Councilwoman Pew to accept the grant and to match the 5%, \$1,201.00 with thanks to the department for applying and receiving the grant; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Patrick M. Howard, Chief of Police requested the Town Board to appoint Jeffrey DeVinny as a part-time police officer effective immediately. Jeff is a certified Police Officer with prior experience.

MOTION was made by Councilwoman Pew to appoint Jeffrey DeVinny as a part-time Police Officer effectively immediately; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested the Town Board to set a bid opening date for Motor Fuels and Related Services for Tuesday, March 6, 2007 at 10:00 a.m. in the Town Clerk's office.

MOTION was made by Councilwoman Pew to set the bid opening date for Motor Fuels and Related Services for Tuesday, March 6, 2007 at 10:00 a.m. in the Town Clerk's office; seconded by Councilman Krycia; 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 Vacco; 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 Special Use Permit – Eden KinderCare to increase the maximum capacity from 70 to 85 children; seconded by Councilman Vacco; 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
Special Use Permit
Eden KinderCare
Increase maximum capacity from 70 to 85 children

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

Supervisor Nellis read the following correspondence:

“Eden KinderCare currently 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 children at one time. We would like to apply for our special use permit to have 85 children so that it matches our state license. We would then be able to take 85 children. Thank you, Tammy Winter”.

“My wife and I regret we are unable to attend St. John’s variance hearing on the 14th but very much want our feelings known. We have significant reservations on the expansion of the number of children enrolled at the day care center. The environmental impact on having a day care center conflicts with the residential character of the neighborhood. We hope everyone has had the opportunity to see the visual impact the various outdoor equipment and apparatus has on the neighborhood. The equipment further acts as an attraction to other children playing there during unsupervised times. We understand the value of having a day care center in the community and the reasons for the initial variances issued but feel very strongly about any further expansion of the facility. Due to the fact the day care center is in a residential area we do not feel the number of children allowed should exceed the present limits. Barbara & Roger Brant, 8630 Woodside Drive”.

Supervisor Nellis stated that the term “condition of permit” as it exists now to increase the maximum capacity from 55-70, at no one-time not to exceed 70 children.

Supervisor Nellis stated that at this time the Planning Board had no further comment other than the fact that if a site plan is required the day care center would have to get back to them.

Mark Hartman, St. John’s Church, supplied a sketch to the Town Board and a census that was supplied by Tammy Winter. Mr. Hartman is requesting the Town Board to increase the maximum capacity to 85 based on the New York State recommendation. Mr. Hartman stated that the large piece of playground equipment could be moved to the back of the lot that the Church’s owns.

Councilman Krycia stated that there is more criteria than just the capacity of the building but also the 85 children outside on the playground equipment, which the State doesn’t address.

Tammy Winter stated that the State does address that issue. They inspect the equipment and the ratio of children versus teachers at any one time.

Eric Ohmit, 8616 Woodside asked if the layout of the equipment is proposed or actual.

Mr. Hartman stated that it is approximate, with 3 feet of snow back there.

Supervisor Nellis asked if any addition equipment would be added.

Mr. Hartman stated that just that the current equipment that exists.

Eric Ohmit stated that in light of the information presented he is curious if the Town Board is at all surprised by the fact that, given the census, there has been over 70 children at any one time, which is already a disregard or a violation of the original permit.

Tammy Winter stated that records are available with a time clock system, they can regulate that information to a tee.

Eric Ohmit stated that according to the Town Board Minutes of June 23, 1993 the Town Board approved a modification to the original Special Use Permit to increase the enrollment from 55-70. There has been an apparent inability to determine what the actual attendance is even after repeated requests, which I now understand there are records. Continued unchecked expansion has led to the present enrollment of over 100 children at the day care. There is an adverse visual impact of recent expansion of equipment outside of the building. This expansion was done without the consideration of the neighbors or the neighborhood. The Eden Town Code requires the consideration of the impact of modification of the Special Use Permits on the surrounding neighborhood. Further expansion of the daycare is not consistent with the character of the residential neighborhood due to increased traffic, noise, congestion and it's detrimental impact on nearby property values. There is potential for continued unchecked expansion given past history. We urge the Town Board to deny any request for increase in attendance in enrollment of the day care from 70 to 85, which is also what Roger Brandt has asked for. We both border the property directly. It's time to put an end to, or put a true limit on the continued expansion of the daycare.

Councilwoman Pew asked what year the Ohmit's purchased the property.

Eric Ohmit stated 2001 and yes the daycare was there, but no equipment outside.

Tammy Winter stated that she did have records of the children enrolled last week, which was given to Supervisor Nellis.

Councilwoman Pew asked about children playing on the equipment after hours of operation of the daycare.

Tammy Winter stated that they would possibly put up signs stating that the use is intended for daycare use only and to ask the Police to do a premise check at sunset to eliminate the after-hours use.

Mary Jo Hultquist, 8605 Hammond Drive, stated that her concern is that it is an after-hours hang out for unsupervised children.

Heather Ohmit, 8616 Woodside Drive also stated that it was noticeable during the summer.

Ken Szal, 8657 Hammond Drive stated that he looks at the daycare as increased business in Eden. He doesn't have a problem raising the enrollment 15 additional children.

Councilman Ventry asked how far away the playground equipment is from the property line.

Supervisor Nellis stated it is 43 feet from the property line.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:20 P.M.

MOTION was made by Councilman Krycia to close the public hearing; seconded by Councilwoman Pew; 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 Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Department Reports: (Continued)

William Trask, Town Attorney stated that Mr. Richard Minekime has had in process an application for subdivision review and approval. A map, plan and report has been received for the proposed private drainage easement which will be then part of a new proposed drainage district, comprised in this case, strictly of the property within one part of the subdivision, 11 lots on Evelyn Drive.

Attorney Trask requested the Town Board to schedule a Public Hearing for the creation of special district for the Town of Eden Drainage District No. 3.

MOTION was made by Councilwoman Pew to set the public hearing for March 14, 2007 at 8:00 p.m.; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? - None; Motion carried.

Attorney Trask also requested an Executive Session pending an Article 7 proceeding and requesting Robert Pietrocarlo, Chairman of Assessment be present.

Mary Jo Hultquist, Town Clerk requested authorization for Supervisor Nellis to sign the polling location lease agreement between the Erie County Board of Elections and the Town of Eden that were used in the primary and general elections in 2006, which was reviewed by Attorney Trask.

MOTION was made by Councilman Vacco to authorize Supervisor Nellis to sign the polling location lease agreement between the Erie County Board of Elections and the Town of Eden for the use of the Eden Town Hall for the 2006 primary and general elections; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

MOTION was made by Councilman Krycia to close the Regular Meeting of the Eden Town Board; seconded by Councilman Vacco; 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 Krycia to open the public hearing for the Proposed Local Law No. 1-2007 to amend yard requirements for Accessory Building; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8:30 P.M.
Public Hearing
Proposed Local Law No. 1-2007
To amend yard requirements for Accessory Buildings

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

Councilwoman Pew stated that the Code Review Committee felt that, in conjunction with the Zoning Board, that this is the one legislation that was repeatedly coming forward over and over again to us.

Councilwoman Pew read the following:

Town of Eden
Proposed Local Law No. 1-2007
A Local Law Amending the Town of Eden Zoning Law, Supplementary Regulations
Regarding Required Yards for Accessory Buildings

Be in enacted by the Town Board of the Town of Eden as follows:

Subdivision 4 of Section 225-25 A. “Accessory Buildings” shall be amended to read as follows.

4. (i) No accessory building shall project more than two (2) feet nearer to the street line than the principal building on the same lot. On corner lots, the applicable “street line” shall refer to the street line upon which the principal building fronts.

Should topographic conditions be such that practical difficulties would be caused by this requirement with respect to the location of private garages, the Planning Board may approve the erection of such private garages under the following conditions:

- (a) If the natural slope is from 10% to 20% within 25 feet of the street line, the Board may permit a private garage not closer than 20 feet to the street line;
and
- (b) Where such slope exceeds 20% a private garage may be permitted not closer than 10 feet to the street line.

(ii) Notwithstanding the foregoing, on lots which are a maximum of 5 acres and which are located in either the Agriculture (A), Conservation (C) or Rural Residential (RR) District, an accessory building may project more than two (2) feet nearer the street line than the principal building on the same lot, provided that applicable setback requirements and other bulk requirements of the district are not violated.

Attorney Trask stated that the proposed Local Law was designed to make the Zoning Board’s job a little easier. There were getting quite a number of applications for variances on larger lots.

Councilman Vacco asked if the word “garage” could also mean pole barn.

Attorney Trask stated that the language regarding “garage” is the same as in the current law, however, in this law we have clarified “private garage”. The type of construction of private garage could be pole barn but intended use to be a private garage.

Councilman Ventry asked if Scott Henry, Code Enforcement Officer worked with the Code Review Committee on the language for this Proposed Local Law.

Councilwoman Pew stated that he was in correspondence with the Code Review Committee and was in favor of the proposed local law.

Attorney Trask stated that Scott’s input was included in the preparation of the proposed Local Law.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:40 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.

Supervisor Nellis asked if the Town Board would like to take action on the Proposed Local Law tonight.

MOTION was made by Councilwoman Pew to approve Local Law No. 1-2007, amending the Town of Eden Zoning Law, Supplementary Regulations regarding required yards for Accessory Buildings, Subdivision 4 of Section 225-25A; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Andrew Reilly, Town Engineer stated that this is a Type 2 action and SEQR is not required.

New and Unfinished Business:

1. Town Approval of a Waterline tap-in for 3424 Hickman Road at owner’s expense.

Supervisor Nellis stated that correspondence had been received from Richard Wojcik, Supervising Public Health Sanitarian of the County Health Department regarding municipal water connection for 3424 Hickman Road. An inspection was conducted and it was determined that the water supply servicing this address did not meet minimum standards for private potable water systems as defined in the NYS Sanitary Code and that a new source of potable water needed to be developed.

Mr. Wojcik requested that the Town of Eden consider allowing the owners of this property to connect to the municipal water system. 3424 Hickman Road is a corner lot and the municipal water line is located on North Boston Road adjacent to the subject property.

Supervisor Nellis recommended to the Town Board to approve this tap in allowing the residents on 3424 Hickman Road, at their expense, to tap in on North Boston Road and that they would not be required to lay pipe on Hickman Road.

MOTION was made by Supervisor Nellis to allow the owners at 3424 Hickman Road to tap in on North Boston Road, at their expense; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

2. Appointment – Andrew Romanowski – Eden Planning Board.

Supervisor Nellis read correspondence from Mark Agle, Chairman of the Eden Planning Board to appoint Andrew Romanowski, currently an alternate, as a permanent member of the Planning Board to complete and fulfill the remaining term left by Jerry Schwab’s untimely passing.

MOTION was made by Councilman Vacco to appoint Andrew Romanowski as a permanent member of the Planning Board to complete and fulfill the remaining term left by the late Jerry

Schwab; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None;
Motion carried.

3. **Award – Certificate of Achievement for Excellence in Financial Reporting.**

Supervisor Nellis stated that this award has been received for several years in a row and that there were some comments made and that information has been forwarded to our auditors.

4. **Special Use Permit for Dog Kennel**

Supervisor Nellis stated that a map had been provided by Mr. James Gorecki which places the proposed dog kennel 1300 feet from the front lot line.

The Planning Board made the following recommendation:

To approve a Special Use Permit for the Proposed Dog Boarding/Grooming Facility at 8797 East Eden Road with the following conditions:

1. That a Site Plan is prepared in accordance with Town of Eden specifications and approval of said Site Plan by the Eden Planning Board.
2. The Special Use Permit shall be subject o annual renewal by the Eden Town Board.
3. The proposed facility shall be constructed in compliance with other applicable Town and/or Building Codes.

MOTION was made by Supervisor Nellis to approve the Special Use Permit for a Dog Kennel at 8797 East Eden Road based on the recommendation by the Eden Planning Board; seconded by Councilman Krycia. Discussion?

After much discussion Supervisor Nellis withdrew the motion and will place this item on the agenda for the Town Board meeting on February 28, 2007.

5. **Retirement Legislation – Home Rule Request from the Town to the NYS Retirement System.**

Supervisor Nellis read correspondence from William Stachowski, NYS Senator regarding Senate Bill S.1340, Assembly Bill A.2760, which authorizes the Town of Eden to offer an optional twenty-year retirement plan to certain Police Officers. A Home Rule request from the Eden Town Board will be necessary for this legislation.

Supervisor Nellis read the Home Rule Request to the Legislature pursuant to Article IX of the Constitution, the Town of Eden requests the enactment of Senate Bill 1340 entitled “An Act to authorize the Town of Eden, in the County of Erie, to offer an optional twenty-year retirement plan to certain Police Officers.

MOTION was made by Councilman Vacco to authorize Supervisor Nellis to sign the Home Rule Request Form, as required by the Collective Bargaining Unit; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6. **Approval of Purchase of new Copy Machine – under State Contract Pricing.**

Supervisor Nellis read correspondence from Ann Knack, Administrative Assistant regarding the purchase of a new copy machine. The replacement machine is a Model Bizhub 200 and the state contract pricing for this machine, including only the necessary attachments is \$3,753.00, under State Contract Pricing.

MOTION was made by Supervisor Nellis to approve the purchase of a new copy machine, specifically a Model Bizhub 200, at a cost of \$3,753.00; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

7. **Approval of renewal of Special Use Permit – Brawdy – Seasonal Trailer.**

Supervisor Nellis stated that the annual renewal fee had been paid, verified by Mary Jo Hultquist, Town Clerk. There were no conditions on the permit from the previous year.

MOTION was made by Councilwoman Pew to approval the renewal of the Special Use Permit for Dennis Brawdy for a seasonal trailer; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8. **Liquor License Renewal – Newell-Faulkner Post 880, Eden.**

Supervisor Nellis read correspondence from Newell-Faulkner Post 880 regarding their liquor license renewal, which is information in nature.

9. **New copier – Eden Police Department**

Ann Knack, Administrative Assistant stated that the Police Department has also inquired about purchasing a new copier and is interested in the same copier as the one purchased for the Town Hall, Model Bizhub 200. The funds for a new copier were included in their 2007 budget.

MOTION was made by Councilwoman Pew to approve the purchase of a new copier, Model Bizhub 200 in the amount \$3,753.00, under State Contract Pricing; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Presentation:

Andrew Reilly, Town Engineer introduced Tim Zuber from Wendel who provided a brief power-point presentation on the Western New York Stormwater Management Program, with an Introduction to Stormwater and an Overview of Phase II Stormwater Rules & Its Requirements. Copies of the presentation are available in the Town Clerk’s office.

10. Training for Planning and Zoning Board of Appeals Members

Supervisor Nellis read the following resolution:

WHEREAS, Town Law Sections 267 and 271, Village Law Sections 7-712 and 7-718, and General City Law Sections 27 and 81 provide that effective January 1, 2007, all planning board and zoning board of appeals members in New York State, as well as alternate members of those boards, must complete a minimum of four hours of training each year; and

WHEREAS, the above sections of state law provide that a planning board or zoning board of appeals member shall not be eligible for reappointment to such board if they have not completed the training required by law; and

WHEREAS, the above sections of state law provide that the legislative body of the town, village and city specifies which activities qualify as training to satisfy the state requirements;

NOW, THEREFORE BE IT RESOLVED that the following list of agencies, commissions, associations, universities, and other organizations are approved to provide training to meet the state requirements when the training they provide pertains to municipal planning, zoning, community design, environmental issues, economic development, and local government functions and practices:

1. the NYS Department of State; Department of Agriculture and Markets; Office of the State Comptroller; Department of Health; Department of Transportation; Department of Environmental Conservation; Office of Parks, Recreation, and Historic Preservation; Hudson River Valley Greenway; and
2. the New York State Association of Towns, the New York Conference of Mayors, the New York State Association of Counties, the New York Planning Federation, the American Planning Association, the Upstate New York Chapter of the American Planning Association and its sections, and the Metro New York Chapter of the American Planning Association and its sections, and the Association of Erie County Governments; and
3. the Capital District Regional Planning Commission, Central New York Regional Planning and Development Board, Herkimer-Oneida Counties Comprehensive Planning Program, Lake Champlain-Lake George Regional Planning Board, Long Island Regional Planning Board, Southern Tier Central Regional Planning and Development Board, Southern Tier East Regional Planning Development Board, Southern Tier West Regional Planning and Development Board, Genesee-Finger Lakes Regional Planning Council, Hudson Valley Regional Council, Tug Hill Commission, and Adirondack Park Agency; and
4. the New York State Planning Federation and subsections thereof, Erie County Department of Environment and Planning, and Erie County Soil and Water Conservation districts; and
5. the Albany Law School Governmental Law Center and Institute for Legal Studies, Pace Law School, Cornell University and its cooperative extension, State University

- of New York at Buffalo, School of Architecture and Planning, and the Regional Institute; and
6. on-line planning and zoning training programs offered by the New York Municipal Insurance Reciprocal, Pace University and Land Use Law Center, and the Lincoln Institute of Land Use Policy.

AND LET IT FURTHER BE RESOLVED that other training activities may be approved on a case-by-case basis by the Town Board upon the request of a planning board or zoning board of appeals member; and be it further

RESOLVED, that any new member appointed to fill the last 12 months of a term shall not be required to have attended training to be reappointed to a first full term, but must thereafter comply with the municipal training policy as provided elsewhere herein; and be it further

RESOLVED, that training received by a planning board member or zoning board of appeals member in excess of four hours in any one year may be carried over by the member into succeeding years; and be it further;

RESOLVED, that the Town Clerk shall create and maintain a system of tracking the training individual members complete annually; and such information shall be presented to the Town Board prior to considering a member for reappointment.

MOTION was made by Supervisor Nellis to adopt the resolution as presented; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

Supervisor’s Report:

Supervisor Nellis stated that exams are coming up for Corrections Officer and the information is available on the Bulletin Board in the Town Hall.

Hearing of Visitors:

Patrick Howard, 9527 S. State Road
Robert Stickney, 2718 Lourdes Drive

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 9:45 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting
at 10:45 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk