

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
MARCH 14, 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 (<i>Absent</i>)
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
Scott Henry	-	Zoning Code Enforcement Officer
Susan Brass	-	Recreation Director

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 February 14, 2007; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of February 14, 2007 as presented; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of February 28, 2007; there were none.

MOTION was made by Councilwoman Pew to approve the Town Board Minutes of February 28, 2007 as presented; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

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	92-159	\$63,344.52
Highway Dept. Fund	35-67	\$66,306.94
Fire Dept. Fund	35-61	\$16,913.29
Recreation Dept. Fund	16-26	\$3,805.87
Refuse and Garbage Fund	2-3	\$44,452.51
Street Lights Fund	4-6	\$5,612.34
Water Fund	4-5	\$5,302.82
Trust & Agency Fund	--	--
Capital Fund	--	--
Community Development	--	--

2006 PAYABLES

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
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General Fund	847-849	\$3,305.12
Highway Dept. Fund	--	--
Fire Dept. Fund	404-405	\$345.65
Recreation Dept. Fund	206	\$980.00
Refuse and Garbage Fund	--	--
Street Lights Fund	--	--
Water Fund	--	--
Trust & Agency Fund	--	--
Capital Fund	--	--
Community Development	--	--

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

Departmental Reports:

Department reports for the month of February 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.

Scott Hultquist, Director of Operations of Eden Emergency Squad requested permission to purchase “Rescue Randy” a manikin to be used to simulate real rescue situations at a cost of \$1,005.00 from Eliza Co., Inc., which is part of the 2007 budget.

MOTION was made by Councilwoman Pew to approve the purchase of “Rescue Randy” at a total cost of \$1,005.00 from Eliza Co., Inc.; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

David A. Cole, Eden Fire Chief requested the Town Board remove Richard Sickau from the active roster of the Eden Fire Department to Life Membership status after 20 years with the fire department.

MOTION was made by Councilwoman Pew to remove Richard Sickau from the active roster of the Eden Fire Department; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Scott Henry, Code Enforcement Officer reported in reference to the adoption of Part 1203 that went into effect on January 1, 2007. A public hearing was held and the question came up as to what would happen if it were not adopted. At a recent conference that Mr. Henry attended it was discussed and determined that if not adopted, state officials indicated that towns that had not adopted Part 1203 would not be eligible for financial assistance.

Supervisor Nellis suggested that all correspondence be reviewed and discussed at a future Town Board meeting.

MOTION was made by Councilman Krycia 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 8:00 P.M.

MOTION was made by Councilman Krycia to open the Public Hearing for the purpose of the Drainage District for Beverly-Evelyn Subdivision; seconded by Councilwoman Pew; 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
Drainage District for Beverly-Evelyn Subdivision

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

Supervisor Nellis stated that a notice was advertised in “The Sun”, the official newspaper of the Town of Eden, and posted on the signboard in the Town Clerk’s office.

Also, a Map, Plan and Report had been received from Richard Minekime, for development of 11 lots on Evelyn Drive, not Beverly Drive at this time.

Attorney Trask indicated that Mr. Minekime, as the developer, would be responsible for installing all the drainage facilities, which consists of a detention pond and a ditch. The intention is to create this district and then turn over those facilities, once they are improved, to the Town of Eden, via an easement or a deed, and then

have the drainage district, which would then be part of the town government and the town would be responsible for future maintenance. The creation of the district would give the town the ability to tax and assess people within that district to cover that cost.

Supervisor Nellis then asked for comments, there were none.

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 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.

New and Unfinished Business:

1. **Resolution for Boys and Girls Club of Eden week March 25-March 31, 2007**

Supervisor Nellis read the following resolution:

**RESOLUTION
IN RECOGNITION OF BOYS & GIRLS CLUB WEEK
MARCH 25 – 31, 2007**

WHEREAS, the Boys & Girls Club of Eden was established on November 4, 2002, and

WHEREAS, over the past 4 years the Club has welcomed more than 1,400 youth, between the ages of 7 and 18, into its membership from the Town of Eden and surrounding areas, and

WHEREAS, in collaboration with the Eden Public Schools, Eden town Recreation and various church and civic organizations, we have been able to provide numerous successful programs for our youth, and

WHEREAS, the Club’s programs focus on enriching the lives of its members, always striving to give our youth the tools needed to experience success in the various areas of their lives and develop into responsible and caring adults, and

WHEREAS, the Boys & Girls Club of Eden will be joining with more than 3,700 Clubs from across the Country in celebrating National Boys & Girls Club Week, March 25th – 31st.

NOW THEREFORE BE IT RESOLVED that the Eden Town Board recognizes the week of March 25th – 31st, as Boys & Girls Club of Eden Week in further honor of the Boys & Girls Club of America and all they do for the youth of this great Nation.

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

Supervisor Nellis introduced Mr. Pierce, President of the Boys/Girls Club, who gave a brief presentation and then introduced Mrs. Debbie Popple, the new Executive Director.

2. **Advertisement required seeking a new alternate member for the Eden Planning Board**

- Supervisor Nellis stated that applications were available at the Supervisor’s office for anyone interested in applying for a position on the Eden Planning Board.

3. **Highway Department seeks approval to award fuel bid to Page Harms for 2007**

- Ron Maggs, Highway Superintendent made a recommendation to the Town Board to award the fuel bid to Page Harms for Motor Fuels and Related Services, being the only bidder.

MOTION was made by Councilman Krycia to award the fuel bid to Page Harms based on the recommendation of Ron Maggs, Highway Superintendent; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4. **Approval of handicapped accessible assembly for Town Hall back door**

Supervisor Nellis received the following estimates for a handicap accessible assembly for the handicap entrance to the Town Hall:

Jens Glass Co., Inc.	\$1,950.00
Imperial Door Controls	\$2,051.00

Supervisor Nellis stated that Ron Maggs, Highway Superintendent and Scot Christiansen, Maintenance of Buildings had reviewed the above estimates and their recommendation was to Jens Glass Co., Inc. at a cost of \$1,950.00.

MOTION was made by Supervisor Nellis to award the bid to Jens Glass Co., Inc. at a cost of \$1,950.00; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

5. **Approval of 2007 Recreation seasonal employees**

- Supervisor Nellis read the entire list of 2007 summer staff assignments, salaries and positions as recommended by Eden Recreation Advisory Board, which are on file in the Town Clerk’s office. All assignments are within the 2007 approved budget.

MOTION was made by Supervisor Nellis to approve the 2007 Summer Employees as recommended by the Recreation Advisory Board; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

6. **Ratification of Verizon settlement**

- William Trask, Town Attorney stated that a settlement had been reached and authorization was needed to sign the stipulation of settlement that has been negotiated by Mr. Trask on behalf of the Town of Eden.

MOTION was made by Councilwoman Pew to authorize Attorney Trask to sign the stipulation of settlement; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

7. **Storm water Phase II Local Ordinance Adoption and Development of Funding Mechanism**

- Andrew Reilly, Town Engineer requested permission to proceed with Phase II Local Ordinance Adoption and Development of Funding Mechanisms, which work plan components were previously discussed and approved at a Town Board Meeting, leaving authorization to Wendel Duchscherer to proceed.

MOTION was made by Supervisor Nellis to authorize Andrew Reilly, Town Engineer of Wendel Duchscherer and Attorney Trask to proceed with Storm water Phase II work plan as presented and approved; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8. **Resolution – Criminalizing Use of the Internet to Commit a Sex Crime Against a Child**

Councilwoman Pew read the following resolution:

**RESOLUTION OF EDEN TOWN BOARD
SUPPORTING PROPOSED LEGISLATION
CRIMINALIZING USE OF THE INTERNET
TO COMMIT A SEX CRIME AGAINST A CHILD**

WHEREAS, many sex offenders utilize computers and the internet to prey upon children by communicating with these children using fictitious identities in order to entice children to meet with them with the ultimate goal of engaging in sex with children, and

WHEREAS, the pervasiveness of an easy access to the Internet has made children increasingly vulnerable to such activities; and

WHEREAS, everything possible should be done to protect our children from becoming victims of this outrageous, predatory conduct; and

WHEREAS, State Assemblyman Jack Quinn, has sponsored a bill in the State Assembly (A5463) which would enact a new law (Article 495-Computer Sex Crimes Against Children) to make it a separate crime to use the internet to facilitate the commission of a sex crime against a child and to make such criminal conduct subject to severe criminal penalties; and

WHEREAS, this Board feels that this proposed legislation is worthwhile and would add an additional deterrent to sex offenders in New York State;

NOW, THEREFORE BE IT RESOLVED that this Town Board hereby urges the New York State Legislature and Governor to enact Assembly Bill No. 5463 to criminalize use of the internet to facilitate commission of a sex crime against children and to mandate stricter penalties against those who use the internet to commit sex crimes against children; and

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby is authorized and directed to send certified copies of this resolution to Assemblyman Jack Quinn, Senator Dale Volker, Governor Elliot Spitzer and Senator William Stachowski.

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

Councilwoman Pew reported that a resident had requested an update on the sound system for the auditorium. The Technology Committee had researched the idea of purchasing new microphones, but the current system was not compatible and to purchase an entire system was exceedingly high. Not considering this a necessity, it would be addressed at budget time.

Supervisor’s Report:

- Supervisor Nellis stated that a meeting would be held on March 29, 2007 at 7:00 P.M. in the Conference Room with Dave Zittel, Karen Agle, Frank Mantione and Mary Jane Bolo from the Agriculture Committee discussing a formal farmland protection plan that would be fully funded by the State of New York.
- Supervisor Nellis publicly thanked Mike Bolo and the Economic Development Committee for the work at the industrial site, specifically Multi-Industries. A grant has been received totaling \$175,000.00 for construction of a road. Currently there are 32-34 employees, which 90% are from low-moderate income.

Hearing of Visitors:

Robert Stickney, 2718 Lourdes Drive, Eden, NY

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 8:30 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 10:30 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk