

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
APRIL 11, 2007  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN ( <i>Dep. Supv.</i> ) <i>Absent</i>
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
John McCarthy	-	Lieutenant, Police Department
Kathy Keller	-	Eden Emergency Squad
David A. Cole	-	Eden Fire Chief
Rick Kirst	-	East Eden Fire Chief
Robert Pietrocarlo	-	Chairman Board of Assessors
Scott Henry	-	Zoning Code Enforcement Officer
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 March 14, 2007; there were none.

**MOTION** was made by Councilman Venry to approve the Town Board Minutes of March 14, 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 “Budget Transfer” from Account A8540.4 Drainage to A8540.4A Drainage Stormwater for money to help offset cost of the Stormwater Drainage Project in the amount of \$5,000.00.

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

**Budget Amendments:**

Supervisor Nellis read the following “Budget Amendment” from Account A909 Fund Balance to Account A8540.4A Drainage Stormwater to set up an appropriation account for Eden’s Stormwater Management Program in the amount of \$13,500.00.

**MOTION** was made by Councilman Venry to approve the “Budget Amendment” as presented; seconded by Councilman Krycia; 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	160-218	\$36,506.87
Highway Dept. Fund	68-98	\$28,971.49
Fire Dept. Fund	62-90	\$48,802.12
Recreation Dept. Fund	27-39	\$3,438.82
Refuse and Garbage Fund	4	\$346.00
Street Lights Fund	7-8	\$3,889.53
Water Fund	6	\$32.13

Trust & Agency Fund	--	--
Capital Fund	--	--
Community Development	--	--

**MOTION** was made by Councilman Vacco 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 March 2007 were presented by Kathy Keller, Eden Emergency Squad; David Cole, Eden Fire Chief; Rick Kirst, East Eden Fire Chief; John McCarthy, 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.

Susan Brass, Recreation Director requested the appointment of Gordon Karstedt to a five-year term to the Recreation Advisory Board due to the resignation of Salvatore Manuele.

**MOTION** was made by Councilman Vacco to appoint Gordon Karstedt to a five-year term to the Eden Recreation Advisory Board; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Mary Jo Hultquist, Town Clerk requested permission to attend the New York State Town Clerk’s Association Conference to be held in Rochester, New York from April 29, 2007 through May 2, 2007.

**MOTION** was made by Councilman Vacco to approve the request of Mary Jo Hultquist, Town Clerk to attend the annual New York State Town Clerk’s Association Conference to be held in Rochester, New York from April 29, 2007 through May 2, 2007; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested a bid opening date for May 3, 2007 at 10:00 a.m. in the Town Clerk’s office for a New and Unused 2007 or newer ½ Ton Pick-Up Truck.

**MOTION** was made by Councilman Ventry to set the bid opening date of May 3, 2007 at 10:00 a.m. in the Town Clerk's office for a New and Unused 2007 or newer ½ ton Pick-Up Truck; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested permission to attend the Highway School in Ithaca, New York from June 4, 2007 to June 6, 2007.

**MOTION** was made by Councilman Vacco to approve the request of Ron Maggs, Highway Superintendent to attend Highway School in Ithaca, New York from June 4, 2007 to June 6, 2007; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

David Cole, Eden Fire Chief requested the Town Board remove the name of Michael McCarthy from the active roster of the Eden Fire Department with 12 years of service.

**MOTION** was made by Councilman Krycia to remove Michael McCarthy from the active roster of the Eden Fire Department; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

David Cole, Eden Fire Chief requested permission for Eden and East Eden Fire Departments to advertise the RFP (Request for Proposals) for Itemized Fire Equipment with the bid opening date of Friday May 4, 2007 at 4:00 p.m. in the Town Clerk's office.

**MOTION** was made by Councilman Vacco to set the bid opening date of May 4, 2007 at 4:00 p.m. in the Town Clerk's office for Itemized Fire Equipment for the Eden and East Eden Fire Departments; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

David Cole, Eden Fire Chief requested approval to apply for the 2007 Assistance to Firefighters Grant which requires 5% matching funds.

**MOTION** was made by Councilman Krycia to approve the application for the 2007 Assistance to Firefighters Grant, which if granted, would require 5% matching funds from the Town of Eden; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

David Cole, Eden Fire Chief requested approval for \$1900.00 allowing ten members of the Eden Fire Department to attend the hands-on-training of the

Responders & Emergency Services Conference & Ultimate Expo (Rescue Expo) sponsored by Dival Fire and EMS Supplies. This conference will be held at the Hamburg Fairgrounds on September 20, 2007 through September 22, 2007. The cost of the hands-on-training is \$190.00 per student.

**MOTION** was made by Councilman Vacco to approve the expenditure of \$1900.00 allowing ten members of the Eden Fire Department to attend the conference to be held September 20, 2007 through September 22, 2007; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

David Cole, Eden Fire Chief requested adding Jeremy C. Matte, 9689 Versailles Plank Road, Angola, NY to the active roster of the Eden Fire Department, pending physical and background check.

**MOTION** was made by Councilman Vacco to add Jeremy C. Matte to the active roster of the Eden Fire Department pending physical and background check; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Rick Kirst, East Eden Fire Department, on behalf of Andrew Breier, East Eden Fire Chief, requested adding Jake Vernon to the active roster of the East Eden Fire Department pending background check. The physical exam has been completed.

**MOTION** was made by Councilman Vacco to add Jake Vernon to the active roster of the East Eden Fire Department pending background check; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

Supervisor Nellis stated that the May 9, 2007 Town Board Meeting will be held at the East Eden Fire Hall.

Kathy Keller, Emergency Squad, on behalf of Scott Hultquist, Director of Operations, announced an Open House to be held on May 12, 2007 starting at 11:00 with a Chicken Barbeque. Emergency Medical Service week will be the following week, May 20, 2007 through May 26, 2007.

#### **New and Unfinished Business:**

1. **Contract with Erie County on Grant for new road at Eden Industrial Park**

Attorney Trask requested this item be tabled and moved to “Old Business” to be reviewed and discussed at a future Town Board Meeting.

2. **Bids on new Handicap Accessible Doors at Eden Public Library**

Supervisor Nellis stated that the following 2 (two) bids had been received for a new handicap accessible door at the Eden Public Library:

Jens Glass	\$ 5,800.00
Imperial Door	\$ 6,156.00

**MOTION** was made by Councilman Krycia to approve the bid of \$5,800.00 to Jens Glass for the installation of 3 (three) doors at the Eden Public Library with the installation of the wiring to operate the door operators to be completed by Scot Christiansen; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Note: The 3 (three) handicap accessible doors at the Eden Public Library will be paid for by a grant received from the Eden Library.

3. **Special Use Permit revision request to add diesel to the grades of petroleum products now offered at Eden Shurfine**

Supervisor Nellis read correspondence from Mark Agle, Chairman of Planning Board regarding Schmitt Sales, Inc. request to add diesel fuel at Eden Shurfine. Based upon the Planning Board’s review of all information submitted and by the presentation made at their March 28, 2007 meeting by Mr. Terry Mahon, a representative of Schmitt Sales, Inc., the Planning Board hereby makes the following recommendation:

1. We recommend that the Town Board favorably consider the request of Schmitt Sales, Inc., to add diesel fuel to the existing fuels offered at Eden Shurfine. Schmitt Sales indicates that no alterations would be made to the canopy or the building. The only changes presented are the installation of a nozzle to an existing fuel pump and a new underground fuel tank.

Based on the recommendation of the Eden Planning Board, Supervisor Nellis requested the Town Board set a public hearing for May 9, 2007 at 8:00 P.M. at the East Eden Fire Hall for the Special Use Permit to allow Eden Shurfine to add diesel to the grades of petroleum products.

**MOTION** was made by Supervisor Nellis to set a public hearing for May 9, 2007 at 8:00 P.M. at the East Eden Fire Hall for the Special Use Permit to allow Eden Shurfine to add diesel to the grades of petroleum products; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4. **Training Opportunity to all Planning and Zoning officials as required by State Law**

Supervisor Nellis received correspondence from Wendel Duchscherer and the New York Planning Federation regarding annual training requirements for local planning and zoning boards. On January 1, 2007, the new statute adopted by the New York State Legislature that requires on-going training for local boards took effect. This statute requires that members of planning boards, zoning boards of appeal and county planning boards, and their alternates, receive a minimum of four hours of training per year. As a New York Planning Federation sanctioned event, this presentation qualifies as an acceptable means of satisfying a portion of this requirement. Attendance at this presentation qualifies as two credit hours of training.

The event is to be held on Tuesday, May 8, 2007 at 7:15 p.m. at the new Angola Theater, 72 North Main Street, Village of Angola.

5. **Local Law establishing compliance with new State Building Code requirements**

Supervisor Nellis recommended this item be moved to “Old Business” to be reviewed and discussed at the May 9, 2007 Town Board Meeting to be held at the East Eden Fire Hall.

6. **Approval of Drainage District No. 3 – Beverly/Evelyn Subdivision**

Supervisor Nellis requested approval to create and approve Drainage District No. 3 in the Town of Eden for the Beverly/Evelyn Subdivision, specifically the development of 11 lots on Evelyn Drive.

**MOTION** was made by Councilman Krycia to create and approve Drainage District No. 3 in the Town of Eden for the development of 11 lots on Evelyn Drive; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

7. **Resolution declaring May, Motor Cycle Safety and Awareness Month**

Supervisor Nellis read the following resolution:

**A PROCLAMATION  
MOTORCYCLE SAFETY AND AWARENESS MONTH**

**WHEREAS**, there were 2,772,779 registered motorcycles and 593,268 licensed riders in New York State in 2006; and

**WHEREAS**, we need to remind all motorists to be more aware of motorcyclists, respecting their right to safely ride on our highways; and

**WHEREAS**, we wish to join with Governor Eliot Spitzer in making this annual proclamation;

**NOW, THEREFORE BE IT RESOLVED** that the month of May, 2007 is proclaimed MOTORCYCLE SAFETY AND AWARENESS Month in the Town of Eden; and

**BE IF FURTHER RESOLVED**, that we congratulate the local chapter of ABATE (American bikers aimed Toward Education) for bringing the need for greater motorcycle safety to our attention and wish them good luck as they conduct a ceremony on May 5, 2007 recognizing this effort to improve motorcycle safety.

**MOTION** was made by Supervisor Nellis to approve the resolution as presented; seconded by Councilman Vacco; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

**8. Approval of restoration of the 1978-1981 Town Board Meeting Minute Book**

Supervisor Nellis read correspondence from Mary Jo Hultquist, Town Clerk regarding the restoration of the 1978-1981 Minute Book. The cost to restore the minute book is \$1,331.00, which funds have been included in the 2007 Town Clerk's budget. This program to restore record books was begun by former Town Clerk, Mary Louise Schwanz.

**MOTION** was made by Councilman Krycia to approve the restoration of the 1978-1981 minute book at a cost of \$1,331.00, as approved in the 2007 Town Clerk's budget; seconded by Councilman Ventry; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

**9. Resolution on Municipal Clerk's Week – April 29 – May 5**

Supervisor Nellis read the following resolution:



**A PROCLAMATION  
MUNICIPAL CLERK'S WEEK  
APRIL 29 – MAY 5, 2007**

**WHEREAS**, the Office of the Municipal Clerk, a time honored and vital part of the local government, exists throughout the world; and

**WHEREAS**, the Office of the Municipal Clerk is the oldest among public servants; and

**WHEREAS**, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

**WHEREAS**, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

**WHEREAS**, the Municipal Clerk is the information center on functions of local government and community; and

**WHEREAS**, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations; and

**WHEREAS**, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk;

**NOW, THEREFORE, I** Glenn R. Nellis, on behalf of the entire Eden Town Board, recognize the week of April 29 through May 5, 2007 as Municipal Clerks Week and further extend appreciation to our Municipal Clerk, Mary Jo Hultquist, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

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

10. **Status Report on Water Projects**

Stephen Waldvogel, CRA Infrastructure & Engineering, Inc., stated that all 6 (six)

Towns/Villages in the water consortium have formally adopted the “Memo of Understanding” implementing the SMSI Grant (Shared Municipal Services Incentive) for the SWEC (Southwestern ErieCounty) Regional Water Project, and all the state contracts have been returned, processed and forwarded to the Comptroller and the Attorney General to sign. Mr. Waldvogel expects the approval to come shortly, as all signs from Albany look good.

A meeting will be held on Friday, April 20, 2007 at 12:00 noon at the Eden Town Hall regarding the Shadagee Road project, which would include all 6 (six) towns/villages.

**Supervisor’s Report:**

- Time Warner agreement is up this year and a public meeting will be scheduled.
- New York Association of Towns – tax exemption for local officials.

**Hearing of Visitors:**

Ruth Szalasny

**Adjournment:**

**MOTION** was made by Councilman Vacco 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 8:45 P.M.

**Executive Session:**

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

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk