

April 25, 2007

**MINUTES**

**WORK SESSION MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
APRIL 25, 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                                |

**OTHERS PRESENT:**

|                   |   |            |
|-------------------|---|------------|
| Mary Jo Hultquist | - | Town Clerk |
|-------------------|---|------------|

**Call To Order:**

Supervisor Nellis called the Work Session 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.

**New and Unfinished Business:**

**1. Stormwater Management Annual Report (Informational)**

Supervisor Nellis stated that New York State requires each county and Municipality to submit an annual report. The final report will be available for the Town Board meeting on May 9, 2007 at which time Tim Zuber from Wendel will give a brief presentation on the contents of the report. New York State has also supplied the town with a model law on stormwater management and is requiring a law be on the books by the end of 2007, which is now under review by William Trask, Town Attorney.

**2. Partnering for Tourism**

Supervisor Nellis presented a schedule for Partnering for Tourism Development in the Southtowns of Erie County Phase II Draft Workplan for May 2007 through September 2007. Several sessions will be held with a deadline for a final report due September 17, 2007.

**3. Planning/Zoning Presentation – Scheduled for May 8<sup>th</sup> in the Village of Angola**

Supervisor Nellis reminded the Town Board of the Planning/Zoning presentation to be held in the Village of Angola on May 8, 2007 which would qualify as two credit hours of training. Effective January 1, 2007 an amendment to state law now requires planning and zoning board of appeals members to obtain four hours of training a year. Councilman Krycia stated that members of the Economic Development Committee would also be attending.

**4. Resolution to spend funds from the Highway Equipment Reserve Account for a new one-half ton pickup truck, subject to Permissive Referendum**

Supervisor Nellis read the following resolution:

RESOLUTION AUTHORIZING SUPERVISOR GLENN R. NELLIS TO EXPEND FUNDS FROM THE HIGHWAY CAPITAL (EQUIPMENT) RESERVE FUND OF THE TOWN OF EDEN, SUBJECT TO PERMISSIVE REFERENDUM.

The Town Board of the Town of Eden, duly convened in regular session, does hereby resolve pursuant to the provisions of Section 6-c of the General Municipal Law of the State of New York that the Town Supervisor of the Town of Eden be and is hereby authorized and directed to transfer from the Highway Capital (Equipment) Reserve Fund of the Town of Eden to the Highway Machinery Equipment Purchase Line, Account Number D5130.2, a sum not to exceed \$23,000 from said Reserve Fund to purchase a One-Half Ton Pickup Truck.

This resolution shall be subject to a permissive referendum, as permitted by law.

**MOTION** was made by Supervisor Nellis to approve the resolution as presented also stating that \$23,000 was an approved budget item; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**5. Quote – Portable Sanitation Services**

Supervisor Nellis read correspondence from Susan Brass, Recreation Director regarding quotes received for portable sanitation services for the 2007 season. Quotes were received from Ball Toilet & Septic Services in the amount of \$1,638.24 and Modern Portable Toilets, Inc. in the amount of \$2,925.00.

The Recreation Department is recommending that the quote from Ball Toilet & Septic Services in the amount of \$1,638.24 be awarded and the Recreation Department be authorized to take delivery. The quote amount is below the amount budgeted in the current approved operating budget.

**MOTION** was made by Councilman Vacco to award the portable sanitation services bid to Ball Toilet & Septic Services in the amount of \$1,638.24; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**6. Appointment – Planning Board**

Supervisor Nellis read the following correspondence from Mark Agle, Chairman Eden Planning Board:

"Upon conducting personal interviews of all interested candidates and subsequent deliberation by the Planning Board, the following recommendation is made to the town Board concerning the vacancy of "Alternate Member" on the Planning Board:

The Planning Board hereby recommends that the Town Board favorably consider appointing Mr. William Mahoney, 7417 East Eden Road, to the position of alternate member of the Eden Planning Board.

We further recommend that, if allowable, and acceptable to the Town Board and Attorney, that Mr. Mahoney be designated as the "first alternate member" and that Mr. Franklin Meyer, DDS, 8014 Gowanda State Road, also be favorably considered for appointment as the "second alternate member" thereby resulting in two alternate member positions on the Planning Board. Should this not be possible for any reason, or if the Town Board wishes not to consider this further recommendation, then we simply recommend the appointment of Mr. Mahoney as alternate member.

Lastly, we recommend that the Town Board also request that the Town Attorney opine as to the possibility of enabling the alternate(s) to vote on matters before the Planning Board in the absence of any regular member, as opposed to only times where there is a lack of a quorum of regular members."

Supervisor Nellis read the following correspondence from William Trask, Town Attorney:

"Chapter 35 of the Town of Eden Code allows the appointment of more than one "alternate members" of the Planning Board. It does not provide for designation of those

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alternate members as the “First” or “Second” alternate, etc. The Chairperson may call upon the alternate members in any order he/she may prefer.

Chapter 35 allows use of alternate members in two situations:

1. If the Board otherwise would lack a quorum, or
2. If one of the regular members has a conflict of interest.

Chapter 35 would need to be amended (via local law) to allow an alternate member to sit in a situation where a regular member is absent, but the Board still has a quorum.

After much discussion, the following motion was offered:

**MOTION** was made by Councilwoman Pew to appoint Mr. William Mahoney and Mr. Franklin Meyer, DDS as alternate members of the Planning Board; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Supervisor’s Report:**

- Household Hazardous Waste& Electronics/Computers Recycling Special Collection Day will be held on Saturday, April 28, 2007 from 9:00 a.m. to 2:00 p.m. at the Erie County Highway Garage, located at 9125 Sibley Road in East Concord.
- Public Hearing to be held on May 16, 2007 at 8:00 p.m. in the Eden Town Hall presented by Bob Reynolds, Erie County Legislator regarding inclusion of property in the Agriculture District.

**Hearing of Visitors:**

There were none.

**Adjournment:**

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

Supervisor Nellis adjourned the Work Session Meeting of the Eden Town Board at 7:55 P.M.

**Executive Session:**

Supervisor Nellis adjourned the Executive Session of the Eden Town Board at 8:30 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk