

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
JULY 11, 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:

Dana Braun	-	Wendel Engineer
Ronald C. Maggs	-	Superintendent of Highways
John McCarthy	-	Lieutenant
Chris Colvin	-	Eden Fire Department
Rick Kirst	-	East Eden Fire Department
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, dedicated to the late John Reid of CRA Infrastructure.

Approval of Minutes:

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of June 13, 2007; there were none.

MOTION was made by Councilman Vacco to approve the Town Board Minutes of June 13, 2007 as presented; seconded by Councilman Krycia; 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	330-379	\$35,711.35
Highway Dept. Fund	165-182	\$37,541.71
Fire Dept. Fund	149-174	\$22,139.38
Recreation Dept. Fund	76-96	\$4,472.53
Refuse and Garbage Fund	--	--
Street Lights Fund	15-16	\$3,766.28
Water Fund	13	\$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 June 2007 were presented by Councilwoman Pew for Scott Hultquist, Eden Emergency Squad; Chris Colvin for David Cole, Eden Fire Chief; Rick Kirst for Andrew Breier, East Eden Fire Chief; John McCarthy for 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; Councilwoman Pew for Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk's office.

Rick Kirst, representing East Eden Fire Department requested the Town Board remove Gary Knisley and Tom Preischel from the town insurance and active roster.

MOTION was made by Councilwoman Pew to remove Gary Knisley and Tom Preischel from the town insurance and active roster of the East Eden Fire Department; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? - None; Motion carried.

Chris Colvin representing Eden Fire Department requested the Town Board add Kiel T. Hunter, 2315 Shadagee Road to the active roster pending physical exam and background check.

MOTION was made by Councilwoman Pew to add Kiel T. Hunter to the active roster of the Eden Fire Department pending physical exam and background check; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested permission to assist with the Eden Corn Festival August 2 through August 5, 2007 at his discretion.

MOTION was made by Councilwoman Pew to approve the request of Ron Maggs, Highway Superintendent to assist with the Eden Corn Festival August 2 through August 5, 2007 at his discretion; seconded by councilman Vacco; All "Ayes"; Opposed?- None; Abstain? - None; Motion carried.

Susan Brass, Recreation Director requested an adjustment to a staff appointment due to the departure from employment of personnel already approved:

Playgrounds – Christopher Smith to replace Richard Stadelmaier at \$7.15 per hour.

MOTION was made by Councilman Ventry to approve the staff appointment of Christopher Smith to replace Richard Stadelmaier at \$7.15 per hour; seconded by Councilman Krycia; All "Ayes"; Opposed?- None; Abstain? – None; Motion carried.

New and Unfinished Business:

1. Update on current Water Projects – Survey and Agency comments.

- Stephen Waldvogel, Engineer for CRA Infrastructure & Engineering, Inc. reported that the survey and agency comments are for the regional project that is on going. The Town of Eden will involve the potential of the formation of a new water district. Surveys were mailed out to residents in the Town of Eden that have been identified in need areas and an informational meeting will be held on July 19, 2007 at 7:00 P.M. at the Eden Town Hall.

The Shadagee Road transmission project, for which we issued the intent of Lead Agency and Negative Declaration at the last meeting, 3 comments have been received from Agriculture & Markets, Department of Conservation and the New York State Historic Preservation office. All of those comments came in writing and are relatively minor in nature, more aimed at the process in which we need to go through as opposed to anything in the environmental assessment. At the July 25, 2007 Town Board meeting, if we don't receive any additional comments, the Town Board comments will be heard and then we can go ahead with the Negative Declaration as the 30-day comment period will be complete at the end of this week.

The Map, Plan and Report for the Shadagee Road Transmission project has been revised with a copy to all Town Board members. The plan is to finalize that document this week so it may be sent to Rural Development and make application for funding. Mr. Waldvogel asked for any comments or suggestions on this final report and noted that Supervisor Nellis and Councilman Krycia had made some minor adjustments that will be noted. This relates to all existing water districts. An important point to highlight is an ongoing analysis and consideration of what size the line should be, 12" or 16" line. It has been structured in this report in a way such that the regional group of communities has the flexibility to build a 12" or 16", but Eden is only committing to pay for the 12" line. If additional funds become available, then a 16" line could be built. It is structured that way so as to not lockout other communities and at this point, if Eden would go forward and build the 12" line today it may not provide sufficient capacity.

Rural Development has a deadline of August 3, 2007 to submit this application to lock in at the lower funding.

MOTION was made by Supervisor Nellis accept the amended Map, Plan and Report as presented by CRA Infrastructure & Engineering, Inc.; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Councilman Vacco to authorize Supervisor Nellis to prepare and sign the pre-eligibility application to Rural Development; 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 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 request of Upstate Cellular Network d/b/a/ Verizon Wireless for a Special Use Permit to construct a telecommunications tower behind the Eden Bowling Center; 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

**Request from Upstate Cellular Network d/b/a Verizon Wireless
for a Special Use Permit to construct a telecommunications tower
behind the Eden Bowling Center**

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

Supervisor Nellis introduced Thomas C. Greiner, Jr., representing Nixon Peabody, Attorneys At Law and John Engelbert, representing Verizon Wireless.

Mr. Greiner stated that a presentation was given to the Eden Planning Board last year suggesting the Smith Hardware site with other options being a silo on West Church Street and the Eden Bowling Center. After consideration, the Eden Planning Board recommended the Eden Bowling Center as the preferred site.

The following persons spoke in opposition of the size and placement of the tower in relationship to their respective properties:

Richard & Kerrie Inserra

8737 West Avenue

Robert & Maggie Campbell
Charlene Edwards
Elaine

2753 Second Street
2734 Hemlock Road
Woodspirit

The following persons spoke in favor of the tower:

Kevin Condon	9001 Notre Dame Drive
Bruce Peterson	8748 Elizabeth Drive
Glenn Hartman	no address given
James Haag	2159 Derby Road (owner of Eden Bowling)

Supervisor Nellis was presented with a petition signed by 40 residents. At the conclusion of the public hearing, Supervisor Nellis urged residents to write or stop by with further comments and suggestions.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 9:30 p.m.

MOTION was made by Supervisor Nellis to close the Public Hearing for public comment and will be continued at the next scheduled Town Board meeting on July 25, 2007; 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 Town Board; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

2. **Approval of Economic Development Grant request to Erie County for downtown parking lot by Swartz Field behind Ty’s Pets & Supplies at 8544 North Main Street.**

Supervisor Nellis requested approval of Economic Development Grant request for a downtown parking lot. The project is located behind 8544 N. Main Street – Ty’s Pets and Supplies, LLC and adjacent to Bauer’s Eden Valley Furniture Store (8532 N. Main Street). The lot is to be blacktopped with appropriate drainage, measuring 200’ x 300’ and will be designed to allow 3 to 4 RV’s to park on the perimeter for up to 5 days while touring the Southtowns area. Nearby restaurants, beauty salons, bank, doctors, etc. makes this a natural area for added municipal parking. Project will also require improving the access/egress area between the two stores, which connects to route 62 in the hamlet.

The amount of the Community Development Block Grant requested is \$240,000.00 and the estimated date construction will commence is September 1, 2007 with a completion date of October 30, 2007.

MOTION was made by Supervisor Nellis to approve the grant application; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3. **Highway Pole Barn – Results of bid opening.**

- Ron Maggs, Highway Superintendent recommended to the Town Board that this item be tabled and moved to “Old Business” to be reviewed and discussed at a future Town Board meeting.

4. **Fire Safety and Survival Training Building.**

- Chris Colvin, Eden Fire Department stated that the proposed training building would be located on the Town of Eden property on New Jerusalem Road and be used to sharpen skills associated with fighting fires. The size of the building would be approximately 20’ x 20’, 2-story shed type building with a stairwell inside. More information will be made available at the July 25, 2007 Town Board meeting.

5. **Resolution supporting State Legislation expanding the existing bottle Return Law.**

- Supervisor Nellis recommended to the Town Board that this item be tabled and moved to “Old Business” to be reviewed and discussed at a future Town Board meeting.

6. **Tourism Development in the South Towns Forum – Thursday, July 19, 2007 from 6-8p.m. Evans Town Hall, Court Room (informational)**

- Supervisor Nellis stated that a presentation would be held on Thursday, July 19, 2007 from 6-8 p.m. in the Evans Town Hall to discuss the production of a Tourism Toolkit with strategies and action steps in agritourism, heritage tourism, recreational tourism, tourism marketing, asset development and tourism infrastructure.

7. **Financial Audit Report**

- Supervisor Nellis introduced Wayne Drescher, Partner with Drescher & Malecki,

LLP, the Accounting firm conducting the Town of Eden audit along with Brian Juskiewicz, Senior Accountant and Lisa Winter, Town Bookkeeper. Mr. Drescher gave a brief and condensed report of the financial audit report that was presented to the Town Board.

8. **Public Meeting regarding the 12” Water Transmission Line along Shadagee Road on Thursday, July 19, 2007 at 7:00 p.m. (informational)**

- Stephen Waldvogel, Engineer for CRA Infrastructure & Engineering, Inc. stated

that the public meeting to be held on July 19, 2007 at 7:00 p.m. in the Eden Town Hall is for the regional project for potential formation of new water districts. Surveys were mailed out to residents in the need areas and the meeting will be an opportunity for questions/answers.

9. **Bid opening – East Eden Fire Department**

- Councilwoman Pew requested the Town Board schedule a bid opening for the Fire Apparatus and other equipment as outlined in the specifications for Thursday, August 2, 2007 at 4:00 p.m. in the Town Clerk’s office.

MOTION was made by Councilwoman Pew to set a bid opening date for Fire Apparatus and other equipment for Thursday, August 2, 2007 at 4:00 p.m. in the Town Clerk’s office; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

Supervisor Nellis received a report on Commission on Efficiency of Local Government, looking for examples to be submitted. Supervisor Nellis will send a report from the Town of Eden regarding the work on the Southtowns Community Enhancement Coalition, the on-going water project and the consortium.

Hearing of Visitors:

There were none.

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 9:50 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 11:00 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk