

MINUTES

**WORK SESSION MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
JULY 25, 2007
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

| | | |
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| 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:

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| Mary Jo Hultquist | - | Town Clerk |
| Anna M. Knack | - | Administrative Assistant |

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, dedicated to the late Ruth C. Szalasny.

Petitions:

A petition with 141 signatures was presented to Supervisor Nellis and the Town Board from Dan and Maureen Woyton, 3050 Paxon Road requesting a speed reduction on Kulp and Paxon Roads. Supervisor Nellis stated that a formal request would be made to Erie County to conduct a study with the final decision made by the State of New York Department of Transportation.

New and Unfinished Business:

- 1. **Continuation of Public Comments – Verizon Wireless Special Use Permit Request**

- Supervisor Nellis re-opened the Public Comments portion of the Public Hearing held on July 11, 2007 regarding the Special Use Permit for Verizon Wireless explaining that comments will be for those in attendance tonight that did not get an opportunity to speak at the Public Hearing.

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

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|-------------------|-------------------------|
| Jody Bialaszewski | 2750 Second Street |
| Doris Eppolito | 8375 Cobblestone Court |
| Carl Modica | 2637 Hemlock Road |
| Kerrie Inserra | 8737 West Avenue |
| Maggie Campbell | 2753 Second Street |
| Ann Marie Perillo | 8903 Gowanda State Road |

The following persons spoke in favor of the tower:

| | |
|-----------------|-----------------------|
| Joe Bennett | 8639 S. Main Street |
| Robin Evenhouse | 8725 S. Main Street |
| Diane Bianchi | 2808 E. Church Street |

Supervisor Nellis was presented with an additional petition. At the conclusion of the discussion, 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 7:55 p.m.

MOTION was made by Councilman Krycia to close the “Continuation of Comments” from the Public Hearing held on July 11, 2007 and continue the Work Session Meeting of the Eden Town Board; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

2. **SEQR Declaration – Shadagee Road Water Transmission Line to Route 62**

- Mark Cavalcoli, representing CRA Infrastructure & Engineering presented the Town Board with a resolution requesting SEQR Lead Agency to the Town of Eden.

Councilwoman Pew read the following resolution:

WHEREAS, the Town of Eden, New York requested SEQR Lead Agency pursuant to Part 16 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law on or about June 13, 2007, regarding the Town of Eden Water System Improvement Project (the “Project”);

WHEREAS, after preparing and submitting copies of Part 1 of the Long Environmental Assessment Form (EAF) to all necessary and potentially involved Agencies, and no contacted agencies objected to the Town acting as Lead Agency;

WHEREAS, the Eden Town Board has reviewed and considered comments from the general public concerning this Project;

WHEREAS, the Eden Town Board, as Lead Agency, has conducted a thorough review of this project and has considered the impacts of this project on the environment, pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law;

NOW, THEREFORE BE IT RESOLVED by the Eden Town Board of the Town of Eden as follows:

1. The Town Board hereby designates itself as the Lead Agency for purposes of the review of the Project.
2. The Town Board hereby determines that this Project does not constitute a significant adverse impact and will not have a significant impact on the environment and has issued a Negative Declaration.

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

3. **Highway Pole Barn – Results of Bid Opening**

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Ron Maggs, Highway Superintendent made a recommendation to the Town Board to award the bid for the Highway Pole Barn to the sole bidder, Fingerlakes Construction at a bid price of \$66,475.00, subject to permissive referendum.

Supervisor Nellis read the following resolution:

RESOLUTION AUTHORIZING SUPERVISOR GLENN R. NELLIS TO EXPEND FUNDS FROM THE GENERAL MAINTENANCE 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 General Maintenance Reserve Fund of the Town of Eden to the Central Garage Equipment Line, Account A1640.2, an additional sum not to exceed \$8,475.00 from said Reserve Fund for the purpose of constructing a Pole Barn for the Town of Eden Highway Department. If approved, this brings the total transfer of funds from the General Maintenance Reserve Fund for construction of the Pole Barn to \$66,475.00.

Note: The original resolution was presented to the Town Board at the Regular Meeting of the Eden Town Board on June 13, 2007 with a transfer of funds from the General Maintenance Reserve Fund of the Town of Eden to the Central Garage Equipment Line, Account A1640.2, a sum not to exceed \$58,000.00.

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

MOTION was made by Councilwoman Pew to approve the bid for the Eden Highway Utility Building, based on the recommendation of Ron Maggs, Highway Superintendent, to Fingerlakes Construction in the amount of \$66,475.00, subject to the 30-day Permissive Referendum; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4. **Fire Safety and Survival Training Building (Informational)**

Supervisor Nellis stated that at the July 11, 2007 Town Board Meeting information was provided by Chris Colvin for Chief David Cole of the Eden Fire Department regarding a training building to be located on town owned property on New Jerusalem Road. The Eden Fire Department, at the present time, must travel to Cheektowaga to train at their facility and would find it more convenient to have a facility in the Town of Eden for training for their members. The cost of the building is approximately \$6,000 to \$7,000, which would be paid from the Fraternal Order of the Eden Fire Department, at no cost to taxpayers. The facility would be shared with the East Eden Fire Department as well.

MOTION was made by Councilwoman Pew to approve the construction of the Fire Safety and Survival Training Building to be built on town-owned property on New Jerusalem Road at the expense of the Fraternal Order of the Eden Fire Department; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

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

WHEREAS, the Town Board of the Town of Eden acknowledges its responsibility to keep our communities clean and healthy, and

WHEREAS, this year marks the 25th anniversary of the bottle bill, New York’s most effective recycling and litter prevention program, and

WHEREAS, since 1982, more than 90 billion bottles and cans have been returned and recycled in New York, and the volume of litter has been reduced by 30%, because of the 5-cent refundable deposit on beer and soda containers, and

WHEREAS, the bottle bill did not include bottled water, iced teas, sports drinks, and other non-carbonated beverages because they were not popular in 1982 but now make up a quarter of the beverage market, and

WHEREAS, litter surveys conducted in New York by coastal cleanup volunteers found that two-thirds of the bottles and cans polluting New York’s rivers and beaches are non-deposit containers, and these containers make up 20% of the total litter volume, and

WHEREAS, 80% of the deposit containers are recycled through the bottle bill and curbside recycling programs in New York, while only 20% of non-deposit containers are

Recycled, and

WHEREAS, New York is out of step with many other states, which require beverage companies to return unclaimed bottle deposits to benefit the public, and

WHEREAS, New York’s law does not provide for the disposition of any unclaimed deposits, and the beverage industry has retained over \$1.5 billion in unclaimed deposits since 1982, and

WHEREAS, Governor Eliot Spitzer has proposed in the executive budget for FY 2007-2008 updating the bottle bill to include non-carbonated beverages and requiring beverage companies to transfer unclaimed deposits to the state’s Environmental Protection Fund, and

WHEREAS, the Environmental Protection Fund is a dedicated trust fund for New York’s environment that supports local recycling programs, parks, waterfront revitalization, open space, farmland preservation, and other programs to protect our land, air, and water, and

WHEREAS, Governor Eliot Spitzer estimates that the unclaimed deposits would generate at least \$100 million annually for the State Environmental Protection Fund, and

WHEREAS, this proposal, known as the Bigger Better Bottle Bill, was passed by the New York State Assembly in 2005 and 2006, and has been endorsed by more than 400 groups, businesses, and local governments across the state.

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Eden does hereby urge state lawmakers to support cleaner communities, a healthier environment, and increased funding for environmental programs by adopting as legislation, the Bigger Better Bottle Bill in the 2007-2008 State Budget, and

FURTHER RESOLVED that the Clerk of the Town of Eden shall forward copies of this resolution to Governor Eliot Spitzer, New York State Comptroller's Office, Senate Majority Leader Joseph Bruno, Senate Minority Leader Malcolm Smith, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader James N. Tedisco, New York State Senators John J. Bonacic and William J. Larkin, Jr., William T. Stachowski, Dale M. Volker, New York State Assemblymen Kevin A. Cahill, Clifford W. Crouch, Peter Lopez, Thomas Kirwan, and Jack Quinn the New York Public Interest Research Group and the New York State Association of Counties, and moves its adoption.

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

Note: Councilwoman Pew stepped out of the meeting at this time.

6. **Appointments – Eden Police Department**

- Supervisor Nellis read correspondence from Patrick Howard, Chief of Police dated July 18, 2007 regarding the resignation of Re' Biastre, part-time police officer and the appointment of Gregory Szarowicz in place of Mr. Biastre.

Supervisor Nellis read correspondence from Patrick Howard, Chief of Police dated July 24, 2007 regarding the resignation of Seth Howard, part-time police officer and the appointment of Jeremy Lehning.

Before these items went to a vote Councilman Vacco stated that he would not be in favor of the appointments until Pat Howard, Chief of Police provided sufficient proof of certification. Councilman Ventry was in agreement with Councilman Vacco.

Supervisor Nellis stated that this agenda item would be tabled and moved to “Old Business” to be discussed and reviewed at a future Town Board Meeting.

Note: Councilwoman Pew returned to the meeting.

Supervisor’s Report:

Supervisor Nellis read the following resolution

**PROCLAMATION
International Clown Week
August 1 – 7, 2007**

Supervisor Nellis read the following resolution

WHEREAS, the tradition of the clown can be traced from ancient Egypt to the Greco-Roman world, to the royal jesters of Europe, and finally to Emmet Kelly, Lou Jacobs and Red Skelton; and

WHEREAS, clowns have long been known as ambassadors of joy and good will, and bring happiness to both young and old, sick and well, happy and sad; and

WHEREAS, the work of the clown goes far beyond the circuses, parties, picnics and shows and extends to the nursing homes, hospitals, charities and benefits for the less fortunate; and

WHEREAS, the Corn E Clowns of Erie County, World Clown Association and Clowns of America have joined together to commemorate International Clown Week; and

WHEREAS, the men and women who dedicate their lives to the tradition should be recognized for the outstanding and meaningful contributions they make in our great state of New York; and therefore be it

RESOLVED, that International Clown Week of August 1-7, 2007 is proclaimed in the Town of Eden and by this proclamation we call public attention to the charitable activities of the Corn E Clown Alley of Erie County and the wholesome entertainment they provide throughout all of Western New York State and Erie County.

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

Hearing of Visitors:

Robert Heferle
Mike Bolo
Joe Bennett

Adjournment:

MOTION was made by Councilman Vacco 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 8:40 P.M.

Executive Session:

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

Respectfully submitted by,

Mary Jo Hultquist, Town Clerk