
MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
AUGUST 8, 2007
7:55 P.M.**

TOWN BOARD MEMBERS PRESENT:

GLENN R. NELLIS - SUPERVISOR
MARY LOU PEW - COUNCILWOMAN (*Dep. Supv.*) *Absent*
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
Patrick M. Howard - Chief of Police
David A. Cole - Eden Fire Chief
Andrew Breier - East Eden Fire Chief
Scott Henry - Zoning Code Enforcement Officer

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 7:55 P.M.

Pledge of Allegiance:

Supervisor Nellis led the assembly in the Pledge of Allegiance to the flag followed by a moment of silence. Supervisor Nellis stated that Tom Daly was in attendance of the Town Board Meeting working on his merit badge for Eagle Scout.

Approval of Minutes:

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of July 11, 2007; there were none.

MOTION was made by Councilman Vacco to approve the Town Board Minutes of July 11, 2007 as presented; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of July 25, 2007; there were none.

MOTION was made by Councilman Vacco to approve the Town Board Minutes of July 25, 2007 as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Amendments:

Supervisor Nellis read the following “Budget Amendment” from Account SW8320.4 Water District Maintenance to Account SW9710.6 Debt-Principal for a change of Budget District of Violet Street Bond Payment from Maintenance to Principle/Interest in the amount of \$352.40; from Account SW8320.4 Water District Maintenance to Account SW9710.7 Debt Interest for a change of Budget District of Violet Street Bond Payment from Maintenance to Principle/Interest in the amount of \$1,325.88; from Account SF4589 DHS Grant to Account SF3410.2 Fire Equipment for a transfer receipt of grant money from revenue account to appropriation account for purchase of fire equipment in the amount of \$22,823.00; from SW3000 SMSI Water Grant to Account SW8320.4C SMSI Project to transfer money received from SMSI Water Grant to appropriation account for water study in the amount of \$42,300.00; from Account SW8320.4 Water Contractual to Account SW8320.4C SMSI Project to transfer from general water contractual to cover cost of water study in the amount of \$4,700.00 and from Account A2770 Miscellaneous Income to Account A1420.4 Legal Contractual to transfer closing costs collected to cover legal fees incurred with revolving loan program in the amount of \$500.00.

MOTION was made by Councilman Krycia to approve the “Budget Amendment” as presented; seconded by Councilman Ventry; 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	380-437	\$38,653.02
Highway Dept. Fund	183-204	\$104,850.38
Fire Dept. Fund	175-199	\$31,602.33
Recreation Dept. Fund	97-143	\$17,138.83
Refuse and Garbage Fund	11-12	\$49,479.51
Street Lights Fund	17-20	\$4,961.79
Water Fund	14-17	\$5,848.22
Trust & Agency Fund	--	--
Capital Fund	--	--
Community Development	--	--

MOTION was made by Councilman Vacco 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 July 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.

Dave Cole, Eden Fire Chief requested Jay Epolito be removed from the active roster.

MOTION was made by Councilman Vacco to remove Jay Epolito from the active roster of the Eden Fire Department; seconded by Supervisor Nellis; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Dave Cole, Eden Fire Chief stated that the Erie County Volunteer Firemen’s Association has awarded the Lifetime Achievement Award for 2006 and second place was given to William Rice who has been on the Eden Fire Department for 58 years. The presentation will be at the Erie County Fair on 8/10/2007, Firemen’s Day.

Ron Maggs, Highway Superintendent, as Chairperson of the Off-Road Drainage Committee recommended that the Town Board approve the projects that the committee has agreed upon:

1. Project 2007-03; recommend to remove and replace approximately 80’ of pipe from pond to break, to place a receiver at break and to clean pond only where pipe lets out into pond at 7150 Combs Drive, at a cost not to exceed \$2,000.00.

MOTION was made by Councilman Vacco to approve Project 2007-03 as recommended by Off-Road Drainage Committee; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

New and Unfinished Business:

1. **Schedule of Public Hearing – Proposed Local Law No. 3-2007 – Changes to the Town’s Fee Schedule**

Supervisor Nellis requested scheduling a Public Hearing for Proposed Local Law No. 3-2007 to discuss changes to the Town of Eden Fee Schedule for September 12, 2007 at 8:00 p.m.

MOTION was made by Supervisor Nellis to schedule a Public Hearing for Proposed Local Law No. 3-2007 at 8:00 p.m. for the purpose of changes to the Town of Eden Fee Schedule; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

2. **Presentation of and Scheduling of Public Hearing on New Local Law on Stormwater Management**

Supervisor Nellis stated that a Public Hearing would not be set at this time, but a presentation would be given by William Trask, Town Attorney. Mr. Trask stated that the purpose tonight is to present to the Town Board and Department Heads the proposed Local Law. There are two primary laws, which are under Federal mandate, to have this law in place by the end of 2007. Mr. Trask encouraged the Town Board and Department Heads to read the document and then schedule a series of work-session meetings. At this point, the document is a working-document, not a public document. Mr. Trask suggested after work-session meetings, a tentative Public Hearing date would be the October 10th Town Board Meeting.

3. **Notification of Liquor License Renewal – Eden North Collins Gun Club, Inc.**

Supervisor Nellis received notification of Liquor License renewal for the Eden North Collins Gun Club, Inc., which is informational.

4. **Notification of Liquor License Renewal – Eden Bowling Center**

Supervisor Nellis received notification of Liquor License renewal for the Eden Bowling Center, which is informational.

5. **Results of Bid Opening – New Fire Truck – East Eden Fire Department**

Supervisor Nellis requested that this item be moved to the conclusion of the Town Board Meeting to recess and go to “Executive Session”.

6. **Farmland Plan Authorization**

Supervisor Nellis read the following resolution:

WHEREAS, the Town of Eden is one of the leading agricultural communities in Western New York; and

WHEREAS, planning is critically important to Town Government doing its part to protect and enhance our agricultural heritage; and

WHEREAS, the State of New York is encouraging municipalities, through funding and related guidelines, to undertake such farmland protection plans; and

WHEREAS, such plans can augment the Comprehensive Master Plan of the Town;

NOW, THEREFORE, BE IT RESOLVED that this resolution authorizing the Town Supervisor, Glenn R. Nellis, to make application to the State of New York for \$25,000 in planning funds, which will be matched locally by \$6,666 in in-kind services and \$1,667 in cash being set aside from Account A6989.4 in the 2007 Budget.

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

7. Report of Unsafe Structures – 3275 Webster Road

Supervisor Nellis acknowledged a memo received from Scott Henry, Code Enforcement Officer regarding the condition of Greenhouse Complex/Structures of Hort Partners, LLC located at 3275 Webster Road in the Town of Eden, as follows:

“Responding to a series of complaints, most recently from the Eden Police Department, I personally investigated by observation from the road the apparent condition of various structures association with a greenhouse complex located at 3275 Webster Road, owned by Hort Partners LLC.

As you can see, portion of the complex have deteriorated and likely continue to deteriorate probably as a result of a combination of factors including age, vandalism, condition of structural elements, lack of maintenance, and snow and wind loading. Some areas of the complex roof have caved in; walls are bulging, sections of exterior glass walls have been broken out and there appears to be some racking of the structural frame; there are unsecured openings. In my opinion, such structures may be deemed dangerous and unsafe, are subject to the provisions of Chapter 90 of the Code of the Town of Eden, and recommend you consider ordering the repair and/or demolition and removal thereof for the following reasons:

- It is potentially dangerous and unsafe to any potential users thereof by reason of the obviously bad conditions of the walls and roof and where additional collapse is possible;
- It is open at windows and other entries, making it accessible to and an object of attraction to minors as well as to vagrants or other trespassers;
 - It is unfit for the purposes for which it may be lawfully used; and

- It presents a danger to the safety and general welfare of the public as a result of its dilapidated condition and proximity to residential properties.

Therefore, pursuant to §90-8, please consider this report and by resolution, determine If in your opinion the report so warrants that said structure or building is unsafe or dangerous and order its demolition and removal or repair if the same can be safety repaired, and further order that a notice be served upon the persons and in the manner provided in the code.”

Supervisor Nellis recommended the Town Board:

1. Accept the report from Scott Henry, Code Enforcement Officer
2. Set a Public Hearing for September 12, 2007 to give owners an opportunity to speak.

MOTION was made by Supervisor Nellis to accept the report and set a Public Hearing for September 12, 2007 to give owners an opportunity to speak; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8. Appointments

Supervisor Nellis read the following resolution:

RESOLVED, that the Town Board of the Town of Eden hereby appoints Gregory Szarowicz to the position of Police Officer, part-time, solely for the purpose of allowing him to attend Basic Course for Police Officers at Geneses Community College. Further authorization of the Eden Town Board shall be required prior to the appointee being assigned to any on-the-job training, patrol or street duties.

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

Councilman Ventry asked if any money would be spent with this appointment, Chief Howard responded that it is at no cost to the town.

9. Industrial Park Roadway Project

Supervisor Nellis stated that this is informational at this point. The process of finalizing an agreement with the property owner, Erie County, Town Attorney and Town Engineer are underway.

10. Town Board Resolution to proceed with speed limit reduction request for Kulp and Paxon Roads

Supervisor Nellis stated that correspondence had been received from Ron Maggs, Highway Superintendent and Pat Howard, Chief of Police regarding speed reduction on Kulp and Paxon Roads and concerns of other roads in the Town or Eden. Supervisor Nellis stated that after careful consideration, a Study Committee should be set up to take a look at speed limits throughout the town. The Study Committee would consist of Ron Maggs, Highway

Superintendent as Chair, Pat Howard, Chief of Police, Disaster Preparedness Committee representative, Councilman Vacco, Councilman Krycia, Andrew Reilly, Town Engineer, Bill Trask, Town Attorney and anyone else the committee deems necessary.

MOTION was made by Supervisor Nellis to approve the Study Committee as defined above; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Note: Mr. Maggs, Highway Superintendent asked if a secretary would be designated? Mr. Nellis stated that would be at the discretion of the Chairman of the committee.

Supervisor’s Report:

Supervisor Nellis stated that the annual meeting of the Association of Erie County Governments would be held on August 23, 2007 at O’Brien’s Pub at 5:30 p.m.

Hearing of Visitors:

There were none.

Adjournment:

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 8:42 P.M. to enter into Executive Session to discuss the legal description of the bid for the East Eden Fire Department and Personnel issues.

MOTION was made by Councilman Krycia to return to Regular Session of the Eden Town Board at 10:45 p.m.; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

The following resolutions adopted in public session following the Executive Session:

Resolution #1

MOTION was made by Supervisor Nellis to remove Seth Howard from the list of part-time Police Officers; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Resolution #2

MOTION was made by Councilman Krycia to appoint Jeremy Lehning as a part-time Police Officer, with appropriate field training; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Resolution #3

MOTION was made by Councilman Ventry to disqualify the bid for the East Eden Fire Department Pumper submitted by Empire Emergency-Rosenbauer as significantly deviating from the bid specifications; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 11:05 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk