

December 12, 2007

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
DECEMBER 12, 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 of Wendel	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Patrick M. Howard	-	Chief of Police
John Sheffer	-	Eden Emergency Squad
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 7:30 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 November 14, 2007; there were none.

MOTION was made by Councilman Vacco to approve the Town Board Minutes of November 14, 2007 as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of November 28, 2007; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of November 28, 2007 as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

Petitions:

There were none.

Budget Transfers:

Supervisor Nellis read the following “Budget Transfer” from Account D5110.1 to D5130.4 for equipment maintenance in the amount of \$12,663.21, from Account D5120.4 to D5110.4 for road materials in the amount of \$1,558.29, from Account D2770 to D5130.4 for equipment maintenance in the amount of \$2,077.26 and from Account D2770 to D5110.4 for pipe permit #19 for road materials in the amount of \$181.20.

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

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	651-714	\$83,039.17
Highway Dept. Fund	311-353	\$43,734.59
Fire Dept. Fund	289-306	\$10,874.07
Recreation Dept. Fund	193-199	\$20,315.69
Refuse and Garbage Fund	19	\$44,279.51
Street Lights Fund	30-32	\$5,116.66
Water Fund	29-30	\$5,066.18
Trust & Agency Fund	--	--
Capital Fund	--	--
Community Development	1	\$29,938.25

MOTION was made by Councilwoman Pew 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 November 2007 were presented by John Sheffer for Scott Hultquist, Eden Emergency Squad; David Cole, Eden Fire Chief; Andrew Breier, East Eden Fire Chief; Patrick Howard, Eden Police Chief; Supervisor Nellis for Ray Zabron, Dog Control Officer; Ronald Maggs, Superintendent of Highways; Dana Braun for Andrew Reilly, Town Engineer; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Scott Henry, Zoning Code Enforcement Officer; Supervisor Nellis for Susan Brass, Recreation Director. All reports are on file in the Town Clerk’s office.

David Cole, Eden Fire Chief requested the Town Board add Jeremy Kunch, 2324 Derby Road to the active roster of the Eden Fire Department pending physical exam and background checks.

MOTION was made by Councilwoman Pew to add Jeremy Kunch, 2324 Derby Road to the active roster of the Eden Fire Department pending physical exam and background checks; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

David Cole, Eden Fire Chief made the following statement:

“I just want to thank the Town Board for their continued support of the Fire Service and our Emergency Services network within the Town of Eden. It has been my pleasure to be able to work with all of you. Best of luck to all of you as you continue to serve our community. I would also like to extend a sincere thank you to your office staff Lisa and Dawn, Bill Trask, Town Attorney, Mary Jo Hultquist, Town Clerk, Scott Henry, Code Enforcement Officer and the entire Town Board. But I would like to especially thank Anne Knack for all the help and assistance she provided for me during these past three years. She certainly is an asset to your office and our community.”

On behalf of the Town Board, Councilwoman Pew thanked Chief Cole for his professional conduct during the past three years.

Ron Maggs, Highway Superintendent, acting as Off-Road Drainage Committee Chairperson, requested the Town Board approve Erie County Soil and Water Conservation District’s recommendation to proceed with the 18-Mile Creek Streambank Stabilization Project along Zittels’ land at a cost to the Town of Eden not to exceed \$10,000.

MOTION was made by Supervisor Nellis to approve the recommendation of Erie County Soil and Water Conservation District to proceed with the 18-Mile Creek Streambank Stabilization Project along Zittels’ land at a cost to the Town of Eden not to exceed \$10,000; 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 for public hearing; seconded by Councilman Ventry; 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 Renewal of Special Use Permits; seconded by Councilman Ventry; 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

Renewal of Special Use Permits

- 1. Normal Brenner Gravel Pit**
- 2. Cazenovia Recovery Resources**
- 3. St. John’s Church/Eden KinderCare**
- 4. Global Signal-Telecommunications Tower-Mammoser Property**
- 5. TowerCo, LLC-Telecommunications Tower, Main Street**
- 6. Henrich-Airstrip**
- 7. Gorecki-Dog Grooming/Boarding**
- 8. Schreiber-Mini Self-Storage Facility**
- 9. Schreiber-Laundromat**
- 10. Minekime-Caretaker/Watchman Dwelling Facility**

Supervisor Nellis explained the purpose of the public hearing is to give the residents an opportunity to speak.

The following persons spoke and asked questions regarding the renewal of Special Use Permits:

Amy McShane, representing Phillips, Lytle Attorneys for TowerCo, LLC-Telecommunications Tower, Main Street, asked if there is a particular purpose for limiting the duration of the renewal of the Special Use Permit to 1-year.

Supervisor Nellis stated that the 1-year renewal is the preference of the Town Board.

William Trask, Town Attorney stated that it is a default in the Special Use Permit provisions of our Local Law. Unless the Town Board does determine that an annual renewal and review process is inappropriate, it has been the norm for all Special Use Permits within the Town of Eden. In the specific case of telecommunications towers it is tied in to the requirements of certain certifications, insurance and performance bonds for demolition and removal of the tower be reviewed periodically and the annual review process is helpful to keep on top of those certifications and the insurance and the security.

Amy McShane stated that their client would like to suggest to the Town Board an extension of the term of the Special Use Permit to a 5-year renewal. The certification that is due every two years and the bond renewal would be completed, but due to the fact that the tower is a passive use with few changes that it would be more reasonable for a longer period.

Richard Minekime stated that application was made to the Building Inspector and the permit was issued but that Scott Henry was requesting that the Certificate of Occupancy be issued in the name of the tenant. Mr. Minekime is requesting direction from the Town Board and that he would prefer that the Certificate of Occupancy be issued in his name.

William Trask, Town Attorney stated that all the Special Permit Renewal fees have been paid except for Mr. Brenner.

Mr. Gorecki stated that he has met with the Planning Board and the approval is contingent on the site-plan review, which has not be completed as of yet.

William Trask, Town Attorney stated that if the Town Board approves the Special Use Permits tonight it would be subject to whatever conditions were in the original approvals, unless there are new conditions to place on the permits this evening.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the public hearing at 8:15 p.m.

MOTION was made by Councilwoman Pew to close the Public Hearing; seconded by Councilman Vacco; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

MOTION was made by Councilwoman Pew to open the Regular Meeting of the Eden Town Board; seconded by Councilman Vacco; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

Mary Jo Hultquist, Town Clerk received resignation from Janice L. King, Deputy Town Clerk effective December 14, 2007.

MOTION was made by Supervisor Nellis to accept the resignation from Janice L. King, Deputy Town Clerk effective December 14, 2007 with thanks and appreciation; seconded by Councilwoman Pew; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

Councilwoman Pew stated that the Technology Committee received notice from Sharon Hansen, Time Warner that, as a courtesy, the Town Hall, Highway Department and the East Eden Fire Hall would be receiving high-speed Internet service, which is a savings of \$1,648 per year. The Emergency Squad and Eden Fire Department would continue to use the Erie County T-1 line.

New and Unfinished Business:

1. Reappointment – Assessment Board of Review – John Bauer

Supervisor Nellis received notice that John Bauer, Chairman of the Assessment Board of Review regarding his reappointment to a 5-year term as Chairman of the Assessment Board of Review effective 10/1/2007.

MOTION was made by Councilwoman Pew to reappoint John Bauer to a 5-year term as Chairman of the Assessment Board of Review effective 10/1/2007; seconded by Councilman Krycia; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

2. Scheduling of Year-End Meeting and Reorganizational Meeting

Supervisor Nellis requested the Town Board schedule the year-end meeting and Reorganizational meeting. It was suggested to schedule both meetings for December 19, 2007. It was the consensus of the entire Town Board to schedule the final meeting for December 19, 2007 to finalize vouchers and hold the Reorganizational meeting at that time.

3. Bond Resolution on Water Project

Councilwoman Pew read the following resolution:

**CONSOLIDATED WATER DISTRICT AND WATER DISTRICT NO. 4
(SHADAGEE ROAD WATER PROJECT)**

WHEREAS, the Town Board of the Town of Eden plans to construct Consolidated Water District and Water District No. 4 (Shadagee Road Water Project).

WHEREAS, the Town does not have sufficient funds on hand to pay for all improvements necessary to construct the Shadagee Road Water Project.

WHEREAS, this project may be eligible for federal government funding through the USDA/Rural Development to construct the Shadagee Road Water Project.

WHEREAS, it is in the interest of the public to obtain low interest loans and/or grants for the construction of the Shadagee Road Water Project; therefore be it

RESOLVED, that the Supervisor of the Town of Eden is authorized to cause an application to be prepared to obtain funding from USDA/Rural Development and

BE IT FURTHER RESOLVED, that the Town Supervisor be authorized to execute all application documents and forms required to determine funding eligibility and to obtain specific funding for the project from USDA/Rural Development.

MOTION was made by Councilwoman Pew to adopt the resolution as presented; seconded by Councilman Vacco; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

Supervisor Nellis read the following resolution:

**ORDER CALLING PUBLIC
HEARING TO BE HELD ON
January 9, 2008**

WHEREAS, the Town Board of the Town of Eden (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Town of Eden Consolidated Water District and Water District No. 1, 2, 3, 3A and 4 (collectively, the "District"), and has directed CRA Infrastructure & Engineering, Inc., a subsidiary of Conestoga-Rovers & Associates, a professional engineering firm licensed in New York, to prepare a map, plan and report for the District water improvements, along Route 62 and Shadagee Road, including but not limited to, the construction of a pump station, the installation of a 12-inch transmission main along Shadagee Road, and the installation of approximately 3,500 feet of 10-inch waterline and 1,000 feet of 12-inch waterline, the replacement of hydrants, service lateral reconnections, and appurtenances, and all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto, (the "District Improvement"); and pursuant to the direction of the Town, the Engineer has

completed and filed with the Town Board such map, plan and report for said joint increase and improvement of facilities of the District and has estimated the total cost thereof to be a maximum amount of \$4,200,000; said cost to be financed by the issuance of serial bonds of the Town in the amount of \$4,200,000, offset by any federal, state, county and/or local grants received; and

WHEREAS, the Town Board has determined that said cost shall be annually apportioned among the districts by the Town Board, and the amounts so apportioned shall be assessed, levied and collected from the several lots and parcels of land within each such district for such purpose in the same manner and at the same time as other town charges, except as otherwise provided by law.

NOW, THEREFORE, BE IT

ORDERED that a meeting of the Town Board of the Town of Eden will be held at the Town Hall, 2795 East Church Street, Eden, New York, on January 9, 2008 at 8:00 p.m. o'clock P.M. (prevailing Time) to consider said joint increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in each newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing

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

4. Authorization for Town Attorney to prepare necessary legal documentation on access road to Eden Industrial Park

Supervisor Nellis stated that William Trask, Town Attorney is requesting authorization to prepare necessary legal documentation for the Eden Industrial Park access road.

MOTION was made by Supervisor Nellis to authorize William Trask, Town Attorney to prepare all necessary documentation for the Eden Industrial Park access road; seconded by Councilman Krycia; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

MOTION was made by Councilman Krycia to close the Regular Meeting of the Eden Town Board; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? - None; Motion carried.

MOTION was made by Councilman Krycia to open the Public Hearing for the purpose of Proposed Local Laws #5 and #6-2007 dealing with Stormwater & Erosion Management and Sediment Control and Prohibiting Illicit Discharges/Activities; seconded by Councilwoman Pew; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

Supervisor Nellis opened the Public Hearing at 8:30 p.m.

**8:30 P.M.
Public Hearing
Stormwater Management Plan and
Proposed Local Laws #5 and #6-2007**

Dealing with Stormwater & Erosion Management & Sediment Control and Prohibiting Illicit Discharges/ Activities

Supervisor Nellis explained the purpose of the public hearing is to give the residents an opportunity to speak.

William Trask, Town Attorney explained the process of Phase II of the Stormwater Management Plan and the Proposed Local Laws.

The following persons spoke:

Richard Minekime asked why additional controls need to be added as it is a heavy load on new development with additional engineering costs to any new business coming in to Eden, this just being another layer of bureaucracy.

William Trask, Town Attorney stated that agriculture activities are exempt, not development within agriculture areas.

Councilman Ventry asked what would happen if we don't pass the proposed local laws when we do not know the costs.

William Trask, Town Attorney stated it is a federal and state requirement that we pass these laws by the end of 2007. If these laws are not passed, the Town of Eden is subject to fines and penalties by the New York State Department of Conservation.

Supervisor Nellis stated that the town has been alerted to this for a couple of years setting up a consortium that has worked together.

William Trask, Town Attorney stated that the town is eligible to receive reimbursement for fees already incurred.

Richard Minekime stated that it is obvious that this law will be passed but, our current laws should be examined so that there are not contradictory laws on the books.

Councilwoman Pew stated that the Code Review Committee is working on laws so there will not be conflicts in the laws.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the public hearing at 8:55 p.m.

MOTION was made by Councilman Krycia to close the Public Hearing; seconded by Councilman Vacco; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

MOTION was made by Councilman Krycia to open the Regular Meeting of the Eden Town Board; seconded by Councilman Vacco; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

At this time, Supervisor Nellis requested the approval of the renewal of the Special Use Permits with all permits being renewed for a 1-year renewal.

1. Norman Brenner Gravel Pit – existing conditions to remain in effect. Owner must keep current a NYS Department of Conservation Mining Permit with a copy on file in the Town Clerk's office, and pending the unpaid renewal fee of \$30.00.

MOTION was made by Supervisor Nellis to approve the Special Use Permit for Norman Brenner Gravel Pit upon payment of the renewal fee; seconded by Councilwoman Pew; All "Ayes"; Opposed?- None; Abstain? – None; Motion carried.

2. Cazenovia Recovery Resources – conditions of the 1992 Special to remain in effect, also the amendments to those conditions which include maximum capacity not to exceed 21 residents and Cazenovia Recovery will continue to

make payment in lieu of taxes to the Town of Eden equal to full value assessment.

MOTION was made by Councilwoman Pew to approve the Special Use Permit for Cazenovia Recovery Resources; seconded by Councilman Krycia; All “Ayes”; Opposed?- None; Abstain? - None; Motion carried.

3. St. John’s Church – existing conditions to remain in effect. Maximum capacity of 85 Children. Effective January 1, 2007, site plan review and approval by the Town of Eden will be required prior to the placement of any new playground equipment or any proposed change in location of existing playground equipment. A Sketch Plan will be acceptable for the purpose of siting playground equipment. Eden KinderCare will erect 2 signs at the playground indicating “Playground intended for day care use only.” Eden KinderCare staff shall provide on a quarterly basis to the Town Code Enforcement Officer (March, June, September, December) hourly attendance figures for each operating day in said quarter. Eden KinderCare will reverse the traffic flow for drop-off and pick-up of children attending the Day Care. Vehicles will be required to enter the Woodside Drive entrance and exit on to East Church Street. Eden KinderCare will advise the Town of Eden of any status change in their State License.

MOTION was made by Councilman Vacco to approve the Special Use Permit for St. John’s Church/Eden KinderCare; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

4. Global Signal – Telecommunications Tower – Mammoser Property – existing conditions to remain if effect.

MOTION was made by Councilman Vacco to approve the Special Use Permit for Global Signal; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

5. TowerCo, LLC – Telecommunications Tower, Main Street – existing conditions to remain in effect as stated in a letter dated January 8, 2007 to Matthew S. Massarelli.

MOTION was made by Councilman Vacco to approve the Special Use Permit for TowerCo, LLC – Telecommunications Tower, Main Street for a 1-year renewal; seconded by Councilman Krycia; “Ayes”? – Nellis, Krycia, Vacco, Ventry; Opposed? – None; Abstain? – Pew; Motion carried.

6. Pamela Henrich – Airstrip – must keep all conditions of original permit.

MOTION was made by Councilman Ventry to approve the Special Use Permit for Pamela Henrich – Airstrip; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

7. Schreiber & Winkelman, Inc. – Self-Storage Facility and Contractors Plaza – must keep all current conditions.

MOTION was made by Councilman Krycia to approve the Special Use Permit for Schreiber & Winkelman, Inc. – Self-Storage Facility and Contractors Plaza; seconded by Councilwoman Pew; All “Ayes”; Opposed?- None; Abstain? – None; Motion carried.

8. Schreiber & Winkleman, Inc. – Coin Operated Laundromat – must keep all current conditions. Councilman Ventry would like to make it permanent, non-renewable. Ann Knack stated that the way the code is written it can be made a permanent or a 1-year renewable special use permit.

MOTION was made by Councilman Ventry to approve the Special Use Permit for Schreiber & Winkelman, Inc. – Coin Operated Laundromat; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

NOTE: The above motion was withdrawn to be reviewed and discussed at the December 19, 2007 Town Board Meeting.

9. Minekime – Caretaker/Watchman Dwelling Unit – must continue with all conditions of original permit, with proof of caretaker by way of a notarized letter.

MOTION was made by Supervisor Nellis to approve the Special Use Permit for Minekime – Caretaker/Watchman Dwelling Unit; seconded by Councilman Krycia; “Ayes”?; Nellis, Krycia, Ventry; Opposed? – Pew, Vacco; Abstain? – None; Motion carried.

10. Gorecki – Dog Grooming/Boarding – must continue with all conditions of original permit.

MOTION was made by Councilman Krycia to approve the Special Use Permit for Gorecki-Dog Grooming/Boarding; seconded by Councilman Vacco; “Ayes”; Nellis, Krycia, Vacco, Ventry; Opposed? – Pew; Abstain? – None; Motion carried.

5. Resolution on Shared Municipal Services Incentive Grant Request to purchase and share certain highway equipment

Supervisor Nellis read the following resolution:

TOWN OF EDEN SHARED MUNICIPAL SERVICES INCENTIVE GRANT RESOLUTION FOR SHARED HIGHWAY EQUIPMENT

WHEREAS, the Town of Boston, in collaboration with the Towns of Colden, Collins, Concord and Eden seeks grant monies in an amount not to exceed \$225,000 to purchase highway equipment that will be jointly owned by the five municipalities; and

WHEREAS, the Town of Boston, in collaboration with the Towns of Colden, Collins, Concord and Eden seeks to jointly purchase a street sweeper and a hydro-seeder; and

WHEREAS, the Town of Boston and its partners, the Towns of Colden, Collins, Concord and Eden are committed to reducing the cost of municipal services while remaining committed to providing existing levels of highway services in all five municipalities; and

WHEREAS, the Town of Boston and its partners, the Towns of Colden, Collins, Concord and Eden are seeking capital funds to make the purchase of this equipment and agree to share the cost, maintenance and use of expensive, specialized highway equipment to achieve municipal cost savings and property tax relief; and

WHEREAS, the Town of Boston and its partners, the Towns of Colden, Collins, Concord and Eden will enter in an inter-municipal agreement upon announcement of a grant award for agreed upon procedures for the use, maintenance and storage of the shared equipment; and

WHEREAS, the Town of Boston and its partners, the Towns of Colden, Collins, Concord and Eden will share in the decision-making process related to the purchase, maintenance and usage schedule for the said equipment; and

WHEREAS, the Town of Boston supports the creation of joint highway equipment purchases because the Town of Boston could not afford to make these purchases independently; and

WHEREAS, the Town of Boston will serve as the lead agency for the purposes of securing and administering this grant; and

WHEREAS, the Towns of Boston, Colden, Collins, Concord and Eden will each contribute equal amounts of cash funds to provide the 10% cash match required by this grant program in this category, in an amount not to exceed \$5,000 from each municipality from the 2008 Highway Budget;

NOW, THEREFORE BE IT RESOLVED that the Town of Eden authorizes the Town of Boston Supervisor William A. Eagan to be the Lead Applicant Contact Person to represent the Town of Eden in this program and execute all financial and administrative processes related to the 2007-2008 Shared Municipal Services Incentive Grant with the Towns of Boston, Colden, Collins, Concord and Eden and the New York State Department of State to purchase jointly owned highway equipment.

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

6. Stormwater Management

- a. Approval of Local Law on Erosion and Sediment Control**
- b. Approval of Local Law on Illicit Discharge, Detection and Elimination**
- c. Approval of Eden Stormwater Management Plan**

Rebecca Wightman, PE, Wendel Duchscherer gave a short presentation on the Stormwater Management Plan highlighting the six (6) points of the plan.

Councilman Ventry stated that he could not vote in favor of the Local Laws or the Stormwater Management Plan without a cost.

Councilwoman Pew asked if the Stormwater Management Plan is adopted who will enforce it.

William Trask, Town Attorney stated that the Local Law's do not identify the enforcement and that could be discussed at a later date.

Supervisor Nellis read the following resolution:

**A RESOLUTION BY THE TOWN BOARD OF THE
TOWN OF EDEN FOR A
DETERMINATION OF SIGNIFICANCE FOR A NEGATIVE DECLARATION**

WHEREAS, the Town Board of the Town of Eden is considering adoption of Proposed Local Law No. 5-2007 providing for Stormwater Management and Erosion Management and Sediment Control within the Regulated MS4 Overlay District in the Town of Eden, and;

WHEREAS, the Town Board of the Town of Eden is considering adoption of Proposed Local Law No. 6-2007 Prohibiting Illicit Discharges, Activities and Connections within the Regulated MS4 Overlay District in the Town of Eden, and;

WHEREAS, the Town Board declared itself Lead Agency, pursuant to Part 617.6 NYCRR Article 8 of the Environmental Conservation Law (State Environmental Quality Review [SEQR]);

WHEREAS, the Town Board made a referral of this proposed action to the Erie County Department of Environment and Planning pursuant to General Municipal Law Section 239-m and responses resulting from such referral, if any, have been duly considered, and

WHEREAS, the Town Board held a public hearing regarding the adoption of both Proposed Local Law No. 5-2007 and Proposed Local Law No. 6-2007 on Wednesday, December 12, 2007; and,

WHEREAS, the Town Board received and reviewed comments and considered the impacts of adopting both proposed local laws pursuant to Part 617.7 NYCRR Article 8 of the Environmental Conservation Law (State Environmental Quality Review [SEQR]).

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Eden has determined that the adoption of Proposed Local Law No. 5-2007 and Proposed Local Law No. 6-2007 will not have a significant impact on the environment; and,

BE IT FURTHER RESOLVED, that the Town Board issues the attached Determination of Significance for a Negative Declaration and, therefore, an Environmental Impact Statement (EIS) will not be required.

MOTION was made by Supervisor Nellis to adopt the resolution as presented; seconded by Councilman Krycia; “Ayes”? – Nellis, Krycia, Pew, Vacco; Opposed? – Ventry; Abstain? – None; Motion carried.

Supervisor Nellis requested approval of Proposed Local Law #5-2007, adopted Local Law #4-2007, A Local Law providing for Stormwater Management and Erosion Management and Sediment Control within the Regulated MS4 (RMS4) Overlay District of the Town of Eden.

MOTION was made by Councilman Vacco to adopt Local Law #4-2007 as presented; seconded by Councilman Krycia; “Ayes”? – Nellis, Krycia, Pew, Vacco; Opposed? – Ventry; Abstain? – None; Motion carried.

Supervisor Nellis requested approval of Proposed Local Law #6-2007, adopted Local Law #5-2007, A Local Law to Prohibit Illicit Discharges, Activities and Connections within the Regulated MS4 (RMS4) Overlay District of the Town of Eden.

MOTION was made by Councilman Krycia to adopt Local Law #5-2007 as presented; seconded by Councilman Vacco; “Ayes”? – Nellis, Krycia, Pew, Vacco; Opposed? – Ventry; Abstain? – None; Motion carried.

Supervisor Nellis requested approval of the Stormwater Management Plan as presented.

MOTION was made by Supervisor Nellis to approve the Stormwater Management Plan as presented; seconded by Councilman Krycia; “Ayes”? – Nellis, Krycia, Pew, Vacco; Opposed? – Ventry; Abstain? – None; Motion carried.

7. Ratification of purchase of new Senior Citizen Transportation Vehicle

Supervisor Nellis stated that after inspection of the vehicles it was determined to Approve the purchase of a new Senior Citizen Transportation Vehicle and award the bid to Damon Motors, Inc. for a 2007 Chrysler Pacifica at a cost of \$14,485.

MOTION was made by Supervisor Nellis to award the bid to Damon Motors, Inc. for a 2007 Chrysler Pacifica at a cost of \$14,485; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis stated that the 1996 Oldsmobile Cutlas be declared surplus equipment and authorize it to be sold at Buffalo Auction.

MOTION was made by Councilman Vacco to declare the 1996 Oldsmobile Cutlas surplus equipment and be sold at Buffalo Auction; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

Industrial Road access road has passed through the control board and will be further discussed at the January 9, 2008 Town Board meeting.

December 12, 2007

Hearing of Visitors:

Robert Stickney, 2718 Lourdes Drive

Adjournment:

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 10:15 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 11:30 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk