

April 23, 2008

**MINUTES**

**WORK SESSION MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
APRIL 23, 2008  
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
Scott Henry	-	Code Enforcement Officer
William Trask	-	Town Attorney

**Call To Order:**

Supervisor Nellis called the Work Session of the Eden Town Board to order at 7:35 P.M.

**Pledge of Allegiance:**

Supervisor Nellis led the assembly in the Pledge of Allegiance to the flag followed by a moment of silence.

**Budget Transfer:**

Supervisor Nellis read the following “Budget Transfers”:

From Account	A7020.4	\$100.00
	A7110.1	\$265.00
	A7140.1	\$1174.00
	A7140.4	\$1004.00
	A7150.1	\$2995.00
	A7150.4	\$1486.00
	A7310.1	\$426.00
	A7310.4	\$1102.00
To Account	A7110.4	\$8552.00

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

**New and Unfinished Business:**

- 1. Draft Annual Report of Stormwater Management in Town Clerk’s Office on May 1<sup>st</sup>. Review period is May 1<sup>st</sup> to May 14<sup>th</sup> 2008.**

Supervisor Nellis stated that the Annual Stormwater Management Report would be available in the Town Clerk’s office from May 1 to May 14, 2008 for review.

- 2. Stormwater Management Annual Report – Informational Meeting to be scheduled for the May 14, 2008 Town Board Meeting at 8:00 p.m.**

Supervisor Nellis requested scheduling an informational meeting to review the annual Stormwater Management Annual Report for May 14, 2008 at 8:00 p.m.

**MOTION** was made by Councilwoman Pew to schedule an informational meeting to review the annual Stormwater Management Annual Report for May 14, 2008 at 8:00 p.m.; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**3. Renewal of 2003 Agreement of Town with Erie County Community Development Block Grant Consortium.**

Supervisor Nellis read correspondence from Thomas J. Dearing, Erie County Planning Coordinator, regarding the 2003 Local Cooperation Agreement between the Town of Eden and Erie County relative to the Erie County Community Development Block Grant Consortium. Supervisor Nellis stated that the Town of Eden receives a grant every three (3) years and that the amount will increase from \$90,000 to \$100,000. The Agreement will be renewed for an additional three years, from 2009 to 2011.

**MOTION** was made by Councilman Vacco to renew the Agreement between the Town of Eden and Erie County relative to the Erie County Community Development Block Grant Consortium for an additional three (3) years, 2009 through 2011; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**4. Recreation – Portable Sanitation Services – 2008 Season**

Supervisor Nellis read correspondence from Susan Brass, Recreation Director regarding quotes for the portable sanitation services for the 2008 season. Quotes were received from the following:

Ball Toilet & Septic Services	\$2,279.44
Modern Portable Toilets	\$3,560.00

The Eden Recreation Advisory Board recommended the quote from Ball Toilet & Septic Services be awarded and the Recreation Department be authorized to take delivery as the units need to be in place by May 1, 2008.

**MOTION** was made by Councilman Vacco to award the bid to Ball Toilets & Septic Services in the amount of \$2,279.44; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**5. Loan Resolution – Shadagee Road Water Project**

Supervisor Nellis requested the Town Board’s authorization to sign the loan package for the Shadagee Road project.

**MOTION** was made by Councilwoman Pew to authorize Glenn R. Nellis, Supervisor to sign the loan package for the Shadagee Road project; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**Supervisor’s Report:**

- East Eden Fire Department has received their new fire truck and it will be on display at the next Town Board meeting.
- John Grinnen, Personnel for Erie County reported changes to the eligibility list for Police Officers on probation.
- NYS Liquor Authority announced printing more pertinent data on license certificates and will be using multiple color license certificates.
- The Town of Evans will be hosting Camp Pioneer, a summer camp for children with parents serving in the Armed Forces.
- Supervisor Nellis will be attending the Association of County Governments meeting on April 24, 2008 in Williamsville. Mark Poloncarz, County Comptroller, guest speaker will address Erie County taking over assessment for the entire county.

**Deputy Supervisor’s Report:**

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- Councilwoman Pew received verbal communication regarding the T-1 line, Erie County's internet connection supplied to all Erie County, Towns, Villages and Cities will be discontinued as of June 1, 2008 unless each town, village or city would continue the service at a charge of \$400.00 per month. Councilwoman Pew stated that Time Warner would be providing courtesy access to all town owned buildings, hopefully by June 1, 2008.

**Hearing of Visitors:**

There were none.

**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.

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:00 p.m.

**MOTION** was made by Councilman Krycia to open the Public Hearing for the Unsafe Structure at 2718 West Church Street; seconded by Councilwoman Pew; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

Supervisor Nellis opened the Public Hearing at 8:00 p.m.

**8:00 P.M.**  
**Hearing- Unsafe Structure**  
**2718 West Church Street, Eden, New York**

The following persons were present for the hearing:

Byron Gould, current owner of 2718 West Church Street  
Walter Rooth, III, Attorney for Mr. Gould  
Robert & Connie Lavelle, 2712 West Church Street  
Court Reporter

William Trask, Town Attorney stated the Town Board received correspondence from Scott Henry, Code Enforcement Officer regarding the Condition of Building, Gould Property, 2718 West Church Street and subject to the provisions of Chapter 90 of the Code of the Town of Eden he recommended subject portion of the building be either repaired, or demolished and removed. Attorney Trask stated that a "Notice and Order" had been sent to Mr. Gould and posted on the property.

Walter Rooth, III, Attorney for Mr. Gould stated that Mr. Lavelle has entered into a contract to purchase the property, the next-door-neighbor. Mr. Lavelle has hired an architect to inspect the portion of the building in question and has set aside \$6,000. for repairs.

Councilwoman Pew asked if Mr. Lavelle intends to "flip" the house and he responded, no, that is not his intention.

Attorney Trask asked Mr. Henry if the condition of the property constitutes an emergency situation and Mr. Henry indicated that in his opinion it is not an emergency, rather confined to the property and there is no occupant at this time. Mr. Trask stated that the Town Board would take action if necessary, but not at this time for this case. Most important is immediate and regular communication with Mr. Henry with a plan and a timetable.

Attorney Rooth stated that a timetable could not be established until the architect inspects the building, but will keep communication to Mr. Henry and Attorney Trask

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open with updates and a timetable, when available. As soon as the closing takes place, approximately two (2) months, immediate action will begin.

Attorney Trask advised the Town Board to move this item to “Old Business” to be reviewed and discussed at a future Town Board meeting.

**MOTION** was made by Councilman Krycia to close the Public Hearing at 8:25 p.m.; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

**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 8:30 P.M.

**Executive Session:**

Supervisor Nellis adjourned the Executive Session of the Eden Town Board at 9:45 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk