

May 28, 2008

MINUTES

**WORK SESSION MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN NEW YORK
MAY 28, 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
Anna M. Knack	-	Administrative Assistant
William Trask	-	Town Attorney

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.

New and Unfinished Business:

1. Approval of contract between the Town of Eden and Farmland Trust

Supervisor Nellis reviewed the Consulting Contract between the Town of Eden and Farmland Trust. The Consultant (American Farmland Trust) agrees to perform the services and provide the products described in Exhibit A.

**EXHIBIT A
SERVICES/PRODUCTS**

American Farmland Trust will work with the Town of Eden and its residents in providing the following services:

- Identify priority agricultural areas where the town wants to support agriculture over the long-term;
- Articulate the economic, fiscal, environmental and community benefits of farms in the town;
- Participate in 2 public meetings and complete up to 15 one-on-one interviews with farmers, rural landowners, agricultural support businesses or others.
- Document the general and specific challenges facing local farms;
- Review and document existing town policies to determine their impact on agriculture;
- Develop town-level recommendations to support the business and land use needs of local farms consistent with New York State and Federal Laws;
- Compile a final agricultural and farmland protection plan that includes recommendations for policies, rules, and regulations which may be implemented consistent with applicable New York State and Federal Laws, public input and other pertinent information;
- Design a brief publication that highlights agriculture in the Town of Eden and the town's agriculture and farmland protection plan.

May 28, 2008

All work shall be performed pursuant to Exhibit A. Principal (Town of Eden) shall pay Consultant (American Farmland Trust) the sum of \$25,000 for performing the services and providing the products described in Exhibit A.

Supervisor Nellis stated that William Trask, Town Attorney has reviewed all documents.

This contract shall commence on the date hereof and terminate on January 7, 2010, unless extended in writing or earlier terminated in accordance with the terms hereof.

MOTION was made by Councilman Vacco to approve the Contract between the Town of Eden and American Farmland Trust; seconded by Councilman Krycia; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

2. Summer Recreation Employees – Replacements

Supervisor Nellis read the following staff adjustments as recommended by the Recreation Advisory Board;

Playgrounds – Sally Schaefer to replace Samantha Swiech at \$7.15 per hour
Mason Neureuter moving from CIT to instructor at \$7.35 per hour.

It was noted that these are not new or additional positions, simply replacements for already approved staff that have since declined or resigned the position offered.

MOTION was made by Councilwoman Pew to approve the staff adjustments as recommended by the Recreation Advisory Board; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? - None; Motion carried.

3. Water Projects – Update

Stephen Waldvogel, Engineer for CRA Infrastructure & Engineering, Inc. presented a Map & Plan for Increase and Improvement of Facilities for Consolidated Water District and Water District No's 1,2,3,3A and 4.

Supervisor Nellis read the following "Order Calling Public Hearing":

ORDER CALLING PUBLIC HEARING TO BE HELD ON JUNE 25, 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 Nos. 1, 2, 3, 3A and 4 (collectively, the "Districts"), and has directed CRA Infrastructure & Engineering, Inc., a subsidiary of Conestoga-Rovers & Associates, a professional engineering firm licensed in New York, to prepare a revised 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 16-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 revised 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 \$5,280,000 said cost to be financed by the issuance of serial bonds of the Town in the amount of \$5,280,000, offset by any federal, state, county and/or local funds received; and

May 28, 2008

WHEREAS, the project cost has increased from \$4,200,000 to \$5,280,000 due to an increase in the size of the transmission main along Shadagee Road from 12 inches to 16 inches; 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 June 25, 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 approve the "Order Calling Public Hearing to be held on June 25, 2008 at 8:00 p.m.; seconded by Councilman Krycia; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

4. Resolution on Southtowns Community Enhancement Incorporation

Supervisor Nellis read the following resolution:

A Resolution Incorporation of Southtowns Community Enhancement Coalition

WHEREAS, the Town of Eden has participated in the preliminary planning and inventory of assets for development of the communities in southwestern Erie County; and

WHEREAS, the Towns of Evans, Brant, Eden and North Collins as well as the Villages of Angola, North Collins and Farnham have previously operated as Southtowns Community Enhancement Coalition to enhance the environment, economic prosperity and community well-being of these municipalities; and

WHEREAS, the Eden Town Board has reviewed a proposed Certificate of Incorporation and By-Laws of a New York not-for-profit corporation to be known as Southtowns Community Enhancement Coalition, Inc.,

NOW, THEREFORE BE IT RESOLVED, Eden Town Supervisor Glenn R. Nellis is hereby authorized and directed on behalf of the Town of Eden to cause the execution and delivery to New York State the Certificate of Incorporation of Southtowns Community Enhancement Coalition, Inc., substantially in the form reviewed and to complete the corporate organization of that corporation, including adoption of By-Laws, attendance of meetings of directors, application to the Internal Revenue Service for an application for recognition of exemption from taxation under the Internal Revenue Code.

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

5. Verizon Tower

William Trask, Town Attorney stated that Mark Agle, Chairman of the Eden Planning Board made the following recommendation to the Town Board:

That the Town Board schedules the necessary public hearing in order to consider a lease of this site for the proposed use, as requested by Verizon.

They further recommended that if the site is determined to be acceptable to the Town Board; that prior to their issuance of the necessary Special Use Permit; the Applicant be required to meet and fulfill the following conditions:

- Prepare a final set of plans that are in substantial compliance, in terms of scope and intent, as shown on the submitted preliminary plan that was reviewed by the Planning Board at its May 27, 2008 meeting and which plan serves as the basis for this recommendation.
- Prepare and submit a site-plan in accordance with Town specifications for approval by the Planning Board.
- Secure any and all required zoning variances necessary to accommodate the use as proposed.
- Comply with all other applicable laws, codes, ordinances, or directives of the Town or otherwise.
- That as Lead Agency under SEQRA, the Town Board adds Buffalo Southern Railroad as an additional interested agency in its project notification mailings.

Attorney Trask recommended that the Town Board issue a Negative Declaration under SEQRA for the lease of the site.

MOTION was made by Councilwoman Pew to issue a Negative Declaration under SEQRA for the lease of the site; seconded by Councilman Vacco; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

Supervisor Nellis read the following resolution:

WHEREAS, Upstate Cellular Network d/b/a Verizon Wireless ("Verizon), has submitted an application for a special tower permit for the construction of a 195 foot telecommunications tower on town-owned property adjacent to Swartz Field, and

WHEREAS, the Eden Town Board has completed negotiations with Verizon on the terms and conditions for the lease of a site adjacent to Swartz Field for such tower and its appurtenant facilities, and

WHEREAS, the Eden Town board has previously issued a negative declaration for this action under SEQRA.

NOW, THEREFORE IT IS, RESOLVED that the Town Board of the Town of Eden does hereby authorize Supervisor Glenn R. Nellis to enter into a lease agreement with Verizon for the lease of a site, approximately 100' by 100', together with appropriate and necessary access for vehicles and utilities, at a beginning annual lease rental of \$15,000.00, subject to permissive referendum and subject to the terms and conditions set forth in the said lease agreement.

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

Councilwoman Pew read the following resolution:

WHEREAS, Upstate Cellular Network d/b/a Verizon Wireless ("Verizon"), has submitted an application for a special tower permit for the construction of a 195 foot telecommunications tower on town-owned property adjacent to Swartz Field, and

WHEREAS, at its May 27, 2008 meeting, the Town of Eden Planning Board reviewed Verizon's preliminary plan and determined this to be a viable site and made certain written recommendations to the Eden Town Board,

NOW, THEREFORE, IT IS RESOLVED that the Town Board of the Town of Eden schedule a public hearing on Verizon's application for a special tower permit for June 25, 2008 at 8:30 p.m. and it is further

RESOLVED, that a referral on this application be made to the County of Erie pursuant to General Municipal Law Section 239-m, that SEQR proceed under a single agency review and that Buffalo Southern Railroad be included in project notification mailings as an additional interested agency, as recommended by the Planning Board.

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

6. Status Report – Unsafe Property at 2718 West Church Street

William Trask, Town Attorney referred to a letter dated May 19, 2008 that was sent to Walter L. Rooth, III, Esq. regarding the dangerous building & structure proceedings at 2718 West Church Street, Eden, New York. Attorney Trask requested Mr. Rooth be present at tonight's Town Board Meeting, as he was.

Mr. Rooth stated that the closing is scheduled for June 23, 2008, it is a cash transaction. The purchaser has ordered the search and survey. The purchaser will obtain a permit within two (2) weeks of ownership to repair or demolish the portion of the building in question.

Councilwoman Pew requested communication between the purchaser's Attorney and William Trask, Town Attorney or Scott Henry, Code Enforcement Officer.

7. Approval of Annual Report – Stormwater Management

Supervisor Nellis stated that he had received a follow-up to the questions that the Town Board had asked Rebecca Wightman from the previous meeting and if there were no addition questions, approval of the Stormwater Management Annual Report, which is due by June 1, 2008, is in order.

MOTION was made by Councilman Vacco to approve the Stormwater Management Annual Report; seconded by Councilman Krycia; "Ayes"; Nellis, Krycia, Pew, Vacco; Opposed? – Ventry; Abstain? - None; Motion carried.

8. Approval of Police Labor Contract

Supervisor Nellis recommended approval of the Police Labor Contract with a 3.5% increase the first year and 4% increase the second and third years. Changes in health insurance should save money.

Councilman Ventry thanked the Police for negotiating very nicely.

MOTION was made by Councilman Ventry to approve the Police Labor Contract as presented; seconded by Councilman Vacco; "Ayes"; Nellis, Krycia, Vacco, Ventry; Opposed? – Pew; Abstain? - None; Motion carried.

Note: Councilwoman Pew explained that she was opposed to the added footnote for the Police Chief in the third and fourth year.

9. Approval of Purchase of Jaws of Life for Eden Emergency Squad

Supervisor Nellis read correspondence from the Eden Emergency Squad requesting the purchase of a new set of cutters for the Hurst Tool. The cutters they have are the original cutters, which are 25 years old. The cost would be \$4,000.00 if they purchase a set of demo cutters, which was recommended by the Emergency Squad.

MOTION was made by Councilwoman Pew to approve the purchase of a new set of cutters for the Hurst Tool for the Eden Emergency Squad in the amount of \$4,000.00; seconded by Councilman Vacco; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

10. Payment Authorization – New Fire Truck – East Eden Fire Department

Supervisor Nellis read correspondence from Andrew Breier, East Eden Fire Chief requesting payment to Ferrara Fire Apparatus, Inc. in the amount of \$396,808.00 so they may take possession of the new fire truck, Engine No. 3.

MOTION was made by Supervisor Nellis to approve the purchase of a new fire truck, Engine No. 3, and make payment to Ferrara Fire Apparatus, Inc. in the amount of \$396,808.00; seconded by Councilwoman Pew; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

11. Resolution Authorizing the Supervisor to sign a Highway Work Permit Application to the NYS Department of Transportation

Supervisor Nellis read the following resolution:

**RESOLUTION AUTHORIZING
SUPERVISOR GLENN R. NELLIS
TO EXECUTE THE HIGHWAY WORK PERMIT APPLICATION
WITH THE NYS DEPARTMENT OF TRANSPORTATION**

WHEREAS, from time to time the Town of Eden requests permits from the NYS Department of Transportation to perform various jobs within the bounds of a State highway right-of-way; and

WHEREAS, to receive such permits the Town of Eden must file an undertaking to secure the faithful performance within the terms of any such permit;

NOW, THEREFORE BE IT RESOLVED that the Supervisor is hereby authorized to sign the Highway Work Permits Undertaking Application issued by the New York State Department of Transportation.

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

Supervisor's Report:

- Reported that Erie County repaired West Church Street and Eden Evans Center Road, with thanks to Bob Reynolds, Erie County Legislator.
- 2639 Sunset, New York State Department of Environmental Conservation, Animal Nuisance Officer, Deb Condon will be setting traps for the raccoons, working directly with Deb Hoelscher, next door neighbor.

Hearing of Visitors:

Richard Miller

May 28, 2008

Adjournment:

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

Supervisor Nellis adjourned the Work Session Meeting of the Eden Town Board at 8:35 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