

June 11, 2008

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
JUNE 11, 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 ( <i>Absent</i> )
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
Rich Greeley	-	Eden Fire Chief
Scott Henry	-	Zoning Code Enforcement Officer
Susan Brass	-	Recreation Director

**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 7:45 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 May 14, 2008; there were none.

**MOTION** was made by Councilman Krycia to approve the Town Board Minutes of May 14, 2008 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 May 28, 2008; there were none.

**MOTION** was made by Councilwoman Pew to approve the Town Board Minutes of May 28, 2008 as presented; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**Petitions:**

Mr. Wesley Shunk, 9203 Sauer Road presented additional petitions to the Town Board signed by residents of Sauer Road interested in being included in the next water project.

**Budget Transfers:**

There were none.

**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	283-339	\$40,780.67
Highway Dept. Fund	135-171	\$27,051.78
Fire Dept. Fund	95-117	\$409,841.83
Recreation Dept. Fund	44-54	\$3,485.95
Refuse and Garbage Fund	8	\$45,838.31
Street Lights Fund	13-14	\$1,256.07
Water Fund	15-16	\$5,066.18
Trust & Agency Fund	--	--
Capital Fund		
H8320.4	1-3	\$46,570.44
H1440.4	1	\$10,386.54
H8320.4A	1-5	\$23,940.94
H8320.4A Payables	1-4	\$39,040.48
Community Development	--	--

**MOTION** was made by Councilwoman Pew 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 May 2008 were presented by Rich Greeley for Chris Colvin, Eden Fire Chief; Councilwoman Pew for 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; Susan Brass, Recreation Director; Councilwoman Pew for Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Rich Greeley, Eden Fire Department requested the Town Board remove the names of Laura Bard and Casey Sickau from the active roster of the Eden Fire Department.

**MOTION** was made by Councilwoman Pew to remove the names of Laura Bard and Casey Sickau from the active roster of the Eden Fire Department with thanks and appreciation of their service; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Rich Greeley, Eden Fire Department stated with deep sadness to remove Don Engle form the active roster due to his untimely passing.

**MOTION** was made by Councilwoman Pew to remove Don Engle from the active roster of the Eden Fire Department with appreciation and sympathies to the family; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**New and Unfinished Business:**

**1. Approval of Stormwater Management Officer – Ron Maggs, Superintendent of Highways**

Supervisor Nellis requested approval of Ron Maggs, Highway Superintendent as Stormwater Management Officer with an additional pay of \$2,000.00

**MOTION** was made by Supervisor Nellis to appoint Ron Maggs, Highway Superintendent as Stormwater Management Officer with an additional pay of \$2,000.00; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**2. Approval of Fire Inspection Officer**

Supervisor Nellis requested approval of Chris Colvin as Fire Inspection Officer at a rate of \$67.53 per occurrence, not to exceed \$1400.87 per year. Chris will be attending class to receive training.

**MOTION** was made by Supervisor Nellis to appoint Chris Colvin as Fire Inspection Officer at a rate of \$67.53 per occurrence, not to exceed \$1400.87 per year; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**3. Approval of Blacktop Sealing Bid for Municipal Property**

Ron Maggs, Highway Superintendent received three (3) quotes for sealing and striping the Swartz Field Driveway and the Municipal Parking Lot, located behind the Four Corners Café.

<b>BIDDER</b>	<b>MUNICIPAL LOT</b>	<b>SWARTZ FIELD</b>
Seal-Rite Black Top Sealing	\$917.00	\$1,096.00
Ballou Paving and Sealing	\$1,225.00	\$1,225.00
Palmieri Paving and Sealing	\$1,250.00	\$1,350.00

**MOTION** was made by Councilwoman Pew to approve the sealing and striping for Swartz Field Driveway and the Municipal Parking Lot to Seal-Rite Black Top Sealing at a total price of \$2,013.00, the low bidder; seconded by Councilman Krycia; “Ayes”? Nellis, Krycia; Pew; Opposed? – Ventry; Abstain? - None; Motion carried.

**4. Review of Time Warner Contract**

This item was moved to “Old Business” to be reviewed and discussed at a future Town Board Meeting.

**5. Review and Approval of New Boiler Bids – Eden Library**

The following bids were received at the bid opening on June 5, 2008 at the Eden Town Clerk’s office:

<b>BIDDER</b>	<b>AMOUNT</b>	<b>BID BOND-CERT. CHECK</b>
McAllister Plumbing & Heating	\$13,604.00	Certified Check #7554
TKB Mechanical Contracting	\$19,388.00	Certified Check #3780

Supervisor Nellis read the following correspondence dated June 10, 2008:

“At our regularly scheduled meeting last evening, the Eden Library Board of Trustees reviewed the bids which have been submitted for replacement of the boilers and hot water tank for the Eden Library. It is our recommendation that McAllister Plumbing, Heating and Cooling of S5590 Maelou Drive, Hamburg, New York be awarded the contract for this work. In addition to submitting the lowest bid, we feel that their previous work on the Library’s heating and cooling system and knowledge of the building makes them the

superior contractor for this project. It was also decided that I would be the contact person between the contractor and the Town Board regarding any questions or concerns about this project. Thank you for your continuing interest and support of the Eden Library. Sincerely, Phillip Muck, Vice-President, Eden Library Board of Trustees.”

**MOTION** was made by Supervisor Nellis to award the bid for the new boiler for the Eden Library to McAllister Plumbing & Heating in the amount of \$13,604.00, the low bid and based on the recommendation of the Eden Library Board of Trustees; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

#### **6. Senior Transportation Service Coordinator**

Kay Czaster, Senior Transportation Service Coordinator presented the following Letter of Resignation to the Eden Town Board:

“I would like to take this opportunity to thank the Board for allowing me to serve as transportation coordinator for the Town of Eden for the past 23-1/2 years. I have enjoyed my work so much and worked with so many wonderful volunteer drivers who have made this service so successful. They have gone beyond what was expected of them as drivers and I will never forget any of them. They made my job easy. Thank you also for the new car, which was provided for us. Everyone loves it and really appreciates it. Finally, my decision to retire was being put off by me – one more month – God, in his great wisdom, gave me a warning to slow down and so, the decision was made. Looking forward to the next phase of my life. I wish you all God’s richest blessings now and in the future. Respectfully submitted, Kay Czaster.”

The Town Board accepted the resignation with thanks and appreciation for her service to the Town of Eden.

Supervisor Nellis stated that Diane Herzog, Part-time Secretary for the Supervisor and Part-time Secretary for the Building Inspector will be absorbing the duties of the Senior Transportation Service Coordinator and will be compensated with an additional \$1.00 per hour, which would bring her rate of pay to \$11.00 per hour.

**MOTION** was made by Supervisor Nellis to compensate Diane Herzog an additional \$1.00 per hour to serve as Senior Transportation Service Coordinator with a total rate of pay to \$11.00 per hour; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

#### **7. Memo from Code Enforcement Officer regarding 2639 Sunset Drive**

Supervisor Nellis read the following correspondence from Scott Henry, Code Enforcement Officer, dated May 29, 2008:

“Please be advised that on May 13, 2008 I personally observed from the street and from a neighboring parcel the apparent condition of an unoccupied premises consisting of buildings located at 2639 Sunset Drive, with Amy Privitera showing as the owner per our records.

The premises is not entirely secure with regard to exterior openings; there is an unsecured opening in the foundation near the southwest corner of the residence giving access to, I believe, a crawl space, and what appears to be an unsecured door opening at the rear of an attached garage, said garage being behind and to the east of the residence, approximately 16’ x 45’ x 1 story. Subject garage has a partly to nearly completely collapsed roof with openings in the roof to the sky, with much of the exterior wall surfaces without any protective finish or covering to protect the surfaces from the elements and decay. Additionally there is a small detached accessory building (shed) located behind the residence toward the middle of the property with the roof completely missing. Neighbors have reporting seeing pests such as rodents and vermin on premises.

By definition such buildings may be deemed unsafe or dangerous and as much is subject to the provisions of Chapter 90 of the code of the Town of Eden, and I

recommend subject buildings/portions thereof be either repaired, or demolished and removed, for the following reasons:

- It may become dangerous or unsafe to the general public by reason of continuing deterioration and lack of safeguards against further damage by exposure to the elements.
- Is or may become a place of rodent or vermin infestation, and
- It is unfit for the purposes for which it may be lawfully used.

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 safely repaired, and further order that a notice be served upon the persons and in the manner provided in the code.”

**MOTION** was made by Supervisor Nellis to accept the report from Scott Henry, Code Enforcement Officer; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**MOTION** was made by Supervisor Nellis to authorize William Trask, Town Attorney to obtain the services of a local title company for direction on locating the owner of the property on 2639 Sunset Drive and to take to the appropriate court to find ownership of property; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

#### **8. Renee Adams Dog Kennel – set public hearing**

Supervisor Nellis requested the Town Board schedule a Public Hearing for a Special Use Permit for a Dog Kennel for Renee Adams at 3424 Hickman Drive, Eden.

**MOTION** was made by Councilwoman Pew to set a Public Hearing for a Special Use Permit for a Dog Kennel for Renee Adams for July 9, 2008 at 8:30 p.m.; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

#### **9. Sonnybrook = Phase III**

Supervisor Nellis made reference to the following correspondence from Drew Reilly, Town Engineer regarding performance and maintenance bond for Sonnybrook Phase 3 PIP:

Wendel Duchscherer has reviewed the two PIP applications submitted by the applicant for the construction of water line and roadway. After review of the fees, comparison to general industry costs and conversation with the applicant the total combined PIP cost was determined to be \$80,000.

Based on this figure of \$80,000, we recommend that the Performance and Maintenance Bond requested by the Town be based on the \$80,000 estimate (final Bond amount to be determined by the Town Attorney). In our review it was determined that it is unlikely the Town would need to step in to complete work intended to be done by Mr. Schreiber, this determination was based on the past precedent that he has set within the Town for completion of quality work. The money supplied would be adequate for the Town to finalize any improvements to ensure the public health, safety and welfare.

The methodology and calculation of the bond estimate was performed in accordance with past practice (these are not public bid estimates). We ask that the Town Board make a motion to accept the fee stated above the for Performance and Maintenance Bond from the applicant as named on the PIP application.

Also, we recommend that the Town require the entire PIP fee of \$5,000 to be paid prior to construction. These monies should be adequate based on the Town Highway Superintendent providing much of the inspection on this project. Any monies not used will be refunded to the applicant.

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**Note:** William Trask, Town Attorney stated that Mr. Reilly, Town Engineer made the following reference: “Final Bond amount to be determined by the Town Attorney.” Mr. Trask stated that he would have no additional information to supplement.

**MOTION** was made by Supervisor Nellis to approve \$80,000 for the Performance and Maintenance Bond for Sonnybrook Phase 3 PIP and \$5,000 for the PIP fee; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

#### **10. Verizon – Public Hearing**

William Trask, Town Attorney advised the Town Board that the Public Hearing that was set for June 25, 2008 at 8:30 p.m. on Verizon’s application for a special tower permit be re-scheduled for July 9, 2008 at 8:00 p.m. to allow the Town of Eden Zoning Board an opportunity to review the information and make a recommendation to the Town Board.

**MOTION** was made by Councilwoman to set the Public Hearing on Verizon’s application for a special tower permit be scheduled for July 9, 2008 at 8:00 p.m.; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

#### **Supervisor’s Report:**

- Town of Eden received Certificate of Achievement. Special thanks to Anna Knack and Lisa Winter. Councilwoman Pew thanked Supervisor Nellis as Chief Fiscal Officer
- Met with Mike Bolo and Buffalo Niagara Enterprises
- NBC news in town filming Kazoo factory
- Met with Chris Collins, County Executive regarding Agriculture business.

#### **Hearing of Visitors:**

There were none.

#### **Adjournment:**

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 8:55 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