

October 14, 2009

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
OCTOBER 14, 2009  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN
EDWARD KRYCIA, JR	-	COUNCILMAN
VINCENT V. VACCO	-	COUNCILMAN
RICHARD S. VENTRY	-	COUNCILMAN

**DEPARTMENT HEADS PRESENT:**

Dave Johnson	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Michael J. Felschow	-	Chief of Police
Andrew Breier	-	East Eden Fire Chief
Robert Pietrocarlo	-	Chairman Board of Assessors
Susan Brass	-	Recreation Director

**OTHERS PRESENT:**

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk
Anna M. Knack	-	Administrative Assistant
Stephen Waldvogel	-	CRA Infrastructure

**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 September 9, 2009; there were none.

**MOTION** was made by Councilman Vacco to approve the Town Board Minutes of September 9, 2009 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 September 23, 2009; there were none.

**MOTION** was made by Councilman Krycia to approve the Town Board Minutes of September 23, 2009 as presented; seconded by Councilman Ventry; “Ayes”; Nellis, Krycia, Vacco, Ventry; Opposed? – None; Abstain? - Pew; Motion carried.

**Petitions:**

There were none.

**Budget Transfers/Amendments:**

<b>From Account</b>	<b>To Account</b>	<b>Reason for Amendment</b>	<b>Amount</b>
SW8320.4 Water - Contractual	SW9710.6 Debt Principal	Transfer monies collected from WD#4 for Violet St. Bond Principal Payment	\$375.77
SW8320.4 Water - Contractual	SW9710.7 Debt Interest	Transfer monies collected from WD#4 for Violet St. Bond Interest Payment	\$586.77
A3089 State Aid-Leg Grant	A7520.4 Historic Preservation	Transfer Grant money received to Historic Preservation for repairs to Asa Warren House	\$3,450.00
SW2140 Wepax Road Revenue	SW8320.401 Wepax Contractual	Apply Money received toward expenses for Wepax Road Water	\$117.81
A1990.4 Contingent Fund	A3310.4 Traffic Control	Overbudget on Traffic Signs	\$1,000.00

**MOTION** was made by Councilwoman Pew to approve the Budget Transfers/Amendments 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.

<b>DESCRIPTION</b>	<b>VOUCHER NUMBERS</b>	<b>AMOUNT</b>
General Fund	543-611	\$73,369.72
Highway Dept. Fund	248-282	\$103,986.42
Fire Dept. Fund	216-243	\$9,415.86
Recreation Dept. Fund	118-133	\$4,163.96
Refuse and Garbage Fund	13-14	\$93,248.58
Street Lights Fund	22-25	\$4,461.47
Water Fund	27-31	\$18,268.34
Trust & Agency Fund	--	--
Capital Fund H8320.401	5	\$14,754.50
Community Development	--	--

**MOTION** was made by Councilwoman Pew to approve the Audit of Bills as presented; seconded by Councilman Vacco; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

**Departmental Reports:**

Department reports for the month of September 2009 were presented by Councilwoman Pew for Chris Colvin, Eden Fire Chief; Andrew Breier, East Eden Fire Chief; Michael Felschow, Eden Police Chief; Ray Zabron, Dog Control Officer; Ronald Maggs, Superintendent of Highways; Dave Johnson, Town Engineer; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Supervisor Nellis for 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.

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Councilwoman Pew, reporting for Chris Colvin requested the following:

Remove David Agle from the active roster of the Eden Fire Department and thank him for his 8 years of service.

**MOTION** was made by Councilwoman Pew to remove David Agle from the active roster of the Eden Fire Department with thanks for his 8 years of service; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Remove Daniel Howles from the active roster of the Eden Fire Department and thank him for his 32 years of service.

**MOTION** was made by Councilwoman Pew to remove Daniel Howles from the active roster of the Eden Fire Department with thanks for his 34 years of service, seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

**MOTION** was made by Councilman Vacco to close the Regular Meeting of the Eden Town Board for public hearing; 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 Vacco to open the public hearing for Community Development Block Grant Project Selections; 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.**  
**Public Hearing**  
**Community Development Block Grant**  
**Project Selections**

Supervisor Nellis explained the purpose of the public hearing was to listen to any concerns or questions that citizens have.

Supervisor Nellis offered a suggestion for Community Development Block Grant Project Selection for the Pre-Vocational Education Center (Day Habilitation Center) as Project Selection Number 1 and participation with the Rural Transit Van as Project Selection Number 2.

There were no comments from residents in attendance.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the public hearing at 8:05 p.m.

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

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

**New and Unfinished Business:**

**1. Introduction of Preliminary Budget – Scheduling of Public Hearing**

Supervisor Nellis stated that the Preliminary Budget had been prepared with the following comparison of 2009 and 2010 Budget:

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The 2010 General Appropriations are \$139,000 more than 2009. However, due to an anticipated increase in revenues plus an increase in availability of General Fund Balance, the net increase in general taxes is \$2,984 or 4%.

The 2010 Highway Appropriations are \$87,641 more than 2009. Again, due to an anticipated increase in revenues plus an increase in availability of Highway Fund Balance, the net increase in highway taxes is \$14,791 or a 1.4% increase.

The General Tax Rate will remain at \$2.05 per thousand.

The Highway Tax Rate will increase by 3 cents from \$3.24 to \$3.27 per thousand.

The Light Tax will decrease from 19 cents to 15 cents per thousand. Because our lighting costs have been coming down, we have a fund balance to apply against the 2010 tax rate, allowing it to come down to 15 cents.

The Fire Tax will increase from 83 cents to 91 cents per thousand, or 8 cents per thousand.

Overall, the budget will increase by 7 cents or 1.1%.

Garbage will increase from \$183 per year to \$187 per year, or \$4.00 per year.

If you include garbage, the overall increase is approximately 2%.

The water districts will see their combined maintenance and indebtedness increase from 48 cents per thousand to \$1.02 per thousand due to the 4.2 million dollar BAN borrowing for the Shadagee Road Transmission Line. Our first installment on this BAN is due early 2010.

Employees will receive a 4% increase in salary primarily due to their working with the Town Board to decrease the cost of health insurance. All employees pay between 5% and 20% of the monthly premium. Effective 1/1/2010, new appointed employees would be required to pay 35% of the monthly premium. Our current insurance results in a savings of approximately \$2400 per married employee and \$350 per single employee per year.

General Fund will have a fund balance of around 12%.

Highway Fund will have a fund balance of around 12.7%.

Supervisor Nellis requested scheduling a Public Hearing for Wednesday, October 28, 2009 at 8:30 p.m.

**MOTION** was made by Councilwoman Pew to set the Public Hearing for the 2010 Preliminary Budget for October 28, 2009 at 8:30 p.m. seconded by Councilman Krycia; All "Ayes: Opposed? - None; Abstain? - None; Motion carried.

## **2. Recreation Appointments**

Supervisor Nellis read correspondence from Susan Brass, Recreation Director requesting the following appointments:

Appoint Tammy Catalano, Aerobics Instructor to replace Kathleen Gwitt at a rate of \$576.00 per session (6 weeks).

**MOTION** was made by Councilwoman Pew to appoint Tammy Catalano, Aerobics Instructor at a rate of \$576.00 per session; seconded by Councilman Ventry; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

Appoint Don Williams as Adult Volleyball Supervisor, Tuesday nights, November through April at a pay rate of \$8.50 per hour.

Appoint Allison Eckert as Adult Swimming Supervisor on Monday & Wednesday nights, November through April at a pay rate of \$11.00 per hour.

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Appoint Kathryn Gorcica as Adult Swimming Assistant, Monday & Wednesday nights, November through April at a pay rate of \$9.00 per hour.

Appoint Linda Sherry as Dolphins Swim Coach at \$15.00 per hour.

**MOTION** was made by Councilwoman Pew to approve the appointments as presented by Susan Brass, Recreation Director; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**3. Applications for Inclusion in Agricultural District**

Supervisor Nellis read correspondence from John S. Opalka, Planner for the County of Erie regarding Erie County Legislature designating November 1 through November 30 as the annual thirty-day period within which a landowner may request predominantly viable agricultural land for inclusion to a certified agricultural district in accordance to Section 303-b of N.Y.S. Agricultural and Markets Law. Copies are available in the Supervisor’s office or the Town Clerk’s office.

**4. Reappointment – Assessment Board of Review**

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

**5. Decision – Special Use Permit – Commercial Dog Kennel – Sticht Family, 9293 Sisson Hwy.**

Supervisor Nellis read the following resolution:

**RESOLUTION  
APPROVING A NEGATIVE DECLARATION  
AND  
SPECIAL USE PERMIT FOR THE PROPOSED  
DOG KENNEL  
9293 SISSON HIGHWAY  
EDEN NY 14057**

**WHEREAS,** the Town of Eden has received a request for a special use permit to construct and operate a Dog Kennel at 9293 Sisson Highway, Eden NY; and

**WHEREAS,** the Eden Town Board has reviewed the proposed Dog Kennel and received a positive report from the Eden Planning Board; and

**WHEREAS,** the Dog Kennel will not adversely affect the natural resources of the State and/or health, safety and welfare of the public and is consistent with social and economic considerations.

**NOW, THEREFORE BE IT RESOLVED** that the Eden Town Board has determined that the proposed Dog Kennel at 9293 Sisson Highway is not anticipated to result in any significant effect on the environment, and that a Negative Declaration is hereby issued.

**AND BE IF FURTHER RESOLVED** that a Special Use Permit for the proposed Dog Kennel at 9293 Sisson Highway be approved with the following conditions:

1. There will be no boarding of dogs other than those owned by the Stichts.
2. There will not be more than the number of dogs that the applicants have requested as established in the site plan (twelve (12) Irish Wolfhounds and six (6) Border Terriers.)
3. Site layout should assure storage and disposal of feces wastes and veterinary wastes, if any, associated with care for the dogs.
4. The site layout should safeguard ground water and prevent significant runoff into open streams or offsite land.
5. Site plan should be presented to the Planning Board for final approval

6. Permit is good through December 31, 2010 and after that date; it will be subject to yearly renewal by the Eden Town Board.

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

**6. Decision – Renewal of Time-Warner Cable Franchise Agreement**

Councilwoman Pew publicly thanked the Technology Committee, Sharon Hansen from Time Warner, Charlie Dias and William Trask, Town Attorney for their assistance with the franchise agreement with Time Warner.

**MOTION** was made by Councilwoman Pew to renew the Time Warner Cable Franchise Agreement; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

**7. Map Plan and Report for proposed Water District No. 5 (March Rd. Shadagee Rd., Ferrier Rd., Hemlock Rd.)**

Stephen Waldvogel, Engineer for CRA Infrastructure was prepared to submit to the Town Board a revised Map, Plan and Report for the proposed Water District No. 5, which would include March Road, Shadagee Road, Ferrier Road and Hemlock Road, and set a Public Hearing.

After a lengthy discussion with residents from the proposed water district area, it was decided that more time was needed before accepting the Map, Plan and Report and scheduling a Public Hearing.

**8. Liquor License Renewal – Four Corners Café**

Supervisor Nellis received and filed the Liquor License Renewal for the Four Corners Café.

**9. Approve Community Development Block Grant Projects**

Supervisor Nellis read the following motion:

**MOTION** was made by Councilwoman Pew to approve the Pre-Vocational Education Center (Day Habilitation Center) as Project Selection Number 1 and participation with the Rural Transit Van as Project Selection Number 2 and authorized Supervisor Glenn R. Nellis to sign submit and execute a contract with Erie County Community Development Block Grant upon their approval of these projects; seconded by Councilman Vacco; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

**10. November Town Board Meeting**

Supervisor Nellis stated that with the Veterans Day Holiday on November 11, 2009, the Town Board meeting for November would be held on November 18, 2009 at 7:30 p.m.

**Supervisor’s Report:**

- Meeting with Jack Quinn on 10/21/09 regarding 18-Mile Creek issues relating to flooding.
- Scrap Metal/Tires drop-off at Eden Highway on 10/17/09.
- Bon Fire for Homecoming Football game tonight.

**Hearing of Visitors:**

Thomas Gechell, 2760 West Church Street

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**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 9:35 P.M.

**Executive Session:**

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 10:30 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk