

October 28, 2009

**MINUTES**

**WORK SESSION MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
OCTOBER 28, 2009  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN ( <i>Absent</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
Stephen Waldvogel	-	CRA Infrastructure
Mark Cavacoli	-	CRA Infrastructure

**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.

**New and Unfinished Business:**

**1. Discussion and Approval of moving November meeting to November 18<sup>th</sup> due to Veterans' Holiday**

Supervisor Nellis requested changing the November Town Board Meeting to November 18, 2009 at 7:30 p.m. with the Veterans Day holiday on November, 11, 2009.

**MOTION** was made by Councilman Krycia to move the November Town Board Meeting to November 18, 2009 at 7:30 p.m. due to the Veterans Day holiday on November 11, 2009; seconded by Councilman Vacco; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

**2. Approval of Lon Robinson as an Electrical Inspector**

Supervisor Nellis read the following resolution:

**RESOLUTION OF THE EDEN TOWN BOARD  
(Authorizing Individuals to Perform Electrical Inspections)**

**WHEREAS**, the New York Board of Fire Underwriters (NYBFU) has been the exclusive agency conducting electrical inspections on behalf of the Code Enforcement Office of the Town of Eden, and

**WHEREAS**, on July 20, 2009, the Town received a letter from NYBFU advising that, effective July 14, 2009, NYBFU discontinued receiving new applications for inspections in New York State, and

**WHEREAS**, such action by NUBFI has left the Town without a properly authorized, qualified and insured agency to conduct electrical inspections on behalf of the Town of Eden, and

**WHEREAS**, the Town has interviewed candidates to act as authorized electrical inspectors for the Town of Eden on an emergency and interim basis,

**NOW, THEREFORE, IT IS RESOLVED** that Lon C. Robinson of LCR Electrical Inspections is hereby granted temporary authority to conduct electrical inspections on behalf of the Code Enforcement Office of the Town of Eden, subject to the following conditions:

1. The individuals and firms hereby authorized are, at all times, to be considered independent contractors of the Town of Eden without any authority other than the authority to conduct electrical inspections on behalf of the Code Enforcement Office of the Town of Eden.
2. The authorized individuals and/or their firms agree to hold harmless and indemnify the Town of Eden, its duly elected or appointed officers and employees from and against all loss, damage or claim resulting from the acts or omissions of the authorized individuals and/or their firms while acting pursuant to such authority.
3. Prior to receiving final authorization to proceed, the authorized individuals and/or their firms shall provide such insurance coverage in the amounts determined as reasonable and necessary by the Town Board in its sole discretion and shall provide evidencing such coverages and naming the Town of Eden as "Additional Insured" at all times during the period of this authorization.
4. This authorization is subject to suspension, modification and/or revocation, with or without cause, by further act of the Eden Town Board, in its sole discretion and the individuals and firms acting under this authority hereby waive all claims and rights of action against the Town of Eden and all elected or appointed officials or employees of the Town of Eden as a condition to their acceptance of this authorization. The authorization granted herein may further be amended, modified or terminated by future acts of the Town Board including, but not limited to enactment of local laws, ordinances, or regulations which have the effect of superseding the authority granted herein.
5. The authority granted herein is not intended to be exclusive to the individuals or firms noted herein and may be extended to other individuals or firms determined by the Town of Eden to be qualified and properly insured to perform such services.
6. All authorized individuals and/or firms shall, prior to exercising the authority granted herein, be required to execute a copy of this Resolution acknowledging their receipt and review of same and their agreement to be bound by the terms and conditions set forth herein in the form and content set forth below.

**ACKNOWLEDGEMENT AND AGREEMENT**

The undersigned hereby acknowledges their receipt and review of the foregoing Resolution and agree to be bound by the terms and conditions set forth therein including, but not limited to the following:

The undersigned hereby agrees to hold harmless and indemnify the Town of Eden, its duly elected or appointed officers and employees from and against all loss, damage or claim resulting from the acts or omissions of the authorized individuals and/or their firms while acting pursuant to such authority.

The undersigned agrees that he/she/it waives of all claims and rights of actions against the Town of Eden and all elected or appointed officials or employees of the Town of Eden as a condition to their acceptance of this authorization.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

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

**3. Continued Discussion of Proposed Water District No. 5**  
**a. Acceptance of Map, Plan & Report**  
**b. Eden Town Board approval as Lead Agency**  
**c. Possible scheduling of Public Hearing**

Stephen Waldvogel and Mark Cavacoli, CRA Infrastructure were present and stated that there have been no changes since the last Town Board meeting regarding proposed Water District No. 5. They have been in contact with Erie County Water Authority with the questions that were generated from the last meeting. They are also working with bond council to prepare documents for setting the public hearing and the notification that will be sent to the homeowners.

There were no comments from residents.

**4. Recommendation and Award of Bid for Ski Transportation**

Supervisor Nellis read correspondence from Susan Brass, Recreation Director regarding the award of bid for ski transportation with two (2) quotes received from Laidlaw Transit at \$1040.00 per trip and Eden Central School at \$851.50 per trip. The Recreation Board is recommending awarding the bid for ski transportation to Eden Central School with the low bid of \$851.50 per trip.

**MOTION** was made by Supervisor Nellis to award the bid for ski transportation, based on the recommendation of the Recreation Board to Eden Central School for \$851.50 per trip; seconded by Councilman Ventry; “Ayes”; Nellis, Krycia, Ventry; Opposed? – None; Abstain? – Vacco (employed by Eden Central School); Motion carried.

**5. Scheduling of Public Hearing – Renewal of Special Use Permits**

Supervisor Nellis requested scheduling a Public Hearing for the renewal of Eleven (11) Special Use Permits for December 9, 2009 at 8:00 p.m.

**MOTION** was made by Supervisor Nellis to set the public hearing for the renewal of eleven (11) Special Use Permits for December 9, 2009 at 8:00 p.m.; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

**6. Award of Quote – Repair of Windows at Eden Library**

Supervisor Nellis read correspondence from Eden Library regarding the repair of windows at the Eden Library. Two quotes were sent out, with one being received from Nickel City Glass, Inc. at a cost of \$792.50.

**MOTION** was made by Councilman Vacco to award the quote to repair windows at the Eden Library to Nickel City Glass, Inc. at a cost of \$792.50; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

**7. East Eden Fire Company – lettering to Truck No. 7**

Supervisor Nellis read correspondence from Andrew Breier, East Eden Fire Chief regarding replacement of original lettering on truck 7. Two quotes were received, Toad Hollow Studio at \$595.00 and VSP Marketing Graphic Group at \$435.00. Mr. Breier is recommending Toad Hollow Studio at \$595.00, which includes a few additional items noting that Toad Hollow Studio actually quoted \$400.00 for replacement lettering on Truck #7.

**MOTION** was made by Supervisor Nellis to award the bid to Toad Hollow Studio at a cost of \$595.00; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

October 28, 2009

**MOTION** was made by Councilman Krycia to close the Work Session Meeting of the Eden Town Board for the purpose of public hearing; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

Supervisor Nellis closed the meeting at 8:00 p.m.

**MOTION** was made by Councilman Krycia to open the Public Hearing to Amend the Town of Eden Master Plan by adding the Town of Eden’s Farmland Protection Plan; seconded by Councilman Vacco; 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**  
**To Amend the Town of Eden Town**  
**Master Plan by adding the**  
**Town of Eden’s Farmland Protection Plan**

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

Supervisor Nellis explained the process of adding the Town of Eden’s Farmland Protection Plan to the Master Plan, which was adopted in 2001.

There were no comments.

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 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 Work Session Meeting of the Eden Town Board; seconded by Councilman Vacco; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Supervisor Nellis requested a motion to approve adding the Farmland Protection Plan to the Town of Eden’s Master Plan.

**MOTION** was made by Councilman Krycia to add the Town of Eden’s Farmland Protection Plan to the Town of Eden’s Master Plan, which was adopted in 2001; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

**Supervisor’s Report:**

- Thanked the Town of North Collins and the Town of Evans for their support with the Community Block Grant project.
- Official Trick & Treat night in Eden is 10/31/09
- Play-off football game Saturday, 10/31/09

Councilman Krycia stated for the record that a Conservation Meeting, Training Seminar regarding SEQRA would be held at ECC South Campus on 11/18/09 and ECC North Campus on 11/19/09 from 7:00 – 9:00 p.m. on both evenings.

**Hearing of Visitors:**

Mike Bolo, regarding Senior Housing in Eden. Citizens that are interested should register their interest with the Supervisor’s office.

Joe Klug, Bley Road

**MOTION** was made by Councilman Krycia to close the Work Session Meeting of the Eden Town Board for the purpose of public hearing; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

Supervisor Nellis closed the meeting at 8:30 p.m.

**MOTION** was made by Councilman Krycia to open the Public Hearing for the Proposed Budget 2010; seconded by Councilman Vacco; 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  
Proposed Budget 2010**

**The purpose of the Public Hearing is to review the Proposed Budget of the Town of Eden for the year 2009. The proposed tax rates for 2010 are:**

<b>General</b>	-	<b>\$2.05 per thousand</b>
<b>Highway</b>	-	<b>\$3.27 per thousand</b>
<b>Light</b>	-	<b>\$ .15 per thousand</b>
<b>Fire</b>	-	<b><u>\$.91 per thousand</u></b>
		<b>\$6.38 per thousand</b>

**Net increase of \$0.07 per thousand, a home assessed at \$100,000 would show a net increase of \$7.00 on their tax bill for the above items.**

**The Garbage Rate for 2010 is \$187.00 per unit, up from \$183.00 in 2009.**

Supervisor stated that copies of the Proposed 2010 Budget have been made available in the Town Clerk’s office and at the meeting tonight.

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

The following residents made comments regarding the proposed budget:

Joe Klug, Bley Road

All persons desiring to be heard, having been heard, Supervisor Nellis closed the public hearing at 8:35 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 Work Session Meeting of the Eden Town Board; seconded by Councilman Vacco; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**8. Approval of Preliminary Budget**

Supervisor Nellis requested approval of the 2010 preliminary budget.

**MOTION** was made by Councilman Vacco to approve the 2010 Budget as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**Adjournment:**

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**MOTION** was made by Councilman Ventry to adjourn the Work Session Meeting of the Eden Town Board; seconded by Councilman Vacco; 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.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk