

November 10, 2010

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
EAST EDEN FIRE HALL  
8097 EAST EDEN ROAD  
EDEN, NEW YORK  
NOVEMBER 10, 2010  
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:**

Iain Ramage	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Michael J. Felschow	-	Chief of Police
Rich Greeley	-	Eden Fire Chief
Andrew Breier	-	East Eden Fire Chief
Ray Zabron	-	Dog Control Officer

**OTHERS PRESENT:**

William Trask	-	Town Attorney
Heather Ohmit	-	Deputy Town Clerk
Cynthia Ciesielski	-	Deputy Town Clerk
Lisa Greiner	-	Administrative Assistant
Mark Cavacolli	-	CRA

**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 October 13, 2010; there were none.

**MOTION** was made by Councilwoman Pew to approve the Town Board Minutes of October 13, 2010 as presented; seconded by Councilman Krycia; “Ayes”-Pew, Krycia, Vacco, Ventry; Opposed? – None; Abstain? – Nellis; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of October 16, 2010; there were none.

**MOTION** was made by Councilwoman Pew to approve the Town Board Minutes of October 16, 2010 as presented; seconded by Councilman Vacco; “Ayes”-Pew, Krycia, Vacco, Ventry; Opposed? – None; Abstain? - Nellis; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of October 21, 2010; there were none.

**MOTION** was made by Councilwoman Pew to approve the Town Board Minutes of October 21, 2010 as presented; seconded by Councilman Krycia; “Ayes”-Pew, Krycia, Vacco, Ventry; Opposed? – None; Abstain? – Nellis; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of October 27, 2010; there were none.

**MOTION** was made by Councilwoman Pew to approve the Town Board Minutes of October 27, 2010 as presented; seconded by Councilman Ventry; “Ayes”-Nellis, Pew, Krycia, Ventry; Opposed? – None; Abstain? – Vacco; Motion carried.

**Petitions:**

There were none.

**Budget Transfers/Amendments:**

Supervisor Nellis read the following Budget Transfers/Amendments:

<b>From Account</b>	<b>To Account</b>	<b>Reason for Amendment</b>	<b>Amount</b>
A1640 Ambulance Charges	A4540.4 Ambulance	Transfer money rec'd to offset budget	\$8,667.44
A2192 Cemetery Services	A8810.4 Cemeteries Contractual	Offset money rec'd for burial towards cost of burial	\$215.00
A1990.4 Contingent Fund	A1910.4 Unallocated Insurance	Insurance over budget	\$3,300.00
SF909 Fire Fund Balance	SF9950.9 Transfer to Capital	Repair of East Eden Fire Hall	\$12,259.40
SW8320.401 Wepax Road Contract	SW8320.402 Wepax Road –Cont/ Water	Offset budget estimates made for Wepax Road	\$52.00

**MOTION** was made by Councilwoman Pew to approve the Budget Transfer/Amendments as presented; seconded by Councilman Ventry; All “Ayes”; Opposed?- None; Abstain?- None; Motion carried.

Supervisor Nellis read the following Budget Transfers/Amendments for the Highway Department:

<b>Date</b>	<b>From</b>	<b>To</b>	<b>Description</b>	<b>Amount</b>
11/11/10	D2770	D5110.4	Pipe Permits	\$2,984.08
11/20/10	D3960	D5110.4	FEMA Expenses	\$24,558.08
11/10/10	D4960	D5110.4	FEMA Expenses	\$150,856.75
11/10/10	D909	D5110.4	FEMA Expenses	\$10,062.02

**MOTION** was made by Councilman Ventry to approve the Budget Transfer/Amendments for the Highway Department; seconded by Councilwoman Pew; 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	617-679	\$81,002.11

Highway Dept. Fund	303-338	\$211,210.65
Fire Dept. Fund	191-222	\$19,139.92
Recreation Dept. Fund	137-144	\$1,666.30
Refuse and Garbage Fund	14-17	\$96,608.72
Street Lights Fund	26-28	\$4,725.07
Water Fund	23-26	\$5,918.39
Trust & Agency Fund	--	--
Capital Fund		
H8320.401	36-39	\$488,344.52
H8320.402	12	\$115.41
H3410.4	8-10	\$12,259.40
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 October 2010 were presented by; Rich Greeley, Eden Fire Chief; Andrew Breier, East Eden Fire Chief; Michael Felschow, Eden Police Chief; Ray Zabron, Dog Control Officer; Ronald Maggs, Superintendent of Highways; Iain Ramage, Town Engineer; William Trask, Town Attorney; Heather Ohmit, Deputy Town Clerk; Supervisor Nellis for Scott Henry, Zoning Code Enforcement Officer Report; Councilwoman Pew for Susan Brass, Recreation and Assessors Reports. All reports are on file in the Town Clerk’s office.

Town Attorney William Trask reported on a petition review regarding the proposed disc golf course. Attorney Trask said that since the Planning Board had already given site approval to the project, the Town Board does not have authority to nullify that action.

**New and Unfinished Business:**

**1. Resolution authorizing grant proposal to State Court System**

**MOTION** was made by Supervisor Nellis to approve the resolution authorizing the grant proposal to the State Court System; seconded by Councilman Krycia; All “Ayes”; Opposed?- None; Abstain?- None; Motion carried.

**2. Final Town Budget approval for 2011**

**MOTION** was made by Supervisor Nellis to adopt the Fire District budget; seconded by Councilwoman Pew; All “Ayes”; Opposed?- None; Abstain?- None; Motion carried.

Supervisor Nellis read the following change to the Water District budget:

Water District #3 and Water District #3A adjustments resulting in both water districts paying \$3.37 per thousand.  
Changes made to:  
Cover Page; Water District  
Second Page: Water District, (at top of page) and WD 3 at bottom of page.  
Page 9: Water Districts 3 and 3A

**MOTION** was made by Councilwoman Pew to accept Water Budget changes; seconded by Councilman Ventry; All “Ayes”; Opposed?- None; Abstain?- None; Motion carried.

Supervisor Nellis read the following special charges to be levied on the 2011 tax bills:

Total Unpaid Water-                   \$2506.29

Total Delinquent Refuse- \$ 935.00

**MOTION** was made by Councilwoman Pew to accept special charges as stated; seconded by Councilman Vacco; All "Ayes"; Opposed?- None; Abstain?- None; Motion carried.

**MOTION** was made by Councilman Krycia to approve the Town of Eden 2011 Budget, with the previously mentioned additions; seconded by Councilwoman Pew; All "Ayes"; Opposed?- None; Abstain?- None; Motion carried.

**3. Approval of Special Use Permit Processing Chart**

**MOTION** was made by Councilman Vacco to accept the Town of Eden Special Use Permit Processing Chart as submitted; seconded by Councilman Krycia; All "Ayes"; Opposed?- None; Abstain?- None; Motion carried.

**4. Final reviewing and filing of Environmental Report on Water District No. 5**

Mark Cavacolli of CRA stated that the Town Board has already received and reviewed all requirements for SEQR. Copies of the final Environmental Report for Proposed Water District No. 5 were given to Town Board members, Attorney Trask, Assistant Lisa Greiner, and the Town Clerk.

**MOTION** was made by Councilwoman Pew to receive and file the final Environmental Report for Proposed Water District No. 5; seconded by Councilman Vacco; All "Ayes"; Opposed?- None; Abstain?- None; Motion carried.

**5. Dog Control Law – setting Public Hearing date**

**MOTION** was made by Supervisor Nellis to set the date for the Public Hearing for the Dog Control Law for December 8<sup>th</sup> 2010, at 8:00 pm.; seconded by Councilwoman Pew; All "Ayes", Opposed?- None; Abstain?- None; Motion carried.

**6. Announcement, as required by law, of application availability for inclusion in Agriculture District**

Supervisor Nellis read the following Public Notice:

The Erie County Legislature on September 23, 2004 designated November 1, through November 30 each year as the annual thirty0day period during which landowners may submit requests to include predominately viable agricultural land into an existing agricultural district as per New York State Agriculture and Markets Law Section 303-b.

The Erie County Department of Environmental and Planning (ECDEP) (Room 1063) at 95 Franklin Street, Buffalo, New York 14202 will accept application for addition into an agricultural district.

Town Supervisor, Clerks and Assessors in Erie County and ECDEP at the above-mentioned address have copies of the application form to provide to any person requesting them.

If you have any questions or problems concerning the 30-day period process, please contact ECDEP Planner John Opalka at (716)858-6229.

**7. List of Special Use Permit Users for Review at December 8, 2010 meeting – Public Hearing**

**MOTION** was made by Councilwoman Pew to set the Public Hearing for the Renewal of Special Use Permits for 2011 for December 8<sup>th</sup>, 2010 at 8:30 pm.;

seconded by Councilman Ventry; All “Ayes”; Opposed?- None; Abstain?- None; Motion carried.

**8. Recommendation by Off-Road Drainage Committee for approval of two projects (cleaning ditch at 3209 Mill Road and Miscellaneous Mowing)**

**MOTION** was made by Supervisor Nellis to approve both projects recommended by the Off-Road Drainage Committee; seconded by Councilman Krycia; All “Ayes”; Opposed?- None; Abstain?- None; Motion carried.

**9. Stormwater Coalition Memorandum of Agreement**

**MOTION** was made by Supervisor Nellis to accept the Stormwater Coalition Memorandum of Agreement; seconded by Councilman Krycia; All “Ayes”; Opposed?- None; Abstain?- None; Motion carried.

**10. PowerPoint presentation on East Eden Fire Hall**

Chief Andy Breier gave a PowerPoint presentation on the conditions at the East Eden Fire Hall. The following individuals made comments:

Mike Jacobs-2827 Roswell Pkwy  
Bob Stickney-2718 Lourdes Drive  
Darren & Michelle Haag-4105 Hardt Road  
John McCarthy-4318 Eckhardt Road  
Chris Brind’Amour-8650 Lower Dr.

**Supervisor’s Report:**

-National Grid started an energy program in June. Lime Energy will be doing an energy audit, where National Grid pays 75% of the cost, and the remainder will be interest-free for 2 years.

-There is no strobe light being installed on the communications tower located on East Eden Road.

**Hearing of Visitors:**

Bob Stickney-2718 Oakland Drive

**Adjournment:**

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:45 P.M.

**Executive Session:**

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

Respectfully submitted by,

Heather Ohmit  
Deputy Town Clerk

November 10, 2010