

August 10, 2011

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
AUGUST 10, 2011  
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:**

**Note:** Supervisor Nellis excused the Department Heads from attending this meeting.

Ronald C. Maggs	-	Superintendent of Highways
Ray Zabron	-	Dog Control Officer

**OTHERS PRESENT:**

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk
Lisa Greiner	-	Administrative Assistant

**Call to Order:**

Supervisor Nellis called the Regular Meeting 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.

**Approval of Minutes:**

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of July 13, 2011; there were none.

**MOTION** was made by Councilman Ventry to approve the Town Board Minutes of July 13, 2011 as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; 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>
A2192 Charges for Cemetery Services	A8810.4 Cemetery	Money rec'd for grave opening to offset maint. cost	\$11.99
A1990.4 Contingent Fund	A1320.400 Auditor-Contractual	Add'l fees required for Special Audit due to amt. of Federal Aid spent in 2010	\$2,960.00
A1990.4 Contingent Fund	A9950.9 Transfer to Capital	Town's portion of Street Scape Grant	\$15,000.00
A6989.4 Other Economic Assistance	A9950.9 Transfer to Capital	Town's portion of Street Scape Grant	\$15,000.00
A911 Fund Balance	A9950.9 Transfer to Capital	Town's portion of Street Scape Grant	\$29,992.00
A2680 Insurance Recovery	A4540.4 Ambulance	Insurance money rec'd to repair broken windshield	\$496.77
A2215 Planning Fees Collected	A8020.4 Planning- Contractual	Offset Planning Board fees collected to planning board expenses	\$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	411-473	\$56,907.87
Highway Dept. Fund	200-230	\$211,052.19
Fire Dept. Fund	145-165	\$33,441.26
Recreation Dept. Fund	89-109	\$7,501.51
Refuse and Garbage Fund	12	\$48,410.56
Street Lights Fund	18-20	\$4,096.60
Water Fund	20-22	\$5,594.66
Trust & Agency Fund	--	--
Capital Fund		
H3410.2	17-18	\$64,451.37
H8320.401	15-20	\$287,276.31
H8320.402	13-15	\$470,999.14
H6989.4	1	\$59,992.00
Community Development	--	--

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

**Departmental Reports:**

Department reports for the month of July, 2011 were filed by Jack Rigley, Eden Fire Chief; Michael Felschow, Eden Police Chief; Ray Zabron, Dog Control Officer; Mary Jo Hultquist, Town Clerk; Scott Henry, Zoning Code Enforcement Officer; Susan Brass, Recreation Director. All reports are on file in the Town Clerk's office.

Supervisor Nellis read the report from Jack Rigley, Eden Fire Chief requesting adding Michael Hart to the active roster of the Eden Fire Department No. 1 pending his physical and background check.

**MOTION** was made by Councilwoman Pew to add Michael Hart to the active roster of the Eden Fire Department No. 1 pending his physical and background check; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis read the report from Jack Rigley, Eden Fire Chief requesting adding Andrew Huber to the active roster (he is currently a member on inactive status).

**MOTION** was made by Councilwoman Pew to add Andrew Huber to the active roster, from inactive status; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis read correspondence from Ron Maggs, Off-Road Drainage Committee Chairperson recommending that the Town Board approve the following project that the committee has agreed upon:

1. Project 2011-03; 2611 West Church Street – to clean from West Church to Ryther Creek. The Town will contribute up to \$300 towards the rental of a machine and the homeowner will operate and do all necessary work.

**MOTION** was made by Supervisor Nellis to approve Project 2011-03 as presented; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**New and Unfinished Business:**

1. Setting of Public Hearing date for Proposed Local Law on Peddlers and Solicitation

Supervisor Nellis requested setting a Public Hearing for Proposed Local Law #3 Amending Chapter 153 of the Code of the Town of Eden to require criminal history inquiries for applicants seeking a peddler's license in the Town of Eden.

**MOTION** was made by Supervisor Nellis to set the Public Hearing for September 14, 2011 at 8:00 p.m.; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**Note:** William Trask, Town Attorney requested that a copy of the Proposed Local Law be forwarded to Michael Felschow, Chief of Police for his review.

2. Approval of specifications for RFP on new Town-Wide Garbage Collection

Supervisor Nellis presented to the Town Board the Contract Documents for Collection, Hauling and Disposal of Mixed Municipal Solid Waste and Specified Items and Materials and Collection, Hauling and Processing of Recyclables.

Supervisor Nellis stated that this material is to be reviewed and a Public Hearing will be set at the next Town Board Meeting.

3. Blacktop work on Town Hall Parking Lot

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Supervisor Nellis read the following correspondence from Ron Maggs, Highway Superintendent regarding the 2011 parking lot sealing schedule:

“The Library and Town Hall parking lots are due to be sealed this year. The Library is applying for a grant for upgrades to their parking lot and the Town Hall parking lot is in need of repairs. I am recommending that we do minor repairs to the Library and repair and repave the bad portion of the Town Hall lot. The Highway Department can provide the work with the material cost not to exceed \$10,000. The money that was set aside for sealing can help offset some of the costs for these repairs.”

Supervisor Nellis then offered the following resolution:

RESOLUTION AUTHORIZING SUPERVISOR GLENN R. NELLIS TO EXPEND  
FUNDS FROM THE GENERAL MAINTENANCE RESERVE FUND OF THE  
TOWN OF EDEN  
SUBJECT TO PERMISSIVE REFERENDUM

The Town Board of the Town of Eden, duly convened in regular session, does hereby resolve pursuant to the provisions of Section 6-c of the General Municipal Law of the State of New York that the Town Supervisor of the Town of Eden be and is hereby authorized and directed to transfer from the General Maintenance Reserve Fund of the Town of Eden to the Town Hall Contractual Expenses Account A1620.4, a sum not to exceed \$10,000.00 from said Reserve Fund for repairs to both the Library and Town Hall Parking Lots.

This resolution shall be subject to a permissive referendum, as permitted by law.

**MOTION** was made by Supervisor Nellis to approve the resolution as presented, subject to permission referendum, which is 30 days, starting at tonight’s meeting; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**4. Water Projects update**

Supervisor Nellis read an update of the various water projects that will be posted on the Town of Eden’s website and available at the Town Clerk’s office during normal business hours.

**5. Notification of Liquor License Renewal – Eden/North Collins Gun Club**

This item is informational in nature.

**6. Notification of Liquor License Renewal – Eden Bowling Center**

This item is informational in nature.

**MOTION** was made by Councilman Krycia to close the Regular Meeting of the Eden Town Board and open the Public Hearing for purposes of Proposed Local Law #2-2011 – Changing Use Group for Planned Industrial District; 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.

**8:00 P.M.**  
**Public Hearing**  
**Proposed Local Law #2-2011**  
**Changing Use Group for Planned Industrial District**

Supervisor Nellis explained that the Public Hearing is an opportunity for residents to ask questions or add comments.

The following residents spoke:

Janet Vice, owner of property at 7301 So. Western Blvd. asked how this would affect their property.

William Trask, Town Attorney explained that the change of use proposed would actually make the lot sizes consistent and to have it conform to similar uses in other zoning districts of the Town of Eden. Mr. Trask stated that it would have no impact on their business at 7301 So. Western Blvd.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:10 p.m.

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

Supervisor Nellis opened the Regular Meeting of the Eden Town Board at 8:10 p.m.

**7. Ratify phone poll vote of Town Board approving Burgstahler – Out-of-District Water Application**

Supervisor Nellis received an Out-of-District User Application from Brian and Brenda Burgstahler, 2100 Hemlock Road. All fees have been paid and documents appropriately signed.

**MOTION** was made by Councilman Vacco to approve Brian and Brenda Burgstahler, 2100 Hemlock Road as Out-of-District Customers, acting as the Board of Commissioners of Water District No. 5; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**8. Approval of Out-of-District customers – Hemlock Road**

Supervisor Nellis received Out-of-District User Applications from the following Residents:

David & Christine Horvatits, 2517 Hemlock Road  
Mark Altenoeder, 2509 Hemlock Road  
Anthony & Ingrid Altenoeder, 2511 Hemlock Road

All fees have been paid and documents appropriately signed.

**MOTION** was made by Councilman Ventry to approve David & Christine Horvatits, 2517 Hemlock Road, Mark Altenoeder, 2509 Hemlock Road and Anthony & Ingrid Altenoeder, 2511 Hemlock Road as Out-of-District Customers, acting as the Board of Commissioners of Water District No. 5; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Supervisor’s Report:**

- Reported that the following speed limit changes were received from the State of New – Department of Transportation Traffic and Safety Division:

45 MPH on East Eden Road between Schintzius Road to a point 0.2 +/- mile South of Schintzius Road, a distance of 0.2 +/- mile.

45 MPH on Eckhardt Road, between East Eden Road and the Eden/Boston Town Line, a distance of 1.1 +/- Miles.

45 MPH on Sandrock Road, a Town Highway between a point 0.1 +/- mile North of Paxon Road and a point 0.4 +/- mile South of Paxon Road, a distance of 0.5 +/- Mile.

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35 MPH on Hemlock Road, a Town Highway, from Hunt Avenue to Eden-Evans Center Road, a distance of 1.5 +/- Miles.

35 MPH on East Eden Road, from a point 300 +/- Feet North of Hardt Road to Schintzius Road, a distance of 1.0 +/- Mile.

- Town of Eden Rabies Clinic will be held on August 20, 2011 from 3:00 p.m. to 7:00 p.m. at the Town of Eden Highway Department for residents of Eden only.
- Household Hazardous Waste Drop-off Day at Erie Community College in Williamsville, NY on August 20, 2011 from 9:00 a.m. to 2:00 p.m.

**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 Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 8:30 P.M.

**Executive Session:**

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 9:30 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk