

October 24, 2012

MINUTES

**TOWN BOARD MEETING
2795 EAST CHURCH STREET
EDEN, NEW YORK
OCTOBER 24, 2012
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN
EDWARD KRYCIA, JR.	-	COUNCILMAN
RICHARD S. VENTRY	-	COUNCILMAN
FRAN MCLAUGHLIN	-	COUNCILMAN

OTHERS PRESENT:

Mary Jo Hultquist	-	Town Clerk
Lisa Greiner	-	Administrative Assistant

Call To Order:

Supervisor Nellis called the Work Session of the Eden Town Board to order at 7:40 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. Presentation of Bicentennial Quilt by Eden Quilt Guild

Supervisor Nellis introduced Joan Staby, and Martha Muck from the Eden Quilt Guild, along with Susan Minekime, Co-Chairman of the Eden Bicentennial Committee.

Supervisor Nellis read the following resolution:

Resolution of Thanks

WHEREAS, on October 24, 2012 the Eden Quilt Guild presented to the Eden Town Board a Bicentennial Quilt; and

WHEREAS, this Quilt reflects 200 years of Town history, celebrating our Town heritage; and

WHEREAS, the talent it took to create such a Quilt is impressive; and

WHEREAS, the Resolution gives us an opportunity to express our gratitude; and

NOW THEREFORE, BE IT RESOLVED that the Eden Town Board joins with the Eden Bicentennial Committee and the residents of Eden in expressing our deep appreciation to the Eden Quilt Guild for this wonderful historic Quilt, which will be displayed and recognized for years to come as a **Quilt of Great Distinction**.

2. Approval of Drainage District No. 5

Supervisor Nellis read the following resolution:

**RESOLUTION OF THE EDEN TOWN BOARD
Negative Declaration
for Proceedings Requesting Creation of Drainage District No. 5**

WHEREAS, the Eden Town Board has received a Petition of Richard Minekime (hereafter “developer”) requesting the creation and establishment of Town of Eden Drainage District No. 5 for Evergreen Acres Subdivision - Part 2, Phase II, and

WHEREAS, the proposed action is an unlisted action and a completed short form EAF has been received from the developer’s agent, David H. Johnson of Nussbaumer & Clarke, P.C., and

WHEREAS, on August 8, 2012, the Eden Town Board adopted a resolution declaring itself lead agency and making a referral to the Erie County Department of Environment and Planning as required by General Municipal Law Section 239-m, and

WHEREAS, on or about September 12, 2012, the Erie County Department of Environment and Planning responded to the zoning referral indicating that it had “no recommendation”, and

WHEREAS, the Eden Town Board, as lead agency, has taken a hard look at all aspects of the application and all submittals in connection therewith.

NOW, THEREFORE, IT IS

RESOLVED, that the Eden Town Board has found that the creation of Drainage District No. 5 will have substantial positive impacts upon the Town by putting in place a mechanism for generating revenues from the benefited property within the proposed drainage district in order to maintain storm sewer improvements for the subdivision development, and it is further

RESOLVED, that the Eden Town Board hereby finds no significant adverse impacts for this project based upon its review under SEQR, and it is further

RESOLVED, that Supervisor Glenn Nellis is hereby authorized to sign Part III of the short form EAF confirming this determination that the proposed action will not result in any significant adverse environmental impacts.

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

Supervisor Nellis read the following resolution:

Resolution Approving the Establishment of Town of Eden Drainage District No. 5 (Evergreen Acres Subdivision Part 2, Phase II)

WHEREAS, a petition, dated August 6, 2012, for the creation of a Drainage District in the Town of Eden, County of Erie, New York, was presented to this Town Board with the necessary map and plan attached to it, and

WHEREAS, on August 8, 2012, the Town Board adopted an order which recited the filing of the petition, the proposed improvements, the boundaries and a description of the district, and the estimated costs of these proposals, and

WHEREAS, the order set September 12, 2012, at 8:00 P.M. at the Town Hall in the Town of Eden, as the time and place for a public hearing before all interested persons on the petition, and

WHEREAS, the order was posted and published as required by law, and

WHEREAS, the hearing on the petition was held on September 12, 2012, at which evidence was given and all interested parties were heard including Petitioner, Richard E. Minekime, and

WHEREAS, the Town Board has received a duly executed Short Environmental Assessment Form and has given due consideration to the impact of the creation of the proposed district on the environment and, on the basis of such consideration, has found no substantial environmental impact will be caused by the creation of such district,

NOW, THEREFORE, IT IS HEREBY RESOLVED, that (a) the petition is signed and acknowledged or proved as required by law, it complies with the requirements of **Town Law Section 191** as to sufficiency of signers and is otherwise sufficient; (b) all the property and property owners within the proposed district are benefited by the proposed district; (c) all the

property and property owners benefited are included within the limits of the proposed district; and (d) it is in the public interest to granted the relief sought in the petition. IT IS FURTHER RESOLVED that the establishment of a drainage district as proposed in the petition be approved; that the maintenance of the improvements, upon completion by the developer and dedication to and acceptance by the Town, shall become a charge against all taxable real property within such district; and the district shall be called the Town of Eden Drainage District No. 5 (Evergreen Acres Subdivision, Part 2, Phase II), and shall be bounded and described as shown on Schedule "A", attached hereto and made a part hereof. IT IS FURTHER RESOLVED that the Town Clerk of the Town of Eden, within ten (10) days after the adoption of this resolution, shall file certified copies of the resolution in the Erie County Clerk's Office and in the office of the State Department of Audit and Control, Albany, New York.

MOTION was made by Councilman Krycia to approve the resolution as presented; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

3. Approval of Fire District Budget

Supervisor Nellis stated that the approval of the Fire District Budget would be in conjunction with the approval of the entire budget for 2013.

4. Delinquent Water Bills

MOTION was made by Councilwoman Pew to include \$2,938.28 in unpaid water bills to the tax warrant and authorize the Glenn Nellis, Supervisor to sign a Letter of Authorization and any other paperwork required; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

5. Recreation Board Recommendation for Ski Transportation

Supervisor Nellis read correspondence from Susan Brass, Recreation Director regarding the recommendation of the Recreation Board to award the bid for ski transportation to the Eden Central School District for \$1,014.76 per trip.

MOTION was made by Councilman McLaughlin to award the bid for ski transportation to the Eden Central School District for \$1,014.76 per trip; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

6. Liquor License Renewal – VFW

Supervisor Nellis received and filed the Liquor License renewal for the Eden Memorial Post No. 8265, VFW, Inc.

7. Approval of Proposed Local Law No. 2-2012 – 2% Tax Levy

Supervisor Nellis read the following proposed Local Law No. 2-2012:

**Local Law #2-2012
Town of Eden, County of Erie**

A local law to override the tax levy limit established in General Municipal Law §3-c

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF EDEN AS FOLLOWS:

Section 1. Legislative intent

It is the intent of this local law to allow the Town of Eden to adopt a budget for the fiscal year commencing 2013 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Eden, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon adoption by the Eden Town Board.

MOTION was made by Supervisor Nellis to approve Local Law No. 2-2012 as presented; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

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

Supervisor Nellis closed the Regular Meeting at 8:00 p.m. and opened the Public Hearing.

**8:00 p.m.
Public Hearing
Preliminary Budget 2013**

The purpose of the Public Hearing is to review the Proposed Budget of the Town of Eden for the year 2013.

Supervisor Nellis made the following observations in the 2013 Budget:

	<u>2012 Tax Rates</u>	<u>2013 Tax Rates</u>
General	\$2.13	\$2.15
Highway	\$3.37	\$3.70
St. Light	\$.15	\$.17
Fire	<u>\$1.16</u>	<u>\$1.16</u>
Total	\$6.81	\$7.18 = \$.37 increase of an increase of 6.3 %

The Garbage Rate for 2013 is \$150.00 per unit, down from \$155.00 in 2012.

Supervisor stated that copies of the Proposed 2013 Budget have been made available in the Town Clerk’s office.

The following residents made comments regarding the proposed budget:

Richard Miller, spoke about the current garbage regulations.

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Richard Minekime, questioned the increase in the Highway Budget.
Ron Maggs, gave statistics from 2009 to present regarding the Highway Budget.
Mary Jo Hultquist, made note of the rate of pay increase for Deputy Town Clerks.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the public hearing at 8:15 p.m.

MOTION was made by Councilman Krycia to close the Public Hearing and open the regular meeting of the Town Board; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

- Town of Eden offers free transportation to Senior Citizens
- Halloween will be celebrated in Eden on Wednesday, October 31, 2012 from 5:00 – 8:00 p.m.

Hearing of Visitors:

There were none.

Adjournment:

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

Supervisor Nellis adjourned the Work Session Meeting of the Eden Town Board at 8:17 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk