

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
FEBRUARY 13, 2013  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN
EDWARD KRYCIA, JR	-	COUNCILMAN
RICHARD S. VENTRY	-	COUNCILMAN ( <i>Absent</i> )
FRAN MCLAUGHLIN	-	COUNCILMAN

**DEPARTMENT HEADS PRESENT:**

Mark Cavacoli	-	Town Engineer
Stephen Waldvogel	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Michael J. Felschow	-	Chief of Police
Jack Rigley	-	Eden Fire Chief
Rick Kirst	-	East Eden Fire Co.
Robert Pietrocarlo	-	Chairman Board of Assessors
Susan Brass	-	Recreation Director
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 7:30 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 January 9, 2013; there were none.

**MOTION** was made by Councilman Krcia to approve the Town Board Minutes of January 9, 2013 as presented; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of January 23, 2013; there were none.

**MOTION** was made by Councilman McLaughlin to approve the Town Board Minutes of January 23, 2013 as presented; seconded by Councilman Krycia; “Ayes”? Nellis, Krycia, McLaughlin; Opposed? – None; Abstain? - Pew; Motion carried.

**Petitions:**

There were none.

**Budget Transfers/Amendments:**

Supervisor Nellis read the following Budget Transfers/Amendments:

**Year End December 2012**

<b>From Account</b>	<b>To Account</b>	<b>Reason for Amendment</b>	<b>Amount</b>
SW 911 Water fund Balance	SW9950.9 Transfer Out to Capital	To correct prior years Shadagee Rd. BAN principal payments incorrectly posted to Capital vs Water	\$91,000.00
A 1990.4 Contingent Fund	A1620.4 Town Hall - Contractual	Overbudget - End of Year Utilities	\$2,400.00
A 1990.4 Contingent Fund	A1640.4 Central Garage - Contractual	Overbudget - End of Year Utilities	\$400.00
A 1990.4 Contingent Fund	A3989.4 Other Public Safety	Radio Purchase	\$40.00
A9015.8 Retirement - Police	A9010.8 Retirement - General	Retirement Per State	\$1,729.77
A1640 Ambulance Charges	A4540.4 Ambulance - Contractual	Overbudget	\$350.00
D5142.4 Snow Removal Contract.	D9010.80 Retirement - Highway	Retirement Per State	\$8,309.48
SF3140.1 Fire - Personal	SF 3410.4 Fire - Contractual	Retirement Per State	\$1,300.00
SL 911 Fund Balance-Street Light	SL 5182.4 Street Light Contractual	Overbudget - Year End Utility Invoice	\$520.00
SW 911 Fund - Balance	SW 8320.402 Wepax Road - Farnham	End of Year Expense for Revenue Collected in New Year	\$109.15
SW 911 Fund Balance	SW 8320.401 Maintenance - Wepax	End of Year Expense for Revenue Collected in New Year	\$21.73
SW 2140 Wepax Road Revenue	SW 8320.401 Maintenance - Wepax	Wepax Road Revenues offset Expense	\$473.58

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

**For 2013**

<b>From Account</b>	<b>To Account</b>	<b>Reason for Amendment</b>	<b>Amount</b>
A7140.1 Playgrounds & Rec Center- Personal	A7140.4 Playgrounds & Rec Center Contractual	Substitute Fitness Instructor paid as sub-cont. instead of through payroll	\$192.00
A911 Fund Balance	A7510.4 Historian - Contractual	Use of Excesss BiCentennial Money to upgrade Historian's Office	\$1,029.58
A911 Fund Balance	A1620.4 Town Hall Contractual	Purchase of Generator	\$10,350.00
SW2140 Wepax Road Revenue	SW8320.401 Maintenance - Wepax Road	Establish Budget Lines for Wepax Water	\$2,000.00
SW2140 Wepax Road Revenue	SW8320.402 Water Contractual Farnham	Establish Budget Lines for Wepax Water	\$1,400.00

**MOTION** was made by Councilman Krycia to approve the Budget Transfers/Amendments for 2013 as presented; seconded by Councilman McLaughlin; 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	12-79	\$191,418.19
Highway Dept. Fund	5-43	\$154,185.72
Fire Dept. Fund	1-24	\$15,855.93
Recreation Dept. Fund	2-8	\$5,836.61
Refuse and Garbage Fund	---	--
Street Lights Fund	1	\$5,050.61
Water Fund	1	\$100.05
Trust & Agency Fund	--	--
Capital Fund	--	--
Community Development	--	--

**2012 Payables**

<b>DESCRIPTION</b>	<b>VOUCHER NUMBERS</b>	<b>AMOUNT</b>
General Fund	951-974	\$10,091.05
Highway Dept. Fund	397-399	\$6,250.63
Fire Dept. Fund	312-321	\$3,872.09
Recreation Dept. Fund	162-167	\$555.01
Refuse and Garbage Fund	19	\$36,585.36
Street Lights Fund	37-38	\$939.61
Water Fund	43-45	\$316.85
Trust & Agency Fund	--	--
Capital Fund	--	--
Community Development	--	--

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

**Departmental Reports:**

Department reports for the month of January 2013 were presented by Jack Rigley, Eden Fire Chief; Rick Kirst for 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.

Jack Rigley, Eden Fire Chief requesting removing Andrew Huber from the active roster.

**MOTION** was made by Councilwoman Pew to remove Andrew Huber from the active roster of the Eden Fire Department; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Jack Rigley, Eden Fire Chief requested that Edward Sarcione of 8684 Jennings Road and Sean D. Huggins of 9422 Sisson Highway be added to the active roster of the Eden Fire Department pending their physicals and background checks.

**MOTION** was made by Councilwoman Pew to add Edward Sarcione and Sean Huggins to the active roster of the Eden Fire Department pending their physicals and background checks; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Jack Rigley, Eden Fire Chief requested \$400 to send (2) two members to the Forcible Entry Operations course hosted by Eggertsville Hose Co. This is a budgeted item.

**MOTION** was made by Councilwoman Pew to approve the \$400 to send (2) two members to the Forcible Entry Operations course hosted by Eggertsville Hose Co.; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Rick Kirst, East Eden Fire Co., reporting for Andrew Breier, Fire Chief requested that Donald Fries of 7871 Sisson Highway be added to the active roster of the East Eden Fire Co. pending physical and background check.

**MOTION** was made by Councilwoman Pew to add Donald Fries to the active roster of the East Eden Fire Co. pending physical and background check; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested the Town Board set a bid opening date for Motor Fuels and Related Services for Tuesday, March 7, 2013 at 10:00 a.m. in the Town Clerk’s Office.

**MOTION** was made by Councilwoman Pew to set the bid opening date for Motor Fuels and Related Services for Tuesday, March 7, 2013 at 10:00 a.m. in the Town Clerk’s office; seconded by Councilman McLaughlin; 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 opened the Public Hearing at 8:15 P.M.

**8:15 P.M.**  
**Public Hearing**  
**Proposed Local Law No. 1-2013**  
**A Local Law Amending the code of the Town of Eden**  
**Chapter 108 – Standard Schedule of Fees Law**

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

Supervisor Nellis stated that the Standard Schedule of Fees was last amended in 2007.

There were no comments.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the public hearing at 8:17 P.M.

**MOTION** was made by Councilwoman Pew to close the public hearing and 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. **Resolution approval and presentation recognizing the Eden Bicentennial Committee**

Supervisor Nellis read the following resolution:

***“Town of Eden Bicentennial”***

***A PROCLAMATION***  
***By Eden Town Board***  
***To Eden Bicentennial Committee***

WHEREAS, the Town of Eden Community celebrated, with enthusiasm, its Bicentennial year 2012; and

WHEREAS, much of the success of this year-long celebration is owed to the work of the Bicentennial Committee, its members, and the chairs of various events held during the year; and

**WHEREAS, thanks to the fundraising efforts of the committee to find private sponsors and donors, no taxpayer dollars were needed to support this effort; and**

WHEREAS, both the financial response and active participation from friends and residents of the Town enjoying the events was outstanding; and

WHEREAS, it is our collective judgment that the year-long celebration brought the residents, as well as various services and organizations in the Town, closer together.

NOW, THEREFORE BE IT RESOLVED that the Eden Town Board wishes to express to the Bicentennial Committee co-chairs, Susan Minekime and Bill Zittel, as well as the chairs of various events, our sincere and wholehearted

congratulations on a job “well done”! You made all of us proud to be a member of the Town of Eden Community.

**2. Proposed streetlight update for Schoolview Drive**

Supervisor Nellis read the following resolution:

**RESOLUTION FOR PROPOSED STREET LIGHT  
UPGRADE TO CROSSWALK AT HIGH SCHOOL**

**WHEREAS**, the crosswalk on Schoolview Drive, a Town Road, continues to be a safety concern in part because of the limited lighting above the crosswalk; and

**WHEREAS**, National Grid has proposed a streetlight upgrade for this location; and

**WHEREAS**, they have specifically proposed upgrading this streetlight from a 100W to a 400W HPS Standard Roadway Luminaire; and

**WHEREAS**, the Town, in conversation with the School administration, sees the upgrade as part of the solution to this crosswalk; and

**NOW, THEREFORE, BE IT RESOLVED** that the Eden Town Board accepts the National Grid proposal to upgrade the Schoolview Drive crosswalk light from a 100W to a 400W HPS Standard Roadway Luminaire at an annual cost increase of \$138.00; and

**BE IT FURTHER RESOLVED** that this certified Town of Eden Resolution be approved as required by National Grid and the Town Supervisor be authorized to forward a letter of authorization to National Grid detailing the Town’s request.

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

**3. Schoolview Drive waterline replacement**

**a. Map and Plan**

Stephen Waldvogel and Mark Cavacoli, CRA Infrastructure & Engineering presented the Map and Plan which describes the project for Schoolview Drive which explains the existing 6-inch and 8-inch waterline along Schoolview Drive is aging and nearing the end of its useful life. Recently, residents and school officials have expressed concerns regarding declining water quality and pressure. Furthermore, ECWA has indicated that maintenance has become costly and repair is no longer cost effective to maintain the existing infrastructure.

In response, the Town has initiated an increase and improvement of facilities. This project will reduce maintenance costs, increase the reliability of water supply, improve water quality and improve fire flows with the construction of a larger diameter watermain.

The total estimated cost of the Increase and Improvement of facilities is \$640,000, of which a typical single-family household will pay \$8.80 per year.

At this time, Mr. Waldvogel and Mr. Cavacoli requested that the Town Board consider accepting this Map and Plan.

**MOTION** was made by Supervisor Nellis to receive and file the Map and Plan; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**b. Professional Engineering Services Proposal**

Supervisor Nellis read the following resolution:

**State Environmental Quality Review (SEQR)  
Resolution Establishing Lead Agency  
Unlisted Action Undergoing Uncoordinated Review**

Name of Action: Schoolview Drive Waterline Replacement Project

**WHEREAS**, the Town of Eden Town Board is considering the replacement of approximately 6,000 lineal feet of waterline along Schoolview Drive; and

**WHEREAS**, the Environmental Assessment Form (EAF) dated February 6, 2013 has been submitted by CRA Infrastructure and Engineering, Inc. for the Town Board's consideration; and

**WHEREAS**, after comparing the thresholds in 6NYCRR 617.4 and 5, the Town Board has determined that the proposed project is an Unlisted Action; and

**WHEREAS**, the Town Board has determined the proposed project is not within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6 (a)(b) do not apply; and

**WHEREAS**, after examining the EAF, the Town Board has determined that the Erie County Water Authority, Erie County Health Department and New York State Department of Environmental Conservation will be involved as permitting agencies on this matter.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board declares itself Lead Agency for review of this action.

**BE IT FURTHER RESOLVED** that a Determination of Significance will be made at such a time as all reasonably necessary information has been received by the Town Board to enable it to determine whether the action will or will not have a significant effect on the environment.

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

**c. Order Calling Public Hearing**

**ORDER CALLING  
PUBLIC HEARING TO BE HELD ON  
MARCH 13, 2013**

**WHEREAS**, the Town Board of the Town of Eden (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Town of Eden Consolidate Water district (the "District"); and

**WHEREAS**, the Town Board has directed CRA Infrastructure and Engineering, Inc., competent engineers licensed in New York, to prepare a map, plan and report for a water capital improvements project within the District; and

**WHEREAS**, such water system capital improvements project will include, but not be limited to, the construction of approximately 5,935 lineal feet of 8-inch waterline along Schoolview Drive in the Town, the construction of two interconnections, the installation of a check-valve and chamber, and the installation of hydrants, valves and appurtenances, as well as other such improvements as more fully identified in such map, plan and report referred to above, all of the foregoing to include all necessary site work, equipment,

apparatus and other improvements and costs incidental thereto (collectively, the “District Improvement”); and

**WHEREAS**, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary engineering map, plan and report for such increase and improvement of facilities of the District and has estimated the maximum estimated cost thereof to be \$640,000; such cost to be financed by the issuance of serial bonds of the Town in an aggregate amount not to exceed \$640,000, such bonds to be offset by any federal, state, county and/or local funds received;

**NOW, THEREFORE BE IT ORDERED** that a meeting of the Town Board of the Town of Eden will be held at the Town Hall, 2795 East Church Street, Eden, New York on March 13, 2013 at 8:00 p.m. to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and

**BE IT FURTHER ORDERED** that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an amount not to exceed \$640,000, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection from the several lots and parcels of land within the District for such purpose in the same manner and at the same time as other Town charges to pay the principal of and interest on said bonds as the same shall become due and payable, except as otherwise provided by law; and

**BE IT FURTHER ORDERED** that the Town Clerk publish at least once in each newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than 10 nor more than 20 days before the date of such public hearing.

**MOTION** was made by Councilman Krycia to set the Public Hearing for the Increase and Improvement of the Consolidated Water District for March 13, 2013 at 8:00 p.m.; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

**d. Fee schedule for CRA Infrastructure & Engineering**

Based on the Scope of Services detailed in this Agreement, CRA will complete the professional services required for the fees shown below:

1. Planning, Coordination & Prelim. Eng.	\$21,700 Lump Sum
2. Engineering Designing Phase	\$28,500 Lump Sum
3. Construction Administrations Services	\$11,700 Lump Sum
Total	\$61,900

**MOTION** was made by Supervisor Nellis to approve the payment of \$61,900 to CRA Infrastructure & Engineering for services in connection with the Increase and Improvements of the Consolidated Water District; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**4. Proposed acquisition of 125 kw generator for Town Hall/Replacement of Generator at East Eden Fire Company**

Councilwoman Pew read the following resolution:



**RESOLUTION AUTHORIZING SUPERVISOR GLENN R. NELLIS TO EXPEND FUNDS FROM THE GENERAL MAINTENANCE RESERVE FUND TO 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 Account A878.9 of the Town of Eden to the Town Hall-Contractual Account Number A1620.4, a sum not to exceed \$18,000 from said Reserve Fund for costs related to the installation of a 125 kw Onan Generator in the Town Hall.

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

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

**MOTION** was made by Councilman McLaughlin to acquire a 125 kw Onan Generator form the Gowanda Central School District for the sum of \$10,350 and to authorize the Town Supervisor to sign appropriate paperwork and issue payment for this purpose; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**5. Resolution on Credit Card/Collecting Taxes**

Supervisor Nellis presented a resolution, which after much discussion was tabled to be reviewed and discussed at the Town Board meeting scheduled for February 27, 2013.

**6. Refund Resolution – Bond refinancing**

Supervisor Nellis stated that this resolution would be tabled to be reviewed and discussed at a future Town Board meeting.

**7. Resolution on Shadagee Road Project Close Out**

Supervisor Nellis read the following resolution:

**RESOLUTION  
TOWN OF EDEN, EDEN TOWN BOARD FEBRUARY 13, 2013  
CLOSING SHADAGEE/ROUTE 62 WATER PROJECT**

**WHEREAS**, beginning in June, 2008, proceedings have been held to consider the joint increase and improvement of facilities of the Town of Eden Consolidated Water District and Water District No. 1,2,3,3A and 4 (hereinafter “Shadagee/Rt. 62 Project”), in said Town; and

**WHEREAS**, the Eden Town Board previously authorized, as a supplement to the Shadagee/Rt. 62 Project, the replacement of water mains on Second Street between Route 62 and Violet Parkway and on Violet Parkway between Second Street and the Water Tank (hereinafter “Shadagee/Rt. 62 Phase II Project”); and

**WHEREAS**, the Eden Town Board has received satisfactory documentation confirming that all work on the Shadagee/Rt. 62 Project and on Shadagee/Rt. 62 Phase II Project is completed and has been accepted upon recommendation of project engineers and the Town of Eden seeks to formally close these projects.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the Eden Town Board does hereby declare both the Shadagee/Rt. 62 Project and on Shadagee/Rt. 62 Phase Ii Project as “closed”, and it is further

**RESOLVED**, that the Eden Town Board does hereby report the sum of \$131,194.98 as the balance remaining on the Shadagee/Rt. 62 Project Phase II to be used for debt, and it is further

**RESOLVED**, that the Eden Town Board does hereby report the sum of \$120,659.03 as the balance remaining on the Shadagee/Rt. 62 Project Phase II to be used for debt.

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

**8. Resolution on East Eden Road Speed Limit**

After much discussion and comments by residents, Edmond Wesolowski, Dave Schreiber and Robert Stickney, the following Motion was offered for approval:

**MOTION** was made by Supervisor Nellis for the following recommended changes:

- a. Reduction of speed limit from 45 mph to 35 mph on two signs north of Eckhardt Road on East Eden Road as you head south out of Hamburg.
- b. Reduction of speed limit from 45 mph to 35 mph on speed limit sign just south of Eckhardt Road on East Eden road heading south out of Hamburg.

Which recommendations will be forwarded to the County or Erie and the State of New York; Seconded by Councilman McLaughlin; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**9. Resignation of part-time Police Officer**

Supervisor Nellis read correspondence received from Michael Felschow, Eden Police Chief accepting the resignation of Jeffrey De Vinney, part-time Police Officer effective immediately.

**MOTION** was made by Councilwoman Pew to accept the resignation of Jeffrey De Vinney, part-time Police Officer with thanks and appreciation; seconded by councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**10. Proposed Local Law No. 1-2013**

The following information reflects the changes made to amend the Code of the Town of Eden Chapter 108 – Standard Schedule of Fees

**TOWN OF EDEN  
LOCAL LAW NO. 1-2013**

**A Local Law Amending the Code of the Town of Eden  
Chapter 108 – Standard Schedule of Fees Law**

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

**SECTION 108-3 Town of Eden Standard Schedule of Fees shall be  
amended as follows:**

**1. Eliminate the existing A. Residential and add the following:**

**A. Residential Permits**

<b>Detached one and two-family dwellings:</b>	<b>\$.25 per square foot of construction, including attached garages, porches and decks.</b>
<b>All other residential dwellings (Apartments)</b>	<b>\$.20 per square foot of construction, including attached garages, porches and decks.</b>
<b>Dwelling Addition Permit</b>	<b>\$.25 per square foot of Construction.</b>
<b>Accessory Buildings such as Garages, Barns and Sheds</b>	<b>\$.25 per square foot of Construction.</b>
<b>Accessory Structures such as Decks, Porches, TV Dishes, etc.</b>	<b>\$ 75.00</b>
<b>Alterations and Repairs</b>	<b>\$100.00</b>
<b>Demolition</b>	<b>\$.10 per square foot</b>
<b>Fence</b>	<b>\$ 50.00</b>
<b>Fireplace/Stove Permit</b>	<b>\$ 50.00 (Included with New dwelling Building Permit.) Certificate of Compliance Required.</b>
<b>Swimming Pool Permit</b>	<b>\$ 50.00 above ground \$150.00 in ground (includes fence permit)</b>
<b>Pond Permit</b>	<b>\$250.00 (includes site Plan review)</b>
<b>Certificate of Occupancy</b>	<b>No charge with Un-expired building Permit. \$50.00 for Expired permit or Moving in without Certificate of Occupancy.</b>
<b>Temporary Certificate of Occupancy</b>	<b>\$50.00</b>
<b>Certificate of Compliance</b>	<b>No Charge with expired Permit (for demolition</b>

	<b>Fences, swimming pools Etc., and accessory Building.</b>
<b>Mobile Home Parks</b>	<b>\$ 10.00 per mobile Home lot for initial License and annual Renewal thereafter.</b>
	<b>\$100.00 per each new mobile home or replacement.</b>
<u>Recreation Fees</u>	
<b>Major Subdivisions</b>	<b>\$750 per new dwelling unit Payable upon final sub- Division approval per the Sub-division Law.</b>
<b>Minor Subdivisions</b>	<b>\$750 per new dwelling unit Payable upon building Permit approval.</b>
<b>Duplexes</b>	<b>\$750 per new dwelling unit Payable upon approval of Application.</b>
<b>Multiple Dwellings (Conventional &amp; Townhouse)</b>	<b>\$350 per new dwelling unit payable upon approval of Application.</b>
<b>Cluster Development</b>	<b>\$525 per new dwelling unit, Payable upon project Approval.</b>
<b>Mobile Home Park</b>	<b>\$525 per new Mobile Home Dwelling Unit, Payable upon project Approval.</b>

**2. Eliminate the existing B. BUSINESS/COMMERCIAL PERMITS and add the following:**

**B. BUSINESS/COMERCIAL PERMITS**

<b>Business/Commercial</b>	<b>\$ .35 per square foot of Construction.</b>
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<b>Additions</b>	<b>\$ .35 per square foot of Construction.</b>
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<b>Alterations/Repairs</b>	<b>\$150.00</b>
<b>Accessory Structures</b>	<b>\$ .30 per square foot of Construction.</b>
<b>Demolition</b>	<b>\$ .10 per square foot Construction.</b>
<b>Agricultural Structures</b>	<b>\$ .02 per square foot – Minimum of \$50.</b>
<b>Certificate of Occupancy</b>	<b>No charge with Unexpired permit. \$50.00 for expired permit, site plan review or special permit approval.</b>
<b>Sign Permits</b>	<b>\$ 75.00</b>
<b>Operating Permits</b>	<b>\$ 50.00</b>
<b>Special Use Permit or Zoning Amendment Hearing</b>	<b>\$200.00 – Includes Advertisement of Legal Notice by Town Board</b>
<b>Temporary Trailer Permit</b>	<b>\$ 25.00</b>
<b>Town Board Special Use Permit Renewal</b>	<b>\$50.00 Annually</b>
<b>Tower Special Permit</b>	<b>\$5,000.00 – plus reasonable Costs of Engineering and/or Other consultant services Required by the Town to Assist it in reviewing and Analyzing material and Information submitted Relative to the application.</b>
<b>Tower Co-Location Permit</b>	<b>\$250.00 – Includes antenna, equipment box, Fencing.</b>
<b>Zoning Board of Appeals</b>	<b>\$250.00 – Includes Advertising legal notice.</b>
<b>Planning Board</b>	<b>\$125.00 – Includes Advertising legal notice.</b>
<b>Posters for Notice</b>	<b>\$ 5.00 each</b>
<b>Assessors Search Fee for</b>	<b>\$35.00 for General Business,</b>

**Special Use Permit  
Hearings or Zoning Board  
Hearings**

**Office, Business, General  
Industrial, Local Business  
Hamlet Residential and  
Suburban Residential  
Districts.**

**\$15.00 for all other zoned  
areas.**

**Copies of Maps**

**\$.50 - Small Maps  
\$1.00 - Large Maps**

Police Department Fees:

<b>Accident Reports</b>	<b>\$ 5.00 per report</b>
<b>Police Reports</b>	<b>\$ 5.00 per report</b>
<b>Photograph Copies</b>	<b>\$ 1.00 per photo</b>
<b>Transcripts</b>	<b>\$20.00 plus \$1.00 per page</b>

Highway Department Fees:

<b>Highway Right-of-Way Permit</b>	<b>\$50.00 plus costs for Labor/inspections.</b>
<b>Highway Drainage Enclosure Permit</b>	<b>\$20.00</b>

**3. Eliminate the existing C. SUBDIVISION FEES and add the following:**

C. SUBDIVISION FEES

**(1) Application and Review Fees**

**Property Splits Application                      \$250.00**

**Minor Subdivision**

**Sketch plat                                      \$250.00**  
**Resubmission fee                              \$ 75.00**

**Final plat                                        \$200.00**  
**Resubmission fee                              \$ 50.00**

**Major Subdivision without Public Improvements:**

**Sketch plat                                      \$200.00 plus \$5/lot**  
**Resubmissions                                ½ of total initial fee**

**Preliminary plat                              \$250.00 plus \$10/lot**

<b>Resubmission</b>	<b>½ of total initial fee</b>
<b>Final plat</b>	<b>\$250.00</b>
<b>Resubmission</b>	<b>½ of total initial fee</b>

**Major Subdivision with Public Improvements:**

<b>Sketch plat</b>	<b>\$300.00 plus \$15/lot</b>
<b>Resubmission</b>	<b>½ of total initial fee</b>
<b>Preliminary plat</b>	<b>\$300.00 plus \$20/lot</b>
<b>Resubmission</b>	<b>½ of total initial fee</b>
<b>Final plat</b>	<b>\$350.00</b>
<b>Resubmission</b>	<b>\$175.00</b>

**4. Eliminate the existing D. SITE PLAN REVIEW FEES and add the following:**

**D. Site Plan Review Fees:**

<b><u>Site Plan Waiver Fees</u></b>	<b>\$150.00</b>
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**Number of Improved Acres**

<b>0 – 2 Acres</b>	<b>\$250.00</b>
<b>2 – 5 Acres</b>	<b>\$400.00</b>
<b>Over 5 Acres</b>	<b>\$400.00 plus \$50.00 for Every acre over 5 acres.</b>

- (1) Site plan review fees apply to all uses requiring Site Plan Review.**
- (2) This review fee includes two submittals and shall be paid at the time of initial submittal. If the plans cannot be approved in the second submittal because they are incomplete or Town specifications are not being followed, one-half the review fee will be charged for each subsequent submittal.**
- (3) Any fraction of an acre will be rounded to the highest acre. For example, 3.2 acres would be considered 4 acres when determining review fees.**

**This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with section twenty-seven of the Municipal Home Rule Law.**

**Public Hearing: February 13, 2013**

**Adopted by the Eden Town Board: February 13, 2013**

**MOTION** was made by Supervisor Nellis to approve the Proposed Local Law No. 1-2013 as presented; seconded by Councilman McLaughlin; “Ayes”; Nellis, Krycia, McLaughlin; Opposed? – Pew; Abstain? – None; Motion carried.

**11. Approval and Settlement and Authorization to Sign**

**MOTION** was made by Councilwoman Pew to approve settlement agreement between the Town of Eden and Cincinnati Insurance Company for itself and as assignee and subrogee of M.L. Smith Construction in connection with M.L. Smith Construction in connection with M.L. Smith's default on the Water District #5 Project and authorizing the Town Supervisor to sign required documents involving the settlement in the amount of \$13,038.18; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**Hearing of Visitors:**

Edmond Wesolowski  
Peter Reska

**Adjournment:**

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:50 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk