

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
OCTOBER 9, 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  
 FRAN MCLAUGHLIN - COUNCILMAN

**DEPARTMENT HEADS PRESENT:**

Mark Cavacolli - Town Engineer  
 Ronald C. Maggs - Superintendent of Highways  
 Michael J. Felschow - Chief of Police  
 Jack Rigley - Eden Fire Chief  
 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 September 11, 2013; there were none.

**MOTION** was made by Councilwoman Pew to approve the Town Board Minutes of September 11, 2013 as presented; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Petitions:**

There were none.

**Budget Transfers/Amendments:**

<b>From Account</b>	<b>To Account</b>	<b>Reason for Amendment</b>	<b>Amount</b>
SW9710.751 WD#5 Bond Interest	SW9730.7 BAN Interest	Reclassify budgeted amounts for Bond Int. to BAN Interest as loan is still BAN	\$18,416.62
SW9710.752 WD#5 Bond	SW9730.7 BAN Interest	Reclassify budgeted amounts for Bond	

Interest		Int. to BAN interest as loan is still BAN	\$1,601.44
SW8320.4 Water-Contractual	SW9710.6 Bond Principle	Violet Street Principle Difference	\$21.19
A2680 Insurance Recoveries	A7140.4 Playgrounds & Rec. Centers	Insurance settlement for Swartz Field Damage	\$3,044.44
A1990.4 Contingent	A1220.4 Supervisor – Contractual	Over-budget	\$800.00
SF917	SF9710.7 Fire Bond Interest	Bond Interest not budgeted for	\$6,225.13

**MOTION** was made by Councilman Ventry to approve the Budget Transfers/Amendments 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.

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	572-636	\$50,759.07
Highway Dept. Fund	252-290	\$128,871.33
Fire Dept. Fund	205-230	\$19,290.09
Recreation Dept. Fund	130-139	\$1,311.39
Refuse and Garbage Fund	14-15	\$37,567.50
Street Lights Fund	24-26	\$4,562.75
Water Fund	43-45	\$6,158.92
Trust & Agency Fund	--	--
Capital Fund H3410.2 H8320.402 H8302.403	16-17	\$5,160.00
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 September 2013 were presented by Jack Rigley, Eden Fire Chief; Michael Felschow, Eden Police Chief; Ray Zabron, Dog Control Officer; Ronald Maggs, Superintendent of Highways; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Supervisor Nellis for Scott Henry, Zoning Code Enforcement Officer; Susan Brass, Recreation Director; Councilwoman Pew for Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Jack Rigley, Eden Fire Chief requested permission to send (4) four firefighters to attend flash over training by Oakland Community College at Erie County Training Center in Cheektowaga for \$600, which is a budgeted amount.

**MOTION** was made by Councilwoman Pew to grant permission to send (4) four firefighters to attend flash over training at Erie County Training Center in Cheektowaga for \$600.00; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

October 9, 2013

William Trask, Town Attorney read the following resolution:

**RESOLUTION OF EDEN TOWN BOARD**

RESOLVED, that the Town Board of the Town of Eden hereby ratifies a prior resolution of the Eden Town Board dated January 11, 1995 relative to the acceptance of Violet Parkway as a public road and authorizes all required Town Officers to execute such documents as may be required to formally abandon that portion of Violet Parkway which is currently unimproved and not being used as a public road to Carl and Diane Feasley; subject to Town Attorney review and approval of such abandonment documents.

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

**MOTION** was made by Councilwoman Pew to closed the Regular Meeting of the Eden Town Board and open the Public Hearing to consider Proposed Local Law No. 3-2013, a Local Law amending Chapter 95 of the Town of Eden’s Zoning Code, Conservation Easements; seconded by Councilman Ventry; 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**  
**Proposed Local Law No. 3-2013**  
**A local law amending Chapter 95 the**  
**Town of Eden’s Zoning Code,**  
**Conservation Easements**

Supervisor Nellis explained the purpose of the Public Hearing was to listen to any concerns or questions the citizens have.

The following were comments made during the Public Hearing:

Craig Vogel, asked how it works.

William Trask, Town Attorney stated that you would actually be trading the right to develop property versus the tax break that would apply. Mr. Trask also stated that the formula does require special legislation from Albany and then has to be signed by the Governor. The purpose is to encourage green space in the town.

Rita Harms , stated that her property is on Eighteen Mile Creek, can she get an easement?

Mark Cavacoli, Town Engineer stated that Eighteen Mile Creek is actually owned by New York State Department of Conservation and the Corps of Engineers, so no she couldn’t get an easement for property that was on the creek.

Peter Reszka, asked how the enforcement/compliance would be handled, and about violations, what would be the re-capture mechanism?

William Trask, Town Attorney, stated that it probably would be the Code Enforcement Officer, but he would rely on complaints received as he does with Building Code violations.

Tim Hughes, asked if he would have to look at other towns to see how the process works?

William Trask, Town Attorney stated that our law is based on the New York State law and that they have definitions, such as, natural scenic beauty, etc. It would be determined on a case-by-case basis.

Craig Vogel, asked about the timetable.

Mark Cavacoli, Town Engineer stated that the town has the Conservation Board, the Planning Board and a Master Plan that would have to review the process.

Henry Wilson, asked if the green space would be open to the public?

William Trask, Town Attorney stated the ownership remains private. There would be no public access rights.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:25 p.m.

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

**New and Unfinished Business:**

**1. Set Public Hearing for Special Use Permit for Cat Boarding Kennel**

**MOTION** was made by Councilwoman Pew to set a public hearing for a Special Use Permit for Meagan Coggins at 3728 Schintzius Road, Eden, New York for a Cat Boarding Kennel for October 23, 2013 at 8:00 p.m.; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**2. Resolution on 1.66% ceiling for 2014 Budget**

Supervisor Nellis read the following:

**RESOLUTION OF THE EDEN TOWN BOARD**

RESOLVED, that a public hearing will be held on October 23, 2013 at 8:15 p.m. for the purpose of considering the adoption of proposed Local Law No. 4-2013 which would authorize the override of the property tax cap established by General Municipal Law Section 3-c for the 2014 fiscal year.

**MOTION** was made by Supervisor Nellis to set a public hearing for Proposed Local Law No. 4-2013 which would authorize the override of the property tax cap established by General Municipal Law Section 3-c for the 2014 fiscal year for October 23, 2013 at 8:15 p.m.; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**3. Set Public Hearing for Preliminary Budget**

**MOTION** was made by Councilwoman Pew to set a public hearing for the Preliminary Budget for 2014 for October 23, 2013 at 8:30 p.m.; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**MOTION** was made by Councilman Ventry to close the Regular Meeting of the Eden Town Board and open the Public Hearing; seconded by Councilwoman Pew; 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  
Community Development Block Grant Program**

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

Supervisor Nellis suggested asking for funding for replacing water pipes on Green Street. Erie County Water Authority has recommended replacement.

There were no other comments.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:40 p.m.

**MOTION** was made by Councilman McLaughlin to close the Public Hearing and return to the Regular Meeting of the Town Board; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**4. Establishing Committee – WNY Land Conservancy**

Supervisor Nellis read the following:

**MOTION** to approve the following committee to work with the Western New York Land Conservancy on a joint State grant application to secure funding for financing Permanent Development Rights (PDR's) on eligible farm and open space properties in the Town of Eden:

Bill Feasley	retired farmer and former Town Supervisor
Lamont Beers	chairman, Town of Eden Conservation Board
Karen Agle Sullivan	Vice Chair Town of Eden Agriculture Committee
Kevin O’Gorman	farm family and Member of Town of Eden Planning Board
Frank Meyer	Farmland owner experienced in PDR's
Glenn Nellis	Town of Eden Supervisor

**MOTION** was made by Councilwoman Pew to approve the above-mentioned committee members to work with the Western New York Land Conservancy; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**5. Possible Action – Proposed Local Law No. 3-2013**

**MOTION** was made by Councilman Krycia to approve Proposed Local Law No. 3-2013, to amend Chapter 95 the Town of Eden's Zoning Code, Conservation Easements; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**6. Approve Community Development Block Grant**

**MOTION** was made by Councilwoman Pew to approve the following resolution:

**AUTHORIZING RESOLUTION  
2014-2015**

At a meeting of the Town of Eden Board held on October 9, 2013, the Town Board authorized Glenn Nellis, Town Supervisor, to sign, submit and execute a contract with the Erie County Community Development block Grant (EDDDBG) program for the projects upon approval of ECCDBG.

1. Green Street Waterline Replacement Project
2. Rural Transit Service, Inc. – Van Program
- 3.

Seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**7. Approve Adult Winter Program Supervisors**

Supervisor Nellis read the following staff appointments as recommended by the

Recreation Board:

Don Williams of Eden as Adult Volleyball Supervisor, Tuesday nights. November through April at a pay rate of \$9.00/hour.

Kathryn Gorcica of Eden as Adult Swimming Supervisor on Monday & Wednesday nights. November through April at a pay rate of \$11.00/hour.

Anna Winter of Eden as Adult Swimming Assistant Supervisor Monday & Wednesday nights. November through April at a pay rate of \$9.00/hour.

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

**8. Approve Eden Dolphin Swim Club Coaches**

Supervisor Nellis read the following staff appointments of the Eden Dolphins Swim Club Coaches and pay rates pending receipt of certifications:

- Chris Nellis, Head Coach at a pay rate of \$30.00 an hour.
- Linda Sherry, Assistant Head Coach at a pay rate of \$22.50 an hour.
- Michael O’Connor, Senior Teams Coordinator at a pay rate of \$20.00 an hour.
- William McDonagh, Assistant ST Coordinator at a pay rate of \$20.00 an hour.
- Heather Sauer, Assistant Development Coach at a pay rate of \$18.00 an hour.

**MOTION** was made by Councilwoman Pew to approve the appointments as recommended by the Recreation Board; seconded by Councilman McLaughlin; “Ayes”; Pew, Krycia, Ventry, McLaughlin; Opposed? – None; Abstain? – Nellis; Motion carried.

**9. Approve electrical work at Town of Eden Pool**

Supervisor Nellis read correspondence from Susan Brass, Recreation Director regarding the Town of Eden Pool Electrical Upgrade.

The following vendor quote was determined to be the lowest:

John D. Ciesielski - \$5,500.50

**MOTION** was made by Councilwoman Pew to approve the bid from John D. Ciesielski in the amount of \$5,500.50 for the replacement of metal conduits and relocation and upgrade of electrical panels; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**10. Resolution on Schoolview Drive project**

Mark Cavacoli, Town Engineer requested that the Town Board table this Item to be moved to “Old Business” to be reviewed and discussed at a future Town Board Meeting.

**Supervisor’s Report:**

Supervisor Nellis announced the 2014 Preliminary Tax Rates:

General	\$2.18
Highway	\$3.78
Light	\$ .18
Fire	<u>\$1.25</u>
Total	7.39
Garbage	\$155.00

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**Hearing of Visitors:**

There were none.

**Adjournment:**

**MOTION** was made by Councilman Ventry 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 9:00 P.M.

**Executive Session:**

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 10:00 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk