

**MINUTES**

**TOWN BOARD MEETING  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
OCTOBER 23, 2013  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Mary Jo Hultquist	-	Town Clerk
Lisa Greiner	-	Administrative Assistant

**Call To Order:**

Deputy Supervisor Pew called the Work Session of the Eden Town Board to order at 7:30 P.M.

**Pledge of Allegiance:**

Deputy Supervisor Pew led the assembly in the Pledge of Allegiance to the flag followed by a moment of silence.

**New and Unfinished Business:**

**1. Approval of bid for HVAC Unit on roof of Emergency Squad Building**

Deputy Supervisor Pew stated that (3) three bids were received for the Replacement of the HVAC Unit on the roof of the Emergency Squad Building as follows:

Ed Gwitt	\$9,300.00
Armor Heat	\$9,495.00
McAllister	\$9,985.00

**MOTION** was made by Councilman Krycia to accept the bid from Ed Gwitt of \$9,300.00, being the low bidder; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**2. Approval of Snow Contract with Erie County**

**MOTION** was made by Councilman Ventry to approve the Snow Removal and Ice Control Agreement 2013-2016, which is on file in the Town Clerk’s Office and may be viewed during regular office hours, as presented pending approval of Ron Miller and Tom Connor of Evans Agency; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

It was also stated that approval was received from William Trask, Town Attorney and Ron Maggs, Highway Superintendent.

**MOTION** was made by Councilman Ventry to adjourn for a brief recess at 7:40 p.m.; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

October 23, 2013

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

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

Deputy Supervisor Pew closed the Regular Meeting of the Eden Town Board at 8:00 P.M.

**8:00 P.M.**  
**Public Hearing**  
**Cat Boarding Kennel**  
**Special Use Permit**

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

Comments from the residents present:

Alberta Blaszczyk, 8345 East Eden Road stated that she didn't receive a notice of the public hearing, she lives next door and owns 25 acres which she may develop in the future and is concerned about the kennel.

Meagan Coggins stated that she mailed 13 letters as instructed by the Eden Zoning Board and used the addresses that were provided to her from the Assessors Office. Those notices were mailed certified and return receipt.

Deputy Supervisor Pew stated that no action would be taken tonight as they are awaiting the pending SEQR that will expire on October 26, 2013. The possible approval of the Special Use Permit would be at the next Town Board Meeting on November 13, 2013.

**8:15 P.M.**  
**Public Hearing**  
**Proposed Local Law No. 4-2013**  
**A Local Law to override the tax levy limit established in**  
**General Municipal Law §3-c**

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

Councilman Krycia read the following:

**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 2014 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, 2014 that requires a real property levy in excess in 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.

Comments from the residents present:

Eugene Winter questioned why they would override the law. He stated that they should honor the levy and stated that it is not proper to do this every year.

Albert Blaszc questioned if it is legal to do this.

The Town Board answered the questions saying they are advised to take this action by the auditors.

**8:30 P.M.  
Public Hearing  
Preliminary 2014 Budget Presentation**

The purpose of the Public Hearing is to review the Proposed Budget of the Town of Eden for the year 2014.

Deputy Supervisor Pew thanked the Town Board, Lisa Winter and Ann Knack for their work on the proposed 2014 budget.

Deputy Supervisor Pew made the following observations in the 2014 Budget:

	<u>2013 Tax Rates</u>	<u>2014 Tax Rates</u>
General	\$2.13	\$2.18
Highway	\$3.70	\$3.78
St. Light	\$ .17	\$ .18
Fire	<u>\$1.18</u>	<u>\$1.25</u>
Total	\$7.18	\$7.39 = increase of 2.9%

**The Garbage Rate for 2014 is \$155.00 per unit, up from \$150.00 in 2013.**

Deputy Supervisor Pew also stated that several of the donations made in the past to Meals on Wheels, Community Concern and the Boys and Girls Club will be reduced by \$500.00 each.

Deputy Supervisor Pew also stated that the Town of Eden has been notified by Erie County Water Authority that the water towers in the town need to be painted inside and out at a cost of \$170,000.00 each.

Deputy Supervisor Pew stated that copies of the Proposed 2014 Budget have been made available in the Town Clerk’s office.

The following residents made comments regarding the proposed budget:

Jeremy Fay stated that in light of the painting of the water towers, how could the town prepare for those expenses in the future.

Councilman Krycia stated that a schedule is being established.

Eugene Winter stated that maintenance on his water bill for Erie County Water Authority has increased and why are the lines not being painted on the roads.

All persons desiring to be heard, having been heard, Deputy Supervisor Pew closed the Public Hearing at 8:45 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 Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**3. Possible Approval of Cat Kennel Special Use Permit**

This item will be moved to “old business” and be considered for approval at the next town board meeting scheduled for November 13, 2013.

**4. Possible Approval of 1.66% debt ceiling exemption**

**MOTION** was made by Councilman McLaughlin to approve Local Law No. 4-2013 to override the tax levy limit established in General Municipal Law §3-c; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Supervisor’s Report:**

No report given.

**Hearing of Visitors:**

Richard Miller asked if any work will be done on Eden Evans Center Road and he also stated that the property at 2642 Sunset Drive has been abandoned.

**Adjournment:**

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

Deputy Supervisor Pew adjourned the Town Board Meeting of the Eden Town Board at 8:50 P.M.

**Executive Session:**

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

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk