

MINUTES

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

DEPARTMENT HEADS PRESENT:

Mark Cavacoli	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Michael J. Felschow	-	Chief of Police
Jack Rigley	-	Eden Fire Chief
Robert Pietrocarlo	-	Chairman Board of Assessors
Scott Henry	-	Code Enforcement Officer
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 October 9, 2013; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of October 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 October 15, 2013; there were none.

MOTION was made by Councilman McLaughlin to approve the Town Board Minutes of October 15, 2013 as presented; seconded by Councilman Ventry; “Ayes”?; Krycia, Ventry, Pew, McLaughlin; Opposed? – None; Abstain? – Nellis; Motion carried.

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

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

Petitions:

There were none.

Budget Transfers/Amendments:

From Account	To Account	Reason for Amendment	Amount
SW878.5 WD Capital Improvement	SW8320.4 WD Maintenance	Partial Expense for East Eden Pump Station Generator Project	\$35,000.00
A882 General Maintenance Reserve	A1620.4 Town Hall Contractual	Town Hall Generator Project	\$27,788.26
A915.6 Assigned General	A3120.2 Police Contractual	Use of Police Car Funds towards 911 System	\$2,087.00
A2192 Cemetery Services	A8810.4 Cemetery Maint.	Revenues earned from Evans Cemetery for Expenses	\$182.50
SR917 Refuse Fund Balance	SR8160.4 Refuse – Contractual	Unexpected Chipping Charges	\$10,000.00
SF917 Fire Fund Balance	SF9710.7 Refuse Contractual	Adjustment to Fire Bond Budget Adjustment for September	\$0.60

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

DATE	TO	FROM	DESCRIPTION	AMOUNT
11/13/2013	D5142.4	D5140.4A	Budget Adjustment	\$300.00

MOTION was made by Councilwoman Pew to approve the Budget Transfer/Amendment 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	637-715	\$110,241.12
Highway Dept. Fund	291-331	\$65,427.94
Fire Dept. Fund	231-264	\$16,772.89
Recreation Dept. Fund	140-153	\$7,844.74
Refuse and Garbage Fund	16-17	\$38,261.94
Street Lights Fund	27-29	\$5,067.01
Water Fund	47-53	\$41,879.76
Trust & Agency Fund	--	--
Capital Fund		
H3410.2	--	--
H8320.402	--	--

H8302.403	18	\$319.00
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 October 2013 were presented by Jack Rigley, Eden Fire Chief; Supervisor Nellis for Andrew Breier, East 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; Scott Henry, Zoning Code Enforcement Officer; Supervisor Nellis for 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 adding the names of Christopher Doyle-Brown of 8685 Elizabeth Parkway and Dean Nelipowitz of 3045 Schoolview Drive to the active roster of the Eden Fire Department, pending background checks and physicals.

MOTION was made by Councilwoman Pew to add the names of Christopher Doyle-Brown and Dean Nelipowitz to the active roster of the Eden Fire Department pending background checks and physicals; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Jack Rigley, Eden Fire Chief requested removing the name of Greg Robertson from the active roster of the Eden Fire Department.

MOTION was made by Councilwoman Pew to remove the name of Greg Robertson from the active roster of the Eden Fire Department; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Jack Rigley, Eden Fire Chief requested permission to apply for a FEMA Grant for personal protection equipment (turn-out gear). They will be asking for \$66,300.00, if awarded there is a 5% match, which is \$3,315.00.

MOTION was made by Councilwoman Pew to grant permission to the Eden Fire Department to apply for a FEMA Grant for personal protection equipment (turn-out gear), for \$66,300.00, which if granted would be a match of \$3,315.00; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Mark Cavacolli, Town Engineer reported that the Eden Planning Board and the Eden Zoning Board would meet on November 19, 2013 at 7:00 p.m. for a 2-hour training session.

New and Unfinished Business:

1. Approval of 2014 Fire District Budget

Supervisor Nellis requested approval of the Fire Budget for 2014 at \$1.25 per thousand.

MOTION was made by Councilwoman Pew to approve the Fire Budget for 2014; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

2. Approval of 2014 Town Budget

Supervisor Nellis requested approval of the 2014 Town Budget stating that

significant cuts had been made, amending the Preliminary Budget. The general rate would be reduced from \$2.18 per thousand to \$1.98 per thousand and general employees would receive an increase of 1.5%, down from the preliminary budget of 2% and that the Town Board would not take an increase in pay.

MOTION was made by Councilwoman Pew to approve the Final Budget for 2014 with the amended changes to the Preliminary Budget, the General Rate of \$1.98 per thousand, an increase to the general employees of 1.5% and that the Town Board would not take an increase in pay; seconded by Councilman Ventry; “Ayes”; Krycia, Pew, Ventry, McLaughlin; Opposed? – Nellis; Abstain? – None; Motion carried.

NOTE: Copies of the amended budget were not available at the Town Board Meeting.

3. Resolution on Erie County Snow and Ice Removal Contract

Supervisor Nellis read the following resolution:

WHEREAS, the previous snow removal contract with the County of Erie has expired; and

WHEREAS, for the past several months, Supervisor Glenn Nellis and Highway Superintendent Ron Maggs have been working through the Association of Erie County Governments and the Town Highway Superintendent’s Association of Erie County on negotiating terms and conditions for a new agreement; and

WHEREAS, the parties have reached agreement on terms and conditions for a new agreement for the years 2013-2016;

NOW THEREFORE IT IS RESOLVED that Supervisor Nellis is hereby authorized to execute, on behalf of the Town of Eden, the 2013-2016 Snow Removal and Ice Control Agreement with the County of Erie.

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

4. Resolution regarding Cat Kennel

Supervisor Nellis read the following resolution:

**RESOLUTION APPROVING A NEGATIVE DECLARATION
FOR THE PROPOSED CAT KENNEL
AT 3728 SCHINTZIUS ROAD
EDEN, NEW YORK**

WHEREAS, the Town of Eden has received a request for a special use permit to construct and operate a Cat Kennel at 3728 Schintzius Road, Eden, NY; and

WHEREAS, the project action involves the construction of an 800 square foot pole barn on a 4.50 acre parcel; and

WHEREAS, the project is defined as an unlisted action; and

WHEREAS, the project was duly referred to the Erie County Department of Planning pursuant to General Municipal Law §239-m, and no response was received on such planning referral; and

WHEREAS, the Board has reviewed the Project including the Environmental Assessment Form, and all other materials submitted in connection with this proposed action; and

WHEREAS, the Town Board has taken a “hard look” at all potentially adverse environmental impacts pursuant to SEQR;

NOW THEREFORE be it resolved by the Board that:

Based upon the Board’s thorough and careful review of the Project and Project application materials, including the Environmental Assessment Form and all other materials submitted in connection therewith, the board hereby determines that the Project will not result in any significant environmental impacts and hereby issues a negative declaration for the Project pursuant to SEQRA.

REASONS SUPPORTING THE NEGATIVE DECLARATION:

1. Air, Water, Noise, Waste, Erosion, Drainage, Site Disturbance Effects: This project will not create any adverse change in the existing air quality, water quality or noise levels, nor in solid waste production, nor potential for erosion, nor promote flooding or drainage problems. The Project will produce a minimal disturbance of soil and vegetation during construction, with minimal storm run-off.
2. Aesthetics, Agriculture, Archeology, History, Natural or Cultural Resource, Community or Neighborhood Character: The Project will not adversely affect agricultural, archeological, historical, natural, or cultural resources.
3. Vegetation, Fish, Wildlife, Significant Habitats, Threatened or Endangered Species. No plant or animal life will be adversely permanently affected by the Project.
4. Community Plans, Use of Land or Natural Resources. The Project is in keeping with official community plans and goals and will have no adverse effects on land-use or the use of natural resources by or in the community.
5. Growth, Subsequent Development, etc. The Project is not expected to induce any significant or adverse growth or subsequent development.
6. Long Term, Short Term, Cumulative, or Other Effects. The Project will not have any significant adverse long term, short term, cumulative or other environmental effects.
7. Critical Environmental Area. The Project will not have an impact on any Critical Environmental Area as designated in 6NYCRR, subdivision 617.14 (g).
8. Public Health and Safety. The Board finds no adverse impacts on the public health.

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

5. Approve Cat Kennel Special Use Permit

Supervisor Nellis read the following resolution:

**RESOLUTION APPROVING A SPECIAL USE PERMIT
FOR THE PROPOSED CAT KENNEL
AT 3728 SCHINTZIUS ROAD, EDEN, NEW YORK**

WHEREAS, the Town of Eden has received a request for a special use permit to construct and operate a Cat Kennel at 3728 Schintzius Road, Eden, NY; and

WHEREAS, the project action involves the construction of an 800 square foot pole barn on a 4.50 acre parcel; and

WHEREAS, the project is defined as an unlisted action; and

WHEREAS, the Project was duly referred to Erie County Department of Planning pursuant to General Municipal Law §239-m, and no response was received on such planning referral; and

WHEREAS, the Board has reviewed the Project including the Environmental Assessment Form, and all other materials submitted in connection with this proposed action; and

WHEREAS, the Town Board has taken a “hard look” at all potentially adverse environmental impacts pursuant to SEQRA;

NOW THEREFORE be it resolved by the Board that a Special Use Permit for the proposed Cat Kennel at 3728 Schintzius Road be approved with the following conditions:

1. The Special Use Permit is made to be specific to board cats only and not for commercial breeding purposes.
2. The maximum number of cats to be boarded, at any one time, is sixty-four (64).
3. The permit is non-transferable and subject to annual reviews by the Town Board starting December 2014.
4. Provide to the Planning Board all site plan revisions and required variances from the Zoning Board of Appeals.

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

6. Update on Town Hall Electrical

Ron Maggs, Highway Superintendent reported that most of the projects at the Town Hall has been completed.

7. Schoolview expenditure

Mark Cavacoli, Town Engineer stated that the project was complete and under budget and that no additional charges would occur.

8. Set Public Hearing for Special Use Permits; Cazenovia Recovery Systems, Inc., Crown Castle/Donald Mammoser, Eden Kindercare/St. John’s Church, Norman and Jean Brenner, SBA Towers II, Pamela Henrich, Schreiber & Winkelman, Inc., Richard Minekime, James Gorecki, Renee Adams, Upstate Cellular Network, d/b/a Verizon Wireless, Rainer and Pamela Sticht, and Robert Hornberger.

MOTION was made by Councilman McLaughlin to set the Public Hearing for Renewal of the Special Use Permits for December 11, 2013 at 8:00 p.m.; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

NOTE: Scott Henry, Code Enforcement Officer stated that Robert Hornberger has abandoned that site and would no longer require a Special Use Permit.

9. Resolution for snowplowing agreement with the Town of North Collins

Ron Maggs, Highway Superintendent read the following resolution:

**RESOLUTION FOR SNOWPLOWING AGREEMENT
WITH THE TOWN OF NORTH COLLINS**

BE IT RESOLVED that the Eden Town Board hereby agrees to enter into a Mutual agreement with the Town of North Collins, whereby the Town of North Collins Highway Department will plow Clarksburg Road from the North Collins Town Line to the Eighteen Mile Creek Bridge. In exchange, The Town of Eden Highway Department will plow the lower sections of both Belcher and Rocky Mountain Roads.

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

10. Resolution for NYS Department of Conservation License Issuing Agent Agreement

Supervisor Nellis read the following resolution:

**RESOLUTION
TOWN OF EDEN
STATE OF NEW YORK
DEPARTMENT OF CONSERVATION
LICENSE ISSUING AGENT AGREEMENT**

WHEREAS, the Town of Eden has sold conservation licenses on behalf of the NYSDEC for over 2 decades; and

WHEREAS, the NYSDEC Decals system will be starting a new contract commencing on December 1, 2013 with a new vendor for services; and

WHEREAS, the NYSDEC is requiring all the towns in New York State to renew their previous contracts to enable them to continue selling conservation licenses on behalf of the DEC;

NOW, THEREFORE BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

1. The Town Board does hereby approve the agreement between the Town of Eden Town Clerk, Mary Jo Hultquist and the NYSDEC commencing on December 1, 2013 in form annexed hereto.
2. The Town Clerk is hereby authorized to execute such agreement on behalf of the Town of Eden.
3. This resolution shall take effect immediately.

MOTION was made by Supervisor Nellis to approve the resolution as presented and that the contract was reviewed and approved by William Trask, Town Attorney; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

11. Appointments

Supervisor Nellis read correspondence from Michael Felschow, Chief of Police requesting the appointment of Shawn Bishop to the permanent position of Sergeant as he has successfully completed the civil service test for that position.

MOTION was made by Councilman McLaughlin to appoint Shawn Bishop to the permanent position of Sergeant; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

12. Tax Warrant

MOTION was made by Councilwoman Pew to include \$3,545.97 in unpaid water bills and \$250.00 in unpaid refuse bills to the tax warrant and authorize the Town Supervisor, Glenn Nellis to sign the Letter of Authorization and any other paperwork required; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

13. WNY Land Conservancy

Supervisor Nellis read the following:

AGREEMENT FOR THE EDEN FARMLAND PROTECTION PROGRAM

Provided by the Western New York Land Conservancy

The Western New York Land Conservancy plans to implement the following tasks to assist with the Town of Eden Farmland Protection Program from November 14, 2013 to December 31, 2014;

Part 1, Outreach and Evaluation:

- Conduct outreach to potential Eden farm owners via mailings, phone calls, and personal visits to identify farmers who are interested in participating in upcoming State Ag and Markets and Federal farmland protection programs including identifying:
 - Farmers that are interested in participating in the program.
 - Farms that would be competitive in the programs.
- Work with community leaders to establish a Committee of Eden residents who will work with the Land Conservancy on the Eden Farmland Protection Program.
- Conduct outreach to the Eden community to include:
 - Community presentations on the value of the Eden Farmland Protection Program for the Town.
 - Press releases for the media on success of the program
 - Develop a brochure that describes the program and signage for conserved properties.
- Rank all farms in Eden that are being considered for farmland protection efforts.
- Attend Farmland Protection Committee meeting.
- Draft and accept conservation easements for projects that receive funding.

Part II, Farmland Purchase of Development Rights Applications:

- Submit applications for the New York State Agriculture and Markets Farmland Grant if an appropriate farm is identified and funding is available.
- Submit applications for Federal Farm and Ranch Land Protection Grants if an appropriate farm is identified and funding is available.

MOTION was made by Supervisor Nellis to approve and sign the agreement confirming that there is no cost to the Town of Eden for the services being provided and that the services being provided are being performed by the Western New York Land Conservancy as an Independent Contractor, will be consistent with the town's Farmland Protection Plan and are advisory in nature and are not binding on the Town of Eden without additional authorization of the Town Board; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor's Report:

- November 19, 2013 at 7:00 p.m. in the Conference Room – Planning and Zoning Board 2-hour training session.
- No Town Board meeting on November 27, 2013.

Hearing of Visitors:

Joan Staby – read statement requesting additional funding for the Eden Boys/Girls Club.

Bob Stickney – noting that several streetlights are out throughout the town.

Peter Reszka – an employee of Erie County Water Authority and property owner in the Town of Eden suggested that the Town of Eden begin the process of getting out of the water business.

November 13, 2013

Adjournment:

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 8:45 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