

MINUTES

**TOWN BOARD MEETING
2795 EAST CHURCH STREET
EDEN, NEW YORK
JANUARY 22, 2014
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
- William Trask - Town Attorney

Call To Order:

Supervisor Nellis called the Work Session 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.

Budget Transfers/Amendments:

Supervisor Nellis read the following Budget Transfers/Amendments:

From Account	To Account	Reason for Amendment	Amount
A1640 Ambulance charges	A4540.4 Ambulance Contractual	Over budget - end of Year Utilities	\$1,100.00
A1440.4 Engineering – Contractual	A1440.401 Engineering – Contract Personal	Attendance at Town Board Meetings	\$500.00
A2115 Planning Board Fees	A8020.4 Planning Contractual	Planning fees collected to offset cost of engineering plan reviews	\$950.00
A1990.4 Contingent Fund	A7510.4 Historian Contractual	Cost of conference	\$130.00
A1990.4 Contingent Fund	A3989.4 Other Public Safety	Over budget	\$60.00
SW8320.402 Water Contractual – Farnham	SW8320.401 Maintenance – Wepax Road	Over budget – water testing	\$10.71

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

Encumbrances:

Supervisor Nellis read the following Encumbrance:

A1410.4 Town Clerk-Contractual \$102.00 – Resolution Letterhead

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

New and Unfinished Business:

1. Approval of Home Rule request to establish a Conservation Easement Agreement in the Town of Eden

Supervisor Nellis read the following resolution:

**TOWN OF EDEN HOME RULE RESOLUTION
IN SUPPORT OF
SENATE BILL S.4924-A GALLIVAN**

WHEREAS, the Town of Eden is a predominately rural community located in Erie County, New York which prides itself on its rural heritage; and

WHEREAS, it is the desire of the Town of Eden to amend the real property tax law, in relation to establishing a conservation easement agreement exemption in a town having a population of not less than seven thousand six hundred and not more than seven thousand seven hundred, based up the two thousand ten federal census; and

WHEREAS, the purpose of such legislation will provide for the acquisition of interest or rights in real property for the preservation of open space, farmland and areas which shall constitute a public purpose for which public funds may be expended or advanced after due notice and public hearing, by which the Town of Eden may acquire by purchase, gift, grant, bequest, device lease or otherwise the fee or any lesser interest, development right, easement, covenant, or to other contractual right necessary to acquire “open space” or “open area” as the same is defined in this legislation; and

WHEREAS, passage of this legislation will ensure that the rural character and open space is preserved for the inhabitants of the Town of Eden to enjoy now and potentially for future generations; and

WHEREAS, in addition to helping ensure protection of open space, farmland and areas of public purpose, there is a potential significant savings in the form of a reduction in property assessment, resulting in lower property taxes on land protected by an easement agreement;

NOW, THEREFORE BE IT RESOLVED that the Eden Town Board wholeheartedly supports Senate Bill S.4924-A Gallivan and formally requests that New York State approve such a bill.

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

2. Grant from Wendt Foundation for Croops Mill Roof

Supervisor Nellis read the following agreement:

**AGREEMENT TO CONDITIONS OF A GRANT
MADE BY
THE MARGARET L. WENDT FOUNDATION
TO**

TOWN OF EDEN

Amount of Grant - \$2,500.00, payable upon receipt of this executed Agreement.

Purpose: Funds toward the cost to replace the roof on Croops Mill.

1. All expenditures made by us from the grant funds referred to herein must be made only within the terms and conditions of the resolution of the Board of Trustees of The Foundation as set forth above.
2. The purposes of the grant are set forth in our application.
3. Any portion of the amount of the grant, which is not used by us for the purposes of the grant is to be refunded to The Foundation promptly.
4. We shall maintain records of receipts and expenditures and make our books and records available to The Foundation at reasonable times.
5. We will submit full and complete annual reports, in quadruplicate, on the manner in which the funds are spent and the progress made in accomplishing the purposes of the grant.
6. No part of the grant funds is to be used to carry on propaganda, or otherwise attempt to influence legislation within the meaning of Internal Revenue Code, Section 4945(d)(1), or to influence the outcome of any specific public election, or to carry on, directly or indirectly, any voter registration drive, within the meaning of Internal Revenue Code, Section 4945(d)(2), or to make any grant which does not comply with the requirements of IRC 4945(d)(3) or (4), or to undertake any activity for any purpose other than one specified in IRC 170(c)(2)(B).
7. Any violation of the conditions set forth herein will require a refunding by us to you of any amounts subject to the violation.
8. Acknowledgment of our agreement to the terms and conditions of the grant, as set forth in these conditions, is hereby made by a duly authorized officer of our organization whose name, title and signature appear below.

MOTION was made by Councilwoman Pew to accept the agreement and authorize Glenn R. Nellis, Supervisor of the Town of Eden to sign the agreement, pending review by William Trask, Town Attorney; seconded by Councilman McLaughlin; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Hearing of Visitors:

There were none.

Adjournment:

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 7:45 P.M.

MOTION was made by Councilwoman Pew to adjourn to Executive Session at 7:45 p.m.; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Councilwoman Pew to return to the Regular Meeting at 8:15 p.m.; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Councilwoman Pew read the following resolution:

**RESOLUTION
APPROVAL AND APPOINTMENT OF
PART-TIME CODE ENFORCEMENT OFFICER**

January 22, 2014

WHEREAS, the Full-Time position of Code Enforcement Officer was eliminated as a result of the 2014 Budget; and

WHEREAS, the position of Part-Time Code Enforcement Officer needs to be filled effective February 1, 2014; and

WHEREAS, Scott Henry has been offered and has accepted the position of Part-Time Code Enforcement Officer.

NOW, THEREFORE BE IT RESOLVED that Scott Henry is hired for the position of Part-Time Code Enforcement Officer, effective February 1, 2014 at the hourly rate of \$19.25.

BE IT FURTHER RESOLVED that Supervisor Nellis and his office are authorized to fill out all the necessary paperwork with Erie County Personnel.

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

Adjournment:

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 8:20 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 9:30 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk