

May 27, 2015

MINUTES

**TOWN BOARD MEETING
2795 EAST CHURCH STREET
EDEN, NEW YORK
MAY 27, 2015
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

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.

New and Unfinished Business:

1. Highway Department – approval of bids for sealing parking lots at Town Hall and Library

Supervisor Nellis requested that this item be tabled and moved to “Old Business” to be discussed at a future town board meeting. The information was not received from the Highway Department.

2. Certified 911 Resolution

CERTIFIED 911 RESOLUTION

WHEREAS, 911 is a critical component for the citizens of Erie County and the delivery of Police and Emergency Services and the traditional landline phones are accurate with the exact location for emergency calls; and

WHEREAS, more people are now calling 911 from cell phones with over 492,615 wireless calls being made in 2014 to Erie County 911 Center and in an emergency every minute and second counts when an attempt is made to get Phase 2 location information; and

WHEREAS, the 911 center asks the network for the phones actual location, that is Phase 2, and even after multiple re-bids or re-transits to the cell carriers for better information it is impossible to get an exact location when trying to locate the emergency which can be inaccurate or at times doesn't give the location at all; and

WHEREAS, every cell phone subscriber in New York State pays \$1.20 to Albany each month which was intended to support counties and their endeavor to update and maintain their development of next generation 911 technology, the consolidation of current 911 services, and improvements to public safety communication systems across the State; and

WHEREAS, Erie County estimates cell phone subscribers in Erie County paid about \$8.8 million to Albany in 2015 through this surcharge and received only \$220,000 back from the State for County level 911 services; and

WHEREAS, according to the FCC, New York State was one of the six states in 2013 to divert funding from a 911 surcharge account for unrelated purposes and this improper distribution is hampering public safety in Erie County and throughout Western New York.

NOW, THEREFORE, BET IT RESOLVED that the Eden Town Board supports the Association of Erie County Governments requests that the State of New York appropriately disburse the funds collected through the public safety communications surcharge as laid out in Bill S2963/A3561 (2015); and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Honorable Governor Andrew M Cuomo, Honorable Senate Majority Lead John Flanagan, Majority Leader of Independent Democratic Caucus Jeff Klein, Honorable Senate Minority Leader Andrea Stewart-Cousins, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Majority Leader of the Assembly Joseph Morelle, Honorable Minority Leader of the Assembly Brian Kolb, and the Western New York Delegation and Erie County Executive Mark Poloncarz and the Erie County Legislature.

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

3. East Eden Fire Department – approval of Itemized Fire Equipment Bids

Supervisor Nellis read the following:

1. From the funds in the Assigned for Fire Gear Account – East Eden Fire to purchase the following:

Item #1 Morning Pride Turnout Gear (Qty 5) Total: \$10,672.75

Item #12 Scott Air-Pak Cylinders Carbon Wrap (Qty 4 of 12) \$2,955.00

2. Balance of Itemized Equipment Listing totaling \$18,441.75 to be purchased using funds from Fire Equipment Account SF3410.2 which falls within the \$18,500.00 allotted to them in the 2015 budget.

MOTION was made by Councilwoman Pew to approve the 2015 Itemized Fire Equipment bid for the East Eden Fire Department as stated above; seconded by Councilman McLaughlin; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

4. Use of Senior car by Active Citizens for Eden Seniors (A.C.E.S.)

Supervisor Nellis read the following correspondence from Thomas Lewis:

“The Active Citizens for Eden Seniors (ACES) would like to ask for your permission to utilize the Senior Car once a month for our group. We would provide the driver (which would be approved by the Eden Police Department) for the day. The town would not have to recruit any more volunteers for our use. We can give Diane Herzog, Senior Transportation Coordinator, the dates in advance so that it would not interfere with the Senior Transportation service. We would transport between one to four people to one of our many informative meetings, which would be local. The times for these meetings would be approximately 11 a.m. – 1 p.m. ACES is in the process of becoming a non-profit and we will be functioning off of grant money.

We respectfully seek your approval for the use of the vehicle for the seniors in Eden. Thank you for your time and consideration.”; signed, Thomas Lewis.

MOTION was made by Supervisor Nellis to approve the request by ACES to use the Senior Car once a month pending review and approval of Insurance Agent; seconded by Councilman McLaughlin; “Ayes”? Nellis, Krycia, Ventry, McLaughlin; Opposed? – None; Abstain? – Pew; Motion carried.

5. Special Use Permit Request

Supervisor Nellis read the following correspondence:

“Dear Eden Town Board Members: My name is Thomas B. Ford. My wife, Jennifer A. Ford, and I would like to purchase 8159 N. Main Street and reside there. It was a restaurant that has been out of business for years. The property is currently zoned as a commercial property but was once a residential house like the house next door to the property (8167 N. Main St.). I am asking to have the house zoned as residential or for a “special use permit” if that’s what it takes to allow us to get a residential mortgage. My wife and I would clean up the property and maintain it to a high standard. I am an Eden alumni from 1992 and I would like to live in town once more and raise my two children. I appreciate your time regarding this manner and hope to hear back from your office. Thank you.”; signed, Thomas B. Ford.

Supervisor Nellis stated that the request has been reviewed by the William Trask, Town Attorney, Mark Cavalcoli, Town Engineer, Kurt Allen, Part-time Code Enforcement Officer, Mark Agle, Chairman of the Planning Board and Gregory Keyser, CRA.

Gregory Keyser, CRA, based upon their review, offered the following comments:

- Site Plan Review – Under section §225-15.1 (F) all new buildings, modifications to buildings and changes in use within the Route 62 Hamlet Overlay are subject to site plan review. The bulk regulations are the same as those referenced in §225-15A(5) and may be subject to further review by the Zoning Board of Appeals if a variance is required. It is recommended that the applicant obtain the necessary paperwork from the Building Department and schedule a pre-submission conference with the Planning Board in order to discuss the proposal and determine the necessary requirements for site plan and special permit approval.
- Special Use Permit – Under section §225-18B(9) single-family residential uses are permitted by special permit of the Town Board and are the same as those uses found in §225-16B(1), §225-15A(5) and §225-13A(7). It is recommended that the applicant obtain the necessary paperwork from the Town Clerk to process the application in accordance with chapter §225-46.
- Approval Process – It is recommended that the applicant complete the pre-submission conference under Site Plan Review before proceeding with the Special Permit application. This will allow the Planning Board to make specific recommendations regarding submission requirements for both approval processes. Final site plan review can be completed as part of the Planning Board referral requirement under the Special Permit process.
- Environmental Review – Under section §716.5©(9) of the State Environmental Quality Review Act (SEQR), the change to use to a single family residence on an approved building lot is considered a Type 2 action and therefore requires no further review under SEQR. However, the property is situated along New York State Route 62 and Erie County Planning Board referral is required as part of the site plan and special permit approval process.

Supervisor Nellis stated that based on the recommendations of all parties involved in the process, the next step would be for the town board to refer the request to the Eden Planning Board for the Special Use Permit and site plan review.

MOTION was made by Councilman McLaughlin to refer the Special Use Permit for Thomas & Jennifer Ford regarding 8159 N. Main Street – Change of Use to the Eden Planning Board for the Special Use Permit and site plan review; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6. Appointments

Supervisor Nellis read the following appointments:

From Susan Brass, Recreation Director and the Recreation Advisory Board – to appoint the following:

Michael Benedict – Maintenance - \$10.00 per hour

Matthew Benedict – Maintenance - \$9.50 per hour

MOTION was made by Councilwoman Pew to appoint Michael Benedict, Maintenance at \$10.00 per hour and Matthew Benedict, Maintenance at \$9.50 per hour; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

7. Part-time inspector

Supervisor Nellis requested the town board consider appointing Dave Rice, Part-time Code Enforcement Officer at a rate of pay of \$19.64 per hour, not to exceed 19 hours per week, which would include hours worked by Kurt Allen, part-time Code Enforcement Officer.

MOTION was made by Councilman McLaughlin to appoint Dave Rice, part-time Code Enforcement Officer at a rate of pay of \$19.64 per hour, not to exceed 19 hours per week, which would include hours worked by Kurt Allen, part-time Code Enforcement Officer; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

- Tour of the South Towns on Tuesday, June 2, 2015, starting with Eden Valley Growers and ending up at Goya in Angola, sponsored by John Mills, Erie County Legislator

Hearing of Visitors:

Phil Muck, Oakland Drive asked how many hours the part-time Code Enforcement Officer that was appointed tonight would be working. Also, if he would be available to attend Zoning Board meetings, and if not could Greg Keyser, from CRA be available to attend.

Supervisor Nellis stated that the newly appointed Code Enforcement Officer and the current part-time Code Enforcement Officer would not exceed 19 hours per week, total. Supervisor Nellis also stated that if the part-time Code Enforcement Officer was not available then Greg Keyser, CRA would be available.

Andy Breier, Haag Road asked if the roads in Eden would be striped, yellow in the middle and the white fog line? Is this a Town-wide or Countywide decision?

Supervisor Nellis stated that it is a money issue, for example, to stripe Eckhardt Road it would cost \$2,500.00

May 27, 2015

Adjournment:

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

Supervisor Nellis adjourned the Work Session Meeting of the Eden Town Board at 8:00 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 9:00 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk