

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
DECEMBER 10, 2008  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN ( <i>Deputy Supervisor</i> )
EDWARD KRYCIA, JR	-	COUNCILMAN ( <i>arrived at 8:15 pm</i> )
VINCENT V. VACCO	-	COUNCILMAN
RICHARD S. VENTRY	-	COUNCILMAN ( <i>Absent</i> )

**DEPARTMENT HEADS PRESENT:**

Ronald C. Maggs	-	Superintendent of Highways
Patrick M. Howard	-	Chief of Police
Scott Hultquist	-	Eden Emergency Squad
Chris Colvin	-	Eden Fire Chief
Andrew Breier	-	East Eden Fire Chief

**OTHERS PRESENT:**

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk
Anna M. Knack	-	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 November 12, 2008; there were none.

**MOTION** was made by Councilwoman Pew to approve the Town Board Minutes of November 12, 2008 as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of November 19, 2008; there were none.

**MOTION** was made by Councilwoman Pew to approve the Town Board Minutes of November 19, 2008 as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

**Petitions:**

There were none.

**Budget Transfers/Amendments:**

Supervisor Nellis read the following Budget Transfers/Amendments from Account A2070 Contributions-Youth to Account A7110.4 Parks & Grounds to apply

money received from Tennessee Gas for recreation towards Gorcica Project in the amount of \$500.00; from Account A2025 Ski Fees to Account A7150.4 to apply excess received from additional ski participants towards invoice from Kissing Bridge in the amount of \$4,365.00; from Account A1110.1 Justices Personal to A1110.4 Justices Contractual for Over budget in the amount of \$818.66; from Account A1990.4 Contingent Fund to A1420.4 Legal – Contractual for Legal Services for Drainage District #4 in the amount of \$447.00; from Account A1990.4 Contingent Fund to A1620.4 Town Hall Contractual for over budget – unforeseen problems with plumbing and major electrical work in the amount of \$7,746.22; from Account A6989.4 Other Economic Assistance to A1640.4 Central Garage Contractual for Highway Waterline Repairs in the amount of \$5,364.88; and from Account SF2665 Sale of Equipment to SF878 Fire Capital Reserve to move the sale of East Eden Fire Truck to Fire Truck Reserve in the amount of \$2,500.00.

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

Supervisor Nellis read the following Highway Transfers from Account D2770 to D5110.4 in the amount of \$253.20 for Pipe Permits and from Account D5130.2 to D5110.4 in the amount of \$4365.57 for road materials.

**MOTION** was made by Councilwoman Pew to approve the Highway Transfers as presented; seconded by Councilman Vacco; 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	644-709	\$61,403.23
Highway Dept. Fund	301-341	\$24,175.01
Fire Dept. Fund	232-247	\$12,665.04
Recreation Dept. Fund	135-144	\$25,486.81
Refuse and Garbage Fund	16	\$45,838.31
Street Lights Fund	30-31	\$4,895.36
Water Fund	30-32	\$5,076.89
Trust & Agency Fund	--	--
Capital Fund		
H1440.4	11	\$8,900.25
H8320.4A	14-17	\$7,076.00
Community Development	--	--

**MOTION** was made by Councilwoman Pew to approve the Audit of Bills as presented; seconded by Councilman Vacco; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

**Departmental Reports:**

Department reports for the month of November 2008 were presented by Scott Hultquist, Eden Emergency Squad; Chris Colvin, Eden Fire Chief; Andrew Breier, East Eden Fire Chief; Patrick Howard, 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; Supervisor Nellis for Susan Brass, Recreation Director; Councilwoman Pew for Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Chris Colvin, East Eden Fire Chief requested permission of the Town Board to conduct live burn training. The training will take place in March 2009. The address is 8122 North Main Street at a structure that has been donated to the Eden Fire Department by Robert and Joyce Skora.

**MOTION** was made by Councilwoman Pew to allow the Eden Fire Department to conduct a live burn training at 8122 North Main Street; seconded by Councilman Vacco; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

Supervisor Nellis reported that Charles Privitera announced his retirement from the Eden Police Department effective January 1, 2009.

William Trask, Town Attorney stated that at the November 19, 2008 Special Meeting of the Town Board the Town Board accepted public improvements at Sonnybrook Subdivision Phase III, Part 1. There were several conditions in the assessments of public improvements, those conditions have all been met. One of the conditions was entry into an agreement between the Town of Eden and the developer, which set the engineering standards for the drainage improvement that will be done in the entire Sonnybrook Subdivision Phase III. An appropriate agreement was negotiated, which has been signed by the developer. At this time, authorization for Glenn R. Nellis, Supervisor to sign the agreement, which is on file in the Town Clerk's office, is requested.

**MOTION** was made by Councilman Vacco to authorize Glenn R. Nellis, Supervisor to sign and enter into an agreement for Sonnybrook Subdivision Phase III, Part I; seconded by Councilwoman Pew; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

William Trask, Town Attorney requested Executive Session to discuss assessment litigation.

**MOTION** was made by Councilwoman Pew 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.

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:00 p.m.

**MOTION** was made by Councilwoman Pew to open the Public Hearing for the Renewal of Special Use Permits; 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**

**Renewal of Special Use Permits**

1. Normal Brenner Gravel Pit
2. Cazenovia Recovery Resources
3. St. John's Church/Eden KinderCare
4. Global Signal – Telecommunications Tower – Mammoser Property
5. TowerCo, LLC (SBA Towers II – Telecommunications Tower, North Main Street
6. Henrich – Airstrip
7. Gorecki – Dog Grooming/Boarding
8. Schreiber – Mini Self-Storage Facility
9. Minekime – Caretaker/Watchman Dwelling Unit
10. Renee Adams, Commercial Dog Kennel Facility

Supervisor Nellis explained the purpose of the public hearing is to give the residents an opportunity to speak.

The following persons spoke and asked questions regarding the renewal of Special Use Permits:

Attorney representing TowerCo, LLC (SBA Towers II) – Telecommunications Tower, 8174 N. Main Street stated that a new entity will be assigned to the tower that will be in full compliance. Information will be made available to the Town Board by January 21, 2008 to be discussed at the January 28, 2008 Town Board meeting.

Kyle MacCallum, Property Specialist, representing Crown Castle/Global Signal stated that all requirements have been met and previously submitted a TIA Condition Assessment Report showing the tower is structurally sound, as well as an RF Emissions Compliance Report.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:10 p.m.

**Note:** William Trask, Town Attorney stated that if the Town Board approves the Special Use Permits tonight it would be subject to whatever conditions were in the original approvals, unless there are new conditions to place on the permits this evening.

**MOTION** was made by Councilwoman Pew to close the Public Hearing; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

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

**New and Unfinished Business:**

**1. Letter of Resignation – Dorothea Meyer, Town Historian**

Supervisor read correspondence dated November 10, 2008 from Dorothea Meyer, Town Historian, a letter of resignation.

Supervisor Nellis read the following resolution:

**A RESOLUTION  
IN RECOGNITION AND APPRECIATION OF  
DOROTHEA MEYER  
EDEN TOWN HISTORIAN**

**WHEREAS,** Mrs. Dorothea Meyer has served as our Town Historian since May 23, 1996; and

**WHEREAS,** Mrs. Meyer’s interest in preserving the Town’s history for the benefit of future generations directed her to serve as a Founder and Treasurer of the Eden Historical Society from its inception through 2007, a period of almost 40 years; and

**WHEREAS,** we recognize her knowledge of Town history as well as her participation in many history-making moments and events in our community; and

**WHEREAS,** Dorothea Meyer, Eden Town Historian is retiring;

**NOW, THEREFORE, BE IT RESOLVED THAT** the Eden Town Board expresses our deep appreciation to Mrs. Dorothea Meyer, a 1937 graduate of Eden Central School, for her valued public service to our community; and be it

**FURTHER RESOLVED THAT** we designate the first day of May, National History Month, as “**DOROTHEA MEYER DAY**” in the Town of Eden in recognition of her service to all.

**MOTION** was made by Councilman Vacco to accept the resignation of Dorothea Meyer, Town Historian effective December 15, 2008 with appreciation; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**2. Resolution – Supporting 2008-2009 Local Government Efficiency Grant Proposal (State Funds) on Stormwater**

Supervisor Nellis read the following resolution:

**TOWN OF EDEN RESOLUTION  
2008-2009 LOCAL GOVERNMENT EFFICIENCY GRANT PROPOSAL FOR  
Western New York Stormwater Coalition: Outfall Inspection and Illicit Discharge  
Track Down Project Proposal**

**WHEREAS**, the Erie county Department of Environment and Planning (ECDEP) coordinates the activities of the Western New York Stormwater Coalition (WNYSC): and

**WHEREAS**, the ECDEP has assumed the role of lead agency and has pursued grant funding to support the work on the WNYSC since its inception; and

**WHEREAS**, the Town of Eden is a member of the WNYSC; and

**WHEREAS**, the New York State Department of State solicited applications for projects that target shared services through its 2008-2009 Local Government Efficiency Grant Program; and

**WHEREAS**, the ECDEP, in cooperation with the WNYSC, has prepared a grant application for an Outfall Inspection and Illicit Discharge Track Down Project Proposal; and

**WHEREAS**, the required local match of 10% will be provided by the WNYSC members' annual membership fees; and

**WHEREAS**, the Co-Applicants to this application are the members of the WNYSC: Village of Alden, Town of Alden, Town of Amherst, Village of Angola, Town of Aurora, Village of Blasdell, Town of Boston, Buffalo Sewer Authority, Town of Cheektowaga, Town of Clarence, Village of Depew, Village of East Aurora, Town of Eden, Town of Elma, Town of Evans, Town of Grand Island, Town of Hamburg, Village of Hamburg, Village of Kenmore, City of Lackawanna, Village of Lancaster, Town of Lancaster, Village of Orchard Park, Town of Orchard Park, Village of Sloan, City of Tonawanda, Town of Tonawanda, Town of West Seneca, Village of Williamsville, Town of Cambria, Village of Lewiston, Town of Lewiston, Town of Pendleton, Town of Porter, Town of Wheatfield, Village of Youngstown, County of Erie, County of Erie – Sewer District #6, County of Niagara, Buffalo and Fort Erie Peace Bridge Authority, State University of New York at Buffalo.

**NOW, THEREFORE BE IT RESOLVED** the Town of Eden authorizes the ECDEP to submit an application to the Local Government Efficiency Grant Program for the 2008-2009 funding year; and be it further

**RESOLVED** that Chris Collins, Erie County Executive is the Lead Applicant contact person and is authorized to execute all financial and/or administrative processes relating to the grant program; and be it further

**RESOLVED** that the required local match of 10% to be provided by the Town of Eden will come from its membership in the WNYSC and the annual membership fee it pays; and

**RESOLVED** that upon approval of said grant request, the Town of Eden will enter into an Inter-municipal Agreement where the shared services of the proposed project are listed in detail with the co-applicants.

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

**3. Award of Bid for Ski Transportation**

Supervisor Nellis read correspondence from Susan Brass, Recreation Director regarding the award of bid for Ski Transportation. Two quotes were received, one from Eden Central School District and another from Laidlaw Transit, which are on file in the Town Clerk's office.

The Recreation Board recommended the award for Ski Transportation be awarded to Eden Central District for \$763.80 per trip.

**MOTION** was made by Supervisor Nellis to award the Bid for Ski Transportation to Eden Central District for \$763.80 per trip based on the recommendation of the Recreation Board; seconded by Councilwoman Pew; "Ayes"; Nellis, Krycia, Pew; Opposed? - None; Abstain? - Vacco; Motion carried.

**4. Setting up Presentation on Speed Limit Report for January 14, 2009 Meeting**

Ron Maggs, Highway Superintendent stated that a presentation had been provided at a previous Town Board Meeting. Perhaps a Work Session Meeting would provide an opportunity for a discussion regarding the speed limit report. It will be scheduled for the Work Session Meeting on January 28, 2009.

**5. Review and Approval of Personnel Policy for Appointed Employees –set for January 14, 2009**

Supervisor Nellis stated that the Personnel Policy had been made available to the Town Board to review and this item would be added to the agenda for the January 14, 2009 Town Board meeting.

**6. Possible Approval of one or more Special Use Permits**

Supervisor Nellis requested the approval of the renewal of the Special Use Permits, with all permits being renewed for a 1-year renewal.

1. Cazenovia Recovery Systems, Inc. – conditions of the 1992 Special Use Permit to remain in effect, also amendments to those conditions which include: 1. Maximum capacity not to exceed 21 residents; 2. Cazenovia Recovery Systems will continue to make payment in lieu of taxes to the Town equal to full value assessment; 3. Any self-help meeting scheduled at the community residence shall be restricted to residents and their personal guests, (maximum of 20 people per day). No such self-help meetings will be listed in any meeting schedules or open to the respective recovering public.

**MOTION** was made by Councilman Vacco to approve the Special Use Permit for Cazenovia Recovery Systems, Inc. contingent upon proof that all conditions are met; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? - None; Motion carried.

2. Global Signal/Crown Castle – Mammoser – Telecommunications Tower – existing conditions to remain in effect.

**MOTION** was made by Councilman Vacco to approve the Special Use Permit for Global Signal/Crown Castle – Mammoser – Telecommunications Tower subject to receipt of proof that all the original conditions plus any additional conditions that have been previously put into effect have been met; seconded by Councilman Krycia; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

3. St. John's Church/EdenKinderCare – existing conditions to remain in effect.

**MOTION** was made by Councilman Krycia to approve the Special Use Permit for St. John's Church EdenKinderCare contingent upon proof that all conditions are met;

seconded by Councilwoman Pew; All "Ayes"; Opposed? - None; Abstain? – None; Motion carried.

4. Norman Brenner Gravel Pit – existing conditions to remain in effect.

**MOTION** was made by Councilwoman Pew to approve the Special Use Permit for Norman Brenner Gravel Pit contingent upon proof that all conditions are met; seconded by Councilman Krycia; All "Ayes"; Opposed? - None; Abstain? – None; Motion carried.

5. Tower Co. LLC – 8174 North Main Street – move to "Old Business" to be added to agenda on the January 28, 2009 Town Board Meeting.
6. Pamela Henrich – Airstrip – 9952 Tice Road. Must keep all conditions of original permit.

**MOTION** was made by Councilwoman Pew to approve the Special Use Permit for Pamela Henrich – Airstrip contingent upon proof that all conditions are met; seconded by Councilman Vacco; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

7. Schreiber & Winkelman – Mini Self-Storage Facility and Contractor's Plaza – 8750 S. Main Street – existing conditions to remain in effect.

**MOTION** was made by Councilman Vacco to approve the Special Use Permit for Schreiber & Winkelman – Mini Self-Storage Facility and Contractor's Plaza contingent upon proof that all conditions are met; seconded by Councilman Krycia; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

8. Richard Minekime – Caretaker/Watchman Dwelling Unit – 2679 Hemlock Road – existing conditions to remain in effect.

**MOTION** was made by Councilman Vacco to approve the Special Use Permit for Richard Minekime – Caretaker/Watchman Dwelling Unit contingent upon proof that all conditions are met; seconded by Councilman Krycia; All "Ayes"; Opposed? - None; Abstain? – None; Motion carried.

9. James Gorecki – 8797 East Eden Road – Dog Boarding/Dog Grooming Facility – existing conditions to remain in effect.

**MOTION** was made by Councilman Krycia to approve the Special Use Permit for James Gorecki – Dog Boarding/Dog Grooming Facility contingent upon proof that all conditions are met; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

10. Renee Adams – 3424 Hickman Road – Dog Kennel – existing conditions to remain in effect.

**MOTION** was made by Councilwoman Pew to approve the Special Use Permit for Renee Adams – 3424 Hickman Road – Dog Kennel contingent upon proof that all conditions are met; seconded by Councilman Vacco; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

**Supervisor's Report:**

Supervisor Nellis stated Lt. John McCarthy presented a check in the amount of \$5,925.00 for participation in the Traffic Enforcement Program.

**Hearing of Visitors:**

There were none.

December 10, 2008

**Adjournment:**

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 8:30 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