

January 28, 2009

MINUTES

**WORK SESSION MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
JANUARY 28, 2009
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

GLENN R. NELLIS - SUPERVISOR
MARY LOU PEW - COUNCILWOMAN (*Deputy Supervisor*)
EDWARD KRYCIA, JR. - COUNCILMAN
VINCENT V. VACCO - COUNCILMAN (*Absent*)
RICHARD S. VENTRY - COUNCILMAN

OTHERS PRESENT:

Mary Jo Hultquist - Town Clerk
Anna M. Knack - Administrative Assistant

Call To Order:

Supervisor Nellis called the Work Session of the Eden Town Board to order at 7:40 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:

From Account	To Account	Reason for Amendment	Amount
SF3410.2	SF3410.4	Correct budget transfer done for EE Fire purchase of deck gun put into incorrect acct.	\$1,500.00
A1680.4 Central Data Processing	A1620.4 Town Hall Contractual	Overbudget	\$3,900.00
A1680.4 Central Data Processing	A3510.4 Control of Dogs	Printing Done for Dog Enumeration	\$60.00
A6772.4 Senior Transportation	A1640.4 Central Garage	Overbudget	\$2,600.00
A6772.4 Senior Transportation	A4540.4 Ambulance	Overbudget	\$1,300.00
A6772.4 Senior Transportation	A8540.4A Stormwater Mgt Contractual	Overbudget	\$360.00

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

New and Unfinished Business:

1. Appointments

Supervisor Nellis read correspondence from Mark Agle, Chairman of Eden Planning Board, recommending the appointment of William Mahoney and Frank Meyer to serve another year term on the Eden Planning Board from January 1, 2009 to December 31, 2009 and recommending the appointment of Anthony Weiss to serve another seven-year term on the Eden Planning Board from January 1, 2009 to December 31, 2015.

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

Supervisor Nellis read correspondence from Ann Knack, Administrative Assistant regarding the recommendation of the Economic Development Committee reappointing Don Schreiber, Jr. and Jack Cuddihy to a 3-year term on the Economic Development Committee.

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

2. Notification of Liquor License Renewal – Newell Faulkner Post 880, American Legion

Supervisor Nellis accepted and filed the notification of Liquor License renewal for Newell Faulkner Post 880, American Legion.

3. Acceptance for Information Purposes – Roadway and Speed Plan for Town of Eden

Supervisor Nellis read the following conditions requiring action by the Town Board:

- a. Accept the report from the Speed Limit Review Committee as informational for the Town Board.

MOTION was made by Supervisor Nellis to accept the report from the Speed Limit Review Committee as informational for the Town Board; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

- b. The informational report to be added to the Comprehensive Plan in the Town of Eden.

MOTION was made by Supervisor Nellis to add the informational report from the Speed Limit Review Committee to the Comprehensive Plan in the Town of Eden; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

- c. Establish Speed Limit Review Committee with the following duties:
 - Meet at least twice a year (April & October) to review the plan. Meet as needed otherwise.
 - Serve as a review body and make recommendation to the Town Board on Speed Limit changes. Request for speed limit change will be referred to Committee.

- Use Town Planning/Engineering Consultant not more than 5 hours a year without Town Board approval.

MOTION was made by Supervisor Nellis to approve the above-mentioned duties of the Speed Limit Review Committee; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4. Renewal of Annual Contract – Town Auditor

Supervisor Nellis requested authorization to sign the agreement and appoint Drescher & Malecki, LLP to conduct the annual audit of the Town of Eden not to exceed a total payment of \$16,600.00.

MOTION was made by Councilwoman Pew to authorize Glenn R. Nellis, Supervisor to sign the agreement with Drescher & Malecki, LLP and to appoint Drescher & Malecki, LLP to conduct the annual audit of the Town of Eden not to exceed a total payment of \$16,600.00; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

5. SBA Towers – N. Main Street – Additional Requirements for Renewal of Special Use Permit

Jennifer Dougherty, representing Phillips Lytle, LLP submitted the additional requirements for renewal of the Special Use Permit for SBA Towers, located at 8174 N. Main Street, Eden.

Supervisor Nellis requesting the Town Board to accept the transfer of title from the prior owner TowerCo, LLC to SBA Towers II, LLC for the renewal of the Special Use Permit.

MOTION was made by Supervisor Nellis to accept the transfer of title from the prior owner TowerCo, LLC to SBA Towers II, LLC for the renewal of the Special Use Permit pending review by William Trask, Town Attorney; seconded by Councilman Krycia; “Ayes”; Nellis, Krycia, Ventry; Opposed? – None; Abstain? – Pew; Motion carried.

Supervisor Nellis requested the following conditions be met for the Special Use for SBA Towers II, LLC:

1. Must keep a current/updated Performance Bond for the removal of the tower, should it become necessary, on file with the Town of Eden.
2. A certification respecting the Tower’s structural safety.
3. A certification that radio frequency emissions from the Tower do not exceed legal limits.
4. Must continue to comply with the Town of Eden’s Telecommunications Law.

MOTION was made by Supervisor Nellis to accept the above-mentioned conditions for the Special Use Permit for SBA Towers II, LLC, pending review by William Trask, Town Attorney; seconded by Councilman Krycia; “Ayes”; Nellis, Krycia, Ventry; Opposed? – None; Abstain? – Pew; Motion carried.

6. Approval of Managerial Agreement – Police Chief

Supervisor Nellis read the following:

MEMORANDUM OF UNDERSTANDING AND AGREEMENT

WHEREAS, the Town of Eden (“Town”) and the Eden Police Club (“Club”) previously entered into an Agreement dated May 14, 2008, which agreement sets forth terms and conditions of employment for police officers of the Town of Eden Police Department, and

WHEREAS, the Town and Club wish to confirm the managerial status of the Eden Police Chief,

NOW, THEREFORE, it is hereby stipulated and agreed between the parties as follows:

- (1) The club is recognized as the sole and exclusive representative for the police officers of the Town of Eden Police Department and represents all full-time sworn officers of the Eden Police Department. However, such designation is not intended to and does not include representation of individual in the job title of Police Chief of the Town of Eden.
- (2) The job title of Police Chief of the Town of Eden is stipulated to be managerial and outside of the scope of representation by the Club and the terms and conditions of employment for such job title are not subject to the Agreement dated May 14, 2008.
- (3) The Club has no objection to the Town making application for designation of the job title of Police Chief of the Town of Eden as managerial under the rules of the State of New York Public Employment Relations Board.
- (4) The following signatures indicated that this Memorandum of Understanding has been duly approved and authorized by a majority vote of the Eden Town Board and a majority vote of the Eden Police Club as the biding act of the Town and Club.

The following signatures appeared on the original document:

Office Shawn D. Bishop, Glenn R. Nellis, Supervisor, Ed Krycia, Jr., Councilman, Vincent V. Vacco, Councilman and Richard Ventry, Councilman.

MOTION was made by Supervisor Nellis to approve the “Memorandum of Understanding and Agreement between the Town of Eden and the Eden Police Club; seconded by Councilman Krycia; “Ayes”; Nellis, Krycia, Ventry; Opposed? – Pew; Abstain? – None; Motion carried.

7. Retirement Payment – Patrick Howard, as Chief of Police

Supervisor Nellis requested approval of a retirement payment for Patrick Howard as Chief of Police, as stated in the existing contract for the managerial position of Police Chief in the amount of \$62,928.00, which includes sick days, vacation days and comp days.

MOTION was made by Supervisor Nellis to approve \$62,928.00 be issued to Patrick Howard as Police Chief as stated in the existing contract for the managerial position of Police Chief; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

Supervisor Nellis read the following:

Status Update on Waterline Projects

Shadagee Road Transmission Project

The Shadagee Road Transmission Project is now moving forward rapidly. The Town recently completed the purchase of property on Shadagee Road for the construction of a new pump station. The pump station is now under design and the various environmental approvals are almost complete. In addition, the required archeological survey was completed this month.

January 28, 2009

The transmission lines to be constructed along Route 62 and Shadagee Road are also under design. The design is estimated to be 85% complete and will soon be submitted for review by the various regulatory agencies. Based on the project's current status, it is estimated that construction will be sometime this summer. Construction is anticipated to continue for approximately 12 months.

New Water District

Throughout 2008 the Town Board worked diligently to establish a single, new water district to serve the many residents in need of public water supply. However, through ongoing discussions with the NYS Comptroller's office and various regulatory agencies, it has been recently determined that the original project must be divided in several smaller water districts. The plans for these new water districts are nearing completion and will soon be presented at upcoming public hearings. These public hearings are yet to be scheduled, but will most likely take place this spring. It is anticipated that public referendums for the new water districts will follow shortly thereafter.

Hearing of Visitors:

There were none.

Note:

It is to be noted that Peter Ulrich was the only student in attendance on this particular evening.

Adjournment:

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

Supervisor Nellis adjourned the Work Session Meeting of the Eden Town Board at 8:10 P.M.

Executive Session:

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

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk