

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
DECEMBER 10, 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

DEPARTMENT HEADS PRESENT:

Mark Cavacolli	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Michael J. Felschow	-	Chief of Police
Chuck Mohr	-	Eden Fire
Rick Kirst	-	East Eden Fire
Robert Pietrocarlo	-	Chairman Board of Assessors
Ray Zabron	-	Dog Control Officer

OTHERS PRESENT:

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk
Diane Herzog	-	Secretary/Supervisor's Office

Call to Order:

Supervisor Nellis called the Regular Meeting of the Eden Town Board to order at 7:35 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, 2014; there were none.

MOTION was made by Councilman McLaughlin to approve the Town Board Minutes of June 12, 2013 as presented; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Announcement:

Supervisor Nellis took this opportunity, on behalf of the entire Town Board, to express their thanks to all the Departments, the Highway Department lead by Ron Maggs, Highway Superintendent, the Police Department, lead by Chief Michael Felschow, the Eden Fire Department, lead by Matthew Colvin, the East Eden Fire Department, lead by Andrew Breier, the Emergency Squad, lead by Scott Hultquist and Bob Stickney, Disaster Coordinator for all their efforts during the November storm.

Supervisor Nellis also acknowledged six (6) men from Cazenovia Manor, Sandrock Road that shoveled the flat roofs of the Eden Town Clerk’s Office and the Eden Fire Department. The men spent 3 hours on each roof and were thanked publicly for their efforts. Also present was Sue Bissonette-Howles, Director of Cazenovia Manor and Mary Beth, manager of the facility on Sandrock Road.

Budget Transfers/Amendments:

From Account	To Account	Reason for Amendment	Amount
SF878 Fire Reserve	SF3410.200 Fire-Equipment	Use of reserve for purchase of airpacks per permissive referendum	\$8,600.00
A2192 Cemetery Services	A8810.1	Personal for funeral oversight at North Evans Cemetery	\$105.00
A2192 Cemetery Services	A8810.4	Grave openings at North Evans Cemetery	\$800.00
D2770 Unclassified Revenue	D9040.8 Worker’s Compensation	Use of State Insurance Fund Worker’s Comp Dividend to offset rate increase	\$1,300.00
D878.2 Highway Equipment Reserve	D5130.2 Machinery – Equipment	Use of reserve for Dump Truck rebuild per permissive referendum	\$741.20
A3120.4 Police Contractual	A3102.2 Police Equipment	External memory for NICE recording system	\$448.75
A2705 Gifts & Donations	A1620.4 Town Hall Contractual	Grant money from Community Foundation for repairs to Croops Mill	\$4,070.00
A915.6 Assigned General	A9015.8 Police Retirement	Gift from Megan Elder Estate to apply to Police Retirement	\$23,128.84

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

Budget Transfers for the Highway Department:

Date	From	To	Description	Amount
12/10/14	D5130.2	D5130.4	Budget Adjustment	\$10,000.00
12/10/14	D5110.1	D5140.4A	Budget Adjustment	\$106.67
12/14/14	D5110.4	D5140.4	Budget Adjustment	\$61.45

MOTION was made by Councilwoman Pew to approve the Highway Transfers as presented; seconded by Councilman Ventry; 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	718-785	\$161,092.40
Highway Dept. Fund	371-413	\$37,187.94
Fire Dept. Fund	278-308	\$28,289.82
Recreation Dept. Fund	132-141	\$1,671.09
Refuse and Garbage Fund	14-15	\$37,829.24
Street Lights Fund	30-32	\$5,219.23
Water Fund	55-58	\$6,158.92
Trust & Agency Fund	--	--
Capital Fund H3410.2 H8320.402 H8320.403 H8320.404	13	\$68.56
Community Development	--	--

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

Departmental Reports:

Department reports for the month of November 2014 were presented by Matthew Colvin, Eden Fire Chief; 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; Supervisor Nellis for 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.

Rick Kirst, East Eden Fire Company, requested the Town Board to add Aaron Ligla to the East Eden Fire Company roster pending background check and physical.

MOTION was made by Councilwoman Pew to add Aaron Ligla to the East Eden Fire Company, pending his background check and physical; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Rick Kirst, Eden Fire Company requested permission to take the East Eden Fire Apparatus out of town for funerals, parades, etc. for the year 2015.

MOTION was made by Councilwoman Pew to allow East Eden Fire Company to take the apparatus out of town for funerals, parades, etc. for the year 2015; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Rick Kirst, Eden Fire Company listed the names of Officers for 2015 as follows:

- Chief-Andrew Breier
- First Assistant Chief-Scott Hunter
- Second Assistant Chief-Aaron Brind’Amour
- Captain-Tim Wittmeyer
- First Lieutenant-Eric Schreiber
- Second Lieutenant-Matt Blaszczyk
- Safety Officers-Rick Kirst & Marie Armstrong
- Comm. Officer-David Schreiber
- Training Officer-Aaron Brind’Amour

The social officers for 2015 are as follows:

- President John McCarthy
- Vice President-Ed Blaze
- Secretary-Joy Wendel

Treasurer-Marie Armstrong
Trustee-John Skrzypek & John Blaszc

Note: Rick Kirst stated that he is stepping down from First Assistant Chief after 15 years of service. The Town Board extended their thanks for his years of service.

MOTION was made by Councilwoman Pew to approve the Officers for the East Eden Fire Company for 2015; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested permission to declare the generator from the East Eden Fire Hall surplus and to sell at auction.

MOTION was made by Councilman McLaughlin to declare the generator from the East Eden Fire Hall surplus and permission is given to sell at auction,; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Note: Approval to declare the generator as surplus was made by the Town Board as Fire Commissioners.

Note: Supervisor Nellis read the following letter:

"Dear Mr. Maggs: The Board of Commissioners for Erie County Water Authority wish to formally acknowledge and commend you for your efforts in assisting our Staff in the re-start of the Shadagee Road Pump Station during the unprecedented snow storm on November 18, 2014. Without your extraordinary efforts the Town of Eden could have faced the possibility of being without water during the storm. On behalf of the Erie County Water Authority, we thank you for your exemplary efforts and dedication to the Community you serve." Signed by the following:

Francis G. Warthling, Chairman
Earl L. Jann, Jr., Vice Chairman
Jerome D. Schad, Treasurer

The Town Board also extended their appreciation to Ron at this time!

MOTION was made by Councilman Ventry to close the Regular Meeting of the Eden Town Board and open the Public Hearing; seconded by Councilwoman Pew; All "Aye"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis opened the Public Hearing of the Eden Town Board at 8:00 p.m.

8:00 p.m.
Public Hearing
Renewal of Special Use Permits

1. Norman Brenner Gravel Pit
2. Cazenovia Recovery Resources
3. St. John's Church/Eden KinderCare
4. Crown Castle – Telecommunications Tower – Mammoser Property
5. 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
11. Upstate Cellular Network, d/b/a Verizon Wireless
12. Rainer and Pamela Sticht – Dog Kennel
13. Meagan Coggins – Cat Kennel

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:

There were none.

Diane Herzog, Secretary to the Supervisor stated that Crown Castle and SBA Towers is required to submit a structural safety report by January 1, 2015 to be in compliance and that she has received word that they are on their way.

Supervisor Nellis stated that Richard Minekime did acknowledge that a caretaker is living on-site.

Mary Jo Hultquist, Town Clerk stated that all fees for the Special Use Permit Renewals had been received.

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

MOTION was made by Councilman Krycia to close the Public Hearing and open the Regular Meeting of the Town Board; seconded by Councilman McLaughlin; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

New and Unfinished Business:

1. Eden Vet Clinic Lease Agreement Renewal

Supervisor Nellis read the following:

DOG SHELTER LEASE AGREEMENT

This lease agreement made and entered this 1st day of January 2015, by and between the following named herein referred to as:

The Eden Veterinary Clinic, 8217 N. Main Street, Eden, New York 14057 ("EVC" or "lessor"); and

The Town of Eden, 2795 E. Church Street, Eden, New York 14057 ("Town of Eden" or "lessee").

Whereas, the lessor owns and operates the Eden Veterinary Clinic and the lessee desires to lease the shelter and pound facilities of EVC pursuant to Section 114 of the Agriculture and Markets Law of the State of New York.

THE PARTIES AGREE AS FOLLOWS:

1. Lessor hereby leases to lessee, through the Town Dog Control Officer (DCO) or his assistant, non-exclusive use of the dog kennel facility at the Eden Veterinary Clinic for a current annual fee of \$3,650.00, for the 2015 calendar year for purposes of sheltering and caring for dogs taken into custody by the Town DCO.
2. All dogs placed in the shelter by the town will be provided food, water and basic care by lessor for the redemption period as hereinafter provided. Furthermore, lessor agrees to provide all maintenance and repair to the shelter facilities as may be necessary.
3. When required, the DCO may authorize special additional services for dogs that require emergency surgery and/or medical treatment prior to owner notification. It is understood that the cost of such services will be paid by the owner or licensee of the dog.
4. A dog with expired rabies must be updated by the Eden Veterinary Clinic doctors before that dog can leave the kennel. The fee for the rabies inoculation will be incurred by the owner.
5. Humane euthanasia will be provided to dogs deemed not adoptable, or which have severe injuries or health conditions that would cause undue suffering or pain. Such euthanasia and group burial shall be arranged by the DCO and Town shall be responsible for the cost incurred for the same.

6. The lessor agrees to hold harmless and indemnify the Town of Eden and any other facility owner, and their respective agents, officers and employees, from any loss, claims, suits claiming damage to persons or property, defense and other legal costs and expenses of any kind, arising out of, resulting from, caused by, or in any way related to the conditions at or operations aspects of the shelter space leased to the Town. Lessor shall maintain, at all times during the lease term and for a period of at least three (3) years following termination of this lease agreement one or more policies of liability insurance containing such coverage's as may be required by the Town, naming Town as an additional insured.
7. This agreement shall commence on the 1st day January, 2015 and shall continue through the 31st day of December, 2015 and be renewed in one-year extensions at per diem rate.
8. This agreement may be terminated by either party upon thirty (30) days written notice, or sooner by the Town, for good cause shown. In the event of such termination, the annual fee payable hereunder shall be prorated and appropriate adjustments in payment shall be promptly made.

MOTION was made by Councilwoman Pew to approve the Dog Shelter Lease Agreement with an annual fee of \$3,650.00 as presented and authorize Supervisor Nellis to sign such agreement; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Councilman Ventry to close the Regular Meeting of the Eden Town Board and open the Public Hearing; seconded by Councilwoman Pew; All "Aye"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis opened the Public Hearing of the Eden Town Board at 8:30 p.m.

8:30 p.m.

Public Hearing

Proposed Local Law #3-2014

A Local Law amending Chapter 225-29 of the Town of Eden Code (Zoning) to clarify the intention to prohibit Signs with Flashing, Scrolling or Other Non-Stationary Message Characteristics in the Town of Eden

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:

There were none.

Councilman Krycia stated that the current sign law does not address LED lighting and this Proposed Local Law would bring the Sign Law up-to-date with current technology.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:35 p.m.

MOTION was made by Councilman Krycia to close the Public Hearing and open the Regular Meeting of the Town Board; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

2. Approval of Auditors' Contract with Town

MOTION was made by Councilman Ventry to approve the Auditors Contract with the Town of Eden, not to exceed \$15,050 and to authorize Supervisor Nellis to sign such agreement; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Note: A copy of the contract is available in the Town Clerk's office.

3. Action on Special Use Permits

Supervisor Nellis requested approval of the Special Use Permits as follows:

1. Norman Brenner Gravel Pit
2. Cazenovia Recovery Resources
3. St. John's Church/Eden KinderCare
4. Crown Castle – Telecommunications Tower – Mammoser Property
5. 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
11. Upstate Cellular Network, d/b/a Verizon Wireless
12. Rainer and Pamela Sticht – Dog Kennel
13. Meagan Coggins – Cat Kennel

MOTION was made by Councilman McLaughlin to approve the above-mentioned Special Use Permits subject to compliance with all special permit conditions; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Note: A copy of the Existing Conditions is available in the Town Clerk’s office.

4. Proposed Sign Law Changes

MOTION was made by Councilman Krycia to approve Local Law #3-2014, revised Sign Law; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5. Approve Resolution for Erie County Fire Mutual Aid Plan

**TOWN OF EDEN RESOLUTION
TO APPROVE THE AMENDEMTN FOR
ERIE COUNTY FIRE MUTUAL AID PLAN**

WHEREAS, Eden Fire Companies elect to participate in the Erie County Fire Mutual Aid Plan as adopted by the Erie County Fire Advisory Board on May 27, 2010; and

WHEREAS, the Erie County Fire Advisory Board agreed to the amendment on August 28, 2014 related to Section 2, Part A, Subparagraph 2.a. as noted in *bold italics*; and

Any loss or damage to, or expense incurred in the operation of fire apparatus or other equipment answering a call for assistance from outside territory, and the cost of any materials used in connection with such call, *and when reimbursable as a result of Level 3 activation and noted in Section 2 subparagraph C*, for salaries and other compensation and traveling and maintenance expense of the assisting forces furnished during the time they shall be performing their duties for the assisting municipality/entity, shall be a charge upon the municipality, which issued the call for assistance.

WHEREAS, related to liability of agencies requesting mutual aid assistance under this plan.

BE IT RESOLVED that the Town of Eden approve the amendment specific to Section 2, Part A. Subparagraph 2.a. and the Supervisor Glenn R. Nellis be authorized to sign this contract.

FURTHER RESOLVED that a copy of this resolution be filed with the Deputy Commissioner of Fire Safety.

MOTION was made by Councilwoman Pew to approve the resolution as presented and reviewed by William Trask, Town Attorney and Ron Miller, Insurance Agency; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6. Resignation of Part-time Court Clerk

MOTION was made by Councilman McLaughlin to accept the resignation of Cynthia Ciesielski, part-time Court Clerk with her last day being December 19, 2014 and with thanks for her service; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

- The Town Board will meet on December 30, 2014 for the final year-end meeting and the Re-Organizational Meeting at 7:30 p.m. in the Eden Town Hall.
- Correspondence was received from the Eden American Legion asking for donations to replace the flags along Main Street with a cost of \$50.00 per flag or \$100.00 for a complete set of flag and pole with a total cost of \$7,500.00 to replace all flags.
- Correspondence was received from Christian Sampson, President of NYS Town Clerk’s Association acknowledging the award of Registered Municipal Clerk to Mary Jo Hultquist, Eden Town Clerk.
- December 17, 2014 meeting with Village Mayors to make recommendations of improvements regarding the November storm.
- January 6, 2015, at 7:30 p.m. at Eden Town Hall meeting with Town Board members and Department Heads, to include Emergency Services, regarding the November storm.

Hearing of Visitors:

Kevin Karstedt stated that a new organization of senior citizens in Eden met on Wednesday, December 10, 2014 at the Town Hall to begin a grass roots organization to organize activities for seniors in the Town of Eden.

Joe Klug requested a proclamation on Fracking in the Town of Eden. The Town Board stated that it is not an issue in the Town of Eden, there is no rock formation and it would be meaningless for our Town. Mr. Klug asked if a petition would be appropriate and Supervisor Nellis stated that a petition would always be accepted from residents.

Adjournment:

MOTION was made by Councilman Ventry 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 8:50 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk