

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
DECEMBER 14, 2011  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN
EDWARD KRYCIA, JR	-	COUNCILMAN
VINCENT V. VACCO	-	COUNCILMAN ( <i>Absent</i> )
RICHARD S. VENTRY	-	COUNCILMAN

**DEPARTMENT HEADS PRESENT:**

Ronald C. Maggs	-	Superintendent of Highways
Michael J. Felschow	-	Chief of Police
Jack Rigley	-	Eden Fire Chief
Ray Zabron	-	Dog Control Officer

**OTHERS PRESENT:**

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk
Lisa Greiner	-	Administrative Assistant

**Call to Order:**

Supervisor Nellis called the Regular Meeting 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.

**Approval of Minutes:**

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of October 18, 2011; there were none.

**MOTION** was made by Councilman Krycia to approve the Town Board Minutes of October 18, 2011 as presented; seconded by Councilman Ventry; 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 9, 2011; there were none.

**MOTION** was made by Councilman Ventry to approve the Town Board Minutes of November 9, 2011 as presented; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Petitions:**

There were none.

**Budget Transfers/Amendments:**

Supervisor Nellis read the following Budget Transfers/Amendments:

<b>From Account</b>	<b>To Account</b>	<b>Reason for Amendment</b>	<b>Amount</b>
D2770 Misc. Income	D9040.8 Workers Comp.	Apply dividends rec'd from State Ins. Fund to rise in workers comp. rates	\$5,400.00
A2705 Donations	A6772.4 Programs for Aging	Apply donations rec'd to cost of senior transportation	\$310.00
A2089 Bicentennial donations	A7550.401 Celebrations Bicentennial	Apply donations rec'd toward costs of Bicentennial	\$1,200.00
A2192 Cemetery Services	A8810.4 Cemetery - Contractual	Apply money rec'd from burials to cost of cemetery work	\$500.00
A1990.4 Contingent Fund	A1910.4 Insurance	Rate increase & policy adjustment	\$1,163.00
A9785.7 Capital lease interest	A9785.6 Capital lease principal	Adjust for diff. in est. principal and interest entry from audit	\$0.21
A7140.1 Playground & Recreation Personnel	A7140.4 Playground & Recreation Contractual	Correct budget account code for Tennis Coordinator	\$500.00
A911 Fund Balance	A9060.8 Health Insurance	Employee joined plan after budget prepared	\$12,500.00
A8540.4 Drainage – Contractual	A8540.1 Drainage – Personnel	Compensation for Drainage Minutes belongs in .1	\$200.00
A878.9 General Maint. Reserve	A1620.4 Town Hall – Contractual	Funds to be used for parking lot repair per permissive referendum	\$10,000.00
A878.9 General Maint. Reserve	A1620.4 Town Hall – Contractual	Funds to be used for Boiler Purchase per permissive referendum	\$17,800.00

**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.

Supervisor Nellis read the following Budget Transfers for the Highway Department:

<b>Date</b>	<b>From</b>	<b>To</b>	<b>Description</b>	<b>Amount</b>
12/14/2011	D5130.2	D5130.4	Budget Adjustment	\$9,330.05

**MOTION** was made by Supervisor Nellis to approve the Budget Transfers for the Highway Department as presented; seconded by Councilman Krycia; 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	676-761	\$120,868.12
Highway Dept. Fund	338-371	\$28,829.54
Fire Dept. Fund	239-264	\$15,561.67
Recreation Dept. Fund	143-149	\$15,704.33
Refuse and Garbage Fund	18-19	\$96,878.43
Street Lights Fund	30-31	\$4,927.72
Water Fund	33-35	\$5,417.90
Trust & Agency Fund	--	--
Capital Fund		
H8320.401	33-34	\$8,569.46
H8320.402	27-30	\$34,856.21
H3410.2	29-32	\$35,836.57
Community Development	--	--

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

**Presentation:**

Supervisor Nellis introduced the Hon. John J. Mills, Erie County Legislator for District #11, which includes the Town of Eden. Mr. Mills gave a brief introduction and presentation, stating he was looking forward to working with the residents of the Town of Eden.

**Departmental Reports:**

Department reports for the month of November 2011 were presented by Jack Rigley, 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.

Andrew Breier, East Eden Fire Chief requested a letter of thanks be sent for the use of their buildings for storage of apparatus during the construction of the East Eden Fire Hall; Clayton & Tim Wittmeyer, Wittmeyer Farm, Rod Redman, Tennessee Gas, Jerry Mammoser, The Mammoser Farm, and Lake Erie Transportation, Eric Bauer, for the use of a 53’ enclosed trailer to store their equipment.

Ron Maggs, Highway Superintendent, as Chairman of the Off-Road Drainage Committee requested approval of Project 2011-07, Miscellaneous Mowing at a cost not to exceed \$1,490.52.

**MOTION** was made by Supervisor Nellis to approve Project 2011-07, Miscellaneous Mowing at cost not to exceed \$1,490.52 for the Off-Road Drainage Committee; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent, as Chairman of the Off-Road Drainage Committee reappointing Larry Howie for another 3-year term.

**MOTION** was made by Councilwoman Pew to appoint Larry Howie for another 3-year term to the Off-Road Drainage Committee; seconded by Councilman Ventry; All “Ayes”: Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent, as Chairman of the Off-Road Drainage Committee stated that the committee would like to thank Frank Mantione, who has declined the reappointment, for his past participation with the committee.

Supervisor Nellis stated that a letter of thanks would be sent to Mr. Mantione.

**New and Unfinished Business:**

**1. Set date for End of Year/Re-organizational meeting 1/3/12 – 7:30 p.m.**

Supervisor Nellis requested setting the date for the final end of year Town Board Meeting for December 28, 2011 at 7:30 p.m.

**MOTION** was made by Councilman Krycia to set the end of year Town Board Meeting for December 28, 2011 at 7:30 p.m.; seconded by Councilwoman Pew; All ‘Ayes’; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis requested setting the date for the Re-organization Meeting for January 3, 2012 at 7:30 p.m.

**MOTION** was made by Councilman Krycia to set the Re-organizational Meeting for January 3, 2012 at 7:30 p.m.; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**2. Schedule a Public Hearing for renewal of Special Use Permits for 12/28/11 at 8:00 p.m.; Cazenovia Recovery Systems, Inc.; Crown Castle/Donald Mammoser ; Eden KinderCare/St. John’s Church; Norman and Jean Brenner; SBA Towers, II; Pamela Henrich; Schreiber & Winkelman, Inc./ Richard Minekime; James Gorecki; Renee Adams; Upstate Cellular Network, d/b/a/ Verizon Wireless; Rainer and Pamela Sticht; Robert Hornberger.**

**MOTION** was made by Supervisor Nellis to schedule a Public Hearing for December 28, 2011 at 8:00 p.m. for the above-mentioned Special Use Permit renewals; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**3. Re-appoint William Henry to Assessment Board of Review.**

**MOTION** was made by Councilwoman Pew to reappoint William Henry to the Assessment Board of Review for another 5-year term; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**4. Set Public Hearing for Local Law regarding no parking on north side of Schoolview near Route 62.**

**MOTION** was made by Councilwoman Pew to set a Public Hearing for Proposed Local Law #1-2012 regarding no parking on the north side of Schoolview Drive near Route 62 for January 11, 2012 at 8:00 p.m.; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**5. Approval authorizing new Town Board Member elect, Fran McLaughlin to attend “New Board Member” training in Rochester January 4-6, 2012.**

**MOTION** was made by Councilman Ventry to authorize Town Board Member-Elect, Fran McLaughlin to attend the new Town Board Member training in Rochester on January 4-6, 2012; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**6. Review and Re-approval for Waste Contract for Garbage.**

Supervisor Nellis read the following resolution:

**WHEREAS**, on or about October 7, 2011 sealed bids were opened for Collection Hauling and Disposal of Mix Municipal Solid Waste and Specified Items and Materials and Collection Hauling and Processing of Recyclables (Contract No. 2) for the Town of Eden, and

**WHEREAS**, on or about October 12, 2011, the Eden Town Board adopted a resolution awarding the contract to Allied Waste Services (hereinafter “Allied”) as the lowest responsible bidder, and

**WHEREAS**, subsequent to the resolution awarding the contract to Allied and prior to formal execution of the contract and delivery of all required insurance and performance security to the Town of Eden, it came to the Town of Eden’s attention that the specifications failed to include all documentation required by New York State Labor Article 9, and

**WHEREAS**, on advice of legal counsel for the town, it was determined to be in the best interest of the town to rescind the bid award to Allied and take immediate steps to re-bid the subject contract in a manner that fully complied with the requirements of Labor Law Article 9.

**NOW, THEREFORE, IT IS**

**RESOLVED**, that the Eden Town Board does hereby ratify and approve the rescission of the October 12, 2011 contract award to Allied, and it is further

**RESOLVED**, that the Eden Town Board hereby ratifies the re-bid of the said contract with a new bid opening date of Friday, December 9, 2011.

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

Supervisor Nellis read the following bid results of the December 9, 2011 Refuse and Recycling Bid:

<b>Bidders</b>	<b>Amount</b>	<b>Bid Bond, Certified Check</b>
Waste Management	<b>\$439,318.08</b>	Bid Bond
Allied Waste Services	\$462,288.96	Bid Bond
Modern Corporation	\$470,125.38	Bid Bond

Supervisor Nellis read the following resolution:

**WHEREAS**, on or about December 9, 2011 sealed bids were opened for the re-bid on Collection Hauling and Disposal of Mix Municipal Solid Waste and Specified Items and Materials and Collection Hauling and Processing of Recyclables (Contract No. 1) for the Town of Eden, and

**WHEREAS**, Waste Management of New York, LLC was determined to be the lowest responsible bidder with a Year 1 bid of \$146.88 per stop for an annual payment of \$439,318.08, based upon 2,991 estimated stops.

**NOW, THEREFORE, IT IS**

**RESOLVED** that the Eden Town Board does hereby award the bid and contract Collection Hauling and Disposal of Mix Municipal Solid Waste and Specified Items and Materials and Collection Hauling and Processing of Recyclables (Contract No. 1)

beginning January 1, 2012 to Waste Management of New York, LLC, subject to compliance with due execution of the contract and delivery of all security instruments and proof of insurance.

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

**7. Status report on water projects.**

Supervisor Nellis stated that there are some problems with the Pump Station on Shadagee Road, which is very frustrating to the homeowners and hopefully will be resolved very soon.

**8. Resolution regarding condition of structure at 2408 New Jerusalem Road.**

William Trask, Town Attorney suggested that this item be moved to “Old Business” to be reviewed and discussed at a future Town Board meeting.

**9. Association of Towns – NYS**

**MOTION** was made by Supervisor Nellis to approve the attendance to the Association of Towns meeting in New York City on February 19 – 22, 2012 for Mark Agle, Planning Board Chairman, Mike Cooper, Town Justice and Teresa Baskerville, Court Clerk; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**10. Lime Energy – outside lights**

**MOTION** was made by Councilman Ventry to authorize Supervisor Nellis to sign the contract with National Grid to update the outside lights at the Town Hall, Fire Company and Emergency Squad, to be done by Lime Energy at a cost to the town of \$2,002.53; seconded by Councilwoman Pew; All “Ayes”; Opposed - None; Abstain? - None; Motion carried.

**MOTION** was made by Councilman Ventry to authorize Supervisor Nellis to sign the contract with National Grid to update the outside lights at the Highway Department and the Town Pool, to be done by Lime Energy at a cost to the town of \$834.37; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**11. Permissive Referendum – Portable Fire Radios**

Supervisor Nellis read the following resolution:

RESOLUTION AUTHORIZING SUPERVISOR GLENN R. NELLIS TO EXPEND FUNDS FROM THE FIRE DISTRICT CAPITAL (EQUIPMENT) RESERVE FUND OF THE TOWN OF EDEN, SUBJECT TO PERMISSIVE REFERENDUM.

The Town Board of the Town of Eden, duly convened in regular session, does hereby resolve pursuant to the provisions of Section 6-c of the General Municipal Law of the State of New York that the Town Supervisor of the Town of Eden be and is hereby authorized and directed to appropriate a sum not to exceed \$45,000.00 from the Fire District Capital (Equipment) Reserve Fund of the Town of Eden for the purpose of purchasing Fifty (50) new High-Band 400 MHz Portable Fire Radios under State Contract Pricing.

This resolution shall be subject to a permissive referendum, as permitted by law.

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

**Supervisor's Report:**

- January 1, 2012 at 6:15 p.m. Swearing-in ceremony of new and re-elected town officials, in conjunction with the kick-off the Bicentennial Celebration with fireworks to follow
- American Veterans traveling Vietnam Wall is coming to Eden and will arrive at Post 880 on Wednesday, July 18, 2012 and will be on display from noon Thursday, July 19<sup>th</sup>, 24-hours a day through 3 p.m. July 22, 2012.

**Hearing of Visitors:**

Robert Stickney

**Adjournment:**

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 8:45 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