

March 11, 2015

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
MARCH 11, 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

**DEPARTMENT HEADS PRESENT:**

Mark Cavalcoli	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Michael J. Felschow	-	Chief of Police
Matthew Colvin	-	Eden Fire Chief
Robert Pietrocarlo	-	Chairman Board of Assessors
Susan Brass	-	Recreation Director
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 7:30 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 February 11, 2015; there were none.

**MOTION** was made by Councilman Ventry to approve the Town Board Minutes of June 12, 2013 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:

**March 11, 2015 for year End 2014**

<b>From Account</b>	<b>To Account</b>	<b>Reason for Amendment</b>	<b>Amount</b>
A899.1 Ambulance Ins Revenue Reserve	A4540.4 Ambulance- Contractual	Use of revenue recovery for over budget	\$10,040.00

**March 11, 2015 for Year End 2015**

<b>From Account</b>	<b>To Account</b>	<b>Reason for Amendment</b>	<b>Amount</b>
SW8320.4 Water-Contractual	SW9710.6 Water-Bond Principal	WD #4 Portion of Consolidated Debt Principal	\$1,560.88
SW8320.4 Water-Contractual	SW9710.7 Water-Bond Interest	WD\$#4 Portion of Consolidated Debt Interest	\$1,416.68
SW9710.6 Water-Bond Principal	SW9950.9 Transfer to Capital	Consolidated Water BAN Principal org. budgeted at Bond Principal	\$30,000.00
SW9710.651 Water Dist. #5A& B Bond Principal	SW9950.9 Transfer to Capital	Water Dist. 5A BAN Principal org. budgeted at Bond Principal	\$55,000.00
SW9710.7 Water-Bond Interest	SW9730.7 Water-BAN Interest	Water BAN interest budgeted as Bond Interest	\$8,481.38
SW9710.751 Water Dist #5 A & B Bond Interest	SW9730.7 Water-Ban Interest	Water BAN Interest budgeted as Bond Interest	\$11,483.01
SW2140 Wepax Road Revenue	SW8320.401 Maintenance- Wepax Road	Establish Budget Lines for Wepax Water	\$2,200.00
SW2140 Wepax Road Revenue	SW8320.402 Water Contractual Farnham	Establish Budget Lines for Wepax Road	\$1,500.00

**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.

**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.

**2014 Payables**

<b>DESCRIPTION</b>	<b>VOUCHER NUMBERS</b>	<b>AMOUNT</b>
General Fund	893-895	\$11,203.05
Highway Dept. Fund	--	--
Fire Dept. Fund	--	--
Recreation Dept. Fund	--	--
Refuse and Garbage Fund	--	--
Street Lights Fund	--	--

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Water Fund	--	--
Trust & Agency Fund	--	--
Capital Fund H3410.2 H8320.402 H8302.403	--	--
Community Development	--	--

**2015 Vouchers**

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	81-155	\$106,376.81
Highway Dept. Fund	35-63	\$50,119.38
Fire Dept. Fund	23-39	\$9,392.77
Recreation Dept. Fund	5-13	\$4,166.15
Refuse and Garbage Fund	3	\$38,436.58
Street Lights Fund	2-4	\$5,467.93
Water Fund	4-8	\$67,697.37
Trust & Agency Fund	--	--
Capital Fund H3410.2 H8320.402 H8302.403 H8320.404	1-3	\$8,598.75
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 February 2015 were presented by Matthew Colvin, Eden Fire Chief; Councilwoman Pew for 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; Susan Brass, Recreation Director; Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Councilwoman Pew reported for Andrew Breier, East Eden Fire Chief that he is requesting removing Haley Breier from their active roster and adding Brian Haley to the active roster of the East Eden Fire Company, pending physical and background check.

**MOTION** was made by Councilwoman Pew to remove Haley Breier from the active roster and add Brian Haley to the active roster of the East Eden Fire Company, pending physical and background check; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

William Trask, Town Attorney requested an Executive Session at the end of the meeting to discuss Easements for the Green Street Water Project and a Personnel matter.

**New and Unfinished Business:**

**1. Presentation regarding study on Water System**

Mark Cavalcoli and Stephen Waldvogel representing CRA Engineering and Infrastructure gave a presentation on the Town of Eden Water Consolidation Study that was prepared with funds provided by the New York State Department of State under the Local Government Efficiency Grant Program.

The Town water system is aging and will require continued and increased investment. Historically, the Town has maintained and expanded the water system to meet the needs of residents while minimizing costs. However, large parts of the system are now in excess of 60 years old and have exceeded their design life expectancy. The aging infrastructure, environmental conditions, and normal wear and tear will inevitably require significantly more re-investment in the future. As part of its ongoing efforts to control costs, the Town Board initiated a study to determine if there is a more cost effective way to manage the water system.

Mr. Cavalcoli and Mr. Waldvogel presented a preliminary finding and are seeking public input to the Town Board.

Two Options are included in the study:

- Lease Management – current method
- Direct Service – consolidation with ECWA (Erie County Water Authority)

Option 1 – Lease Management (Current Method)

- Town owns all water system infrastructure
- Town leases water system to the ECWA
- ECWA provides day-to-day maintenance
- Town of responsible for all capital repair and replacement costs
- Residents pay the same standard rates and fees as all other ECWA customers
- Town pays ECWA hydrant fees

Option 2 – Direct Service (Consolidation with ECWA)

- Town would transfer ownership to ECWA after required improvements
- ECWA would be responsible for all future capital repair and replacement costs
- ECWA continues day-to-day maintenance
- Residents pay the same standard rates and fees as all other ECWA customers
- Town would pay slightly higher ECWA hydrant fees

In conclusion the final thoughts were:

- The Town water system is aging and costs will continue to increase
- The Town Board is seeking the greatest cost savings opportunities for residents
- The preliminary costs and benefits of 2 options were presented:
  - i. Option 1 Lease Management appears to be more costly in the long term
  - ii. Option 2 Direct Service will cost more initially but demonstrates significant long-term savings.
- The Town Board is seeking public input on the preliminary results.

Copies of the Town of Eden Water Consolidation Study are available on the Town of Eden web-site, at the Town Clerk's office and the Supervisor's office.

## **2. Ratification of carpet purchase**

Supervisor Nellis stated that three bids had been received on the purchase of new carpet for the offices on the second floor of the Town Hall. They are as follows:

Decorator Carpets	\$4,927.08
Precision Flooring	\$6,338.00
Valley Floors	\$7,740.00

**MOTION** was made by Supervisor Nellis to approve the purchase of the new carpet and to award the bid to Decorator Carpets at a cost of \$4,927.08; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**3. Appointments/Reappointments**

Supervisor Nellis read the following appointments/reappointments:

From Michael Felschow, Chief of Police to appoint Darci Hultquist, part-time Dispatcher, retro-active to January 1, 2015.

**MOTION** was made by Supervisor Nellis to appoint Darci Hultquist as part-time Dispatcher, retroactive to January 1, 2015; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

From Economic Development Committee to re-appoint Donald Schreiber, Jr., with his term expiring 12/31/16.

**MOTION** was made by Councilman Krycia to re-appoint Donald Schreiber, Jr. to a term expiring 12/31/16; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Note:** Jack Cuddihy has chosen not to seek re-appointment.

From Eden Emergency and Rescue Squad to appoint Laurie Brockman as part-time Clerk Typist position at \$12.00 per hour for 8 hours per week, not to exceed \$5,000.00 per year.

This is informational in nature.

From Robert Pietrocarlo, Assessor to appoint Susan Johnson, residing at 2990 Hillbrook Drive, to the part-time Assessor Clerk position at a rate of \$11.50 per hour for 19 hours per week. Mr. Pietrocarlo stated that this rate will increase to \$12.00 per hour for 19 hours per week upon the completion of Real Property Services Version 4 training classes.

**MOTION** was made by Councilwoman Pew to approve the appointment of Susan Johnson as part-time Assessor Clerk at a rate of \$11.50 per hour for 19 hours per week, with an increase to \$12.00 per hour for 19 hours per week upon the completion of Real Property Services Version 4 training classes; seconded by Councilman Krycia; “Ayes”; Nellis, Pew, Krycia, McLaughlin; Opposed? – Ventry; Abstain? – None; Motion carried.

Discussion ensued between Councilman Ventry and Mr. Pietrocarlo regarding the increase to \$12.00 per hour after training. Supervisor Nellis stated that some inequity exists and will be discussed at budget time.

**4. Bid results – Highway Department**

Ron Maggs, Highway Superintendent recommended awarding the Motor Fuels and Related Services bid to Superior Plus Energy, dba Griffith Energy, being the only bidder. The bid results are as follows:

No-Lead Gas	\$1.9666
Diesel Fuel	\$2.3300
Winter Mix	\$2.4675
Hourly Rate	no charge

**MOTION** was made by Supervisor Nellis to award the fuel bid to Superior Plus Energy, dba Griffith Energy, based on the recommendation of Ron Maggs, Highway Superintendent; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**5. Policy Statements**

Supervisor Nellis read the following Policy Statement:

**Policy Statement Regarding Prior Notification for Time off due to Training, Vacation and Personal Time**

All requests for time off for vacation, personal time or training should be Submitted in writing to an employee’s immediate supervisor of department head (or in the absence of an immediate supervisor of department head, to the Town Supervisor) as early as possible before the time off is to be taken.

Approval of requests for time off may be subject to the ability to obtain Coverage for the period of the requesting employee’s absence.

All requests for time off to attend workshops, conferences or training Sessions for which expense reimbursement will be sought by the attending employee, must be approved by the Town Board.

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

**Note:** This policy had not been shared with Department Heads prior to the Town Board Meeting.

Supervisor Nellis requested that the policy regarding an Amendment to the Town of Eden’s Internet and Electronic Communication Systems Policy be tabled and moved to “Old Business” to be reviewed and discussed at a future Town Board meeting.

**6. Surcharge on late dog license renewal/include dog fees into Town Schedule of Fees**

Supervisor Nellis read the following resolution:

**RESOLUTION ESTABLISHING DOG LICENSING AND DOG CONTROL FEES UNDER SECTION 108 (G) OF THE TOWN OF EDEN CODE (“STANDARD SCHEDULE OF FEES”)**

**WHEREAS**, Section 108 (G) of the Town of Eden Code provides for the Eden Town Board, by resolution, from time to time to establish the schedule of fees it shall deem necessary and appropriate for the proper administration of its dog licensing and dog consistent with the requirements of Article 7 of the Agriculture and Markets Law of the State of New York.

**NOW THEREFORE BE IT RESOLVED** that the Town Board of the Town of Eden does hereby amend the schedule of fees for dog licensing and dog control to be as follows:

Spay/Neutered	\$5.00
Unspayed/Unneutered	\$13.00
Dog Redemption	\$25.00
Purebred License	\$25.00 – up to 10 dogs \$50.00 – 10 – 25 dogs \$100.00 – more than 25 dogs
Surcharge per month for Late renewal registrations	\$5.00 – for each dog license

**BE IT FURTHER RESOLVED**, that this amendment shall take effect April 1, 2015.

**MOTION** was made by Supervisor Nellis to adopt the resolution as presented; seconded by Councilman Ventry; “Ayes”; Nellis, Krycia, Ventry, McLaughlin; Opposed? – Pew; Abstain? – None; Motion carried.

**7. Tire and Scrap Metal Drive – May 16**

Supervisor Nellis stated that the Tire and Scrap Metal Drive will be held at the Eden Highway Department on Saturday, May 16, 2015 from 9:00 a.m. to 1:00 p.m.

**8. Resolution Supporting Town Participation in Countywide Government Efficiency Plan**

Supervisor Nellis read the following resolution:

**RESOLUTION SUPPORTING TOWN PARTICIPATION  
IN COUNTYWIDE GOVERNMENT EFFICIENCY PLAN**

**WHEREAS**, Governor Andrew Cuomo and the New York State Legislature enacted the Property Tax Freeze Credit to provide property tax refunds to homeowners as part of the 2014-2015 State Budget; and

**WHEREAS**, the new law encourages local governments to generate long-term tax relief for tax payers by sharing services, consolidating or merging, and demonstrating and implementing operational efficiencies; and

**WHEREAS**, in year one of the program, which is 2015 for local governments, homeowners will receive the Freeze Credit if their local government stays within the property tax cap; and

**WHEREAS**, in year two of the program, which is 2016 for local governments, homeowners will receive the Freeze Credit for property taxes from any taxing jurisdiction in which the homeowner resides that stays within the property tax cap and puts forward a State-approved Government Efficiency Plan demonstrating savings equivalent to one percent of their property tax levies in each of the following three years; and

**WHEREAS**, while local governments may take a variety of approaches to develop their Government Efficiency Plans, the State has strongly encouraged they convene and facilitate a process to develop and submit county-wide Government Efficiency Plans; and

**WHEREAS**, Erie County has offered to coordinate the development of such Government Efficiency Plans as the “lead agency” on behalf of all other interested municipalities; and

**WHEREAS**, the Town of Eden is interested in inter-governmental cooperation with Erie County and other municipalities in submitting a countywide Government Efficiency Plan and desires to memorialize its intention to participate in a coordinated plan to allow its homeowners to receive the Freeze Credit.

**NOW THEREFORE BE RESOLVED** that the Town of Eden seeks to ensure that Town homeowners will receive the Freeze Credit as part of this new State law; and

**BE IT FURTHER RESOLVED** that the Town of Eden did not exceed its designated property tax cap for fiscal year 2015 and memorializes that it has no intention of exceeding the cap for fiscal year 2016, which if exceeded would disqualify the Town from participating in the Property Tax Cap Freeze Credit Program; and

**BE IT FURTHER RESOLVED** that the Eden Town Board does hereby express its support for, and participation in, an Erie County-wide Government Efficiency Plan; and

**BE IT FURTHER RESOLVED** that the Eden Town Board urges the New York State Division of the Budget to approve Erie County’s coordinated Government Efficiency Plan with local governments with the understanding that Eden has played an active role

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in the identification of pre-existing and implementation of new shared services, consolidations or merges, and operational efficiencies with the Town of Eden for inclusion in the county-wide plan; and

**BE IT FURTHER RESOLVED** that certified copies of this resolution shall be forwarded to the Erie County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the County Attorney; the Director of the Division of Budget and Management; and the Association of Erie County Governments.

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

**Supervisor's Report:**

- Signed a Bond Anticipation note with a interest rate of less than 1%
- There is a vacancy on the Economic Development Committee – all interested contact the Supervisor's office
- Brush pick-up will resume the week of April 6, 2015

**Hearing of Visitors:**

Tom Lewis, ACES will be meeting at the Four Corners Restaurant for lunch and then going to the Eden Library for a movie on Monday, March 13, 2015

**Adjournment:**

**MOTION** was made by Councilman McLaughlin 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 9:35 P.M.

**Executive Session:**

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 10:30P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk