

April 28, 2010

**MINUTES**

**EDEN TOWN BOARD MEETING  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
APRIL 28, 2010  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

GLENN R. NELLIS - SUPERVISOR  
MARY LOU PEW - COUNCILWOMAN  
EDWARD KRYCIA, JR. - COUNCILMAN  
VINCENT V. VACCO - COUNCILMAN  
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 7:30 P.M.

**Pledge of Allegiance:**

Supervisor Nellis led the assembly in the Pledge of Allegiance to the flag followed by a moment of silence.

**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>
A8781 Ambulance	A4540.2 Ambulance-Equipment	Deposit on Ambulance awarded in Bid and per approved permissive referendum	\$10,000.00
A8794 General Sick Pay	A1220.1 Supervisor – Personal	Transfer from General Sick Pay Reserve for Sick time buyout at Retirement	\$25,000.00

**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.

**New and Unfinished Business:**

**1. Presentation on Results of Town Survey Questionnaire**

Mike Bolo, Independent Economic Development Specialist Provider presented the results of the recent Survey of Citizens’ Views, which is available at the Town Clerk’s office during regular business hours, and will be published in The Sun, the Eden Pennysaver and on the Eden web-site.

**2. Declare Old Ambulance Surplus Equipment**

Supervisor Nellis requested approval to declare the 1999 Ambulance, #806 Surplus Equipment.

**MOTION** was made by Supervisor Nellis to declare the 1999 Ambulance, #806 surplus equipment; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**3. Route 62 Waterline Replacement Bid Results**

Supervisor Nellis suggested this item be tabled and moved to “Old Business” to be reviewed and discussed at a future Town Board Meeting.

**4. Setting of Bid Opening for 2 FEMA Projects**

Supervisor Nellis requested approval to set bid opening dates for the following FEMA Projects:

1. Hammond Drive North streambed stabilization – Thursday, June 3, 2010 at 10:00 A.M.
2. Sandrock Road culvert replacement – Thursday, June 3, 2010 at 10:15 A.M.

**MOTION** was made by Supervisor Nellis to set the bid openings for the two above-mentioned FEMA Projects for Thursday June 3, 2010 at 10:00 A.M. and 10:15 A.M.; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**5. Agreement on Route 62 Streetscape Project – Pre-Engineering**

Supervisor Nellis read the following resolution:

**Authorizing the implementation and funding of the Federal-Aid eligible costs of a Transportation Federal-Aid Project, to fully fund the local share of Federal-Aid eligible and ineligible project costs and appropriating funds therefore.**

**WHEREAS,** a Project, the Hamlet of Eden, Main Street (Route 62) Streetscape Project; to Improve Pedestrian Amenities along the Main Street Business District, in the Hamlet of Eden, Erie County, PIN 5757.62, (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

**WHEREAS,** the Town of Eden desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) phase of the project PIN 5757.62.

**NOW, THEREFORE** the Town Board of the Town of Eden, duly convened does hereby

**RESOLVE,** that the Town Board of the Town of Eden hereby approves the above-subject project; and it is hereby further

**RESOLVED,** that the Town Board of the Town of Eden hereby authorizes the Town of Eden to pay the Non-Federal share of the cost of the Preliminary Engineering (Design I-VI) phase of the Project or portions thereof, with the Federal share of such costs to be applied directly by the New York State Department of Transportation (“NYSDOT”) pursuant to Agreement; and it is further

**RESOLVED** that the sum of \$12,000 is hereby appropriated from the Town of Eden and made available to cover the cost of the participation in the above phase of the Project; and it is further

**RESOLVED** that in the event the Non-Federal share of the cost of the project’s Preliminary Engineering (Design I-VI) phase exceeds the amount appropriated above, the Town of Eden shall convene its Board as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

**RESOLVED** that the Supervisor of the Town of Eden be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the Town of Eden with the New York State Department of Transportation in connection with the advancement or approval of the Project and its providing for the administration of the Project and the Municipality's funding of the local share of Federal-Aid Eligible Project costs and all Projects costs within appropriations therefore that are not so eligible; and it is further

**RESOLVED** that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

**RESOLVED** this Resolution shall take effect immediately.

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

## **6. Appointments**

Supervisor Nellis requested approval of the following appointments:

1. Appoint Shawn Bishop – Police Sergeant – Provisional at a salary of \$65,000, to be pro-rated, paid biweekly, effective May 1, 2010, pending his passing the Civil Service Exam for Police Sergeant to be administered by Erie County at a later date, as recommended by Mike Felschow, Eden Police Chief.

**MOTION** was made by Councilman Ventry to appoint Shawn Bishop – Police Sergeant at a salary of \$65,000, to be pro-rated, paid by-weekly, effective May 2, 2010, pending his passing the civil Service Exam for Police Sergeant; seconded by Councilman Vacco; All "Ayes"; Opposed? - None; Abstain? – None; Motion carried.

2. Appoint Lisa Greiner – Administrative Assistant – at a salary of \$32,000 to be pro-rated, paid bi-weekly, effective April 30, 2010.

**MOTION** was made by Councilman Krycia to set the salary for Lisa Greiner, Administrative Assistant at a salary of \$32,000 to be pro-rated, paid bi-weekly, effective April 30, 2010; seconded by Councilwoman Pew; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

Note: Supervisor Nellis made the appointment of Lisa Greiner – Administrative Assistant.

3. Appoint Anna Mae Knack, Secretary, part-time, at a rate of \$1,576 per month to be paid semi-monthly, effective May 4, 2010. Ann will work 2 days per week plus additional time if needed.

**MOTION** was made by Councilman Vacco to appoint Anna Mae Knack, Secretary, part-time, at a rate of \$1,576 per month to be paid semi-monthly, effective May 4, 2010 for 2 days per week; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? - None; Motion carried.

## **7. Police Chief Contract Renewal**

Supervisor Nellis requested approval of the 2-year contract renewal for Michael Felschow, Police Chief as previously discussed.

**MOTION** was made by Councilman Ventry to approve the 2-year contract renewal for Michael Felschow, Police Chief; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**8. Agreement – Tennessee Gas Building**

Supervisor Nellis read correspondence from Martin Schwanz, Senior Property Rights Specialist for Tennessee Gas Pipeline Company regarding proposed temporary use of Tennessee Gas Pipeline Company building located at 7586 East Eden Road, Eden, New York. The letter agreement is for the purpose of granting the Town of Eden, specifically the East Eden Fire Department (EEFD) permission to temporarily use Tennessee Gas Pipeline's (Tennessee) "helicopter building" located within Tennessee's fenced facility at 7586 East Eden Road, subject to the following terms and conditions:

1. Tennessee consents to a limited use of its property by the EEFD for the sole purpose of temporarily housing, operating, and maintaining one (1) emergency response vehicle during repairs to the EEFD facility. It is understood that by consenting to the use of its property by the EEFD, Tennessee does not relinquish any of its rights, titles, or interest in or to its property.
2. The EEFD and the Town of Eden agree to fully indemnify, defend, and hold Tennessee, its employees, agent, assigns, and contractors, harmless from any and all claims of loss, liability, or damage arising out of, or in any way associated with, the use of Tennessee property by the EEFD.
3. EEFD's use of and access to Tennessee's facility shall be limited to Tennessee's "helicopter building". EEFD personnel shall not enter any other building, area or property of Tennessee, or pass beyond the immediate area of the "helicopter building".
4. Routine access to Tennessee's facility by EEFD personnel shall only be made Monday through Friday, (excluding holidays) during the hours of 7:30 a.m. and 3:30 p.m. EEFD personnel must sign in at Tennessee's office immediately upon entering the facility.
  - a. One (1) "contractor card" will be issued to the Chief of the EEFD. This card shall be used to gain access to Tennessee's facility **only** during times of emergency response. A call must be made to Rodney Carr (716-472-3016) or Marty Schwanz (716-472-3019) prior to accessing Tennessee's facility by the "contractor card". Access at any other time must be coordinated through the aforementioned Tennessee personnel. The "contractor card" must be returned to Tennessee immediately upon the termination of this agreement.
  - b. Misuse of the "contractor card" by EEFD personnel will result in the immediate termination of this agreement. Tennessee reserves the right to prosecute any person or persons found accessing Tennessee property for purposes other than expressly stated herein.
5. This Agreement is personal to Tennessee, the EEFD, and the Town of Eden, and will expire 12 months from the date executed below or upon the permanent removal of EEFD apparatus from Tennessee's facility, whichever occurs sooner.

Please indicate the EEFD's and the Town of Eden's awareness and acceptance of the conditions set forth above by having an authorized officer sign both original copies of this Letter Agreement. Return one signed original to me and retain one for your records.

The document to be signed by Glenn R. Nellis, Supervisor and Andy Breier, East Eden Fire Chief.

**MOTION** was made by Councilwoman Pew to authorize Supervisor Nellis and East Eden Fire Chief, Andrew Breier to sign the Letter Agreement with Tennessee Gas Pipeline; seconded by Councilman Ventry; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

**9. SJB Proposal – Testing at East Eden Fire Hall**

Supervisor Nellis read correspondence from Iain Ramage, Engineer representing Nussbaumer & Clarke, Inc. regarding a proposal for testing at the East Eden Fire Hall. Mr. Ramage is recommending SJB Services, Inc. to perform Construction Material Testing Services for the concrete slab replacement at the East Eden Fire Hall located at 8097 East Eden Road in Eden, New York at a cost of \$240.00 per day with an estimated cost not to exceed \$1000.00. Supervisor Nellis is also requesting authorization to sign the document.

**MOTION** was made by Councilman Vacco to approve SJB Services, Inc. to perform Construction Material Testing Services for the concrete slab replacement at the East Eden Fire Hall, based on the recommendation of Iain Ramage of Nussbaumer & Clarke, Inc. at a cost of \$240.00 per day not to exceed \$1000.00 and to authorize Supervisor Nellis to sign the documents; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**Supervisor’s Report:**

- The Eden-North Collins Food Pantry will host an Open House on Thursday, April 29<sup>th</sup> at 7:00 .M. at Holy Spirit Church, Halley Road, North Collins. All are welcome
- A Town-wide Spring Garage Sale sponsored by the Eden Chamber of Commerce, will be held on Saturday May 15<sup>th</sup>.

**Hearing of Visitors:**

Mike Bolo

**Adjournment:**

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

Supervisor Nellis adjourned the Town Board Meeting at 8:30 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk