

May 11, 2011

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
MAY 11, 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 (*Absent*)
RICHARD S. VENTRY - COUNCILMAN

DEPARTMENT HEADS PRESENT:

Ronald C. Maggs - Superintendent of Highways
Michael J. Felschow - Chief of Police
Jack Rigley - Eden Fire Chief
Andrew Breier - East Eden Fire Chief

OTHERS PRESENT:

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

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 April 13, 2011; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of April 13, 2011 as presented; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfers/Amendments:

There were none.

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
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General Fund	234-295	\$61,305.30
Highway Dept. Fund	111-141	\$25,051.81
Fire Dept. Fund	72-103	\$14,670.42
Recreation Dept. Fund	31-43	\$2,841.99
Refuse and Garbage Fund	7-9	\$48,714.67
Street Lights Fund	9-11	\$4,513.66
Water Fund	13-15	\$5,634.78
Trust & Agency Fund	--	--
Capital Fund		
H3410.2	7	\$309.75
H8320.401	5-6	\$14,909.00
H8320.402	7	\$5,100.00
Community Development	--	--

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

Departmental Reports:

Department reports for the month of April 2011 were presented by Jack Rigley, Eden Fire Chief; Andrew Breier, East Eden Fire Chief; Michael Felschow, Eden Police Chief; Councilwoman Pew for 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; Councilwoman Pew for Susan Brass, Recreation Director; Supervisor Nellis for Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Jack Rigley, Eden Fire Chief requested recognition of Clyde C. Colvin for 45 years of service to the Town of Eden and the Eden Fire Department No. 1. Clyde was a past Chief and past President of the department. Clyde passed on Saturday 5/7/2011. At this time he would like to have Clyde’s name removed from the active roster.

MOTION was made by Councilwoman Pew to remove Clyde Colvin from the active roster of the Eden Fire Department No. 1 and convey condolences to the family with thanks for the many years of service to the Town of Eden; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Mary Jo Hultquist, Eden Town Clerk reported that as of May 1, 2011 our office has been deactivated from the Passport Acceptance Program. The proposed changes enacted to separate the creation, amending or issuing birth documentation from the passport acceptance process were not feasible at this time.

New and Unfinished Business:

1. Resolution on Smoke Free Parks and Playgrounds

Supervisor Nellis read the following resolution:

SMOKE FREE PARK AND PLAYGROUND RESOLUTION

The Town of Eden agrees to the adoption of the following policy designating all parks, facilities, fields and recreation spaces under its jurisdiction to be 100% smoke free.

WHEREAS, smoking is responsible for the premature deaths of over 430,000 Americans each year from lung cancer, heart disease, respiratory illness and other diseases; and

WHEREAS, secondhand smoke is responsible for over 50,000 deaths among nonsmokers each year; and

WHEREAS, tobacco kills more Americans each year than alcohol, cocaine, crack, heroin, homicide, suicide, accidents, fires and AIDS combined; and

WHEREAS, 80% of smokers started smoking before the age of 18, and the average initiation age is 12 years old; and

WHEREAS, everyday an estimated 3,900 young people under the age of 18 try their first cigarette and one third of these children will die prematurely from tobacco related illnesses; and

WHEREAS, to help role model nonsmoking behavior to children and youth; to provide children, youth and their families with a safe, smoke free environment; therefore be it

RESOLVED that the Town of Eden, State of New York, is committed to providing a high quality of living to all residents. And be it further resolved that the Town of Eden believes:

1. There is no safe level of exposure to secondhand smoke. It can cause asthma, respiratory infections, cancer and cardiovascular disease. Children should be able to play and exercise in Town of Eden parks without being exposed to harmful effects of secondhand smoke.
2. Tobacco product use in the proximity of children, youth and adults engaging in or watching recreational activities is unhealthy and detrimental to the health of both the participants and observers.
3. Tobacco products, once consumed in public spaces are often discarded on the ground, thus posing a risk of ingestion to children and causing a litter problem.

AND BE IT FURTHER RESOLVED that all Town of Eden parks and recreation areas will adopt a 100% smoke free policy.

Compliance:

The enforcement of this policy is through voluntary compliance. Appropriate Town of Eden parkland, park facilities and open space will be signed indication that the designated areas are smoke free.

The Director of Parks and Recreation will communicate with parks employees and officials, community organizers, leaders and coaches to discuss the policy and to distribute information.

Town of Eden parks staff will be responsible for promoting awareness of this policy.

The Honorable Glenn R. Nellis, Supervisor of the Town of Eden shall certify to the adoption of this policy.

This policy will become effective on May 11, 2011.

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

2. Approval of Wepax Road Water Rate

Supervisor Nellis read correspondence from Ann Knack, Administrative Assistant regarding a proposed increase in water rates for Wepax Road water users. Mrs. Knack stated that the rates were last increased in January 2008. The increase is warranted in part by monthly charges from Erie County Health Department for various water testing that must be done at each residence on Wepax besides on the main line; increased charges from the Village of Farnham for conducting these various tests,

collecting the samples, distributing them to the Health Department, completing mandatory reports for the Health Department, reading the Master Meter and reading on a quarterly basis of individual meters and billing the individual homeowners. Mrs. Knack stated that our costs are exceeding our revenues, thus a rate increase is warranted and that Wepax Road must sustain their own district. If approved, a copy of the rate increase will be mailed to the 16 water users on Wepax Road explaining the situation.

The rates would be as follows:

Flat Charge for 6,000 gallons from \$37.50 to \$40.00

For every 1,000 gallons over 6,000, the proposed rate is from \$3.50 to \$4.00

MOTION was made by Supervisor Nellis to increase the water rates on Wepax Road as presented; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – none; Motion carried.

3. Resolution on 100th Anniversary of Eden Library

Councilman Krycia read the following resolution:

RESOLUTION HONORING EDEN LIBRARY 100 YEARS OF SERVICE

WHEREAS, the year 2010 is the 100th anniversary of service by the Eden Library to our town; and

WHEREAS, the Eden Library has a long tradition of community involvement dating back to 1911, when a group of public-spirited Eden women organized this library; and

WHEREAS, in 1949 the Eden Library became the first library outside the City of Buffalo to join the newly formed Buffalo and Erie County Public Library System so that Eden residents could benefit from expanded services; and

WHEREAS, in 1991 a capital campaign of private donations, along with Town government funds and a donation of land, made a new library building possible on its current site; and

WHEREAS, in recent years Erie County budget constraints have threatened the existence of our Library, causing us to appreciate even more the Library's importance to all of us; and

WHEREAS, despite tough economic times, almost 38,000 people visits to our library occurred in 2010; and

WHEREAS, through all of this, we continue to recognize the library as an important resource for this community; and

NOW, THEREFORE we the Town Board of the Town of Eden congratulate the staff, current and past, as well as members of the Library Board of Directors on the 100th Anniversary of this great community resource; and

FURTHERMORE we proclaim Saturday, May 14, 2011 as Eden Library Day in the Town of Eden, and ask all citizens to express their congratulations and sincere best wishes to the staff and board of the Eden Library asking them to preserve this true asset for all residents for years to come.

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

4. Consideration of Shadagee road Water Project Extension

Mark Cavacoli, from CRA Infrastructure and Engineering, Inc. reported that the Shadagee Road and Route 62 Water Project – Phases I and II have come in under budget by \$550,000.00, which would allow improvements of new waterline along Second Street and Violet Parkway. At this time, Stephen Waldvogel, CRA Infrastructure & Engineering, Project Manager is requesting the Town Board consider the following actions:

- a. SEQR Resolution
- b. Receive and file the amended Map, Plan and Report
- c. Consider the Professional Engineering Services Proposal

Councilwoman Pew read the following resolution:

**STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)
RESOLUTION ESTABLISHING LEAD AGENCY
UNLISTED ACTION UNDERGOING UNCOORDINATED REVIEW**

Name of Action: Increase and Improvement of Facilities

WHEREAS, the Town of Eden town Board is considering action on the construction of approximately 2,200 linear feet of new waterline along Second Street and Violet Parkway, and

WHEREAS, an Environmental Assessment Form (EAF) dated 5/11/2011 was prepared by CRA Infrastructure & Engineering, duly licenses engineers, and

WHEREAS, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Town Board has determined that the proposed project is an Unlisted Action, and

WHEREAS, the town Board has determined that the proposed project is not within an agriculture district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) do not apply, and

WHEREAS, after examining the EAF, the Town Board has determined there are no other involved agencies and/or federal agencies on this matter.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby declares itself Lead Agency for review of this action.

BE IT FURTHER RESOLVED that a Determination of Significance will be made at such time as all necessary information has been reviewed by the Town Board to enable it to determine whether the action will or will not have a significant effect on the environment.

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

Mark Cavacoli then recommended that the Town Board receive and file Addendum #2, Map, Plan and Report.

MOTION was made by Councilwoman Pew to receive and file Addendum #2, Map, Plan and Report as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Mark Cavacoli then recommended that the Town Board consider the proposal from CRA for Professional Engineering Services for the Water Main Replacement to

include water mains along Second Street and Violet Parkway, in order to augment and further the improvement of the Shadagee Road/Route 62 transmission system.

FEE SCHEDULE

Based upon the Scope of Professional Services detailed in the correspondence, which is on file in the Town Clerk's office, CRA will complete the professional services required for the fees shown below:

Professional Engineering Services (Phases A-D)	\$57,700.00 lump sum
Construction Administration (Phase E)	\$12,000.00 per Diem
Resident Inspection Services (Phase F)	\$17,000.00 per Diem

MOTION was made by Councilwoman Pew to authorize the expenditures as listed above and authorize Supervisor Nellis to sign the Authorization/Acceptance to proceed with the services described; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis requested the Town Board consider setting a "Special Meeting" of the Town Board on Wednesday, May 18, 2011 at 9:00 a.m. for a Public Order to set a Public Hearing for June 8, 2011 at 8:00 p.m. for the improvements of new waterline on Second Street and Violet Parkway.

MOTION was made by Supervisor Nellis to set a "Special Meeting" of the Town Board to be held on Wednesday, May 18, 2011 at 9:00 a.m. for a Public Order to set a Public Hearing for June 8, 2011 at 8:00 p.m.; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

5. Town Preventative Maintenance Policies and Procedures

Councilwoman Pew is requesting acceptance of a Town Preventative Maintenance Policy and Procedures Report. Mrs. Pew is requesting that all Department Heads receive a copy.

MOTION was made by Councilman Krycia to accept the Town Preventative Maintenance Policy and Procedures Report as presented; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

6. Approval of Public Information Meeting for new customers of Water District No. 5

Supervisor Nellis stated that all residents of Water District No. 5 have received an informational packet, including service connection requirements and an application for new water service. A public information meeting will be held on May 25, 2011 at 6:00 p.m. at the Eden Town Hall during which all of the information will be reviewed and you will have an opportunity to ask questions. Representatives from the Town's Engineering firm, CRA, and from the ECWA will be present to answer any questions they may have.

MOTION was made by Supervisor Nellis to set the Public Information Meeting for new customers of Water District No. 5 for May 25, 2011 at 6:00 p.m.; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

7. Rescheduling of Public Hearing for Special Use Permit for Automotive Repair Shop at 7341 Southwestern Blvd. – June 8, 2011, upon the recommendation of the Eden Planning Board

MOTION was made by Supervisor Nellis to set the Public Hearing for June 8, 2011 at 8:30 p.m. for a Special Use Permit for an Automotive Repair Shop at 7341 Southwestern Blvd.; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

8. Approve expenditure of funds from Recreation Trust & Agency Account for the construction of the driveway from Evelyn Drive to the New Minekime Recreation site

Supervisor Nellis read correspondence from Susan Brass, Recreation Director regarding the expenditure of funds from the Recreation Trust & Agency Account for the construction of a driveway to the new Minekime Recreation site.

Three quotes were received, which are on file in the Town Clerk's office, with the low quote from Ron Gier Trucking at \$12,537.

After much discussion it was decided that this item be tabled and moved to "Old Business" to be reviewed by the Town Attorney, the Highway Superintendent and discussed at the Town Board Meeting of May 25, 2011.

9. Approve Bid for itemized fire equipment

Jack Rigley, Eden Fire Chief requested the Town Board's approval for the 2011 Itemized Fire Equipment Bids. The Eden Fire Department is requesting \$16,047.60. Copies of the bid results are available at the Town Clerk's office.

MOTION was made by Councilman Ventry to approve \$16,047.60 for the 2011 Itemized Fire Equipment bid for the Eden Fire Department; seconded by Councilman Ventry; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

10. Resolution – Community Block Grant Consortium

Supervisor Nellis read the following resolution:

**Agreement with
Community Development block Grant Consortium**

WHEREAS, for many years the Town of Eden has been a member of the Erie county Community Block Grant Consortium; and

WHEREAS, because of the Consortium, the Town of Eden has received numerous grants allowing us to strengthen our local economy; and

WHEREAS, to mention a few, the Town of Eden has received grants:

1. Establishing the area behind the Four Corners Café as an all weather public parking area for customers of downtown business
2. Paving of new, safer entrance to Swartz field
3. Receiving money to leverage the new Kazoo Vocational Center
4. To build recreational shelters at Swartz Field and Minekime Field plus handicap accessible bathrooms at the Boys and Girls Club

NOW, THEREFORE BE IT RESOLVED that the Eden Town Board approves renewal for an additional three years (2012-2014) of our Local Cooperative Agreement between the Town of Eden and Erie County relative to the Erie County Community Development Block Grant Consortium.

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

Supervisor's Report:

- Back-up generator being installed at water tower on 7591 East Eden Road

May 11, 2011

Hearing of Visitors:

Carl Modica – Hemlock Road, noticing tractor truck traffic on Hemlock Road. Requesting prohibiting that with signage. Refer to Speed Limit Committee.

Janet Geiser – Evelyn Drive, flooding/drainage problem in back yard. Refer to Drainage Committee.

Barbara Huntoon – Ferrier Road, questions regarding Water District No. 5

Bob Stickney – Lourdes Drive, revenue on water towers, add antennas.

Gene Herzog – Evelyn Drive, new driveway to new soccer fields.

John Tripi – Evelyn Drive, new soccer fields.

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 9:40 P.M.

Executive Session:

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

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk