

June 24, 2015

**MINUTES**

**TOWN BOARD MEETING  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
JUNE 24, 2015  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Mary Jo Hultquist	-	Town Clerk
Lisa Greiner	-	Administrative Assistant
Lisa Winter	-	Bookkeeper
William Trask	-	Town Attorney
Mark Cavalcoli	-	CRA Infrastructure & Engineering
Stephen Waldvogel	-	CRA Infrastructure & Engineering

**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.

**New and Unfinished Business:**

**1. Final Public Presentation on Water System Study by CRA Engineering**

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, with thanks to Wesley Dust and Russ Stoll, Erie County Water Authority.

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. Today they presented the final findings, seeking public input.

Mr. Cavalcoli and Mr. Waldvogel presented a Water System Study, an evaluation of Management/Ownership Options.

- Town Board recognized the growing need and financial risk associated with its water system.
- Town, in partnership with the ECWA, applied for and received a \$25,000 NYSDOS Local Government Efficiency grant to conduct a study to evaluate management/ownership options.

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 maintenance costs are escalating rapidly and will continue into the future.
- The Town Board is seeking the greatest cost savings opportunities for residents
- Only 2 options are available for the Town to consider:
  - i. Option 1 Lease Management – Status Quo (Town Ownership)
  - ii. Option 2 Direct Service – ECWA Ownership
- The short term costs for both options are similar
- The long-term costs of Lease Management are significantly higher.

Mr. Cavalcoli stated that for the next 30-days, written or verbal comments would be received and after that a final written report would be presented, by the end of July. Copies of the presentation will be available at the Town Clerks office and the Supervisors office.

Supervisor Nellis read the following resolution regarding the Municipal Agreement between Erie County Water Authority and the Town of Eden regarding Violet, Eden 3 and East Church Storage Tanks:

**AGREEMENT  
BETWEEN  
THE TOWN OF EDEN  
AND  
ERIE COUNTY WATER AUTHORITY**

**AGREEMENT** made this 24<sup>th</sup> day of June, 2015 by and between the **TOWN OF EDEN**, New York, a municipality, having its offices and principal place of business at 2795 East Church Street, Eden, New York 14057, hereinafter referred to as the “Town”, and the **ERIE COUNTY WATER AUTHORITY**, a public benefit corporation, having its offices and principal place of business at 295 Main Street, Room 350, Buffalo, New York 14203, hereinafter referred to as the “Authority”.

**WHEREAS**, the Authority has initiated plans to undertake the storage tank refurbishing in the Town of Eden, and

**WHEREAS**, the Town intends to refurbish the Violet, Eden 3 and East Church Storage Tanks; and

**WHEREAS**, the Town and Authority desire to enter into a cooperative Agreement to coordinate and facilitate refurbishing of the interior and exterior of the Violet, Eden 3 and East Church Street Storage Tanks including structural and safety improvements in order to achieve cost containment and efficiency;

**NOW, THEREFORE**, the parties agree as follows:

**PUBLIC BIDDING**

In accordance with the terms of General Municipal Law §103 and Public Authorities Law §1069, the Authority will bid the cost of construction and provide inspection in accordance with the project plans and specifications developed by the Authority.

**PROJECT COST**

Subsequent to the bidding process in which the authority will determine the lowest responsible bid, the Authority will refer to the Town for its review and approval the cost pertaining to the Violet, Eden 3 and East Church Storage Tanks portion of the project defined in the bid specification.

**APPROVAL OF COST**

The Town will review the cost of the Eden related portion of the lowest responsible bid and determine in its sole judgment whether such cost is acceptable prior to the Authority awarding the project in accordance with the plans and specifications. The Town will provide written approval of the cost within fourteen days after notification by the Authority.

**REIMBURSEMENT**

Upon completion of the construction project and pending its final approval of the contract for related work, the Authority will submit to the Town an accounting setting forth reimbursement of the actual installed cost of related items listed under the Eden portion of the plans and specifications. The Town will reimburse the Authority for the cost of the Eden portion of the project as set forth in the project plans and specifications. Payment will be made within 60 days from receipt of the invoice and approval.

**AMENDMENTS AND MODIFICATIONS**

No modification, amendment or changes in the Eden portion of the construction project involving the Town will be valid unless the Town is advised in writing and approves of same.

**ENTIRE AGREEMENT**

This Agreement contains the entire Agreement between the parties relating to its subject matter. All prior or contemporaneous contracts, understandings and statements are merged herein.

**APPROVAL**

This Agreement is subject to approval by the respective parties in accordance with the authority granted to each party.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and seals as of the date above written.

**MOTION** was made by Councilwoman Pew to approve the Agreement as presented and authorize Glenn R. Nellis, Supervisor to sign the Agreement; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**2. Presentation by Community Services for the Developmentally disabled on Establishment of Individual Residential Alternative Facility – Vacant Land Jennings Road**

Supervisor Nellis received correspondence from Community Services on June 5, 2015, the letter being dated on May 27, 2015 for the Establishment of Individual Residential Alternative Facility on Vacant Land on Jennings Road, Eden, New York as follows:

Dear Supervisor Nellis:

“In accordance with Section 41.34 of the New York State Mental Hygiene Law please consider this letter as formal notification of their intent to develop one IRA (Individual Residential Alternative) community residence located at Vacant Land on Jennings Road, Eden, New York.

A site selection sheet fact sheet was enclosed which briefly describes the nature, size and community support requirements of the proposed residence. Based on these requirements, we have concluded that the above referenced site would be most appropriate.

Six adults who have developmental disabilities will reside within a home to be built. A community residence established pursuant to NYS MHL section 41.34 shall be deemed a family unit, for the purposes of local laws and ordinances. Community Services for the Developmentally disabled, Inc., will operate the community residence and will provide supervision and support by trained staff on a 24-hour per day basis.

The mission of Community Services for the Developmentally Disabled Inc., is to provide or obtain services for people with developmental disabilities in Western New York, which will:

- Assist in achieving their highest level of independent living;
- Enable their fullest participation in society;
- Ensure that their civil and human rights are protected, and
- Promote their ability to be productive, contributing members of the community.

The Individual Residential Alternative we are developing will enable six (6) people to live in the community and allow them the opportunity for normal life-enriching experiences. To facilitate their ability to maximally benefit from these experiences, we will provide training and support services. These services will be based on individual needs, but will focus on such things as cooking, managing a household budget, housekeeping, laundry, use of public transportation, medication administration, and many other areas. Case Management will be provided to ensure that these individuals are receiving other services, such as attending prevocational, vocational, or educational daily programs.

Under the 41.34 statute, the municipality has forty (40) days after the receipt of this letter to respond in one of three ways:

1. Approve the site recommended by the sponsoring agency;
2. Suggest one or more suitable sites within its jurisdiction which could accommodate such a facility; or
3. Object to the establishment of a facility of the kind described by the sponsoring agency because to do so would result in such a concentration of community residential facilities for the mentally retarded/developmentally disabled in the municipality or in the area in proximity to the site selected of a combination of such facilities with other community residences or similar facilities licensed by other agencies of state government that the nature and character of the areas within the municipality would be substantially altered.

June 24, 2015

Please note, if alternative sites are offered, they should be comparable to the size and characteristics of the proposed Vacant Land on Jennings Road in Eden, New York.

If the Municipality does not respond within forty (40) days, the sponsoring Agency may establish residence at the site recommended in its notice.”

**Note:** This was a portion of the letter, the entire letter may be viewed at the Town Clerks office during normal business hours.

Supervisor Nellis introduced Mindy Cervoni, Vice President of Programs & COO of Community Services for the Developmentally Disabled. Mrs. Cervoni was present to participate in the meeting to discuss any concerns the town board or area residents may have.

Supervisor Nellis requested clarification from Mindy Cervoni as to when the 40 days would begin, the date the letter was received by the Town of Eden, which it was stamped received on June 5, 2015. Mindy Cervoni responded that she would clarify that point and get back to Supervisor Nellis.

After hearing a presentation from Mindy Cervoni of the organization, the following residents made comments:

The following residents spoke in opposition of the facility:

Susan Wilhelm, 3272 East Church Street  
Joe Franco, address not given  
Paul Shephard, 3196 East Church Street  
Marty Ebbert, East Church Street  
Rev. Redding, St. Johns Church, 2871 East Church Street  
Eugene Longbine, 9700 Sisson Highway  
Paula Blandino, 9063 Jennings Road  
Richard Covelli, 8646 Jennings Road  
Jennifer Hoskins, 8315 Evelyn Drive  
Joe Klug, 7700 Bley Road  
Robert Stickney, 2718 Lourdes Drive  
Karen Smith, 3158 East Church Street  
Mike Byrnes, 2275 Derby Road  
Peter Gugino, 2939 East Pleasant Avenue  
Betty Schillace, 8674 Jennings Road  
Gary Balone, 8626 Highland Drive  
Douglas Reid, 8883 Hammond Drive  
Missy Hartman, 3063 Hillbrook Drive  
Chris Tate, 8510 Jennings Road  
Katie Smith, 3271 East Church Street  
Terry Polzin, 3043 Kulp Road

The following residents spoke in favor of the facility:

There were none.

Some of the comments received from the residents present:

“Are you going to put sex offenders in there?”

Cervoni replied that not all group homes house sex offenders, but replied “we would consider it.”

She did emphasize that the number of residents has not been determined and that the ages and gender makeup are unknown. The group home may contain men or women, adults or adolescents and those with mental and physical disabilities. New York State bases placement on priority.

Why that location?

Cervoni said they needed to build a brand new house and that was a vacant lot.

It was determined by several present that it is not a good location for a group home. The lot has been vacant for several years.

Cervoni’s answers were considered to be “vague” to the residents present.  
 It was stated that historically in our town and other neighboring towns group homes necessitate increased first-aid calls, fire calls, and police calls.  
 A resident stated that other locations were considered, Boston, Brant and Evans.  
 Eden has 7 group homes, when is an area considered saturated?  
 There is a day-care center and the Eden Jr./Sr. High School in close proximity to the proposed site.  
 Who owns the property?  
 Why would they purchase the property if you’re not sure the town would approve the site?  
 It was noted that a high-pressure gas line goes through the proposed site, was Tennessee Gas notified?  
 Presentation is very lacking, why wasn’t a representative present?  
 Is there a need for Eden residents to be placed in a group homes?  
 Is this a single-family dwelling?  
 Cervoni stated that NYS defines group homes as a single-family residence.  
 A resident observed that Cervoni didn’t take a single note – what will you bring back to NYS?  
 What about property values, there are beautiful homes in the area, property values will certainly drop.  
 Another property off the tax rolls in Eden.

Supervisor Nellis urged residents to contact board members with further comments and questions during the 40-day period.

**Note:** A Petition to the Town of Eden stating, We, the undersigned express that we are opposed to the building of a community house by Community Services, Inc. for pedophiles to be located at Jennings Road and E. Church street, Eden, New York was presented to Mary Jo Hultquist, Town Clerk

**3. Recreation Appointments**

Supervisor Nellis read the following appointments:

From Susan Brass, Recreation Director and the Recreation Advisory Board to appoint the following:

POOL

Anna Winter	Head Guard	\$9.75 per hour
Alexandar Hutz	CIT	\$8.75 per hour
Alison Winiecki	Life Guard	\$9.15 per hour
Emily Cataldo	Life Guard	\$9.15 per hour
Jacob Schlegel	Life Guard	\$9.00 per hour

PLAYGROUNDS

Lauren Bensley	Playground Assist.	\$9.00/per hour
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**MOTION** was made by Councilwoman Pew to approve the above-mentioned appointments; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**4. Assignment Agreement for CRA Infrastructure & Engineering, Inc. transition to GHD Consulting**

**ASSIGNMENT AGREEMENT**

**Town of Eden** (hereinafter “**Client**”) hereby approves the assignment of the listed agreement(s) from CRA Infrastructure & Engineering, Inc., a New York corporation (the “**Assignor**”) to GHD Consulting Services, Inc., a New York corporation

June 24, 2015

(the “Assignee”), effective July 1, 2015, together with all right, title, and interest held by Assignor in and to the contract(s) described as follows:

***Agreement for Consulting Services between the Client and CRA Infrastructure & Engineering, Inc., with an effective date of 3/19/2014; 10/22/2014; 3/19/2014; 12/31/2014(hereinafter the “Contract(s))”.***

- CRA Standard Terms for Professional Service; change Order 1 – Eden Green Street Waterline
- CRA Standard Terms for Professional Service – Eden Water Consolidation Study
- CRA Standard Terms for Professional Service – Eden 2015 Engineering Retainer

The effective date of this assignment will be July 1, 2015.

Assignor warrants and represents that the Contract(s) is in full force and effect and is fully assignable, upon prior written approval as set forth below. Assignor warrants and represents that the Contract(s) has not been modified and remains on the terms contained therein.

Assignee will assume and agree to perform all obligations under the Contract(s) and shall be entitled to all monies remaining to be paid under the Contract(s) from the effective date.

It is agreed that, as of the effective date of the Assignment, the Contract shall be modified as follows:

- CRA Infrastructure & Engineering, Inc., a New York corporation (Assignor), shall no longer be the consultant.
- GHD Consulting Services, Inc., a New York corporation (Assignee), shall be the consultant and all correspondence and payments shall be directed to:  
**GHD Consulting Services, Inc.**  
**285 Delaware Avenue, Suite 500**  
**Buffalo, New York 14202**
- Assignee shall maintain the current individuals associated with the Project Team in their current roles, responsibilities, and authority.

It is agreed that all other terms and conditions of the Contract(s) shall remain in full force and effect. Assignor and Assignee shall at all times relevant to the Contract or to this Assignment maintain in full force and effect all insurance in amount and coverage as specified in the Contract.

Neither Assignor nor Assignee knows of any possible impediments to this Assignment or the continuation of the work pursuant to the Contract nor does Assignor or Assignee know of any reason why this Assignment or the continuation of the work pursuant to the Contract should not proceed as contemplated by the parties hereto.

**MOTION** was made by Councilman McLaughlin to agree to the terms of the Assignment Agreement and authorize Supervisor Nellis to sign such Agreement; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

##### **5. Appoint Code Enforcement Officer**

**MOTION** was made by Councilman Ventry to appoint Mark Clark to the position of Part-time Code Enforcement Officer at a pay rate of \$19.63 per hour for 19 hours per week, starting June 29, 2015; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**6. CodeRED Contract**

**MOTION** was made by Councilwoman Pew to approve the CodeRED Contract at a cost of \$16,605.00 per three-year Renewal Term with annual installments of \$5,535 per year and to authorize Supervisor Nellis to sign the agreement; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**7. Inter-Municipal Agreement -School Tax Collection**

**MOTION** was made by Councilman McLaughlin to approve the Inter-Municipal Cooperation Agreement between the Town of Eden and Eden Central School District for the 2015-2016 tax cycle at a sum of \$11,734, to be signed by Supervisor Nellis and Mary Jo Hultquist, Town Clerk; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Supervisor’s Report:**

- Thank-A-Vet program to be held at Eden Town Hall on Tuesday, June 30, 2015 from 11:30 a.m. to 2:00 p.m. sponsored by Chris Jacobs, Erie County Clerk.

**Hearing of Visitors:**

Phil Muck, Oakland Drive, expressed his thanks for the appointment of the Code Enforcement Officer.

**Adjournment:**

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

Supervisor Nellis adjourned the Work Session Meeting of the Eden Town Board at 10:00 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk