

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
OCTOBER 10, 2012  
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:**

Ronald C. Maggs - Superintendent of Highways  
Michael J. Felschow - Chief of Police  
Jack Rigley - Eden Fire Chief  
Scott Henry - Code Enforcement Officer  
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 September 12, 2012; there were none.

**MOTION** was made by Councilman Ventry to approve the Town Board Minutes of September 12, 2012 as presented; seconded by Councilman McLaughlin; “Ayes”; Nellis, Krycia, Ventry, McLaughlin; Opposed? – None; Abstain? – Pew; Motion carried.

**Petitions:**

There were none.

**Budget Transfers/Amendments:**

| <b>From Account</b>            | <b>To Account</b>                         | <b>Reason for Amendment</b>                                  | <b>Amount</b> |
|--------------------------------|---|--|---------------|
| D5110.4<br>Roads – Contractual | D5110.401<br>Roads – Contractual<br>FEMA  | FEMA work on<br>Hammond South                                | \$8,167.52    |
| A2089<br>Bicentennial          | A7550.401<br>Celebrations<br>Bicentennial | Bicentennial Income<br>to offset<br>Bicentennial<br>expenses | \$19,000.00   |

|                                    |                              |  |            |
|------------------------------------|------------------------------|--|------------|
| SF878<br>Fire Equipment<br>Reserve | SF3410.200<br>Fire Equipment | Balance remaining<br>on permissive<br>referendums to<br>apply toward radio<br>installation | \$7,167.40 |
|------------------------------------|------------------------------|--|------------|

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

**Town of Eden Highway Budget Transfers:**

| Date       | From    | To      | Description | Amount      |
|------------|---------|---------|-------------|-------------|
| 10/10/2012 | D5130.2 | D5130.4 | Over Budget | \$11,342.23 |

**MOTION** was made by Councilwoman Pew to approve the Budget Transfer as presented; seconded by Councilman McLaughlin; 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            | 618-712         | \$103,977.01 |
| Highway Dept. Fund      | 277-320         | \$75,255.10  |
| Fire Dept. Fund         | 197-221         | \$31,185.73  |
| Recreation Dept. Fund   | 120-128         | \$1,412.51   |
| Refuse and Garbage Fund | 14-15           | \$36,742.86  |
| Street Lights Fund      | 25-27           | \$4,572.43   |
| Water Fund              | 27-30           | \$6,890.68   |
| Trust & Agency Fund     | --              | --           |
| Capital Fund            |                 |              |
| H8320.401               | 16-18           | \$1,713.18   |
| H8320.402               | 10-12           | \$6,550.89   |
| Community Development   | --              | --           |

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

**Departmental Reports:**

Department reports for the month of September 2012 were presented by Jack Rigley, Eden Fire Chief; Supervisor Nellis 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; Scott Henry, Zoning Code Enforcement Officer; Supervisor Nellis for Susan Brass, Recreation Director; Councilwoman Pew for Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Jack Rigley, Eden Fire Chief requested \$600 for training as budgeted for (4) four firefighters to attend flash-over training by Oakland Community College at Hamburg Fire Department.

**MOTION** was made by Councilwoman Pew to approve the request of Fire Chief Rigley to allow (4) four firefighters to attend the training at a cost of \$600.00; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Jack Rigley, Eden Fire Chief requested the Town Board add the names of Jesse Hodges and Greg Robertson, Jr. to the active roster of the Eden Fire Department pending physical and background checks.

**MOTION** was made by Councilwoman Pew to add the names of Jesse Hodges and Greg Robertson, Jr. to the active roster of the Eden Fire Department pending physical and background checks; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Off-Road Drainage Committee Chairperson requested approval of the following project:

Project 2012-06: Ryther Creek between Hammond and Route 62, to clear obstructions in an amount not to exceed \$750.00.

**MOTION** was made by Councilwoman Pew to approve Project 2012-06 as presented; seconded by Councilman McLaughlin; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**New and Unfinished Business:**

**1. Approval of Drainage District #5**

William Trask, Town Attorney requested that this item be tabled to be reviewed and discussed at the Town Board meeting to be held on October 24, 2012.

**2. Approval of Inter-Municipal Agreement with Town of Boston**

Supervisor Nellis read the following agreement:

**WHEREAS**, the water from Erie County Water Authority for Water District No. 2 in the Town of Boston flows through the water lines located in the Town of Eden on Keller Road; and

**WHEREAS**, it has been determined by the parties that immediate repairs are necessary for the structural supports of the Keller Road Waterline over Hampton Brook; and

**WHEREAS**, the parties have obtained an Engineering Proposal from Hannon Engineering, P.C. in the amount of \$8,000.00 for Phase 1 and Phase 2 of the Project, as set forth in Hannon Engineering P.C. letter dated August 22, 2012; and

**WHEREAS**, the parties wish to share the total cost of the project, including engineering costs, inspection, construction costs and any and all other costs of the project, in the same percentage cost as used in prior years: Boston's share 45.3% and Eden's share 54.7%.

**NOW, THEREFORE** for good and valuable consideration, the parties do hereby agree as follows:

1. Agreement: The parties agree to work jointly and together to repair the damage to the structural supports of the Keller Road Waterline over Hampton Brook in the Towns of Eden and Boston.
2. Cost: The parties agree to share the total cost of the project, including engineering costs, inspection, Hannon Engineering, construction costs and any and all other costs of the project with the Town of Boston paying 45.3% of the cost of the project and the Town of Eden paying 54.7% of the cost of the project.
3. Engineering: The parties agree to retain the engineering services of Hannon Engineering, P.C. per the Engineering Proposal dated August 22, 2012. The Engineer will report simultaneously to the Town of Eden and the Town of Boston.
4. Bid: The parties will act unanimously in the award of the bid for construction.
5. Amendment: This contract may be amended at any time during the term hereof by mutual written agreement of the parties.

6. Insurance: Each party to this contract will maintain general liability coverage during the term of this contract, which satisfies the requirements listed as Schedule "A", and name the other party as an Additional Insured in connection with their own negligence and provide a Certificate of Insurance to the Town Attorney's office of the other Town showing this additional insured status.
7. Compliance with Laws: The Town of Boston and Town of Eden shall perform in accordance with all applicable federal, state and local laws, rules and regulations. All statutory provisions applicable to this contract are hereby incorporated by reference.
8. Severability: In the event any provision of this contract shall be or become invalid under any provisions of federal, state or local law, such invalidity shall not affect the validity or enforceability of any other provision hereof.
9. Contract Interest: No officer or employee of the Town of Boston or Town of Eden who is authorized in such capacity and on behalf of the Town of Boston or Town of Eden to negotiate, make, accept or approve, or take part in negotiating, making, accepting or approving this contract, shall become directly or indirectly interested personally in this contract or in any part hereof. No officer or employee of the Town of Boston or Town of Eden who is authorized in such capacity and on behalf of the Town of Boston or Town of Eden to exercise any supervisory or administrative function in connection with this contract, shall become directly or indirectly interested personally in this contract or in any part hereof.
10. Non-Discrimination: The Town of Boston and Town of Eden agree to ensure that no person shall on the ground of age, race, creed, color, national origin, sex, sexual preference or disability be subjected to discrimination.
11. Litigation: In the event any litigation shall arise from this contract, the laws of the State of New York shall control any litigation, regardless of which party shall institute such action.

**MOTION** was made by Councilwoman Pew to authorize Supervisor Nellis to sign the agreement that has been read and approved by William Trask, Town Attorney; seconded by Councilman McLaughlin; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**MOTION** was made by Councilman Ventry to close the Regular Meeting of the Eden Town Board and open the Public Hearing; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the Regular Meeting at 8:00 p.m. and opened the Public Hearing.

**8:00 p.m.**  
**Public Hearing**  
**Community Development Block Grant Program**

Supervisor Nellis explained the purpose of the public hearing was to listen to any concerns or questions that citizens have.

Supervisor Nellis asked if there were any comments:

Richard Minekime suggested asking for funding for a complete architectural design for Main Street, an overall design for that area.

Supervisor Nellis suggested asking for funding for sidewalks in the town.

There were no other comments.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:15 p.m.

**MOTION** was made by Councilman McLaughlin to close the Public Hearing and return to the Regular Meeting of the Town Board; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**3. Submit preliminary Budget for 2013**

Supervisor Nellis stated that the Preliminary Budget had been prepared and stated that a Public Hearing had been set for Wednesday, October 24, 2012 at 8:00 p.m. Supervisor Nellis provided the following information regarding the preliminary budget for 2013:

|         |               |
|---------|---------------|
| General | \$2.15        |
| Highway | \$3.70        |
| Light   | \$ .17        |
| Fire    | <u>\$1.16</u> |
| Total   | \$6.18        |
| Garbage | \$150.00      |

These figures represent a total increase of 37 cents per thousand or a 6.3% increase from 2012.

**4. Submit preliminary Budget for Fire District for 2013**

Supervisor Nellis stated that the preliminary budget for the Fire District for 2013 had been submitted and a Public Hearing was set for Tuesday, October 16, 2012 at 7:00 p.m. at the Town Hall. Copies of the proposed budget are available in the Town Clerk's office.

**5. Approval of Management Policies – Property Disposition Policy**

Supervisor Nellis read the following Town of Eden Property Disposition Policy:

The Town of Eden recognizes that sound internal controls be in place to ensure that all disposals are properly authorized and handled in a manner consistent with the Town's best interests.

All dispositions of Town property items must be properly authorized based on the initial cost of the property.

Those responsible for disposals may never, in any circumstances, take ownership of such property or otherwise personally profit from the disposal.

**Definitions:**

**Capital Asset** – For financial reporting purposes, the Town currently capitalizes those assets that have an initial cost of greater than \$10,000, are used in operations, and have an initial useful life extending beyond a single reporting period.

**Capital-type items** – Other items that technically meet the definition of a capital asset – assets that are used in operations and that have initial estimated useful lives extending beyond a single reporting period – are not capitalized for reporting purposes since their initial cost was less than \$10,000. These items have been defined as having an original cost of \$100 to \$10,000.

**Procedures:**

Authorization to dispose of a property item with an initial cost of \$10,000 or more (Capital Asset) must be made by the appropriate Department Head and the Town Board. Authorization to dispose of a property item should be documented to include the type of disposition (i.e. sale, trade, scrapped, auctioned), the date of the disposition, the initial cost of the property and the estimated fair market value at the time of the disposition. Authorization documentation should be given to the Supervisor's office.

Capital-type items as defined above that have no value and will be thrown out

can be disposed of by authorization of the Department Head above.

Capital-type items that still have value should be either auctioned off or sold for scrap. The decision to auction or scrap must be approved by the Town Supervisor.

Under no circumstances should Capital-type items that have value be transferred through direct departmental sale or gift. Employees wishing to purchase town assets may do so through the auction process.

Assets with an original cost of less than \$100 may be disposed of by any means at the Department Heads discretion.

All proceeds realized on sale or other transfer and not otherwise authorized to be deposited in a special fund, shall be deposited in the general fund of the Town.

Each department should designate an individual to be responsible for preparing and maintaining a complete listing of Capital Assets and Capital-type items within the department, to include details about their disposal. Departments should certify each year to the Supervisor's Office a copy of such list at year-end.

The Supervisor's office will periodically verify the data for each department. No less than once every five years on a rotating basis for each department.

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

#### **6. Approval of Adult Winter Program Supervisors**

Councilwoman Pew read the following staff appointments as recommended by the Recreation Board:

Don Williams of Eden as Adult Volleyball Supervisor, Tuesday nights. November through April at a pay rate of \$9.00/hour.

Kathryn Gorcica of Eden as Adult Swimming Supervisor on Monday & Wednesday nights. November through April at a pay rate of \$10.50/hour.

Lee Kerwin of Eden as Adult Swimming Assistant Supervisor Monday & Wednesday nights. November through April at a pay rate of \$9.00/hour.

**MOTION** was made by Councilwoman Pew to approve the Adult Winter Program Supervisors as presented; seconded by Councilman McLaughlin; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

#### **7. Report from Charles Dias – Computer Technician**

Councilwoman Pew read the following memo from Charles Dias:

"I have removed and retained the hard drives of all Gateway Computers located in the basement so that these computers may safely be recycled, without any sensitive data present on them.

While most of these computers are still as functional as the day they were brought, they are old, slow, and are not capable of handling the software currently in use or the normal day-to-day computing activities of the Town of Eden employees.

The same is to be said for all of the old CRT monitors that are also located there. They are bulky, run too hot, and are not as energy efficient as the flat panels that we use today.

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While they may have some minor value to someone, they no longer have any value to the Town of Eden, in whole or as parts. I therefore recommend that they be recycled.

I have not reviewed OR included any Eden Police Department electronics in this opinion.”

**MOTION** was made by Councilwoman Pew to declare the computers as surplus upon the recommendation of Charles Dias; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

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

Supervisor Nellis closed the Regular Meeting at 8:00 p.m. and opened the Public Hearing.

**8:30 p.m.**  
**Public Hearing**  
**Proposed Local Law #2-2012**  
**2% Tax Levy Ceiling**

Supervisor Nellis explained the purpose of the public hearing was to listen to any concerns or questions that citizens have.

Resolved that a public hearing will be held on October 12, 2012 at 8:30 p.m. for the purpose of considering the adoption of proposed Local Law No. 2-2012 which would authorize the override of the property tax established by General Municipal Law Section 3-c for the 2013 fiscal year.

Supervisor Nellis read the proposed local law.

Supervisor Nellis asked if there were any comments;

There were none.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:37 p.m.

**MOTION** was made by Councilman McLaughlin to close the Public Hearing and return to the Regular Meeting of the Town Board; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**8. Community Block Grant Program 2012-13**

**MOTION** was made by Councilwoman Pew to approve the adoption of the following resolution:

**APPROVE RANKING FOR  
COMMUNITY DEVELOPMENT BLOCK GRANT  
2012-2013**

**WHEREAS**, the Town of Eden held a public hearing for the purpose of obtaining ideas from the Town residents for submission of grant funds through the Erie County Community Development Block Grant Program that would best suit the Town of Eden residents; and

**WHEREAS**, all comments being heard and taken into consideration, the Town of Eden agrees that it is in the best interest of the community to approve a request to apply for and support CDBG fund for the following listed projects listed in order of importance and ranking:

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1. Business District Sidewalks
2. Architectural Standards Plan
3. Rural Transit Van Service

**BE IT RESOLVED** that Supervisor Glenn R. Nellis is hereby authorized to sign, submit and execute a contract with the Erie County Community Development Block Grant Program for the above mentioned Projects for the 2012-2013 CDBG grant year, and upon approval of Erie County CDBG.

Seconded by Councilman McLaughlin; All “Ayes”; Motion carried.

**Supervisor’s Report:**

Supervisor Nellis stated for the record what an outstanding job the Bicentennial Committee did on the Heritage Days weekend.

**Hearing of Visitors:**

There were none.

**Adjournment:**

**MOTION** was made by Councilman McLaughlin 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 8:55 P.M.

**Executive Session:**

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

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk