

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
NOVEMBER 12, 2015
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN (<i>Absent</i>)
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
Matthew Colvin	-	Eden Fire Chief
Scott Hunter	-	East Eden Fire Chief
Robert Pietrocarlo	-	Chairman Board of Assessors
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 October 14, 2015; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of October 14, 2015 as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of October 20, 2015; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of October 20, 2015 as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of October 28, 2015; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of October 28, 2015 as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfers/Amendments:

Supervisor Nellis presented the following Budget Transfers/Amendments:

From Account	To Account	Reason for Amendment	Amount
A915.6 Assigned Non Rec	A8540.4 Drainage- Contractual	Balance of Encumbered funds used for Off-Road Drainage Project 2014-02	\$2,000.00
A1220.1 Supervisor Personal	A1220.4 Supervisor- Contractual	Anticipated Year-End Expenses	\$1,000.00
A2401 Interest Earned	A1375.4 Bank Fees	Change in Bank Structure	\$1,000.00
A1990.4 Contingent Fund	A3989.4 Other Public Safety	Over-budget	\$250.00
A899.1 Restricted Fund Bal - EMS	A4540.4 Ambulance – Contractual	Use of revenue recovery money to offset additional expenses	\$12,000.00
A2192 Cemetery Services	A8810.4 Cemeteries – Contractual	Burial opening for Lizzinger	\$445.00
A1990.4 Contingent Fund	A9050.8 Unemployment	Over-budget	\$400.00
D9060.8 Hospital & Medical	D9010.8 State Retirement	Adjust for actual vs estimate on State Retirement	\$8,372.00
SF915.3 Assigned Fire Gear	SF3410.2 Fire-Equipment	Approved use of assigned fire gear for purchase of air bottles (\$2995) & Gear (\$10672.55)	\$13,667.55
SW2190 Wepax Road Revenue	SW8320.401 Maintenance – Wepax Road	Revenues collected to offset expenses	\$400.00
A1990.4 Contingent Fund	A1420.4 Legal-Contractual	Unanticipated legal fees	\$4,300.00

MOTION was made by Councilman Krycia 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.

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	684-766	\$134,559.48
Highway Dept. Fund	282-317	\$61,286.29
Fire Dept. Fund	226-253	\$28,748.77
Recreation Dept. Fund	131-143	\$1,486.06
Refuse and Garbage Fund	19-20	\$38,528.58

Street Lights Fund	27-29	\$4,802.21
Water Fund	33-35	\$9,691.70
Trust & Agency Fund	--	--
Capital Fund		
H3410.2		
H8320.402		
H8302.403		
H8302.404	22-26	\$151,758.90
H8302.405	1	\$10,309.86
Community Development	--	--

MOTION was made by Councilman Ventry 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 October 2015 were presented by Matthew Colvin, Eden Fire Chief; Scott Hunter, 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 Mark Clark, Zoning Code Enforcement Officer; Supervisor Nellis for Susan Brass, Recreation Director; Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Matthew Colvin, Eden Fire Chief requested that Jason Henry of 6915 Gowanda State Road, Hamburg, NY be added to the active roster pending his passing the firefighter physical and arson/sex offender background check.

MOTION was made by Councilman Ventry to approve adding Jason Henry of 6915 Gowanda State Road, Hamburg, NY to the active roster of the Eden fire Department pending his passing the firefighter physical and arson/sex offender background check; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Matthew Colvin, Eden Fire Chief stated that the RedNMX fire department software has been installed and is running. The program is very comprehensive and powerful.

William Trask, Town Attorney, requested an Executive Session with the Town Board to discuss possible litigation.

New and Unfinished Business:

1. Presentation by Eden Central School Superintendent Sandra Anzalone on School Capital Project

Sandra Anzalone, Superintendent of Eden Central Schools gave a presentation on the Two Capital Improvement Projects. Proposition #1 - \$12.25M – Investing in our campus, which includes classroom renovations, secure entries at all building and sidewalk and parking lot repairs. Proposition #2 - \$9.9M (this proposition cannot be approved without a positive vote on Proposition #1) – Investing in the Student Experience, auditorium renovations, chorus & band room renovations and lighted, multi-sport artificial turf complex.

The vote is December 15, 2015 from 9 a.m. to 9 p.m.

2. Approval of Fire District Budget as part of final Town Budget

Supervisor Nellis stated that a Public Hearing was held on Tuesday, October 20, 2015 at 7:00 p.m. at the Eden Town Hall to consider the 2016 preliminary Fire Budget. The fire budget will increase from \$1.27 to \$1.28 per thousand.

MOTION was made by Councilman Krycia to adopt the 2016 Fire Budget as presented; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3. Approval of Town Budget

MOTION was made by Councilman Krycia to approve the 2016 Town Budget as presented; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4. Approval of GHD contract for engineering and bid services for new roof on Eden Fire Hall

Supervisor Nellis read correspondence from Stephen Waldvogel, GHD Engineering regarding the Eden Fire Hall Roof Project, Engineering and Bid Phase Services. The Town of Eden is preparing to bid and construct a replacement of the roof and skylights at the Eden Fire Hall located at 2791 East Church Street. The roof project consists of the replacement of the lower and upper roof areas including skylights.

GHD will begin design work on this project immediately upon receipt of written authorization to proceed. They propose to provide services for the following fees:

Task 1 – Design Phase Services

GHD will provide the following services necessary to complete the design of the proposed improvements:

- Perform a site investigation and obtain field data necessary for the preparation of the roofing plan and details associated with each proposed roof area.
- Prepare design drawings (plans, details, notes, etc.), specifications, and contract documents for bidding. The drawings will be computer generated in AutoCAD format. The plan and details will be prepared on 11 x 17 in. drawings, with details of appropriate roofing interfaces, as necessary.
- Obtain Prevailing Wage Rate Schedules from the New York State Department of Labor for inclusion in the contract documents.
- Meet with the Town, as necessary, to review the proposed design documents.
- Furnish up to three sets of preliminary drawings specifications, and other contract documents, for review by the Town. Finalize the documents, as necessary, based on review comments received.
- Prepare construction cost estimates and construction duration schedule for this project, based upon final plans and specifications.

It is the understanding of GHD that the asbestos survey, sampling, and reporting will be completed separately by the Town, and the results will be provided to GHD, prior to bidding, for inclusion in the bid documents.

Task 2 – Bid Phase Services

GHD will provide bid phase services, which shall include the following:

- Preparing an advertisement for bids for the project and assisting the Town in Advertisement of the project.
- Furnishing and distributing up to 20 sets of contract drawings, specifications, and other contract documents required for bidding and construction purposes.
- Assisting the Town in securing bids, attending a pre-bid meeting, responding to bidder questions, preparing addenda (if required), tabulating and analyzing the bid results, and furnishing recommendations on the award of the construction contract. It is anticipated that the entire project will be bid and awarded as one contract.

GHD will begin design work on this project immediately upon receipt of written authorization to proceed. We propose to provide the above-referenced services for the following fees:

Task 1 – Design Phase Services	\$9,700 Lump Sum Fee
Task 2 – Bid Phase Services	\$2,900 Lump Sum Fee

Invoicing for lump sum tasks will be issued monthly based upon the percentage of work completed during the prior month and shall be due within 30 days from receipt.

Supervisor Nellis stated that \$75,000 was secured from Senator Gallivan for this project.

MOTION was made by Councilman Ventry to approve the proposal from GHD Engineering to proceed with the Eden Fire Department new roof project and to authorize Glenn R. Nellis, Supervisor to sign the necessary documents; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5. Setting of Public Hearing for December 9, 2015 for Special Use Permit Renewals

MOTION was made by Councilman Ventry to set the Public Hearing for December 9, 2015 at 8:00 p.m. for approval of Special Use Permits for Cazenovia Recovery Systems, Inc., Crown Castle/Donald Mammoser, Eden Kindercare/St. John’s Church, Norman and Jean Brenner, SBA Towers II, Pamela Henrich, Schreiber & Winkelman, Inc., Richard Minekime, James Gorecki, Upstate Cellular Network, d/b/a/ Verizon Wireless, Rainer and Pamela Sticht, and Meagan Coggins; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6. Approval of list of owed water bills to be forwarded to Erie County

MOTION was made by Councilman Krycia to include \$781.34 in unpaid water bills and \$13,225.20 in total Backflow Prevention charges (for a total of \$14,006.54) to tax warrant and to authorize the Town Supervisor, Glenn Nellis, Assessor, Robert Pietrocarlo and Town Clerk, Mary Jo Hultquist to sign the Letter of Authorization to the Erie County Real Property Tax Department and any other paperwork required; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

7. Resignation of Mark Agle as Planning Board Chairman

Supervisor Nellis read the following resolution after receiving a letter of resignation from Mark G. Agle, Chairman of the Eden Planning Board effective December 31, 2015:

**CERTIFICATE OF RECOGNITION
HONORING MARK AGLE**

WHEREAS, Mark Agle has been a member of the Eden Planning Board since December 5, 1996; and

WHEREAS, Mark Agle has been instrumental in providing leadership and selflessly volunteering with his colleagues to ensure our Town is on the right path for development; and

WHEREAS, for the past 19 years, he has served on the Eden Planning Board with many roles, being a regular member; 1 year as Vice Chairman; and 16 years as Chairman; and

WHEREAS, the entire Town has benefited from Mark’s time and talent; and

NOW, THEREFORE, WE, the Eden Town Board, on behalf of the residents of Eden, express to Mark Agle our sincere appreciation and thank you for the many years of dedicated service he has provided to our town.

MOTION was made by Supervisor Nellis to approve the resolution as presented and accept the resignation from Mark Agle, Chairman of the Eden Planning Board; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8. Referral of Special Use Permit review to Planning Board

Supervisor Nellis received correspondence from Ben Slotman, Staff Engineer, MDA Consulting Engineers, PLLC representing the developer FOP Holdings, LLC and managing partner Mr. Roy Emerling, regarding Kelly’s Place Multiple Dwelling Development, 8121 N. Main Street, Eden, NY.

Supervisor Nellis stated that the letter was requesting the Town Board to refer the application to the Planning Board for consideration. Mr. Emerling is proposing to construct two 5-unit townhouses and three 8-unit apartment buildings on the parcel currently owned by Store Owners Inc. Mr. Emerling has a purchase agreement on the property. The proposed parcel is approximately 11 acres and the project is proposing to develop approximately 5 acres. The project will require approval of a Special Use Permit for multiple dwelling residential purposes and it is their understanding that this will coincide with the site plan application review.

MOTION was made by Supervisor Nellis to refer the application to the Planning Board for their consideration; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

9. Resolution for Snowplowing Agreement with the Town of North Collins

Ron Maggs, Highway Superintendent read the following resolution:

BE IT RESOLVED that the Eden Town Board hereby agrees to enter into a mutual agreement with the Town of North Collins, whereby the Town of North Collins Highway Department will plow Clarksburg Road from the North Collins Town Line to the Eighteen Mile Creek Bridge. In exchange, the Eden Town Highway Department will plow the lower sections of both Belcher and Rocky Mountain Roads.

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

10. Approve Adult Winter Program Supervisors

Supervisor Nellis 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.

Evan Kifner and Mitchell Mason of Eden as Adult Swimming Supervisor on Monday & Wednesday nights. November through April at a pay rate of \$9.50/hour.

Emily Cataldo of Eden as Adult Swimming Assistant Supervisor Monday & Wednesday nights. November through April at a pay rate of \$10.50/hour.

MOTION was made by Councilman Krycia to approve the Adult Winter Program Supervisors as presented; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

11. Assistant Court Clerk Position

Supervisor Nellis read correspondence from Michael Cooper, Eden Town Justice requesting the appointment of Cynthia A. Henry as a part-time assistant Court Clerk at \$12.00 per hour for a maximum number of 19 hours per week, effective immediately.

MOTION was made by Supervisor Nellis to appoint Cynthia A. Henry as a part-time Court Clerk at \$12.00 per hour for a maximum number of 19 hours per week, effective immediately; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

12. Resignation/Appointment – Police Department

Supervisor Nellis read correspondence from Mike Felschow, Police Chief regarding the resignation of Kenneth Heary as part-time Police-EMS dispatcher, effective immediately.

MOTION was made by Councilman Ventry to accept the resignation of Kenneth Heary as part-time Police/EMS dispatcher effective immediately; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis read correspondence from Mike Felschow, Police Chief regarding the appointment of Carl Lograsso as part-time Public Safety Dispatcher, effective November 8, 2015.

MOTION was made by Councilman Ventry to appoint Carl Lograsso as part-time Public Safety Dispatcher effective November 8, 2015; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

13. Resignation/Appointment – Eden Emergency Managers Committee

Supervisor Nellis read correspondence from the Eden Emergency Managers Committee regarding the resignation of Jack Rigley as 2nd Deputy Emergency Manager of the Eden Emergency Managers Committee.

MOTION was made by Councilman Ventry to accept the resignation of Jack Rigley with thanks and appreciation for his service; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis read correspondence from the Eden Emergency Managers Committee regarding the appointment of David Schreiber as 2nd Deputy Emergency Manager of the Eden Emergency Managers Committee.

MOTION was made by Councilman Ventry to appoint David Schreiber as 2nd Deputy Emergency Manager of the Eden Emergency Managers Committee; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

14. Copier Purchase – Police Department

Supervisor Nellis read correspondence from Mike Felschow, Chief of Police regarding the purchase of a new copy machine.

The following two quotes were received:

United Business Systems	\$4,399.36
Duplicating Consultants	\$3,934.45

The recommendation from Mike Felschow, Chief of Police is for United Business Systems. Although the cost of the machine is \$464.91 more than the other company, the overall cost will be less with them due to the monthly maintenance agreement.

MOTION was made by Councilman Ventry to approve the purchase of a new copier for the Police department, based on the recommendation of Mike Felschow, Chief of Police, to United Business Systems at a cost of \$4,399.36; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

- Business First – Quality of Life Challenge – Eden was number 9 out of 55 towns.
- Property on Schreiner Road has been converted back to a garage – removed sewer connections, no further proceedings.
- The request was denied from the acting commissioner of the New York State Office for People With Development Disabilities regarding the proposed group home on East Church Street. Supervisor Nellis is requesting an Executive Session with the Town Attorney and the newly elected Supervisor and Town Board members.

Hearing of Visitors:

There were none.

MOTION was made by Councilman Ventry to adjourn to Executive Session at 8:45 p.m.; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis adjourned to Executive Session at 8:45 p.m.

MOTION was made by Councilman Krycia to return to the Regular Meeting of the Eden Town Board at 9:30 p.m.; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis adjourned to Regular Meeting at 9:30 p.m.

MOTION was made by Councilman Ventry to authorize William Trask, Town Attorney to proceed to appeal the decision by the acting Commissioner of the New York State Office for People With Development Disabilities regarding the citing of the proposed group home; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Adjournment:

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:35 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk