

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
SEPTEMBER 11, 2002
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN (<i>Deputy Supervisor</i>)
GEORGE F. ZITTEL	-	COUNCILMAN
VINCENT V. VACCO	-	COUNCILMAN
TIMOTHY J. WALKER	-	COUNCILMAN

DEPARTMENT HEADS PRESENT:

Andrew C. Reilly of Wendel	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Patrick M. Howard	-	Chief of Police
Paul Shephard	-	Eden Emergency Squad
Paul Laing, Jr.	-	Eden Fire Chief
Kevin R. Schoenthal	-	East Eden Fire Chief
Susan Brass	-	Recreation Director
Mary Murray	-	Chairman Board of Assessors
Scott T. Henry	-	Zoning Code Enforcement Officer

OTHERS PRESENT:

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk
Anna M. Knack	-	Administrative Assistant

Commemorative Anniversary of September 11th – Ceremony:

Councilwoman Mary Lou Pew gave a presentation commemorating the events of September 11, 2001 with several volunteers from the Eden Police Department, Eden Police Reserve Department, Eden Fire Department and Eden Emergency Squad.

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 August 14, 2002. There were none.

MOTION was made by Councilman Walker to approve the Town Board Minutes of August 14, 2002 as presented; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of August 28, 2002. There were none.

MOTION was made by Councilman Walker to approve the Town Board Minutes of August 28, 2002 as presented; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfers:

Supervisor Nellis read the following “Budget Transfers” from the Highway Department, from Account D2770 to D5110.4 for funds received from pipe permits in the amount of \$2,337.60 and from Account D5120.2 to D5110.4 for road materials in the amount of \$5,000.00.

MOTION was made by Councilman Vacco to approve the “Budget Transfers”; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Budget Amendments:

Supervisor Nellis read the following “Budget Amendments” from Account A2025 to A7150.1 for Swim Club payroll reimbursement in the amount of \$8,448.00, from Account A4389 to A3120.4A for COPS Grant in the amount of \$484.00, from Account A3823 to A1460.4 for Records Management Grant in the amount of \$813.00, and from Account A2770 to A3620.4 for Resident reimbursement for code books in the amount of \$40.00.

MOTION was made by Councilman Walker to approve the “Budget Amendments”; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Audit Bills:

Supervisor Nellis asked if there were any questions on the “Audit of Bills” which are on file in the Town Clerk’s office. There were none.

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	506-567	\$28,997.26
Highway Dept. Fund	219-242	\$45,304.30
Fire Dept. Fund	180-198	\$3,870.75
Recreation Dept. Fund	122-143	\$6,193.81
Refuse and Garbage Fund	20-21	\$21,719.94
Street Lights Fund	22-24	\$3,641.17
Water Fund	11-12	\$4,259.02
Trust & Agency Fund	--	--
Capital Fund	11-14	\$9,648.27
Community Development	--	--

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

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

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:00 P.M.

MOTION was made by Councilman Pew to open the Public Hearing for the Cost of Financing and amending to Scope of Work – Water District No. 4; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? –None; Motion carried.

Supervisor Nellis opened the Public Hearing at 8:00 P.M.

8:00 P.M.
Public Hearing
Cost of Financing and amending to Scope of Work
Water District No. 4

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

Councilman Walker read and moved the following determination:

In the Matter of the Application of the Town Board of the Town of Eden, Erie County, New York, for permission of the State Comptroller to increase the maximum amount to be expended on behalf of Water District No. 4 in said town.

WHEREAS, upon the application of the town board of the Town of Eden, Erie County, New York, duly made, the Comptroller of the State of New York, on January 22, 2002, did make an order granting permission for the establishment of Water District No.4; and

WHEREAS, said application and order provided that the maximum amount to be expended for the water district be \$1,860,000; and

WHEREAS, we are informed that the United States Department of Agriculture – Rural Development has approved a grant not to exceed \$700,000 and a loan not to exceed \$1,160,000 to the Town of Eden for this project;

WHEREAS, we are informed that the United States Department of Agriculture – Rural Development has approved an additional grant not to exceed \$290,700 and an additional loan not to exceed \$84,300 to the Town of Eden for this project; and

WHEREAS, an application of the town board of the Town of Eden dated July 11, 2002, has been duly made to the undersigned for permission to increase the maximum amount authorized to be expended for the said water district from \$1,860,000 to the maximum amount of \$2,178,000; and

WHEREAS, the undersigned has duly examined such application;

NOW, THEREFORE, upon the said application, the additional information and documents attached thereto and/or referred to therein, and due deliberation having been had thereon, I, H. Carl McCall, Comptroller of the State of New York, do hereby find and determine:

- (1) That the public interest will be served by the proposed increase in the maximum amount to be expended for the said district;
- (2) That the additional cost or amount to be expended for such purpose will not be an undue burden upon the property of said district.

AND, FURTHER, I DO HEREBY ORDER that the application of the town board of the Town of Eden, aforesaid, for permission to increase the maximum amount to be expended on behalf of said Water District No. 4 in said town be, and the same hereby is, granted and that said permission is to increase the maximum amount to be expended from \$1,860,000 to \$2,178,000, including any applicable aid.

Executed in duplicate under my hand and the seal of the Comptroller of the State of New York, at the City of Albany, New York this 3rd day of September, 2002.

Questions and comments were then heard from the following residents in attendance:

Donald Denz, 9101 Jennings Road
Brian Maclaren, 3130 Paxon Road
Charles Gojmerac, 8905 Jennings Road
Russell Lauber, 3026 Paxon Road
David Symington, 3028 Paxon Road
John Cardarelli, 9454 Sandrock Road
Ruth Ann Blair, 3371 Wepax Road

John Reid, R & D Engineering and William Trask, Town Attorney were present and answered the questions of the residents.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:35 P.M.

MOTION was made by Councilwoman Pew to close the public hearing; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

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

Adoption of Resolutions for Water District No. 4:

Councilman Walker read the following resolution:

Will insert resolution

Councilwoman Pew read the following resolution

Will insert resolution

Award of Bids:

**Town of Eden
Water System Improvements
Pump Station Construction
Contract Nos. 9PG 7 9PE**

John Reid, R & D Engineering made the following recommendation to the Eden Town Board. We have reviewed the qualifications and experience of the low bidders for the above-referenced projects, STC Construction, Inc. and Weydman Electric, Inc., and have found they have performed similar work acceptably.

We, therefore, recommend award of Contract No. 9PG, Pump Station Construction – General, to STC Construction, Inc., in the Total Bid Amount of \$172,500.00; and Contract No. 9PE, Pump Station Construction – Electrical, to Weydman Electric, Inc., in the Total Bid Amount of \$69,901.00. The recommendation for the awards is based upon the availability of project funding review by USDA-Rural Development and the Town’s attorney.

MOTION by Councilwoman Pew to accept the above-mentioned contract as recommended by John Reid, R & D Engineering and William Trask, Town Attorney; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Town of Eden
Water System Improvements
Contract No. 9A

John Reid, R & D Engineering made the following recommendation to the Eden Town Board. We have reviewed the qualifications and experience of the next lowest responsible bidder for the above-referenced project, Janik Paving and Construction, Inc., and have found they have performed similar work acceptably. We, therefore, recommend award of Contract No. 9A to Janik Paving and Construction, Inc. in the Total Amount of \$1,231,611.00, contingent upon the availability of project funding review by USDA-Rural Development and the Town’s attorney.

MOTION was made by Councilman Walker to accept the above-mentioned contract as recommended by John Reid, R & D Engineering and William Trask, Town Attorney; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked the Town Board for authorization to sign on services of Munistat Services, Inc. to assist with the application process of borrowing and financial reporting required by the USDA-Rural Development as part of its financing of the Town’s water district project. The cost of the financing is \$4,000.00.

MOTION was made by Councilman Walker to authorize Supervisor Nellis to sign on with Munistat Services, Inc. in the amount of \$4,000.00; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Departmental Reports:

Department reports for the month of August 2002 were presented by Paul Shephard, Eden Emergency Squad; Paul Laing, Eden Fire Chief; Kevin Schoenthal, East Eden Fire Chief; Patrick Howard, Eden Police Chief; Ronald Maggs, Superintendent of Highways; Andrew Reilly, Town Engineer; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Scott Henry, Zoning Code Enforcement Officer; Susan Brass, Recreation Director; Mary Murray, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Paul Laing, Eden Fire Chief asked the Town Board to add Charles Moore to the active roster of the Eden Fire Department pending physical.

MOTION was made by Councilwoman Pew to add the name of Charles Moore the active roster of the Eden Fire Department; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent asked the Town Board to declare 1977 Dodge Pickup with plow and sander surplus to be taken to the Municipal Auction, October 12, 2002 at the Erie County Fairgrounds.

MOTION was made by Councilwoman Pew to declare the 1977 Dodge Pickup surplus; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Drew Reilly, Town Engineer asked the Town Board to accept the draft-scoping document from Mr. Bosse as official scope.

MOTION was made by Councilman Walker to accept the draft-scoping of work document from Mr. Bosse as the official scope; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

New and Unfinished Business:

1.) Streetscape Presentation – State Department of Transportation

Supervisor Nellis stated that this presentation would now be at the Work Session Meeting to be held on September 25, 2002.

2.) Eden's Receipt of State-wide Planning Award – Comprehensive Master Plan

Drew Reilly, Town Engineer stated that the Town of Eden is in receipt of a State-Wide Planning Award. The Award ceremony will be held at Alexandria Bay and Mr. Reilly and Supervisor Nellis will be on hand to accept the award. Councilman Walker suggested that some form of public recognition be held to properly thank the people involved in the Comprehensive Master Plan.

3.) Results of New Boiler Bids – Eden Fire Hall

Paul Laing, Eden Fire Chief stated that the bid opening was held on September 5, 2002 and two bids were received with the low bid from Duffett Plumbing in the amount of \$15,582.00. It was his recommendation to accept that bid.

MOTION was made by Councilwoman Pew to accept the bid from Duffett Plumbing in the amount of \$15,582.00; seconded by Councilman Walker; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

4.) SEMO Contract – Mitigation Program on Jennings Road

Supervisor Nellis stated that he had received a contract from SEMO for the Mitigation Program on Jennings Road not to exceed \$131,432.00.

MOTION was made by Councilwoman Pew to accept the contract from SEMO in the amount of \$131,432.00 and authorize Supervisor Nellis to sign said contract; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

Supervisor Nellis stated that he would be meeting with Mike Bolo on Saturday, September 14, 2002 regarding WNY – more livable community. They will be doing a tour of Main Street along with volunteer members of WNY for a more Livable Community.

Hearing of Visitors:

There were none.

Adjournment:

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:45 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