

MINUTES

**WORK SESSION MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
MARCH 24, 2004
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

GLENN R. NELLIS - SUPERVISOR
MARY LOU PEW - COUNCILWOMAN (*Deputy Supervisor*)
EDWARD KRYCIA, JR. - COUNCILMAN
VINCENT V. VACCO - COUNCILMAN
TIMOTHY J. WALKER - COUNCILMAN (*Absent*)

OTHERS PRESENT:

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

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. Proposed Telecommunications Law – Completion of Final Revisions for April 14th Hearing

Councilwoman Pew stated that the Technology Committee had made revisions to the proposed Telecommunications Law that were reviewed by William Trask, Town Attorney. The revisions were then discussed and the following motions were made.

Regarding Section 197-5(C)(1) the Technology Committee proposed “Should these levels at any time cause interference to neighboring frequencies, the Town Board shall notify the FCC and the applicant as to the interference and request a resolution at the applicant’s expense”. William Trask, Town Attorney proposed “Applicants must provide the name and phone number of one or more representatives or agents who will be available on a 24 hour basis to receive, investigate and respond to complaints of alleged radio frequency interference emanating from any permitted site. It shall be a condition of each permit that the permittee maintain a record of every such complaint showing the date and time of the complaint, name and

address of the complaining party and the outcome of the processing of such complaint. Permittee shall make all such records available to the Town, upon request of the Town Code Enforcement Officer”.

MOTION was made by Councilman Krycia to accept the revision of William Trask, Town Attorney; seconded by Supervisor Nellis; “Ayes”; Krycia, Nellis, Vacco; Abstain? – None; Opposed? – Pew; Motion carried.

Regarding Section 197-5(D)(4) the Technology Committee proposed “The applicant shall notify the Town of Eden Emergency Personnel of any equipment failures occurring at any time pertaining to its Telecommunication Facilities located within the Town of Eden”. William Trask, Town Attorney proposed “It shall be a condition of each permit that the permittee immediately notify the Town of Eden Police Department in the event of a failure of any safety device at the telecommunication facility site, including, but not limited to, tower lighting and perimeter security”.

MOTION was made by Councilwoman Pew to accept the revision of William Trask, Town Attorney; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Regarding 197-6(B) the Technology Committee proposed “provided there is no frequency interference with neighboring sites” and William Trask, Town Attorney proposed to “delete this language”.

MOTION was made by Councilman Krycia to accept the revision of William Trask, Town Attorney and delete that language; seconded by Councilman Vacco; Ayes – Nellis, Krycia, Vacco; Opposed? – Pew; Abstain? – None; Motion carried.

Regarding 197-9(A) the Technology Committee proposed “The Town Code Enforcement Officer and/or representative of the Town of Eden” and William Trask, Town Attorney proposed to delete “and/or representative of the Town of Eden”.

MOTION was made by Councilman Pew to accept the “concept” of William Trask, Town Attorney, not the specific language; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

2. **Proposed Wind Energy Conversion Law – Completion of Final Revisions for April 14th Hearing**

Supervisor Nellis and the Town Board agreed to table this item and to review the revisions at a future Town Board Meeting.

3. **Approval of 2004 Summer Recreation Employees**

Councilman Vacco read correspondence from Susan Brass, Recreation Director

requesting the Town Board's approval for the 2004 Summer Employee Hiring. A complete listing of 2004 Summer Staff Assignments with salaries and positions listed was received. All appointments are within the 2004 approved budget.

MOTION was made by Councilman Vacco to approve the above-mention appointments; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

4. **Proclamation – Municipal Clerks Week in the State of New York**

Supervisor Nellis read the following resolution:

**PROCLAMATION
Municipal Clerk's Week
May 2 – May 8, 2004**

WHEREAS, the Office of the Municipal Clerk, a time honored and vital part of the local government exists throughout the world,

WHEREAS, the Office of the Municipal Clerk is the oldest among public servants, and

WHEREAS, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS, Municipal Clerks have pledged to be even mindful of their neutrality and impartiality, rendering equal service to all, and

WHEREAS, the Municipal Clerk is the information center on functions of local government and community, and

WHEREAS, the Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations, and

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE I, Glenn R. Nellis, Supervisor of the Town of Eden, do recognize the week of May 2 through May 8, 2004 as Municipal Clerk's Week, and further extend appreciation to our Municipal Clerk, Mary Jo Hultquist, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

MOTION was made by Supervisor Nellis to adopt the Proclamation; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

5. **Resolution – In Support for the Elimination of the Sunset Provision of the Local Government Records Management Improvement Fund**

Supervisor Nellis read the following Resolution:

RESOLUTION OF SUPPORT FOR THE ELIMINATION OF THE SUNSET PROVISION OF THE LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND (LGRMIF)

WHEREAS, the Local Government Records Management Improvement Fund was created in 1989 to provide technical assistance and grants to establish, improve or enhance records management programs in New York's more than 4300 local governments, and

WHEREAS, a sunset date for the LGRMIF was established in the original legislation to permit its operation as a five-year experiment, and

WHEREAS, the New York State Legislature in 1995 has twice extended the sunset date, most recently to December 31, 2005, and

WHEREAS, the LGRMIF has effectively supported essential advisory services and 6,300 grants totaling over \$113 million to improve the management of records for over half of all NYS local government, and

WHEREAS, the Town of Eden has benefited from technical assistance, training, publications and 5 grants totaling \$66,148 supported by the LGRMIF, and

WHEREAS, the LGRMIF continues to be critically important in the fulfillment of the many records and information related responsibilities of the Town of Eden.

THEREFORE, BE IT RESOLVED that the Town of Eden supports the elimination of said sunset provision of December 31, 2005 in order to make the LGRMIF permanent.

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

6. **Approval of Contracts – Violet Street Pump Station – Engineering, Bond Counsel, Financial**

Supervisor Nellis recognized Steve Waldvogel, Project Engineer for R & D Engineering. Mr. Waldvogel was present to submit the proposal to provide Professional Engineering Services related to the design and construction of the proposed Violet Street Pump Station.

The Scope of Services includes:

- Survey and Topographic Mapping Phase

- Design Phase
- Bid Phase
- Construction Administration Phase

R & D Engineering, Inc. is prepared to begin work immediately upon authorization. They anticipate being able to complete project design and have a project ready for bidding with 4 months.

Based on the Scope of Services outlined above, R & D Engineering, Inc. will provide the required professional services in accordance with the following fee schedule:

Survey and Topographic Mapping Phase	\$ 5,500 Lump Sum
Design Phase	\$ 40,000 Lump Sum
Bid Phase	\$ 3,000 Lump Sum
Construction Administration Phase (based on 140 calendar day construction contract time)	\$ 9,300 Lump Sum
Resident Inspection	\$ 33,000 Per Diem

All fees listed above, except for Residential Inspection Service, are lump sum amounts. The Resident Inspection Services fee is an estimated amount and would be billed on an hourly basis.

MOTION was made by Supervisor Nellis to accept the proposal from R & D Engineering, Inc. for professional engineering services for the proposed Violet Street Pump Station not to exceed \$90,800.00; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

7. Various Resolutions for the new Violet Street Pump Station – Order calling for Public Hearing, Lead Agency Status for SEQRA, and Authorization for submission of Application to Rural Development

Supervisor Nellis recognized Steve Waldvogel, Project Engineer from R & D Engineering, Inc., present to submit the proposal to assist the Town of Eden prepare the elements for the procurement of grant/loan funding, through the USDA Rural Development Program, for design and construction of the proposed Violet Street Pump Station.

In March, 2004 R & D Engineering prepared a Map, Plan and Report for the Violet Street Pump Station in the Town of Eden. The project will consist of design and construction of a new pump station on the same parcel of land as the existing Violet Street Tank, as well as new ductile iron piping to connect the pump station discharge to the 12-inch watermain on Hammond Drive.

The Scope of Services includes:

- Conduct meetings with the Town Board and Town personnel to identify and satisfy application requirements.
- Prepare and send letters of intent to involved environmental agencies for their review, comment and approvals.

- Prepare maps, diagrams, and necessary support materials for inclusion with the environment report.
 - Assist in preparation of additional documentation including engineering agreement, project budget, financing/bonding, and legal forms.
- Assist the Town in completing documentation required for final environmental report.
 - Assist the Town in completing documentation required for final application including environmental compliance/review and reporting forms.
- Miscellaneous services pertaining to the submittal and subsequent negotiations relating to the final environmental report, as required form compliance with the USDA Rural Development Grant Program.

Based upon the scope of services outlined above, R & D will provide the required Professional services under the following fee schedule:

1. Pre-application lump sum fee of \$1,000.
2. Final Application lump sum fee of \$2,000.

Invoices will be submitted monthly based on the percentage of work completed. R & D will begin work immediately upon authorization. They will make every attempt to expedite the project in coordinating with the funding agencies. They anticipate the project completion within 6 months, dependent on agency responsiveness.

MOTION was made by Supervisor Nellis to accept the proposal from R & D Engineering to assist the Town of Eden to prepare the elements required for the procurement of grant/loan funding, through the USDA Rural Development Program, for design and construction of the proposed Violet Street Pump Station at a cost of \$3,000. and to authorize Supervisor Nellis to sign the documents; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis read the following resolution:

In the matter of the joint increase and Improvement of Facilities of the Consolidated Water District No. 4, in the Town of Eden, in the County of Erie, New York, pursuant to Section 202-b of the Town Law.

**ORDER CALLING PUBLIC HEARING
TO BE HELD ON
APRIL 14, 2004**

WHEREAS, the Town Board of the Town of Eden (herein called “Town Board” and “Town”, respectively), in the County of Erie, New York on behalf of the Town’s Consolidated Water District and Water District No. 4 (collectively, the “Districts”), in the Town, has requested R & D Engineering, Inc., engineers duly licensed by the State of New York (“Engineer”), to prepare a preliminary map, plan and report for the joint increase and improvement of facilities of the Districts consisting of (i) the construction of a new pump station on the same parcel of land as

the Violet Street water tank, (ii) the acquisition of land easement, (iii) the construction of new waterlines for pump station supply, (iv) discharge and system interconnection, (v) general site work, and (vi) electrical supply and construction, including preliminary work, necessary materials, equipment and site work, and has estimated the total cost thereof to be \$578,000; said cost to be financed by the issuance of serial bonds of the Town in the amount of \$578,000, said amount to be offset any federal, state, county and/or local grants; and

WHEREAS, the Town Board has determined that said cost shall be annually apportioned among the districts by the Town Board, and the amounts so apportioned shall be assessed, levied and collected from the several lots and parcels of land within each such district for such purpose in the same manner and at the same time as other town charges, except as otherwise provided by law;

NOW, THEREFORE, BE IT ORDERED that a meeting of the Town Board of the Town be held at the Town Hall, 2795 East Church Street, Eden, New York, on the 14th day of April, 2004 at 8:30 P.M. (Prevailing Time) to consider said joint increase and improvement of facilities of the Districts and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in a newspaper designated as the official newspaper of the Town for such publication, The Sun, and post on the sign board of the town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

MOTION was made by Supervisor Nellis to approve the “Order calling for Public Hearing to be held on April 14, 2004 at 8:30 P.M.; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Absent? – Walker; Motion carried.

Supervisor Nellis read the following resolution:

Be it resolved by the Town Board of the Town of Eden that the Town Board intends to act as Lead Agency for the review under the State Environmental Quality Review Act for the improvements to the Consolidated Water District and Water District No. 4, which improvements are classified as an Unlisted Action, the Town Clerk, assisted by the Town Engineer, shall notify all involved parties.

MOTION was made by Supervisor Nellis to approve the resolution to act as Lead Agency under the State Environmental Quality Review Act (SEQRA) for the improvements to the Consolidated Water District and Water District No. 4; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis read correspondence from Jeffrey R. Smith, Vice President of Munistat Service, Inc., Municipal Finance Advisory Services. Munistat Services, Inc. will provide the

Town of Eden assistance in the application process, borrowing, and financial reporting required by the USDA Rural Development as part of its financing of the Town's water district project.

As part of the services Munistat will assist the Town with the following USDA Rural Development Loan activities:

1. Advise the Town regarding the structure of the long-term debt, timing of principal payments, and prepare various conventional and level debt amortization schedules to assist in reviewing the annual financial commitments needed to fund the project.
2. Advise on the timing of the final long-term loan with Rural Development.
3. Prepare a marketing schedule and coordinate it with the engineer, local counsel, bond counsel, and USDA Rural Development officials.
4. Provide assistance in preparing the final USDA Rural Development loan application package, coordinate administrative activities and assist in gathering the financial information required by the Agency.
5. Coordinate the closing of the long term bond issue with Rural Development, the project engineer, your Bond Counsel and Town Attorney.
6. Attend and participate in Board meetings, work sessions, or public information meetings.
7. Perform other assistance as needed by the Town.
8. Working closely with the Town's certified public account, offer assistance in preparing USDA Rural Development required monthly reporting forms and developing a capital project accounting system.

The fee for securing interim construction financing in an amount less than \$1,000,000 prior to closing the long-term loan with Rural Development will be \$1,500.

The fee associated with preparing the final long-term maturity schedule and the coordination of the closing with Rural Development officials, Bond Counsel and town officials will be \$1,500. There will be no charges for telephone calls, mileage or incidental costs of marketing.

MOTION was made by Supervisor Nellis to approve \$3,000 for services to Munistat Services, Inc. for this project and authorize Supervisor Nellis to sign the agreement; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

8. **2004 FEMA Firefighters Assistance Grant – Eden/East Eden Fire Department**

Supervisor Nellis read correspondence from both Eden and East Eden Fire Departments regarding 2004 FEMA Firefighters Assistance Grants. Paul Laing, Eden Fire Chief requested approval to increase the total amount of their FEMA Grant Application request from \$50,000 (that was approved at the Town Board Meeting on 3/10/2004) to \$139,000. The Town of Eden's matching fund would still remain at approximately \$5,000 (10% of the original amount requested).

Paul Laing, Eden Fire Chief explained that the reason for the change the Erie County Department of Emergency Services contacted them to team with them to help build and provide funding for the Western New York Regional Communication Alliance. This will help build the 800 MHz. Public Safety System, and provide them with radios to have the capability to communicate countywide in a major incident. The County of Erie will provide them with the matching funds needed for the additional added 10% matching funds that will be required (\$89,000) if awarded.

MOTION was made by Councilwoman Pew to authorize the increase of the total amount of the FEMA Grant Application from \$50,000 to \$139,000 with the matching funds to the Town of Eden remaining at approximately \$5,000; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Kevin Schoenthal, East Eden Fire Chief requested approval to apply for the 2004 FEMA Firefighters Assistance Grant with the approximate amount of \$139,000 to \$149,000. This total consists of equipment and it also includes money for the purchase of communication equipment. This communication equipment is for the future 800 MHz communication systems within Erie County. This portion of the grant will be with the East Eden Fire Department teamed up with the Erie County Emergency Services. If awarded this grant the recipient would have a 10% match with the Town of Eden, at approximately \$7,500-\$8,500 and Erie County’s 10% match at approximately \$8,400.

MOTION was made by Councilwoman Pew to authorize the East Eden Fire Department to apply for the 2004 FEMA Firefighters Assistance Grant at the approximate amount of \$139,000 to \$149,000, with matching funds from the Town of Eden at 10%, or approximately \$7,500-\$8,500; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Hearing of Visitors:

There were none.

Adjournment:

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

Supervisor Nellis adjourned the Work Session Meeting of the Eden Town Board at 9:25 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk