

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
FEBRUARY 9, 2005
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

| | | |
|-------------------|---|-------------------------------------------|
| GLENN R. NELLIS | - | SUPERVISOR |
| MARY LOU PEW | - | COUNCILWOMAN (<i>Deputy Supervisor</i>) |
| EDWARD KRYCIA, JR | - | 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 |
| David Cole | - | Eden Fire Chief |
| Kevin R. Schoenthal | - | East Eden Fire Chief |
| Robert Pietrocarlo | - | Chairman Board of Assessors |

OTHERS PRESENT:

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

Call to Order:

Supervisor Nellis called the Regular Meeting of the Eden Town Board to order at 7:43 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 January 12, 2005; there were none.

MOTION was made by Councilman Walker to approve the Town Board Minutes of January 12, 2005 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 January 26, 2005; there were none.

MOTION was made by Councilman Walker to approve the Town Board Minutes of January 26, 2005 as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfers:

There were none.

Budget Amendments:

There were none.

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. General voucher #56 was omitted.

February 2005 Payables

| DESCRIPTION | VOUCHER NUMBERS | AMOUNT |
|-------------------------|-----------------|------------|
| General Fund | 878-891 | \$7,974.12 |
| Highway Dept. Fund | 342 | \$797.87 |
| Fire Dept. Fund | 307-313 | \$3,524.62 |
| Recreation Dept. Fund | 195-197 | \$313.17 |
| Refuse and Garbage Fund | -- | -- |
| Street Lights Fund | 35-36 | \$2,584.09 |
| Water Fund | 43 | \$300.00 |
| Trust & Agency Fund | -- | -- |
| Capital Fund | -- | -- |
| Community Development | -- | -- |

February 2005

| DESCRIPTION | VOUCHER NUMBERS | AMOUNT |
|-------------------------|-----------------|--------------|
| General Fund | 16-79 | \$166,918.69 |
| Highway Dept. Fund | 6-37 | \$98,896.89 |
| Fire Dept. Fund | 3-22 | \$5,527.15 |
| Recreation Dept. Fund | 3-9 | \$32,869.90 |
| Refuse and Garbage Fund | 2-3 | \$28,469.33 |
| Street Lights Fund | 1 | \$3,392.15 |
| Water Fund | 1-5 | \$22,476.37 |
| Trust & Agency Fund | -- | -- |
| Capital Fund | 1-4 | \$70,934.08 |
| Community Development | -- | -- |

MOTION was made by Councilman Walker to approve the Audit of Bills as presented, with the correction of the omission of General voucher #56; seconded by Councilwoman Pew; All “Ayes”? Opposed? – None; Abstain? – Walker – None; Motion carried.

Departmental Reports:

Department reports for the month of January were presented by Paul Shephard, Eden Emergency Squad; David Cole, 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; Supervisor Nellis for Scott Henry, 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.

Paul Shephard stated that at their Installation of Officers dinner held on February 5, 2005 Ann Knack was named as “Honorary” member of the Eden Emergency Squad for all her assistance to the Emergency Squad throughout her years of service to the Town of Eden.

Robert Pietrocarlo, Head Assessor, requested the Town Board to consider a maximum of 40 additional hours for clerical work for the Assessors Office, specifically for Joan Doctor, Clerk, until the end of the year.

MOTION was made by Councilwoman Pew to approve an additional 40 hours for clerical work for the Assessors office; seconded by councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

David Cole, Eden Fire Chief requested approval to reinstate Maurice Dole as Co-Coordinator to the Disaster Committee for a 2-year term as recommended and approved by the Emergency Services Committee at their January 17, 2005 meeting.

MOTION was made by Councilwoman Pew to reinstate Maurice Dole as Co-Coordinator to the Disaster Committee for a 2-year term; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain?- None; Motion carried.

Kevin Schoenthal, East Eden Fire Chief requested the Town Board to remove Chris Podpora from the East Eden Fire Department active roster.

MOTION was made by Councilwoman Pew to remove Chris Podpora from the active roster of the East Eden Fire Department; seconded by Councilman Walker; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

Patrick Howard, Police Chief requested the Town Board appoint Nicholas Blaszczyk to the vacant full-time Police Officer position contingent upon Nick passing the required exam. He is currently BMT certified and a certified officer for the department and currently number (two) 2 on the civil service test. When the position of Lieutenant was created, the full-time Police Officer position was not filled. This would not increase the 2005 budget.

MOTION was made by Councilwoman Pew to appoint Nicholas Blaszczyk as a full-time Police Officer effective 2/9/2005 with an effective start date of 3/24/2005; seconded by Councilman Walker; “Ayes”; Nellis, Pew, Vacco, Walker; Opposed? – None; Abstain? – Krycia; Motion carried.

Ron Maggs, Highway Superintendent requested the Town Board to set a bid opening date for Motor Fuels and Related Services for Wednesday, March 3, 2005 at 10:00 A.M. in the Town Clerk’s office.

MOTION was made by Councilman Walker to set a bid opening for Motor Fuels and Related Services for Wednesday, March 3, 2005 at 10:00 A.M.; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

New and Unfinished Business:

1. **Renewal of Independent Service Provider Contracts**

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Supervisor Nellis requested the Town Board consider the contract between

Charles Dias and the Town of Eden as an Independent Computer Technology Service Provider, working with the Deputy Supervisor and the Technology Committee in conjunction with the Town of Eden's Help Desk Application Policy, for an annual stipend of \$4,800 for the year 2005, to be compensated \$400 monthly upon receipt of a statement for services rendered for that month. Each payment will be subject to the monthly audit of bills conducted by the Eden Town Board.

MOTION was made by Councilwoman Pew to authorize Supervisor Nellis to sign and approve the contract between the Town of Eden and Charles Dias as an Independent Computer Technology Service Provider for an annual stipend of \$4,800 for the year, to be compensated \$400 monthly effective as of 1/1/2005; seconded by Councilman Walker; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis requested the Town Board consider the contract between Mike Bolo and the Town of Eden as an Independent Economic Development Specialist Provider, working with the Town Supervisor and the Economic Development Committee for the purposes of advancing economic development in the Town of Eden, for an annual stipend of \$4,800 for the year 2005, to be compensated \$400 monthly upon receipt of a statement for services rendered for that month. Each payment will be subject to the monthly audit of bills conducted by the Eden Town Board.

MOTION was made by Walker to authorize Supervisor Nellis to sign and approve the contract between the Town of Eden and Mike Bolo as an Independent Economic Development Specialist Provider at an annual stipend of \$4,800 for the year 2005, to be compensated \$400 monthly effective 1/1/2005; seconded by Councilman Krycia; "Ayes"? Nellis, Krycia, Vacco, Walker; Opposed? – Pew; Abstain? – None; Motion carried.

2. Reappointment – Drainage Committee Members and Secretary

- Supervisor Nellis read correspondence from Ron Maggs, Chairman, Drainage Committee reappointing William Faircloth and Ron Maggs to the committee. The committee received Scott Henry's resignation from the committee and as representative for the Storm Water Coalition, as his term expired. It was also recommended that the title "Drainage Committee" be changed to "Off-Road Drainage Committee", to help clarify their mission.

MOTION was made by Councilwoman Pew to reappoint William Faircloth and Ron Maggs and to change the title of "Drainage Committee" to "Off-Road Drainage

Committee”; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Discussion ensued regarding the local attendance at the monthly Storm Water Coalition when Drew Reilly, Town Engineer from Wendel Duchscherer stated that a representative from his office regularly attends the Storm Water Coalition meetings and would, on behalf of the Town of Eden at no cost to the town, attend.

MOTION was made by Councilman Walker to appoint a representative of Wendel Duchscherer on behalf of the Town of Eden to attend the monthly meetings of the Storm Water Coalition at no cost to the Town of Eden ; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis read the following recommended reappointments of Fran McLaughlin, Ed Krycia, Jr. and the addition of Kevin Karstedt to the Economic Development Committee for a 3-year term.

MOTION was made by Councilwoman Pew to accept the reappointments to the Economic Development Committee as presented; seconded by Councilman Walker; “Ayes”; Nellis, Pew, Vacco, Walker; Opposed? – None; Abstain? – Krycia; Motion carried.

Supervisor Nellis read the following recommended reappointment of James Brass to the Recreation Advisory Board to another 5-year term James Brass.

MOTION was made by Councilman Walker to accept the reappointment of James Brass to a five-year term to the Recreation Advisory Board; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis then stated that the Recreation Advisory Board recommended James Brass to serve as Advisory Board Chairman.

Councilwoman Pew requested moving this appointment to “Old Business” for discussion at a future meeting.

Supervisor Nellis read the following recommended appointment of Cindy Kugler as Secretary to the Town of Eden Off-Road Drainage Committee at a rate of \$25.00 per meeting session.

MOTION was made by Councilman Walker to appoint Cindy Kugler as Secretary to the Town of Eden Off Road Drainage Committee at a rate of \$25.00 per meeting

session; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3. **Resolution – GASB 34**

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Supervisor Nellis read the following resolution:

WHEREAS, the Governmental Accounting Standards Board has issued new financial requirements under its Statement GASB No. 34 and,

WHEREAS, the Town of Eden must adopt certain provisions of the statement for the fiscal year ended December 31, 2004,

NOW, THEREFORE BE IT RESOLVED the Town hereby designates each of its funds as “major” funds in accordance with the provisions of GASB No. 34, to provide a framework for more detailed reporting of the Town’s operations.

AND the Town hereby designates \$10,000 as a minimum capital expenditure, which would be recorded as a fixed asset for the purpose of GASB No. 34,

AND the Town hereby adopts the following useful lives for depreciation purposes under GASB No. 34:

| | |
|---------------------------|----------|
| Building & Infrastructure | 50 years |
| Vehicles | 5 years |
| Fire Trucks | 25 years |
| Furniture & Fixtures | 10 years |

MOTION was made by Councilman Walker to adopt the resolution as presented; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4. **Pipeline Replacement at Gorcica Field (Informational)**

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Supervisor Nellis read correspondence from National Fuel Gas regarding a Right

Of Way Agreement authorizing the relocation of one or more pipeline at Gorcica Field.

MOTION was made by Councilwoman Pew to approve the Right of Way Agreement and authorize Supervisor Nellis to sign such agreement pending approval by Attorney

Trask; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5. **Resolution – NYS Quality Communities Program Grant**

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Supervisor Nellis read the following resolution:

WHEREAS, the Town Board of the Town of Eden fully supports initiatives to enhance area-wide environmental protection, economic prosperity and community well being, and

WHEREAS, the communities in Southwestern Erie County realize the need to identify and promote the various resources and assets of the area; and

WHEREAS, there is currently no plans or initiatives to attract visitors and/or tourists to our communities as a collation of municipalities with a common plan; and

WHEREAS, the Town of Evans, Brant, Eden and North Collins as well as the Villages of Angola, North Collins and Farnham have expressed a willingness to promote tourism to enhance the environment, economic prosperity and community well being of these municipalities;

NOW, BE IT RESOLVED that Glenn R. Nellis, as Supervisor of the Town of Eden is hereby authorized and directed to support an application filed by the Town of Evans on our behalf to the New York State Quality Communities Program to obtain financial assistance to develop a plan and implementation strategy which will enhance the environment, economic prosperity and community well being of the Town of Eden and upon approval of said grant request, will enter into an agreement with New York State as well as the collaborating communities to develop said plans for identifying and promoting the assets of our region; and

BE IT FURTHER RESOLVED that this Town Board endorses the commitment of the communities identified in this resolution to continue to meet on a regular basis for the purpose of discussing other ways that we can work together for the betterment of our shared region.

MOTION was made by Councilman Walker to authorize Supervisor Nellis to support an application filed by the Town of Evans on our behalf; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6. **Bid Results – New ½ Ton Pickup Truck**

- Ron Maggs, Highway Superintendent stated that two bids were received, one from Steve Baldo Chevrolet Olds at \$14,049.30 and Emerling Chevrolet at \$13,494.60, in stock, and \$12,998.85, factory order. Mr. Maggs recommended to the Town Board to award the bid to Emerling Chevrolet for the factory order bid of \$12,998.85.

MOTION was made by Councilwoman Pew to accept the recommendation of Ron Maggs, Highway Superintendent and award the bid to Emerling Chevrolet for \$12,998.85; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

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7. **Memo from Eden Conservation Board, Re: Review of Development Applications in Primary Conservation Areas**

- Supervisor Nellis read correspondence from Frank Mantione, Chairman of the Eden Conservation Board regarding the review of subdivision development in Primary Conservation Areas. The Conservation Board wishes to receive applications for major subdivision development in Primary Conservation Areas only. The Conservation Board will have 30 days from the receipt of such application to submit a written report to the referral body and that the report shall evaluate the proposed use or development of the open area in terms of open area planning objectives. The report shall make recommendations as to the most appropriate use of development of the open area.

8. **Change Orders – WD #4 Project – Weydman Electric – Change Order No. 2, Janik Paving – Change Order No. 3, STC Construction – Change Order No. 2**

- Supervisor Nellis read correspondence from R & D Engineering, Inc., requesting authorization for change orders for Weydman Electric at no change in cost, Janik Paving at a decreased cost of \$16,300.03 and STC Construction at an increased cost of \$8,185.75.

- **MOTION** was made by Councilman Vacco to authorize R & D Engineering, Inc. and Supervisor Nellis to sign the Change orders as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

9. **Bid Results – 1996 Ford Crown Victoria**

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Supervisor Nellis stated that two bids had been received. Andrew Pieczynski bid \$345.67 and Rick LaPorta bid \$325.00.

MOTION was made by Councilman Walker to award the bid to Andrew Pieczynski for \$345.67; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

10. **BMG – Health Cost Analysis Firm**

Supervisor Nellis read correspondence from Robert Papelian regarding services provided by Benefits Management Group (BMG). Mr. Fuzak from BMG met with Supervisor Nellis and Ann Knack and discussed the possibility of doing a review at no cost to the town with a proposal that would be more cost effective.

MOTION was made by Councilman Walker to approve BMG to perform a review at no cost to the town; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

Supervisor Nellis stated that the American Farmland Trust workshop would be held on March 3, 2005 at the Evans Town Hall from 1:30 – 3:30 P.M.

Supervisor Nellis stated that the Town of Eden had been mentioned twice in the “Destination” Buffalo/Niagara magazine. Once for the Corn Festival and again for the Economic Development Committee, with input from Mike Bolo.

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 Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:08 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 10:40 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk