

MINUTES
REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
JUNE 8, 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 (<i>Arrived late</i>)

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 A. Cole	-	Eden Fire Chief
Kevin R. Schoenthal	-	East Eden Fire Chief

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 7:40 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 May 11, 2005; there were none.

MOTION was made by Councilwoman Pew to approve the Town Board Minutes of May 11, 2005 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 May 25, 2005; there were none.

MOTION was made by Councilman Krycia to approve the Town Board Minutes of May 25, 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. There were none.

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	267-322	\$35,748.35
Highway Dept. Fund	124-160	\$27,005.11
Fire Dept. Fund	115-132	\$3,287.13
Recreation Dept. Fund	51-59	\$2,213.30
Refuse and Garbage Fund	13	\$28,065.53
Street Lights Fund	11-13	\$4,154.71
Water Fund	14	\$5,042.07
Trust & Agency Fund	--	--
Capital Fund	--	--
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? – Walker – None; Motion carried.

Departmental Reports:

Department reports for the month of May 2005 were presented by Paul Shephard, Eden Emergency Squad; David Cole, Eden Fire Chief; Kevin Schoenthal, East Eden Fire Chief;

Patrick Howard, Eden Police Chief; Ray Zabron, Dog Control Officer, no report filed; 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, no report filed. All reports are on file in the Town Clerk's office.

David Cole, Eden Fire Chief requested the name of Kevin Kernitz be removed from the active roster of the Eden Fire Department.

MOTION was made by Councilwoman Pew to remove the name of Kevin Kernitz from the active roster of the Eden Fire Department; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Kevin Schoenthal, East Eden Fire Chief requested the name of Ken Folytniak from the active roster from the East Eden Fire Department after 20 plus years of service.

MOTION was made by Councilwoman Pew to remove Ken Folytniak from the active roster of the East Eden Fire Department with thanks and appreciation from the entire Town Board; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

New and Unfinished Business:

Water – Violet Parkway Pump Station/Pre-Construction Schedule

Steve Waldvogel , Project Engineer for CRA presented a pre-construction schedule, which included a request to the Town Board for a resolution to advertise in the Hamburg Sun on June 16, 2005 for the Violet Parkway Pump Station.

Councilman Walker read the following resolution:

Notice is hereby given that sealed bids will be received by the Town Board of the Town of Eden, New York at the Eden Town Hall, 2795 East Church Street, Eden, New York 14057, until July 7, 2005 at 2:00 P.M. local time, when bids will be opened and read on the following:

EDEN – WATER SYSTEM IMPROVEMENTS (Violet Street Pump Station)

Plans and specifications may be obtained or examined at the offices of CRA Infrastructure & Engineering, Inc., 268 Main Street, Suite 600, Buffalo, New York 14202 during regular business hours.

All bids must be accompanied by a certified check payable to the "Town of Eden" in an amount not less than five percent (5%) of the total bid amount. Please refer to bid specifications for additional terms and conditions.

The Town of Eden intends to award the contract to the lowest responsible bidder. The Town Board reserves the right to reject any and all bids for any reason whatsoever and to waive any informalities in any bid.

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

Water – Southwest Erie County Consortium Regional Water Project

Steve Waldvogel, Project Engineer from CRA reported that along with Supervisor Nellis the regional plan was presented in Albany to the corrections department, which went well. Another meeting is scheduled for next month with the corrections department and the Health Department and everything seems to be moving forward.

Results of Bid Opening – One New and Unused Dump Body and Patrol Wing

Ron Maggs, Highway Superintendent recommended to the Town Board the award of the bid for the Dump Body and Patrol Wing to Valley Fab & Equipment, Inc. in the amount of \$50,066. One other bid was received from STS Truck Equipment in the amount of \$43,835, which did not meet the specifications.

MOTION was made by Councilman Walker to award the bid to Valley Fab & Equipment, Inc. in the amount of \$50,066 based on the recommendation of Ron Maggs, Highway Superintendent; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Community Survey Report – Mike Bolo

Mike Bolo gave a presentation on results of a Community Survey from 2004, with 29 businesses and 189 residents responding, which report is on file in the Town Clerk’s office.

Black Top Sealing – Town Hall – Approve Bid

Ron Maggs, Highway Superintendent received two bids to seal the Town Hall Parking lot, with the recommendation to accept the bid of Ballou Enterprises, Inc., as low bidder with a total price of \$2,625. One other bid was received from Palmieri Paving & Sealing L.L.C. in the amount of \$2,750.

MOTION was made by Supervisor Nellis to accept the recommendation of Ron Maggs, Highway Superintendent and award the bid to Ballou Enterprises, Inc., as low bidder with a total price of \$2,625; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Main Street Gutters/Sidewalk for Swartz Field Entrance

This agenda item was moved to “Old Business” to be reviewed and discussed at a future Town Board meeting.

Drainage Committee Recommendations

Ron Maggs, Chairperson of the Off-Road Drainage committee is recommending the Town Board approve the following projects that the committee agreed upon:

Project 2005-2; Mr. Mumford’s property located at 2074 New Jerusalem Road, to clean ditch at a cost not to exceed \$4,600. Owner has agreed to do clean up of materials.

Project 2005-3; Mr. Minekime’s property which backs up to the backyards of homes on Beverly Avenue to clean and realign ditch at a cost not to exceed \$2,500 to the town. Owner has agreed to contribute \$1,000 and do clean up of materials.

Project 2005-4; Brockman’s property located at corner of Pontiac Road and Gowanda State Road to clean ditch and place pipe at a cost not to exceed \$1,500. Owner has agreed to provide pipe and do clean up of materials

Project 2005-5; hiring the Eden Highway Department to mow miscellaneous drainage ways at a cost not to exceed \$5,000.

MOTION was made by Councilman Vacco to accept the recommendations of the Off-Road Drainage Committee as presented; seconded by Councilman Krycia; “Ayes”; Nellis, Krycia, Pew, Vacco; Opposed? – None; Abstain? – None; Motion carried.

Note: Councilman Walker was not present at the time of the vote to approve the projects.

Town Hall Landscaping

This agenda item was moved to “Old Business” to be reviewed and discussed at a future Town Board meeting.

Grant Revocable License to Eden Historical Society to create and maintain an herb garden on town land (corner of Florence and Route 62)

Supervisor Nellis received a request from a resident working on his Eagle Scout certification to plant an herb garden at the Eden Historical Society, which would replicate an 1830’s herb garden. The only sunny location for the garden would be on the town owned portion of the Eden Historical Society. The dimensions and exact location of the garden was not specified.

MOTION was made by Supervisor Nellis to approve a revocable license to the Eden Historical Society to create and maintain an herb garden on town land subject to information regarding the dimensions and exact location; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Schedule Public Hearing on proposed local law to amend the Town of Eden Zoning Code to allow additional uses by Special Use Permit in the General Industrial Zoning District

Supervisor Nellis received a recommendation from the Planning Board which states the following:

“At the regularly scheduled June 2, 2005 Planning Board Meeting, we discussed the Town Board’s request for a recommendation regarding the addition of allowing junkyards by Special Use Permit to the General Industrial zone. The consensus of the Planning Board is that under the current Zoning Code, junkyards are permitted in the Planned Industrial Zone by Special Use Permit and recommends that the allowable uses in the General Industrial zone should not be changed to also accommodate this use.”

Respectfully submitted by Mark G. Agle, Chairman of the Eden Planning Board.

Councilwoman Pew stated that the Code Review Committee was in agreement with the recommendation of the Planning Board.

MOTION was made by Councilman Walker to accept the recommendation of the Planning Board and the Code Review Committee as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Approval of Replacement Appointments to Summer Recreation Program

Supervisor Nellis read correspondence from Susan Brass regarding approval of replacement appointments to the summer recreation program due to the departure from employment of personnel already approved, which are on file in the Town Clerk’s office. These are not new or additional positions, simply replacements for already approved staff that have since declined or resigned the position offered.

MOTION was made by Councilman Walker to approve the replacement appointments to the summer recreation program as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Resolution – Pension

Supervisor Nellis read the following resolution:

PENSION PLAN REFORM RESOLUTION

WHEREAS, many municipalities, including cities, counties, towns and villages, are facing challenging budget annually due to health and pension costs that have been escalating at five times the rate of inflation for several years; and

WHEREAS, municipalities must come to terms with these escalating costs and develop reform and change, on a long term basis, that will lessen the burden of these ever increasing costs; and

WHEREAS, we believe we can start that process by recommending a change in the present pension system, whether it be the establishment of another tier that is less lucrative and not a defined benefit plan, or an amendment of previous tiers; and

WHEREAS, the fiscal impact would be of major assistance to municipal governments;

NOW, THEREFORE, BE IT RESOLVED that all municipal workers continue to contribute to their pensions for their entire career; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Governor George Pataki, Senate Majority Leader Joseph Bruno, Senator William Stachowski, Assembly Speaker Sheldon Silver, Assemblyman Jack Quinn, the Property Tax Reform Tax Force in care of Jeffrey Haber, Executive Director of the Association of Towns of the State of New York and Supervisors and Mayors in Erie County.

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

Reappointment of Mike Courneen

Councilwoman Pew requested the reappointment of Mike Courneen, GIS Consultant for 7-10 departments in the Town of Eden, to be retroactive to January 1, 2005 at an annual rate of \$12,400.

MOTION was made by Councilwoman Pew to reappoint Mike Courneen, GIS Consultant at an annual rate of \$12,400 retroactive to January 1, 2005; seconded by Supervisor Nellis; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

The work on the Eden Valley Bridge has been postponed due to the State Department of Transportation engineers without a contract.

Thanks to the Junior Garden Club, under the supervision of Cheryl Colvin for planting the planters throughout the Town of Eden.

Micro surfacing is scheduled for August, 2005 for Route 62, north of the Eden Valley bridge to the town line in Hamburg.

Erie County Agriculture Board will be meeting in Eden on Friday, June 17, 2005 for a luncheon meeting and a tour of farms in the Towns of Eden, Hamburg and Boston.

June 18, 2005, Celebrate Eden in conjunction with Eden Alumni with the dedication of the Alumni Wall at 4:30 P.M.

Hearing of Visitors:

Will Smutz, 3094 East Church Street
Ruth Szalasny, 3048 Belknap Road
Kevin Condon, 9001 Notre Dame Drive
Martha Muck, 2763 Oakland Drive

Mrs. Martha Muck requested that the following letter be made a part of tonight's record. Mrs. Muck read it in its entirety as follows:

My name is Martha Muck. I reside at 2763 Oakland Drive, Eden. I am a member of the Eden Quilt guild and they have given me permission to say the following:

The weekend of May 21-22, 2005 a live quilt auction was held at the Eden Jr./Sr. High School to raise money for Breast Cancer Research at Roswell Park Cancer Institute. This was the second time we did this and have raised a total of over \$50,000 for Roswell. Not a small amount. The head of the Breast Cancer Dept. at Roswell, Dr. Stephen Edge, was here and spoke.

We advertised this event in the Buffalo News, the Sun, the local Bees, the Penny Savers, magazines, radio, television and had posters up all over, including in Eden. The Eden Foundation supported us with a grant for publicity. Several large signs were up in Eden over the weekend. Those of us who served on the committee have been very adamant that the event be in Eden – to bring people here and to give our town the credit.

We were, however, very disappointed that no one from the Eden Town Board came to our event to support or acknowledge our efforts. We did not expect you to necessarily purchase an item, but at the very least to have come to the preview on Saturday where the cost was only \$3.00 – which went directly to Roswell. Should we have another auction in a few years it won't be as important to us to have it in Eden, since the town officials have made it very clear to us they don't care.

Adjournment:

MOTION was made by Councilman Krycia 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 9:55 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 11:00 P.M.

Respectfully submitted by,
Mary Jo Hultquist, Town Clerk