

March 12, 2008

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
MARCH 12, 2008
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
RICHARD S. VENTRY	-	COUNCILMAN

DEPARTMENT HEADS PRESENT:

Dana Braun of Wendel	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
John McCarthy	-	Lieutenant
Chris Colvin	-	Eden Fire Chief
Andrew Breier	-	East Eden Fire Chief
Scott Hultquist	-	Eden Emergency Squad
Scott Henry	-	Code Enforcement Officer

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 7:30 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 February 13, 2008; there were none.

MOTION was made by Councilman Vacco to approve the Town Board Minutes of February 13, 2008 as presented; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfers:

There were none.

Budget Amendments:

Supervisor Nellis read the following “Budget Amendments” from Account H2763 County Grant Money to H8662.4 contractual to apply receivable portion of block grant money to appropriations in the amount of \$3,856.50 and from Account A1990.4

Contingent Fund to A1910.4 Insurance for ENB Insurance bill paid in 2007 which should not have been paid until 2008 per auditors in the amount of \$16,649.05.

MOTION was made by Councilwoman Pew to approve the “Budget 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	80-132	\$81,821.10
Highway Dept. Fund	39-69	\$89,705.51
Fire Dept. Fund	22-38	\$7,305.75
Recreation Dept. Fund	8-14	\$6,211.96
Refuse and Garbage Fund	3-4	\$46,242.11
Street Lights Fund	4	\$30.47
Water Fund	5-7	\$5,345.92
Trust & Agency Fund	--	--
Capital Fund	--	--
Community Development	--	--

MOTION was made by Councilman Vacco 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 February 2008 were presented by Scott Hultquist, Eden Emergency Squad; Chris Colvin, Eden Fire Chief; Andrew Breier, East Eden Fire Chief; John McCarthy for Patrick Howard, Eden Police Chief; Supervisor Nellis for Ray Zabron, Dog Control Officer; Ronald Maggs, Superintendent of Highways; Dana Braun for Andrew Reilly, Town Engineer; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Scott Henry, Zoning Code Enforcement Officer; Councilwoman Pew for Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Chris Colvin, Eden Fire Chief requested permission to apply for the 2008 FEMA Grant. The matching funds will be 5% as in the past.

MOTION was made by Councilman Vacco to allow the Eden Fire Department to apply for the 2008 FEMA Grant with matching funds of 5% from the Town of Eden if the grant is awarded; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

Chris Colvin, Eden Fire Chief requested permission to join the Hamburg Chiefs organization for a regional grant that will attempt to replace the radios for the Eden Fire Department, East Eden Fire Department and the Eden Emergency Squad. This is in the early stages of planning and available funding is unknown at this time.

MOTION was made by Councilwoman Pew to allow the Eden Fire Department, East Eden Fire Department and the Eden Emergency Squad to join the Hamburg Chiefs organization for a regional grant; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Chris Colvin, Eden Fire Chief requested the Town Board to remove Seth Howard from the active roster of the Eden Fire Department due to a move out of town and with thanks for his years of service.

MOTION was made by Councilwoman Pew to remove Seth Howard from the active roster of the Eden Fire Department with thanks and appreciation for his years of service; seconded by Councilman Vacco; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Andrew Breier, East Eden Fire Chief requested permission to apply for the 2008 FEMA Grant with matching funds of 5% if the grant is awarded.

MOTION was made by Councilwoman Pew to allow the East Eden Fire Department to apply for the 2008 FEMA Grant with matching funds of 5% from the Town of Eden if the grant is awarded; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Motion carried.

Dana Braun, Engineer from Wendel Duchscherer reported that the Planning Board had received an initial concept plan from representatives of Tim Horton for an establishment in the Town of Eden on North Main Street, which will be followed by several months of review.

Presentation: At this time, Supervisor Nellis introduced Kevin Gaughan, a local civic leader, speaking to cities, towns and villages in Erie County on reducing the number of elected officials. Mr. Gaughan’s report on the cost of paying local politicians is available at www.TheCost.org.

New and Unfinished Business:

1. Resolution – Approval of purchase of property on Shadagee Road for new water pump station

Stephen Waldvogel, CRA Infrastructure and Engineering reported that the project is proceeding well. There are some questions about the proposed site for the pump station and Mr. Waldvogel is advising the Town Board to table this item for further discussion and review. On the recommendation of Mr. Waldvogel, Supervisor Nellis moved this item to “Old Business” for further discussion and review.

2. Approval of Improvement contract for Access Road to Industrial Park

William Trask, Town Attorney stated that the closing on the transfer of the roadway and the drainage easements that are needed will be soon. The final lien issue has been taken care of and the paperwork is underway.

Supervisor Nellis stated that correspondence from Timothy Woodbury, Wendel Duchscherer had been received regarding the recommendation of award of bid. The low bid submitted by Birch Grove Landscaping and Nursery Inc. was recorded as follows:

Total Amount Bid: \$187,334.50

Copies of bid documents submitted by Birch Grove Landscaping Nursery Inc. have been forwarded to Ken Swanekamp of Erie county Department of Public Works for review and approval.

Wendel Duchscherer recommends that the low bidder, Birch Grove Landscaping, Inc., be awarded, Contract 07-11, for this work on the basis of their low bid of \$187,334.50 subject to their successful delivery of the required insurance coverage’s and for Performance and Payment bonds in accordance with the Contract Documents.

MOTION was made by Supervisor Nellis to award the bid to Birch Grove Landscaping, Inc., for the Industrial Access Road and Drainage, Contract 07-11, based on the recommendation of Timothy Woodbury, Wendel Duchscherer, subject to their successful delivery of the required insurance coverage’s and for Performance and Payment bonds in accordance with the Contract Documents and contingent upon closing on the acquisition of the roadway; seconded by Councilman Vacco; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

3. Bid Results – Motor Fuels and Related Services

Ron Maggs, Highway Superintendent recommended awarding the Motor Fuels And Related Services bid to Page Harms Oil Co., being the only bidder. The bid results are as follows:

No-Lead gas	\$1.6842
Diesel Fuel	\$3.1357
Kerosene	\$3.2247
Hourly rate	\$0.00

MOTION was made by Councilman Krycia to award the fuel bid to Page Harms Oil Co. based on the recommendation of Ron Maggs, Highway Superintendent; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

4. Resolution Memorializing NYS to Enact Legislation Prohibiting Text Messaging on Mobile Phones While Driving

Supervisor Nellis read the following resolution:

Memorialize New York State to Enact Legislation Relating to Text Messaging While Driving

WHEREAS, Section 1225-c of the Vehicle and Traffic Law of the State of New York provides that no person shall operate a motor vehicle upon a public highway while using a mobile telephone to engage in a call while such vehicle is in motion; and

WHEREAS, there has been instances throughout the State of New York where operators of motor vehicles are text messaging while driving and cause an accident; and

WHEREAS, this Town Board feels that the State Legislature should adopt an amendment to the Vehicle and Traffic Law to prohibit operators of motor vehicles from text messaging while they are driving; and

WHEREAS, bills have been proposed in the State Assembly and Senate to prohibit operators of motor vehicles from using a mobile telephone for writing, sending or reading a text message while such vehicle is in motion; and

WHEREAS, this Board feels that this proposed legislation is desirable to avoid any further accidents;

NOW THEREFORE BE IT RESOLVED, that the Eden Town Board hereby memorializes the State Senate, Assembly and Governor to enact legislation to prohibit text messaging while operating a motor vehicle; and

BE IT FURTHER RESOLVED, that the Town Clerk by and hereby is directed to forward certified copies of this resolution to Senator Dale Volker, Senator William Stachowski, Assemblyman Jack Quinn and Governor David Paterson.

MOTION was made by Supervisor Nellis to adopt this resolution as presented; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

5. Resignation of Part-time Police Officers

Supervisor Nellis read correspondence from Patrick Howard, Chief of Police as notification of the resignation of Michael Dau and Jason Schiedel, part-time Police Officers.

MOTION was made by Councilman Krycia to accept the resignations of Michael Dau and Jason Schiedel, part-time Police Officers effective immediately; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

6. Appointment of Part-time Police Officers

Supervisor Nellis read correspondence from Patrick Howard, Chief of Police recommending the appointment of Mark Baltes and Michael Rich as part-time Police Officers.

MOTION was made by Councilwoman Pew to appoint Mark Baltes and Michael Rich as part-time Police Officers; seconded by Councilman Krycia; All “Ayes”; Opposed?- None; Abstain? - None; Motion carried.

7. Eden Library Report (Informational)

Councilman Krycia, liaison to the Eden Library Board stated that the Eden Library is alive and well and would like to convey their appreciation to the Eden Town Board for their support.

8. Income Survey for Potential Water Districts (Informational)

Supervisor Nellis received correspondence from Thomas J. Dearing, Community Planning Coordinator for the County of Erie regarding a request for an income survey in the Town of Eden. Approval has been given to have Stuart I. Brown Associates conduct an income survey for the following areas:

Shadagee Road	51 houses	Ferrier Road	15 houses
Bauer Road	36 houses	March Road	27 houses
Bley Road	15 houses	Hemlock Road	61 houses
Belknap Road	22 houses	New Jerusalem Road	27 houses

9. Discussion of Potential Drainage Projects

Supervisor Nellis along with Ron Maggs, Chairman of the Drainage Committee will be considering potential off-road drainage projects. Anyone meeting the criteria may contact either Supervisor Nellis or Ron Maggs for further discussion.

10. Consulting Contract – American Farmland Trust

William Trask, Town Attorney stated that another addendum will be added to the Consulting Contract for their consideration. Supervisor Nellis, named as the Principal Project Supervisor, will be working with Diane Held, Field staff Contractor to perform the services and provide the products described in Exhibit A, which is on file in the Town Clerk’s office.

Supervisor’s Report:

- April 2, 2008 an open meeting for Farmland Protection Plan will be held at 7:00 p.m. in the Eden Town Hall, Conference Room
- Ann Knack has been reappointed to Sewer District #2
- Supervisor Nellis has been reappointed to Sewer District #2
- Review of census data has been completed
- Erie County Association of Supervisors met with Chris Collins, County Executive

Hearing of Visitors:

Wilbert Smutz
Ken Szal

March 12, 2008

Note:

Councilwoman Mary Lou Pew publicly thanked Bob Stickney and Ron Maggs and the Highway Department employees that helped with the electrical problems at the Town Hall over the weekend.

Adjournment:

MOTION was made by Councilwoman Pew 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 9:30 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 11:30 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk