

October 8, 2008

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
OCTOBER 8, 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	-	Police Department
Kathy Keller	-	Eden Emergency Squad
Andrew Breier	-	East Eden Fire Chief
Susan Brass	-	Recreation Director

OTHERS PRESENT:

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk
Heather Ohmit	-	Deputy 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.

Announcement:

Supervisor Nellis noted that the Garden of Eden was recognized in the “Business First” magazine, noting Economic Development.

Approval of Minutes:

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of September 10, 2008; there were none.

MOTION was made by Councilman Vacco to approve the Town Board Minutes of September 10, 2008 as presented; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfers/Amendments:

Supervisor Nellis read the following “Budget Transfers” from the Highway Department; from D2770 to D5110.4 in the amount of \$800.00 for Off-Road Drainage for Project 2008-1; from D5120.2 to D5110.4 in the amount of \$5,500.00 for road

materials; from D5120.4 to D5110.4 in the amount of \$5,500.00 for road materials; and from D5110.1 to D5110.4 for road materials in the amount of \$50,000.00.

MOTION was made by Councilwoman Pew to approve the Budget Transfers from the Highway Department as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Supervisor Nellis read the following “Budget Transfers/Amendments” from A2770 to A7150.4 to apply reimbursement from Corn Festival for Electric used in the amount of \$357.03; from SW2140, Wepax Road Water to SW8320.4A to apply money collected from Wepax Water customers in the amount of \$1,113.70; from SW2140 to Wepax Water appropriations in the amount of \$785.31; and from SW8320.4 Water Maintenance to SW1989.4 Tax Refund to County for tax refund due County in the amount of \$40.54.

MOTION was made by Councilwoman Pew to approve the Budget Transfers/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	506-565	\$63,288.35
Highway Dept. Fund	246-272	\$121,266.06
Fire Dept. Fund	191-207	\$4,502.76
Recreation Dept. Fund	106-121	\$7,679.32
Refuse and Garbage Fund	12-13	\$45,919.31
Street Lights Fund	24-26	\$4,483.47
Water Fund	24	\$5,055.47
Trust & Agency Fund	--	--
Capital Fund		
H8320.4A	12	\$99.00
H1440.4	8	\$169,104.69
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.

Departmental Reports:

Department reports for the month of September 2008 were presented by Kathy Keller for Scott Hultquist, Eden Emergency Squad; Mary Lou Pew for Chris Colvin, Eden Fire Chief; Andrew Breier, East Eden Fire Chief; John McCarthy for Patrick Howard, Eden Police Chief; Councilman Vacco 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; Supervisor Nellis for Scott Henry, Zoning Code Enforcement Officer; Susan Brass, Recreation Director. All reports are on file in the Town Clerk’s office.

Andrew Breier, East Eden Fire Chief reported that Vigilant Fire Company has donated 5 harnesses and 13 (thirteen) 30-minute carbon fiber bottles to the East Eden Fire Company free of charge. This equipment would cost approximately \$15,500.00 to purchase it new.

MOTION was made by Councilman Vacco to accept the donation from Vigilant Fire Company with the thanks of the entire Town Board; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

October 8, 2008

Andrew Breier, East Eden Fire Chief extended an invitation to the Town Board to schedule the Town Board Meeting on November 12, 2008 at the East Eden Fire Hall.

MOTION was made by Councilman Vacco to accept the invitation to hold the November 12, 2008 Town Board Meeting at the East Eden Fire Hall; seconded by Councilwoman Pew; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

Ron Maggs, reporting for the Off-Road Drainage Committee is requesting Project 2008-4: To clean the end of pipe off of Hunt Avenue, to clean the end of pipe at Hemlock Road along railroad tracks and to clean the end of pipe at the Sonnybrook Detention Basin, having the Eden Highway Department do the work at a cost not to exceed \$2000.00.

MOTION was made by Councilwoman Pew to approve the request of the Off-Road Drainage Committee for Project 2008-4 as listed above; seconded by Councilman Ventry; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

William Trask, Town Attorney reported that the vacant property at 2639 Sunset Drive will be included in the Erie County auction to be held on November 5, 2008 at 9:30 a.m. at Erie County Hall, 95 Franklin Street, 4th Floor, Buffalo, New York.

MOTION was made by Councilwoman Pew to close the Regular Meeting of the Eden Town Board; seconded by Councilman Krycia; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

Supervisor Nellis closed the Regular Meeting of the Town Board at 8:00 p.m.

MOTION was made by Councilwoman Pew to open the Public Hearing for Community Development Block Grant Project Selections; seconded by Councilman Krycia; 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
Community Development Block Grant Project Selections

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

Supervisor Nellis gave examples of previous projects.

Supervisor Nellis offered a suggestion for Community Development Block Grant Project Selection for Suburban Adult Services/Kazoo Factory to purchase a building to be used as a training center. The second selection would be Rural Services Transit Van.

There were no comments from residents in attendance.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the public hearing at 8:10 p.m.

MOTION was made by Councilman Vacco to close the public hearing; seconded by Councilman Krycia; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

MOTION was made by Councilman Vacco to open the Regular Meeting of the Eden Town Board; seconded by Councilman Krycia; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

New and Unfinished Business:

1. Introduction of Preliminary Budget – Scheduling of Public Hearing

Supervisor Nellis stated that the Preliminary Budget had been prepared and requested scheduling a Public Hearing for Wednesday, October 22, 2008 at 8:00 p.m.

MOTION was made by Councilwoman Pew to set a Public Hearing for the Preliminary Budget for Wednesday, October 22, 2008 at 8:00 p.m.; seconded by Councilman Krycia; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

2. Drainage Districts

Councilwoman Pew read the following resolution:

Resolution approving the Establishment of Town of Eden Drainage District No. 3 (Beverly-Evelyn Subdivision Phase 1)

WHEREAS, a petition dated February 7, 2007, for the creation of a Drainage District in the Town of Eden, County of Erie, New York, was presented to this Town Board with the necessary map and plan attached to it, and

WHEREAS, on February 14, 2007, the Town Board adopted an order which recited the filing of the petition, the proposed improvements, the boundaries and a description of the district, and the estimated costs of these proposals, and

WHEREAS, the order set March 14, 2007, at 8:00 P.M. at the Town Hall in the Town of Eden, as the time and place for a public hearing before all interested persons on the petition, and

WHEREAS, the order was posted and published as required by law, and

WHEREAS, the hearing on the petition was held on March 14, 2007, at which evidence was given and all interested parties were heard including Petitioner, Richard E. Minekime, and

WHEREAS, the Town Board has received a duly executed Short Environmental Assessment Form and has given due consideration, has found no substantial environmental impact will be caused by the creation of such district,

NOW, THEREFORE, IT IS HEREBY RESOLVED, that (a) the petition is signed and acknowledged or proved as required by law, it complies with the requirements of Town Law Section 1919 as to sufficiency of signers and is otherwise sufficient; (b) all the property and property owners within the proposed district are benefited by the proposed district; (c) all the property and property owners benefited are included within the limits of the proposed district; and (d) it is in the public interest to grant the relief sought in the petition.

IT IS FURTHER RESOLVED that the establishment of a drainage district as proposed in the petition be approved; that the maintenance of the improvements, upon completion by the developer and dedication to and acceptance by the Town, shall become a charge against all taxable real property within such district; and the district shall be called the Town of Eden Drainage District No. 3 (Beverly-Evelyn Subdivision Phase 1), and shall be bounded and described as shown on Schedule "A", attached hereto and made a part hereto.

IT IS FURTHER RESOLVED that the Town Clerk of the Town of Eden, within ten days after the adoption of this resolution, shall file certified copies of the resolution in the Erie County Clerk's Office and in the office of the State Department of Audit and Control, Albany, New York.

MOTION was made by Councilwoman Pew to adopt the resolution as presented; seconded by Councilman Krycia; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

October 8, 2008

Councilwoman Pew read the following resolution:

**ORDER CALLING PUBLIC HEARING
TO BE HELD ON
NOVEMBER 12, 2008
REGARDING THE PROPOSED ESTABLISHMENT OF
DRAINAGE DISTRICT**

WHEREAS, the Town Board of the Town of Eden (herein called “Town Board” and “Town”, respectfully), in the County of Erie, New York, has received a petition pursuant to Section 191 of the Town Law, for the establishment of Town of Drainage district No. 4 (Sonnybrook Subdivision, Phase III), which petition was signed by all of the owners of taxable real property of the proposed district, as shown upon the latest completed assessment roll of said Town, and was accompanied by a map, plan and report, dated September, 2008, prepared by Nussbaumer & Clarke, Inc., competent engineers duly licensed by the State of New York, for the establishment of Town of Eden Drainage District No. 4 (Sonnybrook Subdivision, Phase III) in the Town of Eden (the “drainage district”), which map, plan and report is on file at the office of the Town Clerk, and available for public inspection at said location; and

WHEREAS, said map, plan and report proposed the installation in the Town of Eden of drainage piping, swales, catch basins and a detention basin and other necessary improvements in connection therewith (hereinafter “drainage district improvements”), to provide drainage facilities to benefit single-family residential development within the proposed district; and

WHEREAS, the proposed drainage district is bounded and described as shown on the attached Schedule A, attached hereto and made a part hereof.

WHEREAS, the drainage district improvements are to be constructed and paid for at the sole cost of the developer, Schreiber & Winkelman, Inc. and then are to be dedicated to the Town of Eden;

WHEREAS, the cost of the maintenance thereof shall be assessed, levied and collected from year to year from the several lots and parcels of land within the drainage district in just proportion as nearly as may be to the benefit which each lot or parcel of land in the drainage district will derive therefrom; and

NOW, THEREFORE BE IT ORDERED, that a meeting of the Town Board of the Town be held at the East Eden Fire Hall, 8097 East Eden Road, Eden, New York, on November 12, 2008 at 8:00 o’clock p.m. (Prevailing Time) to hear all persons interested in the establishment of the drainage district, 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 the newspaper designated as the official newspaper of the Town for such publication, 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 nor more than twenty days before the date of such public hearing, and

FURTHER ORDERED, that the Town Clerk mail by first class mail to each owner of the taxable real property in the proposed drainage district, a copy of this Order; and

BE IT FURTHER ORDERED, that the Town Clerk shall file a certified copy of this Order with the Office of the State Comptroller, on or about the date of publication of this Order.

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

3. Speed Limit Report – Next Steps

Supervisor Nellis prepared a report to the Town Board for their consideration. After much discussion, it was decided to move this item to “Old Business” to be reviewed and discussed at a future Town Board Meeting.

4. Update of Water Projects

Stephen Waldvogel and Mark Cavacoli, CRA Infrastructure & Engineering reported on the 2 (two) on-going water projects. Work is on-going regarding the acquisition of the pump station and word has been received on hydraulic report. The design of the pump station can now begin with the pipe design nearing completion. Information has been received from the State Comptrollers office regarding Water District No. 5, which may make it necessary to redo the numbers to have a preliminary analysis to review before the public hearing.

5. Approval of Insurance Quotes

Supervisor Nellis read quotes that were received from Selective Insurance at \$78,508., Arrowhead at \$81,184 and Prime at \$75,394. After much discussion it was decided to suggest Selective Insurance at a total price of \$78,508.00.

MOTION was made by Councilman Vacco to approve the bid from Selective Insurance at a cost of \$78,508.; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

6. Approval of Swim Coaches

Susan Brass, Recreation Director along with the Recreation Board made the following recommendation for the staff appointments for the Dolphins Swim Club Coaches:

Chris Nellis of Eden as Head Swim Coach of the Eden Dolphins Swim Club. September through August at a pay rate of \$20.00/hr.

Bill McDonagh of Hamburg as Assistant Swim Coach of the Eden Dolphins Swim Club. September through August at a pay rate of \$17.00/hr.

Linda Sherry of Hamburg as Assistant Swim Coach of the Eden Dolphins Swim Club. September through March at a pay rate of \$13.00/hr.

They are asking that these appointments be made retroactive to September 10, 2008.

MOTION was made by Councilman Krycia to approve the appointments for the Dolphins Swim Club Coaches as presented; seconded by Councilwoman Pew; “Ayes”; Krycia, Pew, Vacco, Ventry; Opposed? - None; Abstain? - Nellis; Motion carried.

7. Reappointment – Assessment Board of Review

Supervisor Nellis received correspondence from John Bauer, Chairman of the Assessment Board of Review regarding the reappointment of Barbara Neureuter to another 5-year term on the Assessment Board of Review.

MOTION was made by Supervisor Nellis to reappoint Barbara Neureuter to another 5-year term on the Assessment Board of Review; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

8. Approval/Acceptance of Industrial Park Road – Naming of Road

Supervisor Nellis made the following suggestions for the naming of the New Industrial Park Road, Enterprise Drive or Industrial Drive.

After much discussion it was decided that this item would be moved to “Old Business” to be reviewed and discussed at a future Town Board Meeting.

It was suggested by William Trask, Town Attorney to discuss the name change with the current owner of the property located on Industrial Park Road, as it could cause several changes to his current address on several documents.

9. Appointments – 2012 Anniversary Committee (200th Anniversary of Town of Eden)

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

10. New SUV Police Vehicle

Supervisor Nellis read correspondence from Patrick Howard, Chief of Police Regarding a new SUV Police Vehicle and setting a bid opening date for November 10, 2008 at 1:00 p.m.

MOTION was made by Councilwoman Pew to set the bid opening date for November 10, 2008 at 1:00 p.m. for the new SUV Police Vehicle; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

NOTE: Councilman Ventry requested the pricing option of (2) two marked vehicles. The bid date will remain, but the specifications may be modified.

11. Ridership of Route 62 NFTA Bus Service – Brief Report

Supervisor Nellis reported that ridership of the Route 62 NFTA Bus Service continues to increase with senior citizens and students taking advantage of the service from Gowanda to McKinley Mall.

12. Bid Results – Fire Truck

Supervisor Nellis reported that there were “No Bids” for the 1983 American La France fire truck and the next step is to advertise on e-bay.

Supervisor’s Report:

Supervisor Nellis stated that he and Ann Knack, Administrative Assistant would be attending a workshop for HEAP on October 24, 2008 from 1:00 – 3:00 p.m. in Hamburg, New York.

Councilwoman Pew stated that a letter had been sent to Denise Reidy, Verizon Communications regarding Verizon FIOS Cable television.

Hearing of Visitors:

Wil Smutz

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 9:30 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

October 8, 2008