

January 14, 2009

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
JANUARY 14, 2009
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:

Ronald C. Maggs	-	Superintendent of Highways
Patrick M. Howard	-	Chief of Police
Scott Hultquist	-	Eden Emergency Squad
Chris Colvin	-	Eden Fire Chief
Andrew Breier	-	East Eden Fire Chief
Robert Pietrocarlo	-	Chairman Board of Assessors
Scott Henry	-	Zoning Code Enforcement Officer
Susan Brass	-	Recreation Director

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 7:38 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 December 10, 2008; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of December 10, 2008 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 December 29, 2008; there were none.

MOTION was made by Councilwoman Pew to approve the Town Board Minutes of December 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/Amendments:

YEAR END 2008

From Account	To Account	Reason for Amendment	Amount
A9040.8 Workers Comp	A1620.4 Town Hall	Over budget	\$2,341.86
A9060.8 Medical Ins.	A3102.1 Police	Over budget	\$4,379.59
A9060.8 Medical Ins.	A3120.4 Police	Over budget	\$593.61
A9060.8 Medical Ins.	A3510.4 Dog Control	Over budget – dog enumeration	\$1,254.54
A9040.8 Workers Comp	A4540.5 Em. Squad	Over budget	\$1,832.74
A9040.8 Disability Ins.	A5010.1 Hwy. Supt.	Over budget- ins. Addition	\$742.40
A7150.1 Spec. Rec. Fac.	A7110.1 Parks & Grounds	Over budget due to raise not budgeted for	\$1,569.71
A9040.8 Workers Comp	A9030.8 Social Security	Over budget on Social Security Tax est. as Police Payroll over budget	\$367.61
SW2140 Wepax Rd. Rev	SW8320.4A Water Cont. Wepax Road	Apply money collected from Wepax Residents to appropriations	\$10.71

MOTION was made by Council Krycia to approve the “Budget Transfers/Amendments” as presented; seconded by Councilwoman Pew; 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	1-21	\$10,781.44
Highway Dept. Fund	1-4	\$4,415.19
Fire Dept. Fund	1-5	\$5,377.97
Recreation Dept. Fund	1-5	\$1,206.05
Refuse and Garbage Fund	1	\$45,838.31
Street Lights Fund	--	--
Water Fund	--	--
Trust & Agency Fund	--	--
Capital Fund	--	--
Community Development	--	--

2008 PAYABLES

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	757-782	\$24,220.90
Highway Dept. Fund	367-378	\$21,060.32
Fire Dept. Fund	252-269	\$5,345.42
Recreation Dept. Fund	149-154	\$569.43
Refuse and Garbage Fund	--	--
Street Lights Fund	34-35	\$5,033.26

Water Fund	35-36	\$5,066.18
Trust & Agency Fund	--	--
Capital Fund	--	--
Community Development	--	--

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

Departmental Reports:

Department reports for the month of December 2008 were presented by Scott Hultquist, Eden Emergency Squad; Chris Colvin, Eden Fire Chief; Andrew Breier, East Eden Fire Chief; Patrick Howard, Eden Police Chief; Ray Zabron, Dog Control Officer (report received, but not read); Ronald Maggs, Superintendent of Highways; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Scott Henry, Zoning Code Enforcement Officer; Susan Brass, Recreation Director; Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Scott Hultquist, Director of Operations for Eden Emergency Squad reported that the top responder for 2008 for hours was Peter Putnam with 2,190 hours and the top responder for 2008 for calls was Allen Reith with 175 calls.

Chris Colvin, Eden Fire Chief requested approval of the following officers for 2009:

- | | |
|---|---------------------------------|
| Chris Colvin – Chief | Vicki Sickau – President |
| Richard Greeley – 1 st Asst. Chief | Joe Poppenburg – Vice President |
| David Rice – 2 nd Asst. Chief | Jack Gavin – Secretary |
| Jack Rigley – Captain | Tom Schreiner – Treasurer |
| Glenn Scott – 1 st Lieutenant | Ron Salzman – Trustee |
| Kevin Condon – 2 nd Lieutenant | Martin Henry – Trustee |
| Clyde Colvin – Safety Officer | Joe Winiecki – Trustee |
| Daniel Howles – Safety Officer | |
| Ronald Salzman – Safety Officer | |

MOTION was made by Councilwoman Pew to approve the officers of 2009 for the Eden Fire Department as presented; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Chris Colvin, Eden Fire Chief requested permission to take fire equipment out of the fire district for mutual aid, repairs, training, funerals and parades at the discretion of the Chief or Officer in charge.

MOTION was made by Councilwoman Pew to grant permission to take fire equipment out of the fire district for mutual aid, repairs, training, funerals and parades at the discretion of the Chief or Officer in charge; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried

Andrew Breier, East Eden Fire Chief requested approval of the following officers for 2009:

- | | |
|---|------------------------------|
| Andrew Breier – Chief | John McCarthy – President |
| Joseph Armbruster – 1 st Asst. Chief | Ed Blaszc – Vice President |
| Rick Kirst – 2 nd Asst. Chief | Marie Armstrong – Treasurer |
| Chris Enser – Captain | Joy Wendel – Secretary |
| Scott Hunter – 1 st Lieutenant | Jerome Schmitz – Trustee |
| Dan Buck – 2 nd Lieutenant | Maury Dole – Trustee |
| | Chris Brind’Amour – Trustee |
| | Ben Hornquist – Sgt. Of Arms |

MOTION was made by Councilwoman Pew to approve the Officers for 2009 as presented; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

Andrew Breier, East Eden Fire Chief requested permission to take fire equipment out of the fire district for mutual aid, repairs, training, funerals and parades at the discretion of the Chief or Officer in charge.

MOTION was made by Councilwoman Pew to grant permission to take fire equipment out of the fire district for mutual aid, repairs, training, funerals and parades at the discretion of the Chief or Officer in charge; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried

Ron Maggs, Highway Superintendent requested the Town Board approve the “Agreement to Spend” with general repairs in the amount of \$329,300.00 for 49.28 miles of Town Highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewal thereof.

The improvements of the following town highways; on E. Pleasant Avenue, starting at US Route 62 and ending at New Section, a distance of .53 miles not over the sum of \$100,000.00; and Any and All Town Roads, a distance of 48.75 miles not over the sum of \$229,300.00.

MOTION was made by Councilman Ventry to approve the “Amendment to Spend” as presented with a copy to be filed in the Town Clerk’s office; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

New and Unfinished Business:

1. Water Project Updates

Steven Waldvogel and Mark Cavacoli, representing CRA Infrastructure & Engineering stated that the water projects on Shadagee Road and the new Water District as progressing as planned with reports to Erie County Water Authority, the Health Department and State of New York.

2. Notice of Liquor License Renewal - VFW Post 8265

Supervisor received notification of renewal of Liquor License for Eden Memorial Post #8265 – VFW, which is informational in nature.

3. Request for Kennel License – 9293 Sisson Highway, Eden, NY Referral to Planning Board

Supervisor Nellis received correspondence dated December 30, 2008 from Pamela Sticht, 9293 Sisson Highway regarding a kennel license. Supervisor Nellis requested the Town Board refer this item to the Planning Board.

MOTION was made by Councilman Ventry to refer the request for a kennel license for Pamela Sticht, 9293 Sisson Highway to the Planning Board; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

4. Reappoints – Advisory Committees/Boards

A. Eden Library Board B. Stormwater Management Officer

Supervisor Nellis requested approval of the following appointments:

Reappoint Bettyann Neifer to a 5-year term on the Eden Library Board.

MOTION was made by Councilwoman Pew to reappoint Bettyann Neifer to a 5-year term on the Eden Library Board; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

January 14, 2009

Reappoint Ron Maggs, Stormwater Management Officer for the year 2009 at an annual stipend of \$2,000.00.

MOTION was made by Councilman Krycia to reappoint Ron Maggs, Stormwater Management Officer for the year 2009 at an annual stipend of \$2,000.00; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis read the following correspondence dated January 13, 2009 from Michael G. Cooper, Town Justice:

"Please be advised that the court has chosen an applicant to fill the part-time clerk position during Mrs. Neifer's leave of absence. I would appreciate the Board's appointment of Ms. Rachel Kijek to fill this position, to work hours no more than 20 hours per month. Ms. Kijek has been a full-time Court Clerk for a number of years in a neighboring jurisdiction and brings a wealth of experience to this position. I am confident Rachel will be an asset to the Court."

MOTION was made by Councilman Ventry to appoint Rachel Kijek as Part-time Court Clerk to work no more than 20 hours per month; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

5. Year-end report – 2008 Senior Citizen Transportation

Supervisor Nellis received the 2008 Senior Citizen transportation report and thanked the volunteer drivers.

6. Annual Association of Towns Meeting – Voting Delegate and Authorization to Attend

Supervisor Nellis stated that the 2009 Training School and Annual meeting of the Association of Towns of the State of New York will be held at the Hilton New York & Towers, New York City, February 15-18, 2009. This is a training session for town officials with the following officials requesting approval to attend; Mary Lou Pew, Councilwoman, Michael Cooper, Town Justice, Teresa Baskerville, Court Clerk and Mark Agle, Planning Board Chairman.

MOTION was made by Supervisor Nellis to approve attendance to the 2009 Training School for the above-mentioned; seconded by Councilman Vacco; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

Supervisor Nellis stated that the Town Board must designate a Voting Delegate and an Alternate Voting Delegate to attend the Annual Business Session of the Association of Towns of the State of New York.

MOTION was made by Supervisor Nellis to designate Michael Cooper as Voting Delegate and Councilwoman Pew as Alternate Voting Delegate; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? - None; Motion carried.

7. Approval and Appointments of Family Swim Life Guards

Supervisor Nellis read the following staff appointments for Family Swim Life Guards:

Chris Miller, Program Supervisor at a pay rate of \$10.00/hour
Molly Miller, Life Guard at a pay rate of \$8.00/hour
Leah Braymiller, Life Guard at a pay rate of \$8.00/hour
Katherine Gorcica, Life Guard at a pay rate of \$8.00/hour
Christopher Winter, Life Guard at a pay rate of \$8.00/hour
Troy Neureuter, Life Guard at a pay rate of \$8.00/hour

The Recreation Board asked that these appointments be made at the earliest convenience of the Town Board. All Life Guards have current certification.

MOTION was made by Councilman Vacco to approve the staff appointments for Family Swim Life Guards based on the recommendation of the Recreation Board; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8. Resolution

Supervisor Nellis read the following resolution:

RESOLUTION URGING THE NEW YORK STATE LEGISLATURE TO SUPPORT THE STATE’S FARMLAND PROTECTION PROGRAM AND ENVIRONMENTAL PROTECTION FUND

WHEREAS, agriculture is a significant contributor to New York’s economy; and

WHEREAS, farms provide jobs, support local businesses and are part of industry sectors that have a \$23 billion economic impact annually in New York; and

WHEREAS, farms comprise 7.5 million acres of land in New York, roughly 25% of the state’s land base; and

WHEREAS, farms have a strong track record of pro-active environmental stewardship in New York; and

WHEREAS, rapidly changing economic conditions threaten the future viability of New York’s agricultural industry; and

WHEREAS, 26,000 acres of farmland are developed each year in New York; and

WHEREAS, the State of New York established a Farmland Protection Program in 1992 to assist towns and counties in developing and implementing local agricultural and farmland protection plans; and

WHEREAS, over \$3 million has been awarded by the Farmland Protection Program to 50 counties and 52 towns to assist in the development of local agricultural and farmland protection plans; and

WHEREAS, the Farmland Protection Program has awarded more than \$151 million to help farmers, local governments and land trusts permanently protect 63,800 acres on 276 farms; and

WHEREAS, demand for Farmland Protection Program funding has been strong due to the program’s popularity, with a record 181 farmers seeking \$156 million in state funding to protect 49,500 acres in 2008; and

WHEREAS, funding for the Farmland Protection Program is allocated from the state’s Environmental Protection Fund (EPF), a dedicated fund whose principle funding source is a state Real Estate Transfer Tax (RETT); and

WHEREAS, the Governor and State Legislature must take steps this year to protect New York’s valuable farmland and strengthen the future for farms growing across New York;

NOW, THEREFORE BE IT RESOLVED that the Town of Eden does hereby urge state lawmakers to support New York’s farmers, the state’s agricultural economy and protection of valuable farmland by supporting funding for the Farmland Protection Program and Environmental Protection Fund; and

BE IT FURTHER RESOLVED that the Town of Eden does hereby oppose drastic cuts to the Farmland Protection Program and Environmental Protection Fund, as outlined in the Governor’s FY 2008-2009 Deficit Reduction Bill and FY 2009-10 Budget Proposal; and

January 14, 2009

BE IT FURTHER RESOLVED that the Clerk of the Town of Eden is hereby directed to forward copies of this resolution to Governor David Patterson, Senate Republican Leader Dean Skelos, Senate Democratic Leader Malcolm Smith, Assembly Speaker Sheldon Silver, Senator William Stachowski, Assemblyman Jack Quinn and the American Farmland Trust.

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

9. Public Hearing – East Eden Social Club

Supervisor Nellis requested setting a Public Hearing for February 11, 2009 at 8:00 p.m. to incorporate the East Eden Fire Company (social club).

MOTION was made by Supervisor Nellis to set a Public Hearing for February 11, 2009 at 8:00 p.m. to incorporate the East Eden Fire Company (social club); seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

Supervisor Nellis stated that a ribbon-cutting ceremony was held on Saturday, January 10, 2009 at the new Tim Horton’s store in Eden.

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 8:30 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 9:30 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk