

February 10, 2010

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
FEBRUARY 10, 2010
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN
EDWARD KRYCIA, JR	-	COUNCILMAN
VINCENT V. VACCO	-	COUNCILMAN
RICHARD S. VENTRY	-	COUNCILMAN

DEPARTMENT HEADS PRESENT:

Dave Johnson	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Michael J. Felschow	-	Chief of Police
Scott Hultquist	-	Eden Emergency Squad
Rich Greeley	-	Eden Fire Chief
Rick Kirst	-	East Eden Fire Department
Scott Henry	-	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 7:30 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 January 13, 2010; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of January 13, 2010 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 27, 2010; there were none.

MOTION was made by Councilman Vacco to approve the Town Board Minutes of January 27, 2010 as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

Petitions:

There were none.

Budget Transfers/Amendments:

From Account	To Account	Reason for Amendment/Transfer
SW909 Water Fund Balance	SW8320.402 Wepax Road -Farnham	For Payables for Wepax Water
D5110.4 General Repairs-Personal	D5110.4 General Repairs-Contractual	Over budget result of year end payables
A1990.4 Contingent Fund	A3020.4 Public Safety Communication	Over budget result of year end payables
A1990.4 Contingent Fund	A8010.4 Zoning-Contractual	Over budget result of year end payables

MOTION was made by Councilman Krycia to approve the Budget Transfers/Amendments as presented; seconded by Councilman Vacco; 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	14-78	\$166,653.96
Highway Dept. Fund	1-30	\$39,871.71
Fire Dept. Fund	4-27	\$8,813.22
Recreation Dept. Fund	2-7	\$3,015.22
Refuse and Garbage Fund	2	\$46,627.29
Street Lights Fund	1	\$4,540.98
Water Fund	1-3	\$5,172.18
Trust & Agency Fund	--	--
Capital Fund		
H8320.401	1	\$250.00
H8320.402	1-2	\$355.57
Community Development	--	--

2009 Payables

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	817-836	\$12,414.52
Highway Dept. Fund	379-392	\$17,028.27
Fire Dept. Fund	316-323	\$3,037.42
Recreation Dept. Fund	167-170	\$309.74
Refuse and Garbage Fund	--	--
Street Lights Fund	35-36	\$1,025.94
Water Fund	40-41	\$729.14
Trust & Agency Fund	--	--
Capital Fund		
H8320.401	7-9	\$18,770.00
H8320.402	7-8	\$100.98
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 January 2010 were presented by Scott Hultquist, Eden Emergency Squad; Rich Greeley, Eden Fire Chief; Rick Kirst for Andrew Breier, East Eden Fire Chief; Michael Felschow, Eden Police Chief; Ray Zabron, Dog Control Officer; Ronald Maggs, Superintendent of Highways; Dave Johnson, Town Engineer; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Scott Henry, Zoning Code Enforcement Officer; Susan Brass, Recreation Director; Councilwoman Pew for Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Ron Maggs, Highway Superintendent requested a bid opening for Motor Fuels and Related Services for Tuesday, March 2, 2010 at 10:00 a.m. This annual bid includes no lead, kerosene and related services for a one-year period form April 1, 2010 through March 31, 2010. These pumps are used by the Highway, Fire, Emergency Squad, Recreation, Police, Dog Control and Senior Citizens vehicle.

MOTION was made by Councilwoman Pew to set the bid opening for Motor Fuels and Related Services for Tuesday, March 2, 2010 at 10:00 a.m. in the Town Clerk’s office; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Mary Jo Hultquist, Town Clerk requested permission to attend the 2010 New York State Town Clerk’s Conference to be held in Saratoga Springs, New York from April 25, 2010 to April 28, 2010.

MOTION was made by Councilwoman Pew to allow Mary Jo Hultquist, Town Clerk to attend the annual Town Clerk’s Conference from April 25, 2010 to April 28, 2010; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

New and Unfinished Business:

1. **Resolutions of Appreciation for Services Provided:**
Charles Cole – Eden Fire Department
Ken Franz – Eden Emergency Squad
Fred Velott – Eden Emergency Squad

Supervisor Nellis read the following Certificates of Recognition:

**CERTIFICATION OF RECOGNITION
HONORING CHARLES COLE**

WHEREAS, Charles Cole has served the Town of Eden, specifically the Eden Fire Company for over 41 years as a volunteer; and

WHEREAS, he has served in a variety of leadership positions in the Eden Fire Company, including:

2 nd Lieutenant	1975-1977
1 st Lieutenant	1978
Captain	1979-1980
Secretary	1981-1985
Trustee	1992-1994
Co-Treasurer	1998-2002
Life Member	2000 (Active)
Life Member	2010 (Inactive)

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WHEREAS, he has taken pride in every position held, taking care of various details required in each position,

NOW BE IT RESOLVED that the Eden Town Board by this resolution unanimously recognizes and extends to Charles Cole our deep appreciation on behalf of all the citizens of Eden for the time and pride he has contributed in service to the Eden Fire Company and to the Town of Eden.

**CERTIFICATE OF RECOGNITION
HONORING KEN FRANZ**

WHEREAS, Ken Franz has been a member of the Eden Emergency and Rescue Squad since its inception December 1, 1968, and

WHEREAS, Ken Franz was instrumental in the establishment of the Eden Emergency Squad, providing leadership and working selflessly with his colleagues to ensure a first-rate team of responders; and

WHEREAS, for the past 41 years, he has served on numerous committees and has held various positions of leadership within the Squad including 21 years as Rescue Captain; 8 years as Director of Operations; 3 years as Rescue Lieutenant; 2 years as President; 2 years as Training Captain and 1 year as Deputy Director; and

WHEREAS, the entire Town has been the beneficiary of Ken's time and talent; and

WHEREAS, this kind of volunteer service gives all of us a sense of pride in the commitment that Ken has made to our community;

NOW, THEREFORE, WE the Eden Town Board, on behalf of the residents of Eden, express to Ken Franz and his family our sincere appreciation and thank you for the many years of dedicated service he has provided to all of us.

**CERTIFICATE OF RECOGNITION
HONORING FRED VELOTT**

WHEREAS, Fred Velott has been a member of the Eden Emergency and Rescue Squad for over 41 years; and

WHEREAS, as a volunteer of the Emergency Squad, Fred has contributed to the well-being of fellow residents by giving tirelessly of his time and energy; and

WHEREAS, Fred has served as Co-Treasurer of the Emergency Squad since 1997; and

WHEREAS, he has responded to emergency calls for all these years, putting in over 1,000 hours of duty in 2006 and 2007;

WHEREAS, Fred has decided to take Active Privilege from the Squad this year;

NOW, THEREFORE BE IT RESOLVED that the Eden Town Board does hereby recognize Fred Velott for his many years of volunteer service with the Eden Emergency and Rescue Squad and, on behalf of the residents of Eden; we extend our deep appreciation to him and his family.

2. Appointments – Board/Committees

Supervisor Nellis read the following appointments:

Frank Mantione – 1-year term as Chairman to Conservation Board

MOTION was made by Councilman Krycia to appoint Frank Mantione to a 1-year term as Chairman to the Conservation Board; seconded by Councilwoman Pew; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

Dave Rice – 1-year appointment as Fire Code Enforcement Officer

MOTION was made by Councilwoman Pew to appoint Dave Rice to a 1-year term as Fire Code Enforcement Officer; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Juanita Majewski – 3-year appointment to Off-Road Drainage Committee

MOTION was made by Councilman Krycia to appoint Juanita Majewski to a 3-year term to the Off-Road Drainage Committee; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3. Resolution on Hazardous Waste

TOWN OF EDEN RESOLUTION

WHEREAS, the Eden Town Board acknowledges its responsibility to keep our communities safe, clean and healthy, and

WHEREAS, household generated hazardous waste is a dangerous and problematic waste stream which increases risk from fire and poisonings if improperly stored, and

WHEREAS, improper disposal of household hazardous waste can pollute our environment, pose a risk to sanitation workers, and impact wildlife, and

WHEREAS, the safe recycling and/or disposal of household generated hazardous waste is a priority for County residents and their elected officials, and

WHEREAS, the New York State Department of Environmental Conservation is authorized by section 54-0705 of the Environmental Conservation Law, and the 6NYCRR Subpart 373-4 Regulations, to enter into contracts on behalf of the State to provide grants to reimburse 50% of expenses to municipalities for Household Hazardous Waste Programs, and

WHEREAS, the Town of Eden has, (*through the Northeast Southtowns Solid Waste Management Board (NEST)*), worked with the Erie County Department of Environment and Planning to host an annual collection event to reduce risks, protect the environment and insure proper disposal of household hazardous waste materials, and

WHEREAS, (the Town of Amherst, NEST) has paid the disposal costs for a household hazardous waste collection in 2009, and

WHEREAS, (the Town of Amherst, NEST) has not received a State reimbursement contract from the application submitted for 2009 program expenses, and

WHEREAS, (the Town of Amherst, NEST) has not been reimbursed 50% of the costs generated by the collect event held on (May 9, June 20, 2009), and

WHEREAS, and there is a great concern about the sustainability of the Household Hazardous Waste Collection and its ability to continue to offer this important service to residents of Erie County without the fiscal assistance from New York State.

NOW, THEREFORE, BE IT RESOLVED that the Eden Town Board does hereby urge New York State Governor David Paterson to release funds necessary to fulfill reimbursement expectations of municipalities which, in good faith, provided Household Hazardous Waste collection opportunities to residents in 2009, and

AND BE IT RESOLVED, that New York State Governor Paterson, is encouraged to continue support and fund this important reimbursement program in 2010 and beyond to protect our residents and our environment, and

FURTHER RESOLVED that the Clerk of the Town of Eden shall forward copies of this resolution to Governor David Paterson, New York State Comptroller's Office, Senate Majority Leader Pedro Espada Jr., Senate Minority Leader Dean G. Skelos, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, and Assembly Minority Leader Brian Kolb.

MOTION was made by Supervisor Nellis to approve the resolution as presented; seconded by Councilman Krycia; All "Ayes"; Opposed? - None; Abstain? – None; Motion carried.

4. Notice of Liquor License Renewal – East Eden Tavern LLC

Supervisor Nellis received and filed the Liquor License Renewal for the East Eden Tavern, LLC.

5. Formation of Vehicle Committee – Eden Emergency Squad

Supervisor Nellis read correspondence from Scott Hultquist, Director of Operations for the Eden Emergency Squad requesting the formation of a committee to spec and order a new ambulance to be delivered in early 2011. Mr. Hultquist stated that members of the committee would be named at a future date.

MOTION was made by Councilman Vacco to approve the formation of a vehicle committee for the Eden Emergency Squad; seconded by Councilman Krycia; All "Ayes"; Opposed? - None; Abstain? – None; Motion carried.

6. Resolution – Window Replacement

Councilwoman Pew read the following resolution:

RESOLUTION AUTHORIZING SUPERVISOR GLENN R. NEELIS TO EXPEND FUNDS FROM THE GENERAL MAINTENANCE RESERVE FUND OF THE TOWN OF EDEN SUBJECT TO PERMISSIVE REFERENDUM.

The Town Board of the Town of Eden, duly convened in regular session, does hereby resolve pursuant to the provisions of Section 6-c of the General Municipal Law of the State of New York that the Town Supervisor of the Town of Eden be and is hereby authorized and directed to transfer from the General Maintenance Reserve Fund of the Town of Eden to the Town Hall Contractual Line, Account Number A1620.4, a sum not to exceed \$4,300.00 from said Reserve Fund for the purpose of purchasing 6 new windows for the Eden Town Hall and transfer from the General Maintenance Reserve Fund of the Town of Eden to the Central Garage Contractual Line, Account Number A1640.4, a sum not to exceed \$1,400.00 for the purpose of purchasing 5 new windows for the Highway Department.

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

7. Resolution – Fire Hydrants

Supervisor Nellis read the following resolution:

**RESOLUTION OF THE TOWN BOARD OF THE
TOWN OF EDEN, ERIE COUNTY, NEW YORK**

WHEREAS, the Town Board of the Town of Eden in the County of Erie, New York on behalf of the Town of Eden Consolidated Water District and Water District Nos. 1,2 3,3A and 4 (collectively), the "Districts", has approved the joint increase and improvement of

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facilities of said Districts, including the installation of a sixteen (16) inch transmission main along Shadagee Road, and

WHEREAS, the Erie County Water Authority has approved the project design for the waterline to be installed along Shadagee Road, and

WHEREAS, such approval of the design by the Erie County Water Authority is contingent upon the Districts agreeing to pay the cost of five (5) new hydrants being required by the Department of Health, and

WHEREAS, the current annual charge per hydrant in a lease managed area is \$160.80 per year.

NOW, THEREFORE, the Town Board of the Town of Eden on behalf of the Districts does hereby agree to pay the cost of the new hydrants being specified for Shadagee Road as a condition of the approval of this transmission line and it is further

RESOLVED that the Supervisor is authorized to provide a copy of the resolution to the Erie County Water Authority.

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

Supervisor's Report:

- Meeting on Thursday, February 11, 2010 with Town of Hamburg Supervisor to consider a consortium on recreational facilities – golf course/ice rink.
- Erie County Community Meeting – FEMA Map – modification of flood insurance. 5 dates scheduled, March 2, 2010 in Hamburg.
- County Legislator Lynn Dixon requesting a list of county roads in Eden.
- HEAP – will be at Eden Town Hall on March 15, 2010.

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 Ventry; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 8:15 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 10:00 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk