

March 24, 2010

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
MARCH 24, 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

OTHERS PRESENT:

Mary Jo Hultquist	-	Town Clerk
Anna M. Knack	-	Administrative Assistant
Mark Cavacolli	-	CRA
Dave Johnson	-	Town Engineer
Ron Maggs	-	Highway Superintendent

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.

New and Unfinished Business:

1. Presentation – Wendel Duchscherer – Proposed Storm Water Utility District

Supervisor Nellis introduced Scott _____, from Wendel Duchscherer and Richard Franzetti, Senior Project Engineer from Malcolm Pirnie. A power point presentation was given, which will be included with the minutes. A questions/answer period followed.

2. Appointments – 2010 Recreation Summer Staff

Supervisor Nellis read correspondence from Susan Brass, Recreation Director stating that all 2010 summer employment applicants have been reviewed. It is with their unanimous recommendation that the applicants listed on the 2010 Summer Staff Assignments be appointed at the salaries and positions listed, which is on file in the Town Clerk's office.

MOTION was made by Councilman Krycia to approve the 2010 Summer Staff Assignments as recommended by the Recreation Advisory Board; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

3. Setting of Bid Opening Date for Route 62 Watermain Replacement Project

Supervisor Nellis read the following resolution:

**RESOLUTION
TOWN OF EDEN, EDEN TOWN BOARD
MARCH 24, 2010
AUTHORIZING ADVERTISING FOR BIDS ON**

ROUTW 62 WATER PROJECT

WHEREAS, since June 2008, proceedings have been held to consider the joint increase and improvement of facilities of the Town of Eden Consolidated Water District and Water Districts No. 1, 2, 3, 3A and 4 (collectively, the “Districts”), in said Town, and

WHEREAS, the Eden Town Board has previously approved the joint increase and improvements and authorized and approved such borrowings as are required to finance such joint increase and improvements and

WHEREAS, the Eden Town Board as been advised by project engineers, Conestoga, Rovers and Associates (hereafter “CRA”) that all necessary agencies have approved the design and engineering for such facilities as will be constructed in the “Route 62” portion of the project and

WHEREAS, CRA has prepared such plans and specification as are necessary to competitively bid the project work and

WHEREAS, CRA has recommended that the Town Board proceed to advertise the project construction and receive bids for such work.

NOW, THEREFORE, it is hereby resolved that such advertisements and legal notices as may be required shall be published and posted no later than April 1, 2010 for purposes of soliciting bids for the following:

Contract 2008-1 – Furnishing and installing approximately 5,100 LF of 8-inch, 10-inch and 12-inch PVC and DIP water-mains, fittings, valves, hydrants, water services, pavement replacement and appurtenances along Route 62 in the Town of Eden, New York.

And it is further

RESOLVED that sealed bids and appropriate bid security will be received for opening not later than April 23, 2010 at 11:00 A.M. in the office of the Eden Town Clerk.

And it is further

RESOLVED that the Eden Town Board understands that such bid documents will contain a provision making any award subject to and contingent upon Rural Development giving final approval on its financing package.

MOTION was made by Supervisor Nellis to approve the resolution as presented and set the bid opening date for April 23, 2010 at 11:00 A.M.; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4. Setting of Date for Public Hearing – Proposed Water District No. 5

Supervisor Nellis stated that based on the recommendation of Mark Cavacoli, CRA and the Town Attorney regarding a minor technical issue with the boundaries of proposed Water District No. 5, it will be moved to the April 14, 2010 Town Board meeting.

5. Notices of Liquor License Renewals:

- a. O’Brien’s Pub**
- b. Schunk’s West Hill Grill**
- c. Newell-Faulkner Post 880**

Supervisor Nellis received and filed the Liquor License Renewals for O’Brien’s Pub, Schunk’s West Hill Grill and Newell-Faulkner Post 880.

6. Acceptance of resignation of Part-time Police Officer – Appointment of replacement Part-time Police Officer

Supervisor Nellis read correspondence from Michael Felschow, Police Chief regarding the resignation of Gerald O'Brien, part-time Police Officer.

MOTION was made by Councilman Ventry to accept the resignation of Gerald O'Brien, part-time Police Officer as recommended by Michael Felschow, Police Chief; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis read correspondence from Michael Felschow, Police Chief recommending the appointment of Michael Rich as a part-time Police Officer.

MOTION was made by Councilwoman Pew to appoint Michael Rich as a part-time Police Officer as recommended by Michael Felschow, Police Chief; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? - None; Motion carried.

7. Speed Limit Resolution(s)

Supervisor Nellis read the following resolution:

**TOWN OF EDEN RESOLUTION
SPEED LIMITS ON TOWN ROADS**

WHEREAS, Vehicle and Traffic Law authorizes all cities and villages (§1643) regardless of classification or population to set speed limits on their roads; and

WHEREAS, Vehicle & Traffic Law, §1662-a only authorizes certain towns (i.e. suburban towns or those with over 50,000 in population, which is less than 10 percent of towns) to set speed limits on highways within a town other than state highways maintained by the State; and

WHEREAS, most town must petition the County Highway Superintendent and the Department of Transportation to set speed limits on town roads (Vehicle & Traffic Law, §1622); and

WHEREAS, towns are concerned that the procedure to have speed limits set by the Department of Transportation can be lengthy and has, in many instances, resulted in no material change to the posted speeds; and

WHEREAS, town officials are better positioned to work with their citizens to responsibly set speed limits on town roads and more likely to be responsive to their residents' concerns for health and safety; and

WHEREAS, town officials are legally required to set speed limits based upon the same engineering standards and traffic investigation techniques as cities, villages and DOT are required to employ; and

WHEREAS, Chapter 399 of the Laws of 2008, requiring the Department of Transportation to set speed limits on roads within the Town of Bedford, Lewisboro, North Castle and Pound Ridge (Westchester County) in accordance with town board request, received overwhelming support from Members of the State Legislature;

NOW, THEREFORE BE IT RESOLVED that the Town of Eden requests the Governor and Members of the Legislature to extend to all towns the option – through the adoption of a local allow – to assume responsibility and authority to set speed limits on town roads within their respective jurisdictions, within the limits as defined in §1662-a of the Vehicle and Traffic Law, and so long as those roads have been functionally classified by the Department of Transportation as local roads.

MOTION was made by Supervisor Nellis to approve the resolution as presented; seconded by Councilwoman Pew.

Discussion: Councilman Ventry questioned the liability to the town in the event of an accident resulting in a decision made by the town regarding a speed limit change.

After much discussion, it was suggested that the resolution be referred to the Speed Limit Committee and the Town Attorney for their recommendation.

The above MOTION was withdrawn.

MOTION was made by Councilman Vacco to refer the resolution to the Speed Limit Committee and the Town Attorney for their recommendation; seconded by Councilwoman Pew; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

8. Hodgson Russ Attorneys - Bond Counsel Services for Consolidated Water District and Water District Nos. 1, 2, 3, 3A, and 4

Supervisor Nellis stated that approval is needed for Hodgson Russ, Attorneys as Bond Counsel for services to the Town of Eden as it relates to Consolidated Water District and Water District Nos. 1, 2, 3, 3A and 4. Based on the Town's approximately \$5,280,000.00 project, their fees would be in an amount not to exceed \$52,000.00 and authorization to sign the document.

MOTION was made by Councilwoman Pew to approve the amount, not to exceed \$52,000.00 for Bond Counsel for services to the Town of Eden as it relates to Consolidated Water District and Water District Nos. 1, 2, 3, 3A and 4 and authorize Glenn R. Nellis, Supervisor to sign the document; seconded by Councilman Ventry; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

9. Municipal Solutions – proposal for fiscal services

Supervisor Nellis stated that approval is needed for fiscal services in connection with the Town of Eden's Shadagee Road Water Project. This proposal is divided into the following parts: I. Bond Anticipation Note Borrowings, II. Administration and Reporting to the funding agency, III. Private Sale of Serial Bonds to Rural Development, IV. Fiscal Coordination. The total fee for this contract will not exceed \$51,000.00 including expenses and authorization to sign the document.

MOTION was made by Councilman Vacco to authorize Supervisor Nellis to sign the documents for fiscal services from Municipal Services in connection with the Town of Eden's Shadagee Water Project, not to exceed \$51,000.00; seconded by Councilman Krycia; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

10. Grant Proposal – Solar Panels

Dave Johnson, Town Engineer requested approval to submit a NYSERDA grant for solar panels, which if awarded, will be installed at the Highway Department and Town Hall. This grant does not require matching funds from the Town of Eden.

MOTION was made by Supervisor Nellis to authorize Dave Johnson, Town Engineer to apply for a NYSERDA grant for solar panels for the Highway Department and Town Hall; seconded by Councilwoman Pew; All "Ayes"; Opposed? - None; Abstain? – None; Motion carried.

Councilwoman Pew stated that Brian Higgins, Congressman will be at O'Brien's Pub on March 28, 2010.

Supervisor's Report:

- Attended the NFTA public meeting at ECC South regarding the bus route, which will continue for now, but ridership is imperative.
- Scrap Metal and tire drop-off will be held at Eden Highway on April 26, 2010 from 9:00 a.m. to 1:00 p.m.

March 24, 2010

Hearing of Visitors:

There were none.

Adjournment:

MOTION was made by Councilman Ventry 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 9:10 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